CHAPTER 41.

OFFICE RULES AND ADMINISTRATIVE WORK.

1. Office and Routine.

870. No one not being a member of the office establishment will be permitted to enter any office room without the special permission of the presiding Judge.

Note.—See the Note to rule 424.

871. (1) (a) The sheristadar of every Court will be held responsible for the due and prompt performance of all duties connected with the management and supervision of the office and the departments attached to the Court. He is responsible for the condition of the office, the records kept there and the work done by the staff employed.

(b) It is his duty to insist on the regular and efficient discharge of all kinds of business for which any and every member of the establishment is responsible, to exercise proper personal control and supervision over them, to make himself throughly acquainted with each man's work and check it frequently, to give proper instructions regarding the maintenance of registers, etc., and the performance of other duties and to see that the Rules and Orders of the Supreme Court (High Court Division) are strictly carried out.

(c) He should inspect from time to time the work of each member of the staff and submit periodical reports to the presiding Judge regarding the condition of the office and the work of the other ministerial officers. At the first sign of arrears in the work of any officer, or of such a pressure of work as is likely to cause arrears the matter must be reported at once to the presiding Judge and all cases of unreasonable delay in the disposal of business, misconduct and neglect or improper discharge of duty should be promptly brought to his notice. Whenever a ministerial officer of the establishment is about to go on leave or transfer, the sheristadar should report to the presiding Judge arrears in his work, if any.

(2) A pending list should be kept in every judicial office by the sheristadar in the prescribed form No. (R) 38-A, Vol. II. for inspection by the presiding Judge with a view to check arrears or delay in the disposal of business. In submitting the pending list for the inspection of the presiding Judge, the register of letters received should also be put up for inspection at the same time.

Note 1.—This register shall be laid before the presiding Judge for his examination a tleast once a week and the fact of such examinations having been made together with such instructions or remarks as may appear necessary shall be entered by him.

Note 2.—All arrears of work in the office at the end of the preceding week regarding entries in the various registers, noting of result of suits and execution cases, writing of table of contents, drawing up of decrees, return of documents, periodical despatch of records, preparation and delivery of payment orders, succession certificates, probates or letters of administration, sale certificates, copies, information, etc., should also be briefly noted in columns 1 and 2 of this register.

872. (1) With a view to the better conduct of the business in all civil Court offices, the Supreme Court (High Court Division) approve that at the entrance of each office room occupied by clerks or copyists a wicket gate shall be placed with a spring which no outsider shall be allowed to pass. Inside each office is to be kept a list showing who are the officers entitled to occupy the room. Outside the entrance to the room should be hung in a conspicuous place a board having printed on it both in English and vernacular "No admittance for the public". The presiding Judge of the Court should visit at unstated times during office hours the

room occupied by its subordinate and call the roll ; and in the event of his finding any outsiders within the room, the ministerial head of the department should be punished, since he is to be held responsible that the public do not enter the room.

(2) All transactions between the public including advocates' clerks and the office shall be over the wicket gate as far as practicable and no one will have access to any member of the establishment except to the sheristadar and such officers as the presiding Judge may in his discretion direct.

(3) The judicial officers will see that as far as practicable these officers sit near doors or windows to be accessible to the public. Where this is not practicable, persons may be allowed to come up to their tables for the transaction of any business, but no one shall be permitted to handle or touch any papers unless it be for the purpose of obtaining his signature.

873. (1) In order that it may be proved who was directly responsible for the entries in a particular register or record, the Supreme Court (High Court Division) approve that each clerk shall keep a duty card showing the particulars given in the following form :—

Name of Clerk. Department

Nature of work.			
Authorised registers.	Unauthorised Registers.	Miscellaneous duties.	Remarks.
1	2	3	4

(2) This card is to be signed by the sheristadar and the clerk concerned, and a duplicate of the same, similarly signed, is to be kept by the ministerial head of the department to which the clerk belongs. Such ministerial head of the department will be responsible for having all changes in the nature of the work of each officer under him duly entered on the cards affected. The card will show the dates on which each successive clerk assumed and relinquished charge of his office and also the date of the last distribution of work.

874. The employment of outsiders by the ministerial officers for helping them in their work or getting office papers written is strictly forbidden. Judicial officers should keep a strict watch on this objectionable practice and any subordinate officer found violating the rule should be severely punished.

2. Correspondence.

875. (1) Correspondence between judicial officers of all grades and between these and officers of departments of Government of whatever status shall be by letter or memorandum. But the memorandum, or the endorsement form should be used whenever it can conveniently be adopted.

(2) When a letter from either a subordinate to a higher authority, or *vice versa* contains nothing but a piece of information for the future guidance of such authority, or a piece of information sought for to complete any proceedings, or to rectify any error, or a direct affirmative or direct negative, to any question put, it will be quite sufficient if the letter be endorsed or passed on with the signature of each successive authority. When correspondence relates to the transmission of returns, documents etc., or other routine matters, memoranda or endorsements should be substituted as much as possible for covering letters Such memoranda and endorsements should be numbered and dated.

876. (1) The name and official designation of the writer of an official letter, with the number and date of the letter, is to be prefixed to it, number and date of every letter referred to is invariably to be quoted, and every paragraph is to be numbered.

(2) Correspondence should be condensed as much as possible and repetitions and details shall be avoided.

(3) Separate letters or memoranda shall be written on distinct subjects.

(4) Demi-official correspondence shall not be quoted in official correspondence.

877. The use of facsimile stamp in official correspondence even in matters of routine may provide ample opportunities for fraud. All correspondence shall be signed by the forwarding officer and should it not be possible for him to sign all letters, they should be signed for him by some responsible and trusted official.

878. Judicial officers when signing papers of all sorts are required to take particular care that their official signature is always so distinctly and readily legible that there may never be any room to doubt thereafter that it is genuine and authentic.

879. Where a regular postal service exists between one place and another not being in the same station or headquarters, all official letters or postcards passing between those two places should ordinarily be sent by post, whether it be cheaper to send them by hand or not. They may, however, be sent by hand if owing to the nature of their contents or to their urgency, it is necessary in the public interest to send them in that manner. Letters from the District Court to the subordinate courts should be sent in separate covers addressed to each court as it is an improper use of postal facilities to post letters for several addresses in one envelope. Articles not being letters or postcards *e.g.*, newspapers, printed circulars and records may be sent by means other than the post office, *e. g.*, by railway or through messengers.

880. (1) When confidential covers are sent out of an office, they should be placed in double covers, the inner cover being sealed, marked "Confidential" and superscribed with the name only of the officer for whom they are intended, the outer cover being addressed by his official designation only and without the addition of his name.

(2) When the official trusted with the opening of letters finds inside the cover another envelope marked "Confidential" and addressed by name to the head of the office, he should be careful not to open it, even if the head of the office is away on tour or for any other purpose. The addressee should invariably open the inner cover himself and allow no subordinate to open it.

881. (1) In the courts of Subordinate Judges and Munsifs it will ordinarily be sufficient to have two correspondence files—one for letters received and another for draft of letters issued during each year. The papers should be arranged in chronological order; the first letter received or issued being at the bottom of the file, and the last letter issued or received being at the top. Each letter issued will have assigned to it a consecutive number called the serial number.

(2) Many letters received in or issuing from courts are of very transient interest of are such that correspondence begins and ends with the one letter and its reply. A "Miscellaneous collection" should be opened within which all such letters may be placed chronologically without reference to subjects.

(3) Correspondence should ordinarily be preserved for three years. From correspondence three years old, the more important papers should be sorted out for preservation and the rest destroyed. The Miscellaneous collection should be destroyed after one year. Office copies of monthly and quarterly statements should be destroyed after three years and annual statements after six years.

(4) Local newspapers, pamphlets and publications of other departments of Government, acknowledgments, reminders and other papers for which there is no further use shall be destroyed at such intervals as the presiding Judge may direct.

882. (1) There should be separate files for (i) General and Special Letters issued by the Supreme Court (High Court Division); (ii) Circular Orders of the Supreme Court (High Court Division); (iii) Circulars of the Government and (iv) Circulars of other departments of Government arranged chronologically with date stamp of receipt and page mark. To the files of General and Special Letters and Circular Orders of the Supreme Court (High Court Division) shall be prefixed an index in alphabetical order in which the subject of each letter or circular shall be entered at the time it is filed. General and Special Letters should be permanently preserved and when the collections of several years run into the thickness of a reasonably-sized volume, they should be bound.

(2) All amendments relating to the Civil Rules and Orders, Volume I and II, should be promptly noted and all correction slips pasted in their proper places as they are received. The volumes should always be kept up-to-date and the index to addenda and corrigenda slips regularly written up.

3. Administrative work, Office management and Supervision.

883. The attention of all judicial officers is drawn to the importance of constant supervision of the work done by their subordinates and efficient management of their offices or the departments placed under their charge. The Supreme Court (High Court Division) have had occasion to observe that this part of their work does not always receive the care and attention it deserves and it is, therefore, desirable that all concerned should understand that when considering the merits of an officer for promotion or preferment, equal stress is laid upon judicial capacity and administrative ability. Due attention should, therefore, be paid to administrative work, and failure to show administrative ability will tell against an officer in future.

884. The administrative work connected with the civil Courts will be carried on in the office which will be divided into departments and each such department will be in charge of a judicial officer who shall be responsible for its efficient working and exercise control over the ministerial officers employed therein.

885. (1) The District Judge shall place each of the common departments like accounts, nazarat, copying etc., in the immediate charge of a separate judicial officer. Such officers need not ordinarily be Subordinate Judges at the district headquarters or the senior Munsifs at outstations. It is desirable that Subordinate Judges who are engaged in more important work should not have their time for judicial work curtailed by such a charge. The selection, whether at the district headquarters or at outlying stations, is to be made by the District Judge from among the younger and more energetic and enterprising Munsifs who take an active interest in administrative work and rules of procedure.

Note.—The judicial officer in charge of the accounts should also hold charge of the nazarat accounts.

(2) The District record room shall similarly be placed in charge of a judicial officer.

886. The District Judge's English Office, should be also placed in charge of one of the several judicial officers posted at the headquarters. Leave of the establishment, supervision over the establishment-clerical as well as 4th grade—disposing of correspondence and necessary business of an ordinary nature, *e. g.*, office routine which can be disposed of according to the traditions and rules of office, countersigning payment orders, etc., and such other functions as the District Judge considers suitable may be entrusted to such officer. All reports, applications and other matters relating to these functions shall be laid before the judicial officer in charge of the English Office for disposal under the direction and guidance of the District Judge.

887. (1) Every judicial officer is required to make a thorough inspection of his office and any department of which he is in charge, once a year (see, rules 937 and 939). He cannot at this inspection expect to find things in an efficient state, unless the working of the office is constantly watched and close supervision exercised at regular intervals. It is an important part of the duty of a judicial officer to see that each of the officers subordinate to him does his work properly and with despatch. Supervision on the "little and often" principle in the daily handling of the records and papers brought before him or a chance visit to the office, and a cursory look at the registers and books whenever there is an idle moment in the day's work will be found to be of considerable benefit and will prevent the commission of many errors and irregularities.

(2) A judicial officer can do much to check venality and corruption by keeping a strict eye over the doings of his subordinates and not leaving in their hands things which require personal attention, *e. g.*, selecting guardians *ad-litem* and commissioners, fixing dates of hearing, drawing up and arranging cases in the peremptory cause list in their chronological order, transferring appeals, seeing that cause list, sale certificates, succession certificates, probates, letters of administration, documents for return, etc., are made ready and delivered within the time prescribed (if any) or without any unreasonable delay. Such documents should be delivered and auction sales held in the presence of the presiding Judge as often as time permits.

(3) The result of such occasional inspection and the directions given from time to time in respect of errors, irregularities or wrong practices should be recorded in a note book kept for the purpose.

(4) It is impossible to give an exhaustive list of the items over which a judicial officer should exercise supervision owing to the multifarious nature of the work and the liability to error in each item of it. The Supreme Court (High Court Division) merely desire to indicate the manner in which supervision may be effected.

Note 1.—Thus while doing his work in office and signing papers daily, the presiding Judge can keep himself informed of the work in arrears, the work done by each clerk on the previous day and see that the help of no outsider is taken in getting papers written, that orders in order-sheets do not bear any date earlier than the last working day, that no undue delay has occurred in the performance of any duty, that correspondence is promptly attended to that no document is incomplete when a signature is a affixed, that decrees have been correctly drawn up and within the prescribed time and as far as possible in order of the dates of disposal, that no order on any discretionary matter has been written without definite instructions, etc,

Note 2.—Whenever owing to cases unexpectedly going out or any other reason there is any time on the Bench, he may examine pleadings with a view to see whether they have been properly drawn up and verified, endorsements on vakalatnamas have been rightly made, court

fees of proper value have been collected, stamped and punched; records have been properly split up into files, tables of contents have been correctly written and are up-to-date, lists of exhibited documents have been made and endorsed as required by Order 13, rule 4; processes have been filed within time and promptly made over to the nazarat; processes have been issued promptly and returned by the due date; commissions have been issued without undue delay and reports submitted within time ; cases have been entered in the Diary in advance; petitions bear stamps of right value; registers are written regularly and correctly; that no hoarding of records or registers, due for deposit in the record room, is going on in almirahs and other receptacles and corners in the court rooms and attached offices, etc.

888. (1) The nazarat requires perhaps the greatest amount of supervision. Here an officer of outstanding personality may make his influence most felt and it need hardly be said that in the interest of efficient administration of civil justice, satisfactory and expeditious service of processes is essential. The size of the cadre of peons and its comparative illiteracy demand proper guidance as to the manner of service and verification of returns and a check on sharp practices by the controlling authority. The process-serving peons should be required to make themselves familiar with the rules in the Code and the rules framed by the Supreme Court (High Court Division) regarding service and execution of various kinds of processes and it shall be the duty of the nazir to explain these rules in the vernacular. It should be impressed upon them that in all cases of doubt or difficulty while discharging their duties in and out of court, they must obtain the direction of the court with whose processes they have been entrusted for service. Complaints against process-servers should be promptly enquired into and adequate steps taken.

Note.—Occasional inspection of the diary of the process server and the register of processes distributed, distribution of processes from time to time in the immediate presence of the Judge in charge in order to ensure fair distribution and fair average of work, insistence on personal service whenever possible, redistribution of beats at necessary intervals so that each process-server is given a certain amount of long beat work in order to equalise work, seeing that processes are served and returned by the due date and processes marked "urgent" or writs like that of injunction, attachment judgment, etc., are issued immediately and served with the least possible delay, etc., are some of the many things that require attention.

(2) The cashier handles a large sum of money. He receives the pay and travelling allowance of the establishment, money tendered by chalans, payments into peremptory cash, auction sale money, decretal amounts realised by process-servers in execution proceedings, sale-proceeds of forms, old furniture, destructible records, etc. He spends money on various items and remits money to the Collector, Commissioners and officers receiving pay during leave. His cash and other books should be inspected as often as time permits in order to see that all amounts received are properly accounted for and quickly disbursed by remittance to the treasury and payments to proper persons.

889. The Judge in charge of accounts works under a system, which, if properly studied and understood, will enable him to exercise adequate control without the necessity of bestowing particular attention on any item other than delays in passing payment order and sending refund applications for lapsed deposits and advice lists to the headquarters. What is required is an intelligent appreciation of the system and a grasp of the details so that he may exercise direction and control and check irregularities and fraud without allowing himself to be led by subordinate clerks and automatically signing papers put up for signature.

Note.—It should be particularly noticed that payment orders are being passed and actually made over to the parties as expeditiously as possible and that they are dealt with chronologically without giving undue preference to applicants of later date [see, rule 673 (3)].

890. The Judge in charge of the copying department should as often as time permits inspect the register kept by the head comparing clerk with reference to

some of the application forms recorded therein with a view to ascertain whether the rules in Part IV are being stirctly observed.

Note.—The following are some of the items which should be looked into :—

That entries in the register of application for copies are made contemporaneously with the several stages through which an application for copy passes, that copies are made within the prescribed time, that undue preference is not given to applicants of later dates, that proper endorsements are made by the clerks through whose hands the application passes that originals are sent to the copying department without undue delay and are returned soon after copies are made, that folios are estimated as nearly as possible to actual requirement, that unused folios and stamps are actually returned, that no folio contains more or less than the required number of words, that proper ink or ribbon is used, that copies are free from error, that surreptitious copies are not being issued, etc.

891. The district record room being the repository of the records of all cases disposed of by the courts in the district, is an important department and the Judge in charge should pay occasional visits to it and personally satisfy himself that the rules laid down for the working of the department are being strictly followed. Any case of serious omission or irregularity should be promptly brought to the notice of the District Judge.

Note—The following are some of the things which should be watched periodically :—

That records are being sent by courts within the time prescribed, that records are carefully examined and defects and deficiencies are reported as soon as possible after examination, that they are arranged neatly in their proper places in the racks with an index sheet for each rack duly written, that a progress report is submitted every fortnight, that the index to the index register is properly maintained, that requisitions for records are promptly attended to and not returned on frivolous grounds, that removal slips are attached in every case of removal, that reminders are regularly sent for records not returned within a reasonable time, that exhibited documents not taken back are destroyed on the expiry of the prescribed period after service of the required notice that records due for destruction are sorted out and destroyed every quarter and entries to that effect are made in the bound lists and index boards that no papers are allowed to be piled or scattered on the floor, that inspection of records is allowed under proper safeguards, that outsiders are not allowed in the record room, that fire extinguishers are in working order, that the plan and index of the record room is up-to-date, that the recks are dusted and sprayed with disinfectants from time to time, etc.

CHAPTER 42.

MISCELLANEOUS INSTRUCTIONS.

1. General.

892. (1) All communications intended for the Supreme Court (High Court Division) should be addressed to the Registrar in letter form unless they relate to case work in the Appellate or Revisional Jurisdiction in which case they should be addressed to the Deputy Registrar.

(2) All envelopes addressed to the Supreme Court (High Court Division) should bear the despatch numbers of their contents and as far as possible, the number of enclosures to each letter.

(3) All demi-official letters of personal nature intended for the Registrar should be addressed to that officer by name and designation.

(4) All correspondences (except those relating to case work in the Appellate or Revisional Jurisdiction) by subordinate judicial officers meant for the Supreme Court (High Court Division), should always be submitted through the District Judge.

893. The pages and paragraphs of annual inspection and all other reports and similar lengthy communications submitted to the Supreme Court (High Court Division), should invariably be numbered.

894. A Stock book shall be maintained by the nazir in the prescribed form No. (R) 40 of all articles of office furniture and stores. All new purchases, issues and sales, etc., of old stocks must be entered in it as they occur. A verification of the stock should be made at least once a year by a responsible officer other than the nazir under the supervision of a gazetted officer. A note of the verification should be made in the stock book and all discrepancies noticed should be brought to account immediately.

895. A District Judge is not entitled to issue general directions in the form of rules or circular orders to the judicial officers subordinate to him. If there be any matter connected with the Judicial administration or procedure, which in his opinion requires the issue of a general rule or order for the information and guidance of the courts over which he exercises control, he always submit a memorandum on the subject, together with a draft rule or order for the confirmation and approval of the Supreme Court (High Court Division), without which it should in no case be issued.

Note—This rule is not to be evaded or defeated by the issue of such orders under the guise "Standing of Orders".

896. Whenever there is any doubt or difficulty in interpreting a rule or circular order or any instruction of the Supreme Court (High Court Division), or when any matter of importance not provided for in the rules as to be determined, a reference should be made to the Supreme Court (High Court Division) with a memorandum on the subject and a statement of the points which require elucidation. Such reference when made by subordinate judicial officers should ordinarily be sent through the District Judge who shall forward the same to the Supreme Court (High Court Division) with his remarks thereon. The Supreme Court (High Court Division) in their administrative capacity however have always declined to express their opinion on matters fit for judicial determination. Order 46, rule 1, Civil Procedure Code, is the proper medium for the latter type of case when the subject is suitable.

897. (1) Where there are more than one court of the same class, it is incorrect to designate the judicial officers presiding over them as "First Munsif", "Second Munsif", etc., according to seniority. The proper mode would be to describe each officer in the proceedings instituted in his court by name with the addition of his title "Munsif of " or "Subordinate Judge of " and without any further distinction.

(2) For the purposes of the periodical returns, where there are more than one court of any class at any station such courts will be designated first, second and third courts, but without any reference to the seniority of the Judges presiding therein.

898. District Judges should inform the Supreme Court (High Court Division) when for any special cause, they consider it advisable that a particular Munsif should be invested under section 25 of Act XII of 1887, with the jurisdiction of a Court of Small Causes (see also Article 8, Second Schedule, Act IX of 1887), stating both the local circumstances which appear to call for the measure, and the munsif's fitness to exercise such powers. Among the circumstances which should be stated are the following :—

Whether there is more than one Munsif at the station indicated, and if so, what is the distribution of business between the Munsifs, and within what limits it is intended that the proposed jurisdiction should be exercised.

899. (1) District Judges are required to report to the Supreme Court (High Court Division) any formal transfer of charge in any civil court subordinate to them, including the assumption by the sheristadar of charge of the current duties of a Munsif's court during the temporary absence of the Munsif or pending the arrival of his successor, and the handing over charge of the current duties of his office by a District Judge proceeding on circuit.

Note—For form of charge letter for District Judges proceeding on circuit duty *see* No (M), 13, volume, II.

(2) When a District Judge assumes or relinquishes charge of his office he should report the fact to the Accountant-General, the Supreme Court (High Court Division) and to the Government.

900. (1) All applications for the grant of vacation leave to officers of the Bangladesh Civil Service (Judicial) should be submitted to and sanctioned by the District Judge, provided that the orders of the Supreme Court (High Court Division) are obtained in respect of officiating Subordinate Judges and Munsifs and in respect of other officers whom the District Judge may wish to detain during the vacation in the interests of the public service.

(2) Before granting an application for vacation leave, the District Judge should satisfy himself that it can be granted without injury to the public service or additional expense to the State ; and where an officer has failed to rejoin his appointment in time to sit on the day the courts re-open after the vacation, he should be reported to the Accountant-Genreal, as absent without leave and his absence brought to the notice of the Supreme Court (High Court Division).

(3) The District Judge is also authorised to grant leave to judicial officers to remain a way from their station during authorised holidays other than tne civil court vacation unless their absence is likely to endanger the public

service. Judicial officers should invariably ask for the necessary permission and wait for the reply and should not except for very emergent reason leave their stations without the previously obtained permission of the District Judge.

901. (1) Numerous applications of a private or demi-official character are from time to time addressed to the Registrar, Supreme Court (High Court Division), by subordinate judicial officers desirous of changing their stations. The Supreme Court (High Court Division) desire it to be understood that all such applications should be submitted officially through the District Judge who should when forwarding them, take care to state, whether in their opinion, the grounds on which the request is based are well founded and deserving of recognition.

(2) Long residence at one station, health of the officer impaired by climate, or dangerous illness of near relatives and vouched for by medical certificate, and such like matters will be considered adequate grounds for transfer. Private matters, such as family affairs, education of children, marrige of daughter absence of spiritual advantages, want of suitable company cannot, however, be admitted as affording an adequate ground, for transfer from one station to another, unless such transfer can be effected without inconvenience to the public service.

Note.—Transfers of officers at their own request are not treated as transfers for the public convenience and therefore no travelling allowance is ordinarily admissible in such cases (Subsidiary Rule 111 of the Fundamental and Subsidiary Rules).

902. In the case of a Munsif or a Subordinate Judge who applies for leave after receipt of orders of transfer to a particular station and who actually proceeds on leave in consequence of his application, ostensibly with the purpose of avoiding the station, the Court may direct that when the leave expires, he shall proceed to the station to which he was transferred and shall remain there for the period prescribed for that station, *plus* a period equivalent to the leave taken. Similarly, if an officer applies for leave after a brief tenure of office at a station, in order to avoid remaing there for the full period of two or three years, as prescribed, and the leave is sanctioned, he may be required to return to that station at the conclusion of his leave and may be kept there for a period equal to the unexpired period of the ordinary tenure prescribed for that station, *plus* a period equivalent to the leave taken.

903. No gazetted officer of the judicial service shall be permitted to reside elsewhere than at the headquarter of the station to which to he is for the time being posted, except with special sanction. In forwarding an application to the Supreme Court (High Court Division) the District Judge should state whether in his opinion the grounds on which exemption from the rule is based are well founded.

Note.—Presiding Judges may in special circumstances grant permission to a ministerial officer to reside elsewhere than at the headquarters of the station, provided that the work which he has to do, does not in any way suffer. In granting permission regard should be had to the nature of his duties and the department in which the ministerial officer is serving.

904. The attention of Judges of all grades is invited to "The Government Servants' Conduct Rules" regulating the conduct of public servants in respect to lending and borowing money, receipt of complimentary or valedictory addresses, and the like.

905. Judges of all grades should avoid, as far as possible, becoming the guests of or entertaining those private individuals or Government servants who are

or may be interested in civil or criminal cases or in matters, which may eventually come before them for decision. Any possible imputation of suspicion or bias will thus be removed.

906. No judicial officer shall be allowed to practise as an advocate during the term of any leave that he may obtain from the Supreme Court (High Court Division).

907. An officer of the Bangladesh Civil Service (Judicial) should not hold the office of Municipal Commissioner as the acts of municipalities are frequently called in question and come up before him judicially. It is also undesirable that judicial officers should mix themselves up in local affairs, politically or otherwise.

908. In places where courts are built of inflammable materials but there are fireproof record rooms, as much use as possible should be made of the record room in storing the records of pending cases as a measure of comparative safety.

Note.—While it may not always be possible to remove daily to the record room all records, registers, etc., the aim should be to see that as many of the records, registers documents, etc., as can be housed in a safer building should not remain overnight in the court or office room of *kutcha* buildings.

909. When records, registers, etc., are distroyed or damaged by fire, the fac should at once be reported to the Supreme Court (High Court Division) and the presiding judge of the court concerned should take personal charge immediately of their remnants and proceed with the work of reconstruction of records to the following instructions :—

Instructions in the event of Civil Court Records being destroyed by fire, etc.

(1) If any Registers have been preserved, the Presiding Officer of the Court should take personal charge of them, and should look carefully through them in order to satisfy himself that no alterations or erasures have been made in the column showing manner of disposal. If he detects any such alterations or erasures, he should make careful enquiry about them. Every entry referring to the manner of disposal of cases should be attested by the presiding Officer's signature in full and every *bona fide* alteration should be similarly attested. The Presiding Officer, if subordinate to the District Judge, should also open a small supplementary Register showing fully the manner in which each case has been decided ; and this Register should be sent to the District Judge for safe custody.

(2) The following instructions are merely suggestions as to the proper course to be adopted in the circumstances indicated. For the purposes in view, advocates are in the same position as ordinary witnesses in regard to whose examination the Presiding Officer must exercixse his judicial discretion.

A. Disposed of Suits.

(3) If in any of these suits, decrees have either not been drawn, or, if drawn, copies have not been issued, the Presiding Officer should issue a notice calling upon all persons claiming decrees to come forward at once, and pointing out that delay will make it more difficult for them to establish their claims. When these persons appear, they or their advocates, should be required to put in applications containing a brief abstract of the case and the final order of the Court, whether decreeing or dismissing the plaintiff's claim in full or in part. The Presiding Officer should then cause a notice to be served upon the advocate of the Opposite party to show cause why a decree should not be drawn in accordance with the statement contained in the application filed by the claimant of the decree. The

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Cost of transmission of papers relating to—to be realised in cash 204,205
——Issued to a court or advocates practising in the Supreme Court of Bangladesh(High Court Division) or other Courts 205
Refund of surplus money deposited for expenses of— 205
Annual report to show how the rules regarding—have been observed 261

Commissioner (s)—

Remuneration of a—to be fixed by the Court 62
Diary of—to be scrutinised by Court 62
Selection of—to be made by the Court 63
——to endeavour to meet the convenience of witnesses as far as practicable 65
——to return the papers of commission to the Court through which he received them 65
Qualification of—for local investigation 69
Number of survey—to be fixed by the Supreme Court (High Court Division) 69
List of Survey—to consist of Panels I and II 69,70

(ii) Is the information noted too prolix or too brief ? Suggest proper mode of entry.

(c) (i) Addition or substitution of parties, particulars of claim, cause of action, etc., correctly and regularly entered ?

(ii) Results of disposals of suits and appeals correctly entered ?

(iii) Intimation of appeals received regularly from Appellate Courts and results properly entered ?

(iv) Entries relating to execution cases correct and complete ?

(d) Entries made contemporaneously with the passing of orders during the progress of the case or subsequent proceeding if any ?

28. (1) (a) Are Statistical registers written up properly day by day ?

(b) Are these registers properly maintained ? Register of miscellaneous judicial cases ; Register of appeals; Register of applications for execution of decrees ; Register of insolvency petitions. (Take some items from these registers and compare them with the suit register.)

(2) Register of application for sale certificate —

(a) Are sale certificates properly and promptly drawn up ?

(b) Undue delay in complying with applications for sale certificates—

(i) in calling for deposit of stamps ?

(ii) in the preparation and supply of the certificates after deposit ?

(c) Are sale certificates prepared and delivered strictly in the order in which applications are made ?

(d) Copies of certificates sent to the registry office promptly ?

3. Register of application for return of documents—

(a) Applications for return complied with promptly and proper receipts taken ?

(b) Documents returned strictly in the order in which applications are made ?

(c) All applications entered whether rejected or granted ?

4. Register of stamp duty and penalty—

(a) Copies of impounded documents sent to the Collector promptly ? (Section 38, Stamp Act, and Rule 344.)

(b) Sums levied collected at once and remitted to the treasury promptly?

(c) Certificate of realisation promptly sent to the Collector ? (Section 38, Stamp Act.)

910. As regards paying of compliment to court by a police officer who is required to depose in a case, on entering the court room or on going into the witness box, attention is invited to the following rule which on approval by the Supreme Court (High Court Division), has been inserted in the Bengal Police Regulations, Volume I :—

"A police officer in uniform on entering a court shall salute the Presiding Officer with his head dress on, in the approved manner. He will remove his head dress (provided it is a head dress other than a pagri) while giving evidence and replace it before saluting the court on retiring (Rule No. 764A)".

2. Dress of judicial officers.

911. When presiding on the Bench, all judicial officers (including Barrister-at-law) whatever their rank, shall wear the following dress :—

(i) a King's Counsel's gown of any black material other than silk ;

(ii) stand up, winged white collar and bands ;

(iii) a black coat of any pattern or black chapkan or achkan ; and

(iv) If the coat is left unbuttoned, a black waist-coat.

Note 1.—Sessions (including Assistant Sessions) Judges (including the Registrar), shall also wear the above dress.

Note 2.—The wearing of the full robes is compulsory for all judicial officers and no deviation of the rule will be allowed, except in special circumstances to be submitted to the Supreme Court (High Court Division) for its orders.

Note 3.—The District Judge should at the time of inspection or on other occasions ascertain whether judicial officers sit daily correctly robed.

Note 4.—The rule does not apply to executive officers invested with the powers of a civil judge.

3. Temporary additions to the judicial staff and transfer of cases.

912. (1) No application for temporary additions to the staff of judicial officers of a district will be considered, unless it is accompanied by statements in the prescribed form and a full and unequivocal recital of the causes which have brought about the necessity for assistance. It is desirable that the Supreme Court (High Court Division) should know how far that necessity arises from causes beyond the control of the officers concerned and how far it is due to the incompetence or slackness of individual officers. Without such information, the Supreme Court (High Court Division) are unable to fix, with any certainty, the number of officers required for different districts from time to time.

(2) In the case of a proposal for the retention of an officer, application should be made to the Suprme Court (High Court Division) as well as to Government not less than six weeks before the expiry of the term of appointment already sanctioned and the fact that a copy of it has been sent tto Government direct should invariably be mentioned in the said application. But an application for a new appointment should be submitted to the Supreme Court (High Court Division) only in duplicate.

Note.—Further instructions as to how the statement should be prepared are contained in General Letters No..24, dated the 26th May, 1932, No. 33 dated 6th September, 1932 and No. 5 dated the 7th March, 1933.

(3) If a District Judge, when making such an application, is of opinion that the existing staff of officers has been and is working to its full power, a certificate to this effect should be given.

Note.—For form of statement which should accompany such applications, see form No. (M) 34, Volume II.

(4) The statement accompanying an application for assistance should show the work done by each officer individually of the superior staff at headquarters or of the Munsifi, as the case may be, during the two years preceding the year in which the application is made, and for each completed quarter of the latter year. Details of files pending at the time of making the application should also be furnished.

913. The Supreme Court (High Court Division) have observed that the usual result of giving relief to courts, by appointment of Additional District Judges is not a commensurate increase in the outturn of the Courts. When an Additional Judge is appointed to a court, the outturn should naturally, either be doubled or very nearly doubled. But in practice, the almost invariable result of the appointment of an Additional Judge is that each Judge's outturn generally becomes less than the normal outturn of a single Judge, so that the total outturn of both the Judges is often only a little more than a single Judge's outturn. The Supreme Court (High Court Division.) consider this state of things to be usnsatisfactory and District Judges are requested to procure a proper outturn by all officers of that grade in their Judgeship.

914. (1) When additional officers appointed temporarily are comparatively junior and inexperienced, the simpler suits only should be transferred to them for trial.

(2) In order to minimise the complaints which have been found to be not unfounded that all the long pending suits of an intricate nature are transferred to temporary courts, and to equalise as far as possible the work of permanent and temporary courts, all District Judges are requested to select suits for transfer to the files of temporary courts on the following principles :—

(*a*) Pending cases (including appeals) in a court which receive relief should be classified as (a) cases over one year old, (b) cases between six months and one year, (c) cases under six months, and be listed separately in the order of their institution; of the total number selected for transfer an equal proportion of each class of case should be transferred to the temporary courts. Pending suits should be transferred in groups of which the serial numbers are consecutive.

(*b*) Preference for transfer should be given in each class to suits in which evidence has not been recorded over those in which any witnesses have been examined; and care should be taken that connected or analogous suits are not tried by different courts; Cases in which commissions have been issued for local investigation, accounts, etc., and in which reports are not likely to be submitted in the near future, and cases which have been stayed or which cannot be taken up for trial for any reason should be excluded when making the list referred to in clause (a) above.

(*c*) The attention of District Judges is drawn to the necessity of personally seeing that these instructions are carried out. The above principle should also be applied when suits have to be transferred from one permanent court to another. This rule does not apply when additional help is specially given for the trial of some particular cases or appeals.

915. (1) When it becomes necessary to send an additional court to any station with the express purpose of relieving the congestion in the file of one of its permanent (or semi-permanent) courts brought about by the indifferent work of its presiding officer and restoring it to its normal condition, the additional officer will ordinarily be instructed by the District Judge to take over for the time being the work of the permanent officer of such court and the latter will have charge and dispose of the cases already pending in his file.

Note.—This rule does not apply where the court for the relief of which the additional court is posted is presided over by an officer who has been there so short a time that it is not possible to affix with the congestion in any large measure to the defective discharge of his dutes. In such a case where the accumulation occurred during the time of an officer already transferred, the mode of distribution of work laid down in rule 914 will apply.

(2) (a) To the additional officer will be assigned all new cases instituted after the arrival of the additional officer as they are instituted but since there may be an interval of two or three weeks before the additional officer will find a sufficient amount of work to occupy his time, for each day of that interval on which the new work is insufficient, the District Judge will transfer a sufficient number of previously instituted cases, from the file of the permanent officer or any other court in the place, but will take care to transfer only such cases as are ready for hearing and are likely to be disposed of and finished within the interval.

(b) When cases are allowed to accumulate upon the file of any court in the hope that an extra officer will eventually have to be sent to render help, the whole object of the creation of the additional post is defeated if the original officer who is responsible for the accretion of arrears is allowed an opportunity to get rid of the older, more keenly contested and, therefore, most difficult cases. Nor is it conducive to the expeditious despatch of work that the new officer, who is, as a rule, comparatively junior and inexperienced, should have made over to him stiff long pending cases with which the permanent officer is more familiar from having dealt with them in their earlier stages.

(3) The permanent officer being thus relieved from new work should be able to make a vigorous effort to overtake arrears. He should be able to dispose of cases already fixed by him each such successive days. If, however, the work already fixed for any one day is likely to fall short, the permanent officer should accelerate the hearing of cases fixed for a date subsequent to the interval referred to above and so arrange that he has a proper amount of work to dispose of.

Note.—Rule 920 does not apply when a court is posted temporarily to relieve the congestion in a court or number of courts in one station due to their being a general accumulation of arrears and instituion to such an amount as to make the reduction of work impossible by the efforts of the ordinary staff. In such cases the principle of distribution of work will be as in last preceding rule 914.

916. The institution of all classes of suits in the different courts of the same grade at a station should be examined from time to time in order to see whether a re-apportionment of territorial jurisdiction is necessary to equalise the work received in the courts.

4. Casual Leave.

917. (1) Casual leave is not provided for in the Fundamental Rules and is a concession to enable Government servants in special circumstances to be absent from duty for short periods without such absence being treated as leave under the Fundamental Rules.

(2) No Government servant may be absent on casual leave for more than 15 days in the course of one calender year according to Government order.

(3) Applications by District Judges and Additional District Judges for casual leave, and for leave of absence during gazetted holidays, under the conditions laid down in the rules issued with the circular No. 771-A., dated the 26th January, 1914, of the Government of Bengal should be made to the Supreme Court (High Court Division).

(4) Applications by subordinate Judges and Munsifs for casual leave should be made to District Judges who should dispose of them in accordance with the rules issued with the above circular and maintain a register of such leave in the prescribed form [No. (R) 41].

(5) The fact that a maximum has been fixed for the amount of casual leave which may be taken within a year, does not mean that an officer is entitled to take the full amount of casual leave as a matter of course.

(6) Casual leave must not be combined with vacation.

Note.—Casual leave may be prefixed or affixed with any gazetted holiday once in a year.

(7) If any reply regarding an application for casual leave is required to be sent by telegram it must be at the expense of the officer concerned. Messages in such cases should always be prepaid for reply.

5. Leave under the Bangladesh Service Rules, Part. I.

918. District Judges and Additional District Judges applying to Government for regular leave on medical grounds or otherwise should invariably submit their application through the Supreme Court (High Court Division).

919. Applications for leave from Subordinate Judges and Munsifs should be submitted, in duplicate, one copy being invariably forwarded by District Judges to the Supreme Court (High Court Division) direct with their recommendation and the other through the Accountant-General, Bangladesh, and they shall be made to the Government.

920. Applications for leave or for extension of leave should be accompanied by full details explaining the necessity for the leave, in order to enable the Supreme Court (High Court Division) to judge if leave in any case is justified, and in cases of leave, other than casual leave or leave on medical certificate, due notice which in ordinary cases should not be less than one month before the date from which the leave is required should always be given (General Letters No. 25 of 1932 and No. 8 of 1929).

921. An application for leave from a Subordinate Judge or a Munsif, be it leave on or without medical certificate, requiring the appointment of a substitute in his place, must invariably be accompanied by a statement showing the state of the files of the superior courts or of the munsifi, as the case may be, on the date of the application, the state of the file of the applicant for leave being shown separately in the statement.

The statement should be submitted in the forms shown in the Appendix to this chapter, the one marked A being used in the case of Munsifs and the other marked B in that of Subordinate Judges.

922. When leave is required by a Munsif or a Subordinate Judge in a case of emergency, he should in the first instance, move his District Judge, if necessary by telegram. The latter should in turn make his recommendations to the Supreme Court (High Court Division) by telegram stating specifically if a substitute is necessary or not.

923. District Judges should not, without first consulting the Supreme Court (High Court Division), permit Munsifs and Subordinate Judges to leave their stations or to avail themselves of leave, in anticipation of the grant of formal leave. In cases of urgency, permission should be obtained by telegram.

924. (1) When an officer, who has been allowed leave for a period howsoever short, desires to cancel the whole or any portion of it and resume his duties, he shall give notice of his intention to the Government through the Supreme Court (High Court Division) in proper time and await its orders before rejoining.

(2) Permission to return to duty before the expiration of leave should not be given by District Judges to any judicial officer without the orders of the authorities, previously obtained.

Note.—Resumption of duties before the termination of the leave without obtaining the previous permission of the authorities apart from being irregular involves serious possibilities.

6. Medical leave.

925. (1) In every application for leave or extension of leave on medical grounds, it must be clearly and invariably stated whether or not the leave applied for is on medical certificate, under rule 173(3) of the Bangladesh Service Rules or under the Civil Service Regulations, as the case may be. In either case the application must be accompanied by a certificate and statement of the applicant's case in the form prescribed in appendix 8(II) of the Bangladesh Service Rules signed by the Civil Surgeon or the official medical attendant of the applicant. The District Judges should before forwarding applications for leave on medical certificate, see that these requirements have been fulfilled.

(2) On receipt of the certificate and the statement arrangement will be made by the Supreme Court (High Court Division) for the examination of the applicant by the Medical Committee, the appearance before which body, it should be clearly understood, is compulsory, except when his health is certified by a medical officer, commissioned or in charge of a civil station, to be such as to make it inconvenient for him to appear before the committee. It is only when such a certificate is forthcoming that the Court will consider whether to exempt him from appearing before the Committee and accept in lieu of the committee's certificate, either :—

(a) a certificate signed by two medical officers, commissioned or in charge of civil station, or,

(b) a certificate signed by a medical officer, commissioned or in-charge of a civil station, and countersigned by the Collector of a district or the Commissioner of a division.

(3) Officers of the Bangladesh Civil Service (Judicial) should bear in mind the following further instructions :—

If they have been granted leave or extension of leave on medical certificate, they are not permitted to return to duty until they have produced a certificate of fitness in the prescribed form (*vide* Government of India's orders below Rule 11 of the Fundamental and Subsidiary Rules) to be signed by a medical officer, commissioned or in charge of a civil station. Such certificates are to be submitted immediately before the expiry of their leave.

926. (1) All officers of the Bangladesh Civil Service (Judicial) about to proceed on leave of any description for one month or more (the vacation included) shall, before they quit their stations, furnish the heads of their departments with their addresses while on leave.

(2) District and Sessions Judges are requested to report invariably to the Supreme Court (High Court Division) their own leave addresses and the leave addresses of the Subordinate Judges and Munsifs of their district prior to departure from their station on leave of any description for a month or more (the vacation included).

Note.—Officers of the Bangladesh Civil Service (Judicial) should also leave their addresses with the District Judge whenever they proceed on leave for any period less than a month, or avail themselves of gazetted holidays or are being transferred to another station. District Judges should in similar circumstances notify to the Supreme Court (High Court Division) their own adresses.

APPENDIX.

FORM A.

(Munsifs' files.)

Date .....

Original suits		S.S.C. suits.	
Total pending	Year old.	Total pending.	6 months old.

FORM B.

(Files of superior courts.)

Date .....

Civil.						Criminal.			
Original suits.		Regular appeals		Miscellaneous appeals.		Sessions cases	Appeals	Motions.	Remarks.
Total pending	Year old	Total pending	Year old.	Total pending	6 months old.				

CHAPTER 43

ANNUAL INSPECTIONS.

927. The District Judge is required to inspect personally the work of all the courts and offices under him ordinarily every year and to submit notes of inspection to the Supreme Court (High Court Division) as soon as possible after the inspection. An inspection must however be made of the courts at district headquarters once every year and at outlying stations once in two years and an explanation should be given in each case if such inspection is not carried out. The inspection should as far as possible be on consecutive days and not spread over a number of days at intervals. The District Judge should avoid making a long tour for inspection and the journeys undertaken for the purpose should be accomplished with all convenient speed.

Note.—The District Judge cannot delegate his power of inspection of subordinate courts to the Additional Judge or any other judicial officer. If he is unable to inspect personally at the proper time on account of his being occupied with the hearing of any case of unusual length or for any other good reason he should explain the circumstances and take orders of the Supreme Court (High Court Division) on the subject.

928. (1) It is from inspections and the individual contact between District Judges and presiding officers of the subordinate courts that the best results are obtained. It is desirable that at the time of inspection, the District Judge should assemble a conference of all the judicial officers at the station with a view to promote closer relation between him and the subordinate judicial officers and to discuss and explain all matters affecting the judicial administration. Their needs, doubts and difficulties be discussed and views exchanged frankly and freely. A few representatives from the Bar may also be invited at the closing state so that they too may take part and give expression to grievances, if any.

(2) The District Judge should also convoke a judicial conference at sadar of all judicial officers of the district on a fixed day each year. The conference should not last longer than two days and should where possible be arranged to take place during holidays. Such a conference should afford special facilities to the District Judge for securing a personal knowledge of the officers under him and discussing their doubts and difficulties. A district Judge can make such a conference a convenient opportunity for discussing the affairs of each court with the Judge concerned, for examining the state of his files and for ascertaining the progress of his work , his need for assistance and kindred matters. To facilitate consultation each Judge should bring with him and lay before the District Judge a report of inspection of his office and the departments in his charge unless an inspection has already been held by him within the preceding twelve months. A copy of the Conference Report should be sent to the Supreme Court (High Court Division).

929. (1) The object of an inspection is to satisfy the District Judge and through him the Supreme Court (High Court Division) that the courts are functioning properly, that the rules prescribed are understood, that the work, judicial, departmental and ministerial, in each of the subordinate courts is conducted strictly according to law and according to the rules prescribed by the Supreme Court (High Court Division); that it is disposed of with regularity, punctuality and efficiency; and to detect and correct errors, omissions and irregularities.

(2) Inspection which is the most important part of supervision should be constructive. The inspecting Judge should aim at discovering the difficulties of the officer whose work he is inspecting, and helping him to meet them. While his duty is , on the one hand, to observe and correct errors, he is also to encourage, give credit for the good work done, assist and advise. He should hear the

officer patiently if he has anything to say and should clearly and courteously explain all difficulties occasioned by inexperience, want of proper guidance or appreciation of rules, change of system, and should invite free communication on all topics of mutual concern.

(3) Most faults discovered are due to want of guidance and that guidance can be best given personally. It is difficult to give it effectively by written orders. It is due to absence of personal touch that graver defects have come into being. The rules and circular orders are made with a definite object and are good in themselves. The flaw has been that they are not observed and that supervision has not been sufficiently effective to compel observance.

(4) The District Judge's real task in inspection is to discover the manner in which presiding Judges conduct their case work. The quality of judicial work can hardly be judged sufficiently at the time of inspection, but it is for the inspecting officer to see whether the presiding Judge is an efficient organiser and supervisor.

(5) The work of inspection may be divided into three branches:—

(a) Judicial—Referring to the procedure in the court and the actual work of the judicial officers.

(b) Departmental (*i.e.*, office work)—Referring to the registers, accounts, files, bills, statement, returns, etc., kept and submitted in conformity with the orders of the Supreme Court (High Court Division).

(c) Ministerial—Referring to the carrying out of the orders passed by the judicial officers.

930. Inspection being the most important part of supervision and occasions for inspection being few and far between, the time spent on inspection is never wasted or ill-spent. The Supreme Court (High Court Division) therefore desire it to be clearly understood that the opportunity presented at the time of periodical inspection of personally acquainting himself with the manner in which business of all kinds is conducted in each of the subordinate courts should be fully availed of by the District Judge and the work under the three heads above should be done by the Judge himself. If extraneous help be indispensable on any occasion, which should be rare, the District Judge may take the assistance of a ministerial officer preferably not his sheristadar but and intelligent and less senior clerk from any office at district headquarters or from the offices under inspection, for the purpose of collecting materials from registers, account books, etc., which should be verified by the District Judge himself before drawing up his inspection notes. A different ministerial officer should be employed each time and such officer should not be sent in advance, nor should he remain at any station after the District Judge has left it. If the assistance of any ministerial officer has to be taken, it should be confined within clearly defined limits, *e.g.*, checking totals, stocks, details of clerical work, etc., and should be restricted only to office work done by ministerial officers of the establishment. He must not look into the diary, order-sheet, records of cases, etc., nor must he offer any remark connected with judicial work, judicial procedure or judicial administration. The name and office of the ministerial officer whose assistance is taken should always be stated in the letter sent with the inspection report.

931. If any seeming defects or irregularities are noticed in the course of the inspection, the officer concerned should be given an opportunity to explain them on the spot.

932. A copy of the notes on inspection should, as soon as possible, after the inspection, be sent to the presiding Judge of the court concerned for his information and guidance with such instructions within the scope of his authority as the District Judge may think fit to give.

Note.—When an officer has left the station before or after the inspection and defects and irregulairties are found in his work, a copy or extracts from so much of the inspection report as concern him should be forwarded to him wherever he may be.

933. If the District Judge has occasion to make unfavourable comments on the work of any Court, the name or names of the particular officer or officers who are found responsible for the defects or irregularities should invariably be given in the inspection report.

934. If there is in the notes of inspection any comment on some irregularities or defects on which the judicial officer concerned desires to offer any explanation, he should send it to the District Judge who shall forward it to the Supreme Court (High Court Division) with his remarks thereon.

935. (1) To facilitate inspection and to save time, a form [No. (M) 7] has been prescribed for the inspection of the subordinate courts and in future the inspection notes should as far as possible be restricted to the printed form. Answers to the questions are to be recorded on the space provided on the right side of the form. As to the manner in which the judicial work is performed, the notes should deal comprehensively with irregularities and defects observed in reference to the relevant questions in the form. It is not necessary to enter in the inspection notes every mistake found, though all such mistakes should be intimated to the court inspected. It may be that the District Judge will not have occasion to examine thoroughly at one inspection all the facts necessary to answer all the parts of a question, but every effort should be made to enquire into all of them.

(2) The list of questions is not intended to be exhaustive or to restrict the inspection to those points only which it contains. If in his opinion any department or branch of work demands detailed examination involving close attention and strict scrutiny, the District Judge should append a separate report regarding it. The result of the examination of records should be detailed on separate sheets of paper.

Note. 1—For form of inspection, *see* Appendix I to this part.

Note 2—Every endeavour should be made to inquire into all the questoins noted in the form, but if this is not possible for shortness of time the more important of the question should be investigated and reported on. Moreover when time may not be available to a complete and elaborate inspection, it is desirable that the District Judge should make a thorough inspection of some departments or sections only, rather than a cursory inspection of all : those remaining should receive attention at the next inspection.

(3) Discussion of collateral questions or matters of special interest or importance (*e.g.*, the need for modification or introduction of a rule) or of questions of doubts or difficulty arising upon the rules and orders of the Supreme Court (High Court Division) and any suggestion in that connection is out of place in the inspection notes: such matters should form the subject of separate communications.

(4) In addtion to the report in Form No. (M) 7 or (M) 7-A, as the case may be, the District Judge, on the completion of an inspection, should submit an extract from the report indicating the defects found, in Form No. (M)

7-B with the headings and columns 1, 2 and 3 duly filled in. After consideration of the report by the Supreme Court (High Court Division) the comments, suggestions and orders of the Supreme Court (High Court Division) will be entered in column 4 and the form returned to the District Judge. He will then cause column 5 to be filled in and report to the Supreme Court (High Court Division) in brief the actions taken on orders, etc., recorded in column 4. The form will then be sent by the District Judge to the court concerned or to the District Record-Room, as the case may be.

936. Every subordinate court and the District Record-Room shall maintain a guard file which shall contain the defect extracts referred to in clause (4) of the last preceding rule and all inspection and audit reports, if any, together with connected correspondence shall show the action taken to remedy the defects and irregularities that have been noticed in such reports. Every guard file shall have an index in form No. (M) 46. An inspecting Judge should call for the file and see what action has been or is being taken in regard to these defects and irregularities and note any undue delay or omission in this respect.

Note.—Defect extracts should be taken off the guard file for destruction after 3 years from the date of the last order therein and a corresponding note made in the index. Similar notes should also be made in the index when inspection and audit reports are removed for destruction (*vide* Rule 501, *ante*). Should one guard file be found inconvenient for reasons of bulkiness, additional files may be opened and maintained in the prescribed manner.

937. (1) Every Subordinate Judge and Munsif must inspect once a year the office attached to his court and any other office of which he is in charge. A report on such inspection should be submitted to the District Judge, who should deal finally with any points that arise, unless their nature and importance is such that in his opinion, they should be referred to the Supreme Court (High Court Division). An intimation shall, however, be sent to the Supreme Court (High Court Division) by the District Judge to the effect that the report of inspection of a presiding officer has been received by him and that proper instructions have been given by him on any defects, etc., noticed.

(2) Every Subordinate Judge and Munsif shall inspect his office immediately after taking over charge in order that he may be in a position to discover any defects which may exist and take immediate steps for their removal.

938. At the time of his inspection, the District Judge should refer to the latest inspection note by the officer concerned of his own court and report whether he failed to detect errors and ommissions in procedure which the District Judge detected and which the officer could with reasonable care, have detected and rectified in advance. (General Letter No. 7 of 1932).

939. Every District Judge and Additional District Judge should inspect the offices of his own court once a year, or, if this be not possible, and inspection should be made by some gazetted officer deputed by the District Judge. An inspection by the District Judge or Additional District Judge must, however, be made at least once in every two years. The District Judge or Additional District Judge should deal finally with any points that arise, unless their nature and importance is such that in his opinion they should be referred to the Supreme Court (High Court Division) and in any case a copy of the report of inspection should be sent to the Supreme Court (High Court Division).

940. As the quantity of work done cannot fairly be judged by figures alone, a District Judge when inspecting a subordinate court should consider whether the outturn of work of the presiding Judge has been sufficient having regard to the character of litigation, the state of the file he has had to deal with and

other factors that may be present. Just as a small outturn does not necessarily mean careful and painstaking work, so that mere numerical disposal of an officer is not by itself a true indication of the amount of time and energy expended on it. The real significance of the quantity or the want of it is to be seen by submitting the work performed to a detailed examination—one way being to take a few days from the diary at random and to go through in detail with reference to the records of every case or proceeding entered for those days all the work that was done. This should invariably show how an officer spends his time and in what manner business is conducted.

941. (1) The district Record-Room should be thoroughly inspected at least once in each year by the District Judge himself, or should he be unable to do so for any reason which should be explained, by such gazatted officer, preferably other than the Judge-in-charge of the record-room as he may depute for the purpose. An inspection by the District Judge personally must however be made at least once in two years. A copy of the report of each inspection accompanied by a statement in form No. (M) 7B should be sent to the Supreme Court (High Court Division) with as little delay as possible.

(2) An officer inspecting the Record-room should call for the inspection guard file to see what action has been or being taken on previous inspection, and to note any undue delay or omission in this respect.

(3) To facilitate inspection a form [No. (M) 7A] has been prescribed. The list of questions in this form is by no means exhaustive of the many matters as to which the inspecting officer may usefully inquire. If any particular matter or branch of work requires detailed examination, the inspecting officer should inspect it as fully as possible and append a separate report.

Note.—For form of inspection, *see* Appendix II to this part.

APPENDIX I.

FORM NO. (M) 7.

FORM OF INSPECTION.

(*See* rule 935).

Instructions.

An inspection has no particular concern with judicial work. The quality of an officer's judicial work can best be judged by appellate courts, but his capacity as an organiser and supervisor are best judged from an inspection of his court and office. The main object of an inspection is to ensure that the office is working well and is efficiently and periodically supervised by the judicial officer concerned.

2. Attention is invited to rules 927 to 940 of chapter 43, Part IX, Civil Rules and Orders, Volume I.

3. It should be particularly ascertained whether the rules prescribed and the directions given by the Supreme Court (High Court Division) are properly understood and regularly carried out and whether due regard is paid to the convenience of the litigants and the public. Defects or difficulties occasioned by inexperience or want of appreciation of the rules are best removed by guidance given personally. It is difficult to give it effectively by written orders.

4. Discussions of collateral questions or matters of special interest or importance (*e. g.*, the need for modification or introduction of a rule) or of questions of doubt or difficulty arising upon the Rules and orders of the Supreme Court (High Court Division) and any suggestion in that connection which should form the subjects of separate communications are out of place in the inspection notes.

5. If more space is required for the answer to any question than the form allows an additional sheet of paper appended to the form should be used.

6. Elaborate notes on particular registers with full details as to the entries need not be submitted to the Supreme Court (High Court Division) by District Judges with their notes of inspection. They are doubtless of great use to the inspecting Judge, and the office concerned to whom errors, omissions and the faulty manner of maintaining registers should be pointed out, but it is not necessary to send them to the Supreme Court (High Court Division) unless such details are warranted by any of the set questions in the inspection notes or are considered necessary by him to illustrate the results of his inspection. The District Judge should as far as possible summarise in his own words for the information of the Supreme Court (High Court Division), the result of his scrutiny.

Notes of Inspection.

Inspection of the Court of the Subordinate Judge/Munsif of.....

.....on.....

This Court was last inspected by.....on.....

Name or names of presiding Judge or Judges since the last inspection and the period during which each held office.

Date of joining of the present presiding Judge—His special powers, if any.

When was the last annual inspection made by the presiding judge ? On what date ; did he inspect his office during the twelve months preceding the date of the present inspection?

I. Judicial work and procedure.

1. (a) Is the Judge regular in attendance and does he generally sit for the presecribed hours ?

(*b*) Does he commence judicial work of the day punctually at 10-30 A. M (rule 2) ? (Note the time when administrative work is ordinarily done.)

(*c*) Does he regularly sit correctly robed in court and enforce wearing of robes by advocates ?

(Examine a sufficient number of records in order to be able to determine the points under the following questions).

(*d*) (*i*) Are cases generally taken up for hearing in their chronological order ?

(*ii*) Does it appear that simple cases are picked out to make a show of number by putting aside or adjourning difficult work ?

(*iii*) Are the instructions in Rule No. 779 followed in showing cases disposed of without contest and on full trial ? Does it appear that cases decided on nominal contest or with show of contest are treated in the returns as contested work ?

(e) (*i*) Is precedence given in the days work to the cases which are frequently adjourned?

(*ii*) Are cases ordinarily heard piece meal or *de die in diem* as required by Or. 17, r. I (Rule 125)?

(f) Are issues framed by the Judge himself after hearing the advocates and parties, when necessary? (Rule 132).

2. (a) Are adjournments generally granted leniently?

(b) (i) Are dates once fixed for peremptory hearing strictly adhered to and adjournment refused except on good grounds ? (If too many adjournments have been given in such cases, give instances.)

(ii) Are adjournments granted or refused on sufficient grounds?,

(c) (i) Are arguments heard as a rule after the trial is over? (Rule 129.)

(ii) If adjournments for arguments are given, are they short and the reasons sufficient?

3. (a) Is the diary kept neatly and legibly and cases are entered in advance arranged in the manner indicated in Rule 12 ?

(b) Are cases fixed for peremptory or final hearing with a view to ensure disposal on the days fixed ? [Rule 124.]

(c) Is sufficient work fixed for a day and are dates of hearing fixed by the judge himself with due regard to the state of file and the convenience of parties ? [Rules 126, 124 (1)]

(d) Is more work fixed for a day than can be done in the day thereby involving frequent adjournments? (Rule 124).

(e) Are proceedings conducted and processes issued and returned with regularity and despatch ?

4. (a) Is a systematic and intelligent use made of the rules relating to discovery, inspection, admission, etc.,? (Rule 130.)

(b) Does the presiding Judge give definite directions in these matters on his own initiative under section 30, Civil Procedure Code , as a part of his ordinary duty even though the parties or their advocates do not take any action?

(c) Is unfailing use made of the provisions in Or. 12 r. 2. in the matter of disallowing costs when documents are produced and proved without previous notice to admit?

5. (a) Does the Judge insist on commissions being applied for at the proper stage and costs and other requisites being put into court within the time fixed, before commission is issued? (Rule 235 , 236).

(b) Are prayers for commissions at a late stage of the suit generally entertained?

(c) Are orders for local investigation drawn up in the hand of the Judge (Rule 264 and do the proceedings contain full instructions regarding the commissioner's duties? (Note 1 to Rule 265).

(d) (i) Are time-limits fixed in commissions for the examination of witnesses ? (Rule 256).

(ii) are they adhered to ?

(e) Is proper control exercised over the commissioners and does the Judge see that commissions are generally executed within the time fixed without repeated extensions ?

(f) Are all commissions distributed in strictly fair order? (Rules 244, 245 and 270).

(g) Is the remuneration allowed to commissioners suitable?

6. (a) Are interlocutory orders like atttachment before judgement or arrest before Judgment or injunction granted *ex parte* too freely without sufficient reason and without care to impose terms ? (Rules 283 and 284).

(b) Are interlocutory matters finally disposed of within the shortest possible time?

7. Does the presiding officer direct his attention to the following rules and does he exercise a sound discretion in their application ? (Separate answers should be given under each heading on those points which can be ascertained from the inspection of records) :—

(a) Order I, rule 8.

(b) Order 5, rule 20.

(c) Order 6, rules 2—13.

(d) Order 7, rule 3.

(e) Order 7, rules 14—18.

(f) Order 8, rules 2—5.

(g) order 9 rule 9.

(h) Order 9 rule 13.

(i) Order 10, rules 1—4.

(j) Section 30, Orders 11 and 12.

(k) Order 13, rules 1—2.

(l) Order 17 rules 1—3.

(m) Order 21, rule 17(1)

(n) Order 23, rules 1,3.

(o) Order 32, rules 3-4.

(p) Order 32, rules 7-8.

(q) Order 34, rule 1.

(r) Order 38, rules 1—12.

(s) Order 39, rules 1—10.

(t) Order 40, rule 1.

8. (a) Are order-sheets neatly and properly written up ? Is the writing legible?

(b) Is action promptly taken on orders passed and the fact noted with date in the last column of the order-sheet?

(c) Are orders on petition passed without unnessary delay?

(d) Are orders requiring judicial discretion or discrimination generally drawn up in the hand of the Judge and do they contain adequate reasons?

(e) Are draft orders written by the clerical staff scrutinised before signature ?

9. (a) Are adjournment costs allowed in deserving cases ? (Rule 127).

(b) (i) Is any attempt made to see that adjournment costs are not diverted to purposes other than that for which they are intended.

(ii) Are such costs paid into the hands of parties present in court whenever practicable ?

(iii) Do the Court insist on the filing by advocates of receipts showing that moneys paid to or withdrawn by advocates on account of adjournments and other costs have been paid to the clients ?

10. (The District Judge should sit for at least half an hour with the presiding Judge.)

(a) Can the Judge maintain order and discipline in court ?

(b) Is business in court conducted strictly according to law and with despatch ?

(c) Did he appear to grasp the law and the facts of the case that was being tried ?

(d) Is evidence recorded swiftly and properly and appreciated ?

(e) Can he control irrelevant, prolix and fishing cross-examination ?

(f) How are the members of the Bar, the litigants and witnesses treated ?

(g) Was the work observed in Court properly conducted by the Bar ?

(h) Is memorandum of evidence recorded in non-appealable cases in the manner provided in order 18, rule 13 or deposition is recorded at length ?

(i) (i) Does the **Judge** insist on strict compliance with the provisions of Order 13, rule 1 ?

(ii) Are documents which should have been produced in accordance with Or. 13, r. 1. received too frequently at any subsequent stage ? When received are reasons recorded in the Judge's hand ? and are the reasons proper ?

(j) Are admissions or denials of documents recorded in the Judge's hand ?

11. (a) Are the evidence recorded and the judgements written in *ex parte* cases sufficient ? (Rule 143). And are *ex parte* cases generally disposed of on the days fixed for such hearing ?

(b) Are entries in the Small Causes book too prolix or too short ?

(c) Are proper judgments written in Small Cause Court cases ? And are decisions given generally on the days the cases are heard ?

(Examine a sufficient number of records in order to be able to determine the following points.)

12. Are the instructions contained in the Manual of Instructions for the conduct of civil cases properly understood and carried out ?

13. (a) Do execution cases receive the same amount of attention as original suits ? (Rule No. 167). Does the presiding officer exercise proper control over the execution of decrees ?

(b) Are execution cases generally neglected or needlessly prolonged ? Is the Judge fully conversant with the work of his office in this respect ?

(c) Are objections filed in execution cases resulting in miscellaneous cases expeditiously disposed of ?

14. (Cause List, etc.) :—

(a) Are daily cause list and weekly list of cases fixed for peremptory hearing exhibited regularly and at the prescribed hours ? (Rule 13).

(b) Is the daily list of appeals and miscellaneous petitions registered with first dates of hearing exhibited regularly at the prescribed hour ? (Rule 53).

(c) Is the sale list prepared and maintained as required by Rule 201 ?

(d) Are all other lists and information books written properly and made available to the public every day within the prescribed hour (Rules 14, 161, etc.) ? And does the Judge see to it that it is done ?

(e) Was any complaint made by advocates, etc., regarding the non-observance of the rules relating to the regular publication of such lists, etc. ?

II. Working of Establishment, etc.

15. (a) (i) State number of officers employed.

(ii) Is any member of the establishment over 57 ? How many extensions has he got ? Is he quite fit physically and mentally ?

(iii) Is the work of each man duly apportioned ? Suggest improvements, if any.

(b) Is the number of clerks sufficient for carrying on the work of the office with efficiency and despatch ?

(c) Clerks related to each other ? Or to any advocate ?

(d) How long have the Accountant, Nazir, the Execution Clerk and the Bench Clerk served in their respective posts (either in this court or elsewhere) ?

(e) Has the District Judge considered the question of any officer's being transferred to another post or another station if he has been in the same post or at the same station for an unduly long period ? (Rule 842).

16. (a) Duty cards maintained and up-to-date ? (Rule 873)

(b) (i) Circular Orders and General Letters carefully and systematically preserved and indexed ? All correction slips relating to the Civil Rules and Orders pasted as they are received and the index to addenda and corrigenda slips regularly written up ?

(ii) Separate files for Government Circulars, Accountant-General, Bangladesh', letters, correspondence, returns, maintained?

(c) (i) Attendance register regularly kept and attendance generally regular ?

(ii) Has presiding Judge attempted to check irregularity, if any ?

(d) Casual leave register properly kept and rules followed ? Leave too freely granted ?

(e) Returns, reports, opinions, replies, indents, etc., sent with promptitude ?

(f) Are the register of papers received and the register of papers despatced properly maintained?

(g) Is the pending list (Rule 871) regularly written up and do entries show prompt despatch of business ?

17. (a) Are registers more than 12 years old, which are required to be sent to District Record-Room, sent there in time ?

(b) Unexhibited documents kept separately and returned promptly ? (Rule 404).

And those not returned within 6 months—destroyed periodically as required by rule 407 ?

(c) (i) Records of disposed of casest ransmitted to the Record-Room within due date?

(ii) When was the last date of despatch and when were the records despatched ?

18. (i) Examine some affidavits sworn in regard to facts (i) within deponent's knowledge and (ii) stated from information or belief and state if they are in proper form ? (Rule 35).

(ii) Commissioner's endorsement contains the particulars required by Rules 37 and 39?

19. (i) Decrees generally drawn up within the prescribed time and with care and in the order of the dates of disposal? (Rules 155 and 160).

(ii) Does the Sheristadar himself prepare and draw up decrees in cases directed by note to rule 155 ?

(iii) Are decrees properly drawn up and are they self contained ? (Rule 156).

(iv) Preparation of decrees announced in the notice board before signature? (Rule 161).

(v) Decrees in pauper suits promptly sent to Collector ?

20. (a) Does the Sheristadar inspect periodically the registers, etc., kept by the other officers and is the supervision sufficient? (Rule 871).

(b) State general impression about the state of the office, the orderly conduct of business and the efficiency of the staff.

III. Examination of Records.

(Examine a sufficient number of records of cases disposed of and pending taken at random and state).

21. (a) If plaints are generally accompanied by copies, form of summons, fees for service thereof [Or. 7, r. 9 (1-A)] and party's address? (Rule 18).

(b) (i) If plaints, petitions and appeals are received on proper stamp and are the stamp centres duly punched ?

(ii) Are too many plaints allowed to be filed with insufficient court-fee ?

(iii) Are many adjournments granted for making up the deficit ? And are the reasons sufficient ?

(c) (i) If fees and processes are accepted frequently after expiry of the period originally fixed without sufficient reason ? (ii) Processes promptly sent to the nazarat ? (Rule 99).

22. (a) (i) If petitions are drawn up in accordance with Rules 17 and 23 ?

(ii) If petitions and pleadings in clearly legible writing and with the required margin are insisted on ? [Rule 17 (1)].

(b) If exhibited document is marked and endorsed in the manner required by Order 13, rule 4 ?

(c) How document is returned when rejected ?

23. Are dates fixed for final hearing with something approaching to certainty that the cases will actually be heard on the dates so fixed without having recourse to needless adjournment from month to month although the court does not expect for a moment that they will be taken up for hearing on any of the dates thus fixed ? [Rule (1) 124].

24. (i) Whether prosecution of execution cases has been allowed to be done leisurely or negligently ? (Rule 167).

(ii) Whether too long a time has been given for service of any process and if service has been regular ?

25. (i) Have there been too many applications under Order 9, rule 4, or Order 9, rule 9, Order 9, rule 13, etc ? If so, suggest reason.

(ii) Are they too readily granted ?

(iii) Is proper use made of the power under section 151, Civil Procedure Code (Paragraph 34, Civil Suit Instructions Manual) ?

26. (i) Are the rules in Part III regarding classification of suits followed?

(ii) Are records split up into requisite number of files and properly indexed?

(iii) Are tables of contents written up as papers are filed ?

IV. Registers.

(Compare the entries with some records taken at random and state).

27. Registers of suits :—

(a) Registers of title suits, money suits correctly and neatly kept?

(b) (i) Entries up-to-date and made in accordance with the instructions at the foot of registers ?

(ii) Is the information noted too prolix or too brief ? Suggest proper mode of entry.

(c) (i) Addition or substitution of parties, particulars of claim, cause of action, etc., correctly and regularly entered ?

(ii) Results of disposals of suits and appeals correctly entered ?

(iii) Intimation of appeals received regularly from Appellate Courts and results properly entered ?

(iv) Entries relating to execution cases correct and complete ?

(d) Entries made contemporaneously with the passing of orders during the progress of the case or subsequent proceeding if any ?

28. (1) (a) Are Statistical registers written up properly day by day ?

(b) Are these registers properly maintained ? Register of miscellaneous judicial cases ; Register of appeals; Register of applications for execution of decrees ; Register of insolvency petitions. (Take some items from these registers and compare them with the suit register.)

(2) Register of application for sale certificate —

(a) Are sale certificates properly and promptly drawn up ?

(b) Undue delay in complying with applications for sale certificates—

(i) in calling for deposit of stamps ?

(ii) in the preparation and supply of the certificates after deposit ?

(c) Are sale certificates prepared and delivered strictly in the order in which applications are made ?

(d) Copies of certificates sent to the registry office promptly ?

3. Register of application for return of documents—

(a) Applications for return complied with promptly and proper receipts taken ?

(b) Documents returned strictly in the order in which applications are made ?

(c) All applications entered whether rejected or granted ?

4. Register of stamp duty and penalty—

(a) Copies of impounded documents sent to the Collector promptly ? (Section 38, Stamp Act, and Rule 344.)

(b) Sums levied collected at once and remitted to the treasury promptly?

(c) Certificate of realisation promptly sent to the Collector ? (Section 38, Stamp Act.)

5. Register of Court-fees and petitions—

(a) Are they properly and neatly maintained ?

(b) Compare register of court-fees with some petitions, plaints, etc., taken at random and state results.

(c) Order on petitions generally passed on the day they are filed ?

(6) Register of decrees sent to or received from other courts for execution—

(a) Register properly maintained ?

(b) Have decrees for the execution of which no application has been made promptly returned at the end of 6 months ? (Rule 231).

(c) Are results, under section 41, Civil Procedure Code, certified without undue delay ?

(7) Register of records received from the Record-Room or any court Properly maintained and records returned promptly ?

(8) Service Registers—

(a) Are they maintained in respect of every permanent member of the establishment ?

(b) Are they in good condition and kept under lock and key by the chief ministerial officer and the Nazir ?

(c) Are the entries up-to-date, verified annually and certified to that effect by the presiding officer ?

(d) Are leave accounts maintained correctly and in the proper form, up-to-date and periodically checked and attested ?

V. Accounts.

29. (a) (i) Are all account books (with the exception of Register of deposit received) paged throughout and certified before brought into use ?

(ii) Are all corrections correctly made and initialled ?

(b) Are the following registers properly maintained and up-to-date ?

Register of chalans ; Register of payment orders ; Daily register of deposits (A and B); Clearance register of A deposits ; Register of judicial deposits (other than civil deposits and peremptory receipts) and refunds therefrom ?

30. (i) Compare cashier's cash-book with the register of chalans and payment orders and state result (Rule 690).

(ii) Compare the register of deposit, receipts and repayments with each other and with the register of chalans and the register of payment orders and state result (Rules 703 and 704).

(iii) Compare the clearance register with the register of A deposits received and state result (Rule 726, *(et seq.)*

(iv) Is the receipt of daily advice list from the treasury insisted upon ?

(v) Compare some treasury advice lists with the register of chalans and payment and state result.

31. Are attachments of amounts or prohibitory orders relating thereto duly noted in the deposit register ?

32. (i) Examine the register of payment orders No. (A) 16 and register No. (R) 38 and note whether there has been undue delay in passing and making over payment orders (Rule 673).

(ii) Is there any case of undue preference to applicants of later date ?

(iii) How many payment orders were returned from District Record-Room without counter-signature on the allegation of defect during the last six months (Rule 675) ? If the number is too many, suggest remedy.

Do the cashier and the accountant sit in different rooms ?

VI. Nazir's and Cashier's Accounts.

33. (a) (i) Are the following accounts daily maintained :—

Contingent register ;

Contract contingent register ?

(ii) Are the vouchers duly filed and cancelled ?

(b) (i) Register of service postage stamps.

(ii) Do the entries correspond with the entries in the register of correspondence ?

34. (i) Is the cash-book written up daily ?

(ii) Are the heads of account properly classified ?

(iii) Is the daily balance struck, written in words as well as in figures ?

(iv) *See* that the balances are correctly brought forward to the next day's account.

(v) Is the cash in hand correct on verification with the entries in the register ?

(vi) Does the Judge-in-charge verify the cash balance every day ? (Rule 697).

35. (a) Is the cash balance sent to the treasury at the close of each day ? (Rules 648 and 692).

(b) Is the cash balance at outlying stations reduced by regular remittance o the treasury ?

Is any difficulty felt in securing police escort when needed ? Suggest remedies.

36. (a) Does the cash-book show scrutiny by the accountant at the close f each day ? (Rule 671).

(b) Compare several items in the treasury pass-book with the cash-book and state result.

(c) Are remittances of Tk. 500 and over signed by the Treasury Officer ?

37. (a) Is the peremptory cash register properly maintained and correctly entered ?

(b) Does it bear evidence that the accountant examined the entries each day with the counterfoils of receipt books and with payment vouchers ? Is the supervision effective ?

(c) Compare a few items in the peremptory cash register with the receipt books and state result.

(d) (i) Is the maximum fixed for peremptory cash adhered to and is it adequate ?

(ii) Does the cash exceed the limit ? If so, how often during the last one year ? Suggest remedy.

(e) (i) Is systematic attempt made to reduce excess over the limit by transfer to civil deposits ?

(ii) Are transfer made in lump or are the oldest item or items not likely to be soon paid selected for transfer ? (Note if such transfers have been made only a few days before the expected inspection).

38. (i) Is the sale account register properly kept and put up before the presiding judge at the close of the day ?

(ii) Is the forfeiture of the earnest money or the payment of the balance of purchase money watched ?

39. (i) Are credits to Government (*e. g.*, earnest money forfeited, intestate property unclaimed, sale proceeds of stores, furniture, etc.), correctly and promptly made ?

(ii) Are stamp duties and penalties recovered separately credited ?

40. (a) (i) Is the register of movables attached properly maintained ? (To be answered with special reference to colums 9, 10, 11, 13).

(ii) Are the arrangements for keeping attached movables and livestock satisfactory ?

(iii) Is there any movable property in the Nazir's Custody available for return to parties but not claimed by them ? If so, what steps have been taken to dispose of it ?

(b) (i) Is the register of jewellery, securities, etc., properly maintained ?

(ii) Examine the register and compare the actual stock in the hands of the Nazir.

(iii) In whose custody are the security deeds ? Are they tested periodically ?

41. (i) Is application made and is the order of the courts concerned taken by the Nazir before refund of unexpended diet money or other amounts in the peremptory cash ? (Rule 694).

(ii) Are there too many refunds at one time ? If so, is there reason to suppose that information regarding the items was furnished by the officers in the Nazarat ?

42. (i) Do the Nazir's account books show that the Sheristadar inspects them periodically as required by Rule 749, Note. ?

(ii) How often does he inspect ?

VII. Nazarat Department.

43. (i) (a) Are the rules in section 2, Ch. III regarding arrangement of work and distribution of processes understood and followed ?

(b) Examine the division of beats and the villages comprised within each beat and suggest improvements, if any ?

(c) (i) Are processes distributed evenly and impartially among the peons with due regard to the number and class of processes and beats ?

(ii) Is there any complaint by the process-servers regarding the distribution of processes ?

(d) What procedure does the Nazir adopt to secure such even distribution ? suggest improvements, if any.

(e) (i) Are all the process-servers given both short-beat and long-beat or in order to equalise work ?

(ii) Report if some peons are systematically employed in short-beat work.

(f) Does the Judge-in-charge preside over the distribution of processes from time to time ? (Rule 98).

44. (a) Are processes issued from the Nazarat without undue delay ? (Rule 96). And are they returned after service to the courts concerned within the prescribed time ? (Rule 105).

(b) Are the dates fixed for return sufficient ? And are processes generally returned served within dates fixed ?

(c) Are cases of undue delay brought to the notice of the Judge-in-charge and dealt with by him ? (Rule 92).

(d) Are many processes returned unserved on the allegation of want of time ? Ascertain whether the Nazir or the peon was at fault and suggest remedies.

(e) Do the reports of the peons contain the particulars required by the rules ? If a process is affixed on a person's house, is it stated in the report what attempt was made to find him out ?

(f) Note observance of the rule in Note 2 of rule 70. Are verification of service obtained from Chawkidars and Dafadars as often as possible ?

45. (a) Are processes marked "urgent" issued and served with the least possible delay ?

(b) Report if there was any negligence or undue delay in effecting service of processes received from courts outside the jurisdiction of the court inspected (Rule 93 Note 2).

(c) Were there any cases of serious misconduct or neglect of duty on the part of peons ? And were the measures taken by the Judges-in-charge adequate ?

(d) (i) Is a copy of the statement in (S) 28 submitted half yearly to the District Judge ?

(ii) In cases in which it has been found that processes have been suppressed, have any enquiries been made into the conduct of the peons ?

46. (a) (i) What is the average number of processes executed during the last three working months by a process-server ?

(ii) How does it compare with the standard fixed by the Supreme Court (High Court Division) ?

(b) (i) Is the proportion of personal service of processes and execution of warrants of arrest and attachment of movables satisfactory ?

(ii) State percentages attained in the last three working months giving figures ?

(c) (i) What is the average number of days a process-server was out in the mufassal during the last three working months ?

(ii) Is it capable of improvement ?

(d) (i) Is a copy of the statement in (R) 18 submitted monthly to the District Judge and proper disciplinary action taken in the case of offending peons ? (Rule 837).

(ii) Is the statement prescribed by rule 838 regularly prepared and submitted ?

47. (a) Compare some items taken at random from the process register with the peons' diaries and state result.

(b) Is the diary submitted by the peons immediately on return to head quarters and is it regularly scrutinized by the Nazir ? [Rule 92(2)(iv) and note 4 to Rule 107].

(c) Report on the general condition of the discipline among the peons and the efficiency of the administration and if the Judge-in-charge excercises proper supervision and control over the department.

48. (a) Are the rules regarding grant of receipts by peons for money realised in execution of decrees strictly observed ? (Rule 176).

(b) Examine some receipt books of the peons and compare them with entries in the cash-book and state result.

49. (a) Are receipt books for payment into peremptory cash issued by the cashier in conformity with Rule 667 ?

(b) Is the book number attested with initials of the Judge-in-charge ?

(c) Is a separate stock book maintained of the receipt books and are all receipts and issues correctly entered ?

(d) Is the stock verified annually by a gazetted officer ?

(e) Compare the balance according to the stock book with the number in actual stock and state result.

VIII. Copying Department.

50. (a) Examine a number of applications for copies and on a reference to the register of copies ascertain whether the rules in part IV are strictly observed in every particular step by step before copy is ready. (Each rule should be reported on separately when the prescribed system is not followed).

(b) Are initial and date invariably put on the application by every clerk through whose hands it passes ?

(c) Is the arrangement for lighting, safe custody of records and exclusion of the public satisfactory ? Suggest improvement, if any.

51. (a) Examine some of the entries in the register of copies and ascertain whether all the columns are properly and correctly filled up.

(b) Are the entries made contemporaneously with the several stages through which an application for copy pass?

52. (a) Have cases of serious delay occurred—

(i) in furnishing original from any office ;

(ii) in the preparation of copies after receipt of original;

(iii) in comparing the copies ;

(iv) in returning originals after preparation of copies ?

(b) Mention the two cases of the longest delay in the preparation of copy and reasons given and whether you are satisfied with the reasons.

(c) Has undue preference been given to applications of later dates ?

(d) Are "Urgent" copies generally given within the prescribed time ?

53. (a) Are estimates regarding folios and court-fees properly notified in the prescribed manner under Rule 549 ?

(b) (i) Are applications rejected if folios are not supplied within the prescribed time ?

(ii) Examine some rejected applications and ascertain whether they were properly rejected.

(c) Do the estimates generally correspond with the folios actually used in the copy ?

(d) (i) Are unused folios actually returned ?

(ii) Are copies, information sheets, etc., distributed from time to time in the presence of the Judge-in-charge ?

(e) Ascertain the fee levied for copying some of the maps, plans, etc, and report if they are considered proper.

54. (a) Does each page of the copies contain the prescribed number of words ?

(b) Is any attempt made to spread the writing or typing over a large number of sheets than is necessary ?

(c) Is the number of words written or typed noted on each page and does each page contain the required number of words ?

55. (a) Is typed copy of English documents invariably given ?

(b) (i) Does each copyist write or type clearly and neatly ?

(ii) Does any typewriter give blurred or indistinct impression ?

(iii) Are proper ink and ribbon used ?

(c) Are the copies free from error ?

56. (a) Are the columns in the register of copies showing folios supplied, used and returned unused totalled every month ?

(b) Does the total number of folios supplied agree with those used and returned unused ?

(c) (i) Are applications examined by the Sheristadar and a report laid before the Judge-in-charge at the close of each quarter ?

(ii) Was any serious defect or irregularity found during such inspections ?

57. (a) what is the number of typists and copyists ? Has any new appointment been made since the last inspection ? If so, state reason.

(b) Should the services of any copyist or typist be dispensed with on account of old age or unsatisfactory work ?

58. (a) Report if the Judge-in-charge exercises an adequate supervision and control over the establishment.

(b) Was carbon paper found in the possession of the typists ?

(c) (i) How many applications for information were filed in each court during each quarter of the last year ? What were the figures for the previous year ?

(ii) Is the number considered small ? Suggest reason.

(iii) Is there any reason to suppose that leakage of information or copy is going on ?

IX. Forms.

59. (a) Is the register of printed forms properly maintained ? Are receipts and issues regularly entered and is the balance struck six-monthly and verified ?

(b) Are the forms neatly arranged and issued with due regard to economy ?

(c) Is there any stock of superseded forms or any surplus stock beyond the normal requirements of the office during the current supply year ?

(d) (i) Are indents made with due regard to the actual stock and the probable consumption based on three years' average ? (Rule 864).

(ii) Was there any supplimentary or emergent indent ? If so, what was the reason ?

(e) Is any form in use in manuscript although the same is available in print ? If so, what is the explanation ?

(f) Is there any form printed locally ? If so, explain its need.

(g) Verify the stock of a few kinds of forms by reference to the balance shown in the stock book and state result.

X. Stationery.

60. (a) Is the stationery register properly kept and are all receipts and issues regularly entered ?

(b) Is the stationery neatly arranged and are issues made under the supervision of the Sheristadar with due regard to economy ?

(c) Is the stock periodically verified ?

(d) Is the supply of stationery sufficient ? Give the value of last year' supply.

XI. Furniture, etc.

61. (a) Is a register kept of all furniture and properties of the court properly and are the entries up-to-date ?

(b) Report the condition of the furniture specially in the court room.

(c) Is the furniture kept in the proper repair and periodically varnished ?

(d) Have all unserviceable articles been sold or written off under proper sanction ?

(e) Is the furniture sufficient for the need ? State the value of the furniture supplied last year.

(f) Are the witness stand and the advocate's table at the proper distance from the seat of the Judge and is the general arrangement of the court room satisfactory ?

(g) (i) Is the iron-safe used by the Nazir strong and in proper order ? (State whether the duplicate keys have been sent to the treasury for safe-custody).

(ii) Is it imbedded in the wall or floor ?

(iii) Is there a fireproof safe for depositing wills ?

(h) Are the seals of court, belts and badges of peons and thumb-i m pression sets supplied to them in good condition ?

(i) Are the stamps and punching machines in proper order ?

XII. Library.

62. (a) Is the catalogue of library books kept up-to-date ? Have the books been properly classified and indexed ?

(b) Are the books in proper condition ?

(c) Are the Law reports and Acts well preserved and are they well and uniformly bound ?

(d) Are there any old and useless volumes which should be weeded out ? If so, have necessary instructions been given ?

(e) Is the issue register properly kept and all entries correctly made ?

(f) Is the stock periodically verified ?

(g) (i) Does the court possess annotated editions of Acts which are of frequent use ?

(ii) Are they current editions ?

(h) State the value of books supplied during the last three years.

XIII. Court Buildings.

63. (a) Is the court-house in a state of good repair ?

(b) If any repairs and alterations are required, have steps been taken to obtain them ?

(c) Are the instructions issued regarding the precautions to be taken against accidents by fire followed ?

(d) Are the verandas kept clear of squatters like advocates clerks, stall-keepers, vendors, etc. ?

(e) Is the court compound kept clean ?

XIV. Record-Room (outlying station).

64. (a) Are the rules in Chapter 21 followed in arranging and dividing the Small Cause Court suit records into groups ?

(b) Are the records neatly placed on the racks and well cared for ?

(c) Is destruction of records carried out monthly ? Are there any records the destruction of which is due?

XV. Pending file and outturn of work.

65. (I) (a) (i) State the number of cases pending in the files in title suits, money suits, Small Cause Court suits, execution cases, appeals, miscellaneous judicial cases, miscellaneous non-judicial cases, and give also the number pending on same date last year.

(ii) To what causes do you attribute the increase or decrease of the pending file ?

(iii) Give the disposals (contested and uncontested) of cases in the files during the period of 12 months immediately preceding the inspection and the figures of a similar period of 12 months earlier.

(b)(i) What is the number of suits and appeals more than one year old ? Give separately the figures for 2 years old, 3 years old, etc.

(ii) Is the explanation satisfactory ?

(c) What is the number of execution cases more than 6 months and 12 months old ? Give the dates of two oldest cases.

(2) Remarks of the judicial officer concerned on the state of his file.

(3) Remarks of the District Judge on the state of the file.

66. Note the general outturn of work during the last two years. (In considering whether the outturn of work is sufficient, the test suggested in rule 940, should be applied).

67. (a) Have the thanas been distributed among the several courts at the station so as to secure and even amount of work ?

(b) Is any redistribution necessary ? If so, suggest what should be done.

(c) (i) Was there any transfer of cases to any additional court or from one court to another ?

(ii) Were cases transferred according to the direection in rules 914 and 915 ?

XVI. Miscellaneous.

68. (a) Was the last annual inspection of the Presiding Judge thorough, practical and effective ?

(b) Were the material defects and irregularities noted in the last inspection made by the presiding Judge remedied ? If not, what is the explanation ?

(c) Did the presiding Judge fail to detect errors or omissions in procedure which the District Judge detected and which the officer could, with reasonable care, have detected and rectified in advance ? (Rule 938).

(d) Is the guard file prescribed by Rule 936 properly maintained ?

(e) Has necessary action been taken with reference to all the material defects pointed out by the District Judge in previous inspections ? If not, what is the explanation ? (Note any undue delay or omission in this respect).

69. (a) Report any legitimate grievances of the judicial officers, the advocates, the ministerial officers, the process-serving peons and litigant public that may have been brought to your notice and suggest remedies.

(b) Report on the general condition of the Court and its office, its popularity and the difficulty, if any, felt in its working.

(c) Report on any questionable practice among the ministerial officers or advocates or their clerks that may have been detected or noticed by you and suggest remedies.

(d) Was there any complaint of touting ? If so , how should it be combated ?

(e) Note cases of corrupt practice among ministerial officers or peons which came to the notice of the court and the punishment awarded.

(f) Is care taken to see that outsiders are not allowed to enter officer or to help the work of the ministerial officers in any way ?

(g) Are the control and supervision of the chief ministerial officer in this respect effective (Rule 871) ?

(h) Is the arrangement in the office for the conduct of business with the public satisfactory ? Suggest improvements.

(i) Note any points as to the advocates responsibility in the administration of justice and the points which call for attention by the presiding Judge and the Bar.

APPENDIX II.

FORM No. (M) 7-A.

From of inspection of the District Record-Rooms (see rule 941.)

1. When was the Record-Room last inspected—

(a) by the District Judge ?

(b) by an officer deputed by him for the purpose ?

2. Who is the present Judge-in-charge and how long has he been in-charge?

3. Who were the officers who successively held charge since the previous inspection by the District Judge? State the period during which each officer held charge.

4. What is the name of the Record-Keeper and how long has he held the appointment ?

5. In the last three years how often has the Record-Keeper changed ?

6. Does the Judge-in-charge inspect the Record-Room from time to time?

7. Is a note-book kept in the Record-Room in which all important orders are recorded ?

8. Are inspection notes of th Record-Room put in a guard file arranged chronologically and has prompt attention been paid to previous inspection notes and the defects noticed remedied ? If not, what is the explanation?

9. (a) Is a plan of the Record-Room hung up in a conspicuous place?

(b) And does it (or does an index connected with the plan) show the number of rooms, racks and the shelves and the class and age of papers to be found on each?

(c) Is it prepared and corrected up-to-date ? Are corrections made yearly after the periodical destruction of records ?

10. (a) Is a statement hung up in the Record-Room showing how to find where a particular document is deposited ?

(b) Take a few records or documents and report whether they were quickly found out by following the instructions.

(c) Report after a practical test whether each clerk in the Record-Room knows where to find a particular record.

11. (a) Are work cards for each maintained and hung up showing particulars of work done ? Are they up-to-date and are dates of assumption of charge of each clerk noted?

(b) Is the distribution of work fair ? Suggest improvement, if any.

12. Does the Record-Keeper admit keeping or allowing to be kept any unauthorised registers ? If so, should they be continued ?

13. Is there any arrear in any branch of the work of the Record-Room ? If so, state the reason.

14. Are records carefully examined as they arrive batch by batch (Rule 442) and are they arranged and deposited on proper racks without undue delay ?

15. Is there any excessive number of records recently received in the Record-Room not examined and deposited in their proper places , in the racks?

16. Take the lists of the bundles of records received during the last six months and note—

(a) If they were received on due dates from all courts ;

(b) were the different classes of records accompanied by lists in due forms?

(c) by what dates were the records of each month—

(i) examined ?

(ii) deposited on racks ?

17. Examine a number of records with a view to see whether —

(i) the rules relating to classfication and arrangement have been carried out;

(ii) the contents of each file correspond with the table of contents ;

(iii) the title pages are properly attached to each record ;

(iv) table of contents are properly written out.

18. (a) Does the Record-Keeper on receiving records from the courts ascertain that every plaint, document, petition, etc., bear sufficient stamp ?

(b) Are all court fee stamps contained in the record properly punched as required by section 30, Court-fees Act ?

(c) Are records punched a second time in the Record-Room with a triangular punch and dates of punching duly recorded upon the title page ?

19. Have proper precautions been taken under rules 422 and 423 ?

20. Is the register of records sent out from the Record-Room properly maintained and every entry correctly made ?

21. (a) Are steps taken to secure the prompt return of records ? (Note 2 to rule 455 and rules 465, 466, 467).

(b) Are reminders regularly sent and noted ?

(c) Are quarterly reports made to the Judge-in-charge of records not returned within three months ?

22. How many records returned after requisition are there remaining to be restored ? Why ? (in each case) ?

23. Are removal slips invariably used when records and papers are removed ? (Rule 457).

24. Are the racks properly used ? (Rule 431).

25. Examine 3 or 4 bundles of examined records with a view to ascertain whether—

(a) the bundles are of proper size (rules 445, 448);

(b) the indexing on the bundle is legible (rule 451);

(c) the indexing on the rack index, the plan and bound index is accurate (rules 432, 450);

(d) the records are arranged in the manner prescribed in rules 443 and 444;

(e) the records are arranged in numerical order as they appear in the bound list ;

(f) there was any delay in the transmission of records (rules 413, 414 and 442), the lists should be referred to in this regard ;

(g) any defects have been found during the examination in the Record-Room and is proper action taken under rule 442.

26. (a) Are requisitions for records promptly attended to and records sent for by the copying department and other offices and courts despatched within the prescribed time ?

(b) Examine the register of applications for copies specially with regard to correct and prompt action being taken under rule 455.

(c) Take fity consecutive entries in the register of requisitions and note—

(i) In how many cases were the records sent after time ?

(ii) In how many cases were the records not sent at all ? What was the cause in each cases ? Is the explanation satisfactory ?

(iii) State two cases of longest delay in complying with requisitions with reasons ?

(d) Take all pending requisitions and note if in each case there is an order of the Judge-in-charge.

(e) What is the percentage of return of requisitions on the allegation that correct date or fuller information is wanting.

(f) When requisitions are returned without compliance are the defects or omissions specifically noted ?

27. (a) Are applications for return of documents promptly attended to and documents returned by the Record-Keeper himself within the prescribed time ?

(b) Take a number of consecutive entries in the register of return of documents and state result of examination.

(c) Take all the pending applications for return of documents and note if in each there is an order of the Judge-in-charge.

28. Is the index sheet hung up in a conspicuous place at the end of each rack and is it up-to-date ? (Rule 432).

29. Are all the registers prescribed properly maintained by the Record-Keeper ?

30. Is rule 442 followed and are the entries correctly made ?

31. Are the progress report and the statement prescribed in rule 427 properly maintained and regularly submitted ?

32. The accuracy of the progress report should be tested by making a comparison with the information in the various registers to which these reports relate paying particular attention to all figures relating to work pending.

33. (a) Is destruction of records carried out quarterly ? (Rule 484). When was the last destruction due and when was it made ?

(b) Are entries regarding the class of records destroyed made on the index board simultaneously with the destruction of records ?

34. (a) Are notices issued and exhibits not taken back destroyed within the prescribed period ? (Rules 482 and 483).

(b) Is the register relating to such exhibits properly maintained and dates of destruction regularly noted ? (Rule 481).

(c) Are there bulky exhibits or other papers which are liable to destruction or should have been deposited upon the racks, lying on the floor ? If so, what is the explanation ? (Rule 481).

35. (a) Is the register of inspection of documents properly kept ? Is inspection allowed under proper conditions ?

(b) How many applications for inspection were filed during the last four quarters ?

36. (a) Is the register of applications for information properly kept ? Are information sheets delivered with in the prescribed time with the required information?

(b) How many applications for information were filed during the last four quarters ?

(c) Is there any reason to suppose that there is leakage of information?

37. Is A class correspondence transferred to the Record-Room at the close of each year with the flat index properly written up ?

38. In addition to the daily supervision of the Record-Room and staff, does the Judge-in-charge make a thorough inspection at least once a year ?

39. What is your opinion of the work of the Record-Keeper ? Is the work done intelligently and in a business like manner ? Is the supervision sufficient ?

40. Was any case of corrupt practice reported since the last inspection ? If so, what action was taken ?

41. Is the floor regularly kept clean ?

42. Is proper precaution taken against ravages by rats, white ants, etc ?

43. Are the fire extinguishers in proper order and do the persons in charge know how to use them ?

44. Is a copy of Government instructions in the case of fire kept in the guard file ?

45. Who keeps the key of the Record-Room ? Is it easily available if there is an out-break of fire?

46. How many buckets are kept and where ? Are they easily and promptly accessible in the event of fire breaking out ? Are the buckets kept full of water?

APPENDIX III.

Supreme Court (High Court Division) Form No. (M) 7-B.

Extract from the report of ....., District/ Additional District Judge of .....on his inspection of the Court of /District Record-Room at..... ..... held on.....

Previous Inspections.

By....., District/Additional District Judge.

Date .....

By.....Presiding Officer or Judge-in-charge.

Date .....

Serial number of question in form No. (M) 7 or (M) 7A, as the case may be.	Tabulated statement of defects noticed by District Judge.	Defects noticed at last inspection and again found.	Order of the Supreme Court (High Court Div.)	Action taken by District Judge to remedy defects.
1	2	3	4	5

N.B.—In column 2 each defect noted must be separately numbered. In column 3 numbers with reference to column 2 should only be noted.