



**RULES AND ORDERS
OF THE
LAHORE HIGH COURT, LAHORE**

VOLUME - IV

HIGH COURT RULES AND ORDERS — VOLUME IV

CHAPTER I

SUPERINTENDENCE AND CONTROL

PART I — GENERAL

PART-A: SUPERVISION AND CONTROL

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

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

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

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

5. Presiding Officer to acquaint himself with the Rules and Orders of High Court and to exercise supervision over the staff.—Every Judicial officer is required to make himself acquainted with the law which he has to administer, and with the Rules and Orders of the High Court, and also to supervise the work of the ministerial officers attached to his Court.

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

7. Honorary Subordinate Judges and Magistrates should also observe regular Court hours, which should be fixed by the District and Sessions Judge and the District Magistrate in each case after consulting the Honorary Subordinate Judge and Honorary Magistrate concerned. The order of the District and Sessions Judge and the District Magistrate fixing the Court hours decided upon should be affixed to the notice board outside the Court house for the information of the public.

PART-B: Pecuniary Control

1. Responsibility of presiding officer for proper accounting and application of money and property received.—The presiding officer of every Court is responsible that the Registers and Accounts of his Court are regularly and correctly kept, and that money and property passing through his hands or dealt with under his orders, are duly accounted for and applied. Controlling officers should be careful to bring home this responsibility to officers serving under them. See also in this connection paragraph 7 of Volume I, Chapter 12-A.

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

3. Prohibition against receipt of cheques from private persons.—Presiding officers are prohibited from accepting cheques from private persons in lieu of cash as cheques are not legal tender. The Imperial Bank can accept cheques on clearing banks only for credit of Government account.

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

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

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

6. Directions as to receipt of money and property. Security to be taken from officials.—It should be remembered that the Government is responsible to the public for the proper application and disposal of all money and property received by public officers in the discharge of their duties as such. It is therefore desirable that money and property should in every case be received by or in the presence of a Judicial officer competent to deal with it, and that the person who delivers such money or property to the Court, or from whom it is taken in due course of law, should be granted a proper acknowledgement, on the prescribed form, signed by such Judicial officer or by a responsible officer authorized by Government in that behalf. The Government cannot hold itself liable for claims based on receipts on manuscript forms granted by unauthorized or irresponsible subordinate officials. Clerks of District Courts, Registrars of Small Causes Courts and Civil Nazir are authorized to conduct certain pecuniary transactions, under the supervision and on the responsibility of the Judicial Officer under whom they serve, but their action should be closely watched. The orders in regard to the security to be taken from all ministerial officers of the Judicial Department entrusted with duties of a pecuniary nature should be rigidly enforced. The payment of security by such ministerial officers in instalments is prohibited.

7. Cancellation of stamps. Detection of fraud to be reported to High Court.—It is the duty of the presiding officer of every Court to supervise the cancellation, according to law, of Court-fee stamps and labels attached to plaints, appeals, complaints, petitions and applications

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

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

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

PART C - INSPECTION OF SUBORDINATE COURTS

1. Monthly Inspection of subordinate Courts by District Judge and District Magistrate.—A portion of the civil and criminal work of each subordinate District Court should be regularly examined and criticized each month by the District Judge and District Magistrate, respectively, and District Magistrates and District Judges should, so far as circumstances permit, keep themselves acquainted with the working of the Courts subordinate to them, and comment on any irregularities which may come to their notice. The registers of subordinate Courts should also be periodically inspected.

2. Duty of Inspection officers to see that unnecessary adjournments are not granted.—When examining the records of subordinate Courts inspecting officers should particularly note the number of adjournments granted in any case, and the reasons for them; if it is found that adjournments are granted unnecessary, the presiding officer of the Court concerned should at once be warned, and, if the practice continues, a report should be made to the High Court.

3. Inspection by District Judge and District Magistrate in Districts not visited by Inspection Judge.—In districts not visited by the Inspecting Judge, the District Judge should inspect the Courts of Subordinate Judge, and the District Magistrate those of 1st Class Stipendiary Magistrates.

4. Inspection by District Judge and District Magistrate in districts visited by the Inspection Judge.—In regard to districts which are visited by the Inspecting Judge, the District Judge should report on those Subordinate Judges, and the District Magistrate on those 1st Class Stipendiary Magistrates outside headquarters, who are not inspected by the Inspecting Judge.

5. Forwarding of inspection notes to High Court.—The District Magistrate's inspection notes should be forwarded to the District and Sessions Judge who will forward them with his remarks to the High Court, together with his inspection notes on the Courts of Subordinate Judges.

6. Date and scope of inspection notes.—As the inspection of subordinate Courts usually takes place in the cold weather, the report should reach the High Court by the 1st May. The inspection notes, which should be as brief as possible, should be on the lines of the Inspection

Judge's notes and should be type-written.

7. High Court shall receive annual report as to work of every judicial officer.—In this way the High Court will receive annually a report on the work of each Stipendiary Judicial Officer as inspected by the Inspecting Judge, the District Judge or the District Magistrate.

8. Inspection Reports of Honorary Magistrates and Honorary Sub-Judges.—Under the existing orders of Government, the Court of every Honorary Magistrate, Bench of Honorary Magistrates, and Honorary Subordinate Judge should be inspected at least once a year by an experienced judicial officer, whose report should be submitted by the District and Sessions Judge, through the High Court, to Government. Such reports should be submitted in duplicate and with the least possible delay.

Note.—In the case of inspections of the Courts of Honorary Magistrates, sitting either singly or on a Bench, the expression “an experienced judicial officer” means either the District Magistrate, Additional District Magistrate, Sub-Divisional Magistrate, or Section 30 Magistrate. Each alternate inspection must, however, be made by the District Magistrate himself. (Punjab Government letter No. 16180-H. Judl., dated 24th April, 1935).

In addition to these annual inspections of the work of stipendiary and honorary judicial officers, which must be reported to the High Court, local officers should continue to make regular inspections of the work of such officers, which need not be reported to the High Court unless on some matter of importance.

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

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

10. Inspection by presiding officer.—The importance of the careful supervision of registers and pending files by presiding officers can hardly be exaggerated.

On the first working days in the months of February, May, August and November every District Judge, Judge, Small Cause Court and Subordinate Judge shall carry out regular inspection of his own Court and shall fix no judicial work for those days.

11. Submission of inspection notes.—He shall inspect in detail the work of the ministerial staff, and the registers and shall, in particular, look through the oldest files pending and see whether unnecessary delay has occurred or wrong orders have been passed. He should check all old registers preserved in his Court, report any losses that have occurred and arrange for the destruction of all registers liable to be destroyed. He shall then write a brief inspection note on the lines of an Inspection Judge's note. This note shall be submitted by the Subordinate Judge to the District Judges. The District Judge shall submit to the High Court the inspection note of his own Court. The District Judge need not submit to the High Court the inspection notes of the Subordinate Judges.

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

13. Inability to inspect on the date fixed.—If an officer is unable to make an inspection of his own Court on the prescribed date, he shall do so as soon as possible thereafter and, in any case,

in the month in which the inspection should have been made.

PART D: REPORTS ON THE WORK OF JUDICIAL OFFICERS

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

2. Reporting authorities and period covered by the report.—District Magistrates, under instructions from the Provincial Government, and District and Sessions Judges are required to forward a report on the services and character of the work performed by every judicial officer working under them during the twelve months ending on the 31st of March. It should be noted that reports are now required for the financial, and not as hitherto, for the calendar year.

3. List of officers about whom and the authority to whom reports are to be submitted.—Reports on the work of the following officers, which must be submitted in duplicate, should be forwarded to Government through the Registrar of the High Court:--

- (a) On the magisterial work of:--
 - (i) Officers of the Civil Service of Pakistan;
 - (ii) Officers of the Punjab Civil Service (Executive Branch);
 - (iii) Political Probationers of the Government of Pakistan;
 - (iv) Honorary Magistrates.
- (b) On the civil judicial work of:--
 - (i) Officers of the Civil Service of Pakistan who worked as Subordinate Judges;
 - (ii) Political Probationers of Government of Pakistan who worked as Subordinate Judges.
 - (iii) Honorary Subordinate Judges.

Reports on the civil judicial work of officers of the Punjab Civil Service (Judicial Branch) should similarly be submitted to the Registrar, High Court, for the twelve months ending on the 31st of March, and not for the calendar year. They are not required in duplicate since they are retained by the Registrar.

Reports on the magisterial work of Assistant Commissioners and Extra Assistant Commissioners originate with the District Magistrate and should be forwarded through the District and Sessions Judge, who will add his remarks on the work of the District Magistrate; those on civil judicial work with the District and Sessions Judge. They must be submitted punctually and with due attention to the instructions printed on the prescribed forms.

4. Reports about Tehsildars and Naib-Tehsildars.—Reports on the magisterial ‘Work of Tehsildars and Naib-Tehsildars should be sent by District Magistrates to Commissioners direct and not through Sessions Judge. They should not be forwarded to the Registrar of the High Court.

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

5. Reporting authority to record his opinion on transfer. Report about officers who have served for less than 3 months in the districts.—Whenever a District and Sessions Judge or a District Magistrate is transferred after spending not less than six months in a district, he should

invariably leave on record his opinion of the judicial work of all officers who have worked under his control for not less than six months in the year and these opinions should be used by his successor in compiling the final report.

If an officer has served under a reporting authority for less than three months, the officer under whom he has previously served should be consulted and his opinion incorporated in the report, care being taken to indicate how far the replies to the questions are based on personal knowledge and how far on reports of other officers.

6. Reports to be kept confidential and office copies destroyed after 5 years.—With the approval of Government, it has been decided that office copies of the annual confidential reports on the work of Magistrates need not be kept by District Magistrates for more than five years, after which they may be destroyed. These orders apply also to the office copies of the annual confidential reports on the work of District Magistrates and Subordinate Judges kept by District and Sessions Judges, and also to annual reports on the work of Honorary Magistrates and Honorary Subordinate Judges. Great care should be taken to keep these office copies strictly confidential until the time comes to destroy them; they must be kept in the personal custody of District Magistrates and District and Sessions Judges and should on no account be sent at any stage to the office.

7. Forms prescribed to be used.—The revised forms prescribed for the annual confidential reports on the magisterial and civil judicial work of officers are reproduced in the annexure to this Part. These forms should be adapted, where necessary, for the submission of reports on the civil judicial work of officers of Central Civil Service, the magisterial and civil judicial work of Political Probationers of the Government of Pakistan and the magisterial and civil judicial work of Honorary Magistrates and Honorary Subordinate Judges.

ANNEXURE

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

_____ District

Confidential report on the magisterial work of Officers of the central Civil Service, i.e. Assistant commissioners and deputy Commissioners, Punjab Civil Service (executive Branch) for the year ending 31st march, 19_____.

Name of officer reported on _____

Appointment held _____

C.C.S.

Total length of service in the-----

C.C.S.

Name of reporting officers (1) _____

District Magistrate.

(2) _____

Sessions Judge,

(3) _____

High Court.

District

Period spent in the-----

Sub-Division

Powers exercised {

Instructions:--

- (1) This report is (1) Sessions Judge, on April 2nd.
due with the (2) Registrar, High Court, on April
21st
(3) Government on June 1st. each year
- (2) If the work on which the officer is employed is specially important or arduous, the fact should be stated.
- (3) if the officer has served under the reporting authority less than three months, the officer under whom he has previously served should be consulted and his opinion incorporated in the report; care being taken to indicate how far the replies to the questions are based on personal knowledge and how far on reports of other officers.
- (4) In writing up this report the instructions regarding commendatory letters contained in paragraph 2 of Punjab Government confidential letter No.14038 (H.-Gaz.), date 23rd April, 1928, as modified by Punjab Government letter No. 24853 (H.-Gaz.), dated 2nd October, 1933, to all Commissioners and Deputy Commissioners in the Punjab should not be overlooked.
- (5) In order to make this report more informative, reporting officers should not be content with merely giving an affirmative or a negative answer to a specific question in the form of report but should make their remarks as detailed as possible especially on the point of honesty, (Punjab Government No.9222-G.-38/1134 (H.-Gaz.), dated the 10th

January, 1939).

- (6) The reporting officer should state the period for which the officer reported on has served under him. (Punjab Government unofficial reference No.4519-G.-41, dated the 29th April, 1942).

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

General remarks by:--

District Magistrate:--

Sessions Judge:---

High Court:---

S.No.	Reports on the following specific points should be added	Remarks by District Magistrate	Remarks by Sessions Judge	Remarks by High Court
1	Knowledge of law and Procedure.			
2	Is he methodical and prompt in disposal of cases?			
3	Are his judgments and Orders well-written and clearly expressed			
4	(In case of an Illaqa Magistrate).			
5	Does he make proper use of the preventive sections of the Criminal Procedure Code.			
5	(For District Magistrates and Sub-Divisional Officers only).			
	Is his supervision of the work of and control over the subordinate Magistrates good?			

Confidential report on the civil judicial work of officers of the Central Civil Service i.e., Assistant Commissioners Punjab Civil Service (Judicial Branch) for the year ending 31st March 19____.

Name of officer reported on _____

Appointment held _____

C.C.S.

Total length of service in the-----

P.C.S.

Name of reporting officer _____

District and Sessions Judge

Period spent in the _____ District

Powers exercised {

Instructions:--

- (1) This report is due with the Registrar, High Court, on April 2nd, each year.
- (2) If the work on which the officer is employed is specially important or arduous, the fact should be stated.
- (3) If the officer has served under the reporting authority less than six months, the officer under whom he has previously served should be consulted and his opinions incorporated in the report; case should be taken to indicate how far the replies to the questions are based on personal knowledge and how far on reports of other officers.
- (4) In order to make this report more informative, reporting officers should not be content with merely giving an affirmative or a negative answer to a specific question in the form of report but should make their remarks as detailed as possible especially on the point of honesty.

S.No.	Heads under which information is required	Remarks by the District and Sessions Judge	Remarks by High Court
1	Knowledge of law and procedure		
2	Is he industrious and prompt in the disposal of cases?		
3	Is his supervision of the distribution of business among, and his control over, the Subordinate Court good? (for Senior Sub-Judges only).		
4	Is he an efficient Subordinate Judge?		
5	He has maintained a reputation for honesty and impartiality during the period under report? (Give reasons for your answer if it is negative or doubtful).		
6	Is he fit for the exercise of any enhanced powers? If so which?		
7	Is he fit to cross the Efficiency Bar? (This question need only be answered when it is expected to arise during the year following the report).		

PART E – ASSUMPTION AND RELINQUISHMENT OF CHARGE OF APPOINTMENTS BY JUDICIAL OFFICERS

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

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

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

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

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

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

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

1. Rules governing acquisition of immovable property.—Rules relating to the acquisition and disposal of immovable and other valuable property by Government servants are contained in Rules 8, 9 and 10 of the Government Servants Conduct Rules, 1925, which are reproduced below:--

“8. *Buying and selling houses and other valuable property.*—Save in the case of a transaction conducted in good faith with a regular dealer or permitted under Rule 9, a Government servant who intends to transact any purchase, sale or disposal by other means of movable or immovable property exceeding in value Rs. 200 with a Pakistan residing, possessing immovable property or carrying on business within the local limits of the official authority of such government servant, shall declare his intention to the Provincial Government. The declaration shall state fully the circumstances, the price offered or demanded and, in the case of disposal otherwise than by sale, the method of disposal, and the government servant shall thereafter set in accordance with such orders as may be passed by the Provincial Government:

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

“9. *Holding or acquiring immovable property.*—(1) No government servant domiciled outside Asia shall, save in good faith for the purpose of residence, directly or indirectly hold or acquire immovable property:--

- (a) within the province in which he is employed or within any province with the administration of which he is concerned or within a State in India in which he is employed; or
- (b) within any other province, except with the previous sanction of the Provincial Government; or
- (c) within any other State in India, except with the previous sanction of the Governor-General in Council.

(2) No government servant domiciled in Asia shall, save in good faith for the purpose of residence, acquire any immovable property in India by purchase or gift, except with the previous sanction of the Provincial Government.

“10. *Control over immovable property held or acquired by the Government servants.*— Subject to the provisions of any general or special order of the Provincial Government, every government servant or candidate for Government service shall make to the Government concerned, through the usual channel, a declaration of all immovable property in India from time to time held or acquired by him or by his wife or by any member of his family living with, or in any way dependent upon him. The declaration shall state the district or the State in India within which the property is situated and shall contain such further information as the Provincial Government may by general or special order require.”

2. Acquisition of property for making profit amounts to misdemeanour.—In connection with the acquisition of immovable property for *bona fide* residential purposes it has been pointed out by the Secretary of State, in his Despatch No. 13-Services, dated the 29th March, 1928, that if a person who is employed or concerned, in the collection of revenue or the administration of justice buys one or more properties for the purpose of making a profit by selling or letting it to others, he is guilty of a misdemeanour; and Provincial Governments and authorities empowered by Provincial Governments in this behalf, have been warned against the exercise of the discretion given by Rule 9 of the Government Servants Conduct Rules, 1935, in such a way as to give their sanction to a misdemeanour. The previous sanction of the Punjab Government, or the authorities empowered by the Punjab Government in this behalf, must, therefore, be obtained in all cases of acquisitions of property by Government servants, whether for residential or other purposes, in order that the sanctioning authority may satisfy itself that the proposed action of the Government servant, in acquiring land or other property, would not amount to a misdemeanour.

[*Punjab Government Circular endorsement No. 28656 (H-Gaz.), dated the 9th October, 192&1*

3. Previous sanction of the Hon’ble Judges to be obtained for acquisition of property.—Attention is drawn to the fact that although Rule 9 of the Government Servants Conduct Rules, 1935 does not prohibit the acquisition of property for *bona fide* residential purposes, Subordinate Judge and all judicial establishments are bound to obtain the previous sanction of the Honourable Judges in all cases of acquisition of property, whether for residential or other purposes, the purposes of acquisition being clearly stated in application. Indian Civil Service officers and officers holding “listed” posts serving in the Judicial Department must obtain the sanction of the Punjab Government through the High Court.

Note: Power to convey sanction in the cases of Subordinate Judges and judicial establishments has been vested in the Hon’ble Judges [Punjab Government Notification No. 21175 — Home Department — Gazette — Powers, dated the 17th July, 1928].

4. Mortgages of a permanent nature on immovable property require previous sanction.—For the purposes of Sub-Rule (2) of Rule 9 of the Government Servants Conduct Rules, 1935, the Punjab Government has decided that the term “immovable property” includes a mortgage of a permanent nature, and, therefore, the acquisition of such a mortgage requires the previous sanction of the competent authority. A “mortgage of a permanent nature” is one in which there is no likelihood of the mortgaged property being redeemed by the mortgagor. Each case of

this kind will be dealt with on its merits, and normally permission will be given. Where, however, there are suspicious circumstances, *e.g.*, such as might suggest that undue influence had been brought to bear, or the conditions of the mortgage are unusually favourable to the mortgagee or, if the mortgaged land is in the district in which an officer is serving or has recently served, permission will normally be refused.

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

5. Annual declarations of immovable property.—(a) The Punjab Government has decided that the declaration referred to in Rule 10 of the Government Servants Conduct Rules, 1935, should be in accordance with Punjab Universal Form No. 76-A, which is as under:--

DECLARATION BY _____ OF THE IMMOVABLE PROPERTY HELD BY HIM AND MEMBERS OF HIS FAMILY

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

(2) Members of a family include the wife, sons, father, brothers, or nephews of the Government servant.

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

In what district, Tehsil, Police Station and village or town situated	Description of holding, with area, value and assessment	How and when acquired (<i>e.g.</i> by inheritance, gifting, purchase, etc.) and in whose ownership registered	REMARKS
1	2	3	4

(b) The Punjab Government has decided that Rule 10 of the Government Servants Conduct Rules, 1935, does not provide Government with sufficient information in regard to its officers' territorial connections or local interests, and has ruled that, so far as the officers serving in the Judicial Department and the subordinate Civil Courts' establishments are concerned, acquisitions of immovable property in India by the wife, sons, father, brothers or nephews of a Government servant must in all cases be declared in accordance with the said rule 10.

[Punjab Government circular letters No. 33882 (H—Gaz.), dated the 17th November, 1926, as substituted, No. 18732 (H—Gaz.), dated the 20th June, 1934, and letter No. 8804-G-39/6664, dated the 10th February, 1940].

(c) The Punjab Government has also decided that every such officer and member of the subordinate Civil Courts' establishment should write up his declaration annually or record certificate thereon that there have been no additions to his immovable property during the previous year or to that of his relatives referred to in the preceding sub-paragraph (b) [Punjab Government circular letter No. 27850 (H—Gaz.), dated the 11th August, 1932, as substituted, and Punjab Government letter No. 8804-G-39/6664, dated the 10th February, 1940]. Each District and Sessions Judge will therefore, submit to the High Court not later than the 1st February each year the prescribed declarations in respect of himself and of all judicial officers serving in his Sessions Division. He will obtain the declarations of members of the subordinate Civil Courts' establishments serving under his control and keep them with the service books or the character rolls of the persons concerned.

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

another's name should also be similarly reported. All such transactions should also be shown in the annual declaration mentioned in paragraph 5.

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

PART G --- POSITION OF ADDITIONAL DISTRICT AND SESSIONS JUDGES

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

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

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

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

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

CHAPTER 2

SUPERINTENDENCE AND CONTROL — CIVIL COURTS

PART A — SUPERINTENDENCE AND CONTROL

1. Controlling authority.—The general superintendence and control over all Civil Courts (other than the High Court) is vested in and all such Courts are subordinate to the High Court.

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

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

2. Control over establishments of Civil Courts.—The powers of appointment and punishment of the ministerial and other establishments of Civil Courts are regulated by Section 36 of the Punjab Courts Act, 1918, and by rules to be made by the High Court with the previous approval of the Provincial Government under Section 241 of the Government of India Act, 1935. Until these rules are published the existing Rules contained in Chapter 18, Rules and Orders, Volume 1, remain in force.

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

4. Control over establishments dealing with civil work.-- The establishments of officers who exercise civil powers conferred upon them under Section 28 of the Punjab Courts Act, 1918, but are also invested with revenue or criminal powers, are under the control of Deputy Commissioners acting under the orders of Commissioners and the Financial Commissioners. District Record Officers being under the control of Deputy Commissioners, the establishments attached to them are also under the control of Deputy Commissioners. The rule laid down by the Government on the subject is that:--

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

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

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

PART B – INSPECTION OF SUBORDINATE COURTS

The following instructions regulating the inspection of subordinate Courts are issued with the approval of the Provincial Government:--

1. Power of High Court to frame rules for inspection of lower Courts.—Section 33 of the Punjab Courts Act, 1918, vests the power of controlling the Civil Courts of each district in the District Judge; and under Section 22 of the Government of India Act, 1935, the High Court has the power of framing rules for the inspection of subordinate Civil Courts and for the supervision of their working.

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

2. Chapter I-C containing general instructions.—General instructions for the inspection of subordinate Civil Courts will be found in Chapter I, Part C.

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

4. Annual inspection of their own Courts by District Judges.—District Judges should inspect their own records and Registers and the Nazirs' registers of each district at least Once a year.

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

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

Memorandum of point to be attended to by Inspecting Officers

Part I – General

1. State of Court-house.—Report on the state of the Court-house, whether it is in good repair and properly kept and provides adequate accommodation. Notice especially the state of the record-rooms and the Nazirs' *malkhana*.

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

Correction slips.—See that correction slips have been duly pasted in their proper places.

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

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

Part II — Civil Registers

1. Register I.—Examine Register No. I (Register of Civil Suits) and check columns 13 to 18 with at least ten records of decided suits still in Court.

Note whether column 16 appears in any case to have been filled in before judgment has been written, and whether columns 19 to 28 are kept up-to-date.

2. Register X.—Examine Register No. X (Execution of decree), noting whether decrees are promptly executed, and whether realisations bear or fair proportion to sums in execution. Check some of the entries in column 19 (noting how many) with records still in Court, and state whether the officials of the Court appear in any case to be answerable for any default.

3. Register XI.—Ascertain from Register No. XI (Objections in cases of execution of decree) whether objections are properly and promptly disposed of.

4. Registers VI and VII.—Examine Register Nos. VI (Miscellaneous petitions and applications) and VII (Applications to sue as a pauper) with a similar object.

5. Register IX.—Examine Register No. IX (Dates fixed for the trial of suits and for cases of execution of decree), and trace a few cases not yet consigned to the record-room through their various stages, noting whether adjournments are unnecessarily granted, and whether cases are regularly called up for hearing on dates fixed and action taken. Is it the custom in the local Courts to enter cases of execution of decree in this register?

6. Others.—Examine the other civil registers. State whether they are neatly and properly kept, and note whether errors and omissions noticed at previous inspections have been corrected and supplied.

Part III - (a) Regular Suits

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

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

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

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

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

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

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

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

(b) Execution of decrees

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

2. Is it neatly kept and arranged to date?

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

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

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

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

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

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

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

(c) Miscellaneous cases

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

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

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

(d) General

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

Part IV – (a) Nazir

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

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

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

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

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

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

(b) Copyists

Who is the officer placed in charge of the copyists' department? Examine Miscellaneous Register E. (Applications for copies), and note particularly whether unnecessary delay occurs in the preparation of copies (columns 6 to 9). Are they any claimed copies in the copyists' hands? Are the directions contained in Chapter 17 of this volume carefully followed?

(c) Records

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

2. Are the Record-Keepers' Registers, No. XV—Civil (General Register of suits and appeals disposed of), No. XVI—Criminal (General Register of decided cases) and Miscellaneous

Register D (Of files taken from the record-room for reference) properly kept?

3. Are the stamps in the records properly punched according to the orders in force?
4. Are the instructions contained in Chapter 16 of this volume, for the preparation of an index of papers in judicial proceedings, observed?

(d) Petition-writers

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

(e) Pleaders and Mukhtars

Is the Register of Pleaders and Mukhtars required by Volume V, Rules and Orders, Chapter XIV, duly maintained?

Part V – Inspection of Civil records

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

(a) Original suits

1. Verification and stamping of plaints.—The attestation and verification of plaints; the proper stamping of plaints, and the proper cancellation of stamps.

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

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

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

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

6. Setting aside *ex parte* orders.—Where cases dismissed in default or decreed *ex parte* are submitted without notice to the opposite side, or without inquiry into the merits of the application for re-admission of the case to the register.

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

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

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

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

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

12. Commissioner.—Is the resort to Commissions for local inquiry or for the examination of accounts too frequent? Are the rules published in Volume I, Chapter 10, properly observed? Is

the evidence taken by a Commissioner filed with his report? Is he subjected to examination by the Court, and is the Court's decision ever based exclusively on the Commissioner's report?

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

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

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

(b) Appeals

1. **Stamps.**—Are appeals properly stamped and the stamps duly cancelled?
2. **Memoranda of appeal.**—Are the memoranda of appeal concisely drawn and accompanied by copies of the decrees appealed against?
3. **Dismissal *in limine*.**—Are the provisions of Order XLI, rule 11 of the Code of Civil Procedure, observed in a fair proportion of cases, or is the respondent invariably summoned?
4. **Judgments.**—Does the judgment in appeal conform with the requirements of Order XLI, Rule 31 of the Code of Civil Procedure.
5. **Remands.**—Are remands frequent? Are they based on adequate grounds and in accordance with law?
6. **Order 41, rule 11.**—Is a decree framed in appeals rejected under Order XLI, rule 11?
7. **Decree.**—Does the decree embody the grounds of appeal?

Part VI — General

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

CHAPTER 3

SUPERINTENDENCE AND CONTROL – CRIMINAL COURTS

PART A – CONTROL

1. Controlling authority.—In regard to the criminal administration, all Criminal Courts are subordinates to the High Court.

Every Magistrate, other than the Magistrate of the District, is subordinate to the Magistrate of the District for all purposes, including that of administrative control. A *Sub-Divisional Magistrate* has similar powers of control over other Magistrates in his sub-division.

2. Control of Sessions Judge over District Magistrate and other Magistrate.—Magistrates are subordinate to the Sessions Judge “to the extent and in the manner expressly provided in the Code”. (Section 17, Criminal Procedure Code).

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

3. Subordination of Magistrates to Sessions Judge.—Though Magistrates are not subordinated to the Sessions Judge in purely administrative matters, by express administration, the ordinary official channel of communication between them and the High Court, and is required, moreover, to see that the Rules and Orders of the High Court enactment, the latter is, in all matters relating to the criminal are duly carried out within his Sessions Division, and to bring to notice any matter requiring attention.

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

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

5. Duty of District Magistrate about proper administration of criminal justice.—The following instructions to District Magistrates are issued with the full approval of the Governor:—

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

(2) **District Magistrate to hear sufficient appeals to keep himself fully occupied.**—There are, from time to time, numerous occasions on which the District Magistrate can satisfy himself as to the state of business in any Court and the quality of the work done by the Presiding Magistrate. Apart from his periodical inspection of Courts, the District Magistrate, even in those districts where another officer has been invested with appellate powers, must arrange to hear sufficient appeals to keep himself fully acquainted with the quality of the work of all Courts in the

district over which he has appellate powers. It is not possible for a District Magistrate to get a real acquaintance with the work of the subordinate Magistrate unless he hears appeals from them.

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

(4) **Scrutiny of monthly statements of criminal work by the District Magistrate.**—The District Magistrate should himself scrutinize with care, the monthly business returns and satisfy himself from them, not only that the outturn of work is sufficient and the business of the Court well in hand, but also that the quality of the work is satisfactory.

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

(6) **Punctual attendance and surprise visits.**—For the business-like discharge of criminal work, it is necessary that all Magistrates should be punctual in their attendance at Court and should remain at work during the recognized office hours. It is similarly the duty of the District Magistrate to be punctual in his own attendance at Court; and without punctuality on his part punctuality in the subordinate Courts and in the Bar is not to be expected. In order to maintain a check on the punctual attendance of Officers every District Magistrate should make surprise visits to the Court of each subordinate Magistrate at headquarters as laid down in Chapter 1-A, Paragraph 2. Volume III, Rules and Orders of the High Court.

(7) **Police Register and its use by the District Magistrate.**—A convenient and valuable source of information for the adequate supervision of criminal business is the Police Department English register of cognizable offences mentioned in the Police Rule 24.9. This register is placed before, the District Magistrate on each working day when he is at district headquarters. It gives information not only of the action of the Police (thus enabling the District Magistrate to superintend their work) but also affords the means of watching the progress and the results of business in Court. The practice of merely initialing this register after a hasty glance at it too commonly prevails, but a few minutes each day spent on considering the entries for the day and for preceding days will enable the District Magistrate to maintain a close touch with all branches of the criminal administration. The entries for day bring to light at once the orders of Courts which are *prima facie* unsatisfactory and which require the scrutiny of the District Magistrate. The register, therefore facilitates the making of references to the High Court, and puts the Deputy Commissioner in a position at the earliest possible moment to initiate proceedings by way of appeal. It can also be used to disclose cases which have been pending for an inordinate time.

(8) **Deputy Commissioner as head of prosecuting agency.**—The Deputy Commissioner is the head of the prosecuting agency in the district and this affords him a further opportunity of

keeping in touch with the work in all Courts. It is easy for him to arrange to be informed by the prosecuting agency each day of any omission on the part of Courts to record the evidence of witnesses produced and to investigate promptly any complaint which may be made of dilatoriness in any particular Court.

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

(10) System of sending up witnesses with the challan.—The Judges are strongly of opinion that it is necessary to revert to the old system of sending up all material witnesses with the Challan. This system has been resumed in some districts with very marked success, but it can be carried out only if the work of Magistrates is so arranged that they shall without delay commence the trial of Challans presented to them by the police. No excuse for not proceeding at once with a Challan should be accepted other than that the Magistrate is already engaged on another Challan, or on a complaint case in which a postponement would work genuine hardship. In such contingencies the fresh Challan should be proceeded with as soon as the Magistrate is free from the first case, and it must be impressed upon Magistrates that witnesses should be examined at once, that the trial must proceed from day to day without interruption, that charges should be framed without delay and without adjournment for the purpose of considering whether a charge should be framed or not, and that deference should not be paid to the wishes of an unready bar. If the presentation of witnesses alongwith Challan renders it impossible on any particular day to record the statements of witnesses present in complaint cases, the evidence of the latter should be recorded the first thing next morning before the business of that day is undertaken, and similarly on any succeeding day the arrears, of the previous day should be disposed of before of the previous day should be disposed of before the set work of the day. In this way it will be possible to avoid retaining any witnesses for more than two days at the utmost. Should congestion occur or be threatened, the Magistrate should apply promptly to the District Magistrate for sanction to fix one or more blank days in the week to be utilized for catching up with arrears, and the District Magistrate will find it convenient to receive each day from the Court Inspector a short memo. showing how the system is working in each of the subordinate Courts.

(11) Arrests reports, remand and completion reports.—All arrests made by the Police without warrant are reported to District Magistrates under Section 62 of the Criminal Procedure Code, and all remand orders under Section 167 passed by subordinate Magistrates are similarly reported. Both these reports should be forwarded to the Ilaqa Magistrate, who has already received the first information report. The Magistrate of the Ilaqa is, thus, in a position to know what crime is under investigation in his Ilaqa, and what cases are likely to reach his Court within the next few days. The Magistrate is responsible that the completion report under Section 173 of the Criminal Procedure Code is not unduly delayed, and his responsibility in this respect should be emphasized. He should insist on the prompt submission of the F.I.R. and of the arrest report, and he should call for the completion report from the Superintendent of Police if that report is unduly delayed. The District Magistrate should cause the Ilaqa Magistrate to realize that he is not a mere Judge whose duty it is simply to decide cases produced before him, but that he is at all times responsible for the maintenance of the peace in the area which is made over into his charge. Every effort should be made to get the Ilaqa Magistrate to take a personal interest in and gain a thorough knowledge of his own thanas.

(12) Senior Magistrates to exercise supervision in absence of District Magistrates.—The Deputy Commissioners' absence in camp must necessarily interfere with his day to day supervision of the work of the subordinate Courts, but the interference can be minimized if arrangements are made with the Superintendent of Police that the register of cognizable crime is submitted each day to the next senior Magistrate at Sadar. That Magistrate, if not exercising the powers of a District Magistrate, is not authorized to issue orders to the Police but the object is that he should bring immediately to the notice of the District Magistrate's cases in which his interference is called for, and in which magisterial records should be obtained. Similarly the

Senior Magistrate can be entrusted with the duties of securing the punctual attendance of subordinate Magistrates and of seeing that witnesses are not dismissed without their evidence being recorded or that Challan cases are not delayed.

(13) Avoiding delay in filing revisions and appeals.—Not infrequently cases have occurred where undue delay has taken place in reporting for revision the unsatisfactory orders of subordinate Courts or in moving Government to institute appeals. The delay is largely due to reliance on the monthly business statements which may not be submitted to the District Magistrate till a considerable time after the objectionable order has been passed. District Magistrates should make free use of the register of cognizable crime for these purposes, and should take prompt action in cases where such action appears necessary. Having done so, they should arrange to be informed at once of any appeal that may be made to the Sessions Court in a case which has been reported, and they must report promptly to the High Court first the fact of the appeal having been filed and later its results.

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

PART B – INSPECTION OF SUBORDINATE COURTS

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

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

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

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

Memorandum of points to be attended to by Inspecting Officers

Part I – General – (a) – Registers

1. Is Register No. I (Register of cognizable and non-cognizable offences) duly maintained in conformity with the instructions contained in the column of remarks opposite that register in Chapter 24 of this volume?

2. Examine Registers Nos. II (of cases under the Indian Penal Code), III (of cases under special and local laws and under the Code of Criminal Procedure) IV (of miscellaneous criminal cases). Note whether appealable cases are correctly entered and whether any delay occurs in the disposal of cases.

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

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

inspection suggests.

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

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

(b) Original cases

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

- (1) Are witnesses sent with challans and are they examined promptly?
- (2) Are cases taken up from day to day? Are adjournments granted without sufficient cause or without examining witnesses who are present?
- (3) Is the complainant's statement reduced to writing in cases instituted on complaint?
- (4) Are such cases, as a rule, referred to the Police or other agency for investigation?
- (5) Are processes served by the Sheriff's establishment in all appropriate cases?
- (6) Is the evidence properly recorded and in the handwriting of the Presiding Officer?

CHAPTER 4

COURT-FEE AND STAMPS

PART A – REDUCTION, REMISSION AND REFUND OF COURT-FEE

(a) Reduction and Remission of Court-fee

In exercise of the powers conferred by Section 35 of the Court-Fees Act, 1870 [as adapted by the Government of India (Adaptation of Indian Laws) Order, 1937] the Governor of the Punjab is pleased to make the reduction and remission hereinafter set forth), namely:--

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

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

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

4. Copies of settlement record and list of fields.—To remit the fees chargeable on:---

- (a) copies of village-settlement records furnished to land-holders and cultivators during the currency or at the termination of settlement operations;
- (b) lists of fields extracted from village settlement-records for the purpose of being filed with petitions of plaint in *Settlement Courts:

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

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

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

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

7. Application to forward a petition to the Central Government.—To remit the fee

*The term "Settlement Courts" has been to indicate "Revenue Courts" presided over by Revenue Officers conducting settlement operations.

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

8. Private copies.—To remit the fees chargeable under Articles 6, 7 and 9 of the First Schedule on copies furnished by Civil or Criminal Courts or Revenue Courts or offices for the private use of persons applying for them:

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

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

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

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

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

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

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

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

- (a) **Copy of charge given to accused.**—Copy of the charge framed under Section 210 of the Code of Criminal Procedure, 1898, or of a translation thereof, when the copy is given to an accused person.
- (b) **Copy of supplementary evidence after commitment given to accused.**—Copy of the evidence of supplementary witnesses after commitment when the copy is given under Section 219 of the said Code to an accused person.
- (c) **Copy of judgment and heads of charge to jury to be supplied to accused.**—Copy or translation of a judgment in a case other than a summons case, and a copy of the heads of the Judge's charge to the jury, when the copy or translation is given under Section 371 of the said Code to an accused person.
- (d) **Copy of judgment to accused in jail.**—Copy or translation of the judgment in a summons case, when the accused person to whom the copy or translation is given under Section 371 of the said Code is in jail.
- (e) **Copy of maintenance order.**—Copy of an order of maintenance, when the copy is

given under Section 490 of the said Code to the person in whose favour the order is made, or to his guardian, if any, or to the person to whom the allowance is to be paid.

- (f) **Copy supplied to accused under Section 548, Criminal Procedure Code.**—Copy furnished to any person affected by a judgment or order passed by a Criminal Court, of the Judge's charge to the Jury or of any order, deposition or other part of the record, when the copy is not a copy which may be granted under any of the preceding sub-clauses without the payment of a fee, but is a copy which on its being applied for under Section 548 of the said Code, the Judge or Magistrate, for some special reason to be recorded by him on the copy, thinks fit to furnish without such payment.
- (g) **Copies furnished to lawyers of Government.**—Copies of all documents furnished under the orders of any Court or Magistrate to any Government Advocate or Pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any criminal Court.
- (h) **Copies furnished to lawyers of Government.**—Copies of all documents which any such Advocate, Pleader or other person is required to take in connection with any such trial or investigation for the use of any Court or Magistrate, or may consider necessary for the purpose of advising the Government in connection with any criminal proceedings.
- (i) **Copies required by the Police.**—Copies of judgments or depositions required by officers of the Police Department in the course of their duties.

15. Application for return of document.—To remit the fee chargeable on an application presented by any person for the return of a document filed by him in any Court or public office.

16. Suit for a share of a revenue paying estate separately assessed. Copies furnished to lawyers of Government.—To direct that, when a part of an estate paying annual revenue to the Government under a settlement which is not permanent is recorded in the Collector's register as separately assessed with such revenue, the value of the subject-matter of a suit for the possession of, or to enforce a right of pre-emption in respect of, a fractional share of that part shall, for the purposes of the computation of the amount of the fee chargeable in the suit, be deemed not to exceed ten times such portion of the revenue separately assessed on that part as may be rateably in respect of the share.

17. Fraction of an anna to be remitted.—To direct that, if the amount of the fee chargeable in any case involves a fraction of an anna, the fraction shall be remitted, except where otherwise expressly provided by this notification.

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

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

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

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

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

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

24. Fees for succession certificates, probates, etc., of the property of a State servant in certain cases and for mutation of the property.—To remit as follows the fees on the property of: (i) any person subject to the Naval Discipline Act (29 and 30 Vict. c. 109), the Army Act (44 and 45 Vict. c. 58), the Air Force Act (7 and 8 Geo. 5 c. 51) or the Indian Army Act, 1911 (VII of 1911) who is killed while on active service or on service which is a warlike nature or involves the same risk as active service or dies from wounds inflicted, accidents occurring or disease contracted while on such service and (ii) any person, being a Government servant, Civil Military, who dies from wounds or injuries intentionally inflicted (but not self-inflicted) while in actual performance of his official duties or in consequence of those duties:--

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

25. Copies of decrees of Courts of Baroda State.—To remit the fees chargeable on copies of decrees of civil or revenue Courts situate in the territories of His Highness the Gaekwar of Baroda forwarded to any Court in British India for execution in pursuance of the provisions of Section 44 of the Civil Procedure Code, 1908 (V of 1908).

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

Provided that the copy is furnished for the purpose of being filed with an application or petition to a Collector or other revenue officer engaged as afore-said in revising a record-of-rights or to the Commissioner of the Division, or to the Financial Commissioner, Punjab, relating to matters connected with the assessment of land or the ascertainment of rights thereto, or interests therein, if presented previous to the final confirmation of such revision.

27. Application under Section 97 of the Punjab Land Revenue Act.—To remit the fees chargeable on applications under Section 97 of the Punjab Land Revenue Act, 1887 (XVII of 1887), made by village officers in accordance with the provisions of Rule 64 of the Rules under that Act published with the Financial Commissioner's Notification No. 142, dated the 9th November, 1909.

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

29. Application for grant of fishing license.—To remit the fees chargeable on application for the grant of fishing licenses prescribed by the rules made by the Government of the Punjab under Section 3 of the Punjab Fisheries Act, 1914 (Punjab Act 11 of 1914).

30. Application to record a statement or sanction a mutation under Section 34(4) of the Land Revenue Act.—To remit the stamp duty chargeable on the following petitions under Article 1(b) of the Second Schedule:--

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

31. Application to Municipal Notified Area or Small Town Committee or District or Cantonment Board for copy of document or to a municipal commissioner in certain cases.—To remit the fee chargeable under Article 1(a) of the Second Schedule on the applications or petitions noted below:--

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

32. Petitions and appeals against orders of punishment by officials in certain cases.—To remit the Court-fees chargeable under clause (c) of Article 1 or Article 11 of the Second Schedule, on petitions and appeals against orders of punishment presented under the following or rules, by officials under the administrative control of the Government of the Punjab:--

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

33. Application made to a Magistrate a registering authority under Punjab Motor Vehicles Rules.—To remit the fee payable under Article 1(a) of the Second Schedule upon all applications made to Magistrate in his capacity as a registering authority under the Punjab Motor Vehicles Rules, 1931.

34. Application made to a Magistrate as a licensing officer under Wild Bird and Wild Animals Protection Rules.—To remit the fee leviable under Article 1(a) of the Second Schedule upon all applications made to a Magistrate in his capacity as a licensing officer under the Wild Birds and Wild Animals Protection Rules published with Punjab Government Notification No. 25157, dated the 4th September, 1934.

* *Note to item No. 28.*-- The register of mutation is one of the records maintained under Chapter IV of the Punjab Land Revenue Act, 1887, and no Court-fee is, therefore chargeable on a copy thereof. This item also operates to remit the fee otherwise due on a copy of the mutation proceeding when presented with an appeal against the mutation order.-- (Financial Commissioners' letter No. 4693-E. & S, dated 31st August, 1932).

35. Application by a revenue agent for renewal of certificate.—To remit the fee leviable under Article 1(b) or (c) of Schedule II on an application of petition presented by a revenue agent to the Financial Commissioners, Commissioner of the division, or Collector of the District, for renewal of his certificates.

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

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

38. Application to Debt Conciliation Boards.—To remit the Court-fee on an application made to the Debt Conciliation Board for the issue of intimation to the Civil Court.

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

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

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

- (1) In case of fees leviable under Articles 11, 12 and 12-A of the First Schedule to the said Act, on the property of any person subject to the (British) Naval Discipline Act, the (British) Army Act, the (British) Air Force Act, the Army Act (VIII of 1911), the Indian Air Force Act (XIV of 1932) or the Indian Navy (Discipline) Act (XXXIV of 1934) who is killed or who dies as a result or wounds inflicted, accident occurring or disease contracted while on active service against an enemy, or on service which is of a warlike nature, or which, in the opinion of the Provincial Government, otherwise involves the same risks as active service; or on the property of any person in the service of the State who dies of wounds or injuries (intentionally inflicted by a person other than himself) in the actual performance of his official duties or in consequence of those duties:
 - (a) where the amount or value of property, in respect of which the grant of probate or letters of administration is made, or which is specified in the certificate under Part X of the Indian Succession Act, 1925, or in the certificate under Bombay Regulation No. 8 of 1827, does not exceed fifty thousand rupees, the whole of the fee leviable in respect of that property;
 - (b) where the said amount or value exceeds fifty thousand rupees, the whole of the said fee in respect of the first fifty thousand rupees;
 - (c) where any property passes more than once in consequence of such deaths, the whole of the said fee (irrespective of the value of amount of such property) in the case of second and subsequent successions;
- (2) In case of applications for mutation of names in respect of the property of persons mentioned in paragraph (1) above, the entire Court-fees chargeable under sub-article (b) of Article 1 of the Second Schedule to the said Act.”

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

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

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

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

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

- (i) To direct that in appeal against an order under Order 21, rule 50(2) of the Code of Civil Procedure, adjudging a person as a partner of a firm against whom a decree is being executed, the fee shall be the same as in a declaratory suit, namely Rupees ten, if the fee otherwise payable exceeds that amount.
- (ii) To direct that in appeal against a personal decree under Order 34, rule 6 of the Code of Civil Procedure, when only the personal liability of the defendant and not the amount decreed is in dispute, the fee shall be the same as in a declaratory suit, namely Rs. 10, if the fee otherwise payable exceeds that amount.

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

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

- (i) That in appeal against an order under rule 50(2) of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908) adjudging a person as a partner of a firm against whom a decree is being executed, the fee shall be the same as in a declaratory suit, namely, Rs. 10 if the fee otherwise payable exceeds the amount.
- (ii) That in appeal against a personal decree under rule 6 of Order XXXIV of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), when only the personal liability of the defendant and not the amount decreed is in dispute, the fee shall be the same as in a declaratory suit, namely Rs. 10, of the fee otherwise payable exceeds that amount.”
- (e) Punjab Government, Revenue Department (Stamps), Notification No. 1803-St., dated the 18th October, 1943.

In exercise of the powers conferred by Section 35 of the Court-Fees Act, 1870, the Governor of the Punjab is pleased to direct that Court-fee leviable under Article 11 of Schedule I to the said Act on a probate of a will or letters of administration and Article 12 of the said Schedule on a Succession Certificate granted under the Indian Succession Act, 1925, in respect of a Government Savings Bank deposit not exceeding five thousand rupees shall be remitted.”

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

1. Kinds of stamps.—Section 26 provides that the stamps to be used under the Act shall be impressed or adhesive.

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

- (1) **When fee chargeable less than Rs. 25.**—When in any case the fee chargeable under the Act is less than Rs. 25 and the amount can be denoted by a single adhesive stamp, such fee shall be denoted by a single adhesive stamp of the required value bearing the words “Court-Fee”. But, if the amount cannot be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available, a stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values which may be required to make up the exact amount of the fee.
- (2) **When fee chargeable is Rs. 25 or more.**—When in any case the fee chargeable under the Act amounts to or exceeds Rs. 25 and the amount can be denoted by a single impressed stamp, it shall be denoted by a single impressed stamp of the required value bearing the words “Court-fee.” But, if the amount cannot be denoted by a single impressed stamp, or if a single impressed stamp of the required value is not available, an impressed stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional impressed stamps of the next lower value available which may be required to make up the exact amount of the fee, in combination with adhesive stamps to make up fractions of less than Rs. 25.
- (3) **Fraction of an anna to be remitted.**—If in any case the amount of the fee chargeable involves a fraction of an anna, such fraction shall be remitted.
- (4) **Certificate in case stamp of the required value is not available.**—Where a stamp of the required value is not available, the purchaser shall obtain a certificate from the vendor to that effect in the form below. This certificate shall be affixed to the document and filed with it:---

(FORM OF CERTIFICATE)

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

Date: _____ Signature of stamp vendor.”

- (5) **Mode of affixing adhesive stamp.**—An adhesive stamp which may be used under rule 2 shall be affixed to the impressed stamp of the highest value employed in denoting the fee, or to the first sheet of the document, to be inscribed in such manner as not to conceal the value of stamp thereon.
- (6) **Plain paper may be joined if impressed stamp paper is insufficient for writing the document.**—When one or more impressed stamps used to denote a fee are found insufficient to admit of the entire document being written on the side of the paper which bears the stamp, so much plain paper may be joined thereto as may be

necessary for the complete writing of the document, and writing on the impressed stamps and on the plain paper shall be attested by the signature of the person or persons executing the document.

PART C – CANCELLATION OF COURT-FEE STAMPS

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

RULES

1. Cases when cancellation of Court-fees is to be effected.—The cancellation of Court-fee stamps shall be effected:--

- (a) when a document bearing a Court-fee stamp is received by a Court competent to receive the same;
- (b) when a Court-fee stamp is paid in on account of process-fee;
- (c) when a Court-fee stamp is affixed to a document issued by any Court or office;
- (d) when the record of a case in which Court-fee stamps have been filed in finally made over to the Record-keeper for safe custody.

2. Mode of cancellation of stamps on documents received by a Court or received on account of process fee.—Court-fee stamps falling under clauses (a) and (b) of the foregoing rule shall be cancelled immediately on receipt of the document or stamp, by such officer as the Court may from time to time appoint, in writing, in the manner prescribed by Section 30 of the Court-Fees Act. As an additional prosecution, the cancelling officer should affix his signature, and the date, across each label, at the time of cancellation, in durable ink.

Note: In order to ensure compliance with rules 2, 3 and 4 and uniformity of practice in the province, it has been decided that round punches shall be used by Courts and offices and triangular punches by the record room staff. Both kinds of punches are obtainable from the Controller of Stationery, Calcutta. Care should be taken to see that all round punches in Courts and offices in a District are of uniform size in order to prevent fraud arising from the stamps, already punched being punched again with a larger punch.

3. Mode of cancellation of stamps on documents issued by a Court or office.—In regard to stamps on documents falling under clause (c) of rule 1 the Central Government have directed in Financial Department resolution No. 3373, dated the 24th September, 1875, that the Court or office *issuing* copies, certificates, or other similar documents liable to stamp duty under the Court-Fees Act shall, *before issue*, cancel the labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figure-head nor that part of the label on which its value is expressed, and that, as an additional precaution, the signature of the officer attesting the document, with the date, shall be written across the label, and upon the paper on either side of it.

4. Cancellation of stamps by record-keeper.—The rules for the cancellation of Court-fee stamps by the Record-keeper are contained in a resolution of the Central Government in the Financial Department, No. 1763, dated the 24th July, 1873, in which it is ordered that the Record-keeper of *every* Court shall, when a case is decided and the record consigned to his custody, punch a second hole, or, in the case of stamps falling under clause (c), Rule 1, a third hole, in which label, distinct from the first, *and note the date of doing so at the same time*. Special attention is required to the words in italics, as the direction therein contained is always not complied with. The Record-keeper's punching should not remove so much of the label as to render it impossible or difficult to ascertain its value or nature. From the resolution of the

Central Government, No. 3047,* dated 5th September, 1883, it will be seen that these directions apply only to *adhesive labels* used under the Act, and not to *impressed stamps* which need not be punched a second time.

5. Certificate required when a record is transferred from and official to another.—Whenever the custody of a record containing Court-fee stamps is transferred from one official to another before final disposal, the receiving officer shall examine the Court-fee stamps in the record and either certify on the index of papers that they are complete, or immediately bring to notice any deficiency, as the case may require.

6. Record-keeper to see that stamps in the record are complete.—Record-keepers will be held personally responsible that the stamps appertaining to the records under their charge are complete, and that they have been duly cancelled in accordance with these instructions. Should a record be sent into the record-room in which the stamps are incomplete or not duly cancelled, the Record-keeper shall report the circumstance at once to the head of the office, and shall defer entering the case in its appropriate register until orders have been passed in the matter.

7. Certificate as to the completeness of stamps when a record is taken out of record room.—When a record containing Court-fee stamps is taken out of the record-rooms for, any purpose, each official through whose hands it passes must not on the index of papers or on the list of records where such a list is with the record, that he has examined the Court-fee stamps in the record, and that they are complete, or, if then are not complete, at once report the fact for orders.

Note--1. To facilitate the examinations required by the above rules a column has been inserted in the index of papers attached to each record which shows at a glance what papers in the record bear Court-fee stamps, and the number and value of the stamps attached to each of such papers.

2. Precautions against the fraudulent use of stamps.—Further precautions against the fraudulent use of Court-fee labels a second time were, under the orders of Government, prescribed by the Superintendent of Stamps in his Circular No. 1, dated 24th April, 1877, of which the effective portions are extracted below. It is to be noted that at that time adhesive labels alone were used to denote fees of Court:--

The most important point to be guarded against is the re-use of stamps which have once been used; such stamps may have been punched, or they may have been left unpunched, and passed into the record-office and there removed. In the case of a removed stamp that has been punched once, it is clear that its use a second time can only be effected by the dishonesty of the subordinate official who, in the first instance, receives the document presented by suitors. In the case of a removed stamp that has not been punched, it is possible that it may have been so little injured in the removal as to be used a second time without detection, unless the stamps be closely examined, and it may pass undetected, either from dishonesty or from want of vigilance on the part of that official. In order effectually to prevent frauds of this nature, it is absolutely necessary that the subordinate official whose duty it is to see that the full fee has been affixed in each case and to punch the stamps and to record orders, should be made to stand or sit within full view of the officer and in that

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

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

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

position to perform his task, certifying on each petition that the full fee has been affixed, and all stamps have been punched. It is of the utmost importance that this subordinate should be allowed no time or opportunity for tampering with the stamps. When files of decided cases are sent to the record-room, the Record-keeper should be required, without any loss of time, to examine the stamps and punch a second hole in each stamp, affixing the date on which he does so.

8. Instructions to be observed when two or more impressed stamps are used.—The following executive instructions to be observed when a document is written upon two or more impressed stamps which are used to make up the fee chargeable under the Court-Fees Act, 1870, have been issued by the Financial Commissioner:--

When two or more impressed stamps are used to make up the amount of the fee chargeable under the Court-Fees Act, a portion of the subject-matter shall ordinarily be written on each stamped sheet. Where this is impracticable or seriously inconvenient, the documents shall be written on one or more sheets bearing impressed stamps of the highest value, and the remaining stamps shall be punched and cancelled by the Court and filed with the record, a certificate being recorded by the Court on the face of the first sheet of the document to the effect that the full Court-fee has been paid in stamps. The writing on each stamped sheet shall be attested by the signature of the person or persons executing the documents.

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

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

2. Duty of public officers to examine and impound documents not duly stamped.—By Section 33 of the Indian Stamp Act, 1899, all public officers, with certain exceptions, are required to examine every instrument chargeable with duty which comes before them in the performance of their official functions and to *impound* any instrument which appears not duly stamped. Every Court impounding on instrument must forthwith note it as “impounded,” such note being dated and signed with the ordinary full signature of the impounding officer.

3. Conditions on which a document not duly stamped be admitted in evidence.—Under Section 35 of the same Act, every such instrument, no being an instrument chargeable with a duty of one anna or half an anna only, or bill of exchange or promissory note, may be admitted in evidence in a Civil Court if the party desiring to use it shall pay the amount necessary to make up the proper stamp duty, together with a penalty of Rs. 5, or when ten times the amount of the proper duty or deficient portion thereof exceeds Rs. 5, then with a penalty of ten times such duty, or portion. Under clause (b) of Section 35, however, an unstamped receipt may be admitted in evidence against the person who has given it, on payment of a penalty of one rupee by the person tendering it.

The amount realised under Section 35 should be paid into the local treasury, sub-treasury, or branch of State Bank, as the case may be, the same day or on the morning of the next day at the latest and the original treasury or bank receipt transmitted to the Superintendent of the Collector’s Office together with an authenticated copy of the impounded document as referred to in paragraphs 5 and 6 below.

Note: So far as the deposit of the amount realised under Section 35 is concerned these orders may be relaxed in the case of Court which are situated at place where there is no treasury, sub-treasury, or branch of the State Bank of Pakistan. In such cases the amount may be

deposited at the nearest treasury or sub-treasury twice a month or at such intervals as may be prescribed in the case of other deposits.

4. Certificate to be endorsed on a document admitted in evidence on payment of duty and penalty.—Section 42 requires that Civil Courts shall certify by endorsement on every instrument admitted in evidence under Section 35 that the proper duty and penalty have been levied in respect thereof, and shall also state the name and residence of the person paying them.

5. Duty of Court to send Collector the impounded document or its copy in certain cases.—Section 38 requires every Civil Court to send to the Collector an authenticated copy of every impounded instrument admitted in evidence, with a certificate in writing stating the amount of the duty and penalty levied in respect thereof. The endorsement required by Section 42 should be transcribed on such copy, When an impounded instrument has not been admitted in evidence whether from failure to pay the requisite duty and penalty, irrelevancy, want of registration or other cause it must be sent in original to the Collector, in such cases the provisions of Section 46, sub-section (2), are applicable. The copy to be made under this section must be retained in the custody of the Court.

6. Return of documents admitted in evidence on payment of duty and penalty.—Section 42, sub-section (2), entitles any person tendering a document on which deficient stamp duty and penalty has been levied under Section 35 to reclaim the same, but the proviso to that section directs that the Court shall not, under any circumstances, deliver such documents before the expiration of one month from the date of impounding it. If the Collector has certified that the further detention of such document is necessary, the Court shall not deliver it until such certificate is cancelled. It is obvious that the transmission of the copy to the Collector should be made with the least possible delay to enable him to make such inquiry as may be necessary within the month for which the instrument is to be detained. Every such copy should be dispatched not later than 48 hours from the time when the original is impounded.

7. Duty or penalty paid may be included in costs.—Any duty or penalty paid under Section 35, 37, 40 or 41 by any person, which by agreement or under Section 29 or any other law, another person was bound to pay, may be included in costs or otherwise recovered by the person paying such duty or penalty as provided in Section 44.

PART E – STAMP DUTY ON COPIES AND PETITIONS

1. Copies not liable to Court-fee duty.—The authenticated copies required by Section 38 and Section 46, sub-section (2) are not liable to Court-fee duty.

2. Copies liable to Court-fee duty.—The attention of all Civil Courts is drawn to the annexed circular of the Punjab Government, No. 6-699, dated the 18th April, 1894 (Financial), on the subject of the levying of stamp duty on copies of documents falling under the Court-Fees Act and the Stamp Act:---

“It has been brought to the notice of the Lieutenant Governor that copies of documents falling under Articles 6, 7 and 9 of Schedule I of Act VII of 1870 (the Court-Fees Act) and Article 22 of Schedule I of Act I of 1879 (the Indian Stamp Act) are often submitted with petitions without being stamped, in the former case the copies being no doubt obtained for private use.”

“The exemption from stamp duty of copies of documents taken for private use does not, however, cover the receipt of such copies by a public officer, and the Lieutenant-Governor is, therefore, pleased to issue the following order for information and guidance of all officers:--

“A copy of a document referred to in Article 6, 7 or 9 of Schedule I, Act VII of 1870, or in Article 22 of Schedule I, Act I of 1879, and accompanying a petition to a public officer must bear the stamp of the value indicated in the above articles.

“Section 6 of VII of 1870 absolutely prohibits the receipt of document not duly stamped. Every such document should be returned to the sender or presenter. A petition enclosing copy not duly stamped should, ordinarily, if the consideration of the unstamped document is essential, be returned to the sender or presenter with a direction that orders cannot be passed unless it is resubmitted with the copy duly stamped.”

3. Court-fees on application to Chief Revenue or Executive authority.—Attention is called to the annexed letter on the subject of the levying of stamp duty on petitions under the Court-Fees Act.

No. 3790-S.R. dated Simla, 27th July, 1894.

From – J.E. O.'Conner, Esq., Assistant Secretary to the Government of India, Finance and Commerce Department.

To – The Chief Commissioner of Burma.

I AM directed to acknowledge the receipt of your letter No. 313-2-S-10, dated the 16th April, 1894, requesting, in connection with an application to the Financial Commissioner from a lessee of certain lead mines in Burma, to dispose of his interest in them to another party, that it may be authoritatively ruled what are the classes of communications from the general public to Government which are liable to the duty leviable under the Court-Fees Act, VII of 1870.

2. I am to say that in the opinion of the Governor-General in Council the law does not require, and was not intended to require, that application of every description to a Chief Commissioner or other Chief Revenue or executive authority should be stamped under clause (c) of Article I of Schedule 11 of the Court-Fees Act, VII of 1870. That clause applies only to petitions and applications in connection with a proceeding which is being taken before a Chief Commissioner or other authority specified therein with a view to the exercise or non-exercise of some power or authority conferred upon him by some law or rule having the force of law.

3. I am to request that this view may be acted upon in future.

PART F – AUDIT AND CONTROL OF STAMP REVENUE IN THE PUNJAB

The following instructions for the audit and control of Stamp Revenue in the Punjab, are issued by the Governor in Council sitting with his Ministers, the High Court of Judicature at Lahore, and the Financial Commissioners, in their judicial capacity, for the guidance of the officers and Courts under their respective control:---

RULES

(1) **Title.**—(1) These rules shall be termed “The Punjab Stamp Audit Instructions, 1933.”

(2) **Appointment of Stamp Auditor.**—There shall be appointed a Stamp Auditor for purpose of the audit of every document requiring a stamp which is presented to a Court of law other than the High Court or a public order.

(3) **Controlling Authority.**—The Financial Commissioner as the Chief Controlling Authority will determine the districts within the jurisdiction of each auditor and fix his headquarters. The auditors shall be under the direct control of the Commissioner of the division in which they are from time to time operating and shall be authorized by the Collector in writing in the term of Section 73 of the Indian Stamp Act.

(4) **Tour programme of auditors.**—The auditor shall prepare a bi-monthly programme of his tour by districts and after obtaining the approval of the Financial Commissioner give due notice to the Collector of the district concerned and the Commissioner of the division of his

forthcoming visit.

The auditor shall spend the least possible time on traveling and more time on actual audit work. He shall visit each district in his charge once a quarter and spend about eight days at the headquarters of a district and two days at each tehsil.

(5) **Scope of audit.**—The auditor shall, on visiting a district, audit all fresh institutions, documents and files pending or otherwise in all Courts and registration and other offices including record-rooms. Such inspection shall be from the date on which the last audit terminated.

The auditor shall, in particular, see that the stamps used are genuine and have not been removed from files and re-used.

(6) **Registered stamp deficiency.**—Every person described in Section 33 of the Indian Stamp Act and every public official referred to in Section 6 of the Court Fees Act shall maintain a record of stamp deficiencies in Civil Register XVIII. The Collector shall, in addition to the said register maintained by him in respect of his own Court, maintain a register in form S. A. 5, of documents sent to him maintained in respect of all deficiencies whether found in audit or independently.

(7) **Auditor to check these register.**—The auditor shall examine the register No. XVIII maintained by the Court or office with a view to seeing that it is properly maintained and that collections are made not only on account of deficiencies detected in audit but on account of deficiencies detected independently. He shall also examine the register maintained by the Collector in Form S. A. 5.

(8) **Deficiencies in stamps to be notified to the Collector.**—Once a case has been decided and consigned to the record-room, deficient Court-fees are not recoverable under the existing law; instances, therefore, of such short recoveries in Court-fees as may be brought to light in the general record-room will merely serve the purpose of educating readers and moharrirs or taking disciplinary action against them. But deficiencies in stamp duty may be brought to the notice of the Collector of the district with a view to action under Section 61 of the Stamp Act.

(9) **Help to be rendered to the auditor by the Courts and officials.**—The presiding officers of all Courts and heads of offices will give the auditor access to all records and accounts, etc., and, so far as lies in their power, assist him in the performance of his duties.

(10) **Auditor to draw attention of officers as to their powers and duty re-insufficiently stamped documents.**—In the course of his audit the auditor shall draw the attention of presiding officers of Courts and heads of offices to documents before them which are insufficiently stamped, and shall advise them where necessary in relation to their powers and obligations as follows:—

- (i) Under the Stamp Act:--
 - (a) To impound documents under Section 33 of the Stamp Act.
 - (b) To admit unstamped documents in evidence under Section 35.
 - (c) To dispose of impounded documents under Section 38, cases coming before him under Sections 39 to 43 and also seek any other assistance which he may consider necessary.

- (ii) Under the Court-Fee Act:--

To determine correct fee leviable on any document. The auditor, it necessary, will discuss the point at issue with the presiding officer and if required by him

be present at the discussion in Court before orders are passed.

(11) **Register S. A. 1.**—The auditor will maintain for each district a register in Form S. A. 1, in which he will note as it is discovered, each deficiency in stamp duty and Court-fees.

(12) **Officers to whom copy of audit note is to be sent.**—After discussions of his preliminary notes with the presiding officer or head of office, the auditor will prepare a formal audit note and send typewritten copies to the presiding officer or the head of the office, as the case may be, and to the Collector to the district concerned. This note will include a statement in form S. A. 3, of deficiencies discovered, and columns 1 and 6 to 15 will be left blank.

Copies of audit notes on Revenue Courts and offices, including Sub-Registrars, should also be sent to the Commissioner of the division. In the case of Civil Courts, where the audit discloses some serious defects, a copy of the audit note should be sent to the District and Sessions Judge through the Collector of the district.

(13) **Action to be taken. Audit Note, Form S. A. 3.**—The presiding officer of the Court or the head of the office shall transfer columns 2 to 5 of Form S. A. 3 to Civil Register XVIII and proceed to take necessary action on the note. In cases where he does not agree with the auditor or where he considers it necessary to hear the party concerned before passing order, he shall, where possible, discuss the matter with the auditor. The presiding officer or head of the office will return the Form S. A. 3 to the auditor after completing columns, 1, 6 to 8 and noting in column 15, the cases, if any, in which he disagrees with the auditor, but without necessarily completing columns 9-14. The auditor after completing his register will return the form to the Court or office and report to the Collector any case in which the presiding officer or head of the office has been unable to take the advice of the auditor. The Collector (if he thinks fit and after consulting the Financial Commissioner, if necessary) will take action under Section 61 of the Stamp Act, or in the case of the Court-Fees Act, draw the attention of the Appellate Court, or take other appropriate action in the case of other offices.

(14) **Posting of recoveries in proper register and writing off irrecoverable items.**—All Courts and offices shall, in addition to the account of recoveries effected by them in Civil Register XVIII, show recoveries effected at the instance of the stamp auditor in columns 10 and 11 of the said register and also S. A. 3. Irrecoverable loss of stamp revenue is required to be written off under paragraph 20.19 of the Book of Financial Powers, and shall be entered in columns 18 and 19 of register XVIII and columns 11 and 12 of Register S. A. 3. They shall also send to the auditor at the end of each month, their copies of Form S. A. 3 so that he may complete his returns of recoveries made at his instance from time to time and irrecoverable items written off, after which he will return the form of the Court or office. If the Court or office has sent a document to the Collector under Section 38 of the Stamp Act, it will have no concern with columns 9 to 12.

(15) **Action to be taken by auditors *re* pauper suits Register S. A. 5.**—Special attention shall be paid by the auditors to pauper suits and all their stages carefully watched while they are pending in Courts. After their disposal the auditors shall draw the attention of the Collector to the Court-fees realizable, and shall suggest to him what steps will ensure early realization. When a Court fails to pass an order for costs, the auditor shall advise the Collector to move the Court concerned under Order 33, Rule 12, Civil Procedure Code. The auditor shall keep a register of all such cases in Form S. A. 5.

(16) **Auditor to check applications for refund of value of stamps and register of stamp vendors.**—The auditor shall, at the time of his visit to a district, inspect the applications for grant of refund of the value or renewal of spent and unused Court-fee and non-judicial stamps and register maintained by the Refund Clerk and report the result of his inspection to the Collector of the district.

The auditor shall also inspect the registers of stamp vendors and check their stock of

stamps.

(17) Defects in the vend arrangements to be brought notice of the Collector.—The auditor shall bring to notice of the Collector defect in the vend arrangements and make suggestions where necessary for improvement of the arrangements.

(18) Monthly reports by auditors Form S. A. 4.—The auditors shall monthly submit reports by districts to the Assistant Secretary to Financial Commissioners through the Collector and Commissioner.

In these reports the auditors should give details of the period spent, and of the work done on each day. They should also state the total number of cases examined by them and note separately for each district the total number of deficient stamp duty discovered and recovered at their instance under the following heads:---

- (1) on plaints;
- (2) on copies;
- (3) on applications; etc.
- (4) on process fees;
- (5) on objection petitions;
- (6) on power-of-attorney;
- (7) on security bonds, etc., filed in Courts;
- (8) on miscellaneous petitions in the English record; and
- (9) on documents filed by the parties.

The report shall be accompanied by a statement in Form S. A. 4. showing district totals and also copies of the audit notes on the Courts and offices audited.

(19) Certificate in form S. A. 6. to be attached to traveling allowance bills by auditors.—In support of their claims for traveling allowance the auditors will obtain from the presiding officers of Courts and Collectors a certificate in Form S.A. 6 and attach A to their monthly traveling allowance bills.

(20) Review of stamp audit system by Financial Commissioner.—The Local Audit Department is relieved of the audit of stamp duty and Court-fees.

A brief account of the work done under this system shall be included by the Financial Commissioners in their annual note on the Stamp Administration.

(Punjab Government U.O. No. 418-P.F.-47-S, dated the 19th May, 1933).

2. The forms prescribed in these rules may be obtained on indent from the Superintendent, Government Printing, Punjab.

F.Cs. Stereo A & T. No. 351.
(Form S.A. 1)

District of _____

REGISTER OF STAMP DEFICIENCIES DISCOVERED BY THE AUDITOR (AUDITOR'S REGISTER)

Serial No.	Court or office and name of presiding officer	No. of suit.	Brief particular of suit or case	Deficiency in stamp duty or Court-fees discovered	State if case has been sent to Collector under Section 38 of Stamps Act.	Penalty if any under Section 35 of the Stamp Act.
1	2	3	4	5	6	7

BY COURT OR OFFICE		BY COLLECTORS				Remarks
<i>Amount recovered at the instance of the Auditor</i>		Amount recovered at the instance of the auditor		Amount written off as irrecoverable by competent authority		
Duty	Penalty under Section 35 of Stamp Act	Duty	Penalty under Section 35 or 40 of Stamp Act	Duty	Penalty	
8	9	10	11	13	13	14

F.Cs. Stereo A & T. No. 353.

(Form S.A. 4)

STATEMENT SHOWING DEFICIENCIES IN STAMP DUTY AND COURT-FEES DISCOVERED BY _____ STAMP AUDITOR AND RECOVERIES MADE BY COURTS AND COLLECTORS OF THE _____ DISTRICTS DURING THE MONTH 104

(To be submitted by the Auditors to the Financial Commissioners monthly)

District	<i>Deficiencies in Court-fees and stamp duty discovered during the month</i>		<i>Deficiency in Court-fees and stamp duty discovered during the previous month</i>		TOTAL OF COLUMNS		<i>Recoveries made by Courts and Collectors at the instance of the auditor during the month</i>		<i>Recoveries made during the previous months</i>	
	Duty	Penalty	Duty	Penalty	2 & 4	3 & 5	Duty	Penalty	Duty	Penalty
1	2	3	4	5	6	7	8	9	10	11

<i>Amount written off as irrecoverable during the month</i>		<i>Amount written off as irrecoverable during previous month</i>		TOTAL OF COLUMNS		BALANCE		Remarks
Duty	Penalty	Duty	Penalty	8, 10, 12 & 14	9, 11, 13 & 13	Column 6 – Column 16	Column 7 – Column 17	
				Duty	Penalty	Duty	Penalty	
12	13	14	15	16	17	18	19	20

F.Cs. Stereo A & T. No. 353.
(Form S.A. 5)

District _____

REGISTER OF DEFICIENCIES IN STAMP DUTY DEALT WITH BY THE COLLECTOR

Serial No.	BRIEF PARTICULAR OF CASE		Court of office from which sent	Section under which sent	Description of document impounded and nature of deficiency	Name and address of the person presenting the document	If discovered in audit, state date and serial No. in Register S.A. 1	DEMAND		REOCERED			WRITTEN OFF AS IRRECOVERABLE			BALANCE		Remarks
	Name of plaintiff or appellant	Name of defendant or respondent						Duty	Penalty	Duty	Penalty	Name of treasury or sub-treasury with No. and date of treasury receipt	Duty	Penalty	Authority	Duty	Penalty	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
								Rs. A.P .	Rs. A.P .	Rs. A.P .	Rs. A.P .		Rs. A.P.	Rs. A.P.		Rs. A.P .	Rs. A.P .	

F.Cs., Stero. A & T No. 356.

(FORM S. A. 6).

Certified that _____, Stamp auditor, started audit in this Court/Office on _____ and audited the stamp and Court-fee accounts of this Court of place/office for _____ days.

Place _____

Signature of Presiding

Dated _____

Officer of Court, or Head of Office.

PART- G: – AUDIT AND CONTROL OF STAMP REVENUE IN THE DELHI PROVINCE

The following instructions for the audit and control of stamp revenue in the Delhi Province are issued by the Chief Commissioner in consultation with the Honourable Judges of the High Court for the guidance of all officers and Courts under their respective control:--

RULES

1. **Title.**—These rules shall be termed “The Delhi Stamp Audit Instructions, 1939”.
2. **Appointment of stamp auditor.**—There should be appointed a stamp auditor for the purpose of the audit of every document requiring a stamp which is presented to a Court of law other than the High Court, or to a public officer.
3. **Controlling authority.**—The auditor shall be under the direct control of the Chief Commissioner and shall be authorized by the Collector in writing in the terms of Section 73 of the Indian Stamp Act.
4. **Monthly programme of auditor.**—The Auditor shall prepare a monthly programme of audit and after obtaining the approval of the Chief Commissioner to it, give due notice to Presiding Officers of Courts and heads of offices of the work which he proposes to do.
5. **Scope of audit.**-- The auditor shall audit all fresh institutions, documents, and files pending or otherwise in all Courts and registration and other offices including record rooms. Such inspection shall be from the date on which the last audit terminated.

The auditor shall, in particular, see that the stamps used are genuine and have not been removed from files and re-used.
6. **Registers of stamp deficiency.**-- Every person described in Section 33 of the India Stamp Act and every public official referred to in Section 6 of the Court-Fees Act shall maintain a record of stamp deficiencies in Civil Register No. XVIII. The Collector shall, in addition to the said register maintained by him in respect of his own Court, maintain a register in Form S. A. 5 of documents sent to him under Section 38 of the Stamp Act. These registers shall be maintained in respect of all deficiencies whether found in audit or independently.
7. **Register to be checked by auditor.**—The auditor shall examine the register No. XVIII maintained by each Court or office with a view to seeing that it is properly maintained and that collections are made not only on account of deficiencies detected in audit but on account of deficiencies detected independent. He shall also examine the register maintained by the Collector in Form S.A. 5.

8. **Deficiencies in stamps to be notified to the Collector.**—Once a case has been decided and consigned to the record-room, deficient Court-fee are not recoverable under the existing law, instances, therefore, of such short recoveries in Court-fees as may be brought to light in the general record-room will merely serve the purpose of educating readers and moharrirs or taking disciplinary action against them. But deficiencies in stamp duty may be

brought to the notice of the Collector with a view to action under Section 61 of the Stamp Act.

9. Facilities to be afforded to the auditor.—The presiding officers of all Courts and heads of offices will give the auditor access to all records and accounts, etc., and, so far as lies in their power, assist him in the performance of his duties.

10. Auditor to draw attention of officers as to their powers and duties insufficiently stamped documents.—In the course of his audit the auditor shall draw the attention of presiding officers of Courts and heads of offices to documents before them which are insufficiently stamped, and shall advise them where necessary in relation to their powers and obligations as follows:--

- (i) Under the Stamp Act:--
 - (a) to impound documents under Section 33 of the Stamp Act.
 - (b) To admit unstamped documents in evidence under Section 35.
 - (c) To dispose of impounded documents under Section 38. The Collector may also ask the auditor to note on cases coming before him under Sections 39 to 43 and also seek any other assistance which he may consider necessary.
- (ii) Under the Court-Fees Act:--
 - To determine correct fee leviable on any document. The auditor, if necessary, will discuss the point at issue with the presiding officer and, if required by him, be present at the discussion in Court before orders are passed.

11. Register S.A. 1.—The auditor will maintain a register in Form S. A. 1, in which he will note as it is discovered, each deficiency in stamp duty and Court-fees.

12. Officers to whom copy of audit note to be sent.—After discussion of his preliminary notes with the presiding officer or head of office, the auditor will prepare a formal audit note and send typewritten copies to the presiding officer or the head of the office, as the case may be, and to the Collector. This note will include a statement in form S. A. 3 of deficiencies discovered, and columns 1 and 6 to 15 will be left blank.

Copies of audit notes on revenue Courts and offices, including Sub-Registrars, should also be sent to the Chief Commissioner, Delhi. In the case of Civil Courts, where the audit discloses some serious defects, a copy of the audit note should be sent to the District and Sessions Judge through the Collector.

13. Action to be taken on audit note Form S.A. 2.—The presiding officer of the Court or the head of the office shall transfer columns 2 to 5 of Forms S. A. 3 to Civil Register No. XVIII and proceed to take necessary action on the note. In case where he does not agree with the auditor or where he considers it necessary to hear the party concerned before passing orders, he shall, where possible, discuss the matter with the auditor. The presiding officer or head of the office will return the form S. A. 3 to the auditor after completing columns 1 and 6 to 8 and noting in column 15, the cases, if any, in which he disagrees with the auditor, but without necessarily completing columns 9-14. The auditor after completing his register will return the form to the Court or office and report to the Collector any case in which the presiding officer or head of the office has been unable to take the advice of the auditor. The Collector (if he thinks fit and after consulting the Chief Commissioner, if necessary) will take action under Section 61 of the Stamp Act, or in the case of the Court-fee Act, address the Appellate Court, or take other appropriate action in the case of other offices.

14. Posting of recoveries in proper registers and writing off irrecoverable items.—All Courts and offices shall, in addition to the account of recoveries effected by them in civil register XVIII, show recoveries effected at the instance of the Stamp auditor in columns 10 and

11 of the said register and also in register S. A. 3. Irrecoverable loss of stamp revenue is required to be written off under Article 227 of Civil Account Code, Volume 1, and shall be entered in columns 18 and 19 of register No. XVIII and Columns 11 and 12 of register S. A. 3. They shall also send to the auditor at the end of each month, their copies of register S.A. 3, so that he may complete his returns of recoveries made at his instance from time to time and irrecoverable items written off, after which he will return the form to the Court or office. If the Court of office has sent a document to the Collector under Section 28 of the Stamp Act, it will have no concern with columns 9 to 12.

15. Action to be taken by ancestors *re pauper suits* Register S. A. 5.—Special attention shall be paid by the auditor to pauper suits and all their stages carefully watched while they are pending in Courts. After their disposal the auditor shall draw the attention of the Collector to the Court-fees realizable, and shall suggest to him what steps will ensure early realization. When is Court fails to pass an order for costs, the auditor shall advise the Collector to move the Court concerned under Order 33, Rule 12, Civil Procedure Code. The auditor shall keep a register of all such cases in form S. A. 6.

16. Auditor to check applications for refund of value of stamps and also register of stamp vendors.—The auditor shall also inspect the applications for grant of refund of the value or renewal of spoilt and unused Court-fee and non-judicial stamps and register maintained by the Refund Clerk and report the result of his inspection to the Collector.

The auditor shall also inspect the registers of stamp vendors and check their stock of stamps.

17. Defects in arrangement for sale of stamps.—The auditor shall bring to the notice of the Collector defects in the vend arrangements and make suggestions where necessary for improvement of the arrangements.

18. Monthly reports by auditors.—The auditor shall monthly submit report to the Registrar to the Chief Commissioner through the Collector.

Form S. A. 4.—In these reports the auditor should give details of the period spent, and of the work done on each day. He should also state the total number of cases examined by him and note the total number of deficient stamp duty discovered and recovered at his instance. The report shall be accompanied by a statement in Form S. A.4.

19. Certificate to be attached to traveling allowance bills.—In support of his claims for traveling allowance the auditor will obtain from the presiding officers of Court and Collector a certificate in Form S. A. 6 and attach it to his monthly traveling allowance bills.

20. Review of stamp Audit System.—The total Audit Department is relieved of the audit of stamp duty and Court-fees.

A brief account of the work done under this system shall be included in the Annual Administration Report.”

CHAPTER 5

PROCESS FEES

A – Remarks and Directions

1. Table of fees to be exhibited in each Court house.—A table of the fees chargeable on processes should be exhibited in each Court in some conspicuous place.

2. Fee on criminal processes.—The Court-Fees Act, Section 20, clause (ii), restricts the levy of a fee on criminal processes to non-cognizable cases. The fee for such processes has been fixed at a uniform rate of Eight Anna.

3. Agency for service of criminal processes on which fee is levied.—Every criminal summons for the service of which a fee is levied under the rules framed by the High Court under Section 20 of the Court-Fees Act (VII of 1870) shall be served by the process-serving establishment of the Court issuing the summons.

4. Recovery of process fee from accused as a fine in certain cases.—Courts are reminded that, under Section 546-A of the Code of Criminal Procedure, in cases of conviction of an accused of the offence of wrongful confinement, wrongful restraint, or of any non-cognizable offence, the Court may by its order direct that the accused should pay to the complainant any sum that he may have expended in issue of processes; and such sum may be recovered in the manner provided for recovery of fines.

5. Controlling authority over process serving agency, Registers and accounts to be kept and returns submitted by all Courts.—Notwithstanding the separation of the Revenue from the Civil Courts, the control over income derived from process fees in all Revenue Courts and Revenue Offices, and the expenditure on establishment, etc., from this source, is still, at the desire of the Financial Commissioners, retained by the High Court, to which all references on the subject should be made as heretofore. It will be necessary for Commissioners and District Courts to maintain the registers and accounts prescribed by these rules and orders, and to submit the annual returns, in the prescribed form.

For the purpose of the rules under Part B, Revenue Courts and Revenue Officers have been divided into three grades as follows:---

<i>Court</i>	<i>Grade</i>
Financial Commissioners	First Grade
Commissioners	Second Grade
Collectors and Assistant Collectors	Third grade

6. Diary of process-fees, Receipts for process-fees, Preparation and issue of processes.--No process shall be prepared or issued until the proper fee for the service thereof has been paid, but as soon as the process fee (talbana) is paid by a litigant, his agent or his pleader, a receipt in the form given below shall be granted by the ahlmad or other official receiving the same, and thereafter the Court-fee label denoting the fee shall be affixed to the diary of process fee and immediately punched. The process shall then be prepared but it will be left to the party who applied for the process ^{to} issue it or not as he thins fit. This will obviate the necessarily for making any refund of the value of Court-fee filed on account of processes which are not eventually issued.

7. Particulars to be noted on processes issued.—On every process issued from any Court the following particulars shall be recorded, namely:-- (1) the name of the process-server deputed to serve or execute the same; (2) the period within which the process-server is required to certify service of execution; (3) the amount of fee paid and the date of payment; and (4) date

of ,return after service or execution.

Such endorsements shall be signed by the Civil Nazir or Naib Nazir, or Bailiff.

8. Accounts of process-fees and costs of establishment to be maintained.—An account of Court-fee stamps realized as process fee of processes issued (civil and criminal), of the number of process-servers employed, of the cost of establishment and of contingencies shall be kept for each Court where a separate establishment is entertained.

9. Review of process-serving establishment in civil report.—A statement giving information on the above points should be submitted with the annual civil reports.

10. Diary of process-fees.—With the record of each civil case, and of each criminal case in which process fees are levied, should be kept a separate sheet of paper to be termed the ‘Diary of process of fee’ which should be devoted to the sole purpose of maintaining a record of process fees. This diary should be in the prescribed form, and should form a portion of part B. In it entries should be made in chronological order of every process order to be issued in the case, and the stamps should be affixed opposite each entry and cancelled immediately upon being affixed.

11. Process fee in case of substituted service.—In case of substituted service under Order 5, Rule 20, Civil Procedure Code one process fee shall be charged to cover all the acts done under the rule. In case of drum beating or publications in a Newspaper the charges for the same shall be paid in addition to be process fees.

12. No process fee for several attempts to serve the same process.—Where a process-server makes several visit before the date of hearing in order to serve the *same* process, no additional process fee shall be charged for those extra visits.

13. Fresh fee payable for every fresh process.—Where however a fresh process is issued a fresh fee shall be paid.

14. Fresh fee payable when a fresh process has to issue for want of correct address.—A fresh fee will also be charged when service cannot be effected owing to want of correct of adequate address and a fresh process has to issue.

15. No fee to be charged for serving and executing processes on behalf of prosecution in certain criminal proceedings.— Attention is drawn to the Court-Fees (Punjab Amendment) Act, 1939, Punjab Act IV of 1939, which lays down that no fees shall be charged for serving and executing processes on behalf of the prosecution in any criminal proceedings taken on information presented or complaint made by a public officer acting in his official capacity.

The Provincial Government may by notification determine what persons shall be deemed to be public officers for this purpose.

Note: The Government has declared all police officers to be public officers for this purpose.

PART B — RULES UNDER SECTION 20, CLAUSES (i) AND (ii)

Rules made by the High Court under the power conferred by Section 20, clauses (i) and (ii) of the Court-Fees Act, 1870, confirmed by the Provincial Government regarding the fees chargeable for serving and executing processes issued by the High Court in its appellate jurisdiction and by the Civil and Criminal Courts established within the local limits of such jurisdiction.

RULES

1. Grades of Courts for purposes of process fees.—The Civil Courts of the Punjab, shall, for the purpose of leaving process-fees, be divided into three grades as shown in annexed

table:

Grade	Civil Courts
First	The High Court
Second	District Courts
Third	Courts subordinate to the District Court

Note:- For the purposes of this rule a Tribunal established under Section 12 of Punjab Act, VIII of 1925 (The Sikh Gurdwaras Act, 1925) shall be deemed to be a Civil Court of the second grade.

2. The Court of a Sub-Judge, invested with appellate powers, is deemed to be a District Court for the purposes of all appeals preferred and is therefore a Court of the second grade.

2. Fees for each grade of Court.—Fees for the service of processes shall be levied in each grade of Court according to the following scale, namely:---

Name of process	Courts of first grade	Courts of second grade	Courts of third grade
Summons, notice or other process, not being a warrant of	2.00	1.00	0.80
Warrant of attachment	4.00	2.00	1.00
Warrant of arrest	4.00	2.00	2.00

3. Separate process to issue for each person to be served and a separate fee to be charged.—A separate process shall be issued for each person summoned or arrested, or upon whom a notice served; and *subject to be rule next following*, a separate fee shall be charged for each process.

In a case in which it is desired to attach the property of more than one person (judgment-debtors or their sureties), the same village, a combined warrant of attachment shall be issued and only one attachment fee shall be charged, but if the property lies in more than one village a separate fee shall be charged for each village.

4. Process fee when a process has to be served on 4 or more persons.— When any process, other than a warrant of arrest or of attachment, is to be served upon four or more persons being parties, one fee only shall, according to the scale in rule 2, be charged in respect of first four processes, and an additional fee, according to the subjoined scale, shall be charged for each process to be served in process of four, provided that the aggregate amount of the fee leviable under this rule shall not exceed the maximum prescribed for each grade of Court:---

	Courts of first grade	Courts of second grade	Courts of third grade
Rate of additional fee	0.80	0.40	0.20
Maximum	15.00	10.00	5.00

Note: This rule is not applicable to processes issued for service on witnesses.

5. No fee chargeable for criminal processes in cognizable cases.—No fee shall be chargeable for any process of a Criminal Court issued through the police in cognizable cases. In non-cognizable cases a fee of eight annas shall be levied for every such process, *whether such process be served through the process-serving establishment or the police.*

6. Processes issued by and sent to Courts in British territory to be served free of charge.—A process issued by any Court in British territory whether of Civil, or Criminal jurisdiction, shall be served free of charge by any Court in the Punjab if it be certified on the process that the proper fee has been levied under the rules in force in the territory in which the

Court issuing the process is situated. When any Court in the Punjab, whether of Civil or Criminal jurisdiction, transmits a process for service or execution to any Court beyond its jurisdiction, a certificate shall be endorsed on process that the free chargeable under rule 2 or rule 4, as the case may be, has been levied.

7. Travelling allowance of process-servers.—Ordinarily process-servers should travel on foot when proceeding to serve or execute process; but in special cases, the Judge of the Court issuing the process, may permit the journey to be made by railway. In such cases the permission should be in writing and the railway fare should be charged to the budget heads. Travelling allowance of process-servers under process-serving establishment is not charged to the person at whose instance the process is issued.

CHAPTER 6

PROCESS-SERVING ESTABLISHMENT

A – REMARKS AND DIRECTIONS

1. General.—The rules in Parts B and C have been made by the High Court with the sanction of Government and are republished for the guidance of Civil Courts on supersession of all previous rules on the subject.

2. Chapter 18-A deals with appointments.—Process-serving establishment are appointed and dealt with in accordance with the rules given in Chapter 18-A, Volume-1.

3. Controlling Authority.—The Senior Sub-Judge or the Administrative Sub-Judge in districts where there is an Administrative Sub-Judge, has control over and is responsible for the efficiency of the process-serving establishment of the district except that of the District Judge and Judge Small Cause Court.

4. Duties of Civil Nazir.—The Civil Nazir is to be regarded as the ministerial head of the process-serving establishment under the control of the Senior Subordinate Judge (or the Administrative Sub-Judge in districts where an Administrative Sub-Judge has been appointed). His main duty is to maintain the efficiency of the process-serving establishment and for this purpose he will submit reports and make suggestions from time to time to the Senior Sub-Judge or the Administrative Sub-Judge as the case may be.

5. Registration of process-servers.—Every appointment of a process-server shall be registered in the Court of the Senior Subordinate Judge or the Administrative Sub-Judge, of the District in which the appointment is made, together with the following particulars:— The name of the process-server, his age, his place of abode, his father's name, and the date of appointment. The names of the process-servers should be entered according to the date of their appointment in a register containing the above particulars, and a column of remarks should be added for the entry of such notice respecting the conduct of each process-server as the Presiding Judge may from time to time deem it necessary to record.

6. Courts by whom the register is to be kept.—There shall be one such register for the Court of the District Judge, one for the Senior Subordinate Judge's Court and other Subordinate Courts, and one for each Court of Small Causes.

7. Only registered process-servers to be employed.—Except in cases of necessity, when the special leave of the Court must be obtained, no person other than a registered process-server shall be employed in the service or execution of any Civil or Criminal process: the reason for granting such leave should be recorded.

8. Belts and badges of bailiffs and process-servers.—Every registered bailiff and process-server shall be supplied with the following equipment, the cost of which will be met from the contingencies of the Court to which he is attached:

Bailiffs:

- (a) Brown leather waist belt with cross strap over left shoulder. Brass buckle combined with badge prescribed by High Court to be fixed on waist belt.

Maximum cost Rs. 8 with buckle and badge or Rs. 3.40 without buckle and badge.

- (b) Khaki drill haversack:

Maximum cost Rs. 2.80

Process-servers:

- (a) Brown leather waist belt brass buckle combined with badge prescribed by High Court to be fixed to belt.

Maximum cost Rs. 6.60 with buckle and badge or Rs. 1.10 without buckle and badge.

- (b) Khaki drill haversack:

Maximum cost Rs. 2.80

Belts should last four years, and badges and buckles for an indefinite period. Haversacks should last two years. No article will be replaced unless the presiding officer of the Court to which a bailiff or process-server is attached certifies that it requires replacement. All equipment will remain Government property and should be inspected by Presiding Officers of Courts from time to time. Losses will be made good by the process-server or bailiff responsible.

9. Duties of Civil Nazir.—The Civil Nazir will be expected to keep up the Civil Deposit and Repayment Accounts and to manage the execution of decree business. It is left to Senior Subordinate Judges to issue detailed instructions as to the duties which are to be performed by the Civil Nazir. The Civil Nazir should devote his time to the distribution of business amongst process-servers, the transmission of processes to agencies located at tehsils of service, the management of the accounts and correspondence regarding the payment of diet money to witnesses, and other similar matters connected with the carrying out of the system of serving processes through agencies located at outlying tehsils.

10. Scale of process-servers and their distribution among different Courts.—The maximum scale of process-server having establishments allowed to each district has been fixed, but the Senior Subordinate Judge or the Administrative Sub-Judge as the case may be has power to distribute the process-servers sanctioned for the Courts of Sub-Judges in such manner as he thinks fit, with reference to the amount of business coming before the different Courts and the distances to be traversed in serving processes; it must be understood, however, that the full number of process should not be entertained unless they are actually required, Civil Register No. XXIII is intended to show how the work is distributed amongst the different process-servers, and controlling authorities should frequent inspect this register for the purpose of satisfying themselves that no unnecessary process-servers are entertained. Every marked diminution in work or income should be followed by a reduction of establishment.

11. Contingent expenditure.—The total amount of contingencies expended on process-serving establishment should not exceed ten per cent of the cost of such establishment for the year.

12. Special messenger and special bailiff.—No sanction of the higher authorities is necessary if one of the registered process-servers attached to a Court can be spared for employment as a special messenger in the circumstances mentioned in Chapter 6-B. If, however, all process-servers in the district are attached to the Senior Subordinate Judge, the matter should be referred to him for necessary action. Special fee will be course be levied in either case.

The appointment of a special messenger need not necessarily cause the creation of a new temporary post. If, however, a temporary post is required, a reference should be made to High Court under paragraph 20.5 of the Book of Financial Powers. The District and Sessions Judge can create posts of bailiffs required for execution of work of the Co-operative Societies only, and not for others.

A special bailiff may be appointed for the execution of a warrant of arrest if service cannot be effected in the ordinary course. The period of such appointment can be determined by the Court concerned in the circumstances of each case but no special fee should be levied.

PART B – RULES UNDER SECTION 20, CLAUSE (iii)

Rules made by the High Court under the power conferred by Section 20, clause (iii), of the Court-Fees Act, 1870, confirmed by the Provincial Government regarding the remuneration of the process-servers and all other persons employed by leave of a Court in the service or execution of processes.

RULES

1. Scale of salary of process-serving establishment.—The salaries of the process-serving establishment, as such, shall not, except with special sanction of the High Court, exceed the scale shown below against each officer:---

		Rs.
Civil Nazir	{	<u>50-1-70</u>
		40-1-60
Naib-Nazirs	{	<u>30-1-50</u>
		25-1-45
Maded Naib-Nazirs		25
Execution Bailiff		22
Process-server		17

Provided that existing establishment and existing salaries shall in all cases remain unchanged until the sanction of the High Court has been given to any alteration.

Note 1.—Civil Nazirs, Naib-Nazirs and Madad Naib-Nazirs serving in Lahore, Layalpur, Sargodha, Rawalpindi and Amritsar will draw the compensatory allowance of Rs.3/- and bailiffs and process-servers serving in these stations will draw a similar allowance of Rs.2/- and Re.1/- respectively.

Note 2.—European bailiffs are now paid a monthly salary of Rs. 30 and Rs. 3 for each process server.

2. Pay of additional process-servers.—Whenever it is necessary to employ additional persons as process-servers, that is to say, persons other than the registered process-serves, the pay of a person to employed shall be at the rate of seventeen rupees per month.

3. Remuneration of special messenger.—Should it appear to the Court, on the motion of a party to a suit or proceedings, or otherwise, that, for the convenience of the parties or for some other reason, it is expedient that any process should be executed by special messenger, such process shall be so executed. Except in the case of a warrant for arrest, a special fee will be payable for such emergent service; and the Court will, at the time of making its order, declare by whom the fee shall be paid and whether it shall be included in the costs of the suit or be charged to a particular party.

PART C – RULES UNDER SECTION 22

Rules made by the High Court with the approval of the Provincial Government, under the power conferred by Section 22 of the Court-Fees Act, 1870, regarding the number of persons necessary to be employed for the service and execution of processes issued out of the Civil and Criminal Courts established within the local limits of their jurisdiction, respectively.

RULES

1. High Court, to fix number of process-servers for each district.—The High Court shall fix, and shall from time to time, as may be necessary, after the maximum number of process-servers to be retained for the Court of each District and Sessions Judge, and for each district in the Province.

2. Distribution of process-servers among senior Courts.—The number of process-

servers to be retained in each district shall be allotted by the Senior Subordinate Judge, subject to the control of the District Judge and High Courts, to the various Courts of the District in to such manner as shall be most convenient for the service of processes.

3. How to fix the number of process-servers for each district.—In submitting proposals with regard to the maximum number of process-servers to be retained in any district, and in distributing the process-servers retained amongst the various Courts, the Senior Subordinate Judge or the Administrative Sub-Judge should ascertain, and report, when necessary, the number of processes issued from his own Court and from every other Civil and Criminal Court in the district during each month of the previous year; and the maximum number of process-servers fixed for each Court shall be so many as are sufficient for the service of the largest number of processes ascertained to have been issued in any one month. In calculating the number of process-servers capable of serving such ascertained number of processes, regard shall be paid to:--

- (a) the average distance travelled by the peon;
- (b) the nature of the country to be traversed and the local circumstances;
- (c) the number of process-servers by whom the processes were actually served.¹

4. Process-servers not to be employed for any other work.—The process-servers entertained under these rules shall be employed exclusively in the work of serving and executing processes.

¹In fixing the number of process-servers regard must be had to the system of serving processes though agencies located in tehsil.

CHAPTER 7
PROCESSES — CIVIL COURTS
PART A — GENERAL

1. General provisions regarding service of summons.—The provisions regarding the service of summons of the parties, contained in Sections 27, 28 and 143, Order V, Rules 9 to 30, Order XXVII, Rule 4, Order XXIX, Rule 2, Order XLVIII, Rules 1, 2 and 3, Order III, Rules 3, 5 and 6, Order XXVIII, Rule 3, Order XXX, Rule 3, and Order XLI, Rule 14 of the Civil Procedure Code as amended by the High Court should be strictly observed, as neglect of them may often render the service ineffectual, especially when personal service cannot be made.

2. Rules regarding service in particular cases.—Attention is drawn to the following rules regarding service in particular cases:--

<i>Re</i> service on agents	Order III, Rules 3 and 6 and Order V, Rules 12, 13 and 14
<i>Re</i> service on pleaders	Order III, Rule 5.
<i>Re</i> service on Corporations	Order XXIX, Rule 2
<i>Re</i> service on Firms	Order XXX, Rule 3.
<i>Re</i> service in suits against the State	Order XXVII, Rule 4 and Chapter 10 of Volume 1.
<i>Re</i> service in suits against Military or Naval men or Airmen.	Order XXVIII, Rule 3, Order V, Rules 28 and 29 and Chapter 7-D of this volume.
<i>Re</i> service by post	Order V, Rule 10, as amended by the High Court and Rules 21, 24 and 25
<i>Re</i> service <i>re</i> appeals	Chapter 14-B, Volume I.
<i>Re</i> service <i>re</i> execution	Chapter 12-E, paragraph 9, Volume I.

3. Service in cantonments.—Summonses for service on persons residing within the limits of cantonments should not be sent to Executive Officers of cantonments.

4. Service on witnesses.—The general procedure for serving processes on witnesses is the same as in the case of defendants.-- (See Order XVI, Rule 8, and also Volume I, Chapter 5 “Witnesses — Civil Courts.”)

5. Service of orders and notices.—All orders and notices issued under the Code are to be served in the manner provided for the service of summons. (Order XLVIII, Rule 2).

6. Service of processes during trial, appeal and execution.—In connection with the service of processes during the trial, attention is invited to Rules 19 to 25 of Order VII, Rules 11 and 12 of Order VIII and Order XLI (appeals), Rule 38, of the Code framed by the High Court under Section 122 of the Code of Civil Procedure. Under the new rules parties are required to file addresses for the purposes of serving notices on them during the trial. If the party concerned is not found at the address given, the procedure laid down in Order VII, Rule 22, should be followed, and if the party fails to appear on the date fixed notice should be sent to the address by registered post. Such service is then taken to be as effectual as personal service.

The new rules are intended to facilitate service of processes on parties throughout the trial including appeals and executions and should be carefully studied.

7. **Forms of processors.**—Forms of processes will be found in Appendix B to Schedule I of the Code of Civil Procedure. In the case of persons of distinction a letter may be substituted for a summons if the Court thinks fit (Order V, Rule 30).

8. **Form for return of processes.**—The forms prescribed for the return of processes by process-servers (as amended by the High Court) should be followed as early as the circumstances of the case permit. These forms are reproduced in Appendix I of this Chapter.

9. **Scale of process-fees.**—For the scale of process-fees *see* Chapter 5 of this Volume. For instructions as to the levy of fresh process-fees in certain cases and fees for substituted service *see* Part A of Chapter 5 of this Volume.

10. **Processes sent by post.**—When processes are transmitted by post, they should be sent under service covers, and should ordinarily be registered. (Section 143, Civil Procedure Code).

11. **Employment of process-servers for execution of warrants attachment, arrest and sale.**—Ordinarily bailiffs are to be employed for the execution of warrants of attachment, arrest and delivery of possession, etc., but process-servers may be employed for this purpose with the permission of the officer-in-charge of the Nazarrat where the value of property involved is not high. *Re:* execution of warrants of sale by process-servers *see* Rule 20(v) Chapter 12-L, Volume I.

PART B – SERVICE OF PROCESS

(a) Mode of Service

1. **Service by affixation not to be made before the date fixed for scrutiny of service.**—Every attempt should be made to effect personal service in the first issuance and failing that service on an agent or a member of the family. The process-server should go again and again for this purpose if there is time before the date fixed for scrutiny of service. In other words service in any of the ways enumerated in Order 5, Rules 12 to 16 of the Code of Civil Procedure, should be insisted upon and service by affixation as provided in Order V, Rule 17, Civil Procedure Code, should not be allowed till after the day fixed for scrutiny.

2. **Substituted service.**—Order V, Rule 20(1), of the Code of Civil Procedure, provides that when the Court is satisfied that the defendant is keeping out of the way for the purposes of avoiding service, or that, for any other sufficient reason that summons cannot be served in the ordinary way, service may be effected by affixing a copy of the summons in some conspicuous place in the Court house, and also in some conspicuous place of the house, if any, in which the defendant is known to have last resided, or carried on business, or personally worked for gain, *or in such other manner as the Court thinks fit.*

3. **Plaintiff's duty before obtaining orders substituted service.**—It should be noted, in this connection, that it is the plaintiff's duty to use his best endeavours to discover the defendant's residence and to satisfy the Court that he has done so and that the defendant is evading service or for any other sufficient reason cannot be served in the ordinary way. It is only after all the other prescribed methods of effecting service have been tried and have failed that it is open to the Courts to exercise the discretionary power conferred by the concluding words of Order V, Rule 10(1), of the Code.

4. **Publication in.**—The discretionary power alluded to above is frequently exercised by Courts by publication in one or more newspapers of a notice calling upon by defendant to appear. But in many cases this method is quite unsuitable. When, for example, the defendant is illiterate or belongs to a class which cannot be expected to read newspapers such notice is obviously useless. In the case of Europeans or educated Pakistanis likely to read newspapers it may be proper to resort to this method, but even in such cases, the practice should only be adopted as a last resort.

5. Publication allowed in approved papers only.—Whenever notice is to be published in a newspaper it should be published in newspapers approved by the High Court. A list of approved newspapers is circulated to subordinate Courts periodically.

6. Selection of paper to be made by the Presiding Officer.-- The object of effecting substituted service by advertisement in a newspaper is to inform the defendant that proceedings are pending against him and that he should appear in Court. This object can only be achieved by publication in a newspaper of wide circulation, which is likely to be read by the defendant or the class to which he belongs. The selection of newspapers in which it is proposed to advertise should, therefore, be made by the Presiding Officer himself and not by a Clerk of his office.

7. Preference to vernacular papers printed in the district of the person to be notified.—Care should also be taken that such notices are published as far as possible in vernacular papers, vernacular being the language of the subordinate Courts. They should only be published in papers printed in English if there is good reason to suppose that the person concerned read English papers and are more likely to be reached in that way. Preference should be given to such papers as are printed in the District where the person notified resides; or if no newspaper is printed in that District, to those printed in the District nearest to it, provided such papers have a good circulation and are likely to be read by the defendant or the class to which he belongs.

8. Publication to be arranged through Public Information Bureau.—In sending a judicial notice for publication in a newspaper, the Court should, in the covering letter, require the manager of the newspaper to send, under postal certificate, the copy of the paper containing the notice to the party for whose perusal it is intended at the address given in the notice, marking the notice in question with red ink; he should also be required, as proof of compliance with this order, to attach the postal certificate to his bill when submitting the letter to the Court of payment.

9. Covering letter to be forwarded to the Director, Information Bureau and action to be taken by him.—This covering letter should be addressed to the Director, Information Bureau, Punjab, and not to the Manager of the selected newspaper. The Director Information Bureau, will arrange for the publication of the Court notice in the newspaper indicated. He will receive the bills or bills for this publication, and after satisfying himself about their correctness will countersign them. He will then forward the bills to the Courts concerned for payment direct to the Managers of the newspapers concerned.

10. Advertisements in papers not on the approved list.—If it is proposed for any special reasons to advertise to any newspaper, not on the approved list whether published in the Punjab or elsewhere, a reference should first be made to the High Court to ascertain whether there is any objection to the course proposed.

(b) Personal attention to service

1. General.—It has been found by experience that delays in the disposal of civil suits are very often due to the failure of Presiding Officers to pay personal attention to matters connected with the issue and service of processes. The following instructions, must therefore, be strictly observed in future:--

2. The Judge should watch process of service before date of hearing.—Between the date of the issue of process and the date of hearing, Presiding Officers of Court must personally satisfy themselves that service is being effectually carried out and not content themselves with looking into the matter only on the date of hearing.

3. Court to fix dates for furnishing talbana, etc., and date for return of process.—In order to achieve this object the following procedure shall ordinarily be observed in respect of service of all processes for attendance of parties or their witnesses:--

- (a) A very near date shall be fixed for payment of process-fees and for the giving of adequate details of the persons to be served. On this date, the Judge shall satisfy himself that the fees, diet money, etc., have been paid and that the name, address and other particulars of the person to be summoned are reasonably sufficient to secure service. If these conditions have been satisfied, process shall then issue and two dates shall be fixed, the first for the return of the process with a report of the process-serving agency, and the order for the hearing of the case. The interval between the dates of issue and return on the one hand and between the dates of return and hearing on the other, shall in each case leave adequate time for the service of the process. It is not to be left to the discretion of the process-server to decide whether he shall effect personal or substituted service.
- (b) The date of the return should be clearly written on the summons and the Nazir should be warned to return the process before the said date.
- (c) **Reader's note about service.**-- A printed slip showing the following particulars should be filled in by the Reader of the Court and pasted below each order for issuing a process against a party or a witness:---
- (1) The date when Talbana and address were put in.
 - (2) The date on which the summonses were delivered by the Ahlmad to the Nazir.
 - (3) The date on which the Nazir delivered the process to the process-server or sent it to any other agent.
 - (4) The date of return by the process-server, or agent.
 - (5) The date of return by the Nazir.
 - (6) The name of the official who is to blame for non-service.

Note: If the interval between the dates of return and hearing is sufficient, a second date for return may be fixed.

- (d) **Parties' and Judge's duty as to scrutiny of service on date of return.**—Parties could be invited and encouraged to attend in person or by pleader on the date fixed for return of the summons. Whether they do so attend or not, the Presiding Officer should scrutinize the record and pass any order which may be required, such as an order for the issue of a fresh process. Parties should be encouraged throughout to take dasti summons to accompany the process-servers and to render all assistance in their power.
- (e) **Judge to take into consideration party's conduct in deciding about adjournment.**—In deciding whether to give a further adjournment when a process is not served, the Presiding Officer will be justified in taking into consideration whether the party asking for an adjournment had complied with the orders of the Court in paying process-fees, diet money, etc., and in giving correctly and promptly the names and addresses of the persons to be served.

4. Process-server's affidavit *re* service of process.-- A form of affidavit of the process-server which should accompany the return of the summons has been prescribed by the High Court. See form 11 of Appendix B. Before passing an *ex parte* order the Court should make it a point to see that this affidavit duly filed in, is with the report of the process-server.

(c) Proof of Service

1. Court shall not proceed *ex parte* if summons has not been duly served.—No Court can rightly proceed to hear a suit *ex parte* until it has been proved to the satisfaction of such Court that the summons to a defendant to appear has been duly served, that is, has been served

strictly in such manner as the law provides.

2. Process-server's report to be proved by affidavit or examination in Court.—Whenever it is necessary, in *ex parte* proceedings, under Order IX, Rule 6, of the Code of Civil Procedure, to have the report of service of summons proved by the affidavit or statement in Court of the process-server he should be ordered by the Court to appear before the proper officer or Court.

3. Nature of proof of services in different cases.—The nature of the proof of service which the Court ought to require in each case, according as it falls under one or other of the various relevant provisions of the Code of Civil Procedure relating to service of summons, may be shortly stated as follows:---

- (i) **Personal service.**—When the summons or notice is served on the defendant or respondent personally, the service and the signature of the defendant or respondent on the back of the process should be proved.
- (ii) **Service on agent.**—If the service be made under Order V, Rule 12, on an agent, it should be proved that this person was empowered to accept service, under Order III, Rule 2, 5 or 6, or Order V, Rule 13, of the Code, as the case may be. The party causing the service to be effected must give proof to this effect. It is a matter of which, ordinarily speaking, the serving officer would have no knowledge.
- (iii) **Service on in charge property.**—If the service be made under Order V, Rule 14, it should be proved in like manner that the summons or notice could not be served on the defendant or respondent in person, and that he had no agent empowered to accept the service and that the person to whom the process was delivered was an agent of the defendant or respondent in charge of the land or other immovable property forming the subject-matter of the suit.
- (iv) **Service on adult male member of the family.**—If the service be made under Order V, Rule 15, it should be proved that the defendant could not be found or was absent from his residence and had no agent empowered to accept the service, and that the person to whom the process was delivered was an adult male member of his family, and was actually residing with him at the time of such service. It is to be noted that a servant is not a member of the family within the meaning of this rule.
- (v) **Service by affixation under Order 5, Rule 17.**—If the service be made *under* Order V, Rule 17, it should, in like manner, be proved, according to the circumstances of the case, either that the person to whom the summons or notice was tendered refused to sign the acknowledgement, though he was informed of the nature and contents of the document, or that the defendant could not be found or was absent from his residence, and that there was no agent empowered to accept service, nor any other person on whom the service could be made; and, in either case, that the house, on the outer door of which a copy of the process was affixed, was the ordinary residence or place of business of the defendant at the time when it was so affixed. It is the duty of the Court in such cases to satisfy itself after taking the process-server's affidavit or statement on solemn affirmation and after such further inquiry as may be necessary, that reasonable efforts were made without success to serve the defendant personally and then declare whether the summons was 'duly served'. Without such a declaration under Order v, Rule 19, the summons cannot be held to be duly served.
- (vi) **Substituted service under Order 5, Rule 20.**—If the service be made under Order V, rule 20, it should, in like manner, be proved that the house upon the door of which a copy of the process was affixed, was the house in which the defendant last resided or carried or business or personally worked for gain, and that the service was made in all respects in conformity with the order for substituted service which should

accompany the process.

- (vii) **Service at address given by parties.**—If service has been effected under Order 8, Rule 12, read with Order 7, Rule 22 (a framed by the High Court), it should be proved that the defendant was not found at the address given by him for service, that there was no agent or adult male member of his family on whom service could be made, that a copy of the summons or notice was affixed on the outer door of his house, and that on his failure to appear on the fixed date, summons or notice was sent to the registered address by registered post for the next date.
- (viii) **Service on firms.**—If the service be made under Order XXX, Rule 3, it should be proved that the summons or notice was served upon any one or more of the partners of the firm concerned, or at the principal place at which the partnership business is carried on within Pakistan, on any person having, at the time of service, the control or management of the partnership business there. In the case of a partnership which has been dissolved, the summons shall be served on every person within Pakistan, whom it is sought to make liable.

4. Proof of service is imperative.—The Court should in all cases obtain the proof which is above described as requisite by the verified statement, recorded in writing, of the person by whom the service was effected, or, if deemed necessary, by the examination in Court, as witnesses, of such persons as the Court may think fit to examine.

PART C — ISSUE OF SUMMONS OR OTHER PROCESS FOR SERVICE ON A PERSON EMPLOYED IN THE PUBLIC SERVICE

1. Service of summons on public officers or servants of local or railway company.—In regard to the service of summons upon the party or witness who is a public officer (not belonging to his Majesty's Military, Naval or Air Service) or is the servant of a railway company or local authority it is open to the Court as provided under Order V, Rule 27 of the Code of Civil Procedure to serve the summons through the head of the office in which the said party or witness is employed if this course is considered more convenient. Ordinarily the summons should be served on the defendant or witness in the ordinary way and a copy sent to the head* of the office or department at least 15 days (10 days in the case of local officers) before the date fixed for the hearing.

The method of effecting service through the head of the office will probably be found the most convenient in the case of defendants or witnesses employed in large administrative offices, such as are situated in Lahore. In all cases where the summons is ordered to be served through the head of the office, an endorsement should be attached to, or written in the body of the summons, conspicuously in red ink, quoting the exact words of sub-rules (1) and (2) of Rule 29, Order V, Civil Procedure Code, which (in the case of witnesses read with Order XVI, Rule 8. Civil Procedure Code) imposes a duty on the head of the office to serve the summons on the subordinate to whom it relates if possible and to return it under his signature, with the written acknowledgement of the defendant or witness; or if service is not possible, to return the summons to the Court with a full statement of the reasons for non-service.

Note: The case of Patwaris forms an exception to the above rule, and is governed by the rules in Chapter 5-B of Volume 1, It should be noted that in *such cases* the summons should be forwarded to the Tehsildar for service, and should not be served direct or through the Deputy Commissioner.

2. Service of summons in suits against railway companies.—In the case of suits against railway companies, in addition to service in the usual way, a copy of the summons should be sent by post under Order XXIX, Rule 2(b): provided that if the summons is sent by registered post, service in the usual way may be dispensed with.

3. Sufficient time to be allowed for the official superior to arrange for relief of the person summoned.—A reasonable time should be allowed for the attendance of the person summoned, in order that his official superior may be able to make suitable arrangements for the conduct of his duties during his absence.

Note: In the case of employees of the North-Western Railway, a copy of the summons should be addressed to the Divisional Superintendent or other superior officer concerned according to the list given in the appendix to Chapter 8.

4. Vernacular robkars may be sent to summon revenue officials but not to offices where business is transacted in English.—If a non-English speaking Judge has occasion to summon a Kanungo or any other official subordinate to Deputy Commissioner to give evidence, he should send a robkar intimating that fact to the Deputy Commissioner to whom such officer is subordinate. Robkars should not be addressed to the heads of public offices and departments in which business is transacted in English. A covering letter or docket in English should be used.

PART D — ISSUE OF SUMMONS OR OTHER PROCESS FOR SERVICE ON PERSONS IN THE ARMY, NAVY OR AIR FORCE

1. Service of processes on employees in the Army, Navy and Air Forces.—(1) Order V, Rules 28 and 29, of the Code of Civil Procedure, provide for the service of processes on soldiers, sailors or airman other than commissioned officers. Such processes should invariably be transmitted for service to the proper military authority.

Sufficient time to be allowed in fixing dates.—(2) There is no special provision in the Code for the service of processes on officers as distinct from soldiers; and such processes should ordinarily be served personally by the European Bailiff of the Court. If there is no European Bailiff attached to the Court, it will be convenient to send the process to the commanding officer or the officer concerned for service in the manner indicated in Order V, Rules 28 and 29.

2. Fresh date should be given if time allowed proves insufficient.—In fixing dates for the attendance of persons in the Army, Navy or Air Force, the Courts should be careful to allow sufficient time. It should be remembered that in fixing a date for the appearance of the defendant in such cases, the time necessary for the transmission of the summons, through the usual channels, for service on the defendant must be taken into consideration, as well as the time which the defendant may, after service, reasonably require to make arrangements for obtaining leave and appearing in person or for appointing and giving instructions to an agent to represent him in the case.

3. On the day fixed for hearing, if it appear that from any cause the summons was not served in sufficient time to enable the defendant to make the necessary arrangements for appearing in person, or by agent, a fresh date must be fixed and notice given to the defendant; but this will seldom be necessary if Courts are careful in the first instance to allow sufficient time, as required by Order V, Rule 6, of the Code of Civil Procedure, and explained in the above remarks.

4. Service on agent or pleader.—It may be noted that when an officer, soldier, sailor or airman has authorized any person under Order XXVIII, Rule 1, to sue or defend in his stead processes may be served on such agents or upon any pleader appointed by such agent. (Order XXVIII, Rule 3).

PART E—ISSUE OF SUMMONS OR OTHER PROCESS FOR SERVICE ON A PERSON RESIDING WITHIN THE JURISDICTION OF ANOTHER COURT IN THE SAME OR ANOTHER PROVINCE WHO HAS NO AGENT TO ACCEPT SERVICE WITHIN THE JURISDICTION OF COURT ISSUING THE PROCESS SERVICE OR PROCESS ISSUING TO OR FROM OTHER PROVINCES

General

1. Different modes of service.—When the person to be served resides within the jurisdiction of another Court the Judge must decide how service is to be effected, and pass orders accordingly.

If the process has to be served within the jurisdiction of another Court but within the same district, the agencies located at tehsils will be employed, the process being transmitted by post from one agency to another. If the process has to be served in another district, but within the Province; it should be transmitted by post of the Senior Sub-Judge for service and return. But no Court should refuse to serve any process received for service within its jurisdiction from a Court in another district or Province, merely by reason of the process not having been sent through the Senior Subordinate Judge. Processes issued to districts in other Provinces, should be forwarded for execution to the District Judge of the district in which service of such process is desired, except where they are to be served within one of the Presidency towns (Order V, Rule 22, Civil Procedure Code), when they should be transmitted for service to the Judge of the Court of Small Causes.

The Government of Bengal have decided that in the case of all warrants or other processes which are required to be executed or served by the Court of Small Causes, Calcutta, on or after the 1st June, 1942, conveyance charges at the rate of Re. 1.80 per warrant and 25 Paise per copy of summons or other process shall be realized and paid in Court-fee stamps in advance and that before warrants or other processes are transmitted to that Court for execution or service, a certificate of realization of the charges should be endorsed on the warrants or other processes, as the case may be, for the information of the Court of Small Causes, Calcutta, in the absence of which certificate it will not be possible for that Court to execute or serve warrants or processes. —(*General letter No. 4 (Civil) of 1942, from the Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side, copy endorsed to all District and Sessions Judges in the Punjab and Delhi with Lahore High Court endorsement No. 7391-R/XIX F-2, dated the 4th August, 1942.*)

2. Full description to be given of person summoned.—In issuing processes for service in other Provinces the presiding officer of the Court issuing the process should personally satisfy himself that such full particulars of the description of the person summoned are entered in the process as will render it unlikely that the serving officer should mistake the identity of the person summoned. In the cases of Europeans and Anglo-Pakistani, the Christian name or names in full, if possible, and certainly the initials, the profession or trade, and the full address of the person summoned, should be accurately set forth. In the case of Pakistanis, the name, father's name, caste, occupation and address should be recorded in the summons, together with any further particulars which, in the opinion of the Court, will facilitate service of the process. The issue of the process should be delayed until such particulars are satisfactorily furnished by the person applying therefor. The same care should be taken in regard to all processes which are to be served outside the jurisdiction of the Court issuing the person.

3. Processes should bear the seal and signature of the Court and show the name of the Court and District.—All processes should set forth distinctly both the Courts from which the process issues and the name of the district. They should bear the seal of the Court and should be signed legibly.

4. Cases wherein processes should be accompanied by translation in English.—All processes sent for service to any district, the vernacular of which differs from that in which the process is written, should be in duplicate and accompanied by a translation in English.

5. Note on the process that proper fee has been levied.—In every case in which application is made for the issue of a process to a place in British territory, but beyond the limits of the jurisdiction of the Court, the stamp requisite for the issue of such process, under the rules

in force in the Punjab will be levied and affixed to the diary of process fees; and a note will be made on the process to the effect that the proper fee has been levied. A process issued by any Court in the Punjab will be served or executed free of charge in any other part of British territory, if it be certified on the process that the proper fee has been levied under the rules in force in the Punjab. (*See* also Chapter 5).

6. Processes issued to or by any Court in British territory to be served free of charge.—Processes issued by any Courts in British territory will be served free of charge by the Punjab Courts under the same conditions as are mentioned in the preceding paragraph, i.e., if it be certified on the process that the proper fee has been levied under the rules in force in that Province or territory-. It will be observed that all special charges for service of process issued by a Court in one part of Sub-continent to be served in any other part have been abolished.

Note:- The procedure laid down in paragraphs 5 and 6 has been extended to certain Indian States, as explained hereafter.

7. Process sent to British possessions out of India should be sent by post.—Summonses issued for service on persons residing in Foreign Countries, should be addressed to the defendant at the place in which he is residing and *sent* by post in accordance with Order V, Rule 25, of the Code.

8. Correspondence between judicial officers in the Punjab and Courts of other Provinces to be conducted in English.—All correspondence between judicial officers in the Punjab and the Courts of another Province should be conducted in the English language. In the case of non-English speaking officers, the District Judge should be the channel of communication.

9. Service of processes received from other districts should be watched by the presiding officer.—Complaints are frequently received that the processes sent for service to other districts and not properly attended to. All processes received from other districts should be shown regular in the register "*Tamil Zilla Ghair*" and the disposal of the processes should be watched by the presiding officer on the Court from time to time.

10. Duty of Court receiving summons from another Court for service.—If a summons is issued under the provision of Order V, Rule 21 of the Code of Civil Procedure, it is the duty of the Court serving the summons (*a*) to proceed as if it had been issued by such Court, (*b*) to return the summons to the Court of issue together with the record (if any) of its proceedings with regard thereto and (*c*) to make the declaration referred to in Order V, Rule 19.

In returning the summons the form 10 of Schedule I, Appendix B of the Civil Procedure Code, should be used and should be duly signed and sealed.

PART F — SERVICE OF THE PROCESSES OF THE COURTS IN PAKISTAN IN PLACES BEYOND PAKISTAN

1. Service of summonses by post.—Order V, Rule 25, of the Code of Civil Procedure provides, generally, that if the defendant resides out of Pakistan, and has no agent in Pakistan empowered to accept the service, the summons shall be addressed to the defendant at the place where he is residing, and forwarded to him by post, if there be postal communication between such place and the place where the Court is situate. In practice, all summonses so sent should, where possible, be sent by registered post, and should be "registered acknowledgement due".

The letter containing the summons which should always be sent in an envelope, should be properly and fully addressed and prepaid. A copy of the address on the letter should also be kept on the judicial record and care should be taken that the certificate given by the Postal authorities also contains the full address on the letter.

2. Service of summonses under Order 5, Rule 26, C.P.C.—If it is impossible to effect

service in the above manner, advantage may be taken of the provisions of Order 5, Rule 26, in the following cases:--

- (a) Where in a foreign territory a Political Agent has been appointed or a Court has been established or continued by the Central Government State Representative with power to serve a summons issued by Court in Pakistan (*See* Notification of the Central Government, No. 322-I, dated the 15th May, 1929, given in Appendix to Chapter 12-S, Volume I).
- (b) Where although no such Court has been established or continued yet the Provincial Government has declared by a notification under Order 5, Rule 26(b) in respect of a Court in foreign territory that service by such Court of any summons issued by a Court of Province shall be deemed to be valid service.

A list of the Courts to which these provisions apply will be found in Appendix VI to this Chapter.

3. Service of summonses under Order 5, Rule 20, C.P.C.—Where the provisions of Order 5, Rule 26, cannot be availed of and service by post has been tried and failed, action may be taken under Order 5, Rule 20, Civil Procedure Code.

4. Instructions *re* service under Order 5, Rule 26, C.P.C.—In cases where service is desired to be effected under Order 5, Rule 26, the following instructions should be followed:--

- (a) The summons should be forwarded in an envelope through the District Judge with a covering letter to the High Court, for transmission to the Provincial Government duly certified that service by post has been tried and failed and in what manner it has failed. The channel of communication *within India* of summonses for service in foreign countries, as distinct from Empire countries is the Provincial Government and the Government of India in the External Affairs Department. As regards documents for service in the Empire countries the channel of communication continues to be the Provincial Government and the Government of India in the Home Department. *It should never be sent direct* unless a special Procedure is otherwise prescribed except in cases where the High Court has allowed that summonses may be sent direct, *e.g.*, in the case of Indian States. An exception is also made in the case of certain countries *viz.*, the Federated Malay States, Johore State (an unfederated Malay State), Iraq and Nepa to which processes may be forwarded direct by the British Indian Courts.
- (b) **Date of return of summonses.**—In no case should a precise date be fixed in the summons or forwarding letter for the return of the service. It is impossible for a Court in Pakistan to order a date before which a foreign judicial authority must execute a request which the foreign judicial authority is under no obligation to execute at all.

A sufficiently long date however (in any case not less than four months) may be fixed for the appearance of the parties before the Court in expectation of the return of the service after making allowance (a) for the time which is bound to be taken by the various channels through which the documents have to pass, and (b) the time which should be given to the person on whom service is effected to prepare his case and attend the Court.

- (c) **Duplicate copies and translation.**—The covering letter, both copies of the summonses and all other documents should be prepared in duplicate and translated in English and typewritten and must be checked and legibly signed by the presiding officer of the Court and should bear the seal of the Court. Where it is not possible to type them in English they should be neatly and legibly written by the presiding officer in his own hand-writing. All translations should be certified to be correct.

- (d) **Names and addresses and translation in foreign language.**—The names and addresses of the persons on whom service of summonses is desired should be neatly and legibly written and should also be given in the forwarding letter. The name and address of the Court should be legible, and its seal should also be legible and properly affixed. Summonses, notices, copies of plaint and other judicial documents should be accompanied by translation in duplicate in the language of the country in which service is to be effected, at the expense of the party at whose instance summonses, etc., are issued. When the party concerned is unable to prepare such translation a request should be made that translation be arranged by the Foreign Office.

The approximate charges for translations into certain foreign languages are the same as given in Rule 28 of Chapter 10-E, Volume I.

Similarly request should be made that the executing officer should cause translations of all the documents sent by him to be made in English and money for this purpose should be recovered in advance from the party concerned.

Where documents in English are being served by a British Consular Officer it is not necessary to supply translations in the language of the country when the recipient is of British nationality, but in other cases translations should be supplied.

- (e) **Cost of translation and service.**—An amount equal to 50 percent more than the estimated costs of effecting service and translation should be recovered from the party concerned in advance and deposited. This amount needed not be sent along with the process and heretofore but should be sent when a demand is made to that effect.
- (f) **Presiding Officer responsible for completion of the documents.**—The preparation of summonses must not be left to clerks. The Presiding Officer of the issuing Court will primarily be held responsible for its accuracy and completeness in every respect before transmission to the High Court and it is the duty of the Clerk of Court to District Judge to examine the summonses and its accompaniments carefully and to see that all instructions have been complied with.
- (g) **Index and schedule of documents sent.**—The forwarding letter should either at the foot thereof contain a schedule of all the documents sent along with it or be followed immediately by an index of such documents. The first document should be a concise narrative of the action of the parties thereto and of the course to be pursued. The documents should be numbered or lettered so as to correspond with the schedule or index mentioned above.
- (h) **Copies to be certified.**—All copies should be certified by an official of the Court that they have been examined and are true copies. Such certified copies should also bear the seal of the Court.
- (i) **Service by British Consular Officers.**—Pakistan is not a party to any civil procedure convention and therefore it depends entirely on the local law of the foreign country in question whether Pakistan Embassy Officers are permitted to serve documents or to take evidence on behalf of Courts in Pakistan and if so, under what circumstances. In some countries this is permitted where the recipient of the documents or the intended witness is a Pakistani subject and not otherwise.

A request should not be made for the service of documents by a Pakistan Consular Officer in any foreign country unless it has been previously ascertained that the Consular Officer is able to give effect to it. The names of countries where there is no difficulty as regards the service of documents by Pakistani Consular Officers and in which it is unnecessary to apply for permission to the Foreign Office, are given in the Schedule to this chapter.

- (j) **Stitching of papers sent.**—The forwarding letter and all its accompaniments should be on strong paper and sewn together in a parchment paper cover down the left hand side, the end of the silk, tape or thread with which they are sewn being brought out on the front cover and the ends sealed down and the binding signed and sealed by the Judge so that there is no possibility of the removal, substitution or addition of any sheet without breaking the seal.
- (k) **Directions to be given in forwarding letter.**—The forwarding letter or the first annexed document should indicate clearly (a) which is the actual document (or documents) to be served, and (b) if any special method of service is desired (as opposed to a case where any method usually employed by the Courts of the foreign country in question will suffice) the method of service desired: (viz., that one copy of the documents to be served should be left with the intended recipient; that a certificate of service by the process-server should be written on the copy of the documents to be served, that the recipient should be asked to sign a copy of the document served, etc., as the case may be).
- (l) **Address.**—Letters to a Pakistani Consular Officer should refer to Ambassador at _____ or his Deputy. The letter to a Foreign Court, where the proper description of the Foreign Judicial Authority in question is not known, should be addressed to the Competent Judicial Authority in _____ (Name of the country concerned).

5. Service in Indian States.—With regard to several Indian States special arrangements have been made to meet the mutual convenience of the Courts of these States and the Courts in British India; reference is made to those below. Where no such arrangements exist, the costs of effecting service, where the summons is not sent direct to the defendant by post, must be remitted with the process to the Political Officer or Court addressed under Order 5, Rule 26, of the Code. With regard to the Punjab States, in regard to which no special directions are here given process will be served in the manner prescribed by Order 5, Rule 26, of the Code. In the absence of any specific rule to the contrary a period of not less than six weeks should, as a rule, be allowed for service of processes in Indian States.

(i) *Balochistan*

Processes intended for service on persons resident in Balochistan shall be sent to the Deputy Commissioner or Political Agent of the District in which such person resides. A list showing the principal Railway Stations and places within the jurisdiction of the several Deputy Commissioners and Political Agents in Balochistan is given in Appendix III.

In fixing dates for the return of such processes a reasonable time, not less than six weeks, should be allowed for effecting service.

(ii) *Jammu and Kashmir, Gwalior, Alwar, Indore and Gondal*

Processes issued by the Courts in British India for service within the territories of His Highness the Maharaja of Jammu and Kashmir, His Highness the Maharaja of Gwalior, His Highness the Maharaja of Alwar and His Highness the Holkar of Indore will be served by State Courts free of charge and *vice versa*, no fee will be charged by Courts in British India on processes issued by the Courts in those territories and sent for service within British territory.

The scale of process fee as laid down by the Gondal Durbar for the service of summonses in civil suits is four annas for every Rs. 25 of the value of the suit or part thereof up to a maximum of Rs. 10/-. This amount is to be remitted by Postal Money Order. No process fee is, however, charged by the state for service of summonses in criminal cases,

The term “Civil Process” means and includes a summons, a proclamation, a notice and interrogatories.

Note.-- So far as the Government of His Highness the Maharaja Holkar of Indore is concerned, the terms "Civil Process" include "Commissions for the examination of witnesses".

All summonses intended for service on persons resident within the territory of Azad Jammu and Kashmir shall be sent direct by the Courts issuing them to the Courts in Kashmir *concerned* and not through the Resident.

In fixing dates for the return of such summonses a Court should have regard to the situation of the Kashmir Court through which the summonses are not to be served. A list of Civil Courts in Azad Jammu and Kashmir is given in Appendix IV.

(iii) *Hyderabad*

For a list of persons privileged in the Indore State on whom civil processes should be served through the agency of the Hon'ble the Resident for Central India, *see* High Court Circular No. 9798-R/XIX-F.-15, dated the 17th October, 1939.

By arrangement between the Government of India and His Exalted Highness the Nizam of Hyderabad, civil processes for service or execution within His Highness' territories will be issued and served in accordance with the rules applicable to processes of Civil Courts established in British India.

Process issued by Civil Courts in His Highness the Nizam's territories will be served or executed in the Province as if they were processes of Civil Courts established in British India.

In the case of processes for service in the city of Hyderabad, a period of not less than six weeks should be fixed for the return; and in the case of processes for service elsewhere in His Highness the Nizam's territories, a period of not less than two months should be allowed.

The Paigah* and Jagir Ilakas in the territories of His Highness the Nizam of Hyderabad are excluded from the reciprocal arrangements. All civil processes for service on persons residing in these Ilakas should be forwarded to the District Court of High Highness' Government, in the jurisdiction of which the Paigah* or Jagir village concerned is situated and not direct to the Paigah* or Jagir authorities.

As the Paigah* and Jagir villages are very numerous, the Court, when issuing a summons to any person residing in His Highness the Nizam's territories, should ascertain from the party at whose instance the summons issues, whether the person named in the summons resides in a Paigah* or Jagir village and if so the name of the district within the jurisdiction of which the village is situated.

(iv) *Baroda*

Government of India, Foreign Department, Notification No. 1568-IB, dated the 10th August, 1909, provides that summonses issued by Courts in British India under the Code of Civil Procedure may be served by any Civil Court of the Baroda State. The Baroda Durbar have instructed their Civil Courts to receive Summonses and other civil processes direct from Courts in British India and so return them direct after service.

A list of Civil Courts in the Baroda State, showing the locality of each Court and the area of its jurisdiction, will be found in Appendix V of this part.

(v) *Rampur State*

*Paigah Ilakas are certain estates in Hyderabad State comprising 23, talukas dispersed over the districts of Bidar, Nander Osmanabad, Gulbarga, Medak Atraf-i-balds- and Nizamabad and a few scattered villages in Aurangabad, Warangal Muhibnagar and Nalgonda. These estates belong to the representatives of three deceased noblemen and were originally granted to them for maintaining troops for the Nizam.

Processes issued by British Courts for service within the territory of High Highness the Nawab of Rampur State will be received direct by the State Courts and served free of charge. Similarly, processes issued by the Courts in the Rampur State will be received direct by the British Courts and served free of charge.

A list of Civil Courts in the Rampur State will be found in Appendix VI to this Chapter.

6. Special procedure in regard to some particular foreign countries is given below:-

(i) *Afghanistan*

There is no agency in Afghanistan for the service of summonses on witnesses issued by the Punjab Courts. It is, therefore, unless to issue such summonses.

Defendants can only be summoned under Rule 25 of Order V of the Civil Procedure Code in other words by issue of a summons direct to them by post and *not* through any agency.

If action under Rule 25 of Order V fails, Order V, Rule 26 *does not* apply, as there is no Pakistan authority for the service of such summonses in Afghanistan.

The Punjab Courts should, in no case, address Afghanistan Courts or officials or the Pakistani Consulate in Kabul direct.

Violation of these instructions by Subordinate Judges, Magistrates and members of their staffs concerned with the dispatch of summonses causes much embarrassment to the Government of Pakistan.

It will be impossible to treat breaches of them with leniency even though they may have been the result of mere carelessness.

In case of any further contravention, disciplinary action will be taken by way of stopping the increments of the official or officials concerned or otherwise as may be considered suitable.

(ii) *Mauritius*

Every process for service in the town of Mauritius shall be accompanied by a remittance of Rs. 3 per person to be served. If the process is to be served in the country, a further sum at the rate of 75 cents or about two rupees per mile (to and fro) should be remitted. When documents are written in the vernacular, a sum of Rs. 10 should be remitted as translation charges. But in all cases in English translation should be sent.

(iii) *United States of America*

Service in this country is normally done by appointing a local lawyer acting as agent for the parties. Where desired Pakistani Consular Officer will recommend suitable firm of local lawyers.

(iv) *Keyna*

Processes for service should be sent in duplicate, the copies to be identified "original" and "duplicate", and should be sealed with the Court's Seal. A Postal Order of 10 Shillings for expenses of service should accompany the process.

(v) *Union of South Africa*

Summonses and other processes should not be sent direct to that country but should be sent as mentioned in rule 4(a).

The returnable date of the summonses or other processes should be at least six months.

The charges for service should be sent alongwith the summonses or other processes.

The fees ordinarily charged by the Courts in the various provinces of the Union of South Africa for the service of summonses issued by Courts in Pakistan are given below: ---

Province	Fees for service	Travelling allowance (per mile or fraction of a mile)	Radius (from Deputy Sheriff's office) within which no transport- allowance allowed
Cape	5	Civil matters 1/6d Criminal I	3 Miles
Orange Free State	6/3	1/3d,,	1 Mile
Natal	5	2 (for outward journey only)	1 Mile
Transvaal	7	1/3d	3

SCHEDULE

(Vide Paragraph 4(i), Chapter 7-F – Volume IV)

List of countries in which it is unnecessary to apply for permission to the Foreign Office for service of processes:---

- (1) Aden
- (2) British East Africa
- (3) Japan
- (4) Thailand
- (5) Netherlands East Africa
- (6) Iran
- (7) Federated Malay States

PART G – ASSISTANCE BY VILLAGE OFFICERS IN PROCESS-SERVING

1. The Financial Commissioners have invited the attention of all the Collectors in the Punjab to the necessity of impressing upon the *Lambardar* that as one of their duties under Rule 20 of the Land Revenue Rules, is to assist all officers of the Government in the execution of their public duties, they are expected to assist the process-servers in serving processes in Civil and Criminal cases and that the more care they devote to this branch of the administration, the more expeditiously will the suits be decided. It was further pointed out that it was obviously to the benefit of the village that the *Lambardars* should do his best to assist in the service of the processes. Subordinate Courts should bring to the notice of the Collectors cases of wilful negligence of duty in this direction on the part of *Lambardars* and should not hesitate to move the High Court through the proper channel if matters do not improve *even* then.

2. In order to reduce the possibility of false reports being made on notices of sale, which are not uncommon, it has been decided that the process-server's report on a notice of sale should be attested by a *Lambardar* and, whenever possible, also by the village patwari or school master. The Financial Commissioner, Revenue, and the Director of Public Instruction have respectively instructed patwaris and school masters to attest such reports when asked. The absence of attestation by a patwari or school master should not necessarily be regarded as proof that the process-server's report is false.

PART H – COST OF POSTAGE AND REGISTRATION ON PROCESSES FORWARDED BY POST, HOW TO BE DEFRAIDED

1. Service stamps to be used. Party not required to pay postal charges except under Order 5, Rule 10, C.P.C.—Postal charges on all processes, notices, and other such documents, issued from any Court and transmitted by post, are to be paid by means of service postage stamps, without any additional charge being levied from the parties at whose instance the process of document is issued. In cases in which it is considered necessary to register the cover, the fee for registering it will also be paid by means of service postage stamps. (*See* Section 143 of the Code of Civil Procedure).

In the case of processes transmitted by post under the proviso to Rule 10, Order V, of the First Schedule to the Code of Civil Procedure, when the order is that service should be made in the ordinary way as well as post by, the party at whose instance the process is issued, will be required to pay all postal charges for postage and registration; if service is to be effected by post only, the postal charges will be paid by means of service postage stamps and he will pay only the normal process-fee. When the party concerned puts in a stamped postal envelope, the Ahlmad or the Moharrir should give him a receipt in lieu thereof.

2. Service stamps to be used for transmission of processes to another Province.—Processes received for service from Courts in other Provinces should be returned in service postage paid covers, the stamps being provided by the returning Court. Similarly, processes returned to Punjab Courts from Courts in other Provinces will be sent in service postage paid covers. The same rule, of course, applies to processes returned by or to other Courts in the same Province.

Service postage labels required for this purpose will be obtained in the usual way.

PART J – POLICE ASSISTANCE

1. The Punjab Government has decided that the following conditions should govern the rendering of Police assistance to the Civil Courts in the execution of warrants of arrest and distress.

2. When request may be made for Police assistance.—A Subordinate Judge may move the District Judge, or in his absence from the district, the Senior Subordinate Judge to ask the District Magistrate for Police assistance. The request must be accompanied by evidence of the circumstances sufficient to satisfy the District Magistrate that there is a design to commit a cognizable offence or that there is a likelihood of the commission of a cognizable offence by the person or persons on whom a warrant of arrest or distress or for the possession of immovable property is to be served.

3. Government should be informed when Police assistance permitted.—In all cases in which the District Magistrate has given permission for the employment of Police for the assistance of the Civil Courts in the execution of warrants, a report of the circumstances should be submitted by him through the Commissioner to the Provincial Government.

4. Cost of the Police employed.—The cost of the Police employed on such duty will be shown in the Budget of the Judicial Department, under the head “27 — Administration of Justice — Civil and Sessions Courts — District and Sessions Judges” under the primary unit of appropriation “Charges payable to other Governments, Departments, etc.,” and the credit will be taken by the Police Department under the head “26 — Police — District Executive Force” by reduction of expenditure under that head under an entry “deduct cost of establishment debitable to ‘27 — Administration of Justice, etc.’”

(Punjab Government letter No. 37074 (H. — Judi.), dated the 19th November, 1929)

PART K — FILLINGUP OF FORMS OR PROCESS

1. Option of a party to fill up forms.—With their applications for the issue of process, parties may, if they so desire, file printed forms of the same duly filled up in accordance with the rules of the High Court regarding the issue of the process. The date of appearance and the date of the process will be left blank.

2. Responsibility for accuracy of contents.—The parties or their pleaders shall sign the forms thus filed in the left bottom corner, and will be held responsible for the accuracy of the information entered in the forms.

3. Legible handwriting.—The form must be filled up in a bold, clear and easily legible handwriting.

4. Dates to be titled in by office.—When orders for the issue of process are passed by the Court, the date fixed for appearance will be inserted in the form and the process will be dated by an officer of the Court before the processes are signed.

5. Free supply of forms.—The necessary number of printed forms of process will be supplied to the parties or their pleaders, free of cost, on application to such officer of the Court as the Presiding Judge shall direct.

APPENDIX I

Affidavit of Process-tarter to accompany Return of a Summons or Notice (0. 5, R. 18)

(Title)

The Affidavit of _____ son of _____

I _____ make oath/affirm and say as follows:--

(1) I am a process-server of this Court,

(2) On the _____ day of _____ 19____ I received a summons notice issued by the Court of _____ in Suit No _____ of 19____, in the said Court, dated the _____ day of _____ 19____ for service on _____.

(3) The said _____ was at the time personally known to me and I served the said summons/notice on him/her on the _____ day of _____ 19____ at about _____ o'clock on the _____ moon at _____ by tendering a copy thereof to him/her and requiring his/her signature to the original summons/notice.

(a) _____

(b) _____

(a) Here state whether the person served signed or refused to sign the process and in whose presence.

(b) Signature of process-server.

or

(3) The said _____ not being personally known to me accompanied me to _____ and pointed out to me a person whom he stated to be the said _____ and I served the said summons/notice on him/her _____ day of _____ 19____ at about _____ o'clock in the _____ noon at _____ by tendering a copy thereof to him/her and requiring his/her signature to the original summons/notice:

(a)

(b)

- (a) Here state whether the person served signed or refused to sign the process and in whose presence.
- (b) Signature of process-server.

or

(3) The said _____ and his house in which he ordinarily resides being personally known to me/pointed out to me by _____ I went to said house in _____ and there on the _____ day of _____ 19____; at _____ o'clock in the fore/after noon I did not find the said I enquired from (a) _____ neighbours

(b) _____ neighbours

I was told that _____ had gone to and would not be back till

Signature of process-server

or

If substituted service has been ordered, state fully and exactly the manner in which the summons was served with special reference to the terms of the order for substituted service.

Sworn/Affirmed by the said _____ before me this _____ day of _____ 19____.

Empowered under section 139 of the code
of Civil Procedure to administer the
oath to deponents.

APPENDIX II

The following notifications provide for the service of summonses issued out of Civil Courts in British India by Courts established or continued by the Government of India in the territories of Native States, and similar cases:---

- (i) *Government of India Notification No. 1336-4 dated the 29th March, 1899.*

In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to direct that a summons issued by any Civil or Revenue Court in British India, for service within the local limits of the jurisdiction of a Court established or continued by the authority of the Governor-General in Council in the territories of any Foreign Prince or State shall, if sent to that Court, be served by that Court within those limits in manner provided by Code of Civil Procedure, and after being so served be returned with such an endorsement under the hand of the Judge of the Court as is mentioned in Section 90 of the Code.¹

- (ii) *Government of India Notification No. 1367-J, dated the 29th March, 1889.*

In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to direct that a summons issued by any Court established or continued by the authority of the Governor-General in Council in the territories of any Foreign Prince or State for service within the local limits of the jurisdiction of any other such Courts shall, if sent to the other Court, be served by that Court within those limits in manner provided

¹Order V, Rule 26, Code of 1908.

by the Code of Civil Procedure, and after being so served, be returned with such an endorsement under the hand of the Judge of the Court as is mentioned in Section 90 of that Code.¹

APPENDIX III

List of places within the jurisdiction of the Political Agents, Quetta, Sibi, Loralai, Zhob, Kalat and Chaghai.

QUETTA-PESHIN DISTRICT

Aghbarg, Alezai, Arambi, Badezai, Baleli, Band Malezi, Bostan, Chaman, Gulistan, Gulistan Karez, Habibzai, Haikalzai, Hanna, Inayatullah Karez, Kakozi, Karbala, Kasi Kazha Viald, Kechi Beg, Khanozai, Khar, Khanai, Khudazai, Killa Abdulla Kirani, Kotwal, Kuchlak, Manzaki, Manzari, Mohammad Khel, Panjpai, Pishin, Quetta, Sanzal, Sanzalla, Saranan, Sariab, Segi, Shalabagh, Sra Ghurk, Syed Hamid and Yaru.

SIBI DISTRICT

Ahmadun, Azad Shahr, Babarkach, Belpat, Bhakra, Ghulam Bolak, Chandia, Dehpal, Dirgi, Gandakha, Dashkori, Gullu Shahr, Hamidpur, Harnai, Jhatpat, Kach, Karam Khan Shahr, Khajak, Khost, Khowas, Kohlu, Kurk, Mindsay, Malikzai, Mamal, Mangi, Manjhipur, Mian Kach, Mithri Muhammadpur, Nakus, Nari, Nattal, Oriani, Rojhan, Sangan, Shahrig, Sohbatpur, Spintangi, Sunari, Talli, Temple Dera, Yateabad, Zandra and Zardaloo.

LORALAI DISTRICT

Barkhan, Chotiali, Chuhar Kot, Dhamani, Dirgi, Duki, Haji Kot, Hazara Shahr, Ismail Shahr, Khujuri, Kingri, Kudezai, Lagharbah, Leghari Kot, Loralai, Mekhtar Nahar Kot, Nimki, Pathan Kot, Pitoo, Husan Khel, Rakhni, Salli, Shahbozai, Shadezai, Sinjawai, Shira, Smallan, Tai, Tap, Wah, Wahan Kalan, Wahan Khurd, Wani, Yaru, Shahr, Zama Zawar Zebri, and Zhazha.

ZHOB DISTRICT

Akhtarzai, Alikhel, Apozai, Babu China, Badinzai, Bahadurwal Bandat Mirzai, Batozai, Brunj, Chalera Pasta, Fort Sandeman, Gadai Khel, Ghorezai Pitao, Girda, Gwal Ismailzai, Haidarzai, Hindubagh, Hurmzai, Inder Bes, Kajir, Kakha, Kamar-ud-Din Karez, Kapip Kaur Mehtarzai, Kazha Killa Saifullah, Korla Wasta, Kunder, Marghbal, Mardanzai.

¹Order V, Rule 26, Code of 1908.

APPENDIX IV

List of Civil Courts in the Jammu and Kashmir State

S.No.	Name of the Court	Headquarters
AZAD JAMMU & KASHMIR		
1.	Sub-Judge, Jammu	Jammu
2.	City Magistrate	Jammu
3.	Munsif, Jammu	Jammu
4.	Munsif, Sri Ranbirsinghpura	Ranbirsinghpura
5.	Sub-Judge, Mirpur	Mirpur
6.	Munsif, Mirpur	Mirpur
7.	Sub-Judge, Kotli	Kotli
8.	Sub-Judge, Udhampur	Udhampur
9.	Munsif, Reasi	Reasi
10.	Munsif, Kishtwar	Kishtwar in summer and Doda in winter
11.	Munsif, Rajouri	Rajouri
12.	Munsif, Nowshera	Nowshera
13.	Munsif, Kathua.	Kathua
14.	Munsif, Bhimber	Bhimber
15.	Munsif, Ramnagar	Ramnagar
16.	Munsif, Samba	Samba
17.	Wazir Wazarat, Kathua	Kathua
18.	Tehsildar, Ramban	Ramban
19.	Tehsildar, Basohli	Basohli
KASHMIR PROVINCE		
20.	Chief Judge, Kashmir	Srinagar
21.	Sub-Judge, Srinagar	Srinagar
22.	City Magistrate	Srinagar
23.	Munsif, Srinagar (City)	Srinagar
24.	Munsif, Pulwama	Pulwama
25.	Judge, Small Cause Court	Srinagar
26.	Sub-Judge, Muzaffarabad	Muzaffarabad.
27.	Munsif, Baramula	Baramula
28.	Munsif, Anantnag	Anantnag
29.	Tehsildar, Uri	Uri
30.	Tehsildar, Karnab	Karnab
31.	Naib-Tehsildar, Gurez	Gurez
GILGIT WAZARAT		
32.	Wazir Wazarat, Gilgit	Gilgit
33.	Tehsildar, Gilgit	Gilgit
LEH WAZARAT		
34.	Wazir Wazarat, Leh	Leh
35.	Tehsildar, Leh	Leh
36.	Tehsildar, Skardu	Skardu
37.	Tehsildar, Kargil	Kargil
CHUNENI		
38.	Raja Sahib, Chuneni	Chuneni
POONCH		
39.	Chief Judge, Poonch	Poonch
BHADARWAH		
40.	Wazir Wazarat, Bhadarwah	Bahadarwah
LANGET		
41.	Tehsildar, Langet	Langet

APPENDIX V

List of Civil Courts of the Baroda State

Serial No.	Name of Court	Location		Area of jurisdiction
		Locality	District	
1	2	3	4	5
1	Baroda Prant Nyayadhish [*]	Baroda	Baroda	Baroda district.
2.	Baroda city Munsif's Court	-Do-	-Do-	Baroda City, Baroda Taluka and Waghodia Taluka.
3.	Petlad Mahal Nyayadhishi	Petlad	-Do-	Petlad Taluka and Bhadram Peta Mahal.
4.	Dabhoi Mahal Nyayadhishi	Dabhoi	-Do-	Dabhoi Taluka.
5.	Sunkhoda Mahal Nyayadhishi.	Sunkheda	-Do-	Sunkheda Taluka.
6.	Sinere Mahal Nyayadhishi	Sinore	-Do-	Sinore Taluka.
7	Padra Mahal Nyayadhishi	Padra	-Do-	Padra Taluka
8	Karjan Mahal Nyayadhishi	Karjan	-Do-	Kadan Taluka and Baroda Taluka.
9	Saoli Mahal Nyayadhishi	Saoli	-Do-	Saoli Taluka.
10	Chanded Vabiwatdar's Nyayadhishi	Chandod in Baroda	-Do-	Chandod.
11	Tilakwada Diwani Kamdar's Court.	Tilakwada in Baroda	-Do-	Tilakwada Peta Mahal.
12	Kadi Prant Nyayadhishi	Mehsana	Kadi	Kadi district.
13	Pattan Mahal Nyayadhishi	Pattan	-Do-	Pattan Taluka and Harij Peta Mahal.
14	Sidhpur Mahal Nyayadhishi	Sidhpur	-Do-	Sidhpur Taluka
15	Visnagar Mahal Nyayadhishi.	Visnagar	-Do-	Visnagar and Kheralu Talukas and Wadnagar Peta Mahal
16	Kadi Mahal Nyayadhishi	Kadi	-Do-	Kadi Taluka
17	Kalol Mahal Nyayadhishi	Kalol	-Do-	Kalol Taluka
18	Mehsana Mahal Nyayadhishi	Mehsana	Kadi	Mehsana Taluka
19	Vijapur Mahal Nyayadhishi	Vijapur	-Do-	Viapur Taluka
20	Dehegam Mahal Nyayadhishi	Dehegam	-Do-	Dehegam Taluka and Attarsumba Peta Mahal.
21	Chanasma Mahal Nyayadhishi	Chansama	-Do-	Chanasma Taluka

^{*}The Prant Nyayadhishi is the District Court. When it is known in which Mahal (Taluka) of the District the person to be summoned resides the summons should be sent direct to Mahal Nyayadhishi.

22	Mandwa Nyayadhishi*	Mandwa	-Do-	Village in the jurisdiction of the Mian of Mandwa.
23	Naosari Prant Nyayadhishi ¹	Naosari	Naosari	Naosari district.
24	Kathore Mahal Nyayadhishi	Kathore	-Do-	Kathore, Velachh and Kamrej Talukas and Wakal Peta Mahal.
25	Vyara Mahal Nyayadhishi	Vyara	-Do-	Vyara, Balsana, Mahuva and Songad Talukas.
26	Vajpur Divani Kamdars Nyayadhishi	Vajpur	-Do-	Vajpur Peta Mahal
27	Malangdeo, Diwani Kamdars Nyayadhishi	Malangdeo	-Do-	Malangdeo Peta Mahal.
28	Salher Diwani Kamdars Nyayadhishi	Salher	-Do-	Salher Peta Mahal.
29	Umarpada Diwani Kamdars Nyayadhishi	Umarpada	-Do-	Umarpada Peta Mahal.
30	Amreli Prant Nyayadhishi ¹	Amreli	Amreli	Amreli district.
31	Dhari Mahal Nyayadhishi	Dhari	-Do-	Dhari Taluka.
32	Kodinar Mahal Nyayadhishi	Kodinar	-Do-	Kodinar Taluka.
33	Okhamandal Mahal Nyayadhishi	Dwarka	-Do-	Okhamandal Taluka
34	Bet Diwani Kamdars Nyayadhishi	Bet	-Do-	Pet Shankhodhar
35	Ratanpur Diwani Kamdars Nyayadhishi	Ratanpur	-Do-	Ratanpur Peta Mahal.
36	Bhim Katta Diwani Kamdars Nyayadhishi	Bhim Katta.	-Do-	Bhim Katta Peta Mahal.
37	Kambha Diwani Kamdars Nyayadhishi	Khambha	-Do-	Khambha Peta Mahal

*Mandwa is situated on the Vatrak river, and these villages adjoin it in the Baroda enclave, that is bounded by Vatrak river on the west and by the Mahi Kantha and the Kapadvanj and Prantij tahsils on the remaining sides.

¹The Prant Nyayadhishi is the District Court. When it is known in which Mahal (Taluka) of the District the person to be summoned resides, the summons should be sent direct to that Mahal Nyayadhishi.

APPENDIX VI

List of countries and Courts to which Section 29 and Clause (b) in Rule 26 of Order V in the First Schedule of the Code of Civil Procedure, 1908 (Act V of 1908) have been applied.

1. Federation of Malaya.
2. Courts in Ceylon.
3. Civil Courts in France, Spain, Belgium, Russia and Portugal.
4. Egyptian mixed Courts.
5. All Civil and Revenue Court in Iraq.
6. All Civil and Courts in Kenya.
7. Civil Courts in Iran.
8. Civil Courts in Sweden.
9. Civil Courts in Japan.
10. Certain Courts in Nepal.
11. Civil Courts in the Union of South Africa.
12. Indian States in direct relation with the Government of India and the Punjab Government (*see* First Schedule).
 - (i) *Government of India, Legislative Department, Notifications No. F. 202/4/11/41-C, & G. (Judi.), and No. F. 202/4/1/41-C & G. (Judl.), dated the 20th February, 1942, as subsequently amended by Government of India notifications mentioned in Statement A annexed hereto.*
 - (ii) *Punjab Government Political Department – General Notification No. 1191-P. G-42/25398, dated the 22nd April, 1942, as subsequently amended by Punjab Government notifications mentioned in Statement B annexed hereto.*
13. Courts in Johore State (an Unfederated Malaya State) (*see* Second Schedule).

FIRST SCHEDULE

(*See item 12 of this Appendix*)

“(a) For Delhi Province

(1) “GOVERNMENT OF INDIA – LEGISLATIVE DEPARTMENT

Notification No. F. 202/4/1/41/C & G. (Judl.), dated the 20th February, 1942, as subsequently amended by Government of India notifications mentioned in Statement A annexed hereto.

In pursuance of the proviso to Section 29 of the Code of Civil Procedure, 1908 (Act V of 1908), and in supersession of the Notification of the Government of India in the late Foreign Political Department No. 323-1, dated the 15th May, 1929, and of all notifications amending the same, insofar as they relate to the Chief Commissioners’ Provinces, the Central Government is Placed to direct that, insofar as those Provinces are concerned, the provisions of the said section shall apply to the Courts specified in the Schedule hereto annexed:---

THE SCHEDULE

<i>Agency</i>	<i>State</i>	<i>Court</i>	
Baroda and Gujrat States Agency	Baroda	All Civil and Revenue Courts.	
	Agar Balasinor	Court of the Thakore. High Court, Balasinor.	
		Court of the Sar Nyayadhish Court of the Nyayadhish Court of the Sub-Judge, Birpur.	
	Bansda	Huzur Court. Court of the District and Sessions Judge	
		Court of the Nyayadhish	
	Baria	Huzur Court. Court of the Sar Nyayadhish	
	Bhaderwa	Huzur Court Court of the Nyayadhish	
	Cambay	Court of the Sar Nyayadhish Court of the Nyayadhish	
		Court of the Nyayadhish	
	Chhota Udepur	Huzur Court High Court Court of the Sar Nyayadhish.	
		Court of the Nyayadhish.	
		Court of the Judge. Court of the District Judge.	
	Gad Bariad Jambughoda	Court of the Manager. Huzur Court.	
		Baroda – conclud.	Court of the Sar Nyayadhish.
	1 Baroda and Gujarat States Agency- conclud.	Jawhar	Court of the Nyayndhish. Court of the Sar Nyayadhish.
			Court of the Nyayadhish.
		Kadana	Court of the Manager, Kadana. Court of the Nyayadhish, Kadana
Huzur Court. Court of the Sar Nyayadhish. Court of the Nyayadhish.			
Lunawada		Court of the Thakore. Court of the Karbhari. First Class Sub-Judge's Court.	
		Nyayadhish's Court. Court of the Thakore. Court of the Nyayadhish.	
		Court of Thakore. Huzur Court. Court of the Sar Nyayadhish. Court of the Munsiff of Nandod. Court of the Munsiff of Jhagadia.	
Mandwa		High Court of Sachin. District and Session Judge, Sachin. District Magistrate and Sub-Judge of Sachin.	
		Sanjeli	Court of the Manager, Sanjeli. Huzur Court.
Naswadi			
Palasni Rajpipla			
Sachin			
Sanjeli Sent			

		Court of the Nyayadhish.
	Shanor	Court of the Thakore.
	Sihora	Court of the Thakore.
	Sargana	Court of the Magistrate, Sargana.
	Uchad	Court of the Thakore.
	Umeta	Court of the Manager.
	Vajiria	Court of the Thakore.
2.	Central India	
	(i) Bhopal	Civil Courts
	Bhopal	The High Court, Bhopal.
		District Court, Eastern District (including Tahsils Nasrullaganj and Madanpur and excluding Tahsils Dewanganj and Piklon), Bhopal.
		District Court, Bhopal City.
		District Court, Western District (including Tahsils Dewanganj and Piklon and excluding Tahsils Nasrullaganj and Madanpur).
		Sehore.
		Sub-Judge, Bhopal City.
		Sub-Judge, Begumganj.
		Sub-Judge, Bereli.
		Sub-Judge, Gohargunj.
		Sub-Judge, Dewanganj, Bhopal.
		Sub-Judge, Berasia.
		Sub-Judge, Huzur Bhopal.
		Sub-Judge, Sehore.
		Munsiff, Sehore.
		Munsiff, Bhopal City.
		Munsiff, Raisen.
		Munsiff, Bambori.
		Munsiff, Udaipura.
		Munsiff, Nasrullaganj.
		Munsiff, Dewanganj, Bhopal.
		Munsiff, Piklon.
		Munsiff, Hazur Bhopal.
		Revenue Courts:
		Revenue Member's Court, Bhopal.
		Nazim of Eastern District, Raisen.
		Nazim of Western District, Sehore.
	Dewas Senior	Sub-Judge's Court, Dewas Senior Branch.
	Dewas Junior	District Court, Dewas Junior Branch.
	Khilchipur	Civil Judge's Court, Khilchipur.
		Court of the Dewan, Khilchipur.
	Kurwai	Civil Court, Kurwai.
		Revenue Court, Kurwai.
	Makrai	All Civil and Revenue Courts.
	Mohammad-garh	Court of the Superintendent, Mohammadgarh.
	Narsingarh	District Judge, Narsingarh.
		Musif, Sadar Narsingarh.
		Munsiff, Khujner.
		Court of the Revenue Officer, Narsingarh.
	Pathari	Civil Court, Pathari.

	Rajgarh	Court of Superintendent, Pathari. Sub-Judge's Court, Biaora. Munsiff's Court, Rajgarh. Munsiff's Court, Talen. Munsiff's Court, Kotre.
(ii) Bundel-khand	Ajaigarh Baoni	Darbar's Court, Ajarah. Court of the Diwan, Baoni State, Kadoura.
	Baraundha Bijawar Charkhari Datia	Court of the Diwan, Baraundha. Court of the Darbar, Bijawar. Court of the Darbar, Charkhari. High Court, Datia. Chief Revenue Officer's Court, Datia.
	Maihar Nagod Panna Sohawal	Court of the Dewan, Maihar. Court of the Dewan, Nagod. Court of the Darbar, Panna. Court of the Dewan, Sohawal.
(iii) Indore	Indore	Civil Courts. High Court of Judicature, Indore. District Court, Nimar, Mandlesar. Ist Grade Munsiff's Court, Mandlesar. District Court, Rampura Bhanpura Garote. District Court, Mahidpur. District Court, Nimawar, Kannod. District Court, Indore. Ist Grade Munsiff's Court, Khargone. Ist Grade Munsiff's Court, Manasa.
	Rewa	Revenue Courts: All Revenue Courts in the Indore State. Civil Courts: Chief Court, Rewa State, Rewa. District and Sessions Judge, North Rewa, Rewa. Deputy Magistrate and Munsiff Rewa, Rewa. Deputy Magistrate and Munsiff, Raghurajnar, Satna. Deputy Magistrate and Munsiff, Teonthar, Teonthar. Deputy Magistrate and Munsiff, Mauganj, Mauganj. District and Sessions Judge and Deputy Revenue Commissioner, East Rewa, Baghaun. Deputy Magistrate and Munsiff, Gopad Banas, Sidhi. District and Sessions Judge and Deputy Revenue Commissioner, Suth Rewa, Umaria. District Magistrate and Munsiff, Sohagpur, Burhar. Court of the Revenue Minister, Rewa. Deputy Revenue Commission, Rewa. Tahsildar, Hazoor Tahsil, Rewa. Tahsildar, Raghurajnar, Satna.

		Tahsildar, Teonthaj, Teonthar.
		Tahsildar, Sirmour, Sirmour.
		Tahsildar, Maughanj, Maughanj.
		District and Sessions Judge and Deputy Revenue Commissioner, East Rewa, Baghaun.
		Tahsildar, Gopad Banas, Sidhi.
		Tahsildar, Beohari, Beohari.
		Tahsildar, Deosar, Deosar.
		District and Sessions Judge and Deputy Revenue Commissioner, South Rewa, Umaria.
		Tahsildar, Sire Bandhogarh, Umaria.
		Tahsildar, Sohagpur, Sohagpur.
(iv) Malwa	Alirajpur	Munsiff's Court, Alirajpur.
	Barwani	Chief Judge's Court, Barwani.
	Dhar	Revenue Officer's Court, Barwani.
	Jaora	District Magistrate's Court, Dhar.
	Jhabua	Chief Revenue Officer's Court, Dhar.
	Jobat	Chief Judge's Court, Jeora.
	Kathiwar	Chief Court of the Suba of Jaora.
	Mathwar	Nazim's Court, Jhabua.
	Pipoda	Court of the Kamdar, Jobat.
	Ratanmal	Court of the Thakur of Kathiwar,
	Ratlam	Post Office Kathiwar <i>via</i> Alirajpur.
	Sailana	Court of the Kamdar, Mathwar State
	Sitamau	Post Office Kanvat, Chhota Udepur, State.
		Court of the Superintendent Piploda State.
		Court of the Kamdar, Ratanmal State, Post Office Devgad Baria.
		Judge's Court, Ratlam.
		Court of the Sar Nyayadhish of Sailana.
		Court of the Sar Nyayadhish, Sitamau.
3. Eastern States:		
(i) Bengal States	Cocch Behar	All Civil and Revenue Courts.
	Mayurbhanj	Ditto
	Tripura	Ditto
(ii) Chhattisgarh States:	Bastar	Ditto
	Changbhakar	Ditto
	Chhuikhadan	Ditto
	Jashpur	Ditto
	Kalahandi (Karond)	Ditto
	Kanker	Ditto
	Kawardha	Ditto
	Khairagarh	Ditto
	Korea	Ditto
	Nandgaon	Ditto
	Patna	Ditto
	Raigarh	Ditto
	Sakti	Ditto
	Sarangarh	Ditto
	Surguja	Ditto
	Udaipur	Ditto
(ii) Orissa States	Athgarh	All Civil and Revenue Courts.
	Athmallik	Ditto

	Bamra	Ditto
	Baramba	Ditto
	Baudh	Ditto
	Bonai	All Civil and Revenue Courts.
	Daspalla	Ditto
	Dhenkanal	Ditto
	Gangpur	Ditto
	Hindol	Ditto
	Koenjha	Ditto
	Khandpara,	Ditto
	Kharsawan	Ditto
	Narsinghpur	
	Nayagarh	Ditto
	Nilgiri	Ditto
	Pal-Lahara	Ditto
	Rairakhot	Ditto
	Ranpur	Ditto
	Seraikela	Ditto
	Sonepur	Ditto
	Taleher	Ditto
	Tigiria	Ditto
4.	Gwalior	Civil Courts: Chief Court, Ramnagar. District Judge's Court, Gyanpur, District Bhadohi. District Judge's Court, Chakia. District Judge's Court, Ramnagar. Munsiff s Court, Gyanpur, District Bhadohi. Munsiff s Court, Chakia. Munsiff s Court, Ramnagar. Revenue Courts: Collector's Court, Gyanpur, District Bhadoi. Collector's Court, Chakia. Collector's Court, Ramnagar. Deputy Collector's Court, Gyanpur, District Bhadohi. Assistant Collector's Court, Tahsil East Gyanpur, District Bhadohi. Assistant Collector's Court, Tahsil West Gyanpur, District Bhadohi. Assistant Collector's Court, Ramnagar. Assistant Collector's Court, Chakia.
	Gwalior	All Civil and Revenue Courts.
	Rampur	Civil and Revenue Courts: Ijlas Humayun. Judicial Committee of the Ijlae Humayun. The High Court of Judicature. Court of Civil Judge. Court of Additional Civil Judge. Board of Revenue. Nizamat. Court of Assistant Collector, Tahsil Huzur. Court of Assistant Collector, Tahsil Shahabad.

			Court of Assistant Collector, Tahsil Milak. Court of Assistant Collector, Tahsil Suar. Court of Assistant Collector, Tahsil Tanda. All Civil and Revenue Courts. ¹
5.	Hyderabad	Hydrabad	
6.	Kashmir	Kashmir	All Civil and Revenue Courts.
7.	Kolhapur and Deccan State	Akalkot	Court of the Raja of Akalkot.
			High Court of Judicature, Akalkot. Court of District and Sessions Judge, Akalkot. Court of the Joint Nyayadhis, Akalkot. Court of the Subordinate Judge at Piliv. Court of the Subordinate Judge at Kurala. Court of the Nyayadhis, Aundh State. Court of the Subordinate Judge, Aundh, Taluka. Court of the Subordinate Judge, Gundal, Taluka. Court of the Subordinate Judge, Atpadi Taluka. Court of Subordinate Judge, Kundal Taluka.
		Aundh	High Court, Bhor. Court of the District Judge, Bhor. Court of Munsif at Bhor. Court of the Munsiff at Pirangut. Court of the Munsiff at Pali.
		Bhor	Huzur or Court of the Raja of Jamkhandi. High Court, Jamkhandi. Court of Sar Nyayadhis or the District Judge, Jamkhandi. Court of the Nyayadhis and First Class Sub-Judge, Jamkhandi. Court of the Munsiff and First Class sub-Judge, Kundgol. Court of Munsiff or Wahiwaftdar, Thana Wathar. Court of Munsiff or Wahiwatdar, Thana Patkal.
		Jamkhandi	High Court, Janjira. Court of the Sar Nyayadhis of Janjira. Court of the Munsiff of Janjira. Court of the Munsiff at Jafarabad in Kathiawar. Court of the Mamlatdar at Jafarabad in Kathiawar.
		Janjira	Supreme Court of the Ruler. High Court of Judicature, Jath State. Court of the District Judge. Court of the First Class Subordinate Judge.
		Jath	(1) Courts in the Kolhapur State proper: The Combined Court of the Resident for Kolhapur and the Deccan States and His Highness the Chhatrapati Maharaja of Kolhapur. The Supreme Court of His Highness. The High Court of Judicature at Kolhapur.
		Kolhapur	

The Court of the District Judge, Kolhapur.
 The Court of the Assistant Judge, Kolhapur.
 The Court of the First Class Sub-Judge,
 Kolhapur.
 The Court of Second Class Sub-Judge,
 Kolhapur.
 The Court of the Second Class Sub-Judge,
 Shirol.
 The Court of the Second Class Sub-Judge,
 Gadhingalaj.
 The Court of the Second Class Sub-Judge,
 Radhanagari.
 The Court of the Second Class Sub-Judge,
 Panhala.
 The Court of the Second class Sub-Judge,
 Katkol.
 The Court of the Second Class Sub-Judge,
 Raibagh.
 The Court of the Second Class Sub-Judge,
 Hatkanangale.
 The Second Class Sub-Judge,
 Meh-Malharrao-Gaikwad Vishwasrac.
 The Second Class Sub-Judge, Mah.
 Kashatra-Jagad-guru.
 The Second Class Sub-Judge, Meh.
 Chinchalikar.
 The Second Class Sub-Judge, Meh.
 Khanawatkar.
 The Second Class Sub-Judge, Meh.
 Patankar.
(2) Courts in the Feudatory Jaghirdars:
 The Court of the Jaghirdar of Jehakaranji.
 The Court of the Jaghirdar of Kagal
 (Senior).
 The Court of the Jaghirdar of Vishalgad.
 The Court of the Jaghirdar of Bavada.
 The Court of the Jaghirdar of Kagal
 (Junior).
 The Court of the Jaghirdar of Kapshi.
 The Court of the Jaghirdar of Himat
 Bahadur.
 The Court of the Jaghirdar of Torgal.
 The Court of the Jaghirdar
 of Sarlashk Bahadur.
 The Munsiff's Court, Ichalkaranji.
 The Munsiff's Court, Ajra.
 The Munsiff's Court, Kagal (Senior).
 The Munsiff's Court, Vavada.
 The Munsiff's Court, Kagal (Junior).
 The Munsiff's Court, Vishalgard.
 The Munsiff's Court, Sarlashkar Bahadur.
 The Munsiff's Court, Torgal.
 The Munsiff's Court, Kapshi.
 The Munsiff's Court, Himat Bahadur.
 The Court of Joint Officer, Mahagaon.
 Chief's Court of High Court.

	(Senior)	Sar Nyayadhish Court and the District Judge's Court. First Class Sub-Judge's Court. Court of the Munsiff, Taluka Kurundwad. Court of the Munsiff, Taluka Angol. Court of the Munsiff, Taluka Tikota.
	Kurundwad (Junior)	All Civil and Revenue Courts.
	Miraj (Senior)	High Court. District Court, Miraj. Court of the Second Class Sub-Judge, Miraj. Court of the Second Class Sub-Judge, Laxmeshwar. Court of the Second Class Sub-Judge, Modnimb.
	Miraj (Junior)	Huzur Court. Court of the District Judge. Court of the Munsiff of Gudguri Court of the Munsiff of Budhgaon. Court of the Munsiff of Khandali.
	Mudhel	Court of the Council of Regency. High Court. Court of the District Judge. Court of the First Class Sub-Judge. Court of the Second Class Sub-Judge. Court of the Small Causes Judge.
	Phaltan	High Court. Court of the District Judge. Court of the First Class Subordinate Judge.
	Ramdurg	Huzur Court. Court of the District Judge. Court of the First Class Subordinate Judge. Court of the Second Class Subordinate Judge.
	Sangli	All Civil and Revenue Courts.
	Savanur	High Court, Savanur. Court of the District Judge, Savanur. Court of the First Class Subordinate Judge, Savanur.
	Sawantwadi	Huzur Court, Sawantwadi. High Court (Civil), Sawantwadi. Court of the Sar Nyayadhish. Court of the Nyayadhish, Sawantwadi. Court of the Nyayadhish, Kudal.
8.	Madras State	Coehin
		High Court of Coehin, Ernakulam. District Court (Principal), Anjikaimal. District Court (Additional), Anjikaimal. District Court (Principal), Trichur. District Court (Additional), Trichur. Munsiff s Court, Chitur. Munsiff s Court, Cochin. Munsiff s Court, Cranganur. Munsiff s Court, Ernakulam.

		<p>Munsiff's Court, Irinjalakuda. Munsiff's Court (Principal), Trichur. Munsiff's Court (Additional), Trichur. Munsiff's Court, Vadakkancheri. Chief Court, Pudukkottai. Second Appeals Court, Pudukkottai. Court of the Registrar and Small Causes Judge, Chief Court, Pudukkottai. Court of the Small Cause Judge and Sub-Registrar, Alangudi. Court of the Small Cause Judge, and Sub-Registrar, Annavasal. Court of the Small Cause Judge and Sub-Registrar, Karambakudi. Court of the Small Cause Judge and Sub-Registrar, Keelanilai. Court of the Small Cause Judge and Sub-Registrar, Keeranur. Court of the Small Cause Judge and Sub-Registrar, Perungalur. Court of the Small Cause Judge and Sub-Registrar, Ponnamarvathi. Court of the Small Cause Judge and Sub-Registrar, Tirumayam. Court of the Small Cause Judge and Sub-Registrar, Viralimalai.</p>
Mudras States	Travancore	<p>High Court of Travancore, Trivandrum. District Court, Alleppey. District Court, Kottayam. District Court, Mavelikar. District Court, Nagercoil. District Court, Parur. District Court, Quilon. District Court, Trivandrum. Munsiff's Court (District), Adoore. Munsiff's Court (Principal), Alleppey. Munsiff's Court (Additional), Alleppey. Munsiff's Court (District), Attungal. Munsiff's Court (Temporary), Attungal. Munsiff's Court (District), Changanacherry. Munsiff's Court (District), Che. Munsiff's Court (District), Devicolam. Munsiff's Court (District), Ettumanur. Munsiff's Court (District), Haripad. Munsiff's Court (District), Kanjirapalli. Munsiff's Court (District), Karunagapalli. Munsiff's Court (District), Kottarakara. Munsiff's Court (Principal), Kottayam. Munsiff's Court (Temporary), Kottayam. Munsiff's Court (District), Kuzhithurai. Munsiff's Court (District), Mavelikara. Munsiff's Court (District), Meenachil. Munsiff's Court (District), Muvattupuzha. Munsiff's Court (Principal), Nagercoil. Munsiff's Court (Additional), Nagercoil. Munsiff's Court, Nedumandgad.</p>

			Munsiff's Court, Neyyattinkara. Munsiff's Court (Principal), Padmanabhapuram. Munsiff's Court (Additional), Padmanabhapuram. Munsiff's Court (District), Parur. Munsiff's Court (District), Pathanamthitta. Munsiff's Court (District), Perumbavur. Munsiff's Court (Principal), Quilon. Munsiff's Court (Additional), Quilon. Munsiff's Court (District), Sheneottah. Munsiff's Court (Principal), Shertallai. Munsiff's Court (Temporary), Shertallai. Munsiff's Court (District), Thiruvellah. Munsiff's Court (Temporary), Thiruvellah. Munsiff's Court (District), Todupuzha. Munsiff's Court (Principal), Trivandrum. Munsiff's Court (Additional), Trivandrum. Munsiff's Court (Temporary), Trivandrum. Munsiff's Court (District), Vaikom.
9.	Mysore	Banganapalle	<i>Revenue Courts</i> — Dewan's Court, Banganapalle. Research Officer's Court, Banganapalle. <i>Civil Court</i> Chief Court of Banganapalle, Court of the Civil and Sessions Judge, Banganapalle. Munsiff's Court, Banganapalle.
10.	Punjab States	Mysore Sandar Bahawalpur	All Civil and Revenue Courts. All Civil and Revenue Courts. - High Court of Judicature at Baghdad-ul-Jadid. District Judge, Bahawalpur at Bahawalnagar. District Judge, Rahimyar Khan Bahawalpur. Additional District Magistrate, Rahimyar Khan at Ahmadpur East. Additional District Magistrate, Bahawalpur. Assistant Commissioner, Bahawalpur. Assistant Commissioner, Bahawalnagar. Assistant Commissions, Allahabad. Assistant Commissioner, Rahimyar Khan. Munsif, Sadiqabad. Tahsildar, Sadiqabad. Munsiff, Rahimyar Khan. Tahsildar, Rahimyar Khan. Munsif, Khanpur. Tahsildar, Khanpur. Munsiff, Allahabad. Tahsildar, Allahabad. Sub-Judge Ahmadpur East. Tahsildar, Ahmadpur East. Munsiff, Bahawalpur. Tahsildar, Bahawalpur. Munsiff, Chishtian. Tahsildar, Chishtian.

	Munsiff, Bahawalnagar. Tahsildar, Bahawalnagar. Munsiff, Minchinabad. Tahsildar, Minchinabad. Tahsildar, Fortabbas. Chief Court. Court of the District and Sessions Judge. Court of the State Vakil at Dalhousie. Court of the Sub-Judge No. 1. Court of the Sub-Judge No. 2. Court of the Sub-Judge No. 3. Court of the Sub-Judge No. 4.
Chamba	
Dujana	The Dewan, Dujana Statp. The Nazim, Dujana State. The Tahsildar of Dujana. The Tahsildar of Nahar. Bench of Honorary Magistrates at Nahar.
Faridkot	Civil Courts: Chief Justice, High Court. District Judge, Senior Sub-Judge. Junior Sub-Judge. Revenue Courts: Chief Justice, High Court. Judicial and Revenue Secretary. Revenue Assistant. Naib-Tahsildar, Kotkapura. Naib-Tahsildar, Nehianwala. Naib-Tahsildar, Faridkot Civil Courts: Revenue Courts: Revenue Minister's Court. Collector's Court. Tahsildar Sadar's Court. Tahsildar, Ahmadgarh's Court.
Mandi	Civil Courts: Judge, Ijlas-i-Alin. Court of Appeal. Senior Judge, Court of Appeal. Junior Judge, Court of Appeal. Sub-Judge and Magistrate, 1st Class, Sadar. Treasury Officer (Magistrate, 1st Class and Sub-Judge, IInd Class). Revenue Assistant (Magistrate, 1st Class and Sub-Judge, IInd Class). Honorary Magistrate, IInd Class, and Sub-Judge, IIIrd Class. Sub-Judge, IInd Class, and Magistrate, 1st Class, Jogindernagar. Sub-Judge, 1st Class, and Magistrate, 1st Class Sarkoghat. Tahsildar, Sadar (Magistrate, 2nd Class) Tahsildar, Jogindernagar (Magistrate, 2nd Class). Tahsildar, Sarkaghat (Magistrate, 2nd Class). Tahsildar, Chachiot (Sub-Judge and Magistrate, 2nd Class)

	Revenue Courts:
	Chief Minister's Court.
	Revenue Secretary's Court.
	Revenue Assistant.
	Tahsildar, Sadar.
	Tahsildar, Jogindernagar.
	Tahsildar, Sarkaghat.
	Tahsildar, Chachiot.
Nabha	High Court, Nabha.
	District and Sessions Judge, Nabha.
	Nazim of Amolh, District Nabha.
	Nazim of Phul, District Phul.
	Nazim of Bawal, District Bawal.
Pataudi	High Court and Financial Commissioner (These powers are exercised by the Ruler).
	Dewan exercising the powers of
	District Magistrate, Sessions Judge,
	Collector and District Judge. 2 Sub-Judges.
	Tahsildar.
Patiala	Civil Courts:
	Minister of law, Patiala. High Court, Patiala.
	District and Sessions Judge, Patiala.
	District and Sessions Judge, Sunama.
	District and Sessions Judge, Bhatindd.
	Naib Nazim Dewani, Patiala.
	Naib Nazim Dewani, Bassi.
	Naib Nazim Dewani, Sunam.
	Naib Nazim Dewani, Bamalo.
	Naib Nazim Dewani, Bhatinda.
	Naib Nazim Dewani, Mansa.
	Naib Nazim Dewani, Rajpura.
	Naib Nazim Dewani, Bhawanigarh.
	Naib Nazim Dewani, Dhuri.
	Naib Nazim, Dewani, Narwana.
	Naib Nazim Dwani, Narnual.
	Revenue Courts:
	Revenue Minister, Patiala.
	Revenue Commissioner, Patiala.
	Nazim, Patiala, District Patiala.
	Nazim, Barnala, District Barnala.
	Nazim, Sunam, District Sunam.
	Nazim, Narnaul, District Narnam.
	Nazim Bassi, District Rassi.
	Nazim, Kohistan, Kandaghat.
	Naib Nazim Mal, Barnala, District Barnala.
	Naib Nazim, Mal, Patiala, District Patiala.
	Naib Nazim Mal, Sunam, District Sunam.
	Tahsildar, Patiala.
	Tahsildar, Rajpura.
	Tahsildar, Bhawanigarh.
	Tahsildar, Sunam.
	Tahsildar, Narwana.
	Tahsildar, Barnala.
	Tahsildar, Bhatinda.
	Tahsildar, Mansa.
	Tahsildar, Mansa.

		Tahsildar, Sirhind. Tahsildar, Dhuri. Tahsildar, Narnaul. Tahsildar, Kandaghat. Chief Courts. District Judge's Court. Sub-Judge Suket State, Sundarnagar. Tahsildar, Balh, Sundamagar. Judicial Bench, Suket State.
	Suket	
Unjab Hill States	Bilaspur	Civil Courts: Ijlas-i-Alia. The Sessions and District Judge's Court. The Court of the Magistrate, 1st Class. The Court of the Magistrate, 2nd Class. The Court of the Sub-Judge, 1st Class. The Court of the Sub-Judge, 2nd Class. Revenue Courts: The Revenue Secretary's Court. The Collector's Court. The Tahsildar of Suddar's Court. The Tahsildar of Ghumarvin's Court.
	Kalsin	Ijlas Khas. High Court District and Sessions Court. Court of the Magistrate, 1st Class, Chachrauli. Court of the Magistrate, 1st Class, Dera Bassi. Court of the Magistrate, 1st Class, Chirak. Court of the Sub-Judge, Chachrauli. Court of the Sub-Judge, Dera Bassi. Court of the Sub-Judge, Chirak. Court of the Financial Commissioner. Court of the Chief Revenue Officer. Court of the Collector, Chachrauli. Court of the Collector, Dera Bassi. Court of the Collector, Chirak. Court of the Tahsildar, Chachrauli.
	<i>Sirmur</i>	Raj Niya Sabha. High Court. District and Sessions Judge. Collector and District Magistrate. Magistrate, 1st Class. Tahsildar, Ranika. Tahsildar, Pachhad. Tahsildar, Paunts. Tahsildar, Nahan.
	Tehri (Garhwal)	All Civil Courts of the State through the Judicial Secretary, Tehri (Garhwal) State.
11. Rajputana: (i) Eastern Rajputana States Agency	Bharatpur	All Civil and Revenue Courts.
	Bundi	All Civil and Revenue Courts.
	Dholpur	All Civil and Revenue Courts.
	Jhalawar	All Civil and Revenue Courts.

	Karauli	All Civil and Revenue Courts.
	Kotah	All Civil and Revenue Courts.
(ii) Jaipur Agency	Alwar	All Civil and Revenue Courts.
	Jaipur	All Civil and Revenue Courts.
	Kishangarh	All Civil and Revenue Courts.
	Shahpur	All Civil and Revenue Courts.
	Tonk.	All Civil and Revenue Courts.
(iii) Mewar and Southern Rajputana States Agency	Banswara	All Civil and Revenue Courts.
	Dungarpur	All Civil and Revenue Courts.
	Mewar	All Civil and Revenue Courts.
	Partabgarh	All Civil and Revenue Courts.
(iv) Wester Rajputana States Agency	Danta	Huzur Court.
		Dewan's Court.
		Naib Dewan's Court.
		State Munsiff's Court.
		Court of the Munsiff at Shri Mataji.
		Court of the Munsiff at Hadad.
		Court of the Munsiff at Tarsang.
		Court of the Munsiff at Joita
	Jaisalmer	All Civil and Revenue Courts.
	Jodhpur	All Civil and Revenue Courts.
	Palampur	Huzur Court.
		Sar Nyayadhish Court.
		Palampur Small Causes Court.
		Palampur Diwani.
		Nyayadhish Court.
		Dess Dhanera Munsiff's Court.
		Dhanera Nyayadhish Court.
		Panthawada Nyayadhish Court.
		Dabela Nyayadhish Court.
		Bapla Kamdar's Diwani Court
	Sironi	All Civil and Revenue Courts.
	Bikander	All Civil and Revenue Courts.
12. Sikkim	Sikkim	The Chief Court of sikkims in the exercise of its civil jurisdiction.
13. Western India States:		
(i) Western India States Agency.	Bhavnagar	Darbar Hazur Court, Bhavnagar.
		Sar Nyayadhish Court, Bhavnagar.
		Joint Sar Nyayadhish Court, Bhavnagar.
		City Bhavnagar Diwani Nyayadhish Court, Bhavnagar.
		City Bhavnagar Fouzdari Nyayadhish Court, Bhavnagar.
		City Bhavnagar Honorary Magistrates Bench Court, Bhavnagar.
		Mahuva Nyayadhish Court, Mahuva.
		Kundla Nyayadhish Court, Kundla.
		Talaja Nyayadhish Court, Talaja.
		Lilia Nyayadhish Court, Lilia.

(ii) Western India Cutch States Agency	Sihor Nyayadhish Court, Sihor. Umralla Nyayadhish Court, Umralla. Gaghada Nyayadhish Court, Ganghada. Botad Nyayadhish Court, Botad. Victor Nyayadhish Court, Rajula. Huzur Court.
	Varisht Jadehja Court. Varisht Khalsa Court. Bhaj Court. Mandvi Court. Mundra Court. Anjar Court. Bhachan Court. Rabpur Court. Nakhtrana Court. Abdasa Court. Lakhpat Court. Khabada Court. Khadir Court. Jakhau Court. Madh Court. Court of Small Causes, Bhuj. Court of Small Causes, Mandvi. Court of Small Causes, Mundra. Court of Small Causes, Anjar. Court of Small Causes, Bhachan. Court Small Causes, Rahpur. Court of Small Causes, Abdasa. Court of Small Causes, Lakhpat. Court of Small Causes, Nakhtrana.
Dhrangadhra	High Court of Judicature, Dhrangadhra. District and Sessions Court, Dhrangadhra. First Class Sub-Judge's Court, Dhrangadhra. Second Class Sub-Judge's Court, Dhrangadhra. First Class Magistrate, Dhrangadhra. Second Class Sub-Judge, Halvad. First Class Magistrate, Halvad. Second Class Sub-Judge, Rajsitapur. First Class Magistrate, Rajsitapur. Court of Small Causes, Dhrangadhra. Court of Small Causes, Halvad. Court of Small Causes, Rajsitapur. Rajprakarni Bhayati Court at Dhrangadhra. Survey and Settlement Court at Dhrangadhra.
Dhrol	Huzur Court. Court of the Sar Nyayadhish. Small Causes Court. Court of the Nyayadhish Dhrol. Sarapdad Nyayadhish's Court.
Gondal	Huzur Court, Gondal. Court of the Sar Nyayadhish, Gondal. Munsiff's Court, Gondal.

	Munsiff's Court, Dhoraji. Munsiff's Court, Uplota. Court of the Diwani Nyayadhish, Sarsari.
Idar	Court of the SAR Nyayadhish.
Jafrabad	Court of Mamlatdar and Sub-Judge, Jafrabad. Court of Munsiff and Sub-Judge, Jafrabad.
Junadagh	Huzur Court, Junagadh. Sadar Court, Junagadh. Civil Court, Junagadh. City Magistrate's Court, Junagadh. Nageshri Court, Junagadh. Una Court, Una. Veraval Court, Veraval. Malia Court, Malia. Shil Court, Shil. Kudana Court, Kutiana. Vanthali Court, Vanthali. Bhesan Court, Beshan. Visavadar Court, Visavadar. Talala Court, Talala. Huzur Court, Mangrol. Nyayadhish Court, Mangrol. Small Causes Court, Mangrol. District Judge's Court, Mangrol.
Limbdi*	Huzur Court, Limbdi. Court of Small Causes, Limbdi. Court of the Sar Nyayadhish, Limbdi. Munsiff's Court, Limbdi.
Morvi	Huzur Court, Morvi. Court of the Sar Nyayadhish, Morvi. Court of the First Class Magistrate, Morvi. Court of the Dewani Nyayadhish, Morvi. Small Causes Court, Morvi. Court of the Nyayadhish, Adhoi.
Nawanagar	Nawanagar Judicial Secretary's Court (High Court), Jamnagar. Nawanagar Sar Nyayadhish and Sessions Court, Jamnagar. Jawanagar Small Causes Court, Jamnagar. Nawanagar Nyayadhish Court, Jamnagar. Nawanagar Joint Nyayadhish Court, Jamnagar. The Bhayati Court, Jamnagar. Nawanagar City First Class Magistrate's Court, Jamnagar. Munsiff and First Class Magistrate's Court, Khambhalia. Munsiff and First Class Magistrate's Court, Kalyanpur. Munsiff and First Class Magistrate's Court, Bahanvad.

*All summonses for the Courts of this State are to be addressed to the Huzur Court, Limbdi.

		Munsiff and First Class Magistrate's Court, Lalpur.
		Munsiff and First Class Magistrate Court, Jodia.
		Munsiff and First Class Magistrate Court, Kandorna.
		Munsiff, Court, Kalvad.
		Munsiff's Court, Atkot.
	Palitana	Huzur Court, Palitana.
		Court of the Sar Nyayadhish, Palitana.
		Court of the First Class Magistrate, Palitana.
		Small Causes Court, Palitana.
	Porbandar	Huzur Court, Porbandar.
		Court of the Sar Nyayadhish, Porbandar.
		Court of the Nyayadhish, Porbandar.
		Munsiff's Court, Porbandar.
		Munsiff's Court, Ranavay.
		Munsiff's Court, Navibander.
	Radhanpur	Court of the Sar Nyayadhish.
		Court of Radhanpur Munsiff.
		Court of the Sarni Munjpur Munsiff.
	Rajkot ¹	Huzur Court.
		Court of the Sar Nyayadhish, Rajkot.
		Court of the Diwani Nyayadhish, Rajkot.
		First Class Magistrate's Court, Rajkot (which exercises the powers of a Small Causes Court).
		Sardhar Thana Court, Sardhar.
		Kuvadva Thana Court, Kuvadva.
	Vijaynagar	Court of the Sar Nyayadhish, Vijaynagar.
	Wadhwan	Huzur Court, Wadhwan.
		Court of the Sar Nyayadhish, Wadhwan.
		Court of the Nyayadhish, Wadhwan.
	Wankaner	Huzur Court, Wankaner, Wankaner.
		Court of the Sar Nyayadhish, Wankaner.
		Court of the Nyayadhish, Wankaner.
		Court of Small Causes, Wankaner.
(ii) Saba Kantha Agency	Adesar-Santalpur	Court of the Kamdar of Adesar-Santalpur.
	Ambaliara	Court of Thakor of Ambaliara.
	Bolundra	Court of Thakor of Bolundra.
	Dabha	Court of Manager of Dabha.
	Dadhalia	Court of Manager of Dadhalia.
	Deodar, W.S. Viramsinhji's Taluka	Court of Waghela Shri Viramsinhji of Deodar.
	Deodar, W.S. Viramsinhji's Taluka	Court of Waghela Shri Viramsinhji of Deodar.
	Dedhrota	Court of Thakor of Dedhrota.
	Derol	Court of Thakor of Derol.
	Gabat	Court of Thakor of Gabat.
(ii) Sabar Kantha Agency	Ghodasar	Court of Thakar of Ghodasar.

¹All summons for the Courts of this State are to be addressed to the Huzur Court, Rajkot.

	Hapa	Court of Thakor of Hapa.
	Ilol	Court of of Manager of Ilol.
	Kadoli	Court of Thakor of Kadoli.
	Katosun	Court of Manager of Katosun.
	Khadal	Court of Thakor of Khadal.
	Khedavada	Court of Thakor of Khedavada.
	Likhi	Court of Thakor of Likhi.
	Magodi	Court of Manager of Magodi.
	Malur	Court of Raolji of Malpur.
	Mansa	Court of Raolji of Mansa.
	Mohanpur	Court of Takor of Mehanpur.
	Prempur	Court of Thakor of Prempur.
	Punadra	Court of Thakor of Punadra.
	Ramas	Court of Thakor of Ramas.
	Ranasan	Court of Thakor of Ranasan.
	Rupal	Court of Manager of Rupal.
	Sathamba	Court of Manager of Sathamba.
	Sudasna	Court of Thakor of Sudana.
	Tervada	Court of the Judicial Kamdar, Tervada.
	Thara	Court of the Judicial Kamdar, Thara.
	Tharad	Court of the Manager of Tharad.
		Court of Sar Nyayadhish, Tharad.
		Court of Morvada Tahsildar.
		Court of the Bhorole Talukar.
	Vadagam	Court of the Thakor of Vadagam.
	Vakhtapur	Court of Manager, Vakhtapur.
	Valasna	Court of Thakor of Valasna.
	Varahi, Malek	Court of Manager, Malek Shri
	Shri	Husseinyavarkhanji's Taluka,
	Husseinyavarkhana	Varahi.
	ji's Taluka	
	Varsoda	Court of Thakor of Versoda.
	Vasna	Court of Thakor of Vasna.
	Wao	Huzur Court, Wao State.
		Court of the Karbhari, Wao.
		Court of the Sar Nyayadhish, Wao.
		Court of the Nyayadhish, Wao.
(iii) Eastern	Anandpur	The Court of K.S. Hathia Desa Estae
Kathiawar Agency	(Kachar Shri Hathia	of Anandpur.
	Desa)	
	Anandpur (Khachar Shri	The Court of K.S. Dada Jiwa Estate of
	Dada Jiwa)	Anandpur.
	Bajana	Huzur Office, Bajana.
		First Class Magistrate's Office, Bajana.
	Chuda	Huzur Court, Chuda.
		Court of the Nyayadhish, Chuda.
	Lakhtar	Court of the Judicial Karbhari, Lakhtar.
		Court of the Nyayadhish, Lakhtar.
		Court of the Nyayadhish, Than.
	Lathi	Huzur Court, Lathi.
		Court of the Sar Nyayadhish, Lathi.
		Court of the Nyayadhish, Lathi.
	Muli	Huzur Court, Muli.
		Court of the Nyayadhish, Muli.
	Patdi	Huzur Court, Patdi.
		Bhayati Court, Patdi.

		Court of the Sar Nyayadhish, Patdi.
		Court of the Nyayadhish, Patdi.
	Rai Sankli	The Court of the Manager, Rai Sankli Taluka.
	Rajpur	The Court of the Talukdar, Rajpur.
	Sayla	Hazur Court, Sayla.
		Court of the Nyayadhish, Sayla.
		Sara Thandar Court, Sayla.
	Vala	Huzur Court, Vala.
		Court of the Sar Nyayadhishk, Vala.
		Court of the Nyayadhish, Vala.
	Vanod	The Huzur Court, Vanod.
		Court of the Nyayadhish, Vanod.
	Vithalgadh	Huzur Court, Vithalgadh.
		The Court of the First Class Magistrate, Vithalgadh.
	Zainabad	The Court of the Talukdar, Zainabad.
		Court of the Nyayadhish, Zainabad.
(iv) Western Kathiawar Agency	Alidhra	Nyayadhish, Alidhra Taluka.
	Anida	Nyayadhish, Anida Taluka.
	Bagasra (Ram Mulu) (Khari).	Nyayadhish, Khari Talukar.
	Bantwa	Taluka Nyayadhish, Bantwa Taluka.
	Barwala	Kamdar, Barwala Taluka
	Bhadwa	Kamdar, Bhedwa Taluka.
	Bhayavadar	Manager, Bhayavadar Taluka.
	Bilkha	Huzur Court, Bilkha.
		Court of the Sar Nyayadhish, Bilkha.
	Champrajpur	Nyayadhish, Champrajpur Taluka.
	Dadan	Court of K.S. Unad Bhan, Talukdar of Dadan.
	Gadhka	Kamdar, Gadhka Taluka.
	Gavridad	Manager, Gavridad Taluka.
	Hadala-Bagasra	Nyayadhish, Hadala-Bagasra Taluka.
	Jalia Devani	Kamdar, Jalia Devani.
	Jasdan	Huzur Court, Jasdan.
		Court of the Sar Nyayadhish, Jasdan.
		Court of the Nyayadhish, and First Class Magistrate, Jasdan.
	Jatpur	Sar Nyayadhish, and Nyayadhish, Jatpur State.
	Khijadia	Manager, Khijadia Talukgt.
	Khirasara	Nyayadhish, Sar Nyayadhish and Huzur Court, Khirasara State.
	Kotda-Pitha	Majmu Nyayadhish, Kotda-Pitha Taluka.
		Huzur Court, Kotda-Sangani.
		Karbohari Court, Kotda-Sangani.
		Court of the Nyayadhish, Kotda-Sangani.
	Kotharia	Talukdar of Kotharia Taluka.
	Lodhika (T.S. Mulwaji).	Mulwaji Estate, Lodhika Taluka.
	Lodhika (T.S. Vijaysinhji).	Vijaysinhji Estate, Lodhika Taluka.
	Malia	Nyayadhish, Malia State.
	Manavadar	Huzur Court, Manavadar.

	Court of the Sar Nyayadhish, Manavadar.
	Court of the Nyayadhish, Manavadar.
Manpur	Nyayadhish and First Class Magistrate
	Court of the Nyayadhish, Manpur Taluka.
Mayapadar	Court of the Nyayadhish,
	Maynpadar Taluka.
Mengani	Second Class Magistrate, Mengani Taluka.
Nadala	Talukdar, Nadala Taluka.
Natwarnagar	Nyayadhish, Natwarnagar Taluka.
Pal	Talukdar, Pal Taluka.
Rajpara	Kamdar, Rajpara Taluka.
Sanala	Manager, Sanala Taluka.
Sardargadh	Nyayadhish, Sardargadh.
Sardarpur	Nyayadhish Sardarpur.
Shahpur	Shahpur Taluka.
Thana-Devli	Huzur Court, Thana-Devli State.
	Court of the Nyayadhish, Thana-Devi State.
Thumbala	Nyayadhish, Thumbala Taluka.
Vadia	Huzur Court, Vadia State.
	Court of the Sar Nyayadhish, Vadia.
Vasavad	Majmu Nyayadhish, Vasavad.
Virpur	Huzur Court, Virpur.
	Court of the Sar Nyayadhish, Virpur.

(ii) GOVERNMENT OF INDIA, – LEGISLATIVE DEPARTMENT

Notification No. F. 202/4/II/41-C. & G. (Judl.), dated the 20th February, 1942

“In pursuance of Clause (b) of Rule 26 of Order V of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), the Central Governemnt is pleased to declare that service by any Civil Court specified in the Schedule annexed to the Notification of the Governemnt of india in the Legislative Department No. F.202/4/II/41-C. & G. (Judl.), dated the 20th Feruary, 1942 of any summons issued under the said Code by a Court of any Chief Commissioner’s Province shall be deemed to be valid service.”

¹.Summonses for service in the Hyderabad State shall be forwarded to the city Civil Court and District Civil Courts only.

“(a) For Punjab Province”**“PUNJAB GOVERNMENT, — POLITICAL DEPARTMENT/GENERAL.”**

Notification No. 1191-P.G. 42-25398, dated the 22nd April, 1942, as subsequently amended by Punjab Government Notifications mentioned in Statement B annexed hereto.

“In pursuance respectively of the proviso to Section 29 and of Clause (b) of Rule 26 of Order V of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), the Governor of the Punjab is pleased to declare:---

(1) that the provision of Section 29 of the said Code shall apply to the Courts specified in the Schedule annexed; and

(2) that service by any Civil Court specified in the said Schedule of any summons issued under the said Code by a Court in the Punjab shall be deemed to be valid service.”

Note: The Schedule for the Punjab Provinces is the same as is annexed to the Government of India.—Legislative Department, Notification No. F-202/4/1/41-C. & G (Judi.), dated the 20th February, 1942 as subsequently amended by notifications mentioned in statement A annexed hereto).

STATEMENT A

(See item 12(i) of this Appendix and item (a)(i) of the First Schedule)

**GOVERNMENT OF INDIA,—LEGISLATIVE DEPARTMENT
NOTIFICATIONS**

- (1) No. F.-202/4/41-C. & G. (Judi.), dated 15th June, 1942.
- (2) No. F.-202/4/41-C. & G. (Judi.), dated 18th July, 1942.
- (3) No. F.-202/4/41-C. & G. (Judi.), dated 24th November, 1942.
- (4) No. F.-202/4/43-C. & G. (Judi.), dated 19th April, 1943.
- (5) No. F.-202/4/43-C. & G. (Judi.), dated 14th May, 1943.

STATEMENT B

(See item 12(ii) of this Appendix and item (b) of the First Schedule)

**PUNJAB GOVERNMENT,—POLITICAL DEPARTMENT
GENERAL NOTIFICATIONS**

- (1) No. 3227-611-S.-PG-42/40798, dated 18th July, 1942.
- (2) No. 3790-PG-42/48039, dated 3rd September, 1942 as corrected by Notification No. 5059-PG-42/58088, dated 23rd October, 1942.
- (3) No. 6657-PG-42/1674, dated 9th January, 1943.
- (4) No. 2729-PG-43/36016, dated 8th June, 1943.
- (5) No. 3507-PG-43/40864, dated 5th July, 1943.

SECONDSCHEDULE

(See item 13 of this Appendix)

STATE OF JOHORE (MALAY)

District

Court held at

- | | | | |
|----|----------------|------|-------------------------------|
| 1. | Johore Baliru | | Johore Bahra. |
| 2. | Muar | | Bandar Maharani, Muar. |
| 3. | Batu Pohat | | Bandar Penggaram, Batu Pohat. |
| 4. | Kluang ... | | Kluang. |
| 5. | Segamat ... | | Segamat. |
| 6. | Kota Tinggi | | Kota Tinggi. |
| 7. | Mersing ... | | Mersing. |
| 8. | Pontian ... | | Pontain. |
| 9. | Tangkak (Muar) | | Tangkak. |

CHAPTER 8

PROCESSES — CRIMINAL COURTS

A — ISSUE AND SERVICE OR SUMMONS

1. **Signing of summons.**—Every summons in a Criminal case should be signed legibly and in full by the Magistrate by whom it is issued, with the name of his office or the capacity in which he acts. The practice of signing initials only or of using a stamp is objectionable and should not be adopted.

2. **Regarding service of summons in non-cognizable cases.**—In Criminal cases which are not cognizable by the Police, within the meaning of Section 4, clause (f) of the Code of Criminal Procedure, summonses are to be served through the civil process-serving establishment attached to the Courts. District Magistrates shall see that the prescribed fee is duly paid in such cases.

3. **Fee of eight annas to be paid for such process.**—Rules under the Court-Fees Act, 1870, for the realization of process fees, will be found in Chapter 5, “Process Fees”. Under Rule 5 of the Rules in Part B of that chapter, a fee of eight annas is to be levied for each process issued in every non-cognizable case, that is, in every case in which the Police may not arrest without a warrant according to the Second Schedule of the Code of Criminal Procedure. By the Notification of the Punjab Government No. 314 of the 21st March, 1883, issued under Section 68 of the Code, every Criminal summons for the service of which a fee is levied under rules made by the High Court under the Court-Fees Act, shall be served by the process-serving establishment of the Court issuing the summons.

4. **Service of summons sent by a Court to a place outside its jurisdiction.**—(a) Under Section 73 of the Code of Criminal Procedure, a summons issued by a Court for service at any place outside the local limits of its jurisdiction should ordinarily be sent in duplicate to a Magistrate within the local limits of whose jurisdiction to person summoned resides or is to be there served. In special cases, however, *e. g.*, when particular urgency in service is required the Courts may subject to the general or special orders issued by him, permit the prosecuting agency to send summons direct by registered post, acknowledgment due, to the police station concerned.

(b) When the summons has to be sent for service from a Court to any district, the vernacular of which differs from that in which the process is written, it should be accompanied by a translation in English.

5. **Affidavits by Police Officers and process-servers who serve summons.**—Attention is invited to the provisions of Section 74 of the Code of Criminal Procedure which makes an affidavit of service admissible in evidence in certain cases. When the Police serve a summons outside the local limits of the jurisdiction of the Court from which it issued, and in all cases in which it is probable that the Police Officer who serves a summons will not be present at the hearing of the case, the Police Officer, who has served such summons should make an affidavit in the form given below before the nearest Magistrate. The affidavit, and a duplicate of the summons endorsed in the manner provided by Section 69 or Section 70 of the Code, should then be forwarded to the Court, which issued the summons.

(ii) The same procedure will be observed by process-servers in regard to criminal processes in similar circumstances.

(iii) Printed forms of the affidavits mentioned above will be provided. These should be supplied to all officers in charge of Police Stations.

(iv) Magistrates must not detain Police Officers and process servers, who attend their Courts merely to make affidavits, longer than is necessary for that purpose.

Declaration of service of summons

I _____ son of _____ do hereby solemnly declare that I did on _____ the _____ day of _____ serve _____ son of _____ of _____ with the summons now shown to me and marked A, by delivering (or tendering) a duplicate to him [or, by leaving a duplicate for him with _____ an adult male member of his family residing with him or by affixing duplicate to a conspicuous part of his house or homestead].

(Signed)

Declared before me at _____ by _____ this _____ day of _____ 19_____.

6. Instructions re-issue of summons for particular class of persons.—The following instructions are issued with regard to the issue of summons for particular classes of persons:--

(i) *Government servants generally.*—When the person summoned is in the active service of Crown, the Court or Magistrate issuing the summons should in accordance with the provisions of Section 79 of the Code of Criminal Procedure, ordinarily send it duplicate, to the head of the office in which the person summoned is employed, who will cause the summons to be served on the person named therein. This rule applies to every summons issued under the Code (Section 93).

(ii) *Bodies corporate.*—When the summons has to be served on an Incorporated Company or other body corporate, such as a Municipal Committee, service may be effected by serving the summons on the Secretary, Local Manager or other principal office of the Corporation, or by registered post letter addressed to the chief officer of the Corporation in British India. In such cases the service should be deemed to have been effected when the letter would arrive in ordinary course of post (vide Section 69(3) of the Code of Criminal Procedure).

(iii) *Soldiers in military employ.*—When a Criminal Court issues a summons for the appearance of a soldier in military employ, the summons should be sent for service to the Officer Commanding the Regiment in which such soldier is serving. The provisions of Section 72 of the Code of Criminal Procedure are wide enough to include persons in military employ; and whenever it is necessary to summon an officer or soldier or other person in military employ, the summons should always be sent for service to the head of the Office or Head of Department or Officer Commanding the of regiment in which such officer, soldier or other person is serving, unless there are special reasons, which should be recorded, for proceeding otherwise.

(iv) *Railway officials.*—(a) Persons in the active service of any Railway Company or Administration are subject to the same rules regarding the issue of summons as Crown servants (see (i) above).

(b) Considerable inconvenience results from the indiscriminate summoning of the superior officers of the Railway to give evidence on points of railway practice, customs, orders &c., which could equally well be done by subordinate Railway officials at or near the place where the trial is being held, and subordinate Courts should in the exercise of their discretion abstain from requiring the attendance of the Manager or other high officials of the Railway, except in special cases in which their evidence is absolutely necessary.

(c) To assist the Courts in summoning the subordinate officials who would most probably be able to give the evidence required with the smallest inconvenience to the Railway a list of the superior officers under whose immediate orders the Railway subordinates are, is given in the Appendix to this order, and, except where a strict adherence to this rule would cause delay or inconvenience, all processes for the attendance of any subordinate official should ordinarily be served through his immediate superior.

(v) *Police.*—Whenever a summons is issued to an officer of Police to appear as witness it should be served upon such officer through the Superintendent of Police, or, in the case of an outpost, the Assistant or Deputy Superintendent in charge of the outpost to which the individual summoned may belong.

(vi) *Medical Officers.*—The following instructions regarding the summoning of Medical Officers and their subordinates to give evidence in criminal cases should be observed:---

(i) On all summonses intended for service on officials of the Medical Department it should be stated whether the official concerned is being called to give evidence as an expert, or to give evidence in a case with which he has had to deal in the ordinary course of his duties as a Medical Officer.

(i) Summonses for medical officers and subordinates in cases in which their evidence as experts is not required, whether the Court is in their own district or not, should be forwarded to the Civil Surgeon concerned for service.

(ii) Notice should be given to the Inspector-General of Civil Hospitals whenever a summons has been issued to a medical man in civil employ under the Punjab Government to give evidence as an expert outside his district.

(iii) The evidence of medical officers under orders of transfer should, wherever possible, be taken before they hand over charge. With this object in view, the Inspector-General of Civil Hospitals has been requested to communicate to the District Magistrates information about impending transfers of medical officers as soon as orders are received in his office. When the orders are so communicated, the Magistrates of the district, the Superintendent of Police, and the medical officer concerned should be consulted and the evidence of the medical officer in pending cases should be recorded, so far as it may be practicable, before he hands over charge. For the remaining cases, in which it would be necessary for the medical officer to return in order to give his evidence, effort should be made to fix one or two suitable days for the evidence being recorded by all the Courts concerned, so as to avoid the necessity of frequent trips to the district for that purpose.

(*High Court Circular letter No. 1417-RIXXV-5, dated the 18th February, 1942.*)

(vii) *Consuls-General.*—When it is necessary to summon certain Consuls-General residing in or visiting the Punjab to give evidence in a criminal case, the summons should issue in the form of a letter. The form of summons given in Form XXXI of Schedule V attached to the Code of Criminal Procedure will be used, except that it will begin and end as a letter, and the body of the letter need not be so abrupt as the form itself is.

Before summoning a Consular Officer whose office is at a distance from the Court, the Magistrate should consider the possibility of taking evidence on commission as provided by Section 503 of the Code of Criminal Procedure.

This privilege should be confined to the Consuls-General of Aghanistan, Persia, America, Holland, Germany, Japan and Italy. Other consular officers may continue to be summoned in the inary way.

PART B — PREPARATION OF ISSUE OF WARRANTS OF ARREST AND OTHER PROCESSES

1. General warrants.—General warrants for arrest should never be issued by a Court of Justice.

2. Prescribed form of warrants which should state the special cause on which it is granted.—Every warrant should state as shortly as possible the special matter on which it s, and

should be in the Form II given in Schedule V of the Code of Criminal Procedure. This form expresses on the face of it the special cause on which it is granted, *viz.*, that the party 'stands charged with the offence of (stating the offence)'. A warrant issued under Section 90 should in like manner be made out in Form VII. A strict adherence to the form of warrants of arrest prescribed by the Code will tend to prevent their being granted irregularly and without inquiry as to whether the circumstances justify their issue.

3. What a warrant or process should contain.—In all warrants and processes of every description, whether under the Code of Criminal Procedure or any other law in force, the father's name, caste, tribe or nationality, and residence of the person to be arrested, summoned, etc., should be entered, so as to place his identity beyond all doubt. The warrant should also set forth the Court from which it issues, and the name of the district.

4. Care to be exercised in distinguishing forms of warrants and summons.—(i) Great care should be exercised in distinguishing forms of warrants forms of summons, and in making the Police and the public acquainted with the difference, different tinted paper and lithographed or printed forms should always be used. The people of the country will gradually become familiar with the appearance of each sort of process and know how to act.

(ii) All vernacular warrants of commitment to jail should be drawn up in the Roman character, except in the case of Indian Magistrates who are unable to read this character, and ordinary country ink should never be used in filing up the blanks in the printed form of warrant, or in warrants drawn up upon English paper.

5. A warrant should not be issued where a summons can serve the purpose.—Great care should also be taken that a warrant, which always implies personal arrest and restraint, is never issued when a summons to attend would be sufficient for the ends of justice; and any attempt to coerce or restrain a party called upon to appear in obedience to a *summons* should be checked and punished. It must be understood that the Police will carry out to the latter the instructions issued in the writ handed over to them, but the Magistrate is responsible for the consequences of an informal or illegal process bearing his official seal and signature.

6. Service of warrants on Railway servants.—Warrants issued against Railway servants should be entrusted for execution to some Police Officer of superior warrant, that the immediate arrest of the Railway servant would occasion risk or inconvenience, make all arrangements necessary to prevent escape, and apply to the proper quarter to have the accused relieved, deferring arrest until he is relieved.

7. Execution of a warrant outside the jurisdiction of the Court.—Under Section 83(1) of the Code a warrant to be executed outside the local limits of the jurisdiction of the Court issuing it, may be forwarded by post or otherwise to the Superintendent of Police of the district in which it is to be executed. Similarly, by Section 85, an offender when arrested may be taken before the Superintendent of Police instead of a Magistrate, and by Section 56, the Superintendent of Police may send the offender to the Court issuing the warrant.

8. Warrants under the Gambling Act.—Every warrant issued under the Gambling Act, 1867 if not executed, shall be returned to the Magistrate or Superintendent of Police, who issued it, within a period of not more than fifteen days from the date of issue. The Magistrate or Superintendent of Police will then cancel the warrant, but a fresh warrant can immediately be applied for or issued, if necessary (*Chief Court circular memo. No. 9-1970-G, dated the 4th June, 1896*).

9. Handcuffing of prisoners.—The orders of Government regarding the handcuffing of prisoners are that unless a prisoner falls within classes (b) to (f) of clause (1) of rule 26/23, Punjab Police Rules, or is accused of murder, he should not be handcuffed on his way to an from the lock-up to the Court house, unless the officer-in-charge of the escort decided to handcuff him owing to his being:--

- (a) a man who is likely to attempt an escape, or
- (b) a man who, owing to the existence of local feeling or other circumstances, is likely to be the subject of an attempt at rescue.

It is not desirable to handcuff and under-trial prisoner, who is charged only under Section 124-A or 153-A of the Indian Penal Code, unless the officer-in-charge of the escort has definite reasons for delivering that such prisoner is likely to attempt to escape or to be the subject of an attempt at rescue.

Note: Classes (b) to (f) of clause (1) of the Punjab Police Rules 26/23 as follows:--

- (b) Persons accused of, an offence punishable under Section 148 or 226, Indian Penal Code.
- (c) Persons accused of, and previously convicted of, such an offence as to being the case under Section 75, Indian Penal Code.
- (d) Desperate characters.
- (e) Violent Persons.
- (f) Persons under sentence.

PART C — ATTENDANCE AS WITNESSES AND EVIDENCE OF PERSONS RESIDING BEYOND THE LIMITS OF BRITISH INDIA

1. Warrant for the arrest of a witness outside British India.—The issue of warrants for the arrest beyond the limits of British India of persons whose attendance is required to give evidence, but who are at the time resident beyond the limits of British India, is illegal and should not be resorted to, as warrants for the arrest of a witness can, under Section 82 of the Code of Criminal Procedure, only be executed at some place in British India.

2. Letter or summons for the attendance of a witness residing in Indian State.—There is, however, no objection to the issue of a letter or precept of the nature of a summons to a person resident in the dominions of any of the Princes and States in India in alliance with His Majesty, inviting him to attend and give evidence, where there is an established channel of communication in the person of a Political Agent or other similar officer, through whom the letter can be sent with the prospect of prompt delivery.

3. If the witness does not comply, commission may be issued to the Political Officer to record evidence.—If the person whose attendance is required does not comply with the directions contained in the letter, no further steps to compel him to appear can be taken. But if his evidence is shown to be necessary for the ends of justice, a Commission to take it may be issued under Section 503 of the Code of Criminal Procedure, to the officer representing the British Indian Government in the State or place where the person is residing. If there is no such officer, the case must be decided without the testimony of such person.

4. Commission to issue only when evidence is indispensable.—Officers presiding over Criminal Courts are reminded that criminal proceedings ought not to be unduly prolonged for the attendance as witnesses of persons whose attendance the Courts are not competent to compel if they fail to attend voluntarily, and that the discretionary power to issue a Commission for the examination of an absent witness should be exercised only when the evidence appears to be indispensable. When a Commission is refused, the grounds for refusal should be briefly recorded to anticipate subsequent objections on the ground of such refusal.

5. Reciprocal arrangement between British Indian Court and certain Courts In Indian State for the direct service of summons against witnesses.—The Provincial

Government have sanctioned the introduction of reciprocal arrangements for the direct service of summonses for the attendance of witnesses in criminal cases between Courts in British districts on the one hand and those in the following Indian States on the other:--

Patiala, Jind, Kapurthala, Faridkot, Maler Kotla, Loharu, Bahawalpur, Nabha, Sirmur, Bilaspur, Chamba, Mandl, Suket and Bikaner.

Note: Summonses for witnesses in Kapurthala State should be sent direct to the Senior Judge, High Court Kapurthala and not to the Chief Minister Kapurthala State.

6. Reciprocal arrangements between British Indian Courts and certain Courts in Indian States for the direct service of summons against witnesses.—The Central Government have also agreed to the introduction of similar arrangements for the direct service of processes (summonses and notices to witnesses in Criminal cases) between the Gurgaon District and the Patiala and Nabha States on the one hand and the Jaipur, Bharatpur and Alwar States on the other.

7. Communications with the Indian States in the Punjab re criminal cases.—In Criminal cases in which communications have to be made with Indian States in the Punjab under the political control of the Crown Representative, such communications should be addressed through the Deputy Commissioner to the Hon'ble the Resident for the Punjab States. Communications with the Kashmir Darbar should be made through the Resident.

8. Summonses to witnesses in Afghanistan not to issue.—The Punjab Courts should, in no case, address Afghanistan Courts or officials or the British authorities in Kabul direct. There is no agency in Afghanistan for the service of summonses on witnesses issued by the Punjab Courts and it is, therefore, useless to issue such summonses.

Serious notice will be taken of the violation of these instructions as the continued recurrence of such cases causes much embarrassment to the Government of India.

Summons to members of the staff of British Legation.—In connection with the issue of summonses for members of the staff of the British Legation at Kabul, His Majesty's Minister at Kabul has drawn the attention of the Government of India to the difficulties caused to the personnel of the British Legation by the receipt of summonses from Courts in the Punjab which do not take into account the difficulties of business which may be caused in the Legation if its members are suddenly summoned to attend Courts in India at short notice. These difficulties should, therefore, be borne in mind when it is found necessary to issue summonses to the members of the staff of the Legation in Kabul and care should be taken to fix a sufficiently long date so as to avoid any inconvenience and to enable service to be effected through the proper channel before the date fixed.

9. Service of summons in Balochistan.—*Balochistan*—The instructions regarding service of summonses in Balochistan given in paragraph 5 of Part F of Chapter 7, and in Appendix III to that Chapter, apply also to Criminal Courts.

APPENDIX

**LIST OF NORTH-WESTERN RAILWAY OFFICIALS TO WHOM SUMMONSES
SHOULD ORDINARILY BE ADDRESSED**

*Statement showing designation of Heads of Offices of Operating, Locomotive and Engineering
Departments through whom summonses are to be served*

	Head of Office	Officers through whom summon should be served	Staff employed under each
RAWALPINDI DIVISION			
1.	Sub-Divisional Officers:--- Nowshehra, Cambellpur, Jhelum, Rawalpindi, Kundian, Malakwal, Sargodha, Kalabagh Ghat, Kohat, Cantonment,	Sub-Divisional Officers of these places.	Permanent way Inspectors, Assistant Permanent Way Inspectors, Sub-way Inspectors, Inspectors of Works, Sub-Inspectors of works, Overseers, Time-Keepers, Sub-Divisional clerks, Ballast Inspectors, Mistries, Carpenters, Masons, Blacksmiths, Mates, Keyman, Gangmen, Gatemen, Sainitary Inspectors, Chowkidars.
2.	Loco, Foreman of:--- Lalamusa, Malakwal, Kundian, Peshawar Cantonment, Rawalpindi, Kalabagh Ghat, Kohat Cantonment.	Loco, foremen of these places.	Drivers, Shunters, Firemen, Pump Inspectors, Shedmen, Shed Clerks, Fuel Clerks, School Masters, Fitters, Boiler Makers, Cleaners, Fitter, Coolies, Boiler Maker Coolies, Store Cler, Carpenters, Blacksmiths, Painters, Masons, Washout Coolies, Fire Droppers, Fuel Coolies, Hammermen, Telephone Attedants and Chowkidars.
3.	Station Master of Peshawar Cantonment--- Peshawar Cantonment, Peshawar City, Nowshehra, Mardan, Jhelum, Lalamusa, Malakwal, Kundian, Kalabagh Ghat and Station Superintendent of Rawalpindi	Station Masters of these places.	Station Masters, Assistant Station Masters, Signallers, Booking Clerks, Goods Clerks, Transit Clerks, Yard Formen, Yard Masters, Assistant Yard Masters, Trains Despatchers, Luggage Inspectors, Platform Inspectors, Correspondence Clerks, Makers, Guards, 2nd Guards, Brakesman, Cabinmen, Shunting Jamadars, Shunting Porters, Pilot Jamadars, Points Jamabdars, Gatemen, Luggage Porters, Signalmen, Waiting Room Staff, Telegraph Peons and Station Peons, Sweepers and Chowkidars.
4.	Ferry Engineer of:-- Kalabagh Ghat and	Ferry Engineers of these places.	Syrang, Quarter-masters, Tindais, Oilmen, Pilots, Khalasis, Stockers,

	Dera ismail Khan		Topas, Firemen, Ferry Clerks.
5.	Head Train Examiner of:-- Peshawar Cantonment, Lalamusa, Kalabagh Ghat, Rawalpindi.	Head Train Examiners of these places.	Train examiners, Number Takers, Carriage Clerks, Store Clerks, Vacuum Fitters Brass fitters, Carpenters, Blacksmiths, Paintes, Wheelmen, Re-packers, Carriage Cleaners, Bhishties, Sweepers and Chowkidars.
6.	Divisional Electrician, Rawalpindi	Divisional Electrician, Rawalpindi	Electricians, Electric Examiners, Assistant Electric Examiners, Electric Collies and Number Takers.
7.	Block Inspector, Rawalpindi.	Block Inspector, Rawalpindi.	Black Maintainers, Senior Mistries, Junior Mistries, Battteryemen, Linemen, Blacksmiths, Hammermen, Painters, Masons and Cleaners.
8.	Signal and interlocking Inspector, Rawalpindi	Signal and Interlocking nspector, Rawalpindi.	Ditto Ditto
LAHROE DIVISION			
1.	Sub-Divisional Officers:-- No.1, Lahore, No.2, Narowal, No.3, Amritsar, No.4, Moghalpura, No.5 Lahore, No.6, Stores, Lahore, No.7, Wazirabad, No.8 Palampur.	Sub-divisional Officers of these places.	Permanent way inspectors and Inspectors of Works, Sub-way Inspectors of works, Oerseers, Time-Keepers, Mistries, Carpenters, Keymen, Gangmen, Gatemen, Mates, Sub-Engineers, Surveyors and Sanitary Inspectors.
2.	Loco, Foreman of:--- Lahore, Pathankot.	Loco, foreman and Shedmen incharge of these plaes.	Driverss, Shunters, Firemen, Shedmen, Fuel Munshis, School Masters, Fitters and Fitter Coolies, Store Munshies and Shed Menial Staff, Shed Clerks.
3.	Station Superintendent, Lahore. Station Master of:--- Amritsar, Jullundur, Wazirabad, Sialkot, Gujranwala, Kasur, Gujrat, Moghalpura	Station Masters at these plaes.	Station Masters, Assistant Station Masters, Signaliers, Goods, Clerks, Trains Clerks, Transit Clerks, Booking Clerks, Parcel Clerks, Ticket Collectors, Phone Clerks, Correspondence Clerks, Yard Foremen, Chaukidars, Shunting Jamadars, Shunting Porters, Chairmen, Signal and Pointsmen, Luggage Porters, Gatemen, Waiting Room Staff, Running Room Staff, Guards and 2nd Guards, Gunners,

	Lahore Cantonment, Raewind, Okara, Pathankot, Batala, Jullundur Cantonment, Badamibagh, Jammu Tawi, Shahdara Chhangamanga, Gurdaspur, Pattoki, Phagwara.		Markers, Telegraph Peons and Station Peons.
4.	Black Inspector of:--- No.1, Lahore No.2, Lahore. Signal and interlock:- -- No.1, Lahore. No. 2, Lahore Assistant Block Inspector:--- No.1, Amritsar.	Black and Interlocking Inspectors of these places.	Block maintainers, Senior and Junior Mistries, Carpenters, Linemen, Batterymen, Trellymen, Cleaners, Painters, Gatemen, Masons, Hammermen, Bhishties, Blacksmith, Time-Keeper.
5.	Goods Supervisors of:--- Lahore, Amritsar.	Goods Supervisors of these Places.	Goods clerks, Makers and Chaukidar in Lahroe and Amritsar goods sheds.
6.	Head Train Examiner of:--- Lahore, Washing Line, Lahore, Mughalpura, Wazirabad, Amritsar, Pathankot.	Head Train Examiners at these places.	Train Examiners, Number Takers, Storemen, Wheelmen, Cleaners, Wrenchmen, Greasers, Hammermen, Carpenters, Blacksmiths and Bhisties.
7.	Divisional Electrician, Lahore.	Divisional Electrician	Electricians, Electric Examiners, Assistant Electric Examiners, Electric Coolies and Number Takers.
MULTAN DIVISION			
1.	Sub-Divisional officers :--- Multan, Lyalpur 1 Lyalpur 2 Shorkot Road,	Sub-Divisional officers of these places.	Permanent way Inspectors, Sub-way Inspectors, Sub-Inspectors of Works, Overseers, TimeKeepers, Ministries, Carpenters, keymen, Gangmen, Gatemen, Mates, Sub-Engineers, Surveyors and Sanitary Inspectors.

	Lodhran.		
2.	Locomotive foreman of:-- Multan, Samasatta Khanewal, Montgomery. Shedman incharge of:-- Shorkot road, Bhakkar, Locomotive Foreman, Lyallpur.	Locomotive Foremen at these places.	Drivers, Shunters, foremen, Shedmen, Fuel munshis, School Masters, Fitters and Fitter coolies, Store Munshies and Shed Menial Staff.
3.	Train Examiner:--- Multan, Samasatta, Khanewal, Montgomery, Lyallpur, Shorkot Road.	Head Train Examiners at tehse stations.	Train Examiners, Number Takers, Storemen, Wheelmen, Cleaners, Wrenchmen, Greasers, Hammermen, Carpenters, Blacksmiths and Bhisities.
4.	Station master of:--- Multan, Multan city, Khanewal, Samasatta, Lyallpur, Sangla Hill.	Station masters at these places.	Station Masters, Assistant Station Masters, Signalers, Train Clerks, Transit Clerks, Booking Clerks, Parcel Clerks, Ticket Collectors, Phone Clerks, Correspondence Clerks, Yard Foremen, Chowkidars, Shunting Jamadars, Shunting Porters, Cabinmen, Signal and Pointsmen, Luggage Porters, Gatemen, Sweepers, Watermen, Waiting room Staff, Running Room Staff, Guards, makers, Telegraph Peons and Station Peons.
	Yard master of:--- Samasatta.		
5.	Divisional Electrician, Multan.	Divisional Electrician	Electricians, Electric Examiners, Assistant Electric Examiners, Electric Coolies and Number Takers.
FEROZEPUR DIVISION			
1	Sub-Divisional Offier of:--- Ferozepur, Kasur, Ludhiana, Jullunder, Mailsi, Bahawalnagar.	Sub-Divisional Officer of these palces.	Permanent Way Inspectors, Sub-way Inspectors, Inspectors of Works Sub-Inspectors of Works, Overseers Works Celrks, Mistries, Carpenters, keymen, Gangmen, Mates, Surveyors and Sanitary Inspectors.

2.	Assistatn Signal Engineer, Ferozepur	Assistant Signal Engineer.	Block Inpectors, Sub-Assistant Block Inspector, Assistant Signal and Interlocking Inspector, Sub-Assistant Interlocking Inspectors, Time-keepers, Mistis, Carpenters, Painters, Blacksmiths, Hammermen, Fitters, Coolies, Cleaners, Batterymen, Linemen, Trollymen, Khalasis.
3.	Loco. Foreman of:--- Ludhiana, Ferozepur, Jullunder, Bahawalnagar, Pakpattan.	Loco. Foremen at these places.	Drivers, Shunters, Firemen, Shedmen, Fuel Munshies, School Masters Fitter and Fitter Collies, Store Munshis, Shed Menial Staff.
4.	Head Train Examiner of:--- Ferozepur, Jullunder, Hissar, Bahawalnagar.	Head Train Exdamienrs at these places.	Train Examiners, Number Takers, Storemen, Wheelman, Cleaners, Wrenchmen, Greasers Hammermen, Carpenters, Blacksmiths and Bhisties and Box porters.
5.	Divisional inspector, Powers:-- (Fuel) "S" (Fule) "N" Pumps. rolling Stock.	Divisional Inspector – Loco. Ferozepur. Pumps, Ferozepur. Rolling Stock, Ferozepur.	Box porters.
6.	Traffic Inspectors of:--- Ferozepur, Pakpattan, Jullunder, Bahawalnagar, Ludhiana	Taffic Inspectors at these places.	Shunnting Jamadars, Pointsmen, Cabinmen, Shunting Poters.
7.	Train Light Electrician, Ferozepur.	Trian Lighting Electrician, Ferozepur.	Electricians, Electric Examiners, Assistatn Electric Coolies and Number Takers.
	Stations Master of:--- Ferozepur Cantonment, Ferozepur City, Bahawalnagar- MecLeod Ganj Road, Abohar, Lohian Khas, Nawanashahr Doaba, Hashiarpur, Taran Taran, Patti, Moga Tehsil, Jagraon City,	Statiosn Master at these places.	Station Masters, Assistant Station Masters, Signalers, Goods Clerks, Transit Clerks, Booking Clerks, Parcel Cloerks, Correspondence clerks, Yard Foremen, Shuntign Jamadarss, Shunting Porters, Cabinmen, Signal and Pointsmen, luggage Porters, Gatemen, Sweepers.

	Jullundur, Ludhiana, Amritstar, Pakpattan.		
KARACHI DIVISION			
1.	Sub-Divisional Officer of:--- Karachi City, Hyderabad, Sukkur	Sub-Divisional Officers of these places.	Permanent Say Inspectors, Sub-way Inspectors, Inspectors of Works, sub- Inspectors of Works, Overseers, Time-Keepers, Mistris, Carpenters, Blacksmiths, Chowkidars, Keymen, Gatemen, Gangmen, Mates, Sub- Engineers, Hammermen, Bellowmen, Sanitary Inspectors, & c.
2.	Shed Foreman of Karachi Cantonment:--- Kotri, Rohri, Khanpur.	Shed foremen of these places.	Drivers, Shunters, Firemen, Shedmen, Fuel Munshies, Store Munshies, School Masters, Fitters, Fitter Coolies, Boiler Makers, Boiler Maker Coollies, Painters, Masons, & c., Shed Menial Staff.
	Shedman incharge of:--- Dadu, Larkana, Ruk, Jacobabad, Pad Idan.	Shedmen incharge at thee places.	
3.	Station superintendent of:--- Kaimari, Karachi City.	Station Superintendents at these places.	Station Masters, Assistant Station Masters, Signalers, Goods Clerks, Transit Clerks, Train Clerks.
4.	Station Master of:--- Karachi Cantonment, Kotri, Hyderabad Pad idan, Rohri, Sukkur, Khanpur, Ruk, Dadu.	Station Masters at these places.	Booking clerks, Parcel Clerks, Ticket Collectors, Phone Clerks, Correspondence Clerk, Yards Foreman, Chowkidars, Shunting and Points Jamadars, Shunting Porters, Cabmen, Signaland Pointsmen, Luggage Porters, Gatemen, Sweeper Watermen, Waiting Room Staff, Running Rook Staff, Guard, Goods Markers, Telegraph Peons, Station Peons, Box Porters, Lampmen, & c.
5.	Goods Supervisor of:--- Karachi Bandar Karachi city.	Goods Supervisors at these places	
6.	Chief Goods Clerks, Sukkur Bandar.	Chief Goods clerk of this place.	

7.	Divisional Boiler Inspector, Karachi Cantonment	Divisional Boiler Inspector of this place.	Boiler makers and boiler make coolies.
8.	Pump Inspector of:-- - Kotri, Sukkur.	Pump inspectors at these places.	Fitter and fitter coolies, Pump Engine Drivers and Firemen, Pump Engine Collies.
9.	Signal and Interlocking Inspector of:--- Karachi City, Kotri, Rohri.	Signal and Interlocking Inspectors at these places.	Signal Fitters, Mistries, Cleaners Trollymen, Bhishties, Hammermen, Carpenters, Painters, Tingkers, & c.
10.	Block Inspector:--- Kotri, Sukkur.	Block Inspectors of these places.	Block Fittes, Mistris, Batteryemen, Linkmen, Block Maintainers, Carpenters, Trollymen, Cleaners, & c.
11.	Divisional Electrician, Karachi City.	Divisional electrician of this place.	Electricians, Electric Examiners, Assistant Electric Examiner, Electric Coolies, Number Takers, Carpenters Gas Fitters, Painters Gas Fillers and Lampen, &c.
12.	Electrician, Sukkur.	Electrician of this place.	Ditto
13.	Divisional Watch and Ward Inspector, Karachi City.	Divisional Watch and Ward Inspector of Karachi.	Assistant Watch and Ward Inspectors, Chowikdars, Head Watchmen Khalasis.
14.	Gas Overseer, Karachi Cantonment.	Gas Overseer, Karachi Cantonment.	Gas Gitters, Firemen, Stockers, Gas Coolies, &c.
15.	Divisional Millwright, Karachi City.	Divisional Millwright, Karachi City.	Weight Machine an Millwright Fitters, Collies, Mistries, &c.
16.	Head Train Exainer of:--- Kaimari, Karachi City, Kotrik, Ruk, Rohri.	Head Train Examiners of these laces.	Train Examiners, Number Takers, Storemen, Weheelmen, Cleaners, Wrenchmen, Greasers, Hammermen, Carpenters, Blacksmiths, Bhishtis, Sweepers, Washing lampmen &c.
CONTROLLER OF STORES			
1.	Controllor of Stores, North-Western Railway Headquarters Officers, Lahore.	Controllor of Stores, North-Western Railway.	Gazetted Officers, Senior Head Clerks, Head Clerks, Senior Clerks, Clerks and Office Menials employed therein.

2.	District Controller of Stores Officer, Moghalpura.	District Controller of Stores.	District Store-Keepers, Sub-Store-Keepers, Ward Keepers, Clerks, Printing Press Staff, Stores Manufactory Staff, Clothing Factory Staff, Office Menial and Labour Staff.
3.	Foreman, Kalka	Foreman, Kalkas	Clerk, Motor Fitters, Carpenters Riveters, Painters, Shop Jamadar, Lifters, Re-Packers Mashineman, Blacksmiths, Hammermen, Cooper and Tinsmiths, Millwright, Moulders, Cranemen.
MEDICAL DEPARTMENT, NORTH-WESTERN RAILWAY			
	CHIEF Medical and Health Officer, North-Western Railway, Lahore.	Chief Medical and Health Officer, North-Western Railway, Lahore.	Medical Officer, Jind, Bhatinda, Khanpur, Kotri, Malakwal, Pakpattan, Kalabagh Ghat, Bahawalnagar, District Medical Officer, North-Western Railway, Saharanpur and Multan.
		<ol style="list-style-type: none"> 1. Medical Advisor, Quetta. 2. Medical Officer, Amritsar. 3. Medical Officer, Cambelpur. 4. Medical Officer, Delhi. 5. Medical Officer, Ferozepur. 6. Medical Officer, Gujranwala. 7. Medical Officer, Gujrat. 8. Medical Officer, Gurdaspur 9. Medical Officer, Jhelum 10. Medical Officer, Karachi. 11. Medical Officer, Kohat. 12. Medical Officer, Lahore. 13. Medical Officer, Mardan. 14. Medical Officer, Mianwali. 	For themselves and medical subordinate staff working under them viz., Assistant Surgeons, Sub-Assistant Surgeons, Nurses, Dispensers, Clerks Malis, Sweepers, Bhistis, Chowkidars, Peons, Ward Boys &c., as the case may be.

		<p>15. Medical Officer, Peshawar.</p> <p>16. Medical Officer, Rawalpindi.</p> <p>17. Medical Officer, Kangra (at Dharamshala).</p> <p>18. Medical Officer, Sailkot.</p> <p>19. Medical Officer, Sukkur.</p> <p>20. Medical Officer, Bahawalnagar.</p> <p>21. Medical Officer, Bhatinda.</p> <p>22. Medical Officer, Jind.</p> <p>23. Medical Officer, Kalabagh Ghat.</p> <p>24. Medical Officer, Khanpur.</p> <p>25. Medical Officer, Kotri.</p> <p>26. Medical Officer, Malakwal.</p> <p>27. Medical Officer, pakpattan.</p> <p>28. District Medical Officer, Multan.</p> <p>29. District Medical Officer, Saharanpur.</p>	
	Land Acquisition Officer, Morth-Western Railway Headquarters Officer, Lahore.	Land Acquisition Officer, North-Western Railway, Headquarters Office.	Surveyors, Draftsmen, Tracers, Clerks, Accounts Clerks, Jamadars, Peons.
	Track Supply Officer, North-Western Railway, Lahore.	---	All staff under Track Supply Officer, Lahore.
	Executive Engineer, Capital Works, Tube Boring, Lahore.	---	All Staff un der Executive Engineer Capital works, Tube Boring, Lahore.
	Deputy Chief Engineer, Bridges, North-Western	---	All staff uner Deputy Chief Engineer, Bridges, Moghalpura.

	Railway, Moghalpura.		
	Executive Engineer, bridges, Jhelum.	---	All staff under Executive Engineer, Bridges, Jhelum.
	Executive Engineer, Bridges, Sukkur.	---	All staff under Executive Engineer, Bridges, Sukkur.
	Superintendent, Mechanical Workshop, North- Western Railway, Moghalpura.	---	All staff under Superintendent Mechanical workshops, North-Western Railway, Moghalpura.
	Signal Engineer, North-Western Railway, Lahore.	---	All staff under Signal Engineer, North-Western Railway, Lahore.
	Senior Electrical Engineer, North- Western Railway, Moghalpura.	---	All staff under Senior Electrical Engineer, North-Western Railway, Moghalpura.
	Chief Engineer, Surveys and Construction, Lahore.	---	All staff under Chief Engineer, Surveys and Construction, North- Western Railway, Lahore.
DELHI DIVISION			
1.	Sub-Divisional Officer:-- Delhi, Saharanpur, Ambala, Bhatinda, Jind, Dharampur.	Sub-Divisional Officers of the places.	Permanent way Inspectors, Sub-way Inspectors, Sub-Inspectors of Works, Inspector of works, Overseers, Time- Keepers, Mistris, Carpenters, Keymen, Gangmen, Gatemen, Mates, Sub-Engineers, Surveyors and Sanitary Inspectors.
2.	Loco-Foreman:--- Delhi, Ghaziabad, Saharanpur, Ambala, Bhatinda, Jind, Shakur Basti, kalka.	Loco foremen at these places.	Drivers, Shunters fireman, Shedmen, Fuel Munshies, School Masters, Fitters and Fitter Coolies, Store Munshies and Shed Menial Staff.
3.	Station Master:--- Meerat Cantonment, Meerat City, Saharanpur, Ambala Cantonment, Rajpura, Ludhiana,	Station Master of these places.	Station Master, Assistant Station Master, Signallers, Goods Clerks, Transit Clerks, Train Clerks, Booking Clerks, Parcel Clerks, Ticket Collectors, Phone Clerks Correspondence Clerks, Yard Foreman, Chaukidars, Shunting

	Bhatinda, Jind, Shakur Basti, Kalka, Simla, Ghaziabad, N.-W.Ry., Delhi and Goods Supervisor, Delhi Sader. Station Superintendent, Delhi.		Jamadars, Shunting Porters, Cabin Men, Signal and Pointsmen, Luggage Porters, Gatemen, Sweepers, Water Men, Waiting Room Staff, Running Room Staff, Guards and 2nd Guards, Gunners, Markers, Telegraph Peons and Station Peons.
4.	Head Train Examner: Delhi, Ghaziabad, Saharanpur, Ludhiana, Bhatinda, Kalka.	Head Train Examiner at these places.	Train Examiners, Number Takers, Storemen, Wheel Men, Cleaners, Wrenchmen, Greasers, Hammermen, Carpenters, Blacksmiths and Bhishtis.
	Division Electrician, Delhi.	Divisional Electrician	Electricians, Electric Examiensrs, Assistant Electric Examiners, Electric Coolies, and Number Takers

CHAPTER 9

FINGER IMPRESSIONS; HANDWRITING; FORGED STAMPS AND CURRENCY AND BANK NOTES

PART A – DOCUMENTS AND PAPERS ON WHICH THUMB AND FINGER MARKS SHOULD BE AFFIXED

1. Documents on which thumb-impressions are to be affixed.—The Judges, having considered the reports submitted from time to time on the working of the system of taking thumb and finger impressions on judicial records as a means of identification of individuals, are pleased to direct that such impression be affixed to the following documents and papers, viz.:---

- (1) Petitions;
- (2) Entries in Petition-writers' Registrars;
- (3) Statements and confessions by accused persons;
- (4) Statements by persons against their own interests;
- (5) Compromises;
- (6) References to arbitration;
- (7) Withdrawals of suits under Order XXIII, Rule 1, Civil Procedure Code, 1908, of complaints under Section 248, Criminal Procedure Code;
- (8) Security bonds;
- (9) Receipts filed in Court.

2. Appliances required and mode of taking impressions.—For taking thumb-and finger impressions the following appliances are required:--

- (1) A tin slab.
- (2) Printer's ink.
- (3) A rubber roller (to spread the ink)

A very small quantity of printer's ink should be poured on the slab and spread thereon with the rubber roller till it forms into a very thin film. The bulbs of the thumb and all the fingers of one hand, after being carefully wiped, should be laid lightly over the inky film and then impressed on the paper.

3. Further directions.—The film once spread is sufficient for taking a large number of impressions at a time, but should the ink become too thick a drop or two of common sweet oil may be added and rubbed over again with the rubber roller. The tin slab should be properly cleaned everyday before the ink is poured on it.

4. Appliances required for reading impressions.—For reading impressions the following appliances are required:--

- (1) A pointer.
- (2) A reading glass.
- (3) A pocket lens.

(2) and (3) need only be kept by District Judges and District Magistrates.

5. Henry's treaties on impressions.—A Manual on the classification and uses of finger

prints by Mr. E.R. Henry has been circulated to all Sessions Judges, District Magistrates and District Judges in the Punjab. It contains full instructions for taking impressions.

6. Petition writers to obtain proper apparatus and apply proper impressions.—District Judges should make a point of seeing that Petition-writers obtain proper apparatus and apply proper impressions to petitions and on their registers.

7. Appellate Courts to see that these instructions are followed.—Appellate Court are requested to see that subordinate Court comply with these instructions.

8. Impressions should be affixed on a document on a space not occupied by the stamp.—Persons responsible for affixing thumb and finger impressions on documents which bear receipt or Court-fee stamps, should be careful to take such impressions on the actual document itself, in a place where the paper is clean and free from writing or other marks, and not on the stamp.

PART B: PHILLAUR FINGER PRINT BUREAU

1. Examination Year.—The following are the fees for the examination of finger impressions by Experts of the Finger Print Bureau, Phillaur:--

Rs. 16/- for every reference and a further fee of Rs. 4/- for each finger impression sent for examination when the total number so sent exceeds five (*Punjab Government Letter No. 9076-Police, dated the 25th March, 1924*).

These fees shall be credited to Government in the local treasury under the head "XXIII-Police-Fees, Fines and Forfeitures". The treasury receipt shall be sent with the exhibits to the Bureau and the fact mentioned in the letter forwarding the exhibits for expert opinion.

2. Fees payable to the Police Finger Print Proficients.—As the work of taking thumb-impressions in civil cases for transmission to Phillaur is not one of the regular duties of a Police Officer, the Governor has been pleased to decide that Police Finger Print Proficients, who are required to take such impressions, shall be paid a fee of Re. 1/- for each set of impressions taken and that such fee shall be paid by litigants themselves in addition to the other charges. (*Punjab Government letter No. 2830-H-Judl., dated the 27th January, 1927*).

Note: The fee of one rupee prescribed in this paragraph is for a complete set of plain and rolled prints of both hands of a person.

3. Instructions re evidence of a Phillaur expert.—The following instructions have been framed for the guidance of Civil Court when the evidence of Bureau Expert is required:---

Instructions

(i) **Evidence to be taken on commission through Sub-Judge, Phillaur.**—When the evidence of a Bureau Expert is required in a civil case the Sub-Judge of Phillaur shall be appointed to be the Commissioner to record it.

(ii) **Documents may be sent, in the first instance direct to the experts for examination and opinion.**—Courts shall continue to send exhibits in civil cases direct in the first instance to the Bureau for examination and opinion by experts.

(iii) **Sub-Judge, Phillaur, to set apart a day each week for examination of Phillaur experts.**—If a party to a suit desire such opinion to be received in evidence, an expert of the Bureau staff shall be summoned to the Court of the Sub-Judge at Phillaur and examined on Commission on a day to be set apart each week for the hearing of evidence in such cases.

(iv) **Bureau shall decide the name of the expert deputed to be examined.**—It shall be left to the Bureau to enter on the summons the name of the expert deputed to be examined.

(v) **Commissioners' fees.**—The fee to be paid for the Commissioner's work shall vary with the value of the civil suit in connection with which the Commission is issued subject to a maximum of Rs. 20/-; for suits of small value a small fee shall be charged, but the maximum fee shall be charged in suits of large value; the amount of the fee shall in each case be fixed by the Court issuing the Commission, and it shall all be credited to Government in the local treasury under the head "XXI-Administration of Justice-General Fees, Fines and Forfeitures-Other General Fees, Fines and Forfeitures".

(vi) **Fees for the evidence of experts.**—As regards the fee to be paid for the experts' scrutiny of finger impressions and or their examination in Court, the present fee for the scrutiny (plus written opinion) shall stand and an additional fee, to be fixed by the Court issuing the Commission, subject to a maximum of Rs. 16/-, shall be levied for the attendance of the expert in Court, one-third of which shall be paid to the expert (being remitted by the Court issuing the Commission direct to the Sub-Judge at Phillaur who will make it over to the expert), and two-thirds credited by the Court into the local treasury under the head "XXIII-Police-Fees, Fines and Forfeitures", the treasury receipt being forwarded with the Commission to the Sub-Judge at Phillaur who will send it to the Bureau when summoning the expert.

(vii) **Summoning of experts in criminal cases.**—Experts may continue to be summoned to give evidence in Courts in criminal cases, and no fee shall be leviable in criminal cases prosecuted by Government.

(viii) **Instructions re dispatch of documents to Phillaur.**—In order to ensure the protection of documents accompanying interrogatories sent by Civil Courts to the Sub-Judge, Phillaur, care must be taken to see that they are sent in stout envelopes or strong paper or cloth wrapping. They should be sent by registered post; acknowledgement due, at Government expenses, both to and from Phillaur. For the return of the documents to the Courts concerned, the Sub-Judge, Phillaur, will use cloth-lined envelopes of appropriate size to be obtained an indent for universal forms from the Superintendent, Government Printing, Punjab.

PART C – RULES REGULATING APPLICATIONS FOR AND PAYMENT OF THE SERVICES OF THE GOVERNMENT EXAMINER OF QUESTIONED DOCUMENTS

The rules circulated to all Provincial letter No. F.128-9-31-Police, dated the 17th May, 1934, are reproduced below for the information and guidance of all Courts:--

RULES

1. Applications to be sent to the Government Examiner of Questioned Documents.—Application should be sent direct to the Government Examiner of Questioned Documents, Intelligence Bureau, Home Department, New Delhi or Simla, as the case may be, according to the location of the headquarters of the Government of India at the time. (The Simla season ordinarily begins about the middle of April and ends about the middle of October).

2. Applications from private individuals.—Applications received direct from private individuals will not be entertained.

3. Acceptable applications.—Acceptable applications fall into two classes:--

(A) **Official applications.**—Official applications from Provincial Governments or officers subordinate to them, including the Presiding Officers of Criminal Courts, and from High Courts.

(B) Other application. The include:--

(i) **Cases from private parties in civil suits.**—Cases from private parties in civil suits in British Indian Courts.

These will be accepted only on application from the Court in which the case is

being heard. The party concerned must move the Court and it will rest with the Court to take the further steps necessary to obtain the services of the Government Examiner of Questioned Documents.

Explanation.—References made by a Court *suo motu* in civil cases to which the grown is not a party will be deemed to be cases from private parties for the purposes of these rules.

- (ii) **Cases from municipal corporations and other local bodies, universities and railway authority.**—Cases from municipal corporations, district boards, municipalities and other local bodies and from universities and railway administrations, in British India.

Applications from recognized universities will be received direct. Applications from railway administrations should be submitted through the Agent of the railway concerned. Applications from municipal corporations will be received direct, but from other local bodies will be accepted only if received through the local District Magistrate who should satisfy himself, before forwarding the applications, that it is desirable that the Government Examiner of Questioned Documents should be consulted.

- (iii) **Cases from Indian States.**—These cases will be accepted only if forwarded by the Durbar or Government concerned through the local Political Officer.

4. Discretion of the Government Examiner to accept or refuse applications falling R. 3-B above.—Applications falling under class B will ordinarily be accepted but may be refused at the discretion of the Government Examiner of Questioned Documents if they cannot be undertaken without detriment to his other work.

5. Scale of fees.—An inclusive fee will be charged in each case in which an opinion is given and will normally cover the opinion, the cost of photographs and the giving of evidence, limited in class B cases to one day. The inclusive fee for class A cases (see rule 3) will be Rs. 185/- and for class B cases Rs. 200/-. (This fee does not cover travelling allowance which is governed by rule 15 below)

6. Payment of fees in advance.—Subject to the exception stated at the end of this rule, the fee is payable in advance in all cases and each application should be accompanied by a certificate in the following form:--

“Certified that the sum of rupees one hundred and eighty-five (Rs. 185) / Two hundred (Rs.200/-) has been deposited in the _____ Treasury on _____ 194____, on account of the Government Examiner of questioned Documents’ fee in (Here fill in the details of the case) _____; and that this amount has been shown under head XLVI-Miscellaneous-Central-Other Fees, Fines and Forfeiture-Fees for the services of the Government Examiner of Questioned Documents, in the Cash Account and appears at item No. _____ in the relevant Receipt schedule.

Signature of Treasury Officer

Countersigned

(Signature of officer submitting the case)

In special circumstances, which should be stated in the application, class A cases will be accepted without this certificate, but the certificate should be forwarded as soon as possible.

7. Additional cost of photographs.—In case where the cost of photographs is exceptionally heavy the fee will, with the concurrence of the Director, Intelligence Bureau,

Home Department, be Rs. 150/- *plus* the actual cost of the photographs.

In class B cases the authority submitting the case will be informed of the extra cost involved before it is incurred and will be required to certify that it has been deposited before the Government Examiner of Questioned Documents proceeds with the case.

8. Fees for opinion only.—In cases in which an opinion is given but no photographs are taken, the fee will be Rs. 150/- only.

9. Fees for photographs only.—In cases in which no opinion is given but photographs are taken, only the actual cost of the photographs will be charged.

10. No reduction of fee if evidence is not required.—No reduction in the fee will be allowed if evidence is not required.

11. Additional fee of Rs. 150/- for each day after the first on which the examiner is detained.—In class B cases an additional fee of Rs. 150/- will be charged for each day after the first day on which evidence is given, whether in Court or on commission or on which the officer is detained. The Presiding Officer or the commissioner will be requested to certify before the second and each subsequent day's work is begun, that the fee for that day and also for any intervening day or days of detention has been deposited, and subsequently to furnish a certificate as in rule 6 above.

12. Evidence of the Government Examiner in class B cases.—In cases falling under class B the Government Examiner or his Assistant will be prepared to attend Courts, provided that he can do so without detriment to his other work. When evidence is taken on commission, the commission should be issued to the Senior Sub-Judge, Delhi or Simla, as the case may be, and normally should be so worded that either the Government Examiner or his Assistant can give evidence.

13. Instructions to Courts not to detain the Government Examiner unnecessarily and to fix dates offered by the Examiner as far as possible.—Presiding Officers of Courts are requested to detain the Government Examiner of Questioned Documents for his Assistant for the least possible time compatible with the requirements of the case. They are also requested to accept, so far as possible, the time and dates for attendance offered by these officers, because the latter frequently have to attend several Courts in the course of one tour.

14. Right of the Central Government to levy extra charges in certain cases.—The Central Government in the Home Department reserve the right to impose an extra charge in any case in which they consider that the usual fee is incommensurate with the time and labour spent on the case.

15. Travelling allowances of Government Examiner.—When the Government Examiner of Questioned Documents or his Assistant is required to travel in order to give evidence or for any other purpose, the authority or party employing his services will be required to pay travelling allowance at the rates laid down for first-grade officers in the Supplementary Rules of the Government of India for journeys on tour. Travelling allowance will also be payable for the peon accompanying the officer at the rates fixed for Central Government peons. These payments will be adjusted as directed in the Home Department letter No. F.-128/VII/27-Police, dated the 12th January, 1928 (see Appendix at the end of these rules).

In class B cases the Presiding Officer of the Court concerned will be required to certify that the cost of travelling allowance has been deposited before the Government Examiner of Questioned Documents or his Assistant undertakes the journey.

APPENDIX

(SEE RULE 15)

Procedure for the payment and audit of travelling allowance drawn by the Government Examiner of Questioned Documents or his Assistant during tour, —vide Home Department letter No. F-128/VII/27-Police, dated the 12th January, 1928.

1. (1) The Examiner or his Assistant should submit his travelling allowance bills to the Accountant-General, Central Revenues, for audit and payment.

(2) As soon as a journey is complete, this is, in respect of any complete journey from headquarters to headquarters, the Examiner or his Assistant should send a statement to the Accountant-General, Central Revenues, showing the total amount of travelling allowance claimed to draw and the distribution of the entire amount among the various Courts for recovery.

(3) In cases where several Courts are attended, the cost should be distributed between them in proportion to the distance by rail from headquarters.

(4) As the travelling allowance is debitable to the various local Government or the parties concerned, the recoveries should be treated as follows:---

- (i) recoveries from the various local Governments should be taken in reduction of expenditure, provided they are effected within the accounts of the same year; if not, they should be shown as receipt; and
- (ii) recoveries from parties such as local boards, local bodies and private persons should be taken as receipts.

2. The principles laid down above apply to the payment and audit of the travelling allowance of the peon accompanying the Examiner or his Assistant.

3. If after the Examiner or his Assistant has actually commenced a tour, intimation is received from a Court included in the tour to the effect that his evidence would not be required on the date originally fixed the Court shall pay the difference between the total expenditure actually incurred on the tour and the expenditure that would have been incurred if attendance in that Court had not been included in the tour. This shall be specially made clear when the bill is sent to the Court for acceptance.

4. The Examiner and his Assistant shall observe the provisions of Supplementary Rule 30 when they frame their programme for tour.

PART D – EXPERT OPINION IN FORGERIES RELATING TO STAMP AND CURRENCY AND BANK NOTES

1. The Central Government has suggested that in any cases of doubt in which the opinion of an expert may be required on the question whether stamps are genuine or forged, reference should be made to the Master, Security Printing, India, Nasik Road, for his or his nominee's report.

Fees chargeable by the Master, Security Printing.—The following fees will be charged by the Master, Security Printing, for the examination of stamps and for giving evidence on commission:--

- (1) For each stamp examined, Rs. 10/-, but where the stamps to be examined consist of a block or blocks from the same sheet this fee will be charged for the examination of each block, as any one of the stamps is representative of the whole block.
- (2) For stamps examined on commission, Rs. 20/- per document, irrespective of the number of stamps requiring examination on each document; provided that where more than one document relating to the same case is to be examined on the same day, the charge will be Rs. 20/- for the first and Rs. 10/- for each subsequent document.

These fees will be credited to “VII–Stamps–Central–Security Printing Press–Miscellaneous”.

(Government of India, Finance Department, letter No. R.-Dis. No. 44-Stamps/35, dated the 26th April, 1935, to all Provincial Government, etc.)

2. Expert opinion about genuineness of currency and Bank Notes. Fees of the Expert.—The Government of India have approved of the following scale of charges to be made by the Master, Security Printing, India, Nasik Road, for the examination of currency and bank notes and for giving evidence on commission:--

- (1) For each note examination, Rs. 10/- per note.
- (2) For notes examined on Commission in connection with forgery cases, Rs. 20/-per case.

These fees will be credited to “XXVII-Currency-Miscellaneous”.

(Government of India, Finance Department letter No. D-5227-F, dated the 1st August, 1936, to all Provincial Governments, etc.)

3. Fees of expert when opinion is required by the Police or the Reserve Bank.—The Central Government have decided that no charge should ordinarily be made by the Master, Security Printing, India, for giving expert assistance to the Police or to the Reserve Bank in connection with any criminal prosecution. In any case, however, where the Master, Security Printing, India, considers that his free services are being abused, he will bring the matter to the notice of Central Government. He will, of course, be entitled to charge for assistance given to private parties or in civil suits in which Government is not one of the parties.

(Government of India, Finance Department, letter No. D/1880-F, dated the 12th March, 1937, to all Provincial Government, etc.).

CHAPTER 10

FORFEITED AND UNCLAIMED PROPERTY AND MALKHANAS

PART A — ITEMS OF ACCOUNT CONNECTED WITH LAW AND JUSTICE, SALES AND UNCLAIMED PROPERTY, JUDICIAL FORFEITURES, &C.

(i) **General.**—The annexed rules, framed at the instance and with approval of the Provincial Government, aim at the prevention of fraud so far as items of account connected with law and justice are concerned.

(ii) **Subjects dealt with.**—They deal with:--

- (1) Sale-proceeds of unclaimed and escheated property; and
- (2) Judicial forfeitures, including:--
 - (a) the proceeds of property of absconding offenders and witnesses, sold under the provisions of Section 88 of the Code of Criminal Procedure;
 - (b) forfeitures of earnest-money deposited at sales of immovable property in execution of decrees; and
 - (c) sums realized under forfeited security and bail-bonds.

(iii) **Officer-in-charge.**—Heads of office will take particular note of the instructions contained in rules 1-4 inclusive, and will not fail to appoint an officer of the headquarters staff to supervise the Nazirs' Store-room and Miscellaneous Register K as required by rule 4.

(iv) **Directions as to preparation of returns.**—The principles underlying rules 6 and 7 for the preparation of the return thereby required, are those which regulate the Monthly Fine Statements. As subordinate Judges are under the operation of rule 6 required to furnish a return of the forfeiture of earnest money deposited at sales of immovable property in execution of decrees, District Judges should take steps to instruct Subordinate Judges in the rules, regulating the preparation and submission of fine statements, and direct strict compliance therewith, *mutatis mutandis*, for the preparation and submission of the statement prescribed in rule 6. It will not escape notice that the statements required by Rules 6 and 7 must be separate and distinct from each other, and from the statement of fines. The caution to Record-keepers at the end of rule 6 should be brought prominently to the notice of those officials.

(v) **Statements to be submitted monthly.**—The statements should be submitted monthly to the Accountant-General, as soon as possible after the close of the month to which they refer.

(vi) **Items of uncertain revenue, stamps etc., require special attention.**—The attention of Deputy Commissioners is specially invited to the following remarks, regarding items of uncertain revenue, recorded by the Accountant-General:--

“All items of uncertain revenue for which there is no fixed demand, or for which there are no vouchers, as in the case of stamps, are liable to be misappropriated in the first instance by the establishment which collects them, the statements of receipts being falsified in its preparation and made to agree with the sum actually paid into the Treasury. The system of check now proposed will reveal no fraud designed and perpetrated at this stage; and with the knowledge before them, that independent statements of realizations by the collecting officers, and of Treasury credits, exist for comparison, the perpetrators of such frauds would be careful to see that the statement of receipts corresponds with the sums actually paid in by them.”

(vii) **Portions of bail and security bonds forfeited.**—Demands on account of amounts forfeited on bail and security-bonds should be entered in Criminal Register No. XIV, and

realization of such demands in Fine Register No. XV.

(viii) **Nazir's strong box not to contain property exceeding Rs.1,000/- Nazir's store room and Police guard.**—Every Nazir shall be provided with a strong box and store room for the custody of all property made over to him, including bullion or jewels of less value than one thousand rupees. The bullion or jewels shall be kept in the strong box which shall be deposited in the Treasury under single lock, while the other property shall be kept in the store room which shall be guarded by the police with Government property. It shall be the duty of the officer-in-charge of the store room to see that the value of valuable property such as bullion or jewels lying with the Nazir at any time does not exceed Rs. 1,000/-. If at any time this limit is exceeded, the property shall be sent to the Treasury Officer for safe custody.

(ix) **Disposal of property attached and subsequently found to be unclaimed.**—If there is any property which has been attached by a Court in execution of a decree and is subsequently found to be unclaimed and incapable of being returned, it should be disposed of under Sections 25 to 27 of the Police Act.

RULES

1. Entry of property made over to Nazir in Register K and its safe custody.—All property made over to the Nazir under the rules contained in Chapter 11-E of Volume III of the Rules and Orders, or otherwise under the orders of a Judicial Officer acting as such, shall, after each article has been entered in Miscellaneous Register K; be kept in such place as may be appointed by the head of the office concerned in consultation with the Police authorities.

2. Articles forfeited and made over to the Nazir to be entered in one register, etc., and directions are the entries to be made in this register.—One register in 2 volumes shall be maintained in each office for both the Civil and Criminal Departments, the first volume for articles which have been forfeited and the second for articles which have been made over to the Nazir pending the decision of a case. If it is subsequently decided that an article entered in the 2nd volume should be forfeited, it should be entered in the 1st volume, Columns 1 to 5 of this register shall be filled up on receipt of the property. When the property is received from the Police the number given to the deposit in column 1 shall be entered by the Nazir in the Police register in which he acknowledges the receipt of the property. When the property is received otherwise than through the Police, the number given to the deposit in column 1 shall be noted by the Nazir on the record of the proceedings ordering the property to be made over to him. To ensure due compliance with these instructions, the police Registers should occasionally be compared with the Nazir's registers and Record-keepers should be instructed not to receive into their record-rooms any record in which property appears to have been made over to the Nazir, otherwise than through the Police, unless the acknowledgement of the Nazir and the number given to the deposit in his register have been duly entered on the record.

3. Directions with regard to the above-mentioned register.—Columns 6 to 8 of the register will be filled up when the property is disposed of. If the property is disposed of by delivery to a private person, the delivery shall always take place in the presence of the officer ordering the delivery and be attested by his initials in column 6. In cases in which the sale-proceeds of property or the property itself, where it consists of cash, are paid into the Treasury, the date of payment and number of the Treasury receipts shall be entered in column 8, in addition to the Treasurer's signature; and when items pertaining to several cases are acknowledged in one receipt, the register numbers of the different cases and the amount paid in each shall be endorsed on the Treasury receipt.

4. Monthly statements by Nazir and its verification by the officer-in-charge. Six-monthly inspection of store room and monthly inspection of Register K.—The Nazir's store room and Miscellaneous Register K shall always be placed under the special supervision of an officer of the headquarters staff, who shall examine and countersign the register at least once a

month, and inspect the contents of the store room at least once in 6 months. The District Nazir shall be responsible under the officer-in-charge for the disposal of such property and he will prepare the monthly statement of sale-proceeds of unclaimed and escheated property created into the Treasury for submission to the Accountant-General. The office copy of the statement will be used for the purposes of checking the Treasury credits and a reference to the number of the entry in Miscellaneous Register K should therefore be made in the last column of the office copy. The officer-in-charge should, when signing the monthly statement after verification by the Treasury, compare the entries in the office copy with those in the Miscellaneous Register K and initial in column 6 of the Register all entries of sale of unclaimed property brought to account in the monthly statement and also all orders of competent authority to destroy such property. Papers relating to orders authorizing destruction or those relating to sale fetching less than Re. 1/- should be kept by the Nazir in quarterly files till the accounts have been audited, when those with regard to which no objection has been raised may be destroyed and the others kept pending till the next audit. The rest should be arranged in monthly files and sent to the Record-room.

Note:--The officer-in-charge at the time of the six-monthly inspection, required by this rule, should report to the District Magistrate the total value of the property lying with the Nazir and the District Magistrate should satisfy himself that proper steps have been taken to return the articles of private property to their owners and to dispose of unclaimed property by auction.

5. Judicial forfeitures — Duty of Courts to send monthly statements and verify Nazir's District statement.—The papers relating to the disposal of property forfeited in judicial cases are included in the proceedings in which the order of forfeiture is given. Each Court shall send to the Nazir a monthly statement of such realizations. From these statements the Nazir will compile the District statement, but the comparison of entries in the office copy with those in Miscellaneous Register K and the initialing of entries in column 6 of Miscellaneous Register K shall be the duty of the Court dealing with the proceedings for forfeiture.

6. Forfeiture of earnest money auction sales in execution. Duty of Court to submit statement. Duty of record-keeper on receipt of execution record.—In the event of an order of forfeiture of the earnest money mentioned in Order XXI, Rule 84, Civil Procedure Code, becoming necessary under the operation of Order XXI, Rule 85, the Presiding Officer of the Court ordering the sale and subsequently forfeiture shall prepare, for submission to the Accountant-General, according to the present procedure for the preparation and submission of the monthly statement of realization of fine by each Court, at the beginning of the monthly next following that in which the forfeiture occurred, a statement of the sum credited to Government under the provisions of Order XXI, Rule 86; and such Presiding Officer will be responsible that the legitimate "expenses of the sale" only have been deducted from amount deposited. The Treasury receipt for the amount actually credited to Government shall remain in the record of proceedings, and Record-keepers shall not receive into the record office any record which is not accompanied by such receipt.

7. Statement of sums realized under forfeited security and bail bonds.—Sums realized under forfeited security and bail bonds shall be entered in the Register of Fine Realizations (Criminal Register No. XV) maintained by the District Fine Moharrir for all Courts in the District. Each Court shall, at the beginning of every month, prepare, for submission to the Accountant-General, according to the present procedure for the preparation and submission of the monthly statement of realizations of fines by each Court, a list of all sums so realized by it during the month preceding.

Note:--The statement mentioned in rule 6 and the list in rule 7 will be separate from each other and from the monthly statement of fines realized, sent to the Accountant-General in accordance with paragraph 29(1) Chapter II of the Volume.

PART B – CUSTODY AND DISPOSAL OF THE PROPERTY ATTACHED UNDER THE

CRIMINAL PROCEDURE

In order that all property which is at the disposal of the Government under Section 88 or attached under Section 386 or 332 or any other section of the Criminal Procedure Code may be brought to account and the responsibility of the Government may be properly discharged, the following rules have been made under Section 224, Government of India Act, 1935 by the High Court with the approval of the Provincial Government:---

1. Arrangements for the safe custody, preservation and proper management of the property attached.—Whenever property is attached under the orders of a Criminal Court, the Court shall make suitable arrangement for its safe custody, preservation and property management.

2. Registers to be maintained.—The Court shall maintain the following registers in which all property attached shall be entered:---

- (i) Miscellaneous Register K/L.
- (ii) Index Register.

The forms of these registers are appended to these rules.

In the Index Register the names of the persons whose property is attached should be entered in chronological order and an alphabetical index giving reference to the pages of the register should be maintained in the beginning.

3. Time for the disposal of the attached property by sale.—The attached property of a proclaimed offender other than that ordered by the Court immediately to be sold under the provisions of Section 88(5), Criminal Procedure Code, shall not be sold until the expiration of six months from the date of attachment and until all claims preferred or objections made under Section 88 have been disposed of.

4. Time for the disposal of the attached property by sale.—If the proclaimed offender does not appear before the Court within six months from the date of attachment and after all the objections, if any, made under Section 88 have been disposed of the Court shall take steps to sell the property unless for sufficient reasons it deems fit to postpone the sale.

5. Directions as to be delivery of property released.—Whenever the Court directs the release of the property attached in favour of any person, in whole or in part, it shall be delivered to him or his authorized agent in the presence of the Court or by an officer of the Court in the presence of respectable witnesses.

6. Deposit of sale proceeds or income of property in Treasury.—The price realized from sale of the property attached or its income shall be forthwith deposited in Government Treasury under the head “XXI — Administration of Justice.”

7. Refund of proceeds or income.—Whenever the price or income of the property is ordered to be delivered to a person, it shall be paid to him by means of a refund voucher.

INDEX REGISTER

Date of Attachment	Name and Address of the person whose property has been attached	Particulars of the case	Reference of Miscellaneous Register K/1	Date of release	REMARKS

**MISCELLANEOUS REGISTER K/1 OF THE MOVABLE AND IMMOVABLE
PROPERTY**

Serial Number	No. in Index Register	Name and address of the person whose property has been attached	Particulars of the case and date of attachment	Details of property attached and marks of identification	Estimated value and income	Arrangement for custody and management	How disposed of and when	Amount realized	Signature of person to whom property is delivered	REMARKS
1	2	3	4	5	6	7	8	9	10	11

Note:-- In column 8, if released, give reference to date of order. If sold, mention the agency through which it has been disposed of State also for what price sold and whether by public auction or private.

2. In column 9 give the number of the Treasury receipt.
3. In column II mention the various orders passed by the Court.

PART C – ARMS AND AMMUNITION

The following rules have been framed by the Punjab Government for the guidance of officers dealing with arms, ammunition and military stores deposited in district *malkhanas*:---

RULES

1. Nazarat Officer – Separate room in Malkhana under double lock to be provided for custody of arms, etc.—A separate room in every district *malkhana* shall, if possible, be set apart for the deposit of arms, ammunition and military stores. Where such a separate room is used, it shall be kept under double lock, one key being retained by the officer of the headquarters staff responsible for the supervision of the *malkhana*, who is referred to in these rules as the “Nazarat Officer”, and the other by the “District Nazir”.

2. Responsibility of the Nazarat Officer.—The Nazarat Officer shall be generally responsible for the supervision and disposal of arms, ammunition and military stores deposited in the *malkhana*. He shall compare the arms, ammunition and military stores in stock in the

malkhana with the register prescribed by rule 4 once a month; and shall submit a report of this inspection to the District Magistrate by the 10th of each month.

3. Responsibility of the District Nazir.—Subject to the control of the Nazarat Officer, the District Nazir, and not any of his assistants, shall be held personally responsible for the proper receipt, safe custody and disposal of all arms, ammunition and military stores.

4. Return of arms, etc., deposited in *Malkhana*.—Particulars of all arms, ammunition or military stores received in the *malkhana* shall at once be entered in register to be kept for this purpose, in addition to Miscellaneous Register K, in form I appended to these rules. On the receipt of any arms, ammunition or military stores, columns 1 to 13 shall forthwith be filled up, and the register shall then be submitted to the Nazarat Officer who, after satisfying himself as to the accuracy of the entries, shall place his initials in column 14.

5. Return of arms, etc., deposited in the *Malkhana*.—Arms, ammunition and military stores which have been deposited in the *Malkhana*, and have not been forfeited to Government, shall be returned to the persons entitled to possess them in cases in which the deposit was made by a Court, under the orders in writing of the Court, and in other cases under the orders in writing of the Nazarat Officer. The return of all arms, ammunition and military stores under this rule shall take place in the presence of a Gazetted Officer, who shall be responsible for seeing that the relevant columns of the register are filled up.

6. Sales of arms, etc., forfeited and not ordered to be destroyed.—All arms, ammunition and military stores which have been deposited in the *malkhana*, and have been forfeited to Government, and have not been ordered by a Court to be destroyed, may be sold under the orders in writing of the District Magistrate to persons entitled to possess them. A specific and distinct order must be passed with respect to the sale of each weapon or of each lot of ammunition or military stores proposed to be sold, and the sale price must be fixed by the District Magistrate unless the sale is to be by auction. In passing orders for the sale of arms, ammunition and military stores, the District Magistrate should remember that arms, ammunition and stores which can be utilized by the police or by any department under Government may be retained and brought into use with the sanction of the Provincial Government, and should refer for orders any case in which it appears that it would be to the advantage of Government that the arms, ammunition or stores should be retained.

7. Magistrate dealing with administration of the Indian Arms Act to be informed of the sale.—The officer of the headquarters staff who, under the orders of the District Magistrate, deals in the first instance with questions relating to the administration of the Indian Arms Act, 1878, and of the rules thereunder, shall be informed of the sale of all arms, ammunition and military stores, and shall be furnished with a full description of the articles and sold and with information as to the address of the purchaser.

8. Procedure for destruction of arms, ammunition and military stores.—All arms, ammunition and military stores which have been ordered by a Court to be destroyed, or for the destruction of which the District Magistrate, after considering the possibility of their disposal under rule 5 has passed express orders, shall be dealt with as follows:--

- (a) All rifled fire-arms and fire-barrels, pistols and revolvers shall be sent to the nearest Ordnance Officer, under proper precautions, to be broken up. The Nazarat Officer shall advise the Ordnance Officer concerned of the despatch of such arms, and shall personally supervise their dispatch. He shall also inform the District Magistrate as soon as he has actually dispatched them, and shall in the course, submit the receipt of the Ordnance Officer to the District Magistrate, for his information.
- (b) All arms, other than those referred to in clause (a) of this rule, ammunition and military stores shall be broken up or destroyed locally in the presence of the Nazarat Officer and the materials (if any) remaining shall be sold.

When the procedure prescribed by this rule has been completed, the relevant columns of the register shall be filled up. It is of great importance that the number of articles awaiting disposal under this rule should not be allowed to become excessive. Articles, the destruction of which has been ordered, should be kept as far as possible separate from the remainder of the arms, ammunition and military stores in the *malkhana*, and should be dispatched to the Arsenal or destroyed locally, as the case may be, at least once a month. A simple register of such articles should be kept in form II appended to these rules.

9. Register No. I to be opened a new every year. Its checking by the Nazarat Officer and the District Magistrate.—The register mentioned in rule 4 shall be an annual register. At the beginning of each year a new register shall be opened on to which all arms, ammunition and military stores lying in the *malkhana* shall be brought before the 10th of January. The Nazarat Officer shall be personally responsible for seeing that all arms, ammunition and military stores not shown as disposed of in the previous year's register are in the *malkhana*, and he shall at once report if there is any deficiency. The District Magistrate shall, during the month of January, check the entries in the register with the arms in the *malkhana*, and, in order to satisfy himself that the register has been properly prepared, he shall examine a sufficient number of entries in the previous year's register. He shall specially arrange for the disposal of arms liable to sale or destruction if their number is excessive.

**FORM I
(SEE RULE 4)**

REGISTER SHOWING ARMS, AMMUNITION AND MILITARY STORES INT EH MALKHANA AT

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Serial No.	Date of receipt	Class of weapon	No. of weapon	Class and number of ammunition or nature and quantity of military	From whom received	Under whose orders received	Name and address of owner (where known)	Destruction	Deposit	Date on which liable to forfeiture	Date on which liable to destruction	Initials of Receiving Officer	Initials of Nazarat Officer	Despatch to Arsenal	District Magistrate's sanction to sale and actual sale	Destruction	Restoration to owner	Signature of dispatcher	Signature of receiver, or date of receipt at Arsenal	Initial of nazarat or Gazetted Officer in whose presence arms were returned to owner	Sale price with No. of challan and date of deposit in Treasury	REMARKS.

FORM II
(SEE RULE 8)

**REGISTER OF ARMS, AMMUNITION AND MILITARY STORES,
THE DESTRUCTION OF WHICH HAS BEEN ORDERED**

1	2	3	4	5	6
Serial No.	Reference to the serial number in the register in Form I	Description of articles	Date of dispatch to Arsenal	Date of destruction	Initials of Nazarat Officer

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PART D – CIVIL COURTS’ MALKHANAS

1. **Custody and supervision of *Malkhana*.**—There shall be one common store room at the District Headquarters for all the Civil Courts of a district under the control of the Civil Nazir to be known as the Civil Nazir’s *malkhana*. The *malkhana* shall be placed under the direct supervision of the Senior Subordinate Judge (or the Administrative Sub-Judge in the districts where one has been appointed) or any other officer whom the High Court may, by general or special directions appoint. This officer shall be known as the officer-in-charge for the purpose of these rules.

2. **Custody of property with the Civil Nazir.**—Every Civil Nazir shall be provided with a strong box for the custody of all light property such as jewels, bullion, etc., upto the value of one thousand rupees. This strong box may be placed in the outer room of the Treasury, if it is open, as provided in chapter 3 of the Punjab Financial Rules and it is closed, the officer-in-charge should arrange for its safe custody in the Civil Nazir’s *malkhana*, subject to the provision of rule 89. The Civil Nazir shall be primarily responsible for the safe custody of the *malkhana*, the strong box, and the keys thereof subject to the general superintendence of the officer-in-charge. It shall be the duty of the officer-in-charge to see that the aggregate value of property such as jewels, bullion, etc., in custody of the Civil Nazir, does not at any time exceed Rs. 1,000/-.

3. **Custody of property with the Treasury Officer.**—Where the property consists of bullion, coin, currency notes, valuable securities or jewels, and its value exceeds one thousand rupees, it should, instead of being kept in the custody of the Civil Nazir, be made over to the Treasury Officer for safe custody in the Treasury; coin or currency notes (other than counterfeit coin and notes) will be treated as regular deposits under the rules in Chapter XII of the Punjab Financial Rules; bullion at its estimated value, securities, irrespective of their face value, and jewels will be deposited for safe custody, and an entry made by the Treasury Officer in the special register kept in form P.F.R. 2 which should be countersigned every month by the District Magistrate, or of the Additional District Magistrate. The orders of the Deputy Commissioner must be obtained before placing bullion or jewellery, etc., for safe custody in the Treasury.

4. **Miscellaneous Register K.**—Columns 1 to 5 of the Miscellaneous Register K shall be filled up by the Civil Nazir on receipt of the property. The number given to the deposit in column No. 1 shall be noted by the Nazir on the record of the proceedings ordering the property to be made over to him.

5. **Record-keepers’ responsibility.**—Record-keepers should be instructed not to receive into their record rooms any record in which property appears to have been made over to the Civil Nazir, unless the acknowledgement of the Civil Nazir and the number given to the deposit in his register have been duly entered on the record.

6. **Disposal of the property.**—Columns 6 to 8 of the register will be filled up after the disposal of the property. If the property is delivered to a private person, the delivery shall take place in the presence of the Court ordering the delivery or of the officer-in-charge of the *malkhana* as may be convenient and shall be attested in column 6 by the initials of the officer responsible for the delivery.

7. **Duties of the officer-in-charge, *Malkhana*.**—The officer-in-charge shall examine and countersign the register at least once a month and inspect the contents of *malkhana* at least once in six months. He shall at the time of the six-monthly inspection, report to the District Judge the total value of property lying with the Civil Nazir and the efforts made to dispose of

the property.

8. Guarding of Malkhanas.—The Civil Nazir's *malkhana* shall be guarded by a *Chaukidar* but if the value of the property is large and the property is not of such a nature that it can be conveniently deposited in the Treasury or kept in the Civil Nazir's strong box, the officer-in-charge may appoint temporary additional guard or guards.

9. Control and supervision of outlying store-rooms.—Where there is a storeroom attached to the Court of an outlying Civil Court, it shall be under the immediate control and supervision of the Naib-Nazir, who shall be responsible for the safe custody of the contents thereof and the keys, subject to the general superintendence of the officer-in-charge.

10. Custody of valuable securities, jewels, etc., in outlying Courts.—Valuable securities or jewels shall not be kept in outlying store-rooms. Where there is a sub-treasury near the Court, such valuable property shall be treated as subject to the provisions of Rule 3 and be kept in the local sub-treasury, or where there is no such sub-treasury it shall be transferred for safe custody at District headquarters according to the foregoing rules.

General

11. Custody of perishable property and live-stock.—Perishable property or livestock shall not be returned by the Civil Nazir or Naib-Nazir for custody in a *malkhana*, but made over to a *Sapurdar*.

**REGISTER OF BULLION, JEWELLERY AND OTHER VALUABLES CONNECTED WITH CASES REQUIRED TO BE TAKEN OUT
FREQUENTLY**

Date of receipt	Serial No.	From whom received	Description of the case concerned	Description of articles	Initials of treasury Officer on receipt	Signature of recipient with dated initials of the Treasury Officer	Initials of treasury Officer on return	Signature of recipient with dated initials of Treasury Officer	Initials of treasury Officer on return	Signature of recipient with dated initials of Treasury Officer	Initials of Treasury Officer on return	Signature of recipient with dated initials of Treasury Officer	Initials of Treasury Officer on return	Signature of recipient with dated initials of Treasury Officer	Initials of treasury Officer on return	Signature of recipient with dated initials of Treasury Officer.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

CHAPTER 11

REALIZATION OF FINES

1. **Discretion to be used in making further efforts to realize fine if sufficient efforts may have failed.**—Although Section 70 of the Indian Penal Code gives the power to levy a fine at any time within six years or during the term of imprisonment of the offender, if this be more than six years, neither that section nor Section 386 of the Code of Criminal Procedure requires that the power should be exercised in every case. The law is permissive and not imperative. When sufficient efforts have been made to realize a fine by distress and sale, but without any success, the Court should exercise its discretion, according to the circumstances of each particular case, as to whether any further steps should be taken towards the realization of the fine within the period allowed by law. If there is reason to believe that the offender is able to pay, but will not do so preferring to undergo imprisonment, the law should be strictly enforced; but if it appears that the fine was not paid for want of means or that its full realization would be ruinous to the offender or his family, it is not desirable that further steps should be taken.

2. **Warrant for recovery of fine to be issued only for special reasons if accused has undergone imprisonment in lieu of fine.**—Under Section 386, as amended in 1923, the offender movable as well as immovable property is now liable to be sold for realization of the fine. But sale of immovable property must be made through the Collector of the District. When an offender has undergone the sentence of imprisonment awarded in default of payment of the fine, no Court can issue a warrant for realization of the fine unless for special reasons to be recorded in writing, it considers it fit to do so.

3. **Fine Register. Its scope and inspection.**—Every Court, whether Criminal or Civil, will keep up in the vernacular a separate Fine Register (No. XIV Criminal), and it will be the duty of the Reader of each Court to see that all fines imposed by the Judge or Magistrate are entered the same day in this register. Compensation awarded under Section 545 of the Code of Criminal Procedure will be treated as a fine imposed in a case instituted on complaint by the original defendant. Fines imposed under Section 480 of the Code of Criminal Procedure, or under Order XVI, Rules 12, 17 of the Code of Civil Procedure, will also be entered in the register and dealt with according to the instructions laid down in these directions. The register should be inspected and signed in the case of Sessions Courts, by the Judge once a month, and, in other Courts, by the Presiding Officer once a week.

4. **General Register of fines. Its scope and inspection.**—In addition to the above register there will also be kept up in the same form, at the headquarters of each District, a General Register of Fines. This register will be under the special charge of the Fine Moharrir, whose duty it will be to see that the register is correctly maintained, that the necessary measures are taken from time to time to realize the fines, and that sums realized are duly disposed of. He should in each case look for his orders to the officer who, under these directions, is responsible for the due execution of the sentences of fine. Separate pages of this register and separate serial numbers should be assigned to the Court of each Magistrate and each Civil Court in the District, and also to the Sessions Court exercising jurisdiction therein. The Presiding Officer of each Court will send to the Fine Moharrir a copy of all entries made in his separate register on the day on which they are made. Fines imposed by the Sessions Court will be entered in accordance with the rules hereinafter provided.

This register should be inspected and signed by the Magistrate of the District, or the Assistant Commissioner or Extra-Assistant Commissioner specially charged with the supervision of the Fine Department, once a week at least.

5. **Payment of fine at the time of pronouncing sentence — procedure.**—(i) If a person, at the time of being sentenced to fine, whether or not in addition to other punishment, tenders payment, in whole or in part, to the Judge or Magistrate imposing the fine, such Judge

or Magistrate will receive the amount tendered and grant, under his hand, a receipt in the form prescribed for the same.

(ii) If the fine has been paid in full, the Court will cause an entry to that effect to be made on the file of the case and will sign such entry; and, if the Court is a Court of Session, will, in forwarding a copy of the sentence to the Magistrate of the District, under Section 373 of the Code of Criminal Procedure, notify the fact of payment with a view to the necessary entry being made in the District Register of Fines. If the fine has been paid only in part the Court will likewise cause such payment to be entered on the file of the case, and will then proceed as provided hereinafter.

(iii) Fines thus paid direct into Court at the time of sentence should be entered at once in the Court's Fine Register, the amount received being noted by the Presiding Officer with his own hand in column 12, and should be then dealt with in the manner provided in paragraph 19 of these directions.

6. Procedure for recovery of fine imposed by the Sessions Judge.—Under Section 386 of the Code of Criminal Procedure it is in the discretion of the Court passing a sentence of fine to issue a warrant for the levy of the amount by distress and sale of movable property belonging to the offender, although the sentence provides for his imprisonment in default. If the fine is imposed by a Court of Session, the Judge should, in the absence of any special direction to the contrary in the law under which the fine is imposed, direct the warrant to the Magistrate of the District. If the whole or a portion of the fine has been awarded in compensation or reward, this fact should be communicated, alongwith the warrant. The Magistrate of the District to whom the warrant is addressed will, on receipt, cause the particulars to be entered in the proper page of the General Fine Register, and the Fine Moharrir will then be responsible that the proper steps are taken for the realization of the fine.

7. Production for recovery of fine imposed by Magistrates.—If the fine is imposed by a Magistrate the warrant should, except when issued by a Tehsildar for execution in his own tehsil, or as hereinafter provided in paragraph 11, ordinarily be addressed to the Tehsildar within whose jurisdiction the offender resides. Warrants for the levy of fine, received by a District Magistrate under the preceding paragraph, should also be executed through the Tehsildars in the same manner as the warrants issued by Magistrates.

8. Warrants for recovery of fine not to be sent to Police.—The practice of issuing a written order to the police for the realization of the fine has been discontinued under the orders of the Provincial Government. In considering whether a warrant of distress should or should not be issued the Court will bear in mind the provisions of Section 386 of the Code of Criminal Procedure.

9. Recovery of fine in instalments and suspension of execution of sentence of imprisonment.—Section 388 of the Code (as recently amended) provides for the realization of fine in instalments and suspension of the execution of the sentence of imprisonment in default of payment of the fine, when an offender is sentenced to fine only.

10. Recovery of fine in cantonment.—Warrants issued for the levy of fines by distress and sale of movable property situate in Cantonments will not be executed by the Tehsildar, but through the Magistrate entrusted with the Judicial work of the Cantonment concerned.

11. Procedure for attachment, sale and objections as laid down in C.P.C.—Formalities will be observed in attachment, sale and adjudicating upon objections similar to those in force in the execution of Civil decrees, with this difference, that the process issues on the Criminal side.

12. Attachment of agricultural implements should be rarely resorted to.—Although agricultural implements are not exempt from distress and sale in realization of a fine, the

measure is one which should be resorted to with discretion; otherwise it may entail undue hardship.

13. Objections to attachment.—When an objector comes forward, he should be warned to the penalties prescribed in Section 207 of the Indian Penal Code for a fraudulent claim to property to prevent its seizure in satisfaction of fine. After this warning, the objection should be inquired into and disposed of, either by admitting the claim or referring the objector to a civil action if his claim seems *prima facie* groundless.

14. Commission on sale.—The officer employed on the duty of selling property attached in default of payment of fines will receive a commission at the following rate, to be deduced from the sale-proceeds:--

if the sale-proceeds do not exceed Rs. 5,000/- at 5 percent.

if the sale-proceeds do not exceed Rs. 5,000/- 5 percent on Rs. 5,000/- and as 1/2 percent on the remainder.

15. Action to be taken subsequent to the realization of a fine.—When a Tehsildar has realized a fine or part of a fine, in the manner above provided he will forthwith dispose of it as hereinafter directed in paragraph 19 below, and return the warrant to the Magistrate who issued it with an endorsement that he has done so. In the endorsement should be noted the date of payment into the Treasury and the number of the Treasury receipt. On the return of the warrant the Magistrate will at once notify in the form prescribed, under his hand and seal, the payment endorsed thereon to the Superintendent of the jail in which the offender is confined, if he is in prison, and, after causing the necessary entries to be made in his Fine Register and attaching the warrant to the file of the case, will pass on the papers to the Fine Moharrir with a view to the results reported by the Tehsildar being noted in the General Fine Register, a fresh warrant being prepared if further proceedings appear to be called for.

Note:--The notice (see form No. 93 of Rules and Orders, Volume VI-B, Part B-1) of payment of the Superintendent of the Jail shall be sent by the Magistrate by registered post, or by a special messenger if the offender is confined in the local jail.

16. Fine may be tendered at any time to Magistrate, Tehsildar and Superintendent of Jail and District Magistrate.—(i) All Magistrates will, at any stage of the proceedings, receive fines imposed by themselves or their predecessors in office, if tendered in their Court, and proceed in the manner described in paragraph 5, and, if the offender is in prison, intimate the payment in the prescribed way to the Superintendent of the Jail in which he is confined.

(ii) Magistrates of Districts will likewise receive fines tendered to them in satisfaction of warrants received from the Courts of Sessions, under the provisions of paragraph 6.

(iii) Tehsildars will always receive fines by whomsoever tendered and will grant receipts. These receipts must be in the prescribed form and be signed by the Tehsildar in full, and will then be admitted by the Magistrate executing the sentence as proof of payment.

(iv) Superintendents of Jails will also receive fines in respect of prisoners in their jails, and send the money with a report to the Magistrate of the District. The Magistrate of the District will make over sums so received to the Nazir, to be dealt with according to the provisions of paragraph 19, and when this has been done, will forward the report of the Superintendent of the jail, duly endorsed with the date on which the fine was paid into the Treasury and the number of the Treasury receipt, to the Magistrate executing the sentence, who will inform the Tehsildar, and cause the necessary entries to be made in his Fine Register and the report to be attached to the file of the case.

17. Form of receipt of fine. Number of copies be prepared.—A form of receipt has been prescribed. When a fine is received by a Tehsildar on behalf of another Magistrate, the

receipt should be prepared in triplicate; one part should be given to the person paying the fine; the second part should be sent to the Court which imposed it, the third part being retained by the Tehsildar himself. Where the fine is paid direct to the Court which imposed it, the receipt need only be prepared in duplicate, one copy being given to the person paying the fine and the counterfoil being retained for record by the Court.

Where a fine is remitted by a Superintendent of a Jail to the Magistrate of the District as provided in sub-paragraph (iv) to paragraph 16, the receipt will also be prepared in duplicate, one copy being sent to the Superintendent of the Jail and the counterfoil being retained by the Magistrate of the District. The form of receipt referred to in this paragraph will be found at No. 142 of Part B-111, Rules and Orders, Volume VI-B.

18. Procedure will be followed when fine is paid in another district.—Fines may be paid in any district, but if paid in any district other than that in which the offender was sentenced, the following procedure should be carefully observed:--

(a) When a warrant or intimation has been received from the district where the fine was imposed the amount received or realized should either be at once credited to Government and intimation sent to the Magistrate of that district, or in case the whole or any part of the fine is to be paid in compensation or to be credited to any Local Fund, so much should be remitted to the Magistrate of that District, and intimation sent to him that the remainder has been credited to Government. In case the fine is only partially realized and it is not clear in what way the amount should be disposed of, it should be kept in deposit pending instructions from the Magistrate of the District concerned, to whom reference should at once be made.

(b) In case no warrant or intimation has been received, the amount received or realized should be placed in deposit and intimation at once sent to the magistrate of the District where the fine was imposed with a request for instructions as to its disposal.

(c) Any fine, or portion of a fine, which has to be finally credited to Government, should be credited in the District in which it is levied, and the Magistrate of the District in which the fine was imposed, should, when communicating, as laid down in clauses (a) and (b) of this paragraph, with the District Magistrate who has received the fine, notify to him the amount to be so credited.

(d) Unless the payment is made to the Jail authorities, notice of the realization should at once be sent in the manner prescribed in the note to paragraph 15 to the Superintendent of the Jail in which the prisoner is confined, either by the Magistrate of the District where the offender was sentenced, or by the Magistrate of the District where the offender is confined, in case the fine is paid in that district.

District Officers are not to require the Vakils of Indian States attached to their Courts to realize fines awarded against offenders whose homes are in foreign territory for offences committed in British territory. They should merely record the fine and acquaint the offender's relatives through the Vakil. If the fine be not paid the prisoner must undergo the term of imprisonment in default (if any) awarded in the sentence.

19. Sums received by Courts in payments of fine shall be paid into the Treasury.—(i) Every sum received by a Judicial Officer in payment of fine will be taken charge of by the Nazir of his Court, or by the Assistant Nazir or other officer performing the duties of Nazir, except in Honorary Courts where the Honorary Magistrate himself takes charge of such sums until such time as they can be paid into a Government Treasury. If the officer holds his Court in the immediate vicinity of a Government Treasury, whether District, Sub-Divisional or Tehsil, the realizations of each day will be paid into the Treasury at the close of the day. If the officer holds his Court at a distance from a Government Treasury, sums received in payment of fine will be paid into the nearest Treasury once a month at least, on the 25th day of each month, and oftener if the amount received since the last payment exceed Rs. 100/- in all. When the payment into the

Treasury is made on account of fines which have been paid direct to the Court which imposed them, or, if imposed by the Court of Session, to the Magistrate of the District acting under paragraph 6, the date of payment into the Treasury with the number of the Treasury receipt will be noted in respect of each fine so paid in the Court's Fine Register and on the record of the case.

Sums realized by Honourary Magistrates may be sent to Treasury by money order in certain cases.—(ii) Sums realized on account of fines or otherwise in Criminal cases, in the Court of any Honorary Magistrate whose place of sitting is at a distance from a Treasury or Sub-Treasury, may be remitted to the Treasury by money-order, instead of by messenger, if the District Magistrate considers it expedient to direct that this course shall be followed in the case of any such Court.

Re cost of money order.—(iii) The cost of such money order will be debited to Judicial contingencies.

Directions as to the credit of the sums sent to the Treasury.—(iv) Sums thus paid into the Treasury will be paid to the credit of Government, or as a deposit, according as the fine is under the terms of the sentence or the orders relating thereto be credited to Government or to be paid in compensation or reward.

Refund of fines credited to Government.—(v) Sums paid into the Treasury for credit to Government should, even in appealable cases, be credited at once to Government, and will be subject to refund if remitted on appeal or in revision. A form of certificate for refund of fine has been prescribed. Before the amount of the remitted fine, or any portion of it, can be refunded, the exact amount realized and credited in the accounts of the Treasury must be ascertained and certified by the Superintendent of the Deputy Commissioner's Officer, and the certificate must be passed for payment by the officer-in-charge of the Treasury to which it is presented for that purpose.

Withdrawal of fines paid in Treasury as deposit.—(vi) Sums paid into the Treasury as deposits will be withdrawable on the order of the Court executing the sentence, on application being made therefore by the party or parties entitled to receive the same after the expiry of the period of appeal or, if an appeal has been presented after the decision of the appeal. When sums are realized which, under the term of the sentence, are payable in compensation or reward, intimation should be given to the party or parties concerned by the Court which is executing the sentence.

Consequences of neglect to follow the directions.—(vii) A strict observance of the foregoing directions is necessary, as the Code of Criminal Procedure contains no provision for recovering sums once paid away in in compensation or reward.

20. Statement of fines imposed realized and credited to Government to be sent to the Accountant-General every month.—(i) Further rules on the subject of crediting and accounting for fines have been issued by the Accounts Department, and these rules must be strictly observed. At the close of each month a statement, for the whole District, of all the fines imposed by Courts, which were realized, and credited to Government during the month, should be prepared and submitted to the Accountant-General or, if no fines were so realized, a certificate that no realizations were effected, should be submitted. The statement for the Sessions Court will be prepared by the District Moharrir of Fines and signed by the Magistrate of the District. The officer who signs the statement will be responsible for its accuracy. The certifying officer should be at the same time satisfy himself that realizations excluded from the statement have been duly accounted for.

Register XV of fine realizations.—(ii) To facilitate the preparation of these statements and the checking of the items excluded from them a register of fine realizations, No. XV, will be kept by the District Fine Moharrir for all Courts in the District and for the Sessions

Court. The entries in this register should invariably be made at the same time as the corresponding entries are made in the General Register of Fines, No. XIV, prescribed in paragraph 4 above. The register should be totalled at the end of each month and should then be examined and checked by the officer-in-charge of fines with reference to the Treasury certificate in regard to credit of fines in the Treasury during the month. Register No. XV is not to be maintained in future by Courts.

21. Duty of Fine Moharrir to draw the attention of the Magistrate to unrealized fines.—Under the foregoing rules, as each fine has been realized, the Fine Moharrir will have noted the fact in the proper column of his register, after satisfying himself that the amount has been credited to Government or otherwise duly dealt with; if a Tehsildar has reverted that there are no effects, this also will have been noted; if payment has been made this will also have been noted. It is also the duty of the Fine Moharrir, from time to time, to draw the attention of the Magistrate to unrealized fines, in order that fresh processes may issue as assets are indicated.

22. Quarterly statement of fine realized to be sent to Sessions Judge. Action to be taken by Sessions Judge.—At the close of each quarter, a return will be submitted to the Sessions Judge, in the prescribed form, showing the progress which has been made during the quarter in realizing the fines imposed by his Court. The realizations shown in this return should be carefully noted in the appropriate column of the Sessions Court's Fine Register, and explanations should be called for or instructions issued in cases in which failure to realize seems to call for explanation or orders. The result of this return will be embodied in the Sessions Judge's Annual Statements.

23. Illegal detention after the fine has been recovered should be prevented.—Care should be taken to prevent illegal detentions in prison. When the Superintendent of a Jail receives a fine or a notice, in the prescribed form, that a fine has been realized, he will note the realization in the warrant of imprisonment, and, if the prisoner is entitled to his release, will release him and return the warrant, duly endorsed, to the Magistrate.

24. Precautions to be taken as to noting of fines as to prisoners transferred to another jail.—Whenever prisoners under sentence of fine are transferred to a Jail in another district, care should be taken to notify on the back of the warrant the amount of fine realized, if any realization has been effected. The name of a transferred prisoner who is sentenced to fine must necessarily remain on the Fine Register of the District in which sentence was passed until the whole of the fine has been paid or until the period within which it can be realized has expired.

25. A general result of the directions.—A careful observance of the foregoing directions will result in the following checks:--

- I.- **Duty of officer-in-charge of the Fine department to check the District Fine Register.**—Every fine imposed by Courts exercising jurisdiction in the District will be entered in the Fine Registers.
- II.- When the fine has been paid into Court, the fact will appear in the proper register, under the hand of the Judge or Magistrate, and on the file of the case.
- III.- In other cases, the proceedings of the Tehsildar will show what steps have been taken for forcible levy.
- IV.- Each realization will be checked by the Fine Moharrir.
- V.- The realizations of each Court will be checked and certified once a month by the Presiding Officer of the Court, or, in the case of fines imposed by the Sessions Court, by the Magistrate of the District.
- VI.- An inspection of the District Register of Fines will always at once show every stage

of each transaction, and quarterly, half-yearly or annual audit can be held of the whole fine transactions of the period, by comparing each entry of the register with the record of the case and the credit in the Treasury. The officer-in-charge of the Fine Department should occasionally test the correctness of the entries in the District Fine Register by comparing some of them with the records of the cases to which they relate and with the credits in the Treasury.

26. Some directions apply to fines imposed by Civil Courts for contempt of Court.—

It will be observed that fines imposed by Civil Courts under the powers conferred by Section 480 of the Code of Criminal Procedure, must be dealt with in accordance with the instructions laid down in this Chapter so far as they are applicable. It will accordingly be necessary for Courts of purely Civil jurisdiction to keep up Criminal Register No. XIV.

27. Appointment of an officer to supervise the Fine Department. Duty of District Magistrate and controlling officer's re-supervision.—District Magistrates should invariably appoint an Assistant or an Extra Assistant Commissioner to supervise the Fine Department, and should themselves, from time to time, see that these directions are understood and carried out. Whenever any Court is inspected by a controlling officer, special attention should be given to the subject.

CHAPTER 12

I – FORMS OF OATHS AND AFFIRMATIONS TO BE ADMINISTERED TO WITNESSES

Whether oath or affirmation	Form of oath or affirmation to be administered to <i>Witness</i> in civil cases and in criminal cases (other than cases tried by a Jury) or in a proceeding before any other authority empowered to administer an oath or affirmation and to take evidence.	Form of oath or affirmation to be administered to a <i>Witness</i> in a criminal case tried by a Jury.
A – SIMPLE AFFIRMATION		
<i>For a person who has an objection to making an oath or solemn affirmation, or who, by reason of immature age, on of the want of or defect in religious belief, ought not, in the opinion of the Court or person authorized to administer an oath or affirmation, to be permitted to take an oath or solemn affirmation.</i>	I solemnly affirm that the evidence which I shall give to the Court (or as the case may be), in this case (or matter) shall be the truth, the whole truth, and nothing but the truth.	I solemnly affirm that the evidence which I shall give to the Court and Jury touching the matters in question between our Sovereign Lord the King-emperor and the prisoner at the bar, shall be the truth, the whole truth, and nothing but the truly.
A – SOLEMN AFFIRMATION		
<i>For a person whois a Hindu or Muhammadan or who has an objection to making an oath.</i>	I solemnly affirm in the presence of Almighty God, that the evidence which I shall give to the Court (or as the case may be) in this case (or matter) shall be the truth, the whole truth, and nothing but the truth.	I solemnly affirm in the presence of Almighty God that the evidence which I shall give to the Court and Jury touching the matters in question between our Sovereign Lord the king-emperor and the prisoner at the bar, shall eb the truth, the whole truth, and nothing but the truth.
C – OATH		
<i>For a person who is not a Hindu or Muhammadan and who has no objection to making an oath.</i>	I solemnly swear that the evidence which I shall give to the court (or as the case may be) in this case (or matter) shall be the truth, the whole truth, and nothing but the truth; so help me God!	I solemnly swear that the evidence which I shall give to the Court and Jury touching the matters in question between our Sovereign Lord the King-Emperor and the prisoner at the bar, shall be the truth the whole truth, and nothing but the truth so help me God!

II – FORMS OF OATHS AND AFFIRMATIONS TO BE ADMINISTERED TO WITNESSES

Whether oath or affirmation	Form of oath or affirmation to be administered to an <i>Interpreter</i> in civil cases and in criminal cases (other than cases tried by a Jury) or in a proceeding before any person authorized to administer an oath or affirmation and to take evidence.	Form of oath or affirmation to be administered to a <i>Interpreter</i> in a criminal case tried by a Jury.
A – SIMPLE AFFIRMATION		
<i>For a person who has an objection to making an oath or solemn affirmation, or who, by reason of want of or defect in religious belief, ought not, in the opinion of the Court or person authorized to administer an oath or affirmation, to be permitted to take an oath or solemn affirmation.</i>	I solemnly affirm that I shall well and truly interpret what is deposed by the witness before the Court (or as the case may be) and as may be required by the Court.	I solemnly affirm that I shall well and truly interpret what is deposed by the witness as between our Sovereign Lord the King-Emperor and the prisoner at the bar.
A – SOLEMN AFFIRMATION		
<i>For a person who is a Hindu and Muhammadan or who has an objection to making an oath.</i>	I solemnly affirm in the presence of Almighty God, that the evidence which I shall well and truly interpret what is deposed by the witness before the Court (or as the case may be) and as may be required by the Court.	I solemnly affirm in the presence of Almighty God, that I shall well and truly interpret what is deposed by the witness as between our Sovereign Lord the King-Emperor and the prisoner at the bar.
C – OATH		
<i>For a person who is not a Hindu or Muhammadan and who has no objection to making an oath.</i>	I solemnly swear that I shall well and truly interpret what is deposed by the witness before the Court (or as the case may be) and as may be required by the Court; so help me God!	I solemnly swear that I shall well and truly interpret what is deposed by the witness as between our sovereign Lord the King-emperor and the prisoner at the bar; so help me God!

III – FORMS OF OATHS AND AFFIRMATIONS TO BE ADMINISTERED TO JURORS

Whether oath or affirmation	Form of oath or affirmation to be administered to a <i>Juror</i> in a criminal case tried by a Jury
A – SIMPLE AFFIRMATION	
<i>For a person who has an objection to making an oath or solemn affirmation, or who, by reason of the want of or defect in religious belief, ought not, in the opinion of the Court or person authorized to administer an oath or affirmation, to be permitted to make an oath or solemn affirmation.</i>	I solemnly affirm that I shall well and truly try, and a true verdict give, between our Sovereign Lord the King-Emperor and the prisoner at the bar according to the evidence.
B – SOLEMNLY AFFIRMATION	
<i>For a person who is a Hindu or Muhammadan or who has an objection to making an oath.</i>	I solemnly affirm in the presence of Almighty God, that I shall well and truly try, and a true verdict give between our Sovereign Lord the King-Emperor and the prisoner at the bar according to the evidence.
C – OATH	
<i>For a person who is not a Hindu or Muhammadan, and who has no objection to making an oath.</i>	I solemnly swear that I shall well and truly try, and a true verdict give, between our Sovereign Lord the King-Emperor and the prisoner at the bar, according to the evidence, so help me God!

PART B – AFFIDAVITS

1. **Relevant law.**—The provisions of the Code of Civil Procedure, 1908, on the subject of affidavits, are contained in Section 139 and Order XIX of the Code.

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

3. **Affidavit exempted from Court-fee.**—No Court-fee or other stamp is required upon an affidavit made for the immediate purpose of being filed and used in any Court or before an officer of any Court (Indian Stamp Act, 1899, Schedule 1, Article 4, exemption (b) and no fee has been prescribed as chargeable for the attestation of an affidavit except as laid down in paragraph 5 below.

4. **Joint affidavit.**—There is no legal objection to several persons joining in a single affidavit in whole or in part; but Courts or Magistrates should, in such cases, be careful that

each declarant deposes separately, and that the certificate is adapted to the actual circumstances of the particular case.

“5. Oath Commissioners, their appointment, fees, etc.—(i) Under Section 139(b) of the Code of Civil Procedure approximately two to four legal practitioners at the Headquarters of each district and one at each station, where there is a Subordinate Judge, are appointed as Commissioners for the purpose of administering oaths and affirmations.

(ii) Such Commissioners are ordinarily appointed from among legal practitioners of not less than three years' standing at the Bar. They may continue as such until the expiry of thirteen years reckoned from the date of first admission as a legal practitioner, provided that their work is satisfactory, or until the further orders of the High Court, whichever is earlier.

*Note:--*The thirteen years referred to in this clause include period during which a legal practitioner does not practice.

(iii) Commissioners may charge a remuneration of annas eight in cash for each affidavit and shall keep a register in the form prescribed in paragraph 7 *infra* in which all affidavits shall be entered. A written receipt for the amount paid shall be given by the Commissioner to the deponent. The receipt shall be in a printed form consisting of foil and counter-foil, the foil being handed over to the person paying the money and the counterfoil being kept by the Commissioner for purposes of inspection.

The above charge will be in addition to any stamp duty payable on the affidavit under the Indian Stamp Act, 1899, Schedule I, Article 4.

Note:-- The Commissioner will be entitled to an additional fee of Rs. 1-8-8 from a deponent when he is required to attend the deponent's residence.

5-A. All Official Receivers in the Punjab and Delhi, except the Special Official Receiver attached to the High Court, have been appointed *ex-officio* Oath Commissioners in their respective districts. They will continue as such for the period they hold the office of Official Receiver or until the further orders of the High Court, whichever is earlier.

(High Court Notification No. 205R/X-B-9(b), dated the 16th July, 1943).

6. Attestation of affidavits by process serving and other officials.—In order to facilitate the verification of affidavits of serving officers made under Order V, Rule 19, or Order XVI, Rule 10, of the Code of Civil Procedure, the Provincial Government has empowered the Court of the Subordinate Judge of the First Class in charge of the Nazarat to appoint an officer subordinate to itself to administer oaths to process-servers, bailiffs, naib-nazirs and nazirs making affidavits of service of summons, notices and other processes under the Code of Civil Procedure. (Punjab Government Notification No. 216-19, dated the 20th June, 1931). In the case of such affidavits and of all other affidavits made by officers of the Courts in their official capacity, no application, such as is referred to in paragraph 2 is necessary.

7. Register of affidavits.—A register of affidavits, in the following form, should be maintained at the head-quarters of every district and at each Court at a distance from headquarters in which every application to have an affidavit attested and every affidavit verified, should be entered:---

FORM OF REGISTER

REGISTER OF AFFIDAVITS ATTESTED IN THE _____ COURT OF THE _____ IN THE _____ DISTRICT

1	2	3	4	5	6	7	8
---	---	---	---	---	---	---	---

Serial No.	Date of application of tendering affidavit	Name of person tendering application (if any) or affidavit	Name of affidavit briefly stated – (if the affidavit relate to a cause in Court, the cause should be specified	Detail of exhibits (if any) attached to affidavit	Civil court, magistrate or other officer empowered in that behalf administering the oath of affirmation	Date of administering oath of affirmation	Signature and designation of Civil Court Magistrate or other officers

8. Title of affidavits.—(i) Every affidavit to be used in a Civil Court shall be entitled:--

“In the Court of _____ at _____ (naming the Court and place of sitting).

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

_____ PLAINTIFF
against
 _____ DEFENDANT.

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

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

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

(brief statement of subject)

(iv) Every affidavit shall be further entitled:--

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

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

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

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

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

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

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

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

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

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

15. Attesting, signing and verification of affidavits.—Every affidavit shall be signed or marked and verified at foot by the declarant and attested by the Court, Magistrate or other officer administering the oath or affirmation, the verification by the declarant shall be in one of the forms attached hereto, and shall be signed or marked by the declarant. The attestation of the Court, Magistrate also be in the form prescribed below.

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

I — FORM OF VERIFICATION OF OATH OR AFFIRMATION

(*VIDE PARAGRAPH 15 ABOVE*)

OATH

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

Affirmation

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

II.— FORM OF CERTIFICATE

(*VIDE PARAGRAPHS 12, 14 AND 15 ABOVE*)

Certified that the above was declared on (a) _____ before me this (b) _____ day of (c) _____ 19 _____, at (d) _____ in the district of (e) _____ by (f) _____ who is (g) _____

(full signature) A.B.,

(*Office*) District Judge (or as the case may be) of _____ :--

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

(11-A)

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

(11-13)

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

CHAPTER 14**LEGAL PROCEEDINGS BY OR AGAINST JUDICIAL OFFICERS**

1. Institution of proceedings by Crown servant against defamatory attacks on his public acts with the sanction of Government.—Without obtaining the authorization of the Government to which he is immediately subordinate, no servant of the crown is permitted to have recourse to the Courts for the vindication of his public acts or of his character as a public functionary, from defamatory attacks. In giving authority to institute proceedings the Provincial Government concerned will decide whether the circumstances of the case are such that the Government should bear the cost of the proceedings, Civil or Criminal, or leave the officer to institute the prosecution or suit at his own expense, and in the latter case it will also determine, in the event of the matter being decided by the Courts in the officer's favour whether he should be recouped by Government the whole or any part of the cost of the action.

2. No sanction required for private cases.—The ruling above laid down does not affect an officer's right to defend his private dealings or behaviour in any way that he may be advised; but -his official reputation is in the charge of the Government which he serves, and it is for that Government to decide in each case whether the institution of proceedings to vindicate his public acts or character is necessary or expedient.

3. Detailed rules.—Detailed rules in connection with suits by or against Public Officers will be found in Part III, paragraphs 20 to 23, of the Punjab Law Department Manual, 1926 (pages 61 to 63).

4. No criminal prosecution of a Crown servant for official acts without sanction of the Governor.—Attention is also invited to Section 197 of the Code of Criminal Procedure, which prohibits any Criminal Court from taking cognizance of an offence alleged to have been committed by a Judicial Officer while acting or purporting to act in the discharge of his official duty, except with the previous sanction of the Governor of the Province exercising his individual judgment; and to Section 80 of the Code of Civil Procedure, which requires two months' notice of a suit against a public officer in respect of any act purporting to be done by him in his official capacity.

5. Report about legal proceedings by or against judicial officer in his official capacity to be sent Registrar.—A detailed report in respect of any legal proceedings civil or criminal which may be brought by or against a Judicial Officer in his official capacity, should be submitted through the usual channels to the Registrar, High Court, by the officer concerned, as soon as the question of their institution arises.

CHAPTER 15
FOREIGN JURISDICTION

PART A — GENERAL

1. **Jurisdiction in Foreign States.**—British Courts in Foreign States are regulated by orders of the Governor-General in Council in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council 1902 as amended by the Indian (Foreign Jurisdiction) Order in Council, 1937. The functions of the Crown in relation to Indian States are now exercised by His Excellency the Crown Representative. These two orders are published in Appendix A and B to this part.

2. **Extradition.**—Volume III, Chapter 16, “Extradition and Foreign Jurisdiction” should be consulted with regard to extradition and the jurisdiction of British Courts in respect of offences committed abroad.

3. **Service of processes.**—Rules regarding service of processes in India and Foreign States will be found in Chapters 7 and 8 of this volume regarding processes.

4. **Execution.**—Rules regarding the execution of decrees and service of summonses of Courts in Indian or other Foreign States by British Courts and *vice versa* will be found in Volume 1, Chapter 12-S, and Volume IV, Chapters 7-F and 8-C.

5. **Commission and Letters of Request.**—For rules regarding issue of Commissions and Letters of Request to Indian and other Foreign States *see* Volume I, Chapter 10, and Volume III, Chapter 9.

APPENDIX A

**INDIAN (FOREIGN JURISDICTION) ORDER IN COUNCIL, 1902
AT THE COURT AT BUCKINGHAM PALACE**

The 11th day of June 1962

PRESENT:

The King's Most Excellent Majesty,
Lord President,
Earl of Kintore,
Lord Balfour of Burleigh,
Sir John Winfield Bouser.

WHEREAS by treaty, grant, usage, sufferance, and other lawful means, His Majesty the King has powers and jurisdiction, exercised on His behalf by the Governor-General of India in Council, in India and in certain territories adjacent thereto;

Now, therefore, His Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:--

1. This Order may be cited as the Indian (foreign Jurisdiction) Order in Council, 1902.
2. The limits of this Order are the territories of India outside British India, and any other territories which may be declared by His Majesty in Council to be territories, in which jurisdiction is exercised by or on behalf of His Majesty through the Governor-General of India in council, or some authority subordinate to him, including the territorial waters of any such territories.
3. The Governor-General of India in Council may, on His Majesty's behalf, exercise any power or jurisdiction which His Majesty or the Governor-General of India in Council for the time being has within the limits of this Order, and may delegate any such power or jurisdiction to any servant of the British Indian Government in such manner, and to such extent, as the Governor-General in Council from time to time thinks fit.
4. The Governor-General in council may make such rules and orders as may seem expedient for carrying this Order into effect, and in particular:--
 - (a) for determining the law and procedure to be observed, whether by applying with r without modification all or any of the provisions of any enactment in force elsewhere, or otherwise;
 - (b) for determining the persons who are to exercise jurisdiction, either generally or in particular classes of cases, and the powers to be exercised by them;
 - (c) for determining the Courts, authorities, Judges, and Magistrates, by whom, and for regulating the manner in which, any jurisdiction, auxiliary or incidental to or consequential on the jurisdiction exercised under this Order, is to be exercised in British India;
 - (d) for regulating the amount, collection and application of fees.
5. All appointments, delegations, certificates, requisitions, rules' notifications, processes, orders and directions made or issued under or in pursuance of any enactment of the Indian Legislature regulating the exercise of foreign jurisdiction, are hereby confirmed, and shall have effect as if made or issued under this Order.
6. The Interpretation Act, 1889, shall apply to the construction of this Order. (Government of Indian Notification No. 3917-I. A., dated 12th September 1902, published in

Gazette of India, 1902, Part I, pages 667-68).

APPENDIX B

**THE INDIAN (FOREIGN JURISDICTION) ORDER 1937
AT THE COURT AT BUCKINGHAM PALACE**

The 18th day of March 1937

PRESENT:

The King's Most Excellent Majesty in Council.

WHEREAS by the proviso to sub-section (1) of section two of the Government of India Act, 1935, it is provided that any powers connected with the exercise of the functions of the Crown in its relations with Indian States shall, in India, if not exercised by His Majesty, be exercised only by, or by persons acting under the authority of, His Majesty's Representative for the exercise of those functions of the Crown:

AND WHEREAS provision is made by the said Act and the Government of Burma Act, 1935, as to the authorities which are respectively to exercise on behalf of His Majesty the rights, authority and jurisdiction of His Majesty in, and in relation to, the tribal areas in India, and in and in relation to, areas in Burma which are not part of the territories of His Majesty:

AND WHEREAS it is accordingly expedient to amend the Indian (Foreign Jurisdiction) Order in Council, 1902 (in this Order referred to as "the principal Order"):

Now, therefore, His Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered as follows:---

- (1) This Order may be cited as the Indian (Foreign Jurisdiction) Order in Council, 1937.
- (2)
 - (i) As from the commencement of Part III of the Government of India Act, 1935, the powers conferred by the principal Order on the Governor-General in council shall, so far as they are connected with the exercise of the functions of the Crown in its relations with Indian States, be powers of His Majesty's Representative for the exercise of those functions of the Crown, and he may delegate those powers to such extent and in such manner as he thinks fit.
 - (ii) The person appointed to be His Majesty's Representative for the exercise of those functions of the Crown may, before the commencement of Part III of the said Act, make any rules, orders, delegations and appointments and issue any other instruments which he would have power to make or issue after the commencement of part III of the said Act, but no such rule, order, delegation or appointment shall come into force until the commencement of Part III of the said Act.
 - (iii) Orders and other instruments made and executed in the name of the Crown Representative shall be authenticated in such manner as may be specified in the Rules to be made by him and the validity of an Order or Instrument which is so authenticated shall not be called in question on the ground that it is not an Order or instrument made by the Crown Representative.
3. As from the commencement of Part III of the said Act and the Government of Burma Act, 1935, the Principal Order shall cease to have effect as respects the tribal areas in India and any areas in Burma, without prejudice, however, to the validity of anything previously done thereunder:--

Provided that any rules, orders, delegations, appointments or other instruments made or issued under the said Order shall continue in force, except so far as revoked or varied by the authority competent for the purpose under the Government of India Act, 1935, or the Government of Burma Act, 1935, as the case may be.

4. Save as aforesaid, the powers conferred by the principal Order on the Governor-General in Council shall continued to be exercisable on behalf of His Majesty by the Governor-General in Council until the establishment of the Federation of India and shall thereupon become exercisable on behalf of His Majesty by the Governor-General of India.
5. The Interpretation Act, 1889, shall apply to the construction of this Order.

**PART B – JUSTICES OF THE PEACE FOR THE PUNJAB STATE; CRIMINAL LAW
AND PROCEDURE**

APPLICABLE

(a) Crown Representative's Notification No. 323-1, B, dated the 9th December, 1937.

Appointment of Justices.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased, in supersession of the Notification of the Government of India in the late Foreign and Political Department No. 674-167-1, dated the 24th April, 1923, to appoint the officers for the time being holding the offices specified in the first column of the Schedule hereto annexed, being European British subjects, to be Justices of the Peace within the territories of the States and Estates entered in the second column of the Schedule opposite their respective names and to direct that the High Court of Judicature at Lahore shall be the Court to which such officers shall commit European British subjects for trial.

SCHEDULE

The Hon'ble Resident for the Punjab States.	Bahawalpur, Chamba, Dujana, Faridkot, Jind, Kapurthala, Khairpur, Loharu, Maler-kotla, Mandi, Nabha, Pataudi, Patiala and Suket.
---	--

Secretary to the Hon'ble the Resident
for the Punjab States.

The Political Agent, Punjab Hill
States Agency.

Baghal, Baghat, Balsan, Bashahr, Bhajji, Bilsapur, Bija, Darkoti, Delath Estate, Dhadi Estate, Dhami, Ghund Estates, Jubbal, Kalsia, Keonthal, Khaneti Estate, Koti Estate, Kumharsian, Kunihar, Kuthar, Madan Estate, Mahlog, Mangal, Nalagarh, Ratesh Estate, Rawingarh Estae, Sangri, Sirmur, Tehri (Garhwal). Tharoch, and Theog Estate.

(b) Justices of the Peace to commit for trial to the High Court having jurisdiction

Government of India Notification No. 582-D., dated the 26th January, 1917 as amended by Notification No. 881-I.B., dated the 24th May, 1917.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign Department, No. 2616-1, dated the 6th August, 1890, the Governor-General in Council is pleased to direct that a Justice of the Peace for the time being in any Native State, Territory or Chiefship specified in the notifications of the Government of India in the Foreign and Political Department, Nos. 580-D, and 581-D, dated the 26th January, 1917, shall commit for trial to the High Court which under those notifications has original and appellate criminal jurisdiction in pursuance of Section 109, sub-section (1) of the Government of India Act, 1915 (5 & 6 Geo. V., Ch. 61), over European British subjects (for the time being within) such State, Territory or Chiefship.

(c) Justices of the Peace invested with powers of Magistrates of the 1st Class and to hold inquests

Government of India Notification No. 391-D, dated the 16th January 1917, as amended by Notification No. 881-LR, dated 24th May, 1917.—In exercise of the powers conferred by the India (Foreign Jurisdiction) Order in Council, 1902 and of all other powers enabling him in that behalf of India in the Foreign Department, No. 680-1. B., dated the 19th March, 1912, the

Governor-General in Council is pleased to direct:--

- (1) that any European British subject appointed either by name or by virtue of his office to be a Justice of Peace in or for any country or place beyond the limits of British India shall have, in regard to European British subjects and persons accused of having committed offences jointly with European British subjects, and persons accused of having committed offences jointly with European British subjects, all the powers of a Magistrate of the 1st Class under the Code of Criminal Procedure, 1898 (V of 1898), and in addition all powers under Section 186 and 190 of the said Code;
- (2) that any European British subject appointed either by name or by virtue of his office to be a Justice of the Peace in or for any country or place beyond the limits of British India shall have power to hold inquests under Section 147 of the said Code.

(d) Criminal law and procedure of British India applicable to British subjects in the territories outside British India in which jurisdiction is exercised by the Governor-General in council

Government of India No.1863-1-A., dated the 13th May, 1904, as amended by No.184-1, dated the 20th March, 1930.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased, with effect from the 1st day of June 1904 to direct that, for the purposes of any power or jurisdiction exercised under that Order, the law relating to offences and to criminal procedure for the time being in force except Section 443 to 447 of the Code of Criminal Procedure, 1898 (Act V of 1898) in British India shall, subject as to procedure to such modifications as the Governor-General in Council from time to time directs, apply, so far as applicable, to all subject of His Majesty.

(e) Jurisdiction of High Courts over European British Subjects in Indian States

Government of India Notification No. 580-D, dated the 26th January, 1917.—In exercise of the powers conferred by Section 109, sub-section (1) of the Government of India Act, 1915 (5 & 6 Geo. V, Ch. 61), and in supersession of the notification of the Government of India in the Foreign department, No. 853- I.B., dated the 16th April, 1913, as amended by the notification of the Government of India in the Foreign and Political Department, No. 1589-I.B., dated the 2nd August 1916, the Governor General in Council is pleased to direct that original and appellate criminal jurisdiction over European British subjects of His Majesty (for the time being within) the territories of the States of India named below shall, until the Governor-General in Council otherwise orders, be exercised by the High Courts of Juridicature established at Fort William in Bengal, Madras, Bombay, Alahabad and Patna and Lahore respectively, as follows:--

(By the High Court of Judicature at Lahore In:--

Jammu and Kashmir.

Kalat.

Las Bela.

The territories administered by the Agent of the Governor-General in Balochistan as such Agent.

The States in the political controlled of the Government of the Punjab.

The States within the political charge of the Agent to the Governor-General, Punjab States (now the Hon'ble the Resident for the Punjab States).

The territories administered by the Agent to the Governor-General, North-West

Frontier Province, as such Agent).

As amended b Notification:--

No. 880-I.B., dated 24th May, 1917.

No. 90-B.S., dated the 1st April, 1919.

No. 274-X, dated 23rd April, 1930.

No. 149-1, dated 1st April, 1913.

No. 157, dated 1st April, 1933.

No. 172-I.B., dated 18th March, 1927.

PART C - POWERS UNDER ADMINISTRATOR-GENERAL'S ACT

Central Government, Home Department, Notification No. 202/37-II, dated the 8th November 1939

1. High Court.—In pursuance of sub-clause (j) of clause (2) of Section 2 of the Official Trustees Act, 1913 (II of 1913) and sub-clause (j) of clause (12) of Section 2 of the Administrator-General's Act, 1913 (III of 1913), and in supersession of the Notification of the Government of India, in the Home Department Nos. 1823-C and 1824-C., dated the 13th March, 1914, and in the foreign and Political Department, Nos. 1449-D and 1450-D., dated the 19th March, 1914, the Central Government is pleased to appoint, in relation to British subjects in the Indian States or parts of Indian States specified in column 1 of the annexed Schedule, the court specified in the corresponding entry in column 2 thereof to be the High Court for the purposes of the said Acts:

Provided that all proceedings pending in any court at the date of this notification shall be carried on as if this notification had not been issued.

SCHEDULE

1	2
Indian States	Court
(5) The States and Estates of the Punjab Station Agency (including the Punjab Hill States Agency). Jammu and Kashmir (including the Gilgit Agency).	The High Court at Lahore

2. District Judge.—The following Notification of the Government of India provides for the discharge of the duties imposed on a District Judge by section 64 of the Administrator-General's Act (II of 1874):--

Government of India Notification No. 3542-L, dated the 21st August 1891.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) (now Indian Jurisdiction Orders 1902 and 1937) and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to declare that the powers and duties which are conferred and imposed on a District Judge by section 64 of the Administrator-General's Act (II of 1874), as amended by Section 13 Act II of 1890 (now Act III of 1913), shall, in the dominions of Princes and States in India in alliance with Her Majesty, be respectively conferred upon and discharged by the following officers:--

- (a) In dominion in or for which a District, Court has been established or continued by the Governor-General in Council, the Judge of that Court: provided that when

more than one officer exercise the powers of a District Judge in any such dominion, it shall be competent for the officer who exercise in that dominion the powers of a District Judge in any such dominion, it shall be competent for the officer who exercise in that dominion the powers of a High Court to determine by whom the aforesaid powers and duties shall be exercised in any particular case or within any specified area in that dominion; and

- (b) In all other cases, the Political Agent (as defined in section 3 of the first mentioned Act).

Note.--By Government of India (F, and B,) Notification No. 140-I, dated the 11th March, 1931, the above notification has been superadded in its apheation to the territories of Jammu and Kashmir.

3. District Judge.—By virtue of Punjab government Notification No. 202270-Judi., dated the 3rd of May, 1932 and No. 23774-Judi., dated the 14th June, 1932, the Senior

Subordinate Judge has been appointed, by virtue of his office, Additional Judge of Simla in order that the District Judge, Ambala, may assign to him under section 21 (2) of Punjab Courts Act 1918 the functions of the District Judge in respect of Section 54, Administrator-General's Act, VII of 1913.

Government of India Home Department, Notification No. 202137-1, dated the 8th November, 1939

Delegation of powers to Punjab Government.—In exercise of the powers conferred by sub-section (1) of Section 124 of the Government of India Act, 1935, the Central Government is pleased, wit the consent of the Provincial Governments specified in column 1 of the annexed Schedule, to entrust to them the functions of the Central Government under--

- (a) Sections 4, 5, 17 to 21, and 30 of the Official Trustees Act, 1913 (II of 1013), and
- (b) Sections 3, 4, 27, 32, 42, to 47 and 50 of the Administrator-General's Act, 1913 (III of 1913), in relation to the Chief Commissioner's Province or Provinces (if any) specified in the corresponding entry in column 2 of the said Schedule and in relation to British subjects in the Indian States or parts of Indian States specified in the corresponding entry in column 3 of the said Schedule.

THE SCHEDULE

Provincial Government	Chief Commissioner's Province	Indian States
1	2	3
*****	*****	*****
The Provincial Government of the Punjab	Delhi	The State and Estates of the Punjab States Agency (including the Punjab Hill States Agency) Jammu and Kashmir (including the Gilgit Agency).

**PART D - PERSONS AUTHORIZED TO CERTIFY DOCUMENTS FOR THE
PURPOSES OF SECTION 79 OF THE INDIAN**

Evidence Act

*Government of India Notification No. 417-1 published in the Gazette of India,
dated the 6th August, 1932.*

Jammu and Kashmir State

1. Registrar, High Court, Jammu and Kashmir.
2. District and Sessions Judge, Srinagar.
3. District and Session's Judge, Jammu.
4. Wazir Wazarat, Gilgit.
5. Wazir Wazarat, Ladakh.

Notification No. 98-I, dated the 26th October, 1923

Patiala State

The Foreign Secretary and Assistant Foreign Secretary.

The Revenue Commissioner.

All District and Sessions Judges.

All Nazims (District Magistrates).

All Naib Nazims Faujdari (Magistrates, 1st Class).

All Naib Nazims Dewani (Subordinate Judges).

All Naib Nazims Mal (Revenue Assistants).

The Registrar, High Court.

Foreign and Political Notification No. 541-I, Gaz. of India, dated 12th September, 1931.

Chamba State

The Chief Secretary.

The Chief Judicial Officer.

Notification of the Crown Representative No. 246-I.B., dated 3rd November, 1933.

Tehri Garhwal State

1. Chief Secretary, Tehri State.

Foreign and Political Department Notification No. 141-I, dated the 2nd April, 1924.

Malerkotla State

Foreign Secretary and the Assistant Foreign Secretary.

The Member, Revenue Board.

The District and Sessions Judge.

The District Magistrate.

The Collector.

All the Magistrates, 1st Class.

All the Sub-Judges.

The Revenue Officer.

Judge of the Chief Court.

Crown Representative, Political Department Notification No. 84-1, B., dated the 24th March, 1939.

Jind State

1. Judges of the High Court.
2. Revenue Minister.
3. Political Minister.
4. Political Secretary.
5. Sessions Judge.
6. All Nazims (District Magistrates).
7. All Magistrates, 1st Class.
8. All sub-Judges.
9. All Tehsildars.
10. Mohtim, Record Office.

Government of India, Foreign and political Department, Notification No. 270-I, dated the 16th May, 1933.

Nabha State

1. Sessions Judge, Nabha.
 2. Nazim of Amloh.
-

PART E - EXECUTION OF CONDEMNED PRISONERS

The following notification provides for the execution of prisoners condemned by British Courts exercising jurisdiction outside British India:--

Government of India Notification No. 1431-I, dated the 27th April, 1893

Whereas a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor-General in Council has in such territory;

And whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death or no suitable appliances for his execution in a decent and humane manner;

In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) (now Indian Foreign Jurisdiction Orders, 1902 and 1937), and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to direct as follows:--

1. When any person is sentenced to death by a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this notification, and in the opinion of the Court, such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, the Court shall issue its warrant for such execution to the Superintendent or Keeper of a Jail in British India, and shall in such warrant prescribe, as nearly as may be, the place in British India where such Superintendent or Keeper is to cause the execution to be carried out.

2. The jail in British India to which the Court may send its warrant under the provisions of this notification shall be such as the Governor-general in Council or a Local Government authorized by him in this behalf, may by general or special order direct.

3. Every warrant for the execution of a sentence of death to be issued by a Court under the Provisions of this notification shall be in the form set forth in the schedule hereto annexed.

SCHEDULE

FORM OF WARRANT

To the Superintendent or Keeper of the Jail at _____ in British India.

Whereas at a trial held on the _____ day of _____ 19__ (name of place) in (name of territory), before me, A.B. (name of Judge), being the presiding officer of a British Court exercising (or with respect to) territory beyond the limits of British India jurisdiction which the Governor-General in Council has in such territory, C.D. (name of prisoner) was duly convicted of the offence of culpable homicide amounting to murder and sentenced to suffer death and the said sentence has been confirmed by E.F. (name of authority);

And whereas there is in (name of territory) no secure place for the confinement of a prisoner under sentence of death (or no suitable appliances for the execution of a person under sentence of death in a descent and humane manner);

And whereas this Court is of opinion that for the reason aforesaid the said sentence should be executed in British India;

This is to authorize and require you, the said Superintendent (or Keeper) being a Superintendent (or Keeper) of a Jail specified in an order under Section 2 of Act No. V of 1893, passed by the Governor-General of India in Council, to receive the said C.D. (prisoner's name) into your custody in the said jail, together with this warrant, and there him safely to keep until the time hereinafter appointed. And then to carry the said sentence into

execution by causing the said C.D. (prisoner's name) to be hanged by the neck until he be dead,
At (time and place of execution) and to return this warrant to this Court with an endorsement
certifying that the sentence has been executed.

Given under my hand and the seal of the Court this _____ day of
_____ 19 .

(Seal)

(Signature).

PART F - RAILWAY LANDS

1. **Categories.**—These are divided into two categories, viz.:---
 - (i) lines where arrangement are assimilated to those of the neighboring British districts, and
 - (ii) lines where particular Acts have been applied and special Courts have been created.

2. **Railways included in and Laws applicable.**—The former are provided for by Crown Representative's Notification No. 206-I.B., dated the 15th June, 1939. It may be noted that Kalka-Simla Railway mentioned in Central Government Notification No. 343-1, dated the 2nd July, 1924 and Kangra Valley Railway mentioned in Central Government Notification No. 546-I, dated the 10th September, 1931 have now been included in Notification No. 206-I.B., stated above.

The latter are provided for by Government of India Notification No. 345-I, dated the 2nd July, 1924, and Punjab States Railway Lands (Application of Laws) Order, 1939,---*vide* Notification No. 341-1. B., dated the 13th September, 1939.

3. Magistrates having jurisdiction in Railway Lands have been directed to execute under certain conditions processes issued by Magistrates having jurisdiction in Indian States, *vide* Central Government, Foreign and Political Department Notification No. 34-I. B., dated the 14th January, 1937.

The relevant notifications have been given in the Appendix.

APPENDIX

- (i) **Political Department Notification No. 206-I.B., dated the 15th June 1939 as amended by notifications Nos. 318-I.B., and 342-1, B., dated the 26th August, 1939 and 14th September, 1939, respectively.**

NOTIFICATION

Whereas the Crown Representative has full and exclusive power and jurisdiction over the lands lying within the States specified in the second column of the Schedule hereto annexed, which are, or many hereafter be, occupied by the Railway specified in the first column of the said Schedule (including the lands occupied by stations, by out-buildings and for other railway purposes) and over all persons and things whatsoever within the said lands;

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the late Foreign Department, No. 515-I.B., dated the 17th March, 1913, the Crown Representative is pleased to provide as follows for the administration of justice within the said lands:--

(1) All laws for the time being in force in the districts of the Punjab specified in the third column of the said Schedule shall, subject to such modifications, if, any, as may be specified by the Crown Representative in this behalf, be in force in the lands lying within the States specified in the corresponding entry in the second column which are occupied by the portions of the railways specified in the corresponding entry in the first column thereof:

Provided that, except where the context otherwise requires, references in the said laws to the Central Government shall be construed as if they were reference to the Crown Representative, references to the Provincial Government shall be construed as if they were references to the Governor of the Punjab and references to British India (Except in Section 124-A of the Indian of the Indian Penal Code), or to a Province or to any part thereof, shall be construed as if they were references to the said lands:

Provided, further, that the reference in Section 124-A of the Indian Penal Code to the Government established by law in British India shall be deemed to include a reference to the Government established by law in, or the Ruler of, the State in which the said lands are situate:

Provided, further, that any Court may construe the provisions of the said laws with such modifications not affecting the substance as may be necessary or proper in order to adapt them to the matter before the Court.

(2) The Governor of the Punjab and all officers subordinate to him who for the time being exercise executive authority within the said districts for the purpose of administration of justice shall exercise the like authority within the said lands:

Provided that the police jurisdiction in the said lands shall be exercised exclusively by the Railway Police of the Punjab.

(3) All Courts having for the time being jurisdiction within the said districts shall have the like jurisdiction within the said lands.

SCHEDULE

Railway	State	District
1	2	3
(Bombay Baroda and Central India Railway System:		
Ahmadabad – Delhi Section	Nabha Patudi	Gurgaon
Rewari-Bhatinda-Fazilka	Dujana	

	Jind Patiala	Hissar
Faridkot Frontier-Muktsar	Faridkot Nabha	Ferozepore
(2) North-Western Railway System:		
Delhi-Ambala-Kalka Railway	Patiala Kalsia	Ambala
Kalka Simla Railway	Bhagat Keonthal Patiala	Simla
Main Line Ambala-Khanna	Patiala Nabha	Ambala
Khanna-Ludhiana Ludhiana-Amritsar Kangra Valley Railway Raiwind-Bhatinda Branch	Patiala Kapurthala Mandi Faridkot	Ludhiana Jullundur Kangra
	Nabha Patiala	Ferozepore
Jammu-Kashmir Sections- Sialkot-Jammu Bhatinda-Samasatta	Kashmir Bahawalpur Bikaner	Sialkot Multan Ferozepur
Adamwaham-Reti McLeodganj-Fazilka	Bahawalpur Bahawalpur	Multan Multan

Note: Jurisdiction over European British subjects in these railway lands vests in the High Court of Judicature at Lahore. See Notification No. 580-D, dated the 26th January, 1917.

The lands have been included as part of the States whose territory they are, in the Province of the Punjab for the purposes of the Administrator-General's Act, 1915, and the Official Trustees Act, 1913, by Notification Nos. 1449-D, 1450-D, dated 19th March, 1914.

(ii) Government of India Notification No. 345-I, dated the 2nd July, 1924

Whereas the Governor-General in Council has full and exclusive power and jurisdiction of every kind over the land lying within the States specified in the second column of the Schedule hereto annexed which are, or may hereafter be occupied by the Railways specified in the first column of the said Schedule (including the lands occupied by stations, by out-buildings and for other railway purposes), and over all persons and things whatsoever within the said lands.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902 and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to provide as follows for the administration of justice within the said lands:--

PART I – CRIMINAL JURISDICTION

For the purposes of criminal jurisdiction, except in proceedings, against European British subjects and persons jointly charged with European British subjects, the following arrangements shall be made, namely:--

With the lands occupied by the Railways as aforesaid, the officers and the Court mentioned in the corresponding entries in the third, fourth and fifth columns of the Schedule shall exercise, respectively:---

- (a) The powers of a District Magistrate including all powers conferrable on a District Magistrate;
 - (b) the powers of a Court of Sessions, and
 - (c) the powers of a High Court.
- as described in the Code of Criminal Procedure, 1898, as for the time being in force in the said lands.

PART II – CIVIL JURISDICTION

For the purposes of civil jurisdiction the following arrangements shall be made, namely:--

Within the lands occupied by the Railways, as aforesaid, the officers and the Court mentioned in the corresponding entries in the sixth and seventh columns of the Schedule with the administration of civil justice:---

- (a) the powers of a District Court, and
- (b) the powers of the High Court.

as described in the Punjab Courts Act, 1918, as for the time being in force.

SCHEDULE

	1	2	3	4	5	6	7
	Railway	State	CRIMINAL JURISDICTION			CIVIL JURISDICTION	
			District Magistrate with powers conferred under Section 30 of Criminal Procedure, 1898	Court of Session	High Court	District Court	High Court
Bombay-Baroda and Central India Railway system jodhpur Bikaner Railway system.	1. Rajputana-Malwa Railway 2. Jodhpur-Bikaner Railway. Bhatnda-Bikaner Fronter	Nabha-Patiala Patiala	The Deputy Commissioner, Gurgaon. The Deputy Commissioner, Ferozepur.	In the areas in which in pursuance of this notification the Deputy Commissioner of the district exercises the powers of a District Magistrate, the District Judge of that district.	The High Court of Judicature at Lahore.	In the Areas in which in pursuance of this notification the Deputy Commissioner of a district exercises the powers of a District Magistrate the District Judge of that district.	The High Court of Judicature at Lahore.
Jaipur State Railway	Jhunjhunu-Loharu Section	Loharu	Deputy Commissioner, Hissar.	District and Session Judge, Hissar.	Ditto	District and Sessions Judge, Hissar	Ditto.
Bikane Railway System	3. Ludhiana-Rewari Chod.	Patiala	Deputy Commissioner, Gurgaon.	District and Sessions Judge, Hissar		District and Sessions Judge, Hissar.	Ditto

		Loharu	Deputy Commissioner, Hissar.				
	4. Dhuri Jakhal Railway. Ludhiana- Maler-Kotla Frontier, near Lachche- Baddl. Maler Kotla, Frontier, Jakhal.	Malerkotla, Patiala, Nabha, Jind.	The Deputy Commissioner, Ludhiana.	In the areas in which in pursuance of this notification the Deputy Commissioner of a district exercises the powers of a District Magistrate, - the District Judge of that district.	The high Court of Judicature at Lahore.	In the areas in which in pursuance of this notification the Deputy Commissioner of a district exercises the powers of a District Magistrate, the District Judge of that district.	The high Court of Judicature, at Lahore.
	5. Rajpura- Bhatinda, Railway Rajpura- Dhuri. Dhurr- Bhatinda	Patiala- Nabha Patiala- Nabha	The Deputy Commissioner, Ambala. The Deputy Commissioner Ludhiana.				
	6. Southern Punjab Railway Mian Lind Giddarbaha- Budhlada Budhlada-	Patiala Patiala	The Deputy Commissioner, Ferozepure. The Deputy Commissioner,				

	Jind Frontier near Uchana Jind Frontier near Uchana- Karainthi.	Jind	Rohtak. “				
	Narwana- Kaithal Branch.	Patiala	The Deputy Commissioner, Karnal.				
Eastern Indian Railway System	7. Jullundur Doab Railway.	Karpurthala	The Deputy Commissioner, Jullundur.	The Commissioner, Jullundur Division.		The Commissioner, Jullundur Division.	
	8. Phagwara- Rahon Railway	-do-	Ditto				
	9. Jind-Panjpat Railway	Jind	The Deputy Commissioner, Karnal.	In the area in which in pursuance of this notification the Deputy Commissioner of a district exercises the powers of a District Magistrate, the District Judge of that district.		In the areas in which in pursuance of this notification the Deputy Commissioner of a district exercises the powers of a District Magistrate, the District Judge of that district.	

Note: The schedule has been amended by notification No.45-I.B., dated the 25th January 1937, No.55-I.B., dated the 1st march 1939, and No.381-A-I.B., dated the 1st November, 1939, No. 291-I.B., dated the 12th December, 1938.

(iii) *Political Department notification No. 341-I.B., published in the Gazette of India, dated the 16th September, 1939.*

No. 341-I.B.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following Order:--

1. This Order may be cited as the Punjab States Railway Lands (Application of Laws) Order, 1939.

2. In this Order:--

“Crown Representative” means His Majesty’s Representative for the exercise of the functions of the Crown in its relations with Indian States, and includes:--

- (i) any person or persons acting under his authority, and
- (ii) in relation to anything done before the 1st April 1937, the Governor-General in Council and any person or persons acting under the authority of the Governor-General in Council.

“Punjab State Railway Lands” means the railway lands specified in the notification of the Government of India in the late Foreign and Political Department, No. 345-1, dated the 2nd July, 1924.

“Resident” means the Resident for the Punjab States.

3. The enactments mentioned in the first column of the Schedule to this Order shall apply to the Punjab State Railway lands subject to the modifications and restrictions specified in the second column thereof and to the provisions of this Order.

4. References in the Schedule to this Order to an Act of the Central Legislature or of any Provincial Legislature shall be deemed to be references to that Act as for the time being amended by the Central Legislature or, as the case may be, by the Provincial Legislature and as adapted or modified by any Order in Council made by His Majesty under Section 293 of the Government of India Act, 1935.

5. The enactments applied by this Order shall, except where the context otherwise requires and except in the modifications and restrictions referred to in paragraph 3, be construed as if references therein to the authorities, gazette and territories mentioned in the first column of the Table hereinafter printed were references to the authorities, gazette and territories respectively mentioned opposite thereto in the second column of the said Table.

TABLE

(i) Central Government, Governor-General or Federal Railway Authority	Crown Representative.
(ii) Provincial Government, Governor or Chief Controlling Revenue Authority.	Resident.
(iii) Government	Crown or Crown Representative or Resident as the context may require.
(iv) High Court	High Court of Judicature at Lahore.
(v) Official Gazette	Official Gazette of the Crown Representative or the Resident as the context may require.
(vi) British India, any Province in British India or any part thereof.	The Punjab States Railway lands.

6. A direction in the Schedule in this Order that an enactment or portion of an enactment

shall stand unmodified shall be regarded as a direction that it is not to be construed in accordance with the provisions of paragraph 5.

7. Any Court may construe the provisions of any enactment applied by this Order and of the notifications, orders, by-laws rules or regulations, made or issued thereunder with such modifications not affecting the substance as may be necessary or proper in order to adapt them to the matter before the Court.

8. The Punjab Railway Lands (Application of Laws) Order, 1937, is hereby repealed:--

Provided that all proceedings taken under any of the enactments applied by that Order and pending at the commencement of this Order shall be continued as if this Order had not been made:---

Provided further that all appointments, delegations, notifications, orders, by-laws rules and regulations made or issued under or in pursuance of, any of the enactments applied by that Order shall have effect as if made or issued under, or in pursuance of, the corresponding enactment applied by this Order, or, as the case may be, the corresponding enactment in force in the Kalka-Simla Railway Lands and the Kangra Valley Railway Lands.

APPENDIX A

**INDIAN (FOREIGN JURISDICTION) ORDER IN COUNCIL, 1902
AT THE COURT AT BUCKINGHAM PALACE**

The 11th day of June, 1902

PRESENT:

The King's Most Excellent Majesty,
Lord President,
Earl of Kintore,
Lord Balfour of Burleigh,
Sir John Winfield Bouser.

Whereas by treaty, grant, usage, sufferance, and other lawful means, His Majesty the King has powers and Jurisdiction, exercised on His behalf by the Governor-General of India in Council, in India and in certain territories adjacent thereto:

Now, therefore, His Majesty, by virtue and in exercise of powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:--

1. This Order may be cited as the India (Foreign Jurisdiction) Order in Council, 1902.
2. The Limits of this Order are the territories of India outside British India, and *any* other territories which may be declared by His Majesty in Council to be territories, in which jurisdiction is exercised by or on behalf of His Majesty through the Governor-General of India to Council, or some authority subordinate to him, including the territorial waters of any such territories.
3. The Governor-General of India in Council may, on His Majesty's behalf, exercise any power or jurisdiction which His Majesty or the Governor-General of India in Council for the time being has within the limits of this Order, and may delegate any such power or jurisdiction to any servant of the British Indian Government in such manner, and to such extent, as the Governor-General in Council from time to time thinks fit.
4. The Governor-General in Council may make such rules and order as may seem expedient for carrying the Order into effect, and in particular:--
 - (a) for determining the law and procedure to be observed, whether by applying with or without modification all or any of the provisions of any enactment in force elsewhere, or otherwise;
 - (b) for determining the persons who are to exercise jurisdiction, either generally or in particular classes of cases, and the powers to be exercised by them'
 - (c) for determining the Courts, Authorities, Judges, and Magistrates, by whom, and for regulating the manner in which, any jurisdiction, auxiliary or incidental to or consequential on the jurisdiction exercised under this Order, is to be exercised in British India;
 - (d) for regulating the amount, collection and application of fees.
5. All appointments, delegations, certificates, requisitions, rules' notifications, processes, orders and directions made or issued under or in pursuance of any enactment of the Indian Legislature regulating the exercise of foreign jurisdiction, are hereby confirmed, and shall have effect as if made or issued under this order.
6. The Interpretation Act, 1889, shall apply to the construction of this Order.

(Government of India Notification No. 3917-1, A., dated 12th September, 1902, published in Gazette of India, 1902, Part I, pages 667-68).

APPENDIX B

THE INDIAN (FOREIGN JURISDICTION) ORDER, 1937
AT THE COURT OF BUCKINGHAM PALACE*The 18th day of March, 1937***PRESENT:**

The King's Most Excellent Majesty in Council.

Whereas by the proviso to sub-section (1) of section two of the Government of India Act, 1935, it is provided that any powers connected with the exercise of the functions of the Crown in its relations with Indian States shall, in India, if not exercised by His Majesty, be exercised only by, or by persons acting under the authority of, His Majesty's Representative for the exercise of those functions of the Crown:

And whereas provision is made by the said Act and the Government of Burma Act, 1935, as to the authorities which are respectively to exercise on behalf of His Majesty the rights, authority and jurisdiction of His Majesty in, and relation to, the tribal area in India, and in and in relation to, areas in Burma which are not part of the territories of His Majesty:

And whereas it is accordingly expedient to amend the India (Foreign Jurisdiction) Order in Council, 1902 (in this Order referred to as "The principal Order");

Now, therefore, His Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered as follows:---

- (1) This Order may be cited as the Indian (Foreign Jurisdiction) Order in Council, 1937.
- (2)
 - (i) As from the commencement of Part III of the Government of India Act, 1935, the powers conferred by the principal Order on the Governor-General in Council shall, so far as they are connected with the exercise of the functions of the Crown in its relations with Indian States, be powers of His Majesty's Representative for the exercise of those functions of the Crown, and he may delegate those powers to such extent and in such manner as he thinks fit.
 - (ii) The person appointed to the His Majesty's Representative for the exercise of those functions of the Crown may, before the commencement of Part III of the said Act, make any rules, orders, delegations and appointments and issue any other instruments which he would have power to make or issue after the commencement of Part III of the said Act, but no such rule, delegation or appointment shall come into force until the commencement of Part-III of the said Act.
 - (iii) Orders and other instruments made and executed in the name of the Crown Representative shall be authenticated in such manner as may be specified in the Rules to be made by him and the validity of an Order or Instrument which is so authenticated shall not be called in question on the ground that it is not an Order or Instrument made by the Crown Representative.
- (3) As from the commencement of Part-III of the said Act and the Government of Burma Act, 1935, the principal Order shall cease to have effect as respects the tribal areas in India and any areas in Burma, without prejudice, however, to the validity of anything previously done thereunder:

Provided that any rules, orders, delegations, appointments or other instruments made or issued under the said Order shall continue in force, except so far as revoked or varied by the authority competent for the purpose under the Government of India Act, 1935, or the Government of Burma Act, 1935, as the case may be.

- (4) Save as aforesaid, the powers conferred by the principal Order on the Governor-General in Council shall continue to be exercisable on behalf of His Majesty by the Governor-General in Council until the establishment of the Federation of India and shall thereupon become exercisable on behalf of the His Majesty by the Governor-General of India.
5. The Interpretation Act, 1889, shall apply to the construction of this Order.

**PART B – JUSTICES OF THE PEACE FOR THE PUNJAB;
CRIMINAL LAW AND PROCEDURE APPLIABLE
SCHEDULE**

(a) Crow Representative's Notification No. 323-1, B., dated the 9th December, 1937

Appointment of justices.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased, in supersession of the Notification of the Government of India in the late Foreign and Political Department No. 647-167-1, dated the 24th April, 1923, to appoint the officers for the time being holding the officers specified in the first column of the Schedule hereto annexed, being European subjects, to the Justices of the Peace within the territories of the State and Estates entered in the second column of the Schedule opposite their respective names and to direct that the High Court of Judicature at Lahore shall be the Court to which such officers shall commit European British subjects for trial.

SCHEDULE

The Hon'ble the Resident for the Punjab	Bahawalpur, Khairpur
Secretary to the Hon'ble the Resident for the Punjab States	
The Political Agent, Punjab Hill States Agency	Baghal, Baghat, Balsan, Bashahr, Bhajji, Bilaspur, Bija, Darkoti, Delath Estate, Dhadi Estate, Dhami, Ghund Estate, Jubbal, Kalsia, Keonthal, Khaneti Estate, Koti Estate Kumharsain, Kunihar, Kuthar, Madan Estate, Mahlog, Mangal, Nalagarh, Ratesh Estate, Rawingarh Estate, Sangd, Sirmun Tehri (Garhwal), Tharoch, and, Theog Estate.

(d) Justices of the Peace to commit for trial to the High Court having jurisdiction

Government of India Notification No. 582-D, dated the 26th January, 1917 as amended by Notification No. 881-LB., dated 14th May, 1917.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign Department, No. 2616-1, (dated the 6th August, 1890, the Governor-General in Council is pleased to direct that a Justice of the Peace for the time being in any Native State, Territory or Chiefship specified in the notifications of the Government of India in the Foreign and Political Department, Nos. 580-D., and 581-D., dated the 26th January 1917, shall commit for trial to the High Court which under those notifications has original and appellate criminal jurisdiction in pursuance of Section 109, sub-section (1) of the Government of India Act, 1915 (5 & 6 Geo-V., Ch. 61), over European British subjects (for the time being within) such State, Territory or Chiefship.

(c) Justices of the Peace invested with powers of Magistrates of the Ist class and to hold inquests

Government of India Notification No. 319-D, dated the 16th January, 1917, as amended by Notification No. 881-1, B., dated 24th May, 1917 – In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and or all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign Department, No. 680-I, B., dated the 19th March, 1912, the Governor-General in Council is pleased to direct:--

- (1) that any European British subject appointed either by name or by virtue of his office to be a Justice of Peace in or for any country or place beyond the limits of British India shall have, in regard to European British subjects, and persons accused of having committed offences jointly with European British subjects, all the powers of a Magistrate of the 1st Class under the Code of Criminal Procedure, 1898 (V of 1898), and in addition all powers under Sections 186 and 190 of the said Code;
- (2) that any European British subject appointed either by name or by virtue of his office to be a Justice of the Peace in or for any country or place beyond the limits of British India shall have power to hold inquest under Section 147 of the said Code.

(d) Criminal law and procedure of British India applicable to British subjects in the territories outside British India in which jurisdiction is exercised by the Governor-General in Council

Government of India No. 1863-1-A., dated the 13th May, 1904, as amended by No. 184-J,K dated the 20th March, 1930.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased, with effect from the 1st day of June, 1904 to direct that, for the purposes of any power of jurisdiction exercised under that Order, the law relating to offences and to criminal procedure for the time being in force except Sections 443 to 447 to the Code of Criminal Procedure, 1898 (Act V of 1898) in British India shall, subject to the procedure to such modifications as the Governor-General in Council from time to time directs, apply, so far as applicable, to all subjects of His Majesty.

(e) Jurisdiction of High Court over European British subjects in Indian States

Government of India Notification No. 580-D., dated the 26th January 1917.—In exercise of the powers conferred by Section 109, sub-section (1) of the Government of India Act, 1915 (5 & 6 Geo. V, Ch. 61), and in supersession of the notification of the Government of India in the Foreign Department, No. 853-I.B., dated the 16th April, 1913, as amended by the notification of the Government of India in the Foreign and Political Department, No. 1589-I.B., dated the 2nd August 1916, the Governor-General in Council is pleased to direct that original and appellate criminal jurisdiction over European British subject of His Majesty (for the time being within) the territories of the States of India named below shall, until the Governor-General in Council otherwise orders, be exercised by the High Courts of Judicature established at Fort William in Bengal, Madras, Bombay, Allahabad and Patna and Lahore respectively, as follows:—

* * * *

(By the High Court of Judicature at Lahore In—
Jammu and Kashmir
Kalat.
Las Bela.

The territories administered by the Agent to the Governor-General in Baluchistan as such Agent.

The States in the political control of the Government of the Punjab.

The States within the political charge of the Agent to the Governor-General, Punjab States (now the Hon'ble the Resident for the Punjab States).

The territories administered by the Agent to the Governor-General, North-West Frontier Province, as such Agent.)

As amended by Notifications:—

No. 880-I.B., dated 24th May, 1917.

No. 90-B.S., dated the 1st April, 1919.

No. 247-X, dated 23rd April, 1930.

No. 149-1, dated 1st April, 1933.

No. 157, dated 1st April, 1933.

No. 172-I.B., dated 18th March, 1937.

PART C – POWERS UNDER ADMINISTRATOR-GENERAL'S ACT

Central Government, Home Department, Notification No. 202/37-11, dated the 8th November, 1939.

1. High Court.—In pursuance of sub-clause (j) of the clause (2) of Section 2 of the Official Trustees Act, 1913 (II of 1913) and sub-clause (j) of clause (12) of Section 2 of the Administrator-General's Act, 1913 (III of 1913), and in supersession of the notification of the Government of India, in the Home Department Nos. 1823-C and 1824-C., dated the 18th March, 1914, and in the Foreign and Political Department, Nos. 1449-D, and 1450-D., dated the 19th March, 1914, the Central Government is pleased to appoint, in relation to British subjects in the Indian States or parts of Indian States specified in column 1 of the annexed Schedule, the Court specified in the corresponding entry in column 2 thereof to be the High Court for the purpose of said Acts:

Provided that all proceedings pending in any Court at the date of this notification shall be carried on as if this notification had not been issued.

SCHEDULE

<i>Indian State</i>	<i>Court</i>
(5) The States and Estates of the Punjab States Agency (including the Punjab Hill States Agency) Azad Jammu and Kashmir (including the Gilgit Agency)	The High Court at Lahore

2. District Judge.—The following notification of the Government of India provides for the discharge of the duties imposed on a District Judge by Section 64 of the Administrator-General's Act (II of 1874):--

Government of India Notification No. 3542-1, dated the 27th August, 1891.—In exercise of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) (now Indian Foreign Jurisdiction Orders 1902 and 1937) and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to declare that the powers and duties which are conferred and imposed on a District Judge by Section 64 of the Administrator-General's Act (II of 1874), as amended by Section 13 of Act II of 1890.(now Act III of 1913), shall in the dominions of Princes and States in India in alliance with Her Majesty, be respectively conferred upon and discharged by the following officers:--

- (a) In any dominion in or for which a District Court has been established or continued by the Governor-General in Council, the Judge of that Court; provided that when more than one officer exercises the powers of a District Judge in any such dominion, it shall be competent for the officer who exercises in that dominion the powers of a high Court to determine the whom the aforesaid powers and duties shall be exercised in any particular case or within any specified area in that dominion; and
- (b) In all other cases, the Political Agent (as defined in Section 3 of the first mentioned Act).

Note: By Government of India (F. and B.) Notification No. 140-1, dated the 11th March, 1931, the above notification has been superseded in its application to the territories of Jammu and Kashmir.

3. District Judge.—By virtue of Punjab Government Notification No. 20227-Judl., dated the 3rd of May, 1932 and No. 23774-Judl., dated the 14th June, 1932, the Senior Subordinate

Judge has been appointed, by virtue of his office, Additional Judge of Simla in order that the District Judge, Ambala, may assign to him under Section 21(2) of Punjab Courts Act 1918 the functions of the District Judge in respect of Section 54, Administrator-General's Act, VII of 1913.

Government of India Home Department, Notification No. 202/37-1, dated the 8th November, 1939.

Delegation of powers to Punjab Government.—In exercise of the powers conferred by sub-section (I) of Section 124 of the Government of India Act, 1935, the Central Government is pleased, with the consent of the Provincial Governments specified in column 1 of the annexed Schedule, to entrust to them the functions of the central Government under :---

- (a) Sections 4, 5, 17 to 21 and 30 of the Official Trustees Act, 1913 (II of 1913), and
- (b) Sections 3, 4, 27, 32, 42 to 47 and 50 of the Administrator-General's Act, 1913 (III of 1913), In relation to the Chief Commissioner's Province or Provinces (if any) specified in the corresponding entry in column 2 of the said Schedule and in relation to subjects in the Provinces of Pakistan or parts of Provinces of Pakistan specified in the corresponding entry in column 3 of the said Schedule.

THE SCHEDULE

Provincial Government	Chief Commissioner's Province	Parts of Province
The Provincial Government of Punjab	Lahore	The Estates of the Punjab Agency (including the Punjab Hill Jammu & Kashmir (including the Gilgit Agency)

PART D – PERSONS AUTHORIZED TO CERTIFY DOCUMENTS FOR THE PURPOSES OF SECTION 79 OF THE EVIDENCE ACT

Government of India Notification No. 417-1, published in the Gazette of India, dated the 6th August, 1932.

Azad Jammu and Kashmir State

- 1. Registrar, High Court, Azad Jammu and Kashmir.
- 2. District and Sessions Judge, Srinagar.
- 3. District and Sessions Judge, Jammu.
- 4. Wazir Wazarat, Gilgit.
- 5. Wazir Wazarat, Ladakh.

Notification No. 98-1, dated the 26th October, 1923

Patiala State

- 1. The Foreign Secretary and Assistant Foreign Secretary.
- 2. The Revenue Commissioner.
- 3. All District and Sessions Judges.
- 4. All Nazims (District Magistrates).
- 5. All Naib Nazims Faujdari (Magistrates, 1st Class).
- 6. All Naib Nazims Dewani (Subordinate Judges).

7. All Naib Nazims Mal (Revenue Assistants).

8. The Registrar, High Court.

Foreign and Political Notification No. 541-I, Gaz. Of India, dated 12th September, 1931.

Chamba State

The Chief Secretary.

The Chief Judicial Officer.

Notification of the Crown Representative No. 246-I. B., dated 3rd November, 1938.

Tehri Garhwal State

Foreign and Political Department Notification No. 141-I, dated the 2nd April, 1924.

Malerkotla State

1. Foreign Secretary and the Assistant Foreign Secretary.

2. The Member, Revenue Board.

3. The District and Sessions Judge.

4. The District Magistrate.

5. The Collector.

6. All the Magistrates, 1st Class.

7. All the Sub-Judges.

8. The Revenue Officer.

9. Judge of the Chief Court.

Crown Representative, Political Department Notification No. 84-I. B., dated the 24th March, 1939.

Jind State

1. Judges of the High Court.

2. Revenue Minister.

3. Political Minister.

4. Political Secretary.

5. Sessions Judge.

6. All Nazims (District Magistrates).

7. All Magistrates, 1st Class.

8. All Sub-Judges.

9. All Tehsildars.

10. Mohtmim, Record Office.

Government of India, Foreign and Political Department, Notification No. 270-I, dated the 16th May, 1933.

Nabha State

1. Sessions Judge, Nabha.

2. Nazim of Amloh.

PART E - EXECUTION OF CONDEMNED PRISONERS

The following notification provides for the execution of prisoners condemned by Courts exercising jurisdiction outside Pakistan:

Government of India Notification No. 1431-1, dated the 27th April 1893.

Whereas a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor-General in Council has in such territory;

And whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death or no suitable appliances for his execution in a decent and humane manner;

In exercise of the powers conferred by *Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) (Now Indian Foreign Jurisdiction Orders, 1902 and 1937)*, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to direct as follows:--

1. When any person is sentenced to death by a British Court in the exercise of such jurisdiction as it referred to in the first paragraph of the preamble to this notification, and in the opinion of the Court, such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in Sub-continent the Court shall issue its warrant for such execution to the Superintendent or Keeper of a Jail in Sub-continent and shall in such warrant prescribe, as nearly as may be, the place in Sub-continent where such Superintendent or Keeper is to cause the execution to be carried out.
2. The jail in Sub-continent to which the Court may send it warrant under the provisions of this notification shall be such as the Governor-General in Council, or a Local Government authorized by him in this behalf, may be general or special order direct.
3. Every warrant for the execution of a sentence of death to be issued by a Court under the provisions of this notification shall be in the form set forth in the schedule hereto annexed.

SCHEDULE
FORM OF WARRANT

To the Superintendent of Keeper of the Jail at _____ in _____.

Whereas at a trial held on the _____ day of _____ 19 ____ . (*name of place*) in (*name of territory*), before me, A.B. (*name of Judge*), being the presiding officer of a _____ exercising (or with respect to) territory beyond the limits of _____ jurisdiction which the Governor-General in Council has in such territory, C.D. (*name of prisoner*) was duly convicted of the offence of culpable homicide amounting to murder and sentenced to suffer death and the said sentence has been confirmed by E.F. (*name of authority*);

And whereas there is in (*name of territory*) no secure place for the confinement of a prisoner under sentence of death (or no suitable appliances for the execution of a person under sentence of death in a decent and humane manner);

And whereas this Court is of opinion that for the reason aforesaid the said sentence should be executed in British India.

This is to authorize and require you, the said Superintendent (or Keeper) being a Superintendent (or Keeper) of a Jail specified in an order under Section 2 of Act No. V of 1893, passed by the Governor-General of India in Council, to receive the said C.D. (*prisoner's name*) into your custody in the said jail, together with his warrant, and there him safely to keep until the time hereinafter appointed, and then to carry the said sentence into execution by causing the said C.D. (*prisoner's name*) to be hanged by the neck until he be dead, at (*time and place of execution*) and to return this warrant to this Court with an endorsement certifying that the sentence has been executed.

Give under my hand and the seal of the Court this _____ day of _____ 19 ____

(Seal).

(Signature)

PART F — RAILWAY LANDS

- 1. Categories.**--These are divided into two categories, *viz.*
- (i) lines where arrangements are assimilated to those of the neighbouring British districts, and
 - (ii) lines where particular Acts have been applied and special Courts have been created.

2. Railways included in and Laws applicable.—The former are provided for by Crown Representative's Notification No. 206-I.B., dated the 15th June, 1939. It may be noted that Kalka-Simla Railway mentioned in Central Government Notification No. 343-1, dated the 2nd July, 1924 and Kangra Valley Railway mentioned in Central Government Notification No. 546-1, dated the 10th September, 1931 have now been included in Notification No. 206-I.B., stated above.

The latter are provided for by Government of India Notification No. 345-1, dated the 2nd July, 1924, and Punjab States Railways Lands (Application of Laws) Order, 1939, — *vide* Notification No. 341-I.B., dated the 13th September, 1939.

3. Execution of Processes.—Magistrates having jurisdiction in Railway Lands have been directed to execute under certain conditions processes issued by Magistrate having jurisdiction in Indian States, *vide* Central Government, Foreign and Political Department Notification No. 34-1. B., dated the 14th January, 1937.

The relevant notifications have been given in the Appendix.

APPENDIX

- (i) *Political Department No. 206-1. B., dated the 15th June, 1939 as amended by notifications Nos. 318-1. B., and 342-1. B., dated the 26th August 1939 and 14th*

September, 1939, respectively.

NOTIFICATION

Whereas the State Representative has full and exclusive power and jurisdiction over the lands lying within the States specified in the second column of the Schedule hereto annexed, which are, or may hereafter be, occupied by the Railways specified in the first column of the said Schedule (including the lands occupied by stations, by out-buildings and for other railway purposes) and over all persons and things whatsoever within the said lands:

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the late Foreign Department, No. 515-I. B., dated the 17th March, 1913, the Crown Representative is pleased to provide as follows for the Administration of Justice within the said lands.

(1) All laws for the time being in force in the districts of the Punjab specified in the third column of the said Schedule shall, subject to such exceptions by the State Representative in this behalf, be in force in the land lying within the States specified in the corresponding entry in the second column which are occupied by the portions of the railways specified in the corresponding entry in the first column thereof:

Provided that, except where the context otherwise requires, references in the said laws to the Central Government shall be construed as if they were reference to the State Representative, references to the Provincial Government shall be construed as if they were references to the Governor of the Punjab and references to Sub-continent (except in Section 124-A of the Penal Code), or to a Province or to any part thereof, shall be construed as if they were references to the said lands:

Provided, further, that the reference in Section 124-A of the Penal Code to the Government established by law in Sub-continent shall be deemed to include a reference to the Government established by law in, or the Ruler of, the State in which the said lands are situate:

Provided, further, that any Court may construe the provisions of the said laws with such modifications not affecting the substance as may be necessary or proper in order to adapt them to the manner before the Court.

(2) The Governor of the Punjab and all officers subordinate to him who for the time being exercise executive authority within the said districts shall exercise the like authority within the said lands:

Provided that the police jurisdiction in the said lands shall be exercised exclusively by the Railway Police of the Punjab.

(3) All Courts having for the time being jurisdiction within the said districts shall have the like jurisdiction within the said lands.

SCHEDULE

S.No.	Railway	State	District
(1)	Bombay Baroda and Central India Railway system:		
	Ahmadabad-Delhi Section	Nabha Pataudi	Gurgaon
	¹ [“Rewari-Bhatinda-	Dujana	Hisar

¹[Notification No.247-I-B., dated 25.5.1944).

Fazilka	Jind	
	Patiala (up to the outer signal of Railway Station Bhatinda towards Sher Garh)	
	Patiala (from outer signal of Ferozepur. Railway Station Bhatinda towards Sher Garh up to Patiala-Faridkot frontier)]	
Faridkot	Frontier-Faridkot	Ferozepure
Muktsar	Nabha	
(2) Nort-Western Railway Station:		
Delhi-Ambala-Kalka Railway	Patiala	Ambala
	Kalsia	
Kalka-Simla Raliway	Bhagat	Simla
	Keonthal	
	Patiala	
Main Line		
Ambala-Khanna	Patiala	Ambala
	Nabha	
Khanna-Ludhiana	Patiala	Ludhiana
Ludhiana-Amritsar	Kapurthala	Jullundur
Kangra Valley Railway	Mandi	Kangra
Raewind-Bhatinda Branch	Faridkot	Ferozepore.
	Nabha	
	Patiala	
Jammu-Kashmir Section		
Sialkot-Jammu	Kashmir	Sialkot
Bhatinda-Samasatta	Bahawalpur	Multan
	Bikaner	Ferozepore
Adamwahan-Reti	Bahawalpur	Multan
McLeodganj-Fazilka	Bahawalpur	Multan

Note: Jurisdiction over European British subjects in these railway lands vests in the High Court of Judicature at Lahore. See Notification No. 580-D, dated the 26th January, 1917. These lands have been included as part of the State whose territory they are, in the

Province of the Punjab for the purposes of the Administrator-General's Act, 1915, and the Official Trustees Act, 1913, by notification Nos. 1449-D, and 1450-D, dated the 19th March, 1914.

“(ii) *Government of India, Political Department Notification No. 345-I. B., dated the 2nd July, 1924.*”

Whereas the State Representative has full and exclusive powers and jurisdiction over the lands lying within the States specified in the second column of the Schedule hereto annexed, which are, or may hereafter be, occupied by the railway specified in the first column of the said Schedule (including the lands occupied by stations, by out-buildings and for other railway purposes), and over all persons and things whatsoever within the said lands;

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the State Representative is pleased to provide as follows for the administration of justice within the said lands:--

PART I — CRIMINAL JURISDICTION

For the purpose of criminal jurisdiction, except in proceedings against European British subjects and persons jointly charged with European British subjects, the following arrangements shall be made, namely:--

Within the lands occupied by the railways, as aforesaid, the officers and the Court

mentioned in the corresponding entries in the third, fourth and fifth columns of the schedule shall exercise respectively:--

- (a) the powers of a District Magistrate, including all powers conferrable on a District Magistrate.
- (b) the powers of a Court of Sessions, and
- (c) the powers of a High Court.

as described in the Code of Criminal Procedure, 1898, as for the time being in force in the said lands.

PART II – CIVIL JURISDICTION

For the purposes of civil jurisdiction the following arrangements shall be made, namely:--

Within the land occupied by the railways, as aforesaid, the officers and the Court mentioned in the corresponding entries in the sixth and seventh columns of the schedule shall exercise respectively, for all purposes connected with the administration of civil justice:---

- (a) the powers of a District Court, and
- (b) the powers of High Court.

as described in the Punjab Courts Act, 1918, as for the time being in force.

II. The notification of the Government of India in the late Foreign and Political Department No. 345-1, dated the 2nd July, 1924 is hereby cancelled.

Provided that all civil and criminal proceedings pending at the date of his notification shall be carried on as if this notification had not been issued.

SCHEDULE: As pertaining to present India territory therefore not printed.

(iii) *Government of India Political Department Notification No. 442-I. B., dated the 11th November, 1942, as amended by Notification No. 5-1. B., dated the 5th January, 1944.*

No. 442-I.B.—In exercise of the powers conferred by the Pakistan (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, and in supersession of the Punjab Railway Lands (Application of Laws) Order, 1939, the State Representative is pleased to make the following Order:--

1. This Order may be cited as the Punjab States Railway Lands (Application of Laws) Order, 1942.

2. In this order:--

“State Representative” means Representative of the Central Government for the exercise of the functions of the State in its relations with Pakistan provinces and includes:---

- (i) any person or persons acting under his authority, and
- (ii) in relation to anything done before the 1st April, 1937 the Governor General in Council and any person or persons acting under the authority of the Governor or General in Council;

“Punjab Railway Lands” means the railway lands specified in the notification of the Political Department No. 390-I.B., dated the 20th October, 1943, as amended from time to time. “Resident” means the Resident for the Punjab.

3. The enactments mentioned in the first column of the Schedule to this Order shall apply to the Punjab Railway Lands subject to any amendments to which the enactments are for the time

being generally subject in the territories to which they extend, the modifications and restrictions specified in the second column of the Schedule and the provisions of this Order.

4. The enactments applied by this Order shall except where the context otherwise requires and except in the modifications and restrictions referred to in paragraph 3, be construed as if references therein to the authorities, gazette and territories mentioned in the first column of the table hereunder printed were references to the authorities, gazette and territories respectively mentioned opposite thereto in the second column of said table:--

TABLE

(i) Central Government, President or Federal Railway Authority.	Crown Representative
(ii) Provincial Government, Governor or Chief Controlling Revenue Authority.	Resident.
(iii) Government.	State or State Representative or Resident the context may require.
(iv) High Court	High Court of Judicature at Lahore.
(v) Official Gazette	Official Gazette of the State Representative, or, as the case may be, of the Resident.
(vi) British India or any para thereof	The Punjab States Railway Lands.

6. A direction in the Schedule to this Order that an enactment or portion of an enactment shall stand unmodified shall be regarded as a direction that it is not to be construed in accordance with the provisions of paragraph 4.

7. Any Court may construe the provisions of any enactment applied by this Order and of any notifications, orders, by-laws, rules or regulations made or issued thereunder with such modifications not affecting the substance as may be necessary or proper in order to adapt them to the matter before the Court.

8. That Punjab Railway Lands (Application of Law) Orders, 1937, is hereby repealed:---

Provided that all the proceedings taken under any of the enactments applied by that Order and pending at the commencement at this Order shall be continued as if this Order had not been made:

Provided further that all appointments, delegations, notifications, orders, by-laws, rules and regulations made or issued under, or in pursuance of, any of the enactments applied by that Order shall have effect as if made or issued under, or in pursuance of, the corresponding enactment applied by this Order, or, as the case may be, the corresponding enactment in force in the Kalka-Simla Railway Lands and the Kangra Valley Railway Lands.

SCHEDULE

Enactments applied	Modifications and restrictions
<i>Acts of the Central legislature</i>	
1. The Postal code (act XLV of 1860).	(1) In clause second of Section 21, the words British India shall stand unmodified.
	(2) In Section 55, after the words "shall have been passed" insert "the Crown Representative or."
	(3) Section 75 shall stand unmodified.

	(4) In Section 121-A, for the words “British India” where they occur for the second time, substitute “British India” or of the Punjab States Railway Lands.”
	(5) In Section 124-A, for the words “British India”, substitute “British India” or the Punjab States Railway Lands, or towards the Ruler of, or the Government established by law in, the State in which the said lands are situate.”
	(6) In Sections 244 and 245 for the words “British India” substitute “British India or the Punjab States Railway Lands”.
	(7) In Section 271 reference to “Central Government” shall stand unmodified.
2. The Police Act, 1861 (V of 1861)	(1) In Section 1 for the second paragraph <i>substitute</i> : “the words “Magistrate of the district” shall mean an officer exercising within the Railway Lands the powers of a District Magistrate as described in the Code of Criminal Procedure, 1898.”
	(2) In Section 34, for the words “road or in any open place or street or thoroughfare within the limits of any town” <i>substitute</i> “Railway lands.
	(3) In Section 46, <i>omit</i> sub-section (1) and the words “when the whole or any part of this Act shall have been so extended” in sub-section (2).
3. The foreigners Act, 1864 (III of 1864).	(1) Throughout the Act for the words “Central Government” <i>substitute</i> “Resident”
	(2) In clause (b) of Section 1, the words “British India” shall stand unmodified.
4. The Public Gambling Act, 1867 (III of 1867).	<i>Omit</i> the preamble and Section 2.
5. The court-fees Act, 1870 (VII of 1870).	(1) <i>Omit</i> the least sentence of Section 1 and Section 1-A.
	(2) In Sections 26, 27, 34 and 35 for the words “Appropriate Government”, substitute “Resident”.
6. The Cattle-trespass Act, 1871 (I of 1871)	(1) <i>Omit</i> sub-section (2) of Section 1.
	(2) In Section 6 for the words “Provincial Government”, substitute “Magistrate of the District”.
7. The Indian Evidence Act, 1872 (I of 1872)	(1) <i>Omit</i> sub-section (2) of Section 1.
	(2) In Section 37 the words “British India” shall stand unmodified.
	(3) In Section 57, for clause (I) <i>substitute</i> : “(I) All laws or rules having the force of law now, or herebefore in force, or hereafter to be in force, in any part of British India or in any area outside British India under the

	administration of the Crown Representative.”
	(4) In Sections 74 and 79 the expression “British India” shall be read as referring to “British India” and the area outside “British India” under the administration of the Crown Representative.
8. The Indian Contract Act, 1872 (IX of 1872)	<i>Omit</i> the second sentence of Section 1 and the second paragraph of Section 21.
9. The Oaths Indian Act, 1873 (X of 1873)	(1) <i>Omit</i> the second sentence of Section 1.
	(2) In Sections 3 and 4 the words “British India” shall stand unmodified.
10. The Dramatic Performances Act, 1876 (XIX of 1876).	<i>Omit</i> the second sentence of Section 1, Section 2 and the words “The Provincial Government, or out side the Presidency towns” in Section 3.
11. The Opium Act, 1878 (I of 1878)	In Section 1 <i>omit</i> the second and third paragraphs.
12. The India arms Act, 1878 (XI of 1878)	(1) In clause (b) of Section 1 the words “by Order of any Government in “British India” shall stand unmodified; and after those words, the word “or of the Crown Representative” shall be inserted.
	(2) <i>Omit</i> Section 2.
	(3) In Sections 6, 7, 11, 13, 15, 16, clause (c) of Section 17, Sections 18, 25, 26, 30 and 32 for the words “Central Government” wherever they occur, <i>substitute</i> “Resident”.
13. The Explosives Act, 1884 (IV of 1884)	(1) <i>Omit</i> Section 2.
	(2) The powers of the Crown Representative under Sections 5 and 7 may also be exercised by the Resident with the previous sanction of the State Representative.
	(3) In sub-section (1) of Section 9 for the words “Central Government” <i>substitute</i> “Resident”.
	(4) In clauses (a) and (b) of Section 14, for the words “any Government in British India” <i>substitute</i> “the Crown Representative or the Resident”.
	(5) In Section 18 <i>omit</i> sub-sections (1) to (4).
14. The Indian Telegraph Act, 1885 (XIII of 1885)	(1) <i>Omit</i> sub-section (2) and (3) of Section (1)
	(2) In sub-sections (1) of Section 4 omit the words “on ships within Indian territorial waters and” “or Indian territorial waters”.
	(3) In Section 15, for the words “Central Government” wherever they occur, <i>substitute</i> “Resident”.

	(4) <i>Omit</i> Section 34.
15. The Provincial Small Cause courts Act, 1887 (IX of 1887).	<i>Omit</i> sub-sections (2) and (3) of Section 1 and Section 2.
16. The Police Act, 1888 (II of 1888).	--
17. The Revenue Recovery Act, 1890 (I of 1890).	(1) <i>Omit</i> sub-section (2) of Section 1
	(2) For Section 8, <i>substitute</i> .- “8. The provisions of this Act shall also apply to the recovery in the Punjab States Railway Lands of any arrear of land revenue or sum recoverable as an arrear of land revenue payable to a Collector or other public officer or to a local authority in any part of British India, or in any local which is not part of British India, but which is under the administration of the Central Government or of the Crown Representative, and to which this Act has been applied.”
18. The Epidemic Diseases Act, 1897 (III of 1897).	<i>Omit</i> sub-section (2) of Section 1 and Section 2-A.
19. The General Clauses Act, 1897 (X of 1897)	(1) Sections 3, 4 and 4-A shall stand unmodified:-- Provided that for the interpretation of any enactment in the Punjab States Railway Lands the definition contained in these sections shall be applicable only after effect has been given to any modification restriction or rule of construction prescribed in respect of the enactment by this Order.
	(2) <i>Omit</i> Sections 5 and 5-A.
20. The Code of Criminal Procedure, 1898 (Act V of 1898).	(1) In Section 1 <i>Omit</i> the words and figures “and it shall come into force on the first day of July, 1898” and the words from “or shall apply” to the end of the Section.
	(2) <i>Omit</i> clause (j) of sub-section (1) of Section 4 and Sections 22 and 25.
	(3) In sub-section (2) of Section 45 the words “Central Government”; shall stand unmodified.
	(4) In Section 197: (i) for clause (a) and (b) of sub-section (1) <i>substitute</i> “of the Resident”; (ii) in sub-section (2) for the words “the Governor-General or Governor, as the case may be exercising his individual judgment” <i>substitute</i> “The Resident” and (iii) <i>Omit</i> sub-section 3.
	(5) <i>Omit</i> Section 266.
	(6) A sessions Judge at his discretion:-- (a) may take cognizance of an offence without the accused person being committed to the Court of Session by a Magistrate, and if so, shall follow the procedure laid down by this Code for the trial of warrant cases by the Magistrate; and (b) in other cases may direct that any trial before the Court of Session shall be without jury or aid of assessors.

	(7) In Section 402-A, omit the words “in the case of sentences of death”; and for the words “Governor-General in his discretion” <i>substitute</i> “Crown Representative”.
	(8) In sub-section (1) of Section 503 after the words “Such attendances and” <i>insert</i> “if such witness resides in British India or any area to which this Code has been applied”; and sub-section (2) shall stand unmodified.
	(9) In Section 565 for the words “British India” wherever they occur, <i>substitute</i> “British India or the Punjab States Railway Lands”; and the words “Central Government” shall stand unmodified.
	(10) Nothing in the Code as applied shall be deemed to apply to proceedings against European British subjects or persons charged jointly with European British subjects.
21. The Indian Post office Act, 1898 (VI of 1898).	(1) Omit sub-sections (2) and (3) of Section 1.
	(2) In Section 2, in clause (b), except in the proviso, and in clause (d), the words “Central Government” shall stand unmodified.
	(3) <i>Omit</i> Chapter VIII.
22. The Indian Stamp Act, 1899 (II of 1899).	(1) <i>Omit</i> sub-sections (2) and (3) of Section 1, and clause (12-A) of Section 2.
	(2) In sub-section (1) of Section 57 for clauses (a) to (j), <i>substitute</i> “to the Lahore High Court of Judicature at Lahore.”
	(3) In Section 76-A <i>omit</i> the words and figures “Central Government subject to the provisions of Section 124(1) of the Government of India Act, 1935, and”
	(4) All references to the collecting Government shall be read as referring to the Resident.
23. The Indian Extradition Act, 1903 (XV of 1903).	<i>Omit</i> sub-sections (2) and (3) of Section 1 and Chapters IV and V.
24. The Indian Coinage Act, 1906 (III of 1906)	(1) <i>Omit</i> sub-section (2) of Section 1, and Sections 3 and 10
	(2) In Sections 16 and 20, for the words “authorized by the Central Government” <i>substitute</i> “authorized by Crown Representative or by the Resident.”
25. The Code of Civil Procedure, 1908 (Act V of 1908).	(1) <i>Omit</i> sub-sections (2) and (3) of Section 1.
	(2) In clause (5) of Section 2 and Sections 10 and 16 the words “British India” shall be read as referring to British India and the Punjab States Railway Lands; and in clause (5) of Section 2 and Section 10 the words “Central Government” shall stand unmodified.
	(3) In the proviso, the Section 29 after the word “summones” <i>insert</i> “are situate in “British India”; and the words “Central Government” shall stand unmodified.
	(4) (4) Section 43 shall stand unmodified except that for the words “to which the provisions relating to execution do not

	extend” <i>substitute</i> “or British India or the Punjab States Railway Lands”; and for the words “in British India” <i>substitute</i> “in the Punjab States Railway Lands”.
	(5) In Section 44 for the words “Provincial Government” <i>substitute</i> “Crown Representative” and the words “Central Government” shall stand unmodified.
	(6) In Section 45 after the words “any Court” <i>insert</i> “situate in British India or”; and the words “Central Government” shall stand unmodified.
	(7) In clause (a) of Section 78 the words “Central Government” shall stand unmodified; and for clause (b) <i>substitute</i> : (b) Courts situate in British India or in any other part of the British Empire”.
	(8) Sections 79 and 80 shall stand unmodified.
	(9) in sub-section (i) of Section 85 for the words “The Government”, wherever they occur, <i>substitute</i> “the Crown Representative” omit the explanation.
	<i>First Schedule</i>
	(10) The rule 25 of order V <i>add</i> the following proviso:-- “Provided that, if the defendant resides in British India, the summons may be sent for service to a Court (not being a High Court) having jurisdiction at the place where he resides and if the Court returns the summons with an endorsement signed by the Judge or other officer of the Court that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be deemed to be evidence to service.”
	(11) The provisions of rule 48 of Order XXI shall apply only those cases in which the salary or allowances are payable in the Punjab States Railway Lands.
	(12) In sub-rules (4) and (5) of rule 49 of Order XXI the words “British India” shall be read as referring to British India and the Punjab States Railway Lands.
	(13) Rule 8-B of Order XXVII shall stand unmodified.
26. The Explosive Substances Act, 1908 (VI of 1908)	(1) <i>Omit</i> sub-section (2) of Section 1.
	(2) In Section 4 for the words “British India” wherever they occur, <i>substitute</i> “India”.
	(3) In Section 7 for the words “Central Government” <i>substitute</i> “Resident”.
27. The Indian Limitation Act, 1908 (IX of 1908)	(1) <i>Omit</i> sub-sections (2) and (3) of Section 1.
	(2) Section 13 shall stand unmodified except that the words “and from” <i>substitute</i> “the Punjab States Railway Lands from”.
	(3) In the case of Articles 52, 53, 57, 59, 61, 63, 64 and 66 to 80 in the First Schedule the period of limitation shall be six years.
	(4) Article 149 of the First Schedule and stand unmodified.
28. The Indian Registration Act, 1908	(1) <i>Omit</i> sub-section (3) of Section 1.

(XVI of 1908)	
	(2) in sub-section (1) of Section 33 after the words “power-of-attorney resides” in clause (a) and after the words “does not reside” in (c) <i>insert</i> “in the Punjab States Railway Lands or”.
29. The Whipping Act, 1908 (IV of 1909).	(1) <i>Omit</i> sub-section (2) of Section 1 and Section 6.
	(2) In clause (b) of Section 5 for the words “Provincial Government” <i>substitute</i> “Crown Representative”.
30. The Indian Lunacy Act, 1912 (IV of 1912)	(1) <i>Omit</i> sub-section (2) of Section 1.
	(2) In clause (1) of Section 3, for the words “by any Government in British India” <i>substitute</i> “by the Crown Representative in the Punjab States Railway Lands, and includes any asylum in the Punjab which the Resident may, by general and special order, appoint in this behalf.”
	(3) Sections 14, 15 and 67 shall be subject to the proviso that if a lunatic is an inhabitant of an Indian State, the Magistrate or Judge, as the case may be, may make him over to the care of such State with its consent and, in the case of an order under Section 67, with the consent of the person on whose application the inquisition was instituted.
	(4) <i>Omit</i> Section 17.
	(5) In sub-sections (1) and (2) of Section 35 for the words “any other Province” <i>substitute</i> “any Province in British India”.
	(6) The Provinces of Chapter IV shall not be applicable except as provided in Chapter V.
	(7) In Section 85 for the words “other Province”, wherever they occur, <i>substitute</i> “British India Province”.
	(8) <i>Omit</i> sub-section (2) of Section 89-A and Section 89-B.
	(9) In clause (a) of sub-section (1) of Section 91 <i>omit</i> the words “other than a proceeding before a High Court which is or may hereafter be constituted by His Majesty by Letters Patent”.
	(10) In Section 98 the words “Central Government” shall stand unmodified.
31. The Cinematograph Act, 1918 (II of 1918)	<i>Omit</i> sub-sections (2) and (3) of Section 1.
32. The Provincial insolvency Act, 1920 (V of 1920)	(1) <i>Omit</i> sub-sections (2) and (3) of Section 1.
	(2) In Section 2 for clause (b) of sub-section (1) (<i>substitute</i>):-- “(b) ‘District Court’ means the principal Civil Court of original jurisdiction.”
33. The Police Incitement to Disaffection) Act, 1922 (XXI of 1922).	<i>Omit</i> sub-sections (2) and (8) of Section 1.
34. The Workman’s Compensation Act, 1923 (VIII of 1923)	<i>Omit</i> sub-sections (2) and (3) of Section 1.

35. The Official Secrets Act, 1923 (XIX of 1923)	(1) <i>Omit</i> sub-section (2) of Section 1.
	(2) Clause (1-A) of Section 2 shall stand unmodified.
	(3) In sub-section (1) of Section 8 and sub-section (2) of Section 10, for the words “an Inspector-General or Commissioner of Police” <i>substitute</i> “the Resident”.
	(4) In Section 13:-- (a) in sub-section (1), for the word “appropriate Government” <i>substitute</i> “Resident”. (b) in sub-section (3), for the words “appropriate Governments”, wherever they occur, <i>substitute</i> “Crown Representative”, and (c) <i>Omit</i> sub-section (5).
	(5) Nothing in the Act as applied shall be deemed to apply to British subjects.
36. The Indian Soldiers (Litigation) Act, 1925 (IV of 1925)	(1) <i>Omit</i> sub-sections (2) and (3) of Section 1.
	(2) In Section 13 for the words “Central Government” <i>substitute</i> “Resident”.
	(3) In Section 14, <i>omit</i> the words “As respects the Provincial Public Services, the Provincial Government, and in other cases.”
37. The Indian Succession Act, 1925 (XXXIX of 1925)	(1) <i>Omit</i> Sections 11 and 57, the words and figures “save as provided by Section 77” in Section 58 sub-section (2) of Section 264 and Schedule III.
	(2) For Section 382 <i>substitute</i> :-- “382. Where a certificate in the form of the English Schedule to this Act has been granted by a Court having jurisdiction under the Act in British India, or under the Act as applied in any area outside British India which is under the administration of Crown Representative or where a certificate has been granted to a subject of, or resident within, a foreign State in the Agency by a Political Agent on the production by such subject or resident of a certificate granted to him by a State Court, or where a certificate so granted has been extended, the certificate shall, If it has been stamped in accordance with the provisions of the Court Fees Act, 1870, have the same effect as certificates granted or extended under this Act.”
38. The Dangerous Drugs Act, 1930 (II of 1930)	(1) <i>Omit</i> sub-sections (2) and (3) of Section 1.
	(2) In Section 2 of clauses (i) to (m) <i>substitute</i> :-- “(i) to import into Punjab States Railway Lands’ means subject to the provisions of clause (j) to being into the Punjab States Railway Lands by land, or air;”
	(j) “To import inter-provincially” means to bring into the Punjab States Railway Lands from British India and includes:-- (i) the bringing of a dangerous drug into the Punjab States Railway Lands from any Indian State which the Crown Representative, may by notification in the Official Gazette

	declare to be inter-provincial import; and (ii) bringing to the Punjab States Railway Lands from any Province in British India in the course of a continuous journey by sea or through the territory of an Indian States.
	(k) “to export from the Punjab States Railway Lands” means subject to the provisions of clause (1) to take out of the Punjab States Railway Lands by land or air;
	(l) “to export inter-provincially” means to take out of the Punjab States Railway Lands into any Province of British India and includes:--- (i) the taking of a dangerous drug out of the Punjab States Railway Lands into an Indian State which the Crown Representative may by notification in the Official Gazette declare to be inter-provincial export; and (ii) taking out of the Punjab States Railway Lands into any Province of British India in the course of a continuous journey through the territory of an Indian State; and
	(m) “to transport” means to take from one place to another in the Punjab States Railway Lands.
	(3) In sub-section (2) of Section 8 after the words “Provincial Government may” <i>insert</i> “subject to the control of the Crown Representative”.
	(4) In Section 31, for the words “by the appropriate Government” <i>substitute</i> “by the Resident”; and <i>omit</i> the second sentence.
	(5) In Section 35 the words “In connection with offences against rules which under this Act fall to be made by the Provincial Government, the Provincial Government, and in connection with other offences” shall be omitted.
39. The Indian Sales of Goods Act, 1930 (III of 1930)	(1) <i>Omit</i> sub-section (2) and (3) of Section 1.
40. The Indian Press (Emergency Powers Act, 1931 (XXIII of 1931)	(1) <i>Omit</i> sub-section (2) of Section 1.
	(2) In Section 2, <i>omit</i> clause, (3) and the words “or Chief Presidency Magistrates” in clause (4).
	(3) In Sections 16 and 17 <i>omit</i> the words, “Presidency Magistrate” wherever they occur.
	(4) In Section 24, <i>omit</i> the words “composed of three Judges, or, where the High Court consists of less than three Judges, of all the Judges.”
	(5) <i>Omit</i> sub-section (3) and (4) of Section 25.
	(6) In Section 32, <i>omit</i> the words “in a Presidency town before the Chief Presidency Magistrate, and elsewhere.”
	(7) The expression “securities of the Central Government” wherever it occurs shall stand unmodified.
41. The Indian Wireless Telegraphy Act, 1933 (XVII of 1933).	(1) Throughout the Act, for “Central Government” <i>substitute</i> “Resident”.
	(2) <i>Omit</i> sub-sections (2) and (3) of Section 1.

42. The Indian Aircraft Act, 1934 (XXII of 1934)	<i>Omit</i> sub-section (2) of Section 1, and Sections 9, 14, 15 and 16.
43. The Petroleum Act, 1934 (XXX of 1934)	(1) <i>Omit</i> sub-sections (2) and (3) of Section 1.
	(2) In Section 25 <i>omit</i> the words “in the Presidency towns, by a Presidency Magistrate, and elsewhere”.
44. The Payment of Wages Act, 1936 (IV of 1936).	-----
45. The Registration of Foreigners Act, 1939 (XVI of 1939).	(1) <i>Omit</i> the words “after previous publication” in Section 3.
	(2) <i>Omit</i> the proviso to section 6.
<i>Acts of the Provincial Legislature</i>	
46. The Punjab Excise Act, 1914 (Punjab Act 1 of 1914).	(1) <i>Omit</i> sub-sections (2) and (3) of Section 1.
	(2) In Section 3 for clauses (10) and (12) substitute:--- “(10) ‘export’ means to take out of the Punjab States Railway Lands”; and (12) ‘import’ means to bring into the Punjab States Railway Land”.
	(3) <i>Omit</i> section 33A.

(iv) *Service of processes of Indian States in Railway Lands*

FOREIGN AND POLITICAL DEPARTMENT

NOTIFICATION

[New Delhi, the 14th January, 1937]

No. 34-I. B.—In exercise of the powers conferred by the (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf of the Governor-General to Council is pleased to direct that all criminal processes issued in a manner similar to that prescribed by the Code of Criminal procedure, 1898, by a magistrate having jurisdiction in any State in India shall be and police officers having jurisdiction in such railway lands under the same manner as if such processes had been issued by a Magistrate having jurisdiction in such railway lands:

Provided that any modification of the manner of executing such processes may be made by rules to be framed by the Governor General in Council in this behalf and notified in this *Gazette of India*.

Provided further that nothing hereinbefore contained shall require a Magistrate or Police Officer having jurisdiction in such railway lands to execute any process so issued against any person who is not a subject of the State by the Court of which the process has been issued or be construed as authorizing him to execute any such process against any subject or servant His Majesty.

(v) *Government of India Notification No. 467-I., dated the 29th September, 1924*

In exercise of the powers conferred by Section 34 of the Arms Act, 1878 (XI of 1878),

as applied to the railway lands specified in the notification of the Government of India in the Foreign and Political Department, No. 343-1, dated the 2nd July, 1924, the Governor-General of Council is pleased to apply the Arms Rules, 1924, to the said lands, subject to any amendment to which the said rules may be subject in Sub-continent, and subject also to the modifications specified in the first proviso to the notification of the Government of in India the Foreign and Political Department, No. 344-1., dated the 2nd July, 1924, and to such further modifications, not affecting the substance, as may be necessary or proper to adopt the said rules to the said lands.

2. *****

(vi) Government of India notification No. 53-I, dated the 27th January, 1925

In exercise of the powers conferred by Section 34 of the Arms Act, 1878 (XI of 1878), as applied to the Railway lands specified in the notification of the Government of India in the Foreign and Political Department No. 345-1, dated the 2nd July, 1924, the Governor-General in Council is pleased to apply the Arms Rules, 1924, to the said lands subject to any amendment to which the said rules may be subject in Pakistan, and subject also to the modification of the Government of in The Foreign and Political Department, No. 346-1, dated the 2nd July, 1924, and to such further modifications, not affecting the substance, as may be necessary or proper to adapt the said rules to the said lands.

2. *****

(vii)

No. 313-I.B., as published in *Gazette of India*, part 1-A, 4th December, 1937.—In exercise of the powers conferred by Section 34 of the Arms Act, 1878 (XI of 1878), as applied by the Notification of the Political Department No. 312-I.B., dated 2nd December, 1937 to the lands lying within the States specified in the second column of the Schedule annexed to the notification of the Government in the Foreign Department No. 515-I.B., dated the 17th March, 1913, which are occupied by the railways specified in the first column thereof, the State Representative is pleased to apply to provisions of the Arms Rules, 1924, to the said lands subject to the following notification namely:--

To sub-rule (i) of rule 37 of the said Rules the following Exception shall be added, namely:---

“Exception.—A certificate issued by an official of an State to the subjects of that States for carrying arms within the territory of the State shall have the effect of a licence granted this sub-rule provided that:---

- (i) the official granting the certificate holds an office corresponding to that of a District magistrate in Pakistan; and
- (ii) The journeys in respect of which the certificate shall have such effect are performed wholly within the territory of the State.”
- (iii) *****

“Note: (i) Government of Political Department, Notification No. 345-1, dated the 2nd July, 1924, has been cancelled by Notification No. 389-I.B., dated the 20th October, 1943. (ii) Government of Political Department, Notification No. 343-I.B., dated the 2nd July, 1924, has been cancelled by Notification No. 390-I.B., dated the 20th October, 1943.” (C.S. No. 10/XXI-A-I, dated the 16th December, 1944).

No. 314-I.B., as published in *Gazette of India* December, 4, 1937, Part I-A. In exercise of the powers conferred by Section 34 of the Arms Act, 1878), (XI of 1878 as applied by the Railway Lands (Application of Laws) Order, 1937, to the Railway Lands specified in clause 2 thereof the State Representative is pleased to direct:---

- (1) that in the Pakistan Arms Rules, 1924, as applied to the Railway Lands and the Punjab

Railway Lands by the notifications of the Government of India in the late Foreign and Political Department Nos. 467-1., and 53-1., dated the 29th September, 1924 and 27th January, 1925 respectively, the following Exception shall be inserted in sub-rule (i) of rule 37 thereof, namely:---

- (2) that the Pakistan Arms Rules, 1924, shall apply to the Railway Lands, subject to any amendment to which the said rules may be subject in Pakistan and subject to the following modification, namely:---

To sub-rule (i) of rule 37 thereof the following Exception shall be added, namely:---
“Exception.--A certificate issued by an official of an Indian State to the subjects to that State for carrying arms within the territory of the State shall have the effect of licence granted under this sub-rule, provided that:--

- (i) The official granting the certificate holds an office corresponding to that of a District Magistrate in sub-continent and
- (ii) The journey to respect of which the certificate shall have such effect are performed wholly within the territories of the State.

(ix) As regards the application of Petroleum Act and its rules to Railway Lands, the powers exercised by State Representative under the Act and the application of that Act and its rules the Carbide of Calcium Phosphate, Acetone Wood Naphtha, Methyl Alcohol, etc., see State Representative's Notification Nos. 138-I.B., to 151-I.B., dated the 18th May, 1938, at pages 68-69 of the *Gazette of India, May 20, 1939, Part I-A.* and notification no. 207-I.B., dated the 22nd September 1938 at page 144 of the *Gazette of India, September 24, 1938, Part I-A.*

No. 177 I.B., dated the 10th August, 1938. In exercise of the powers conferred by the sub-continent (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the State Representative is pleased to direct that where by any provision of any enactment, as applied to any territory in India in which the State Representative has power to exercise jurisdiction on behalf of the Federal Government a power to issue rules, regulations or by-laws is conferred on any authority, then, unless it is otherwise expressly provided, and without prejudice to any express provision in this behalf, that authority may, subject to the restraints and conditions imposed on the exercise of such powers, and, where such authority is not the State Representative, subject to the previous sanction of the State Representative, apply to that territory any rules, regulations or by-laws, as the case may be, made under such provision, as in force in sub-continent which are for the time being in force in sub-continent subject to any amendments to which such rules, regulations or by-laws, as the case may be, are for the time being subject in subcontinent with such modifications as may be necessary or proper in order to adapt the rules, regulations or by-laws, as the case may be, to the requirements of such territory, any rules, regulations or by-laws applied shall have effect in that territory as if made in pursuance of such provisions as applied to that territory.

CHAPTER –16

RECORDS

PART A – PREPARATION OF JUDICIAL RECORD

I – General Directions

1. Quality of paper to be used for applications, etc.—All applications and petitions presented to Civil and Criminal Court shall be written on ‘water-marked plain paper’ (formerly styled as water-marked petition paper). This paper is sold at all treasuries. All petition-writers should be required to use it.

The use of petition paper is not necessary for powers of attorney filed by counsel, *Fard Talbanas*, and lists of documents. The Courts should, however, insist on foolscap paper of good quality being used for such documents.

COMME7NTS

Maintenance of true, correct and proper record of judicial proceedings, *held*, was essential for safe administration of justice and also for safeguarding valuable rights of citizens. Application of judicial mind could only be ensured when diligently prepared correct judicial record was available. Strict vigilance over administrative staff would ensure availability of true and complete judicial record. Where such record was not made available, Judicial Officer should be able to find out deficiency in record placed before him. Administrative staff having been found guilty of gross negligence in maintaining judicial record properly. High Court directed Court below to initiate disciplinary action against officials responsible for not maintaining record of case properly.¹

2. Paper to be used for English record.—The official foolscap half-sheet, which is very nearly the same size as the petition paper alluded to in the last paragraph, should be used for all English portions of the record.

3. Paper to be used for forms.—All Judicial forms which are in the English language are supplied on paper of the size of half a sheet of foolscap. Forms which are in the Vernacular should be printed on paper of the size of the standard petition paper, or of a quarter sheet of standard Jail paper as may be most convenient.

4. Paper to be used for vernacular records of Court.—The Vernacular portion of the record should be written on ‘B’ quality paper as supplied by the Jail Department, folded to quarter sheet, which will be as nearly as possible of the same size as a half sheet of ordinary foolscap, and as the standard pattern petitioner paper. There is no objection of paper of lighter texture being used for forms of processes which may have to be transmitted by post, but the size should always be that prescribed above. Decretal order forms and other forms used for purposes of records should always be printed on stout durable paper ‘B’ standard quality paper supplied by the Jail Department should be used exclusively for all Vernacular Records, Proceedings and Registers.

5. Paper to be used for vernacular autograph records of Courts.—Country-milled *badami* paper may be used for the autography records of *Judges* and Magistrates who do not write their records in English. This paper is obtainable on indent from the Provincial Stationery Officer, Lahore, in accordance with the rules in the Punjab Printing and Stationery Manual.

6. General instructions for preparation of record.—Attention should be paid to the following matters:--

- (a) **Writing on top and sides.**—The practice of writing orders and other matters across the top and along the sides of page is forbidden;

1. 1988 CLC 1873.

- (b) **Margin to be left on either sides.**—In all Vernacular proceedings a sufficient margin should be left on each side of the paper, so that writing may not be obliterated by fraying at the edges;
- (c) **how records should be tied and kept between stiff covers.**—Records in used in Courts should be placed between stiff wooden or cardboard protectors of the standard size so that the strain of the cloth or other covering, or of the string or tape, does not fall on the papers within. It is not intended that the record of each case should be placed between stiff covers; all that is necessary is to tie each record with broad tape or *nawar* instead of string. But each *bundle* of records should, until consigned to the Record-room, be kept between stiff covers to prevent fraying, folding, etc.;
- (d) **English papers.**—All English papers should be placed full size, unfolded and tagged together within a cover of strong country paper;
- (e) **Exhibits.**—Exhibits should be folded to as nearly as possible the same size and placed in envelopes of the size of the record;
- (f) **Abstracts to the case, evidence and Judgment.**—The abstract of the case, depositions of witnesses and judgments must in every instance be written on paper of good quality of uniform foolscap size. On no account *should judgments ever be written on scraps of paper, or on the back of the Vernacular petition or order;*
- (g) **Number of pages.**—Every page (not sheet) should be consecutively numbered;
- (h) **Handwriting.**—It should be remembered that one of the essentials of a good record is that it can be read without difficulty by others. Cases sometimes come before the High Court in which the record is so illegible as to cause serious inconvenience.

II — Index of Papers, Consigning and Checking of Record

1. **Index.**—Each civil and criminal record should have prefixed to it an index of its contents, and such index should be in the prescribed form.

2. **Directions as to preparation of index.**—Each paper admitted should be entered in the index on the day on which it is so admitted by the official in charge. The autograph record of the presiding officer should be entered, as a single paper, as soon as the case is concluded. The entries in column 4 must be in sufficient detail to allow of the papers described being readily identified, *e.g.*, the entry regarding a power-of-attorney should specify by whom the power is granted and whom it empowers; the entry regarding a deposition sheet should note the name of the deponent etc., etc.

3. **Index number on record. Withdrawal documents to be noted on index.**—Each paper on being entered in the index should be marked with its index number. Where a paper consists of more than one sheet, each sheet should be thus marked. Whenever documents used in evidence are withdrawn, whether before or after judgment, a note of such withdrawal should be made in the column of remarks, and it should be stated whether a copy has been substituted or not.

4. **Separate index for each part. Note about destruction and certificates.**—At the conclusion of the case, the official who has had charge of the record should separate the papers and arrange them into two or three parts (Part A, and Part B, or Part, A, Part A(i) and Part B, as the case may be) according to rules 3 and 4 of Part F of this chapter. For each Part there shall be a separate index. The index on Part A will show all the papers which were originally on the record, while those on Part A(i) and Part B will only show those papers which are transferred to those parts. When any paper is transferred to Part A(i) or Part B, an entry should be made in the Remarks column of the index of Part A showing the Part to which the paper has been transferred. The said official should also enter in red ink the words “Not to be destroyed” in the remarks column of the index of Part A of the record against any paper which is to be preserved under paragraph 17 of Para F of this chapter. The certificate at the foot of the index should be signed and the record should then be made over to the record department.

5. Consigning record to records-room.—Records of cases decided by all criminal and civil Courts excepting those Courts which have separate record-rooms of their own (*e.g.*, the Courts of District and Sessions Judges and Courts of Small Causes at Lahore) are consigned to the District Record Room under the control of the Deputy Commissioner.

Record of Small Cause Court:

Note 1. The records of a suit decided by a Sub-Judge in exercise of the powers of a Judge or Registrar which have been specially conferred, or of a Judge or Registrar of a Court of Small Causes in exercise of the powers of a Sub-Judge, are consigned to the record room of the Deputy Commissioner.

Insolvency and Guardianship record:

Note 2. Records of cases under the Guardians and Wards Act and the Provincial Insolvency Act decided by a Sub-Judge specially empowered in this behalf are consigned to the record room of the Deputy Commissioner.

Records of a civil appeal revision decided in a Sub-Judge specially empowered:

Note 3. Records of Civil appeals and Revisions Decided by a Sub-Judge specially empowered, are consigned to the record room of the District Judge except in the districts which are not the headquarters of a District Judge where they are consigned to the record room of the Deputy Commissioner.

[“5-A. Civil and Criminal Courts while sending records for consignment to the District Record Room under the control of the Deputy Commissioner shall comply with the following instructions:---

- (i) In the case of Courts at headquarters of Districts, a challan in duplicate in form given hereinafter, alongwith the Court registers, duly completed, will accompany the records. The Court registers will be immediately returned after being signed by the Record Room Clerk receiving the records. One copy of the challan will be returned later, after entry of Goshwara number with date against each record and signature in full of the Record Room Clerk. The other copy of the challan will be returned by the Record Room staff.
- (ii) In the case of outlying Courts, the challan will be prepared in triplicate and sent to the District Record Room alongwith records sought to be consigned. The Record Room Clerk will acknowledge receipts of the records by signing and immediately returning one copy of the challan without waiting to enter the Goshwara number and date, to the Court concerned. The second copy will be returned later after entry of the Goshwara number with date against each record and signature in full of the record Room Clerk. The third copy will be retained by the Record Room staff.¹
- (iii) The Goshwara numbers given by the Record Office in the challan will be entered in the Court registers by the Ahlmads. Presiding Officers of Courts should, on the first working day in the months of February, May, August and November check the Goshwara numbers given in the Court registers Ahlmads with those entered in the challan in order to see that entries are correctly made in the Court registers, and sign the Court registers in token of their check.
- (iv) Copies of challans retained by the Record Room staff will be kept for 3 years and destroyed thereafter.

1. (C.S. No. 45/XX, C.32, dated the 21st February, 1947).

(Form of challan)

COURT OF _____ IN _____ DISTRICT CHALLAN OF FILES CONSIGNED
TO DISTRICT RECORD ROOM

Date of dispatch of records to District Record Room	Serial Number	Case Number	Names of parties	Nature of case	Date of decision
1	2	3	4	5	6

Name Of Village Basta In which records consigned	Signatures in full of Record Room Clerk receiving the file with date	Goshwara number with date
7	8	9

6. Checking of record by the record-keeper.—On receipt of the case in the record room, the Record-Keeper will examine the index and check the entries in columns 1, 2 and 6 with the papers and stamps in the record. He will then, if the record is complete, sign the certificate to that effect at the foot of the index, and enter, the case in its appropriate Register; if any papers or Court-fee stamps are missing he will at once bring the deficiency to notice.

7. Checking of record on its passing from official to another.—In every office there should be a responsible Despatcher and Receiver of Judicial records, whose duty should be to check the papers in each record which passes through his hands, and either certify, in the manner provided in Part B that the index is correct and the record complete, if this is the case, or immediately bring to notice any deficiency in papers or Court-fee stamps. This course will be followed by every succeeding official into whose hands the record passes for any purpose unless such official has been specially exempted by the head of the office from complying with this rule. Heads of offices should only permit exemptions in cases in which the purpose for which the record is required is of so temporary or special a nature as to render compliance with the rule unnecessary. The last certifying official ordinarily be held responsible in the event of any deficiency in papers or Court-fee stamps being subsequently discovered.

III – Execution Records

1. Statement of case in which decrees have been satisfied or have become Capable execution to be statement to record-keeper.—To enable proper destruction of records in accordance with sub-rule (1) of rule 12 of Chapter 16-E., Rule and Orders, Volume IV, all civil Courts will, in January, April, July, and October each year, send to the record-keeper a list of their execution cases in respect of records which are six years old or are about to become 6 years old in which the decrees have been fully executed or have become incapable of further execution. For the preparation of these lists, reference should be made to civil register No. 1 (civil suits) and to civil register No. X (execution of decrees) as prescribed in Part A-IV of Rules and Orders, Volume VI, Part A. Columns 16 to 18 and 20 of register No. 1 show what happens in execution, while column 22 of register No. X contains the date on which an execution case was struck off the file and the purport of the final order. It is the duty of each presiding officer to see that the registers of his Court are properly maintained, and that the quarterly statement prescribed here is correctly prepared and dispatched to the record-keeper promptly.

PART B – TRANSMISSION OF JUDICIAL RECORDS

1. Duplicate Challans.—When records are transmitted from one office to an other, a list

or the records transmitted should be prepared in duplicate in the vernacular in the prescribed form, and be sent with them. This list will be in addition to the regular index of papers attached to each record. The signature of the Despatcher in column 9 will, in the absence of a report to 'the contrary, operate as a certificate that the record is complete according to the index.

2. Checking of record.—On receipt of the record the proper official of the receiving office should check the list referred to in the preceding rule. If the list is correct, he should note the date of receipt of the record in the appropriate column (of both copies) and sign the entry; if the list is incorrect, he should make a note to that effect thereon, and forthwith report the fact to the head of the office for orders. One copy of the list will be returned to the dispatching office immediately after examination, with the intimation that the papers received are correct, or, if this not the case with a note of objection. A similar note of receipts, etc., should be made (in column 11) by each succeeding official into whose hand the records pass, unless he has been exempted under rule 7, Part A. When the records are no longer required, the second copy of the list will be returned with the records to the office from which they were received. Here the list will again be checked; and, if found to be correct, will be returned, attested as such, to the office to which the records went to be kept with the record of the proceedings in connection with which the records were required.

COMMENTS

Maintenance of judicial record.—Negligence of administrative staff, effect. Maintenance of true, correct and proper record of judicial proceedings, *held*, was essential for safe administration of justice and also for safeguarding valuable rights of citizens. Application of judicial mind could only be ensured when diligently prepared correct judicial record was available. Strict vigilance over administrative staff would ensure availability of true and complete judicial record. Where such record was not made available, Judicial Officer should be able to find out deficiency in record placed before him. Administrative staff having been found guilty of gross negligence in maintaining judicial record property. High Court directed Court below to initiate disciplinary action against officials responsible for not maintaining record of case properly.¹

3. Docket to accompany records.—All records transmitted from one office to another should, except in the case of records transmitted to or from a Tehsil or Honorary Court, be sent under cover of an English docket in which an indication must be given of the No. and date of the requisition and the class and No. of the case in the Court for which the records are being transmitted.

4. Transmission of record to Appellate Courts in parts.—In transmitting the record of an original Court to an Appellate Court, where there are duplicate records in English and Urdu, one part should be sent to the Appellate Court at one time and the other part separately thereafter.

5. Precepts of High Court.—As regards compliance with precepts of the High Court, see Chapter 20, Volume IV.

6. Quarterly list of record sent from record room but not returned.—On the 2nd day of the first month of each quarter, the register of files taken out of the Record Room (Form No. D on page 27 of Part A-VI. Rules and Orders, Volume VI, Part A), should be checked by the Record Keeper and a list of the files not returned to the Record Room should be prepared and forwarded to each Court for verification in the form annexed, which is a revenue standard form No. 71.

LIST OF FILES ISSUED

To the Court of _____ dated _____

1. 1988 CLC 1873.

Number of file in issue register	Record-room No. of file	Name of Parties	Description of case	Date fixed for hearing	Date on which the file left the record-room	Verification of Ahlmad of Court
1	2	3	4	5	6	7

PART C – INSPECTION OF JUDICIAL RECORDS

Rules made by the High Court under Section 107(c) now Section 224) of the Government of India Act, regulating the procedure in Courts subordinate to the High Court, in cases where any person is entitled to inspect a record of any such Court, and prescribing the fee payable by such persons for inspection.

RULES

1. Inspection of decided case.—Records of decided cases shall be open to the inspection of the public, subject to the general control of the head of the office.

The District Judge for the records of his own Court, the Deputy Commissioner for the records of all District Courts, and the Judge of a Court of Small Clauses for the records of such Court, shall be deemed to be the head of the office.

2. Inspection of pending cases.—Records of pending cases shall be open to the inspection of the parties or their pleaders or agents alone, subject to the general control of the Judge of the Court in which the case is pending; Inspection by petitioner-writers is absolutely forbidden; and Legal Practitioners' Clerks may only inspect records when the Legal Practitioner concerned is present.

Inspection shall not be allowed on the day fixed for the hearing of the case without the special permission of the presiding Judge, and then only if/the urgent fee is paid (*vide* Rule 5 below), [except in Challan cases which may be inspected at ordinary fees even on the date of hearing].¹

3. Time and place for inspection. Inspection by Government Law officers.—The inspection of records shall be made at such time, in such place, and in the presence of such official as the head of the office, in the case of records of decided cases, and the presiding Judge, in the case of records of pending cases, may direct; if the record is not inspected on the date fixed by the proper officer it shall be restored and a fresh application must be submitted before the record can again be taken out for inspection.

Provided that records of cases, to which Government is a party, may be inspected by the Advocate-General or the Assistant Legal Remembrances of the Punjab at the office of the Deputy Registrar of the High Court at Lahore. The Deputy Registrar will, on the application of the Advocate-General, call for the records of any case required from the District in which such case is pending, or is on record, and will cause the records to be returned in due course after inspection.

4. Court-fees on applications for inspection.-- Application for inspection of records

¹Added by items (3)(i) of correction Pamphlet No.14 dated 3.6.1947.

shall be made in writing, and shall distinctly specify the record which it is desired to inspect, [and shall, if inspection is required of the records of a decided case, bear one rupee Court-fee Stamp, being the amount of the fee charged for search].¹

4-A. Day to day inspection.—When any person inspecting the records of a case desires to continue inspection of the same record on the following day, he may give notice of his intention to the official in whose presence inspection is made; and in such cases no fresh application need be made in writing, provided that the inspection is continued from day to day. This will not affect the fees payable under Rule 5.

5. Inspection fees. Account and made of payment.—The inspection fee for each hour or part of an hour is one rupee for ordinary, and two rupees for urgent inspections, i.e., on the date of hearing but urgent fee is not to be recovered when inspection is carried out after the hearing is over, even though it be done on the date of hearing.²[Inspection of Challan cases should, however, be allowed at ordinary fees even before the case is heard on the date of hearing]. The fee shall be paid by means of an additional Court-fee stamp or stamps affixed to the original application before the record is handed over to the applicant. If more time than is covered by the above fee is occupied in the inspection, the balance shall be paid at the close of the inspection by affixing on additional stamp or stamps to the application.

No fees when a record is sent for under Order 13, Rule 10, C.P.C.

Note I.—These rules do not authorize a Court to charge a fee when a record is sent for and inspected by a Court of first instance on the application of a party. Under the provisions of Order XIII, Rule 10 of the Code of Civil Procedure, 1908. But every application made under Order XIII, Rule 10, must (unless the Court otherwise directs) be supported by an affidavit of the applicant or his pleader, showing that the production of the record is necessary.

No fees when record is inspected by lawyers of Government.

2. Note II.—No fee should be charged for inspection of records in Civil and Criminal cases by the Advocate-General, public Prosecutor or Advocate of the Custodian of Evacuee Property as such or by any counsel appearing for Government in such cases.

3. Note III.—In pending civil cases, where a serving Pakistani soldier is either a party to the proceedings or is materially concerned in the outcome of the proceedings no fee shall be charged under these rules when a record is inspected on behalf of such a soldier by counsel engaged by District Soldiers' Boards which have been approved by the High Court].

6. Inspection of separate record.—A separate application shall be made, and a separate fee paid for each record which it is desired to inspect, unless the records are so closely connected that, in the opinion of the head of the office or presiding Judge, they may be regarded as one, in which case *one* application *and one* fee will suffice.

7. Copying disallowed, but notes may be taken.—³[No mark shall be made on any record or paper inspected, and no servant of any member of the Bar shall be allowed on any account to take notes for his master except in the presence and under the supervision of his master. The copying or any document or portion of the record in pen and ink is strictly prohibited; but pencil copies of a document or portion of the record may be made by counsel or under his supervision and in his presence, by his clerk or servant. Any person infringing or attempting to infringe the rule, shall be liable to be deprived of the right to inspect records for such period as the head of the office or Presiding Officer of the Court concerned may think fit].

8. Fees in Court-fee stamps.—Fees under these rules are realized in Court-fee stamps.

¹Submitted by item (2) of Correction Pamphlet No.9, dated 3.4.1946.

²Added by item (3)(ii) of C.P.No.14, dated 3.6.1947.

³(C.S.No.31/XXC-10, dated the 14th February, 1946.

All Courts should keep an account of receipts from inspection fee so realized.

9. Free inspection of Court registers.—In order to trace particulars of a suit for documents; Counsel may, with the previous permission in writing of the Presiding Officer of the Court concerned and in the presence of Court official, inspect the civil or criminal registers of the Court on behalf of parties, free of charge.

Note: For inspection of Records by the Police, see Chapter 11-E of Volume III.

PART D – CUSTODY OF JUDICIAL RECORDS

1. The following orders as to the assumption and relinquishment of charge of judicial records shall apply to holders of the under mentioned posts:---

- | | | |
|-----|--|---|
| (a) | Courts of District and Sessions Judges, Additional District and Sessions Judges | (1) Ahlmads.
(2) Record Keeper |
| (b) | Courts of Senior Subordinate Judges, Administrative Subordinate Judges, and others Subordinate Judges. | (1) Ahlmads
(2) Execution Moharrirs
(3) Guardian Moharrirs
(4) Readers to Administrative Subordinate Judges. |
| (c) | Small Cause Courts | (1) Ahlmads.
(2) Naib-Sheriffs-in-charge of execution work.
(3) Insolvency Clerks. |

2. When any of the officials named in Rule 1, having custody of pending judicial records is transferred to another office permanently, or proceeds on leave for a period of two months or more, he shall make over full and complete charge of the records in his custody to the official relieving him.

3. The relieving official shall, in the presence of the official to be relieved check all the records leaf by leaf with the indices attached thereto, see that no document is missing, and then sign a certificate to the effect that he has carefully checked all the records made over to him, and has received the documents mentioned in the indices attached to them. If any part of any record or any document is found to be missing the matter shall immediately be brought to the notice of the Presiding Officer of the Court.

4. If any document or part of the record is subsequently found to be missing, the Presiding Officer of the Court shall immediately take action for its recovery or reconstruction. He shall also fix responsibility on the custodian if the document was on the index, or on the official whom the custodian relieved, if it was not on the index.

5. When an official having charge of such records is granted leave for a period of less than two months or is temporarily transferred to another post, those records only which are required for cases which are likely to come up for hearing in the ordinary course during his absence shall be taken over by the relieving official and the procedure laid down in paragraphs 2 and 3 adopted. The remaining records shall be locked up, the key of the lock being kept by the Presiding Officer of the Court. If any further records are needed during the absence of the permanent custodian, they shall be taken out and properly checked under the supervision of the Presiding Officer before being taken over by the temporary custodian.

6. So far as the record room is concerned, only the files not yet acknowledged by the Record Keeper need be checked.

7. For the purposes of paragraphs 2 to 6, both the relieved and relieving official will be regarded as on duty in the same post while charge is being transferred. In cases covered by paragraph 2, the transfer of charge shall not ordinarily take more than four days, but this period

may be extended to 7 days under the written sanction of the Presiding Officer of the Court, and to 10 days under the written sanction of the District and Sessions Judge. In cases under paragraph 5, not more than half a day should be allowed for the transfer of charge.

8. Frequent transfers of officials holding charge of records should be avoided.
9. These instructions do not apply to the transfer of charge of administrative files.

PART E — PRODUCTION OF REVENUE RECORDS

1. Requisition to be made to Deputy Commissioner.—Requisitions by the High Court or by Courts subordinate thereto for original Revenue records will be addressed to the Deputy Commissioner, who will take measures to transmit such records to the High Court calling for them. Such Court will be responsible for the safe custody of the records, and if in any case a record is found to have been damaged in the Court concerned, the Deputy Commissioner will report the fact to such Court and to the Financial Commissioner within twenty-four hours of its being returned.

2. Production of records by a revenue official.—Original Revenue records will be produced in Courts of first instance by the Special Kanungo, or Patwari Moharrir in accordance with the instructions mentioned in paragraph 5 below.

3. Measures to obviate production of revenue record.—In every case it is the duty of the Court to insist:--

- (a) on the plaintiff filing with the plaint the statement required by paragraph 10(ii) of Chapter 1-C, Rules and Orders, Vol. I;
- (b) on both parties filing certified copies or extracts of all relevant entries on which they rely.

4. Appellate Courts to avoid calling for original revenue record.—Appellate Courts should refrain from calling for original records unless it is absolutely necessary for a determination of the case, and, if the necessity arises from the neglect of a Court of first instance to comply with the instructions here issued, such Courts should be severely dealt with by the Appellate Court in the exercise of the functions of administrative control vested in it.

5. Excerpts from revenue records.—For the convenience of the public, excerpts from the Revenue records are prepared by the Special Kanungo. For the detailed instructions regarding the manner in which the services of the Special Kanungo are to be utilized, see Chapter 9, Volume 1, of the Rules and Orders.

PART F — DESTRUCTION OF RECORDS

Rules made by the Lahore High Court of Lahore under Section 3 of the Destruction of Records Act, 1917, with the previous sanction of the Provincial Government for the disposal, by destruction or otherwise, of such documents in the possession or custody of the Courts of Civil and Criminal jurisdiction subordinate to the High Court as are, in the opinion of the High Court, not of sufficient public value to justify their preservation.

RULES

A - General

[1. Timely destruction of records.—All judicial records and registers which, under these rules, become liable to destruction, shall be destroyed as soon as the period for their retention has expired:

Provided that the District Judge in the case of Civil Judge records, the Sessions Judge in the case of records of the Court of Sessions and the District Magistrate in the case of Magisterial records may order, for reasons to be specified, that any particular paper or the record of any particular case be preserved beyond such period].

2. **Manner of destruction and disposal of waste paper.**—The destruction of such records and registers shall be carried out under the supervision of the Record Keeper and shall be effected by tearing, care being taken that all Court-fee stamps have been duly cancelled. The paper shall then be sent to the nearest paper-making jail (list given in rule (II) below) after first ascertaining from the jail concerned whether it does require the waste paper. The paper should be sold in the open market if the reply of the jail is in the negative; that sale-proceeds being credited to the head “XXI — Administration of Justice — Miscellaneous Fees and Fines — Judicial Record Room Receipts.”

Note (i): In the case of Small Cause Courts the work of destruction shall be carried out under the supervision of the Registrar.

Note (ii): The following are the paper-making jails:---

- (1) Rawalpindi District Jail.
- (2) Multan District, Jail.
- (3) Gujranwala District Jail.
- (4) Sialkot District Jail.

Note (iii): Offices at Lahore should send their waste paper to the Central Jail, Lahore.

2-A. Documents of a secret or confidential nature should not be sold but destroyed by being burnt under proper supervision.

B - Records

3. **Arrangement of certain civil records in three part.**—The following Civil Records shall be arranged in three parts, A, A(i) and B, namely, those of:--

- (1) Suits involving the title to immovable property as defined in Section 3, clause 25, of the General Clauses Act, 1897, other than suits for arrears of rent, or for a share in the produce, when the right is not disputed and only the amount contested;
- (2) Suits relating to succession to an office, or to establish or set aside an adoption, or otherwise determine the status of an individual, and all suits relating to trusts or religious endowments.
- (3) Proceedings under the Succession Act, 1925, and under the repealed Acts entered in Schedule 9 of that Act.
- (4) Proceedings under the Divorce Act, 1869.

Part A shall contain the following papers:--

- (1) The index of papers.
- (2) The order sheet or chronological abstract of orders.
- (3) The plaint together with any schedule annexed thereto.

Note:- In miscellaneous cases the petition or written application of the party setting the Court in motion will take the place of the plaint.

- (4) The written statements and pleadings of the parties.
- (5) The memorandum of issues with amended or additional issues, if any.
- (6) All depositions of witnesses.
- (7) All documents received by the Court during the trial, as evidence between the parties other than copies of Civil, Revenue or Municipal records.

- (8) Commissions, proceedings held thereunder, and reports of Commissioners.
- (9) Applications to refer to arbitration, the award or other final return of the arbitrators, with the proceedings, depositions and documents submitted therewith, and any application to set aside the award with the Court's orders thereon.
- (10) Instruments of withdrawal, compromise or confession of judgment.
- (11) The judgment or other final order.
- (12) The decree and all documents relating to the preparation or amendment thereof.
- (13) All notes in the handwriting of the Judge.
- (14) Any order by the Court accepting an application for review of judgment or for a new trial.
- (15) Judgments and decrees of Appellate Courts, if any.
- (16) All orders passed in execution proceedings with all applications, objections, writs, of which service has been effected, notices, reports and returns relating thereto.
- (17) All receipts and acknowledgments filed in execution proceedings.
- (18) Processes by which service is effected on the defendants in civil suits decided *ex parte*.
- (19) Powers of attorney of Counsel or agents of parties.

Part A (i) shall contain the following papers:---

- (1) Copies of Civil, Revenue and Municipal record received by the Court during the trial as evidence between the parties.
- (2) Applications of parties who are strangers to the suit, with the Court's orders thereon.
- (3) Reports furnished by the Record Department.
- (4) Orders of arrest or attachment before judgment with all documents relating thereto.
- (5) Applications for review of judgment or for a new trial, with the Court's orders thereon, other than orders accepting such applications.

Part B shall consist of all papers not included in Parts A and A(i):--

4. Records to be divided into two parts A and B.—All other Civil records and all Criminal records shall be arranged in two parts A and B.

5. Papers included in parts A and B of civil record.—In the case of such other Civil Records Part A shall contain the following papers:--

- (a) *In original cases, other than those to which Rule 3 applies, heard by any Court other than a Court of Small Causes.*

Those papers specified in Rule 3 as contained in Parts A and A(i).

- (b) *In cases heard by a Court of Small Causes:---*

- (1) The index of papers.
- (2) The order sheet or chronological abstract of orders.
- (3) The plaint with the papers annexed thereto.
- (4) Any cross-claim set up by the defendant by way of set-of.
- (5) All documents received by the Court during the trial as evidence between the parties.

- (6) Any award of arbitrators, or deed of withdrawal, compromise or confession of judgment.
- (7) The judgments or other final order.
- (8) The decree.
- (9) All notes in the handwriting of the Judge.
- (10) Any application for review of judgment, or for a new trial, with the Court's orders thereon.
- (11) Any order passed by the High Court as a Court of reference or revision.
- (12) All orders passed in execution proceedings with all applications, writs of which service has been effected, notices, reports and returns relating thereto.
- (13) All receipts and acknowledgments filed in execution proceedings.
- (14) Written statements of parties.
- (15) Processes by which service is effected on the defendants in suits decided *ex parte*.
- (16) Powers-of-attorney of Counsel or agents of parties.
- (c) *In appeal cases:---*
 - (1) The index of papers.
 - (2) The order sheet or chronological abstract of orders.
 - (3) The petition of appeal.
 - (4) Copies of judgments and decrees of Lower Courts.
 - (5) Any cross-objection filed by the respondent under Order XLI, Rule 22, of the Code of Civil Procedure.
 - (6) Issues referred for trial by the Appellate Court, with the evidence and findings thereon.
 - (7) Commissioners' proceedings held thereunder, and reports of Commissioners.
 - (8) Any additional evidence, oral or documentary admitted by the Appellate Court under Order XLI, Rule 27, of the Code of Civil Procedure.
 - (9) Application to the Appellate Court to refer to arbitration, references, the award or other final return of the arbitrators, with the proceedings, depositions and documents submitted therewith and any applications to set aside the award, with the Court's orders thereon.
 - (10) Deeds of withdrawal, compromise or confession of judgment.
 - (11) The judgment or other final order.
 - (12) The decree of the Appellate Court.
 - (13) All notes in the handwriting of the Judge.
 - (14) Applications for review of judgment; with the Court's orders thereon.
 - (15) Any judgment and decree of a superior Court of appeal.
 - (16) Powers-of-attorney of Counsel or agents of parties.

Part B shall consist of all papers not included in Part A:

- 6. Papers included in parts — A and B of criminal record.**—In the case of criminal

records Part A shall contain the papers noted below:--

- (a) In original cases tried by a Court of Session:--
 - (1) The index of papers.
 - (2) The order sheet or chronological abstract of orders.
 - (3) The charge, original and as amended by the Sessions Judge.
 - (4) All depositions of witnesses and statements of accused persons, including depositions and statements transferred from the file of the Committing Magistrate.
 - (5) All documentary evidence.
 - (6) The final order.
 - (7) The finding of the assessors or verdict of the jury.
 - (8) All notes in the handwriting of the Judge.
 - (9) The judgment or order of the High Court as a Court of appeal, reference or revision.
 - (10) Warrants returned after execution of sentence.
 - (11) All proceedings relating to the realization of fines.
- (b) In Magisterial inquiries and trials:--
 - (1) the index of papers.
 - (2) The order sheet or chronological abstract of orders.
 - (3) The final Police report (Challan), or petition of complaint.
 - (4) All depositions of witnesses and statements of accused persons.
 - (5) All documentary evidence.
 - (6) The charge, where a formal charge is drawn up.
 - (7) The final order of the Court.
 - (8) All notes in the handwriting of the Magistrate.
 - (9) The judgment of the Appellate Court, if any.
 - (10) The judgment of the High Court in revision, if any.
 - (11) Warrants returned after execution of sentence.
 - (12) All proceedings relating to the realization of fines.
 - (13) Bonds of for good behaviour taken under Section 110 of the Codes of Criminal Procedure.
- (c) In appeal cases--
 - (1) The index of papers.
 - (2) The order sheet or chronological abstract of orders.
 - (3) The petition of appeal.
 - (4) Copy of the judgment of the Lower Court.
 - (5) Any additional evidence taken under Section 428 of the Code of Criminal Procedure.

- (6) The final order of the Court.
- (7) All notes in the handwriting of the Judge.

Part B shall consist of all papers not included in Part A.

7. Records to be presented in perpetuity.—The following records shall be preserved in perpetuity:--

- (1) Part A of all suits and appeals involving title to immovable property as defined in Section 3, clause 25, of the General Act, 1897.

Note: In suits for arrears of rent or for a share in the produce, when the right is not disputed and only the amount is contested clause I of Rule 12 will apply.

- (2) Part A of all suits and appeals relating to the succession to an offence or to establish or set aside an adoption or otherwise the status of an individual and of all suits and appeals relating to trusts or religious endowments.
- (3) Records of attachment, sale and delivery of immovable property in execution of decrees, including all objections, proceedings and orders thereon.
- (4) Part A of proceedings under the Succession Act of 1925, and the repealed Acts entered in Schedule 9 of that Act.
- (5) Part A of proceedings under the Divorce Act, 1869.
- (6) Records relating to the disposal of immovable property forfeited to Government under Section 62 of the Pakistan Penal Code.
- (7) Insolvency proceedings under the Provincial Insolvency Act, 1920, where the Court has decided a question of title to immovable property under Section 4 of the Act.
- (8) Correspondence with other offices on matters connected with the administration of justice, including annual reports and the statements appended thereto; provided that heads of offices may, with the previous sanction of the District Judge, order the destruction after three years, personally satisfying themselves, in regard to each paper ordered to be destroyed, that its retention is no longer necessary.

Also, annual confidential reports on the work of Magistrates and subordinate Judges, stipendiary and honorary, may be destroyed five years after the end of the year to which they relate.

- (9) Part A of proceedings under the Lunacy Act, IV of 1912.
- (10) Part A of proceedings under the Companies Act, VII of 1913, and VI of 1882.

Note: A list of all papers which it is proposed to destroy under this clause must be prepared, and, in the case of subordinate office, be submitted to the District Court for sanction. This list will be preserved in perpetuity.

8. Records to be preserved for 60 years.—The following records shall be preserved for sixty years and shall then be destroyed:--

- (1) Part A of proceedings under Sections 7 and 8 of Regulation XVII of 1806.

9. Records to be preserved for 50 years.—The following records shall be preserved for fifty years and shall be destroyed:--

- (1) Part A of proceedings under the Guardians and Wards Act, 1890, and under Act XL of 1858 and IX of 1861, other than those in which the petitions have been rejected.
- (2) Records of insolvency proceedings under all Act other than those falling within Rule 7(7) which have not been destroyed previously under Rules 11 and 13. The period of

fifty years shall be taken to run from date of the order of adjudication.

- (3) Part A of the case relating to any of the offences specified in Section 44 of the Code of Criminal Procedure, as offences of which all persons are bound to give information, in which any of the suspected persons have escaped apprehension; provided that, whenever it is known that the offender or offenders on whose account such records are kept, are dead, the records may be destroyed.
- (4) Part A of criminal cases in which the offence is punishable with death, and it is not known who the offender is.

Note: The records specified in clauses 3 and 4 when the time comes, when under ordinary circumstances they would be liable to destruction, shall be removed to a separate bundle of cases of absconding and unknown offenders.

- (5) Part A of Criminal cases in which a lunatic is concerned, unless the lunatic shall have been subsequently tried or have died.

10. Records to be preserved for 20 years.—The following records shall be preserved for twenty years and shall then be destroyed:--

- (1) Part A (i) of the Civil records specified in Rule 3 above.
- (2) The charge, finding and sentence in cases in which conviction has been had of an offence for which enhanced punishment is provided on a second or subsequent conviction.
- (3) Part A of cases in which any public servant has been tried, whatever may have been the result of the case.
- (4) Part A of all civil suits and appeals, other than suits and appeals falling under Rule 7, where one of the parties is a minor suing or used through a guardian under Order XXXII, of the Code of Civil Procedure.
- (5) Part A of Criminal cases relating to any offences other than those specified in Section 44 of the Code of Criminal Procedure in which any of suspected persons have escaped apprehension provided that, whenever it is known that the suspected offender or offenders on whose account such records are kept, are dead, the records may be destroyed.

11. Records to be preserved for 12 years.—The following records shall be preserved for twelve years and shall then be destroyed unless their preservation for a longer period is necessary on the special grounds noted below:--

- (1) Part A of Sessions case: provided that, if the sentence has been fully executed, the record shall be preserved until the return of the warrant, and then destroyed.
- (2) Part A of cases under Chapter XXXVI of the Code of Criminal Procedure in which maintenance is awarded.
- (3) Insolvency proceedings under Chapter XX of the Code of Civil Procedure, 1882, or under the Provincial Insolvency Acts, where immovable property is involved. The period shall be taken to run from the date of the order of the Court declaring the insolvent discharge from further liability in respect of the schedule debts.
- (4) Part A of proceedings under the Guardian and Wards Act, 1809, and under Act XL of 1858 and IX of 1861 in which the petitions have been rejected.

12. Records to be preserved for 6 years.—The following records shall be preserved for six years and shall then be destroyed unless their preservation for a longer period is necessary of any of the special grounds noted below:--

- (1) Part A of all Civil suits and appeals other than suits and appeals falling under Rule 7: provided that, if the decree has not been fully executed or become incapable of further execution. Part A must be preserved until such time as the decree has been fully executed or become incapable of further execution.

Note 1: A note of all cases destroyed in District offices under this clause shall be made at the time of destruction in the list of cases put up with the village bundle.

Note 2: In January, April, July and October, each year, the record-keeper will receive Civil Courts, - *vide* paragraph 1 of Chapter 16-A, Part III, Rules and Orders, Volume IV, lists of execution cases in respect of records which are six years, old or about to become six years' old in which decrees have been fully executed or have become incapable of further execution cases in respect of records which are six years, old or about to become six years' old in which decrees have been fully executed or have become incapable of further execution. On the receipt of these lists, the record-keeper should make a note to this effect on each file and he should not destroy any file unless it contains that note without ascertaining whether the decree has been fully executed or has become incapable of further execution.

Note 3: Only such portion of the record, if any, as relates to the attachment, sale and delivery of immovable property in execution of decrees, including all objections, proceedings, and others thereon should be taken out and preserved permanently as required by rule 7 when the record is destroyed under rule 12.

- (2) Part A of cases tried by the Magistrate of the District under Section 30 of the Code of Criminal Procedure, in which he has inflicted a heavier punishment than might have been inflicted by a Magistrate of the first class; provided that, if the sentence has not *been* fully executed, the record shall be preserved until the return of the warrant and then destroyed.
- (3) Records relating to the realization of fines of Criminal Courts.

13. Records to be preserved for 3 years.—The following records shall be preserved for three years and shall then be destroyed.

- (1) Insolvency proceedings under Chapter XX of the Code of Civil Procedure, 1882, or under the Provincial Insolvency Acts where no immovable property is involved. The period shall be taken to run from the date of the order of the Court declaring the insolvent discharged from further liability in respect of the scheduled debts.
- (2) Records of criminal cases inquired into or tried by Magistrates and not otherwise provided for in these rules.
- (3) Part A of appeals from orders passed by the Magistrates.
- (4) All correspondence between the District Magistrate or District Judge and Subordinate Courts, and other records, periodical statements, reports, proceedings, applications, etc., not expressly provided for in these rules; provided that, in respect of records falling under this clause, heads of offices must exercise their discretion in preserving report, return and proceedings likely to be usefully in the future, as containing the result of inquiries or other information, or the opinions of experienced officers on matters connected with the general administration of justice.

14. Records to be preserved for 1 year.—The following records shall be preserved for one year and shall then be destroyed:--

- (1) Part B of all civil and criminal cases and appeals provided that papers relating to deposits and payments thereof shall be separated and preserved until such time as the accounts of the deposits and repayments concerned have been audited and any objections raised in connection therewith have been finally settled and that Part B of

civil cases, and civil appeals in which a first or a second appeals lies to the High Court, shall not be destroyed until the period of limitation for instituting such an appeal has expired or until the appeal, if instituted, is decided by the High Court.

- (2) Proceedings of other Courts and officers forwarding notices, proclamations, calling for records, etc.

15. Mode of reckoning period.—The periods prescribed above shall, except in the case noted below, be taken to run from the date of the final order of the Court of first instance, or, in the event of an appeal, or revision from that of decision of the appeal or revision.

In cases under Chapter XXXVI of the Code of Criminal Procedure, in which maintenance is awarded, the period shall be taken to run from the date of the last order passed for the enforcement of the award.

16. Notes of destruction.—(i) When under the above rules the whole of the papers of Part A of the record are destroyed, a note to the effect shall be made, at the time of destruction, against the entry of the case in the Goshwara. In the case of the record offences of District and Sessions Courts where no Goshwaras are kept, the note shall be made against the entry of the case in the General Register.

(ii) When some only of the papers Part A of the record are destroyed and some are retained, a note of the papers destroyed shall be made, at the time of destruction, on the fly index of the case.

(iii) All notes made under the above instructions (i) and (ii) shall be attested by the Record-keeper.

(iv) No note whatever need be made of the destruction of Part B of a record.; Such destruction will be presumed to have been effected in accordance with Rule 14 above.

17. Preservation of papers belonging to Government or private persons.—Before destroying Part A of any judicial proceedings, care must be taken to separate and remove from the record all documents belonging to private persons or to Government, as a party to the proceedings, which have not been superseded by the decree or impounded in the case in which they were produced. These documents shall be preserved and tied up in a separate parcel, and notice shall, whenever practicable, be given to the persons who produced them in Court, requiring them to take them into their own keeping within six months from the date of the notice, and warning them that they will be kept at their risk, and that the Court declines all responsibility for them. Copies of this notice should also be put up in a conspicuous place of the Court-house of the Deputy Commissioner of the District, and of the Court in which the suit was tried, or, if such Court has been abolished, of such other Court or Courts as may be exercising jurisdiction in lieu of it. Heads of offices must make the best arrangements for the custody of these documents that the circumstances admit of. In District offices it will probably be most convenient to keep them with the appropriate village bundles.

18. Registers to be preserved in perpetuity.—The following judicial registers shall be preserved in perpetuity:—

Civil registers Nos. I, II, III, IV, V, XV and XXIV.

Criminal Registers Nos. VII, VIII and XVI.

19. Register to be preserved for 50 years.—The following registers shall be preserved for fifty years from the date of the last entry and shall then be destroyed:---

Civil Registers Nos. XXVI and XXVIII.

Criminal Register No. IX.

Miscellaneous Register J and L.

20. Registers to be preserved for 20 years.—The judicial registers shall be preserved for twenty years for the date of the last entry and shall then be destroyed:---

Civil Registers Nos. X, XI and XIII.

Criminal Register Nos. II and X.

Miscellaneous Registers Nos. A, K and N.

21. Registers to be preserved for 12 years.—The following judicial registers shall be preserved for twelve years from the date of the last entry and shall then be destroyed:---

Civil Registers Nos. VI and XIV.

Criminal Registers Nos. I, III, IV and XIV.

22. Registers to be preserved for 6 years.—The following judicial registers shall be preserved for six years from the date of the last entry and shall then be destroyed:---

Civil Registers Nos. XVI, XVIII, XXI-A, XXI-B and XXV.

Criminal Register No. XV.

Miscellaneous Registers B and C.

23. Registers to be preserved for 3 years.—The following judicial registers shall be preserved for three years from the date of the last entry and shall be destroyed:---

Civil Registers Nos. VII, VIII, IX, XII, XVII, XXI-C, XXII and XXIII.

Criminal Registers Nos. V, VI, XI, XXII and XXIII.

Miscellaneous Registers D, E, F, G, H, I, P and Q.

24. Instruction regarding destruction of Civil Register No. XX and Miscellaneous Register M.—Civil Register No. XX and Miscellaneous Register M should be treated as follows:--

When a book is full, the names of the peons still in service of the petition-writers still holding licences should be copied into a new register and the old register destroyed.

25. No judicial registers to be destroyed.—No judicial Registers shall be destroyed as directed above.

D — Other Papers

¹**26. Regarding personal file of officers, and ministerial and menial servants.**—No personal files of all officers and ministerial and menial servants of Government. Also, annual confidential reports on the work of Magistrates and Civil Judges, may be destroyed five years after the end of year to which they relate.

- (a) who die while in service, shall be preserved for three years after their death and then destroyed, provided there are no outstanding claims on the part of their heirs; and
- (b) Who have retired, shall be preserved until their death and then destroyed, provided that on file shall be destroyed before three years from date of retirement when death occurs within three years of retirement.

27. Destruction of vouchers relating to contingencies.—Vouchers relating to contingencies should be preserved for 3 years and then destroyed, this period being reckoned from 1st January following the date of payment.

¹Added by item (iii) of Correction Pamphlet No.34, dated 3rd October, 1956.

28. Preservation of records relating to Sheriffs' Petty and Civil Courts Deposit Accounts.—The records relating to Sheriffs' Petty and Civil Court Deposit Accounts shall be preserved for the period noted against each in the sub-joined statements.

CIVIL COURT DEPOSIT ACCOUNTS

CIVIL COURT DEPOSIT ACCOUNTS REGISTERS AND FORMS		Period for which it is proposed to preserve the registers, etc.
Number	Heading	
Form No. 1	Note Book of Execution Bailiff	3 years
Form No. 2	Register of Receipts (Cash system)	Permanently
Form No. 3	Register of Receipts (Voucher system)	Permanently
Form No. 4	Register of Disbursement Cash System)	12 years.
Form No. 5	Cash Book (Cash system)	6 years
Form No. 5	Cash Book (Cash system)	Permanently
Form No. 6	Receipt Form (Cash system)	6 years
Form No. 7	Voucher Form (Cash and voucher systems)	One year from the date of last audit
Form No. 8	Cheque Form (Cash system)	3 years
Form No. 9	Challan Form (Cash Voucher systems)	6 years
Form No. 11	Treasury Pass Book (Cash systems)	Permanently
Form No. 12	Extract register of receipts (Cash system) (Form 28, Civil Account Code, Volume 1)	6 years
Form No. 13	Clearance Register (Cash system)	6 years
Form No. 14	List of repayments (Cash system) (Form 47, civil Account Code, Volume II).	3 years
Form No. 15	Lapsed Deposits (Cash system) (Form No.29, Civil Account Code, Volume I).	Permanently
Form No. 16	Refund of lapsed deposit (Cash and Voucher systems) (Form No. 30 Civil Account Code, Volume I).	3 years
Form No. 17	Intermediate Register of money orders, etc.	One year from the date of last audit
Form No. 18	Stock Book of Forms of Receipt Books/Cheque Books	One year from the date of last audit.

SHERIFFS' PETTY ACCOUNTS
SHERIFFS' PETTY ACCOUNTS REGISTERS AND FORMS

Name number	Heading	Old Number	Heading	Period for which it is proposed to preserve the registers
Form 1	Register of receipts	Register A	Register of Receipts	Permanently
Form 2	Register of Disbursement	Register B	Showing payments	12 years
Form 3	Cash Book	Register C	Showing receipts and disbursements and cash balance in hand of Agent each day	Permanently
Form 4	Treasury Pass Books	--	--	Permanently
Form 5	Receipt Form	Form G	Receipt Book	Six years from the date of last entry in the cash book
Form 6	Register of Processes received and disposed	Register D	Register of Processes received and disposed of the Agent	Three years from the date of the last entry, but subject to the condition mentioned against Form 8.
Form 7	Note Book of Process Servers	Form H	Note Book of Process Servers	As against Form No.6.
Form 8	Payment Order form	Form I	Court Payment order	One year from the date of last audit and if at the last audit any objection was raised in connection with any documents or records the should be retained until the next audit, and should not be destroyed until one year has elapsed since the removal of the objection originally raised.
Form 9	Challan Form	Form J	(a) Memo. To accompany remittance of surplus money to the treasury	6 years
		Form K	(b) Of mostly balance to the treasury	
		Form L	(c) Consolidated Memo. Of remittance to the treasury	
Form 10	Cheque Form			3 years
Form 11	Statement of lapsed deposit (From 29 Civil Account Code Volume I)			Permanently
Form 12	Voucher for refund of lapsed deposits Form No.30, Civil Account Code, Volume I)			3 years
Form 13	Stock Book of Forms of Receipt Books and Cheque Books	Form M	Stock Book of Forms	As against Form No.8

CHAPTER –18

LIBRARIES

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

1. Books of reference, Acts of the Legislature and legal periodicals required for the use of civil and criminal Courts are to be obtained as follows:--

- (a) Books of reference and Acts of the Legislature entered in the lists in paragraphs 4 and 5 and in the Appendix to these rules may, subject to budget provision, be purchased from any law publisher in Pakistan and India Books not on the lists cannot be purchased without the previous sanction of the High Court and no book can be added to the lists without similar sanction.
- (b) District and Sessions Judges alone have the power to sanction purchase of prescribed books for their own Courts and for Courts of Small Causes and Courts of Subordinate Judges under paragraph 20.8 (Serial No. 18) of the Punjab Financial Rules, Volume I. Payment, however, will be made by a District and Sessions Judge only in respect of books required by him or by an Additional District and Sessions Judge, by a Senior Subordinate Judge in respect of books required by him and by all Subordinate Judges in his district, and by a Judge, Court of Small Causes, in respect of books required for that Court, the expenditure in each case being debited to the grants for “Other Contingencies” under “District and Sessions Judges,” “Subordinate Judges or “Courts of Small Causes”, as the case may be, in respect of which the officers named are disbursing officers under paragraph 20.8 (Serial No. 1) of the Punjab Financial Rules, Volume I.

Criminal Courts other than those of Sessions Judges being under the control of the District Magistrate for purposes of budget, will be governed by the procedure laid down in Chapter 7 of the District Office Manual.

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

2. Nothing in the foregoing instructions is to be deemed to sanction the purchase of any book from a publisher not in Pakistan. Special application must be made to the High Court in the event of it becoming necessary to obtain for any civil or criminal Court a book not procurable in Pakistan, whether such book is or is not on the lists of approved books. In submitting such

applications the District and Sessions Judge or the District Magistrate, as the case may be, should specify the name of the publisher, the published price and whether budget provision is sufficient to meet the cost of the book and all incidental charges connected therewith. Such books will not be purchased by placing an order direct with the publisher but by addressing the indent to the High Commission for Pakistan, Public Department, it is possible to obtain them at a discount on publishers' prices.

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

4. The following minimum books have been prescribed by the High Court for the library of each civil and criminal Court presided over the English-speaking Judges and Magistrates:---

A – Books for libraries of every Civil Court

- (1) Annotated editions of:--
 - (a) The Code of Civil Procedure.
 - (b) The Evidence Act.
 - (c) The Contract Act.
 - (d) The Limitation Act.
 - (e) The Specific Relief Act.
 - (f) The Punjab Pre-emption Act.
 - (g) The Court Fees Act.
 - (h) The Registration Act.
 - (i) The Punjab Land Revenue and Tenancy Act.
 - (j) The Stamp Act, 1899.
- (2) Rattigan's Digest of Customary Law, and Customary Law or Riwayat-i-Am of the district.
- (3) Civil Digest of the Punjab Record and Pakistan Law Reports, Lahore Series.
- (4) Manuals on:---
 - (a) Muhammadan Law.
 - (b) Hindu Law and Usage.
- (5) The Unbrepeable Central Courts.
- (6) The Punjab Code.
- (7) The High Court Rules and Orders, Volumes I, II, IV and VI-A.

B – Books for libraries of every Criminal Court

- (1) Annotated editions of:--
 - (a) The Penal Code.
 - (b) The Code of Criminal Procedure.

- (c) The Evidence Act.
- (d) The Stamp Act, 1899.
- (2) Criminal Digest of the Punjab Record and Pakistan law Reports, Lahore Series.
- (3) The Punjab Code.
- (4) The Criminal Acts in force in Punjab.
- (5) The High Court Rules and Orders, Volumes III, IV and VI-B.
- (6) A handbook for Magistrates by Rai Sahib Lala Labhu Ram.

Only those annotated editions of Acts, Codes, Digests and Manuals prescribed of libraries in this paragraph will be obtained as are specified in the Appendix to these rules.

¹[4-A. One set of all series of the Pakistan Law Reports only will be obtained by a District and Sessions Judge or where there is no District and Sessions Judge at the headquarters of a district – by the Senior Sub-Judge, for use of all Civil and Criminal Courts in the district. Every Civil and Criminal Court, however, will obtain one copy of the Lahore Series only).

5. The Appendix to these rules contains lists of books which may be purchased in accordance with Paragraphs 1 and 2 for various classes of civil and criminal Courts in addition to those mentioned in paragraph 4. A new edition or publication or vernacular edition of any work may be substituted for the edition or work specified in the lists.

6. The arrangement or libraries of criminal Courts other than Sessions Courts will be governed by the instructions contained in Chapter 7 of the District Office Manual.

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

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

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

¹(C.P. No.15 of 24th February, 1948.)

which it has been disposed of.

9. Presiding Officers of Courts will be held personally responsible for arrangements made in accordance with these rules for the custody of books and the maintenance of catalogues and lists. The following officials shall hold charge of the library of a Court under the control of the Presiding Officers:---

<i>Court</i>	<i>Official-in-charge</i>
(i) District and Sessions Judge's Court	Clerk of Court and English Clerk
(ii) Court of small Causes	Clerk of Court
(iii) Senior subordinate judge's Court	Clerk of court
(iv) subordinate Judge's Court	Reader of Ahlmad at places where there is no permanent Civil Judge.

In the cases of (i) to (iii), the presiding officer may appoint any other Clerk to assist the official-in-charge without any lessening of the responsibility of the latter, provided that the Reader in such case shall hold charge of books kept in a Court room for the presiding officer's daily use and provided further that in no case shall a menial be required to perform any responsible duty connected with the custody of books other than what may ordinarily be expected of a menial. These officials shall be personally responsible the presiding officer for the proper arrangement of books, and their receipt and issue; and for their protection from insects, etc. they should ensure that all books are removed from almirahs or other place of keep at least one a quarter and thoroughly dusted; the most convenient way to do this where large libraries are maintained is to remove the contents of shelves in rotation at fixed intervals, say, of a week or ten days, so that the turn of each shelf will come round at least once in three months. [In the case of (iv) the Ahlmad shall be responsible for looking after the Court library at places where there is no permanent Civil Judge. It will, however, be necessary that each time the Reader goes on tour with the Presiding Officer he should inspect the library to see that the Ahlmad is looking after it properly].

(ii) [At the end of the rule add "In the case of (iv), the Ahlmad shall be responsible for looking after the Court library at places where there is no permanent Civil Judge. It will, however, be necessary that each time the Reader goes on tour with the Presiding Officer he should inspect the library to see that the Ahlmad is looking after the properly."

10. It will be the duty of the Reader to each Court to see that no unauthorized persons *are* allowed to *remove* or otherwise tamper with the books in the Court room. He shall see that the Court room is locked before he leaves for the day. -

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

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

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

14. All correction slip of various Acts Manuals, codes, and Rules and Orders of the High Court, shall be inserted as soon as they are received. To ensure that this is done in respect of the Rules and Orders of the High Court, a register shall be maintained in each Court by the officials named in paragraph 9 in which the number and date of every correction slip received shall be

entered with the date of receipt also noted therein; they will have the entry attested by the presiding officer of the Court in token of the correction slips having been pasted in the relevant volumes, and the presiding officer must see that no undue delay occurs in each pasting.

15. When a change of presiding officers of a civil or Criminal Court takes place, the relieving officer will satisfy himself on taking over charge of office that the library of the Court is complete, that the books are in good condition and that the catalogues or lists, as the case may be, are up-to-date. Any deficiencies will at once be brought to the notice of the Court to which he is subordinate.

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

17. The books in the library of every Court shall be checked annually in the month of March by the presiding officers and the result reported to the District and Sessions Judge and the District Magistrate by civil Courts and criminal Courts, respectively. The District and Sessions Judge and the District Magistrate shall then by the 31st of the same month, report to the High Court the result of the check including that of their own Courts. All presiding officers should remember that these annual inspections must not be performed perfunctorily.

18. Personal responsibility must be fixed for all losses of books and in doing so regard shall be paid whether the rules for the care, custody and checking of books have or have not been observed by all concerned. The Provincial Government have decided that they will not hesitate to recover the cost of missing books from those concerned where the loss is found to be due to any failure, even on the part of a presiding officer, to comply with rules. It will only be when personal responsibility is not enforceable that losses will be written off – by the High Court where District and Sessions Courts and other civil Courts are concerned, and by the Commissioner or the Deputy Commissioner where Criminal Courts are concerned, under paragraph 20.17 (Serial No. 6) of Punjab Financial Rules, Volume I.

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

APPENDIX

LIST OF BOOKS AND ACTS WHICH MAY BE SUPPLIED TO COURTS IN THE PROVINCE SUBJECT TO THERE BEING BUDGET PROVISION TO MEET THE COST

Note: New editions or publications of any work mentioned in this list may be substituted for the edition or work here specified. Vernacular editions of any Work specified in the -list the included.

PART – I

(For the use of every Civil and Criminal Courts)

1. Acts of the Legislature.

2. Indian Evidence Act Women.
3. Income Tax Ordinance.
4. Law relating to Motor Vehicles in Pakistan.
5. Punjab Code.
6. Punjab Records (Judicial part only).
7. Indian Law Reports (Lahore Series).
8. Complete Digest of the Punjab Cases Law, 1866 – 1932.
9. Punjab Digest, 1900-1926.
10. The Punjab Digest, 1931-1918.
11. Indian Digest (Civil, Criminal and Revenue); Quinquennial Digest, Decennial Digest and Yearly Digests.
12. High Court Rules and Orders.
13. Concise Law Dictionary.:
14. Universal Ready Reckoner.
15. Concise Oxford Dictionary.
16. Rahnuma-i-amala-i-Muharran.
17. Notable Judgments of Judge Young, edited by Bankey Behari and Sri Ram.
18. The Punjab and North-West Frontier Province Acts (Civil, Criminal and Revenue) the Punjab Acts (Civil, Criminal and Revenue) Important Punjab Acts with Commentary, by Kazi Muhammad Ashraf.”
19. Stamp Act.
20. A Treatise on the Law of Contempt of court.
21. Annual Medical List published by the Punjab Medical Council.
22. The Cantonments At, 1924 and the Cantonments (House Accommodation) Act, 1923.
23. Holy Bible.
24. For Necessary Act, speeches and judgments by Sir Douglas Young edited by Shri Ram and V.M. Kulkarni.
25. All Indian Comparative Tables.
26. Table showing the corresponding dates of the Christian Era and the Higri and Banker’s Era from 1880-1950.
27. Cross-examination.

PART-II

(For the use of every Civil Court, in addition to works in Part I)

1. Code of Civil Procedure by A. Amir Raza.
2. Contract Act and Specific Relief Act or the Law of Contracts.

3. Sale of Goods Act by M.G. Hussain.
4. Specific Relief Act by Ch. Naseem.
5. Limitation Act Law of Limitation and prescription in Pakistan including Easements.
6. Court-fees and- Suit Valuation Act (M.G. Hussain), or the Law regulating Court-fees and Jurisdiction (Students abridged edition) By D.C. Obhai.
7. Stamp Law (in Urdu).
8. Provincial Small Cause Courts Act.
9. Registration Act -by Mulla by M.G. Hussain.
10. Usurious Loans Act.
11. Negotiable Instruments Act by M.G. Hussain
12. Civil Court Manual (Kazim Khan) or the Civil Court Manu41.
13. Punjab Courts Act.
14. Punjab, Alienation of Land Act.
15. Punjab Pre-emption Act by Noor Elahi.
16. Punjab Municipal Act with Small Towns and Executive Officer Act Municipal Law and Practice.
17. Punjab Small Towns Act.
18. Punjab Tenancy Act.
19. Punjab Land Revenue Act by Ch. Naseem.
20. Hindu Law.
21. Wilson's Anglo-Muhammadan Law or Mulla's Muhammadan Law by Ali Hassan
22. Marriage and Dower under the Muhammadan Law by Ali Hassan.
23. Marriage and Dissolution of Marriage in Muslim Law.
24. Digest of Civil Law for the Punjab.
25. Customary Law in the Punjab.
26. Transfer of Property Act by M.G. Hussain.
27. Law relating to mortgage in the Punjab.
28. Law of execution.
29. Law of Torts (Ratan Lal).
30. Twenty-four years' Calendar from 1917 to 1940.
31. Rahnuma-i-Amla-i-Tamil.
32. Law of Partnership by Tirath Das Sehgal or Indian Partnership Act by Pollock and Mulla Or Law and Practice of Partnership and Private Companies.
33. Punjab Relief of Indebtedness Act.
34. Customary Law Series.
35. Handbook of procedure and every day civil law.

36. Punjab Debtor's Protection Act.
37. Hire-Purchase, by V.S. Nayyar and C.L. Varma.
38. Relief Legislation in the Punjab.
39. Land Alienation Act with Bedami Laws.
40. Easements. and Licenses by K.N. Joshi, or Law of Easements by Naveed Abbas.
41. The Law Lexicon.
42. Law of Arbitration by Ch. Ahsanul Haq.
43. Law and Practice of Conveyancing by M.G. Hussain Dutt's Law of Conveyancing.

PART-III

(For the use of every Criminal Court, in addition to works in Part I)

1. Law of Fatal Accidents by Key Law Reports.
2. Pakistan Penal Code by M.A. Zafar.
3. Code of Criminal Procedure by Nazam.
4. Police Act by S.A. Abid.
5. Public Gambling Act.
6. Pakistan and Punjab Criminal Acts or local and special Laws (Criminal) Court Manual (Imperial Acts) published by the Madras Law Journal Office all India Digest, 1931-1940 (Criminal and yearly Digest, published by Madras Weekly Notes Office.
7. Administration of Cantonments (Lincoln).
8. Police Diaries and Statements (A.K. Khan).
9. Handbook for Magistrates.
10. Medico-legal Court Compensation (M.G. Hussain).
11. Outlines of Medical Jurisprudence (Lyon).
12. Taylor's Medical Jurisprudence.
13. Classification and Uses of Finger Prints. (Henry)
14. Criminal Practice by (S.A. Abid).
15. Law relating to bails in criminal matters by Ram Lal Anand.
16. Arms Ord. Manual or Arms Act Law of Arms and Explosives of Law or Arms in Pakistan by M.A. Zafar.
17. Law relating to Electricity by G.M. Hussain.

PART-IV

(For the library of (1) District and Sessions Judges and (2) Senior Sub-Judges or Additional Judges, in addition to the works in parts I, H and III.

1. A second annotated edition of Penal Code

2. A second annotated edition of Criminal Procedure Code.
3. A second annotated edition of Civil Procedure Code.
4. Negotiable Instruments Act.
5. Land Acquisition Act by S.A. Abid.
6. Guardians and Wards Act by S.A. Abid.
7. Law relating to Minors by Trevelyan
8. Companies Act by M.A. Zafar.
9. Law of Transfers of Property by Ch. Naseem.
10. Law of Mortgages.
11. Copyright Act and Regulations, 1914 and Laws relating to published by Majad Bashir.
12. The Law of Copyright by Awais Khalid.
13. Legal Practitioner's Act by M. Javid Iqbal.
14. Professional Ethics.
15. Provincial Insolvency Act by M.J.D. Arian.
16. Succession Act (Act XXXIX of 1925) by S.A. Abid.
17. Railways Act, IX of 1890 by M.J.D. Arian.
18. Law of Carries and Railways.
19. Law of Arbitration by M.G. Hussain.
20. Law of compromise.
21. Law of Principles of Co-operation.
22. Stamp Law and Practice by S.A. Abid.
23. Jail Manual.
24. Police Rules.
25. Police Reports and Investigation by M.K.A. Khan.
26. Police Diaries and Statement by M.K.A. Khan.
27. Law of Accomplice and Approver by M.K.A. Khan.
28. Registration Manual.
29. Law of Excise in the Punjab by Pindi Dass and Des Raj Bhasin.
30. Law of Contract by Asmat Kamal.
31. Principles of Contract by Pollock.
32. Anson on Contracts.
33. Digest of the Law of Partnership by Lindley.
34. Law of Agency by Bowstead or Katiar.
35. Hindus Law, by Mayne or Gour.
36. Muhammadan Law by Amir Ali or Tyabji or Sexena.

37. Treatise on Customary Law in the Punjab by Rustomji.
38. Central Punjab Customs by N.H. Prenter.
39. Law of Torts by Pollock.
40. Mayne on Damages, or a Treatise on the Damages and Compensation in British India, by C. Kameswara Rao.
41. Kerr on Fraud and Mistake.
42. Banking Law and Practice in India by M.L. Tannon.
43. Tagore Law Lectures (as published).
44. Cantoment Laws in India by Kidar Nath.
45. Science of Jurisprudence, by Salmond.
46. Conflict of Laws, by Dicey.
47. Doctrine of *Res Judicata* by Bower.
48. Mogha's Pleadings.
49. Law of Estoppel by Bower on Everst and Stroud.
50. Law of Injunctions by Kerr and Basu.
51. Treatise on the Law of Easements and Licensee in British India (Katiar).
52. Principles of Equity, by Snell.
53. Common Law, by Odgers.
54. Maxwell on Interpretation of Statutes.
55. Forbes Hindustani and English and English and Hindustani Dictionary.
56. Platt's Hindustani Dictionary.
57. Standard English Urdu Dictionary by Abdul Haq.
58. Law Lexicon, by Wharton.
59. Stroud's Judicial Dictionary.
60. Legal Maxims by Broom.
61. All India Consolidated Digest, 1811-1934 (Criminal). Three volumes by Desai.
62. All India Consolidated Digest, 1811 to 1934 (Civil), 9 volumes by Desai.
63. Pal's Civil and Criminal References.
64. Desai's Index of Case Judicially noticed.
65. A compilation of orders on the subject of the personal conduct of Public Officers in their relation to Government by G.K. Roy.
66. Time and Fare Table of the North-Western Railway or in the case of districts served by Railways other than the North-Western Railway, the Time and Fare Table of the Railway concerned.
67. Law of adoption in India and Burma by J.L. Kapur.
68. Dr. Nand Lal's Law and Doctrine of *Res Judicata*.

69. Workmen's Compensation Act, by P.R. Aiyar and S.K. Iyer or by Narinjan Singh or by A.G. Clow.
70. Commentaries on the Indian Trusts Act by S.K. Aiyar (as an alternative to "Law of Trusts in British India" comprising one of the series of Tagore Law Lectures in item 43 above).
71. Northern Indian Canal and Drainage Act by (R.N. Rao).
72. Hindu Law applicable to the Punjab (Rust).
73. Benami Transaction (Ghosh).
74. Government of India Act, 1935.
75. Contested Documents and Forgeries (Brewester).
76. Law and Procedure of Execution (Bhaumik).
77. Finger Prints (Brewester).
78. Police Finger Print Bureau Manual.
79. Law of Fraud and Fraudulent Transfer (Dhodi).
80. Law of Gift in British India (Bimla Charan).
81. Indian Partition Act (Balwant Singh).
82. Law of Promissory Notes (Aiyar).
83. Law of Provident Fund (Duct).
84. Law of Receivers (Basu).
85. Law relating to Official Receiver (Rao).
86. Government of India Act, by C.L. Anand or Law of the Indian Constitution by Ramswamy.
87. Law of Insurance Bishan Nath.
88. Laws of India by Doulat Ram Prem.
89. The Legal Phrase Book for Shorthand writers, and Rapid Methods in Recording Numerical by P.G. Subramania Iyer.

PART-V

(For the library of District and Sessions Courts in addition to works in Parts I to IV)

1. Dr. Naud Lal's Penal Law in India.
2. Indian Divorce Act (Rattigan) or the Law and Practice of Divorce by S.C. Manchanda.
3. Haydon on Divorce.
4. House owners and Tenants in Cantonments (Lincoln).
5. Law of Compulsory Land Acquisition and Compensation or Ghosh's Land Acquisition Acts.
6. A handbook of the Law relating to Press in India, by G.K. Roy.
7. Punjab Court of Wards Manual (D.R. Prem).

8. Law of Torts, by Salmond, Clark and Lindsell, Iyr, Underhill or Ratan Lal.
9. Smith's leading Cases.
10. White and Tudor's Leading Cases on Equity.
11. The Shorter Oxford English Dictionary.
12. Wills on Circumstantial Evidence (Indian, edited by Krishnamachariar).
13. Law and Practice of Elections and Election Petitions Pandit Nanak Chand and others.
14. Election Cases - India and Burma - 1920-1935, by Hammond.
15. Law relating to places of entertainment and amusement (K. Venkoba Rao).
16. Kerry's India Sale of Goods Act.
17. Kerry's Partnership Act.
18. Encyclopaedia of the General Acts and Codes of India, published by Butterworth and Co. India Ltd.).
19. Law of Identification (M.K.A. Khan).
20. Law of Homicide and Hurt in British India (Rust).
21. Law of Confessions (Roy or M.K.A. Khan).
22. The Payment of Wages Act (H.L. Sarin)

PART-VI

(For the library of District Magistrates in each District within the limits of which Military forces are stationed and for the library of each Cantonment Magistrate)

1. Army Regulations India, Volume 2 Discipline.
2. Army Act.
3. An authorized work on Military Law.
4. House Owners and Tenants in Cantonments by Lincoln.

PART-VII

(For the libraries of District Magistrates only)

1. Law and Practice of Elections and Election Petitions by Pandit Nanak Chand.
 2. Election Cases India and Burma 1920-1935, by Hammound.
 3. Law relating to places of entertainment and amusement (K. Venkoba Rao).
 4. Law of Identification (M.K.A. Khan).
 5. Law of Homicide and Hurt in British India (Rust).
 6. Law of Confessions (Roy or M.K.A. Khan).
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CHAPTER — 19

CORRESPONDENCE

PART A — GENERAL DIRECTIONS

1. Correspondents with High Court.—All communications to and correspondence with the High Court should be in English, and should be addressed to the *Registrar of the Lahore High Court, Lahore*.

2. Correspondence with High Court.—The orders contained in Punjab Government Consolidated Circular No. 5 regarding the routine and procedure to be observed in the submission of correspondence, should be carefully observed by all officers of Judicial Department. The directions relating to correspondence with the Punjab Civil Secretariat are to be followed, *mutatis mutandis*, in corresponding with the High Court. Judicial Officers are not allowed to correspond direct with the Judges on matters affecting leave, transfer, etc., or other such official questions.

3. Letters.—(a) Every letter should have at the commencement its number, the name (when possible) as well as the office of both the writer and the officer addressed, and the place from which it is written, and its date. This rule applies as well to copies as to original documents.

(b) Every letter should refer to the last preceding letter, if any, on the subject and also give, either as a heading or on the margin, a brief description of the subject; the subject in respect of a judicial case pertaining to the Court which is being addressed, will be the title of the case (i.e., the class, number and year of the case and the parties' names). This will also be done when reminders are issued to facilitate the quick tracing of cases.

4. Margins, size and filing.—Correspondence should ordinarily be conducted on the 3/4 margin system. The docket size should ordinarily be used. For the filing of correspondence *the flat file* system will be found to be the most convenient (the size of a half-sheet of foolscap).

5. Loss or damage.—A report should be made to the High Court through the District and Sessions Judge whenever any judicial record or file or correspondence is found to have been seriously demanded, tampered with, destroyed, lost or mislaid. Every effort should be made to replace missing or damaged papers from all available sources.

6. Challan.—(i) When several papers or records are transmitted under one cover, a list or invoice (*challan*) in duplicate, should accompany the parcel. In the case of judicial records each of which has an index to the papers contained in it, the files only need be entered in the *challan* but in this *challan* the No. and date of the requisition and the class and No. of the case to the Court by which each record is requisitioned, must be given for the convenience of that Court which may not otherwise know the purpose for which the records have been transmitted.

(ii) **Verification of challan.**—The receiving officer should, on receipt, verify the list or invoice with the papers received, and return on copy thereof after entering the date of receipt thereon and signing it. If any paper or record entered in the list of invoice has not come to hand, the fact should be noted on each copy of the list or invoice and the dispatching office informed of the fact by letter also, as soon as possible.

(iii) **Checking of judicial records received with challan.**—In the case of judicial records the receiving officer will, after despatching a copy of the list or invoice, subject each record to examination to order to satisfy himself that the papers thereon correspond with those entered in the index; that the papers are not in a seriously damaged state; and that the Court-fees are complete and in good condition. If any document or Court-fee is missing or damaged, or appears to have been tampered with, intimation of the fact should be sent, as soon as possible, to the office of dispatch. Unless objection is taken within one week of receipt, responsibility will ordinarily be taken to have been transferred to the receiving office. [See also Chapter 16, "Records," Part B, regarding the transmission of Judicial Records.]

7. Destruction of Correspondence.—The destruction of judicial records is governed by

the rules in that behalf contained in Chapter 16 “Records”, Part F. As regards ordinary official correspondence, routine, and ephemeral correspondence may be destroyed after one year, under the supervision of the head of the office, a note in red ink (under the signature of the head of the office) being made of the fact in the column of remarks of the register.

8. High Court Circulars and correction slips to Rules and Orders.—All High Court Circulars should be placed, as received, on a file. All correction slips relating to the Rules and Orders should be duly noted and the Volumes kept up-to-date.

9. Correspondence with Indian States and places abroad.—Special directions regarding judicial communications intended for Indian States abroad will be found in High Court Rules and Orders, Volume 1, Chapter 10, Volume III, Chapter 9-C, and Vol. IV, Chapters 7-F, 8-C, and 15.

10. Precepts of High Court.—Further instructions regarding compliance with the precepts of the High Court will be found in Chapter 20.

11. Other references.—Instructions regarding the submission of building references will be found in Chapter 22, “Judicial Buildings”, and with regard to submission of the annual budget in Chapter 21, ‘Budget’. Attention is also drawn to Chapter 8-C, paragraphs 7 and 8, Chapter 7-C, paragraph 4 and Chapter 7-E, paragraph 8 on the subject of correspondence.

12. All letters received from mercantile bodies, firms, private individuals, etc., not under Government, should be replied to unless they are in reply to communications from the Court or office itself and call for no further action. If there is likely to be any delay in disposing of such letters, an *ad interim* acknowledgement should be sent as soon as possible. The acknowledgement should ordinarily issue in the form below.

I am directed/have the honour to acknowledge the receipt of your letter
No. _____ dated the _____

A reply will follow.

(Punjab Government Letter No. 3937-P.G.P. 41/58974, dated 12th November, 1941).

PART B – VERNACULAR CORRESPONDENCE CONNECTED WITH JUDICIAL MATTERS

1. When correspondence in vernacular advisable.—The rule regarding correspondence being ordinarily conducted in English is not intended to require the use of the English language when the vernacular language is obviously the most expeditious and convenient vehicle of communication.

2. When correspondence in vernacular advisable.—For instance, if a Judicial Officer requires further information on some subject from an Pakistan subordinate of an adjoining district, he should so word and engross his enquiry in the Vernacular that the same sheet of paper which he sends may be forwarded to such subordinate, through the agency of, but without troubling, the Deputy Commissioner of District Judge of that District; and be returned, in the same way, with the information endorsed on it, but leaving no trace of itself but the receipt in the latter despatch book.

3. Correspondence regarding arrest and transmission of offenders.—Similarly, whenever offenders have to be arrested or transmitted, a vernacular paper is the most convenient medium, so that there may be no mistake in the name and residence of the party but the same paper which is sent will be received back with the proper endorsement.

4. Public notices and proclamations.—In like manner, when offenders have to be proclaimed or public notice given of any fact, the proclamations for notices should be prayed by the officer who has occasion for them in the jail press or elsewhere; he should use a proper selection in determining the places where the notices are to be published, and will then forward them by a vernacular docket to District Officers, Officers -in charge of Sub-Divisions or Tehsildars, as the case may be, taking care not to entail on the office receiving the notice any more

trouble than is involved in executing the order, and in endorsing the fact on the docket, and returning it.

5. English figures.—English figures alone shall be used in all official papers prepared and registers maintained in the Judicial Department, except in the case of vernacular summonses of notices, or in the vernacular judgments of judicial Officers, or in vernacular translations of English judgments.

6. Judicial orders and processes: Signatures and addresses of the officers.—Judicial Officers are reminded that, as a rule, every order passed by them, and every process issued from their Courts under their signatures, should be signed *in full, with the name of their office, or the capacity in which they act, whether as Judge, Magistrate, Deputy Commissioner, etc.* The practice adopted by many officers of endorsing important orders and issuing *robkars* with only the initial letters of their names and three often illegible, causes much inconvenience and it should be avoided.

7. Vernacular correspondence between officers of different ranks.—Vernacular correspondence between an officer of superior rank and an officer of lower rank shall be conducted by *par vana* on the part of the former and by *arzi* on that of the latter, but the latter should be addressed as a and not as *turn*. A Tehsildar or other officer of superior rank, corresponding with an officer of equal rank with himself, will make use of the *robkari* form.

PART C — THE USE OF RUBBER STAMPS FOR SIGNATURES IN OFFICIAL CORRESPONDENCE

1. Rubber stamps for signatures not allowed.—The Honourable Judges have observed the use by a certain District and Sessions Judge of a rubber stamp in place of signature in correspondence addressed to this office.

2. Rubber stamps for signatures not allowed.—The procedure in official correspondence, even in matters of a routine nature, is objectionable for obvious reasons. Full signatures should always be affixed by the forwarding officer to all correspondence addressed to this Court.

3. When letters may be signed by an official.—Should it not be possible for the forwarding officer to sign all letters, they should be signed for him by some responsible official.

CHAPTER — 20

COMPLIANCE WITH THE HIGH COURT PRECEPTS

All precepts issuing from the High Court are in English.

1. Language of precept.—The process of order enclosed within the precept for service or compliance is, in cases in which the parties are Pakistanis issued in the Vernacular.

2. Language of endorsement of return.—If in any case it is found inconvenience to make the endorsement of return of a precept in English, there is no objection to its being made in the Vernacular. In most cases, however, no difficulty should be found in making the return to the precept in English. The endorsement on the process or order of service or compliance (as the case may be) may be made in Vernacular.

3. Precept to be treated urgent.—Extreme inconvenience is caused by the failure on the part of lower Courts to attend promptly to High Court precepts, and orders should be issued to prevent such precepts from being lost sight of or treated in a leisurely or routine fashion. In criminal cases precepts are invariably *urgent* matters.

4. Papers sent to be entered in Despatch Register.—A Despatch Register should be maintained in each subordinate Court, showing records and other papers dispatched (on requisition) to the High Court. The number and year of the case noted in the precept of the Court should be entered in the Register, and the number in the Register should be noted on the reverse of the precept, with the date of dispatch of the records.

5. Despatch of connected records.—It occasionally happens that in transmitting records all connected records are not submitted. In order to ensure the dispatch of all the necessary records and papers, the Reader of every original Court should be required to attach a list of connected records to each original record, this list being initialed by the Reader. When a case is called for, the Record-keeper will then be able to decide at once what records it is necessary to dispatch. The Record-keeper should be held responsible that no record of a decided case is received in his office without the list of connected records being attached, and that when a case is called for by an Appellate Court all such records are despatched.

6. Checking of records received from High Court.—Intimation should be given direct to the Registrar, within one month of the receipt of records returned from the High Court, if, in any record, any papers, stamps or Court-fees are found to be missing, damaged or incomplete, otherwise than as noted on the “State of Record Sheet” transmitted with the records. Unless such intimation is given in due time the office of the High Court will not be held responsible.

7. Transmission of records of High Court.—In transmitting records to the High Court, the instructions regarding the preparation of an index and the transmission of records should be carefully complied with, and the list of the records should be submitted in duplicate. An indication must be given in the list of the No. and date of the requisition and of the class and No. of the case in the High Court and which the records are transmitted. On receipt of the records in the High Court the Superintendent of the Judicial Branch will fill in columns 10 and 11, and return the duplicate copy of the office of the dispatch. When the records are returned by the High Court, the receiving office will fill in columns 15 and 14 in the original list, and will return it for record as an acknowledgment.

8. Packing of records sent.—Records dispatched to the High Court should be packed in an inner cover of paper tied across with tape and secured in an outer cover of course cloth. During the rainy season wax-cloth should, if possible, be used for the outer covering. All parcels should be securely closed and sealed.

9. Despatch of connected records.—Before records are dispatched in civil or criminal cases they should be carefully examined the *challan*, and all the records of connected cases to which reference is made in the judgments of the Original Appellate Courts should also be sent up, as well as any special records and papers called for. In criminal cases care should be taken to see

that the Police reports (first and intermediate) accompany the records.

10. Extract from Settlement records to be sent.—Where an extract from the settlement records is not with the records it should be prepared and put up before dispatch.

11. Requisition for records should be promptly complied with.—Requisitions for records must be complied with within a week of the receipt of the precept or docket calling for them, except where compliance is desired by return of post. If there is likely to be delay in forwarding a record, or a record is still required by a lower Court, the fact should be intimated at once and the probable date of dispatch of the record given.

12. High Court notices to be promptly served.—Notices issued by the High Court in civil and criminal cases should be served and returned with promptitude.

CHAPTER - 21

BUDGET

PART A - GENERAL

1. Introductory.—The Punjab Budget Manual contains detailed instructions in regard to all matters concerning the preparation of budget estimates. This manual should be consulted whenever any question regarding the budget arises. The instructions given below are intended only for a brief summary of the principal points to be borne in mind by judicial officers in dealing with expenditure.

2. Sanction and budget provision necessary for expenditure.—The mere fact that budget provision exists is no authority for incurring expenditure. Sanction of competent authority must in all cases be obtained before any expenditure is incurred; and the sanctioning authority must ascertain whether budget provision exists before according sanction.

3. Heads of departments, controlling and disbursing authorities.—For the purposes of these rules the Head of the Department, Controlling Officer, and Disbursing Officer for each major or minor head of accounts concerning the Judicial Department shall be the authority named in the following statement:--

Major Heads including group heads thereunder	Minor heads including sub-heads there-under	Disbursing Officer	Controlling officer	Head of Department
27-Administration of Justice	A-High Court	Registrar, High Court	Registrar, High Court	Chief justice of the High Court
	E-Civil and Session Courts			
	(1) District and Session Judges	District and Session Judges	District and Sessions Judges	Chief Justice of the High Court
	(2) Subordinate Judges	Senior Subordinate Judges	District and Sessions Judges	Chief Justice of the High Court
	(3) Process-serving Establishment – District and Sessions Judges’ Courts.	District and Sessions Judges	District and Sessions Judge	Chief Justice of the High Court
	(4) process-serving establishment – sub-Judges’ Courts	Senior Subordinate judges	District and Session judges	Chief justice of the High Court
	(5) Circuit and Sessions Houses.	District and Sessions Judges	District and Sessions Judges	Chief justice of the High Court
	F-Courts of Small Causes	Judges of Small Cause	District and Sessions Judges	Chief Justice of the High Court
	G-Criminal Courts	Deputy Commissioners	District and Sessions Judges	Chief Justice of the High Court.

4. Responsibility for the preparation of the statements of estimated revenue and expenditure, as well as for applications for supplementary grants, or demands for excess grants lies with the controlling and disbursing officers shown above.

PART B — PREPARATION OF BUDGET ESTIMATES AND SCHEDULES OF NEW EXPENDITURE

1. Estimates.—All demands for supply in the ensuing year must be entered in one of the following estimates:--

- (1) Estimates of ordinary charges.
- (2) Schedule of New Expenditure.
- (3) Supplementary Schedule of New Expenditure.
- (4) List of Major and Minor Works.

The list of Major and Minor Works is dealt with in Chapter 22-A.

2. Budget Forms.—Budget forms are supplied direct to District and Sessions Judges and Deputy Commissioners by the Finance Department. On their receipt, these officers should take immediate steps to collect the necessary material for compilation of the estimates. If forms are not received in time, copies should be typed from the specimens in the Budget Manual.

3. Date of submission of estimates.—The date for submission of the estimates are printed at the top of the budget forms, and are also given in Appendix D of the Budget Manual. Controlling and disbursing officers are responsible for seeing that estimates are submitted punctually on the date fixed.

4. Classification of items of the estimate.—There is room for considerable misconception in the matter of distinguishing items which should appear in the estimates of ordinary expenditure and in the Schedule of New Expenditure, and particular care is necessary in this respect. The principle which should guide officers in deciding whether expenditure of a particular kind is to be included in the estimates of ordinary expenditure or in the Schedule of New Expenditure is laid down in detail in paragraphs 5.1, 5.4, 7.1 of the Budget Manual. The Schedule should be drawn up in Form B.M. 16.

5. Estimates of ordinary expenditure.—Particular attention is drawn to the following points in connection with the estimates of ordinary expenditure:--

Pay of Officers and Establishment

- (i) Provision should be made with reference to the pay done on April 1 and increment which may be due during the year.
- (ii) The estimate should be supported by a nominal roll, prepared separately for Gazetted and non-gazetted officers, showing the pay to be drawn by each officer during the year for which the estimate is made.
- (iii) The number of posts should be carefully checked. Any variations in the number of posts or pay should be explained, a reference being given to the orders of Government, if any.
- (iv) Permanent and temporary establishment should be shown separately.
- (v) Special care should be taken to show voted and charged expenditure separately.

Miscellaneous expenditure

- (vi) All variations must be clearly explained in a separate note.
- (vii) For fluctuating expenditure, the modified grant and last year's actuals should be taken as a guide, regard being had to any extraordinary expenditure had or anticipated.
- (viii) No chance may be made in the contract contingent grants without the previous sanction of Government.

- (ix) With the estimates or ordinary expenditure estimates should be submitted for:--
 - (a) Rewards for examinations in Oriental languages.
 - (b) Official publications, the cost of which is adjusted on the books of the Accountant-General, and not paid in cash.

These estimates should be submitted in accordance with paragraphs 5.18 and 5.14 of the Budget Manual.

- (x) Under the head “Other Contingencies” provision should be made for the cost of:--
 - (a) Survey maps.
 - (b) Bicycles.
 - (c) Law books (including official publications) paid for in cash.

6. Schedule of New Expenditure.—For any item which it is proposed to include in the Schedule of New Expenditure, Administrative approval must be obtained in good time before the Schedule is submitted.

Any item not supported by administrative approval (which should be clearly quoted) will be automatically cut out.

7. Other estimates.—In addition to the estimates mentioned in paragraph 5 above, the following statements are also required:--

- (1) Forecast of stores likely to be purchased through the High Court Commissioner in England.
- (2) Estimates of leave and deputation allowances to be drawn from the Home Treasury.
- (3) Stationary to be purchased from the Provincial Stationary Office, Punjab, Lahore.
- (4) Estimates of advances payable to Government servants, *e.g.*, Home building, Conveyance and Purchase of typewriters.
- (5) Estimates of superannuation allowances, pensions, and commuted value of pensions.

Provision should be made for all articles of Stationary which are obtainable from Lahore, so as to reduce local purchases of such articles to a minimum. Local purchases, due to a failure to make proper budget provision are frequently brought to light during audit.

8. Instructions should be strictly followed.—Although the personal attention of District and Sessions Judges has been drawn to the necessity of complying with these instructions the Judges regret to notice that the estimates received continue to exhibit the same defects as before. The only conclusion to be drawn is that little or no trouble is taken to read and understand these instructions.

9. Importance of punctual submission of correct estimates.—Owing to the submission of estimates to the Legislative Assembly on a fixed date, a great burden is thrown upon the Finance Department of the Provincial Government in collecting and co-ordinating estimates received from all departments throughout the province within a time which is comparatively short for the work involved. The late submission of a single return relating to one head delays consideration of all the other returns which may have been received in time. Incorrect classification makes submission of the estimates in the form required by Assembly impossible; and when errors cannot be corrected at headquarters, the result is a final estimate which may lead to a reduced allotment of funds.

10. Common errors.—The Honourable Judges trust that District and Sessions Judges will bear these considerations in mind, and after making a note of the dates on which the various estimates are due, they will themselves personally insist on the preparation of estimates by their

office before these dates. Among errors which are most frequently noticed are the failure to distinguish between voted and charged expenditure, the failure to submit the names and designations of officers, and the lack of explanations for variations in expenditure proposed compared with the modified grants for previous years. These are the principal omissions, but there are many others of the same kind which occur. Punishment has already been awarded to Clerks of Courts and other ministerial officers responsible for delays, errors and omissions. It is, however, necessary to repeat that disciplinary action will again be taken if serious irregularities continue to occur.

PART C – APPROPRIATIONS AND RE-APPROPRIATIONS

1. Primary units of appropriation.—When a grant has been voted by the Legislative Assembly, the amount voted, together with any sum assigned to the same major head and heads of account which does not require the vote of the Assembly, is communicated to the High Court by the Finance Department in the shape of lump sum allotted under minor and sub-heads of account distributed under one or more of the following heads:---

Primary Units of Appropriation

1. Pay of Officers.
2. Pay of Establishments.
3. Travelling allowances.
4. Other allowances and honoraria.
5. Contingencies.
6. Grants-in-aid, Contributions and Donations.
7. Works.
8. Assignments and compensations.
9. Establishment charges paid to other Governments, Departments etc.
10. Reserve.
11. Suspense.

2. Appropriation of the supply.—Out of the supply allotted in each primary unit of appropriation, the High Court, and any officer to whom it has distributed supply, has full power to appropriate sums to meet expenditure failing under that unit, provided that:--

- (a) supply provided for charged items of expenditure must not be appropriated to votable items, and without the previous consent of the Finance Department, supply provided for voted items must not be appropriated to charged items;
- (b) supply must not be appropriated to any item of expenditure which has not been sanctioned by an authority competent to sanction it;
- (c) supply shall be appropriated only to objects for which the grant is sanctioned;
- (d) no expenditure shall be incurred without previous approval of competent authority on objects the demands for which have been specifically refused or the provision for which has been specifically reduced either by the legislature or by the Government;
- (e) supply shall not be appropriated towards expenditure which should be met from a contract contingent beyond the amount specified in the grant.

3. Re-appropriation.—No re-appropriation can be sanctioned by Controlling or

Disbursing Officers, except from one secondary unit to another secondary unit subordinate to the same primary unit.

4. Re-appropriation.—Other re-appropriations require the sanction of the High Court, and are subject to the same rules as those set out in paragraph 2 above.

5. Application for additional appropriation.—Applications for additional appropriations shall be prepared in Form B.M. 33 and shall set forth the particular primary unit of appropriation, the provision for which has been exceeded or is likely to be exceeded.

6. Reasons.—The reasons for the insufficiency of the appropriation and remarks regarding re-appropriations should be given in the form by the Disbursing Officer, and also, if necessary, by the Controlling Officer, and the Head of the Department. No separate re-appropriation statement or covering letter is required.

7. Additional appropriation already sanctioned should be mentioned.—If the amount shown in column 2 includes any additional appropriation already sanctioned during the year, the number and date of the order sanctioning it should be quoted.

8. Submission of the application.—The application will be numbered and dated by the Disbursing Officer, and subject to paragraph 11 below, forwarded through the Controlling Officer to the High Court.

9. Duty of forwarding authority.—The officer forwarding the application should endeavour to suggest a source of re-appropriation; and if he is competent to sanction it himself he should do so, instead of forwarding the application.

10. Prompt submission of the application.—All applications for additional appropriations must be submitted by the Disbursing Officer as soon as the necessity can be foreseen and should not be postponed.

11. Additions to contract contingent grants.—In the case of applications for additions to contract contingent grants for the current year only, the Disbursing Officer should report the savings, if any, from his grant for the previous financial year.

PART D — CONTROL AND DISTRIBUTION OF GRANTS

1. Communication of grant to the High Court.—As soon as the Legislative Assembly has voted a grant, the Finance Department communicates to the High Court the amount so voted, together with any sum assigned to the same major head or heads of accounts which do not require the vote of the Assembly. The amounts are communicated in the shape of lump sums allotted under minor and sub-heads of account and distributed over such of the prescribed primary units of appropriation as may be necessary. Such grants are communicated not later than the 15th April in each year.

2. Grants for pay of officers and establishment.—Grants under the primary units of appropriation “Pay of Officers” and “Pay of Establishment” which represents the cost of permanently sanctioned posts borne on Provincial Scales, are regarded as supply distributed by the Finance Department, and are not distributed.

3. Distribution by High Court.—The High Court, out of the supply allotted to it, distributes among the Controlling and Disbursing Officers concerned in such manner as may appear suitable:—

- (a) any portion of the grants for the primary unit “Travelling Allowance”.
- (b) any portion of the grant under the primary unit “Contingencies” other than sanctioned contract grants.
- (c) any portion of the grant under the primary units “Other Allowances and Honoraria”,

Works “Works”, “Contributions”, “Suspense” or “Reserves” as is not excluded from distribution. (See paragraphs 10.5 and 10.6 of the Punjab Budget Manual).

4. **Reserve.**—The High Court may in carrying out such distribution retain a portion of the grant as a reserve in its own hands. The distribution is carried out not later than the 15th May in each year.

5. **General control of High Court.**—The High Court exercises general control over the actual expenditure incurred against grants communicated to Controlling and Disbursing Officers. Article 55 of the Audit Code lays down that the authority administering a grant and not the Audit Department is ultimately responsible for keeping expenditure within the grant. For this purpose monthly statements are prepared and forwarded to the Accountant-General for reconciliation. Both the Head of the Department and the Accountant-General are responsible for reconciling differences and correcting misclassifications.

The High Court may issue such instructions to the Controlling and Disbursing Officers in this matter as may appear necessary for carrying out the duty of control.

Should the grant under any minor and appear likely to be exceeded, the High Court will arrange for the excess being provided by a re-appropriation or, if necessary, for the submission of a supplementary demand.

6. **Duty of controlling officer to prevent expenditure beyond grant.**—The controlling Officer is primarily responsible for watching the progress of expenditure against grants allotted to him under each primary unit of appreciation concerned and for taking necessary steps to prevent expenditure in excess of grant:--

- (a) by transfer from one Disbursing Officer to another under the powers of appropriation within the primary unit of appropriation.
- (b) by exercise of his delegated powers of re-appropriation.
- (c) by application for an excess grant under the prescribed rules as soon as the necessity arises for this course.

The Accountant-General will on request supply him with the same information as to progress of actual as is given to the High Court, and he may call for returns from Disbursing Officer.

7. **Duty of Disbursing Officer.**—The Disbursing Officer is the officer directly responsible for the expenditure incurred against the grant allotted to him under each primary unit of appropriation. He shall keep a close watch over the progress of expenditure, and in no case should he allow the appropriation for any unit to be exceeded without obtaining the approval of competent authority. He shall pay prompt attention to any warnings received from the Accountant-General and arrange to submit an application for an additional appropriation as soon as the necessity arises.

8. **Money to be spent only on the objects for which sanctioned.**—The Disbursing Officer is required to utilize the appropriations placed in his disposal only towards expenditure on the objects for which the grants are sanctioned and, in particular, no expenditure should be incurred without previous approval of competent authority on objects the demands for which have been specifically refused either by the legislature or by the Provincial Government.

9. **Duty of Audit Officer.**—The duty of the audit officer is to keep a close watch over orders of appropriation and re-appropriation and to pay attention to the progress of expenditure against (1) the grant as a whole, (2) the appropriations for primary units. The Accountant-General will report to the head of the Department any excesses likely over the grant as a whole.

CHAPTER – 22

JUDICIAL BUILDINGS

PART A – SUBMISSION OF PROPOSALS AND ESTIMATES

1. What are judicial buildings.—These instructions relate to buildings which are purely judicial, and not judicial and General Administration jointly. The latter (*e.g.*, the district Kutchery) are dealt with under the orders of the Financial Commissioners under paragraph 20.13 of the Book of Financial Powers. All buildings of which the Deputy Commissioner is in charge are “General Administration” buildings. Purely “Judicial” buildings include District and Sessions Judges’ Courts, Sessions Houses, Court of Small Causes and Subordinate Judges’ Courts and all subsidiary buildings attached to them – *vide* serial No. 6 of paragraph 20.13 of the Book of Financial Powers. Buildings which are both Judicial and General Administration, that is, buildings, which are used for both purposes and are not exclusively applied to judicial purposes (*e.g.*, Sub-Judge’s Court located in a Tehsil building), and buildings subsidiary to them will or purposes of additions and alterations, be dealt with by the department requiring the larger amount of accommodation, *viz.*, the High Court, through the District and Sessions Judge, or the Financial Commissioners through the Deputy Commissioner, as the case may be.

2. Bar Rooms and Waiting rooms.—As regards Bar Rooms, that is, accommodation specially provided by the Provincial Government for the convenience of Legal Practitioners, the Punjab Government have decided that Bar Rooms, which are detached buildings, even though they may be situated in the compounds of a Tehsil or a Commissioner’s office, etc., shall be classified as Judicial buildings under the control and management of the High Court. A Bar Room which forms part of another building shall be classified in accordance with the classification of that building. Bar Rooms at the headquarters of districts and at outlying stations where there are more Courts than one will be of two classes according to standard plans which have been approved by the Punjab Government and are kept by the Public Works Department, *viz.*, class A for stations where there are more than fifty lawyers, and class B where there are fifty or less. It is intended that Bar Rooms of this description should be situated in a central position within reasonable distance and roughly equidistant from the civil, criminal and revenue Courts. When the Sessions Court is at some distance from the main Kutchery, a separate waiting room and bath room should be provided in the former, and similarly, in the rare cases where any one subordinate Court or block of Courts is far distant from the remainder similar provision should be made. These waiting rooms will be under the entire control concerned and will ordinarily be open to respectable litigants as well as to members of the Bar. *It should be understood that Bar Rooms and Waiting Rooms so provided will be open only to the members of the recognized local bar associations.*

3. References.—Local officers will be guided by Chapters II and III of the Public Department Code (1st edition), and Chapter 8 and Appendix B of the Punjab Budget Manual in the matter of all definitions and proposals relating to works.

4. Procedure to be adopted whenever a work is to be proposed.—Whenever the necessity for a work other than a petty work, becomes apparent the District and Sessions Judge, before calling upon the Public Works Department to prepare rough plans and estimates for any work, should first of all obtain the consent of the High Court to taking up the scheme. If the Judges are of the opinion that the scheme for any reason is not likely to mature in the near future, they will veto it at this stage. Consent to proceed having been obtained, the next move of the local officer should be to prepare, in tabular form, a statement of accommodation required, and to convey, in a brief note, any remarks he may wish to make about special features and design, and whether cheapness, appearance or finish is a primary consideration. The requirements should be formulated as concisely as possible, *e.g.*, so many rooms for accommodating so many officers of a certain standing or records of a certain quantity or other details which the Public Works Department might require to know; but all details which might unnecessarily tie the hands of the Public Works Department should be excluded, *e.g.*, if it is stated that a room for two junior clerks is among the requirements, it need not be stated what its area or dimensions should be. At this stage the Executive Engineer or the Superintending Engineer should be consulted personally and

orally by the local officer himself if the latter has any difficulty in framing his list of requirements, but the system of deputing a subordinate to consult a Public Works Department subordinate should be rigorously avoided. The local officer should then submit his list of requirements to the Executive Engineer according to paragraph 2.10 of the Public Works Department Code; a rough estimate and pencil plan (unless a standard plan exists) will then be prepared by the Public Works Department after which the District and Sessions Judge will take steps to obtain the necessary administrative approval.

5. Submission of proposal to obtain High Court's sanction.—In applying to the High Court for administrative approval, the District and Sessions Judge will see that all proposals for new buildings, etc., are not submitted in a form which fails to explain clearly either the nature of the proposals or the reasons for making them. All proposals should, therefore, be submitted with a self-contained letter describing the nature and extent of the requirement with such plans and maps as may be required to understand them. The High Court should not be left to extricate the details from the plans and estimates supplied by the Public Works Department. When proposals are submitted relating to different Courts, these should be dealt with in separate letters whenever this can be conveniently done. It is sometimes necessary to refer to a scheme relating to several Courts as a whole, but the aim should be to keep works relating to different Courts distinct, and it should be borne in mind that when several proposals are submitted together each of them is likely to be delayed by this course.

6. Limits of High Court's power to sanction.—Certain powers to accord administrative approval have been delegated to the Judges of the High Court, viz.:--

- (a) works relating to judicial buildings other than residential buildings to the extent of Rs. 10,000/- (that is, Minor Works), - *vide* serial No. 6 of paragraph 20.13 of the Book of Financial powers;
- (b) estimates of capital expenditure on the construction or purchase of residences for Government servants of the Judicial Department to the extent of Rs. 2,000, —*vide* serial No. 23 of paragraph 2.13 of the Book of Financial Powers.

Power to accord administrative approval in excess of the limits mentioned in (a) and (b) above vests with the Provincial Government. Works under (a) above in excess of Rs. 10,000 are termed "Major Works" and those upto that limit "Minor Works".

In the case of alterations of *existing* residential buildings, the power to accord administrative approval vests with:--

- (1) The Superintending Engineer in the Public Works Department circle concerned upto a limit of Rs. 200;
- (2) The Chief Engineer, Public Works Department, up to a limit of Rs. 2,000; and
- (3) the Provincial Government beyond Rs. 2,000.

vide paragraph 20.13 of the Book of Financial Powers.

7. Date of submission of project.—Lists of Major Works and of Minor Works for the whole of the Judicial Department are prepared annually in the High Court Officer and forwarded to the Provincial Government in the Administrative Department not later than the 1st September in each year. No work can be included in the list of Major Works unless it has first received the administrative approval of the competent authority and such approval is operative within the meaning of paragraph 18.16 of the Book of Financial Powers. The rules regulating the preparation and submission of these lists are laid down in Chapter 8 of the Punjab Budget Manual.

A project for which funds are required in the following year must be forwarded to the High Court in time for administrative approval to be obtained before the beginning of September. As the preceding months are usually occupied by the High Court vacation, it is advisable to forward the completed project for the orders of the Judges at least two or three weeks before the

vacation begins. Unless this is done, it will not ordinarily be possible to provide funds during the following years unless (a) the work is a petty one the cost of which can be met from the reserve at the disposal of the Judges for Minor Works or (b) it is of sufficient urgency to justify a demand for a supplementary grant.

8. Allotment of funds for works.—Funds for Major Works when voted by the Legislative Assembly are allotted by the Provincial Government to the Public Works Department and that department then begins execution in respect of such works for which funds are assigned. In the case of Minor Works, however, funds are placed at the disposal of the High Court under the head “50 - Civil Works (Transferred) Voted - Original Works Buildings - (G) Administration of Justice”, and the Judges then proceed to sheet the works for execution during the year, due regard being paid to the relative urgency of projects and to the amount of funds available.

9. Intimation of administrative approval to P.W.D.—Intimation of all administrative approvals to Minor Works will be given by the High Court, where the High Court accords such approval, to the Superintending Engineer of the Public Works Department circle concerned to whom also the plans and estimates will be forwarded for disposal under the rules of that department. Funds will either be allotted simultaneously or at a subsequent date when they are available. Such intimations will also be communicated to the District and Sessions Judge concerned.

10. Registers of works approved.—In the High Court registers will be maintained of (a) Major Works and (b) Minor Works in which all works will be entered as administrative approval is accorded and the entries therein will be completed as each event occurs. The registers will contain the following entries:--

(a) Major Works

- (1) Annual serial number.
- (2) High Court file number.
- (3) Name of Work.
- (4) Number and date of authority conveying administrative approval.
- (5) Amount of administrative approval.
- (6) Number and date of authority conveying technical sanction.
- (7) Amount of technical sanction with cost of “Original Works” and “Repairs” shown separately.
- (8) Remarks, viz., budget in which provision was suggested and provided, dates of commencement and completion of work, etc.

(b) Minor Works

- (1) Annual serial number.
- (2) High Court file number.
- (3) Name of work.
- (4) Number and date of authority conveying administrative approval.
- (5) Amount of administrative approval with cost of “Original Works” and “Repairs” shown separately.
- (6) Remarks, viz., amount of fund allotted and date thereof.

A third register in the prescribed form will be maintained for the purpose of keeping a running account of the allotment for Minor Works placed at the disposal of the Judges in each year.

PART B - SESSIONS HOUSES

1. The following instructions have been issued by the Judges with regard to control over Sessions Houses. (Letter No. 3863-G, dated the 5th June, 1928).

2. **Management.**—In accordance with Punjab Government Consolidated Circular No. 28, the management of Sessions Houses is vested in the Sessions Judges concerned. Funds are provided under the head “27—Administration of Justice—Civil and Sessions Courts—Circuit and Sessions Houses” for which they are both the disbursing and the controlling officers, — *vide* Appendix D in the Punjab Budget Manual, page 232.

3. **District Judges are disbursing officers.**—It has been brought to the notice of the Honourable Judges that in certain districts the allotment placed at the disposal of the Sessions Judges by this Court is, according to past practice, transferred to the Deputy Commissioners, who incur expenditure therefrom on their own responsibility. This is perhaps due to misapprehension of the revised rules. They are, therefore, pleased to direct that District and Sessions Judges should in future keep the allotment in their own hands, if they so desire.

4. **Use of Sessions Houses by other officers.**—It should be made clear to all concerned that, as laid down in the circular quoted, a Sessions House is primarily intended for the use of a Sessions Judge as a Session Court for trial of sessions cases, and that it can also be used by the Commissioner of the Division in which it is located, while on tour, without permission, provided that officer first ascertains that it is not required by the Sessions Judge for the trial of cases. This circular further directs that subject to the lien first of the Sessions Judge and then of the Commissioner, Sessions Houses can also be used as Rest Houses, but subject further to the other rules given in the circular.

5. **Use of Sessions Houses by other officers.**—Whenever a Commissioner requires the use of a Sessions House as his residence while on tour, the correct procedure would be for the Deputy Commissioner on his behalf or for the Commissioner direct to enquire whether cases have been fixed or not. In one instance a Sessions Judge was asked to postpone the cases, if fixed, as the Sessions House was required for the use of the Commissioner and in another case the same request was made as it was wanted by another high officer, the excuse advance for his being that Sessions Houses are shown in the list of Rest Houses and could, therefore, be used as such by Government officers entitled to the use of Rest Houses. This view of the case is wrong. A Sessions House can be used as a Rest House only if it is not first required by the Sessions Judge and then by the Commissioner of the Division.

PART B — ANNUAL DISTRICT CIVIL AND CRIMINAL REPORTS

1. **Statements to be prepared strictly according to instructions.**—The Annual Civil and Criminal Statements should be foot of the printed forms of each statement. To ensure this being done, reporting officers should each year, on receiving the blank forms, have each note carefully explained to the person whose duty it is to compile the statements, and again, before dispatching the statements, satisfy themselves that all instructions as to compilation have been properly observed.

2. **Reports accompanying statements.**—(i) The reports which accompany the statements should be as concise as it consistent with the omission of nothing that really requires notice or explanation, and should be written on half sheets of foolscap and on one side of the paper only. Half sheets, with printed headings, will be supplied from the High Court Office. Where the subject discussed requires more than one half sheet, other half sheets should be tacked on according to requirements. Where a subject calls for no remarks, the half sheet with the printed heading should still be inserted in its place, and en faced with the word ‘no remarks.’ The subject headings will ordinarily be as shown in the Annexure I to this part.

(ii) The Annual District Civil and Criminal Reports should be limited to 15 pages, and the Annual Reports of District and Sessions Judges on the work of their own Courts should be limited in the case of Civil Report to 5 pages and in the case of the Criminal Report to 6 pages; and the rest will be in marginal comments on the reports of District Magistrates.

3. Date of submission.—District Magistrates' Criminal statements and reports should be submitted to the Sessions Judge not later than the 1st February of each year, the office copies being dispatched to the High Court at the same time. The Sessions statements should likewise be dispatched to the High Court not later than the 15th February, and the Sessions Judges' report, with the fair copies of the District reports and statements, should follow not later than the 15th February.

4. Date of submission.—District Judges' Civil statements and reports for their own and Subordinate Courts should be submitted to the High Court not later than the 15th February of each year.

PART C - COURT FURNITURE

1. Scale.—The following scale has been prescribed by the Judges for furnishing of the Courts of Subordinate Judges:--

Court Room

1. One writing table for Presiding Officer.
2. One table for Counsel.
3. One chair for Presiding Officer.
4. Six office chairs for Counsel.
5. Two office chairs for dais.
6. Matting.
7. Chicks, according to requirements.
8. Durrie for dais.
9. Bench for litigants.

Bath Room

1. Wash-hand stand, with crockery, consisting of bowl, jug, soapdish and brush dish.
2. Commode.
3. Chamber utensil.

Retiring Room

1. One table with cloth.
2. Two ordinary chairs
3. One arm chair.
4. One book case.
5. A row of pegs.
6. One durrie.
7. A curtain on curtain (according to requirements).

2. List of furniture for each year.—A card must be placed on the wall of each Subordinate Judge's Court, showing the number of articles supplied for the room. Inspecting Officers must satisfy themselves that all articles are present at inspection; and in particular that chairs, tables and durries are not allowed to wander into office rooms, retiring rooms and residences.

3. Renewal of furniture.—The re-furnishing of Subordinate Judges' Courts will be done by District Judges out of their grants. The Presiding Officer of each Court is responsible for seeing that all furniture is maintained in good condition, and he will apply to the District Judge for renewal when required. If any article of furniture is broken or becomes useless, immediate steps must be taken to mend it or replace it, if necessary. When any article is replaced, the old article must be destroyed or sold. The storing of broken and useless chairs, etc., in godowns is absolutely forbidden.

CHAPTER — 23

REPORTS AND RETURNS

PART A — GENERAL

1. Different kinds of returns.—There are four main *classes* of returns relating to Judicial Work. These are:--

- (i) The statements attached to the Annual Civil and Criminal District Reports, which are combined into provincial statements for the purpose of making a yearly survey of the judicial administration.
- (ii) Periodical returns, usually monthly or quarterly, made to the High Court in order that the Judges may keep a check on the progress of judicial business.
- (iii) Periodical returns made by Subordinate Courts to the District and Sessions Judge or to the District Magistrate for the same purpose.
- (iv) Returns made to other departments, such as the Police, for their own uses.

2. References.—The purpose for which the returns are made should be clearly understood by the officers by whom they are prepared and to whom they are submitted. Annual reports and returns are dealt with in Part B of this chapter. Classes (ii) and (iii) are dealt with in Part C. Instructions regarding information to be supplied to the police will be found in Part D.

3. References.—Appendix I to this Chapter gives a list of the reports and returns which are to be submitted to the High Court, and the dates and which they are due. Appendix 11 gives a list of returns for which blank forms will be supplied by the High Court with indent.

PART B — ANNUAL DISTRICT CIVIL AND CRIMINAL REPORTS

1. Statements to be prepared strictly according to instructions.—The Annual Civil and Criminal Statements should be compiled with strict attention to the explanatory notes at the foot of the printed forms of each statement. To ensure this being done, reporting officers should each year, on receiving the blank forms, have each note carefully explained to the person whose duty it is to compile the statements, and again, before dispatching the statements, satisfy themselves that all instructions as to compilation have been properly observed.

2. Reports accompanying statements.—(i) The reports which accompany the statements should be as concise as is consistent with the omission of nothing that really requires notice or explanation, and should be written on half sheets of foolscap and on one side of the paper only. Half sheets, with printed headings, will be supplied from the High Court Office. Where the subject discussed requires more than one-half sheet, other half sheets should be tacked on according to requirements. Where a subject calls for no remarks, the half sheet with the printed headings should still be inserted in its place, and en faced with the words ‘no remarks.’ The subject headings will ordinarily be as shown in the Annexure I to this part.

(ii) The Annual District Civil and Criminal Reports should be limited to 15 pages, and the Annual Report of District and Sessions Judges on the work of their own Courts should be limited in the case of the Civil Report to 5 pages and in the case of the Criminal Report to 6 pages; and the rest will be in marginal comments on the reports of District Magistrates.

3. Date of submission.—District Magistrates’ Criminal statements and reports should be submitted to the Sessions Judge not later than the 1st February of each year, the office copies being despatched to the High Court at the same time. The Sessions statements should likewise be dispatched to the High Court not later than the 15th February, and the Sessions Judges’ report, with the fair copies of the District reports and statements, should follow not later than the 15th February.

4. Date of submission.—District Judges’ Civil statements and reports for their own end

for Subordinate Courts should be submitted to the High Court not later than the 15th February of each year.

5. Scope of statements.—The statements of Judicial business required annually from the Criminal and Civil Courts of the Punjab comprise:---

- (a) Statements prescribed by Government — whether Central or Provincial;
- (b) Statements prescribed by the High Court for submission by subordinate Court.

6. Provincial statements.—No special statements have been prescribed by the Provincial Government, but the Provincial Statements submitted by the High Court with the Annual Notes on Criminal and Civil Justice supply more detailed information under many heads than is required by the Central Government, and have been framed so as to supply all information required by the Provincial Government. Excluding sub-divisions of statements, there are six Criminal and eleven Civil (including five relating to Sikh Gurdwaras Tribunal, five to the other Civil Courts and one to Insolvency cases).

7. District Statements.—In order to obtain the information necessary for the Provincial Judicial Statements and the Annual Reports, statements are prescribed for submission by District and Sessions Courts. These are:--

10 Civil Judicial Statements.

6 Criminal Judicial Statements (Sessions Judge).

8 Criminal Judicial Statements (Courts subordinate to Sessions Judge).

8. Discrepancies between statements submitted by Police and District Magistrates.—As serious discrepancies often exist between the annual returns submitted by District Magistrates as to the state of crime in their districts, and the reports submitted by the local Police authorities, the attention of all District Magistrates is called to the following points, with a view to the prevention of such discrepancies in future:---

- (i) In the District returns, cases which have actually been pending since the previous year, and shown as cases reported during the current year.
- (ii) When a charge is made of one offence, but the accused person is actually convicted of another offence, care is not always taken to note the change, with the result that the returns of the Police and the District Magistrate are mutually inconsistent. Both should, of course, return it as a case of the offence for which the accused stood convicted.
- (iii) When the Police authorities send in cases for cancellation at the end of the year, just before the Annual District and Police returns are due, in sometimes occurs that District Magistrates continue to cancel cases after their own District reports have been dispatched. The result is that a case figures as *true* in the District reports and as *false* in the Police returns, which are delayed until every case sent up for cancellation has been received back from the District Magistrate. District Magistrates should either insist on all cases for cancellation being sent in to them in time to allow of the result being incorporated in the District returns, or should decline to continue to cancel cases after the dispatch of their own District report.

9. List.—A list of all the statements required will be found in Annexure II to this part. The Provincial Statements are compiled in the High Court.

10. Forms.—Forms of the statements will be found in Volume VI of the Rules and Orders of the High Court.

**ANNEXTURE I TO PART B
SUBJECT HEADINGS**

Number	Subject		Reference to Statements
	Printed Head	Points to be noticed	
A – ADMINISTRATION OF CIVIL JUSTICE			
	<i>Original Suits</i>		
1	Institutions	Increase or decrease of litigation	Statement IV (Part I)
2	Classification of suits	---	Statement II (Part I)
3	Value and cost of suits	---	Statement III
4	Details of disposal, duration and pending cases	---	Statements IV and VIII
5	Agency by which suits were disposed of	Distribution of civil business	Statement IV (Part I)
6	Miscellaneous cases		Statement II (Part II) and IV (Part II)
7	Execution of decrees		Statements VI and VII
8	<i>Cancelled</i>		
9	Working of Small Cause Courts		Statements II, III and IV
10	Appeals	(a) Institutions	Statement V
		(b) Details of disposal, during and pending files	
11	Procedure	All or any of the following points may be noticed.	Statement VIII
		(a) Issue of summons for final disposal	
		Time allowed for appearance of defendant.	
		(b) Cause Lists	
		(c) Adjournments, intimation to parties of time and place of hearing.	
		(d) commissions for local investigations or to examine accounts	
		(e) Recording evidence and preparation and delivery of judgment.	
		(f) any point or points of procedure not included in the above.	
	<i>Miscellaneous</i>		
12	Process Fee and Process-serving Establishment	Number of Civil, revenue and criminal processes issued. Receipts and expenditure as compared with previous years	Statement IX
13	Supervision of Civil		

Number	Subject		Reference to Statements
	Printed Head	Points to be noticed	
	Work of subordinate Courts		
14	Notice of Officers		
15	Any subject connected with the Administration of Civil Justice not included in the above.		
B – ADMINISTRATION OF CRIMINAL JUSTICE			
	<i>Original Jurisdiction</i>		
1	General review of offences committed and brought to trial.	Offences reported, struck off register upon application of the Police, and admitted and have occurred.	Statement II
		Variations in crime	
		Proportion of offences brought to trial to offences admitted to have occurred.	
2	Offences classified under the Penal Code	Under these heads (<i>viz.</i> , 2 3 and 4) comment should be made, and, if possible, explanation given of the predominance, or the increase or decrease of any special offence, and of anything that appears unusual in the disposal of any special offence or class of offences.	Statement II
3	Offences classified – Local and special Laws		
4	Offences classified – miscellaneous proceedings under the Criminal Procedure Code.		Statements III and VIII
5	General result of inquiries and trials	Cases and persons of disposal and disposed of, with details of disposal cases pending and duration cases.	Statement IV (Part I)
6	Agency by which Criminal work was disposed of		Statement IV (Part I)
7	Special jurisdiction	Trials under Section 30, Criminal Procedure Code	Statement VIII
		Summary Trials	Statement IV (Part I)
		Jurisdiction over European British subjects.	
8	Trials under Frontier Regulations		

Number	Subject		Reference to Statements
	Printed Head	Points to be noticed	
9	Witnesses	Number	Statement IV, column 37
		Detention	
		Diaries	
		Payment of expenses to witnesses	
		Service of summons by means of Process-serving Establishment and Police	
10	Punishments	<i>Imprisonment – Rigorous and simple</i>	Statement V (Para 1)
		Solitary confinement	
		Forfeiture of property	
		Whipping	
		<i>Fine</i> – amount awarded and realized	
11	<i>Appeals</i>	Number of appeals	Statement VI
		Proportion of appeals to appealable convictions	
		Distribution of appellate business	
Details of disposal			
		Pending files and duration of appeals	
12	<i>Procedure</i>	Examination of complainant and preliminary investigation by Police (Sections 200 and 202, Criminal Procedure Code).	
		Recording of evidence and of examinations and confessions of accused persons	
		Habitual offenders and offenders previously convicted	
		Sections 348 and 349, Criminal Procedure Code	
		Section 75, Penal Code	
		Proof of previous convictions, Sections 221 and 511, Criminal Procedure Code.	
		Any other points calling for notice.	
13	<i>General</i>	Supervision of subordinate Courts:-- by means of appeals by inspection of files and registers	
		Cases referred for revision or criticized.	
14	Notice of Officers		
15	Any other subject	Here insert any subject that is not	

Number	Subject		Reference to Statements
	Printed Head	Points to be noticed	
	connected with the Administration of Criminal Justice	directly connected with any subject contained in the first twelve heads, and yet is connected with the Administration of Criminal Justice	

ANNEXURE II
LIST OF ANNUAL STATEMENTS

Number	Brief Description of contents
	A – PROVINCIAL STATEMENTS
	(a) <i>Civil</i>
I. Part I	Showing the number of Judicial Divisions and number of officers exercising appellate or original jurisdiction in the Punjab on 31st December 19_____.
I. Part II	Showing the number of cases decided in the Courts of the Punjab for the year 19_____.
II	Showing the number and description of civil suits instituted in the civil Courts of Punjab during the year 19_____.
III	Showing the number and value of civil suits instituted in the Civil courts of the Punjab during in year 19_____.
IV. Part I	Showing the general result of the trial of civil cases in the Courts of original jurisdiction in the Province of the Punjab in the year 19_____.
IV. Part II	Showing the general result of the trial of civil cases in the Court of original jurisdiction in the province of the Punjab in year 10_____.
V. Part I	Showing the business of Civil Appellate Courts of the Province of the Punjab in the year 19_____.
V. Part II	Showing the business of Civil Appellate Courts of the Province of the Punjab in the year 19_____.
	SUPPLEMENTARY STATEMENT
	Proceedings in Insolvency under the Provincial Insolvency Act, 1920 (V of 1920) in the Civil Courts of the Punjab during the year 19_____.
Part I	Showing number and results of Insolvency Petitions presented under Section 7 of the act and the number of Insolvents before the Courts.
Part II	Showing the number of estates in the hands of Receivers and the progress made in winding them up during the year 19_____.
	(b) <i>Criminal</i>
	Showing the number of Judicial Divisions and number of officers exercising appellate or original jurisdiction in the Punjab during the year.
II	Showing the number of cases decided by various classes of Tribunals in the Punjab during the year.
III	Showing the general results of trials of Criminal cases in the Punjab during the year.
IV	Showing the results of appeals and revisions in (Criminal cases in the Punjab during the year.
V	Showing nature of offences reported and number of persons tried, convicted

Number	Brief Description of contents
	and acquitted of each class of offence in the Punjab during the year.
VI	Showing the punishments inflicted in Criminal cases by various Tribunals in the Punjab during the year.
	B – DISTRICT AND SESSIONS STATEMENTS
	<i>(a) District Statements -- Civil</i>
I	Showing the number of officers exercising jurisdiction in Civil cases on the last day of the year
II. Part I	Showing the number and description of civil original cases instituted in the Civil Courts.
II. Part II	Showing the number and description of miscellaneous cases instituted in the Civil Court.
III	Showing the value of suits instituted.
IV. Part I	Showing the general result of the Trial of Civil cases in the Civil Courts of original jurisdiction.
IV. Part II	Showing the general result of miscellaneous cases
	<i>(b) Sessions Statements</i>
V. Part I	Showing the business of the civil Appellate Courts.
V. Part II	Miscellaneous appeals.
VI	Showing the result of proceedings on application for the execution of decrees.
VII, Part I	Showing the number of result of Insolvency petition presented under Section 7 of the Act and the number of insolvents before the Courts.
VII, Part II	Showing the number of estates in the hands of Receivers and the progress made in winding them up.
VIII	Showing the final result of dismissals for default, <i>ex parte</i> decisions, references to arbitration, and applications for review of judgments with particulars regarding the issue of commissions, attachment before judgment, and the award of interest on decrees.
IX	Showing the income from process-fees and expenditure on account of the service of process.
X	Showing classification of suits.
	<i>(b) Sessions Statements</i>
I	General Sessions Statement.
II	Showing the punishment inflicted by the Sessions Court.
II-A	Showing the particulars of whipping inflicted by the Sessions Court.
III	Showing the result of appeals and applications for revision preferred to the Sessions Court.
IV	Showing the use of Juries and Assessors in the Sessions Courts.
V	Showing the general result of the trial of European British subjects.
VI	Showing persons convicted in murder cases.
	<i>(c) District Statements -- Criminal</i>
I	Showing the number of officers exercising jurisdiction in criminal cases on the last day of the year.
II	Showing the offences reported and persons tried, convicted and acquitted during the year.
III	Showing miscellaneous proceedings under the code of Criminal Procedure.
IV, Part I	Showing the general result of criminal trials in the various Courts (Individual officers).
IV, Part II	Showing the general result of criminal trials in the Tribunals of various classes. (Classes of Courts).
V, Part I	Showing the punishments inflicted the Magisterial officers.

Number	Brief Description of contents
V, Part II	Showing punishments by the various Criminal Tribunals.
V-A	Showing particulars of whipping inflicted.
VI	Showing the result of appeals and applications for revision in criminal cases.
VII	Showing the use of juries under Chapter X of the Criminal Procedure Code.
VIII	Showing the general result of trial of European British subjects.

PART C — PERIODICAL REPORTS AND RETURNS DUE TO DISTRICT AND SESSIONS JUDGES AND DISTRICT MAGISTRATES, AND BY THEM BY THE HIGH COURT

1. Introductory.—In addition to the annual statements, certain monthly and quarterly returns have been prescribed by the High Court in order to enable the Judges to exercise a constant check upon the state of business in subordinate Courts and the manner in which that business is disposed of.

2. District and Sessions Judges' Statements.—District and Sessions Courts are required to submit the following monthly returns:--

No. 1. Statement of Sessions cases, Criminal appeals and Criminal References and of Civil appeals, Original Civil cases, Insolvency and Liquidation cases instituted, disposed of and pending in the Court of the District and Sessions Judge during the month.

No. 2. Statements of persons punished and acquitted by the Sessions Court during the month.

No. 3. Statements of persons awaiting trial by the Sessions Courts.

No. 4. Statement showing the number of civil suits instituted, disposed of and pending in the Courts of Subordinate Judges during the month (except for the month of September).

3. Monthly statements to be retained in High Court.—All monthly statements submitted to the High Court will be retained in the High Court Office.

4. Subordinate Judges' statements.—The following returns are required from Civil Courts subordinate to the District Judge:--

Civil Quarterly District Statements

No. 1 Showing civil suits and appeals disposed of and pending and execution work, and the number of hearings fixed for civil cases in each Court.

No. 2 Showing the number of fresh Civil suits and Execution cases instituted in the Civil Courts.

Note: Quarterly returns must reach the High Court by the 10th of the month succeeding the quarter to which they relate.

5. District Criminal Courts' statements.—District Criminal Courts are required to submit the following returns:--

Criminal Quarterly District Statements

No. 1 — Showing Criminal cases instituted, disposed of and pending

No. 2 — Showing convictions of persons previously convicted.

No. 3 — Showing the number of fresh cases instituted.

Note: Due by District Magistrates to Sessions Judges on the 5th and to High Court of the 10th of the month succeeding the quarter to which they relate.

6. Criminal Courts' Statement No. 2.—Magistrate's statement No. 2 should be prepared according to the following directions:--

- (a) Columns 1 to 6 should be filled in by the official concerned.
- (b) The cases should be entered in the order in which they were instituted.
- (c) The Magistrate should sign the statement and he will be responsible for the correctness of the entries thereof.
- (d) In column 7 the explanation for delay in the disposal of a case should be given in some detail. The circumstances in which service on witnesses or accused could not be effected, the time actually taken by the Appellate Court in disposing of transfer application etc. should be given. If the record was sent to some Court, the number and date of the letter by which it was requisitioned and also the number and date of the letter by which it was sent should be given.
- (e) History sheets containing abstracts of orders passed on different dates to all cases pending over one year (provided they are not stayed) should be furnished with the Statement.

7. Remarks.—District Magistrates and District and Sessions Judges should carefully scrutinize the monthly statements of their Districts, as they come before them, in order to enable them to remarks, upon anything that may appear to be irregular or unsatisfactory, and to take immediate steps to correct what is a miss. Their remarks and orders should be communicated once to the officer concerned. The District Magistrate should forward a copy of his remarks and orders with the statements, to the Sessions Judge, the original draft being retained with the office copies of the statements in the District office for record.

8. Submission to High Court.—On receipt of the District Criminal Statements, the Sessions Judge should carefully review them, notice and take measures to correct any irregularities which have been passed over by the District Magistrate and forward at once a copy of his remarks to the District Magistrate, for communication to the officer concerned. When the Sessions Judge has thus disposed of that District Criminal Statements he will submit them, with the District Magistrate's remarks, and a copy of his own, to the High Court, retaining a copy of his own remarks for record in his office.

The Sessions Judge should note in the covering letter whether a copy of the remarks recorded by him was sent to the District Magistrate.

9. Statement No. III.—With reference to quarterly statement No. III, of convictions of persons previously convicted, it is directed, that, when intimation is received by a District Magistrate from the Sessions Judge or the High Court that the sentence passed by a subordinate on a second conviction is light, without the records being called for, the District Magistrate shall look into the case himself and make such communication as he thinks proper to the Magistrate concerned; or, if he considers the punishment awarded completely inadequate, report the case for revision in the usual way.

10. Forms.—Forms of the statements required in paragraphs 2; 4 and 5 above will be found in the Books of Forms given in the Rules and Orders, Volume VI.

11. Reference.—Detailed instructions regarding the annual reports and returns required for the preparation of the annual notes on the Administration of Civil and Criminal Justice will be found in Part B of this Chapter.

12. Certificate as to delivery of judgments.—(i) All District and Sessions Judges should, in their monthly statements of work, furnish a certificate to the following effect:--

“Certified that judgments have been delivered within a month of the final hearing of arguments in all suits and appeals except in the following cases....”

They should also append a certificate in the following form on the Subordinate Civil Courts statement referred at paragraph 2(4) above:--

- (1) Certified that all stipendiary and Honorary Subordinate Judges have pronounced judgments within a month of the final hearing of arguments in all suits and appeals, except in the cases for which explanations are attached.
- (2) Certified that the provisions of [Section 15 of the West Pakistan Money Lenders Ord. 1960] were duly complied with in all suits for debts tried by all the Civil Courts.

(ii) A certificate in the following form should also be furnished with the statements showing the work instituted, disposed of and pending in the Court of the District Judge and the Courts of Subordinate Judges during the month of August each year.

Certified that decrees have been drawn-up in all suits and appeals decided by the undersigned/all Subordinate Judges before the vacation and that the records of all such suits and appeals have been consigned to the Record Room¹ “except in the following cases for which explanations are attached:---

13. List of cases adjourned for arguments.—Each Subordinate Judge must furnish to the District Judge, with his monthly statement of his pending file, a list showing all cases that have been adjourned by him for arguments during the month and the period for each has been so adjourned. (High Court letter No, 8228-G, dated the 30th November, 1928).

14. Remarks by District Judge on monthly statements.—It is the duty of the District Judge to control and adjust to the best advantage and equalize the work in subordinate Courts. He should watch institutions and disposals and see that each officer’s outturn is normal. He should therefore make his remarks on the monthly pending file statements under the following heads:--

- (i) Subordinate Judges who in his opinion have not given sufficient outturn and have therefore been warned.
- (ii) Steps taken or proposed to be taken to equalize work in different Courts.
- (iii) Suggestions for investiture of or enhanced Small Cause powers in order to quicken disposal of petty cases.
- (iv) Steps taken or proposed to be taken to prevent accumulation of execution cases where such work is heavy.
- (v) Steps taken to ensure that 3rd and 4th class cases are not neglected owing to higher class cases.

15. In order to put a stop to bad cases of delay in subordinate Courts, abstracts of order sheets shall be submitted by each Subordinate Judge to his District Judge in respect of all original suits, appeals and execution cases pending over for more than a year. The District Judge shall examine them and after recording his remarks thereon, with details of action, if any taken, by him to prevent a recurrence of the same mistake, shall forward them to the High Court. They shall not be forwarded simply “for examination by the Judges.” District Judges shall similarly submit abstracts of order sheets for their own Courts.

16. Date of submission of abstracts.—Abstracts for the whole division shall be submitted at one and the same time and by the 15th of the month following the quarter to which they relate which shall be clearly specified in the forwarding letter.

PART D — INFORMATION TO BE SUPPLIED TO THE POLICE IN REGARD TO CRIMINAL STATISTICS

¹Delete if necessary.

1. Statements to be supplied to Police.—The Judges are pleased to direct, in accordance with the letter No. 277 (Home — Police), dated the 24th October, 1905, from the Secretary to Government, Punjab, that certain statements giving criminal statistics shall be supplied by each District Magistrate to the District Superintendent of Police in his district, as soon after the 1st January in each year as possible. The forms of these statements will be found in Volume VI-B, Part B-V.

2. Columns to be filled in by Magistrates.—It should be noted that the only columns of Statement A, Parts I and II, which Magistrates are required to fill up, are columns 1, 2, 3, 15 and 16 of Part I, and columns 1, 2, 3, 13, 14 and 15 of Part II. But Magistrates are required to fill up the whole of Statements B, Parts I and II, and the whole of Statement C, which only refers to property stolen and recovered in cases taken up direct by Magistrates.

3. Directions as to certain columns.—Columns 15 and 16 of Statement A, Part I, should show all cognizable offences taken up direct by Magistrates otherwise than on a Police report. Columns 13, 14 and 15 of Statement A, Part II, should show all persons concerned in cases taken up direct by Magistrates, otherwise than on a Police report.

4. Final order to be entered.—It should be noted that the order to be shown in these returns as the result of a trial is the final order in the case, and therefore the order in force at the close of the year should be shown. If the order of the lower Court has been reversed or modified within the year, it is the order of the Appellate or Revisional Court which must appear in the statement.

PART E – INFORMATION TO BE SUPPLIED TO THE CANAL AUTHORITIES

The annual return showing the number and nature of judicial cases disposed of by the Canal Deputy Collectors and Sub-Divisional Officers during a year has been discontinued as a result of the withdrawal of Magisterial Powers from Canal officers. It is, however, necessary, that the Irrigation Department should still continue to get information as to the number of cases instituted under the Canal Act, Information relating to all the cases instituted under the Canal Act, VIII of 1873, should be supplied by the District Magistrate to the Superintending Engineers of the Irrigation Department annually, as soon after the close of the calendar year as possible to enable the latter to submit the same to the Chief Engineer by the 1st February.

PART F – RETURN OF CASES IN WHICH THE COLLECTOR ACTS AS MINISTERIAL OFFICER IN THE EXECUTION DECREES

The Judges have been pleased to direct that the Civil Courts should submit periodical returns concerning all cases in which the execution remains in the hands of the Court and the Collector only assists as a Ministerial Officer of the Court in arranging temporary alienations, that is to say, all cases, except those in which the Court has authorized the Collector under Section 72 to provide for the satisfaction of the decree by temporary alienation of land against the sale of which there is no legal prohibition. In three excepted cases the Collector acts judicially as laid down in Section 72(2) read with Section 71. Collectors are being directed by Financial Commissioners to furnish periodical returns relating to these cases. The Judges have, with the concurrence of the Financial Commissioners, drawn up three forms of quarterly statements (A) for return by Collectors, and (B) and (C) for return by Courts. These are given in the Book of Civil Forms – (*High Court letter No. 6076-G, dated the 28th September, 1926*).

APPENDIX I

List of Periodical Reports and Returns submitted to the High Court and the dates on which they are due

Description of Report or Return	Latest date of submission to High Court	Remarks
YEARLY		
Statement of probates and letters of administration	10th April	By District Judge
List of legal Practitioners	15th January	By District Judge
List of the Pleaders and Mukhtars who certificates have been renewed.	15th January	By District Judge
Criminal report and statements.	1st February	By District Magistrate to Sessions Judge not later than 1st February, office copies being sent to High Court at the same time. Fair copies are to be sent by Sessions Judge to High Court not later than 15th February.
Civil report and statements	15th February	By district Judge
Confidential list of certain persons who are considered fit to exercise or fit to be tried with certain judicial powers.	15th February	By district Judge
Report on the condition of Libraries of Subordinate Courts	1st. April	By District Judge
Reports on the civil judicial work of officers of the I.C.S. and P.C.S.	2nd April	By District Judge
Reports on the civil judicial work of Political Probationers of the Central Government	2nd April	By District Judge
Reports on the civil judicial work of Honorary Subordinate judges.	2nd April	By District Judge
Reports on the magisterial work of officers of the S.C.S. and P.C.S.	21st April	By Session Judge to whom they will be sent by District magistrate by 2nd April.
Estimates of Expenditure for Stationery.	15th July	By District Judge
Annual return of licensed Petition-writers	1st October	By District Judge
Budget estimates	15th September	By District Judge
Annual indent for Stationery for Subordinate Courts.	1st September	By District Judge

Description of Report or Return	Latest date of submission to High Court	Remarks
Recommendations for the issue of licenses to Petition-writers	15th November	By District Judge
Coinage statement	15th January	By District Magistrate
List of judicial buildings	1st July	By District Judge
QUARTERLY		
¹ District Civil Statement No.1	10th of month succeeding quarter for which due	By District Judge
District Criminal Statements I to III	10th of month succeeding quarter for which due	By District magistrate to Sessions judge on 5th and to High Court on 10th
Abstract of order sheets of cases pending over a year.	15th of the month succeeding the quarter for which due	District Judge and Subordinate Judge
Notes about inspection of their Courts by the pending officers.	15th of the month succeeding the quarter for which due	District judge and Subordinate Judge
MONTHLY		
Statement of Civil and Criminal work of District and Sessions Courts.	15th of next month.	By District and Sessions Judge.
District Criminal Statements I to III	---	By District Magistrate to Sessions Judge on 7th of next month.
Return of suits pending in Courts of Subordinate Judge	10th of next month	By District Judge.

¹ Note: It is discretionary with District and Sessions Judges to call for either monthly or quarterly Civil Statements from Courts subordinate to them.

APPENDIX II

List of periodical returns of which blank forms will be supplied by the High Court without indent

Description of Return	Number of Copies supplied	
	To District or Sessions Judge	To District Magistrate
YEARLY		
District Criminal Statements Nos. I to VIII, in English	---	4
District Criminal Statements Nos. I to VIII, in Vernacular	---	30
District Civil Statements Nos. I to XI, in English	4	---
District Civil Statements Nos. I to XI, in Vernacular	30	---
Sessions Statements Nos. I to V, in English	3	---
Sessions Statements Nos. I to V, in Vernacular	3	---
Civil Appeal Statements Nos. I to IV, in English	3	---
Civil Appeal Statements Nos. I to IV, in Vernacular	3	---
Subject headings for Civil and Criminal reports	3	---
Statement of probates and letters of administration	3	---
Coinage Statement, in English	---	3
Coinage Statement, in Vernacular	---	30
Statement of Cognizable Crimes, A, B and C, in English	---	3
Statement of Cognizable Crimes, A, B and C, in Vernacular	---	50
QUARTERLY		
Statement of fines realized in Sessions cases	---	11
Statement of grants of probate or letters of administration	8	---
MONTHLY		
District Criminal Statements Nos. I to IV, in English	---	22
District Criminal Statements Nos. I to IV, in Vernacular	---	45
District Civil Statement No. I, in English	16	---
District Civil Statement No. I, in Vernacular	45	---
Statement of Civil and Criminal work of District and Sessions Judge, Nos. I to III	30	---
Return of suits pending in the Courts of Subordinate Judges	30	---

CHAPTER - 24

REGISTERS

1. Indents.—The Registers prescribed for use in all Civil and Criminal Courts will be obtained from the Superintendent, Government Printing, Punjab, Lahore, to whom indents will be submitted by District and Sessions Judges in accordance with the instructions laid down in the Punjab Printing and Stationery Manual.

2. Building, size etc.—All registers will be made of convenient sizes with all headings and columns printed and ruled. The paper will be country-milled paper, known as *Badami*, and the binding will be of card board with leather backs and corners in the case of registers which are preserved for 12 years or more, and with *Kharwa* cloth in the case of other registers.

3. Suggestions for alterations.—Should any officer desire to suggest alteration of a prescribed register, he should address the District and Sessions Judge who will make such recommendations as he thinks fit to the High Court. In no case should be Superintendent, Government Printing, Punjab, be addressed direct in such a matter.

4. Explanation of the list be given in the Appendix.—The registers which have been prescribed by the High Court, with the sanction of the Provincial Government, for adoption in the subordinate Civil and Criminal Courts of the Punjab are enumerated in the appendix to this chapter in which is also indicated the Courts in which each register is to be maintained and the officials who will maintain them. Part I of the appendix enumerates the registers which are reproduced in Volumes VI-A and VI-B, Rules and Orders of the High Court; Part II of the Appendix enumerates the registers which are not reproduced in Volumes VI-A and VI-B but in the other Volumes I to IV. The remarks made in the column of remarks in the appendix should be read with the foot-notes, where they exist, to the registers reproduced in Volumes VI-A and VI-13 for instructions as to the manner in which certain registers are to be maintained.

¹**5. Registers to be kept in English.**—The headings of registers in all Civil and Criminal Courts will be in Urdu and should be maintained in that language].

²**5-A.** In all registers Challans, Vouchers and receipts in respect of monetary transactions amount should be mentioned both in figures and words in such a manner that it becomes impossible to alter them or make any interpolation without disfiguring the entries. In particular, the amount in words should be in a straight line with the printed word “rupees” and not below the level of the printed matter.

6. Common mistakes in filling up register.—Presiding Officers must remember that they are responsible to see that the registers of their Courts are correctly and regularly written up. The following is a list of the common mistakes made by officials in writing up registers, Mistakes of this kind must be avoided:--

- (1) Many registers have no *pehani* or heading at all, while some of them are in such a torn and mutilated condition that they are of no practical value. It is impossible to maintain any register correctly unless it has a regular heading in good condition.
- (2) Entries are sometimes made in a running order across several columns. Each individual column must be filled up separately.
- (3) Entries do not follow the column headings, but are made regardless of them. This creates confusion.
- (4) Some entries are written partly in English and partly in Urdu.

¹(C.S.No. 54/XVIII-D-20(a), dated the 23rd October, 1948).

²(C.S.No. 133-Genl./XII, A-12, dated Lahore the 31st January, 1968).

- (5) Entries cancelled do not bear any initials.
- (6) Persian *raqums* are used in filling some columns. English numerals should always be used.
- (7) Entries are sometimes made in pencil which is objectionable.
- (8) Separate serial numbers are not given for each calendar year.
- (9) Sometimes the serial number is changed with a change of register; it should only be changed with the new year.
- (10) In the several registers in which an abstract of the orders passed is to be entered, the entry very often merely says “*dakhal dafter ho*” or “consigned to the record room”. This is not sufficient. The particulars of the orders passed should be entered in greater detail so as to show exactly how the case was disposed of or why was consigned to the record room.
- (11) In the several registers in which the name of the Judge or Magistrate deciding the case is to be entered, the name should always be set out in full. Entries saying “Malik Sahib” or “Sardar Sahib” are meaningless and will not be understood after a few years if and when it becomes necessary to find out the name of the presiding officer. The name of an English Officer, or of an Pakistan Officer, who has anglicized his name, should be written in English characters, even if the register is kept in Urdu.

7. All civil and criminal registers shall be consigned to the Record Room to which Judicial files are normally consigned; they should be destroyed under the supervision of the Record keeper in accordance with the rules contained in Chapter 16-F of Volume IV.

8. The Execution Moharrir of each Court shall be responsible for the safe custody of old volumes of civil Register No. 1 till they are consigned to the Record Room. The officials who maintain the other registers shall be responsible for the safe custody of old volumes of them.

9. The following registers shall be consigned to the Record Room 12 years after their completion:--

Civil Registers Nos. I and X.

10. The followings registers shall be consigned to the Record Room 6 after years after their completion:--

Civil Registers Nos. II, III, IV, VI, VII, XI, XII, XIII, XIV, XXVI and XXVII.

(Note): When civil Register No. XXVI is sent to the Record Room, entries relating to properties of minors (not accounts) in cases still pending should be copied into the new register.

Miscellaneous Registers A and B

11. The following registers shall be consigned to the Record Room 3 years after their completion:--

Civil Register Nos. XXV, XXVIII, XXIX, XXX and XXXII. Miscellaneous Registers C, E, F, G, H, I, J, K, L, M and P. Criminal Registers Nos. V, VI, VII, VIII, IX, X and XVIII.

12. The following registers shall be consigned to the Record Room 2 years after their completion:--

Criminal Registers Nos. I, II, III, IV, XI, XII and XVII.

13. The following registers shall be consigned to the Record Room one year after their completion:--

Civil Registers Nos. V, VIII, IX, XVI, XVII, XVIII, XIX, XX, XXI-A, XXI-B, XXI-C, XXII,

XXIII and XXIV.

14. Criminal Registers Nos. XIV and XV shall be consigned to the Record Room after the expiry of every calendar year; and criminal register No. XIII shall be consigned when it is finished.

15. No register should ordinarily be retained in a Court after the period prescribed for its consignment to the Record Room. If the Presiding Officer of a Court wishes to retain any register for a longer period, he should record his reasons for doing so in writing and communicate them to the Record Keeper concerned.

APPENDIX

PART I – REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING REPRODUCED IN VOLUMES VI-A AND VI-B, RULES AND ORDERS

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
(a) LIST OF CIVIL REGISTERS				
I	Register of Civil Suits	(a) All sub-Judges' Courts (honourary and stipendiary)	Ahlmad	(i) A separate register should be opened in each Court exercising original Civil Jurisdiction.
		(b) Small Cause Court	Clerk of Court	(ii) See footnotes to form in Volume VI-A, Part A-IV.
				(iii) Costs should be shown separate from the thing, or substantive sum, decreed in column II.
				(iv) The names of the Counsel of the parties should be noted in each case together with a remark as to whether or not be Counsel is authorized to receive moneys in execution.
				(v) The terms of a decree passed on a compromise should always be entered in detail. A mere note saying "decree on compromise" is not sufficient
II	Register of Miscellaneous suits cognizable only by a principal Court of original jurisdiction	(a) Courts of District Judge. (b) Courts of sub-Judges where empowered.	Ahlmad	In this register should be entered all cases cognizable by a principal Court of original jurisdiction for which no special register is prescribed, e.g., applications relating to minors under Act VIII of 1890, & applications for Succession Certificates Probates, or Letters of Administration, under the Succession Act. See footnotes to form in Volume VI-A, Part A-IV.
III	Register of Divorce and Matrimonial cases	Courts of District Judge	Ahlmad	See footnotes to form in Volume VI-A, Part A-IV. All petitions under Section 5 of the Muslim Personal Law (Shariat) Act XXVI of 1937, should be entered in this Register.
IV	Register of cases under	Courts of District Judge	Ahlmad	See footnotes to form in Volume VI-A, Part A-IV. All

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
	the Land Acquisition Act			petitions under Section 5 of the Muslim Personal Law (Shariat) Act XXVI of 1937, should be entered in this Register.
V	Register of Probates, Letters of Administration and Succession Certificates granted.	(a) Courts of District Judge. (b) Courts of Sub-Judges where empowered.	Ahlmad	In compliance with the orders of Government, Courts are directed to keep up a register of Probates, Letters of Administration and Succession Certificates granted by them and of the amount of stamp duty levied thereon.
				The register may be opened as subsidiary to register II and in a part of the same book, if convenient. The information is required annually and the return should be dispatched to the High Court.
VI	Register of Miscellaneous petitions and applications	All Civil Courts	Ahlmad	See footnotes to form in volume VI-A, Part A-IV.
VII	Register of applications to sue and appeal as a pauper	All Civil Courts	Ahlmad	
VIII	Register of rejected and returned plaints and memoranda of appeal	All Civil Courts	Reader	(i) The entries should be made the Reader on the order of rejection or of return being made by the presiding officer of the Court. It is not correct to wait until the party concerned turns up to take back the papers before making and entry in this register.
				(ii) This register must not be used for “documents returned” for which a separate register XXIV is prescribed.
IX	Register of dates fixed for trial of original suits, appeals, and	All Civil courts	Reader	When the number of appeals and execution cases is very large separate registers may be kept for the dates fixed for appeals and execution cases. There should be a

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
	execution of decrees			separate page for each working day the year and when a cause is set down for hearing on any date, the cause should be entered in the proper page of the register. See also footnotes to form in Volume VI-A, Part A-IV, as amended by Correction Slip No. 6, dated 26th April, 1935.
X	Register of execution of decrees	All Civil courts	Execution Mohararrir	(i) Column 9 for adjustments subsequently to the decrees should be filled up carefully and regularly.
				(ii) Column 8 is for the amount decreed and column 10 for the amount for which execution is sought in any particular execution. It is a common mistake to put down the same amount in both the columns. The mistake should be avoided.
				(iii) See footnote to form in Volume VI-A Part A-IV.
XI	Register of miscellaneous petitions in execution proceedings	All Civil Courts	Execution Moharrir	Column 8 is for the “specification of the property, if any, to which the claim in the petition relates.” These specifications must be given in sufficient details. Such entries as “Jaidad Maqraka” or “property attached” are meaningless. The Khasra Numbers of Agricultural land, boundaries of house properties, and a description of the cattle in dispute should be given.
XII	Register of applications for review in suits and appeals and for amendment of decrees.	All Civil Courts.	Ahlmad	---
XIII	Register of appeals from decrees	Courts invested with appellate powers	Ahlmad	When a memorandum of appeal is admitted, the Appellate Court shall endorse thereon the date of presentation, and shall register the appeal in a book to be kept for the purpose; such books shall be called the

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
				Register of Appeals. (Order XLI, Rule 9, of Act V of 1908).
XIV	Register of miscellaneous appeals	Courts invested with appellate powers	Ahlmad	In this register should be entered all appeals from orders which do not appear in Register XIII.
XV	Record-keeper's General Register of suits and appeals disposed of	Record Rooms of: (a) courts of District Judges (b) Small Cause Courts (c) other Civil Courts	Record-keeper.	The entries in this register should be made as the file of each decided case is received in the record room by the record-keeper. If more than a week expires between the date of decision and the date of filing of any record, the record-keeper should bring the delay to the notice of Deputy Commissioner or the District Judge, as the case may be furnished.
XVI	Register of Judgment-debtors imprisoned in execution of decrees	All Civil Courts	Ahlmad	(i) Column 10 is for the amount of diet money deposited with the period for which it is deposited and the rate at which it is calculated. All these particulars must be furnished. (ii) The reason of release must be noted invariably in column 13.
XVII	Register of persons punished for Contempt of Court	All Civil Courts	Reader	---
XVIII	Register of stamp deficiencies to be maintained by Courts and Offices	All Civil Courts	Reader	(i) At the end of every, month an extract from this register showing the duties and penalties levied during the month, with the other particulars entered in the register, must be sent to the Deputy Commissioner (ii) An adequate description of each document must be given in column 6. (iii) Column 22 (Brief Reasons) must be filled up intelligently and not left blank

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
XIX	Register of Commissions	All Civil Courts	Reader or Clerk of Court	---
XX	Register of Process-Servers	Court of: (a) District Judge; (b) Senior Sub-Judge (c) Small Cause Courts	Nazir	---
XXI-A	Register for Special Qanungo	Special Qanungo	Special Qanungo	---
XXI-B	Register of Commissioners issued to the Special Qanungo	All Civil Courts	Ahlmad	Column 4 is for a brief description of the kind of evidence required. This must be given, in details.
XXI-C	Register of inspection notes	(i) District Judge; (ii) Senior sub-Judge.	Clerk of Court	---
XXII	Register of warrants executed by Bailiffs	Senior sub-Judge	Civil Nazir	---
XXIII	Register of processes-served by process servers	Senior sub-Judge	Naib-Nazir	The register should be constantly inspected by the court to see that there is a proper distribution of work amongst the different process-servers.
XXIV	Register of documents returned	(a) All Civil Courts.	Reader	(i) On the return of a document which has been admitted in evidence a receipt shall be given by the party receiving it in a receipt book kept for the purpose (Order XVI, Rule 9, of Act V of 1908). (ii) An adequate description of the document returned must be given in column 4.
		(b) All Record Rooms	Record-Keeper	The Record-keeper will maintain this register for return of documents in cases which have been consigned to the Record Room.
XXV	Register of deposits and refunds of	(a) Courts of District Judge.	Reader	---

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
	commission on sale proceeds in execution proceedings			
		(b) All other Civil Courts	Ahlmad	---
XXVI	Register relating to the property of minors and annual accounts of their estates.	(a) District Judge	Ahlmad	Special attention must be given to filling up the entries in part 2 of the Register.
		(b) Sub-Judge where empowered		
XXVII	Register of persons adjudicated insolvents and administration of their estates	All Courts exercising insolvency jurisdiction.	Ahlmad	---
XXVIII	Register of applications under Section 31 of the Punjab Relief of Indebtedness Act, 1934	All Civil Courts	Reader or Ahlmad	---
XXIX	Diary Register for process-servers and Bailiffs	All Civil Courts	Process-server for Bailiff	---
XXX	Register of declarations under the Muslim personal Law (Shariat) Application Act, 1937	All Civil Courts	Reader	---
XXXI	Register of records under the Muslim Personal Law (Shariat) Application Act, 1937.	Record Rooms under the control of Deputy Commissioners	Record-Keeper	---

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
XXXII	Register of appeals under the Muslim Personal Law (Shariat) Application Act, 1937	District Judge	Ahlmad	---
XXXIII	Register showing the decrees transferred to the other Courts and <i>vice versa</i> .	All Civil Courts	Ahlmad	---
XXXIV	Register of applications for revision under the conciliation courts ordinance, 1961	District/Additional judges Court or Courts of Sub-Judges/Civil Judge	Reader or Ahlmad at the discretion of the Court	---
(b) LIST OF CRIMINAL REGISTERS				
I	Register of cognizable and non-cognizable offences instituted on complaint or on Magistrate's own motion or reported by the Police under Sections 157 and 173, Criminal Procedure Code.	Courts empowered to receive complaints or reports	Ahlmad	(i) Under section 157, Criminal Procedure code, intimation is to be sent to the Magistrate having jurisdiction of all complaints or information preferred to the police of all cognizable offences, Columns 1 to 13 of Register should be filled up by the proper officer of the court as soon as orders have been passed by the Magistrate on the complaint or report submitted by the police.
				(ii) Entries in column 3 should be classified as "Alif" or "Be" according to the instructions given in the printing heading.
				(iii) Column 11 should not be left blank as is often done. See footnotes to form in Volume VI-B, Part B-IV.

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
II	Register of cases under the Penal Code	All Magistrates' Courts (honourary and stipendiary)	Ahlmad	(i) In this register should be entered all cases under the Penal Code sent up for trial by the Police, or entertained by the Magistrates on complaint preferred directly to themselves. (ii) Appealable cases should always be marked as such. (iii) Column 15 should mention the "Head of Crime" applicable as given in the police statement A, on page 40-43, Part B-V of the Rules and Orders, Volume VI-B.
III	Register of cases under Special and Local Laws and under the code of Criminal Procedure	All Magistrates' Courts (stipendiary and honorary).	Ahlmad	All cases of offences punishable under Special and Local Laws and security cases under Chapter VIII of the Code of Criminal Procedure should appear in this register.
IV	Register of Miscellaneous Criminal Cases	(a) Sessions Courts (b) All Magistrate's Courts (honourary and stipendiary)	Ahlmad	In this register should be entered all cases under the Code of Criminal Procedure not involving offences and miscellaneous case not forming the subject of a regular trial, such as inquiries into claims to suspected property, claims to restore property declared to be forfeited under Sections 87 and 88 of the Criminal Procedure Code, rights to unclaimed property cinder Sections 25 to 27 of Act V of 1861 etc.
V	Register of case decided in each Court	All Magistrates' Courts (honourary and stipendiary).	Ahlmad	This and register VI are intended to furnish materials for the compilation of the annual returns. The entries in this register are to be made at once on the conclusion of the trial. In columns 38 to 41 a distinctive mark should be used to show whether the imprisonment was rigorous or simple. At the close of the year the persons and cases in the pending file must be added in

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
				the appropriate columns 5 to 10 and 20 to complete the figures for the annual statements. When a case is transferred from one Court to another in the same District, the case will not be entered in the register of the transferring Court, but will be shown as if it had been originally instituted in the Court which eventually disposed it of. When a case is transferred to another District or Province a note in the column of remarks should show the District or Province to which the case has been transferred. In cases in which a complainant is required to pay compensation to the accused, the fact should be noted in the column of remarks. A note in the column or remarks should also show whether the persons entered in columns 29 to 31 were imprisoned in default; and if so, for how many days they remained in prison, the amount of security or recognizance demand being specified.
VI	Register showing the number of offences reported and brought to trial and of persons discharged, acquitted or convicted.	District Magistrate	Statistical Clerk	Cases on which orders have been passed will be entered under the proper head of crime from time to time. To enable the Statistical Clerk to write up this register, all Courts will furnish a return in vernacular form No. C.O. 124 to reach him on the 7th, 15th, 22nd and the last day of each month. Pending cases will be added at the end of the year in order to complete the entries to be made in the annual statement II. It must be remembered that cases committed or referred to a higher Court are to be entered when the result in the higher Court has been ascertained; until then they will be treated as pending. In such cases the Court which finally disposed of the case and the number of the case in the register of that Court will be entered in column 2. Cases transferred to another

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
				<p>Court in the Punjab will not be entered until the case has been finally disposed of.</p> <p>To ensure this register being properly brought up-to-date at the close of each year, Sessions Judges should take care that the results of all cases (whether received on commitment or reference) decided during the year are duly intimated to the Magistrate of the District concerned before the close of the year. Similarly care should be taken that the results of all references under Section 374, Criminal Procedure Code, and of committals to the High Court disposed of during the year, are duly communicated before the close of the year.</p>
VII	Register of Sessions trial and of references made to the Court of Sessions under Section 123, Criminal Procedure Code	Sessions Courts	Ahlmad	---
VIII	Register of trials of European British Subjects	Sessions Courts	Clerk of Court	---
IX	Registers of Complaints against, or inquiries into, conduct of the servants of the State.	(a) District Magistrates (b) Sessions Courts	(a) Superintendent (b) Clerk of Court.	---
X	Register of appeals and revisions in Criminal cases	(a) District Magistrate (b) Other magistrates empowered to hear	Ahlmad	Separate registers for appeals and for revisions will be maintained.

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
		appeals (c) Sessions Courts		
XI	Register of dates fixed for trial of criminal cases including dates of receipt of cases sent up for trial by the Police	(a) All magistrates' Courts (stipendiary and honorary). (b) Sessions Courts.	Reader	Section 344 of the Code of Criminal Procedure limits to a maximum of 15 days the period for which an adjournment or remand can be granted and under Section 247 summons should always fix a date. Every criminal case should be decided on the first day that it is brought to Court or adjourned to a fixed date.
XII	Register of prisoners under trial.	All Judicial lock-ups.	Officer-in-charge	The register is intended to keep the Magistrate informed of the number of persons in the lock-up and to serve as a check on the illegal detention of any persons in custody and should be carefully maintained.
XIII	Register of persons admitted to and removed from the lock-up in the Districts.	All Judicial lock-ups.	Officer-in-charge	
XIX	Register of Judicial fines.	(a) All Magistrates' Courts (stipendiary and honorary). (b) Sessions Courts.	<i>See next column.</i>	<ul style="list-style-type: none"> (i) In every Criminal and Civil Court the Reader of the Court will keep up a separate fine register. (ii) In addition to this register there will be kept up in the same form at the headquarters of each district and general register of fines by the District Fine Moharrir. (iii) The amount of fine released should always be entered in column 12 in the Magistrate's own handwriting as required by Rule 5(iii) of Chapter II, Volumes IV, of the Rules and Orders. (iv) The number and date of the Treasury Receipts should always be given in column 13.

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
XV	Register of Judicial fine realizations	District Magistrate	District Fine Moharrir	See Chapter II, Volume IV, Rules and Orders.
XVI	Record Keeper's General Register of decided cases	Record Rooms of:-- (a) Sessions Courts; (b) Other Criminal Courts.	Record Keeper	The entries in the Register should be made in the order in which the files are deposited in the Record Room; and if more than a week expires between the date of decision and the date of filling the record, the delay should be brought to the notice of the District Magistrate or the Sessions Judge, as the case may be. It is unnecessary to enter in this register cases dismissed under Section 203 of the Code of Criminal Procedure, or cases under the Police, Hackney and Stage Carriages, Cantonments, Cattle Trespass, Workman's Contract, Punjab Municipal, Cruelty to Animals, and Vaccination Acts.
XVII	Register of Summary Trials	All Magistrates exercising summary powers.	Reader	Columns 7 to 14 should be filled in by the Magistrate himself.
XVIII	Register of Road and witnesses Diet money of ----- assessors	(a) Sessions' Courts. (b) Magistrates Courts	Nazir Reader	See Chapter 9-B, Rules and Orders, volume III. This register should be checked by the Magistrate or the Sessions Judge, at least once a week and column 10 initialled.
XIX	Register of prisoners who are released or whose punishment is reduced on appeal or revision.	(a) All Magistrates' Courts. (b) Sessions Court.	Ahlmad or any other official to be nominated by the Court.	This register should be checked once a week by the Presiding Officer of the Court who should see that all warrants are being complied with or received in the jails. He should verify this from the detachable portion of each warrant.
XX	Register of applications for transfer of criminal cases.	District Magistrates and Sub-Divisional Magistrates.	Ditto	-----
XXI	Register of traffic	All Magistrates appointed to	Ahlmad	(1) All cases relating to traffic filed by the Police under

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
	cases	try traffic cases.		any Act other than the Indian Penal Code shall, after entry in the Police Traffic Register, be handed over to the Ahmad of the Magistrate appointed to try traffic cases. The Ahlmad shall sign the Police Traffic Register in token of receipt of the complaints and other papers shown in the Police Traffic Register, and shall within 24 hours enter these cases in the Court Register of Traffic Cases (Register No. XXI).
				(2) Cases entered in this register shall not be entered in Criminal Registers Nos. I and III (prescribed in Volume VI, Part B-IV of Rules and Orders of the High Court). For purposes of statistical returns, e.g., pending and old cases, figures relating to traffic cases which were formerly taken from Criminal Registers Nos. I and III will now be taken from the Register of Traffic Cases.
				(3) The Traffic Magistrate shall check once a month the Register of Traffic Cases maintained in his Court and in the course of his check he shall have before him the Police Traffic Register. He shall, in particular, satisfy himself that all cases and licences shown in the Police Traffic Register have been entered in the Court's Register. At the conclusion of his checks, he shall sign both the registers.
				(4) If in any case it has been impossible to obtain the appearance of the accused, the Magistrate before consigning the records to the Record Room shall satisfy himself that any licence shown as having been impounded and attached to the report is still present. He shall then forward the impounded

No of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
				licence to the licensing authority by whom it was originally issued, through the Police by attaching it to the "Conviction slip" in which a reference should be made to it.
				(5) As far as possible, the records of traffic cases which are not actually being heard by the Magistrate should be kept under lock and key, the keys being retained either by the Magistrate himself or some particular court official on whom individual responsibility can be fixed in the event of any loss.
				(6) This register will be maintained only in courts to be selected by the District Magistrate. <i>(C.S. No. 15/XVIII.D-20 (a), dated the 1st May 1945).</i>
(c) LIST OF MISCELLANEOUS REGISTERS FOR EITHER OR BOTH CIVIL AND CRIMINAL COURTS				
A	<i>Deleted (C.S. No. 81/XVIII-D.20 (a), dated the 21st January, 1954.</i>			

B	Register of files taken from the Record Room for reference.	Record Rooms of— (a) District and Sessions Courts. (b) Small Cause Courts (c) Other Civil and Criminal Courts.	} Record Keeper	
C	Register of miscellaneous proceedings received	All Civil and Criminal Courts		Ahlmad

	from other Districts or Courts			
D	Register of dispatch of packets or letters	Ditto	Do.	
E	Register of general orders issued in eh judicial department	(a) District Magistrates (b) District and Sessions Judges	Reader of the Court	In this register should be copied all orders issued for the guidance of subordinate Courts in the order and date on which they were issued.
F	Register of property received into the Nazir's store room.	(a) Criminal Courts at head-quarters (b) Civil courts at head-quarters. (c) Civil and Criminal Courts at Tehsils. (d) Small Cause Courts	(a) District Nazir (b) Civil Nazir Nazir Nazir	See Chapter 10-A, Rules and Orders, Volume IV.
G	Register of ministerial officers	(a) District and Sessions Courts and Subordinate Judges' Courts. (b) Small Cause Courts	(a) English Clerk (b) Clerk of Court	At the beginning of each year a list of officials should be made out in the prescribed form, the names of officers who have been removed or transferred being omitted.
H	Register of petition-writers	District and Session Court	English Clerk	See Chapter 17-A, Rules and Orders, volume I, Rule 2.
I	Register of Affidavits	All Civil and Criminal Courts.	Reader	See Chapter 12-B, Rules and Orders, Volume IV.
	Register of general correspondence	District and Sessions Courts	English Clerk	

**PART II – REGISTERS REFERRED TO IN PARAGRAPH 4 AS NOT BEING
REPRODUCED IN VOLUMES VI-A AND VI-B, BUT IN
VOLUMES I TO IV**

Name of Register	By whom kept	Reference to rules and Orders, Volumes I to IV
Register of decrees in which the Collector is authorized to provide for satisfaction	Collector	Volume I, Chapter 12-M.
Register of officials required to furnish security and the amount of security deposited	Clerk of Court to District and Sessions Judge, Senior Sub-Judge and Small Cause Court.	Volume I, Chapter 18-C.
Register E of Guardians	Ahlmad	Volume II, Chapter 2-B.
Insolvency registers	Do.	Volume II, Chapters 4 and 5.
Official Receivers' registers	Official Receivers	Volume II, Chapter 5.
Civil Court Deposit Registers	Civil Nazir and Nazir	Volume II, Chapter 8-E.
Sheriffs Petty Accounts Registers	Civil Nazir and Nazirs or Cashiers.	Volume II, Chapter 8-D.
Note Book of Bailiffs	Bailiffs	Volume II, Chapter 8-E.
Note Book of Process-servers	Process-servers	Volume II, Chapter 8-D.
Register of maintenance orders made by Courts outside British India for enforcement in British India.	Presiding officer of Court	Volume III, Chapter 7-B.
Register of Arms and Ammunition.	Officer-in-charge of Nazarat.	Volume IV, Chapter 10-B.
Supply of copies registers	Independent Examiner where such officer exists or senior copyist in— (a) District and Sessions Judges Courts. (b) Small Cause Courts.	Volume IV, Chapters 17-D and 17-E.

CHAPTER 25

SUPPLY OF FORMS

PART A – SUPPLY OF FORMS

1. Indents.—The forms prescribed for the use of Courts are printed by the form work contractors to the Punjab Government and dispatched direct to indenting officers. All indents for such forms should be addressed to the Superintendent, Government Printing, Punjab, who has been appointed the medium of communication between the indenting officers and the printers.

2. Date of submission of indent.—The annual consolidated indent for such forms is due with the Superintendent, Government Printing, Punjab by the 15th March and district and Sessions Judges are enjoined to see that this date is strictly adhered to or the Press will not be responsible for any delay that may occur in the supply of printed forms. District and Sessions Judges are included in the list of officers entitled to indent direct for Departmental English forms,—*vide* Appendix D of the Punjab Printing and Stationery manual (Punjab Financial Handbook No.4).

3. Instructions for preparing indents.—The indents will be prepared in duplicate in the prescribed form. One copy will be retained by the Press and the other will be forwarded by the Press to the High Court, at the close of the year for examination and record.

Indenting officers should so frame their *annual* indents as to obviate the necessity for a large or frequent supplementary indents. Notice will be taken of any case in which these instructions are found to have been neglected.

4. Chalan of forms dispatched.—When dispatching packages containing forms to indenting officers, the Contractors will also forward by a letter-post a dispatch note or *chalan*. One receipt of the package the officer concerned should examine the contents carefully, and, after ascertaining that they are correct, return the *chalan*, duly signed, to the dispatching officer.

5. Periodical returns.—These instructions do not apply to periodical returns, forms for which will be supplied by the High Court without indents, according to the Appendix II attached to Chapter 23 of this Volume—“Reports and Returns”.

6. List of forms. Stocked forms.—Lists of the Civil and Criminal forms which have been prescribed by the High Court for general use in the Punjab will be found in the Books of Civil and Criminal Forms given in the Rules and Orders, Volumes VI A and B.

It will be observed that only such forms as are in most general use and are marked “Stocked” will be supplied in print: the others must be prepared in manuscript whenever required. Books containing complete sets of Civil and Criminal forms are supplied to each Court, and should be kept carefully up to date.

7. Establishment and contingent bills.—Forms of establishment and contingent bills will be supplied by the Accountant-General.

8. Civil Nazir to stock forms.—All civil forms will be stocked by the Civil Nazir whose duty it will be to supply them to Subordinate Judges and Extra Assistant Commissioners when required.

9. Universal forms and envelopes.—Instructions for the submission of indents for universal forms and envelopes are contained in Chapter 3 of the Punjab Printing and Stationery Manual and should be carefully followed by officers entitled to indent direct for such. (Appendix D to the Manual).

Vernacular Forms for Judicial Purposes

10. Vernacular forms.—Vernacular forms used by subordinate Courts are obtained locally by District Courts. Vernacular forms are to be printed on paper of the size of official petition paper, or a quarter of a sheet of the standard jail paper, as may be most convenient. The paper

prescribed is “B” quality paper as supplied by the Jail Department.

11. Forms should be correctly prepared.—Care should be taken to adhere strictly to the wording of judicial forms prescribed by law or by the orders of the High Court.

12. Indents.—Officers who used to obtain their vernacular forms from the Central Jail, Lahore, will in future submit their indents yearly to the Superintendent, Government Printing, Punjab, Lahore, by the 15th April of each year at latest, so as to enable that officer to comply with all indents in proper time. In preparing the indent care should be taken to form a proper estimate of the probable requirements for the year, so as to avoid the necessity of submitting supplementary indents.

PART B – PRINTING

1. Lithographed forms.—All lithographic printing has, under the orders of the Punjab Government, to be done, as far as possible, at the Central Jail Press at Lahore. Lithographed forms, a revised list of which has been prepared by the Superintendent, Government Printing, Punjab, and will be supplied to departments concerned, are to be obtained from the Jail Press on indent to cover the annual requirements of each Department. Supplementary indents must be avoided as far as possible.

2. Date of submission of indents.—The annual indent of Civil and Criminal Vernacular forms from District and Sessions Judges, to cover the requirements of the District, is due with the Superintendent, Government Printing, by the 15th April. This date must be strictly adhered to or the Press will not be responsible for any delay that may occur in the supply of printed forms.

3. Printing at private press direct prohibited.—Unless Government has specially permitted a deviation from the rule, no work must be sent direct to a private press. All indents for printing of every description whether typographic or lithographic should be sent to the Superintendent, Government Printing, Punjab, who will decide with regard to the state of work in the various Government Presses whether to carry out the work himself or place it at a private press. In the latter case he will pay the bill himself from the allotment for printing at private presses or lithography, as the case may be.

4. Emergent printing.—Heads of Departments and District and Sessions Judges have been delegated powers to sanction expenditure in emergent cases on account of printing – typographic or lithographic – at a private press, to a limit of Rs. 10 in each case. These orders will be paid for by the officers concerned but a duplicate copy of the bill, together with a voucher copy of the work, should be forward to the Superintendent, Government Printing, Punjab, for examination and record. Such expenditure should be charged to the head “56-Stationery and Printing” Minor heads, “Printing at Private Presses” or “Lithography” and should not be met from the contingent grant.

5. Complaints against Jail Press.—If the work supplied by the Jail Press proves unsatisfactory or if it is not done promptly the fact should be reported to the Superintendent, Government Printing, Punjab, and the High Court informed at the same time.
