

HIGH COURT OF CHHATTISGARH : BILASPUR**NOTIFICATION**No. 1121 /R.V./

Bilaspur dated 05.02.2015

In exercise of the powers vested under Section 23 of the C.G. Civil Courts Act, 1958 and all other enabling powers in this behalf, the High Court of Chhattisgarh makes the following rules for inspection of Subordinate Courts by the Portfolio Judge, in the State of Chhattisgarh:-

1. Title- These rules may be called “The Chhattisgarh Inspection of Subordinate Courts (by the Portfolio Judge) Rules, 2015”

2. Commencement- It shall come into force from the date of its notification.

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

- I. '**High Court**' means the High Court of Chhattisgarh.
- II. '**Chief Justice**' means the Chief Justice of High Court of Chhattisgarh.
- III. '**Portfolio Judge**' means the Portfolio Judge designated by the Chief Justice for a particular Civil and Sessions division.
- IV. '**Registrar General**' means the Registrar General High Court of Chhattisgarh
- V. '**Registrar (Inspection and Enquiry)**' means the Registrar (Inspection and Enquiry) of High Court of Chhattisgarh.
- VI. '**District and Sessions Judge**' means District and Sessions Judge appointed under Rule 5 of C.G. Civil Court Act, 1958 and under Section 9 of the Code of

Criminal Procedure, 1973.

- VII. '**Prescribed**' means prescribed by these rules.
- VIII. '**Presiding Officer**' means the Judicial Officer presiding over a Subordinate Court.
- IX. '**Subordinate Court**' means a Court subordinate to the High Court exercising Civil or Criminal Jurisdiction.
- X. '**Proforma**' means proforma A, B, and C prescribed under these rules.

4. Schedule of Inspection:-

- (a) Inspection of Subordinate Courts shall be the subject of Inspection branch of the High Court Registry [which shall be under the control of Registrar (Inspection & Enquiry)] however if required, some floating staff may be taken from other branches by order of the Hon'ble the Chief Justice from time to time.
- (b) Process for inspection shall be initiated by the Inspection Branch after obtaining orders from the Portfolio Judge concerned.
- (c) Tentative schedule of inspection shall be drawn and submitted by the inspection branch before Portfolio Judge concerned, for approval.
- (d) The schedule of inspection approved by the Portfolio Judge concerned, shall be submitted to the Chief Justice for perusal/approval. It shall thereafter be notified to all concerned well in advance.
- (e) The programme for inspection of Portfolio Judge should be sent at an early date preferably before **four weeks** from the date of inspection of Portfolio Judge for the purpose of inspection of Subordinate Courts.
- (f) An inspecting team will visit the concerned District for inspection within the period of **one week** before the visit of Portfolio Judge.
- (g) District and Sessions Judge shall furnish the following statements before **two**

weeks from the date of inspection:-

1. List of the Judicial Officers working in the concerned Civil District establishment.
 2. Statements of employees (Class-III and Class-IV) who retired since one year from the services.
 3. Whether any matter is pending regarding payments of retiral benefits and number of pending departmental proceedings against the employees with their present status.
 4. History sheet of old cases (5 Civil and 5 Criminal cases) in Proforma-C.
 5. Statement of year wise pendency and disposal of both civil and criminal cases of the current year.
 6. Work done statement of all the Judicial Officers including District and Sessions Judge/Family Court Judge/Special Judge under SC and ST (Prevention of Atrocities) Act, 1989.
 7. Percentage of recovery of fines in criminal cases.
 8. Percentage of disposal of Civil and Criminal cases of each Court.
 9. Whether the monthly meeting of the Judicial Officers were regularly held to discuss and take steps for disposal of old cases, cases pertaining to senior citizen. The details thereof along with minutes of such meetings.
 10. Statements in respect of copying section, Nazarat, Record Room and Account Section.
- (h) The Portfolio Judge may call for and peruse the service record of the Judicial Officers of the concerned District and records of atleast five disposed of contested Civil and Criminal cases for perusal to have an idea of the capabilities, manner of performing Judicial work and knowledge of the Judicial Officers.

5. Inspection:-

- (a) Ordinarily, every Subordinate Court shall be inspected by the Portfolio Judge **once in every year**. However, surprise inspection may be carried out at any time.
- (b) On the day of commencement of inspection the cash-in-hand lying in the subordinate Court shall be checked and verified in the first instance.
- (c) Inspection shall be conducted so as to cover all the aspects specified in the Proforma A, B and C. In addition it may include such aspect as specified by the Portfolio Judge in his discretion.

6. Inspection Note:-

- (a) The inspection party shall maintain notes of relevant points noticed during inspection.
- (b) On completion of ground work for inspection, the inspection party shall prepare a draft inspection note, in accordance with the Proforma-A so as to include therein all the points noticed during inspection, for perusal of the Portfolio Judge.
- (c) Before the visit of Portfolio Judge the draft inspection note shall be submitted for perusal by the Registrar (Inspection & Enquiry).

7. Inspection by the Portfolio Judge:- All matters concerning inspection of Subordinate Court shall be within the discretion of the portfolio Judge and shall include *inter-alia* amongst following others :-

- (a) In order to form an opinion and make observation regarding functioning of Subordinate Court on Judicial and Administrative side and to ascertain problems, if any, the Portfolio Judge may visit the Court and its office and meet the presiding officer, the staff and the bar.
- (b) As far as practicable, procedural defect(s), if any, noticed during inspection shall be pointed out and necessary guidelines or instructions to remove the same shall

be issued then and there.

8. Inspection Report:-

- (a) The inspection report shall be prepared by the Portfolio Judge in accordance with the prescribed Proforma-B and shall include the guidelines or instructions, if any, issued during inspection and shall be placed before the Chief Justice for perusal and orders.
- (b) The defects and deficiencies, if any, noticed during inspection, shall be conveyed to the Presiding Officer of the concerned Subordinate Court, for rectification and compliance and if, the Subordinate Court inspected is a Court other than the District and Sessions Judge, also to the District and Sessions Judge of the District for information and necessary action.

9. Procedure for Compliance

- (a) On receipt of communication from the High Court under Rule 8(b) above, the Presiding Officer of the Subordinate Court inspected, shall take appropriate step for removal and rectification of the defects and deficiencies and compliance of the guidelines and instructions issued thereunder.
- (b) The compliance report shall be submitted to the Registrar General/Registrar (Inspection & Enquiry) within **30 days** from the receipt of the communication from the High Court and if, the report pertains to the Subordinate Court other than the Court of District and Sessions Judge, it shall be forwarded through the concerned District and Sessions Judge, along with his parawise comments thereon.
- (c) On receipt of the compliance report and the comments, under clause (b), of the above rule, the Registrar General/Registrar (Inspection & Enquiry) shall after

scrutiny, cause the same to be placed before the Portfolio Judge for perusal and orders.

10. Interpretation-If any question arises as to interpretation of these rules, the decision of the High Court shall be final.

11. Amendment: -The High Court may make amendment in these rules as may be deemed necessary.

12. Power to relax: -Where the High Court is satisfied that the operation of any of these rules cause undue hardship in any particular case or class, it may for the reasons to be recorded in writing dispense with or relax the particular rule to such extent and subject to such exception and condition as may be deemed necessary.

13. Residuary Powers:- Nothing contained in these rules shall be deemed to affect the powers of the High Court to make such orders from time to time as it may deem fit in regard to all matters incidental or ancillary to these rules not specifically provided for herein or in regard to matters as have not been provided for or not sufficiently provided for or for removal of any difficulty which may arise in giving effect to any of the provisions of these rules.

14. Savings:- All the relevant Orders/Circulars earlier issued by the High Court of Chhattisgarh for inspection of Subordinate Courts with regard to proceedings made or proceedings held to be taken on, shall be deemed to have been made under the provisions of these Rules.

Arvind Singh Chandel

Registrar (Vigilance) & Registrar

(Inspection & Enquiry) -cum-

Secretary Rule Making committee

PROFORMA (A)

PART-I

GENERAL

Sr. No.	Subject	Observation
1.	Whether there is sufficient accommodation for the Court and office? If not, What steps have been taken by District & Sessions Judge.	
2.	Whether books/journals have been provided in accordance with the fixed standards for the residential library and court library, bound and kept safely and cleanly and bears the Accession numbers?	
3.	Whether there is proper sitting arrangement for the Presiding Officer, Staff, Bar Members and Litigant public in the Court building? If not, What steps have been taken by District & Sessions Judge.	
4.	Whether the Court is properly staffed according to the sanctioned strength? In case any post(s) is/are lying vacant so what steps have been taken by District &	

Sessions Judge.

5. Whether the Members of the Staff are punctual in attending office in the Court?
6. Whether the ratio of disposal commensurate with the institutions?
7. Whether there is any complaint on behalf of the witness returned without/examination after making him/them to wait till late hours in the day? action taken thereon?
8. Whether proper accounts of Civil Deposit, Diet Money, Office expenses and other funds are being prepared and cash book properly maintained ? Whether the accounts tally with the last balance?

PART-II
CIVIL

9. Whether the files and Register(s) pertaining to Civil Cases are maintained properly, and the entries made in the relevant columns of the Register?
10. Whether decree sheets are being prepared promptly and drawn in

accordance with the rules?

Part-III
CRIMINAL

11. Whether the fine imposed are being realised and deposited in the treasury on the same day or next day?
12. What steps are being taken in case of defaults in payment of fine where no alternative punishment is awarded?

Part IV
COPYING AGENCY

13. Whether the petitions/ complaints/ memos /applications are properly stamped and the stamps are cancelled and punches as per the rules? The time taken in supply of copies. Whether the copies of Judgment/Orders are being supplied within prescribed period.
14. Number of pending applications.
15. Accounts Checking, whether found in excess of the permissible amount.

16. Stock of Court Fees Stamp.**Part-V**
NAZARAT

17. Whether the Nazir/ Naib Nazir/ Sale Amin is an experienced hand, has deposited the security in the treasury?
18. Whether the work amongst Bailiffs and process-servers is properly distributed?
19. Whether the Process Servers and Bailiffs are detained for any Official duty other than his normal duty. Whether diet money for disbursement to the witnesses on the spot is being given to them and are being so disbursed.
20. Whether precepts from other Districts are being disposed of promptly.
21. Whether the Civil deposit accounts reconcile with the Treasury and certificate of Treasury Officer are being obtained regularly as per rules?

Part VI
Malkhana

22. Whether sufficient place is available for keeping the properties ?
23. Whether the received properties are being arranged and maintained properly?
24. Whether the disposal of the received properties are being done properly?
25. How many properties have been disposed of within a year? (from 01 April to 31 March of the financial year)
26. Whether the orders of Courts are being complied with timely regarding disposed of properties?

Part VII
CONSIGNMENT OF FILES

27. Whether there are racks, cupboards for safe keeping of the files/records provided in record room ?
28. Whether the decided files are being

consigned to the record room within time and name as per our rule bearing R.R. (Record Room) numbers are kept in a separate file after duly entering such numbers in the relevant Registrar ?

29. Whether there are arrears of decided files for consignment ? If yes, name of the Court and Presiding Officer.
30. Whether requisitions received in Record Room are being attended to promptly?
31. Whether Register(s) are being maintained in the courts/ Nazarat /Malkhana /Copying / Library?

PROFORMA (B)
THE INSPECTION NOTE OF THE INSPECTION OF THE SUBORDINATE COURT
CONDUCTED BY THE PORTFOLIO JUDGE

1. Name of the Portfolio Judge _____
2. Name and designation of the _____
 Presiding Officer of the Court
 Inspected
3. Number of Judicial Officers _____
 posted in the District
4. Date of inspection _____
5. Date of last inspection _____

PART-I

GENERAL

Sr. No.	Subject	Observation
1.	Whether there is sufficient accommodation for the Court and office? If not, steps taken for acquiring land or construction of building. Directions / suggestion of the Hon'ble Judge, if any.	
2.	Whether books/journals have been provided in accordance with the fixed standards for the residential library and court library, bout and kept safely and cleanly and bears the Accession numbers?	
3.	Whether there is proper sitting	

arrangement for the Presiding Officer, Staff, Bar Members and Litigant public in the Court building? Orders / directions / suggestions, if any,

4. Whether the Court is properly staffed according to the sanctioned strength? In case any post (s) is/are lying vacant, verify the steps taken to fill-up the same and passed orders/directions.
5. Whether the Presiding Officer and the Members of the Staff are punctual in attending office in the Court?
6. Whether the ratio of disposal commensurate with the institutions?
7. Whether there is any complaint on behalf of the witness returned without/examination after making him/them to wait till late hours in the day? action taken thereon?
8. Whether proper accounts of Civil Deposit, Diet Money, Office expenses and other funds are being prepared and cash book properly maintained ? Whether the accounts tally with the last balance?

PART-II
CIVIL

9. Whether the files and Register(s) pertaining to Civil Cases are maintained properly, and the entries made in the relevant columns of the Register?
10. Whether decree sheets are being prepared promptly and drawn in accordance with the rules?
11. Whether the Presiding Officer shows interest in curbing unnecessary adjournments and follow the procedure with regard to restoration of cases dismissed in default?
12. Whether the old cases are being disposed of on priority basis?
13. Opinion on critical examination of two Civil Judgments.

Part-III
CRIMINAL

14. Whether the fine imposed are being realised and deposited in the treasury on the same day or next day?
15. What steps are being taken in case of defaults in payment of fine where no alternative

punishment is awarded?

16. Whether the Presiding Officer has been Vigilant in disposal of oldest Criminal cases, disposal of bail application and supply of copies of order(s) free of cost where-ever required by law?
17. Whether witnesses are promptly examined or adjournments granted without examining witnesses who are present?
18. Any other material fact, discrepancy or complaint coming to the notice of the Hon'ble Judge uring inspection.

Part IV
COPYING AGENCY

19. Whether the petitions/ complaints/ memos /applications are properly stamped and the stamps are cancelled and punches as per the rules? The time taken in supply of copies. Whether the copies of Judgment/Orders are being supplied within prescribed period.
20. Number of pending applications.

Part-V
NAZARAT

21. Whether the Nazir/ Naib Nazir/ Sale Amin is an experienced hand, has deposited the security in the treasury?
22. Whether the work amongst Bailiffs and process-servers is properly distributed?
23. Whether the Process Servers and Bailiffs are detained for any Official duty other than his normal duty. Whether diet money for disbursement to the witnesses on the spot is being given to them and are being so disbursed.
24. Whether precepts from other Districts are being disposed of promptly.
25. Whether the Civil deposit accounts reconcile with the Treasury and certificate of Treasury Officer are being obtained regularly as per rules?
26. Any other material fact, discrepancy etc, or complaint coming to the notice of the Hon'ble to the notice of the Hon'ble Judge, during inspection.

Part IV
CONSIGNMENT OF FILES

27. Whether there are racks, cupboards for safe keeping of the files/records provided in record room ?
28. Whether the decided files are being consignment to the record room within time and name as per our rule bearing R.R. (Record Room) numbers are kept in a separates file after duly entering such numbers in the relevant Registrar ?
29. Whether there are arrears of decided files for consignment ? If so, reasons for the same and directions/suggestions thereon. If yes, name of the Court and Presiding Officer.
30. Whether requisitions received in Record Room are being attended to promptly?
31. Whether Register(s) are being maintained in the courts/ Nazarat /Malkhana /Copying / Library?

PROFORMA - C
HISTORY SHEET OF OLD CASES

The Court of _____

Case No. _____

1. Date of Institution _____
2. Date of Admission/Registration _____
3. Date of appearance of defendants/respondents/accused person/opposite party _____
4. Date of filing written statement/rejoinder supply of police paper to accused and commitment. _____
5. Date of framing issues/charge _____
6. First date of hearing before Presiding Officers _____
7. Period of pendancy with progress made before each Presiding Officers _____

By order of Hon'ble the High Court

Sd/-
(Arvind Singh Chandel)
Registrar (Vigilance) and Registrar
(Inspection & Enquiry)-cum-Secretary,
Rule Making Committee