

**The Himachal Pradesh Inspection of Subordinate Courts
(by the Administrative Judge) Rules, 2001**

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001

No.HHC/Rules(Inspt)/7/97-

Dated 01.06.2001

NOTIFICATION

In exercise of the powers vested under Section 29 of the Himachal Pradesh Courts Act, 1976 and all other enabling powers in this behalf, the High Court of Himachal Pradesh makes the following rules for inspection of Subordinate Courts by the Administrative Judge, in the State of Himachal Pradesh.

Title	1	These rules may be called “The Himachal Pradesh Inspection of Subordinate Courts (by the Administrative Judge) Rules, 2001.”
Commencement	2	These Rules shall come into force with immediate effect.
Definitions	3	<p>In these rules, unless the context otherwise requires:-</p> <ul style="list-style-type: none">i) ‘Administrative Judge’ means the Administrative Judge so designated by the Chief Justice for a particular Civil & Sessions Division.ii) ‘Chief Justice’ means the Chief Justice of the High Court of Himachal Pradesh.iii) ‘District and Sessions Judge’ means District and Sessions Judge appointed under Section 5 of the Himachal Pradesh Courts Act, 1976 and Section 9 of the Code of Criminal Procedure, 1973 and shall include an Additional District and Sessions Judge.iv) ‘High Court’ means the High Court of Himachal Pradesh.v) ‘Prescribed’ means prescribed by these rules.

		<p>vi) 'Presiding Officer' means the Judicial Officer presiding over a Subordinate Court.</p> <p>vii) 'Proforma' means proforma prescribed under these rules.</p> <p>viii) 'Registrar' means the Registrar General of the High Court and includes the Registrar(Vigilance), District & Sessions Judge(Rules), District and Sessions Judge(Inspection), Additional Registrar, Deputy Registrar and Assistant Registrar or any other Officer exercising functions delegated to him under these rules</p> <p>ix) 'Subordinate Court' means a Court subordinate to High Court exercising Civil or Criminal jurisdiction.</p>
Schedule of Inspection	4	<p>(a) Inspection of Subordinate Courts shall be the subject of the Inspection Branch of the High Court Registry. However, if required, same floating staff may be taken from other branches out of a panel of Officers/Officials maintained in this behalf by order of the Hon'ble the Chief Justice from time to time.</p> <p>(b) Process for inspection shall be initiated by the Inspection Branch after obtaining orders from the Administrative Judge concerned.</p> <p>(c) Tentative schedule of inspection shall be drawn and submitted by the Inspection Branch to the Administrative Judge, for approval.</p> <p>(d) The Schedule of inspection approved by the Administrative Judge, shall be</p>

		submitted to the Chief Justice for perusal/approval. It shall thereafter be notified to all concerned well in advance.
Inspection	5	<p>(a) Ordinarily, every Subordinate Court shall be inspected by the Administrative Judge once in two years. However, surprise inspection may be carried out at any time.</p> <p>(b) On the day of Commencement of the inspection, the cash-in-hand lying in the Subordinate Court shall be checked and verified in the first instance.</p> <p>(c) Inspection shall be conducted so as to cover all the aspects specified in the proforma. In addition, it may include such aspects as prescribed by the Administrative Judge in his discretion.</p>
Inspection Notes	6	<p>(a) The inspection party shall maintain notes of relevant points noticed during inspection.</p> <p>(b) On completion of ground work for inspection the Inspection party shall prepare a draft inspection note, in accordance with the proforma, so as to include therein all the points noticed during inspection, for perusal of the Administrative Judge.</p> <p>(c) On the visit of the Administrative Judge the draft inspection note shall be submitted for perusal, by the District & Sessions Judge (Inspection).</p>
Inspection by the Administrative Judge	7	All matters concerning inspection of Subordinate Courts shall be within the

		<p>discretion of the Administrative Judge and shall include inter-alia amongst others the following:</p> <p>(a) In order to form opinion and make observations regarding functioning of Subordinate Courts on Judicial and Administrative side and to ascertain problems, if any, the Administrative Judge may visit the Court and its Office and meet the Presiding Officer, the staff, the Bar, the litigants and members of the general public.</p> <p>(b) As far as practicable procedural defect(s) if any, noticed during inspection shall be pointed out and necessary guidelines or instructions to remove the same shall be issued then and there.</p>
Inspection Report	8	<p>(a) The inspection report shall be prepared in accordance with the prescribed proforma and shall include the guidelines or instructions, if any, issued during inspection and shall be submitted to the Administrative Judge, for approval,</p> <p>(b) On approval by the Administrative Judge, the inspection report shall be placed before the Chief Justice, for perusal and orders.</p> <p>(c) The defects and deficiencies, if any, noticed during inspection, shall be conveyed to the Presiding Officer of the concerned Subordinate Court, for rectification and compliance and if, the Subordinate Court inspected is a Court</p>

		other than that of the District & Sessions Judge, also to the District & Sessions Judge of the Division, for information and necessary action.
Procedure for compliance	9	<p>(a) On receipt of communications from the High Court under Rule-8(c) above, the Presiding Officer of the Subordinate Court inspected, shall take appropriate steps for removal and rectification of the defects and deficiencies and compliance of the guidelines and instructions issued thereunder.</p> <p>(b) The compliance report shall be submitted to the Registrar, within thirty days from the receipt of the communication from the High Court and if, the report pertains to a subordinate Court other than the Court of District & Sessions Judge, it shall be forwarded through the concerned District & Sessions Judge, along with his Para-wise comments thereupon,</p> <p>(c) On receipt of the compliance report and the comments, under clause (b), of the rule, the Registrar shall after scrutiny cause the same to be placed before the Administrative Judge, for perusal and orders.</p>
Residuary Powers	10	Nothing in these rules shall be deemed to affect the 'powers' of the High Court to make such orders from time to time as it may deem fit in regard to all matters incidental or ancillary to these rules not specifically provided for herein or in regard to matters as have not been provided for or not specifically

		provided for or for removal of any difficulty, which may arise in giving effect to any of the provisions of these rules.
Repeal	11	The provisions contained in Chapter 1-C, 2-B and 3-B of the Rules and Orders of Punjab and Haryana High Court Volume-IV relating to the inspection of Subordinate Courts by the High Court as applicable to the state of Himachal Pradesh shall stand repealed forthwith and any action already taken or decision arrived at thereunder shall be deemed to have been taken or arrived at under these rules.
		<p style="text-align: right;">BY ORDER OF THE HIGH COURT</p> <p style="text-align: center;">DISTRICT & SESSIONS JUDGE (RULES)</p>

**PROFORMA OF THE INSPECTION NOTE OF
THE INSPECTION OF THE SUBORDINATE
COURT CONDUCTED BY THE
ADMINISTRATIVE JUDGE**

1. Name of the Administrative Judge _____
2. Name and designation of the
Presiding officer of the Court _____
inspected
3. Date of inspection _____
4. Date of last inspection _____

<u>Sl. No.</u>	<u>Subject</u>	<u>Observation</u>
1.	2.	3.
<u>Part-I General</u>		
1.	Whether there is sufficient accommodation for the Court and Office? If not, steps taken for acquiring land or constructions of building. Directions/Suggestions of the Hon'ble Judge, if any.	
2.	Whether books/journals have been provided in accordance with the fixed standards for the residential library and court library; bound and kept safely and cleanly and bears the Accession number.	
3.	Whether there is proper sitting arrangement for the Presiding Officer, Staff, Bar Members and Litigant public in the Court building? Orders/directions/suggestions, if any.	
4.	Whether the court is properly staffed according to the sanctioned strength? In case any post(s) is/are lying vacant, verify the steps taken to fill up the same,	

	and pass orders/directions.	
5.	Whether the Presiding Officer and the Members of the Staff are punctual in attending court and the office?	
6.	Whether the ratio of disposal commensurate with the institutions?	
7.	Whether there is any complaint on behalf of the witnesses returned without examination after making him/them to wait till late hours in the day? Action taken thereon.	
8.	Whether the defects/short comings detected/ pointed out by the Presiding Officer or the District and Sessions Judge in their inspections have been removed/corrected?	
9.	Whether any complaint(s) against the Presiding Officer or the staff member(s) received from the members of the Bar, or litigating public? If so, its nature & solution.	
10.	Whether proper accounts of Sheriff petty, Civil deposit, road & Diet Money, office expenses and other funds are being prepared and cash book properly maintained? Whether the accounts tally with the last balance?	
11.	Whether staff car and telephone in the office and residence of the Presiding Officer have been provided? If so, recovered in respect of private telephone calls, private journey etc. preceding the month of inspection stand made or not.	
<u>PART-II CIVIL</u>		
1.	Whether the files and Register(s)	

	pertaining to Civil/Criminal Cases are maintained properly, and the entries made in the relevant columns of the Register?	
2.	Whether decree sheets are being prepared promptly and drawn in accordance with the rules?	
3.	Whether the Presiding Officer shows interest in curbing unnecessary adjournments and follow the procedure with regard to restoration of cases dismissed in default?	
4.	Whether the old cases are being disposed of on priority basis?	
5.	Whether in case of non-appearance of parties in the pre-lunch session are awaited, cases called again in post-lunch session before proceeding ex-parte?	
6.	Whether the procedure prescribed in code of civil procedure is being adopted in case of suits by indigent person(s)?	
7.	Opinion on critical examination of two civil and two criminal judgments.	
<u>PART-III-CRIMINAL</u>		
1.	Whether the fine imposed are being realized and deposited in the Treasury on the same day or next day?	
2.	What steps are being taken in case of defaults in payment of fine where no alternative punishment is awarded?	
3.	Whether the Presiding Officer has been Vigilant in disposal of oldest Criminal Cases, disposal of bail application and Supply of copies of order(s) free of Cost where-ever required by law?	

4.	Whether application(s) received from under trial prisoner are being dealt with promptly?	
5.	Whether in case of non-appearance of accused/witnesses in pre-lunch sessions are awaited and cases called again in the afternoon before passing orders for coercive action?	
6.	Whether witnesses are promptly examined or adjournments granted without examining witnesses who are present?	
7.	Whether statements of complaint and their witnesses reduced in writing, in cases instituted on complaint? Are such cases referred to the police for investigation in routine, the propriety of the order in such cases?	
8.	Any other material fact, discrepancy or complaint coming to the notice of the Hon'ble Judge during inspection.	
<u>PART-IV COPYING WORK</u>		
1.	Whether the copies of judgments/orders are being typed by the stenographers and supplied as per the relevant rules?	
2.	Whether the applications for supply copies being attended to promptly and requisition issued through a movement register maintained for the purpose?	
3.	Whether the petitions/plaints/memos/applications are properly stamped and the stamps are cancelled and punched as per the rules? The time taken in supply of copies.	

	<u>PART-V-NAZARAT</u>	
1.	Whether the Naib Nazir/Civil Nazir is an experienced hand, has deposited the security in the treasury?	
2.	Whether the work amongst bailiffs and process-servers is properly distributed?	
3.	Whether the Process Servers and Bailiffs are detailed for any Official duty other than his normal duty and the road and diet money for disbursement to the witnesses on the spot is being given to them and are being so disbursed?	
4.	Whether precepts from other Districts are being disposed of promptly?	
5.	Whether the Sheriff petty and Civil deposit accounts reconcile with the Treasury and certificate of Treasury Officer are being obtained regularly as per rules?	
6.	Any other material fact, discrepancy etc. or complaint coming to the notice of the Hon'ble Judge, during inspection.	
<u>PART-VI CONSIGNMENT OF FILES</u>		
1.	Whether there are racks, cupboards for safe keeping of the files/records and the accommodation provided for the purpose of record room accomodous?	
2.	Whether the decided files are being consigned to the record room within time and Goshwaras (Challans) bearing R.R. (Record Room) numbers are kept in a separate file after duly entering such numbers in the relevant register? The problems of Ahlmads & Record Keepers, if any.	

3.	Whether there are arrears of decided files for consignment? If so, reasons for the same and directions/suggestions thereon.	
4.	Whether requisitions received in Record Room are being attended to promptly?	
5.	Whether Record Keeper's Register No. XV and XVI and Misc. Register-B are being maintained?	