

# छत्तीसगढ़ उच्च न्यायालय बिलासपुर

## ज्ञापन

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क्र./1039/डी.ई.  
तीन-1-4/2000

बिलासपुर, दिनांक 23/01/2021

प्रति,

**जिला एवं सत्र न्यायाधीश,**

बिलासपुर/रायपुर/दुर्ग/राजनांदगांव/कोरबा/धमतरी/  
जशपुर/रायगढ़/जॉजगीर-चांपा/कबीरधाम (कवर्धा)/  
बस्तर स्थान जगदलपुर/दक्षिण बस्तर दंतेवाड़ा/कोरिया/  
महासमुंद/उत्तर बस्तर कांकेर/सरगुजा(अंबिकापुर)/  
बालोद/बेमेतरा/सूरजपुर/बलौदाबाजार/कोंडागांव/  
मुंगेली/बलरामपुर स्थान रामानुजगंज (छ.ग.)।

विषय — **शपथ आयुक्त की नियुक्ति अथवा शपथ आयुक्त के प्रमाणपत्र के नवीनीकरण संबंधी आवेदन पत्रों को अग्रेषित किए जाने बाबत्।**

- संदर्भ — 1. उच्च न्यायालय म0प्र0 जबलपुर के ज्ञापन क्रमांक ए/541/तीन-1-27/75 दिनांक 22.01.1985।  
2. रजिस्ट्री ज्ञापन क्रमांक 10/आर.जी./2011 दिनांक 02/01/2012।  
3. रजिस्ट्री ज्ञापन क्रमांक 2203/आर.जी./2011 दिनांक 27/03/2012।

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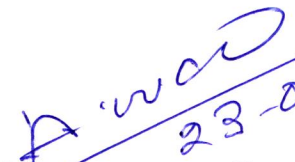
उपरोक्त विषय एवं संदर्भानुसार, माननीय उच्च न्यायालय की रजिस्ट्री में प्रायः विभिन्न जिला स्थापनाओं से अधिवक्ताओं की शपथ आयुक्त के रूप में नियुक्ति बाबत् अथवा शपथ आयुक्त के प्रमाणपत्र के नवीनीकरण बाबत् आवेदन पत्र प्राप्त होते हैं। इन आवेदनों में अक्सर यह देखने में आता है कि विभिन्न कॉलमों/जानकारियों की पूर्ति पूर्ण रूप से नहीं की जाती है तथा जिला न्यायालय के कार्यालय द्वारा भरे जाने वाले कॉलम भी अपूर्ण रहते हैं। साथ ही विलंब क्षमा किए जाने के आधार या शपथ आयुक्त के विरुद्ध शिकायत पर संबंधित जिला न्यायाधीश की टिप्पणियां और नवीनीकरण के बाबत् अनुशंसा भी स्पष्ट रूप से नहीं रहती है। इसके अतिरिक्त यह भी देखा गया है कि इस प्रकार के आवेदन पत्र जिला न्यायाधीश के कार्यालय द्वारा अत्यधिक विलंब से भी अग्रेषित किये जाते हैं।

अतः निर्देशित किया जाता है कि भविष्य में शपथ आयुक्त की नियुक्ति अथवा प्रमाणपत्रों के नवीनीकरण बाबत् आवेदनों को माननीय उच्च न्यायालय की ओर अग्रेषित करते समय निम्न बिंदुओं का आवश्यक रूप से ध्यान रखा जावे —

1. आवेदक द्वारा प्रस्तुत किया गया आवेदन पत्र निर्धारित प्रारूप में हो तथा आवेदनपत्र अथवा अग्रेषण नोट में सारी आवश्यक प्रविष्टियां पूर्ण और सुस्पष्ट हों। आवेदन पत्र के साथ सभी आवश्यक दस्तावेज/प्रमाणपत्र/अर्हता प्रमाणपत्र संलग्न हो।

2. "कार्यालयीन उपयोग हेतु" कॉलम के रिक्त स्थान में सभी प्रविष्टियां पूर्ण रूप से भरी जावें तथा संबंधित जिला एवं सत्र न्यायाधीश के सील एवं हस्ताक्षर अंकित हो।
3. जिला न्यायाधीश का अभिमत/अनुशंसा सुस्पष्ट भाव एवं शब्दों में हो तथा अभिमत/अनुशंसा कवरींग मेमो में भी पृथक से दर्शायी जावें।
4. नामों की अनुशंसा करते वक्त माननीय उच्च न्यायालय म0प्र0 जबलपुर के ज्ञापन क्रमांक ए/541/तीन-1-27/75 दिनांक 22.01.1985 एवं रजिस्ट्री ज्ञापन क्रमांक 10/आर.जी./2011 दिनांक 02/01/2012 के द्वारा जारी दिशानिर्देशों का पालन किया जावे **(प्रति संलग्न)**।
5. जिला एवं सत्र न्यायाधीश के कार्यालय में प्रस्तुत आवेदन पत्र सभी आवश्यक कार्यवाही पूर्ण करने के उपरांत शीघ्रतिशीघ्र (जारी प्रमाणपत्र की अवसान अवधि के पूर्व) माननीय उच्च न्यायालय की ओर को भेजा जावे।
6. ऐसे आवेदन पत्र जिनमें कि विलंब माननीय उच्च न्यायालय के द्वारा क्षमा किया जाना हो, संबंधित जिला न्यायाधीश के स्पष्ट अभिमत और अनुशंसा (दर्शित कारणों के आधार पर विलंब क्षमा किए जाने योग्य है अथवा नहीं) के उपरांत ही माननीय उच्च न्यायालय की ओर अग्रेषित किया जावे।
7. यदि शपथ आयुक्त के कार्य एवं आचरण के विरुद्ध जिला एवं सत्र न्यायाधीश द्वारा प्रत्यक्ष रूप से अथवा प्रभारी अधिकारी के द्वारा कोई शिकायत प्राप्त हुई हो तो उसे जिला एवं सत्र न्यायाधीश के अभिमत/टिप्पणी के साथ माननीय उच्च न्यायालय की ओर भेजा जावे।
8. छ0ग0 राजपत्र दिनांक 06.11.2017 के द्वारा शपथ आयुक्त नियम, 1976 में हुए संशोधनानुसार यदि किसी शपथ आयुक्त द्वारा आपके कार्यालय में आवेदन पत्र प्रस्तुत करने में 30 दिनों से अधिक का विलंब हो जावे तो उसके आवेदन पत्र को रजिस्ट्री की ओर अग्रेषित करते समय आप यह स्पष्ट रूप से उल्लेखित करें कि आवेदक द्वारा शपथ आयुक्त के रूप में अपना कार्य करना बंद कर दिया गया है अथवा नहीं ? तत्संबंध में अपना प्रतिवेदन अनिवार्य रूप से आवेदन पत्रों के साथ रजिस्ट्री की ओर प्रेषित करने का कष्ट करें।

संलग्न - उपरोक्तानुसार।

  
 23-01-2021.  
**(दीपक कुमार तिवारी)**  
**रजिस्ट्रार जनरल**



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JABALPUR COURT OF MADHYA PRADESH: JABALPUR

\* M E M O R A N D U M \*

No. A/541  
III-1-27/75

Jabalpur, dated the 22 January, 1985.

To

The District and Sessions Judge,

जिला सत्र न्यायालय

Subject:- Guide lines to be followed while recommending panel of Advocates for appointment and renewal of certificates of appointment as Commissioners of Oaths.

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Please find enclosed herewith a copy of the Guide lines to be strictly followed by you hence-forth while recommending panel of Advocates for appointment and renewal of certificates of appointment as Commissioners of Oaths.

Encl:-Guide lines in two sheets.

Y.B. SURYAVANSHI  
(Y.B. SURYAVANSHI)  
REGISTRAR

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Haldkar/



GUIDE LINES TO BE FOLLOWED WHILE RECOMMENDING PANEL OF  
ADVOCATES FOR APPOINTMENT AND RENEWAL OF CERTIFICATES OF  
COMMISSIONERS OF OATHS.

Under Commissioner of Oath's Rules, 1976, the "appointing authority", as defined in Section 2 is the High Court. Under Section 3 of the said Rules, the District Judge has to prepare a panel of lawyers in order of merit after obtaining their consent for appointment as Oaths Commissioners. So far as qualification is concerned, under Rule 4, such Oaths Commissioner should have been a legal practitioner for at least 5 years on the date of submission of panel by the District Judge.

2. It goes without saying that senior or senior-most legal practitioners, well settled in the profession, would hardly have inclination or time for being appointed as Oaths Commissioner. But there may be some senior persons who may not be having much practice though they are senior.

3. Therefore, while preparing a panel, the District Judge has to keep in mind the seniority, at the same time, merit also; that means, professional conduct and etiquettes of a legal practitioner, his behaviour with litigants, lawyers, Judges and others.

4. While preparing a panel on basis of seniority and merit (Suitability), District Judge may briefly give some comments on those aspects to enable the appointing authority to have a complete picture before it.

5. While preparing the above panel, disabled Advocates, provided, the disability does not hamper the kind of work to be discharged by the Oaths Commissioner, could be given preference. Similarly, preference could also be given to members of Schedule Tribe/Schedule Caste and also lady advocates if available. But these categories should satisfy the above requirement, namely seniority and merit.

6. While preparing the panel, the District Judge will keep in mind that though Notary Rules and Oaths Commissioner Rules do not lay down that the person appointed as Notary



cannot be appointed as Oaths Commissioner. Yet in all fairness it would be appropriate if the name of the legal practitioner who is already a Notary is not included in the panel for appointment as Oaths Commissioner. The object is that the monetary benefits accruing from the two posts should be given to different persons.

7. A large number of names should not be proposed in the panel. The proportion should be twice, or at the most thrice depending on the number of vacancies.

8. So far as the matter of renewal of the certificate of the Oaths Commissioner is concerned, the District Judges' attention may be invited to Rule 7. Accordingly, an Oaths Commissioner is appointed for a period of 3 years, and his certificate may, therefore, be renewed from year to year by the District Judge, with prior approval of the High Court on payment of prescribed fee etc. Therefore, the District Judge should ensure that the action for renewal is taken well in advance, because, ordinarily, unless there are complaints of misconduct which are dealt with under Rule 25, renewal is a matter of course.

9. At the time of Renewal of certificate pertaining to Oaths Commissioner for the year 1985-86 and onwards, name/s of Oath Commissioner/s need not be recommended if in the meanwhile such Advocate/s had been appointed as Notary by State Government.

10. Those guidelines may be brought to the notice of all the District and Sessions Judges in the State.

L. B. Suryavanshi  
(Y.B. SURYAVANSHI)  
REGISTRAR



9

**HIGH COURT OF CHHATTISGARH, BILASPUR**

No. 10/R.G./2011,

Bilaspur, dtd. 27/01/2012

To,

**The District & Sessions Judge,**  
Bilaspur, Raipur, Durg, Rajnandgaon, Raigarh, Korba,  
Ambikapur at Surguja, Kabirdham, Mahasamund, Dhamtari,  
Jushpur, Baikunthpur at Koriya, Dakshin Bastar Dantewada,  
Uttar Bastar Kanker, Bastar at Jagdalpur and Janjgir.

Sub: Forwarding of applications for appointment as Oath  
Commissioner or for renewal of certificate of Oath  
Commissioner.

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The Registry often receive applications from various District Establishments in relation to appointment of advocates as Oath Commissioner or for renewal of certificates in relation to same. Occasionally it is observed that the applications are lacking in certain particulars or required entries from office of District Judge are incomplete. Clarity regarding grounds for condonation of delay or comments of District Judge relating to any complaint of the Oath Commissioner, requesting for renewal of certificate are also lacking. Delay in forwarding of the applications from O/o. District & Sessions Judge to the Registry is also observed frequently. All these circumstances results in delay in processing of the matter.

Thus, as directed, it is requested that following points be taken care of, while dealing with or forwarding the applications relating to appointment of Oath Commissioner or applications for renewal of the certificates of Oath Commissioner.

1. It be ascertained that application submitted by applicant is in prescribed format and all the required entries either in application or in office forwarding note are complete, clear and unambiguous. The applications submitted must be enclosed with all necessary documents/certificates, such as, required eligibility certificate etc.
2. Entries in space for official use should also be complete, it should bear signature and seal (both) of the District & Sessions Judge.

3. The opinion of the District Judge should be there in clear words.
4. Names should be recommended, observing the guidelines given in Memo no. A/541/III-1-27/75 dated 22-01-1985 by High Court of Madhya Pradesh, Jabalpur (Copy enclosed for ready reference).
5. The application submitted in O/o. District & Sessions Judge should be sent after observing all the formalities to this Registry immediately, prior to lapse of period for which the license to work as Oath Commissioner was issued.
6. If applicant has submitted his application with delay of such period which requires condonation of delay by Hon'ble High Court, then opinion and clear recommendation (whether delay appears condonable or not on the basis of reasons given for delay) should also be mentioned.
7. If, there are any complaint (regarding work and conduct) against Oath Commissioner either received by District & Sessions Judge directly or through the Officer Incharge/ Judge concerned, it should be forwarded to High Court with opinion / comments of District & Sessions Judge also.

As directed, it is requested that above mentioned directions be kindly complied with in future correspondences relating to matters of appointment / renewal of Oath Commissioner.

  
(Arvind Shrivastava)  
**Registrar General**

o/c



**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MEMO**

2203  
NO...../R.G./2011

Bilaspur, Dated 27/03/2012

To,

**The District & Session Judge,  
Bilaspur, Raipur, Durg, Rajnandgaon,  
Raigarh, Korba, Ambikapur at Surguja,  
Kabirdham, Mahasamund, Dhamtari,  
Jashpur, Baikunthpur at Koriya, Janjgir,  
Uttar Bastar Kanker, Bastar at Jagdalpur,  
Dakshin Bastar Dantewada (C.G.)**

Sub: - Forwarding of applications for appointment as Oath  
Commissioner or for renewal of certificate of Oath  
Commissioner.

Ref: - Registry Memo no. 10/R.G./2011 dt. 02-01-2012.

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With reference to the above subject, it is to inform you that the point no. 3 of Registry Memo No. 10/R.G./2011 dated 02-01-2012 be read as "The opinion of the District Judges should be there in clear words as well as opinion/recommendation of District Judge be mention separately in covering memo also." in place of " The opinion of the District Judge should be there in clear words."

  
(Arvind Shrivastava)  
Registrar General

O/c