



राजस्थान राज-पत्र
विशेषांक

RAJASTHAN GAZETTE
Extraordinary

साधिकार प्रकाशित

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महत्वपूर्ण सरकारी आज्ञायें।

RAJASTHAN HIGH COURT, JODHPUR
NOTIFICATION

Jodhpur, July 4, 2018

No. 06/S.R.O./2018 .-The High Court of Judicature for Rajasthan, in exercise of the rule making powers conferred upon it by Article 227 of the Constitution of India and all other powers enabling it in that behalf, and with the approval of Governor of Rajasthan, has made the revised Rules annexed hereto for the guidance of the Courts and tribunals subordinate to it.

PART- I
ORDER 1
PRELIMINARY

1. Title-

These Rules may be called the General Rules (Civil & Criminal) 2018.

2. Application-

These Rules shall come into force from the date of Publication of notification in the Official Gazette and shall apply to all Suits, Appeals, judicial proceedings of whatever nature and matters connected thereto, so far as may be, in all the Courts and tribunals subordinate to the High Court, pending or commenced on or subsequent to that date.

3. Repeal-

All previous rules, Orders or regulations relating to the matters which are provided for in these Rules, are hereby repealed:

Provided that, the repeal shall not affect the previous operation of the rules, Orders or regulations so repealed or anything duly done or to be done or suffered there-under.

4. Definitions-

In these Rules, unless there is anything repugnant in the subject or context-

- (a) "Court" means and includes every Court and Tribunal subordinate to the High Court of Judicature for Rajasthan.
- (b) The "Code" in context to civil Cases means the Code of Civil Procedure, 1908 and in context to Criminal Cases means the Code of Criminal Procedure, 1973 as amended from time to time.
- (c) "Electronic Record" shall have same meaning as assigned to it in The InFormation Technology Act, 2000.
- (d) The expression;
 - (i) "District Judge" includes Additional District Judge.
 - (ii) "Sr. Civil Judge" includes Additional Sr. Civil Judge.
 - (iii) "Civil Judge" includes Additional Civil Judge.
 - (iv) "Sessions Judge" includes Additional Sessions Judge.
 - (v) "Chief Judicial Magistrate" includes Chief Metropolitan Magistrate/ Additional Chief Judicial Magistrate/Additional Chief Metropolitan Magistrate.
 - (vi) "Judicial Magistrate" includes Metropolitan Magistrate/ Additional Judicial Magistrate/ Additional Metropolitan Magistrate.
 - (vii) "Chief Judicial Magistrate", "Chief Metropolitan Magistrate", "Magistrate" and other expressions, used hereinafter but not defined, shall have same meaning as defined in Criminal Procedure Code.
- (e) "Form" means the Form prescribed in these Rules.
- (f) "Government" means the Government of State of Rajasthan.

- (g) "High Court" means the High Court of Judicature for Rajasthan.
- (h) "Judicial Officer" means the Presiding Officer of a Court or Tribunal subordinate to High Court, as the Case may be.
- (i) "Narcotics Drugs and Psychotropic Substances" means the Narcotics Drugs and Psychotropic Substances as defined in Section 2 of Narcotics Drugs and Psychotropic Substances Act, 1985 as amended from time to time.
- (j) "Pleader" means pleader as defined under Section 2 (15) of the Code of Civil Procedure.
- (k) "Senior Munsarim" includes Munsarim and vice-versa.
- (l) "State" means the State of Rajasthan.

5. Working hours of Court and office.-

- (1) The provisions relating to working hours of office and the Court will be as per notification Issued from time to time by the Rajasthan High Court.
- (2) The hours of work in offices of Courts shall be 10.00 A. M. to 5.00 P. M. with a lunch break from 1.30 P. M. to 2.00 P. M. and during summer hours 7.30 A. M. to 1.00 P. M. with tea break from 10.00 A.M. to 10.15 A.M. if morning hours are observed on the special or general Orders of the High Court.
- (3) Daily sittings of Judges.-

The hours of work in the Courts shall be as under -

10.00 A.M. to 10.30 A.M. In Chamber

10.30 A.M. to 01.30 P.M. In Court

01.30 P.M. to 02.00 P.M. Lunch Interval

02.00 P.M. to 04.30 P.M. In Court

04.30 P.M. to 05.00 P.M. In Chamber

During summer, if morning hours are observed under the Orders of the High Court, the hours of work shall be as under -

7.30 A.M. to 8.00 A.M. in Chamber

8.00 A.M. to 10.00 A.M. in Court

10.00 A.M. to 10.15 A.M. Tea interval

10.15 A.M. to 12.30 P.M. in Court

12.30 P.M. to 1.00 P.M. in Chamber

Provided that, the Presiding Officer may retire to his Chamber as soon as the Court work fixed for the day is over and to remain available in Chamber till the working hours are over.

Provided further that, the Presiding Officer may in his discretion sit in the Court also during the hours fixed for the Chamber sitting.

Provided further that, nothing shall preclude entertainment of any urgent matter beyond normal office/ Court hours or on a holiday.

6. Administrative control .-

Subject to any Act or Rules in this behalf and to the superintendence of the High Court, the District Judge shall have administrative control over all Courts and tribunals including the Court of an Additional District Judge within the local limits of his jurisdiction.

7. Officers-in-charge .-

Subject to the general control and supervision of the District Judge, Record-Room, Amins, Copying Department, Malkhana, at any other place where two or more Courts are located, shall each be placed in charge of a Judicial Officer nominated by the District Judge. However, the Central Nazarat shall be generally placed in charge of a senior Judicial Officer.

8. Attendance Register of staff.-

The Sr. Munsarim or the Reader, as the Case may be, shall maintain an Attendance Register of the staff in the prescribed Form (Register No.200) and shall put it up before the Presiding Officer on every Monday and if Monday is a holiday then on the next working day. The Presiding Officer shall also make surprise inspection of the Register atleast once a month to inform himself about the maintenance of punctuality in observance of office hours. He shall make a quarterly Report regarding the maintenance and observance of punctuality in office as well as in Court hours to the District Judge.

9. Clerks not to take Records.—

Clerks shall not take Records to their houses and shall finish their work within office hours in Court building.

10. Administrative work.—

All administrative work shall, so long as there is judicial work to be done between the above hours, be conducted outside those hours, and may be done in the Presiding Officer's chambers.

11. Work on holidays.—

No judicial matter shall be heard on a holiday:

Provided that, on a holiday the Court may not refuse to take an Order urgently required in the interest of Justice.

12. If a Case is fixed for a day on which the Court does not sit on account of its being later found or declared to be a holiday, the Case will be taken up on the next day on which the Court sits.**13. Attendance Register of the Presiding Officer.—**

A Register of Attendance in the prescribed Form (Register No.201) shall be kept by every Presiding Officer in his own handwriting and shall be signed by him at the end of each month, provided that, if a Presiding Officer is transferred during the month, he shall sign such a Register at the end of the last date he attended that office, instead of at the end of that month. The District Judge shall forward a true copy of his own Register (Register No.201) to the High Court at the end of each month (Return No.2) and shall also Report if the Subordinate Courts have observed Court hours during the month. The Registers of all Subordinate Courts at headquarter and true copies of Registers or outlying Courts shall be submitted to the District Judge at the end of each month. The District Judge may pass necessary Orders about the timings observed by Subordinate Courts and shall forward such Registers or their copies to the High Court only, if he considers it necessary.

14. Daily Cause List.—

A Cause List in the prescribed Form (F.101) of Cases fixed for Hearing on a day shall be prepared in triplicate in legible Hindi/ English through Case InFormation System. It shall be signed by the Reader of the Court and shall be pasted on the previous working day on the Notice Board of the Court displayed in a conspicuous place in the Courthouse. It shall also be displayed on the website of the Court. One of the copies of Cause List shall be kept with the Presiding Officer during the Hearing in the Court and the third copy shall be kept with the Reader. In the preparation of such list, preference shall be given to Cases which are at Hearing or have been Adjourned from the previous day. The Order in which Cases are entered shall not be departed from without Order of the Presiding Officer.

In the seventh column it shall be noted in regard to each Case for what purpose it is to be laid before the Court, for instance for settlement of Issues or for Recording evidence or for final Disposal or for arguments or for delivery of judgment. The Reader shall maintain a file of Daily Cause List which shall be preserved for one year and shall be destroyed at the end of the next calendar year.

15. Time for Presentation of Applications.—

The District Judge shall fix a time, of which due notice shall be pasted on the Notice Board and website of his Court, and for all Courts subordinate to him, for the Presentation of Applications, etc. to the Presiding Officer of the Court. In the absence of any special Order to the contrary such Applications etc. shall be presented during half an hour at the commencement of the sitting of the Court and half an hour before the time for rising of the Court.

16. Rubber stamps prohibited.—

The use of rubber stamps in the judicial Order for signatures required to be made by any law or rules, is forbidden.

17. Table of jurisdiction.—

In every Court-room there shall be hung up in a conspicuous place a notice setting forth, in tabular Form, the territorial and pecuniary jurisdiction as notified by the State Government and the High Court from time to time of the Court. The Sr. Munsarim or Reader of the Court concerned, as the Case may be, shall be responsible for the maintenance up-to-date of this table of jurisdiction.

18. Absence of District Judge—

Whenever an Additional District Judge or a Sr. Civil Judge, assumes charge of the office of District Judge and exercise his powers under Section 11 of the Rajasthan Civil Courts Ordinance (No. VII of 1950) he may, while he is incharge of such office in addition to his normal duties, carry on the current routine work of the District Judge and may pass interim judicial Orders in any urgent civil matter arising out of or relating to the Cases on the file of the District Judge :

Provided that, while passing such Order, the Additional District Judge or the Sr. Civil Judge, as the Case may be, shall direct that the same shall be put up for final Orders before the District Judge, as soon as may be possible on the latter resuming or assuming charge of the office and the District Judge may thereupon pass such Orders as he may consider just or proper.

19. Court dress for officers and lawyers.—

The following distinctive costume shall be worn by Presiding Officers of the Courts and by Advocates and pleaders practicing in such Courts :-

Black Coat (Buttoned up or of open collar) or black achkan with bands; with a white shirt and white/black/grey/black and grey striped trousers and with the black achkan, a white churidar payjama shall be worn.

The lady Presiding Officers and lady Advocates appearing before the Courts shall wear a white saree without bOrder or with sober bOrder with white Blouse or white Salwar Kurta alongwith open neck or open collar or buttoned up black coat with white bands.

Dress of the Public Prosecutors/ Assistant Public Prosecutors- Black Coat (Buttoned up or of open collar) or black achkan with bands; with a white shirt and white/black/grey/black and grey striped trousers. If open collar black coat is worn, then black tie shall be worn.

The lady Public Prosecutor/ Assistant Public Prosecutor appearing before the Courts shall wear a white saree without bOrder or with sober bOrder with white Blouse or white Salwar Kurta alongwith open neck or open collar or buttoned up black coat.

ORDER 2**INSPECTION OF RECORDS****1. Separate room for inspection.—**

The Presiding Officer of each Court, or where there are centralized arrangements for the inspection of Records of more than one Court located at the same Station, the senior-most, Judicial Officer shall allot a room for the inspection of Records. Where there is no official appointed exclusively as an Inspection Clerk, he shall appoint one of the clerks to perform the duties of the Inspection Clerk, in addition to his own duties.

2. Prohibition against giving surreptitious information.—

Ministerial Officer and the fourth grade staff of the Court should be made to understand that no information or copy shall, in any circumstances, be given otherwise than as laid down in the rules and that surreptitious or gratuitous supply of information or copy is strictly forbidden.

3. Papers in office not open to inspection.—

The Papers other than those of a judicial Record shall not be open to inspection except under an Order in writing of the Presiding Officer made on the office Report.

4. Inspection of Papers in office.—

No Record or Paper in the office or in the Custody of an officer of the Court shall be inspected by any person other than the Presiding Officer or an officer of the Court,

except under an Order in writing signed by the Presiding Officer:

Provided firstly, that the Presiding Officer may, in his discretion, without making a written Order in that behalf, permit a party to a Case or his pleader to inspect in the Court room the Record of a pending Case on the day of Hearing, and

Provided secondly, that Memorandum Book of dates of Hearing (Peshi Register) shall be made available for inspection free of charge, without any written Application or Order.

5. Application for inspection.—

Except in the Case mentioned in the proviso to Rule 4, no Order for inspection of a Record or of any Paper in a Record, or for the inspection of a Book or Register shall be made except upon a written and duly stamped Application, provided that no stamp shall be required in Case of Application for inspection made on behalf of the Government, or of the Accused in Custody or any person in Receipt of free legal aid.

6. Papers in office not open to inspection.—

The Papers other than those of a judicial Record shall not be open to inspection, except under an Order in writing of the Presiding Officer made on an office Report.

7. Application for inspection by party to a Case.—

Any party to a Case, Appeal or other proceedings in the Court, and any such party's advocate, or attorney, who has duly filed a Vakalatnama or power of attorney, may apply for an Order to inspect the Record, or any Papers in such Case, Appeal or other proceeding.

8. Application for inspection by non-party.—

(1) Any person, other than a person to whom Rule 6 applies, may apply for an Order for the inspection of a Record or Paper in a Case, Appeal or other proceeding.

(2) No such person shall be entitled as of right to obtain an Order for inspection, nor shall he in any Case be allowed to inspect exhibits put in evidence except with the consent in writing of the person by whom they were produced or his successor-in-interest. Such consent shall invariably be filed along with the Application for inspection.

9. Form and Fees for Application.—

(1) Every Application for inspection of a Record shall be in writing in the prescribed Form (F.102) and shall set forth:-

(a) the name and Description of the Applicant and his position (if any) in the Case or proceeding;

(b) the following particulars concerning the Record of which inspection is desired :-

(i) Number and year of Case,

(ii) Name of Court,

(iii) Title of Case,

(iv) Date of Disposal when the Case has been disposed of and date of Hearing when the Case is pending.

(2) The Fees for the inspection of Records shall be paid in Court fee labels in accordance with the following scale, namely:-

(i) Ordinary Rs. 2/-

(ii) Urgent Rs. 5/-

(Subject to corresponding amendment in Court Fee Act)

(3) Inspection of an ordinary Application shall be allowed on the day following the day on which the Application is made or on subsequent working day mentioned in the Order. However urgent Application can be allowed on the same day or on the working day following the day on which the Application is made.

(4) On Presentation of such Application, entries shall be made in column no.1 to 11 of Register No.202.

10. Application for inspection of more than one Record or Register.—

There shall be separate Application for inspection of each Record or Register. For the purposes of this rule, the Record of an appellate Court and of the lower Court or Courts relating to same Case shall be treated as one Record.

11. Inspection of Records by legal practitioner's clerk.-

Inspection of Records by legal practitioner's clerk is not permitted. However, a Registered clerk may be permitted to make full copies in pencil of any Papers which are inspected by the legal practitioner. Such clerk, however, shall withdraw from the inspection room as soon as the copies are made within the time allowed.

12. Day and time for inspection of Records.-

Every Order for inspection shall specify the day on which such inspection may be made. Such inspection shall be allowed for one day only between 02.00 P.M. to 04.00 P.M. or during morning hours from 8.30 A.M. to 10.30 A.M.

13. Order for inspection.-

Every Order for the inspection of a Record or Paper shall be sent to the Inspection Clerk and will entitle the person or persons named in such Order, but not any other person or persons, to inspect the Record or Paper specified in the Order on the date mentioned in the Order but on no other date. If no inspection is made on the date fixed, the Application shall be filed with the Record and shall not entitle the Applicant to inspect on any other date:

Provided that, if the inspection could not be made for reasons not arising from the fault of the inspecting party, a fresh time will be fixed for inspection on the same fee.

14. Duty of Record-Keeper.-

The Record-Keeper of the Officer-in-charge of the Record shall, on or before the day mentioned in the Order required by Rule 12, deliver to the Inspection Clerk the Record or Paper mentioned in the Order, and shall receive an acknowledgment from the Inspection Clerk.

15. Duty of Inspection Clerk.-

The Inspection Clerk shall, on the day of the inspection and immediately after the inspection has begun, make on the Order, a Memorandum showing the date on which the Order has been complied with, and shall, on the same day, return it to the official from whom he received every Record or Paper and every Order. Such official shall forthwith file every Order which has been returned to him and shall not again issue for inspection on an Order so filed any Record or Paper.

The inspection shall be made in the presence of the Inspection Clerk, who before returning the file, shall examine the Record and satisfy himself that all Papers in the Records are as they were before inspection.

16. Inspection Register.-

The Inspection Clerk shall keep an Inspection Register in the prescribed Form (Register No.202). Entries shall be made after inspection of Record in relevant columns of Register No.202.

17. Use of pen, ink and electronic device during inspection prohibited.-

- (1) No person inspecting a Record shall be allowed to bring into the room, in which the inspection is made, any pen, ink or electronic device.
- (2) No person inspecting the Record shall be allowed to use any pen, ink or electronic device.
- (3) No person inspecting the Record shall be allowed to make any mark upon, or in any respect to mutilate, any Record or Paper which is being inspected.
- (4) No person inspecting the Record shall be allowed to take photograph of the Record or scan the Record by any electronic device.

However, he may, if he so desires, make full copies in pencil of any Paper that he is inspecting within the time allowed.

ORDER 3**PROCESSES****1. Contents of Process or Order.-**

- (a) In every Process or Order Issued or made by the Presiding Officer of a Court, the name and designation issuing or making it, together with the name of the

District and of the Court, shall be clearly and legibly set out or printed. Every officer signing a Process or Order shall sign his name legibly and in full. The practice of signing initials only or affixing stamp is strictly forbidden.

- (b) Every person for whom a Process is Issued shall be described therein in such a manner as will correctly identify him. His full and correct name, address, parentage and such further Description as will serve to identify him must be mentioned. In Case of Service and execution of a Process to be effected in large towns and cities, the name of the street, ward number of the Municipality, PIN Code and the number of the house, if known, should be given.

Illustration

Name of the Court	_____
Place/ District/ PIN Code	_____
Name of Presiding Officer :	_____
Designation of the Presiding Officer	_____
Name of the Person to whom Process Issued	_____
Father's/ Mother's/ Husband's Name	_____
Phone/ email ID, if any	_____
Age	_____
Caste	_____
Address	_____
House No.	_____
Ward No.	_____
Street/ Locality	_____
Village/ Town/ City	_____
Post Office	_____
PIN Code	_____
District	_____
State	_____

Signature in Full with Date
Name of the Presiding Officer
Designation,

or

By Order

Signature in Full with Date
Designation of Authorised Signatory

Where such Description does not appear in the Application of the person moving the Court to Issue the Process or in the Record, the Orders of the Court shall forthwith be taken by the issuing officer.

2. Processes for Service to foreign countries.—

Legal Process for execution in a foreign or Commonwealth country shall be sent to Ministry of External Affairs/ Ministry of Home Affairs, Government of India, as the Case may be, through the High Court.

Such Process should be sent as per the guidelines Issued by Government of India from time to time (Appendix-A).

3. Directions for Processes to be sent to foreign Courts.—

The following directions shall be carefully complied with when Processes are to be Issued for Service in foreign countries (i.e. a State or country outside India):—

- (a) They shall be drawn up and printed on stout durable Papers of foolscap size in English.
- (b) Such legal Process, shall not be signed by the Munsarim but by the Presiding Officer of the Court issuing them, and he shall satisfy himself that the documents are correctly addressed and properly sealed. This matter shall not be left to the Parties and the Munsarims.

- (c) The names and addresses of the individuals upon whom a Process is to be served shall also be stated in the forwarding letter accompanying the Process.
- (d) All documents not in English shall be accompanied by their translation in English and in addition where the person upon whom the Service is desired is not a British subject, by a translation into the language of the country concerned.
- (e) In such Cases the Court shall fix the next date for Hearing of the matter, atleast seven months ahead so as to allow sufficient time for execution and return of the Process to India before the next date of Hearing of the matter. The returnable date to be specified in the Process shall in no Case be less than six months, after the date on which the Processes are finally despatched to the High Court.

ORDER 4

LEGAL AID TO PERSONS AT STATE EXPENSE

1. Legal Aid.—

- (1) Where the Accused in a Trial is not represented by a pleader, the matter will be referred to the concerned Legal Aid Service Authority for taking prompt Decision to provide legal aid to such Accused at its level in accordance with the provisions of Legal Services Authorities Act, 1987 and Rules made there under from time to time.
- (2) Legal Aid shall also be provided to every person who is eligible to receive free legal aid as per the provisions of the Legal Services Authorities Act, 1987 and Rules made there-under from time to time.

2. Grant of copies and inspection free of charge under legal aid.—

- (1) The person who has been provided with legal aid or his counsel shall be entitled to get copies of the following documents free of cost:—
 - (i) (a) Copies of documents filed with the plaint if such person is a Defendant;
 - (b) Certified copies of pleadings, statements, documents, judgments, Orders, etc., may also be supplied free of cost on priority basis to the Legal Aid Committees of the Supreme Court, High Court or District Courts, as the Case may be, if any Application is received in this behalf.
 - (ii) If such person is a Plaintiff, copies of documents, which are the basis of written statement; and
 - (iii) The copies of other documents considered to be material or relevant by the Court.
- (2) The person who has been provided with legal aid or his counsel, shall be entitled to inspect Record of the Case free-of-charge in accordance with the rules relating to the inspection of Records.

ORDER 5

OATH AND AFFIRMATION

1. The oath shall be administered in the language of the Court.—

The provisions of the Oaths Act, 1960 (Central Act No. 44 of 1969) shall be followed in administering oaths and affirmations. The Forms of oaths and affirmations given in the Schedule to said Act are reproduced below:—

FORM NO. 1 (Witnesses)

I S/D/o do swear in the name of God/ solemnly affirm that what I shall state shall be the truth, the whole truth and nothing but the truth.

FORM NO. 3 (Interpreters)

I S/D/o do swear in the name of God/solemnly affirm that I will well and truly interpret and explain all questions put to and evidence given by Witnesses and translate correctly and accurately all documents given to me for translation.

FORM NO. 4 (Affidavits)

I S/D/o do swear in the name of God/solemnly affirm that this is my name and signature (or mark) and that the contents of this affidavit are true.

ORDER 6**COPIES AND COPYING DEPARTMENT****1. Order necessary for copy.—**

- (1) Except as may be otherwise directed by any law for the time being in force or by any rule having the force of law, a copy shall not be made of any Record or part thereof save under an Order of the Court upon an Application made as hereinafter mentioned.
- (2) In the Case of official correspondence or Reports an Order for a copy shall not be made, until permission has been obtained from the highest Authority concerned with such correspondence or Reports.
- (3) Copy means -Photostat/scan/ computer generated copy of any Paper of the judicial Record.

2. Application for Copy.—

- (1) Every Application for a copy shall be on the prescribed Form (F.103) and shall set forth:—
 - (a) the name and Description of the Applicant, and his position (if any) in the Case or proceeding, of which the copy is asked for;
 - (b) the Description of the document (which includes judgment, decree, Order, pleading, Paper or exhibits) of which a copy is required;
 - (c) the following particulars concerning the Record from which the copy is sought:—
 - (1) Number and year of Case;
 - (2) Name of Court; and
 - (3) Title of Case.
 - (d) Date of Disposal, if the Case has been disposed of and the date of Hearing, if the Case is pending;
 - (e) whether or not the Application is urgent / Immediate.
- (2) Such Application can also be sent by post. In every such Application the Applicant shall give his full address, and shall state whether he will attend in person to receive the copy or desires it to be sent by post. In the latter Cases, the Applicant shall also send a duly stamped addressed envelope along-with a duly stamped and addressed post card to enable him to be informed of the extra charges to be paid on his Application for copy.
- (3) If the extra charges, if any, are not paid within 15 days from the date of Issue of notice (F.104), the Application for copy shall be rejected and the addressed envelope shall be used for informing the Applicant of the Order of rejection of his Application.

3. Procedure on Order for copy.—

As soon as an Application for copy is received, necessary entries shall be made by the Head Copyist in the Register of copies (**Register No.203**); and the Order with the Application, if any, shall be forwarded forthwith by the Officer-in-charge of the copying Department to the Officer-in-charge of the Record, who shall without delay send such Order, Application and the Record to the head copyist, and shall take from the head copyist, in a Book in the prescribed Form (**Register No.203**) to be kept for the purpose, a Receipt containing a note of the date and hour when such Record was delivered to him and the Head Copyist shall enter in his Register of copies the date and hour on which he received the aforesaid Paper on Record.

As soon as a copy is made, the Head Copyist shall forthwith return the Record, together with the Order and the Application, to the official from whom he received them, and such official shall forthwith place such Order and Application in Part B of the Record.

The Head Copyist shall at the end of each working day, deposit all documents under copying in a locked box to be kept for that purpose.

4. Date of delivery of a copy.:-

A definite date not ordinarily exceeding seven days ahead shall be fixed for the delivery of the copy and intimated to the Applicant. The copy, as far as possible, shall be delivered on the date so fixed. Status of Application/ copy(ies) be published on the website of the Court concerned.

5. Preparation of Copies.:-

- (1) The scale of charges for copies of any judgment, decree, document, Book Register, map, plan, photograph or any other Paper shall be ascertained from time to time by the concerned District & Sessions Judge on actual basis. However, persons/ Authorities mentioned in the Appendix-B are entitled to copy(ies) at the cost of State.
- (2) The charges shall be payable in cash or any other mode as may be determined by the District & Sessions Judge.
- (3) As soon as an Application for a copy is made, the Head Copyist shall Register the same in a Register (Register No.203) and send for the Record. He shall then prepare an estimate of the charges and ask the person applying for copy to pay the charges accordingly.
- (4) When copying charges are paid in cash, the Head Copyist shall maintain separate cash Book for copies (Register No.204) in which he shall enter the cash deposited and Issue a Receipt to the depositor (F.105). The document of which the copy is required will then be sent to the person/ firm or company at the Headquarters of the Court approved by the District Judge for preparing copies with a responsible clerk working as a copyist in the Copying Section together with the amount of charges received in cash from the Applicant. The copyist shall get the copy prepared in his presence, pay the amount of charges and obtain Receipt thereof. Necessary entry of Payment of the charges will be made in the Cash Book on the basis of that Receipt.
- (5) The copy will be certified to be the copy by the Head Copyist and shall commence with a heading in the following Form-

Certified copy of (Description of documents copied) in (title of Case) Suit/Appeal No. (number) of (year) in the Court of (name of the Court) at (place) decided/pending on (date).

A certified copy shall bear the following endorsements:—

- (a) Number of the Application in the Register and the year;
 - (b) Date of Presentation of the Application;
 - (c) Number of pages;
 - (d) Amount of copying fee paid in copying stamp and/or in cash;
 - (e) Name of the copier;
 - (f) Date fixed for Issue of copy;
 - (g) Date on which copy was ready;
 - (h) Date of Issue of notice to Applicant (if Issued)
 - (i) Date of delivery/posting.
- (6) Computer generated certified copies to be Issued by the Court concerned itself.-
- (a) Wherever, it is feasible to generate copy(ies) by the computer e.g. in Case of statement of Witnesses, Orders, judgments etc. the party desirous of obtaining copy(ies) may submit Application before Senior Munsarim/ Reader of the Court concerned also in the same manner, as if, it is being presented before Head Copyist of the Copying Section.
 - (b) The Senior Munsarim/ Reader will place such Application before Presiding Officer for Orders and where, the supply of copy is Ordered by the Presiding Officer, he will inForm Applicant about total number of pages.
 - (c) The Applicant, except where he is entitled for free of cost copies, will submit copying stamp at the rate of Rs.4/- per page. The Reader/ Senior Munsarim will affix those stamps on each page of the document looking to the availability/ Suitability of the space and will make an endorsement of it being true computer generated copy of the Original and will also make other endorsement as required in Case of supply of

certified copy by the Copying Section. The Presiding Officer will countersign it.

- (d) At the end of each working day, Senior Munsarim/ Reader will transmit the Applications received and disposed of on that day to Head Copyist, who will make its entry in the regular Register of copy.
- (7) In Case any difficulty arises in complying with an Order for a copy, the Application and Order together with an office Report shall be forthwith laid before the Presiding Officer for Orders.

6. Who can obtain copies in Criminal proceeding.-

- (1) Parties to a Criminal proceeding are entitled to obtain copies of any Record or any portion of the Record of Trial or Enquiry including such Police Papers as may be made use of as evidence at the Trial or Enquiry and final Reports submitted by Police under Section 173 of the Code.
- (2) Subject to the provisions of sub-rule (3) a stranger to a Case, may after final Order, obtain copies of any Order, proceeding or Paper on the Record and may for sufficient reason shown to the satisfaction of the Presiding Officer of the Court, obtain at any time before final Order, copies of any Order, proceeding or Papers on the Record.
- (3) As a general rule, copies of exhibits in a Criminal proceeding shall not be granted to persons who are strangers to it.
- (4) Every Application for a copy shall be presented to the Officer-in-charge of the copying Department for the Court or Record-Room who is for the time being incharge of the Record. Such officer shall then and there enter in clear bold words and figures on the left hand centre portion of each Paper (obverse side) the date of the Application and the serial number. A rubber stamp may be used for this purpose, the Official-in-charge merely initialing the entry.

When the Application is for a copy to which by any law or by any rule having the force of law the Applicant is entitled and is in other respects in Order; such officer shall make an Order for the copy to be granted; in every other Case where such officer is not the Presiding Officer of a Court, he shall lay the Application for Orders before the Sessions Judge or the senior-most Judicial Officer at the headquarter or the District Magistrate or the officer specially appointed in this behalf by the Sessions Judge or the District Magistrate, as the Case may be.

Except for special reasons, to be noted on the Order made upon the Application, a copy shall not be granted;

- (i) of official correspondence or Reports;
- (ii) of a document which is itself a copy.

A copy of copy may also be granted for the purpose of filing any claim before Motor Accidents Claims Tribunal. A copy of a copy may only be granted, if the Original document is not traceable, or is not accessible to the Applicant for the purpose of obtaining a copy. Each page of such copy shall bear, in red ink, the remark that it is a copy of a copy.

- (5) For the purpose of these rules, the in-charge of the copying Department shall be deemed to be :—
 - (a) for a Court of Sessions the Munsarim, or the Reader where there is no Senior Munsarim,
 - (b) for any other Court of the Executive Magistrate at head quarters or the District Magistrate's Record-Room, the Officer-in-charge of the District Magistrate's Record-Room, or such other person as the District Magistrate may appoint, from time to time, by written Order,
 - (c) for any other Court of Judicial Magistrate and Chief Judicial Magistrate, the Presiding Officer.

7. Who can obtain copies in civil proceedings.—

- (1) Any party to a Suit, Appeal or proceeding may at any time obtain, upon an Application, an Order for a copy or copies of the Record in such Suit, Appeal or proceeding, or of any decree, Order, judgment, pleading, Paper, exhibit or document in such Record.
- (2) A stranger to a Suit, Appeal, or other proceeding may, after final decree or final Order, obtain upon an Application an Order for a copy or copies of any decree, Order, judgment, pleading Paper or document in the Record, other

than an exhibit and may, for sufficient reason shown to the satisfaction of the Judge obtain upon Application at any time before final decree or final Order, an Order from the Presiding Officer for a copy or copies of any decree, Order, judgment, pleading, Paper or other document in Record other than an exhibit.

- (3) No Order for a copy of an exhibit shall be made on the Application of a stranger to the Suit, Appeal or proceeding in which such exhibit was produced unless along with the Application is filed a properly authenticated consent in writing of the person who produced such exhibit for granting of an Order for the copy.
- (4) No copy shall be granted of a document which itself is a copy. However, a copy of a copy may only be granted if the Original document is not traceable or is not accessible to the Applicant For the purpose of obtaining a copy, each page of such copy shall bear in red ink, the remarks that it is a copy of a copy.

8. Government and certain Courts.—

Notwithstanding anything contained in these rules, a Presiding Officer may, upon Application by or on behalf of the head of any Department of the Government of India or any High Court in India, any Authority in India, exercising jurisdiction similar to a High Court any Court subordinate to the Rajasthan High Court, any Principal Court in any foreign country in his discretion Order a copy or copies to be made and delivered or any Record; and such copy or copies may be made free of charge (Appendix-B), unless they are required for the use of a litigant other than the Government.

9. When copy cannot be supplied.—

In Case any difficulty arises in complying with an Order for a copy, the Order and Application, if any, shall be laid forthwith before the Court for Orders with a Report by the head copyist. If a copy cannot be given, the Court shall direct that the Payment made, be returned. If the Order cannot be completed or complied with by reason of the Record being in the Appellate Court or in any other Court, it shall be sent to the Court concerned for completion or compliance. In such Case, the Applicant shall be furnished with such copies which may have been prepared, and shall be informed by which Court the remaining copies required will be supplied.

10. Correction of defective Application .—

- (1) If an Application for copy is found defective or does not contain sufficient information to enable the Record to be traced or the copying fee filed is insufficient, information thereof shall be published on the website of the concerned Court and shall also be pasted on the notice board, to remove the defect within ten days.
- (2) But, if, the postage stamps have not been so pre-paid, the nature or extent of deficiency of information or copying charges shall be Recorded in red ink and pasted on the notice board as well as on the website of the Court. On the expiry of ten days from the date of Publication of such information, the Application shall, if the defect is not removed, be rejected for default.

11. Application by prisoner.—

An Application for a copy by a prisoner may be made through the Superintendent of the Jail or through Para-legal Volunteer working in such jail or through someone acting on the prisoner's behalf; in the latter Case the Officer-in-charge of the copying Department shall, if satisfied that the Application is made on behalf of the prisoner, Order the copy to be made and sent to the jail, unless for good reasons shown, he directs it to be made over to the person through whom the Application is made.

12. Copy of Judgment to be sent to the Jail Superintendent .—

On the conviction of any prisoner, a copy of the Judgment should on Requisition be sent to the Superintendent of Jail to enable him to determine whether the prisoner should be classed as "Star" or "Ordinary".

13. Counsel's Clerk may apply for copy.—

An Application for copy, duly signed by a Counsel, may be presented by his Registered clerk and the copy may be delivered to such clerk.

14. Disposal of a copy, when ready. —

- (1) When a copy is ready, and the Applicant or his Authorized agent is present, the copy shall be given to him. If the Applicant or his Authorized agent is not present, information thereof shall be published on the website of the Court. A copy of such notice shall also be pasted on conspicuous part of the Court. If Applicant appears within one month from the date of such Publication of notice, a copy shall be delivered to him.
- (2) If the Applicant does not appear within this period, copy shall be destroyed under the Order of the Presiding Officer, an entry to that effect shall be made in the remarks column in the Register of copying Applications (**Register No.203**). Information shall also be published on the website of the Court as well as on the notice board.
- (3) A Register of Applications for copies of Record disposed of shall be maintained in the prescribed Form (**Register No.203**). All copies Issued and all Applications disposed of without Issue of copies shall be entered in this Register.

15. Priority of Orders. —

- (1) Save as provided in these Rules, Orders made on urgent Applications shall have priority over all Orders made on ordinary Applications; Orders on urgent Application and Orders on ordinary Applications shall have strict priority amongst themselves according to the date and serial number of each Order.
- (2) A copy for which an Order has been made on an urgent Application shall be delivered, as a rule, not later than the working day next after the day on which the Order was made.
- (3) A copy for which an Order has been made on an ordinary Application shall be delivered as a rule, not later than a week after the day on which the Order was made.

ORDER 7**INSPECTION OF COURTS AND OFFICES****1. Inspection of Subordinate Courts by District & Sessions Judges.—**

- (1) Every District Judge shall inspect his Subordinate Courts and offices and also his own office at least once a year. The inspection shall be detailed and shall amongst other matters, be directed to the following:-
 - (a) Proper maintenance of all important Registers.
 - (b) Proper arrangements of Records.
 - (c) Punctual submission of periodical statements and returns.
 - (d) Examination of Records of pending old Cases.
 - (e) Care taken in Issue of Processes to the Accused.
 - (f) Undue retention of Witnesses.
 - (g) Adequacy of examination of Accused.
 - (h) Framing of charges.
 - (i) Delay in delivery of judgments.
 - (j) Quick Disposal of Cases.
 - (k) Compliance of the provisions of the Probation of Offenders Act and Rules.
 - (l) Observance of rules and procedures.
 - (m) Due execution of sentences.
 - (n) Compliance of other matters assigned by the Sessions Judge.

However, if Court of any Judicial Magistrate has already been inspected by the Chief Judicial Magistrate under general or special directions of the Sessions Judge, before inspection of Sessions Judge, in that Case, inspection shall be confined to other matters than the aforesaid.
- (2) In Case of inspection of Court of Additional Sessions Judge, inspection shall be directed to the following only:-
 - (a) Proper maintenance of all important Registers.

- (b) Proper arrangements of Records.
- (c) Punctual submission of periodical statements and returns.
- (d) Compliance of the provisions of the Probation of Offenders Act and Rules.

Report of such inspection shall be sent to the High Court in the Format given in **Appendix-C**. The Court looks upon the District Judges for correct information about subordinate Judicial officer's 'ability' control over judicial work and control over their officers.

2. Inspection by Chief Judicial Magistrate.—

- (1) Chief Judicial Magistrate shall inspect the Court of Judicial Magistrate subordinate to him under general or special directions of the District & Sessions Judge. The Inspection shall be detailed and shall amongst other matters, be directed to the following:-

- (a) Proper maintenance of all important Registers.
- (b) Proper arrangements of Records.
- (c) Punctual submission of periodical statements and returns.
- (d) Examination of Records of pending old Cases.
- (e) Care taken in Issue of Processes to the Accused.
- (f) Undue retention of Witnesses.
- (g) Adequacy of examination of Accused.
- (h) Framing of charges.
- (i) Delay in delivery of judgments.
- (j) Quick Disposal of Cases.
- (k) Compliance of the provisions of the Probation of Offenders Act and Rules.
- (l) Observance of rules and procedures.
- (m) Due execution of sentences and any other matters as directed by the Sessions Judge.

The Chief Judicial Magistrate shall submit their notes of inspection of the Court of Judicial Magistrate to the Sessions Judge concerned who shall forward the same to the High Court with his comments.

- (2) In Case of inspection of Court of Additional Chief Judicial Magistrate, inspection shall be directed to the following only: -

- (a) Proper maintenance of all important Registers.
- (b) Proper arrangements of Records.
- (c) Punctual submission of periodical statements and returns.
- (d) Compliance of the provisions of the Probation of Offenders Act and Rules.

3. Inspection by Presiding Officers of their own offices.—

Every Presiding Officer shall make thorough inspection of his office once a year. Report of such inspection shall be sent to the District & Sessions Judge by 15th February each year. The District & Sessions Judge may pass such Orders on these inspection notes as considered. The Sessions Judge shall note in the annual administration Report whether all the Presiding Officers have inspected their respective office(s) or not. Where an office has not been inspected, the name of the officer who has failed to make the inspection should be Reported to the High Court along-with explanation of the concerned officer.

4. District & Sessions Judge's Authorization to Chief Judicial Magistrate or Officer-in-charge for inspection of different Sections.—

The District & Sessions Judge may Authorize the Chief Judicial Magistrate at the headquarters or the Officer-in-charge of the different Sections to inspect the Nazarat, Record-Room, Copying Department, etc., once a year so far as they relate to Criminal side. The Chief Judicial Magistrate posted at Station other than the headquarter of the District & Sessions Judge may likewise be Authorised to inspect the aforesaid Section of that Station. The Chief Judicial Magistrate or the Officer-in-charge, as the Case may be, shall forward the notes of inspection prepared by him to the District & Sessions Judge who would pass necessary Orders thereon.

5. Inspection by the Reader or Senior Munsarim.—

The Senior Munsarim or the Reader, as the Case may be, of every Court shall inspect half yearly the work of each member of the staff of Section and submit his inspection

Report to the Presiding Officer who shall pass necessary Orders thereon.

6. Inspection and compliance Registers.—

Every Court shall maintain an inspection and compliance Register (Register No.205). The Presiding Officer shall take particular care to see that all the defects pointed out in the inspection Report are noted in the Register and they are promptly rectified. The compliance Report shall be noted in the Register.

7. Checking of compliance of previous inspection Report —

It shall be the duty of the Inspecting Officer to check the inspection and compliance Register to find out if all the defects noticed during previous inspection have been rectified and compliance noted therein.

ORDER 8

STATIONERY

Stationery and other items of use shall be arranged by the Presiding Officer within the budget limit at his Disposal. Purchase shall be made as per the provision of the RTPP as amended from time to time.

A stock Book of Stationery & other articles shall also be maintained in the prescribed Form (Register No.206).

ORDER 9

CORRESPONDENCE

1. Classification of correspondence.—

The Departments, into which the correspondence of Courts should be classified, are as follows:—

1. Establishment
2. Legal Practitioners
3. Processes
4. Bills, Budgets and Accounts
5. Building and furniture
6. Books, maps, Forms and Stationery
7. Inspection of Courts
8. Rules and Practice
9. Legal Aid and A.D.R.
10. D.O. and Confidential letters
11. Electronic Devices
12. Miscellaneous

No change in this classification shall be made without the sanction of the High Court.

2. Arrangement of files.—

The correspondence under each head shall be arranged by files; each file shall consist of all the letters received and Issued in the Courts of a consecutive correspondence upon one subject. The letters in each file shall be arranged in chronological Order; the first letter received or Issued being at the bottom of the file, and the last letter received or Issued being at the top.

3. Monthly submission of the General Register to the Presiding Officer.—

The General Register of correspondence files, shall be put up at the end of every month to the Presiding Officer in Order that he may see that unnecessary delay does not take place in any Case.

4. Register of letters received.—

Every letter received shall be docketed and entered in the Register of letters received in the prescribed Form (Register No.207). The date of Receipt of the letter and its Register number shall be entered on the docket in red ink.

5. Register of letters Issued.—

Every letter Issued shall be fairly copied in the Original draft and the fair copy shall

be numbered with the annual serial number, one set of such serial number running through all the Court correspondence for the calendar year; the letter shall then be entered in the Register of letters Issued in the prescribed Form (Register No.208) and the draft letter shall be docketed, the date of Issue and annual serial number being entered on the docket.

Note - Docketing of a letter means entering of the letter in office notes portion of the file.

6. Marking of serial number of letter.-

The serial number of the letter in its file shall also be marked in red ink on the docket of each letter, i.e. the first letter received or Issued on a file shall be marked Serial Number 2 and so on.

When a letter is received or Issued if it pertains to a previously existing file, the file shall be got out, and the next consecutive serial number of the series of that shall be assigned to the letter.

7. Office Notes.-

Office notes relating to a correspondence shall be maintained in one continuous series and filed together and shall not be interspersed between letters.

8. Connected files.-

If a letter refers to, or be connected with, another file under the same or another head, that file shall be linked with the file to which the letter pertains, the files being separately tied up, but connected by a piece of tape. The linked files shall remain together until the file containing the reference or connection has been finally disposed of, when they shall be relegated to their proper places, a note being made on each that it was linked with the other or Receipt of the letter.

9. Division of files into two classes.-

Files shall be divided into two classes, namely :—

- (i) Closed files, that is to say, files in which further correspondence is not expected; and
- (ii) Pending files, that is to say, files in which further correspondence may be expected.

10. Correspondence press.-

A separate press, divided into twelve or more compartments, shall be reserved for closed files, and over each compartment, the head to which it is appropriated, shall be noted. This Press shall be known as the 'Correspondence Press'.

11. Closed files.-

The closed files pertaining to each head shall be tied together between stiff boards in separate annual bundles of convenient size, and on the upper board shall be written, the head and the year, or the portion of the year, to which the bundle relates. No closed file should be out of its bundle, except when it is in actual use.

12. Reopening of closed files.—

If correspondence relating to a closed file be re-opened, the file shall be withdrawn from the correspondence press and, placed among pending files, with which it shall be kept till the renewed correspondence terminates. It shall then be returned to the correspondence press and placed in the bundle for the year, on the portion of the year in which the renewed correspondence terminated. When a closed file thus withdrawn and returned, a note of the date of withdrawal and time when the file is withdrawn and reference to the bundle in which the file has been placed at the time, the file is returned, shall be made in column of remarks against the former entry in the General Register of correspondence files and the files closed (Register No.209). A slip of Paper with a similar note Recorded on it shall be placed in the bundle from which the file was withdrawn.

13. Pending Files.—

Pending files shall be in two packets one of (a) files containing references that have been entered on the file number and for other of (b) files containing references that are not answered.

As soon as a pending file is closed, the entries in the General Register of correspondence files relating to it (Register No.209) shall be completed and it shall be removed from the packet of pending files and placed in its appropriate compartment in the correspondence press.

14. File Index.—

In the file index a few pages shall be allotted to each head of correspondence; and to facilitate reference, the right hand margin of the file index shall be so out and numbered as to show where the entries under each head of correspondence are to be found.

15. General letters and circulars.—

(a) General letters and circulars fall under three categories :—

- (i) General letters and circulars containing general instructions or Orders, but only calling for information or explanation in regard to particular matter (e.g., questions in Parliament or Legislative Assembly or Remarks in Audit Inspection Report).
- (ii) General letters and circulars containing general instructions or Orders, but of only Ephemeral Value, (e.g. declaring a day as a special holiday, or saying that the Registrar would be away during a certain period and D.O. letters during this period should be addressed to the Deputy Registrar, or asking that monthly establishment bills for a certain month should be submitted before a certain date).
- (iii) General letters and circulars containing general instruction or Orders of permanent or lasting importance.

(b) The general letters and circulars falling under the first category shall be treated as ordinary correspondence.

(c) The general letters and circulars falling under the second categories shall be kept in one consolidated file without reference to the subject, to which the letter or circular relates. The file shall be styled Ephemeral circulars and general letters.

(d) The general letters or circulars falling under the third category shall be entered in a Register called the Register of General Letters and Circulars (Register No.210). They shall be, however, filed in separate file Books as follows :—

1. General letters of the High Court (Civil).
2. General letters of the High Court (Criminal).
3. Circulars of the Government.
4. Circulars of the Board of Revenue.
5. Circulars of the Accountant-General.
6. Circulars of the Inspector-General of Registration and Stamps.
7. Circulars of the Director General of Police.
8. Other Circulars.

To each file Book shall be prefixed an index in which the number, date and subject of each circular shall be entered at the time the circular is filed. A reference to the entry in the Index shall be noted in the Register of General Letters and Circulars.

16. Supply of copies of General Circulars and Letters.—

The Sessions Judge or the District Magistrate, as the Case may be, shall supply or arrange to supply copies of general letters and circular-letters to all the Courts working under them in the District.

When any circular relates to the duties of any official or specially affects the work of any official, an additional copy shall be furnished to such official, who shall paste it into a file Book, and shall prefix to the file Book an index containing the particulars mentioned in Rule 11.

17. Correspondence originating in a circular.—

If a circular gives rise to correspondence, the correspondence shall be kept in a separate file, a note being made on the first letter in the file that the circular referred to is passed into its appropriate file Book, and a note bearing reference to the correspondence being Recorded, on the circular itself.

An extra copy or extract copy of the circular, as the Case requires, may be placed on the correspondence file.

18. Return press for periodical returns.—

A separate press, divided into as many compartments of varying sizes as there are periodical returns; shall be reserved for such return and over each compartment, the Description of the return to which it is appropriated, shall be noted. This press shall be known as the 'Return Press'.

Correspondence relating to periodical returns shall like correspondence connected with circulars, be kept in separate files, and, when closed, shall be placed in the correspondence press, a note bearing reference to the correspondence being Recorded on the particular return.

19. Yearly Planner.—

In every office a yearly planner shall be maintained stating therein lists of the returns and Reports, their due dates, the office to which they are to be sent as per Appendix-J. A copy thereof shall be kept by Presiding Officer and every other Duty Holder.

20. Hand Book.—

In every office, a hand Book shall be maintained by every official, which shall contain the list of Registers and returns to be maintained and other work to be undertaken by the official and procedure thereof in brief.

21. Adverse entry in the character roll.—

Every entry in the character roll which may adversely affect the promotion of the official concerned must be communicated to him. Copies of the entries in such rolls will not be given.

22. Issue of Commendatory Parwanas or Certificates of good character.—

The practice of issuing Commendatory Parwanas or separate Certificates of good character in the Case of officials is strictly prohibited. Subordinates may, however, be granted on their retirement such special Certificate of good work and conduct as may deem fit.

23. Correspondence with High Court.—

In all correspondence with the Registrar General of the High Court following instructions shall be observed:—

- (1) As a rule, the Registrar General shall be addressed by letter and not by docket or endorsement.
- (2) A list of the enclosures accompanying a letter shall be made at the foot of it. Every judicial file shall be reckoned as a separate enclosure.
- (3) Where a demi-official letter is addressed to the Registrar General, only one subject should be dealt within one letter, a second subject should be made the subject of a second letter.

24. Correspondence relating to Cases judicial or non-judicial.—

Correspondence relating to Cases, judicial or non-judicial, shall be dealt with according to the following rules:—

- (1) Letters Forming such correspondence shall be filed with the Case to which they relate;
- (2) To indicate that the Presiding Officer considers no further action necessary in respect of any correspondence, he shall write the word 'File', with his initial on the last letter. The Munsarim or the Reader of the Court concerned, as the Case may be, must then, after examining the previous Papers, mark the last letter "concluded and filed" before the correspondence is considered with the Case to Record-Room.
- (3) Every letter received should bear an Order Recorded on it by the Presiding Officer, or the word "seen" with initials, as an indication that he has seen it.

Judicial Officer in corresponding with the High Court shall address their communications through the District Judge to the Registrar General with the exception of notices and summonses Issued by the High Court and served by Subordinate Courts, acknowledgment of Records, and all correspondence relating

to the Case work of the High Court which shall be addressed to the Deputy Registrar (Judicial) directly.

25. Confidential letter.—

Confidential covers shall be addressed by name to the person who should open them. When a cover is so addressed, it should be opened only by the person whose name it bears (or, in his absence by a responsible officer to be specified by him).

26. Weeding of Correspondence.—

(1) The Papers of closed, files in the office of the District Court and the Courts subordinate to it shall be weeded as follows:—

Reminders and office memoranda which are unnecessary for the understanding of the file and are not likely to serve any immediate separate purpose, shall be destroyed when the file is closed.

(2) Correspondence on or relating to the following subjects shall be retained for a period of one year from 1st January of the year succeeding that in which the file is closed—

- (i) Medical examination of ministerial officers.
- (ii) Leave, transfer and Certificate of transfer of charge of ministerial officers (These are to be retained for one year after entry in the Service Book).
- (iii) Verification of securities of public accountants and officials (These are to be retained for one year after the next verification).
- (iv) Contingent bills.
- (v) Change of office hours.

(3) The following correspondence or correspondence on or relating to the following subject shall be retained for a period of two years from 1st January of the year succeeding that in which the file is closed :—

- (i) Explanation of delay and letters calling for them.
- (ii) Covering dockets and letters on mere matters of routine such as those returning enclosures, etc., including those sent to and received from the High Court concerning the grant of Certificates to Legal practitioners under Act XVIII of 1879.
- (iii) Explanation called for by the High Court on quarterly and annual statements.
- (iv) Periodical returns and Reports.
- (v) Service and execution of Processes of other Courts.
- (vi) Questions of practice and procedure, which have been subsequently settled by published rules of the High Court.
- (vii) Assessors.
- (viii) Impounding of documents and also relating to fines and penalties.
- (ix) Printing and adjustment of charges.
- (x) Accountant General's objections on the establishment return.
- (xi) Transmission of Records.
- (xii) Entertainment of temporary extra copyists and weeders on temporary Record-Room establishment.
- (xiii) Civil and Criminal annual Reports.
- (xiv) The preparation of list of legal practitioners willing to execute commissions.
- (xv) The judicial calendar and holidays not specified therein.
- (xvi) The supply of repayment Order Books.
- (xvii) Process serving establishment.
- (xviii) Correction of deposit accounts and lapsed deposit accounts.
- (xix) Cases transferred by Order of the High Court.
- (xx) Reconciling of discrepancies in sale commission free return.
- (xxi) Plus and minus Memorandum of civil Court deposits and objection of Accountant General regarding deposit accounts.
- (xxii) Appointment of, retirement of, or grant of pensions to, officials who are dead.

This rule refers only to correspondence and not to periodical returns or Reports themselves.

(4) The following correspondence or correspondence on or relating to the following subjects shall be retained for a period of three years from 1st January of the year succeeding that in which the file is closed:—

- (i) Appointment— In the Case of temporary establishment (the period of retention of the correspondence relating to appointment in the Case of permanent establishment is thirty five years) care shall be taken to return all Original testimonials to the Applicant.
- (ii) Transfer, posting, charge, leave, drawing fresh increment of pay and last pay Certificates of gazetted officers.
- (iii) Gratuities to ministerial officers (but the sanctioning Order should be retained for twenty five years from the date of retirement of the pensioner or for three years from the date of his death whichever is earlier).
- (iv) Verification of Services of ministerial officers.
- (5) The following correspondence or correspondence on or relating to the following subjects shall be retained for period of five years from 1st January of the year succeeding that in which the files are closed:—
 - (i) The distribution of territorial jurisdiction of Civil Courts.
 - (ii) Budgets.
 - (iii) Applications for additional grants.
 - (iv) Powers of officers.
 - (v) The annual vacation and arrangement of work during the vacation.
 - (vi) Payment of rent of buildings secured for Court houses.
 - (vii) Travelling Allowance bill Books.
- (6) The correspondence on or relating to salary bills of gazetted officers should be retained for six years from 1st January of the year succeeding that in which the file is closed.
- (7) The following Papers shall be retained for ten years, computed for 1st January of the year succeeding that in which the correspondence relating to them was weeded:—
 - (i) Estimate of Budgets.
 - (ii) Annual Reports (Civil and Criminal) and returns.
 - (iii) Inspection notes, the High Court's Order thereof on, and correspondence relating thereto.
- (8) Correspondence on the following subjects shall be retained until the Presiding Officer Orders their destructions:—
 - (i) Correspondence relating to pensions.
 - (ii) Complaints against officials and correspondence relating thereto, if containing Papers likely to be required by the Accountant General when Application is made for pension or gratuity.
 - (iii) Correspondence relating to Books, maps, furniture and repairs of Court Houses.
 - (iv) The Presiding Officer shall ordinarily Order the destruction of Records (i) and (ii) when there remains no possibility of the Papers being required to answer a reference of the Accountant General. Ordinarily, in the Case of (i) the sanctioning Order shall be retained for twenty five years from the date of retirement of the pensioner or for three years from the date of his death whichever is earlier and the other correspondence should be destroyed after three years. The correspondence relating to (ii) shall ordinarily be destroyed after the official has died or retired or has been removed.
 - (v) Such correspondence shall be laid before the Presiding Officer every year and he shall in the Case of each file pass one of the following Orders to be Recorded on the first sheet:—
 - (a) that it be at once destroyed ;
 - (b) that it be retained for a period of one, five or ten years from 1st January or the next year ;
 - (c) that it be kept permanently ;
 - (d) that it be retained until further Order be passed.
 If the Order described in (b) or (c) be passed, the file shall be placed with the files which are governed by paragraphs (2), (4), (5), (7) above, as the Case may be.
- (9) Correspondence on or relating to the following subjects, and any other correspondence which the Presiding Officer, shall in any particular Cases so direct be retained permanently, namely:—
 - (i) Assessment of taxes or rates on Civil Court buildings.
 - (ii) Suits to which Government is party.

- (iii) Revision of establishment.
- (iv) Creation and abolition of Courts.
- (v) Acquisition of land or other Property by Government:

Provided that, the District Judge may from time to time direct the destruction, after ten years, of any such file or part of such file the preservation of which is, in his opinion, unnecessary.

- (10) The Service Books of Officials (Register No.211) shall not be returned to the Government servant on retirement, resignation, discharge, termination, death or removal etc. from Government Service or to their legal representatives. They shall be laid before the District Judge for Orders after 3 years of the retirement, resignation, discharge, termination, removal or death of the employee and then shall either be destroyed or retained for a further period as directed. The duplicate Service Book may be supplied to a Government Servant on Payment of Rs. 100/- only.

Character Rolls (Register No.212) are the Property of Government and, on the retirement or dismissal etc. of an official should be kept in the office where he was last employed subject to their being laid before the District Judge after 3 years for Orders as to whether they should be retained or destroyed.

- (11) In the month of May each year, the head clerk or such other officer as may be appointed by the District Judge in that behalf, shall examine the files affected by the preceding paragraphs, and having selected the Papers to be destroyed, shall lay them before the Munsarim. When the Munsarim has satisfied himself that the Papers are liable to destruction, he shall after obtaining the Orders of the Judge, cause them to be sold as waste Paper in accordance with the instructions given in Rule 178, unless if he considers that any of them should be retained for a longer period, he shall submit such Papers with a Memorandum of the ground of his opinion for the Orders of the District Judge. Notes and Orders shall be treated as confidential Papers.

ORDER 10

REGISTERS, RETURNS AND REPORTS

1. Memorandum Books for Courts.—

- (1) A Memorandum Book of dates for Cases (Register No.213), shall be maintained in all Civil Courts.
- (2) The entries in this Book for each day for different kinds of Cases e.g. Original Suits, Appeals, execution Cases, miscellaneous Cases, shall be grouped separately.
- (3) Such Books shall be opened for inspection to counsels, Registered clerk of counsels, and the Parties between hours to be fixed by the Presiding Officer.

2. Diary for contested Cases.—

Presiding Officers shall keep a diary in their own handwriting in any Form convenient to them in which they shall note for their use the date fixed in all contested Cases with, where possible, a rough estimate of the time likely to be occupied.

3. Register of casual leave.—

Every Authority which grants casual leave shall cause a Register of such leave to be maintained for (1) gazetted officers, (2) ministerial officials, and (3) non-ministerial staff in the prescribed Form (Register No.214). The entries in the Register shall be made and initialled by the Presiding Officer forthwith as soon as casual leave is granted. This Register shall be regularly examined by Inspecting Officers.

4. Duty of filling up Registers and inspecting of Registers—

The Court official appointed for the purposes by the Presiding Officer of each Court shall daily enter the particulars of the Cases in the proper Registers and, at least once a month in the first week shall lay these Registers before the Presiding Officer, who will inspect and sign his name and put the date under the entries of the previous month (District Judges and Civil Judges should also inspect and sign the other Registers maintained in their Courts).

5. Return of Property of Judicial Officer—

(1) Every Judicial Officer who has been appointed in the preceding calendar year shall submit to the High Court on or before 20th January of succeeding year of their appointment, a return (Return No.11) of his assets and liabilities giving the full particulars regarding—

- (a) the immovable Property owned by him, or inherited or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
- (b) shares, debentures, postal Cumulative Time Deposits and cash including bank deposits inherited by him or similarly owned, acquired or held by him;
- (c) other movable Property inherited by him or similarly owned, acquired or held by him; and
- (d) debts and other liabilities incurred by him directly or indirectly.

Note- In all returns, the values of items of movable Property worth less than Rs.15,000/- in value may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery and Books need not be included in such return.

(2) Every Judicial Officer shall submit an annual return to the High Court on or before 20th January of each year, giving full particulars regarding the immovable Property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person (Return No.12).

(3) No Judicial Officer shall, except with the previous knowledge of the High Court,—

- (a) acquire any immovable Property by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of any member of his family; or
- (b) dispose of by lease, mortgage, sale gift or otherwise any immovable Property owned by him or held by him either in his own name or in the name of any member of his family:

Provided that, the previous sanction of the High Court shall be obtained if any such transaction is with a person having official dealings with the Judicial Officer concerned.

(4) Every Judicial Officer shall intimate the Government in respect of each transaction, whose value exceeds Rs.15,000/— within a month of the completion of such transaction.

Provided that, the previous sanction of the High Court shall be obtained if any such transaction is with a person having official dealings with the Judicial Officer concerned.

(5) The High Court or any Authority empowered by it in this behalf may, at any time, by general or special Order, require a Judicial Officer to furnish within a period specified in the Order, a full and complete statement of such movable or immovable Property held or acquired by him or on his behalf or by any member of his family as may be specified in the Order and such statement shall if so required by the High Court or by the Authority so empowered, include details of the means by which, or the source from which such Property was acquired.

Explanation I.— For the purpose of this rule, the expression movable Property includes inter alia the following Property, namely :—

- (a) jewellery, insurance policies the annual premia of which exceeds fifteen thousand rupees or one sixth of the total annual emoluments received by the Judicial Officer, whichever is less, shares, securities and debentures;
- (b) loans advanced by or to such Judicial Officer, whether secured or not;
- (c) motor cars, motor cycles, horses, or any other means of conveyance; and
- (d) refrigerators, air conditioners, cell phone, television sets and home theatre etc.

Explanation II.— For the purpose of this rule, 'lease' means, except where it is obtained from, or granted to, a foreign national or foreign mission or a foreign organisation controlled by, or associated with, foreign missions, or a person having official dealings with the Judicial

Officer, a lease of immovable Property from year to year or for any term exceeding one year or receiving a yearly rent.

- (6) No Judicial Officer shall except with the previous sanction of the High Court—
- (a) acquire by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of any member of his family, any immovable Property situated outside India; or
 - (b) dispose of by mortgage, sale, gift or otherwise, or grant any lease in respect of, any immovable Property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family; or
 - (c) enter into any transaction with any foreigner, foreign Government, foreign organisation or concern,—
 - (i) for the acquisition, by lease, mortgage, purchase, gift or otherwise, either in his own name or in the name of any member of his family, or any immovable Property.
 - (ii) for the Disposal of, by mortgage, sale, gift or otherwise, or the grant of any lease in respect of any, immovable Property which was acquired or is held by him either in his own name or in the name of any member of his family.

6. Vindication of acts and Character of members of the Service.—

No Judicial Officer shall, except with the previous sanction of the High Court have recourse to any Court or to the press for the vindication of official act which has been the subject matter of adverse criticism or attack of a defamatory character.

Provided that, if no such sanction is conveyed to by the High Court within 12 weeks from the date of Receipt of the request, the Judicial Officer shall be free to assume that the sanction sought for has been granted to him.

Explanation.—Nothing in this rule shall be deemed to prohibit a Judicial Officer from vindicating his private character or any act done by him in his private capacity.

Provided that, he shall submit a Report to the High Court regarding such action.

ORDER 11

PETITION WRITERS

1. **Persons who cannot be Petition writers.—**
No official of any Court and no person employed in any Institution connected with the Court whether as Clerk, Copyist or Peon or in any other capacity shall write Petitions.
2. **Persons who can write Petitions.—**
No person shall for remuneration of any kind write Petitions for Presentation in any Court unless he—
 - (a) holds a licence Issued by the District Judge ; or
 - (b) is a legal practitioner; or
 - (c) is a clerk to a legal practitioner and writes the Petition in the course of such employment in respect of the Cases in which the legal practitioner is engaged provided the Petition is signed by the latter.
3. **Number of Petition writers to be fixed by the District Judge in his Judgeship.—**
The number of Petition writers licenced to practise at any place in the District shall be determined from time to time by the District Judge concerned.
4. **Who can grant a licence to practice.—**
A licence to practice shall be given only by the District Judge.
5. **Grant of a licence and fee therefore.—**
A person wishing to practice as a Petition writer within the precincts of the Courts must present a Petition bearing a proper Court-fee stamp to the District Judge.
Every Petition writer licenced under these rules shall pay a fee of Rs. 100/- per year payable in advance. The licence , if granted, shall be in the prescribed Form (F.106).

6. Qualifications for a licence.—

Licence shall not be given unless the Applicant shows:—

- (a) that he/she is of respectable character;
- (b) that he/she has a good knowledge of Hindi and English and can draw up a clear, straight forward Petition or Memorandum of Appeal in Hindi;
- (c) that he/ she has a basic knowledge of computer.

7. A person who is a member of a local body shall not practice as a Petition writer in any Court within the jurisdiction where such local body is situated.**8. Scales of charges for writing Petitions.—**

The District Judge in consultation with the two senior most Judicial Officers at his headquarters shall fix scales of charges for typing and printing Petitions, plaints and memoranda of Appeals, which shall also be applicable in the Case of Petition writers practicing in the outlying Courts of the District.

A copy of the scale of charges fixed shall be sent by the District Judge to the High Court for information.

No Petition-writer shall ask for or accept a fee in excess of the sanctioned scale.

A table in Hindi of the prescribed scale of charges shall be painted on a conspicuous wall of the Court and a copy shall also be hung-up by the Petition writer always in public view at the place where he sits.

The Petition-writer shall always endorse the amount actually received by him below his signature on the Petition typed and printed by him and shall also Issue a Receipt thereof.

If any Petition-writer asks or accepts a fee in excess of the sanctioned scale either for himself or for any other person connected with the Court, the District Judge on complaint being made to him may, in his discretion withdraw his licence and may also Order the return of the amount received in excess in addition to taking any legal step that the nature of the Case may require.

9. Formalities to be complied with by a Petition writer.—

Every Petition-writer shall print a brief note of the contents of the Petition as a head note to the same, quoting specially the law, Section or rule under which the Petition is made. He must Record precisely what he is asked to print in plain and simple language such as the Petitioner can understand and refrain from introducing additional irrelevant, imaginary or fabricated matter of his own conception. He shall Record at the foot of every Petition typed or printed by him other than a Petition of a merely Formal character, a declaration under his signature that to the best of his knowledge and belief, the Petition expressed the true meaning of the Petitioner to whom the contents thereof have been fully explained.

10. Amending or redrafting of a Petition.—

Every Petition-writer shall comply with the Order of a Court as to the amending or the redrafting of a Petition or other drawn up by him.

11. A Petition-writer to keep an official seal and a Register of Petitions.—

Every Petition-writer shall at his own expense provide himself with an official seal to be made under the direction of the Court which has granted him the licence, on which shall be emboss his name and the year in which he was licenced. He shall also keep up a Register in the prescribed Form (Register No.215) and shall enter therein every Petition printed by him and shall produce the Register for the inspection of any Court demanding it.

12. Every Petition to be signed and sealed by the Petition-writer.—

Every Petition-writer shall sign and seal with his official seal every Petition printed by him and shall enter in it, the number which it bears in his Register and the fee which has been charged.

13. The Nazir to maintain a Register of licenced Petition-writer and to disallow unRegistered Petition-writers to write Petitions.—

A Register in the prescribed Form (Register No.216) of licenced Petition writer shall be maintained by the Nazir and shall be his duty to see that the precincts of the Court are

kept free of all unRegistered writers and that no one writes Petitions for remuneration within the Court compound.

14. Yearly production of licence for the inspection of the Court.—

Every Petition-writer shall in the month of August each year produce his licence for the inspection of the Court which granted it. A note of such inspection shall be endorsed on the licence under the signatures of the Presiding Officer.

15. Grounds for revoking a Licence.—

(1) A licence Issued under these rules may be revoked by the District Judge on any of the following grounds :—

- (a) that the Petition-writer has not attended the Court regularly,
- (b) that the Petition-writer has become legal practitioners clerk, or has taken up some other employment,
- (c) that the Petition-writer has failed to produce his licence for the annual inspection of the Court as require by Rule 479,
- (d) that the Petition-writer has not paid his annual fee,
- (e) that the Petition-writer has been found guilty of abetment of or participation in any illegal transaction or unfair dealings,
- (f) that the Petition-writer has been found guilty of disobedience of a lawful Order or non compliance of these rules,
- (g) or for any other good cause to be Recorded.

(2) No Appeal shall lie from any Order passed by a Court under sub-rule (1), but the High Court may in its discretion revise any such Order and in place thereof pass such Order as it thinks fit.

16. A Petition-writer not to enter any room in a Court.—

No Petition writer shall without the permission of the Presiding Officer, enter any room in Court in the precinct, where he is entitled to practice.

17. Penalty for practising as a Petition writer without a licence .—

Any person who practises as a Petition writer without obtaining a licence under these rules, or while the licence is suspended, every Petition writer who practises as such without getting his licence renewed, shall be liable to a penalty of Rs.1000/- .

18. Imposition of penalty.—

(1) The penalty prescribed by Rule 482 may be imposed by the Court Authorized to grant the licence but no penalty shall be inflicted unless the person charged has had an opportunity of defending himself.

(2) No Appeal shall lie, from any Order passed by the District Judge, but the High Court may, in its discretion revise any such Order and in its place pass such Order as it thinks fit.

19. Grant of leave of absence to a Petition-writer.—

Seniormost Judicial Officer at any place may grant leave of absence for any period to a Petition writer of his Court and may grant, not exceeding for more than one month, a temporary licence to any competent person of good character to act as Petition-writer during such absence or for such period thereof as he may deem necessary.

ORDER 12

LIBRARY

1. General Registers of Books and periodicals.—

(1) Term —

Book includes e-Book,
Periodicals includes e-Journals, and
Catalogue includes e-Catalogue.

(2) All Books and periodicals in the library shall be entered in the General Register of Books & Periodicals (Register No.217) and also in the Classified Catalogue (Register No.218).

- (3) Periodicals (e.g. Government Gazette or All India Reporter) which are eventually bound in Volumes of a Form different from that in which they are first received shall in the first instance be entered in the Register (**Register No.217**). They shall be taken over in the General Register of Books and the Classified Catalogue (**Register No.218**) when they are bound in the proper Form.

2. Classification and arrangement of Books.—

Books shall be classified in the Catalogue and arranged in the library, in the manner following:—

I. Collection of Acts, Ordinances and Regulations :—

- (i) Central.
- (ii) Rajasthan.
- (iii) Other States.

II. Special Acts, when printed separately.

III. Commentaries on Acts.

IV. Law Treatises.

V. Departmental Codes, Guides, Manuals and Circulars-

- (i) Judicial.
- (ii) Revenue.
- (iii) Finance and Accounts.
- (iv) Miscellaneous.

VI. Law Reports - There shall be a separate sub-head for each separate series of law Reports, e.g. A.I.R., I.C., I.L.R. (Allahabad), I.L.R. (Bombay), etc.

VII. Digests - There shall be a separate sub-head for each separate series of digests.

VIII. Periodicals including e-Journals.

IX. Administration Reports—

- (i) India.
- (ii) Rajasthan.
- (iii) Other States.
- (iv) Miscellaneous Departments.

X. Dictionaries, Glossaries, Lists and Directories.

XI. Miscellaneous.

3. Room for Library.—

- (1) The Books composing the Library of each Court shall, if practicable, be collected together in a separate room assigned for the purpose.
- (2) Where there are more than one Court at the headquarter, such library shall be centralized library under the supervision of seniormost Judicial Officer posted at headquarter.

4. Librarian and his duties.—

In each Court and in centralized library, an official to be nominated by the District Judge, shall be specially placed in charge of the such Library as Librarian.

It shall be the duty of the Librarian—

- (1) to stamp the seal of the Court on the title page, the tenth page and the last page of print of each Book;
- (2) to affix on the first page below the cover and on the lower portion of the back of every Book received for deposit in the library a stamp or label in the following Form :

GOVERNMENT PROPERTY

Gen. No.

Class

Sec. No.

Court of the

at.....

- (3) to check the Catalogue at the commencement of each year;
- (4) as soon after 1st January as possible, the result of the check and Certificate as to the condition of the Books in the Library;
- (5) to Issue Books from the Library in accordance with the rule following, and to see that no Books are Issued otherwise; and
- (6) to Report the loss of any Book from the Library as soon as discovered.

5. Receipt for Books taken out.—

When any Presiding Officer requires a Book from the Library, he shall send a Receipt for it on a slip of Paper, which shall be returned to him when the Book is returned to the Library.

The Librarian shall enter in a Book (Register No.219) to be kept for that purpose—

- (1) the name and number of each Book removed from the Library on that day and not returned before the close of the day;
- (2) the date when it was removed ;
- (3) the name of the person who received it; and
- (4) the date when such Book is returned to the library.

Every reasonable facility is to be afforded to Government Counsel to consult the law Books in the Court's Library.

6. Check of Books.—

The Librarian will submit to the Presiding Officer a quarterly list in January, April, July & October showing the Books which have been out of the Library for more than one month who will then take necessary steps to secure the return of the Books unless there is good reason for their retention by the borrower.

7. Loss of Books.—

When the loss of any Book is Reported, the District Judge, will from the charge Certificates of the clerks concerned during the year and after making necessary inquiries, decide whether the cost of the missing Books should be recovered from them or from other persons responsible.

Provided that, the person responsible for the loss of the Book may replace the Book in lieu of Payment of its cost.

8. Gazette.—

Gazette shall be regularly filed and carefully bound into annual Volumes.

9. Books etc. not to be weeded—

The following Books and Publications shall not be weeded without reference to the High Court:—

- (1) Collection of Acts, Ordinance and Regulations;
- (2) Commentaries on Acts;
- (3) Law Treatises;
- (4) Latest editions of the manual of Government Orders, Books, Circulars of the Board of Revenue, Service Rules, Treasury Manual, Financial Hand Books, Civil Account Code, Standing Orders of the Accountant General and of the directions and Manuals (including circulars) of the various Departments; also single copies of superseded editions of the above;
- (5) Law Reports;
- (6) Digests;
- (7) Government Gazettes;
- (8) However, District Judges may weed out the following Publications without reference to the High Court:—

- (a) Duplicate copies of superseded editions of Publications mentioned in Rule 389.
- (b) Superseded editions of village directories, histories of gazetted officers and civil and army lists.

10. Weeding of valuable Books.—

When it is proposed to weed duplicate copies of work of any value, reference should be made to the High Court for information as to whether the Books are required elsewhere.

ORDER 13**DUTIES OF SR. MUNSARIM****1. Sr. Munsarim.—**

Sr. Munsarim, where he is appointed, shall be the Chief Ministerial Officer of the Court.

Where a Sr. Munsarim is not appointed, the Reader shall be the Chief Ministerial Officer of the Court and shall perform the duties prescribed for the Sr. Munsarim by any rules or Orders.

During the absence of Sr. Munsarim (or Reader) on leave or otherwise, the Presiding Officer may appoint any official considering the seniority and Suitability of his Court to perform the duties of Sr. Munsarim.

2. Date of Presentation to be noted on Papers.—

A Sr. Munsarim appointed to receive complaints or other Papers under the Code shall see that the actual date and time of Presentation is entered upon the complaint, Memorandum of Appeal, cross-objection or any other Paper filed and also upon the labels on such Papers. Entries of such Papers shall be made in Case Information System.

3. Duties of Sr. Munsarim.—

The duties of Sr. Munsarim include :—

- (1) the duties assigned by the Code to the Chief Ministerial Officer of a Court;
- (2) the duties for the performance of which he is appointed by the Court under the provisions of the Code, or otherwise;
- (3) if the Court appoints him to sign routine Orders, summons and notices which the Presiding Officer is not himself required to sign under any law or Order in force;
- (4) to see that accounts and statements as are by any law or Order required to be exhibited and filed in due time and Form and to take the Orders of the Court thereon;
- (5) to keep up such Books and Registers and to perform such duties as he is expressly required to do by any Rule or Order of the High Court;
- (6) to arrange for the preparation and due submission of periodical returns and statements, to draft letters; and to carry out Orders contained in precepts of the High Court as to Issue of notices and transmission of Records;
- (7) under the Orders of the Court, to assign to his subordinates, the duties to be performed by each;
- (8) generally to supervise the working of the office in all Departments; and
- (9) to maintain a Register of Attendance of all the ministerial officials under his control.

4. Delegation of duty.—

No duty, the performance of which is specifically imposed by the Legislature upon the Court itself, shall be delegated to the Sr. Munsarim or any other officer.

ORDER 14

SECURITY BY COURT OFFICIALS

1. Security to be taken from certain officials.—

Every Nazir, Court's Process-Server, Amin, peon, or other Ministerial official employed in a Court who by reason of his office is entrusted with the Receipt, Custody or control of Moneys, securities for Money or other Property, shall give security in the prescribed Form (F.107) or infidelity Bond Issued by any recognized Insurance Company of such an amount for the due discharge of the trust of his office and for the due amount of all Moneys, securities for Money or other Property which shall come into his possession by reason of his office as shall be equal to the maximum amount which he ordinarily has in his hands at any one time. The District Judge, subject to the control of the High Court shall use his discretion in calculating this amount and shall be responsible for seeing that the sum left in the hands of any of his subordinate is not more than the amount of the security taken from such subordinate.

Security shall in no Case be dispensed with except where exemption may be made under special or general Orders of Government. Exemption cannot be sought on the ground that a person is an apprentice, outsider or other temporary incumbent.

2. Nature of Security.—

The rules hereinafter appearing are made for the guidance of District Judges.

Attention must also be paid to secure that the proper Forms of securities or bonds are used.

Fixed deposit Receipts of banks accepted as security must be Issued in the name of Government. In such Case, a clause must also be inserted in the depositor's security bond to the effect that Government will hold the fixed deposit Receipt at the depositor's risk and will not be liable to the depositor in the event of loss of the security, due to failure of the bank or any other cause, and that if the security is lost, the loss will fall on the depositor who must furnish fresh security forthwith.

3. Officiating incumbents of above posts.—

A leave vacancy of any official mentioned in Rule 1 shall as far as possible, be filled up by an official who has already furnished security in his Former office or a reserve of men who have furnished securities for these appointments. The District Judge shall arrange to maintain list of such officials and their securities must be scrutinized annually.

4. Verification of security.—

The value and adequacy of a security shall be verified as soon as it is furnished. If the verification is likely to take time and appointment or promotion cannot be delayed, a personal bond with sureties, shall be obtained, but the same shall be discharged when the Original security has been finally verified.

5. Custody of Security Bond.—

All security bonds and all securities shall be kept in safe Custody in accordance with the provisions contained in the General Financial and Account Rules.

6. Register of Securities.—

District Judges shall keep up Register of Securities (Register No.220) which shall be kept with the bonds in the Treasury of the headquarters of the District Judge and shall note in general terms without details in their annual Report on the administration of Civil Justice that this has been done. District Judge will be held personally responsible if loss is suffered in consequence of the neglect of these Orders. The Register should contain full particulars as to the pecuniary responsibility of the public accountant and his sureties and the nature and value of the security offered.

7. Retention of Security.—

In Order to safeguard against Cases in which discovery may be made, after the official has vacated his office, of defalcations made prior to such vacation of office, the security deposited by him shall be retained by the District Judge for 6 months after the official has vacated his office.

8. Annual inquiry into sufficiency of security.—

In the first week of each calendar year the Presiding Officer of each Court shall inquire into the sufficiency of security given by each public accountant in his office, and where it appears inadequate from any cause, will require fresh or additional security to be given.

A mortgage security may be considered sufficient if it is a first mortgage of immovable Property situate in India:

Provided that, the Property be not a lease hold for a term of years, and that the value of the Property exceeds by one-third the amount secured.

When there has been no mutation of Ownership or sensible depreciation of the Property pledged, it will be unnecessary to renew the security bond. A note of the result of the verification should be made in the Register.

ORDER 15

COURT ACCOUNTS

1. Accounts with the Treasury.—

Accounts with the treasury shall be maintained as per the G.F.&A.R. as amended from time to time.

2. A number of Courts may have a single account with the Treasury under the Orders of the High Court.—

(1) The High Court may Order with respect to any Courts located at the same Station, that they shall have a single account with the Treasury.

- (2) When an Order has been made under sub-rule (1) the senior most Presiding Officer of the highest Court shall keep and render the accounts of all the Courts to which Order refers :

Provided that, (Subject to any instruction of the District Judge) the senior most Presiding Officer of the highest Court may place the Presiding Officer of any other Court-In-charge of accounts without relieving himself of the responsibilities for the due accounting of all Receipts and Payments.

3. Appointment of a Receiving Officer.—

- (1) Every Court or where two or more Courts have a single account with the Treasury, every such group of Courts, shall have an official entrusted with the Receipt of Money deposited in the Court.
- (2) Such official shall be called as the Receiving Officer and shall be appointed by the Presiding Officers of the Court or, where two or more Courts have single account with the Treasury, he shall be appointed by the Presiding Officer of the highest Court subject to instructions if any, of the District Judge concerned.
- (3) In a Court where no official is appointed specifically to perform the duties of the Receiving Officer or during the absence on leave or otherwise of the person appointed as the Receiving Officer, the Presiding Officer of the Court or the senior most Presiding Officer of the highest Court as the Case may be, shall appoint any other official of his Court to carry on the duties of the Receiving Officer.

4. Head of Accounts.—

The following are the Head of Accounts under which the Money received and paid under these rules are classified:—

- (1) Deposits;
 - (a) Court deposits, including;
 - (i) sums paid under decrees and Orders;
 - (ii) Sums deposited under Order XX, Rule 14 and Order XXIV, Rule 1 of the Civil Procedure Code and Section 83 of the Transfer of Property Act;
 - (iii) Sums deposited under Order XXII, Rule 84 or paid under Order XXI, Rule 85 of the Code;
 - (iv) Sums deposited under Section 379 (1) of the Indian Succession Act;
 - (v) Sums deposited in lieu of security;
 - (vi) Sums deposited under any law relating to the Land Acquisition;
 - (b) petty cash deposits, including deposits for;
 - (i) Travelling and other expenses of Witnesses;
 - (ii) Subsistence Money for Judgment debtors;
 - (iii) Incidental charges of Commissions, Amins and Arbitrators etc;
 - (iv) Commission Fees;
 - (v) Postage and registration Fees;
 - (vi) Cost of Publication of proclamation and Orders ;
- (2) Other Administrative Services.
 - A. Administration of Justice.
 - (a) Services and Service Fees;
 - (i)
 - (ii) Civil and Sessions & the judicial Court;
 - (b) Fines and forfeitures;
 - (i)
 - (ii) Civil and Sessions & other judicial Court;
 - (c) Other Receipts.

I. Sale proceeds of unclaimed and escheated Property—

- (i)
- (ii) Civil and Sessions & other Judicial Courts.

II. Legal Aid to the poor.

III. Recoveries of over Payment.

- (i)

(ii) Civil and Sessions and other Judicial Courts.

IV. Other Receipts.

(i)

(ii) Civil and Sessions & other Judicial Courts.

(d) Stamp duties & penalties.

Note: — Sub-Heads (a), (b) & (c) have been classified in the State Account under the major Head "065 Other Administrative Services" and sub-head (d) under the major Head "0.30 Stamps & Registration Fees". These major Heads and sub-heads will automatically be deemed to have changed whenever they are changed in the Budget.

(3) Departmental cash including :—

(i) Salary of establishment.

(ii) Travelling Allowance.

(iii) Contingencies.

5. **Use of International Forms of Indian numerals.—**

In the maintenance and preparation of accounts and in the submission of statements relating to accounts international Form of Indian numerals shall be used.

6. **Time for Receipt of deposits.—**

(1) Cash payable into Court may be received from opening of the Court until a time which shall unless otherwise provided, be one hour in advance of the time fixed for the closing to the public of the Treasury and the account for the day shall then be made up.

(2) District Judge, having regard to local circumstances may prescribe the hours during which Money may be received in any Court within his jurisdiction.

(3) But, cash payable under Head of Account (1) (a) of Rule 4 must be received when the Court is situated over 8 Kms. away from the nearest Treasury.

7. **Deposits in cash.—**

(1) Direct Receipts of Money which fall under Head of Accounts (1) (a) of Rule 4 shall generally be avoided by Court:

(2) Cash shall however, be received when tendered under Head of Account (1) (a) of Rule 4 in the following Cases:-

(a) When the Court is over 8 kms. away from the nearest Treasury.

(b) When the Money is payable into Court under any of the Section following namely, Section 55, Order XX, Rules 11 and 14, and Order XXI, Rules 84 & 85, Civil Procedure Code of 1908 and Section 379 (1) of the Indian Succession Act, 1925 and is tendered after the hour prescribed in Rule 6.

(c) When the proceeds of movable Property, sold in execution through the officer of a Court, under Order XXI, Rule 77, Civil Procedure Code, cannot be paid into the Treasury on the day of sale.

(d) When the amount of the Money tendered does not exceed Rs. 500/-.

(e) Cash payable under this Head i.e. Head of Accounts under Rule (1)(a) of Rule 4 must be received tendered even after the closing of time for deposit of cash in the Court.

(f) Such transaction shall be entered in the accounts bearing date the next open day; but the Receipts given to the payer shall also show (as a denominator) the actual date of Payment, e. g. November 6/7.

(3) Such RePayments of Money falling under Head of Accounts (1) (a) shall be made through the Treasury.

(4) Payment under Head of Accounts (1) (b) of Rule 4 shall be received in cash by the Receiving Officer of the Court.

8. **Registers.—**

The following Registers shall be kept by the Receiving Officer of each Court:—

(1) Register of Receipts of Deposits/ RePayment/ Lapsed amount (**Register No.221**);

(2) Register of Applications for RePayment Order (**Register No.222**);

(3) Register of Revenue Receipts (**Register No.223**);

(4) Register of Money Order Received (**Register No.224**);

- (5) Register of Payments made by postal Money Order / Bank Draft (Register No.225);
- (6) Register of Tenders (Challan) (Register No.226);
- (7) Cash Book (General) (Register No.227) *According to Format as provided in
- (8) Register of Salary Bills (Register No.228):** use only Bill Transit Register;
- (9) Register of T. A. Bills (Register No.228):** use only Bill Transit Register;
- (10) Register of Invoices (Register No.228):** use only Bill Transit Register.

9. Erasures prohibited.—

No erasures shall be allowed in any Register, Book or extract kept under these rules; where an alteration is necessary, the Original figures shall be crossed out and the correct figures placed above them in red ink and initialled by the Presiding Officer.

10. Mode of Payment of Money into Court.—

- (1) Payment of Money into Court shall be made online through e-Grass portal of the Government of Rajasthan which electronically generates the tender Form in 5 copies in Form (F.108).
- (2) The depositor shall enter required information in the Court language or in English in tender Form.
- (3) The depositor shall hand over filled up tender to the Sr. Munsarim/ Reader.
The Sr. Munsarim or the Reader of the Court concerned, as the Case may be, shall then call upon the Official-in-charge of the Record of the Case for an office Report as to whether the amount and nature of the Payment tendered and the number of the Suit, or proceeding, if any are correct, and whether the Payment is due from the person on whose account it is tendered. Any necessary corrections shall be made and the Sr. Munsarim or the Reader of the Court concerned, as the Case may be, shall then sign the tender and enter it in the Register of challans prior to the Order for Receipt of Payment being passed.
- (4) The Order to receive Payment shall be prepared in the office of the Court and shall be enclosed upon the Forms of the tender, and shall run in the name of the Receiving Officer as prescribed in Rule 6.
- (5) The Order shall be signed by the Presiding Officer for all amounts payable under Head of Account (1) (a) and (2) of Rule 4 and by the Sr. Munsarim or the Reader of the Court concerned, as the Case may be, for all amounts payable under Head of Account (1) (b) of Rule 4.
- (6) The tender Form shall then be sent to the Receiving Officer who shall prepare cash challan in Form No. G.A. 57 in duplicate and will hand it over to the party concerned for depositing the amount in Treasury/ Bank.
- (7) After depositing the amount in the Treasury, the party shall submit one copy of the cash challan to the Receiving Officer bearing bank endorsement of depositing of such amount.
- (8) The Receiving Officer shall then make necessary entries in the concerned Register and make endorsement of the challan No. and date and amount on each of the Forms of the tender.
- (9) Thereafter, the Receiving Officer shall send the tender Forms to the Sr. Munsarim or the Reader of the Court concerned, as the Case may be. One Form of tender shall be retained in Custody by the Munsarim or the Reader of the Court concerned, as the Case may be, and then he shall return one copy of the tender to the depositor and the Original copy shall be sent to the concerned Court for keeping it in the concerned Case file.

11. Sr. Munsarim's responsibility to prevent unnecessary delay.—

The Sr. Munsarim or the Reader of the Court concerned, as the Case may be, shall be responsible that no unnecessary delay occurs in obtaining the office Report and the Order to receive Payment and in returning the duplicate Form of tender the Applicant and the Original Form to the Court concerned for placing it on the relevant Case file.

12. Procedure on Presentation of the tender Forms.—

On Presentation of the three tender Forms and on Payment of Money to the Receiving Officer named in the Court's Order to receive Payment, the Applicant shall receive as an acknowledgment, the duplicate Form of the tender duly signed.

13. Cash-Book and Register of petty Receipt s.—

- (1) Every Receipt of cash under these rules by the Receiving Officer shall be forthwith entered by him, in the relevant Cash-Book. Cash-Book shall be maintained in the Format prescribed in the G.F.&A.R. of the State Government as amended from time to time.

14. Remittance of Receipt s to the Treasury.—

- (1) The sums entered in the Cash-Book shall as soon as possible, after the time for receiving Money under Rule (6) has expired, be deposited within three days of Receipt in the Treasury/ Bank through Cash Challan (G. A. 57) showing the several classes of Receipt s in their appropriate columns.
- (2) On Receipt of the copies of the challan from the Treasury, necessary entries regarding remittances shall be made in the relevant cash Books and on each of the Form of tender.
- (3) When there is no sub-treasury in the same town where the Court is situated, remittances of cash from such Court to the Treasury/ Bank accompanied by the cash challan may be made twice a week.
- (4) When Money is sent to a Court by a Money Order or under cover of a letter; the Money Order or letter, and the amount sent shall be received by, the Sr. Munsarim or the Reader of the Court concerned, as the Case may be, and shall be laid before the Presiding Officer; and an acknowledgment under his signature shall be given to the sender.
- (5) If the Money Order or letter covers only a single sum for deposit, it shall be filed as an Original tender with the Record of the Case.
- (6) If the Money Order or letter covers more sums than one for deposit, the coupon or other shall be filed in a separate file, of tenders by letter.
- (7) For each item a Form of tender shall be generated through e-Grass portal and shall be prepared in the office.
- (8) The procedure laid down hereinabove shall then be followed, save that such sums shall in all Cases be made payable to the Court's Receiving Officer.
- (9) For the period Courts are closed for vacation, Sr. Munsarim or the Reader or the Official acting in his place, as the Case may be, shall receive all Money Orders, sign acknowledgments for the same and do other acts, which under the aforesaid preceding rules are ordinarily required to be done by the Presiding Officer.
- (10) The work done of the official mentioned above under these rules shall be checked and Reported to the District Judge within a week by each Presiding Officer on the reopening of the Courts after the vacation.

15. Correspondence between Court and Treasury Accounts.—

At the close of the day, the Sr. Munsarim or the Reader of the Court concerned, as the Case may be, shall take the Register of Tenders to the Receiving Officer and shall compare the entries with the Treasury Receipt ed challans received from the Treasury and with the relevant Register of the Receiving Officer. When Money has been deposited the Receiving Officer shall certify such Receipt in the Register of Challans (Tenders) (Register No.226) giving the serial number and date of the Deposit Register. The Munsarim or the Reader of the Court concerned, as the Case may be, shall then countersign the Receiving Officer's Certificate at the foot of the Original Tender, and relevant Registers and Case the Original Tender to be filed with the Record to which it relates.

RePayments**16. RePayment of Petty Receipt s.—**

- (1) The rePayments of petty Receipt s shall be made by the Receiving Officer after obtaining a Receipt on the relevant voucher.
- (2) At the end of each quarter, the Receiving Officer of every Court shall ascertain what balance of Moneys deposited has become repayable during the preceding quarter. Such list (F.109) shall be affixed to the notice board in a conspicuous part of the Court-house.
- (3) No rePayment of any other sum shall be made except (1) upon an Application in the prescribed Form (F.110) upon an office Report and the Court's Orders thereon, or (2) upon an office Report Hearing such Orders. Every such Application

shall be signed by the person to whom the Money is due and payable and his signature shall be Witnessed. No Application except on the prescribed Form (F.110) shall be received by a Court.

- (4) Before the Form of Application for rePayment is signed by the person to whom the Money is due and payable, columns 1 to 4 shall be filled up. The Form shall then be presented to the Munsarim or the Reader of the Court concerned, as the Case may be, by which the Money is held in deposit.
- (5) The Application shall bear the Court-fee, if any, prescribed by law.
- (6) If the person to whom the Money is due and payable appears in person to receive the Money and is not personally known to the Presiding Officer, no Order for Payment shall be made until he has been identified by a counsel or other person, known to such officer.
- (7) If the person to whom the Money is due and payable does not appear in person, no Order for Payment shall be made unless and until the Presiding Officer is satisfied by affidavit or otherwise that the person asking for Payment has been duly Authorized by the person to whom it is due and payable by an instrument in writing to receive the Money.

17. RePayment Application to be compared with Record of Case.—

- (1) If the Record has not been sent to the Record-Room the Sr. Munsarim or the Reader shall cause particulars of the Application for rePayment to be verified with the Record of the Case, and a Report shall be made in columns 5, 6 and 7 of the Form of Application and shall be signed by the Sr. Munsarim of the Court concerned, as the Case may be. If the Application be found to be incorrect or defective, the defect or error shall be noted upon it, and it shall be returned to the Applicant for correction by him or for reference by him to the Court.
- (2) If the Record of the Case has been despatched to the Record-Room, the Munsarim or the Reader of the Court concerned, as the Case may be, shall forward the Application to the Record- Keeper who shall certify the particulars required in columns 5 to 7 of the aforesaid Application, for rePayment and shall sign the same.
- (3) If the Record of the Case has been despatched to the High Court or other Appellate Court, the Munsarim or the Reader of the Court concerned, shall forward the aforesaid Application to such Court giving reference to the Case in connection with which the Record has been sent. On Receipt of such Application in the High Court or other Appellate Court, the Registrar or Munsarim or the Reader, as the Case may be, shall certify under his signature, the particular as required in columns 5 to 7 of the above said Application and shall forthwith return it to the Court which forwarded it.
- (4) The Receiving Officer of the Court to whom Application is made shall then Report as to the particulars required in column 8 of the Form of the RePayment Application and shall sign the same. The Receiving Officer before making his Report shall carefully ascertain whether or not there is any attachment or stop-Order affecting the Money.
- (5) The Application shall then be laid before the Presiding Officer for his Order, and if the Order be one for rePayment, the amount to be repaid shall be entered in figures and words upon the Form of Application by the Presiding Officer in his own handwriting.
- (6) The rePayment Order shall be prepared as per the requirement of General Accounts & Finance Rules. The Presiding Officer shall himself enter in figures and words in the space provided above his signatures, the amount of rePayment Ordered by him.

18. Delivery of RePayment Order to Applicant.—

- (1) The rePayment Order when prepared shall be sent to the Treasury by the Court when the Order of rePayment is made.
- (2) When the rePayment Order is received back duly passed by the Treasury, the Receiving Officer shall deliver the bill to the party for Presentation to the bank for encashment after obtaining the Receipt thereof.
- (3) A specimen of the signature of the Drawing Officer shall be sent to the Treasury.

19. Duty of Munsarim.—

- (1) The Sr. Munsarim or the Reader of the Court concerned, as the Case may be, shall be responsible that no unnecessary delay occurs in obtaining the necessary Report, and in preparing the rePayment Order. He shall ensure that Orders are obtained without undue delay i.e. 4 days from the date of Receipt of refund Application, if the Record of the Case was at the same Station of the Court and 10 days if the Record was at another Station and shall seek explanation in the Case in which Orders were not so obtained.

20. Lapse of rePayment Order.—

- (1) When a rePayment Order has been refused by the Treasury on the ground that the amount has lapsed to Government or that rePayment Order has not been submitted to the treasury within financial year, the office copy of the rePayment Order shall be effaced with the words cancelled written in red ink and initialled by the Presiding Officer and the Original rePayment Order shall be destroyed. A fresh Order shall then be Issued and a note of the fact being made upon the office copy of the Original Order.
- (2) Once in every quarter and whenever the cash balance exceeds the amount for which the Receiving Officer has given security, the Presiding Officer shall check the Receipts and rePayments and shall cause unclaimed balances, which is no longer necessary to retain in the Court to be remitted to the Treasury as miscellaneous deposits. Each item so remitted shall be treated as a separate deposit, and if not claimed, shall lapse to Government.

The result of the quarterly check by the Presiding Officer under this rule shall be Reported for information and Orders of the District Judge.

In the Case of rePayment Order of such lapse deposit; refund Application shall be sent to Accountant General for sanction. The fact of the item having lapsed, should in such Cases be noted on the office copy of the Original Order.

21. Loss of rePayment Order.—

When a rePayment Order is lost, no fresh Order for rePayment shall be made until the period of validity of the previous Order has expired and a Certificate of non-Payment in the prescribed Form (F.111) be obtained by Court from the Treasury before a fresh Order is Issued. The procedure mentioned in Rule 109, G.F.&A.R. shall be followed for preparing a duplicate rePayment Order.

22. Checking of cash balance.—

Once in every week, the Sr. Munsarim or the Reader of the Court concerned, as the Case may be, shall examine the cash balance, in the hands of the Receiving Officer and shall submit to the Presiding Officer a Certificate in the following terms (Return No.1) :—

"I certify that I have personally examined the Registers and counted the cash balance in the hands of the Receiving Officer and have found the same to be correct."

23. Application for rePayment to be filed with Case file.—

When the rePayment or transfer has been so advised and entered, the Receiving Officer shall endorse the fact of rePayment upon the Form of Application, which shall then be filed with the Record to which the rePayment relates.

24. Exclusion from accounts of direct Payments by one to another party.—

Moneys paid by one party to another in Court including Payment of decretal amounts by Judgment debtors to decree holders or their counsel or Payment of cost of the day allowed by the Court, but not through an officer of the Court, shall not be entered in the Court's Registers of accounts. When Money is to be paid by one person to another and both are present in Court, Money may be passed direct from the one to the other under the sanction of the Presiding Officer, the fact being noted in the Record of the Case/ Order sheet of the file. In Case of Payment of sums exceeding Rs. 1000/-, the officer shall have a Receipt in the prescribed Form (F.112) executed in his presence, a copy of which shall be filed with the Record of the Case. The payee, when not personally known to the Presiding Officer, shall be identified by someone who is so known. Care must be taken in these Cases that no officer of the Court receives or becomes in any way responsible for the Money.

25. Initialling of Registers.—

Each entry in Registers of Receipts and RePayments of Deposits shall be initialled by the Sr. Munsarim or the Reader of the Court concerned, as the Case may be, and the Presiding Officer of the Court, Ordering Receipt or Payment.

Each entry in the Register of Petty Receipts and RePayments, and in the Register of Revenue Receipts shall be initialled by the Sr. Munsarim or the Reader of the Court concerned, as the Case may be, and the daily totals shall be initialled by the Presiding Officer.

26. Cash-Book.—

- (1) All Receipts and rePayments under Head 1 (a) of Rule 4 shall be entered in the Deposit Cash-Book.
- (2) The daily totals of Receipts and rePayments under Head 1(b) of Rule 4 shall be entered in the Deposit Cash-Book from the Register of Petty Receipts.
- (3) The daily totals of the Deposit Cash-Book shall be entered in the General Cash-Book.

27. Verification of the entries of Cash-Book—

At the end of every quarter, a Certificate in the following terms shall be Recorded upon the Deposit Registers, and signed by the Presiding Officer for every Court:—

"I certify that I have carefully examined the Register of Receipts/RePayments of Deposits, and that the entries are made therein with care and regularity."

Before Recording such Certificate, Presiding Officer shall ensure that :-

- (a) that all necessary entries are made and initialled at the time of the transaction;
- (b) that no Money is unnecessarily placed in deposit or remains there without good cause;
- (c) that correctness of each entry shall be verified from the Original Order/ voucher;
- (d) that Receipt entries are supported by Treasury Cash Challan;
- (e) that RePayment items are supported by the relevant refund bills;
- (f) that RePayment from any deposit does not exceed the available balance;
- (g) that the total of such RePayment Orders Issued by the Court, but have not been encashed at the Treasury, have been deducted from the grand total.

28. List of lapsed deposits.—

- (1) The Treasury Officer shall send a copy of the list of lapsed deposits of a particular financial year duly approved by the Accountant General to the Court concerned in the ensuing year. On Receipt of such list the words "credited to the Government as lapsed on 31st March, 20...." shall be written in red ink against such item in the cash-Book. Appropriate entries shall be made in the column "Treasury" of Reg. 21.
- (2) A Copy of such list shall be prepared and placed on notice board by 15th of the next month on a conspicuous part of the Court house and shall also be uploaded on website of the Court.

29. Refund of lapsed sums.—

Deposits thus credited to the revenues of the State will not be repaid without the sanction of the Competent Authority. The amount of a lapsed deposit refund will be charged as a refund and not debited to deposit. The Application for refund shall be Recorded in the column of remarks in the RRegister of Receipts of deposits and on the office copy of the list of lapsed deposits, if it has not already been weeded, so as to guard against a second rePayment. Application in prescribed Form (F.G.A. 154) be sent to the Competent Authority for sanction of the refund of lapsed deposits.

30. Procedure in, Cases of forfeitures Ordered by Court under Order XXI, Rule 86 of the Code.—

The following rules shall regulate the procedure in Cases of forfeitures Ordered by Court under Order XXI, Rule 86 of the Code:—

- (1) In the Case of a sale conducted by an officer of the Court or by any other person (not being a Collector) appointed by the Court, if on default being made in the Payment of purchase-Money within the time specified in Order XXI, Rule 85 of the Civil procedure Code (Act No. V of 1908), the earnest Money deposited under

Order XXI, Rule 84, is Ordered to be forfeited under Order XXI, Rule 86 of the Code, the Court shall make over to the Receiving Officer a rePayment Order for the amount of the fee payable by way of poundage and the Receiving Officer shall buy stamps representing that fee and affix them on the Order directing the deduction to be made.

As to the remainder of the earnest Money the Court shall:

- (a) Send a proceeding to the Treasury Officer inForming him of the forfeiture of the item and of the number and date borne by it in the Register of Receipt s of Deposits, and requesting him to transfer and credit it to Government under Head "065—Other Administrative Services (A) Administration of Justice, (B) fines and forfeitures";
 - (b) mark of the item in red ink in cash-Book as "forfeited under Order XXI, Rule 86 of the Civil Procedure Code (Act No. V of 1908), the day of 20... " and enter it in column 24 of that Register; and
 - (c) debit the item in the Register No.21 in column "Treasury" on the day on which transfer is advised by the Treasury Officer.
- (2) In the Case of a sale conducted by a Collector, if on default being made in the Payment of the purchase Money within the time specified in Order XXI, Rule 86 of Civil Procedure Code (Act No. V of 1908), the earnest Money deposited under Rule 84 be forfeited under Rule 86 of the Code, the Court will on Report of fact of non-Payment being received from the Collector, (a) send a proceeding to the Treasury Officer inForming him of the forfeiture of balance shown in column 12 of the Collector's Report of sale in the prescribed Form (F.113) as held in deposit after the poundage fee payable has been deducted and credited to Government as provided in Rule 292 and of the amount of that balance and the number and date borne by it in the Register of Receipt s of Deposits and requesting him to transfer and credit it to Government under Head "065—Other Administrative Services (A) Administration of Justice (B) Fines & forfeiture", and (b) mark of and enter the item in the Register of Receipt s of Deposits and debit in the Cash-Book in the manner prescribed in sub-rule (1).
- (3) In respect of no item credited to Government under this rule shall a rePayment Order be Issued, but every such item shall be entered in the Register of RePayments of Deposits.

31. Duty on Applications for Certificate under the Indian Succession Act.—

- (1) Every Application under Section 372 of the Indian Succession Act, 1925 (Act No. XXXIX of 1925), shall state the value of the debts and securities in respect of which the Certificate is applied for; and shall be accompanied by a deposit of the estimated amount of stamp-duty payable on such Certificate, and any person who may take objection to the Issue of a Certificate to himself, shall in the like manner be required to bring into Court with his claim the estimated amount of stamp-duty payable on such Certificate.
- (2) However, Court may grant permission on Application of the concerned to submit appropriate amount of stamp-duty payable after the grant of Application or claim, on furnishing adequate security of such estimated amount of stamp-duty.
- (3) Every amount brought into Court under this rule shall be deposited in the Government Treasury, and if the Application or claim be granted, will be withdrawn under Rule 276 of Order XXX.
- (4) If the Application or claim is rejected, the amount shall be repaid to the party by whom it, was brought into Court.

32. All Moneys to be entered in accounts.—

All Moneys received and paid by or through any officer or official in his official capacity as an officer or official of a Court shall, without any reservation, be entered in the public accounts.

33. Un-Authorised Funds disallowed.—

No un-Authorised funds, as for instance from mines or from deductions made from the pay of establishment or from any other sources, shall be maintained.

34. Establishment Order Book.—

An Establishment Order Book in the prescribed Form (Register No.229) shall be maintained in all Courts in which the final result of each Order on the subject of

appointment, promotion, reversion etc., of individual officials should be shown. The Munsarim or the Reader of the Court concerned, as the Case may be, shall check the office copies of establishment pay, bills by comparison with the entries in this Establishment Order Book. The Officer who passes establishment pay bills should also occasionally check a few items with the Establishment Order Book.

35. Check over postage.—

District and Sessions Judges and the Presiding Officers of Subordinate Courts shall be responsible for checking expenditure on Service postage labels, including postage on judicial Processes and cash postage.

They shall see:—

- (a) that the Central and other Nazirs are thoroughly acquainted with the postal rules and rates and take advantage of the most economical method of despatch;
- (b) that all letters and Papers excluding Records intended for one office are despatched in one cover;
- (c) that one of the clerks of their Courts is appointed to sort and despatch the letters and Papers of each Department or their Courts in different covers to the Nazir.

36. Custody of cash and articles of value.—

- (1) In every District Court, situated near the District Treasury, the District Judge shall arrange that cash received by the Central Nazir and required by law or rule to be retained by him or retained by him in his official capacity are kept in a substantial box, and that this is duly deposited in the District Treasury.
- (2) Moneys received by the Central Nazir of such a Court at a time when the box has been deposited, or by the Central Nazir of a Court at a distance from the Treasury, shall be kept in the safe which has been specially supplied under Government Orders to each District Court for the use of the Central Nazir.
- (3) The Central Nazir will be supplied with a fairly large box in addition to the substantial box in which he keeps cash. This additional box will be used exclusively for keeping in it articles of value received by him and required by law or rule to be retained by him or retained by him in his official capacity. It shall be securely locked and will ordinarily remain in Treasury. If any of the articles in it are required by the Court in a particular Case, the box, or the articles required, will be sent for from the Treasury and returned to the Treasury the same day unless the Court Orders otherwise.
- (4) The articles received by the Central Nazir at a time when it is not possible to have access to the additional box may be kept in the safe supplied for his use, but subsequently these articles shall be placed in that box without any delay.
- (5) All articles received by a Central Nazir or Nazir will be entered in a Register to be maintained for the purpose (Register No.230).
- (6) The Presiding Officer of an outlying Court, shall see that the Nazir, on the closing of the Court each day makes over his cash chest for safe Custody to the local Treasury/ Sub-Treasury/ Tehsil-Treasury*, as the Case may be.

*Note:— At every such Treasury where such chests are received for safe Custody, the Tehsildar or Officer-in-charge of such Treasury shall inform the Presiding Officer in advance of all holidays on which the such Treasuries will be closed, and on such holidays, shall on an Application being made, open such Treasury from 10.00 A.M to 11.00 A.M and from 3.00 P.M. to 4.00 P.M. for the purpose of issuing and receiving the chests.

- (7) The District Judge, when inspecting an outlying Court shall see that the cash and stamps are kept in strong boxes secured with good locks; and shall Report any Case in which difficulty may be experienced in giving effect to the above Order, owing to the Court being situated at an inconvenient distance from the Treasury or Sub-Treasury, or from any other cause.
- (8) District Judges should make surprise visits to the Nazarat at Headquarters-at least once in every half year, and maintain a Record certifying that this has been done and that the provisions of Rule 14 and of this rule are being complied with.
- (9) Presiding Officers will make these inspections for outlying Nazarats.
- (10) Cash and articles of value received by a Subordinate Court at headquarters shall be forwarded for deposit to the Central Nazir.

37. Statement showing Receipts under Administration of Justice Head.—

The Presiding Officer of each Court shall before the 15th of every month prepare a statement in the prescribed Form (Return No.3) showing the amounts of Receipts under the respective revenue Heads specified in the Form which were credited into the Treasury during the previous month. This statement should then be sent to the local Treasury and verified by the Treasury Officer. The discrepancies, if any, pointed out by the Treasury Officer should be reconciled and after the statement has been duly verified, it should be submitted to the District Judge who, as Controlling Officer, will see that the dues of Government are regularly paid into the Treasury.

38. Defalcation or loss of public Money.—

On the occurrence in any Department of a Court of any defalcation or loss of public Money, the fact shall be at once Reported to the High Court.

When the matter has been fully inquired into, a further complete Report shall be submitted to the High Court about nature and extent of loss and the officials responsible for causing it and showing the errors and neglect of rules by which such loss was rendered possible.

39. Check over entries of Receipt of Money.—

The Presiding Officer of each Court shall, before the 15th of every month, prepare a statement showing the amounts of Receipts under the respective revenue Heads which were credited into the treasury during the previous month, and shall send the statement to the local treasury. The Treasury Officer shall check the total with his accounts; and if he finds them correct, he shall certify on the statement to that effect. If there is any discrepancy, he shall note the same upon the statement. The Treasury Officer shall in either Case return the statement to the Court from which it was received. The discrepancies, if any, pointed out by the Treasury Officer shall be reconciled and after the statement has been duly verified it should be submitted to the District Magistrate, or the Sessions Judge, as the Case may be, who, as Controlling Officer, will see that the dues of Government are regularly paid into the treasury.

40. e-Payment.-

- (1) Notwithstanding anything contained in these rules, no Court shall accept any Payment of whatsoever in nature in cash after the date notified 31st December 2018 by the High Court. Every such Payment shall be made through e-Payment (e-challan/ eGrass/ Netbanking/ E-Mitra Kiosks/ Debit Card/ Credit Card etc.).
- (2) Notwithstanding anything contained in these rules, no rePayment shall be made to any party in cash after 31st December 2018 Such rePayment shall be made through e-transfer.
- (3) High Court may notify any other date for the implementation of this provision for any particular District.

ORDER 16**FORMS, RETURNS AND REGISTERS**

- (1) Notwithstanding anything contained in these rules, Forms, returns and Registers prescribed in following Appendixes shall be used by the Courts wherever applicable;

- (A) Appendix D – Forms
- (B) Appendix E – Registers
- (C) Appendix F – Returns

- (2) Notwithstanding anything contained in these rules, all other Forms, Registers and returns are hereby deleted.
- (3) Format of every Form, Register and Return shall be generated through CIS.

ORDER 17**COMPLIANCE OF ORDER RECEIVED THROUGH E-MAIL**

If, any Order of any Appellate Court including High Court and Supreme Court is received through official email of the Court concerned for compliance, same shall be complied after verification from the official website of concerned Court by the Court receiving the Order for compliance.

Before compliance, the receiving Court shall download the copy of the Order from the official website of the concerned Court and same shall be kept on Record.

ORDER 18**A. FORM OF OATH OR AFFIRMATION TO BE MADE BY A JUDICIAL OFFICER**

Every Judicial Officer appointed shall, before he/she enters upon his/her office, make and subscribe, before the District Judge of the District, or some person appointed in that behalf by him, where he/she has been posted, an oath or affirmation according to the Format given below –

" I.....<A.B.>..... having appointed do swear in the name of God/ solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and Judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws."

Oath administered by-
(Signature)

.....
(Signature)

B. Canons of Judicial Ethics

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

1. The assumption of the office of Judicial Officer casts upon the incumbent duties in respect to his personal and professional conduct in relation to the State, general public, the litigants before him, advocates, Witnesses, Court staff and other persons attending the Court.

2. Impartiality, honesty and integrity of a Judicial Officer are of utmost importance. A Judicial Officer should not only maintain absolute impartiality, honesty and integrity, but should also carry such an image in the eyes of general public, litigants and advocates and should command their absolute confidence. Dishonesty includes not only financial dishonesty, but also any extraneous consideration or reason in passing an Order or Judgment or otherwise dealing with

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

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

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

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

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

7. Every Judicial Officer should maintain cordial relationship with other Judicial Officers-seniors, colleagues and juniors. He should also be polite and Courteous with advocates, litigants and Witnesses. Young and inexperienced advocates should not be demoralized. He should also enforce similar Courtesy and politeness on the part of advocates, litigants and Witnesses.

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

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

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

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

any Case, the Judicial Officer should avoid unnecessary controversies. Ordinarily, Advocates should not be interrupted during arguments except to clarify some point. He should avoid premature expression of opinion.

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

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

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

15. In disposing of contested Cases, a Judge should indicate the reasons for his Decision in the Order/Judgment depicting Application of mind. Serious arguments of counsel should not be omitted to be dealt with. He should avoid suspicion of arbitrary conclusion and should promote confidence in his intellectual integrity. Judgments and Orders should be clear and concise.

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

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

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

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

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

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

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

23. A Judge should not accept any presents or favours from litigants or prospective or potential litigants, or Advocates.

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

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

26. No Judicial Officer shall participate in a discussion programme on television or in radio broadcast, or publish a Book, except with previous sanction of the High Court.

PART -II CIVIL

ORDER 19

(A) SUMMONS AND OTHER PROCESSES

1. Parties to file summons.—

- (a) A party shall file with the plaint, Memorandum of Appeal or an Application requiring the Issue of a summons/notice, a printed summons/notice Form in duplicate, in Devnagri, duly filled up except in respect of the date of appearance/Hearing and date of Issue of the summons/notice. The Court may also direct a party in any proceeding to file a summons or notice filled up as above to be served on the Opposite Party:

Provided that, the Presiding Officer may in his discretion direct that such Forms in general or any particular such Form be filled up entirely in the office of the Court.

- (b) Parties to make repeated efforts for Service— In the absence of any special Order of the Court, it shall further be the duty of such party to ascertain the Service of summons or notices and to make subsequent Applications for Issue of summons/notices within, next 7 days of the return to the Court summons or notices which has not been duly served.
- (c) Date to be filed by office— In summons and notices the date of appearance/Hearing and the date of Issue shall be filled up by the office of the Court and the Presiding Officer or the Munsarim or Reader, to whom such Authority may have been delegated, shall sign the summons/notices and also put the date of signature.
- (d) Form to be legibly written and signed by Parties— The Forms shall not be accepted unless filled up in a bold, clear and legible handwriting. The Parties, their recognised agents or counsels shall sign the Form in the left bottom corner, and will be responsible for the accuracy of the information entered in the Forms.
- (e) Process to contain name of issuing Court— In every Process or Order Issued or made by a Judicial officer, the names of the Court and the Officer issuing or making it, and of the place and the District where the Court is located, shall be legibly written at the top.

Judicial Officers or Munsarims or Readers shall sign their names distinctly and legibly on such Process or Order, as the Case may be. No such signature shall be made by means of a stamp.

- (f) Form of Process— Where there are printed Forms available for any Process, such Forms shall invariably be used. Where there is a prescribed Form but no printed copies are available, a Process shall be written in a prescribed Form. In Cases where there is no prescribed Form, a Form prescribed for analogous Cases, if possible, shall be modified to meet the requirements of the particular Case.
- (g) When translation to accompany Process sent to other Courts— Where a Process is sent to the Court of a State where Hindi language is not in ordinary official use, such Processes should be accompanied by an authenticated English translation of the same.
- (h) Cost of printed saleable Forms to be taxed in decrees— Cost of printed saleable Forms filled by the Parties shall be taxed in all decrees.

2. Time to be allowed in Processes to Government Department.—

In all Processes Issued in any Suit or proceeding to which the Government, Court of Wards or a Railway Administration be a party, care shall be taken, that a reasonable time is allowed for communication between the Authorities competent to give instructions to the counsel or agent Authorised to represent them in Court.

3. Process fee for notice in execution Cases.—

- (1) The Process fee for Issue of notice either under Rule 16 or Rule 22 of Order XXI shall be paid when the Application for execution is presented. After Service of notice, if the Court directs execution to Issue, the fee for attachment or arrest, as the Case may be, shall be paid promptly and if the judgment-debtor's Property is, after the attachment, Ordered to be sold, the necessary sale Fees shall be deposited.
- (2) Process fee deposited in previous execution not to be used in later execution— When an Application for execution of a decree has been disposed of and a fresh Application is made, the Process fee deposited in connection with the previous execution and not spent shall not be utilized for Issue of a fresh Process.

4. Postage for sending Processes.—

No charge for postage for transmission of Processes from one Court to another shall be levied from the Parties, postal charges being paid by means of Service postage stamps by the Court forwarding or making return.

5. Endorsement on Processes sent for Service to other Courts.—

- (1) When a Court sends a Process for Service or execution to any Court beyond its jurisdiction, it shall endorse on the Process a Certificate that the fee chargeable under the rules has been levied.
- (2) When Processes or summonses are Issued in a language other than the Official Language of the Receiving Court, such Processes or summons should be accompanied by an authenticated English translation.
- (3) The Report from the receiving Court to the originating Court regarding the Service or non-Service of the Process or summons should similarly be accompanied by an Authorised English translation of the Report.

6. Service of Processes from other Courts.—

When a Process bearing a Certificate that the proper fee has been levied, is received by a Court from another Court in India, the Court shall cause it to be served without further charge.

7. Particulars in Record of Court returning summonses.—

The Court to which the summons has been sent under Order V, Rule 21, shall retransmit it to the Court by which it was Issued together with—

- (1) the Report of the Nazir's and the affidavit or examination on oath of the serving officer;
- (2) the Record of further inquiry, if any, by such Court;
- (3) where the Service has been effected by affixation under Order V, Rule 17, a declaration by such Court whether the Service is sufficient or not.

8. Deposits of expenses of legal Process to be sent to foreign countries—

- (1) Where a Process is Issued to any Court outside India, the Court issuing the Process shall require the party at whose instance the Process is Issued to pay in cash (and not in Court fee stamps), such fee for Service as is required by the Court to which the Process is to be sent, and shall transmit the same to Court, together with, in the Case of summons to a Witness, reasonable travelling and other expenses.
- (2) A Process Issued by any such Court shall only be served upon Receipt of the Process fee chargeable, and of the expenses payable to the Witness under Order XVI, Rule 2, the Process fee thus received shall be expended in the purchase of Court Fees stamps to be affixed to the Process.

(B) PROCESS TO SOLDIERS AND PUBLIC OFFICERS**9. Summons to soldiers, sailors and airmen.—**

A summons to a soldier, sailor or airman, as Defendant or as Witness, shall be sent for Service to his Commanding Officer, together with a copy to be retained by the Defendant. In such Cases, sufficient time shall be given to admit of arrangement being made for the relief of the person summoned.

10. Summons to public officers or employee of Indian Railways.—

A summons notice to a Public Officer (not belonging to Indian Military, Naval or Air Force) or an employee of Indian Railways, or local Authority as Defendant or as Witness, if it appears to the Court that the summons or notice will most conveniently be so served may send it for Service to the head of the office where he is employed together with a copy to be retained by the Defendant.

11. Intimation to Head of Office when summons sent to Public Officer or employee of Indian Railways.—

In every Case where a Court feels fit to Issue a summons direct to any Public Officer (not belonging to Indian Military, Naval or Air Force) or an employee of Indian Railways or local Authority as a Witness, simultaneously with the Issue of the summons/notice in the prescribed Form (F.114) shall be sent to the Head of the Office in which the person summoned is employed, in Order that arrangements may be made for the performance of the duties of such person.

12. Intimation to Head of Office when summons sent to Public Officer etc.—

Where a Public Officer or an employee of Indian Railways or local Authority or soldier, sailor or airman has been summoned under Order V, Rule 3, to appear in person through the head of the office or the Commanding Officer, in the forwarding letter in the prescribed Form (F.115) or in a note on the summons, it shall be stated that the summons should be regarded by such head of the officer or Commanding Officer also as notice to make arrangement for the performance of the duties of such Public Officer or soldier, sailor or airman, during his absence.

13. Public Officer summoned for personal appearance.—

Neither of the preceding two rules apply where an officer or a soldier, sailor or airman in the Military, Naval or Air Force of the Union of India or a Public Officer or an employee of Indian Railways or local Authority is summoned as a Defendant under Order V, Rule 1. In such Cases he shall make his own arrangements if he wishes to appear in Court in person.

14. Sufficient notice to be given for enforcement of personal Attendance of a Public Officer.—

Before the personal Attendance of an officer holding a responsible post is enforced the Presiding Officer shall satisfy himself that his Attendance is necessary. If such officer is summoned away from his District, sufficient notice shall be given to him and to his Immediate superior to enable arrangements to be made for the discharge of his duties in his absence.

15. Warrant for arrest of public servants or Railway servants.—

- (a) No warrant of arrest shall ordinarily be executed against any Government servant until notice in the prescribed Form (F.116) of the intended arrest has been given to the head of this office.

- (b) No warrant of arrest shall be executed against any employee of Indian Railways or any person working on Railways in the Service of a contractor till notice of the intended arrest has been given to the proper officer of the Railway or to the contractor or his representative.

(C) SERVICE OF PROCESSES

16. **Establishment of Process-Servers.—**
There shall be one general establishment of peons under the Immediate direction of the Nazir incharge for the Service of Processes Issued by all Courts for Service within the local jurisdiction of the Courts located at the same Station.
17. **Number of Processes to be served annually by a Process-Server.—**
Subject to any Orders of the High Court, the normal establishment of peons shall be at the rate of one peon for an annual average of 600 Processes Issued. An emergent Process or a day occupied by a peon on duty other than of Process serving shall be reckoned as equal to three Processes.
18. **Process-Servers to be properly dressed.—**
It shall be the duty of the Nazir incharge to see that the Process-Servers are in uniform and wear their badges, belts and satchels.
19. **Processes to be delivered to whom for Service.—**
Every Process Issued or received by a Court for Service within the area covered by the Process serving organisation at the Station where such Court is located shall be delivered to the Nazir incharge for Service.
20. **The Nazir to be deemed the Serving Officer of the Court sending the Process.—**
The Nazir to whom the Process is sent and the preceding rule shall be deemed the Serving Officer of the Court from which he receives the Process, and shall forward direct to such Court in the Case of a summons the return prescribed by Order V, Rule 18, and in the Case of a warrant for arrest, the Judgment debtor, if arrested and any decretal Money received from the judgment-debtor.
Note:— A Nazir-in-charge may serve a Process himself but ordinarily should get Processes served by Process-Servers.
21. **Processes for serving outside the area.—**
Where any Process is Issued for Service outside the area covered by the Process serving organisation at the Station where the Court issuing the Process is located, it shall be sent to the Judge concerned :
Provided that, if the Process is for Service within the local jurisdiction of the Court issuing it,—
(a) warrants of arrest,
(b) urgent Processes,
(c) any other Process which, in the particular Case, it is advisable to serve or execute by a headquarter's peon may be delivered to the Nazir incharge at headquarter for Service by a headquarter's peon.
22. **Nazirs list of inhabited places.—**
Every Nazir incharge shall maintain for the Jurisdiction for which he is the serving officer:—
(a) a list of all inhabited places within ten kilometers radius of his office;
(b) a list of all inhabited places outside such ten kilometers radius;
(An "inhabited place" for the purpose of this rule means a place containing inhabitants and having a distinctive name.)
(c) a map of the area in the territorial jurisdiction of the Court of which he is Nazir; and
(d) a map showing the beats fixed by the Nazir for Process-Servers under his control.
23. **Beats of area outside five miles radius.—**
(1) The Nazir-in-charge shall divide the area outside the five miles radius into beats, shall make the best beats, and shall make the best arrangement possible for the prompt Service of Processes in each beat.

- (2) The Nazir-in-charge shall prepare a statement showing—
- (i) the number of the beats,
 - (ii) the names of the tehsil and villages included in the beats,
 - (iii) the day or days of the week on which Processes are Issued in the beats, and
 - (iv) the number of Process-Servers posted to each beat.

The allotment of Process-Servers to the various beats shall be done by the Judge-in-charge every year but for special reasons a Process-Server may be transferred from one beat to another earlier also.

A copy of such statement after it has been approved by the District Judge shall be supplied to each Court and kept in the Court-room with a view to dates being fixed in accordance therewith.

- (3) Processes almirah and distribution of Processes— In the office of the Nazir-in-charge, an almirah shall be divided into as many (or more) pigeon-holes as there are beats, with spare holes for urgent Processes etc., and each Process as soon as it is received shall be placed in its appropriate pigeon-hole. The Processes shall be Issued on the day fixed and on other days also if so Ordered by the officer-in-charge of the Nazarat for any particular reason.

24. Issue of emergent Processes.—

Emergent Processes shall be Issued for Service on the day they are received by the serving Officer or on the next day.

25. Priority to Process-Servers with long stay.—

In distributing Processes to the Process-Servers, priority shall ordinarily be given to the Process-Server or Process-Servers who have longest been at headquarters.

26. Processes from foreign Courts.—

A Process received for Service from foreign Courts shall be shown in red ink in the Register of Processes, and the Nazir-in-charge shall place the Register once a week before the Munsarim of the District Judge's Court or the Munsarim or Reader of his Court, as the Case may be, who shall mark the last entry in the Register and put his initials thereto indicating that he has checked all the entries and Issued necessary Orders for obviating delay.

27. Attendance of Process-Server.—

An Attendance Register of Process-Servers shall be kept and the roll shall be called every morning at 10.00 A.M. or during summer hours at 07:30 A.M.

28. Diaries of Process-Servers.—

Every Process-Server shall keep a diary, containing a copy of this rule on the first page, in the prescribed Form (Register No.231) wherein shall be Recorded day by day in column 2.

The time period and purpose of his Attendance, in the Nazir's office or in Court the duties performed, places visited by him together with the time spent therein and stopping place for the night when away on duty from his headquarters and in column 3 the signature of the Nazir of a Court, or of the Patwari, Sarpanch, Panch or other respectable person of the places visited, as the Case may be, in attestation of the contents of column 2.

29. Service by Special Messenger.—

A Process may be executed by a Special Messenger -

- (1) in the Case of a warrant for the arrest of a person,
- (2) in any other Case in which a Court either suo moto or otherwise, Records an Order that, for the convenience of the Parties or for some other reason, it is expedient that such Process shall be executed by a special messenger. A special fee shall be payable for such "emergent Service". The Court shall, at the time of passing the Order, declare by whom the fee shall be paid and whether it shall be included in the costs of the Suit or be charged to a particular party.

30. Conveyance for emergent Service.—

In addition to the special fee payable for an emergent Process the Court may direct Payment by the party concerned of requisite railway fare, conveyance charges or any other incidental charges.

31. Prompt Service of Processes.—

The Nazir shall arrange for the prompt Issue and Service of all summons to Witnesses received by him having regard to the dates fixed for the Attendance of such Witnesses.

32. Mode of Service of Processes.—

The provision of the Code relating to the Service of summons etc. should be carefully complied with. Attention is drawn in particular to Order V, Rules 16, 17 and 18 and Form No. 11, Appendix 'B' of the Code as also Order III, Rule 5 of the Code.

The Process-Server should, as far as possible prepare his Report on the spot, and attestation of the Service should be obtained wherever possible from two respectable residents of the locality in a town or from Sarpanchs and Panchs, Patwaris or neighbours in a village.

Note:— It should be impressed upon the Process-Servers that it is their duty and not of the party concerned unless specially directed by the Court in any particular Case to find out the person on whom the Process is to be served. It is not necessary for the party to accompany them for identifying that person. They should seek the assistance of the village Sarpanch, Panch, Patwari, etc., to find out the person on whom the Process is to be served.

33. Sufficiency of Service and re-Issue of Processes.—

When a Process is received back with a Service Report as contemplated under Order V, Rule 17 of the Code, it shall be promptly laid before the Court for Orders under Order V, Rule 17 of the Code. A fresh Service on Payment of necessary Process fee shall ordinarily be Ordered if there is sufficient time for such Service to be effected.

Provided that, Service of any Process shall be deemed to be sufficient if it is affected through Registered email ID, SMS or fax number of the party.

ORDER 20**SUITS AND APPEALS IN GENERAL****(A) APPLICATIONS AND PLEADINGS****1. Presentation and Registration.—**

(a) All pleadings, Applications, Petitions and any other relevant Paper of whatsoever nature filed in the course of judicial proceedings shall be fairly and legibly printed in double space on stout durable Papers of foolscap size in Hindi / English; duly paginated, indexed and stitched together in Paper Book Form; both sides of the Paper shall be used, and a quarter margin, together with at-least one & half inch of space at the top and bottom of each sheet, shall be left.

(b) Presentation shall be made before such official appointed by the Court or by the District Judge to receive such Presentation.

(c) Regular registration number shall be assigned only to those Cases as enumerated in Register No.238, 239, 240, 242, 245, 246, 247 and 248 respectively (see Order 27, Rule 1, 2 & 3).

(d) No such Presentation shall be made across the Dais during Court hours.

Provide that, such Presentation may be made in the Court on the ground, of limitation, or other urgent reason, if any.

The Presiding Officer when accepting such Presentation during Court hours or after Court hours will make a note on such Papers, the time of Presentation.

(e) At the time of Presentation, every person shall also file an email-ID and mobile number where Service can be effected. Such person shall also file an undertaking stating therein that any Service transmitted electronically on such email-ID or mobile number, shall be deemed to be sufficient Service on such party concerned.

(f) At the time of Presentation, the following entries shall be made by the official concerned:-

(i) date and time of Presentation,

(ii) name of presenter,

(iii) classification of Record,

(iv) Court fee paid.

2. Heading of pleadings and Applications.—

In every pleading or Petition, the names of Parties shall bear consecutive numbers and a separate line shall be allotted to the name and Description of each person.

3. Person presenting Application.—

Every Application or Petition shall at the time of Presentation bear the name and also full signature or thumb-mark of the person actually presenting the same together with the date of Presentation.

4. Separate Applications for distinct subject matters.—

Separate Applications shall be made in regard to distinct subject matters.

5. Persons from whom Applications may be received.—

Except an Application for a copy, no Application or Petition and no pleading required or Authorised by law to be made by a party in a Court, shall be received from any person other than the party himself, his counsel, or his recognized agent (See Order III, Rules 1 and 2 of the C.P.C.).

Registered clerks of counsel, as such, can present such Applications as they may be Authorized to present by the rules concerning such clerks.

6. How to deal with Applications received by post.—

Except as otherwise provided in any other law, an Application, not being an Application for a copy, Petition or pleading received through post shall be returned to the sender with a note that it should be presented according to Law; provided that, necessary postage stamps have been received with such Application, Petition or pleadings, otherwise it shall be filed in a file Book.

7. Valuation to be noted on Petitions.—

In every Suit, memo of Appeal, Revision or Petition on which an Appealable Order may be passed by the Court, the Plaintiff, Appellant, Revisioner or the Petitioner (as the Case may be) shall give the value of the subject-matter affected thereby.

8. Time for presenting Applications.—

Except as otherwise provided by these Rules, Applications and Petitions which can be presented to the Munsarim or Reader of a Court shall be received on any day other than a holiday between 10.30 A.M. and 12.30 P.M. and during summer hours between 07.30 A. M. and 09.00 A. M.

Provided that, an Application or Petition presented after such hour and before 4.30 P. M. or 12 noon, as the Case may be, may be received on the ground, if any, of limitation or other urgent reason. Presiding Officers when accepting plaints or Applications after Court hours will note on such Papers the time of their Presentation.

9. Order other than routine one to be made in Judge's notes.—

No Orders except routine Orders are to be Recorded on the Applications themselves. All Orders other than routine Orders passed on Applications are to be Recorded in the Order-sheet except when they are Recorded separately in that event a reference thereof shall be made in the Order-sheet.

10. Duty of Munsarim or Reader in respect of plaints.—

On receiving a plaint, Application or Appeal in the concerned Court, Munsarim or Reader of a Court appointed to receive plaints shall examine each plaint presented to him, and shall Report thereon whether the provisions of the Code and the Court Fees Act have been observed and whether the claim is within the jurisdiction of the Court, constitutes a cause of action, and has been presented within the period prescribed for the Institution of such a Suit.

The Munsarim or Reader shall see that the actual date of the Presentation of the plaint is entered upon the impressed stamp and adhesive label or e-stamp, as the Case may be, below the date of purchase endorsed on them.

On the back of all plaints the Munsarim or Reader, shall note:—

- (a) date and time of Presentation of the plaint,
- (b) name of presenter,
- (c) classification of Suit, and

(d) Court fee paid.

11. Opposite Party to be given copies of written statement etc.—

The party filing any of the following Papers in a Case, other than a Case of a Small Causes Court nature, shall file a written acknowledgment from the Opposite Party or his counsel of having received a copy thereof, and also of the affidavit, if any, accompanying such Paper :—

- (i) a written statement,
- (ii) an objection under Section 47 or under Order XXI, Rule 58 of the Code,
- (iii) an Application for the amendment of any pleading,
- (iv) an Application for the appointment of a Receiver or a Commissioner,
- (v) an Application for the amendment of a decree,
- (vi) an Application for remitting or setting aside an award and an objecting to an award:

Provided that, the Presiding Officer, if he is of opinion that a copy of any other Paper should also be supplied to the Opposite Party, may pass such Orders about the copy being furnished to the Opposite Party as he deems fit.

12. How to make amendments in pleadings.—

- (i) An Application for amendments made under Order I, Rule 10, Order VI, Rule 17 or Order XXII of the Code shall also contain all consequential amendments. The Application if it is not in accordance with these rules shall be liable to be rejected.
- (ii) When a party died pendente lite, a note to that effect shall be added against the name of party and necessary consequential amendment in the body of the Petition or pleading shall also be made as prayed under sub-rule (i).
- (iii) When the heirs of a deceased party are substituted for him they shall be entered and numbered as follows:—

If the serial number of the deceased party was say "3", his heirs will be numbered as 3/1, 3/2, 3/3 and so on. If suppose a party is numbered as 3/1/1, 3/1/2, 3/1/3 and so on, then.....?

13. Returns of Petitions and plaints.—

No Applications which are filed during the pendency of the certain proceedings shall be returned for Presentation to the proper Court.

14. Return of Vakalatnama with plaint.—

When a plaint is returned to a counsel or recognised agent of the Plaintiff, the Authority executed in his favour shall also be returned to him.

When returning a plaint for Presentation to proper Court, a Court may Order the Plaintiff to file a copy of the plaint duly authenticated to be put on Record in place of the plaint.

(B) DOCUMENTS

15. Translation to be filed with certain documents.—

Every document produced by a party or his Witness not written in Hindi or in English shall be accompanied by a correct translation of the document into Hindi written in the Devnagri script. The translation shall bear a Certificate of the party's counsel to the effect that the translation is correct. If the party is not represented by a counsel, the Court shall have the translation certified by any person appointed by it in this behalf at the cost of the party concerned.

16. Opposite Party to Record admission or denial on documents.—

A party desiring to produce any document in Court shall, before producing it in Court, obtain admission or denial Recorded on the document by the Opposite Party's counsel. If the Opposite Party is not represented by a counsel, the Court shall get admission or denial Recorded by the party in its presence and may for the purpose, examine the party.

17. List to accompany all documents whensoever filed.—

The list of documents required by Order VII, Rule 14 and Order XIII, Rule 1 of the Code, shall be in the prescribed Form (F.117) and no document, whensoever produced, shall be received unless accompanied by the said Form duly filled up. In the Case of a document produced by a Witness or person summoned to produce a document, the Form shall be

supplied by the party at whose instance the document was produced. The list as well as the documents shall be immediately entered in the general index in the prescribed Form (F.118).

18. Statement about erasures and additions.—

Whenever any private document, other than a Registered document or certified copy, containing erasures, additions or interlineations is produced by a party to a Case it shall be accompanied by a statement clearly describing each such erasure, addition or interlineation and signed by such party. Reference to such statement shall be made in the list (F.117) with which the Paper is filed.

19. Small documents and those of historic value.—

Small documents when filed in a Court shall be filed pasted on a Paper equal to the size of the Record, and the margin of the Paper should be stitched to the file so that no part of the document is concealed by the stitching. If a document contains writing both on the front and the back it should be kept in a separate cover which should be stitched to the file at the proper place leaving the main document untouched.

Note : Care should be exercised in dealing with documents of historic or antiquarian value, and every possible endeavour should be made to prevent their being defaced by endorsement or exhibit marks or by having the seal of the Court impressed on them.

20. Safe keeping documents in decaying condition.—

Whenever a document produced in a Court is found to be in decaying condition on brittle Paper or on such other which is likely to give way in the Process of handling, a transparent Paper on one or both sides as the circumstances may require, should be pasted so as to minimize chances of any portion of it getting detached. This should be done in such a manner that the contents of the documents do not become obscure or obliterated. If necessary, it should be placed in a cover of the size of the document and then properly stitched to the file.

21. Affidavit to accompany an Application for public Record.—

When a party requires the production of a public Record, the Application shall, unless the Court otherwise directs, be accompanied by an affidavit showing how the party requiring the Record has satisfied himself that it is material to the Suit and why a certified copy of the document cannot be produced or will not serve the purpose.

22. Documents for production of which sanction of Head of Department is necessary.—

When a Court decides that in the interests of justice it is necessary that it should have before it a document which cannot be produced without the sanction of the Head of the Department concerned, it shall in its Order asking for such document, set out as clearly as possible; (a) the facts, for the proof of which the production of the document is sought; (b) the exact portion or portions of the document required as evidence of the facts sought to be proved. The Court summoning the document shall fix a date for its production, which should not be less than three weeks from the date of Issue of summons.

23. Registers from Sub-Registrar's Office.—

- (1) A summons for the production of any Register or Book belonging to the office of a Sub-Registrar shall be addressed to the District Registrar and not direct to the Sub-Registrar.
- (2) Production of Police diaries— A summons for the production of documents in the Custody of the Police should be addressed to the Superintendent of Police concerned, and not to the Inspector General.
- (3) Production of other documents— When duly authenticated and certified copies of documents are admissible in evidence, the Court shall not send for Original Records unless, after perusal of copies filed, the Court is satisfied that the production of the Original is absolutely necessary.

24. Summoning of Settlement Records and Records of Judicial or quasi-Judicial Tribunals.—

When a Court requires the production of any settlement Record in which the Settlement Officer acted in a judicial capacity, it shall be summoned in the manner provided by Order XIII, Rule 10 of the Code. Similarly, when a Court requires the production of any

Record of Judicial or quasi-Judicial Tribunal, it shall be summoned in the manner provided by Order XIII, Rule 10 of the Code. In other Cases the procedure prescribed in Order XVI, Rule 6 of the Code shall be followed.

The summons to produce such documents shall be Issued to the Collector or the Settlement Officer, who has Custody of the Record, who may send the documents by messenger or Registered post.

25. Production of documents in the Custody of Parliament or State Legislature.—

In all Suits and other proceedings where a document in the Custody of Lok Sabha/ Rajya Sabha/ Legislative Assembly/Legislative Council is required to be produced before a Court or an Officer of the Secretariat of the House is required to appear before the Court for purposes of giving evidence instead of sending of summons in the ordinary Form, a letter of request in the prescribed Form (F.119) shall be sent.

26. Payment of postage fee, etc.—

The Payment of postage and registration Fees, or of travelling and other expenses for messengers, incurred in the transmission of, or Requisition for Records, shall be paid ordinarily by the party at whose instance the expense is incurred.

27. Covers of documents received by Registered post to be retained.—

When a document of any kind connected with a judicial Case is received under a Registered cover, the cover shall not be destroyed but shall be attached to the file of proceedings in the Case to which the document refers.

28. Documents produced how to be dealt with.—

All documents produced must be received by the Court and must be dealt with in one or other of the following ways, viz.—

- (a) returned,
- (b) placed on the Record, or
- (c) impounded.

29. Duty of Court upon production of documents.—

The Court shall inspect and consider all documents as soon as possible after Issues are framed and before evidence is produced and shall—

- (a) Where they are held by the Court under Order XIII, Rule 3 of the Code to be irrelevant or otherwise inadmissible, forthwith reject them.
- (b) Where not rejected under Order XIII, Rule 3 of the Code, and held to be relevant and admissible in evidence, dealt with them as follows:—
 - (1) Documents, which do not require proof e.g. public documents and documents admitted by the party against whom they are produced in evidence shall be admitted in evidence and marked as exhibits in the manner prescribed in Rule 28.
 - (2) Documents which require proof by oral evidence shall be kept on the Record pending proof. They shall be admitted in evidence and marked as exhibits in the manner prescribed in Rule 28 when evidence is tendered in proof of them. They shall be returned at the close of the evidence if no evidence is tendered in proof of such documents.

Note:— The endorsement referred to in Order XIII, Rule 4 of the Code shall be made on the documents which are admitted in evidence. No document shall be marked as an exhibit unless it is admitted in evidence.

30. Admission of genuineness not to be confused with admission of truth of contents.—

When a certified copy of any private document is produced in a Court, inquiry shall be made from the Opposite Party whether he admits that it is a true and correct copy of the document which he also admits, or whether it is a true and correct copy of the document which he denies, or whether it is a true and correct copy of the document the genuineness of which he admits without admitting the truth of its contents, or whether he denies the correctness of its contents, or whether he denies the correctness of the copy as well as of the document itself.

31. Proper expression about admissions of documents.—

Admission of a document by a party shall be indicated by the endorsement "Admitted by the Plaintiff" or "Admitted by the Defendant". Admission of a document in evidence by the Court shall be indicated by the endorsement "Admitted in evidence". If any question is raised as to the correctness of a copy and the Correctness of it is admitted, the endorsement shall be "Correctness of copy admitted". The use of the expression "Admitted as a copy" in endorsement on documents is prohibited.

32. Endorsement on documents in Suits compromised or dismissed for default.—

Documents filed in Suits which are dismissed for default or compromised shall before being dealt with in the manner provided in Rules 36 and 36 be endorsed with necessary particulars mentioned in Order XIII, Rule 4 (1) of the Code.

33. Marking of documents—

- (1) Documents produced by a Plaintiff and duly admitted in evidence shall be marked with a number, and documents produced by a Defendant shall be marked with a number and the letter A, or, where there are more than one set of Defendants, by the letter A for the first set of Defendants, by the letter B for the second and so on. Where a document is produced by Order of the Court and is not produced by any party, the serial number shall be prefaced by the words "Court Exhibit" or an abbreviation of the same.
- (2) Where a document is produced by a Witness at the instance of a party, the number of the Witnesses shall be endorsed thereon e. g. Ex. 1/P.W. 1 in it is produced by the Plaintiff's first Witness, and Ex. A. 1/D.W. 1 if it is produced by the Defendant's first Witness.
- (3) Every exhibit mark shall be initialled and dated by the Presiding Officer.

34. Marking of documents of the same nature.—

Where a number of documents of the same nature are admitted, as for example a series of Receipts for rent, or a series of entries in the same account Book, the whole series should bear one figure or capital letters, a small figure or letters in brackets being added to distinguished each Paper of the series.

35. Return of certain documents.—

A document which is rejected as irrelevant or otherwise inadmissible under Order XIII, Rule 3 of the Code, shall unless impounded under Order XIII, Rule 8 of the Code, be returned to the person producing it or to his counsel, and such person or counsel shall give a Receipt for the same in column 7 of the list of documents filed.

36. Retention of impounded and certain other documents.—

- (1) Documents impounded shall be dealt with in accordance with Order XIII, Rule 8 of the Code, and the "Impounded" should be noted in red ink across appropriate columns of the list of documents filed against the entries relating to such documents in the said list.
- (2) Should either party or his counsel entitled to receive a document, under rules, be absent or for good cause unwilling to receive it, it shall be marked "not part of the Record", a note of the same being made in appropriate column of the list of document filed.

37. Care of impounded documents.—

- (a) No document which the Court has Ordered to be impounded or which is required by law to be filed and preserved (for instance a will under Section 294 of the Indian Succession Act No. XXXIX of 1925) shall be allowed to pass out of the Custody of the Court and no document produced for the purpose of comparison of signature, writing or seal shall be returned within the periods specified in Order XIII, Rule 9(1).
- (b) With reference to Order XIII, Rule 9 (1)(b) of the Code, an interval of four months shall ordinarily be allowed to intervene from the date of decree before the documents whether Original or copies, filed in a Case are returned to the Parties who produced them.

38. Cost of proving documents.—

When a party has, without good reason, refused to admit the genuineness of a document, the Court may Order it to bear the cost incurred in proving it, irrespective of the result of the Suit or proceeding.

39. Return of documents.—

A general notice shall be pasted in a conspicuous part of every Court house, giving warning that all documents filed in any Suits or proceeding which may legally be returned, must be withdrawn as soon as the decree or Order made in the Suit or proceeding has become final or after four months of the decree or Order, whichever is longer, and that if they are not so withdrawn they will remain at the risk of the persons concerned.

40. Books of Business.—

If a document be an entry in a letter Book, a shop Book, or other account in current use or an entry in a public Record, produced from a public office or by a public officer, a copy of the entry, certified in the manner required by law, shall 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.

41. Certain Cases of Registration of documents to be Reported to the District Registrars or Inspector General of Registration.—

The Presiding Officer of all Courts shall inForm to the District Registrar of their Districts, all Cases which came before them in which there is reason to believe that there has been misconduct, negligence or irregularity on the part of the Registering Officers in the registration of any document tendered in evidence or otherwise coming before the Courts. If Registering Officer is the District Registrar, the Presiding Officer of the Court may inForm the Inspector General of Registration.

(C) COMMISSION**42. Commissions to be Issued to whom.—**

- (1) A commission for the examination of any person shall ordinarily be Issued to Counsel practicing either before the Court issuing the commission or before the Court within whose jurisdiction the Witness resides. Such commissions may, if it is considered desirable, also be Issued to a Court (not being a High Court) within the local limits of whose jurisdiction the Witness resides.
- (2) A commission for making a local Investigation necessitating the taking of evidence shall ordinarily be Issued to a counsel, and in Cases requiring some special and technical knowledge, to a person possessing the necessary technical and special knowledge.
- (3) A commission to examine accounts may be Issued to any person (including a legal practitioner) who is a competent accountant.

43. List of Commissioners.—

- (1) Every District Judge shall maintain a separate list of legal practitioners for each place where any Court or Courts are located Authorized to execute commissions. The lists shall be prepared by the District Judge in consultation with the Judicial Officers of such places. The list may be sub-divided into three parts, namely, for accounts, for survey, and for all other purpose. The number of commissioners in each part shall be fixed by the District Judge.

Care shall be taken to include in the list of Commissioners for survey and accounts only those who are conversant with such work.

The list of Commissioners in the prescribed Form (Register No.232) shall be maintained in the office of the District Judge at the headquarters and of the Senior most Judicial Officer at other places, and all commissions Issued shall be entered in (Register No.233). Commissions shall be Issued in strict Order of rotation in respect of each part unless there are reasons to the contrary. No commission shall be Issued to any person whose name is not entered in these lists except for special reasons. The lists shall be revised once a year.

- (2) Munsarims, Nazirs, Copyist, Ahlmads, Counsel's clerks and Petition writers shall not be employed as Commissioners.

In the Case of protected Investigation, which extends beyond the time Originally calculated, the Court may suspend the commission until a further sum sufficient to cover the additional expense is paid into Court.

- (3) The Court shall ordinarily require the party asking for the Issue of a commission to deposit a fee (to be fixed by the Court) before the Issue of the commission. The fee shall be fixed with due regard to the circumstances of the Case and the status of the Commissioner.

In the Case of protected Investigation, which extends beyond the time Originally calculated, the Court may suspend the commission until a further sum sufficient to cover the additional expense is paid into Court.

- (4) The legal practitioners to whom commission is Issued for examination/ cross examination of Witness, for Payment of remuneration to them the Court should expect from concerned party to pay such amount, which is reasonable in the facts of the Case, but it's minimum and maximum limit shall be Rs. 400/- and Rs. 1000/- respectively.
- (5) Where a commission cannot be executed for reasons beyond the control of the Commissioner, the Court may Order Payment of such Fees as may appear to be reasonable, with due regard to the time spent by the Commissioner.
- (6) Where any official of a Court is required to take the Record of a Court for the purpose of execution of an Order of commission, the official carrying such Records shall be paid by the person at whose instance the Order for commission was Issued, Rs. 50/-, in addition to the actual travelling and Diet expenses, if any.

44. Prohibition of commission Fees to Government Officers.—

The acceptance by Judicial Officers or Ministerial Officers of Courts of Fees for executing Commissions, is prohibited.

45. Particulars to be given in the Order for local Investigation.—

When issuing a commission for making a local Investigation under Order XXVI Rule 9 of the Code, the Court shall define the points on which the Commissioner has to Report. No point which can conveniently and ought to be substantiated by the Parties by evidence at the Trial shall be referred to the Commissioner.

46. Time for executing Commissions.—

A reasonable time shall be fixed for execution of every commission and the Court shall see that it is executed within such time unless the Court for sufficient reason extends the time.

47. Payment in advance of expenses for Issue of commission.—

- (1) Whenever a commission is Issued to any Court, the Court issuing the same shall require the party applying for Issue to pay into Court before Issue—
- (a) where such Witness is to be examined by a Court, the travelling and other expenses are likely to be incurred by the Witness;
- (b) in other Cases such additional sum also as it may consider necessary for the employment of a legal practitioner by the Court to which the commission is Issued.
- (2) The Court issuing the commission may require the party concerned to deposit such further amount as the Court to which the commission is sent may lawfully require.
- (3) Moneys thus deposited shall be entered in the Register of Petty Receipts and RePayments.

48. Commissioner's responsibilities.—

A Commissioner shall in his Report always give reasons or data on which he bases his opinion.

A Commissioner shall not Issue copy of any map or Report prepared by him or of evidence taken by him or of any portion thereof, to any party.

49. Local inspections by Presiding Officers.—

When a Presiding Officer of a Court considers it necessary to make a local inspection, it shall invariably during the inspection or as soon as is convenient thereafter, Record a note to be placed on the file, the purpose of the inspection and all facts perceived or

impressions received in the course there of which are likely to affect its Decision in the Case. This note shall as far as possible be prepared in the presence of Parties or their counsel. Where this is not possible the Parties or their counsel shall be informed of it.

Where a Presiding Officer decides to make a local inspection on the request of a party or both the Parties, he should require the party or Parties concerned to deposit in Court an amount sufficient to cover his travelling Allowance according to the rules. Such amount shall be entered in the Register of Petty Receipts and RePayments of the Court and the Presiding Officer shall be entitled to draw his travelling Allowance admissible under the rules after having his claim passed by the District Judge. But when the District Judge makes such inspection, it shall not be necessary to have his bill passed by any Authority and he may himself draw the amount.

50. Commissions letters of requests etc. to Foreign Courts.—

Letters of request of commissions and other judicial documents meant for foreign or commonwealth countries shall be sent to Ministry of External Affairs and Commonwealth Relations Government of India, New Delhi through the High Court.

When issuing such commission, the Court shall have such funds deposited by the party at whose instance the commission is Issued, as may, in the discretion of the Court, be considered sufficient to defray the expenses likely to be incurred by the executing Court. An undertaking should also be taken from the party concerned to pay such further sum as may be wanted by the Executing Court.

(D) AFFIDAVIT

51. Persons to verify affidavit.—

- (a) Munsarims or the Reader as the Case may be, of all Courts, may verify an affidavit.
- (b) A Court-fee label of Re. 1/- shall be affixed to each affidavit verified before Munsarim or Reader for filing in the Court. This provision shall only be resorted when Oath Commissioner is not available.
- (c) Munsarim or Reader, as the Case may be, shall maintain a Register (**Register No.234**) which shall contain the following particulars with respect to each affidavits, sworn before him, namely:—
 - (a) serial number;
 - (b) date and time of making the affidavit;
 - (c) particulars of the Case to which the affidavit relates;
 - (d) full particulars of the person making the affidavit;
 - (e) particulars of the person identifying him;
 - (f) valuation of the stamp affixed on the affidavit; and
 - (g) signatures of the Munsarim or Reader.

52. Powers of District Judge to appoint lawyers to verify affidavits.—

- (1) A District Judge may appoint legal practitioners to administer oaths to declarants.
- (2) The fee chargeable by the Oath Commissioner so appointed shall be Rs. 10/- for each affidavit for all the Courts. Such Fees paid to an Oath Commissioner shall be taxed in the decree.
- (3) Oath Commissioners shall maintain a Register or Registers (**Register No.235**) which shall contain the following particulars with respect to each affidavit, sworn before them, namely :-
 - (a) serial number;
 - (b) date and time of making the affidavit;
 - (c) particulars of the Case to which the affidavit relates;
 - (d) full particulars of the person making the affidavit;
 - (e) particulars of the person identifying him;
 - (f) fee paid;
 - (g) name of the Oath Commissioner before whom the affidavit is sworn; and
 - (h) signature of the Oath Commissioner and remarks, if any.

The Registers shall be inspected periodically by the Presiding Officers of the Courts concerned.
- (4) Every person swearing an affidavit shall, if not personally known to the person before whom the affidavit is sworn, be identified before that person by someone known to him, and in such Case the person before whom the affidavit is made

shall state at the foot of the affidavit the name, address and Description of the person by whom such identification was made.

Such identification may be made by a person:—

- (a) Personally acquainted with the person to be identified;
- (b) who is reasonably satisfied as to his identity:

Provided that, in the latter Case the person so identifying shall sign at the foot of the affidavit a declaration in the following Form, after there has been affixed to such declaration in his presence, the signature or thumb-impression of the person so identified namely—

Form of Declaration.

I (name, Description and address) declare that I am satisfied on the grounds stated below that the person making this affidavit and alleging himself to be A.B. is that person, Grounds

- (5) Oath Commissioner shall at their own expense provide themselves with an official seal to be made under the direction of the Court which appointed them as Commissioners. This should indicate the name of the Court to which the Commissioner is attached and shall provide space for Recording the serial number and date of the entry relating to the affidavit in the Commissioner's Register.

This seal shall be surrendered to the Court when the person having such seal ceases to hold the office of an Oath Commissioner.

(E) ADJOURNMENTS

53. Priority in Cases to which soldiers, sailors or airmen are Parties.—

- (1) No Case in which Witnesses are present shall be allowed to stand out of its place in the list except for special reasons to be Recorded by the Presiding Officer under his hand:

Provided that, every Court shall bring to a Hearing without regard to the Order in which they may have been filed all Suits in which an officer, soldier, sailor or airman or person who may have obtained leave of absence from the Army, Navy or Air Force, may be a party and shall decide such Suits as speedily as may be convenient and consistent with the due administration of justice.

- (2) Priority to Cases which are holding up other Cases— Suits, Appeals or Applications for the Decision of which other Cases have been held up shall be given priority, and they shall on no account be Adjourned except for good reasons.

54. Priority to Cases involving matters of public importance.—

On a Certificate being given by the Government Advocate, Additional Government Advocate that particular matter is of urgent public importance and should be disposed of at the earliest in public interest, the Court shall examine the matter, and if satisfied about its urgency, shall give it top priority and it shall be heard and disposed of as early as possible.

55. Priority to Cases (uncontested).—

A Judge shall before beginning his work for the day go through the cause list and ordinarily dispose of all uncontested work, first and then begin the contested work.

56. Fixing of date.—

The first date of Hearing in a Case shall not ordinarily be fixed more than two months ahead. But in a Case in which the Government, the Court of Wards, or any Railway Administration is a party, the date for the first Hearing shall be fixed for a day not less than two months after the Institution of the Suit, and if necessary, the date of Hearing may be changed if counsel can show that instructions have not been received or that sufficient time for instructions and necessary inquiries has not been allowed.

Before fixing a date for final Hearing, the Presiding Officer shall after consulting counsels for both sides if necessary, make a reasonable estimate as to the time required for the Disposal of each particular Case.

57. Party's fault in non-Service of Witnesses.—

- (1) In all Cases the Court shall require a party applying for an adjournment on the ground that a summons has not been duly served to show that he applied where it was possible to so apply, for the Issue of the summons in time to enable the Service to be effected and that he performed every other act required for the Issue and Service thereof.
- (2) When a date more than one month ahead is fixed for the examination of Witnesses the Parties shall make repeated efforts to procure Service of summons on their Witnesses. It shall be their duty in the absence of any special Order of the Court for the Issue of summonses within ten days of the Order fixing the date for examination of Witnesses and to make subsequent Applications within seven days of the return to the Court of a summons which has not been duly served.
Similarly, when a date of more than one month is fixed for the Service of summons on the opposite Parties repeated efforts to procure Service of summons shall be made.
- (3) The Nazir shall contact the party applying for the Process, his Authorised agent or counsel, and inform him of the fact that the Process has been returned unserved. The signature of the party, agent or counsel, shall be obtained in such Cases. Regarding Cases, in which the party, agent or counsel cannot be conveniently contacted, a list of Processes returned unserved, shall be notified from time to time on the notice board of the Court.
- (4) Where a summons has been returned unserved by reason of a wrong or insufficient address of the Witness, the Court may, before adjourning the Case for Issue of a fresh summons require the party applying for the same to satisfy the Court, by affidavit or otherwise, that such party was not in a position to know the correct address at the date when he applied for the Issue of the Former summons, and also that the evidence of the Witness is really material.

(F) HEARING OF SUITS**58. Evidence common to the Cases.—**

Whenever by consent of Parties evidence given in one Case is admitted by a Court as evidence in another Case, separate proceedings stating the fact shall be Recorded, signed by the Presiding Officer and placed on the Records of both Cases.

59. Witnesses in Attendance to be examined.—

On the day fixed for Recording the evidence of Witnesses the evidence of all Witnesses in Attendance shall, so far as is possible, be Recorded. That some Witnesses have not attended is no reason for not Recording the evidence of those in Attendance. If the examination of all the Witnesses is not concluded on the same day, it shall be proceeded with, from day to day until all the Witnesses have been examined, unless the Court finds that for the exceptional reasons to be Recorded by it, the adjournment of Hearing beyond the following day is necessary.

60. Court may Record the statement of Witnesses in absence of party or Counsel.—

Where a Witness is present in Court but a party or his counsel is not present or the party or his counsel though present in Court, is not ready to examine or cross-examine the Witness, the Court may, if it thinks fit, Record the statement of the Witness and pass such Orders as it thinks fit, dispensing with the examination-in-chief or cross-examination of a Witness, as the Case may be, by the party or his counsel not present or not ready as aforesaid.

61. Judge's duty during the Recording of evidence.—

The Memorandum required by Order XVIII, Rule 8, shall state clearly what each Witness deposes as to the points at Issue, and shall be Recorded as the examination of each Witness proceeds.

62. Record of Parties statements.—

Statements of Parties or their counsel under Order X, Rules 1, 2 or of a similar nature shall be Recorded on a full sheet of foolscap Paper and shall be signed by the person making it.

63. Witness not to be given seat on dais.—

No Witness should be provided any seat on the dais. All Witnesses shall give their evidence from the Witness-box. Witnesses should normally stand while giving evidence. However, Presiding Officer may allow the Witness to be seated. While giving evidence, considering valid grounds such as (i) infirmity; (ii) old age; (iii) inordinate length of time in giving evidence; or (iv) for any other reason Recorded to be in writing.

64. Number of Witnesses.—

Subordinate Court must invariably give the number of each Witness as he is examined. The Witness produced by the Plaintiff should be numbered as P.W. 1, P.W.2 etc. by the Defendant as D.W. 1 etc. and Witnesses called and examined by the Court under Order XVI, Rule 14 of the Code shall be numbered as C.W. 1 etc.

In Case there are two or more than two Defendants having conflicting interest or producing different sets of Witnesses, the Witnesses produced by the Defendant No. 1 should be numbered as D.1 W.1, D.1 W.2 etc. and Witnesses produced by Defendant No. 2 should be numbered as D.2 W.1, D.2 W.2 etc. and so forth.

65. Expenses of Government servant appearing as Witnesses in Civil Suits.—

When Government servant is summoned or is deputed by his Department or office to produce official documents or to give evidence of facts, which came to his knowledge in the discharge of his public duties in a civil Case to which Government is not a party, the party at whose instance such Witness is summoned shall deposit with the Court, travelling and other expenses in accordance with the rules for Payment of expenses to Witnesses in Civil Court as framed by the High Court under Order XVI, Rule 2(3) of the Code of Civil Procedure, 1908 as amended from time to time. Out of the sum so deposited the Court shall pay the Government servant, the amount of travelling Allowance and other expenses in accordance with the referred rules. The amount of T. A. shall be as admissible to him under the T. A. Rules, as for journey on tour on the basis of a Certificate duly signed by the head of office or Department showing the emoluments received by him as pay etc.

(G) JUDGMENT AND DECREE**66. Mode of Recording judgment.—**

To each Judgment shall be prefixed a heading specifying the number of the Case and the names of all the Parties.

No Court shall write a Judgment or final Order on the Order-sheet, or any Paper already on the file, such as pleadings, Applications, objections etc.

A Judgment may be written by the Presiding Officer or may be Recorded at his dictation, but every page of the Record or a judgment, not in the handwriting of the Presiding Officer shall be attested by the Presiding Officer's signatures.

67. Provision of C.P.C. to be given in certain judgments.—

When plaints are rejected or returned, and in Cases disposed of without decree, as also in Case in which decrees are passed without contest the Presiding Officer shall put on Record the Section or Order and rule, of the Code under which the Judgment or Order is passed.

68. Reference in judgments to Parties and Witnesses.—

(1) A reference to a party or a Witness shall be by name and number, and not merely by number like P.W.1 or D.W. 1.

(2) Judgments shall contain words in full and not in abbreviated Forms except where the abbreviations are well recognized and are in common use, such as a.m., p.m., e.g.

69. Judges may take Records out of Courts.—

Presiding Officers of Courts may take Records for perusal or writing Judgment to their residence but only under proper entries made in a Register kept for the purpose by the Reader or other clerk having Custody of the Record at the time. Records thus taken out of office must be returned as soon as possible.

70. Judgments not to be delayed.—

- (1) A Judgment shall be delivered within a reasonable time after the close of the Case which shall, in no Case, exceed one month and in Case Judgment is not pronounced on the appointed date the Presiding Officer shall assign cogent reasons for not pronouncing Judgment on that date. The date for pronouncing a Judgment shall not be postponed more than once.
- (2) Complete Cases in to be decided by officer before proceeding on transfer— After the Receipt of the transfer Order, a Presiding Officer may pronounce judgments only in those Cases in which arguments have been heard and completed and the date of delivery of judgment, already fixed, falls in between the period of his receiving the Order of transfer and handing over the charge.
- 71. Decree to be self contained.—**
Every decree and Order as defined in Section 2 of the Code shall be drawn up in such a manner that in Order to the understanding and execution thereof, it may not be necessary to refer to any other document or Paper whatever, which is not made part of the decree or Order.
Prescribed Forms of decrees—
In all Cases in which the Form of a decree has been prescribed or indicated by statute, the decree shall be prepared, as far as possible, in the Form so prescribed.
- 72. Taxing of Diet Money of Witnesses.—**
In taxing costs the Diet Money of only such Witnesses as are actually examined shall be included unless the Court direct otherwise.
- 73. Drawing up of Decree.—**
(1) The decree or Formal Order shall be drawn up ordinarily within three days of the date of Judgment and shall bear that date. After the decree has been examined, it shall be signed by the Presiding Officer and the date of such signature entered by him immediately beneath the signature.
(2) Contents of decree (Original) — The Presiding Officer shall see that the decree or Formal Order drawn up specified clearly the relief granted or other determination of the Case and contains definite particulars of the claim.
- 74. Contents of Appellate Decree.—**
When an Appellate Court modifies or reverses the decree of the Trial Court the appellate decree shall specify the relief actually granted as the result of such modification or reversal. The Judge shall satisfy himself before signing the decree that the relief thus specified has been embodied in the decree.
- 75. A copy of appellate Judgment to be sent to the Officer against whose Order or decree, the Appeal was preferred.—**
A copy of an appellate Judgment certified to the lower Courts shall, after noting the result in the appropriate Register, be put up for perusal to the officer against whose Order or decree the Appeal was preferred, such officer shall return the copy within a fortnight.
- 76. Information to Departmental heads when necessary.—**
A Presiding Officer shall, after delivery of his Judgment in any Suit or proceeding, inform the head of the Department concerned of any circumstances personally affecting any Public Servant in that Case.

ORDER 21

SUITS BY OR AGAINST PERSONS IN SERVICE OF ARMY, NAVY OR AIR FORCE

1. Jurisdiction of Civil Courts.—

All persons belonging to the Army, Navy or Air Force are now amenable to jurisdiction of ordinary Civil Courts subject to certain restriction as provided hereafter pertaining to their personal appearance in Court and execution of decree against their persons, pay and Allowances and their equipment.

2. Suits by or against persons belonging to the Army, Navy or Air Force.—

- (a) Where any officer, soldier, sailor or airman, actually serving under the Government in such capacity is a party to a Suit, and cannot obtain leave of absence for the purpose of prosecuting or defending the Suit in person, he may Authorize any person to sue or defend in his stead.
- (b) The Authority shall be in writing in the prescribed Form (F.120) and shall be signed by the officer, soldier, sailor or airman, in the presence of-
 - (i) his Commanding Officer, or the next subordinate officer, if the party is himself the commanding officer, or
 - (ii) where the officer, soldier, sailor or airman, is serving in Army, Navy or Air force staff employment, the head or other superior officer of the office in which he is employed.

Such Commanding or other officer shall countersign the Authority, which shall be filed in Court.

- (c) When so filed the countersignature shall be sufficient proof that the Authority was duly executed, and that the officer, soldier, sailor or airman by whom it was granted could not obtain leave of absence for the purpose of prosecuting or defending the Suit in person.

Explanation—The expression "Commanding Officer" means the officer in actual command for the time being of an regiment, corps, ship, detachment or depot to which the officer, soldier, sailor or airman belongs.

3. Person so Authorized may act personally or appoint pleader.—

Any person Authorized by an officer, soldier, sailor or airman to prosecute or defend a Suit in his stead may prosecute or defend it in person in the same manner as the officer, soldier, sailor or airman could do if present; he may also appoint a pleader to prosecute or defend the Suit on behalf of such officer, soldier, sailor or airman.

4. Power of Attorney.—

A power of attorney or Authority to institute or defend a Suit executed in the Form (F.120) is not chargeable with Court fee (See Section 19, clause (1) of the Court-Fees Act, 1870).

5. Summons to soldiers, sailors and airmen.—

Summons to officer, soldier, sailor or airman, as Defendant or as Witness, shall be sent for Service to his Commanding Officer, together with a copy to be retained by the Defendant. In such Cases, sufficient time shall be given to make arrangements for relieving the person summoned.

6. Intimation to Commanding Officer.—

Where an officer, soldier, sailor or airman has been summoned through the Commanding Officer under Order V, Rule 3 of Code of Civil Procedure, 1908, to appear in person, summons shall be sent with a forwarding letter in the prescribed Form (F.121) or in a note on the summons, stating that the summons should be regarded by such Commanding Officer also as notice to make arrangement for the performance of the duties of such officer, soldier, sailor or airman, during his absence.

Provided that, if such officer, soldier, sailor or airman in the Army, Navy or Air Force of the Union of India is summoned as a Defendant under Order V, Rule 1 of Code of Civil Procedure, 1908; he shall make his own arrangements, if he wishes to appear in Court in person.

7. Service on person so Authorized, or on his pleader.—

Processes served upon any person so Authorized by an officer, soldier, sailor or airman or upon any pleader appointed as aforesaid by such person shall be as effectual as if they had been served on the party in person.

8. Speedy Disposal of Cases.—

Civil Courts should dispose of all Suits, for the prosecution or defence of which officers, soldiers, sailors, airmen or reservists have obtained leave of absence as speedy as is consistent with the administration of justice, irrespective of the Order in which they stand on the Register.

9. **Priority Certificate, Extension of leave by Court.—**

- (a) When a person subject to the Army Act, 1950, the Air Force Act, 1950, or the Navy Act, 1957 obtains or applies for leave of absence for the purpose of prosecuting or defending a civil Suit, is provided by his Unit Commander with a Certificate to enable him to obtain priority of Hearing; said Certificate must be presented by him in person or on behalf of the person to the Court.
- (b) On the Presentation to any Court by or on behalf of such person of a Certificate from the proper Authority of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any Suit or other proceeding in such Court, the Court shall, on the Application of such person, arrange, so far as may be possible for the Hearing and final Disposal of such Suit or other proceeding within the period of the leave so granted or applied for.
- (c) The Certificate from the proper Authority shall state the first and last day of the leave or intended leave, and set forth a Description of the Case with respect to which the leave was granted or applied for.
- (d) No fee shall be payable to the Court in respect of the Presentation of any such Certificate, or of any Application by or on behalf of any such person, for priority for Hearing of the Case.
- (e) Where the Court is unable to arrange for the Hearing and final Disposal of the Suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall Record its reasons for its inability to do so, and shall cause a copy thereof to be furnished to such person on his Application without any Payment whatever by him in respect either of the Application for such copy or of the copy itself.
- (f) If in any Case, a question arises as to the proper Authority qualified to grant such Certificate as aforesaid, such question shall at once be referred by the Court to an officer having power not less than a brigade or equivalent commander whose Decision shall be final.

10. **Execution against persons subject to Army, Navy or Air Force law.-**

- (1) (a) In execution of a decree, or award, the pay and Allowances of persons to whom the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957), applies, shall not be liable to attachment or sale.
- (b) Neither the arms, clothes, equipment, accoutrements or necessities of any person subject to these Acts, nor any animal used by them for discharge of their duty, shall be seized, in satisfaction of any decree or Order enforceable against them.
- (c) (i) No person as referred in clause (a) shall, so long as they belong to the Forces be liable to be arrested for debt under any Process Issued by, or by Authority of, any Civil Court.
- (ii) The Judge of any such Court may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of these rules and may, by warrant under his hand, discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the Process.
- (iii) For the recovery of such costs, no Court fee shall be payable by the complainant.
- Expression "Civil Court" does not include a Criminal Court.
- (2) (a) No Presiding Officer or member of a Court-martial, no Judge, advocate, or party to any proceeding before a Court-martial, or his legal practitioner or agent, and no Witness acting in obedience to a summons to attend a Court-martial shall, while proceeding to, attending, or returning from, a Court-martial, be liable to arrest under civil Process.
- (b) If any such person is arrested under any such Process, he may be discharged by Order of the Court-martial.
- (3) Every person belonging to the Indian Reserve Forces shall, when called out for or engaged in or returning from, training or Service shall also be entitled to all the privileges and protection contained herein-before.
- (4) The rights and privileges specified in these rules shall be in addition to, and not in derogation of, any other rights and privileges conferred on persons subject to these rules or on members of the regular Army, Navy and Air Force generally by any other law for the time being in force.

11. Proceedings with respect to Succession Certificates.-

Where the Court finds that a person falling under clause (c) of Section 372(1) of the Indian Succession Act, 1925, is subject to the Army Act, 1950, or the Air Force Act, 1950, or Navy Act, 1957, serving under special or War conditions, and there is no special and obvious reason for suspecting the good faith of the members of the family actually applying for the Certificate, the Court should declare that, in the circumstance, it is unnecessary to make the soldier a party to the proceeding or to Issue notice to him; but in such Cases the Court should always demand security under Section 375 of the Act. If, on the other hand, there is any sufficient reason to suspect the good faith of the Applicant, then he should be required to get a power of attorney from the absent soldier or some written assurance from him that he does not object to the Application.

12. Criminal Cases against persons subject to Army, Naval or Air Force law.-

Criminal Cases against persons subject to Army, Naval or Air Force law shall be tried by the Court subject to the provisions of Section 475 of the Code of Criminal Procedure, 1973 and the Criminal Courts and Court-Martial (Adjustment of Jurisdiction) Rules, 1978 framed by the Government of India as amended from time to time given in Appendix-G.

13. Notice of conviction to appropriate Authority.-

If any person subject to the Army Act, 1950 (46 of 1950) or the Air Force Act, 1950 (45 of 1950) or the Navy Act, 1957 (62 of 1957); is convicted of any Offence, by a Court, such conviction shall be intimated to the concerned Officer Commanding of the Unit, Regiment, detachment of competent naval Authority, to which he is attached.

14. Dress of Persons in Service of Army, Navy or Air Force.-

- (1) An officer or soldier or sailor or airman of Army, Navy or Air Force is required to attend a Court in his official capacity should appear in uniform. Attendance in an official capacity, includes Attendance-
 - (a) as Witnesses, when evidence has to be given of matters which come under the cognizance of the officer, soldier, sailor, or airman in his official capacity;
 - (b) by an officer for the purpose of watching Case on behalf of officer, soldier, sailor, or airman under his command.
- (2) An officer or soldier or sailor or airman of Army, Navy or Air Force is required to attend a Court otherwise than in his official capacity may appear either in plain clothes or in uniform.
- (3) Such persons shall not wear his sword or side arms if he appears in the character of an Accused person or under military arrest or if the Presiding Officer of the Court think it necessary to require the surrender of his arms, in which Case a statement of the reason for making the Order shall be Recorded by the Presiding Officer and, if the concerned Authorities so request forward a copy of the Order for information to the Commander-in-Chief, as the Case may be.
- (4) Fire arms shall under no circumstances be taken into Court.
- (5) Such person with a European style head dress will remove the same while the judge is present, except when he is on duty under arms with a party or escort inside the Court.

15. Special protection in respect of Civil and Revenue Litigation of Indian Soldiers serving under special conditions.-

If any person presenting any plaint, Application or Appeal to any Court has reason to believe that any adverse party is an Indian Soldier who is serving under special conditions, he shall state the fact in his plaint, Application or Appeal.

Explanation-

- (a) "Court" means a Court other than a Criminal Court and includes any such tribunal or other Authority as may be specified by the Central Government by notification in the Official Gazette being a tribunal or Authority which is empowered by law to receive evidence on any matter pending before it and on the basis of such evidence to determine, after Hearing the Parties before it, the rights and obligations of the Parties in relation to such matter;
- (b) "Indian Soldier" means any person subject to the Army Act, 1950 (46 of 1950), or the Air Force Act, 1950 (45 of 1950), or the Navy Act, 1957 (62 of 1957);

- (c) "Serving under special condition" means a condition as defined in Section 3 of the Indian Soldiers (Litigation) Act, 1925, as amended from time to time.

In these Cases, provisions of Indian Soldiers (Litigation) Act, 1925, and Rules made there-under, shall apply *mutatis mutandis* as given in (Appendix-H.)

ORDER 22

MUNICIPAL SUITS AND APPEALS

In matters of Suits and Appeals by or against municipality/municipal council/municipal corporation; in addition to General Rules, as applicable to pleadings, Applications, Petitions and Appeals of whatever nature, following rules shall also apply-

1. All pleadings, Applications and Petitions of whatsoever nature, and also powers of attorney and Certificate of pleaders, filed in the course of civil judicial proceedings, shall be printed on stout durable Paper of foolscap size in Vernacular/ English.
Both side of the Paper shall be used, and a quarter margin, together with at-least one & half inch of space at the top and bottom of each sheet, shall be left.
2. At the time of Presentation of any Suit/ Application/ Appeal, written statement or reply, as the Case may be, by or against municipality/municipal council/municipal corporation. Such party shall also file an email-ID and Registered mobile number where Service can be effected. Such party shall also file an undertaking stating therein that any Service transmitted electronically on such email-ID or Registered mobile number shall be deemed to be sufficient Service on such party concerned.
3. In any Suit/ Application/ Appeal where matter in dispute is immovable Property, a site plan to the scale, together with appropriate number of coloured photograph, shall also be submitted along with such Suit/ Application/ Appeal; duly authenticated on oath by the party/ pleader submitting such document.
4. Any Suit or Appeal by municipality/municipal council/municipal corporation, as the Case may be, instituted by such officer of the municipality/municipal council/municipal corporation duly Authorized by the Board.
A municipal board/ municipal council/ municipal corporation shall by general resolution Authorize and notify such officer.
5. Presentation.— Every Suit/ Application/ Appeal of whatsoever nature shall be filed before such official appointed by the Court or by the District Judge to receive such Presentation.
No such Presentation shall be made across the dais during Court hours.
Provided that, such Presentation may be made in the Court on the ground of limitation, or other urgent reason, if any.
The Presiding Officer when accepting such Presentation during Court hours or after Court hours will make a note on such Papers, the time of Presentation.
6. At the time of Presentation, the following entries shall be made by the official concerned:—
 - (a) date and time of Presentation,
 - (b) name of presenter,
 - (c) classification of Suit/ Application/ Petition, and
 - (d) Court fee paid.
7. **Contents of Memorandum of Appeal.-**
 - (1) The cause title of every Memorandum of Appeal shall contain -
 - (a) The designation of the Court;
 - (b) The name, age, Description and address of each Appellant;
 - (c) The name, age, Description and address of each person who is proposed to be made the Opposite Party;
 - (d) The status (whether Plaintiff, Petitioner, Defendant, non-Petitioner etc.) of the Parties in the Court of first instance, if any;

- (e) Date of the impugned judgment/Order;
 - (f) Case number in which such Judgment / Order was passed by the Original Court;
 - (g) Facts of the Case in brief;
 - (h) Grounds, numbered serially;
 - (i) Relief prayed for;
 - (j) It shall be stated as to whether it is first or subsequent Appeal against the impugned Order. If subsequent, the particulars and result of earlier proceedings shall be disclosed;
 - (k) It shall also be stated as to whether there is any connected Appeal against same judgment/Order is pending, if yes, the details if any; and
 - (l) It shall also be stated that the Appellant(s) has not filed any Memorandum of Appeal/ Revision before High Court.
- (2) Every such Memorandum of Appeal shall be accompanied by a certified copy of the impugned Judgment or Order together with certified copy/ copies of other relevant Record necessary for Decision of Appeal, with affidavit certified to be correct by the party supplying them or his advocate, as the Case may be.

Provided that, Court may dispense with the requirement of filing certified copy of the judgment/ Order.

8. Duty of official concerned of the Court in respect of Suit/ Application/ Appeal.—

After Presentation, official concerned of the Court having jurisdiction, shall examine each Suit/ Application/ Petition presented to him, and shall Report thereon, whether-

- (a) the provisions of the Code and the Court Fees Act have been observed,
- (b) the claim is within the jurisdiction of the Court,
- (c) constitutes a cause of action,
- (d) has been presented within the period of limitation.

9. Provisions of A.D.R. to be mentioned.-

In every summons/ notice, provisions of A.D.R. shall also be mentioned at appropriate place.

10. Requisition of Record.-

In Case of Appeal against the Order, no Record shall be called from the Court in which Original Case is pending, however, Record can be obtained, if already consigned to Record Room by means of a Requisition in the prescribed Form (F.130).

Provided, if in the opinion of the Court, Original Record is essential for Decision of the Appeal, in that Case, Record can be called at the time of Hearing/ Decision and such Record shall not be detained for more than fifteen days.

11. Mode of proof of Record.-

- (a) A copy of any Receipt, Application, plan, notice, Order, entry in a Register or other document in the possession of a municipality/municipal council/municipal corporation shall, if duly certified by the Record keeper thereof or other person Authorized by it in this behalf, be received as prima facie evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transaction therein Recorded in every Case where, and to the same extent as, the Original entry or document would, if produced, have admissible to prove such matters.
- (b) No municipality/municipal council/municipal corporation officer or servant shall, in any legal proceeding to which a municipality/municipal council/municipal corporation is not a party, be required to produce any Register or document, the contents of which can be proved as aforesaid by a certified copy, or to appear as a Witness to prove the matter and transactions Recorded therein unless by Order of the Court made for special cause.

12. Interim relief.-

If any interim relief is granted in favour of Plaintiff/ Applicant/ Appellant in relation to any alleged encroachment/ unauthorized occupation, such matters shall be heard on priority, no adjournment beyond seven days at a time shall be granted to any party in such matters.

13. No Civil Court shall in the course of any Suit/ Application/ Petition/ Appeal grant any temporary injunction or make any interim Order-
- Restraining any person from exercising the powers or performing the functions and duties of a member Chairperson, Vice-Chairperson, Officer or servant of a municipality/municipal council/municipal corporation or a committee or sub-committee of a municipality/municipal council/municipal corporation on the ground that such person has not been duly elected or appointed as such member, chairperson, vice-chairperson, officer or servant, or
 - Restraining any person or persons or any municipality/municipal council/ municipal corporation or committee or sub-committee of a municipality/ municipal council/ municipal corporation from holding any election or from holding any election in any particular manner.
14. No compromise in any Suit/ Application/ Petition/ Appeal or prosecution shall be taken on Record unless duly Authorized and authenticated by the appropriate Authority.
A municipal board/ municipal council/ municipal corporation shall by general resolution Authorize and notify such Authority.

ORDER 23

APPOINTMENT OF RECEIVER

- Application for appointment of Receiver.—**
Every Application for the appointment of a receiver shall be made in writing and shall be supported by an affidavit.
- Register of Receivers.—**
As soon as an Order for the appointment of a receiver being drawn up and Issued, an entry shall be made in a Register to be kept for the purpose. A copy of the Order of appointment together with terms of reference shall also be sent to the receiver appointed.
- Receiver other than Official Receiver to give security.—**
Where an Order is made directing a receiver to be appointed, the person appointed, if not the Official Receiver, shall, unless otherwise Ordered, first give security to the satisfaction of the Court for the due performance of his duties as Receiver. The Court may take the personal bond of the receiver with such number of sureties as the Court may consider necessary. The amount of the bond shall be in proportion to the annual rental of the immovable Property, or the value of the movable Property which is likely to come into the hands of the receiver.
- Surety may point out omission(s) or neglect of duty cast on part of Receiver.—**
If the security mentioned in Rule 3 is furnished by the receiver by his executing a bond with a surety or sureties (including in the latter term a guarantee Company or society), the surety or sureties shall be entitled, by an Application to bring to the notice of the Court any act, omission or neglect of any duty cast on the receiver by law or any other circumstance, which would entitle the surety or sureties to be discharged from the obligation created by such bond and the Court may thereupon make such Order and on such terms as it may think fit.
- Receiver to submit Report.—**
Unless otherwise Ordered by the Court the Receiver shall, within one week of the appointment, submit to the Court a detailed Report regarding the Property with an inventory of the Property, account Books, etc. taken charge of documents by him.
- Maintenance of Accounts.—**
The receiver shall maintain true and regular accounts of the receivership and shall in particular maintain a cash Book in which shall be entered from day to day all Receipts and Payments and also a ledger. He shall also maintain a counterfoil Receipt Book with the leaves numbered serially in print, from which shall be given, as far as possible, all Receipts for Payments made to the receiver.
- Directions for investment of Moneys in the hands of the receiver.—**
(1) Unless the Court otherwise directs, the receiver shall, as soon as may be after his appointment, open an account in the name of the receivership in such banks as the

Court may direct and shall deposit therein all Moneys received in the course of the receivership Immediate ly on Receipt thereof save any minimum sums that may be required for meeting day to day current expenses. All Payments by the receiver shall, as far as possible, be made by cheques drawn on the bank account.

- (2) The Court, in consultation with the Parties, may give appropriate directions for the investment of all sum received by the receiver.

8. Notice to surety of Application affecting surety's risk.

The surety or sureties mentioned in Rule 3 shall be entitled to notice of any Application to the Court, on the part of the receiver, or any other party interested relating to any Property in the management or under the control of the receiver which may affect the risk undertaken by the surety or sureties under the security bond furnished by the receiver and the Court upon Hearing the said surety or sureties may make such Order as to his or their cost of appearance in such Application as it may think fit.

9. Powers of Receiver.—

In the absence of any Order in that behalf every receiver of immovable Property shall have all the powers specified in Order XL, Rule (1)(d) of the Code of Civil Procedure, 1908, except that he shall not without the leave of the Court—

- (a) Grant lease, or
- (b) Bring Suits, except Suits for rent, or
- (c) Institute an Appeal in any Court (except from a decree in a rent Suit) where the value of the Appeal is over Rs. 1,000/-, or
- (d) Expend on the repairs of any Property in any period of two years more than one-fourth of the annual rental of the Property to be repaired, such rental being calculated at the amount at which the Property to be repaired could be let out within fair state of repairs.

10. Rule 8 applicable to manager or guardian.—

Subject to the Order of the Court, Rule 8 shall apply to a guardian of the person or estate of a minor and the manager of the estate of a lunatic appointed by the Court.

11. Receivers' remuneration.—

- (1) The Receiver shall be entitled to such remuneration as the Court thinks reasonable.
- (2) Whenever the properties are in charge of an official receiver the above remuneration shall be credited to Government revenue.

12. Establishment and costs thereof to be detailed in the appointment Order.—

The establishment, clerical or otherwise, required by a receiver, if any, and the cost thereof chargeable to the estate or Property of which he is appointed receiver shall, as far as possible, be detailed in the Order of appointment or in subsequent Order.

13. No charge for additional establishment allowed.—

Unless otherwise Ordered, no charge for establishment shall be allowed to the receiver.

14. Receiver to file half-yearly accounts.—

- (1) Every receiver shall, unless otherwise Ordered, file his half-yearly account in Court, the first of such accounts to be filed within one month after the expiration of six months from the date of his appointment, and every subsequent account within one month after the expiration of each succeeding period of six months, or in a Case where the purpose for which the receiver was appointed has been carried out or completed before the expiry of six months from the date of appointment, within one month from the date of such carrying out or completion.
- (2) Every such account shall show the balance in hand, and if so what portion thereof is required for the purpose of the estate and how much may be paid into Court or invested, and shall be verified by an affidavit.
- (3) Parties shall be entitled to file objections upon the statement of accounts submitted by receiver and the Court shall decide the same.

15. Auditing of difficult and complicated accounts.—

In any Case where the accounts are difficult and complicated, Court may Order such accounts to be audited at the expense of the estate by a Chartered Accountant.

16. Order as to Payment of balance.—

- (1) The Court, on the passing of the Accounts, may make such Order as to the Payment of the balance, or any part thereof, either into Court or in such other manner as may deem proper.
- (2) The Court may make an Enquiry as to the amount, if any, due from the receiver, as shown by his accounts or otherwise, or an Enquiry as to any loss of the Property occasioned by his willful default or gross negligence and may Order the amount found due, if not already paid by the receiver or the amount of loss so occasioned, to be paid by the receiver within a period to be fixed by the Court.

17. Consequence of Receiver's negligence to file accounts or pay the balance etc.—

Where any Receiver neglects to file his accounts, or to pay the balance or any part thereof as Ordered, the Court may, from time to time, not only disallow, the remuneration therein claimed by such receiver but also charge him with interest not exceeding nine per cent per annum upon the balance, if any, so neglected to be paid by him during the time such balance shall appear to remain in the hands of such receiver.

18. Consequence of default by Receiver.—

Where any Receiver fails to file any account or affidavit or to make any Payment or commits any other default the receiver or persons interested or any of them, may be required by notice to attend before the Court to show cause why such account or affidavit has not been filed or such Payment made or any other proper proceeding taken and thereupon the Court may give such directions as may be proper, including the discharge of the receiver and appointment of another and also the Payment of costs by the defaulter.

19. Sale by Receiver.—

Rules contained in Order XXI, Rule 64 to 106 of Code of Civil Procedure, 1908 shall, with any necessary modifications, apply to sales held by the Receiver.

20. Interim Receiver.—

Unless otherwise Ordered by the Court, the provisions of this Chapter shall apply *mutatis mutandis* to Orders for appointment of interim receivers.

ORDER 24**ARRANGEMENT AND PRESERVATION OF JUDICIAL RECORDS****Section -I****General****1. Wrapping of a Record or part of a Record.—**

Each Record, or when the Record is maintained in separate parts, each part of a Record shall be wrapped in a durable file Paper and shall be stitched in Book Form.

2. Particulars to be shown on every sheet of Application etc.—

- (1) Every sheet of an Application, Petition, Process, notice or Order in relating to a Suit which will include a proceeding from the Institution of the Suit down to the final decree shall bear on the left hand centre portion of each Paper (obverse side):—

- (a) the name of the Court in which the Original Suit was instituted, or to which it was transferred;
- (b) the Register number and the year of the Original Suit including CIN Number; and
- (c) the title of the Suit.

- (2) Similarly on every sheet of an Application, Petition, Process, notice or Order in or relating to an execution Application shall bear on the left hand centre portion of each Paper (obverse side):—

- (a) the name of a Court in which the execution Application was filed or to which it was transferred;
- (b) the Register number and the year of the execution Application;
- (c) the title of the execution Application; and
- (d) the CIN Number.

3. Particulars to be shown on the title page of a Record or part of a Record.—

Each Record or when such Record is divided into parts, each part of such Record, shall have a title page (or wrapper) in the prescribed Form (F.122) showing the following particulars:—

1. Name of Court.
2. Kind of Case.
3. Title of Case.
4. CNR Number.
5. Number and year of Case.
6. Date of Institution.
7. Date of Disposal.
8. Date of consignment to Record-Room.
9. Date of Decision in Appeal or Revision.
10. Kind of file or part.
11. Class of Record.

4. Keeping of parts of a Record.—

When a Record is divided into parts, whether each part shall be kept in a separate file or whether two or more or all the parts of a Record shall be stitched together in one file; shall be determined in each Case having regard to the nature of the Case and the size which the Record is likely to attain or has attained.

5. Recording of proceedings, notes depositions and Reports in the Record.—

- (a) All proceedings, notes, depositions, memoranda and Reports shall be written on foolscap size Paper. They shall be so Recorded as to leave sufficient margin on each side of the Paper, so that any writing may not be covered by the stitching or obliterated by fraying at the edges.
- (b) The practice of writing Orders, Reports 'sherishta' or other matter across the top and along the side of a page is forbidden.

6. General Index.—

- (a) As each Case is instituted, the Clerk-in-charge of the Record shall prepare a General Index in (F.118) which shall be prefixed to the Record of every Case and each Paper as it is filed unless otherwise directed in these rules shall be entered in the index, along with its date of Presentation, in the Order in which they were brought on Record.
- (b) The exhibit mark of every document admitted in evidence shall be noted in bold letters and figures on the right hand margin of the index (F.133) opposite the entry relating to such document.
- (c) When a Paper is removed from the Record the fact of such removal shall at once be noted in the General Index and the appropriate index (F.133) of exhibits against the entry of that Paper.

7. Order-Sheet.—

An Order-sheet in the prescribed Form (F.123) shall be maintained as the second Paper of the Record in every Suit or Case. The Order-sheets are intended to be Record of the progress of the Suit or proceeding from the date of the first Hearing of the Suit or proceeding. The Order-sheet shall be legible and complete and shall contain—

- (i) A Record of the presence of the Parties by name and the names of their recognised agents or counsel;
- (ii) A Record of each Order passed and material event occurring in the proceedings of the Case on that date;

The expression "material event occurring in the Case" used in the preceding shall, without prejudice to its generality, be held to include.—

- (a) the filing of a plaint or written statement;
- (b) the examination of Parties under Order X, Rule 1 and 2;
- (c) the Recording or amendment of Issues;
- (d) the examination and names of Witnesses;
- (e) the reading of the deposition of a Witness examined by commission;
- (f) the filing of a commissioner's Report and any objection (oral or in writing) thereto;
- (g) the Presence of Witnesses when a Case is Adjourned;
- (h) the Hearing of arguments;

- (i) the delivery of judgment;
 - (j) the signing of a decree;
 - (k) the filing of an Application for review of Judgment or amendment of decree;
 - (l) an Order relating to a deposit, an Order for rePayment thereof, or an Order for Issue of a re-Payment Order; and
 - (m) Upon Receipt of an Application for re-Payment, it will be necessary to re-consult the Original Record, if Original Record is already in Court, the entry will be made in the Order-sheet of such Record and initialed by the Judge; but if the Original Record is in the Record-Room and the procedure laid down for re-Payment has been followed an entry of such Order passed by the Court shall be made by the Record-Keeper under his own initials when the Application for re-Payment is received by him for being filed with the Record.
- (iii) An Order, not being an Order for adjournment or postponement, the reasons for which are required to be Recorded at length, shall not be written on the Order-sheet but only note of the Order and of the date on which it was made shall be entered on it. Every entry upon the Order-sheet shall be signed by the Presiding Officer. Every Order-sheet shall bear at its top the number and the title of the Case.
- (iv) A Record of the production of documents, admissions and denials thereof by the Opposite Party and the Decision on questions of relevancy, if raised and the tendering of the documents in evidence, their rejection impounding or return.

8. Entries in the Order-sheet.—

Entries in the Order-sheet shall be made by the Presiding Officer or by the Reader under the directions of the Presiding Officer and shall bear the signatures or initials of the Presiding Officer.

Section II

Division of Civil Records into Classes

9. Division of Records of Judicial Proceedings in Civil Courts.—

- (1) The Records of judicial proceedings in Civil Court shall be divided into three classes.

Class I

- (a) Suits for or affecting immovable Property, including Suits for foreclosure, sale or redemption other than Suits for arrears of rent or for a share in produce, when the right is not disputed and only the amount is contested.
- (b) Suits in respect of the succession to an office or to declare the validity or invalidity of an adoption of otherwise to determine the status of an individual.
- (c) Suits relating to public trusts, charities, endowments, rights or customs.
- (d) The Records of Execution Cases, where possession of immovable Property is given in pursuance of the decree or where immovable Property is sold in execution.
- (e) The Records of Insolvency Cases, where the Court decides a question of title to immovable Property.

Class II

- (a) Contested and uncontested Suits and Cases for succession Certificates-probate and letters of administration and for the revocation of the same.
- (b) Cases relating to the guardianship of minors and the administration of their Property.
- (c) Cases relating the guardianship of lunatics and the care of their estate.

Class III

- (a) Records of all Suits which do not come under Classes I and II.
- (2) The Records of Appeals against decrees and final Orders shall belong to the class to which the Record of the Original Case belongs.

- (3) The Records of Appeal in Cases other than those referred to in the above sub-rule shall belong to Class III.
- (4) The Records of execution Cases, where a question of interpretation of decree is determined, shall belong to the class to which the Record of the Original Case belongs.
- (5) The Records of execution Cases, except those referred in the preceding rule, shall belong to Class III.
- (6) The Records of Insolvency Cases, other than those referred above, shall belong to Class III.
- (7) The Records of all other Cases which do not fall in any of the classes mentioned hereinbefore shall belong to Class III.

10. Arrangement of Civil Records.—

- (1) The Record of an Original civil Suit or Case shall be arranged in four Parts A, B, C and D. It shall also be entered in the index of the part (F.124).
- (2) (i) **Part-A** shall contain the following Papers :—
 - (a) Index of Papers.
 - (b) The Order-sheet.
 - (c) The plaint, Petition or Application together with any schedule annexed thereto.
 - (d) Any Process served upon the Defendant together with the return of Service in Cases decreed ex-parte.
 - (e) Written statements and oral statements of Parties or their counsel or other persons Recorded under Order X, Rule 1 and 2 of the Code.
 - (f) The Memorandum of Issues.
 - (g) Any award of arbitrators or Petition of compromise, if given effect to in the decree, also the Report together with the map (if any) of a Commissioner in matters relating to immovable Property, if referred to or given effect to in the decree, but not any portion of the evidence taken by such Commissioner; also in the Case of minors or lunatics any Order of the Court sanctioning a compromise as beneficial to the minor or lunatic.
 - (h) Any Order for administration or for partition or for accounts or inquiry, with the direction given and the Judgment upon which such Order is founded.
 - (i) The Judgment or final Order.
 - (j) The preliminary decree (if any) and the final decree.
 - (k) The copy of any Judgment and decree passed in Appeal or Revision.
 - (l) Any other Paper, which the Presiding Officer may, for reasons to be Recorded in writing Order to be placed in Part-A.
- (ii) **Part-B** shall contain the following Papers :—
 - (a) Index of Papers.
 - (b) All oral evidence.
 - (c) Vakalatnama.
 - (d) All Petitions and Papers not specified as included in any other part.
- (iii) **Part-C** shall contain the following Papers :—
 - (a) Index of Papers.
 - (b) List of documents admitted in evidence on behalf of the Plaintiffs.
 - (c) Documents admitted in evidence on behalf of the Plaintiffs.
 - (d) List of documents admitted in evidence on behalf of the Defendants.
 - (e) Documents admitted in evidence on behalf of the Defendants.
- (iv) **Part-D** shall contain the following Papers :—
 - (a) Index of Papers.
 - (b) All summonses, Processes, returns thereto, lists of Witnesses, Petitions relating to the Attendance of Witnesses or adjournments, proceedings calling for or sending Papers or Records and affidavits relating to matters mentioned in this sub-rule Petitions

for grant of copies or for inspection of Records and Papers relating thereto.

- (3) The Papers in each part of a Record shall be arranged in the Order in which they are set forth in these sub-rules. When there are several Papers of the same kind, they shall be arranged in chronological Order except that when a Witness has been cross-examined or re-examined at a later stage of the proceedings, such cross-examination or re-examination shall be attached to his Original deposition.
- (4) The Record of a Civil Appeal Case shall be arranged in four parts — A, B, C and D.
- (5) (i) Part-A shall contain the following Papers :-
 - (a) Index of Papers;
 - (b) The Order-Sheets;
 - (c) The Petition or Appeal, together with copies of judgments and decrees of lower Courts;
 - (d) Any Process served upon the Respondent together with the return of Service in Cases decreed ex-parte.
 - (e) Any cross-objection filed by the Respondent;
 - (f) Issues referred for Trial by the Appellate Court with the findings thereon;
 - (g) Any award of arbitrators or Petition of compromise, if given effect to in the decree, also the Report together with the map (if any) of a Commissioner in matters relating to immovable Property, if referred to or given effect to in the decree, but not any portion of the evidence taken by such Commissioner; also in the Case of minors or lunatics any Order of the Court sanctioning a compromise as beneficial to the minor or lunatic;
 - (h) Any Order for administration or for partition or for accounts or inquiry, with the direction given and the Judgment upon which such Order is founded;
 - (i) The Judgment or final Order.
- (ii) Parts-B, C and D shall be arranged in the same manner as in an Original Case.
- (6) The Record of an execution Case shall be arranged in two parts-A and B.
- (7) (i) Part-A shall contain the following Papers:—
 - (a) Index of Papers.
 - (b) The Order-sheet.
 - (c) The Application for execution, together with any schedule annexed thereto and the copy of the decree.
 - (d) Any Petition raising any question as to the construction or effect of the decree and any counter Petition.
 - (e) The Judgment of the Court on such question.
 - (f) The copy of any Judgment passed in Appeal or Revision.
 - (g) Nazir's return of delivery of possession.
 - (h) Acknowledgement of Receipt of possession.
 - (i) Court copy of Certificate of sale.
 - (j) Receipt or acknowledgement of satisfaction of decree.
 - (k) Power of attorney where it empowers the agent of counsel to receive Money.
 - (l) Order of Commitment to civil prison and Order of release there from, together with the jail Report of execution of the Order.
- (ii) Part-B shall contain the following Papers :—
 - (a) Index of Papers.
 - (b) All Papers not contained in Part A.
- (8) The Record of an Investigation into a claim or objection preferred during execution proceedings shall be separately compiled and arranged as the Record of an Original Case.

11. Paper taken out of a Record to be replaced with a copy.—

When a document in any Record, civil or Criminal, is made an exhibit in another Record, and is removed from that Record, a certified copy of the document shall be retained in the Record from which the document is removed and a note of the removal made on the

general index or Order-sheet. The certified copy shall be prepared by the Court, Reader or Clerk and shall be signed by the Presiding Officer of the Court. After the Decision of the Appeal, or after the expiry of the period of Appeal, if no Appeal has been brought, the document shall be returned to the Record of which it Original ly Formed part, its place being taken by the certified copy.

12. Documents Forming basis of Suit how dealt with.—

- (1) A party filing an Original document on which his Suit or defence is founded must file also a copy thereof. This shall contain at the top, a note of the stamp duty paid on the Original document. The copy will either be prepared by the copying Department on Payment of Fees, or compared there on Payment of one-quarter of the charges for preparing a copy.
- (2) The document or documents will be kept on a separate file called supplementary 'C' file with an index.
- (3) This supplementary file containing the Original document or documents and the index will be kept by the Munsarim or Reader in a locked almirah and the key will remain in his Custody.
- (4) The certified copy will be placed on Record of the Suit and will serve the purpose of persons inspecting the Record. An inspection of the file documents will only be allowed in exceptional circumstances and will take place in the presence of the Munsarim and under his control, and on its termination, he will certify that he has counted the documents and seen that none has been damaged or obliterated.
- (5) The file of documents will be produced at the Hearing of the Suit for the purpose of proving the documents but except when the file is being shown to a Witness, the file will remain on the table of the Presiding Officer. On the termination of the Hearing, the Munsarim or Reader will take the file into his Custody.
- (6) When a Record comes to an Appellate Court, the file of documents will be kept in the Custody of the Munsarim or the Reader, as the Case may be, of the Appellate Court.
- (7) A party may ask the Court to put any other document into a sealed cover on the Record or to add any document to supplementary file 'C' and the Court may do so if it thinks fit.
- (8) After final Disposal of a Suit and Orders on Appeals if any supplementary file 'C' with index will be added enblock to main file 'C' before consigning the Record to the Record-Room.

13. Munsarim's Certificate as to Papers on Record.—

Before a Record or part of a Record is deposited in the Record-Room, the Munsarim or Reader shall Record a Certificate in the following Form at the foot of the general index:—

"I have this day of examined the Papers in this part and find them to correspond with the general index; they bear (here state number) Court fee stamps of the aggregate value of Rs. All Orders have been carried out. The file is complete up to the date of this Certificate."

When a Record or part of a Record has been taken from the Record-Room, into Court, and any fresh Papers have been added to it, the Munsarim or Reader shall, before the Record or part is again deposited in the Record-Room, Record a further Certificate in the same Form as above, at the foot of any fresh entries in the general index. S further Certificate shall refer to the added Papers only.

ORDER 25

RECORD-ROOM AND THE PRESERVATION AND DESTRUCTION OF RECORDS

1. The Record-Room.—

- (1) Every data shall be preserved in digital/ electronic Form on electronic storage media in due course with the mechanism of retrieval as and when required in terms of the provisions of InFormation Technology Act, 2000 as amended time to time.
- (2) Any Record or Papers can be destroyed after one year of digitization reckoning from 31st December next ensuing digitization.

- (3) Till digitization of Record in digital/ electronic Form on electronic storage media with the mechanism of retrieval as provided in preceding rules, these rules shall apply in matter of preservation and destruction of Record.

2. Racks for each Court.—

A separate part of a rack or one or more separate racks in the Record-Room shall be, as far as possible, assigned to each Court the Records of which are consigned in the Record-Room.

3. Arrangement of Records.—

Records shall be kept in accordance with the dates of Disposal of the Cases to which they relate.

Records of different kinds of Cases, e. g., Original Suits, Appeals, shall be kept separately.

Records of execution Cases relating to the same decree shall be kept together.

Records of execution Cases shall be kept in the same Order in which the Records of the corresponding Original Suits are kept.

4. Transmission of Record to Record-Room—

- (1) At the beginning of every month, the complete Record of all Suits, Appeals or other Cases decided during the month shall be made up into a bundle; and on or before the twenty-fifth day of the month or as directed by the District Judge, they shall be transmitted to the Record-Room.
- (2) Records of miscellaneous Cases relating to Suits shall not be sent in the monthly bundle.
- (3) Records of Cases in which proceedings are stayed or in which proceedings are held-up for any reason shall not be consigned to the Record-Room.
- (4) Every Subordinate Court shall on the 28th of every month submit a Certificate to the District Judge to the effect that all Records which should have been transmitted to the Record-Room have been so transmitted or explain the cause of delay, if any, Records have not been transmitted. For the District Judge's Court this shall be done by the Munsarim of his Court.
- (5) If a completed Record is required for use in the Court in which it was completed, or it has been Requisitioned by another Court, or if, for any other reason, a completed Record is not sent to the Record-Room at the time specified in this Rule; it shall be sent to the Record-Keeper, in the monthly bundle, in place of every such Record, a copy of the form of Requisition (F.130) under which it has been detained, or transmitted elsewhere; the Record keeper shall deal with this as an Original Requisition.
- (6) An insolvency Case wherein an Order of adjudication has been made, shall not be deemed to be completed until the insolvent is discharged.
- (7) The Records of decided execution Cases shall be consigned to the Record-Room at the end of each month in the manner indicated in sub-rule (1). They shall be kept in the Record-Room in the manner indicated in Rule 3.

5. Each bundle transmitted to accompany certain list of contents.—

Each bundle transmitted to the Record-Room shall be accompanied by a list of the Records it contains prepared by the Official-in-charge of the Records and signed by the Munsarim or the Reader of the Court, as the Case may be. The list shall be prepared in duplicate on the prescribed Form (F.125) and a copy thereof shall be kept on the top of the Records before the bundle is closed, while the other copy duly signed by the Record-Keeper shall be kept with the Munsarim or the Reader of the Court concerned, as the Case may be.

6. Procedure to be followed by a Record-Keeper.—

With the bundle shall be sent an invoice in the prescribed Form (F.126), the upper portion of which shall be filled up by the Court transmitting the Record and shall be signed by the Munsarim or the Reader of the Court, as the Case may be. On Receipt of the bundle the Record-Keeper after comparing the entries in the invoice with the lists accompanying the bundles and with the number of Records of each class actually received, shall, if the invoice be found to be correct, sign the acknowledgment at the foot of it, and return it to the Court from which it was received. If the invoice be found to be

incorrect, the Record-Keeper shall acknowledge the Receipt of the Record actually received, and shall Report the discrepancy for the Orders of the Presiding Officer in-charge.

7. Packing and Transmission.—

Each bundle shall be sewn up and sealed in the presence of the Chief Ministerial Officer of the Court. In outlying Courts at places where there are no Record-Rooms, the bundles of each class shall be sewn up into one large bundle and placed in a strong tinlined box provided with duplicate keys, one of which shall remain in the Court transmitting the Records and the other in the Court to which the Record-Room is attached.

8. Transmission of Registers and Books.—

The rules for the transmission of Record shall apply, *mutatis mutandis* to the transmission of Registers and Books.

9. Bundles pending examination.—

The bundles of Records as received by the Record-Keeper shall, pending his examination under the next rule, be kept in racks set apart for the purpose.

10. Record-Keeper's examination of Record received.—

As soon as may be after the bundles have been received, the Record-Keeper himself or through his Deputy or Assistant Record-Keeper shall compare the Papers in each Record with the general index and satisfy himself :—

- (1) that the Papers in the Record correspond with those entered therein;
- (2) that each file contains the Papers properly appertaining to it;
- (3) that the document in the Record bear no blots, erasures, or interlineations, except those noted in column 8 of the general index;
- (4) that the Papers bear the stamp entered in column 6 of the general index;
- (5) that the stamps have been duly cancelled;
- (6) that on each Paper the number and aggregate value of the stamps on it have been Recorded;
- (7) that the rules made by the Government for regulating the number of stamps to be used for denoting Fees have been complied with;
- (8) that there is nothing suspicious in the appearance of the stamps;
- (9) that all Orders and exhibits have been duly signed;
- (10) that all necessary Receipts are in the Record.

11. Record Keeper's Certificate of correctness or Report to District Judge.—

If the Record is found to be in Order, the Record-Keeper, the deputy Record-Keeper, or the Assistant Record-Keeper, as the Case may be, shall Record a Certificate to that effect in the general index. If the Record be found to be defective in any respect, he shall in writing Report its condition for the Orders of the Judge-in-charge; and the Report with other Papers consequent on it shall, after being entered in the general index, be filed with the Record. Such Report shall be made on the printed Form (F.127) prescribed by the High Court.

If the Judge Orders the file to be returned for correction, the Record-Keeper shall make corresponding entries in the Form and deal with the Form as if it were Issued on Receipt of a Requisition from a Court.

Where the Court, of which the Record has been found defective, is at headquarters, it will be preferable, as a rule, to send for the Clerk at fault and have the necessary corrections carried out in the Record-Room. The Record while under correction and the Clerk correcting it should always be under the Immediate eye of the Record-Keeper or of a Deputy Record-Keeper.

12. Examination when to be completed.—

The examination of the Records of each bundle received in the Record-Room shall be completed within a month from the date of Receipt.

13. List to be stitched into File-Books.—

As soon as the examination of the Records in each bundle is completed, the lists which accompanied the bundle, shall be stitched into a file Book and ordinarily at the end of the

calendar year, the lists of each class of Records shall be separately bound up for each Court, so as to constitute Registers of decided Cases.

No other Register of decided Cases shall be kept up in the Record-Room.

If in any calendar year the number of sheets in any list is too small, the list may be bound up at the end of 2 to 5 calendar years as convenient.

14. Second punching of labels.—

When a Case is decided and consigned to the Record-Room, the Record-Keeper, the Deputy Record-Keeper or Assistant Record-Keeper shall punch a second hole in each Court-fee label distinct from the first and note the date of his doing so at the same time. The second punching shall invariably be made in the middle of that part of the label on which its value is printed but shall not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

15. Arrangement of Records in bundles.—

(1) The Record of a miscellaneous Case arising out of a Case, shall be placed along with the Record of that Case.

(2) The Records of other miscellaneous Cases shall be kept in separate bundles.

16. Treatment of miscellaneous Cases relating to pending Cases.—

When a miscellaneous Case has been disposed of in a month and the main Case out of which it has arisen is pending, the Record of the miscellaneous Case will be kept with that Case.

17. Arrangement of Records and labeling of bundles.—

In the bundle, the Records shall be kept according to their serial number in the list or Register of disposed of Cases, the bundles shall be so arranged as to secure better facility of access to more recent Records.

On each bundle shall be painted, by means of a stencil plate or otherwise the year and month and the class of Records and to each bundle shall be attached a label showing by their serial numbers the earliest and latest Records, for the time being, belonging to that bundle.

The Judge-in-charge may assign different coloured bastas to the different Courts from which Records are received.

18. Period of retention of Books and Register in Court before consignment to Record-Room.—

The following Registers and Books shall be retained in each Court for the period specified against each:—

S. No.	Description of Register or Book	Register No.	Reference to Rule	Period of retention in the Court
1	2	3	4	5
1.	Dispatch Register	252 & 253	Order 27 Rule 4	One year after completion
2.	Register of Miscellaneous Judicial Cases not relating to Suits or other Cases.	240	Order 27 Rule 4	One year after completion
3.	Register and Books kept by Amins	254 to 257	Order 27 Rule 5, 6	One year after completion
4.	Register of Receipts of deposits	221	Order 15 Rule 8	Three years after the items Recorded in the Register have been disposed of.
5.	Register of Applications for execution of decrees and Orders.	239	Order 27 Rule 1	Twelve years after completion.
6.	Register of Civil Suits.	238	Order 27 Rule 1	Fifteen years after completion.

All other Registers, Books and Papers specified in rules below shall be retained until completion.

Not later than 31st March following the period above prescribed for retention, the Books, Registers and Papers shall be forwarded to the Record-Room accompanied by a list in the prescribed Form (F.128). The list shall be pasted into a file Book kept for the purpose in the Record-Room, a separate file being assigned to each Court.

Provided that, aforesaid Registers can be destroyed after one year of digitization of Record reckoning from 31st December next ensuing after the digitization.

Provided further, that the data shall be preserved in digital/ electronic Form on electronic storage media with the mechanism of retrieval as and when required in terms of the provisions of Information Technology Act, 2000 as amended from time to time.

19. Preservation and destruction of Records.—

- (1) Part-A of Civil Records of Class I shall be preserved permanently.
- (2) Part-A of Civil Records of Class II shall be preserved for 50 years.
- (3) Part-A of Civil Records of Class III shall be preserved for 24 years.
- (4) Application under Order XXI, Rule 11 of the Code of Civil Procedure.— In the Case of execution Applications of Money decrees the Record shall be preserved for 12 years from the date of the final Decision in the execution Case except in Cases where an Appeal or Revision or any other proceeding against the Order of the executing Court is pending in a higher Court or immovable Property has been attached in which Case the Record shall be preserved for 24 years.
- (5) Parts B and C of Civil Records of Class I shall be preserved for 12 years.
- (6) Parts B and C of Civil Records of Classes II and III shall be preserved for 6 years.
- (7) Part-D of Civil Records of all Classes shall be preserved for 3 years.

Provided that, in Cases in which an Appeal or Revision or any other proceeding against the decree or Order of the Court is pending in a High Court, the entire Record shall be preserved till the intimation is received from such higher Court about the Decision of such Appeal or Revision or such proceeding and till the period of limitation for filing further Appeal or Revision expires.

20. Period of retention of Papers.-

The following Papers shall be destroyed on the expiration of the period specified against them computed from 1st January, of the year succeeding that to which they relate (mentioned in the table) :-

S.N o	Description of Paper	Register/ Book/ Form No.	Reference to rule	Period of retention after date of last entry
1	2	3	4	5
1.	Counterfoils of Amin's Payment Order	F.134	Order 30 Rule 21	Three months
2.	Counterfoils of cash Receipt Books of Amins.	F. 133	Order 30 Rule 20	One year
3.	Invoice counterfoil	F. 126	Order 25 Rule 6	One year
4.	Counterfoils of Receipts granted for Payment into Court.	F. 151	Order 37 Rule 4	One year
5.	Periodical statements, returns and office copies of the same, except annual returns and statements.			One year
6.	Proceedings of other Courts and office forwarding summonses, notices proclamations and the like.			One year
7.	Proceedings of lower Courts calling for Records asking for inFormation and the like.			One year
8.	Reports from Ministerial Officers not relating to particular Suits or Cases.			One year
9.	Applications for leave, or from candidates for employment or any other proceedings, Reports and Applications not relating to			One year

	particulars Suits or Cases.			
10.	Applications for renewal of Certificates of pleaders and cancelled Certificates.			Two years
11.	Counterfoils of Certificate for refunds of Payments of Court-Fees.	F.132	Order 29 Rule 24, 26	Three years
12.	Counterfoils of rePayment Order Books.			Twelve years

21. Period of retention of Books.-

(1) The following Books shall be retained for periods specified against them (mentioned in the table):-

S. No.	Description of Books	Register/ Book/ Form No.	Reference to Rule	Period of retention after date of last entry
1	2	3	4	5
1.	Register of persons committed to jail.	243	Order 27 Rule 1	One Year
2.	Memorandum Book of dates.	213	Order 10 Rule 1	-do-
3.	Register of proceedings taken in execution of Order received from the High Court	244	Order 27 Rule 1	-do-
4.	Dispatch Registers	252-253	Order 27 Rule 4	-do-
5.	Process Register	250	Order 27 Rule 4	-do-
6.	Process-Servers diary	231	Order 19 Rule 28	-do-
7.	Register of Order Issued to Amins	254	Order 27 Rule 5, Order 30 Rule 23	Three years
8.	Amins diary	255	Order 27 Rule 6	One year
9.	Amins Proceedings Register	256	Order 27 Rule 6, Order 30 Rule 23	One year
10.	Register of fines, stamp duties and penalties levied	263	Order 37 Rule 8, 17	One year
11.	Register of Applications for copies	203	Order 6 Rule 3, 5 & 14	-do-
12.	Inspection Register	202	Order 2 Rule 16	-do-
13.	List of unexpended petty deposits	221	Order 15 Rule 8	Three Years
14.	Amin's Property/ Cash Register	257	Order 27 Rule 6, Order 30 Rule 23	-do-
15.	Register of Money Orders received	224	Order 15 Rule 8	-do-
16.	Register of Travelling Allowance bills	228	Order 15 Rule 8	-do-
17.	Register of Court-Fees and Process-Fees	258	Order 27 Rule 7, Order 43	-do-
18.	Register of casual leave	214	Order 10 Rule 3	-do-

19.	Stock-Book of Stationery & other consumable Articles	206	Order Rule 2	8	Five years after completion.
20.	Register of civil Suits	238	Order Rule 1	27	Sixty Years
21.	Register of Disposal of Applications for execution of decrees and Orders	239	Order Rule 1	27	Six years
22.	Register of Records Requisitioned and returned	249	Order Rule 8, Order Rule 1, Order Rule 4	26 27 42	Six years
23.	Register of Appeals from decrees disposed of	245	Order Rule 2	27	Six years
24.	Cash-Book	227	Order Rule 8	15	Twelve years
25.	Register of miscellaneous Cases (judicial) relating to other Cases	242	Order Rule 1	27	Twelve years
26.	Register of returned documents	241	Order Rule 1	27	Twenty years
27.	Register of letters received	207	Order Rule 4	9	Twenty years
28.	Register of letters Issued	208	Order Rule 5	9	Twenty years
29.	Register of Execution	239	Order Rule 1	27	Twenty years
30.	Register of Receipts of deposits/RePayment and lapsed amount.	221	Order Rule 8	15	Twenty years
31.	Register of miscellaneous judicial Cases not relating to other Cases	240	Order Rule 1	27	Twenty years
32.	Register of miscellaneous Appeals	246	Order Rule 2	27	-do-
33.	Register of Appeals from decrees.	245	Order Rule 2	27	-do-
34.	Classified Catalogue of Books	218	Order Rule 1	12	Permanently
35.	Stock Register of furnitures	272	Order Rule 15	48	Permanently
36.	Register of closed Registers	236	Order 27		-do-
37.	Register of General Letters and Circulars	210	Order Rule 15	9	-do-
38.	File Books of Standing Orders and Circulars				-do-

- (2) Before destruction of the Service Book of members of staff should be verified and a note to that effect be made in the Service Book of concerned:

Provided that, no Court subordinate to the District Judge shall cause any Book to be destroyed under this rule without having first obtained his permission in writing to do so.

22. Monthly destruction of files or parts.—

Month by month, the files or parts of which the period for retention has expired, shall be removed from their Records under the personal superintendence and responsibility of the Record-Keeper and shall be sold as waste Paper in accordance with the instructions contained in these Rules.

23. Powers of District Judge in regard to destruction of Paper.—

- (a) The District Judge may at his discretion, direct the retention, for a longer period or permanently of Papers which he may consider likely to be useful in future, as containing the results of inquiries or other information or the opinions of

experienced officers, on matters connected with the general administration of Justice or of historical importance.

- (b) No Court subordinate to the District Judge shall cause any Papers or Records relating to Accounts, Establishment or general administration to be destroyed without obtaining the sanction of the District Judge.
- (c) Where no period for weeding any Record, Book or Register is prescribed, the District Judge shall Order their destruction at his discretion, and refer doubtful Cases, if any, to the High Court for instructions.

24. Destruction of files selected for Weeding.—

In the week of each quarter of the year, the Record-Keeper shall submit to the Officer-in-charge a list (Return No.4) of those Cases in which he has weeded out file 'C' and in which there are cumbrous and bulky exhibits, such as account Books, khatas, zamindari Papers and the like which have not been put up with the Record of the Trial.

The Officer-in-charge, unless he sees cause to the contrary shall cause a notice to be Issued to the counsels or the Parties concerned that if such exhibits are not removed within the period specified in the notice, they will be disposed of as waste Paper on the last day of the quarter in which notice is Issued.

The notice will be in the prescribed Form (F.129) and the Record-Keeper shall be responsible that the notice is Issued without delay.

ORDER 26

PRODUCTION RETURN AND TRANSMISSION OF RECORDS

1. Prohibition against Issue of Records.—

Ordinarily no Record shall be Issued, however on the Requisition of a Civil, Criminal or Revenue Court, of a Tribunal, of the Government, of the Board of Revenue, of Commissioner of Excise, of the Inspector General of Registration and Stamps and of any Government official who requires the Record in discharge of his official duties, Record can be Issued by Order of the Presiding Officer after placing on Record the certified copy of concerned Record.

2. Forms of Requisitions.—

Every Requisition for a Record or portion of a Record shall be made in the prescribed Form (F.130). It should also be stated specifically in the Requisition why certified copies obtained in the usual manner by the Parties will not serve the purpose, and that the proper Court fee has been realized.

3. Procedure for sending Requisitions out of Rajasthan.—

A Requisition under Order XIII, Rule 10 of the Code, a Record pertaining to, and in the Custody of a High Court, other than the Rajasthan High Court, or pertaining to, and in the Custody of, a Court subordinate to such other High Court, shall be transmitted through the Rajasthan High Court at Jodhpur, and shall be accompanied by a copy of the affidavit required under that provision together with a duly certified translation into English, if such affidavit be not in Hindi. Such Requisition shall be forwarded to the High Court with a forwarding letter clearly indicating the Suit, Appeal or proceeding in which the Record is required.

4. No Charges payable on Requisition by Court suo moto.—

When a Requisition for a Record is made by a Court suo moto, the fact should be stated in the Requisition and no charges shall be levied from any party.

5. Charges payable by a party for Requisition.—

When a Record is Requisitioned at the instance of a party, a Court fee of Re.1/- shall be charged as in the Case of inspection of Records. In Applications for refund, the procedure laid down in that connection will also be followed. This fee shall be in addition to the Court fee prescribed by the Rajasthan Court Fees and Suits Valuation Act No. XXIII of 1961.

6. Provision governing Issue of Record.—

- (1) When, at the instance of a party, a Court Requisitions a portion of a Record, it shall require the party to file a certified copy of the portion required, and such

copy shall be attached to the Requisition. The copy of copies will be placed on the Record and then the Original document or documents shall be sent. When the portion of the Record is received back in the Court or Record-Room, the Applicant shall be entitled to have the copy returned to him on Application for the same.

- (2) When it is not possible to obtain the certified copy of the portion required by the party, concerned party shall file an affidavit to this effect and copy of such affidavit shall be attached to the Requisition. The copy of affidavit will be placed on the Record and then the Original document or documents shall be sent.
- (3) Where the Record is deposited in the same building it may often be more convenient to send the whole Record and not merely the portion Requisitioned. In such Cases, the whole Record and not merely the portion asked for may be sent in answer to the Requisition.

7. Record-Keeper's procedure.—

No Requisition for a Record or portion of a Record shall be complied with except in accordance with an Order of the High Court, the District Judge or of the Presiding Officer of the Court, in which the Record is. The Record-Keeper or, with the sanction of the Judge or the Presiding Officer, as the Case may be, the clerk-in-charge of the Record on receiving such Order, shall comply with the same and shall send the Record or the portion under cover of the prescribed for transmission (F.131). The Form shall be filled up by the Record-Keeper or by the Transmitting Court, and in the remarks column the Record-Keeper or Munsarim or the Reader, as the Case may be, shall certify whether the Record or portion does or does not contain all the Papers entered in the general index or general index in relation to that portion of Record. The Form of Requisition received shall be placed in the bundle from which the Record was taken.

8. Register of Requisitions.—

The Record-Keeper and the Munsarim or the Reader, as the Case may be, of each Court shall keep a Register of Requisitions for Record (**Register No.249**) and shall fill up relevant column as soon as the Requisition is received and when the Record is transmitted.

A separate Register of Requisition shall be kept by each assistant in the Record-Room will the in-charge of Records of a Court or group of Courts.

9. Return of Records.—

When the Record or a portion of a Record is no longer required, it shall be promptly returned to the Record-Room or the Court from which it was received, as the Case may be, the necessary entries on the Form of transmission shall be made, and the Original Form shall be filed in the Suit for the purpose of which the Record or portion was sent for, and a copy of this Form shall be returned with the Record or portion. In the remarks column of such copy the Sr. Munsarim or the Reader, as the Case may be, of the Court returning the Record or portion shall certify whether the Record or portion does or does not contain all the Papers entered in the general index or general index in relation to that portion of the Record.

10. Procedure on return of Record.—

On Receipt of the Record or portion; the Record-Keeper or Munsarim or the Reader, as the Case may be, shall deal with it in the manner, *mutatis mutandis* described in Rule 16. In the Case of Records or portion returned to a Record-Room, relevant applicable procedure laid down in rule shall be followed. The Record-Keeper or Munsarim or the Reader, as the Case may be, shall then fill up relevant columns of the Register or Requisition and shall file the Requisitions with the Record or portion, and replace the Record or portion in its bundle. The copy of the Form for transmission, returned with the Record or portion shall then be destroyed.

11. Check on delay in return of Records.—

Once every three months the Record-Keeper and the Munsarim or the Reader, as the Case may be, of the Courts shall lay the Register of Requisitions before the District Judge or the Presiding Officer for Orders as to Records or portions which have been Issued more than three months and have not been returned.

12. Records of Cases Appealed to the High Court.—

Records of Cases Appealed to the High Court shall be submitted forthwith on Receipt of the precept calling for them, when the Subordinate Court is unable to comply with the precept within the time fixed for the purpose, it shall submit a Report stating—

- (1) the number of the High Court's precept;
- (2) the number of the Case in which the precept was Issued;
- (3) the names of the Parties to the Case;
- (4) the reason for non-compliance;
- (5) the date by which the compliance is likely to be made.

If the compliance cannot be made by such a date, a further Report shall then be made.

- (6) Records of Case Appealed to the High Court will be returned for deposit in the Record -Room of the District Judge after the expiration of 6 months from date of Judgment in Cases Appealable to the Supreme Court and after 90 days in other Cases.

13. Loss of Record.—

- (1) Whenever it is discovered that a Record or portion of a Record or a document on the file of a Record is missing, the loss or theft shall be Immediately Reported in writing to the Judge, in whose District or office the loss or theft has occurred and he in turn shall Report the fact to the High Court and state the steps taken to try and recover the Paper or Papers missing.
- (2) If such lost or untraceable Record is not recovered within 6 months of such Report then steps shall be taken to reconstruct the same.
- (3) Steps for reconstruction will be taken after obtaining permission from the District Judge concerned. In Case the lost Record of the Court of District Judge then step taken for reconstruction of the same will be intimated to the High Court by the District Judge.

14. Records pertaining to a Court.—

Every Requisition for a Record or a portion of a Record pertaining to a Court in a foreign country shall be sent to the High Court for being forwarded to the Ministry of the Government of India dealing with Foreign Affairs and shall invariably be accompanied by an affidavit in the terms of Order XIII, Rule 10 of the Code. It should be stated by the Court summoning the Record or a portion of it whether it has satisfied itself that the production of the Original Record or a portion of it is actually necessary.

TRANSMISSION**15. How to send Records.—**

The following instruction shall be observed in connection with the transmission of Records to the High Court and with the transmission upon Requisition of Records from one Court to another and from a Record-Room to a Court and vice-versa.

- (1) Except in the Cases provided for in paragraph (5) of this rule, Records shall be sent either by Registered post/ Parcel or by passenger train. Those sent by post/ Parcel shall be, between July and November, securely packed in wax cloth and sealed along the seams at intervals of not more than 4 inches. Those sent by rail shall be carefully placed either in gunny bag similarly sealed or in well secured wooden box.
- (2) The postage and the registration fee in the Case of Parcels sent by post shall be fully prepaid by means of postage stamps. Similarly, in the Case of Parcels sent by train, the freight shall be prepaid.
- (3) No Parcel sent by post shall include, Papers referring to more than one Case. If Papers referring to more than one Case are enclosed in a Parcel, or box sent by rail, a list shall always be placed in the box containing the number of each Record or portion thereof and its weight as a separate Parcel.
- (4) All Parcels sent by post or by rail shall be weighed before dispatch in the presence of the Munsarim or the Reader or Record-Keeper, as the Case may be, and the weight shall be noted outside.
- (5) When the Court requiring a Record, is in the same Station, as the Record-Room, or the transmitting Court, the Record may be sent by Government messenger, but it shall be secured by seals in such a manner as to prevent the Record being

opened or Papers Abstracted in transit without the seal being broken or the fastening severed.

- (6) An acknowledgment shall be invariably required from the Court to which a Parcel containing a Record has been sent and in the event of none being received within a reasonable time, the matter shall be brought to the notice of the Presiding Officer, and an inquiry made to ascertain the cause. Such intimation shall also be sent by email.

16. Examination of Records on arrival.—

- (1) On arrival, the Parcel containing the Record shall be received by the Munsarim or the Reader, as the Case may be. He shall examine it and have weighed. If it appears intact and not open to suspicion he shall then make it over to the clerk-in-charge of the Records, who shall forthwith check the Papers it contains, and see that they agree with the general index and Order sheet. If the Record is found correct, it shall be so stated by the clerk in the Form of acknowledgment. If the Record is found to be in any way defective, a Report shall be made without delay to the Presiding Officer.
- (2) If any Parcel received by Munsarim or the Reader, as the Case may be, appears to have been tampered with, he shall have it opened in the presence of an official of the post office or railway in accordance with rules of those Departments. He shall himself check the Papers and if any Paper(s) Appeals to be missing, he shall at once bring the matter to the notice of the Presiding Officer.

17. Applications of preceding rules to production, return and transmission of Registers, Books etc.—

The above rules will also apply to the production, return and transmission of Registers, Books, etc.

ORDER 27

Civil Court Registers

1. Registers to be maintained in all Courts.—

Notwithstanding otherwise provided in these rules, the concerned clerk in every Civil Court shall regularly maintain the Registers mentioned in Appendix-E.

- (1) Register of Civil Suits (Register No.238).
- (2) Register of execution Applications (Register No.239).
- (3) Register of Miscellaneous Judicial Cases not relating to other Cases (Register No.240), a list of which is printed on the Form in the appendix.
- (4) Register of Returned Documents (Register No.241).
- (5) Register of Miscellaneous Cases judicial, relating to other Cases (Register No.242).
- (6) Register of persons committed to jail (Register No.243).
- (7) Register of proceeding taken in execution of Orders received from the High Court (Register No.244).
- (8) Register of Records Requisitioned and returned (Register No.249).
- (9) Register of person summoned and examined (Register No.259).
- (10) Register of injunctions and stay Orders (Register No.237).
- (11) Register of Closed Registers (Register No.236).

2. Additional Registers for Appellate Courts.—

- (a) The following Registers shall also be maintained in the Courts exercising appellate powers:—

- (1) A Register of Appeals from Decrees (Register No.245).
- (2) A Register of Miscellaneous Appeals from Order (Register No.246).

3. All Civil Courts Authorized to hear Revisions under the Gram Panchayat Act, shall maintain a Register of Revisions under Gram Panchayat Act (Register No.247).

All Civil Courts Authorized to hear Revisions under the Rajasthan Relief of Agricultural Indebtedness Act, 1957, shall maintain a Register of Revision under the Rajasthan Relief of Agricultural Indebtedness Act, 1957, (Register No.248).

4. **Nazir's Registers and Dispatch Register.—**
Every Nazir shall maintain.—
(1) A Process Register (Register No.250);
(2) A Register of Peons (Process-Servers) (Register No.251);
(3) Dispatch Register (Local) (Register No.252);
(4) Dispatch Register (Postal) (Register No.253);
(5) The Dispatch Register may be used by Court officials and by the Central Nazir or Nazir for transmission of Papers other than returns of Service of Processes to and from their respective offices.
The Peon's Register shall have separate pages allotted for entries about the work of every Process-Server.
It shall be written up by the Nazir or officer deputed by him upon the return of a Process-Server after serving a warrant, summons or notice.
At the end of the month the several columns shall be totalled up. In the remarks column the District Judge and the Officer-in-charge of the Nazarat shall give such remarks and Orders as they consider necessary.
5. **Register of Orders to Amin.—**
In every Civil Court, a Register shall be maintained in the prescribed Form (Register No.254) of all Orders Issued to Amins. This Register shall be checked by the Presiding Officer weekly and he shall note in his own handwriting, whether explanation given of delay is or is not satisfactory, and if it is not what Orders have been passed.
6. **Register to be kept by Amins.—**
Every Amin shall keep in his own handwriting a Diary in the prescribed Form (Register No.255), a proceedings Register (Register No.256) a Property Register, and Amin's Cash Register (Register No.257).
7. **Register of Process Fees and court Fees.—**
A Register of court fee and Process Fees (Register No.258) shall be kept in each Court by such officer as the Presiding Officer may appoint.
8. **Work under different legislation.—**
(1) Where any Appeal, Case or execution Application under any existing law or under any law which may be made thereafter, other than those provided for in the Code or in these rules is instituted in any Civil Court, it shall be treated for statistical purposes as a regular Appeal, miscellaneous Case, or execution proceeding; as the Case may be, and entries will be made in the appropriate Registers and in the periodical returns accordingly:
Provided that, where any election Case is instituted in any Court in accordance with any law such a Case shall be treated as a regular Suit for statistical purposes.
(2) In the remarks column of the Registers, the Section and the Act under which such Appeals, Cases or execution Applications are instituted shall always be noted, and in the periodical returns, the figures for each type of Appeals, Cases or execution Applications shall be separately shown and at the bottom they should be totalled.
9. **Forms of Registers.—**
Forms of the Registers to be maintained are given in Appendix-E.

ORDER 28

RETURNS AND REPORTS

1. **Quarterly Statements of work done and pending files.—**
Every Subordinate Court shall submit to the District Judge by the 10th April, 10th July, 10th October and 10th January, a statement in soft copy of the work done in that Court during the quarter ending 31st March, 30th June, 30th September and 31st December (Return No.5).
The District Judge shall by the 15th of April, 15th of July, 15th of October and 15th of January send to the High Court a similar statement showing the work done in his Court during the quarter ending 31st March, 30th June, 30th September and 31st

December (Return No.5) along with the quarterly statement for his Court the District Judge shall send to the High Court the statement of the work done in the Courts subordinate to him.

On Receipt of these statements District Judges shall make such short comments as they may think necessary and shall send comments with any necessary Orders to the officers concerned, forwarding a soft copy to the High Court for information.

2. Every subordinate Court shall submit to the District Judge by the 10th April, 10th July, 10th October and 10th January a quarterly statement in soft copy of pending regular Suits and executions stayed by Orders passed by High Court (Return No.6). The District Judge shall then by the 15th April, 15th July, 15th October and 15th January send a consolidated statement in soft copy (including Cases of his own Court) for the regular Suits and execution stayed by the High Court (Return No.6) to the High Court.
3. **Annual Report (Return No.9).—**
District Judges shall submit to the High Court a Report for the year on the administration of Justice in his/her judgeship. The following matters shall be noticed in the Annual Report—
 - (1) the condition of judicial buildings;
 - (2) the preparation, arrangement and transmission of Records;
 - (3) the cancellation of stamps;
 - (4) the classification, registration of correspondence, circulars and returns;
 - (5) the distribution and preservation of circulars and, general letters;
 - (6) the destruction of Records;
 - (7) the condition of the District Court Library;
 - (8) the result of inquiry into the sufficiency of security given by members of staff wherever necessary;
 - (9) the working of the Rules under Section 71 of the Rajasthan Court Fees & Suits Valuation Act, No. 23 of 1961.
 - (10) the condition of accounts of the Courts;
 - (11) the working of the rules relating to Courts;
 - (12) the observance of the rules as to hours of sitting;
 - (13) the observance of the rules relating to check of Amin's work by the Officer-in-charge;
 - (14) any work done by an officer which does not appear in the returns e.g. election work, work in administrative tribunals. The number of days spent over such a work shall also be indicated; and
 - (15) Proposals for new Courts with proper justification.

In the preparation of their annual Reports, officers should refrain from the expression of censure or criticism of officers of other Departments of the Government. If it is though necessary then it should be brought to the notice of the High Court by a separate Report for further action.

4. **Remarks about subordinate Judicial Officers.—**
Along with or soon after the annual Reports, before the end of February each year, District Judges should forward confidentially to the High Court, their remarks on the prescribed Form (Return No.10) about subordinate Judicial Officers.
5. **Restriction against calling for extra returns by the District Judges.—**
In calling for returns other than the ordinary returns to enable him to supervise work, the District Judge shall see that such returns are brief in Form and easily collected from existing Registers.
6. **Examination of adequacy of Securities.—**
The adequacy of all securities shall be examined every year between April and June 30. When it appears to the District Judge that the value of a security has from any cause become insufficient, he shall call upon the official for whom such security was furnished to furnish adequate and sufficient security within a definite time and he shall in the mean time obtain a personal bond with sureties for the deficiency of his security. When there has been no mutation of Ownership or sensible depreciation of the Property pledged, it will be unnecessary to renew the security bond.

7. **List of returns and Reports and Forms thereof.—**

List of returns and Reports to be submitted and Forms thereof are given in Appendix-F.

ORDER 29**PROCESS FEES AND COURT FEES.****Process Fees****1. Scale of Process Fees and poundage.—**

In all the Civil Courts in Rajasthan, the fee exhibited in the following table shall be charged for serving and executing the several Processes against which they are respectively ranged:—

Table of Fees**Article 1.—**

Summons to Defendants, notice of Appeal or other notice to Respondents and notice to non-Petitioners and Judgment debtors :

- (a) When they are not more than four in number one fee Rs.20/-.
- (b) When they are more than four in number then the fee above mentioned for the first four, and an additional fee for every such person in excess of four : Rs.10/-
Provided that, the aggregate amount of the Fees levied under this article shall not exceed Rs.200/-

Article 2.—

Summons to Witnesses when the Witnesses are not more than four in number, one fee Rs.50/-

When such Witnesses are more than four in number, then the fee above mentioned for the first four, and an additional fee for every such Witness in excess of four Rs.10/-

Article 3.—

Every Order of attachment Rs.100/-

Article 4.—

In respect of the Services of the officer making an attachment in the manner prescribed in Order XXI, Rules 43, 44, 51 and 54 and Section 46 of the Code when the Property is to be attached in one town or village only, one fee- Rs.100/-

When Property is to be attached in more than one town or village, then the fee above mentioned for the first town or village specified in the Order of attachment, and an additional fee of three rupees for every other town or village :

Provided that, the aggregate amount of the Fees levied under this article shall not exceed fifteen rupees.

Article 5.—

Every warrant of arrest in respect of each person to be arrested Rs.100/-

Article 6.—

In a respect of the Services of each official in whose Custody a judgment-debtor is left under Order XXI, Rule 40(3) of the Code per diem Rs.100/-

Note :— Fees will be paid under this article in advance for such period as the Court may from time to time direct.

Article 7.—

Every Order for the sale of Property—

- (a) in respect of the Order of sale Rs.100/-
- (b) by way of poundage on the full amount of the purchase Money—

If the sale be effected through a broker under Order XXI Rule 76 of C.P.C. (Act No. V of 1908). The Commission payable to the broker and in addition a sum equal to one quarter of such commission.

Note:— The portion (a) of this fee must be paid when the Process is obtained, and the poundage (b) at the time and in the manner prescribed in these rules.

S.No.	Amount	Rate
1	Upto Rs.10,000/-	5% of the amount
2	Above Rs.10,000/- and not exceeding Rs.1,00,000/-	Rs.500/-+ 3% of amount exceeding Rs.10,000/-
3	Above Rs.1,00,000/-	Rs.3200/-+1% of amount exceeding Rs.1,00,000/- subject to maximum of Rs.50,000/-

Article 8.—

In respect of the Services of the officer making delivery of possession of Property under Order XXI, Rule 31, 35, 36, 95, 96, 98 or 101 of the Code, or under any other law when Property is to be delivered in one town or village only one Fees. Rs.1000/-

When Property is to be delivered in more than one town or village, then the fee above mentioned for the first town or village specified in the warrant of delivery, and an additional fee of three hundred rupees every other town or village.

Provided that, the aggregate amount of the Fees levied under this article shall not exceed two thousand rupees.

2. Payment of Process Fees and other expenses.—

Except otherwise provided by any rule or specially Ordered by a Court, no Process shall be drawn up or Issued for Service or execution, as the Case may be, until the fee chargeable under these rules has been paid in Court fee stamps.

3. Exemptions.—

Notwithstanding Rule 1, no fee shall be chargeable for serving or executing,—

- (1) any Process which may be Issued by any Court of its own motion;
- (2) any Process Issued second time in consequence of an adjournment made otherwise than at the instance of a party or an intervener;
- (3) any copy of a warrant, Order or Certificate pasted under Order XXI, Rule 36, 54 or 96 of the Code when the fee chargeable under Article 3 or Article 7 of Part I has been paid;
- (4) any copy of summons, notice, Order, proclamation or other Process pasted in a Court house or in the office of a Collector;
- (5) any Order intimating withdrawal of attachment or postponement of sale;
- (6) any Order intimating to a sales officer that permission has been given to a decree-holder to bid for or purchase Property under Order XXI, Rule 72, C.P.C.;
- (7) any copy of a notice of an Application under Act No. VIII of 1880, Guardians and Wards Act sent to a Collector;
- (8) any Order directing an Officer-in-charge of a jail to detain or to release a person committed to his Custody.

4. No Fees to be charged for fresh Service on execution of Processes in certain Cases.—

- (1) No fee shall be charged for fresh Service or execution of Processes in Cases in which any Processes are not served on account of a mistake of the officer or fault of the Process-Server.
- (2) A summons or notice served under Rule 13, 14, 15 or 17 of Order V of the Code shall be deemed to have been served for the purpose of this rule, even though the Service is held to be insufficient under Order V, Rule 18.

5. Unexpended Process fee.—

- (1) No fee paid in respect of an Order of attachment or an Order of sale shall be refunded if the Order in respect of which the fee has been paid, has been passed.
- (2) If, for any reason, it becomes unnecessary for an officer to proceed to make an attachment in the manner prescribed in Order XXI, Rule 43, 44, 51 or 54 or delivery of possession of Property under Order XXI, Rule 31, 35, 36, 95, 96, 98 or 101 of the Code, any fee paid in respect of his Services shall be refunded after a deduction at the rate of 20 percent.

6. Poundage.—

When any sale in execution of a decree of a Civil Court is conducted by a Collector, a fee shall be payable by way of poundage on the full amount of the purchase-Money at 5 percent.

The fee payable shall be deducted by the Collector from the sum deposited under Order XXI, Rule 84 of the Code by the purchaser, and shall be credited to Government.

7. Mode of paying poundage.—

- (1) When any sale in execution of a decree of a Civil Court is conducted by a Sales Amin, the fee payable by way of poundage, on the full amount of the purchase-Money shall be paid in stamps, which shall be affixed on the first Application, if any, filed for Payment of such purchase-Money out of Court, whether it is or is not made by the person who obtained the Order of sale, or whether it does or does not extend to the whole of the purchase Money. If no such Application is filed, than the stamps representing the fee payable shall be affixed on the office Report on which the Court has Recorded its Order for Payment. If such an Application is filed, it shall bear the requisite stamps for the fee, in addition to such stamps, if any, as are needed for its own validity :

Provided that, when such fee has once been paid in full in respect of any sale, no further fee shall be payable in respect of the same sale:

Provided also that, the party paying such fee shall be paid the amount of it out of the purchase-Money prior to the distribution thereof among the persons entitled thereto:

Provided also that, when a sale of immovable Property is set aside under Order XXI, Rule 92 (2) upon Applications under Order XXI, Rules 90 and 91 of the Code, no fee shall be payable by way of poundage on the purchase-Money.

- (2) When a sale of immovable Property is set aside under Order XXI, Rule 92(2) upon Application by the judgment-debtor under Order XXI, Rule 89, Fees due by way of poundage shall be payable by the judgment-debtor and shall be paid in stamps affixed to the Application to set aside the sale.
- (3) When a sale is made under either Rule 65 or Rule 76 of Order XXI of the Code by a person other than an officer of the Court, an Amin or a Collector, the procedure in this rule herein before prescribed shall be followed, but the amount of the poundage fee to be paid in stamps shall be the full amount chargeable under Rule 1, less the amount of such person's commission.

Where the amount of special Amin's commission exceeds the poundage fee chargeable under Rule 1, no such poundage fee shall be levied.

Such commission shall be payable out of the sale proceeds next after the Payment mentioned in the second proviso of sub-Rule (1) of this Rule.

8. Poundage fee to be deducted from the deposit.—

If default is made in the Payment of purchase-Money within the time specified in Order XXI, Rule 85 of the Code, the fee payable by way of poundage shall be deducted from the deposit paid under Order XXI, Rule 84, and stamps representing such fee shall be brought and affixed by the Court on the Order directing the deduction to be made.

9. Poundage less than Rupee One.—

Any fraction of Rupee one in a fee payable, by way of poundage shall be remitted.

10. Wages of chainmen and incidental charges.—

Incidental charges, such as the wages of chainmen and the like, shall be levied in cash. Their amount will be at the discretion of the Court and they shall be paid by the party named by the Court before the Amin is deputed.

11. Amin's deputation fee when sale is not held—

- (1) Before an Amin is deputed to sell Property a Payment shall be required on the following scale to meet the expenses of his deputation in the event of no sale taking place by reason of the claim being satisfied or for any other cause :—

When the amount, including interest due upon the decree or Order does not exceed Rs. 10,000/- 2% of the amount

When such amount exceeds Rs. 10,000/- but does not exceed Rs. 50,000/- Rs.200 + 1 % of the amount exceeding Rs.10,000/- subject to a maximum capping of Rs.2000/-

- (2) If the sale takes place the above amount shall be deducted from the poundage payable under Rule 1 and if for any reason, it becomes unnecessary for the Amin to proceed to the place where the sale was to be held, the Payment made under

this rule shall be refunded, after deduction at the rate of 1 percent in the rupee or part thereof subject to a minimum of Rs.100/- and maximum of Rs.500/-. In no other Case refund shall be allowed.

12. Process Fees taxable as costs.—

The fee paid in pursuance of these rules shall in all proceedings be deemed and treated as part of the necessary and proper costs of the party who pays them; provided that no Fees or charges which have been refunded, or in respect of which a party might have obtained a refund, shall be deemed and treated as necessary and proper costs within this rule.

13. How to file Process Fees.—

Process Fees payable under these rules shall, except where otherwise indicated, be paid in adhesive Court fee stamps pasted on a separate sheet of Paper on which shall be written the particulars of the Case in which the Process is to be Issued and the Description of the Process of which it be the Fees.

14. Proclamation of a notice by beat of a drum.—

When a notice has to be proclaimed by beat of drum (as under Rule 8 (3) of Chapter V, Probate of the III Volume of the Manual of Civil Court Rules, 1984 or Order XXI, Rule 54, it can be done by beat of drum or any other electronic mode), the actual expenses of proclaiming the notice by beat of drum or any other electronic mode shall be levied in cash. The amount of such expenses will be at the discretion of the Court and shall be tendered in cash with every Application for the Issue of such notice.

15. Punching and cancellation of stamps.—

- (1) Each Judicial Officer should under Section 68 of the Rajasthan Court Fees and Suits Valuation Act, 1961, Formally appoint an officer for the purpose of cancelling stamps. That officer, who should ordinarily be the reader for documents filed in Court and the Munsarim Authorized to receive any Applications for documents presented before him, shall personally attend to, and be personally responsible for the strict fulfillment of the duty of receiving documents to be filed, examining the correctness and adequacy of the stamps attached thereto and immediately cancelling such stamps as are required by Section 68 of the said Act. Such Ministerial Officer can appoint other trustworthy subordinates to do the more manual work of cancelling the stamps subject to the approval of the Court, but it will be on the distinct understanding that, that officer will be personally responsible for the due execution of duty and for any defalcation or fraud that may occur in connection with it.
- (2) The Presiding Officer should see that punching is done immediately on Presentation of the Petitions and other documents in Court.
- (3) A rubber stamp in the following Form shall also be used :-

CANCELLED DATED.....

- (4) It should be applied across the adhesive stamps and upon the Paper on either side of it but not in such a way as to obliterate the entries thereon or to render the detection of forgeries more difficult.
- (5) Strict compliance with the provisions of Section 68 of the said Act is enjoined. In all Cases it should be carefully seen that the figure heads of the Court fee stamps are punched out that the pieces are destroyed, and the stamps Registered before the documents to which the stamps are attached are filed or acted upon.
- (6) Every Judicial Officer should inspect and test the work of his officials from time to time so as to ensure attention to their duty and to limit opportunities for fraud. A very efficient check could be kept on any attempt to defraud Government, if each Presiding Officer examines daily some of the Record he handles and if he also examines periodically bundles of Records of Cases dealt with by him, taken out at random from the shelves in which they are placed.

16. Aggregate value and number of stamps to be noted.—

The official entrusted with the work of cancellation and first punching of Court fee labels and impressed stamps shall legibly Record on the documents, below the stamps, the aggregate value and number of the stamps used to denote each separate fee.

When two or more impressed stamps are used, the official concerned shall Record the aggregate value and number of stamps on the first sheet and on the other sheets he shall make a note that it Forms part of that particular documents.

17. First punching of labels on copies etc.—

The Court or office issuing copies, Certificates or other similar documents liable to stamp duty shall, before Issue, cancel the labels affixed to them by punching out a portion of the label in such a manner that the value expressed therein is not removed.

18. Destruction of pieces punched out.—

The portion of the stamp removed by the punching prescribed in these rules shall be burnt or otherwise destroyed by the officer charged with the duty of punching it out.

19. Forgery of stamps to be Reported to Government.—

The Presiding Officer of every Civil Court shall Report Immediate ly to the State Government, through the Inspector General of Stamps and Registration, Rajasthan, any instance of forgery or fraudulent use of any Description of stamps, whether general, Judicial or Postal coming to his notice. Such Report shall be accompanied by full particulars as to the nature of the forgery or fraud perpetrated, and, if possible by specimens.

REFUND

20. Authority to refund court fee and Process fee.—

The Court may Order refund of Court Fees under Sections 61, 62 and 63 of the Rajasthan Court Fees and Suits Valuation Act, 1961 and rules made thereunder and refund of Process Fees may also be Ordered as per provisions of these rules.

21. Refund of Court Fees on Order of demand.—

When a Suit is remanded on Appeal by an Order under Rule 23 or 23-A, Order XLI of the Code the refund Certificate shall not be granted by the Appellate Court Authorizing the Appellant to receive back the whole or any part of the fee paid on the Memorandum of Appeal until the Order of remand has become final, either by being affirmed in Appeal or by the expiration of the time for filing of a second Appeal.

22. Order for refund.—

An Order for refund of Court Fees or Process Fees shall be made on an Application bearing an office Report or on an office Report. The Presiding Officer shall with his own hand note in figures and words the amount to be refunded; and the Judge shall refer to such Order before signing the Certificate for refund.

23. Fee on delayed Application in outlying Courts.—

When an Application for refund of Court Fees is made and it is found necessary in an outlying Court to call for the Record of the Case, from the Record-Room, the Applicant will be required to pay a fee of Rs. 1/- if the Application for refund is made beyond three weeks of the Decision of the Case.

24. Certificate of refund.—

The refund shall be made by a Certificate for refund in the prescribed Form (F.132) granted by the Court to the person entitled to such refund, Authorising him to receive from the Collector the amount therein specified.

25. Note of Refund Certificate.—

- (1) When a Refund Certificate has been signed by the Presiding Officer, the Clerk concerned, shall Record in red ink on the document bearing the stamps in respect of which the refund has been Ordered; a Certificate indicating that refund Certificate number has been Issued on..... (give date) for rupees..... (give figures and words) in respect of the stamps pasted above.
- (2) The Issue of the Certificate shall also be noted against the Original entry of the Receipt of Court fee in the Register of Court Fees.

26. Parts of refund Certificate and their Disposal.—

- (1) Part I of Form (F.132) shall be retained in the Court and Parts II and III shall be made over to the persons to whom the refund or rePayments to be made for Presentation to the Collector or at the Treasury or Sub-Treasury.

Such Presentation shall be made within 15 days from the date of the Certificate and the Certificate shall not remain in force for more than 15 days.

On the refund or rePayment being made at the Treasury or Sub-Treasury the Officer-in-charge shall fill up Part III and return it to the Court which granted the Certificate retaining Part II as his voucher for the refund or rePayment.

- (2) On Receipt of Part III, such officer, as the Presiding Officer may appoint in this behalf, shall—

- (1) paste Part III to Part I, noting on the Former the date of its Receipt from the Treasury or Sub-Treasury;
- (2) certify below the Order of the Presiding Officer directing the refund or Payment that the refund or rePayment has been made;
- (3) file the document, on which the refund or Payment was Ordered, with the Record, unless it has already been so filed;
- (4) Record in red ink a Certificate in the following Form on the document bearing the stamp or stamps in respect of which the refund or Payment has been made and obtain the signature of the Presiding Officer thereto;

"Certified that the sum of has been refunded (or paid as the Case may be) under Certificate No dated", and

- (5) if the refund or Payment was of a Process fee, note the same in columns 27-29 of the Register of Court Fees and Process-Fees against the Original entry of the fee, and Record on part III of the Certificate for refund, the fact of such note having been made.

ORDER 30**AMINS****1. Qualification for appointment as Amin.—**

Before appointing any person to be an Amin, the District Judge shall satisfy himself that the candidate has a competent knowledge of —

- (1) Hindi & English.
- (2) Arithmetic & Computer.
- (3) Mensuration.
- (4) Elementary land-surveying and mapping including mapping with electronic/ laser devices.
- (5) Order XXI and XXVI of the Code of Civil Procedure.
- (6) Rules relating to the work and duties of Amins.

2. Instruments for Amins work.—

The District Judge shall, from time to time as funds allow, purchase the instruments given in the following list:—

- (1) Plane Table.
- (2) Box of drawing instruments.
- (3) Measuring Chain.
- (4) Measuring Rod.
- (5) Brass Sight.
- (6) Brass Scale.
- (7) Measuring Tapes.
- (8) Mapping pens, boxes of colours, tracing cloth, etc.

The District Judge shall inspect and verify the stock of the above instruments in his annual inspection.

3. Utilization of Service of the Amin by other Courts.—

Subject to the Orders of the District Judge, the Services of the Amin on the establishment of the District Court should be utilized as far as practicable by the other Courts located at headquarters of the District Judge.

4. **A member of the ministerial staff to work as Amin.—**
Where the Services of the Amin are not available, the Services of any other member of the ministerial staff may be utilized for the purpose by the Presiding Officer of the Court.
5. **No additional remuneration for Services as Amin.—**
The Amin on the regular establishment or any other member of the regular establishment shall not be entitled to any additional remuneration for his Services except reasonable travelling Allowance.
6. **Appointment of a special Amin.—**
Where the Services of an Amin on the regular establishment are not available, and where the Services of any other member of the ministerial staff cannot be utilized for the purpose without detriment to normal office working, the Court may appoint a special Amin in the Case.
7. **Approved list of Amin—**
 - (1) Special Amins shall be appointed out of an approved list of Amins maintained in each Court.
 - (2) Where more than one Civil Court is located at the same Station, there shall be a common list for all such Courts.
 - (3) Admission of persons to the approved list of Amins shall be made with the sanction of the District Judge, by the Presiding Officers of the Courts.
8. **Persons admitted to the list of approved Amins to be duly qualified.—**
Care shall be taken to see that persons admitted to the list of approved Amins are sufficiently educated and qualified for the work required of them.
9. **Remuneration of a special Amin.—**
The remuneration to be paid to a special Amin shall be determined by the Court.
The remuneration should not ordinarily exceed 1000/- rupees per day for the period actually spent in the work done (including the period spent on travelling) in addition to reasonable travelling Allowance, where necessary, at the rate permissible for Government servants of the corresponding class.
10. **Remuneration to special Amin to be deposited.—**
The remuneration payable to a special Amin shall be deposited in cash by the party at whose instance the sale or attachment (for conducting or affecting which the Amin is appointed) is Ordered.
11. **Circles and beats of Amins.—**
 - (1) Where there are several persons on the approved list of Amins attached to any Court or group of Courts, the District Judge shall distribute work of every Amin so as to ensure even distribution of work.
 - (2) The District Judge shall appoint senior most Judicial Officer to be Incharge of the work of the Amins provided that where an Amin works in the jurisdiction of an outlying Court, the senior most Presiding Officer of such Court shall be Incharge of the work of such Amin.
12. **Amin to know rules about pounds.—**
Every Amin shall acquaint himself with the rules about cattle pounds.
13. **Amin to work personally.—**
Amins shall perform their duties in person and not by deputy.
14. **Work for Amins.—**
Civil Court Amins besides being employed to conduct sales, may be employed on any of the following duties:—
 - (1) In making attachment under an Order of the Court.
 - (2) In making delivery of possession of Property under an Order of the Court.
15. **Programme of Amin.—**
When an Amin proceeds on tour, he shall make such arrangements as will ensure that Orders Issued by the Court shall reach him without delay. The arrangement so made

shall, on each departure of the Amin be notified by him in writing to the Courts whose Order he executes and also to the Officer-in-charge of his work.

16. InFormation by Amin to decree holder.—

An Amin shall inForm the decree-holder or his pleader by Registered post or otherwise, within sufficient time of the date on which he proposes to be at certain spot to make an attachment or deliver Property, so as to enable the party concerned or his representative to attend on that date.

17. Instruction for Measurement and Mapping.—

Amins shall be guided by the following instructions in making field and land Measurements in local inquiries:—

- (1) All measurements shall be made with chain and compass and the chain shall be 20 meters in length.
- (2) The work shall be plotted to scale and the scale to be used shall be 1 centimeter to 40 centimeters and 25 centimeters = 1 kilometer, unless otherwise Ordered by the Court.
- (3) The starting point and every bearing and measurement taken shall be Recorded in field-Book as the measurement proceeds. The field-Book shall be submitted with the map prepared and therefrom, and in it any prominent land marks adjacent to or on the line of measurement shall be noticed.
- (4) All water, running or standing, shall be indicated in blue; land or building in dispute shall be shaded red; and all writing on the map shall be so made as to be read when the map is held with the north side upper most.
- (5) Wherever it is possible such work can be carried out with the help of Electronic/laser Device. If such device is not available, it can be hired at the expenses of party making such request.

18. Procedure for Police help to Amin.—

When Amin has to make an attachment under an Order of the Court and he apprehends that resistance will be offered by the judgment-debtor, he shall make a request to the Court for requisite Police help and shall mention full reasons for fearing a breach of peace. On request being made that Court shall write to the Superintendent of the Police for providing necessary Police assistance.

In Cases of emergency, when the above procedure is not possible, Application shall be made to the Officer-in-charge of the Police Station concerned.

19. Scrutiny of the Amin's statement work.—

The Officer-in-charge shall satisfy himself that there has been no avoidable delay in executing a Process and that Amin in his tour has taken the shortest route.

Officer-in-charge shall Report to the District Judge if he finds any irregularity or unnecessary delay in execution of Process by any Amin.

20. Payments to Amins for sale of movable Property.—

Every Amin shall give Receipts for all such cash Payments or all movable Property that may come into his Custody by virtue of his office to the person from whom he receives the same. Counterfoil Receipt -Book (F.133) shall be supplied.

21. Payments to Amins for sale of immovable Property.—

When the sale is of immovable Property, the Amin shall receive in cash the twenty-five per cent deposit required by Order XXI, Rule 84 of the Code of Civil Procedure, for the rest of the purchase-Money, he shall ordinarily give a Payment Order (F.134), entering therein as the date of Payment, the latest safe date, having regard to the terms of Order XXI, Rule 85 of the Code of Civil Procedure. Counterfoil Books of Payment Orders will be supplied for this purpose. If the amount of the purchase-Money be less than Rs. 5000/- the Amin may at his discretion receive Payment of it on full at the time of sale.

22. Auction purchaser to pay Money to the Receiving Officer of the Court.—

The auction-purchaser to whom such Payment Order has been given shall pay the Money noted therein to the Receiving Officer of the Court which made the Order of sale, in the manner prescribed in these rules and shall with his tender file the Payment Order

delivered to him by the Amin. Such Payment Order shall, along with the tender be filed with the Record of the Case to which it relates.

23. Amin's Cash Register.—

With the exception hereinafter noted, all Money received by an Amin shall Immediate ly on Receipt be entered by him in his Cash Register (Register No.257) and, shall, with as little delay as possible, be paid by him into the Treasury/ bank, or Court, as the Case may be. The following Petty items which pass through the Amin's hands but are not required to be paid into the Treasury/ Bank, shall not be shown in the Amin's Cash Register, but in columns 13, 14 and 15 of the Register of Orders (Register No.254) and in columns 14 to 17 of the proceedings Register (Register No.256).

- (1) Charges for maintenance of live-stock.
- (2) Cost of preparing attached Property for sale.
- (3) Wages of labour paid through the Amin.
- (4) Wages of Chainman.

The entries in column 13 of Register No. 254 shall be made when the Money is remitted to the Amin, and those in columns 14 and 15 when the Amin's Report is received. The entries in columns 12 and 13 of Register No. 256 shall be made by the Amin at the same time as those in columns 1 to 9 and those in columns 14 and 15 when entries are made in column 11.

24. RePayment of deposit by Amin.—

Money deposited by an Amin under these rules shall remain at the Treasury or Sub-Treasury in which it was deposited unless and until a rePayment Order is made under these rules upon an Application for rePayment regularly made and passed. If the Money has been deposited at a Sub-Treasury the rePayment Order shall be made payable at that Sub-Treasury or District Treasury, as the Case may be.

PART-III CRIMINAL

ORDER 31

PROCESSES

1. Contents of Process or Order.-

- (a) In every Process or Order Issued or made by the Presiding Officer of a Court, the name and designation issuing or making it, together with the name of the District and of the Court, shall be clearly and legibly set out or printed. Every officer signing a Process or Order shall sign his name legibly and in full. The practice of signing initials only or affixing stamp is strictly forbidden.
- (b) Every person for whom a Process is Issued shall be described therein in such a manner as will correctly identify him. His full and correct name, address, parentage and such further Description as will serve to identify him must be mentioned. In Case of Service and execution of a Process to be effected in large towns and cities, the name of the street, ward number of the Municipality, PIN Code and the number of the house, if known, should be given.

Illustration

Name of the Court

Place/ District/ PIN Code

Name of Presiding Officer :

Designation of the Presiding Officer

Name of the Person to whom Process Issued :

Father's/ Mother's/ Husband's Name :

Phone/ email-ID, if any :

Age :

Caste :

Address :

House No. :

Ward No. :

Street/ Locality :

Village/ Town/ City
Post Office
PIN Code
District
State

Signature in Full with Date
Name of the Presiding Officer
Designation.
or
By Order
Signature in Full with Date
Designation of Authorised Signatory

2. **Signing summons to Witnesses.-**

In all Criminal Courts, summons Issued to Witness may be ordinarily signed by the Munsarim or the Reader, as the Case may be, with the words 'By Order of the Court', prefixed to his signature. However, the Presiding Officer of the Court may by an Order in writing empower any official, not below the rank of an Upper Division Clerk to sign the summons and notices Issued to Witnesses as referred to above.

3. **Language of the Process.-**

Every Process requiring the appearance or Attendance of a person, shall be in diglot (English and Hindi) written in Devnagari script unless required to be in any other language under any law for the time being in force, or if the Court so directs, in any other language. In every such Process requiring appearance or Attendance of a person the day, the month, year and the hour fixed for such appearance or Attendance shall be stated in word as well as figures. It shall also mention the place of appearance or Attendance clearly.

4. **Processes to Court of which language is other than Hindi.-**

When the Process or summons are Issued in a language other than the official language of the Receiving Court, such Process or summons should be accompanied by English version. Similarly, the Report from the Receiving Court to the Originating Court regarding the execution of the Process or summons should be accompanied by an Authorized English translation of the Report.

5. **Process to soldiers, sailors and airmen.-**

Process to officer, soldier, sailor or airman, shall be sent for Service to his Commanding Officer, together with a copy to be retained by the person concerned. In such Cases, sufficient time shall be given to make arrangements for relieving the concerned person.

6. **Process to Government servants.-**

When a Government servant other than the aforesaid personnel is required to attend at a Court beyond the limit of the District or area in which he/ she is serving, the Court issuing the Process or summons, unless the Case is of extreme urgency, shall allow sufficient time for arrangements to be made for the performance of the duties of such person during his/ her absence.

7. **Notice in Case of arrest of Government servant.-**

- (a) When circumstances permit notice of the intended arrest of a Government servant shall be given to the Head of the Office in which the Government servant is working, and in Case of a Government servant working in the Secretariat, to the Chief/ Principal Secretary to the Government so as to allow proper arrangements to be made to have such person relieved.
- (b) Notice of the intended arrest of person working in any Government Department but is in the Service of a contractor/ agency, shall be given in a similar manner when circumstances permit, to the contractor/ agency, as the Case may be.

- (c) No Judicial Officer shall be arrested or taken in Custody without the prior permission in writing of the High Court.

8. Process against Member of the Parliament and State Legislature.-

No summons or Process against a Member of Parliament or a Member of State Legislature shall be sent to the Presiding Officer of the House for Service or execution. No such summons or other Process shall be served on any member within the precincts of the House of which he is a Member. Summons addressed to a Member of a Parliament or a State Legislature should be sent directly to the Member concerned at his residence or at some other place.

9. Intimation of arrest, detention, conviction and release of a Member of Parliament and Member of State Legislature.-

- (a) When a Member of the House of the People is arrested on a Criminal charge or for a Criminal Offence or is sentenced to imprisonment by a Court, the Judge or Magistrate as the Case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the Case may be, as also the place of detention or imprisonment of the Member in the appropriate prescribed Form (F.135).
- (b) When a Member is arrested and after conviction released on bail pending an Appeal or otherwise such fact shall also be intimated to the Speaker by the concerned Court in the appropriate prescribed Form (F.135).
- (c) The provisions contained in the above sub-rules will apply *mutatis mutandis* to Member of the Council of States and of a State Legislature.

10. Process Fees.-

The Fees hereinafter mentioned shall be chargeable for serving and executing Processes Issued by Criminal Courts in the Case of Offences other than Offences for which Police Officers may arrest without a warrant:-

(a) Warrant of arrest:- In respect of each person to be arrested	Rs. 20/-
(b) Summons - In respect of each person	Rs. 10/-
(c) Proclamation for absconding person under Section 82 of the Code	Rs. 50/-
(d) Warrant of attachment:-	
(i) in respect of the warrant	Rs. 10/-
(ii) Where it is necessary to appoint Officer-In-charge of Property attached, in respect of each officer so employed per day, not more than	Rs. 50/-
(e) In Cases where an Application is made by a complainant for the recovery of compensation allowed under Section 357(3) of Code or for the recovery of costs awarded under Section 359 of the Code or where a person applies for the recovery of compensation awarded to him under Section 250 of the Code:-	
In respect of the warrant for the levy or the Fees, fine or compensation	Rs. 50/-

Provided that, no fee shall be chargeable for any Process Issued upon the complaint or Application of any Public Officer as defined under Section 2(17) of the Code of Civil Procedure, 1908 or of any railway servant as defined in Section 3(7) of the Indian Railways Act, 1890 or of the officer or servant of any local Authority, when acting as such public officer, railway servant or officer or servant or a local Authority, as the Case may be.

Provided further, the Presiding Officer of the Court may remit in whole or in part, a fee chargeable under this rule whenever he is satisfied that the person applying for the Issue of the Process has not the means of paying the same.

11. Process fee to be prepaid.-

The Process shall not be drawn up for execution of Service unless the fee chargeable under Rule 10 has been paid or remitted.

The fee shall be paid in Court fee stamps, which shall be affixed either to the Application by which the Court is moved to Issue the Process in addition to the Court fee chargeable upon the Application itself, or if no such Application is filed, to a separate sheet of Paper giving particulars of the Case and also reference to the Order by which the Court directs the Issue of the Process.

The fee prescribed in Rule 10(d)(ii) shall be paid in cash and shall be disbursed by the Court to meet the expenses incurred.

12. Service of summons on Witnesses by post.-

- (a) In addition to the mode and method provided in Chapter VI of the Code of Criminal Procedure, 1908, it shall be lawful for a Court to serve summons by fax, email, SMS, speed post or Registered post with A.D. The Service so made shall be deemed to be sufficient Service of Process on the concerned.
- (b) Wherever the Process as aforesaid is to be Issued upon a request made by the party concerned by speed post or Registered post with A.D., the Court will require the concerned to submit full and correct postal address and envelope containing requisite postage stamps, etc. to meet with reasonable expenses towards Service of Process.

13. Production of documents in the Custody of Parliament or State Assembly.-

In all Cases where a document in the Custody of Lok Sabha/ Rajya Sabha/ Legislative Assembly/ Legislative Council is required to be produced before a Court or an officer of the Secretariat of the House is required to appear before the Court for the purpose of giving evidence, instead of sending of summons in the ordinary Form, letter of request in the prescribed Form (F.136) shall be sent to appropriate Authority.

14. Summoning of Magistrate-

Ordinarily the Magistrates who had Recorded the statements and confessions under Section 164 or Section 281 of the Code or had prepared an inventory of articles under any law time being in force shall not be summoned by the Presiding Officers to give evidence except where the Presiding Officer is of the opinion that their statements are necessary to be Recorded in view of Section 463 of the Code.

15. Issue of warrants to be executed outside the local jurisdiction.-

While issuing warrant to be executed outside the local jurisdiction of the Court, the Presiding Officer shall see that provisions of Section 78(2) of the Code have been complied with. Necessary documents for enabling the receiving Court or the Police Officer for taking action under Section 81 of the Code must always be sent along with a warrant.

16. Summoning of Officers of the Indian Security Press (Stamp Press) the Currency Notes Press and the Central Stamps Stores.-

The Presiding Officers may Issue as far as possible, commissions under Section 284 of the Code for the examination of officers of Indian Security Press (Stamp Press), Currency Notes Press and the Central Stamps Stores, Nasik Road whenever their evidence is required in Cases arising out of forged currency notes, stamps (Postal, Revenue, Judicial etc.) petrol coupons, excise banderols and the like which are manufactured in the Indian Security Press and the Currency Notes Press, as their Attendance in person involves considerable inconvenience to them and dislocation in their normal work.

ORDER 32

PREPARATION OF RECORDS

1. Presentation and Registration.-

- (a) All pleadings, Applications, Petitions and any other relevant Paper of whatsoever nature filed in the course of judicial proceedings shall be filed before such official appointed by the Court or by the District Judge to receive such Presentation.
- (b) No such Presentation shall be made across the dais during Court hours.
Provided that, such Presentation may be made in the Court on the ground, of limitation, or other urgent reason, if any.
- (c) Such Presentation may also be made in the Court by a prisoner, or other person in duress or under restraint in Court, or its officer.
- (d) The Presiding Officer when accepting such Presentation during Court hours or after Court hours will make a note on such Papers, the time of Presentation.

- (e) All pleadings, Applications, Petitions and any other relevant Paper of whatsoever nature except those presented by a prisoner or other person in duress or under restraint in Court or its officer and also powers of attorney, filed in the course of judicial proceedings, shall be fairly and legibly printed in double space on stout durable Papers of foolscap size in Hindi / English; duly paginated, indexed and stitched together in Paper Book Form; Both sides of the Paper shall be used, and a quarter margin, together with at least one & half inch of space at the top and bottom of each sheet, shall be left.
- (f) If at the time of filing, concerned person is in jail, any pleading, Application and Petition of whatsoever nature may be presented either to the Officer-in-charge of prison by a prisoner himself, or before such official appointed by the Court or by the District Judge to receive such Presentation by a pleader Authorized by him, a memo of appearance or vakalatnama, if filed, shall be signed by the prisoner and forwarded by the Officer-in-charge of prison under his signature after due attestation.
- (g) If such pleadings, Applications, Petitions and any other relevant Paper of whatsoever nature is presented before Superintendent of the Jail, he shall send such Papers to the Court concerned.
- (h) If it appears to the Court that the prisoner wishes to be represented by pleader, the Court shall not proceed with until seven days have elapsed, since the date of its Receipt, unless pleader appears earlier. If it appears to the Court that the prisoner has no sufficient means to engage a pleader, the Court shall assign a pleader to him/ her at the expense of the State with a simultaneous request to concerned Legal Services Authority.
- (i) At the time of Presentation, every person shall also file an email-ID and Mobile Number where Service can be effected. Such person shall also file an undertaking stating therein that any Service transmitted electronically on such email-ID or mobile number, shall be deemed to be sufficient Service on such party concerned.

Provided that, a victim of sexual harassment shall file such document in a sealed cover.

- (j) At the time of Presentation, the following entries shall be made by the official concerned:-
 - (i) date and time of Presentation.
 - (ii) name of presenter.
 - (iii) classification of Record,
 - (iv) Court fee paid.

2. Numbering of Cases.-

A serial number shall be assigned to each Case-

- (a) in the Court of a Magistrate taking cognizance of an Offence as soon as cognizance is taken, but if the Case is at once made over under Section 192 of the Code, it shall not be numbered as a Case;
- (b) in the Court of a Magistrate on receiving a Case under Section 192 of the Code or by transfer or by submission under Section 322 of the Code, as soon as the Case is received;
- (c) in a Court of Sessions receiving a Case made over under Section 194 of the Code for Trial, as soon as the Case is received;
- (d) in a Court of Sessions receiving a Case on Commitment or on reference under Section 122 of the Code, as soon as notice of the Commitment or the Record in a Case of reference is received;
- (e) if a Case is transferred or committed to another Court, the Case number of the Court from which the Case has been received by transfer shall be shown in Red ink;
- (f) a separate series of numbers shall run in each Court for Cases entered in the Register of Miscellaneous Criminal Cases (Register No.260). Every such number in the series shall be followed by the letters "Misc";
- (g) a separate series of numbers shall run in each Court before which the proceedings are laid under Section 122(2) of the Code or to which Case is submitted under Section 322 or Section 323 or Section 325 of the Code. Every number in this series shall be followed by the word 'REFERRED';

- (h) a separate serial number shall be given to Cases tried summarily under Section 260 of the Code which shall be followed by the letter 'S'.
- (i) a separate file shall be prepared for each "Panchayatnama" i.e. inquest Report under Section 174 of the Code. It shall be entered individually in the Register of inquest Report. On the close of each month, the Case in which the action is complete should be consigned to the Record -Room in a bundle prepared every month and a note be made in the remarks column against each inquest Report thus-
Filed in the monthly bundle for the month of

3. Order-sheet.-

Upon Institution of a Case, an Order-sheet in the prescribed Form (F.123) shall be opened. Subsequent thereto Order-sheet shall be used.

Every Order-sheet shall bear at its top the number and the title of the Case and shall contain —

- (a) every routine Order passed by the Court in the Case;
- (b) a note of every other Order passed including every Order regarding the production of a document before the Court;
- (c) a note of the date of each Hearing Attendance of Parties by name, the names of the pleaders appearing and the proceedings on that date. An Order, not being an Order for adjournment or postponement, the reasons for which are required to be Recorded at length shall not be written on the Order-sheet but only note of the Order and of the date on which it was made shall be entered on it. Every entry upon the Order-sheet shall be made at the earliest opportunity and shall be signed by the Presiding Officer;
- (d) all financial transactions relating to the Case.

4. General Index.-

Upon Institution of a Case, a General Index in the prescribed Form (F.137) shall be opened. In it shall be entered a note of every Paper or document along with the date of its Presentation, in the Order in which they were brought on Record:-

- (a) When a Paper is removed from the Record the fact of such removal shall at once be noted in the General Index and the appropriate index of exhibit against the entry of that Paper.
- (b) Upon Institution of a Case, an index of prosecution exhibits and index of defence exhibits and an index of material exhibits in the prescribed Form (F.138) shall be prepared. Every document or material exhibit such as a weapon or any other thing, which is admitted in evidence as an exhibit shall be entered with its exhibit number in the appropriate index of exhibits. When a document or article admitted as an exhibit is subsequently rejected or returned or otherwise ceases to be an exhibit, a note of the fact shall at once be made in the appropriate index of exhibits and also in the General Index against the entry of the document and article.
- (c) There shall be one file of exhibits and this shall remain intact. It shall be opened in the Magisterial Court and shall continue as a single exhibit file even in the Court of Sessions. If the Sessions Court adds any exhibits, which was not before the Magisterial Court, it will place the exhibit in the exhibit file giving after the last serial number or letter giving to the exhibit in the Magisterial Court.

5. Contents of Record.-

The Record shall include every Paper in the Case from the information on which cognizance was first taken up to and including the warrant returned under Section 430 of the Code.

6. Impounded documents.-

When a document or material exhibit produced before a Court is impounded, a note that it has been so impounded shall forthwith be made upon it or attached to it and shall be signed by the Presiding Officer. Such a note shall also be made in the General Index of the file after entering the document in it. Such impounded document or other thing shall not be allowed to pass out of the Custody of the Court, save by written Order of the Court.

7. Marking of exhibits.-

- (a) Upon every document produced and admitted in evidence and proved before a Court shall be clearly marked the number it bears in the General Index of the Case and the number and title of the Case.
- (b) The Court shall mark the documents admitted in evidence on behalf of the prosecution with the letter 'P' and a numeral in the Order in which they are admitted, thus:-
Ex. P.1, Ex.P.2, and Ex. P.3, etc. and the documents admitted on behalf of the defence with the letter 'D' and numeral thus:-
Ex.D.1, Ex. D.2, and Ex.D.3, etc.
- (c) In the same manner every material exhibit admitted in evidence on behalf of prosecution shall be marked with numerals in serial Order followed by the word 'ART' as Ex. Art.1, Ex. Art.2, Ex. Art.3 and the material exhibit admitted on behalf of the defence shall be marked with the letter 'A' with numerals in serial Orders viz. Ex. Art.A-1, Ex. Art.A-2 and Ex. Art. A-3, etc.
- (d) All exhibit marks on the documents and material exhibits shall be Recorded in red ink and in block letters and shall be initialed with designation and dated by the Presiding Officer of Court.
- (e) No document or material exhibit, which has been admitted in evidence and exhibited shall be returned or destroyed until the period for Appeal or Revision has expired or until the Appeal or Revision has been disposed of.
- (f) Documents and material exhibits, which have not been admitted in evidence should not be made part of the Record and should be returned to the party by whom they have been produced with an endorsement mentioning the number and title of the Case, name of the person producing the document and by the word 'returned' endorsed on it, which shall be signed or initialed by the Presiding Officer.

8. Duties of Officer-in-charge.-

The officer, for the time being, in charge of the Record shall-

- (a) enter on the General Index every Paper as it is filed with the Record;
- (b) punch out the figure-head of each Court fee stamp upon such Paper, and Record below the stamps the aggregate number and value of the stamps used to denote each separate fee;
- (c) certify in the General Index state of any exhibit filed noticing any erasure and interlineation therein together with its condition whether it is torn or pasted on a Paper;
- (d) take the Orders of the Court, if necessary, as to the correct entry to be made under the above clause.

9. Division of Records.-

Every Papers as it is brought on the Record shall be marked as belonging to either Part A or Part B, or Part C or Part D.

Each part shall include the following Paper:-

Part A	Part B	Part C	Part D
1. Record of statements or confessions (u/s 164 of the Code)- (i) plea u/s. 228,299, 240(2) and 241 of the Code, and (ii) Examination under Sections 313 and 281 of the Code of the Accused and written statement of the Accused, if any.	(a) Index of Papers (b) All Applications of whatsoever nature except Application for adjournment and exemption from personal appearance.	(a) Index of Papers. (b) Exhibited documents admitted in evidence.	(a) Index of Papers. (b) All other Papers not included in Part A, Part B and Part C.
2. Proceeding on which cognizance was first taken, Police Report, etc. (Section 190 of the Code).	(c) Record of evidence. (d) Vakalatnama. (e) Deposition of medical/ expert Witness.		
3. Charge and altered charge, if any.	(f) Report of chemical Examiner and other Reports		
4. Order consenting to the			

withdrawal of any charge (Sections 224 and 321 of the Code). 5. Record in summary Trial. 6. Record of proceedings under Section 236 of Code. 7. Record of composition of an Offence (u/s 320 of the Code) 8. Judgment and sentence. 9. Copies of Orders of High Court regarding sentence of death (Section 371 of the Code). 10. Warrant or other Paper returned on execution of sentence. 11. Copy of Order commuting a sentence or suspending the execution thereof or remitting punishment. 12. Petition of Appeal or Application for Revision. 13. Copy of Judgment or Order in Appeal or Revision. 14. Certificate of Judgment or Order in Appeal or Revision. 15. Proof of previous conviction. 16. Order for Disposal of Property (Chapter XXXIV of the Code). 17. Order of Transfer. 18. Order-sheets. 19. General Index. 20. Treasury Receipt . 21. Bonds under Sections 106, 107, 108, 109, 110, 360, 379 and 437A of the Code and bonds under Section 4 of the Probation of Offenders Act. 22. Papers relating to the identification of the Accused person in the jail or elsewhere. 23. Papers relating to the identification of stolen Property. 24. Site plan or map of the locality placed on the file of the Case and site Inspection of the locality drawn by the Presiding Officer of Court u/s 310 of the Code. 25. The statement prepared for the purpose of Section 428 of the Code. 26. Memorandum of arguments u/s 314(1) of the Code. 27. Consent or sanction to the initiation of proceedings under Sections 196 and 197 of the Code or under any others	mentioned in Section 292 and 293 of the Code.		

law for the time being in force.			
28. Deposition(s) of Witnesses, who are absent at the Trial, which have been admitted in evidence under Section 33 of the Evidence Act.			

In any Case in which a proceeding belonging to Part A, or Part B, or Part C or Part D are Recorded on one and the same Paper, such Paper shall be placed in Part A.

The arrangement of Papers in the Record shall be in the Order of the serial numbers of the Papers in the General Index.

10. Return of Exhibits.-

A notice shall be fixed up in a conspicuous part of every Court house giving warning that if an exhibit which has been filed in a Case is left in a Court, it will be kept there at the Owner's risk. Before making an Order for the return of an exhibit, the Court shall consider whether it is expedient to return it; if returned a copy should be required in its place, and if so, whether the copy should be prepared at the expense of the person to whom the exhibit is returned, or at the expense of the Government.

11. Record of Appeal or Revision.-

A copy of Judgment or Order Appealed against accompanying a Petition of Appeal, and a copy of any Order, sentence, finding or other proceeding filed with an Application for Revision of such Order, sentence, finding or other proceeding shall remain with the Record of the Appellate or Revisional Court and not be returned.

12. Title Page.-

A cover or title page in the prescribed Form (F.139) shall be placed over the Record of every Case.

13. Use of documents exhibited in another Record.-

When a document in any Record is made an exhibit in another Record, civil or Criminal, and is removed to that Record, a certified copy of the document shall be retained in the Record from which the document is removed and a note of the removal shall be made on the general index or Order-sheet. After the Decision of the Appeal or after the expiry of the period of Appeal or Revision, if no such Revision or Appeal has been brought, the document shall be returned to the Record of which it Originally Formed part, its place being taken by a certified copy (a Requisition of Record should be sent as per the provisions of Order XLIII Rule 1 & 2).

14. Officer for checking and cancelling stamps.-

(a) Each Magistrate or Sessions Judge shall under sub-Section (2) of Section 68 of the Rajasthan Court Fees and Suits Valuation Act, 1961 (Act No. XXIII of 1961) appoint by an Order in writing, an officer for the purpose of cancelling stamps. That officer who should ordinarily be the Reader for documents filed in the Court and the Senior Munsarim for the documents presented before him shall personally attend to and be personally responsible for the strict fulfilment of the duty of receiving document to be filed, examining the correctness and adequacy of stamps attached thereon and immediately cancelling such stamps as required by Section 68(2) of the Court Fees and Suits Valuation Act, 1961.

Note -

(i) The Presiding Officer should see that punching is done immediately on Presentation of the Petition and other documents in Court.

(ii) A rubber stamp in the following Form shall also be used;
"Cancelled."

It should be applied across the adhesive stamps and upon the Paper on either side of it but not in such a way as to obliterate the entries there on or to render the detection of forgeries more difficult.

- (b) In all Cases it should be carefully seen that the figure-heads of the Court fee stamps are punched out, that the pieces are destroyed before the documents to which stamps are attached are filed or acted upon.
- (c) Every Judicial Officer should inspect the work of his officers from time to time so as to ensure attention to their duty and to obviate any opportunity for fraud. A very efficient check could be kept on any attempt to defraud Government if each Presiding Officer examines daily some of the Records he handles and if he also examines periodically bundles of Records of Cases dealt with by him, taken out at random from the shelves, in which they are placed.

ORDER 33

TRIALS

1. **Procedure on Commitment.-**

When an Order of Commitment for Trial has been made, the Magistrate shall at once Report the fact to the Court to which the Commitment is made by a letter in the prescribed Form (F.140); and shall within eight days from making the said Order, submit the entire Record to the Court of Sessions and shall send malkhana articles, if any, within a fortnight thereof together with a calendar in the prescribed Form (F.141).

The entries in the calendar with regard to Witnesses shall be full and accurate, so as to give the Court receiving a clear idea of the matters to which each Witness will depose.

2. **Examination of Record of Commitment in Sessions Court.-**

The Record of each Case shall be carefully examined immediately on Receipt, and the sessions clerk shall Report whether it is complete and properly arranged and indexed, whether all malkhana articles have been received. The Committing Magistrate shall be asked to have deficiencies, if any, made up, and the Record may be returned to him for this purpose, if necessary.

3. **Expedition Disposal of Sessions Cases.-**

- (a) Sessions Cases should be disposed of with the greatest possible expedition. Sessions Judge should reserve particular number of days in a week for sessions work.
- (b) Sessions Trials should ordinarily be held in Order in which Commitments are made. The Presiding Officer may, however, exercise his discretion in the matter of giving priority to certain Cases particularly Cases involving capital sentence subsequently received or where the Accused is in jail; and the Court shall dedicate sufficient number of days in a week for Trial of such Cases while taking into account the Case pendency etc.
- (c) Priority shall also be given in Cases where, Accused/ complainant is Senior Citizen/ Woman.
- (d) The sessions Cases shall be taken up day-to-day until all the Witnesses in Attendance have been examined and discharged.
- (e) The Sessions Judge shall take necessary steps to get the summons served on the Witnesses in time and if necessary the Superintendent of Police of the District may be asked to make special efforts to secure the Attendance of the Witnesses.
- (f) A Sessions Trial shall not be Adjourned or postponed except in exceptional circumstances for reasons to be Recorded in writing.
- (g) In Case where the Sessions Judge decides to proceed under Section 228(1)(b) of the Code, he shall after Recording the plea of the Accused, shall fix the date for the evidence of the prosecution and may, on the Application of the prosecution, Issue Process forthwith for compelling the Attendance of Witnesses or the production of any document or other thing.
- (h) In every inquiry or Trial the proceedings shall be continued from day-to-day until all the Witnesses in Attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be Recorded;

Provided that, when the inquiry or Trial relates to an Offence under Section 376, Section 376A, Section 376B, Section 376C or Section 376D of the Indian Penal Code, the inquiry or Trial shall, as far as possible be completed within a period of two months from the date of filing of the charge-sheet.

If the Court after taking cognizance of an Offence, or commencement of Trial, finds it necessary or advisable to postpone the commencement of, or adjourn, any inquiry or Trial, it may, from time to time, for reasons to be Recorded, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the Accused if in Custody.

Provided that, no Magistrate shall remand an Accused person to Custody under this Section for a term exceeding fifteen days at a time.

Provided further that, when Witnesses are in Attendance no adjournment or postponement shall be granted, without examining them, except for special reasons to be Recorded in writing:

Provided also that, no adjournment shall be granted for the purpose only of enabling the Accused person to show cause against the sentence proposed to be imposed on him.

Provided also that,

- (i) no adjournment shall be granted at the request of a party, except where the circumstances are beyond the control of that party;
- (ii) the fact that the pleader of a party is engaged in another Court, shall not be a ground for adjournment;
- (iii) where a Witness is present in Court but a party or his pleader is not present or the party or his pleader though present in Court, is not ready to examine or cross-examine the Witness, the Court may, if it thinks fit, Record the statement of the Witness and pass such Orders as it thinks fit dispensing with the examination-in-chief or cross-examination of the Witness, as the Case may be.

Explanations

1. If sufficient evidence has been obtained to raise a suspicion that the Accused may have committed an Offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.
2. The terms on which an adjournment or postponement may be granted in include, in appropriate Cases, the Payment of costs by the prosecution or the Accused.

4. **Expenses and Allowances to Witnesses.-**

- (a) The Payment of reasonable expenses of complainants and Witnesses attending Criminal Court for the purpose of any Enquiry, Trial or other proceedings shall be regulated by the rules made by the Government under Section 312 of the Code of Criminal Procedure, 1973 (2 of 1974) and published in the Rajasthan Gazette as amended up-to-date. (**Appendix-I**)
- (b) As far as possible, the aforesaid expenses and Allowances shall be paid Immediate ly after conclusion of the evidence. If need be, limit of the imprest should be got enhanced Suitably. If expenses and Allowances are not paid Immediate ly after conclusion of the evidence, it should be either transferred to the bank account of the Witness or through bankers cheque.
- (c) Order for Payment of such amount shall be made in prescribed Form (**F.142**)

5. **Disposal of Case Property.-**

At the conclusion of each Trial, the Court shall pass Order of Disposal of Case Property specifically.

6. **Accused sentenced to death to be warned to Appeal within 30 days.-**

A Sessions Judge, in a Case in which a person is sentenced to death, shall Record that he has informed him that, if he wishes to Appeal, his Appeal must be preferred within thirty days (of Art.115 of the Limitation Act, 1963).

ORDER 34**THE RECORDING OF EVIDENCE****1. Mode of Recording evidence.-**

Every Record of evidence and statements made by a Presiding Officer or an official of the Court shall be legibly written. If in making such Record an officer uses an electronic device, he shall sign every page of such Record and shall initial every correction or alteration therein. In every Record and on each deposition, the Deponent, where examined on commission or otherwise, shall be indicated by his/her full name along with his/her father's/ mother's name, age, profession and residence and on each subsequent page of the deposition, the number of the Witness, Case number and page number shall be mentioned. In no Case a Witness shall be indicated by a number only. Abbreviation and elliptical Forms of expressions shall be avoided, particularly abbreviation of names of persons or places.

The Record made shall follow as closely as possible the actual words and expressions used by each Witness.

2. Certificate on certain deposition.-

In the Case of deposition referred to in Section 291 of the Code other than those taken on commission under Chapter XXIII of the Code, a Magistrate taking the deposition of District Medical Officer or other medical Witness, shall sign at the foot of the deposition, a Certificate in the Form indicated below or a Memorandum to the same effect.

The foregoing deposition was taken in the presence of Accused who had an opportunity of cross-examining the Witness. The deposition was explained to the Accused and was attested by me in the presence of the Accused.

3. Serial Number of Witnesses examined.-

The Presiding Officers shall invariably give the number of each Witness as he is examined in any Enquiry, Trial or proceeding. The Witness produced by the prosecution should be numbered as PW-1, PW-2, PW-3 etc. and those by defence as DW-1, DW-2, DW-3, etc. Witnesses examined under Section 311 of The Code of Criminal Procedure 1973 as Court Witnesses shall be numbered as CW-1, CW-2, CW-3, etc.

4. Contradiction of Witnesses by their previous statements.-

(1) When a Witness is contradicted by his previous statements and a particular portion is put to him, it is necessary for the Court to indicate the portion of the earlier statement(s) which are put to the Witness and about which answer is given by the Witness before them while Recording the evidence.

(2) To prove, the statement for the purpose of contradiction it is necessary that the contradiction or omission must be brought to the notice of the Witness. His or her attention must be drawn to the portion of the previous statement.

(3) Judges and Magistrate while questioning a Witness about his previous statement should not merely note down that he/she has been confronted with particular portion marked 'A' to 'A', 'B' to 'B' etc., without bringing on Record the particular statement with which a person is confronted and without indicating whether the Witness was afforded an opportunity to explain the contradiction or discrepancy and what his explanation was.

(4) Each statement of fact occurring in the previous statements made by the Witness which is inconsistent with the statement made by him in Court should be put separately and point by point to the Witness and he be confronted with his previous statement on those points so as to afford him an opportunity to explain the contradiction.

(5) The practice of putting a long statement to the Witness containing several facts, or mere reading out the whole statement should be avoided because it may confuse the Witness, thus defeating the very purpose of the wholesome provision regarding confrontation contained in Section 145 of the Evidence Act.

Illustrations

'A'

Statement of "X," Recorded under Section 161, Cr.P.C. (exhibit 1) contains a portion "I" reached at the spot and clearly saw that "Y" was killing "Z".

While "X" is being contradicted during Court statement, this portion will be indicated in the manner that "portion A to B of statement exhibit A i.e. "I" reached killing "Z" Before "I" and after "Z" alphabet "A" and "B" will be marked respectively to indicate this portion in statement of "X" under Section 161, Cr.P.C."

'B'

A Witness may have stated in statement under Section 161 Cr.P.C. that -

X murdered Y. In Court Witness state 'Z' murdered 'Y'.

This is a contradiction. Defence Counsel or Court and even prosecution if Witness is declared hostile having resiled from previous statement, is to be confronted to bring contradiction on Record. Attention to the Witness must be drawn to the previous statement or statement under Section 161 Cr.P.C., where it was stated that 'X' murdered 'Y'.

The Trial Court in the event of the contradiction has to Record as under -

Attention of the Witness has been drawn to portion A to B of statement marked as __ and confronted with the portion where it is Recorded that 'X' murdered 'Y'.

'C'

If a Witness omit to state in Court that 'X' murdered 'Y', what he had stated in a statement under Section 161, Cr.P.C. will be material contradiction, for Public Prosecutor, as Witness has resiled from previous statement, or if 'W' has been sent for Trial for charge of murder, omission to state 'X' murdered 'Y' will be a material omission, and amount to contradiction so far defence of 'W' is concerned. At that stage also attention of the Witness will be drawn to significant portion of the statement Recorded under Section 161, Cr.P.C. which Witness had omitted to state and note shall be given that attention of the Witness was drawn to portion A to A wherein it is Recorded that 'X' murdered 'Y'. In this way omission is brought on Record.

(Note- Law laid down in (2005) 12 SCC 657; 1975 SCC (Cri.) 427; (1985) 4 SCC 476; (2004) 7 SCC 487; (2012) 3 SCC 387 should be strictly followed. Presiding Officers of the Court should also go through the law laid down in Tahsildar Singh & Anr. Vs. State of U.P. AIR 1959 SC 1012 which can be summarised as under:-

- (1) A statement in writing made by a Witness before a Police Officer in the course of Investigation can be used only to contradict his statement in the Witness-box and for no other purpose;
- (2) statements not reduced to writing by the Police Officer cannot be used for contradiction;
- (3) though a particular statement is not expressly Recorded, a statement that can be deemed to be part of that expressly Recorded can be used for contradiction, not because it is an omission strictly so-called but because it is deemed to Form part of the Recorded statement;
- (4) such a fiction is permissible by construction only in the following three Cases:
 - (i) when a recital is necessarily implied from the recital or recitals found in the statement; illustration: in the Recorded statement before the Police the Witness states that he saw A stabbing B at a particular point of time, but in the Witness-box he says that he saw A and C stabbing B at the same point of time; in the statement before the Police the word "only" can be implied, i.e., the Witness saw A only stabbing B;
 - (ii) a negative aspect of a positive recital in a statement; illustration: in the Recorded statement before the Police the Witness says that a dark man stabbed B, but in the Witness-box he says that a fair man stabbed B; the earlier statement must be deemed to contain the recital not only that the culprit was a dark complexioned man but also that he was not of fair complexion; and
 - (iii) when the statement before the Police and that before the Court cannot stand

together; illustration: the Witness says in the Recorded statement before the Police that A after stabbing B ran away by a Northern lane, but in the Court he says that Immediate ly after stabbing he ran away towards the Southern lane; as he could not have run away Immediate ly after the stabbing, i.e., at the same point of time, towards the northern lane as well as towards the southern lane, if one statement is true, the other must necessarily be false. The aforesaid examples are not intended to be exhaustive but only illustrative. The same instance may fall under one or more heads. It is for the Trial Judge to decide in each Case after comparing the part or parts of the statement Recorded by the Police with that made in the Witness-box, to give a ruling, having regard to the aforesaid principles, whether the recital intended to be used for contradiction satisfies the requirements of law.

5. Recording of evidence of vulnerable Witnesses.-

Unless otherwise provided, guidelines given in Appendix-L shall be followed during the examination of vulnerable Witnesses during Criminal Trial who are victims or Witnesses to crime.

ORDER 35

GENERAL PROVISIONS REGARDING INQUIRIES AND TRIALS IN CRIMINAL COURTS

1. Daily Cause List.-

- (a) A daily list of Cases fixed for Hearing in every Court prepared in legible Hindi/ English in the prescribed Form (F.101) shall be pasted on the previous working day in some conspicuous place of the Court house. The cause list shall also show the purpose for which a Case has been fixed. The daily cause list so prepared shall be uploaded on the Case InFormation System.
- (b) If a Case for a day on which the Court does not sit on account of its being later found or declared to be a holiday is not taken up on that day, it will be taken up on the next day on which the Court sits.
- (c) After Court hours, the result/ proceedings held in each particular Case will be indicated and entered in the office copy of the cause list and the same shall also be uploaded in the Case InFormation System latest by the next working day.

2. Distribution of work by the C.J.M. :-

- (a) Subject to the control of the Sessions Judge, the Chief Judicial Magistrate may from time to time give special Orders under Section 15(2) of the Code as to the distribution of the business among, the Judicial Magistrates subordinate to him,
- (b) Complicated, important or serious Cases shall ordinarily be tried by the Chief Judicial Magistrate,
- (c) While disturbing business, due weightage will be given to the classification and grouping of Cases.

3. Complaint:-

- (a) Every complaint filed before a Court shall be in duplicate and be duly supported by an affidavit verifying its contents. In every complaint reason for invocation of the jurisdiction of the Magistrate shall be stated. It should be clearly spelt out in the Application supported by documents whether procedure laid down under Section 154(1) and 154(3) of the Code has been followed or not.
- (b) Before any complaint is sent to a Police Officer for inquiry or Investigation under the Code of Criminal Procedure 1973, duplicate copy thereof shall be retained in the Court after authentication and shall remain in Part A of the file.

4. Brief Holders.-

A legal practitioner when unable personally to attend a Case in which he is briefed, may hand over the brief to another legal practitioner without the latter filing a Vakalatnama.

5. Police Report to contain additional information.-

(a) In addition to the other requisites, Police Report shall contain-

- (i) Mobile phone numbers/ land line numbers/ email-ID (if any) of the complainant, Accused and Witnesses so also, their complete permanent residential address along with color photograph & ID proof (any two mentioned in (Appendix-K.) Details thereof shall be mentioned opposite to the names of the concerned in the Form of a list to be annexed with the charge-sheet.

Provided that, aforesaid particulars in Case of victim of sexual harassment shall be submitted in a sealed cover in the Court; same will be re-sealed and kept in safe Custody in the Court.

- (ii) Details regarding character and previous conduct of each Accused.
(iii) Details with relevant proof regarding previous conviction and sentence, if any.

(b) The bond under Section 170(2) of the Code shall contain an undertaking to the effect that any change in permanent residential address or the phone number will be immediately conveyed by the Witness to the SHO of the concerned Police Station and the SHO shall forward the same to the concerned Court as soon as he receives the information.

6. District Magistrate and Director General of Police to be informed of Police errors.-

When in any Case of which a Court has taken cognizance, the Presiding Officer has occasion to notice any erroneous practice on the part of the Police or has reason to believe that a confession has been elicited by the Police from an Accused person by the use of force or undue influence, or that any other grave irregularity has occurred, he shall bring the matter to the notice of the District Magistrate concerned or Inspector General of Police/ Director General of Police. It shall be incumbent on the Authority so informed to apprise the Presiding Officer concerned of the action taken by it in the matter.

7. Previous conviction to be noted in judgment.-

If the Accused, having been previously convicted of any Offence, is liable, by reason of such previous conviction, to enhance punishment, or to punishment of a different kind, for a subsequent Offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court may think fit to award for the subsequent Offence, the fact, date and place of the previous conviction shall be stated in the charge, and if such statement has been omitted, the Court may add it at any time before sentence passed.

8. Post Office Records not to be disclosed unnecessarily.-

When any journal or other Record of a Post Office is produced in Court, the Court shall not permit any portion of such journal or Record to be disclosed other than the portion which seems to the Court necessary for the determination of the Case before it.

9. Affidavit to be stamped.-

A Magistrate shall not allow an affidavit, which is not one exempted from stamp duty, to be sworn before him unless it is stamped.

10. Memo of identification proceedings.-

Identification proceedings in jail for identification of suspects shall invariably be conducted as per the procedure laid down in Section 54A of the Code of Criminal Procedure, 1973 and Recorded in the prescribed Form (F.143).

Provided that, if the person identifying the person arrested is victim of sexual harassment, every care should be taken to protect the identity of such person and Record of the proceeding shall be forwarded to the concerned Court in a sealed cover.

Proceedings for identification of Property shall be Recorded by Magistrates in the prescribed Form (F.144).

Such proceedings shall be held as expeditiously as possible but not later than fifteen working days.

11. Surety to submit ID proof.-

- (a) The surety shall submit an affidavit while affixing upon it a latest coloured photograph of himself/herself and besides information about his/her financial capacity. The information on the following points must be verified on oath:-
- (i) How and since when he knows the person for whom he is standing as surety.
 - (ii) Whether and in how many Cases, he has furnished surety.
 - (iii) His permanent and present residential address.
 - (iv) Whether, the person for whom he is furnishing surety in bail or somebody on his behalf has paid him or agreed to pay any gratification in any manner.
- (b) Reliable address proof as per (**Appendix-K**) and contact number e.g. mobile number/ landline number/ email-ID of the surety shall be taken on Record.
- (c) The Court may ask for documentary proof regarding financial capacity of the surety and may take on Record copies of such documents.

12. Release Order to be sent to jail, if person bailed is in jail.-

When a person confined in jail is admitted to bail by Order of a Court, the Presiding Officer shall see that the Order of release is entered in a letter delivery Book in the prescribed Register (**Register No.261**) and sent through one of the Court's peon to the Officer-In-charge of the Jail whose signature should be obtained in the letter delivery Book in token of the delivery of the release Order to him. Such Orders should in no Case be made over to private persons for delivery to jail Authorities.

13. Custody of Property concerning a Criminal Case.-

The Property concerning a Criminal Case produced in a Court shall be kept in Custody of the official attached to the Court or may Authorize any person to keep in Custody as the Court may think fit.

14. List of documents.-

All documents filed in the Court by a party or a Witness shall be accompanied by a list of documents in Form (**F.145**) as envisaged by Section 294(1) of the Code.

15. Witnesses to give evidence from the Witness box.-

- (a) No Witness should be provided with any seat on the dais. All Witnesses shall give their evidence from the stand provided in the Court for this purpose. However, the Presiding Officer may allow the Witness to be seated while giving evidence considering valid grounds such as (i) Infirmary, (ii) old age, (iii) inordinate length of time in giving evidence, and (iv) for any other sufficient reason which is justified in the opinion of the Court.
- (b) Priority in Recording evidence shall be given to the aged, infirm, child, woman Witnesses and those holding public office e.g. Judicial Officer, Medical Officer, Officer belonging to Army, Air force, Navy, Police Officer, Administrative Officer etc.
- (c) As far as possible, a convenient waiting place shall be provided to the Witnesses till the time their statement is Recorded by the Court.

16. Matter of public importance Disposal thereof.-

In any Criminal Case or proceeding, if the Advocate General or the Public Prosecutor gives a Certificate to the effect that a matter of urgent public importance or public interest is involved therein, the Court shall give such Case or proceeding top priority and shall hear and dispose it off as expeditiously as possible.

17. Disposal of Cases involving petty Offences.-

For expeditious Disposal of Cases involving petty Offences, the procedure laid down in Sections 206 and 253 of the Code shall be strictly adhered to. Special Summons in such Cases shall be Issued in the prescribed Form No. 30 of Second Schedule of the Code. The list of petty Offences under Section 206(2) of the Code which though not exhaustive but illustrative is given in (**Appendix-A**) of the Code of Criminal Procedure for the guidance of the Presiding Officers.

18. Police Diaries not to be made part of Record.—

- (a) Presiding Officers summoning Police diaries from the investigating agencies shall not keep them tagged with the Court file in view of sub- Section (3) of Section 172 of the Code. Such Case diaries shall be kept separately and may be looked into by the Presiding Officers whenever need arises and in Case they are not required any further they should be returned Immediate ly to the investigating agency concerned.
- (b) Whenever Case diary is produced before the Court during the course of Enquiry or for obtaining remand under Section 167, Cr.P.C., the Presiding Officer of the Court concerned shall signature over it and fact of making signature should also be Recorded in writing.

19. Fixing of date in transferred Case.—

When a Case is transferred from one Court to another, the Court which is seized of the Case should fix a date for the appearance of the Parties in the Transferee Court before sending the Record and should give intimation to the party or pleaders of the Parties about it. The Transferee Court shall take up the matter on the date fixed for Hearing. No adjournment shall be granted on account of transfer of Case.

20. Attendance of Appellant in Criminal Appeals.—

Ordinarily, the Judgment in Appeal should be pronounced in the presence of the Accused Appellant, so that if he is convicted he may be taken in Custody forthwith. Therefore, the Presiding Officers Hearing Appeals must insist on the presence of the Accused in Court particularly at the time when the Judgment is pronounced.

ORDER 36**CUSTODY AND DISPOSAL OF PROPERTY****1. Register of Malkhana articles.—**

Any Property produced in the Criminal Court shall be entered in the Malkhana Register (Register No.262) Immediate ly after the Receipt thereof. It shall be the primary responsibility of the Clerk-in-charge Malkhana or any other clerk nominated in that behalf by the Sessions Judge to maintain the Register regularly who shall also sign every entry. The entries made in the Register shall be countersigned by the Presiding Officer or the Officer-in-charge Malkhana, as the Case may be.

2. Description of articles.—

- (a) Accurate and correct Description of every article must be mentioned in the Register of Malkhana articles as per the Description given in Form (F.146). In Case of weapons, the Description thereof must be mentioned with such particulars as may enable the Clerk-in-charge to produce it in the Court without delay.
- (b) In Case of valuable Property such as valuable metals or ornaments prepared out of such metals, full Description of such properties alongwith their weight shall be noted in column No. 9 of the Register as per the Description given in Inventory or Form (F.146).

3. Storage of Case Property.—

- (a) The entry number of the Malkhana Register shall be noted on each Property. Identity slips giving full particulars of the Case shall be attached to the articles. A list of articles indicating serial number of each set of articles Case-wise may be hung at a conspicuous place in the Malkhana. The Clerk-in-charge Malkhana, will Issue Malkhana Slip (F. XV) to the Case clerk after incorporating necessary entries in it.
- (b) Valuable Property shall Immediate ly be kept in the double lock. One key of the double lock will be kept by the Officer-in- charge of Malkhana or the Presiding Officer, as the Case may be, and other by the Clerk-in-charge of Malkhana. The double lock safe shall always be opened in the presence of the Officer-in-charge of Malkhana or the Presiding Officer, as the Case may be. The Register of valuable properties shall be kept in it and entry shall be made

every time it is operated under the signatures of the Officer-in-charge or the Presiding Officer, as the Case may be, and Clerk-in-charge of Malkhana.

- (c) The Presiding Officer/ In-charge Malkhana shall ensure that due care is taken against tampering with, misuse, distortion or damage while storing electronic equipments/ devices like SIM, Pen Drive, Memory Card, Electronic Media and Digital Device etc. in the Malkhana.
- (d) Every identity slip of any article shall be generated by the system on a glued sheet in duplicate; one slip will be kept on Case file and another will be affixed on article deposited in Malkhana. Such identity slip shall be replaced as and when required so as to make it legible.

4. Security by Malkhana Clerk. –

The Clerk-in-charge, Malkhana will furnish security of the amount as may be directed by the Sessions Judge from time to time.

5. Receipt of Case Property by the Malkhana Clerk.–

Every Property forwarded by the Police or any other agency to a Criminal Court shall be accompanied by an inventory (F.146) in triplicate. The clerk-in-charge on receiving the Property shall satisfy himself without breaking the seal of the article(s) that it corresponds with the items given in the inventory and shall endorse a Receipt on one copy of the inventory and hand over the same to the depositor who produced the Property. One of the copies of the inventory shall be retained by the Clerk-in-charge, Malkhana, while the third copy shall be placed on the Record of the Case concerned. Clerk In-charge Malkhana will copy the entries of Form (F.146) in the Case InFormation System.

Provided that, if the Property forwarded by the Police or any other agency is in sealed cover, it shall be kept in the seal cover. Seal will not be broken for verification of contents of the packet at the time of deposit.

If during Enquiry or Trial, it is necessary to verify the contents of the packet, then it shall be broken; after Recording the details, contents (Property) will be re-sealed with the seal of the Court. A note thereof shall be mentioned in the Record.

6. Arrangement for production of Property in different Courts.–

When a Property is to be taken away from one Court to another Court located at a different place or to be produced before the High Court, it shall be carried by a member of the staff of the Court. The valuable articles, arms and ammunition shall be carried with the Police Escort which shall be provided by the Superintendent of Police.

7. Production of properties from Malkhana.–

The Case Clerk or the Reader shall give the Malkhana Slip (F.147) to the Clerk-in-charge, Malkhana a day before the date of Hearing. The Malkhana Clerk shall hand over the Property to the Reader or the Case Clerk before the Case is called for Hearing and obtain a signature on the Malkhana Slip. The Property shall be returned to the Malkhana Clerk the same day after the Hearing of the Case when it is not required, under his signature on the Malkhana Slip. The Malkhana Slip shall be tagged with the file.

8. Verification of Malkhana Registers.–

The Presiding Officer or the Officer-in-charge of Malkhana, as the Case may be, shall verify personally once a year the Property with reference to the Registers of Malkhana articles and shall make an endorsement with the date of verification in the remarks column of the Registers. Every Presiding Officer or the Officer-in-charge Malkhana, other than the Sessions Judge shall make a Report to the Sessions Judge, having verified the properties indicating in brief, result of such verification.

9. Disposal of Property to await the result of Appeal or Revision–

In Cases where Appeal or Revision lies to the Supreme Court, High Court or Sessions Court, the Court shall not dispose of the Case Property for 6 months after the expiry of the period of limitation for Appeal or Revision or both and if intimation regarding the filing of Appeal or Revision is received, till the Disposal of the Appeal or Revision.

Provided that, the seized Narcotic Drugs and Psychotropic Substances shall be

disposed of, without any undue delay and in accordance with the provisions of Section 52A of the Narcotics Drugs and Psychotropic Substances Act, 1985.

Provided further, that in appropriate Cases and for reasons to be Recorded in writing, the Court may dispose of malkhana articles, during pendency of Trial/ Appeal/ Revision while retaining its representative sample and while taking colour photographs etc. on Record.

10. Disposal of valuable articles, currency notes, vehicles and liquor/narcotic drugs during pendency of Trial.-

(1) Valuable articles

Valuable articles such a golden or silver ornaments or articles studded with precious stones, need not be kept in Police Custody for years till Trial is over. The Magistrate should pass appropriate Orders as contemplated under Section 451 Cr.P.C. at the earliest. For this purpose, if material on Record indicates that such articles belong to the complainant at whose house theft, robbery or dacoity has taken place, then seized articles be handed over to the complainant after:

- (1) Preparing detailed proper panchnama of such articles;
- (2) Taking photographs of such articles and a bond that such articles would be produced if required at the time of Trial; and
- (3) After taking proper security.

For this purpose, the Court may follow the procedure of Recording such evidences, as it thinks necessary, as provided under Section 451 Cr.P.C. The bond and security should be taken so as to prevent the evidence being lost, altered or destroyed. The Court should see that photographs of such articles are attested or countersigned by the complainant, Accused as well as by the person to whom the Custody is handed over. Still however, it would be the function of the Court under Section 451, Cr.P.C. to impose any other appropriate condition.

In Case, where such articles are not handed over either to the complainant or to the person from whom such articles are seized or to its claimant, then the Court may direct that such articles be kept in bank lockers. Similarly, if articles are required to be kept in Police Custody, it would be open to the SHO after preparing proper panchnama to keep such articles in a bank locker. In any Case, such articles should be produced before the Magistrate within a week of their seizure. If required, the Court may direct that such articles be handed back to the Investigating Officer for further Investigation and identification. However, in no set of circumstances the Investigating Officer should keep such articles in Custody for a longer period for the purposes of Investigation and identification.

(2) Currency Notes -

Aforesaid procedure for valuable articles shall be followed.

(3) Vehicles -

If is of no use to keep such seized vehicles at the Police Stations for a long period. It is for the Magistrate to pass appropriate Orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending Hearing of Applications for return of such articles.

In Case where the vehicle is not claimed by the Accused, Owner, or the insurance company or by a third person, then such vehicle may be Ordered to be auctioned by the Court. If the said vehicle is insured with the Insurance Company then the Insurance Company may be informed by the Court to take possession of the vehicle which is not claimed by the Owner or a third person. If the Insurance Company fails to take possession, the vehicles may be sold as per the direction of the Court. The Court would pass such Order within a period of six months from the date of production of the said vehicle before the Court. In any Case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.

(4) Liquor/ Narcotic drugs -

For articles such seized liquor also, prompt action should be taken in disposing of them after preparing necessary panchnama. If sample is required to be taken, the sample may be kept properly after sending it to the Chemical Analyser, if required. But in no Case, a large quantity of liquor should be stored at the Police Station. No purpose is served by such storing.

Similarly, for the narcotic drugs also, for its identification, procedure under Section 451, Cr.P.C. should be followed of Recording evidence and Disposal. Its identity could be on the basis of evidence Recorded by the Magistrate (*See Section 52A of the Narcotics Drugs and Psychotropic Substance Act, 1985*). Samples also should be sent Immediately to the Chemical Analyser so that subsequently, a contention may not be raised that the article which was seized was not the same.

However, these powers are to be exercised by the Magistrate concerned. The Magistrate concerned would take Immediate action for seeing that powers under Section 451, Cr.P.C. are properly and promptly exercised and articles are not kept for a long time at the Police Station; in any Case, for not more than fifteen days to one month.

11. Special Order regarding Disposal of Property.—

In Case where the Property cannot be disposed of in the manner directed by the Court, specific Orders of the Court should be obtained for its Disposal in any other manner.

In Case no Order has been passed for Disposal of any Property, Order for its Disposal shall be obtained from the Court.

12. Notice for the return of Property.—

After a Case is finally disposed of by the Appellate or Revisional Court or where no Appeal or Revision has been filed and the period of limitation of Appeal or Revision has expired, the person to whom the Property is to be delivered, be notified to appear before the Officer-in-charge of Malkhana or the Presiding Officer concerned, as the Case may be, to receive the Property. If he fails to do so within 30 days from the date of Receipt of notice, the Property shall be sold at his cost by public auction and the amount so realized shall be credited to Government account. In Case the person entitled to the Property fails to claim the same prior to the sale thereof, the Court may on his Application subsequently direct Payment of the amount obtained from the sale, of such Property after deducting the expenses in conducting the sale thereof.

13. Unclaimed notes and coins.—

In Case the Property referred to in the preceding rule consists of currency notes or coins or both, the person entitled to the same shall be notified to receive the same. If he fails to appear for receiving the same within 30 days of the Receipt of the notice, the amount shall be credited to the Government. If the person entitled to the Property appears subsequently, the Court may, on his Application direct Payment of the amount in its discretion.

14. Public auction when to take place.—

The Property Ordered to be forfeited to the State shall be disposed by the public auction after the final Disposal of the Case, Appeal or Revision or if no Appeal or Revision has been preferred, six months after the expiration of period of limitation of Appeal or Revision.

15. Sale by whom to be conducted and how to be made.—

- (a) The sale shall be conducted by the Nazir or any other officer duly Authorized by the Court. The Officer-in-charge of Malkhana or the Presiding Officer, as the Case may be, shall cause a proclamation of the intended auction and sale shall be published on the notice board of the Court concerned and in such other manner, if the Court may so direct.
- (b) Such proclamation shall state the date, time and place of sale and specify as accurately as possible the Description of the Property to be sold.
- (c) It shall be incumbent on the Officer-in-charge of Malkhana or the Presiding Officer, as the Case may be, to fix minimum sale price of the articles to be sold.
- (d) No person shall be allowed to make a bid unless he/ she deposits in cash 10% amount of the minimum sale price of the articles. It shall also state that the highest bidder will have to pay the price Immediately. Amount of security deposit of unsuccessful bidder(s) shall be refunded Immediately after the bid is finalized.
- (e) The sale shall not take place until after the expiration of at least 15 days from the date on which the copy of the proclamation has been affixed on the Court's notice board.
- (f) Auction sale shall be held during the Court hours and within the Court

- premises.
- (g) The Nazir or the officer conducting the sale may adjourn the sale to a specified date and hour, not exceeding a period of 7 days with the approval of the Officer-in-charge of Malkhana or the Presiding Officer, as the Case may be.
 - (h) No Public Servant and no officer or other person concerned with the sale in any manner, shall bid for, acquire or attempt to acquire an interest in the Property sold.
 - (i) Proceedings of the sale shall be Recorded on the bid-sheet.
 - (j) Sale shall be confirmed in the name of the highest bidder unless the Officer-in-charge of the Malkhana or the Presiding Officer, as the Case may be, thinks that the bid offer is grossly inadequate, in which Case the Property shall be put to sale again.
 - (k) The price of the articles shall be paid at the time of the sale.
 - (l) The Nazir or the officer conducting the sale shall Issue a Receipt for the price paid and then hand over the Property to the purchaser.
 - (m) If the price is not paid, the Property shall be resold.
16. **Disposal of forged currency notes, counterfeit coins and implements.-**
All counterfeit coins and forged currency notes forfeited by the Court shall be forwarded to the Issue Department of the Reserve Bank of India or the Master of the Mint, Security Press, as the Case may be, with a brief Report of the Case. Similarly, moulds, dies and any other implements used for counterfeiting coins and forging currency notes should be sent to the Master of Mint, Security Press, Nasik Road.
17. **Disposal of Fire-Arms.-**
(1) All arms and ammunitions which are confiscated shall be sent to the District Magistrate concerned. Firearms and ammunitions should not be delivered to a person till a licence is produced by him. If the licence is not produced within a reasonable time, the articles should be sent to the District Magistrate for Disposal in accordance with law.
(2) Country-made Firearm - Country made firearm should be destroyed in the presence of Officer Incharge of the Malkhana after the expiry of the period of limitation for Appeal or Revision or both and if intimation regarding the filing of Appeal or Revision is received, till the Disposal of the Appeal or Revision. It should not be handed over to Police for destruction.
18. **Disposal of excisable goods in Court's Custody.-**
Excisable goods which are confiscated to the State, shall be dealt with according to Rule 78 of the Rajasthan Excise Rules, 1956.
19. **Submission of quarterly return.-**
By the 10th of April, 10th of July, 10th of October and 10th of January, every Magistrate doing Criminal work and every Assistant and Additional Sessions Judge shall submit to the Sessions Judge a statement of Malkhana articles in the prescribed Form (Return No.21). The Sessions Judge shall compile the statements after adding the figures of his own Court to those of Courts subordinate to him, shall scrutinize all the statements and shall submit them with his comments to the High Court by 15th of April, 15th of July, 15th of October and 15th of January.

ORDER 37

SUBMISSION OF SENTENCE FOR CONFIRMATION AND EXECUTION OF SENTENCE

1. **Procedure on passing sentence of death.-**
When a Court of Sessions passes a sentence of death, it shall forthwith commit the prisoner by a warrant in the appropriate Form No. XXXX of the Code to the jail from which he came to stand his Trial, and shall submit its proceedings to the High Court with a letter in the prescribed Form (F.148) at the latest on the fourth day after the sentence of death has been pronounced. A copy of the Judgment shall be furnished to the prisoner immediately free of cost as contemplated by the proviso to sub-Section (2) of Section 363 of the Code.

2. Counsel for prisoner.—

When a Court of Sessions submits its proceedings to the High Court in the manner laid down in the preceding rule, it shall state in the prescribed Form (F.147) whether the prisoner has funds or not to employ counsel in the High Court and whether the prisoner will employ counsel or not.

3. Female prisoner sentenced to death.—

When a Court of Sessions sentences a female prisoner to death, it shall consider after enquiring from such prisoner herself, if necessary, whether she is pregnant and if it thinks that it is likely, it shall have her examined by the District Medical Officer or such other doctor as it may consider fit and if it finds that she is in fact pregnant, it shall make a Report to the High Court. But the submission of the proceedings to the High Court under Rule 102 shall not be delayed on this account.

4. Date of execution.—

The date fixed by a Court of Sessions in a warrant for execution of a sentence of death shall be not less than 67 days but not more than 74 days from the date of confirmation of the death sentence by the High Court, unless it be otherwise directed in the Order of confirmation.

5. If date postponed fresh warrant to be Issued.—

When a warrant for the execution of a sentence of death has not been executed upon the date fixed owing to the postponement of execution by an Order of the Government, and is returned to the Court with a Certificate to that effect, the Judge shall, if the Government has refused to interfere with the execution of the sentence of death, Issue a warrant in the same Form as before, fixing another date for the execution of the sentence, which shall be not more than seven days from the date of Issue of such warrant.

6. Copy of warrant to be sent to District Magistrate.—

On issuing a warrant for execution of a sentence of death, the Court of Sessions shall forward a copy of the same to the District Magistrate for information.

7. Separate warrant to jail for each convict.—

A separate warrant shall be directed to the Officer-in-charge of the jail for each prisoner in respect of whom a sentence of imprisonment is passed; the warrant shall show the serial number of the Case, and shall bear the same date as the sentence bears. It shall state the period in words as well as in figures and Description of imprisonment and shall be drawn upon the prescribed Form (F.155) of the Code. It shall contain full particulars as to any alternative sentence of imprisonment to be undergone in default of Payment of fine, and as to any period of solitary confinement Ordered. It shall mention the period of pre-conviction detention for the purpose of set off as contemplated by Section 428 of the Code. The following particulars must be clearly and legibly mentioned in the warrant:-

- (1) Date of arrest of the convict;
- (2) Date of remand to the Police Custody and the period spent in Police Custody;
- (3) Date of remand to the judicial Custody and the period spent in judicial Custody;
- (4) The total period of detention to be set off against the sentence of imprisonment.

If the prisoner is a military officer or soldier, his rank and regiment or Department shall be stated in the warrant.

If the prisoner, has been previously convicted, particulars of each previous conviction showing the date and nature of each sentence, and the Section and Act under which it was passed, shall be endorsed upon the warrant.

The Court shall fill in the prescribed Form (F.149) regarding classification of convicts and attach it to the Record in all Cases of prisoners sentenced by it or committed to the sessions, in Order that it may be filed with prisoner's warrant and sent to jail with the prisoner.

8. Orders of fines.-

- (i) Whenever any person convicted of an Offence is sentenced or Ordered to pay a fine;
 - (ii) Whenever any person is Ordered to pay into Court for delivery to any other person any sum by way of compensation, or of reimbursement of fines or Fees paid;
 - (iii) Whenever any person is permitted to deposit a sum of Money in lieu of executing a bond;
 - (iv) Whenever any person is called upon to pay the penalty or aforesaid bond; and
 - (v) Whenever a Criminal Court Orders rePayment of Court fee;
- Presiding Officer shall ensure entries of amount of the fine, compensation or other sum, deposit, penalty or fee in the prescribed Register of fines, compensation deposits, penalties and Fees (Register No.263).

9. Fines paid into Court to be sent to treasury.-

When the amount of fine, compensation or other sum, deposit, penalty or fee is paid into Court, the Presiding Officer shall send the Money, as soon as possible, to the nearest Treasury or Sub-Treasury or a Scheduled Bank Authorized to receive Money on behalf of the Government, as the Case may be, and shall send therewith e-challan in-triplicate in the prescribed Form (F.150) signed by him.

10. Fines not paid at once may be paid to Officer-in-charge of Jail.-

When a person is undergoing imprisonment in default of any such Payment, the Officer-in-charge of the jail may receive Payment of the whole amount or of any part thereof, and shall thereupon complete the execution of the warrant or Order of imprisonment as provided by law.

11. Procedure in Cases under Rule 10.-

When any officer receives a Payment as described in Rule 10 or when the officer conducting a sale under a warrant receives the sale proceeds, the Money so received shall be sent, as soon as possible, to the nearest treasury or sub-treasury or a scheduled bank Authorized to receive Money on behalf of Government, as the Case may be.

The Court or Officer receiving the Money shall inform the Court which Ordered the Payment about the amount received and forward the Original treasury voucher under which it was paid into the treasury or an attested copy thereof to such Court.

12. Details to be noted in e-challan.-

In e-challan and warrant for distress and sale, there shall be made a clear entry as to the number of the Case, the exact nature of the Payment made or to be made, the person who is or was liable for the Payment, and the manner in which the amount paid is to be credited to Government or to a Municipal or Cantonment fund as required by law or the Orders of Government or as a Criminal Court deposit.

13. Payment to Treasury to be made as early as possible.-

- (1) Every sum received by a Court or Officer shall be deposited within three days of Receipt to a Treasury or Sub-Treasury or where there is no Treasury or Sub-Treasury, in a Scheduled Bank Authorized to receive Money on behalf of the Government, as the Case may be.
- (2) If the Treasury or Sub-Treasury or the Bank is closed on last day, then the next day on which the Treasury or Sub-Treasury or the Bank is open.
- (3) When a Court or Officer is at a distance from the Treasury or Sub-Treasury or such bank, Receipts not exceeding Rs.2000/- shall be deposited therein at least once in a fortnight, but if the Receipts exceeds sum of Rs.2000/-, it shall be deposited at the earliest.
- (4) When sums more than one are sent at the same time, a separate e-challan in triplicate shall be sent for each sum. Sums shall be sent through e-challan (F.150) which shall contain details regarding each item included in the amount remitted by the e-challan.
- (5) When any sum received in a Court is not sent to the Treasury or sub-Treasury or Scheduled Bank Authorized to receive Money on behalf of the Government,

as the Case may be, within three days, the Presiding Officer shall make arrangements for its safe Custody until it can be remitted.

14. Court Receipt Book.—

Every Court shall Issue a Receipt in Form (F.151) to every person making the Payment to the Court. The Receipt shall be generated through Case InFormation System.

15. Payment to be entered in Register and Receipts given.—

When any Payment is made into Court under preceding rule and when duly authenticated intimation of any Payment is received under preceding rules, the Court shall make an entry of the Receipt in the appropriate Register and shall cause a Receipt for the amount to be prepared in triplicate, one for depositor, one for Record and one for accounts. Such Receipt shall be made over to the payer, if he is present. If he is not present, it shall be sent to him by post; if he is in Custody through the Officer-in-charge of the jail.

Upon the counterfoil of every Court fee Receipt, the number and the date of treasury Receipt upon the e-challan under which the Money was paid into Treasury shall be entered as soon as possible and such e-challan shall then be filed with the Record.

16. Refunds.—

When an Order is made for the refund of a sum which has been credited in the treasury, the Order or a copy thereof shall at once be sent to the Court which directed the credit and that Court shall take necessary steps for its refund. Any refund to party shall be transferred to the bank account of the party concerned.

17. Register of fines.—

The Register of fines, compensation, deposits, penalties and Fees shall be maintained in the prescribed Form (Register No.263). A fresh page shall be begun each month. A separate line shall be given for each person Ordered to make any Payment even if two persons or more are subjected to such an Order in one Case. The entries in respective column shall be made as soon as the judgment/ Order is passed. The entry in relevant column shall be made as soon as the warrant for levy is Issued. The entries in respective columns shall be made as soon as Payment is made or on Receipt of inFormation, from the Treasury that the deposit has been credited to Government. These entries shall be checked and initialed by the Presiding Officer. He shall compare the amount entered in the Court Receipt Book with that entered in the treasury Receipt and also with the amount entered in respective column.

In column 18, a note to the following effect shall be made:—

- (a) The amount of fine which is not credited to the Government.
- (b) Exact nature of every sum other than a fine entered in column 7.
- (c) Provision of law under which every sum entered in column 8 is awarded and a clear statement whether it is intended as compensation or reimbursement or reward.
- (d) When a deposit made in lieu of executing a bond is forfeited either wholly or in part, then the serial number and the year of the entry of penalty, against the entry of the deposit.

A separate entry shall be made in columns 1 to 7 when a deposit made in lieu of executing a bond is forfeited wholly or in part, as soon as the Order of forfeiture is passed.

18. Irrecoverable amounts.—

Any Sessions Judge or District Magistrate and any Judicial or Executive Magistrate, as the Case may be, with the written permission of the Sessions Judge or the District Magistrate, as the Case may be, may at any time write off as irrecoverable any amount of which recovery has been Ordered by his Court or in Case that Court has been abolished, by the Successor Court, if it appears to him that the amount cannot be recovered.

Provided that the sanction of the Sessions Judge or the District Magistrate, as the Case may be, shall be unnecessary when the ground for remission of the fine is that the offender has undergone the imprisonment for the full term awarded by the Court in default of Payment of fine.

Explanation - For the purpose of this rule, the term Sessions Judge be deemed to include an Additional or Assistant Sessions Judge.

19. Monthly Certificate on Register of fines.—

At the end of every month, the Presiding Officer of each Court shall certify on the Register of fines, compensations, deposits, penalties and Fees that he has examined all outstanding items that seem capable of Realisation and has taken proper steps in each Case.

At the beginning of every year, before making entries for that year, all the outstanding items which remain unrealized shall be entered in red ink.

20. Statement of demand, collection and balance of fines.—

At the end of every month, the Presiding Officer of each Court shall submit to the Sessions Judge or to the District Magistrate, as the Case may be, a statement in the prescribed Form (Return No.22) showing the demand, collection and balance of fines levied and written off. The statement shall refer to the account month of the treasury or sub-treasury with which the Court deals. The Sessions Judge and the District Magistrate should each consolidate these returns into a monthly fines statement (Return No.23) for the Courts under him and for his own and forward it to the Treasury Officer, as soon as possible, after the end of the month, for verification of the amounts shown as remitted into the treasury with the credit appearing in the treasury account. The Treasury Officer should certify the correctness or otherwise of these amounts. Where there is any discrepancy between a consolidated statement and the treasury account the Treasury Officer, may if necessary, before giving his Certificate request the Sessions Judge or the District Magistrate, as the Case may be, to explain the discrepancy.

21. Statement of fines.—

- (a) All amounts realized by Criminal Courts as fines and payable to municipal funds should be credited to the local fund account concerned.
- (b) A monthly return in the prescribed Form (Return No.24) of all amounts realized by Criminal Courts as fines and credited as required by law to local fund account shall be transmitted to the concerned local body.

22. Record-Keeper to decline taking Record till recovery or non Payment accounted for.—

The Record-Keeper shall not take delivery of the Record of any Case in which the recovery of Payment of Money has been Ordered unless Money is Realised or Reported to be irrecoverable or an acknowledgment of its Receipt by the Officer-In-charge of the Treasury or Sub-Treasury or other person entitled to receive Money, or a Report signed by the Presiding Officer of the Court accounting for non-Payment is filed therein.

23. Officer-in-charge of jail to be inFormed of Payment.—

Every Court upon receiving a Payment on behalf of a person who is in jail under a warrant directing imprisonment in default of such Payment shall at once inForm the Officer-in-charge of the jail, if the Payment was received otherwise than through the jail.

24. Warrant to be filed after execution.—

When a warrant or an Order upon which a sentence is executed is returned after execution to the Court by which it was Issued, the Court shall send it to the Record - Room to be filed with Part-A of the Record of the Case to which it belongs.

ORDER 38**APPEAL****1. Presentation of Appeal.—**

Every Memorandum of Appeals shall be filed before such official appointed by the Court or by the District Judge to receive such Presentation.

- (a) If at the time of filing the Memorandum of Appeal, Appellant is in jail, such Memorandum of Appeal may be presented either to the Officer-in-charge of prison by the prisoner himself, or before such official appointed by the Court or by the District Judge to receive such Presentation by a pleader Authorized by him. A memo of appearance or vakalatnama, if filed, shall be signed by the prisoner and forwarded by the officer-in-charge of prison under his signature after due attestation.
- (b) If such Memorandum of Appeal is presented before Superintendent of the Jail, he shall send the Memorandum of Appeal to the concerned Court.
- (c) If it appears from the memo of Appeal that the prisoner wishes to be represented by pleader, the Court shall not proceed with the memo of Appeal until seven days have elapsed, since the date of its Receipt unless pleader appears earlier. If it appears that the prisoner has no sufficient means to engage a pleader the Court shall assign a pleader for his memo of Appeal at the expense of the State and with a simultaneous request to Legal Service Authority.
- (d) The Papers of an Appeal or Revision shall be kept stitched together in a cover in the prescribed Form (F.152).

2. Contents of memo of Appeal.-

- (1) The cause title of every Memorandum of Appeal shall contain -
 - (a) The designation of the Court;
 - (b) The name, age, Description and address with Police Station of each Appellant;
 - (c) The name, age, Description and address with Police Station of each person who is proposed to be made the Opposite Party;
 - (d) The status (whether prosecution, complainant, Applicant, Accused or non-Applicant etc.) of the Parties in the Court of first instance, if any;
 - (e) Date of the impugned judgment/Order; and details of conviction with reference to Offence and sentence/acquittal with reference to Offence;
 - (f) Case number in which such Judgment / Order was passed by the Original Court along with FIR Number, name of Police Station and details of Offence;
 - (g) Facts of the Case in brief;
 - (h) Grounds, numbered serially;
 - (i) Relief prayed for;
 - (j) It shall be stated as to whether it is first or subsequent Appeal against the impugned Order. If subsequent, the particulars and result of earlier proceedings shall be disclosed;
 - (k) It shall also be stated as to whether there is any connected Appeal(s) against same judgment/Order is pending, if yes, the details if any; and
 - (l) It shall also be stated that the Appellant(s) has not filed any Revision Petition before High Court.
- (2) A Memorandum of Appeal against conviction, except in Cases where the sentence has been suspended by the Court below, shall contain a declaration to the effect that the convicted person is in Custody or has surrendered after the conviction.
- (3) In Cases, where the sentence has been suspended by the Court passing the sentence, the factum of such suspension and its period shall be stated in the Memorandum of Appeal.
- (4) Every such Memorandum of Appeal shall be accompanied by a certified copy of the impugned Judgment or Order together with self-attested copy/ copies of other relevant Record necessary for Decision of the Memorandum of Appeal, with affidavit certified to be correct by the party supplying them or his advocate, as the Case may be.

Provided that, Court may dispense with the requirement of filing certified copy of the judgment/ Order.

3. Report by Sr. Munsarim/ Munsarim or Reader.—

Every Memorandum of Appeal when received shall be examined at once by the proper officer, who shall endorse upon it a Report—

- (i) Whether it is within limitation.
- (ii) Whether the Appeal lies to the Court.
- (iii) Whether the Court fee paid is sufficient.
- (iv) Whether it is accompanied by requisite documents.

The proper officer in the Court of Sessions shall be either the Sr. Munsarim/ Munsarim or the Reader, as the Judge may direct. In every other Court, the Reader shall be the proper officer.

4. Requisition of Record.-

In every such Case, the Record shall be obtained from Record-Room or Court in which it is, by means of a Requisition in the prescribed Form (F.153).

5. Notice to Appellant and the Officer appointed under Section 385(i) of Cr.P.C.-

As soon as the date of Hearing is fixed, the Appellate Courts shall cause notice thereof to be given to the Appellant or his pleader. A notice of the date of Hearing in the prescribed Form (F.154) shall also be given to the Public Prosecutor along with a copy of Memorandum of Appeal. The same procedure shall also be applicable in Case or Revision if the Court Orders notice to be given.

Explanation- The expression 'Public Prosecutor' shall include Additional Public Prosecutor, Assistant Public Prosecutor and Special Public Prosecutor appointed by the Central or State Government, as the Case may be.

6. Notice to Appellant in Jail.-

Where the Appellant is in jail, a notice specifying time and place at which the Appeal will be heard shall be sent in the prescribed Form (F.154) under a covering docket in the prescribed Form (F.155) by the Appellate Court directing the Superintendent of the Jail for the communication to the Appellant and return with an endorsement that the Appellant has been duly informed.

A copy thereof shall also be endorsed to Para Legal Volunteer working in the concerned jail through concerned Legal Service Authority.

7. Procedure when Appeal decide u/s 385 (2).-

- (1) When an Appellate Court has sent for the Record under Section 385(2) of the Code it shall, after deciding the Appeal send back the Record along with a certified copy of the Judgment or Order in Appeal.
- (2) Appeal dismissed- If the Appeal is dismissed and the Appellant is on bail, the Court which passed the Original sentence, shall Issue the necessary Orders requiring the Appellant to surrender, or in default of his surrendering, the necessary Orders for his arrest and confinement in jail; provided that, if the Appellant who had been released on bail is present in Court when the Appeal is dismissed, he may, by the Order of the Court, be taken, into Custody by the Constable of the Court and sent to the Superintendent of the jail with a warrant to admit the Accused to serve out the remainder of the sentence.
- (3) If the Appellant is in jail and the Appeal is rejected or dismissed, the Appellate Court shall also certify the Judgment or Order to the Officer-in-charge of the jail for communication to the Appellant.
- (4) The above procedure shall also be followed in the Case of an Application for Revision and in proceedings in Courts of Sessions u/s 122 of the Code.

8. Procedure when High Court rejects Appeal or Application.-

When the Appeal or Application of a person on bail has been dismissed by the High Court, the Chief Judicial Magistrate shall Report to the High Court that the Order to surrender to bail has been carried out.

9. Procedure when sentence altered reversed or confirmed.-

- (1) When the sentence under which the Appellant is in confinement is reversed or modified, the Appellate Court shall Issue a fresh warrant in conformity with its Judgment or Order, after including therein all appropriate endorsements on

the Original warrant, and shall send the new warrant direct to the Officer-in-charge of the jail in which the Appellant in Appeal was preferred to be attached to the Original Record.

The Presiding Officers submitting Record to the Appellate Court shall see that the Original warrant, if necessary, has been drawn and placed on Record.

- (2) When a sentence is modified or reversed in Appeal by the High Court, the warrant shall be signed and Issued by the Court to which the appellate Judgment or Order is certified under Section 388 of the Code. Provided that, if it is shown that delay in the release of a prisoner would otherwise be cause, the warrant may be Issued direct by the High Court and the face intimated to the Lower Court.
- (3) When the Appellant has been admitted to bail pending the Hearing of the Appeal, the following special rules shall apply:-
 - (a) When a sentence is reversed on Appeal, the Appellate Court shall return the Original warrant with a copy of its Order to the Court by which the Appellant was admitted to bail, with a direction to discharge him.
 - (b) When a sentence is modified on Appeal, the Appellate Court shall prepare a fresh warrant in conformity with its Order, and shall send it with the Original warrant and with a copy of its Order to the Court by which the Appellant was admitted to bail, with directions to take measures to secure his surrender and reCommitment to jail on the modified warrant, if under the latter, the Appellant remains liable to imprisonment.
 - (c) When a sentence is confirmed on Appeal, the Appellate Court shall return the Original warrant with a copy of its Order to the Court by which the Appellant was admitted to bail, with directions as in sub-rule (b) of the rule.
 - (d) When the Appellant surrenders to bail in the Appellate Court, the Court shall:-
 - (i) If the sentence is reversed on Appeal, discharge him;
 - (ii) If the sentence is modified or confirmed on Appeal and the appellate Court is not the High Court of Judicature, send him in Custody with the modified or the Original warrant, as the Case may be, to the Officer-in-charge of the jail of the District in which the Appeal has been heard, with direction to recommit him to jail; and
 - (iii) If the sentence is modified or confirmed on Appeal and the Appellate Court is the High Court of Judicature, send him to the Superintendent of the Jail at Jodhpur or Jaipur, as the Case may be, in the manner directed in clause (ii).
- (4) It is the duty of the Court to which the Appellant surrenders, in view of the provisions of Section 389 (4) of the Code, to endorse on the warrant, the date of his release on bail and of his subsequent surrender.

The Original Court or the Trial Court from whose Order the Appeal was preferred must prepare and place on Record the warrant under Section 418 (1) of the Code even if the sentence is suspended by it or by the Appellate Court. The Appellate Court shall send that warrant along with the warrant of its own to be Officer-in-charge of the jail in which the Appellant is confined; The Original warrant shall mention the following particulars also:-

- (i) Date of arrest of the convict by the Police.
- (ii) Date of remand to the judicial Custody.
- (iii) Date of release on bail.
- (iv) Whether at present in Custody.
- (v) Number of days to be set off against sentence of imprisonment in view of Section 428 of the Code. The warrant prepared and sent by the Appellate Court to the Officer-in-charge of the jail in which the Appellant is confined or is to be confined must also mention all relevant information required for the purpose of set off under Section 428 of the Code.

10. Order suspending sentence to be certified.-

When a Court Orders that execution of a sentence be suspended, it shall certify its Order to the Court by which sentence was passed, and if the Appellant or Applicant is in jail, to the Officer-in-charge of the jail for communication to the Appellant or Applicant, and for Report that the necessary action has been taken.

11. Date of appearance of Parties in remanded Appeal.-

When a Case is remanded by the appellate Court or an Order staying proceedings is discharged by such Court, a date for the appearance of the Parties in the Trial Court shall be fixed by it at the time of passing the Order and the Appellate Court shall see that Record is transmitted to the Trial Court without any unnecessary delay.

ORDER 39**CRIMINAL REVISION****1. Presentation of Petition.—**

Every Petition of Revision shall be filed before such official appointed by the Court or by the District Judge to receive such Presentation.

- (a) If at the time of filing the Petition of Revision, Petitioner is in jail, such Petition of Revision may be presented either to the Officer-in-charge of prison by the prisoner himself, or before such official appointed by the Court or by the District Judge to receive such Presentation by a pleader Authorized by him by a pleader Authorized by him. A memo of appearance or vakalatnama, if filed, shall be signed by the prisoner and forwarded by the officer-in-charge of prison under his signature after due attestation.
- (b) If such Petition of Revision is presented before Superintendent of the Jail, he shall send the Petition for registration to the concerned Court.
- (c) If it appears from the Petition that the prisoner wishes to be represented by pleader, the Court shall not proceed with the Petition until seven days have elapsed, since the date of its Receipt unless pleader appears earlier. If it appears that the prisoner has no sufficient means to engage a pleader the Court shall assign a pleader for his Petition at the expense of the State and with a simultaneous request to Legal Service Authority.
- (d) The Papers of an Appeal or Revision shall be kept stitched together in a cover in the prescribed Form (F.152).

2. Contents of Petition of Revision.-

- (1) The cause title of every Petition of Revision shall contain -
 - (a) The designation of the Court;
 - (b) The name, age, Description and address with Police Station of each Petitioner or Applicant;
 - (c) The name, age, Description and address with Police Station of each person who is proposed to be made the Opposite Party;
 - (d) The status (whether prosecution, complainant, Applicant, Accused or non-Applicant etc.) of the Parties in the Court of first instance, if any;
 - (e) Date of the impugned judgment/Order; and details of conviction with reference to Offence and sentence/acquittal with reference to Offence;
 - (f) Case number in which such Judgment / Order was passed by the Original Court along with FIR Number, name of Police Station and details of Offence;
 - (g) Facts of the Case in brief;
 - (h) Grounds, numbered serially;
 - (i) Relief prayed for;
 - (j) It shall be stated as to whether it is first or subsequent Revision against the impugned Order. If subsequent, the particulars and result of earlier proceedings shall be disclosed;
 - (k) It shall also be stated as to whether there is any connected Revision against same judgment/Order is pending, if yes, the details if any; and
 - (l) It shall also be stated that the Petitioner(s) has not filed any Revision Petition before High Court.

- (2) A Petition of Revision against conviction, except in Cases where the sentence has been suspended by the Court below, shall contain a declaration to the effect that the convicted person is in Custody or has surrendered after the conviction.
- (3) In Cases, where the sentence has been suspended by the Court passing the sentence, the factum of such suspension and its period shall be stated in the Petition of Revision.
- (4) Every such Petition of Revision shall be accompanied by a certified copy of the impugned Judgment or Order together with self-attested copy/ copies of other relevant Record necessary for Decision of the Petition of Revision, with affidavit certified to be correct by the party supplying them or his advocate, as the Case may be.

Provided that, Court may dispense with the requirement of filing certified copy of the judgment/ Order.

3. Report by Sr. Munsarim/ Munsarim or Reader.—

Every Petition of Revision when received shall be examined at once by the proper officer, who shall endorse upon it a Report—

- (i) Whether it is within limitation.
- (ii) Whether the Revision lies to the Court.
- (iii) Whether the Court fee paid is sufficient.
- (iv) Whether it is accompanied by requisite documents.

The proper officer in the Court of Sessions shall be either the Sr. Munsarim/ Munsarim or the Reader, as the Judge may direct. In every other Court, the Reader shall be the proper officer.

4. Requisition of Record.—

No Record shall be called from the Court in which Original Case is pending, however, Record can be obtained, if already consigned to Record -Room by means of a Requisition in the prescribed Form (F.153).

Provided, if in the opinion of the Court, Original Record is essential for Decision of the Petition, in that Case, Record can be called at the time of Hearing/ Decision, and such Record shall not be detained for more than fifteen days.

5. Notice for Hearing.—

- (1) If the Revision Petition is admitted for Hearing, Court shall fix a date of Hearing. As soon as the date of Hearing is fixed, the Court shall cause notice thereof to be given to the Petitioner or his pleader. A notice of the date of Hearing in the prescribed Form (F.154) shall also be given to the Public Prosecutor or Opposite Party, as the Case may be, along with a copy of Petition of Revision.

Explanation.—The expression 'Public Prosecutor' shall include Additional Public Prosecutor, Assistant Public Prosecutor and Special Public Prosecutor appointed by the Central or State Government, as the Case may be.

- (2) Where the Petitioner/ non-Petitioner is in jail, a notice specifying time and place at which the Petition will be heard shall be sent in the prescribed Form (F.154) under a covering docket in the prescribed Form (F.155) by the Court directing to the Officer-in-charge of prison for the communication to the Petitioner/ non-Petitioner and return with an endorsement that the Petitioner/ non-Petitioner has been duly informed.

A copy thereof shall also be endorsed to Para Legal Volunteer working in the concerned jail through concerned Legal Services Authority.

- (3) Where the Court has Ordered notice to be Issued, the Petitioner shall supply as many legible typed/printed copies or photocopies of Petition, Application for grant of bail or for grant of any urgent relief pending Revision with affidavit, certified to be correct by the party supplying them or his advocate, as there be Parties to be served.
- (4) No notice shall be Issued from the Office/Court until the required number of such copies have been supplied.
- (5) Nothing herein-before contained shall apply to Revisions preferred by a person confined in prison and sent through the Officer-in-charge of the jail. In such Cases, requisite copies shall be furnished by the Court.

6. Procedure when Petition is decided.—

- (1) When a Court has Requisitioned the Record from Court/ Record-Room, it shall, after deciding the Petition, send back the Record along with a certified copy of the Judgment or Order in Petition.
- (2) If the Petitioner/ non-Petitioner is in jail and the Petition is rejected or dismissed, the Court shall also certify the Judgment or Order to the Officer-in charge of the jail for communication to the Petitioner/ non-Petitioner.

A copy thereof shall also be endorsed to Para-Legal Volunteer working in the concerned jail through concerned Legal Services Authority.

7. Order suspending sentence to be certified.—

When a Court Orders that execution of a sentence be suspended, it shall certify its Order to the Court by which sentence was passed, and, if the Petitioner is in jail, to the Officer-in-charge of the jail for communication to the Petitioner, and for Report that the necessary action has been taken.

A copy thereof shall also be endorsed to Para-Legal Volunteer working in the concerned jail, through concerned Legal Services Authority.

8. Date of appearance of Parties in Case of remand.—

When a Case is remanded by the Court or an Order staying proceedings is discharged by such Court, a date for the appearance of the Parties in the Trial Court shall be fixed by it at the time of passing the Order and the Court shall see that Record is transmitted to the Trial Court without any unnecessary delay.

9. Procedure when sentence altered, reversed or confirmed.—

When the sentence under which the Petitioner is in confinement is reversed or modified, the Court shall Issue a fresh warrant in conformity with its Decision, after including therein all appropriate endorsements of the Original warrant, and shall send the new warrant direct to the Officer-in-charge of the jail in which the Petitioner is confined. The Original warrant shall at the same time be cancelled and transmitted by the Revisional Court to the Court of which the finding, sentence or Order revised was Recorded or passed and the Court to which such cancelled warrant is sent, shall attach it to the Original Record with necessary amendment in accordance therewith.

ORDER 40**PRESERVATION OF RECORD****1. Custody of the Record.—**

Except as otherwise provided for in these Rules, no Judge or Magistrate shall part with the Custody of the Record of a Case or any document therein.

2. Powers of Presiding Officers to examine Records.—

The Presiding Officer of a Court requiring to examine at his private residence a Record of a Case in his Court, may take charge of such Record. The Official in whose Custody such Record may be, shall enter in a Book to be kept in the Office for that purpose, a note describing the Record so taken charge of by the Officer, the date when the Officer took charge of the Record, and the date when the same was returned to the said Official.

3. Certificate before transmission of Record.—

Whenever a Record is to be sent from a Court or Record-Room to another Court or Record-Room, the Reader or Record-Keeper, as the Case may be, shall carefully examine the Record before transmitting it, and shall attach and sign at the foot of the general index, a Certificate on prescribed Form (F.156).

4. Examination on Receipt and Report if necessary.—

When the Record of a Case is received in a Court from another Court or from the Record-Room, the Reader shall at once Report to the Court if the Record is not in all respects in Order and corresponding to the general index so as to prevent the possibility of doubt as to the office responsible for a missing document or for errors and deficiencies in the Record.

If the Record is received from any Appellate Court, the Reader or Record-Keeper, as the Case may be, shall carefully examine the Record and shall lay it before the Court. Every copy of Judgment or Order received from any Appellate Court shall be placed on the general index and filed with the Record.

5. Division of Record into classes.-

When a Record is complete, and before it is sent to the Record-Room, the Reader shall note thereon the Class to which it belongs and shall, in any doubtful Case take the Order of the Court. The Clerk-in-charge of the Record shall in every Record belonging to Class I or Class II, separate the Papers belonging to Part-A from those belonging to Part-B, Part-C and Part-D and put the Papers belonging to Part-A in Book-Form and shall affix the front part of the wrapper on the outside of the Book thus Formed. He shall make up the Papers belonging to other parts in Book-Form and attach the Book so prepared to the Part-A Book.

6. When Records are to be sent to Record-Room.-

- (1) The Records of completed Cases in the Courts shall be transmitted to the Record-Room not later than the last day of the month succeeding the month in which the Case was disposed.
- (2) Records received back from any Appellate Court and Paper(s) received in a Court after a Record has been sent to the Record-Room (e.g. Orders summarily rejecting Appeals, warrants returned after execution etc.) shall be sent to the Record-Room at the earliest.
- (3) For the return of Record of Cases under Appeal that have been sent for by Courts of Appeal, the Form prescribed (F.157) for transmission of Record shall be used.
- (4) The Records of completed Cases in the Courts of Executive Magistrates shall be transmitted to the Record-Room of the District Magistrate on such dates and in such manner as the District Magistrate may from time to time, by written Order, prescribe.

7. List of Records to be maintained.-

- (1) Each bundle of completed Records shall be accompanied by a list of the Records, it contains. The Clerk-in-charge of the Records shall prepare the list and shall enter the Records therein in the Order of the dates of Decision. But, if the dates of Decision of two or more Cases to which the list relates are the same, they shall be entered in the Order in which they stand in the Court's Registers. The reader shall examine the list and when he has checked that every Case ready to be sent to the Record-Room has been duly entered therein, he shall sign the list.
- (2) If a completed Record is required for use in the Court in which it was completed, or if it has been Requisitioned by another Court or if, for any other reason, a completed Record is not sent to the Record-Room, that shall be sent to the Record-Keeper, in the monthly bundle, in place of every such Record, a copy of the Form of Requisition under which it has been detained, or transmitted elsewhere; the Record-Keeper shall deal with this as an Original Requisition.
- (3) If Police Record and miscellaneous proceedings are not filed with the Record of a regular Case, then list shall also be prepared in Form (F.159) along with Form (F.158) and shall be placed on top of the Records in the bundle. When the Records have been examined, as provided in rule 8, and have been placed in their racks, the list shall be bound with previous lists of Records in the Record-Room so as to Form a Register of decided Cases.

The Reader shall make out an invoice in the prescribed Form (F.160) of all the Records and other Papers Forming each consignment to the Record-Room. The invoice (but not the counterfoil or the whole Book) shall be sent to the Record Keeper, who shall compare the number of Records and Papers entered therein with the number actually received and shall sign the invoice and return it to the Court. The Reader shall then attach it to its counterfoil in Book.

8. Record to be kept in a rack.-

Until the Records and Papers received in the Record-Room are examined by the Record-Keeper as provided in Rule 8, they shall be kept in a rack set apart for the purpose.

9. Examination by the Record-Keeper-

After the Records and Papers have been received, the Record-Keeper shall examine each Record at the earliest and satisfy himself:-

- (1) that every Record is properly entered in the list of the bundle to which it belongs, and that it has been properly classified;
- (2) that the Papers in the Record correspond with those entered in the general index;
- (3) that the Papers in the Record bear no erasures or interlineations but those noted in the general index;
- (4) that the Papers bear the stamps entered in the general index;
- (5) that the stamps have been duly cancelled and punched;
- (6) that on each Paper the number and aggregate value of the stamps on it have been Recorded;
- (7) that all Orders have been duly signed;
- (8) that the provisions relating to the realization of fines have been properly complied with.

If the Record be found in Order, the Record-Keeper shall enter and sign below the Certificate signed by the Reader a Certificate to the following effect:-

"Record examined and found correct."

If a list be found incorrect or a Record found defective in any respect, Record-Keeper shall submit it with a Report for the Orders of the Officer-in-charge of the Record-Room or of the Sessions Judge or of the District Magistrate, as the Case may be. While making an examination the Record-Keeper shall punch a hole in each stamp distinct from the hole previously punched. The punching shall invariably be made in the middle of that part of the label on which its value is printed but shall not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

10. Subsequent Papers to be filed.-

A Paper to be filed with a Record already in the Record-Room (e.g. an Order summarily rejecting an Appeal, a warrant returned after execution etc.) shall be sent after its stamps, if any, duly punched to the Record-Room, as soon as may be, after its Receipt and requisite entries in the prescribed Registers. The Record-Keeper shall, on Receipt of such Paper, enter it in the general index of the relevant Record. An entry shall be made below the Certificate signed by the Reader or if necessary, on a fresh sheet of the general index.

11. Prohibition against unauthorized removal of Records.-

Unless otherwise provided, no judicial Record or its part shall be taken out of Court building or premises by any Ministerial Officer on any pretext whatsoever. A breach of this rule will render the officer liable to dismissal.

ORDER 41**REQUISITION FOR RECORDS****1. Requisition for Record.-**

When under any law or any rule having the force of law a Court sends for the Record of a Criminal Case, whether pending or decided, the Court shall send a Requisition in the prescribed Form (F.153) and the cost of transmission shall ordinarily be borne by the Government.

2. Requisition by party through Court.-

- (a) For the Requisition of a Record or portion of a Record on behalf of a party to

a Case from any Civil Revenue or Criminal Court, a written Application shall be made stating the purpose for which the Record is required. A separate Application shall be made for each Record or part of a Record required and each such Application shall bear a Court fee label as provided by the Rajasthan Court Fees and Suits Valuation Act, 1961.

- (b) Whenever such Application is made by any party to the Court, such Application shall not be refused except for the reasons to be Recorded in writing.

3. Transmission of Record.-

When an Order for transmission of a Record has been made, the Reader or Record-Keeper shall send the Record under the prescribed Form (F.157) for transmission after filling up the appropriate columns of the Form. The Form of the Requisition received be kept in the place from which the Record was taken.

4. Register of Requisition and return.-

The clerk of the concerned Section in each Court and the Record-Keeper in the Record-Room shall keep a Register of "Requisitions for Record and return thereof" in the prescribed Form (Register No.249). An entry regarding Requisition and return shall be made accordingly in the Register when the Record is transmitted or returned.

5. Record to be promptly returned.-

When the Record is no longer required, it shall be promptly returned. The appropriate columns of the Form of transmission shall be filled up and the Form shall be returned with Record.

6. Examination of Record on Receipt .-

On Receipt of the Record, the Reader or the Record-Keeper shall make an examination as prescribed in these rules, after making relevant entries in respective columns of the Register of Requisitions and shall file the Requisition and the Form for transmission with the Record, and restore the Record to its appropriate place.

7. Scrutiny of Register.-

Once in every quarter, the Register of Requisition shall be laid before the Court or the Officer-in-charge of the Record-Room, as the Case may be, for Orders as to Records which were Issued more than three months back and have not been returned.

8. Mode of transmission of Record.-

The following instruction shall be observed for the transmission of Records from one Court to another:-

- (i) Records shall be securely packed (in wax-cloth, when necessary), and shall subject to the proviso hereinafter contained, be transmitted by post or rail. Each Parcel shall contain the Papers connected with one Case only. Postage shall, except when the Requisition otherwise states, be prepaid by Service postage stamps:

Provided that, if the Record to be transmitted to a Court situated in the same place as the Court transmitting it, it shall be sent by a Government messenger.

- (ii) An acknowledgment shall invariably be required from the Court to which a Parcel containing a Record has been dispatched, and in the event of none being received within a reasonable time, inquiry shall be made to ascertain the cause.
- (iii) Records may be sent by Parcel post or by any other convenient mode including messenger.
- (iv) Information of transmission and Receipt thereof shall also be shared on email.

ORDER 42

DESTRUCTION OF RECORDS

1. Classification of Records.-

Records shall be classified into two categories as follows:-

Class I

Every Case in which the Offence charged is punishable with imprisonment exceeding two years, with or without fine and Cases not otherwise provided for in these Rules including Cases under Section 108 of the Code.

Class II

- (i) Every complaint dismissed under Section 203 of the Code.
- (ii) Every Case compounded under the law.
- (iii) Every Application dismissed and every miscellaneous Report of proceedings, when not filed as part of the Record of a regular Case.
- (iv) Every Case in which an Accused person is discharged under the provisions of Section 249 of the Code.
- (v) Every Case under Section 133 of the Code.
- (vi) Every Case in which an Accused person is acquitted under sub-Section (1) of Section 256 of the Code or under Section 257 of the Code.
- (vii) Every Case in which the Offence charged is punishable with fine or with imprisonment not exceeding two years, with or without fine.
- (viii) Every Appeal and Revision Case.
- (ix) Every Criminal Miscellaneous Case including transfer Applications & memo of Appeals.
- (x) Cases under Chapters VIII and IX of the Code except Cases under Section 108 of the Code:

Provided that, a Court for reasons to be Recorded in writing may Order that any Case or proceeding belonging to Class II be treated as belonging to Class I or vice-versa.

2. Destruction of Papers.-

- (1) Every Paper of the Record shall be preserved in Digital/ electronic Form on Electronic Storage Media with the mechanism of retrieval as and when required in terms of the provisions of InFormation Technology Act, 2000 as amended time to time.
- (2) Any Paper of the Record can only be destroyed after preservation as detailed above.
- (3) Any Paper of the Record in physical Form can be destroyed after six months of digitization of the Record.
- (4) In Cases in which Original documents have been filed in a Criminal Record, the concerned Court shall, before destroying the Record on expiration of the period of retention, publish a notice on website of the Court stating therein, the impending destruction of the Record and calling upon all the concerned to take back the Original document in question. If the document is not claimed, it shall be destroyed accordingly. Such notice shall also be pasted on conspicuous part of the Court.
- (5) In foregoing provisions, any reference to the period for destruction/ preservation of the Record shall be reckoned after digitization of the Record as detailed above; and shall be reckoned from the 30th June or 31st December next ensuing after digitization of the Record.
- (6) Period of destruction of Records-
 - (a) Permanent –
 - (i) Part-A.
 - (ii) Record of evidence.
 - (iii) Commission with return thereof and deposition.
 - (iv) Report of Chemical Examiner and other Reports mentioned in Section 292 and 293 of the Code.
 - (v) Exhibited documents admitted in evidence.
 - (vi) The Record of a Case in which an Accused has absconded or is a lunatic or person has been Ordered to pay maintenance, shall not be destroyed until it be provided to the satisfaction of the Chief Judicial Magistrate/ Chief Metropolitan Magistrate that such Accused or other person is dead, or until a period of 50 years has elapsed since the Order was passed.

- (vii) If in a Record warrant of sentence, if any, is not attached with the Certificate as to the manner in which the sentence was executed, such Record shall be laid before the Court for further Orders before destruction.
- (b) All other Paper of Part-B, Part-C and Part-D of Class I Record not included in Rule 7(a), shall be destroyed on the expiration of two years.
- (c) The entire Record in Class II except the Record mentioned in Rule 7(a) i.e. permanent Record shall be destroyed on the expiration of one year.

Provided that, Presiding Officer of the Court may, at his discretion, direct the retention for a longer period or permanently of any Paper which he may consider likely to be useful in the future.

- (d) Transitory provision- Till digitization of the Record, any Paper of the Record may be destroyed as under:-

The entire Record in Class II shall be destroyed on the expiration of one year.

Part-D in Class I shall be destroyed on the expiration of one year.

Part-A, Part-B and Part-C in Class I shall be destroyed on the expiration of three years, except in Cases hereinafter provided, reckoning from the 30th June or 31st December next ensuing after the Order of disposing of the Case.

In the following Cases Part-A, Part-B and Part-C of Class I shall be destroyed on the expiration of:-

- (a) Ten years in a Case under Section 108 of the Code and in a Case tried by the Court of Sessions or by a Chief Judicial Magistrate, except that-
 - (i) in every Case the Judgment or final Order of the Sessions Judge or the Chief Judicial Magistrate shall be retained for 50 years; and
 - (ii) in a Case in which conviction was held under Chapter VI of the Indian Penal Code, the whole of Part-A shall be retained for 50 years.

Proviso- In Cases tried by Sessions Judge in which punishment awarded is more than seven years imprisonment, special Order of the Sessions Judge shall be taken in each Case to destroy Part-A of Class I after 10 years.

- (b) Five years in other Cases; except that in every Case the Judgment or final Order of the Sessions Judge or Magistrate in Cases in which the Offence proved is an Offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment of either Description for a term of three years and up wards shall be retained for 50 years; reckoning from the 31st December next ensuing after the Order disposing of the Case:

Provided always that-

- (i) if the warrant with the Certificate as to the manner in which the sentence has been executed has not been filed with the Record before the expiration of the period above mentioned, the Record shall be laid before the Court for further Orders;
- (ii) a Sessions Judge or a Chief Judicial Magistrate or the District Magistrate, for reasons to be Recorded in writing may direct that any Record or part thereof be retained permanently;
- (iii) the Record of a Case in which an Accused has absconded or is a lunatic or person has been Ordered to pay maintenance, shall not be destroyed until it be proved to the satisfaction of the Chief Judicial Magistrate that such Accused or other person is dead, or until a period of 50 years has elapsed since the Order was passed;

- (iv) the Records of Cases of non-Criminal lunatic shall be destroyed upon the expiry of 3 years from the date of discharge from hospital or upon dead of such person.

3. Disposal of Records liable to be destroyed.-

As soon as may be, after the 1st January and 1st July of each year, the Records liable to be destroyed under the preceding rule shall be examined, and if their time for weeding has expired, shall be disposed of as follows:-

- (1) Confidential Papers and stamps and Court-Fees labels shall be destroyed by shredding to pieces so as to render it unlikely that all such documents may be used again, and burnt in the presence of the Record-keeper. Notes and Orders on administrative side must be treated as confidential Papers.
- (2) All Original documents and Papers Forming parts of Records as also certified copies of such documents and Papers shall be torn across and then sold as waste- Paper to the best advantage.
- (3) Papers not covered by Clauses (1) and (2) and the accumulation of waste-Paper baskets shall be sold as waste- Paper without being torn at all. The sale-proceeds of the Paper shall be credited to Government.

As each Record is weeded, a note of the fact shall be made in the list with it was received in the Record-Room.

4. Retention of Registers, Books, etc.-

The following Books shall be retained for the periods specified against them, computed from the date of latest entries:—

S. No	Description of Book or Register	Period
1	Register of fines, compensation, deposits penalties and Fees	5 years
2	Register of Requisitions of Records	3 years
3	Registers of Records Requisitioned and returned	3 years
4	Inspection Register	1 years
5	Register of copies	1 years
6	Stock Book of printed Forms	3 years
7	General Register of correspondence file	6 years
8	Register of letters received	3 years
9	Register of letters Issued	3 years
10	Register of general letters and circulars	30 years
11	Register of complaints	6 years
12	Register of Regular Criminal Cases	50 years
13	Register of Miscellaneous Criminal Cases	5 years
14	Register of Regular Criminal Cases disposed of	2 years
15	Register of Malkhana Articles	15 years
16	Register of Police Reports of Offences	6 years
17	Register of Miscellaneous Police Reports	2 years
18	Register of Cases transferred under Section 192 of the Code of Criminal Procedure, 1973	3 years
19	Register of Criminal Appeal	3 years
20	Register of Criminal Appeal disposed of	2 years
21	Register of Criminal Revision	2 years
22	Register of Criminal Revisions disposed of	2 years
23	Register of Sessions Cases	50 years
24	Register of Cases referred under Section 122 of the Code	5 years
25	Register of Sessions Cases disposed of	3 years
26	Register of Closed Registers	Permanently
27	Register of Witnesses	3 years
28	Register of Valuable Properties	15 years

Provided that, aforesaid Registers can be destroyed after one year of digitization of Record reckoning from 31st December next ensuing after the digitization.

Provided further that, the data shall be preserved in digital/ electronic Form on electronic storage media with the mechanism of retrieval as and when required in terms of the provisions of InFormation Technology Act, 2000 as amended time to time.

5. Return of certain Papers for more than one year.—

The following Papers shall be retained for the periods specified against them, computed from the 31st December of the year to which they relate—

S. No.	Description of Papers	Period of retention
1	Periodical statements and returns other than annual Reports or returns and office copies of them and correspondence regarding them	3 years
2	Copies of Order forwarded under Section 167 of the Code if not filed with the Record of a Case	3 years
3	Proceedings in respect of an absconding person under Sections 77, 78, 80, 82, 83, 84 and 85 of the Code, if not filed with the Record of a Case	3 years
4	Invoice of consignments to the Record-Room	3 Years
5	Papers relating to contingent charges	3 Years
6	Punishment of officials, after final Orders have been earned out and entry made in Service Book	3 years
7	Certificate of Transfer of charge of office	5 Years
8	Annual Reports and returns	20 Years

Provided that, aforesaid Papers can be destroyed after One year of digitization reckoning from 31st December next ensuing digitization.

Provided further that, the data shall be preserved in digital/ electronic Form on electronic storage media with the mechanism of retrieval as and when required in terms of the provisions of InFormation Technology Act, 2000 as amended time to time.

6. Retention of certain Papers for a period of one year and three years.—

(1) The following Papers shall be retained for one year; computed from the 31st December of the year in which they were written and in Case of letters from the 31st December, of the year in which the correspondence was closed:—

S.N o	Description of Papers
1	Applications for copies, if not filed with the Records of the Cases to which they relate and correspondence relating to them
2	Reminders
3	Correspondence relating to leave and transfers
4	Correspondence relating to the Service or execution of Criminal Processes
5	Correspondence with other Departments regarding Criminal proceedings under special laws
6	Office copies of calendars of committed Cases
7	Correspondence relating to questions of practice of procedure which is concluded by the Publication of a rule or Order of competent Authority
8	Correspondence and Applications regarding employment
9	Copies of judgments and statement of result of sessions Trials (Chapter IV, Rule 44)

(2) The following Papers shall be retained for three years, computed from the 31st December of the year in which they were written and in Case of letters, from 31st December of the year in which the correspondence was closed:—

S No	Description of Papers
1	Correspondence regarding Books, furniture and repairs of Courts

2	Indents for Forms, Stationery or additional copies of circulars and correspondence relating thereto
3	Correspondence relating to salary, travelling Allowance and contingent bills.

Provided that, aforesaid Papers can be destroyed after six months of digitization reckoning from 31st December next ensuing after the digitization, provided that the data shall be preserved in digital/ electronic Form on Electronic Storage Media with the mechanism of retrieval as and when required in terms of the provisions of InFormation Technology Act, 2000.as amended time to time.

7. Destruction of Papers.-

At the end of the periods specified for retention, the Books and Papers mentioned in Rules 4, 5 and 6 shall be destroyed in the manner prescribed in Rule 3.

Provided that, a Sessions Judge or Chief Judicial Magistrate or the District Magistrate, as the Case may be, may at his discretion direct the retention for a longer period or permanently of any Paper which he may consider likely to be useful in the future.

ORDER 43

REGISTERS

1. Notwithstanding otherwise provided in these rules, the concerned clerk in every Criminal Court shall regularly maintain the Registers mentioned in (**Appendix-E.**)

ORDER 44

PERIODICAL RETURNS AND REPORTS

1. Statement to be prepared.-

The statements prescribed in the following rules shall be prepared by every Criminal Court concerned. The statements of all the Courts of Judicial Magistrate, Chief Judicial Magistrates, Assistant Sessions Judges and Additional Sessions Judges in a Sessions Division shall be submitted to the Sessions Judge. The statements for the Courts of all the Executive Magistrates in the District shall be submitted to the District Magistrate.

The District Magistrate shall forward the statements for his District to the Sessions Judge on or before the date fixed for each statement and the Sessions Judge shall add thereto statistics of the Court of Sessions pertaining to the same District, and shall total the figures, and shall, forward them along with statements relating to the Court of Sessions to the Registrar of the High Court on or before the date fixed for each statement.

The statements for the Court of Sessions shall in every Case be submitted to the High Court by the Sessions Judge of the Division.

2. Intimation if statement be blank.-

When any return or statement required by these Rules to be submitted in blank, a Report should be made in the prescribed Form (Return No.25), a blank copy of the return itself should not be sent.

3. Sessions statement.-

(1) A sessions statement in the prescribed Form (Return No.26) shall be prepared by the Sessions Judge at the end of each quarter showing all sessions Trials concluded or pending on 31st March, 30th June, 30th September and 31st December. It shall be certified by him to be a full and correct list of all Cases disposed of during the quarter, as well as those pending at the close of the quarter.

(2) Every Additional Sessions Judge shall send to the Sessions Judge of the Division by the 5th day of succeeding month the return of Sessions Cases disposed of during the month with explanation for not disposed of, if any. The return shall be filed in prescribed Form (Return No.26).

- (3) The Sessions Judge shall prepare the return for his own Court and along with all the other returns received in this connection by him, shall submit them to the High Court by the 10th of the month following the quarter to which it relates. He shall make Suitable comments for the low Disposal, whenever required.
4. **Annual statements concerning Witnesses.-**
Every Criminal Court by the 5th day of January of each year shall send a Report in prescribed Form (Return No.27) showing the number of Witnesses (including complainants) examined and discharged without examination, the period of their detention and the sum paid to them as Diet and travelling expenses in the District to the District Judge. The District Judge shall prepare a consolidated statement including statement of Court of District Judge in prescribed Form (Return No.27) and shall forward to the High Court on or before 15th February of every year.
5. **Annual Report from Sessions Judge.-**
Sessions Judge shall submit an Annual Report (Return No.9) together with statement showing the number of Judicial Officers posted in the Judgeship (Return No.28) in which he shall notice the main feature in the administration of Criminal justice before himself and any other Judge of the Court of the Sessions and the Chief Judicial Magistrate and the Judicial Magistrate the extent to which effect has been given in the Court of Sessions and in the Courts subordinate to him to the rules regarding Records and the Record-Room, the effect of recent legislation and rules upon the working of the Criminal Court and other points connected with the administration of Criminal justice, which may seem to him to be worthy of notice or Record.
6. **Judge and Magistrate to leave notes for annual Report.-**
A Sessions Judge before leaving his division, and a District Magistrate before leaving his District on transfer or otherwise, towards the end of the year shall place on Record for the information of his successor and for the purpose of the annual Report a minute embodying all the points which he would have noticed in the annual Report had he remained to the end of the year.
7. **Annual Report of Executive Magistrates on Criminal Administration.-**
Every District Magistrate shall submit to District Judge an annual Report (Return No.29), in which he shall notice the main feature in the administration of Criminal justice in his District during the preceding year, the quality and quantity of work performed by the Executive Magistrates, the method of Disposal of Cases by subordinate Executive Magistrates, the extent to which effect has been given to the rules regarding Records and the Record-Room, the effect of recent legislation and rules, if any, on the working of the Executive Court and other points connected with the working of Executive Courts, which may seem to him to be worthy of notice or Record. After receiving such Report, the Sessions Judge shall forward it to the Registrar General of the High Court with necessary remarks which the Sessions Judge shall deem it necessary to Record.

ORDER 45

OATH COMMISSIONERS

1. Appointment of Oath Commissioners.-

Every Sessions Judge shall draw a panel of Oath Commissioners to be appointed under Section 297(1)(b) of the Code. The panel shall be valid for one year. The number of Advocates to be included in the panel shall depend on the number of Criminal Courts in the Judgeship which shall ordinarily be three for one Court. The Sessions Judge shall invariably appoint Oath Commissioners from the panel so drawn before 15th January of each calendar year under intimation to the High Court.

2. Fee of Oath Commissioners -

Oath Commissioner appointed by the Sessions Judge under the provisions of Section 297 (1)(b) of Code shall charge a fee of Rs. 10/- for each affidavit. Every Oath Commissioner shall maintain a Register in the prescribed Form (Register No.270)

regularly and correctly and shall place it for inspection, before the Sessions Judge quarterly.

PART-IV MISCELLANEOUS

ORDER 46

FEES OF LEGAL PRACTITIONER

1. **Taxation in decree of Legal Practitioner's Fees and the Certificate for such Fees.—**

- (1) In drawing up a decree or Order no fee to any legal practitioner not appearing for the Government as a party shall be allowed on taxation between party and party or shall be included in any decree or Order, unless the Munsarim, or on Application to the Judge, the Judge is satisfied that the fee was paid to such legal practitioner before the conclusion of arguments in the Suit, Appeal or Case followed by the delivery of the Judgment or by the making of the Order by which costs become payable and unless at or before such time there shall have been delivered to the Munsarim a Certificate signed by the legal practitioner certifying the amount of the fee or Fees actually paid to him for his own exclusive used and benefit by or on behalf of his client:

Provided that, in any Case the Presiding Officer may, for valid reasons to be Recorded by him, accept a Certificate for Fees filed after the time mentioned above.

- (2) The Certificate above mentioned, if possible shall be in the following Form:—

"In the Court of the in the Case Between
..... and"

For the purpose of having my fee allowed on taxations as against
....., I hereby certify that in the above
Case the following, Fees were paid to me as my fee as well as that of on the dates
and by the person specified below and that such Fees were paid before the
conclusion of arguments in the Suit, Application or other proceedings and that no
portion thereof has been agreed to be returned or remitted by me or by any one on
my behalf or on behalf of who was associated with me in the Case.

Date of Payment	Amount paid.	Name of the person who actually
made the Payment.	Name of the person on whose behalf the Payment was	
made Remarks.		

Date _____

Signature of the Counsel

Filed on the day.....of 20.....

- (3) Nothing in this rule shall be deemed to Authorize the Allowance between party and party of any Fees in excess of those allowed by rule.

2. **Conditions governing taxation of lawyer's fee.—**

Rules 4 to 17 inclusive shall, subject to Rule 1, regulate the amount of legal practitioner's Fees to be taxed as costs under a decree or Order of a Court in favour of any party to a Suit, Appeal, or other proceeding. These rules shall also regulate the amount of Fees to be taxed in favour of or against the Government where costs are awarded by the Court in Cases, under Rajasthan Court Fees and Suit Valuation Act, 1961, and the Stamp Act, 1899, as adapted to Rajasthan in which the Government are not a party:

Provided that, the fee received by a legal practitioner from a Joint Hindu Family of which he is a member for appearance in a Case shall not be certified by him, nor shall it be taxed as costs in the decree.

3. Right to handover briefs.—

A legal practitioner when unable personally to attend to a Case in which he is briefed may hand over the brief to another legal practitioner without the latter filing a vakalatnama and the Fees, to whomsoever, paid, shall, if duly certified, be taxable costs.

4. Fees allowed in contested Cases.—

In Suits, or in Appeal from Original or appellate decrees in Suits for Money, effects or other personal Property or for land or other immovable Property of any Description when such Suits or Appeals are decided on the merits after contest:—

- (1) if the amount or value of the claim does not exceed Rs. 5,000/- 10 per cent;
- (2) if the amount or value exceeds Rs. 5,000/- and does not exceed Rs. 20,000/- on Rs. 5,000/- as above, and on the remainder 5 per cent;
- (3) if the amount or value exceeds Rs. 20,000/- and does not exceed Rs. 50,000/- on Rs. 20,000/- as above and on the remainder 2 per cent;
- (4) if the amount or value exceeds Rs. 50,000/- on Rs. 50,000/- as above and on any amount in excess thereof at 1 per cent.

Cases under the Land Acquisition Act and contested Cases under the Probate and Administration Act shall be treated as regular Suits or Appeals, governed by the above scale of Fees:

(5) In a reference to a civil Court under the Rajasthan Land Acquisition Act, 1953, Fees shall be calculated on the amount decreed in excess of the amount allowed by the Collector.

In Suits for Money, effects or other personal Property, the minimum fee to be allowed on taxation shall be Rs. 150/- and in other Suits Rs. 250/-.

Provided that, in no Case fee allowed should be less than the Court Fees levied.

5. Fees in ex-parte or similar Cases.—

When such Suits or Appeals are decided ex-parte, on admission or compromised, withdrawn or dismissed for default, or when an Appeal is rejected under Order XLI, Rule 10 of the Code.—

- (1) if the amount or value of the claim does not exceed Rs. 5,000/- not exceeding 5 per cent;
- (2) if the amount or value exceeds Rs. 5,000/- and does not exceed Rs. 20,000/-, on Rs. 5,000/- as above, and on the remainder not exceeding 2½ per cent;
- (3) if the amount or value exceeds Rs. 20,000/- and does not exceed Rs. 50,000/- on Rs. 20,000/- as above, and on the remainder not exceeding 1 per cent;
- (4) if the amount or value exceeds Rs. 50,000/- on Rs. 50,000/- as above, and on any amount in excess thereof at the rate of 1/2 per cent subject to maximum fee of Rs. 10000/- :

Provided that, in an uncontested reference to a civil Court under the Rajasthan Land Acquisition Act, 1953, the scale of fee shall be one half of that allowed in a contested reference, calculated on the amount decreed in excess of the amount allowed by the Collector:

Provided further that, in Suit, or Appeals, compromised or withdrawn, a Court may, having regard to the stage at which the compromise or the Petition of withdrawal is filed, award the full fee as prescribed in Rule 4 supra.

6. Fees in certain Application.—

- (1) In Application under Section 9 of The Arbitration and Conciliation Act, 1996 (26 of 1996), fee shall be computed as follows-

Sum in Dispute	Model Fee
Upto Rs.5,00,000	Rs.4500
Above Rs.5,00,000 and upto Rs.20,00,000	Rs.10,000
Above Rs.20,00,000 and upto Rs.1.00.00,000	Rs.20,000
Above Rs.1.00.00,000 and upto Rs.10.00,00,000	Rs.30,000
Above Rs.10.00,00,000 and upto Rs.20.00,00,000	Rs.40,000
Above Rs.20.00,00,000	Rs.50,000

- (2) In Application under Section 34 of the Indian Arbitration Act, 1996 (26 of 1996), fee shall be half of the model fee prescribed in the Schedule IV of the Indian Arbitration Act, 1996 as amended from time to time.

7. Fees in inquiries into pauperism.—

In an inquiry into the means of indigent person under Order XXXIII and XLIV of the Code of Civil Procedure, the fee payable to a Government pleader who has opposed an Application for leave to sue as a pauper, or has applied for the dispaupering of the Plaintiff shall be as a pauper, twenty percent on the amount of the Court-fee that would be payable on the plaint if the Suit was not brought by a person alleging pauperism;

Provided that, no fee in excess of Rs. 1500/- shall be payable under this rule.

A Government Pleader who appears in the proceeding for the execution of a decree without having appeared in Court in the proceedings prior to decree, is entitled to the fee prescribed in the first part of this rule.

8. Fees in certain Appeals and in Miscellaneous Cases.—

In Miscellaneous Judicial Cases and in Appeals, if any from Orders passed therein:—

- (i) if the amount or value of the claim does not exceed Rs. 5,000/- 2½ per cent;
- (ii) if the amount or value of the claim exceeds Rs. 5,000/- and does not exceed Rs. 20,000/- on 5,000/- as above, and on the remainder 1¼ per cent;
- (iii) if the amount or value exceeds Rs. 20,000/- and does not exceed Rs. 50,000/- on Rs. 20,000/- as above, and on the remainder 1/2 per cent;
- (iv) if the amount or value exceeds Rs. 50,000/- on Rs. 50,000/- as above and on any amount in excess thereof at 1/4 per cent.

9. More Fees taxable in special Cases.—

In addition to the fee awarded under the preceding rules, the Court may in any Case in which it considers that the employment of more than one legal practitioner was necessary and in which both a senior and a junior practitioner have been employed, award to the junior a fee not exceeding one third of the amount allowable under the preceding rule.

10. Explanation of amount of claim.—

The words "the amount or value of the claims" in Rules 4, 5, 6 and 8 mean the value for purposes of jurisdiction as set forth in the plaint, Application or Memorandum of Appeal.

11. Fractions of rupee in amount of claim not allowed for calculating Fees.—

Fractions of a rupee in the amount or value of a claim shall be rejected in calculating the fee payable thereupon.

12. Court's discretion in taxing Fees.—

Notwithstanding the provisions of Rules 4, 5, 6, 7 and 8, a Court may, in any Case, for special reason to be Recorded in the Judgment award a higher or a lower fee than that therein prescribed.

13. Fees in Cases not admitting of valuation.—

In Cases in which the subject matter of the claim does not admit of valuation, the Court shall fix a reasonable fee, regard being had to the time occupied in the Decision of the Case and the nature of the question raised therein.

14. Fees in Cases of common defence.—

If several Defendants who have a joint or common interests succeed upon a joint defence or upon separate defences substantially the same, more than one Fees shall not be allowed unless the Court shall otherwise Order for a reason which shall be Recorded in the judgment. If only one fee be allowed, the Court shall direct to which of the Defendants it shall be paid, or shall apportion it among the several Defendants in such manner as the Court shall think fit.

15. Fees in Cases of separate defence.—

If several Defendants who have separate interests, set up separate and distinct defences and succeed thereon a fee for one legal practitioner for each of the Defendant who shall appear by a separate legal practitioner may be allowed in respect of his separate interest. Such fee, if allowed, shall be calculated with reference to the value of the separate interest of such Defendant in the manner hereinbefore prescribed.

16. **Cost of stamp or Vakalatnama in above Cases.—**
For each fee allowed under the two last preceding rules, the value of the stamp on one vakalatnama only shall be awarded as costs.
17. **Taxing of scribing charges.—**
(1) In all decrees a fee equal to 1/4 of the amount of Process Fees realized under these rules, shall be entered as the fee chargeable by one party against another for costs of drawing up summons or notices.
(2) In all decrees a sum calculated at the rate of not more than 10% on the taken fee of a lawyer of a party subject to a maximum of Rs. 1000/- and a minimum of Rs. 100/- shall be taxed as costs on account of the Fees of lawyer's Registered clerk if it is paid and certified.

ORDER 47

Lawyer's Clerks

1. **Acts to be done by Registered Clerks.—**
The Court shall allow the Registered clerks of lawyers practicing before them—
(1) to present Applications signed by their masters for—
 (a) copies,
 (b) return of documents,
 (c) rePayment of deposits,
 (d) inspection, and
 (e) all Applications of a routine nature.
(2) to take delivery of copies;
(3) to tender Money ;
(4) to identify persons verifying affidavits before the Munsarim ;
(5) to take notes from the Memorandum Book of Dates.
2. **Names of the clerks to be Registered with the Presiding Officers of Courts.—**
All practicing lawyers who wish their clerks to do the above acts must Register them with the Presiding Officer of the Court giving their full names, parentage, caste and address. These will be entered in a Register (Register No.271) to be maintained by the Court.
3. **In Case of several Courts, the clerks to be Registered in the senior most Court.—**
When several Civil Courts are located at the same place, the clerk need only be Registered in the senior most Court whose Register shall be circulated to all the Subordinate Civil Courts every quarter for their inFormation.
4. **Changes in the Registered clerk to be duly notified.—**
All changes in their Registered clerk must be duly notified by practising lawyers. No unRegistered clerk will be allowed to act on behalf of his master.
All changes duly notified will be entered in the Register of Clerks.
5. **Powers of the District Judge or the Presiding Officer of a Court.—**
The District Judge (or the Presiding Officer of any other Court, subject to the control of the District Judge) may remove from the Register, the name of any clerk guilty of any misconduct such as to unfit him for the exercise of such duties, or convicted of any Offence involving moral turpitude.
6. **Clerks not to inspect Records.—**
Clerks will not be allowed to inspect Records.
7. **Restrictions as to the persons who may be employed as clerks.—**
No restriction of any sort can be placed on members of the Bar as to the persons whom they may employ as Clerks, but the District Judge (or the Presiding Officer of any other Court, subject to the control of the District Judge), may in the exercise of his discretion refuse to Register a person whose name has once been struck off for misconduct or who has been convicted of any Offence involving moral turpitude.

ORDER 48**Residuary**

1. **Report of casualty among Judicial Officers.—**
Senior-most Judicial Officers shall Report to the High Court, without delay, any casualty that may occur among Judicial Officer(s).
2. **Prohibition against becoming Arbitrator.—**
No Judicial Officer or Ministerial Official of a Court shall accept the office of Arbitrator in any civil action without prior permission of the High Court in the Case of a Judge, and of the District Judge in the Case of a Ministerial Official. In any Application for such permission the circumstances of the Case and the names of the Parties shall be stated, and the special reasons which may have led the officer to entertain a request for his Services as an arbitrator shall be specified.
3. **Obligations of Public Servant.—**
Every District Judge shall, so far as possible, check any departure by any Subordinate Judicial Officer from the rules as to public servants Issued by the Government from time to time.
4. **Permission to leave District.—**
Subject to any general instructions by the High Court no District and Sessions Judge shall leave his District without the prior permission of the High Court.
5. **Permission to Subordinate Officers to leave District.—**
Subject to any general instructions from the High Court, no Presiding Officer of any Court other than District Judge shall leave the headquarter without the prior permission of the District Judge. Any breach of this rule shall be Reported to the High Court by the District Judge.
6. **Channel of correspondence for Judicial Officers.—**
Every communication made to the High Court by a Judicial Officer under the administrative control of the District Judge, whether it be an Application regarding leave, transfer, promotion or any other matter, shall be made through the District Judge and not otherwise.
7. **Information about casual leave of transferred Officer.—**
When a Judicial Judge is transferred from the jurisdiction of one District Judge to the jurisdiction of another District Judge, the District Judge from whose jurisdiction he is transferred shall transmit to the Judge of the District to which he is transferred a copy of the Register (Return No.19) for the then calendar year, so far as it relates to the casual leave taken by such Officer. The District Judge to whose jurisdiction he is transferred shall cause such extract to be copied into his Register of casual leave.
8. **Annual Examination of safes.—**
Every District Judge shall examine annually all safes kept in his office and offices subordinate to him.
Where duplicate keys of a safe exist, he shall note whether one of such duplicate keys is handed over to the Treasury Officer for Custody. He shall also note whether the safes are in good and sound condition.
9. **Custody of duplicate keys of safes.—**
Where duplicate keys of a safe exist, the duplicate key or keys shall be sent to the nearest Treasury Office for safe Custody. The key before being sent to Treasury should have a strong cloth label and be inscribed with particulars showing of which safe it is the key. When the key of a particular safe is missing, the District Judge will send for the duplicate kept in the Treasury and make Immediate Report of loss to the High Court with particulars available regarding the loss.
10. **Disposal of weeded documents and Papers.—**
All weeded documents and Papers shall be disposed of as follows:—
(1) Confidential Papers including notes and Orders on administrative matters shall be torn into very small pieces, thoroughly mixed to prevent the possibility of re-assembly under the personal supervision of a responsible Officer, and thereafter

sold as waste Paper. Stamps and Court fee labels should, however, be torn to pieces and burnt in the presence of the Record-keeper.

- (2) All the Original documents and Papers Forming parts of Records as also certified copies of such documents and Papers shall be torn across and then sold as waste Paper to the best advantage.
- (3) Papers not covered by clauses (1) and (2) and the accumulation of waste Paper baskets shall be sold as waste Paper without being torn at all.

11. Rules relating to buildings.—

- (1) Application for new building and additions or alterations to existing buildings shall not be made to the Department of Public Works, except through the High Court.
- (2) When petty repairs have become necessary in any Court House by reason of heavy rain or other cause, the Presiding Officer of the Court shall send Immediate ly of such necessity to the District Judge.

12. Gratification prohibited (Notice).—

A notice in English and Hindi in the prescribed Form (F.161) prohibiting the practice of soliciting, giving or receiving gratifications in connection with Cases shall under the signatures of the Presiding Officer of each Court be hung up on a board conspicuously in every Court and Office Room, and the Munsarim or the Reader, as the Case may be, shall be held responsible that the notices are preserved and kept in the proper places.

13. Application by clerical staff for leave.—

An Application for leave by a Ministerial Officer shall ordinarily be submitted to the Presiding Officer through the Munsarim or the Reader, as the Case may be, who shall hand it on with such Report as may be necessary as to the leave available to the Applicant and the arrangement for his work in his absence, etc.

14. Casual leave.—

Application for casual leave by a District and Sessions Judge shall be submitted to the High Court.

Casual leave up to fifteen days in the year and not more than ten days at a time may be allowed to any Judicial Officer working in a District by the District Judge of that District :

Provided that, casual leave to the Presiding Officer of a Court located at the headquarters of the Additional District Judge in an outlying District may be allowed as above by the Additional District Judge under intimation to the District Judge.

Sundays and gazetted holidays which Immediately precedes a period of casual leave or come at the end, thereof may be prefixed or suffixed to such leave and those falling within the period of such leave will not be counted as part of the casual leave.

Presiding Officers may allow casual leave to their staff as above.

15. Stock Book.—

All articles of furniture and stock (excepting Books and articles of Stationery and other consumables) for which special Registers are prescribed, shall be entered in the Stock Register (Register No.272) prescribed for the purpose.

16. Court Seals.—

- (1) A Court Seal of approved dimensions as given in Appendix-M shall be kept by every Court.
- (2) Each Court shall use its own seal which shall remain in the Custody of Sr. Munsarim or the Reader, as the Case may be, or under supervision of either of them as the Case may be or with an official appointed for this purpose by the Presiding Officer. The seals of Additional Courts, when such Courts cease to exist shall be kept in safe Custody by the Sr. Munsarim of the District Court.
- (3) The Sr. Munsarim or the Reader, as the Case may be, of every Court shall be responsible for the safe Custody and proper use of endorsement and other seals used in the various Departments.

17. Officers' Certificate of reading.—

Every Judicial Officer on his first appointment shall within 3 months next of his posting certify to the District Judge that he has read these Rules.

18. Upkeep of the Book of Rules.—

The Sr. Munsarim or the Reader, as the Case may be, of every Court shall be responsible that the copy of these rules, in that Court is kept up-to-date with all amendments noted in the appropriate places and all amendment slips correctly pasted and noted in the table of amendments at the end of this Volume.

BY ORDER
SATISH KUMAR SHARMA,
REGISTRAR GENERAL.

APPENDIX**'A'**

**GUIDELINES ISSUED BY GOVERNMENT OF INDIA FOR EXECUTION OF LEGAL
PROCESS IN A FOREIGN OR COMMONWEALTH COUNTRY**
MUTUAL LEGAL ASSISTANCE REQUESTS

Central Authority in India for Mutual Legal Assistance Requests in Criminal Matters

As per the Allocation of Business Rules of the Government of India, the Ministry of Home Affairs is the nodal Ministry and the Central Authority for seeking and providing mutual legal assistance in Criminal law matters. The Ministry of Home Affairs (MHA) receives all such requests, examines them and takes appropriate action. (Internal Security-II (IS-II) Division handles this subject in the Ministry of Home Affairs.)

Similarly, Cases pertaining to civil and commercial matters are required to be taken up with the Ministry of Law & Justice, which finalizes and notifies treaties and arrangements with other countries as per the relevant statutory provisions in the Code of Civil Procedure.

Therefore, all requests for seeking assistance from a foreign country including the Service of all kinds of judicial Processes or other documents are directly submitted to the Ministry of Home Affairs in Criminal law matters and to the Ministry of Law & Justice in civil and commercial matters. The Ministry of External Affairs may be involved in this Process when such requests are routed through diplomatic channels by these Ministries.

Serving Summons Issued by an Indian Court on a Person Living Abroad:

Section 105 of the Criminal Procedure Code (Cr.P.C.) speaks of reciprocal arrangements to be made by Central Government with the Foreign Governments with regard to the Service of summons/warrants/judicial Processes. Accordingly, the Ministry of Home Affairs (MHA) has entered into Mutual Legal Assistance Treaties/Agreements on Criminal Matters with 39 countries which provide for serving of documents.

List of countries with operational Mutual Legal Assistance Treaties in Criminal Matters:

S.No.	Country	Year
1.	Switzerland	1989
2.	Turkey	1993
3.	United Kingdom	1995
4.	Canada	1998
5.	Kazakhstan	2000
6.	United Arab Emirates	2000
7.	Russia	2000
8.	Uzbekistan	2001
9.	Tajikistan	2003

10.	Ukraine	2003
11.	Mongolia	2004
12.	Thailand	2004
13.	Bahrain	2005
14.	France	2005
15.	South Korea	2005
16.	Singapore	2005
17.	South Africa	2005
18.	United States of America	2005
19.	Belarus	2006
20.	Mauritius	2006
21.	Kuwait	2007
22.	Spain	2007
23.	Bulgaria	2008
24.	Vietnam	2008
25.	Mexico	2009
26.	Egypt	2009
27.	Hong Kong	2009
28.	Bosnia & Herzegovina	2010
29.	Iran	2010
30.	Myanmar	2010
31.	Sri Lanka	2010
32.	Australia	2011
33.	Bangladesh	2011
34.	Indonesia	2011
35.	Malaysia	2012
36.	Azerbaijan	2013
37.	Kyrgyz Republic	2014
38.	Israel	2015
39.	Sultanate of Oman	2015

In other Cases, the Ministry of Home Affairs makes a request on the basis of an assurance of reciprocity to the concerned foreign government through MEA or our Mission/Embassy in that country.

The difference between the two categories of countries is that the country having an MLAT with India has an obligation to consider serving the documents, whereas the non-MLAT countries do not have any obligation to consider such a request.

To Update (See website of the Ministry of Home Affairs: <http://mha.nic.in/Policy-Guidelines>)

Procedure to be followed for Serving(Bailable and Non-Bailable) Arrest Warrants Issued by Indian Courts on a Person Living Abroad

The summons/warrants/judicial Processes received by MHA are forwarded to the concerned Indian Mission/ Embassy, which in turn, takes up the matter with the designated Central

Authority in that country. In Case of MLAT countries, the manner of communication is as laid down in the MLAT and can be either directly between MHA and the Central Authority or through diplomatic channels. The Designated Authority, after considering the request directs its agency to serve the documents on the concerned person and the Report of the Service, if any, is also received through the same channel. This is broadly the system in most countries. However, in some countries, private companies/NGOs have also been entrusted with the Service of judicial Papers.

In India, all requests for Service of summons/notices/judicial Processes on persons residing abroad should be addressed to the Under Secretary (Legal), IS-II Division, Ministry of Home Affairs, 9th Floor, Lok Nayak Bhawan, New Delhi - 110003.

To Update (See website of the Ministry of Home Affairs: <http://mha.nic.in/Policy-Guidelines>)

Non-Bailable Warrants of Arrest

The Ministry of Home Affairs does not undertake Service of non-bailable warrants of arrest. The Service of non-bailable arrest warrants amounts to the extradition of the individual. Requests for extradition are based on legal principles and procedures contained in Extradition Treaties negotiated with the foreign country concerned. Such requests are to be forwarded in the prescribed Format to the Ministry of External Affairs, CPV Division, Patiala House Annexe, Tilak Marg, New Delhi - 110001.

APPENDIX 'B'

PERSONS/ AUTHORITIES ENTITLED TO COPY(IES) AT THE COST OF STATE

- (1) A copy of Judgment in all Criminal Cases (including Cases of assaults and affrays) in which a Commissioned Officer or soldier is involved and the Case ends in conviction.
- (2) On an Application by a person in detention.
- (3) On an Application by a person in Receipt of Free Legal Aid.
- (4) A copy of statement, document, judgment, Order, etc., in a Criminal Case may be supplied free of cost, on an Application on priority basis, to Legal Aid Committees of the Supreme Court, High Court and District Courts, as the Case may be.
- (5) To the party to a Case on an Application having been received through the Legal Aid Committee of the Supreme Court, High Court and District Courts, as the Case may be.
- (6) Copy of any proceeding in the Court can be delivered upon receiving a written request to that effect from -
 - (a) the District Magistrate,
 - (b) any Gazetted Officer of Government of India who as such is interested in the proceeding,
 - (c) On any Application by or on behalf of the-
 - (i) Head of the Department of the Government of India,
 - (ii) Any High Court in India,
 - (iii) Any Authority in India exercising jurisdiction similar to that of a High Court,
 - (iv) Any Court subordinate to the High Court for Rajasthan,
 - (v) Any Principal Court in any other country.
- (7) On an Application made by Government Law Officer.—
 - (1) A copy of the Original decree and of the appellate decree in a pauper Suit or Appeal.
 - (2) In civil Cases in which Government is a party, copies of judgments, Orders and decrees, and of any other Papers required for purposes of conducting the Case.

- (3) A copy of the whole or any part of a Record, when required for the purpose of conducting any Trial or Investigation or Appeal on the part of the Government in any Criminal Court, shall ordinarily, on Application, be supplied free of charge to a Government Law Officer or to any person Authorized in this behalf by the District Magistrate, provided that, should the Presiding Officer be of opinion that the demand made is in excess of what is necessary for the purpose stated in the Application for such copy or copies, he may refuse to grant free of charge any or all of the copies applied for.
- (4) A copy of an award or agreement made under the Rajasthan Land Acquisition Act, 1953.
- (8) Applications for copies of the documents detailed in this Schedule are not chargeable with Fees under Schedule II of the Court Fees Act.

APPENDIX 'C'

Instructions for Inspection (Order 7 Rule 1 & 2)

The main points to be ascertained from an Inspection are these:-

- (1) What Improvements are required in the buildings, the premises and furniture?
- (2) Is the Presiding Officer business-like and intelligent in his methods and does he exercise efficient supervision?

The quality of his judicial work can best be judged by appellate Courts, but his capacity as an organizer and supervisor are best judged from an inspection of his Court and office. In Order to decide these points, it is necessary for an Inspecting Officer to note the state of the files, the methods in which the dates are fixed, how the day's duties are divided amongst office work, Disposal of Original Suits, Appeals, executions, miscellaneous matters etc. and how the members of the Bar, the litigants and the Witnesses are treated. It is most important to ascertain whether the arrangements made to meet the convenience of the public are satisfactory. The Inspecting Officer should then check the procedure to ascertain how pleadings are examined, how notices are Issued, how documents are admitted into evidence and refunded when rejected, how Issues are framed, whether Suits are dismissed or restored to Hearing capriciously or for good cause, whether adjournments are granted or refused for sufficient reason, how the interests of minors are protected, whether arrest and attachment before Judgment and temporary injunctions are granted, refused or retained for good reasons and any other points which make for efficiency, such as the proper reception and filing of Papers and preparation of Records according to the High Court Rules. He must next examine the work under the Heads of Execution, the Issue of Commissions, the distribution of Commissions, the supervision of commissioners, the supervisions of arbitrators and the work of receivers. He should then examine the work in the Munsarim's Department, the Copying Department, the Record-Room Department, the Nazir's Department, the amin's Department and the Process-Server's Department. Upon such an inspection he should be in a position to Form a useful opinion as to the organizing capacity and business like qualities of the Presiding Officer and as to the extent of control and guidance exercised by him over his subordinate staff.

Questions

The following questions are appended. They are intended to be exhaustive but to serve as a guide. It is not necessary that at any inspection all these questions should be answered. The High Court will judge the efficiency of the inspection upon broad lines.

These questions however, should be of assistance to Inspecting Officers. They are intended for Officers inspecting Courts subordinate to them but many of the points raised in them can be utilized by officers who are inspecting their own offices. In the latter Case no remarks will obviously be made as to the qualities of the official himself:-

- I. What is the name or names of Presiding Officer or Officers since the last

Inspection?

- II. What improvements does the Inspecting Officer suggest in:-
 (a) building,
 (b) premises, and
 (c) furniture?

What are the reasons for the improvements suggested? Give a rough estimate of cost of such improvements. How far can they be met from funds at the Disposal of the judgeship?

- III. On what dates did the Presiding Officer inspect his office during the 12 months preceding the date of his Inspection?

- IV. Were the Presiding Officer's inspections practical and effective?

- V. What is the Status of files?

Category	NUMBER PENDING					Date of oldest Case
	Not older than one year	Older than one year but not older than three years	Older than three years	Number pending on same date last year		
	Original Suits Execution Applications Appeals					

To what causes do you attribute the increase or decrease of the pending files?

- VI. Is the Case diary kept up properly under the rules? Are dates fixed for Hearing by the Presiding Officer, in such a manner as to facilitate Hearings on the dates fixed, whether Original or Adjourned dates? Has any Case been postponed more than twice for want of time?

- VII. Examine a number of Records including the older Cases. As many Records should be examined as time permits. Useful results are not likely to be obtained unless at least 20 Records are so examined, if it is possible, a full day can be usefully spent in examining such Records-

- (a) If some Witnesses are present and others are not, are those present, heard and discharged?
- (b) Do Presiding Officers direct their attention to the following rules, and do they exercise a sound discretion in their Application? (Separate answers should be given under each heading on those points which can be ascertained in the inspection or Records):
- (i) Order I, Rule 2
 - (ii) Order I, Rule 4
 - (iii) Order III, Rule 2-5
 - (iv) Order V, Rule 20
 - (v) Order VI, Rules 2-13 (See Gauri Shanker Vs. Monki Kunwar, 21 A. L.O.R., p.571)
 - (vi) Order VII, Rule 3
 - (vii) Order VII, Rule 7
 - (viii) Order VIII, Rules 14-26
 - (ix) Order VIII, Rules 2-5 and Rules 11-12
 - (x) Order IX, Rule 9
 - (xi) Order IX, Rule 13
 - (xii) Order X, Rules 1-4
 - (xiii) Order XI, Rule 14
 - (xiv) Order XIII, Rules 1-2

- (xv) Order XIII, Rule 4
- (xvi) Order XIII, Rule 6
- (xvii) Order XVI, Rules 1-5
- (xviii) Order XVII, Rules 1-3
- (xix) Order XXIII, Rule 1
- (xx) Order XXXII, Rules 3-4
- (xxi) Order XXXII, Rules 7-8
- (xxii) Order XXXIV, Rule 1
- (xxiii) Order XXXVIII, Rules 1-12
- (xxiv) Order XXXIX, Rules 1-10
- (xxv) Order XLI, Rule 38
- (c) Are proper dates fixed for the return of summonses Issued to other Districts and States? Give instances.

VIII. Examine a sufficient number of Records in Order to be able to determine the points under the following questions:-

- (a) Does the Presiding Officer exercise proper control over the execution of decrees? Is he fully conversant with the work of his office in this respect?
- (b) Does the Presiding Officer Issue and distribute Commissions with discretion? What steps does he take to ensure that Commissions are promptly and efficiently executed?
- (c) Does the Presiding Officer keep himself in touch with the work done by Arbitrators and take proper steps to prevent delay in filing awards?
- (d) Is the work of Receivers properly checked?

IX. Report fully on the following points:-

What is your opinion of the Presiding Officer's work? Do you consider him methodical and business-like? Does he arrange his work so as to prevent avoidable delay? Has he proper control over his office? What are his relations with the members of the legal profession and the public?

- X. (a) When and where does the Munsarim (or Chief Ministerial Officer) receive Applications?
- (b) When and where is the inspection of Records granted?
- (c) When does he pass Orders on Applications received?
- (d) Are the copies of the High Court Rules posted up-to-date? Are correction slips indexed?
- (e) Is the library in good Order and the Catalogue properly kept up? Are the Rules 379 to 392 of the Manual of Civil Court Rules, 1986 for libraries observed?
- (f) If the inspection Fees and search Fees are low, examine thoroughly whether surreptitious inspections are allowed or information given?
- (g) In Case where information was Reported as not forthcoming, was any real and prolonged search made?
- (h) What is your opinion of the work of the Munsarim (or Chief Ministerial Officer)?

COPYING DEPARTMENT

- XI. (a) Take some 20 consecutive days in the Register of Applications for copies and note whether the rule of strict priority is observed in granting (a) Urgent, and (b) Ordinary Copies?
- (b) Are Rules 218-249 relating to copying properly observed?
- (c) How long is it taken on an average to prepare:-
 - (i) Ordinary Copies?
 - (ii) Urgent Copies?
- (d) Is the copying staff under or over-manned and is the work properly distributed?
- (e) What is your opinion of the work of the Head Copyist? Is the work done intelligently and in a business-like manner? Is supervision effectual?

RECORD-ROOM

- XII.** (1) How is the work distributed between the Record keeper and his assistants?
 (2) Take the Receipts of the monthly bundles for the six months and note:-
 (a) If they were received on due dates from all Courts?
 (b) Were the different classes or Records accompanied by lists in proper Form?
 (c) By what date were the Records of each months:-
 (i) examined?
 (ii) restored?
 (d) Was any Report made to the Judge regarding the Records? What was its nature and what Orders were passed?
 (e) How many Records still remain to be:-
 (i) examined?
 (ii) restored?
 (3) (a) How many Registers of Requisitions are kept up? What Form they are in?
 (b) Take 50 consecutive entries in the Register of Requisitions and note:-
 (i) In how many Cases were the Records sent after time?
 (ii) What was the cause in each Case?
 (iii) What is the greatest delay in complying with any Requisition, and why did it take place?
 (c) Take all the pending Requisitions and note if in each Case there is an Order of the Judge.
 (d) How many Records returned after Requisition are there which are not yet restored? Why? (In each Case)
 (e) Are quarterly Reports made lay the Judge of Records not returned within three months from date of Issue?
 (4) What weeding is being done now? Is it up-to-date? Give exact figures with reasons for any arrears.
 (5) Is the accommodation for Records in the Record -Room sufficient?
 (6) What is your opinion of the work of the Record-Keper? Is the work done intelligently and in a business-like manner? Is supervision effectual?
- XIII.** (a) Set out the examination made of the Accounts Registers and of the Nazir's Registers.
 (b) What is your opinion of the work of the Nazir? Is the work done intelligently and in a business-like manner? Is supervision effectual?
- XIV.** (a) Note below the results of your inspection of the work of the Amins.
 (b) Do the Amins do their work promptly and efficiently? Is there avoidable delay in carrying out their duties? Does the Presiding Officer exercise a proper check over the work of the Amins?
- XV.** Are the arrangements for division of work amongst the Process serving staff satisfactory? Are the diaries of Process-Servers properly examined by the Presiding Officer? Is every man fully employed? Do you consider that there is reason to suspect deliberate failure to serve Processes? If so, to what extent? Can you make any suggestion for improvement? How many Process-Servers are there? What salary do they receive? How many of the Process-Servers are literate?

NOTE- Guidelines given in Circular No.Gen./XV/34, 109/2233 dated 06.09.1989 shall also be followed.

APPENDIX

'D'

GENERAL RULES (CIVIL & CRIMINAL) 2017- FORMS

S.N o	Existing Form No.	New Form No.	Description	Order No.		
			GENERAL			
1	10	101	Daily Cause List	O 01 R 14	O 35 R 01	
2	30	102	Application for Inspection of a Record	O 02 R 09		
3	31	103	Application for grant of Copies of Record	O 06 R 02		
4	21	104	Notice to Applicant to make up deficiency of copying Fees	O 06 R 02		
5	22	105	Receipt Book of (Head-Copyist for Photostat copies)	O 06 R 05		
6	33	106	Licence for Petition-writers	O 11 R 05		
7	33	107	Security Bond of Nazir, Civil Court, Amin, Process-Server, Amin's peon etc. when the security is given, in cash, promissory notes or mortgaged and hypothecated landed Property	O 14 R 01		
8	23	108	Tender (eGrass)	O 15 R 10		
9	24	109	List of unexpended balances of deposited Money which are due and have become repayable	O 15 R 16		
10	25	110	Application for rePayment of deposit	O 15 R 16		
11	26	111	Treasury Officer's Certificate of non-Payment of lost RrePayment Order	O 15 R 21		
12	27	112	Receipt of direct Payment to Parties made in Court of	O 15 R 24		
13	28	113	Report of sale effected by the Collector	O 15 R 30		
			CIVIL			
14	6	114	Notice to Head of Office etc. when summons to a Public Officer is sent direct for making necessary relieving arrangements	O 19 R 11		
15	7	115	Letter forwarding summons for personal Attendance of a Public Official etc. including notice for making relieving arrangements	O 19 R 12		
16	8	116	Notice to Head of Department etc. of warrant of arrest against Government Servant etc.	O 19 R 15		
17	3	117	List of documents required to be produced under Order VII, Rule 14 and Order XIII, Rule 1	O 20 R 17		

18	4	118	General Index	O 20 R 17	O 24 R 06	
19	5	119	Letter of request to Parliament/Legislative Assembly/Council for production of a document in its Custody	O 20 R 25		
20		120	Letter of Authority on behalf of person belonging to Army, Navy or Air Force who cannot obtain leave of absence for the purpose of prosecuting or defending the Suit in person	O 21 R 02	O 21 R 04	
21		121	Letter forwarding summons for personal Attendance of a Public Official etc. including notice for making relieving arrangements	O 21 R 06		
22	9	122	Title page or Wrapper	O 24 R 03		
23	10	123	Order Sheet	O 24 R 07	O 32 R 03	
24	11	124	Part-wise Index	O 24 R 10		
25	12	125	List of Records transmitted to the Record-Room	O 25 R 05		
26	13	126	Invoice of Records and Papers dispatched	O 25 R 06		
27	14	127	Record-Keeper's Report when a Record is found to be defective	O 25 R 11		
28	15	128	List of Registers, Books and Papers transmitted to Record-Room	O 25 R 18		
29	16	129	Notice to take back documents	O 25 R 24		
30	17	130	Requisition for Record	O 26 R 02	O 22 R 10	O 25 R 04
31	18	131	Form for Transmission of Record	O 26 R 07		
32	29	132	Certificate for refund of Court Fee	O 29 R 24	O 29 R 26	
33	31	133	Amin's Receipt Book	O 30 R 20		
34	32	134	Payment Order by Amin	O 30 R 21		
			CRIMINAL			
35	1	135	Form of communication regarding arrest, detention, conviction or release, as the Case may be, of an M.P. /M.L.A.	O 31 R 09		
36	2	136	Form of Letter of Request	O 31 R 13		
37	4	137	General Index	O 32 R 04		
38	5	138	Index of Exhibits	O 32 R 04		
39	6	139	Cover or title page in Original Cases	O 32 R 12		
40	7	140	Letter Reporting committal of Case to Sessions	O 33 R 01		
41	8	141	Calendar of a Case committed to the Sessions	O 33 R 01		

42	32	142	Order for Payment of Witness expenses (Diet-Money)	O 33 R 04		
43	11	143	Memorandum of identification of suspects	O 35 R 10		
44	12	144	Identification of Property	O 35 R 10		
45	13	145	List of documents	O 35 R 14		
46	16	146	Inventory of Property	O 36 R 02	O 36 R 05	
47	15	147	Malkhana Slip	O 36 R 07	O 37 R 02	
48	17	148	Procedure on passing Sentence of Death	O 37 R 01		
49	18	149	Form of classification of Convicts	O 37 R 07		
50	19	150	Challan / e-Challan for deposit of fine, compensation etc	O 37 R 09	O 37 R 13	
51	20	151	Court-Receipt Book	O 37 R 14		
52	21	152	Cover in Appeal or Revision Cases	O 38 R 01	O 39 R 01	
53	22	153	Requisition for Record	O 38 R 04	O 39 R 04	O 41 R 01
54	23	154	Notice of Appeal under Section 385 (1) of the Code of Criminal Procedure, 1973	O 38 R 05	O 38 R 06	O 39 R 05
55	24	155	Covering docket under which a notice to Appellant in Jail is to be sent	O 38 R 06	O 39 R 05	
56	25	156	Certificate on the General Index before transmission of Record	O 40 R 03		
57	26	157	Form for transmission of Record	O 40 R 06	O 41 R 03	
58	27	158	List of Record of Cases sent to the Record-Room on 20.....from the	O 40 R 07		
59	28	159	List of Police Reports and miscellaneous proceedings not filed with the Record of a regular Case	O 40 R 07		
60	29	160	Invoice of Records consigned to the Record-Room	O 40 R 07		
			MISCELLANEOUS			
61	35	161	Notice prohibiting the practice of soliciting, giving or receiving gratification	O 48 R 12		

FORM NO.101
(Order 1 Rule 14, Order 35 Rule 1)
Daily Cause List

Date.....Month.....Year.....

Serial Number	Number and Year of Case	Kind or Nature of Case	Names of Parties
1	2	3	4

Name of the lawyer for the First Party	Name of the Lawyer for the Opposite Party	Purpose	Remarks
5	6	7	8

FORM NO.102
(Order 2 Rule 9)

Application for Inspection of a Record

In the Court.....

Application for Inspection of Record

I beg to apply for permission to inspect the Record of the Case mentioned below.

I am *..... in the Case.

*The Application is **

Particulars of the Record of which inspection is sought;

1. Name of the Court.
2. Kind of Case.
3. Number of year.
4. Names of Parties.

Date of Decision (or Hearing, if pending).

Signature.....

Note.-

* Here enter whether Applicant is the complainant, Accused etc. or the complainant's/Accused's agent or counsel, as the Case may be or if the Applicant is not a party or his agent or counsel, the reasons for which he wants an inspection should be stated here.

** Here enter 'Ordinary' or 'Urgent'.

FORM NO.103
(Order 6 Rule 2)

Application for Grant of Copies of Record

In the Court of.....

Application for Grant of Copies of Record

In.....Case No.....of.....

Decided/Fixed for Hearing on.....

Copies

Kindly grant me certified copy(ies) of the Papers named in the following list from the Record of the above mentioned Case. The Application is *

** I am in the Case.

List

1. Serial number
2. Description of Paper of which copy required.

3. Number of copies required.

4. Object for which copy is required or ground upon which Application should be granted.

Signature of Applicant

Note:-

* Here state whether the Application is 'urgent' or 'ordinary'.

** Here state the Applicant's status in the Case, if he is not a party to the Case, state so.

In every Application sent by post, the following particulars should be noted:-

1. Full address of the Applicant.

2. Whether the Applicant wants the copy to be sent, to him by post, sufficient stamps should be sent. if the copy is to be sent by post.

FORM NO.104

(Order 6 Rule 2)

Notice to Applicant to make up deficiency of copying Fees

In the Court of

Notice is hereby given that the copying Fees filed with the Application in the following Case is less than the copying Fees leviable and thus, if in any Case, the deficiency is not made up by the day of 20...., the copying Application shall be rejected.

S. No.	Date of Application	Serial Number of Application	Name of Applicant	No. and title of Case from which copy required	Deficit copying Fees required	Remarks
1	2	3	4	5	6	7

Dated :.....

Signature

.....
Designation

FORM NO.105

(Order 6 Rule 5)

Receipt Book of (Head Copyist for Photostat Copies)

Form No.105 Receipt Book of (Head Copyist for Photostat Copies) (Order 6 Rule 5)	FORM No. 105 Receipt Book of (Head Copyist for Photostat Copies) (Order 6 Rule 5)
Received as advance from Shri S/o.....R/o a sum of Rupees (in words) in Application Number for supply of Photostat copy. Head copyist Rs. with seal of the Court _____	Received as advance from Shri S/o.....R/o a sum of Rupees (in words) in Application Number for supply of Photostat copy. Head copyist Rs. with seal of the Court _____

FORM NO.106

(Order 11 Rule 5)

(Obverse)

Petition Writer's Licence

In the Court of Judge of

The Petition Writer son of hereby Authorised to sit in the compound of the Civil Courts at and to write Petitions.

The holder of this licence is required to abide by the following rules as condition of the licence remaining in force:-

1. He shall regularly pay a yearly fee of Rs. 5/- (in advance).
2. He shall regularly attend the Court.
3. He shall not carry on the profession of a tout as defined in the Legal Practitioners Act, 1879 (XVIII of 1879), or accept the clerkship of a legal practitioner.

4. He shall not charge remuneration for writing Petitions in excess of what is laid down in the scale of Fees drawn up by the District Judge, a copy of which must be kept by him in public view.
5. He shall not make any demand from any person in the name of any person or persons connected with Court or accept any sum on their behalf.
6. He shall sign each Petition or Paper drawn up by him and endorse thereon the amount of fee received by him.
7. He shall write Petitions legibly and observe the instructions relating to the writing of Petitions and shall comply with the Order of a Court as to the amending or redrafting of a Petition or the Paper drawn up by him.
8. He shall not keep any private copy of any Petition, plaint or Memorandum of Appeal which he writes.
9. On breach of any of the above conditions, the licence shall be cancelled by the Court which granted it after giving sufficient opportunity to the Petition Writer to explain his conduct.

(Reverse)
Note of Payment of Renewal fee

Date	Amount	Voucher No. and date	Signature of Judge
1	2	3	4

FORM NO. 107

(Order 14 Rule 1)

Security Bond of Nazir, Civil Court, Amin, Process-Server, Amin's peon etc. when the security is given, in cash, promissory notes or mortgaged and hypothecated landed Property

By this Bond I, A, B of am bound to the Governor of Rajasthan (hereinafter called "Governor" which term shall, where the context so admits, include his successors in office and assigns) in the sum of Rs. to be paid to the said Governor, for which Payment to be made, I bind myself and my heirs, executors or administrators by these presents,

Signed and delivered by myself at this day of 20

Whereas, the above bound A, B on his appointment as is required by the General Rules (Civil), 1981, to furnish adequate security for the due discharge of his duties in the said appointment.

And whereas the said A, B in consideration of his said appointment (has delivered to and deposited with * cash to the extent of Rs. or (has delivered to and deposited with and endorsed to Government securities to the extent of Rs. as set forth in the schedule hereto) or (has mortgaged and hypothecated the landed Property described in the schedule hereto) or (has placed on fixed deposit in the) Ltd. to the credit of the sum of Rs.) for the purpose of securing and indemnifying the Governor, against all loss or damage which he or they might suffer by reason of any act, default, omission or negligence on the part of the said A, B in the course of the discharge of his duties and obligations.

And whereas the said A, B has entered into the above written Bond in the penal sum of Rs. conditioned for the due performance by the said A, B of the duties of his said office and the other duties appertaining thereto or which may be lawfully required of him, and for the indemnity of the said Governor against loss from the acts or defaults of the said A, B.

Now the condition of the above written Bond is such that, if the said A, B, has, whilst he has held the office of always duly performed and fulfilled the said duties of the said office and the other duties aforesaid or if he said A, B shall indemnify the Governor from all and every loss and damage which, during the time the said A, B has held executed and enjoyed the said office, has happened then the above written Bond or obligation shall be void and of no effect, otherwise the same shall remain in full force and virtue.

And it is hereby agreed and declared by and between the said A, B and the Governor that, on the vacation by said A, B of his said office of the above named Moneys (where cash is deposited) securities (where promissory notes are deposited) shall not be one returned to him but shall continue to be held in the manner aforesaid for the term of six months as security against any loss that may have been incurred by the Governor owing to the neglect or default of the said A, B and which may not have been discovered until after the vacation of his office by the said A, B and if any breach of the conditions of the said Bond is discovered after the rePayment (or return) of the said Money (or securities or release of the said mortgage) such rePayment (or return) (or release) shall not affect the right of the Governor to take proceedings upon the said bond against the said A, B.

Provided also that the officer in whose name the said sum is placed on deposit in the manner aforesaid may at the request of the said A, B withdraw the said sum and place the same in like manner as aforesaid in the Imperial Bank of India or Ltd.:

Provided that if the said sum or any part thereof is lost by reason of the failure or defalcation of the bank in which such sum is at any time deposited, neither the Governor nor any officer serving under him shall be in any way liable for such loss and the said A, B shall immediately furnish to the Governor either in cash or in such other Form as may be permissible under the rules, regulations or Orders then in force security equivalent in value to the amount lost in such manner as aforesaid.

Provided also that the interest on the said sum when Realised may be paid over to the said A, B under the Orders of a competent Authority.

In Witness to the above written Bond and to all the terms and conditions hereinbefore contained, I have here unto set my hands this day of 20.....

Signed by A, B in the presence of and of

FORM NO.108
(Order 15 Rule 10)

TENDER (eGrass)

E-CHALLAN Government of Rajasthan Court	E-CHALLAN Government of Rajasthan Court	E-CHALLAN Government of Rajasthan Court	E-CHALLAN Government of Rajasthan Court	E-CHALLAN Government of Rajasthan Court
Valid Upto :- Bank Copy GRN :	Valid Upto :- Bank Copy GRN :	Valid Upto :- Bank Copy GRN :	Valid Upto :- Bank Copy GRN :	Valid Upto :- Bank Copy GRN :
Bar Code:- Office Name:- Location:- Year:- Head(...) Amount	Bar Code:- Office Name:- Location:- Year:- Head(...) Amount	Bar Code:- Office Name:- Location:- Year:- Head(...) Amount	Bar Code:- Office Name:- Location:- Year:- Head(...) Amount	Bar Code:- Office Name:- Location:- Year:- Head(...) Amount
Discount:- Total/ Net Amount:- (In words	Discount:- Total/ Net Amount:- (In words	Discount:- Total/ Net Amount:- (In words	Discount:- Total/ Net Amount:- (In words	Discount:- Total/ Net Amount:- (In words
Payee Detail	Payee Detail	Payee Detail	Payee Detail	Payee Detail
TIN/Actr No/Vehicle No./Taxid/Lease No.: PAN No.: Remitter Name :- Address:- Remarks	TIN/Actr No/Vehicle No./Taxid/Lease No.: PAN No.: Remitter Name :- Address:- Remarks	TIN/Actr No/Vehicle No./Taxid/Lease No.: PAN No.: Remitter Name :- Address:- Remarks	TIN/Actr No/Vehicle No./Taxid/Lease No.: PAN No.: Remitter Name :- Address:- Remarks	TIN/Actr No/Vehicle No./Taxid/Lease No.: PAN No.: Remitter Name :- Address:- Remarks
For use in Receiving Bank	For use in Receiving Bank	For use in Receiving Bank	For use in Receiving Bank	For use in Receiving Bank
Cheque/DD No.: Bank CNR No.: Bank -	Cheque/DD No.: Bank CNR No.: Bank -	Cheque/DD No.: Bank CNR No.: Bank -	Cheque/DD No.: Bank CNR No.: Bank -	Cheque/DD No.: Bank CNR No.: Bank -

FORM NO.109

(Order 15 Rule 16)

**List of the Unexpended Balances of Deposit Money
Which are Due and have become Repayable**

REFERENCE TO DEPOSIT		Case	By whom deposited	Amount deposited	Amount disbursed	Balance due and repayable	Date of Notice	Signature of Receiving Officer	Remarks
Date	Number and page of Register								
1	2	3	4	5	6	7	8	9	10

FORM No.110

(Order 15 Rule 16)

Application for RePayment of Deposit in the Court of ...

(Instruction to Applicant-Fill up correctly column no. 1 to 6, leaving the other columns blank)

Name of Applicant	Name of Parties and number of Suit	Nature of rePayment applied for	Deposit			Is Applicant entitled to the amount claimed?	Is amount still in deposit and available for present Payment to the Applicant?	Serial number and date of rePayment Order	Remarks
			Amount	No.	Date				
1	2	3	4	5	6	7	8	9	10
			Rs. P.						

FORM No.111
(Order 15 Rule 21)

Treasury Officer's Certificate of Non-Payment of Lost RePayment Order

Certified that Bill No. dated for Rs. (in words) (Rupees) Reported by (the drawing officer) to have been drawn by him on his Treasury in favour of has not been paid and will not be paid, if presented hereafter.

Dated

Treasury Officer

FORM No.112
(Order 15 Rule 24)

Receipt of Direct Payment to Parties made in Court

Receipt for Immediate disbursement Number of Suit Names of Parties Receipt for Rs. Paid by On account of Received by Signature of recipient Stamp Signature of identifying Witness In my presence (To be given to the payer) Presiding Officer	Copy of Receipt for Immediate disbursement Number of Suit Names of Parties Receipt for Rs. Paid by On account of Received by Sd/- Signature of recipient Sd/- Signature of identifying Witness In my presence (To be given to the payer) Presiding Officer

FORM No.113
(Order 15 Rule 30),

Report of Sale effected by the Collector

Report of sale effected by the Collector of..... on the day of 20 in pursuance of the Order of the of dated the Day of 20.....

Number of execution Case	Name of Parties	Name of Judgment debtor whose Property has been sold	Number of Lot	Description of Property comprised in lot	Extent of interest sold as the Property of Judgment debtor	Encumbrances or other matters notified at the sale	Name of person declared to be the purchaser	Amount of purchase Money	Amount of deposit under Order XXI, Rule 34	Amount deducted by way of poundage	Balance held in deposit	Date on which balance was credited in Civil Court Deposit Account of Treasury	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Note- If full amount of the purchase Money is paid on the day of sale, it will be entered in column 10.

Collectorate the day of 20

Treasury Officer

Collector

FORM No.114
(Order 19 Rule 11)

Notice to Head of Office etc. when summons to a Public Officer is sent direct for making necessary relieving arrangements

In the Court of at

..... Versus

Case No. of

To,

.....
.....

Sir,

I have to inform you that a summons has been Issued direct to Shri..... for his Attendance in this Court on the day of

This information is sent to you in Order that arrangements may be made for the performance of the duties of the said Shri during his absence.

Yours faithfully,
Designation

FORM NO.115
(Order 19 Rule 12)

Letter forwarding summons for personal Attendance of a Public Official etc. including notice for making relieving arrangements

In the Court of at

.....Versus

Case No. of

To,

.....
.....

Under the provision of Order V, Rule 27 (or 28) of the Code of Civil Procedure, 1908, a summons in duplicate, is herewith forwarded for Service on the Defendant who is stated to be serving under you. You are requested to cause a copy of the said summons to be served upon the said Defendant and to return the Original to this Court signed by the said Defendant, with a statement of Service endorsed thereon by you.

As the Defendant has been Ordered under Order V, Rule 3 to appear in person on the day specified in the summons, this letter should be regarded by you also as notice to make arrangements for the performance of the duties of the said Defendant during his absence.

Yours faithfully,

Signature

Designation

FORM NO.116

(Order 19 Rule 15)

Notice to Head of Department etc. of warrant of arrest against Government Servant etc.

In the Court of at

..... Versus

Case No. of under Section

To,

.....
.....

Sir,

I have to inForm you that a warrant for the arrest of Shri who is stated to be serving under you is being Issued by this Court.

Yours faithfully,
Presiding Officer.**FORM NO.117**

(Order 20 Rule 17)

List of documents required to be produced under Order VII, Rule 14 and Order XIII, Rule 1

In the Court of.....

Suit Number.....(CNR Number)

..... V.....

S. No.	Description of document and Parties to the documents	Date of the document	Signature of the party or pleader with date	Whether admitted in evidence or rejected with date	Exhibit make if admitted in evidence	Acknowledgment of party, if rejected and returned	Remarks
1	2	3	4	5	6	7	8

FORM NO.118
(Order 20 Rule 17, Order 24 Rule 6)

General Index

Original Suit of 20.....
Case Record Versus Part.....

Number of Case	Name of		Nature of the Suit	Date of	
	Plaintiff	Defendant		Institution	Decision

List of Papers

'A' Part

Serial Number of Paper	Description of Paper	No. of sheets in Paper	Date Presentation/ admission of Paper	of State of Document	C.F. Label				Remarks
					No.	Rs.	P.	Pages	
				Total					

'B' Part

Serial Number of Paper	Description of Paper	No. of sheets in Paper	Date Presentation/ admission of Paper	of State of Document	C.F. Label				Remarks
					No.	Rs.	P.	Pages	

‘C’ Part						
Serial Number of Paper	Description of Paper	No. of sheets in Paper	Date of Presentation/	State of Document	C.F. Label	Remarks

			Record			
				Total	No.	Rs.
					P.	Pages

‘D’ Part						
Serial Number of Paper	Description of Paper	No. of sheets in Paper	Date of Presentation/ admission of Paper	State of Document	C.F. Label	Remarks
				Total	No.	Rs.
					P.	Pages

Certified that the Papers in the file have, on examination, been found to be in accordance with the entries in the index that Court fee stamps worth Rs. are affixed, that all Orders have been carried out, and that the file is complete in every respect.

Dated.....

READER

FORM NO.119

(Order 20 Rule 25)

Letter of request to Parliament/Legislative Assembly/Council for production of a document in its custody

To,

The Secretary,

Parliament/Legislative Assembly/Council,

.....

Sir,

In Case.....V/s..... No..... pending before this Court, document..... in the Custody of Parliament/Legislative Assembly/Council is required to be produced in evidence on.....I have satisfied myself that production of Original document is necessary. You are therefore requested to make such arrangement that the said document be produced in this Court through some officer/official on.....,

OR

Shri.....designation..... of your secretariat is to give evidence before this Court in Case No. title.....V/s..... on..... You are, therefore, requested to direct Shri to appear before this Court on, ... for evidence. The accompanied summons may please be returned after due Service on the Officer before the date of Hearing.

Yours faithfully,

Presiding Officer
Seal of the Court

FORM NO.120

(Order 21 Rule 2, Order 21 Rule 4)

Letter of Authority on behalf of person belonging to Army, Navy or Air Force who cannot obtain leave of absence for the purpose of prosecuting or defending the Suit in person

"Whereas I (name)..... Inhabitant of village.....

Pargana..... in the District of..... son of..... of the caste of.....

..... at present rank in..... Company.....

..... Regiment..... Stationed at 56/97 APO having occasion to institute/ defend and action for (nature and object of Suit and name of adverse party), do hereby nominate and appoint (name, residence and caste and relationship, if any) to be my attorney and I bind myself to abide by whatever he, the said attorney may do on my behalf, in the prosecution/ defence of the said Suit. The said attorney will either prosecute/ defend the Suit in person or will appoint one or more advocate to prosecute/ defend the same under the instructions of the said attorney as he may think proper. In the event of an Appeal being preferred from the Judgment passed in the Suit, the said attorney is hereby empowered to act for me on the Appeal in a like manner as in the Original Suit.

Signed in my presence.

Signature

O.C.

FORM NO.121
(Order 21 Rule 6)

Letter forwarding summons for personal Attendance of a Public Official etc. including notice for making relieving arrangements

In the Court of.....:at..... Versus..... Case No..... of.....

To,

.....
.....

Under the provision of Order V Rule 27 (or 28) of the Code of Civil Procedure, 1908, a summons in duplicate, is herewith forwarded for Service on the Defendant who is stated to be serving under you. You are requested to cause a copy of the said summons to be served upon the said Defendant and to return the Original to this Court signed by the said Defendant, with a statement of Service endorsed thereon by you.

As the Defendant has been Ordered under Order V, Rule 3 to appear in person on the day specified in the summons, this letter should be regarded by you also as notice to make arrangements for the performance of the duties of the said Defendant during his absence.

Yours faithfully,
Signature
Designation

FORM No.122

(Order 24 Rule 3)

Title page or Wrapper

(CNR NUMBER)

1. Name of Court.
2. Kind of Case.
3. Title of Case.
4. Number and year of Case.
5. Date of Institution.
6. Date of Disposal.
7. Date of consignment to Record-Room .
8. Date of Decision in Appeal or Revision.
9. Kind of file or part.
10. Class of Record.
11. (a) Date on which part D is due to be destroyed.
(b) Date on which part D was destroyed.
12. (a) Date on which part C is due to be destroyed.
(b) Date on which part C was destroyed.
13. (a) Date on which part B is due to be destroyed.
(b) Date on which part B was destroyed.
14. (a) Date on which part A is due to be destroyed.
(b) Date on which part A was destroyed.

FORM NO.123
(Order 24 Rule 7, Order 32 Rule 3)
Order Sheet

CNR NUMBER

Court of.....at.....
Kind of Case.....
Number of Case.....Year.....
.....Versus

Date	Order with initials of Presiding Officer	Brief note of compliance of the Order

Order Sheet (subsequent)

CNR NUMBER

Number of Case.....Year.....
.....Versus

Date	Order with initials of Presiding Officer	Brief note of compliance of the Order

FORM NO.124
(Order 24 Rule 10)

Part-wise Index

Original Suit/Case..... of 20

..... Versus.....

*Serial Number in part	Serial Number in General Index	Brief Description of Paper	Number of sheets	State of document	Date of Presentation	Remarks
1	2	3	4	5	6	7

Note- * This serial number in part-wise index is to indicate the Order in which Papers are placed in the file. It is not to be endorsed on the Paper. Only the serial number to the General Index is to be so endorsed.

FORM NO.125

(Order 25 Rule 5)

List of Records Transmitted to the Record-Room

List of Cases disposed of in the Court of in the month of 20

Serial Numb er of Dispos al	Date of Dispos al	Number and year of Suit or Case	Date of Instituti on	Nam e of Parties	Number of Papers on Record					Details of additions to Record made in the Record-Room									Date of removal of				Remarks
										(i)			(ii)			(iii)							
					A Part	B Part	C Part	D Part	Total	Date	Particula rs	Number of Papers	Date	Particula rs	Number of Papers	Date	Partic ulars	Number of Papers	D Part	C Part	B Part	A Part	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24

475(170)

राजस्थान राज-पत्र, दिनांक 31, 2018

पृष्ठ 1 (ख)

FORM NO.126

(Order 25 Rule 6)

Invoice of Records and Papers Dispatched in the month of 20

Invoice serial Number..

Date of Dispatch

Number of Records-

(1)

(2)

(3)

(4)

(5)

S.No.	Date of Dispatch	Number of					Remarks
		Original Suits	Appeals from Courts of Revenue	Collections of Papers to be joined to other Records	Misc. judicial Cases not relating to Suits or other Cases	Misc. non judicial Cases not relating to Suits or other Cases	
1	2	3	4	5	6	7	8

Ministerial office of the Court

Chief Ministerial Officer of the Court

I, Record Keeper, acknowledge that on the day of 20.. I received from the Court of the of the Record and Papers mentioned in the above Form and certify that the number of Records or Papers of each class above specified corresponds with the Records or Papers of each class shown in the lists accompanying the bundle and with those of such class actually received.

Dated the 20

Record-Keeper

FORM NO.127
(Order 25 Rule 11)

Record Keeper's Report when a Record is found to be Defective

Name of Court
Number and year of the Case
CNR Number
Kind of Case
Title.....Versus.....

Date of Decision

1. Paper Nos. do not correspond with those entered in the General Index.
2. Paper No. is not in the file.
3. The document No. bears blots, erasures or interlineation other than those noted in column 8 of the General Index.
4. Paper No. does not bear the stamp entered in column 6 of General Index.
5. Stamp affixed on Paper No. has not been duly cancelled.
6. On Paper No. the number and aggregate value of the stamps on it have not been Recorded.
7. Rules made by the Government for regulating the number of stamps to be used for denoting Fees have not been complied with in respect of Paper No.
8. There is something suspicious in the appearance of the stamps on Paper No.
9. Order dated on Paper No. has not been duly signed.
10. That the Receipt for is not in the Record.
11. There is no Court seal on Paper No.
12. Paper No. is on the file but it has not been entered in the General Index.
13. Paper No. should have been stitched to instead of having been stitched to
14. Aggregate value of the Court-Fees entered in the Certificate by the Munsarim or Reader is wrong.
15. The Certificate does not bear the signature of the Munsarim or Reader.
16. In the Order sheet no Order for having the decree is prepared and signed.
17. In the Order sheet Order or Orders dated have not been signed by the Presiding Officer or the Munsarim.
18. The documents which do not Form part of the Record under Rule of the General Rules (Civil), 1986, have not been kept properly in an envelope.
19. Paper No. is on the file without any Orders thereon.
20. There is no endorsement on the document admitted in evidence or rejected or inadmissible in evidence as required under Order XIII, Rules 4 and 6.

Record-Keeper

Ordered that the above Report together with the Record of the Case be returned to the Court of for removing defects stated above and explanation be called from the Munsarim or Reader who had Recorded the Certificate under Dated day of 20.....

Signature
Designation

FORM NO.128

(Order 25 Rule 18)

**List of Registers, Books and Papers transmitted to Record -Room by the Court
of in the year 20.....**

S. No.	Description of Registers, Books or Papers	Order by which prescribed	Period of retention in Record-Room	Year to which Books or Papers relate	Number of Books or Papers	Date of Receipt by Record-Officer	Date of destruction
1	2	3	4	5	6	7	8

FORM NO.129

(Order 25 Rule 24)

Notice to take back documents

In the Court of Suit/Case No. of Plaintiff Defendant. The Parties in this Case are hereby required to take back the documents produced by them, being exhibits in the Case, before the last day of March/June/September/December, 20.....

If they fail to take them back before that date, the documents will be destroyed as prescribed by the High Court.

Dated

Presiding Officer of the Court

(FORM NO.130-Civil)
(O22 R10, O25 R4, O26 R2)

(FORM NO.153-CR.)
(O38 R 4, O39 R4, O41 R1)

Requisition for Record

Court of the.....at.....

vs.....

Case No.....of.....

To

.....
.....

Dated the.....20.....

Kindly transmit to this Court the Record specified below. I have satisfied myself that the production of the Original Record is actually necessary. * The Record should reach this Court before.....20.....the next date of Hearing.

*Note.- Original Records should not be called at the instance of a private party if Certified copies are admissible in evidence to prove facts, for the proof of which the Record is required.

Name of the Court	Kind of Case	Case No. and Year	Title	Date of Disposal/ Hearing	Remarks

.....
Designation.....

(FORM NO.131-CIVIL)
(Order 26 Rule 7)
(FORM NO.157-Cr.)
(O40 R6, O41 R3)
Form for transmission of Record

From.....

To.....

Dated.....the.....

Your Requisition letter No.....Dated.....in.....Case No.....of.....in your Court.....v.....was received hereon.....the following Record is herewith forwarded. Kindly acknowledge Receipt of the Record on the duplicate of this letter attached hereto. The Original Record may please be returned without delay after use.

Particulars of Records sent						
S. No.	Name of the Court	Case No. and Year	Kind of Case	Title	Date of Disposal	Remarks
1.	2	3	4	5	6	7

.....
Designation.....

Acknowledgment of Receipt of Records

The Record detailed above was received in this Court on.....and has been entered in the Register of Records received under number.....and date.....Dated.....20.....

.....
Designation.....

FORM NO.132
(Order 29 Rule 24, Order 29 Rule 26)
Certificate for Refund of Court Fee

PART I		PART II						PART III					
1	Number.....	Certificate for refund or Payment of Court Fees						Advice of refund or Payment					
2	Date (being date of Certificate signed by Presiding Officer).....	Amount						Amount					
3	Number of Case and names of Parties..... Amount of Fees paid into Court	Name Court	of	Number	Date	To refunded	be	Name of person to whom the refund or Payment should be made	Remarks	Name of Court	Number and date of Certificates	Refunded	Date of refunded
4	Date of Payment into Court Date of Application for refund or Payment.												
5	Amount to be refunded..												
6	Date of Order directing refund Date on which Certificate is made over to payee.....												
7	Name of payee												
8	Signature of payee												
9	Signature of person, if any, identifying payee												
10	Rule or Section of Act under which refund is to be made												
11	Initials of Presiding Officer	1		2		3		4		5		6	

Presiding Officer

Officer-in-charge of Treasury or Sub-Treasury

FORM NO.133
(Order 30 Rule 20)

Amin's Receipt Book

No.	Date	No.	Date
..... Case No. of		 Case No. of	
in the Court of		in the Court of	
Received from		Received from	
the Sum of Rs. (in words)		the Sum of Rs. (in words)	
on account of		on account of	
Amin		Amin	

FORM NO.134
(Order 30 Rule 21)

Payment Order by Amin

No.	Date	No.	Date
Name of person to whom given		To the Receiving Officer of the Court of the at on or before the day of	
Nature of Payment to be received	Amount Rs. P	 please receive from Shri Son of Shri	
Date up to which the Order is in force		 caste resident of the sum of Rs. being	
Case No. and title		proceeds of a sale held by me on the at under the Order of	
Next date of Hearing		No. dated the on Case No. and title	
Signature and date of the person to whom Order is given		v/s The next date in the Case is	
		Amin	

FORM NO.135
(Order 31 Rule 9)

Form of communication regarding arrest, detention, conviction or release, as the Case may be, of an M.P./ M.L.A.

Place
Date

To
The Speaker/ Chairperson,
Lok Sabha/ Rajya Sabha/ Rajasthan Vidhan Sabha,
New Delhi/ Jaipur.

Dear Mr. Speaker/ Chairperson,

'A'

I have the honour to inForm you that I have found it my duty, in the exercise of my powers under Section of the (Act) to direct that Shri Member of the Lok Sabha/ Rajya Sabha/ Member of the Rajasthan Vidhan Sabha, be arrested/detained for (reasons for the arrest or detention, as the Case may be).
Shri.....M.P./M.L.A..was accordingly arrested/taken into Custody at..... (time) on (date) and is at present lodged in the Jail, ... (place).

'B'

I have the honour to inForm you that Shri.....Member of the Lok Sabha/ Rajya Sabha/ Member of the Rajasthan Vidhan Sabha, was tried at the.....Court before me on a charge (or charges) of.....(reasons for the conviction).
On..... (date) after a Trial lasting for..... days, I found him guilty of.....and sentenced him to imprisonment for..... (period). [His Application for leave to Appeal to.....(Name of the Court) is pending under consideration.]

'C'

I have the honour to inForm you that Shri.....Member of the Lok Sabha/ Rajya Sabha/ Rajasthan Vidhan Sabha, who was convicted on.....(date) and imprisoned for(period) for(reason for conviction) was released on bail pending Appeal (or release on the sentence being set aside on Appeal, as the Case may be) onthe.....(date).

Yours faithfully,
Judge/ Magistrate

FORM NO.136
(Order 31 Rule 13)
Form of Letter of Request

From

To

The Speaker of the House of the People/
The Chairperson of the Council of State,
Parliament House, New Delhi.
The Speaker/Chairperson of
Legislative Assembly/Legislative Council

Sub. Production of documents in

(Description of the Case)

Production of an officer of Secretariat of the House for purposes of giving evidence in

(Description of the Case)

Sir,

Where mere production of documents is required.- In the above proceeding, the complainant/Accused proposes to rely upon the documents specified in the annexure which are in the Custody of the House of the People/Council of State/Legislative Assembly/Legislative Council. I have to request you to move the House, if you have no objection, to grant leave for the production of documents in my Court and, if such leave is granted, to arrange to send the documents/certified copies of the documents so as to reach me on or before..... by Registered post (A.D.) or through an officer in the Secretariat of the House.

Where oral evidence of an officer in Secretariat of the House is required.- In the above proceeding, the complainant/Accused proposes to examine.....an officer in the Secretariat of the House of the People Council of State/Legislative Assembly/Legislative Council (or any duly informed officer in the Secretariat of the House) as a Witness in regard to matters specified in the Annexure. I have to request you to move the House, if you have no objection to grant leave for the examination of the said officer in my Court, and if such leave is granted, to direct the officer to appear in my Court at.....on.....

Yours faithfully,
Presiding Officer,

Encl. Annexure

FORM NO.137
(Order 32 Rule 4)
General Index

Court of the

Number of Case	Name of		Charge	Date of	
	Complainant	Accused		Institution	Decision

List of Papers

A' Part									
Serial Number of Paper	Description of Paper	No. of sheets in Paper	Date of Presentation/ admission of Paper to Record	State of Document	C.F. Label				Remarks
				Total	No.	Rs.	P.	Pages	

B' Part									
Serial Number of Paper	Description of Paper	No. of sheets in Paper	Date of Presentation/admission of Paper to Record	State of Document	C.F. Label				Remarks
				Total	No.	Rs.	P.	Pages	

"C" Part									
Serial Number of Paper	Description of Paper	No. of sheets in Paper	Date of Presentation/ admission of Paper to Record	State of Document	C.F. Label				Remarks
				Total	No.	Rs.	P.	Pages	

"D" Part									
Serial Number of Paper	Description of Paper	No. of sheets in Paper	Date of Presentation/ admission of Paper to Record	State of Document	C.F. Label				Remarks
				Total	No.	Rs.	P.	Pages	

Certified that the Papers in the file have, on examination, been found to be in accordance with the entries in the index that Court fee stamps worth Rs.....are affixed, that all Orders have been carried out, and that the file is complete in every respect.

Dated.....

READER

FORM NO.138
(Order 32 Rule 4)
Index of Exhibits

In the Court of
Case No of 20
..... Vs.....

S. No.	Description of Exhibits	Date of Filing	Exhibit number in the Court of the Magistrate and by whom first proved	Filed in the Court of the Sessions Judges and by whom first proved	Remarks
1	2	3	4	5	6

FORM NO.139
(Order 32 Rule 12)
Cover or Title Page in Original Cases
(CNR NUMBER)

1. Name of Court
2. Name of the Presiding Judge
3. Powers
4. Number and year of the Case
Its nature, i.e. whether regular or miscellaneous
5. Police Station
6. Name of complainant(s)

7. Name of Accused
8. Date of Institution
9. Date of Decision
10. Offence with Section
- (i) Mentioned in Report of initial complaint
- (ii) According to Judgment
11. Class or Record

FORM NO.140)

(Order 33 Rule 1)

Letter Reporting committal of Case to Sessions

No.....of 20

To
The Sessions Judge of/
Deputy Registrar, High Court of Judicature for Rajasthan at
Jodhpur/Jaipur Bench

- 1.I beg to Report that I have this day committed.....to the Sessions/High Court, on charge under Section
- 2.I have satisfied myself that the copies of documents mentioned in Section 207 and 208 of the Code of Criminal Procedure, 1973 have been furnished to the Accused free of cost. The Accused is/are on bail..... The Accused is/are in judicial Custody since.....
3. The entire Record of the Case along with all the documents and articles, which are to be produced in evidence, are submitted.
- 4.I have notified to the public prosecutor the Commitment of the Case of your Court.
5. There are..... Witnesses for the prosecution and.....days are necessary for me to secure their Attendance in the Sessions/High Court.

I request you kindly to intimate to me and to the public prosecutor on what day they should be directed to attend the Court.

Yours faithfully,
Judicial Magistrate

Date of crime.....

Date of apprehension.....

FORM NO.141
(Order 33 Rule 1)
Calendar of a Case committed to the Sessions

Cases committed to the Sessions Court of.....by the.....Magistrate.....Class of.....on the.....by the 20.....

Prisoner's name, Parentage, caste, residence and age	Offence charged, with law applicable and date of commission	Date of apprehension	Whether in prison or on bail
1	2	3	4

FORM NO.142
(Order 33 Rule 4)

Order for Payment of Witness Expenses (Diet-Money)

To
THE NAZIR,

Please pay Rs.....as expenses to complainants and Witnesses in the Case mentioned below:-

Date	Number of Case and names of Parties	Amount of Money required		Signature of the official receiving the Money from the Nazir	Remarks
		Rs.	P.		

Total.....Rupees (in words).....

Dated.....20.....

If amount is not available, then deposit the amount in the following bank account of complainants or Witnesses, or send it by Money Order at following address.

Presiding Officer of the Court

FORM NO.143

(Order 35 Rule 10)

Memorandum of Identification of Suspects

Memorandum of identification proceedings of following Accused conducted on at

Name, parentage & residence of the Accused	Offence	Any distinctive marks likely to affect identification	Steps (if any) taken by the Magistrate conducting the proceedings column 3	Date of admission into jail (or on bail)	Name, parentage and residence of the Witness
1	2	3	4	5	6

Name or Description of the person who came to identify (in his own words)	Name of the Accused correctly identified	Wrong person pointed out (if any)	Observation of the Witness or the Accused	Magistrate's remarks about demeanor of Witness
1	2	3	4	5

(Order 35 Rule 10)

In Crime No.....under Section.....of
Police Station.....District.....in the Court of.....Magistrate..... class,
on.....20.....at.....A.M/P.M.

[illegible]

1. The Property to be identified was brought by..... Court Mohairir/Police Constable No.....of my Court/Police Station in.....sealed bundles (mention the Receipt) from..... The articles to be mixed up were brought by..... in sealed bundles. The seals were intact and were opened before me. The Witnesses were called one by one, every precaution was taken to ensure that no succeeding Witness communicated in any manner with preceding one.
2. The articles mixed up were similar in appearance to those for identification except in details given in remarks columns.
3. was present on behalf of prosecution..... was/were present on behalf of Accused.

Magistrate.....

Date

FORM NO.145
(Order 35 Rule 14)
List of Documents
(Section 294 Cr.P.C.)

In the Court of.....
Case No.....of.....
Document filed by.....:(Prosecution/name and number of Accused):

Sr. No.	Description of documents along with the names of their executors	Date of each document	Whether admitted or denied by Opposite Party
1	2	3	4

Whether admitted in evidence or rejected	Exhibit mark if admitted in evidence	Acknowledgment of party	Remarks, if any
5	6	7	8

Legible signature of the party
Or Advocate Filing it with date

The list and documents have been
Checked and verified. The documents
Are as per list.
Legible signature of Munsarim/
Reader with date.

FORM NO.146
(Order 36 Rule 2) (Order 36 Rule 5)
Inventory of Property
(CNR NUMBER)

Property taken in possession				
S. No. of articles	Date of recovery	By which Police Station with date of Roznamcha	In what town or village	In what manner whether from possession of a person unoccupied house, etc.
1	2	3	4	5

Property taken in possession contd.				
Complete Description	Weight in Case of valuable Property	Value	By whom produced	Remarks
6	7	8	9	10

Signature of Officer-in-charge
Police Station

FORM NO.147
(Order 36 Rule 7, Order 37 Rule 2)
Malkhana Slip
(CNR NUMBER)

I. In the Court
Title of the Case State vs
Case No.....
FIR No u/s
Police Station
Date of Institution
Date of Disposal.....
Decision of First Appeal.....
Decision of second Appeal/ Revision
Malkhana Reg. No.
V.M. Reg. No.

Malkhana Articles are as per Register of Malkhana:-

1.	7.
2.	8.
3.	9.
4.	10.
5.	11.
6.	12.

II. Report of clerk as per Order in the judgment:-

Order of the Judge for Disposal of articles.

Order of the Malkhana Incharge

Signature of Judge

Signature of Clerk

Signature of the Judge

Signature of Malkhana Incharge

III. Malkhana articles Requisitioned and returned to Malkhana Incharge:-

Note. Malkhana articles Requisitioned and returned to the Malkhana Incharge as per list in this for.

Date of the	Received of	Date and Receipt of Requisition	Reader or Clerk	Malkhana Clerk
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				

IV. After the Decision and final Order passed by the Judge concerned. proceedings done by the Malkhana Clerk.

Proceedings:-

Proceedings checked and verified by the Malkhana Incharge.

Proceedings checked and verified, and the entries have been made and verified in Malkhana Register accordingly.

Signature of Malkhana Clerk

Signature of Malkhana Incharge

FORM NO.148
(Order 37 Rule 1)
PROCEDURE ON PASSING SENTENCE OF DEATH
No.....

From.
The Sessions Judge/ Addl. Sessions Judge. •
.....

To
The Deputy Registrar (Judicial)
High Court of Judicature for Rajasthan, Jodhpur/Jaipur Bench.

Date 20.....

Sir,
As required by law, I submit to the High Court my proceedings in the Case(CNR NUMBER) being Trial
No.....of.....of the.....District for confirmation of the sentence of death passed upon.

I have satisfied myself that the convicted person (or persons) has (or have) funds/has (or have) no funds to engage counsel in the High Court.

The Records of the Police Investigation and of the Enquiry by the Magistrate and all connected Papers accompany the proceedings.

Yours faithfully,
Sessions Judge/Addl. Sessions judge

FORM NO.149
(Order 37 Rule 7)

Form of Classification of Convicts

Classification of convict.....son of.....convicted by (Name of the Court and the Presiding Officer).....Section or Sections under which convicted.....sentence.....Date of sentence..... Crime for which convicted 'organised' or not.....

1. Whether to be treated as:

Habitual.....

Causal.....

"A" Class.....

"B" Class.....

"C" Class.....

(Strike out the entries not required)

2. If imprisoned for failure to furnish security under Section 110, Code of Criminal Procedure, 1973 number of times previously convicted under Chapters XII, XVI, XVII and XVIII of the Indian Penal Code, or required to furnish security under Section 110

Place.....

Dated.....

.....
Judge/Magistrate

FORM NO.150
(Order 37 Rule 9, Order 37 Rule 13)

Challan/e-challan for deposit of fine, compensation, etc.

By whom tendered	Name and designation of the person on whose behalf Money is paid	Full particulars of remittance and of Authority	Amount Rs. P.	Head of Account	Order to the Bank
Signature Total...					Date..... Signature with full designation of the Officer Ordering the Money to be paid.

Total (in figures)
Total (in words)

Receive

Treasurer

Accountant

Date

Treasury Officer

Particulars	Amount Rs. P.
Coins	
Notes with details	
Cheques with details	
Total.....	

FORM NO.151
(Order 37 Rule 14)
Court Receipt -Book

Book No. Receipt No.

1. Date of Receipt

2. Officer who Ordered Payment

3. CNR Number

4. Case Number & Year

5. Amount for which Receipt is Issued

6. To whom Issued

7. On what Account

8. How amount should be credited

9. Treasury or Sub-Treasury into which amount was or is to be paid

10. Number and date of Treasury or Sub-Treasury acknowledgment

11. Remarks

Cashier

Presiding Officer

Book No. Receipt No.

1. Date of Receipt

2. Officer who Ordered Payment

3. CNR Number

4. Case Number & Year

5. Amount for which Receipt is Issued

6. To whom Issued

7. On what Accountant

8. How amount should be credited

9. Treasury or Sub-Treasury into which amount was or is to be paid

10. Number and date of Treasury or Sub-Treasury acknowledgment

11. Remarks

Cashier

Presiding Officer

Book No. Receipt

Received from the sum of Rupees.....P..... (Rs.....) on account of In CNR Number Case No. & Year dated the.....day of 20

Cashier

Presiding Officer

FORM NO.152
(Order 38 Rule 1, Order 39 Rule 1)

Cover in Appeal or Revision Cases

(CNR Number.....)

Appeal/ Revision

- 1- Revision number of 20
- 2- Date of Institution
- 3- Date of Disposal
- 4- In the Court of
- 5- Name of Appellant or Applicant
- 6- Name of Respondent
- 7- Class of Record. vide Rule ...xxx
- 8- Particulars of the Case Appealed against:
 - (I) Name of the Court and name of the Presiding Judge
 - (II) Number and year of the Case
 - (III) Date of Institution
 - (IV) Date of Disposal
 - (V) Regular or miscellaneous
 - (VI) Police Station

FORM NO.130-CIVIL
(O26 R2)

FORM NO.153-CR.
(O38 R 4, O39 R4, O41 R1)

Requisition for Record

Court of the.....at.....
.....VS.....
Case No.....of.....

To

.....
.....

Dated the.....20.....

Kindly transmit to this Court the Record specified below. I have satisfied myself that the production of the Original Record is actually necessary. * The Record should reach this Court before.....20.....the next date of Hearing.

*Note.- Original Records should not be called at the instance of a private party if Certified copies are admissible in evidence to prove facts. for the proof of which the Record is required.

Name of the Court	Kind of Case	No. and Year	Title	Date of Disposal/ Hearing	Remarks

.....
Designation.....

FORM NO.154
(Order 38 R 5, Order 38 R 6) (Order 39 R 5)

**Notice of Appeal under Section 385(1) of the
Code of Criminal Procedure, 1973**

In the Court of Sessions Judge/Additional Sessions Judge.

Sessions Division/District.....

Dated.....Day of.....20

STATE
Versus

.....(Appellant)

Appeal against the Decision dated.....of.....
in CNR Number, Case No. & Year Offence u/s

Pursuant to Section.385 of the Criminal Procedure Code. 1973 (Act No. 11 of 1974), notice is hereby given that the Appeal of the Appellant named above will be heard and disposed of by this Court at.....on the.....() day of..... 20....

Sessions Judge/
Additional Sessions Judge.

To*

Here enter name of the Appellant or his pleader, or if Appellant be in jail, the Superintendent of the jail, on the one side; for notice on the side of the State enter the name of the Public Prosecutor or Additional Public Prosecutor, as the Case may be.

FORM NO.155
(Order 38 Rule 6) (Order 39 Rule 5)

Covering docket under which a notice to Appellant in Jail is to be sent

Sessions Judge's Office/Additional Sessions Judge's Office

No. 20.....

Dated the 20

FROM-

To-

The Superintendent
JAIL,

Enclosed notice in duplicate should be served on the marginally noted Appellant, at present a prisoner in your jail, and returned to this Court duly served and endorsed before the date fixed for Hearing.

Sessions Judge/
Additional Sessions Judge

475(198)

राजस्थान राज-पत्र, दिनांक 31, 2018

पृष्ठ 1 (ख)

FORM NO.156
(Order 40 Rule 3)

Certificate on the General Index before Transmission of Record

Certified that the Papers in the file have, on examination, been found to be in accordance with the entries in the index, that Court-fee stamps worth Rs.....are affixed, that all Orders have been carried out, and that the file is complete in every respect.

Record Keeper.

Reader.

Dated.....20.

Date of Receipt of Record	Date of return of Record.	Remarks

No.....

Dated.....20.

From.....

To.....

The Record detailed on the reverse is returned herewith. Kindly acknowledge Receipt .

.....
Designation.....

FORM NO.131-CIVIL
(Order 26 Rule 7)

FORM NO.157-CR.
(O40 R6, O41 R3)
Form for transmission of Record

From.....

To.....

Your Requisition letter No.....Dated.....in.....Case No.....of.....in your Court.....V.....was received hereon.....the following Record is herewith forwarded. Kindly acknowledge Receipt of the Record on the duplicate of this letter attached hereto. The Original Record may please be returned without delay after use.

Particulars of Records sent						
S. No.	Name of the Court	No. and Year	Kind of Case	Title	Date of Disposal	Remarks
1	2	3	4	5	6	7

.....
Designation.....

Acknowledgment of Receipt of Records

The Record detailed above was received in this Court on.....and has been entered in the Register of Records received under number.....and date.....

Dated.....20.....

FORM NO.158
(Order 40 Rule 7)

List of Record
Of

Case sent to the
Record -Room on 20.....

From the
Court of

Serial Number in the list	Kind of Case as per Original Application	Number with Register of Cases disposed of	Date of Disposal	Name of Complainant
1	2	3	4	5

Name of Accused	Police Station	Section and law under which charged	Class of Record	Number of Case in the Register of Institution	Date of Institution
6	7	8	9	10	11

Number of Pages in				Date of Destruction				Remarks
Part A	Part B	Part C	Part D	Part A	Part B	Part C	Part D	
12	13	14	15	16	17	18	19	20

.....
Reader's Signature

FORM NO.159
(Order 40 Rule 7)

List of Police Reports and Miscellaneous proceedings not filed with the Record of a regular Case.

Register Number	Name of Complainant	Name of Accused	Number of Papers	Date of destruction	Remarks
1	2	3	4	5	6

.....
Reader's Signature

FORM NO.160
(Order 40 Rule 7)

Invoice of Records Consigned to the Record -Room Invoice

Serial Number

Date of Dispatch

Number of Files

(1) With list of Police Reports and Miscellaneous proceedings not filed with the Record of a regular Case (F. XXVII)

(2) With list of Regular and Miscellaneous Cases (F. XXVII)

Class I

Class II

Signature of Reader

Invoice of Records consigned to the Record-Room

Serial Number

Dated 20.....

Number of files	
Entered in the list of Police Reports and Miscellaneous Proceedings (A, XXV-IV)	Entered in the list of Regular and Miscellaneous Cases etc. (F,)
Class I	Class II

.....
Reader's Signature

1. Record-Keeper does acknowledge Receipt of the aforesaid files and hereby certify that the number of files entered in each list corresponds with the number actually received.

.....

Signature of Record-Keeper

FORM NO.161
(Order 48 Rule 12)

Notice Prohibiting the Practice of Soliciting, Giving or Receiving Gratification

Any Peon, Process-Server or other Public Servant employed in this Court, who solicits, or receives any gratification from, or on behalf of, any person, will be summarily dismissed, and may also be Criminally prosecuted, and any person giving such gratification also renders himself liable to prosecution.

Station:

Date:

Officer's Signature

Court's Designation

APPENDIX

'E'

GENERAL RULES (CIVIL & CRIMINAL) 2017- REGISTERS

S.No.	Existing No.	New No.	Description	Order No.
GENERAL				
1	1	200	Staff Attendance Register: (I) Ministerial staff; (II) Non-Ministerial staff; (III) Process-Servers.	O 01 R 08
2	2	201	Judge's Attendance Register	O 01 R 13
3	9	202	Register of Applications and inspection of Records	O 02 R 09 O 02 R 16
4	10	203	Register of Applications for copies of Records	O 06 R 03 O 06 R 05 O 06 R 14
5	15	204	Cash Book for Photostat Copies	O 06 R 05
6	14	205	Inspection and Compliance Register	O 07 R 06
7	78	206	Stock Book of Stationery & other Consumable Articles	O 08 R 02
8	67	207	Register of Letters received	O 09 R 04
9	68	208	Register of Letters Issued	O 09 R 05
10	17	209	General Register of Correspondence Files & Closed Files	O 09 R 12 O 09 R 13
11	21	210	Register of General Letters and Circulars	O 09 R 15
12	70	211	No Format Prescribed (See Rule)	O 09 R 26
13	71	212	No Format Prescribed (See Rule)	O 09 R 26
14	39	213	Memorandum Book of dates for Cases	O 10 R 01
15	65	214	Register of Casual Leave	O 10 R 03
16	81	215	Register of Petitions to be maintained by Petition-Writers	O 11 R 11
17	82	216	Register of Licenced Petition Writers	O 11 R 13
18	72	217	General Register of Books & Periodicals	O 12 R 01
19	74	218	Register of Classified Catalogue of Books	O 12 R 01

20	75	219	Register of Books & Periodicals Issued from Library	O 12 R 05		
21	79	220	Register of Securities	O 14 R 06		
22	16	221	Register of Receipts of Deposits/ RePayment/ Lapsed amount	O 15 R 08		
23	19	222	Register of Applications for RePayment Orders	O 15 R 08		
24	22	223	Register of Revenue Receipts	O 15 R 08		
25	23	224	Register of Money Orders received	O 15 R 08		
26	24	225	Register of Payments made by Postal Money Order/Bank Draft	O 15 R 08		
27	25	226	Register of Tenders (Challan)/ eGrass for the Money Tendered in the Court	O 15 R 08	O 15 R 15	
28	27	227	Cash-Book (General)	O 15 R 08		
29	29	228	Register of Salary Bills/ T.A. Bills/ Invoices (Instead of these, use only Bill Transit Register)	O 15 R 08		
30	32	229	Establishment Order-Book (Centralised- to be kept only in Court of District Judge)	O 15 R 34		
31	33	230	Register of Articles deposited with Nazir	O 15 R 36		
			CIVIL			
32	7	231	Register of Process-Server's Diary	O 19 R 28		
33	3	232	List (Register) of Legal Practitioners Authorised to execute Commissions	O 20 R 43		
34	4	233	Register of Commissions Issued	O 20 R 43		
35	5	234	Register of Affidavits verified by Munsarim or Reader	O 20 R 51		
36	6	235	Register of Affidavits verified by Oath Commissioners	O 20 R 52		
37	46A	236	Register of Closed Registers	O 27 R 01		
38	46	237	Register of Injunctions and Stay Orders	O 27 R 01		
39	34	238	Register of Civil Suits	O 27 R 01		
40	36	239	Register of Execution Applications	O 27 R 01		
41	38	240	Register of Miscellaneous Judicial Cases not relating to other Cases	O 27 R 01		
42	39	241	Register of Returned Documents	O 27 R 01		
43	41	242	Register of miscellaneous Cases (Judicial) relating to other Cases	O 27 R 01		
44	42	243	Register of persons committed to jail	O 27 R 01		
45	43	244	Register of proceeding taken in execution of Orders received from the High Court	O 27 R 01		
46	48	245	Register of Appeals from Decrees	O 27 R 02		
47	50	246	Register of Miscellaneous Appeals	O 27 R 02		
48	52	247	Register of Revision Cases under the Gram Panchayat Act	O 27 R 03		

49	53	248	Register of Revision Cases under Rajasthan Relief of Agricultural Indebtedness Act, 1957	O 27 R 03		
50	44	249	Register of Records Requisitioned and Returned	O 26 R 08	O 27 R 01	O 41 R 04
51	55	250	Process Register	O 27 R 04		
52	56	251	Register of Peons (Process-Servers)	O 27 R 04		
53	57	252	Dispatch Register (Local)	O 27 R 04		
54	58	253	Dispatch Register (Postal)	O 27 R 04		
55	59	254	Register of Orders Issued to Amins	O 27 R 05	O 30 R 23	
56	60	255	Amin's Diary	O 27 R 06		
57	61	256	Amin's Proceeding Register	O 27 R 06	O 30 R 23	
58	62	257	Amin's Property/ Cash Register	O 27 R 06	O 30 R 23	
59	64	258	Register of Court-Fees and Process-Fees	O 27 R 07	O 43	
60	45	259	Register of Witnesses/ persons summoned and examined	O 27 R 01	O 43	
			CRIMINAL			
61	1	260	Register of Miscellaneous Criminal Cases	O 32 R 02		
62	3	261	Letter Delivery Book	O 35 R 12		
63	4	262	Register of Malkhana Articles	O 36 R 01		
64	6	263	Register of fines, compensation, deposits, penalties and Fees	O 37 R 08	O 37 R 17	
65	22	264	Register of complaints	O 43		
66	23	265	Register of regular Criminal Cases	O 43		
67	26	266	Register of Police Reports of Offences	O 43		
68	30	267	Register of Criminal Appeals	O 43		
69	32	268	Register of Criminal Revisions	O 43		
70	34	269	Register of Sessions Cases	O 43		
71	40	270	Register of Affidavits	O 45 R 02		
			MISCELLANEOUS			
72	80	271	Register of recognised Clerks of Pleaders	O 47 R 02		
73	83	272	Stock-Register	O 48 R 15		

REGISTER NO.200

(Order 1 Rule 8)

Staff Attendance Register (i) Ministerial Staff, (ii) Non-Ministerial Staff, (iii) Process Servers

S.No.	Name of Official	Initials and Time of Arrival in Office on																																Remarks	
		1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24																																	
		25 26 27 28 29 30 31																																	

Note- The Attendance of Class IV servants and Process-Servers shall be marked by person maintaining the Register

REGISTER NO.201

(Order 1 Rule 13)

Judge's Attendance Register

Date	Signature with time of arrival	If Court sitting time not observed as per rules, then details thereof with reason in brief	Remarks
1	2	3	4

REGISTER NO.202

(Order 2 Rule 16)

Register of Applications and Inspection of Records

S. No.	Date of Application	Value of stamp on Application		Name of Applicant	Whether the Applicant is (a) a party or his agent, or (b) a stranger	Particulars of the Record of which inspection is sought				
		Ordinary	Urgent			Of what Court	Kind of Case	Number and year of Case	Title of Case	Date of Decision/Hearing
1	2	3	4	5	6	7	8	9	10	11

Date and hour when Application received by concerned Clerk/ Record-Keeper	Date and hour of Receipt or Record by Inspection Clerk	Acknowledgement by Inspection Clerk	Inspection made on	Date and hour of Record by Inspection Clerk	Acknowledgment by Record Clerk/ Concerned Clerk	Remarks
12	13	14	15	16	17	18

475(208)

राजस्थान राज-पत्र दिनांक 31. 2018

आगत 1 (ख)

REGISTER NO.203
(Order 6 Rule 3, Order 6 Rule 5, Order Rule-14)

Register of Applications for Copies of Records

S. No.	Date of Application	Nature of Application		Name of Applicant	Whether- (a) Party, or (b) Stranger	Kind of Case	Number and year of Case	Title of Case	Date of Hearing/ Decision	Date and hour of Requisition of Record from the concerned	Date and hour when Application received by the Record-Keeper or Clerk-in-charge of Record/ concerned Court	Date and hour when Record was received by the Head Copyist
		Ordinary	Urgent									
1	2	3	4	5	6	7	8	9	10	11	12	13

Number of pages	Amount of copying fee estimated	Amount of copying fee paid in stamps	Amount of copying fee paid in cash	No.of entry in cash Book for Photostat copy (Reg.204)	Name of the photostat copier	Date fixed for Issue of copy	Date on which copy was ready	Date of Issue of notice to the Applicant (if Issued)	Date of delivery/ posting	Date and hour on which Record was returned by Head Copyist	Remarks
14	15	16	17	18	19	20	21	22	23	24	25

REGISTER NO.204
(Order 6 Rule 5)
Cash-Book for Photostat Copies

RECEIPTS						PAYMENT					
Date	Serial No. of Application entered in Register No. 203	Name of Applicant	Particulars of the Case	Amount Rs. P.	Receipt No. and Date	Date	Name of the Photostat copier	Amount paid to the Photostat copier	Amount refunded to Applicant, if any, balance left	Initials of Presiding Officer	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

REGISTER NO.205
(Order 7 Rule 6)

Inspection and Compliance Register

1. Inspection

Date of inspection	Name of Inspecting Officer	Date of Receipt of Inspection Note	Defaults and defects to be removed
1	2	3	4

2. Compliance

Pointwise compliance	Date of compliance	Name and signatures of official making compliance	Signatures and remarks of the Presiding Officer
1	2	3	4

REGISTER NO.206

(Order 8 Rule 2)

Stock Book of Stationery & other Consumable Articles

Date	Particulars	Number received	Invoice or Bill NO.	Number Issued	Closing balance	Signature of recipient	Remarks
1	2	3	4	5	6	7	8

REGISTER NO.207

(Order 9 Rule 4)

Register of Letters Received

S. No.	Date of Receipt	From whom received	Number of Letter	Date of Letter	Subject	Reference	Acknowledgement of official to whom handed over	Remarks
1	2	3	4	5	6	7	8	9

REGISTER NO.208
(Order 9 Rule 5)
Register of Letters Issued

S. No.	Date	To whom addressed	Subject or contents Reference	Acknowledgement of Nazir or dispatcher	Remarks
1	2	3	4	5	6

REGISTER NO.209
(Order 9 Rule 12, Order 9 Rule 13)

General Register of Correspondence Files & Closed Files

S. No.	Date of opening of File	Opening Letter		Date of closing of File		
		Number	Date	From	To	
1	2	3	4	5	6	7

Closing Letter				Subject	Head and sub-head in Index of closed files	Number and date of entry in Index of closed files	Date of consignment to Record	Date of weeding	Remarks
Number	Date	From	To						
8	9	10	11	12	13	14	15	16	17

REGISTER NO.210
(Order 9 Rule 15)

Register of General letter and Circulars

S. No.	Date of Receipt	Issuing Authority	Number and date of the Circular/ P.I./ S.O.	Subject	File on which placed	S. No. and page of the file	Acknowledgment of the official to whom copy delivered	Remarks
1	2	3	4	5	6	7	8	9

REGISTER NO.211

(See Order 9 Rule 26)

Service Books of Officials

475(214)

राजस्थान राज-पत्र, दिसम्बर 31, 2018

भाग 1 (ख)

REGISTER NO.212

(See Order 9 Rule 26)

475(216)

राजस्थान राज-पत्र, दिनांक 31, 2018

भोला १ (रुव)

भोला १ (रुव)

[illegible]

(Order 11 Rule 1.1)

भाग १ (ख)

राजस्थान राज-पत्र दिनांक २१ २०१०

(Order 11 Rule 13)

475(6.1.2)

[illegible]

475(218)

राजस्थान राज-पत्र दिनांक ३१ २०१३

THE

[illegible]

(Order 12 Rule 5)

Register of Books & Periodicals Issued from Library

Serial Number of Issue	Date of Issue	Name of the Book/ periodical	General serial number of Book/ Periodicals	Class and Sub-Head, if any	Sectional serial number	To whom Issued	Date of return
1	2	3	4	5	6	7	8

(Order 14 Rule 6)

Register of Securities

[illegible]

REGISTER NO.221

(Order 15 Rule 8)

Register of Receipts of Deposits/ RePayment/ Lapsed amount in the Court of 20.....

DETAILS OF DEPOSITS

S. No. of deposit	Date of deposit	From whom received	Name of Court Ordering deposit	Number and year of Case	Kind of Case	Title of Case	Nature of Deposit	Amount of deposit Rs. P.	Initials of Munsarim/ Reader	Initial of Judge
1	2	3	4	5	6	7	8	9	10	11

Note- The entry should be sufficient to explain why the amount is deposited.

DETAILS OF							Details of Lapsed and credited to Government								
Number and date of rePayment Order	Amount Rs. P.	Item number of the cash Book	Number of rePayment Voucher or cheque number	To whom paid	By Transfer in Account Number of Recipient Rs. P.	Date of rePayment	Initial of Nazir/Actts Clerk/ Munsarim	Initials of Judge	Total amount of deposit as per Col. 9	Total RePayment Rs. P.	Balance Amount lapsed and credited to Government Rs. P.	Date of Lapse	Initial of Reader/ Munsarim / Accts Clerk	Initial of Judge with date	Remarks
12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27

REGISTER NO.222

(Order 15 Rule 8)

Register of Applications for RePayment Orders in the Court of

Serial No.	Date of Application	Particular of the Case			Name of Applicant	Amount	Serial Number and the date of the Register of Receipt of Deposits	Application sent to Nazarat/ Record-Room / other Court	Date of Dispatch	Date of return
		Number and year of Case	Kind of Case	Titles of Case						
1	2	3	4	5	6	7	8	9	10	11

In Case of refund of lapsed deposit			Date of Issue of RePayment/ Refund Order to Applicant	Acknowledgement of the Applicant	Signature of Presiding Officer	Remarks
S.No. and date of lapsed Deposits	Number and the date of reference to the A. G.(T.O. (O.J)	Date of Receipt of A. G.'s/T. O.'s sanction				
12	13	14	15	16	17	18

REGISTER NO.223
(Order 15 Rule 8)
Register of Revenue Receipts

S. No.	Date of Realisation	S.No. of Tender Register	Treasury Voucher		Particulars of the Case			Name of Party paying	Act and Section under which Payment is made	Sale proceeds of unclaimed and escheated Property	Court Fees Realised in cash including Process-Servers and Amin's Fees, recoveries on account of Pauper Suits
			Number	Date	Number and year of Case	Kind of Case	Title of Case				
1	2	3	4	5	6	7	8	9	10	11	12

General Fees	Stamp Duty Penalty			Miscellaneous fee and fines			Recoveries of over Payment	Collection of Payment for Services rendered	Initials of Munsarim	Remarks
	Fines and forfeitures	Duty	Penalty	Record - Room Receipts	Other Receipts	Miscellaneous				
13	14	15	16	17	18	19	20	21	22	23

REGISTER NO.224
(Order 15 Rule 8)
Register of Money Orders Received

Particulars of the Case										
Date	Number and date of Money Order	From whom received	On what account	Number and year	Kind	Title	Amount of Money Order	Number and date of entry	Name or Number of Register in which Receipt is entered	Remarks
1	2	3	4	5	6	7	8	9	10	11

REGISTER NO.225
(Order 15 Rule 8)
Register of Payments made by Postal Money Order/Bank Draft

S. No.	In whose favour and on what account with reference to bill	Address to which sent	Amount payable	Commission if deducted	Net amount paid	Reference to entry in Cash Book	Postal Receipt /Bank Draft No. & Date	Payees Acknowledgement	Remarks
1	2	3	4	5	6	7	8	9	10

(Order 15 Rule 8, Order 15 Rule 15)

(Tender available on eGrass can be used in place of this)

[illegible]

(Order 15 Rule 8)

Cash Book (General)

(Cash Book as per GF&AR should only be used)

[illegible]

Month... Payments										
Date	Sub-Voucher Number	Particulars	Pay Rs. P.	Allowance Rs. P.	Contingencies		Miscellaneous Rs. P.	Total Rs. P.	Classification	Remarks
					Out of Permanent Advance Rs. P.	Out of Money drawn in anticipation of Payment Rs. P.				
11	12	13	14	15	16	17	18	19	20	21

REGISTER NO.228

(Order 15 Rule 8)

Register of Salary Bills/ T.A. Bills/ Invoices

(Instead of these, use only Bill Transit Register)

REGISTER NO.229

(Order 15 Rule 34).

Establishment Order Book (Centralised- to be kept only in Court of District Judge)

S. No.	Name of Court/ Establishment	Name of Post	Sanctioned scale of pay	Name of outgoing incumbent and his pay	Nature of vacancy	Period of vacancy	Orders passed by District Judge			Date when last incumbent relieved	Date when new incumbent took over	Remarks
							Name of person appointed/ posted	Period of which appointed	Salary			
1	2	3	4	5	6	7	8	9	10	11	12	13

REGISTER NO.230

(Order 15 Rule 36)

Register of Articles Deposited with Nazir

S. No.	Number & year of Case	Title of Case	By whom deposited	Nature of deposit	Description	Disclosed Weight	Date of deposit	Date of Disposal	Number and date of Order of Court	Nature of Disposal	Signature of recipient, if any	Initials of Judge	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14

REGISTER NO.231
(Order 19 Rule 28)

Register of Process-Server's Diary

Date	Particulars of work and time spent thereon	Signature of Nazir (or of Patwari or any Respectable person)	Remarks
1	2	3	4

REGISTER NO.232
(Order 20 Rule 43)

List (Register) of Legal Practitioners Authorised to Execute Commissions

S. No.	Date of Entry	Name of Legal Practitioner	Reference to number and date of District Judge's Order	Initials	Remarks
1	2	3	4	5	6

REGISTER NO.233
(Order 20 Rule 43)
Register of Commissions Issued

Serial Number	Date of Issue	Particulars of Case in which Commission is Issued	Name of the Commissioner	Commissioner's fee paid	Date of submission of Commissioner's Report	Initials of Presiding Officer	Remarks
1	2	3	4	5	6	7	8

REGISTER NO.234
(Order 20 Rule 51)
Register of Affidavits Verified by the Munsarim or Reader

S. No.	Date and time of making the affidavit	Title and number of the Case	Full particulars of the person making the affidavit	Particular of the person identifying him	Valuation of the stamp affixed on the affidavit	Initials of Presiding Officer	Remarks
1	2	3	4	5	6	7	8

REGISTER NO.235

(Order 20 Rule 52)

Register of Affidavits Verified by the Oath Commissioner

S.N o.	Date of time of making the affidavit	Particulars of the Case to which the affidavit relates	Full particulars of the person making the affidavit	Particulars of the person identifying him	Fee paid	Name of the Oath Commissioner before whom the affidavit is sworn	Signature of the Oath Commissioner	Remarks
1	2	3	4	5	6	7	8	9

REGISTER NO.236

(Order 27 Rule 1)

Register of closed Registers

List of Closed Registers in the Court.....

Name of Register.....

S. No.	Date of opening of Register	Date of closing of Register	Remarks
1	2	3	4

(Order 27 Rule 1)

[illegible]

(Order 27 Rule 1)

[illegible]

Appeal		Appeal from Appellate decree		Execution				Return of Execution				Remarks
No. and date of Appeal	Date and purport of Judgment in Appeal	No. and date of Appeal	Date and purport of Judgment in Appeal	Number and date of Application	Date of Order	Against whom	For what and amount, if any	Amount paid into Court	Mode of Satisfaction of Execution	If not satisfied, reason thereof	Appeal, if any, against Order in execution and if so, the result	Here note particulars of Order under: Order IX, R. 4 O. IX, R.9 O.IX, R.13 O.XII, R. 13 O.XII, R.9 and O.XLI, R. 23 and any Order of view or other similar Order with reference to any other Register in which the Suit may be entered.
14	15	16	17	18	19	20	21	22	23	24	25	26

1. All Suits when instituted in a Court shall, in the Register of that Court, receive a serial number of the year of Institution, and such serial number shall, in all subsequent entries relating to such Suit, continue to be the serial number of the Suits.

2. A plaint in a Suit where a minor is impleaded as a Defendant shall be entered at once in this Register, if the plaint is found to be in Order.

REGISTER NO.239

(Order 27 Rule 1)

Register of Execution Applications

Date of Application	Number of Application in this Register	S. No. and year of Institution of Suits	Name of the Parties to the Application	Date of Decree or Order	Name of Court which passed the decree	Date of last preceding Application if any, for execution	Relief sought to be obtained by execution	Cost incurred after Institution of Application not in column 8
1	2	3	4	5	6	7	8	9

How disposed of													
Whether decree or Order was transferred to another Court under Section 39	Whether the Application was wholly infuctuous	Whether satisfaction was obtained in full	Whether satisfaction was obtained through the Court	Whether satisfaction was obtained through ADR	Whether adjustment was made under Order XXI, Rule 2	Whether the Judgment debtor was imprisoned	Name and designation of the Judgment debtor whose salary was Ordered to be withheld under Order 21, R. 48	Amount of debt for which salary is Ordered to be withheld	Amount of salary Ordered to be withheld	Amount realized under Order	Date of final Disposal	Remarks	
10	11	12	13	14	15	16	17	18	19	20	21	22	23

Application under Section 39 of the Act No. V of 1908, though not themselves Applications shall also be entered in this Register but in red ink so that they may not be included in the totals of Applications for execution. Copies of decrees and Orders received under Order, XXI, Rule 6, shall be entered in red ink.

An entry shall be made in the Register of every oral Application made under Order XXI, Rule 11.

Precepts under Section 46 of Act No. V of 1908 shall be treated like Applications under Sections 39 by the Court issuing them and like Applications for execution by the Court receiving them for necessary action.

REGISTER NO.240

(Order 27 Rule 1)

Register of Miscellaneous General Cases not relating to Other Cases

Date of Institution	How instituted (1) On claim (2) Received by transfer (3) Remanded, Order XXI, Rule 23 (4) On review Order XXI, Rule 11 (5) Revived Order IX, Rule 4 Order IX, Rule 9 Order IX, Rule 12, 13 or Order XXI, Rule 2	Number of Case	Name, Description and place of abode of Plaintiff or Appellant	Name, Description and place of abode of Defendant or Opposite Party	Nature of Case	Date of Disposal
1	2	3	4	5	6	7

HOW DISPOSED OF									
Without Trial	After full Trial		Appeal		Appeal from Appellate decree		Execution		
ADR/ Ex-parte/ On Admission of Claim/ - Compromise/ by Transfer	Judgment for Plaintiff	Judgment for Defendant	Number and date of Appeal	Date and purport of Judgment in Appeal	Number and date of Appeal	Date and purport of Judgment in Appeal	Number and date of Application	Date of Order	Against whom
8	9	10	11	12	13	14	15	16	17

Relief Claimed	Amount of Costs	Return of Execution			Remarks
		Fully Satisfied	Partly Satisfied	Not Satisfied (inexecutable)	
					Here note particulars of Order under- Order IX, Rule 4 Order IX, Rule 9 Order IX, Rule 13 Order XLI, Rule 23 Order XXII, Rule 9, and any Order of review or other similar Order with reference to any other Register in which the Suit may be entered.
18	19	20	21	22	23

Note- This Form shall be used for the following proceeding, when these do not relate to or arise of Suits or otherwise.

- (1) Order rejecting or returning Plaints or Memoranda of Appeal which have not been entered in the Register of Suits or of Appeals.
- (2) Miscellaneous Criminal Proceedings under Order XVI, Rules 12 and 17 of Act No. V of 1908 and Sections 195, 340, 343 and 345 of Act No. II of 1973.
- (3) Commissioners under Order XXVI, Rule 4 of Act No. V of 1908 for the examination of Witnesses, received from other Courts and executed by the Court.
- (4) Applications under Order XXX, Rule 1 and Order XLV, Rule 1 for permissions to sue or Appeal as indigent, when rejected.
- (5) Applications under Act No. VIII of 1890 (Guardian & Wards Act).
- (6) Cases, not being/Suits or proceeding in Suits under the Land Acquisition Act.
- (7) All other judicial proceedings in Civil Courts not relating to or arising out of Suits, Appeals or the execution of a decree or Order passed in a Suit or Appeal. This Form shall be used for the above Case and for no other Cases, and shall be maintained, mutatis mutandis in the same manner as the Register of Civil Suits.

REGISTER NO.241
(Order 27 Rule 1)
Register of Returned Documents

Serial Number	Name of Court in which document filed	Number and year of Case	Kind of Case	Name of Parties	Description of documents with date	Name of Parties to or named in the document	Date when document filed	Date of Order for return	Date of actual return	Signature of officer Ordering return	Name of party to whom document returned	Signature of the person receiving the document	Signature of Witness before whom document returned and who identified the recipient	Signature of official making return	Whether certified copy of document was submitted for Original under Order XIII Rule 9	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

REGISTER NO.242
(Order 27 Rule 1)

Register of Miscellaneous Cases (Judicial) Relating to Other Cases

Serial Number	Date of Institution	How instituted		Number of Case	Other Case (if any) to which Application refers	Names of Parties	Nature of Case as given in the foot note below	Date of Disposal	Dispose Of		Appeal			Remarks	
		Whether Original ly instituted or received on remand, review or revival	Whether received by transfer from another Court						Without Trial	After Full Trial	Date of Institution	Date of Disposal	Judgment		
									ADR/ Ex- parte/ On Admission of Claim/ Compromise / by Transfer/ Otherwise	Judgment for Plaintiff					Judgment for Defendant
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

Note - Descriptive list of miscellaneous Cases, judicial,-

- (1) Orders rejecting or returning Plaints or Memoranda of Appeal.
- (2) Applications under Section 22 and 24 of Act No. V of 1908 to transfer a Suit pending in a subordinate Court.
- (3) Application to an Appellate Court to withdraw or transfer an Appeal, Sec. 24
- (4) Applications under Order IX Rule, 4 Order IX Rule 9, Order IX Rule 13, Order XLI Rule 19 and Order XLI Rule 21 for the restoration to the file of a Suit or Appeal dismissed on default or decreed ex-parte.
- (5) Case under Section 47 and Order XXI Rule 16 of Act No. V of 1908
- (6) Inquiries under Order XXI Rule 2 on Application of Judgment Debtor as to Payment to Decree Holder.
- (7) Claims to and objections to the attachment of attached Property under Order XXI Rule 58 and Order XXXVIII Rule 8.
- (8) Applications under Order XXI Rule 66 by lien holders to notify their encumbrances not ascertainable through the Registrars and Collectors offices.
- (9) Proceedings under Order XXI Rule 72.
- (10) Applications under Order XXI Rule 90 to 93
- (11) Applications for delivery of possession under Order XXI Rules 95 to 96.
- (12) Complaints under Order XXI Rule 97, by decree holder of purchaser of resistance to possession being given.
- (13) Applications under Order XXI Rule 100.
- (14) Commissions under Order XXVI Rule 4 for the examination of Witnesses received from other Courts and executed by the Court.
- (15) Applications under Order XXXIII Rule 2 for permission to sue as Indigent person.
- (16) Applications for readmission or reHearing of an Appeal, Order XLI Rules 19 and 21.
- (17) Application for leave to Appeals an Indigent Person, Order XLIV Rule 1
- (18) Applications under Order XLVII Rule 1 of CPC for review of judgment.
- (19) Applications under Section 152 of Act No. V of 1908.
- (20) Miscellaneous Criminal proceedings under Sections 195, 340, 343 and 345 (1) of Act No. II of 1973 when not arising out of Suits or other Cases.
- (21) Uncontested Applications for Probates and letters of administration under Act No. XXXIX of 1925, and Applications for the revocation of such Probates or letters.
- (22) Applications under Sections 83 of Act No. IV of 1882 (Transfer of Property Act).
- (23) All other judicial proceedings relating to or arising out of Suits or other Cases.

REGISTER NO.243

(Order 27 Rule 1)

Register of Persons committed to Jail

Serial Number	Number of Cases in which Commitment was directed and name of Parties	Date of Commitment	Name of person committed with Description and place of abode	Grounds of Commitment with Section of Code of Civil Procedure or other law	If Commitment was made under Section 55 of the Code of Civil Procedure amount of Judgment debt sought to be recovered	Term of imprisonment	Date of release	Remarks
1	2	3	4	5	6	7	8	9

REGISTER NO.244

(Order 27 Rule 1)

Register of Proceedings Taken in Execution of Orders Received from the High Court

				Particulars of Cases					
					Name of .				
Date of Receipt of Order	Date of Order	Date within which execution is directed	Nature of Order	Number of Case in High Court	Plaintiff or Appellant	Defendant or Respondent	Before High Court in first or Second Appeal from Decree or from Order or in Revision	Date of return of Order executed or explained for non-execution	Remarks
1	2	3	4	5	6	7	8	9	10

REGISTER NO.245

(Order 27 Rule 2)

Register of Appeals from Decrees

Date of Presentation of Memorandum	How instituted i.e. (1) Original ly presented; (2) Received by Transfer (3) Remanded O. XLI, R. 23 (4) Reviewed O. XLVII, R. 4 (5) Revived O. XLI, R 19 and R. 21	Number of Appeal	Name of Applicant with Description and place of abode	Name of Respondent with Description and place of abode	Decree Appealed from			
					Of what Court	Number of Original Suit	Nature of Suit	Valuation
1	2	3	4	5	6	7	8	9

How disposed of				
Whether objection under Order XLI, 22 was preferred	Summarily rejected/ transferred/ ADR/ Dismissed for want of prosecution/ Dismissed in Default	Confirmed/ Modified/ Reversed/ Remanded	No. of Papers on the Record	Remarks
1	11	12	13	14

Note : All Appeals when instituted in a Court shall, in the Register of that Court, receive a serial number of the year of Institution, and such serial number shall, in all subsequent entries relating to such Appeal continue to be the serial number of the Appeals.

REGISTER NO.246
(Order 27 Rule 2)

Register of Miscellaneous Appeals

Date of Presentation of Memorandum	How instituted i.e. (1) Original ly presented; (2)Received by transfer (3) Remanded O.XLI, R. 23 (4) Reviewed O. XLVII, R. 4 (5) Revived O. XLI, R 19 and R. 21	Number of Appeal	Name of Applicant with Description and place of abode	Name of Respondent with Description and place of abode	Order Appealed from			
					Of what Court	Number of Original Suit	Nature of Suit	Valuation
1	2	3	4	5	6	7	8	9

Whether objection under Order XLI Rule 22 was preferred	How disposed of		No. of Papers on the Record	Remarks
	Summarily rejected/ transferred/ ADR/ Dismissed for want of Prosecution/ Dismissed in Default	Confirmed/ Modified/ Reversed/ Remanded		
10	11	12	13	14

- All Appeals when instituted in a Court shall, in the Register of that Court, receive a serial number of the year of Institution, and such serial number shall, in all subsequent entries relating to such Appeal continue to be the serial number of the Appeals.

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REGISTER NO.249
(Order 26 Rule 8, Order 27 Rule 1, Order 41 Rule 4)
Register of Records Requisitioned and returned

S. No.	Particulars of Case for which Record Requisitioned				Number and date of the Requisition letter	To whom Requisition sent
	Number and Year	Kind of Case	Title of Case	Date of Hearing		
1	2	3	4	5	6	7

Of what Court	Particulars of the Record Requisitioned				Date of Receipt of Requisition	Date by which Record is required
	Title	Kind of Case	Number and year of Case	Date of Decision/ Hearing		
8	9	10	11	12	13	14

Name of Court sending for Record	Date of Receipt of the Record	From whom Received	Date of the return of the Record	To whom returned	Number and date of the Dispatch Register	Remarks
15	16	17	18	19	20	21

REGISTER NO.250

(Order 27 Rule 4)

Process Register

S. No.	Date of Issue	Court	Number of Case and name of Parties	Date of Receipt for Issue	Date fixed for returned to Nazir	Date fixed for Hearing	Nature of Process & Number of copies for Service	Within 10 Km. radius	Outside 10 Km. radius
1	2	3	4	5	6	7	8	9	10

Name of Process-Server	Amount, if any, paid to Process-Server for Expenses	Date of Service	Place of Service	Unspent Process Money, if any	Date of return of Process to the Court of Issue	Signature of official acknowledging Receipt of return of Process	Remarks
11	12	13	14	15	16	17	18

Entries shall be made in the Order in which the Process are Issued.

The Presiding Officer of the Court shall from time to time ascertain that the work is fairly distributed among the peons.

REGISTER NO. 251

(Order 27 Rule 4)

Register of Peons (Process-Servers)

S. No.	Date of return of Process to Nazir	Number of Processes executed	Number of Processes not executed	Number of Processes served personally	Number of Processes not served personally	Number of Processes returned unserved	Any other work done by the Process-Server	Remarks
1	2	3	4	5	6	7	8	9

Note-

- (1) A separate page shall be allotted in this Register for every Process-Server
- (2) Entries shall be made upon the return of Process-Server after serving or returning without Service.
- (3) At the end of the month, the several columns shall be totalled up.

REGISTER NO.252

(Order 27 Rule 4)

Dispatch Register (Local)

Date	Number and Date of Paper	Branch or Section	Description of Paper or Papers	To whom addressed	Acknowledgement of person receiving Paper or Papers	Remarks
1	2	3	4	5	6	7

REGISTER NO.253
(Order 27 Rule 4)

Dispatch Register (Postal)

Date	Number and date of Paper	Branch or Section	Description of Paper or Papers	To whom addressed	Weight of Letter or Parcel	Value of postage stamps affixed	Remarks
1	2	3	4	5	6	7	8

REGISTER NO.254

(Order 27 Rule 5, Order 30 Rule 23)
Register of Orders Issued to Amins

										Amount received by Amin for incidental expenses that is, other than those entered in the Cash Register										Disposal of amount received for incidental expenses									
Date of compliance																													
S. No.	Number of Case	Title of Case	Nature of Order	Name of Amin	Date of Order	Date of delivery of Order to Amin	Time allowed for compliance	Within time allowed	Beyond it	Date of entry in the Register or Receipts of deposits	Number of items in the Register	Amount	Date	Amount	Disbursed		Returned												Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30

Note- If the Order be not complied with, within the time allowed, the nature of the Order passed regarding the delay should be indicated in the remarks column.
Note in red ink the extension allowed below the date initially fixed for the return of Process.

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REGISTER NO.257

(Order 27 Rule 6, Order 30 Rule 23)

Amin's Property and Cash Register**General Entries**

S. No.	Date of Receipt	Court by which Ordered attachment/ Issued Process	Number and year of Case	Name of Parties	Number and Date of Order for Execution	Abstract of Order
1	2	3	4	5	6	7

Entries With regard to Property				Entries With regard to Cash			Remarks
Description of Property	Name of Reputed Owner	Particulars as to Immediate Custody	Date of Disposal	Amount Realised	Name of person from whom Realised	Date of Payment into Treasury or Court	
8	9	10	11	12	13	14	15
							16

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REGISTER NO.258
(Order 27 Rule 7, Order 43 -Appendix 'E')
Register of Court Fees and Process Fees

Date	Number of Case and names of Parties	Description of Paper	Name of payer	Court fee					Total
				On plaint or Memorandum of Appeal	On copies and translation	On Probates, Certificates and letters of administration	Other Court Fees		
1	2	3	4	5	6	7	8		

Process fee													Total
Summons of notices to Defendants or Respondents	Summons to Witnesses	Warrant of Arrest	Other Processes	Emergent	Commissioner's Fee	Order of attachment	In respect of Services of Attaching Officer	In respect of Order of Sale	Sale Fee	Poundage	Other Fees		
10	11	12	13	14	15	16	17	18	19	20	21	22	

Inspection Fees	Search Fees	Grand Total	Advocate Welfare Fund	Signature of the person to whom the Paper was delivered	Refund			Remarks
					Number and date of Certificate	Nature of Fees refunded	Amount	
23	24	25	26	27	28	29	30	31

1. All Court-Fees, and Process-Fees, impressed on or affixed to the Papers filed in Court, shall be entered in their appropriate columns in this Register, as soon as a Paper is presented to the officer presiding in a Court or to his Munsarim with a view to having the same brought on the Record, and a note "entered" shall be placed under each stamp, with the date and the

initials of the Official-in-charge of this Register.

2. The entries in columns 5 to 25 shall be totalled daily, weekly, monthly, quarterly and annually.
3. Commission Fees, paid for the Services of Amins, shall be entered in column 21, and those paid to other persons in column 15.
4. Both the ad valorem and fixed Fees on plaints, memoranda of Appeals and Applications for review of Judgment shall be entered in column 5.
5. When sale, attachment, etc. are made by a person other than a Civil Court Amin, Process-Fees paid for the Services of such person shall be entered in column 13 and a note of such Service shall be made in the column of remarks.
6. Particulars of stamps on copies which Court-Fees have been paid before Issue and or, Translations, Certificates, Probates and Letters of Administration shall be entered in the Register of the Court which Issues the document. Stamps attached to copies after Issue in Order that the copies may be filed, shall be entered in the Register of the Court in which the copies are filed.
7. The entries relating to Applications for copies shall be shown as one party, the particulars being obtained at the end of each day from corresponding Register. The only columns to be used for these entries will be columns 1, 8, 9 and 25.

REGISTER NO.259
(Order 27 Rule 1, Order 43 Appendix-F)

Register of Witnesses/ persons summoned and examined

[illegible]

Not examined and directed or bound over to attend an Adjourned Hearing	Rate of Diet Allowance according to rules in force	Details of Allowances paid					Total of Pay Order	Signature of			Remarks
		Number of days allowed for journey	Number of days detained at Court	Amount of Diet Allowances	Amount of travelling Expenses	Total of column 16 & 17		Signature of Nazir	Payee	Officer before whom paid	
15	16	17	18	19	20	21	22	23	24	25	26

REGISTER NO.260

(Order 32 Rule 2)

Register of Miscellaneous Crl. Cases

S. No.	Date of Application	Name and Description of Applicant	Name and Description of Opposite Party	Particulars of Application
1	2	3	4	5

Act and Section of Act, under which preferred	Final Order with date	Particulars of any Order made on Appeal or Revision	Remarks
6	7	8	9

475(248)

राजस्थान राज-पत्र, दिसम्बर 31, 2018

भाग 1 (ख)

(Order 35 Rule 12)

Court of.....

Letter Delivery Book

[illegible]

REGISTER NO.262

(Order 36 Rule 1)

Register of Malkhana Articles

[illegible]

Signature of Receiver	AtteStation	Date and time of Transaction - Removed	Date and time of Transaction - Placed	Property sold	Date of Sale	Amount of Sale Proceeds	Treasury Voucher number and date	Legible Signatures of the Assistant Nazir/Official	Legible Signatures of the Presiding Officer/Officer- in-charge	Remarks
13	14	15	16	17	18	19	20	21	22	23

REGISTER NO.263
(Order 37 Rule 8, Order 37 Rule 17)
Register of fines, compensation, penalties and Fees

S. No.	Number & year of Case	Title of Case	Particulars of Offence	Date of Order	Persons fined or Order to Pay	
1	2	3	4	5	6	
Amount & Whether- A. (i) Fine to be credited to Government account. (ii) Fine to be credited to local fund account. B. Deposit C. Penalties D. Fees. E. Compensation etc.			Amount awarded as Compensation or Reward	Date of warrant for levy		Realised
				Date	Amount	
7			8	9	10	11

Number of Court Receipt	Number and Date of Treasury Receipt	Amount paid as Refund Compensation, or Reward		Written off as irrecoverable or remitted in Appeal		Remarks
		Date	Amount	Date	Amount	
12	13	14	15	16	17	18

REGISTER NO.264

(Order 43)

Register of Complaints

S. No.	Date of Receipt of complaint	Name and Description of Complainant	Kind of Offence	Section and Act	Date	ORDER OF COURTS				Remarks
						Complaint dismissed under Section 203, Cr. P. Code		Case brought to Trial	Reference to number in the Register of Criminal Case	
						After Enquiry	Without Enquiry			
1	2	3	4	5	6	7	8	9	10	11

3

REGISTER NO.265
(Order 43)
Register of Regular Criminal Cases

S. No.	Date of bringing the Case to Trial or to Reference or Transfer	Reference to entry (number and date) of the Register of complainants or of Police Reports, as the Case may be, to Case number in the first Court in Cases referred or transferred	Offence of which cognizance was taken, with Act, and Section	Name, Parentage, Caste, Residence and Age of each person brought to Trial
1	2	3	4	5

Entries of Disposal							
Date of appearance of each Accused	Date of Decision	Died, escaped or transferred to another Court/ withdrawal from Prosecution	Act and Section of Offence regarding which a Decision was given as to each Accused, with Abstract of Order of sentence	Number of days Case lasted	Class of Record under Rule 148	Note of result in Appeal or Revision with date	Remarks
6	7	8	9	10	11	12	13

REGISTER NO.266
(Order 43)
Register of Police Reports of Offences

S. No.	Date of Receipt of Report in-Court under Section 157, Cr.P.C.,1973	Date of First Information Report to Police	Date of Offence	Name of Police Station	Number and Date of Parcha	Kind of Offence	Section and Act	Date of Receipt of Final Investigation Report from Police under Section 173, Cr.P.C.,1973
1	2	3	4	5	6	7	8	9

Number of days during which the Case remained under Investigation	Order of the Court on Police Station					Miscellaneous		Remarks
	Date	Case struck off as false	Case filed as Accused untraceable	Case brought to Trial	Reference to number in the Register of Criminal Cases	Date of Receipt of Report	Nature of Report & Abstract thereof	
10	11	12	13	14	15	16	17	18

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विशेष विज्ञापन-७३, दिनांक ३१, २०१८

475(253)

REGISTER NO.267

(Order 43)

Register of Criminal Appeals

S. No.	Date of Presentation of Petition or its Receipt in the office	Name and Description of the Appellant	Name and Description of the Respondent	Particulars of Original Case				
				Name of Magistrate	Number and year of the Case	Police Station	Name, etc. of Accused	Date of Decision
1	2	3	4	5	6	7	8	9

Abstract of sentence or Order Appealed against	Result of Appeals							
	Date of Requisition of Record	Date of Receipt of Record	Date of Disposal of Appeal	Died, escaped or transferred to another Court	Result with Abstract of Order or Sentence	Number of days Appeal lasted	Result, with date of Order in Revision, if any	Remarks
10	11	12	13	14	15	16	17	18

REGISTER NO.268

(Order 43)

Register of Criminal Revisions

Serial Number	Date of Application, if any, and of the Order calling for Record	On whose Application or behalf of the Revision is	
		Complainant	Accused
1	2	3	4

Particulars of Original Case						Date of Requisition for Record	Date of Receipt of Record	Result of Cr. Revision			Remarks
Name of Magistrate	Serial Register number	Police Station	Name etc., of each Accused	Date of Order under Revision	Abstract of Order under Revision			Died, escaped or transferred to another Court	Result of Decision in Revision with Abstract of Order	Number of days the Case lasted	
5	6	7	8	9	10	11	12	13	14	15	16

REGISTER NO.269
(Order 43)
Register of Sessions Cases

Serial Number	Date of Commitment or Receipt on transfer or Institution under Sec.345(1)	Name of Committing Magistrate	District	Serial Register number (in the Committing Magistrate's Court)	Police Station	Name, Parentage, Residence of each person Committed	Offence(s) for which charge sheeted	Date of Receipt of Record from the Committing Magistrate
1	2	3	4	5	6	7	8	9

Date fixed for Proceeding under Sec. 226	Whether discharged under Sec.227	Whether Case sent Under Sec. 228(1)(b)	Offences for which charge(s) framed under Section 228(1)(b)	Date fixed for Trial	Date of Decision of Case	Died, escaped or transferred to another Court	Act and Section of Offence regarding which a Decision was given as to each Accused, with Abstract of Order of sentence	No. of days the Case was pending	Class of Record	Remarks
10	11	12	13	14	15	16	17	18	19	20

REGISTER NO.270
(Order 45 Rule 2)
Register of Affidavits

S. No.	Name of the Court	Particulars of the Case	Full Description of the Deponent	Signature of the Deponent	Full Description of the Identifier	Signature of the Identifier	Fee charged	Remarks
1	2	3	4	5	6	7	8	9

REGISTER NO.271
(Order 47 Rule 2)

Register of Recognised Clerks of Pleaders

S. No.	Date of Application	Date of entry in Register	Name and Description of Clerk	Name of Pleader	Remarks
1	2	3	4	5	6

REGISTER NO.272
(Order 48 Rule 15)

Stock Register

Date of Receipt	Name and Description of Article	Number of places	From whom received	Cost	Reference to number and date of Contingent Bill	Initials	Date of Disposal	Number of pièces disposed of	Value Realised	Reference to number and date of Treasury Voucher	Initials
1	2	3	4	5	6	7	8	9	10	11	12

**APPENDIX
'F'**

GENERAL RULES (CIVIL & CRIMINAL), 2017- RETURNS

S. No.	Existing No.	New No.	Description	Order & Rule
GENERAL & CIVIL				
1	1	1	Weekly Certificate of check of Nazir's cash Balances	Order 15 R 22
2	2	2	Monthly Attendance Register of Subordinate Courts (at headquarters) and true copies of such Registers of outlying Courts Copy of the District Judge's monthly Attendance Register	Order 01 R 13
3	4	3	Monthly Statement showing the grand totals of amounts of Receipts under Head 065-administration of Justice Monthly statement	Order 15 R 37
4	9	4	Quarterly list of Cases in which Part C is weeded out and in which there are cumbrous and bulky exhibits which have not been put up with the Record of the Trial	Order 25 R 24
5	5	5	Quarterly statement of work done and of pending; (a) in Subordinate Courts; (b) In a District Court; (c) In Courts subordinate to a District Court	Order 28 R 01
6	6	6	Quarterly statement of pending regular Suits and executions stayed by Orders passed by High Court	Order 28 R 02
7	27	7	Annual statement showing the number of Process serving peons employed and Fees received for their Services.	Order 28 R 07
8	28	8	Annual statement showing the income and expenditure of Civil Courts	Order 28 R 07
9	29	9	Annual Report of Administration of Justice from District & Sessions Judge	Order 28 R 03 Order 44 R 05
10	30	10	Annual confidential remarks about Subordinate Judicial Officers	Order 28 R 04
11	31	11	Annual Return of all Landed Property Acquired or Parted with by the District Judge and by all the Subordinate Judicial Officers during the Preceding Calendar Year	Order 10 R 05
12	31-A	12	Annual Return of the landed Property held by the Judicial Officers appointed during the proceeding calendar year.	Order 10 R 05
13	36	13	Report of Inspection of Sub-ordinate Courts by District & Sessions Judges	Order 07 R 01
14		14	Report of Inspection of Chief Judicial Magistrate	Order 07 R 02
15	37	15	Report of Inspection by Presiding Officers of their own offices	Order 07 R 03
16	38	16	Report of Inspection of District & Sessions Judge's Authorization to Chief Judicial Magistrate or Officer-in-charge for inspection of different Sections	Order 07 R 04
17	39	17	Report of Inspection by the Reader or Senior Munsarim	Order 07 R 05
18	40	18	Report of casualty among Judicial Officers	Order 48 R 01
19	42	19	Transmission of a copy of Register of Casual Leave taken by a Judicial Officer subordinate to a District Judge when he is transferred to another District	Order 48 R 07
20	43	20	Report of loss of key of Safe	Order 48 R 09

No Format

No Format

No Format

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CRIMINAL				
21	1	21	Quarterly statement of Maikhana Articles.	Order 36 R 19
22	2	22	Monthly statement showing demand, collection and balance of fines levied and written off in the Court of.....for the month of.....20...	Order 37 R 20
23	3	23	consolidated figures of collection of fines etc., shown courtwise of the judgeship.....for the month of 20.....	Order 37 R 20
24	4	24	Monthly statement of fines pertaining to Municipal Funds	Order 37 R 21
25	5	25	Report of a Periodical Return being blank	Order 44 R 02
26	6	26	Sessions Statement	Order 44 R 03
27	14	27	Annual statement showing the number of Witnesses (including complainants) examined and discharged without examination, the period of their detention and the sum paid to them as Diet and travelling expenses in the District.....	Order 44 R 04
28	17	28	Annual statement showing the number of Sessions Judges and Magistrates employed to dispose of Criminal work in the judgeship	Order 44 R 05
29	21	29	Annual Criminal Report from District Magistrate	Order 44 R 07
			Other Administrative Returns not provided in the Rules	
		AR-1	statement in which periodically examination of under trial prisoners is required by the medical officer as provided in section 39 of mental health act for the half year ending	
		AR-2	statement in which under trial prisoners is in custody for more than the maximum period of imprisonment prescribed for the offence (other than life imprisonment/ death penalty) required examination by the medical officer to consider discharge as per section 40 of mental health act for the..... half year ending.....	
		AR-3	statement showing the cases under the pre-conception and pre-natal diagnostic techniques (prohibition of sex selection) act 1994 at the stage of trial without framing charges by concerned trial courts	
		AR-4	statement showing progress of cases of under trial prisoners ... month ... year	
		AR-5	monthly statement of persons in judicial custody year	
		AR-6	statement in which under trial prisoners released in accordance with sub section (1) of section 330 of code of criminal procedure, if they have completed five or more years as inpatient for the..... half year ending	
		AR-7	statement of periodical examination of under trial prisoners (charged with grave offences in which life imprisonment or death penalty is punishment) about their fitness for trial	
		AR-8	Statement showing progress Report of pending Cases against sitting MP & MLA u/s 8(1), 8(2), 8(3) of RePresentation of People Act, 1951 for the month of year.....	
		AR-9	Statement showing P/I/D/B of Cases related to Woman Atrocities for the month of Year	
		AR-10	Statement showing P/I/D/B of Cases related to PCPNDT Act for the month of Year	
		AR-11	Statement showing P/I/D/B of Cases related to SC/ST (Servarion Dwara Atyachar) for the month Year	
		AR-12	Consolidated Statement showing Pending, Institution, Disposal & Balance of Cases in Juvenile Justice Board for the month of Year	
		AR-13	Monthly Statement regarding Disposal of Embezzlement Cases against the Govt. Servants for the month of ... Year	

	AR-14	Consolidated Statement showing P/I/D/B of Cases for the month of	
	AR-15	Quarterly statement of Civil & Criminal Cases	
	AR-16	Monthly Statement regarding pending Cases of PCPNDT Act for the month of ... Year ...	
	AR-17	Quarter Statement of Institution, Disposal & Pendency of Criminal & Civil Cases as on.....	
	AR-18	Consolidated Statement Showing Civil and Criminal Cases in as on.....	
	AR-19	STATEMENT SHOWING THE YEARWISE BREAKUP OF THE PENDING CASES	
	AR-20	Consolidated Statement Showing Civil and Criminal Cases in Judgeship as on.....	
	AR-21	Quarterly Statement v/s NDPS Act. 1985 of Judgeship	

RETURN NO.1

(Order 15 Rule 22)

Weekly Certificate of Check of Nazir's Cash Balances

"I certify that I have personally examined the Registers and counted the cash balance in the hands of the Receiving Officer and have found the same to be correct"

RETURN NO.2

(Order 1 Rule 13)

Monthly Attendance Register of Subordinate Courts (at Headquarters) and True Copies of such Registers of Outlying Courts or Copy of the District Judge's Monthly Attendance Register

Date	Signature with time of arrival	If Court sitting time not observed as per rules, then details thereof with reason in brief	Remarks
1	2	3	4

RETURN NO.3

(Order 15 Rule 37)

Monthly Statement Showing the Grand Totals of Amounts of Receipts under Head 065-Administration of Justice

Name of Court	Head of Revenue Receipts														
	Sale proceeds of unclaimed and escheated Property	Court Fees realized in Cash	General Fees, fines and forfeitures	Miscellaneous Fees and fines	Miscellaneous	Recoveries of over Payments	Collection of Payments for Service rendered								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

RETURN NO.4

(Order 25 Rule 24)

Quarterly List of Cases in which Part 'C' is Weeded Out and in which there are Cumbersome and Bulky Exhibits which have not been put up with the Record of the Trial

S. No.	Name of Court	Number and year of the Case	Date of Decision	Names of Parties	Names of Pleaders	Number and Description of Exhibits	Name and address of the person by whom produced	Remarks
1	2	3	4	5	6	7	8	9

RETURN NO.5 (PART-I)
(Order 28, Rule 1)

Quarterly Statement of Work Done in the Court of

Statement of work of Shri for the quarter of 20...

Working days in the quarter calculated as under:-

Number of days in the quarter.....

Less;

Sunday, Second Saturdays and holidays Leave days

Saturday reserved for execution

and Miscellaneous Cases

For other reasons to be stated

Balance of working days for judicial work (Except execution and Miscellaneous)

Work done according to the standard fixed	*Number of Cases decided	Number of working days for which credit is due
Criminal:		
1. Murder Cases		
2. Culpable homicide, riot and dacoity Cases		
3. Other Sessions Cases		
4. Section 75, IPC Cases		
5. Represented Appeal etc.		
6. Jail Appeals or Revisions		
7. Cases in which Accused are discharged, proceedings under Section 228 Cr.P.C.		
8. Long Sessions Cases		
9. Summary Trials where there is a plea of guilty		
10. Other summary Trials		
11. Summons Cases where there is a plea of guilty		
12. Other summons Cases		
13. Warrant Cases where there is a plea of guilty		
14. Other warrant Cases		
(a) not involving riot		

(b) involving riot	.....	.....
15. Cases compromised after evidence	.....	.....
16. Warrant Cases where the Accused is/are discharged-	.....	.....
(a) filed on complaint	.....	.....
(b) filed on Police Report	.....	.....
17. Criminal miscellaneous Cases	.....	.....
18. (a) Cases dismissed under Section 203 Cr.PC	.....	.....
(b) Final Reports	.....	.....
19. Bail Applications	.....	.....

CIVIL

1. Regular Suits upto Rs.5,000/-	.....	.....
2. Regular Suits from Rs. 5,001/- to Rs.10,000/-	.....	.....
3. Regular Suits above is Rs. 10,000/- to Rs.20,000/-	.....	.....
4. Regular Suits above Rs. 20,000/-	.....	.....
5. Suits decreed ex-parte	.....	.....
6. Long Civil Suits	.....	.....
7. Suits disposed of by compromise	.....	.....
8. Money Suits in which the only contest is with regard to rate of interest or installments	.....	.....
9. Small Causes Courts Suits:	.....	.....
(a) after-Trial	.....	.....
(b) otherwise	.....	.....
10. Original Suits cognizable by District Judges not coming in the above categories	.....	.....
11. Land Acquisition Cases	.....	.....
12. Probate Cases	.....	.....
13. Election Petitions	.....	.....
14. Regular Appeals in Suits decided after-Trial	.....	.....
15. All other Appeals	.....	.....
16. Revisions	.....	.....
17. Civil Miscellaneous	.....	.....

RETURN NO.5 (PART-II)

(Order 28 Rule 1)

Quarterly Statement of Work Done in the Court of

Statement for the Quarter of

Name of the Presiding Officer

Kind of Cases	Before the Court during the quarter				Disposed of during the quarter				Pending at the end of the quarter					Remarks
	Pending from the last month of the previous quarter	Instituted during the quarter	Received by transfer or otherwise	Total	After full Trial	Otherw ise	By transf er	Total	Below six month s	Over six months but below one year	Over one year but below three year	Over 3 years	Total	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Sessions Trials:- (a) Murder Cases (b) Culpable Homicide, Riot and Dacoity Cases (c) Other Session Cases Criminal Appeals Criminal Revisions Criminal Miscellaneous Magistrate's Cases: 1. Summary Trials 2. Summons Cases 3. Warrant Cases 4. Inquiry in Commitment Cases Original s: (a) Civil Suits (b) Small Causes Civil Appeals: (a) Regular														

4/5(264)

राजस्थान राज-पत्र, दिनांक 31, 2018

पृष्ठ 1 (3)

RETURN NO.7

(Order 28 Rule 7)

Annual Statement Showing the Number of Process Serving Peons Employed and Fee Received for their Services

Officer-in-charge of Process Office	Number of Process-Servers employed	Number of Process served		Fees paid for					Gross Fees Realised	Refunds	Net Fees Realised	Salaries of			Remarks
		Aggregate	Average per peon	Summonses or notices		Arrests	Other Process	Emergent Service				Nazir and staff including Chaprasies	Process - Servers	Total	
				On Defendant and Respondents	On Witness										
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

RETURN NO.8

(Order 28 Rule 7)

Annual Statement Showing the Income and Expenditure of Courts

Name of Presiding Officer and Class of Court	INCOME								EXPENDITURE				Total	Gain to Government	Loss to Government	Remarks
	Net value of Court fee Stamps (exclusive of those used to denote Process Fees)	Duty and penalties on instruments not duly stamped	Fines	Fees for employment of Amins	Net Process fee		Receipts under other Budget Heads	Total	Salaries of Officers and their Establishment Staff and Salaries of the District and Sessions Judge and their subordinates who are employed on the Criminal as well as the Civil side, being entered	Process serving Establishment	Amin Establishment	Judicial Record Fund				
					Other Fees	Judicial Record Fund										
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

RETURN NO.9

(Order 28 Rule 3) (Order 44 Rule 5)

Annual Report of Administrative of Justice by District & Sessions Judge District

Annual Report should be based on following points-

- (1) Important Variation in Number and Class of Cases (All category)
- (2) Important variation in Disposal of Cases and inordinate delay in individual Court
- (3) Unusual detention of Witnesses should be explained
- (4) Status of realization of fine and other dues
- (5) Position of Payment of Witnesses expenses
- (6) Important Civil Execution Cases
- (7) Any considerable rise or fall in the number of Cases of any category
- (8) Status of Record Weeding, Accommodation of Courts, Working of Oath Commissioners, Petition Writers, Inspection of Courts and Offices
- (9) Recommendation for New Courts, if any, etc. (with justification & infrastructure facilities available for such New Courts)
- (10) The above reference and Reports should be numbered in separate paras, in brief as possible.

RETURN NO.10

(Order 28 Rule 4)

Annual Confidential Remarks about Subordinate Judicial Officers

Name of officer

Designation

Year of Report

(The Report should comment generally on the way in which the officer has carried out his various duties during the year and should give an estimate of his personality, character and abilities. It should cover the points noted below and should also express an opinion on any point specially required at any particular time e.g. faintness to pass an efficiency bar, and in the Case to officers who are senior enough to be considered for such posts, fitness to hold the post of an Additional District and Sessions Judge or the post of a District and Sessions Judge, as the Case may be).

1. Integrity of the Officer.
2. If (whether) he is fair and impartial in dealing with the public and the Bar?
3. If (whether) he is cool-minded and does not show temper in Court?
4. His private character, if such as to lower him in the estimation of the public and adversely affect the discharge of his official duties.
5. Capacity to handle files systematically?
6. Whether judgments on facts and law are, on the whole, sound, well reasoned and expressed in good language?
7. Whether the Disposal of work is adequate?
8. Control over the office, and administrative capacity and tact.
9. Capacity to control the proceedings in Court with fitness and follow the procedure prescribed by law.
10. Relations with the Bar.
11. General remarks.

Integrity Certificate

Nothing has come to my knowledge which casts any reflection on the integrity of Shri

His general reputation for honesty is good and I certify his integrity.

District and Sessions Judge

.....

For use in the High Court

Institution Disposal

% No remarks

Work done :

Work days =

Standard

Below Standard

Judgments noticed by

H.C. =

S.C. =

Remarks by the Hon'ble Administrative Judge

Remarks by the Hon'ble Chief Justice

(FORMAT)
CONFIDENTIAL REPORT OF THE JUDICIAL OFFICER

Report for the year / period _____

PERSONAL DATA

PART-I

(To be filled by the Officer himself)

- 1 Name of Officer
- 2 Present Post/ Designation
- 3 Date of Last Promotion
- 4 Present Station (since When)
- 5 Period of leave on account of

- (a) Medical Ground
- (b) Personal Reason
- (c) Other Reasons

- 6 Total number of Cases disposed of (After full Trial)

Civil

Criminal

- (1) Main Cases
- (2) Miscellaneous Cases
- (3) Total number of Witness examined

- (i) Civil
- (ii) Criminal
- (iii) Appeals/ Revision

- 7 No.of working days Percentage of work done.
- 8 If the target has not been achieved, reason thereof.
- 9 Please specify the total number of pending Cases in your Court Yearwise and categorywise and total number of Cases disposed of during the year (yearwise and categorywise). Please indicate if any important and complicated Case was decided by you during the year giving gist of law involved and Decision thereon. Please also indicate the result of the higher Court in respect of any judgment, Order passed by you.
- 10 State within how many days after concluding of arguments you normally deliver the judgments (State with reasons, instances where judgments are not delivered with promptitude and within prescribed time).
- 11 Whether you have inspected the Office once in a year as required under the Rules and if so state briefly the defects found and remedial measures taken. Please also indicate if there is any improvement after inspection?
- 12 Please indicate if your Court and Office were inspected by District and Sessions Judge/ Chief Judicial Magistrate and if so, briefly state the defects found and remedial measures taken.
- 13 Are you punctual in attending Court ?
- 14 Is there any audit objection pending, if so, since when and what measures you have taken to meet the said objection?
- 15 If you are Nazarat Officer Incharge Please indicate the percentage of personal Service of Process by the Process-Server. If it is low, what steps you have taken to increase such personal Service. Do you periodically verify the cash in hand with the Nazir and, if so indicate the cash in hand with the Nazir on the date of writing this Report.
- 16 Please state whether Records are sent to the Records Room timely as required under rules indicating the last date on which Records were sent.
- 17 If you are In-charge of Copying Department, please indicate whether periodically you check the relevant Register and last date of such verification. Please indicate whether copies are made ready serially according to the date of Application for such copy.
- 18 If you are In-charge of Record Section please indicate whether Records are destroyed timely as required by the Civil Rules and Orders giving the last date when such Records were destroyed at the time of writing of this Report.
- 19 Performance in implementation of Legal Aid Programme.

PART-II
(To be filled by the Reporting Authority)

Name of Officer

Designation

Year of Report

- 1 Integrity of the Officer
- 2 If he is fair and impartial in dealing with the public and Bar.
- 3 If he is cool-minded and does not show temper in Court.
- 4 His private character, if such as to lower him in the estimation of the public and adversely affect the discharge of his official duties.
- 5 Capacity to handle files systematically.
- 6 Whether judgments on facts and law are, on the whole, sound, well reasoned and expressed in good language?
- 7 Whether the Disposal of work is adequate?
- 8 Control over the office and administrative capacity and tact.
- 9 Capacity to control the proceedings in Court with firmness and follow the procedure prescribed by law.

(To be tick marked one of the five heads and initialed)

10. General Remarks

(i) Outstanding (ii) Very Good (iii) Good (iv) Average (v) Below Average

INTEGRITY CERTIFICATE

Nothing has come to my knowledge which casts any reflection on the integrity of Shri.

His general reputation for honesty is good and I certify his integrity.

District & Session Judge

FOR USE IN THE HIGH COURT

Work done Work days - Institution Disposal
 Standard Below Standard %
 No Remarks

Judgments noticed by -

H.C. -
 S.C. -

REMARKS BY THE HON'BLE INSPECTING JUDGE:

(i) Outstanding (ii) Very Good (iii) Good (iv) Average (v) Below Average

REMARKS BY THE HON'BLE ADMINISTRATIVE JUDGE :

REMARKS BY THE HON'BLE CHIEF JUSTICE.

RETURN NO.11

(Order 10 Rule 5)

Annual Return of the Landed Property held by the Judicial Officers Appointed during the Preceding Calendar Year

For all officer/employees of the State Services. (This shall be clearly filled up and signed by each of the year Officer/employee of the concerning State Service and shall be sent to the Reporting Officer for enclosing it with Report).

1. Full Name
2. Name of father/husband
3. Name of the Service
4. Date of birth
5. Name of the relatives who are in State Services.

S. No.	Name	Relations	Post on which servicing	Department
1				
2				
3				
Etc.				

6. Name of the sons/daughters, or dependents. If any, those who are serving in such a private firm with whom the Officer has connections with regard to State affairs or serving in such other firms who have connections with the State as well as the State affairs.
[According to Rule 5 of the Rajasthan Civil Services (Conduct) Rules, 1971].

Name	Relation	Name of the firm	Post on which serving

7. Detailed Report of the immovable Property of the Officer or of any member of his family :-

Name	Details of Property	Situated at	Estimated value	Date and mode of acquire or transfer

Signature of the Officer/employee

Name.....
Post.....
Date.....

RETURN NO.12
(Order 10 Rule 5)

Annual Return of all Landed Property Acquired or Parted with by the District Judge and by all the Subordinate Judicial Officers during the Preceding Calendar Year

Name	Appoint ment	Village or Town, Tehsil and District	Area in acres (in Case of agricultural land) or square yards	Revenue assessed	Estimated value	Whether acquired or parted with	How acquired or parted with	From whom acquired or parted with	Remarks
1	2	3	4	5	6	7	8	9	10

RETURN NO.19

(Order 48 Rule 7)

Transmission of a copy of Register of Casual Leave of a Judicial Officer Subordinate to a District Judge when he is Transferred to another District

S. No.	Name of the Officer	Leave taken during the year															Remarks
		15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	

RETURN NO.21

(Order 36 Rule 19)

.....Quarterly Statement of Malkhana

Articles of the Court of.....

Serial No.	No. of Cases in which Malkhana articles were pending at the close of the last quarter	No. of Cases in which Malkhana articles were deposited during the quarter	Total No. of Cases (cols. 2 & 3)	Total No. of Cases in which Malkhana articles have been		Total No. of Cases (Cols. Nos. 5 & 6)
				Disposed of u/s 452 Cr. P. C., 1973	Disposed of or given in Custody u/s 451/457 Cr. P. C., 1973	
1	2	3	4	5	6	7

Break up of the Cases in which Malkhana articles were pending at the close of the quarter. Cases pending in						
Appellate Court	Trial Court	Cases finally decided	Number of disposable articles	Brief reasons for not disposing the Malkhana articles of the Cases mentioned in Col. 11	Remarks, if any	Comments of the Sessions Judge
8	9	10	11	12	13	14

RETURN NO.22
(Order 37 Rule 20)

Monthly statement showing demand, collection and balance of fines levied and written off in the Court of..... For the month of...20								
			Fine credited into Treasury during the month					
Balance recoverable at the Beginning of the month	Fine imposed during the month	Total	Date	Tender/Challan NO./ eGrass No.	Particulars (Case No. & name of Parties)	Amount of each fine etc. (Partywise)	Total amount of each Challan/ Tender/ eGrass	
1	2	3	4	5	6	7	8	

Fine written off	Fine remitted	Total	Balance recoverable at the close of the month	Remarks
9	10	11	12	13

RETURN NO.23

(Order 37 Rule 20)

**Consolidated figures of collection of fines etc., shown Courtwise of the judgeship.....for the
month of 20.....**

Date	Tender/ eGrass/ Challan No.	Particulars (Case No. & Name of Parties)	Amount of each fine etc. (Partywise)	Total amount of each Challan/ eGrass Tender	Remarks
1	2	3	4	5	6

Sessions Judge/District Magistrate

RETURN NO.24

(Order 37 Rule 21)

Monthly statement of fines pertaining to Municipal Fund

Serial No.	Number and year of Case	Title of Case	Date of Decision	Date of Realisation of fine	Amount of fine realized	Head to which credited	No. and Date of Treasury Voucher/ eGrass	Remarks
1	2	3	4	5	6	7	8	9

Signature.....

Designation.....

RETURN NO.25
(Order 44 Rule 2)

Report of a periodical return being blank

To
The.....
... (Here enter name of return)

Prescribed date of submission
Actual date of submission
Received by
Submitted to High Court Received by
High Court
The return noted above is blank

Magistrate/ Sessions Judge

RETURN NO.26
(Order 44 Rule 3)
Sessions Statement

S. No.	Number and year of Case	Title of Case	Mode of Institution			Died and Escaped	Mode of Disposal				
			Instituted (otherwise than by transfer)	Received by transfer from another Court in the same District	Received by transfer from a Court in another District		Transferred to another Court in the same District	Transferred to a Court in another District	Disposed of u/s 227 Cr.P.C	Disposed Of U/s 228 Cr.P.C.	Disposed Off after full Trial
1	2	3	4	5	6	7	8	9	10	11	12

Abstract of Final Order and particulars of sentence imposed	Stage at which the Case stands	Reasons for delay, if any, in the progress of the Trial	Remark
13	14	15	16

Notes-

- (1) Cases are to be entered in this statement in the Order of their dates of Institution.
- (2) In column no.14, specify whether the Case is pending at the stage before Charge / Charge/ PE/ 313 Cr.PC/ DE/ Final Arguments/ other Interlocutory Orders.
- (3) The statement shall bear the following Certificate, viz., certified that the statement contains a full and correct list of the Cases disposed of during the quarter as well as those pending at the close of the quarter.

RETURN NO.27**(Order 44 Rule 4)**

Annual statement showing the number of Witnesses (including complainants) examined and discharged without examination, the period of their detention and sum paid to them as Diet and travelling expenses in the District of.....during the year 20.....

Class of tribunal and name of Presiding Officer	Number of Witnesses discharged after examination	Number of Witnesses discharged without examination	Total of columns 2 & 3	Percentage of column 2 to column 4
1	2	3	4	5

Number of Sr. Civil Judge and Addl. Sr. Civil Judge who did only Civil Work during the year		Number of Judicial Magistrates/ Civil Judges who did both civil (excluding revenue) and Criminal work during the year		Number of Judicial Magistrates who did only Criminal work during the year		Number of Civil Judge/ Addl. Civil Judge who did only Civil work during the year		Total		
Sanctioned post	Working	Sanctioned post	Working	Sanctioned post	Working	Sanctioned post	Working	Sanctioned post	Working	Vacant
11	12	13	14	15	16	17	18	19	20	21

RETURN NO.29

(Order 44 Rule 7)

Annual Criminal Report from

District Magistrate District

The Following are the points on which notes should be Recorded :-
Officer-in-Charge of District during the year .
Returns of the incidence of complaints and Applications pertaining to the security for keeping peace and good behavior maintenance of public Order and tranquility and other preventive actions.
Results of such preventive proceedings.
Duration of such preventive actions and proceedings.
Proceedings under Criminal Procedure Code, 1973, under Section 98, 107, 108, 109, 110, 133 and 145.
Witnesses : (a) Detention of
(b) Examination of
(c) Payment of Diet Allowance to
General Points not dealt within Preceeding Paragraphs, may be here noticed)

475(280)

राजस्थान राज-पत्र, दिनांक 31, 2018

पृष्ठ 1 (ख)

PROFORMA- I
STATEMENT IN WHICH PERIODICALLY EXAMINATION OF UNDER –TRIAL PRISONERS IS REQUIRED BY THE MEDICAL OFFICER AS PROVIDED IN
SECTION 39 OF MENTAL HEALTH ACT
FOR THE HALF YEAR ENDING

SR. NO.	CASE NO./TITLE	NAME OF THE UTP WHICH IS OF UNSOUND MIND/LUNATIC	THE DATE OF COMING INTO JUDICIAL CUSTODY	NAME OF JAIL	DATE OF Admission IN NURSING HOME/ Hospital	DATE OF PERIODICAL EXAMINATION	DATE OF RECEIPT OF REPORT	REMARKS
1	2	3	4	5	6	7	8	9

PROFORMA -II

STATEMENT IN WHICH UNDER-TRIAL PRISONER IS IN CUSTODY FOR MORE THAN THE MAXIMUM PERIOD OF IMPRISONMENT
 PRESCRIBED FOR THE OFFENCE (OTHER THAN LIFE IMPRISONMENT/ DEATH PENALTY) REQUIRED EXAMINATION BY THE
 MEDICAL OFFICER TO CONSIDER DISCHARGE AS PER SECTION 40 OF MENTAL HEALTH ACT

FOR THE..... HALF YEAR ENDING.....

S.R. NO.	CAS E NO./ TIT LE	NAME OF THE UTP WHICH IS UN SOUND MIND/ LUNATIC	OFFENCE FOR WHICH PUNISHED U/S WITH MAXIMUM PUNISHMENT PERMISSABLE FOR THE OFFENCE	THE DATE OF COMING INTO JUDICIAL CUSTODY	WHETHER PRISONER HAS PASSED MORE TIME THAN HIS PUNISHMENT	DATE of ADMISSION IN NURSING HOME/ HOSPITAL	DATE OF PERIODICAL EXAMINATION AS REQUIRED U/S 40	DATE OF RECEIPT OF REPORT	REMAR KS
1									

AR-3

PROFORMA -II - FOR REVISIONAL COURT

STATEMENT SHOWING THE CASES UNDER THE PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT 1994 AT THE STAGE OF TRIAL WITHOUT FRAMING CHARGES BY CONCERNED TRIAL COURTS

Sr. NO.	NAME OF THE COURT	DATE OF ORIGINAL INSTITUTION OF REVISION	DATE OF INSTITUTION IN TRANSFERRED (PRESENT) COURT	RECORD CALLED FOR OR NOT	STAY GRANTED OR NOT ON PROCEEDINGS OF TRIAL COURT	REASON FOR PENDENCY OF REVISION	REMARKS
1							

AR-4

STATEMENT SHOWING PROGRESS OF CASES OF UNDER-TRIAL PRISONERS

Name of Judgeship:-....., Month Year

Sr. NO.	NAME OF THE COURT	NO.OF CASES PENDING AT THE BEGINNING OF THE MONTH IN WHICH ACCUSED ARE IN JUDICIAL CUSTODY FOR MORE THAN 10 YEARS	NO.OF SUCH CASES DISPOSED OF DURING THE MONTH	NO.OF SUCH CASES PENDING AT THE END OF THE MONTH	REASONS FOR DELAY
1					

MONTHLY STATEMENT OF PERSONS IN JUDICIAL CUSTODY

NAME OF JUDGESHIP

NAME OF COURT

YEAR

SR. NO.	NAME OF THE COURT	FIR NO. WITH Police STATION	CRIMINAL CASES NUMBER	SECTION OF THE OFFENCE	DATE OF ARREST	DATE OF COGNIZAN CE	STAGE OF THE CASE	WHETHER APPLIED FOR BAIL OR NOT?	IF APPLIED DATE OF REJECTION OF BAIL	WHETHER ENTITLED TO BAIL U/S 436A OF CR.P.C. IF YES, WHAT MEASURES HAVE BEEN TAKEN BY THE COURT
1										

PROFORMA -III

STATEMENT IN WHICH UNDER-TRIAL PRISONERS RELEASED IN ACCORDANCE WITH SUB SECTION (1) OF SECTION 330 OF CODE OF CRIMINAL PROCEDURE, IF THEY HAVE COMPLETED FIVE OR MORE YEARS AS INPATIENT

FOR THE..... HALF YEAR ENDING

SR. NO.	CASE NO./TITLE	NAME OF UTP WHICH IS UNSOUND MIND/ LUNATIC	OFFENCE FOR WHICH PUNISHED U/S WITH MAXIMUM PUNISHMENT PERMISSIBLE FOR THE OFFENCE	THE DATE OF COMING INTO JUDICIAL CUSTODY	DATE OF ADMISSION IN NURSING HOME/HOSPITAL	DATE OF RELEASE U/S 330 (1) OF CPC	REMARKS
1							

PROFORMA -IV

STATEMENT OF PERIODICAL EXAMINATION OF UNDER-TRIAL PRISONERS (CHARGED WITH GRAVE OFFENCES IN WHICH LIFE IMPRISONMENT OR DEATH PENALTY IS PUNISHMENT) ABOUT THEIR FITNESS FOR TRIAL

FOR THE HALF YEAR ENDING.....

SR. NO.	CASE NO./ TITLE	NAME OF UTP WHICH IS UNSOUND MIND/LUNA TIC	OFFENCE FOR WHICH PUNISHED U/S	THE DATE OF COMING INTO JUDICIAL CUSTODY	DATE OF ADMISSION IN NURSING HOME/HOSPIT AL	DATE OF EXAMINATI ON OF MEDICAL OFFICER	REPORT OF MEDICAL OFFICER	REMARKS
1								

AR-8

.....JUDGESHIP

STATEMENT SHOWING PROGRESS REPORT OF PENDING CASES AGAINST SITTING MP & MLA U/S 8(1) , 8(2), 8(3) OF REPRESENTATION OF PEOPLE ACT, 1951 FOR THE MONTH OF YEAR.....

SR. NO.	NAME OF COURT	CASE NO.	NAME OF MLA/MP	OFFENCE	DATE OF INSTITUTION	LATEST STATUS	SPECIAL REASON OF ADJOURNMENT, IF GRANTED

AR-9

.....JUDGESHIP

STATEMENT SHOWING P/I/D/B OF CASES RELATED TO WOMAN ATROCITIES FOR THE MONTH
OF YEAR.....

S.NO.	NAME OF COURT	PENDING	INSTITUTION	DISPOSAL	BALANCE

पृष्ठ 1 (प्र)

राजस्थान राज-पत्र, दिनांक 31, 2018

475(287)

AR-10

..... JUDGESHIP
 STATEMENT SHOWING P/I/D/B/ OF CASES RELATED TO PCPNDT ACT
 FOR THE MONTH OF YEAR

S.NO.	NAME OF COURT	PENDING	INSTITUTION	DISPOSAL	BALANCE

AR-11

.....JUDGESHIP
 STATEMENT SHOWING P/I/D/B OF CASES RELATED TO SC/ST (SERVARNON
 DWARA ATYACHAR) FOR THE MONTH OF YEAR.....

S.NO.	NAME OF COURT	PENDING	INSTITUTION	DISPOSAL	BALANCE

475(288)

राजस्थान राज-पत्र, दिसम्बर 31, 2018

भाग 1 (ख)

AR-12

.....JUDGESHIP

CONSOLIDATED STATEMENT SHOWING PENDING, INSTITUTION, DISPOSAL

& BALANCE OF CASES IN JUVENILE JUSTICE BOARD FOR THE MONTH

OF.....YEAR.....

CASE TYPE	PENDING	INSTITUTION	DISPOSAL	CASES AT THE CLOSE OF THE
CRIMINAL REGULAR				
CRIMINAL MISCELLANEOUS				
TOTAL				

AR-13

MONTHLY STATEMENT REGARDING DISPOSAL OF EMBEZZLEMENT CASES AGAINST THE GOVT. SERVANTS FOR THE MONTH OF						
S. NO	NAME OF COURT	PENDENCY FROM LAST MONTH	INSTITUT ED IN THIS MONTH	DISPOSAL CASE IN THIS MONTH	BALANCE OF THE CASES AT THE END OF THIS MONTH	REMARK
1	2	3	4	5	6	7

AR-14

CONSOLIDATED STATEMENT SHOWING P/I/D/B OF CASES FOR THE MONTH OF						
SR. NO.	NAME OF COURT	TYPE OF CASES	P	I	D	B
1		SESSIONS CASES				
		SPECIAL ACT CASES				
		CRIMINAL APPEAL				
		CRIMINAL REVISION				
		CRIMINAL MISC. CASES				
		CIVIL SUITS				
		CIVIL REGULAR				
		CIVIL MISC. APPEAL				
		CIVIL MISC. CASES				
		CIVIL EXECUTION				
		APPEAL RENT				
		DRA REVISION				
		COMPLAINTS				
		F.R.				
		TOTAL				

475(290)

राजस्थान हाजिरी-पत्र, दिसम्बर 31, 2018

भाग 1 (ख)

.....JUDGESHIP

AR-15

.....QUARTER 20.....
.....TO.....

S.N.	KIND OF CASES	PENDING FROM LAST QUARTER	INSTITUTION DURING THE QUARTER	DISPOSAL DURING THE QUARTER	PENDING AT THE END OF THE QUARTER
1	SESSION CASES				
2	CRIMINAL APPEAL				
3	CRIMINAL REVISION				
4	CRIMINAL ORIGINAL				
5	CRIMINAL MISC. CASES				
6	TOTAL				

S.NO.	KIND OF CASES	PENDING FROM LAST QUARTER	INSTITUTION DURING THE QUARTER	DISPOSAL DURING THE QUARTER	PENDING AT THE END OF THE QUARTER
1	CIVIL SUITS				
2	CIVIL APPEALS				
3	CIVIL REVISIONS				
4	CIVIL MISC. CASES				
5	CIVIL EXECUTION				
6	SMALL CAUSES CASES				
7	DEBT. RELIEF CASES				
8	TOTAL				
GRAND TOTAL (A+B)					

पृष्ठ 1 (२)

राजस्थान हाईकोर्ट, दिनांक 31, 2018

476(291)

**MONTHLY STATEMENT REGARDING PENDING CASES OF
PCPNDT ACT FOR THE MONTH OF YEAR.....**

S. NO	NAME COURT	PARTICU OF CASE & DATE INSTITU	ORIGINA INSTITU ON DATE	PRESE STAGE THE	DATE FROM WHICH PENDING FOR FRAMING CHARGE	DATE FRAMII CHAR	REASONS OF NOT FRAMING CHARGES IN TIME AND WHETHER EXTENSION FOR TIME SOUGHT FOR FROM HON'BLE HIGH COURT IN COMPLIANCE OF ORDER	DETAILS OF REVISION ETC. BY WHICH PROCEEDIN ARE IF ANY	NEXT HEARI DATE	APPRO TIME DISPO	REMAR
1	2	3	4	5	6	7	8	9	10	11	12

AR-17

.....QUARTERLY STATEMENT OF INSTITUTION, DISPOSAL & PENDENCY OF CRIMINAL & CIVIL CASES AS ON.....

S.NO	NAME OF COURTS	CRIMINAL CASES				CIVIL CASES			
		OPENING BAL. AS ON...	INSTITUTION FROM TO	DISPOSAL FROM TO	PENDENCY AT THE END OF.....	OPENING BAL. AS ON.....	INSTITUTION FROM..... TO.....	DISPOSAL FROM TO.....	PENDENCY AT THE END OF.....

AR-18

CONSOLIDATED STATEMENT SHOWING CIVIL AND CRIMINAL CASES IN AS ON.....

FORMAT -II .

S. NO.	NAME OF THE COURTS	CIVIL CASES								CRIMINAL CASES							
		UPTO 1 YEAR	MORE THAN 1 YEAR AND LESS THAN 2 YEAR	MORE THAN 2 YEAR AND LESS THAN 5 YEAR	MORE THAN 5 YEAR AND LESS THAN 10 YEAR	MORE THAN 10 YEAR AND LESS THAN 15 YEAR	MORE THAN 15 YEAR AND LESS THAN 20 YEAR	MORE THAN 20 YEAR	TOTAL PENDENCY	UPTO 1 YEAR	MORE THAN 1 YEAR AND LESS THAN 2 YEAR	MORE THAN 2 YEAR AND LESS THAN 5 YEAR	MORE THAN 5 YEAR AND LESS THAN 10 YEAR	MORE THAN 10 YEAR AND LESS THAN 15 YEAR	MORE THAN 15 YEAR AND LESS THAN 20 YEAR	MORE THAN 20 YEAR	TOTAL PENDENCY
1																	

TOTAL CIVIL CASES

TOTAL CRIMINAL CASES

GRAND TOTAL

**CONSOLIDATED STATEMENT SHOWING CIVIL AND CRIMINAL CASES IN JUDGESHIP AS
ON.....**

FORMAT -IV

S. NO.	NAME OF THE COURTS	CIVIL CASES					CRIMINAL CASES				
		UPT YEA	MORE THAN 1 AND LESS YEAR	MORE YEARS THAN 5	MORE 5 YEAR	TOTAL PENDE	UPTO 1	MORE YEAR AND THAN 2	MORE YEARS LESS YEAR	MORE YEAR	TOTAL PENDENC

Total Civil Cases.....

Total Criminal Cases.....

Grand Total Cases.....

QUARTERLY STATEMENT V/S NDPS ACT, 1985 OF JUDGESHIP								
.....QUARTER,.....								
S. NO.	NUMBER OF CASES BEGINNING AT THE QUARTER	INSTITUTION DURING THE QUARTER	TOTAL OF COLUMN 2 & 3	CASE DISPOSED DURING THE QUARTER				PENDING CASES
				CONVICTED	ACQUITTED	BY TRANSFER	TOTAL	
1	2	3	4	5	6	7	8	9
1								

APPENDIX**'G'****(Order 21 Rule 12)****CRIMINAL COURTS AND COURT-MARTIAL
ADJUSTMENT OF JURISDICTION RULES, 1978**

S.O. 488 - In exercise of the powers conferred by sub-Section (i) of Section 475 of the Code of Criminal Procedure, 1973 (2 of 1974), and in supersession of the Criminal Courts and Court-Martial (Adjustment of Jurisdiction) Rules, 1968, the Central Government hereby makes the following rules for the Trial of the persons subject to military, naval, air force, or Coast Guard law, or any other law relating to the Armed Forces of the Union by a Court to which the said Code applies, or by a Court-Martial, namely:

1. These rules may be called the Criminal Courts and Court-Martial (Adjustment of Jurisdiction) Rules, 1978.
2. In these rules, unless the context otherwise requires,
 - (a) "Commanding Officer",
 - (i) in relation to a person subject to military law, means the Officer Commanding the unit to which such person belongs or is attached;
 - (ii) in relation to a person subject to naval law, means the Commanding Officer, of the ship or naval establishment or unit to which such person belongs; or is attached;
 - (iii) in relation to a person subject to air force law, means the officer, for the time being in command of the unit to which such person belongs or is attached;
 - (iv) in relation to a person subject to the Coast Guard law, means the Commanding Officer of the Coast Guard ship or establishment or unit to which such person belongs or is attached; and
 - (b) "competent air force Authority" means the Chief of the Air Staff, the air or other officer commanding any Command, Group, Wing or Station in which the Accused person is serving or where such person is serving in a field area, the Officer Commanding the forces or the air forces in the field;
 - (c) "competent military Authority" means the Chief of Army Staff or Officer Commanding the army, army corps, division, area, sub-area or independent brigade in which the Accused person is serving and, except in Cases falling under Section 69 of the Army Act, 1950 (46 of 1950) in which death has resulted, the Officer Commanding the brigade or sub-area or Station in which the Accused person is serving;
 - (d) "competent naval Authority" means the Chief of the Naval Staff or the Flag Officer Commanding-in-Chief, Western Naval Command, Bombay or the Flag Officer Commanding-in-Chief, Eastern Naval Command, Vishakhapatnam or the Flag Officer Commanding, Southern Naval Area, Cochin or the Flag Officer Commanding, Western Fleet, or the Flag Officer Commanding Eastern Fleet or Senior Naval Officer where the Accused person is serving;
 - (e) "Competent Coast Guard Authority" means the Director General or Inspector General or Deputy Inspector General within whose command the Accused person is serving.
3. Where a person subject to military, naval, air force or Coast Guard Law, or any other law relating to the Armed Forces of the Union for the time being in force is brought before a Magistrate and charged with an Offence for which he is also liable to be tried by a Court Martial, or Coast Guard Court, as the Case may be, such Magistrate shall not proceed to try such person or to commit the Case to the Court of Session, unless-
 - (a) He is moved thereto by a competent military, naval, air force or Coast Guard Authority; or
 - (b) He is of opinion, for reasons to be Recorded, that he should so proceed or commit without being moved thereto by such Authority.
4. Before proceeding under clause (b) of rule 3, the Magistrate shall give a written notice to the Commanding Officer or the competent military, naval, air force or Coast Guard

Authority, as the Case may be, of the Accused and until the expiry of a period of fifteen days from the date of Service of the notice he shall not-

- (a) convict or acquit the Accused under Section 252, sub-Sections (1) and (2) of Section 255, sub-Section (1) of Section 256 or Section 257 of the Code of Criminal Procedure, 1973 (2 of 1974), or hear him in this defence under Section 254 of the said Code; or
- (b) frame in writing a charge against the Accused under Section 240 or sub-Section (1) of Section 246 of the said Code; or
- (c) make an Order Committing the Accused for Trial to the Court of Session under Section 209 of the said Code; or
- (d) make over the Case for inquiry or Trial under Section 192 of the said Code.

5. Where a Magistrate has been moved by the competent military, naval, air force or Coast Guard Authority, as the Case may be, under clause (a) of rule 3, and such Authority, subsequently gives notice to such Magistrate, in the opinion of such Authority, the Accused should be tried by a Court-Martial or Coast Guard Court, as the Case may be, such Magistrate if he has not taken any action or made any Order under rule 4, before receiving the notice shall stay the proceedings and if the Accused is in his power or under his control, shall deliver him together with the statement referred to in sub-Section (1) of Section 475 of the said Code to the officer specified in the said sub-Section.

6. Where within the period of fifteen days mentioned in rule 4, or at any time thereafter but before the Magistrate takes any action or makes any Order referred to in that rule, the commanding officer of the Accused or the competent military, naval, air force, or Coast Guard Authority, as the Case may be, gives notice to the Magistrate than in the opinion of such officer or Authority, the Accused should be tried by a Court-Martial, or Coast Guard Court, as the Case may be; the Magistrate shall stay the proceedings, and if the Accused is in his power or under his control, shall deliver him together with the statement referred to in sub-Section (1) of Section 475 of the said Code to the Officer specified in the said sub-Section.

7. (1) When an Accused has been delivered by the Magistrate under rule 5 or 6, the Commanding Officer of the Accused or the competent military, naval, air force or Coast Guard Authority, as the Case may be, shall, as soon as may be, inform the Magistrate whether the Accused has been tried by a Court-Martial or Coast Guard Court, as the Case may be, or other effectual proceedings have been taken or Ordered to be taken against him.

(2) When the Magistrate has been informed under sub-rule (1) that the Accused has not been tried or other effectual proceedings have not been taken or Ordered to be taken against him, the Magistrate shall Report the circumstances to the State Government which may, in consultation with the Central Government, take appropriate steps to ensure that the Accused person is dealt with in accordance with law.

8. Notwithstanding anything in the foregoing rules, where it comes to the notice of a Magistrate that a person subject to military, naval, air force or Coast Guard law, or any other law relating to the Armed Forces of the Union for the time being in force has committed an Offence, proceedings in respect of which ought to be instituted before him and that the presence of such person cannot be procured except through military, naval or air force Authorities, the Magistrate may by a written notice require the Commanding Officer of such person either to deliver such person to a Magistrate to be named in the said notice for being proceeded against according to law, or to stay the proceedings against such person before the Court Martial or Coast Guard Court, as the Case may be, if since instituted, and to make a reference to the Central Government for determination as to the Court before which proceedings should be instituted.

9. Where a person subject to military, naval, air force or Coast Guard law, or any other law relating to the Armed Forces of the Union for the time being in force has committed an Offence which in the opinion of competent military, naval, air force or Coast Guard Authority, as the Case may be, ought to be tried by a Magistrate in accordance with the civil law in force or where the Central Government has, on a reference mentioned in rule 8, decided that proceedings against such person should be instituted before a Magistrate,

the Commanding Officer of such person shall after giving a written notice to the Magistrate concerned, deliver such person under proper escort to that Magistrate.

APPENDIX

'H'

(Order 21 Rule 15)

INDIAN SOLDIERS (LITIGATION) ACT 1925 THE INDIAN SOLDIERS (LITIGATION) ACT, 1925 ACT NO. 4 OF 1925

[24th February, 1925.]

An Act to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions.

WHEREAS it is expedient to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions; it is hereby enacted as follows:-

- [a] For Report of Select Committee, see Gaz. Of Ind., 1925, Pt.V.p.11.
This Act has been extended to the new Provinces and the merged States by the Merged States (Laws) Act, 1949 (59 of 1949), Section 3 (1-1-1950) and to the States of Manipur, Tripura and Vindhya Pradesh by the Union Territories (Laws) Act, 1950 (30 of 1950), Section 3 (16-4-1950), Manipur and Tripura are full-fledged States now (see Act 81 of 1971) but Vindhya Pradesh is a part of M.P. State- (See Act 37 of 1956, Section 9).

It has been extended also to the States merged in the State of Madhya Pradesh by M.P. Act (12 of 1950, Section 3 (3-4-1950).

It has been extended to the Union territory of Pondicherry by a notification Issued under Section 8 of the Pondicherry (Administration) Act, 1962 (49 of 1962)- See Gaz. Of India, 1963, Pt.II, Section 3(ii) p.3 (S.O. 4).

It has been extended to the Union territory of -

- (a) Dadra and Nagar Haveli by Regn. 6 of 1963 (1-7-1965); and
- (b) - Laccadive, Minicoy and Amindivi Islands by Regn. 8 of 1965 (1-10-1967). The Islands are now known, as Lakshadweep- See Act-34 of 1973, Section 3 (1-11-73).
- (c) Goa, Daman and Diu.- See Gaz. Of India, 22-8-1984, Pt.II, Section 3(i), Ext.p.2 No.333 - G.S.R. 62 (E) of 1984.

In Rajasthan the Act has been extended to Jagir proceedings by Raj. Act 23 of 1963. Similarly it has been extended to proceedings under Orissa Act; 1 of 1952; 5 of 1955; 16 of 1960 and 10 of 1963.

The provisions of the Act have been applied to the Police force in Jammu and Kashmir State- See J and K. Gaz. 19-5-1965, Pt.III, Ext.

It has been applied to Central Reserve Police Force- See. G.S.R. 1605, published in Gaz. Of India. 28-10-1967, Pt.II, Section 3(i), p.1738; Provisions of the Act applied to all Riflemen governed by the Assam Rifles Act, 1941.

So far as merchant seamen are concerned similar provisions are to be found in Ss.178 to 189 of the Merchant Shipping Act, 1958.

Provisions of the Act shall apply to Rajasthan Armed Constabulary personnel when Stationed outside Rajasthan.- See Raj. Gaz. 4-4-1963, Pt.IV (Ga), p.68.

Provisions of the Act shall apply to Armed Police Personnel of the State when deputed for Service outside the State- See Ker.Gaz. 16-4-1963, Pt.I, p.426.

Provisions applied to Border Security Force- See. Gaz.of India 20-7-91, Pt.II, Section 3(ii), p.2893.

1. Short title, extent and commencement.

1. This Act may be called the Indian Soldiers (Litigation) Act, 1925.
2. It extends to the whole of India.
3. It shall come into force on the first day of April, 1925.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

- (a) "Court" means a Court other than a Criminal Court and includes any such tribunal or other Authority as may be specified by the Central Government by notification in the Official Gazette being a tribunal or Authority which is empowered by law to receive evidence on any matter pending before it and on the basis of such evidence to determine, after Hearing the Parties before it, the rights and obligations of the Parties in relation to such matter;
- (b) "Indian soldier" means any person subject to the Army Act, 1950 (46 of 1950), or the Air Force Act, 1950 (45 of 1950), or the Navy Act, 1957 (62 of 1957);
- (c) "prescribed" means prescribed by rules made under this Act; and
- (d) "proceeding" includes any Suit, Appeal or Application.
- (e) any reference to a decree or Order of a Court shall be deemed to include a reference to a judgment, determination or award of a Court.

3. Circumstances in which an Indian soldier shall be deemed to be serving under special conditions.-

For the purposes of this Act, an Indian soldier shall be deemed to be or, as the Case may be, to have been serving-

- (a) under special conditions (when he is or has been serving under war conditions, or overseas, or at any place beyond India, or at any such place within India as may be specified by the Central Government by notification in the Official Gazette);
- (b) under war conditions- when he is or has been, at any time during the continuance of any hostilities declared by the Central Government by notification in the Official Gazette to constitute a state of war for the purposes of this Act or at any time during a period of six months thereafter,-
 - (i) serving out of India,
 - (ii) under Orders to proceed on field Service,
 - (iii) serving with any unit which is for the time being mobilised, or
 - (iv) serving under conditions which, in the opinion of the prescribed Authority, preclude him from obtaining leave of absence to enable him to attend a Court as a party to any proceeding, or when he is or has been at any other time serving under conditions Service under which has been declared by the Central Government by notification in the Official Gazette to be Service under war conditions; and
- (c) overseas- when he is or has been serving in any place outside India (other than Ceylon) the journey between which and India is ordinarily undertaken wholly or in part by sea.

Explanation.-For the purposes of this Section and with effect from the 3rd day of September, 1939, a soldier who is or has been a prisoner of war shall be deemed to be or to have been serving under war conditions.

4. Particulars to be furnished in complaints, Applications or Appeals to Court.-

If any person presenting any complaint, Application or Appeal to any Court has reason to believe that any adverse party is an Indian soldier who is serving under special conditions, he shall state the fact in his complaint, Application or Appeal.

5. Power of Collector to intervene in Case of unrepresented Indian soldier.

If any Collector has reason to believe that any Indian soldier, who ordinarily resides or has Property in his District and who is a party to any proceeding pending before any Court, is unable to appear therein, the Collector may certify the facts in the prescribed manner to the Court.

6. Notice to be given in Case of unrepresented Indian soldier.

- (1) If a Collector has certified under Section 5, or if the Court has reason to believe, that an Indian soldier, who is a party to any proceeding pending before it, is unable to appear therein, and if the soldier is not represented by any person duly

Authorised to appear, plead or act on his behalf, the Court shall suspend the proceeding, and shall give notice thereof in the prescribed manner to the prescribed Authority:

Provided that the Court may refrain from suspending the proceeding and issuing the notice if-

- (a) the proceeding is a Suit, Appeal or Application instituted or made by the soldier, alone or conjointly with others with the object of enforcing a right of pre-emption, or
 - (b) the interests of the soldier in the proceeding are, in the opinion of the Court, either identical with those of any other party to the proceeding and adequately represented by such other party or merely of a Formal nature.
- (2) If it appears to the Court before which any proceeding is pending that an Indian soldier though not a party to the proceeding is materially concerned in the outcome of the proceeding and that his interests are likely to be prejudiced by his inability to attend, the Court may suspend the proceeding and shall give notice thereof in the prescribed manner to the prescribed Authority.

7. Postponement of proceedings.

If, on Receipt of a notice under Section 6, the prescribed Authority certifies in the prescribed manner to the Court in which the proceeding is pending that the soldier in respect of whom the notice was given is serving under special conditions, and that a postponement of the proceeding in respect of the soldier is necessary, in the interests of justice, the Court shall thereupon postpone the proceeding in respect of the soldier for the prescribed period, or, if no period has been prescribed, for such period as it thinks fit.

8. Court may proceed when no Certificate received.

If, after Issue of a notice under Section 6, the prescribed Authority either certifies that the soldier is not serving under special conditions or that such postponement is not necessary, or fails to certify, in the Case of a soldier resident in the District in which the Court is situated within two months or, in any other Case, within three months from the date of the Issue of the notice that such postponement is necessary, the Court may, if it thinks fit, continue the proceeding.

9. Postponement of proceedings against Indian soldier on leave.

When any document purporting to be signed by the Commanding Officer of an Indian soldier who is a party to any proceeding is produced by or on behalf of the soldier before the Court in which the proceeding is pending and is to the effect that the soldier-

- (a) is on leave of absence for a period not exceeding two months, and is on the expiration of his leave to proceed on Service under special conditions, or
 - (b) is on sick leave for a period not exceeding three months, and is on the expiration of his leave to rejoin his unit with a view to proceeding on Service under special conditions,
- the proceeding in respect of such soldier may, in any Case such as is referred to in the proviso to sub-Section (1) of Section 6 and shall, in any other Case, be postponed in the manner provided in Section 7.

10. Power to set aside decrees and Orders, passed against an Indian soldier serving under war or special conditions.-

- (1) In any proceeding before a Court in which a decree or Order has been passed against any Indian soldier whilst he was serving under any special conditions, the soldier or, if he is dead, his legal representative may apply to the Court which passed the decree or Order for an Order to set aside the same, and, if the Court, after giving an opportunity to the Opposite Party of being heard, is satisfied that the interests of justice require that the decree or Order should be set aside as against the soldier, the Court shall, subject to such conditions, if any, as it thinks fit to impose, make an Order accordingly.
- (2) The period of limitation for an Application under sub-Section (1) shall be ninety days from the date of the decree or Order, or, where the summons or notice was not duly served on the soldier in the proceeding in which the decree or Order was passed, from the date on which the Applicant had knowledge of the decree or Order; and the provisions of Section 5 of the Indian Limitation Act, 1908 (9 of 1908), shall apply to such Applications.

- (3) When the decree or Order in respect of which an Application under sub-Section (1) is made is of such a nature that it cannot be set aside as against the soldier only, it may be set aside as against all or any of the Parties against whom it has been made.
- (4) Where a Court sets aside a decree or Order under this Section, it shall appoint a day for proceeding with the Suit, Appeal or Application, as the Case may be.

11. Modification of law of limitation where Indian soldier or his legal representative is a party.-

In computing the period of limitation prescribed by sub-Section (2) of Section 10 of this Act, the Indian Limitation Act, 1908 (9 of 1908), or any other law for the time being in force, for any Suit, Appeal or Application to a Court, any party to which is or has been an Indian soldier, or is the legal representative of an Indian soldier, the period during which the soldier has been serving under any special conditions, and, if the soldier has died while so serving, the period from the date of his death to the date on which official intimation thereof was sent to his next-of-kin by the Authorities in India, shall be excluded:

Provided that this Section shall not apply in the Case of any Suit, Appeal or Application instituted or made with the object of enforcing a right of pre-emption except where the said right accrues in such circumstances, and is in respect of agricultural land village immovable Property situated in any such area as the Central Government may, by notification in the Official Gazette, specify in this behalf.

12. Power of Court to refer questions to prescribed Authorities.

If any Court is in doubt whether, for the purposes of Section 10 or Section 11, an Indian soldier is or was at any particular time serving under special conditions, or has died while so serving, or as to the date of such death or as to the date on which official intimation of such death was sent to his next-of-kin by the Authorities in India, the Court may refer the point for the Decision of the prescribed Authority, and the Certificate of that Authority shall be conclusive evidence on the point.

13. Rule-making power.

1. The Central Government may, by notification in the Official Gazette make rules to provide for all or any of the following matters, namely :-
 - (a) the manner and Form in which any notice or Certificate under this Act shall be given;
 - (b) the period for which proceedings or any class of proceedings shall be postponed under Section 7;
 - (c) the persons who shall be the prescribed Authorities for the purposes of this Act;
 - (d) any other matter which is to be or may be prescribed; and
 - (e) generally, any matters incidental to the purposes of this Act.
2. Every rule made under this Section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified Form or be of no effect, as the Case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

14. Power to apply the provisions of the Act to other persons in the Service of the Government.-

1. As respects the State Public Services, the State Government, and in other Cases, the Central Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act shall apply to any other class of persons in the Service of Government specified in such notification in the same manner as they apply to Indian soldiers.
2. Where, under this Section, the State Government has directed that all or any of the provisions of this Act shall apply to any class of persons in the Service of

Government, the powers vested in the Central Government by Section 3 and Section 13 shall be exercised in respect of that class of persons by the State Government.

THE INDIAN SOLDIERS LITIGATION ACT, 1925

Rules under the Act—The rules framed by the Central Government under Section 13 of the Indian Soldiers (Litigation) Act, 1925 are given in the following notification:

In exercise of the powers conferred by Section 13 of the Indian Soldiers (Litigation) Act, 1925 (IV of 1925), this Central Government after consulting the High Courts, concerned, is pleased to make the following rules, namely:—

1. (1) These rules may be called the Indian Soldiers (Litigation) Rules, 1938.
(2) They extend to the whole of India.
2. **Definitions**—(1) In these rules, “the Act” means the Indian Soldiers (Litigation) Act, 1925 (IV of 1925).
(2) All words used herein and defined in the Act shall be deemed to have the meanings respectively attributed to them by the Act.
3. **Prescribed Authority**—The prescribed Authority for the purposes of sub-clause (iv) of clause (b) of Section 3 and Sections 6, 7 and 8 of the Act shall be the Officer Commanding the Unit or the Depot of the unit to which the soldier belongs.
4. **Form of Collector’s Certificate**—The Certificate given by a Collector under Section 5 of the Act shall be in Form A of the Schedule.
5. **Notice by Court**—The notice given by the Court under Section 6 of the Act shall be in Form-B of the Schedule and shall be sent to the prescribed Authority care of the General Officer Commanding-in-Chief of the Command in which the Court is situated, and the Certificate of the prescribed Authority, under Section 7 of the Act, shall be in Form-C of the Schedule.
6. **Certificate as to that postponement not required**—If at any time it appears to the prescribed Authority that the circumstances in which he certified to the Court under Section 7 of the Act that a postponement of the proceedings was necessary in the interest of justice, no longer exist, he shall forthwith certify to the Court to that effect in Form-D of the Schedule.
7. **Postponement by Court**—On Receipt of a Certificate from the prescribed Authority under Section 7 of the Act that a postponement of the proceedings is necessary in the interest of Justice the Court shall postpone the proceedings until the Receipt of a Certificate in Form-D from the prescribed Authority or until the soldier is represented in the proceedings by some person duly Authorised to appear, plead or act in his behalf.
8. **Prescribed Authority**—The prescribed Authority for the purposes of Section 12 of the Act shall be the General Officer Commanding-in-Chief of the Command in which the Court is situated.

SCHEDULE

‘I’

(Order 33 Rule 4)

NOTIFICATION

No.....

In exercise of the powers conferred by Section 312 of the Code of Criminal procedure, 1973 (2 of 1974) is pleased to make; the following rules to regulate the Payment of expenses paid to complainant and Witnesses appearing, for the purpose of any Enquiry, Trial or other proceedings before a Criminal Court in the state of Rajasthan, namely:-

Chapter 1 Preliminary

1. Short title and commencement: -

- (i) These rules may be called the "Rajasthan Criminal Courts (Payment of Expenses to Complainant and Witnesses) Rules, 2017".
- (ii) They shall come into force from the date of their Publication in the Official Gazette.

2. Definitions: - In these rules unless the context otherwise requires:-

- (a) 'Criminal Court' includes tribunal also.
- (b) 'Code' means the Code of Criminal Procedure, 1973.
- (c) 'Government Servant' means and includes officers/officials in the Service of Government of Rajasthan/Central Government, or any State Government or any public Authority or corporation or autonomous Institutions.
- (d) 'Government' means Government of Rajasthan.
- (e) 'Reasonable expenses' means Payment towards compensation of loss of income of the Witness besides his actual travelling expenses and Diet Money.
- (f) Any word or expression used in these rules and not defined herein shall have the same meaning as assigned to it, in the Code of Criminal Procedure, 1973.

Chapter 2 Payment of Expenses

3. Cases in which Government is to pay the expenses: -

The Government would be liable to pay expenses of Complaints and Witnesses only in the following categories of Cases:-

- (a) in all Cases in which a Witness has been compelled by the Presiding Officer of a Criminal Court on his own motion to attend the Court under Section 311 of the Code;
- (b) In all Cases where cognizance has been taken by the Police; and
- (c) Cases in which the prosecution is instituted or carried on by or under the Orders or with the sanction of the Government, or of any Judge, Magistrate, or any other public officer.

Explanation: The complainant shall be paid the expenses only when he is summoned as a Witness.

4. Case in which Government is not to pay expenses: - No Payment shall be made to the Witnesses by the Government in all Cases other than covered by rule 3, unless the prosecution appears to be in furtherance of the interest of public justice.

Chapter 3 Rate of Payment of Expenses

5. Category of Witnesses: -The following category of Witnesses is given below:-

Category of Witnesses: -	
(A)	Public Witnesses of any class
(B)	Government Servants
(C)	Expert Witnesses such as Forensics Experts, Doctors, Engineers, Architects, Lawyers etc., who are not in the Service of Government.

- (a) For category (A) - fare equal to the fare chargeable by a road transport/state transport bus for a A/C deluxe coach, in addition to the subsequent taxi charges from the nearest bus stand to the concerned Court complex as per prevalent rates notified by the government.
- (b) For category (B) - actual travelling expenses as per their entitlement under the rules governing their nature of Service, such person is required to produce a Certificate of his/her Head of Department or Competent Authority as to the nature of travelling Allowance admissible to him/her; and
- (c) For category (C) - fare equal to the fare chargeable by a road transport/state transport bus for a A/C deluxe coach, in addition to the subsequent taxi charges from the nearest bus stand to the concerned Court complex as per prevalent rates notified by the government.

- **Travel by air :-**
 - (a) for category (A) - No air fare is payable;
 - (b) for category (B) - Actual travelling expenses as per their entitlement under the rules governing their nature of Service. Such person is required to produce a Certificate of his/her Head of Department or Competent Authority as to the nature of travelling Allowance admissible to him/her; and
 - (c) for category (C) - No air fare is payable.
- **Travel by Train :-**
 - (a) Category (A) :- Actual Fare of Sleeper class
 - (b) Category (B): -As per their entitlement under the rules governing their nature of Service, such person is required to produce a Certificate of his/her Head of Department or Competent Authority as to the nature of travelling Allowance admissible to him/her; and
 - (c) Category (C) - Actual fare of 3 AC class.
- **Local Witnesses:-**
- **Travel within city:-**
 - (a) for category (A) - Actual auto rickshaw charges as per prevalent rates notified by the Government;
 - (b) for category (B) - Actual travelling expenses as per their entitlement under rules governing their nature of Service. Such person is required to produce a Certificate of his/her Head of Department or Competent Authority as to the nature of travelling Allowance admissible to him/her; and
 - (c) for category (C) - Actual travelling expenses as per the rates prescribed by the Government for motor car/taxis.

Note 1: If a person has not actually travelled by A/C train or by A/C bus, then the actual expenses incurred shall be reimbursed on production of Original ticket or a copy thereof.

Note 2: If a Witness has travelled by any other mode of transport incurring less expenditure than that of an auto rickshaw/taxi then only the lesser amount shall stand payable to him.

6. Overnight staying rates: -

- (a) for category (A) . Rs. 750/- per day excepting the first day of appearance of Witness in the Court.
- (b) for category (B) - (i) Rs. 1,500/- per day for the Gazetted Officers or officers working in the equivalent pay scale excepting the first day of appearance of Witness in the Court.
(ii) Rs.750/- per day for other government servants, excepting the first day of appearance of Witness in the Court.
- (c) for category (C) - Rs. 1,500/- per day excepting the first day of appearance of Witness in the Court.

Note: For categories (A), (B) and (C) -This amount should be in addition to the other amount which would have become admissible to them had their evidence was to conclude in a single day and they were not required to overstay.

7. Expenses for Diet : -A Witness shall be paid expenses for Diet at the following rates irrespective of categories in which he falls :-

(a) In metropolitan Cities	: Rs. 250
(b) In Division Headquarters	: Rs. 200
(c) Other places	: Rs. 150

8. Expenses for retired Police officers or other government servants:- Those Witnesses, who appear in the Court after their retirement in connection with the work undertaken by them while they were in government Service, may be paid expenses in the same manner as if they were still in government Service.

- 9. Expenses for minor/disabled's attendant:** - When a minor of a tender age or a disabled person is required to attend the Court as a Witness and such a Witness cannot safely travel, the attendant who accompanies the minor or the disabled person, may be paid fare as if he was also a Witness in the Case.

Chapter 4 Miscellaneous

- 10. Duty of the Court while making Payment of expenses:-** It shall be the duty of the Court that no complainant or Witness is put to trouble or inconvenience as to the Payment of expenses which she/he is entitled to under these rules. The Court shall ensure that Payment vouchers are handed over to the Witness in the Court itself soon after their testimony is Recorded, without any undue delay.
- 11. Liberal exercise of discretion:** - In doubtful Cases or in Cases where it is not clear as to how much distance, the Witness has travelled, the presiding Officer may use his or her experience or knowledge for making assessment that how much expenses are to be paid to the Witness and exercise such discretion liberally.
- 12. Payment in advance may be made in appropriate Cases, where a Witness is asked to overstay:** - Subject to these rules, in appropriate Cases, where testimony of Witness is in progress and Witness is required to overstay, for the continuation of his or her testimony, the Court may make advance Payment to such a Witness for the next day of his stay.

APPENDIX 'J' YEARLY PLANNER

JANUARY					
Date	Work to be done (Compliance of Return and other works)	Due date for PerFormance	Where to be sent	Date of Compliance	Remarks (Record here reasons for delayed compliance)
1 st to 31 st					
FEBRUARY					
Date	Work to be done (Compliance of Return and other works)	Due date for PerFormance	Where to be sent	Date of Compliance	Remarks (Record here reasons for delayed compliance)
1 st to 28 th / 29 th					
MARCH					
Date	Work to be done (Compliance of Return and other works)	Due date for PerFormance	Where to be sent	Date of Compliance	Remarks (Record here reasons for delayed compliance)
1 st to 31 st					
APRIL					
Date	Work to be done (Compliance of Return and other works)	Due date for PerFormance	Where to be sent	Date of Compliance	Remarks (Record here reasons for delayed compliance)
1 st to 30 th					
MAY					
Date	Work to be done (Compliance of Return and other works)	Due date for PerFormance	Where to be sent	Date of Compliance	Remarks (Record here reasons for delayed compliance)
1 st to 31 st					
JUNE					
Date	Work to be done (Compliance of Return and other works)	Due date for PerFormance	Where to be sent	Date of Compliance	Remarks (Record here reasons for delayed compliance)
1 st to 30 th					
JULY					
Date	Work to be done (Compliance of Return and other works)	Due date for PerFormance	Where to be sent	Date of Compliance	Remarks (Record here reasons for delayed compliance)
1 st to 31 st					
AUGUST					
Date	Work to be done (Compliance of Return and other works)	Due date for PerFormance	Where to be sent	Date of Compliance	Remarks (Record here reasons for delayed compliance)
1 st to 31 st					
SEPTEMBER					
Date	Work to be done (Compliance of Return and other works)	Due date for PerFormance	Where to be sent	Date of Compliance	Remarks (Record here reasons for delayed compliance)
1 st to 30 th					

OCTOBER					
Date	Work to be done (Compliance of Return and other works)	Due date for Performance	Where to be sent	Date of Compliance	Remarks (Record here reasons for delayed compliance)
1 st to 31 st					
NOVEMBER					
Date	Work to be done (Compliance of Return and other works)	Due date for Performance	Where to be sent	Date of Compliance	Remarks (Record here reasons for delayed compliance)
1 st to 30 th					
DECEMBER					
Date	Work to be done (Compliance of Return and other works)	Due date for Performance	Where to be sent	Date of Compliance	Remarks (Record here reasons for delayed compliance)
1 st to 31 st					

APPENDIX

"K"

(Order 35 Rule 5)

S.No.	Proof of Address (Any two)
1	Passport
2	Driving Licence
3	Water Bill
4	Telephone (landline or post paid mobile bill)
5	Electricity Bill
6	Income Tax Assessment Order
7	Election Commission Photo ID Card
8	Proof of Gas Connection
9	Certificate from Employer of Reputed companies on letter head
10	Spouse's passport copy (first and last page including family details) (provided the Applicant's present address matches the address mentioned in the spouses passport)
11	Parent's passport copy, in Case of minor (first and last page)
12	Aadhaar Card
13	Registered Rent Agreement
14	Photo PassBook of running Bank Account (Scheduled Public Sector Banks, Scheduled Private Sector Indian Banks and Regional Rural Banks only)
15	Bhamashah Card/ BPL Card
16	Photo ID with address proof authenticated by Station House Officer of the area (provided Certificate also bears the photograph of verifying SHO)

APPENDIX

'L'

(Order 34 Rule 5)

**Guidelines for Recording of evidence of vulnerable
Witnesses in Criminal Matters**

(These guidelines are based on the UN Model Law on Justice in Matters involving Child Victims and Witnesses of Crime published by the UN Office on Drugs and Crime, Vienna, UN, New York 2009 and Protection of Children from Sexual Offences Act, 2012 as amended time to time and Rules made there-under)

Each Witness is unique and is to be handled accordingly. Some of the most challenging Cases handled by Judges during the course of their careers are those involving vulnerable Witnesses as, what happened to or was Witnessed by them, impact significantly on their quality of deposition and potentially outcome of a Trial.

Vulnerable Witnesses, find the Criminal justice system intimidating, particularly the Courtroom experience. Under these circumstances, a vulnerable Witness may be a poor Witness, providing weak testimony and contributing less information than should have been elicited. Further, the lengthy Process of navigating the Formal and adversarial Criminal justice system can affect the vulnerable Witnesses psychological development and disable this sensitivity in significant and long-lasting ways.

To respond effectively to the needs of vulnerable Witnesses the Criminal justice system needs to respond proactively with sensitivity in an enabling and age appropriate manner, so that

the Trial Process is less traumatic for them. Judges have to strike a balance between protecting the Accused's right to a fair Trial, and ensuring that Witnesses who give evidence in the Case are enabled to do so, to the best of their ability. Therefore, to elicit and secure complete, accurate and reliable evidence from vulnerable Witnesses; minimize harm or secondary victimization of vulnerable Witnesses in anticipation and as a result of participation in the Criminal justice system; ensure that the Accused's right to a fair Trial is maintained. These guidelines shall be followed in Case of examination of vulnerable Witnesses during Criminal Trial who are victims or Witnesses to crime, unless otherwise provided.

Construction of the guidelines

These guidelines shall be liberally construed to uphold the interests of vulnerable Witnesses and to promote their maximum accommodation without prejudice to the right of the Accused to a fair Trial.

1. Terms explained :

- (a) **Vulnerable Witness** – is a child who has not completed 18 years of age.
- (b) **Support Person** – Means and includes *guardian ad litem*, legal aid lawyer, facilitators, interpreters, translators and any other person appointed by Court or any other person appointed by the Court to provide support, accompany and assist the vulnerable Witness to testify or attend judicial proceedings.
- (c) **Best Interests of the Child** – Means circumstances and conditions most congenial to security, protection of the child and most encouraging to his physical, psychological and emotional development and shall also include available alternatives for safeguarding the growth and development of the child.
- (d) **Development Level** – Development level refers to the specific growth phase in which most individuals are expected to behave and function in relation to the advancement of their physical, socio economical, cognitive and moral abilities.
- (e) **In-Camera Proceedings** – means Criminal matters or part thereof wherein the public and press are not allowed to participate, for good reason as adjudged by the Court.
- (f) **Concealment of Identity of Witness** – Means and includes any condition prohibiting Publication of the name, address and other particulars which may lead to the identification of the Witness.
- (g) **Comfort Items** – Comfort items mean any article which shall have a calming effect on a vulnerable Witness at the time of deposition and may include stuffed toy, blanket or Book.
- (h) **Competence of a vulnerable Witness** – Every vulnerable Witness shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions due to tender years, disease, either of body or mind, or any other cause of the same kind.
Explanation: A mentally ill person may also be held competent unless he is prevented by his lunacy to understand questions.
- (i) **Court House Tour** – A pre-Trial tour of Court room, to familiarize a vulnerable Witnesses with the environment and the basic Process of adjudication and roles of each Court official.
- (j) **Descriptive Aids** – A human figure model, anatomically correct dolls or a picture or anatomical diagrams or any other aids deemed appropriate to help a vulnerable Witness to explain an act or a fact.
- (k) **Live Link** – 'Live link' means and includes a live television link, audio-video electronic means or other arrangement whereby a Witness, while absent from the

Courtroom is nevertheless present in the Court room by remote communication using technology to give evidence and be cross-examined.

- (l) **Special Measures** – mean and include the use of any mode, method and instrument, etc, considered necessary for providing assistance in Recording deposition of vulnerable Witnesses.
- (m) **Testimonial Aids** – means and includes screens; live links, image and/or voice altering devices; or any other technical devices.
- (n) **Secondary Victimization** – means victimization that occurs not as a direct result of a Criminal act but through the response of Institutions and individuals to the victim.
- (o) **Revictimization** – means a situation in which a person suffers more than one Criminal incident over a period of time.
- (p) **Waiting Room** – A safe place for vulnerable Witnesses where they can wait. It shall have toys, Books, TV, etc. which can help them lower their anxiety.

4. Special Measures Direction :

The Court shall direct as to which, special measure will be used to assist a particular eligible Witness in providing the best evidence. Directions may be discharged or varied during the proceedings, but normally continue in effect until the proceedings are concluded, thus enabling the Witness to know what assistance to expect.

5. Applicability of guidelines to all vulnerable Witnesses :

For the avoidance of doubt, it is made clear that these guidelines are to apply to any vulnerable Witness including a child party, regardless of which party is seeking to examine the Witness.

6. No adverse inference to be drawn from special measures :

The fact that a Witness has had the benefit of a special measure to assist them in deposition, shall not be regarded in any way whatsoever as being adverse to the position of the other side and this should be made clear by the Judge at the time of passing Order in terms of these guidelines to the Parties when the vulnerable Witness is examined and when the final Judgment is pronounced.

7. Identification of Stress causing factors of adversarial Criminal Justice System Factors :

Which cause stress on child Witness, rendering them further vulnerable Witnesses, and impeding complete disclosure by them shall, amongst others, include:

- (i) Multiple depositions and not using developmentally appropriate language.
- (ii) Delays and continuances.
- (iii) Testifying more than once.
- (iv) Prolonged/ protracted Court proceedings.
- (v) Lack of communication between professionals including Police, doctors, lawyers, prosecutors, investigators, psychologists, etc.
- (vi) Fear of public exposure.
- (vii) Lack of understanding of complex legal procedures.
- (viii) Face-to-face contact with the Accused.
- (ix) Practices insensitive to developmental needs.
- (x) Inappropriate cross-examination.
- (xi) Lack of adequate support and victims Services.
- (xii) Sequestration of Witnesses who may be supportive to the child.
- (xiii) Placement that exposes the child to intimidation, pressure, or continued abuse.
- (xiv) Inadequate preparation for fearless and robust testifying.
- (xv) Worry about not being believed especially when there is no evidence other than the testimony of the vulnerable Witness.
- (xvi) Formality of Court proceedings and surroundings including Formal dress of members of the judiciary and legal personnel.

8. Competency of vulnerable Witness :

(i) Every vulnerable Witness shall be presumed to be qualified as a Witness unless prevented by the following-

- (a) age
- (b) physical or mental disability leading to Recording a finding of doubt regarding the ability of such Witness to perceive, remember, communicate, distinguish truth from falsehood or appreciate the duty to tell the truth, and/or to express the same.

Explanation: The Court shall conduct a competency examination before Recording the testimony of such Witness, or on an Application of either prosecution or defence or suo moto.

9. Persons allowed at competence assessment :

Only the following are allowed to attend the competence assessment:

- (i) the judge and such Court personnel deemed necessary and specified by Order of the judge concerned;
- (ii) the counsel for the Parties;
- (iii) the *guardian ad litem*;
- (iv) one or more support persons for the child; and
- (v) the Accused, unless the Court determines that competence requires to be and can be fully evaluated in his absence;
- (vi) any other person, who in the opinion of the Court can assist in the competence assessment.

10. Conduct of competence assessment :

The assessment of a child as to his competence as a Witness shall be conducted only by the judge.

11. Developmentally appropriate questions :

The questions asked to assess the competency of the child shall be appropriate to the age and developmental level of the child; shall not be related to the Issues at Trial; and shall focus on the ability of the child to remember, communicate, distinguish between truth and falsehood, and appreciate the duty to testify truthfully.

12. Continuing duty to assess competence :

The Court has the duty of continuously assessing the competence of the vulnerable Witnesses throughout their testimony and to pass appropriate Orders, as and when deemed necessary..

13. Pre-Trial visit of Witnesses to the Court :

Vulnerable Witness shall be allowed a pre Trial Court visit along with the support person to enable such Witnesses to familiarise themselves with the layout of the Court, and may include visit to and explanation of the following:

- (i) the location of the Accused in the dock;
- (ii) Court officials (what their roles are and where they sit);
- (iii) who else might be in the Court, for example those in the public gallery;
- (iv) the location of the Witness box;
- (v) a run-through of basic Court procedure;
- (vi) the facilities available in the Court;
- (vii) discussion of any particular fears or concerns with the intermediaries, prosecutors and the Judge to dispel the fear, trauma and anxiety in connection with the prospective deposition at Court.;
- (viii) demonstration of any special measures applied for and/or granted, for example practising on the live link and explaining who will be able to see them in the Courtroom, and showing the use of screens (where it is practical and convenient to do so).

14. Meeting the Judge :

The Judge may meet a vulnerable Witness suo moto on reasons to be Recorded or on an Application of either party in the presence of the prosecution and defence lawyer or in their absence before they give evidence, for explaining the Court Process in Order to help them in understanding the procedure and giving their best evidence.

15. Appointment of Guardian ad litem :

The Court may appoint any person as *guardian ad litem* as per law to a Witness who is a victim of, or a Witness to a crime having regard to his best interests after considering the background of the *guardian ad litem* and his familiarity with the judicial Process, social Service programs, and child development, giving preference to the parents of the child, if qualified. The *guardian ad litem* may be a member of bar/practicing advocate, except a person who is a Witness in any proceeding involving the child.

16. Duties of guardian ad litem :

It shall be the duty of the *guardian ad litem* so appointed by Court to:

- (i) attend all depositions, Hearings, and Trial proceedings in which a vulnerable Witness participates.
- (ii) make recommendations to the Court concerning the welfare of the vulnerable Witness keeping in view the needs of the child and observing the impact of the proceedings on the child.
- (iii) explain in a language understandable to the vulnerable Witness, all legal proceedings, including Police Investigations, in which the child is involved;
- (iv) assist the vulnerable Witness and his family in coping with the emotional effects of crime and subsequent Criminal or non-Criminal proceedings in which the child is involved;
- (v) remain with the vulnerable Witness while the vulnerable Witness waits to testify.

17. Legal assistance :

A vulnerable Witness may be provided with legal assistance by the Court, if the Court considers the assignment of a lawyer to be in the best interests of the child, throughout the justice Process in the following instances:

- (a) at the request of the support person, if one has been designated;
- (b) pursuant to an Order of the Court on its own motion.

18. Court to allow presence of support persons :

- (a) A Court shall allow suo moto or on request, verbal or written, to child testifying at a judicial proceeding to have the presence of one person of his own choice to provide him support who shall within the view and if the need arise may accompany the child to the Witness stand, provided that such support person shall not completely obscure the child from the view of the opposing party or the Judge.
- (b) The Court may allow the support person to hold the hand of the vulnerable Witness or take other appropriate steps to provide emotional support to the vulnerable Witness in the course of the proceedings.
- (c) The Court shall instruct the support persons not to prompt, sway, or influence the vulnerable Witness during his testimony. The support person shall also be directed that he/she shall in no circumstances discuss the evidence to be given by the vulnerable Witness.
- (d) Where no other Suitable person is available only in very rare Cases should another Witness in the Case be appointed as a support person. The Court shall ordinarily appoint a neutral person, other than a parent, as a support person. It is only in exceptional circumstances keeping the condition of the vulnerable Witness in mind, that the Court should appoint a parent as a support person.

19. The testimony of support person to be Recorded prior :

A testimony of such support person if he also happens to be a Witness shall be Recorded, ahead of the testimony of the child.

20. Court to appoint Facilitator :

- (i) To assist the vulnerable Witnesses in effectively communicating at various stages of Trial and or to coordinate with the other stake holders such as Police, medical officer, prosecutors, psychologists, defence counsels and Courts, the Court shall allow use of facilitators.

- (ii) The Court may, suo moto or upon an Application presented by either party or a support person of vulnerable Witnesses appoint a facilitator if it determines that such Witness is finding it difficult to understand or respond to questions asked.

Explanation: (i) The facilitator may be an interpreter, a translator, child psychologist, psychiatrist, social worker, guidance counselor, teacher, parent, or relative of such Witness who shall be under oath to pose questions according to meaning intended by the counsel.

- (ii) If the Court appoints a facilitator, the respective counsels for the Parties shall pose questions to the vulnerable Witness only through the facilitator, either in the words used by counsel or, if the vulnerable Witness is not likely to understand the same, in words or by such mode as is comprehensible to the vulnerable Witness and which convey the meaning intended by counsel.

21. Right to be informed :

A vulnerable Witness, his or her parents or guardian, his or her lawyer, the support person, if designated, or other appropriate person designated to provide assistance shall, from their first contact with the Court Process and throughout that Process, be promptly informed by the Court about the stage of the Process and, to the extent feasible and appropriate, about the following:

- (a) procedures of the Criminal justice Process including the role of vulnerable Witnesses, the importance, timing and manner of testimony, and the ways in which proceedings will be conducted during the Trial;
- (b) existing support mechanisms for a vulnerable Witness when participating in proceedings, including making available appropriate person designated to provide assistance;
- (c) specific time and places of Hearings and other relevant events;
- (d) availability of protective measures;
- (e) relevant rights of child victims and Witnesses pursuant to applicable laws, the Convention on the Rights of the Child and other international legal instruments, including the Guidelines and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985;
- (f) the progress and disposition of the specific Case, including the apprehension, arrest and custodial status of the Accused and any pending changes to that status, the prosecutorial Decision and relevant post-Trial developments and the outcome of the Case.

22. Language, interpreter and other special assistance measures :

- (i) the Court shall ensure that proceedings relevant to the testimony of a child victim or Witness are conducted in language that is simple and comprehensible to a child.
- (ii) if a child needs the assistance of interpretation into a language or mode that the child understands, an interpreter shall be provided free of charge.
- (iii) if, in view of the child's age, level of maturity or special individual needs, which may include but are not limited to disabilities if any, ethnicity, poverty or risk of revictimization, the child requires special assistance measures in Order to testify or participate in the justice Process, such measures shall be provided free of charge.

23. Waiting area for vulnerable Witness :

The Courts shall ensure that a waiting area for vulnerable Witnesses with the support person, lawyer of the Witness facilitation, if any, is separate from waiting areas used by other persons. The waiting area for vulnerable Witnesses should be furnished so as to make a vulnerable Witness comfortable.

24. Duty to provide comfortable environment :

It shall be the duty of the Court to ensure comfortable environment for the vulnerable Witness by issuing directions and also by supervising, the location, movement and deportment of all persons in the Courtroom including the Parties, their counsel, child Witnesses, support persons, guardian *ad litem*, facilitator, and

Court personnel. The child may be allowed to testify from a place other than the Witness chair. The Witness chair or other place from which the child testifies may be turned to facilitate his testimony but the opposing party and his counsel must have a frontal or profile view of the child even by a video link, during the testimony of the child. The Witness chair or other place from which the child testifies may also be rearranged to allow the child to see the opposing party and his counsel, if he chooses to look at them, without turning his body or leaving the Witness stand. While deciding to make available such environment, the Judge may be dispensed with from wearing his judicial robes.

25. Testimony during appropriate hours :

The Court may Order that the testimony of the vulnerable Witness should be taken during a time of day when the vulnerable Witness is well-rested.

26. Recess during testimony :

The vulnerable Witness may be allowed reasonable periods of relief while undergoing depositions as often as necessary depending on his developmental need.

27. Measures to protect the privacy and well-being of child victims and Witnesses :

(1) At the request of a child victim or Witness, his or her parents or guardian, his or her lawyer, the support person, other appropriate person designated to provide assistance, or the Court on its own motion, taking into account the best interests of the child, may Order one or more of the following measures to protect the privacy and physical and mental well-being of the vulnerable Witness child and to prevent undue distress and secondary victimization:

- (a) expunging from the public Record any names, addresses, workplaces, professions or any other information that could be used to identify the child;
- (b) forbidding the defence lawyer and persons present in Court room from revealing the identity of the child or disclosing any material or information that would tend to identify the child;
- (c) Ordering the non-disclosure of any Records that identify the child, until such time as the Court may find appropriate;
- (d) assigning a pseudonym or a number to a child, in which Case the full name and date of birth of the child shall be revealed to the Accused within a reasonable period for the preparation of his or her defence;
- (e) efforts to conceal the features or physical Description of the child giving testimony or to prevent distress or harm to the child, including testifying:
 - (i) behind screen;
 - (ii) using image or voice-altering devices;
 - (iii) through examination in another place, transmitted simultaneously to the Courtroom by means of video link;
 - (iv) through a qualified and Suitable intermediary, such as, but not limited to, an interpreter for children with Hearing, sight, speech or other disabilities;
- (f) holding closed sessions;
- (g) if the child refuses to give testimony in the presence of the Accused or if circumstances show that the child may be inhibited from speaking the truth in that person's presence, the Court shall give Orders to temporarily remove the Accused from the Courtroom to an adjacent room with a video link or a one way mirror visibility into the Court room. In such Cases, the defence lawyer shall remain in the Courtroom and question the child, and the Accused's right of confrontation shall thus be guaranteed;
- (h) taking any other measure that the Court may deem necessary, including, where applicable, anonymity, taking into account the best interests of the child and the rights of the Accused.

(2) Any information including name, parentage, age, address, etc. revealed by the child victim or Witness which enables identification of the person of the child, shall be kept in a sealed cover on the Record and shall not be made available for inspection to any party or person. Certified copies thereof shall also not be Issued.

The reference to the child victim or Witness shall be only by the pseudonym assigned in the Case.

28. Directions for Criminal Court Judges :

- (i) Vulnerable Witnesses shall receive high priority and shall be handled as expeditiously as possible, minimizing unnecessary delays and continuances (Whenever necessary and possible, the Court schedule will be altered to ensure that the testimony of the child victim or Witness is Recorded on sequential days, without delays).
- (ii) Judges and Court administrators should ensure that the developmental needs of vulnerable Witnesses are recognized and accommodated in the arrangement of the Courtroom.
- (iii) Separate and safe waiting areas and passage thereto should be provided for vulnerable Witnesses.
- (iv) Judges should ensure that the developmental stages and needs of vulnerable Witnesses are identified recognized and addressed throughout the Court Process by requiring usage of appropriate language, by timing Hearings and testimony to meet the attention span and physical needs of such vulnerable Witnesses by allowing the use of testimonial aids as well as interpreters, translators, when necessary.
- (v) Judges should be flexible in allowing the vulnerable Witnesses to have a support person present while testifying and should guard against unnecessary sequestration of support persons.
- (vi) Hearings involving a vulnerable Witness may be scheduled on days/time when the Witness is not inconvenienced or is not disruptive to routine/ regular schedule of child.

29. Allowing proceedings to be conducted in camera :

- (i) When a vulnerable Witness testifies, the Court may Order the exclusion from the Courtroom of all persons, who do not have a direct interest in the Case including members of the press. Such an Order may be made to protect the right to privacy of the vulnerable Witness or if the Court determines on the Record that requiring the vulnerable Witness to testify in open Court would cause psychological harm to him, hinder the ascertainment of truth, or result in his inability to effectively communicate due to embarrassment, fear, or timidity.
- (ii) In making its Order, the Court shall consider the developmental level of the vulnerable Witness, the nature of the crime, the nature of his testimony regarding the crime, his relationship to the Accused and to persons attending the Trial, his desires, and the interests of his parents or legal guardian.
- (iii) The Court may, *motu proprio*, exclude the public from the Courtroom if the evidence to be produced during Trial is of such character as to be distressing, personal, offensive to decency or public morals.

30. Live-link television testimony in Criminal Cases where the vulnerable Witness is involved :

- (a) The prosecutor, counsel or the *guardian ad litem* may apply for an Order that the testimony of the child be taken in a room outside the Courtroom and be televised to the Courtroom by live-link television.
- (b) In Order to take a Decision of usage of a live-link the Judge may question the child in chambers, or in some comfortable place other than the Courtroom, in the presence of the support person, *guardian ad litem*, prosecutor, and counsel for the Parties. The questions of the Judge shall not be related to the Issues at Trial but to the feelings of the child about testifying in the Courtroom.
- (c) The Court on its own motion, if deemed appropriate, may pass Orders in terms of (a) or any other Suitable directions for Recording the evidence of a vulnerable Witness.

31. Provision of screens, one-way mirrors, and other devices to vulnerable Witness from Accused :

The Court may *suo moto* or on an Application made even by the prosecutor or the *guardian ad litem* may Order that the chair of the vulnerable Witness or that a screen or other device be placed in the Courtroom in such a manner that the child cannot see the

Accused while testifying. The Court shall Issue an Order stating the reasons and describing the approved Courtroom arrangement.

32. Factors to be considered while considering the Application under Guidelines 31 & 32 :

The Court may Order that the testimony of the vulnerable Witness be taken by live-link television if there is a substantial likelihood that the vulnerable Witness would not provide a full and candid account of the evidence if required to testify in the presence of the Accused, his counsel or the prosecutor, as the Case may be.

The Order granting or denying the use of live-link television shall state the reasons therefore and shall consider the following:

- (i) the age and level of development of the vulnerable Witness;
- (ii) his physical and mental health, including any mental or physical disability;
- (iii) any physical, emotional, or psychological harm related to the Case on hand or trauma experienced by the child;
- (iv) the nature of the alleged Offence and circumstances of its commission;
- (v) any threats against the vulnerable Witness;
- (vi) his relationship with the Accused or adverse party;
- (vii) his reaction to any prior encounters with the Accused in Court or elsewhere;
- (viii) his reaction prior to Trial when the topic of testifying was discussed with him by parents or professionals;
- (ix) specific symptoms of stress exhibited by the vulnerable Witness in the days prior to testifying;
- (x) testimony of expert or lay Witnesses;
- (xi) the custodial situation of the child and the attitude of the members of his family regarding the events about which he will testify; and
- (xii) other relevant factors, such as Court atmosphere and Formalities of Court procedure.

33. Mode of questioning :

To facilitate the ascertainment of the truth the Court shall exercise control over the questioning of vulnerable Witness.

- (i) ensure that questions are stated in a Form appropriate to the developmental level of the vulnerable Witness;
- (ii) protect vulnerable Witness from harassment or undue embarrassment; and
- (iii) avoid waste of time by declining questions which the Court considers unacceptable due to their being improper, unfair, misleading, needless, repetitive or expressed in language that is too complicated for the Witness to understand;
- (iv) the Court may allow the child Witness to testify in a narrative Form;
- (v) questions shall be put to the Witness only through the Court.

34. Rules of deposition to be explained to the Witnesses :

The Court shall explain to a vulnerable Witness to listen carefully to the questions and to tell the whole truth, by speaking loudly and not to respond by shaking head in yes or no and also to specifically state that the Witness does not remember where he has forgotten something and to clearly ask when the question is not understood.

A gesture by a child to explain what had happened shall be appropriately translated and Recorded in the child's deposition.

35. Objections to questions :

Objections to questions should be couched in a manner so as not to mislead, confuse, frighten a vulnerable Witness.

36. Allow questions in simple language :

The Court to allow the questions to be put in simple language avoiding slang, esoteric jargon, proverbs, metaphors and acronyms. The Court must not allow the question carrying words capable of two-three meanings, questions having use of both past and present in one sentence, or multiple questions which is likely to confuse a Witness. Where the Witness seems confused instead of repetition of the same question, the Court should direct for its re-phrasing.

Explanation: (i) The reaction of vulnerable Witness shall be treated as sufficient clue that question was not clear so it shall be rephrased and put to the Witness in a different way.

- (ii) Given the Witness developmental level, excessively long questions shall be required to be rephrased and thereafter put to Witness.
- (iii) Questions framed as compound or complex sentence structure; or two part questions or those containing double negatives shall be rephrased and thereafter put to Witness.

37. Testimonial aids :

The Court shall permit a child to use testimonial aids as defined in the definition clause.

38. Protection of privacy and safety :

(a) Confidentiality of Records.— Any Record regarding a vulnerable Witness shall be confidential and kept under seal. Except upon written request and Order of the Court, the Record shall only be made available to the following:

- (i) Members of the Court staff for administrative use;
- (ii) The Public Prosecutor for inspection;
- (iii) Defence counsel for inspection;
- (iv) The *guardian ad litem* for inspection;
- (v) Other persons as determined by the Court.

(b) Protective Order.— The depositions of the vulnerable Witness Recorded by video link shall be video Recorded except under reasoned Order requiring the special measures by the Judge. However where any video-tape or audio-tape of a vulnerable Witness is made, it shall be under a protective Order that provides as follows:

- (i) A transcript of the testimony of the vulnerable Witness shall be prepared and maintained on Record of the Case. Copies of such transcript shall be furnished to the Parties of the Case.
- (ii) Tapes may be viewed only by Parties, their counsel, their expert Witness, and the *guardian ad litem*.
- (iii) No person shall be granted access to the tape, or any part thereof unless he signs a written affirmation that he has received and read a copy of the protective Order; that he submits to the jurisdiction of the Court with respect to the protective Order; and that in Case of violation thereof, he will be subject to the contempt power of the Court.
- (iv) Each of the tapes, if made available to the Parties or their counsel, shall bear the following cautionary notice:

‘This object or document and the contents thereof are subject to a protective Order Issued by the Court in (Case title), (Case number). They shall not be examined, inspected, read, viewed, or copied by any person, or disclosed to any person, except as provided in the protective Order. No additional copies of the tape or any of its portion shall be made, given, sold, or shown to any person without prior Court Order. Any person violating such protective Order is subject to the contempt power of the Court and other penalties prescribed by law.’

(v) No tape shall be given, loaned, sold, or shown to any person except as Ordered by the Court.

(vi) This protective Order shall remain in full force and effect until further Order of the Court.

(c) Personal details during evidence likely to cause threat to physical safety of vulnerable Witness to be excluded — A vulnerable Witness has a right at any Court proceeding not to testify regarding personal identifying information, including his name, address, telephone number, school, and other information that could endanger his physical safety or his family. The Court may, however, require the vulnerable Witness to testify regarding personal identifying information in the interest of justice.

- (d) Destruction of videotapes and audiotapes.— Any videotape or audiotape of a child produced under the provisions of these guidelines or otherwise made part of the Court Record shall be destroyed as per rules Formed by the Rajasthan High Court.

39. Protective measures :

At any stage in the justice Process where the safety of a child victim or Witness is deemed to be at risk, the Court shall arrange to have protective measures put in place for the child. Those measures may include the following:

- avoiding direct or indirect contact between a child victim or Witness and the Accused at any point in the justice Process;
- restraint Orders;
- a pre-Trial detention Order for the Accused or with restraint or no contact bail conditions which may be continued during Trial;
- protection for a child victim or Witness by the Police or other relevant agencies and safeguarding the whereabouts of the child from disclosure;
- any other protective measures that may be deemed appropriate.

40. Applicability of these provisions in other matters.-

These provisions shall also apply wherever applicable and practical in the inquiry into and Trial of rape or an Offence under Section 376, Section 376A, Section 376B, Section 376C, Section 376D or Section 376E of the Indian Penal Code.

SCHEDULE

'M'
(Order 48 Rule 16)

Seal of Civil Courts

Name of Court	Shape	Dimensions
Every Court	Round	2-1/2 Diameter



राज्य केन्द्रीय मुद्रणालय, जयपुर।