

PROCESS- RE-ENGINEERING

(Civil)

REPORT

SUBMITTED BY PROCESS RE-ENGINEERING COMMITTEE (CIVIL)

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PREFACE

Judicial process enables citizens to get their rights enforced under the prevailing and applicable laws. Civil disputes are usually initiated by filing a plaint before the competent court mentioning the facts necessary for redressal of grievances under the applicable laws. The legal methods by which a citizen can enforce the substantive laws are provided under the procedural laws. The procedural laws applicable to the civil cases are generally known as civil procedure with prime objects of fair, orderly, efficient and predictable application of substantive laws.

Before a civil case is instituted, the plaintiff has to file a plaint in the court of competent jurisdiction. There are primarily two types of jurisdictions, territorial and pecuniary. The plaintiff decides the court where he has to present the plaint. The Plaintiff prepares the pleadings i.e. the bundle of facts giving cause of action in his favour for redressal of his rights or claims. He files the plaint before the court. The court examines *prima facie* locus standi to file the suit, legally protectable, tangible interest in his favour and whether the Plaintiff is entitled to the relief. The parties required to be compulsorily joined, should be impleaded as necessary or proper parties, then it should be examined whether the issues raised are justiciable. The summons is issued to the proposed defendant(s), to put forward available defence. After the pleadings are complete, the issues which arise out of the pleadings have to be framed. The parties may also gather information through discoveries and interrogatories as provided under the procedural rules. The evidence by both the parties is adduced and judgment is possible culmination of judicial proceedings. These proceedings are usually governed under the Code of Civil Procedure, 1908.

Most of the codified Laws in India are not in vernacular language and appear to be complicated, confusing and expensive for a common man making the temple of justice unreachable and unapproachable for him.

To provide responsive justice to the citizens, it is imperative that the judicial system should be litigant friendly so that every citizen can understand judicial process and its procedures.

In recent times there is phenomenal growth in Information

Technology. The Indian judicial system with the aid of new Information Technology should respond to the changing demands of the society for responsive and timely justice. The existing outdated or non-functional part of justice delivery system should be replaced by a new system, aided by new Information Technology and Techniques, capable of fulfilling aspirations of a common man for justice.

In this project, the existing system, practice and procedure have been studied and the drawbacks have been examined with the objective to make the system litigant friendly and develop appropriate software for process analysis for judicial record, so that the information is available on the internet – District Courts website and to make the process simple, systematic and organized.

ACKNOWLEDGEMENT

I express my profound gratitude and deep regards to the High Court Committee, Hon'ble Mr. Justice B.D. Ahmed, Hon'ble Dr. Justice S. Muralidhar, Hon'ble Mr. Justice V.K. Jain, Hon'ble Mr. Justice Sanjeev Sachdeva and Hon'ble Mr. Justice Vibhu Bakhru for giving me the opportunity to chair the committee for Process Re-engineering (Civil). I also thank them for their exemplary guidance, monitoring and constant encouragement throughout the project.

I also take this opportunity to express a deep sense of gratitude to my committee members Mr. Vinay Kumar Gupta, Mr. Virender Kumar Bansal, Ms. Ruchi Aggarwal Asrani and Ms. Shivani Chauhan for their valuable contribution and cordial support, which helped me in completing this project through various stages.

I am also thankful to the staff members of District Court for their assistance and cooperation.

DR. SUDHIR KUMAR JAIN, D.H.J.S
Judge In Charge,
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INDEX

S.No.	CHAPTER NUMBER	PARTICULARS	PAGE NUMBER
1	I	FILING PROCEDURES	6
2	II	INSTITUTION REGISTER	28
3	III	SCRUTINY OF CASES	80
4	IV	LISTING OF CASES	85
5	V	ALLOCATION OF CASES	85
6	VI	CAUSE LIST	88
7	VII	DAILY ORDERS AND JUDGMENT	94
8	VIII	CERTIFIED COPIES	99
9	IX	SERVICE OF NOTICE	109
10	X	PAYMENT OF COURT FEE	143
11	XI	DEPOSIT AND WITHDRAWAL OF MONEY	145
12	XII	UNITS	152
13	XIV	FORMS	173

CHAPTER-I FILING PROCEDURES

CHAPTER-I FILING PROCEDURES

The Filing Procedure in any civil jurisdiction may include the number of copies of pleadings to be filed, font size, line spacing etc. The uniform practices are not being followed in any civil jurisdiction.

A. PRACTICES / PROCEDURES FOLLOWED IN DISTRICT COURTS OF DELHI

1) PLEADINGS

The civil procedural law is governed by Code of Civil Procedure, 1908¹ and Delhi High Court Rules². As per prevailing practice, the plaint/appeal are being filed at the Filing Counter. The plaintiff/petitioner/applicant/appellant is also required to file a checklist. After checking, the necessary particulars are recorded in the computer by concerned official. Thereafter, the file is sent to the District Judge/ Senior Civil Judge depending upon the jurisdiction, who then assigns the case to the court of competent jurisdiction.

The court to which the case is assigned, issues summons to the defendant(s)/respondent(s). If the summonses are duly served and the defendant(s)/respondent(s) appear, he is directed to file written statement or in case of failure to put appearance, the defendant(s) is proceeded ex-parte. If the summonses are not duly served, the court usually orders re-issue of the summons.

¹ Annexure A

² Annexure B

2) FILING/PRESENTATION OF DOCUMENTS

As per prevailing practices/procedures/legal provisions, the documents relied upon by the parties are filed directly before the concerned court along with pleadings at the time of presentation before Court.

B. MAIN DRAWBACKS EXPERIENCED IN THE PREVAILING PROCEDURES / PRACTICES

1) FILING OF PLAINT /PETITION /APPEAL / APPLICATION.

As per the prevailing practice, the plaint/petition/application/appeal is received at the Filing Counter. Except plaint/appeal, rest of the pleadings are presented directly to the concerned court.

The plaint/petition/application/appeal; documents and court fees etc. are usually not checked at the Filing Counter at the time of presentation which are directly checked by the concerned court. If there is any error or short-coming in the pleadings or documents, the valuable time of the court is consumed in correcting the said procedural errors.

2) LACK OF UNIFORMITY

There is no uniform pattern of typing the plaint/petition/ appeal/ application with regard to font size, font, line spacing, left indent and right indent, paper size etc.

3) TIME USED IN SUPPLY OF DOCUMENTS

The considerable time of the court is used in filing of documents and supply of copies thereof to the concerned parties.

C. PRACTICES/PROCEDURES FOLLOWED IN OTHER JURISDICTIONS

1. The Supreme Court of India

In the Supreme Court of India and the High Court of Delhi, the plaint/appeal is checked by the Registry itself. If there is objection(s), the Registry gets it corrected from the concerned parties. It is also mandatory for the plaintiff/ appellant /petitioner to file a Listing Proforma³ which is to be checked from a check-list maintained and available with the Registry. It helps in ensuring that the pleadings or documents are free from technical defects.

2. The High Court of Delhi and Other Jurisdictions

The Delhi High Court Original Side Rules, The Central Administrative Tribunal (Procedure) Rules, 1987 and The Armed Forces Tribunal (Practice) Rules, 2009 prescribe uniform Rules in respect of preparation of pleadings and filing of documents.

3. The United Kingdom⁴

Practice Direction 5B⁵ of the Civil Procedural Rules of the United Kingdom provides that parties to a claim in specified court may communicate with the court with email and may file specified documents to the court by e-mail. As per Section 2.1, a specified court is a court or court office which has particular email address for filing of documents on Her Majesty's Court and Tribunal service website. As per Section 8.6, the court also normally replies by e-mail where the sender has provided an e-mail address.

³ <http://www.supremecourtfindia.nic.in/formats/listing%20proforma.pdf>

⁴ <http://www.justice.gov.uk/courts/procedure-rules/civil/rules>

⁵ Annexure C

HUMBLE SUBMISSIONS

UNIFORM PROCEDURAL PATTERN

To avoid procedural delays in civil cases, it is necessary that uniform pattern in preparation and filing of pleadings should be adopted and followed.

A. PLEADINGS

1. The plaint /written statement /application /petition /execution petition etc., presented to the Courts:-
 - i. Shall preferably be in English/Hindi
 - ii. Shall be in **Arial** having **12 font**
 - iii. Shall be legible, type written, lithographed or printed in **double space** on one side of standard petition paper with inner margin of **4 cm width** on top and on the left side.
 - iv. Cause title shall be inscribed as “**In the Court of**” and shall state the jurisdiction (Whether civil or Rent Controller or Family Court or Matrimonial Court or MACT court etc.) in which it is presented.
 - v. Pleadings shall be divided into numbered paragraphs. Each paragraph shall contain separate averments.
2. The dates should be mentioned in **DD/MM/YYYY** format.
3. The complete details/information regarding names and parentage and available addresses of the concerned parties must be mentioned in the beginning of the plaint/ petition/ appeal/ application. These details/particulars should not be repeated in subsequent part of the pleadings.
4. The age of each plaintiff and defendant as per available information, should be mentioned in the pleadings.
5. The party should furnish telephone numbers, mobile numbers and e-mail address, if any.
6. The names/details of each party should be in definite sequence.

This sequence should not be changed even in the case of the death of a party during the pendency of the case. In that eventuality, his legal heirs or representative, if more than one, should be shown by sub numbers. If the fresh parties are impleaded, they may be numbered consecutively in the particular category in which they are brought in.

7. The plaintiff/petitioner/appellant/applicant should mention whether any notice was sent to the opposite party prior to filing of case? If yes, whether it was served. If notice was not served, then the reason of non-service should be mentioned.
8. If the party sues or is sued in a representative character, this fact should be mentioned at the beginning of the plaint.
9. If the suit is instituted through Attorney, this fact should be mentioned at the beginning of the plaint. The plaint shall be accompanied by the Power of Attorney/Authorization Letter.
10. The legal provisions under which case is filed should be mentioned immediately after the cause title.
11. The following information must be set out in bold:
 - (i) the name of the first plaintiff and first defendant in the title of the case;
 - (ii) in case of counter claim, the name of the first counter claimant and the first counter claim defendant/respondent in the title to the case.
12. Any correction in any pleading/ petition/ application should be initialed by the concerned party or his Attorney or advocate presenting it.
13. All the dates, sums and other numbers in pleadings must also be mentioned in words.
14. In **Suits involving Immovable Property**, the plaint / appeal / application / petition should contain:-
 - (i) Sufficient Description of the property for proper identification;
 - (ii) Postal address, if any, of the suit property.
15. In cases of **Family/Matrimonial Disputes**, the parties shall give following information:-

- i) Status of the parties
 - ii) Period of separation
 - iii) Any child born out of the wed lock
 - iv) If answer to question 3 is yes, then:
 - a) number of children
 - b) their age and gender
 - c) with whom they are presently living
 - v) Reasonable requirements of the claimant
 - vi) The independent income and property of the claimant
 - Vii) The number of dependants, the non applicant/ applicant has to maintain
 - viii) The amount should aid the applicant to live in a similar life style as he/she enjoyed in the matrimonial home
 - ix) Non-applicant's liabilities, if any
 - x) Provisions for food, clothing, shelter, education, medical attendance and treatment etc. of the applicant
 - xi) Payment capacity of the non applicant
 - xii) Some guess work is not ruled out while estimating the income of the non applicant when all the sources or correct sources are not disclosed
 - xiii) The non applicant to defray the cost of litigation
 - xiv) The amount awarded under Section 125 Cr.PC and under Section 24 of Hindu Marriage Act
 - xv) Whether any other litigation pending between the parties? If yes, then the detail of the same.
16. Every pleading shall be signed and verified by the concerned party in the manner provided by the Code. The names and signatures of the advocates, if any, who have drafted and settled the pleadings should be mentioned.

B. MISCELLANEOUS APPLICATIONS

The miscellaneous applications shall only be received at the Filing Counter along with the soft copy in PDF Form.

The miscellaneous applications shall be numbered as: Unique I.D. Number followed by slash and be given number as (Pa, Pb.....) if filed by plaintiff, (Da, Db.....) if filed by defendant. If there are more than one defendants then it should be numbered as per the number of the defendant in the memo of parties.

If the application is filed by a person who is not a party to the suit, then it be numbered as (Npa.....).

C. EXECUTION PETITIONS

The execution petitions shall also be received at the Filing Counter along with the soft copy in PDF Form.

The applications filed in the execution proceedings shall be numbered as: Unique I.D. Number followed by slash and be given number as (DH.....) if filed by the decree holder, (JD.....) if filed by the judgment debtor. If the application is filed by an objector it shall be numbered as (OBJ.....).

D. DOCUMENTS

1) FILING OF DOCUMENTS

The documents should also be filed at the Filing Counter along with the plaint/ petition/ appeal/ application as soft copy in PDF Form. In addition to this practice, the concerned parties shall be at liberty to file scanned copies of the documents in PDF form directly with the court through email as also followed in the United Kingdom. The original documents can be produced before the court on the date fixed. Every court shall be provided with email address and any designated official of Court can access the email. The email message must contain the name, telephone number and email address of the sender and should be in PDF format. If a document is not sent in PDF format shall be treated as not received by the Court. The document must be accompanied by a Document Index in the prescribed format. The email should contain the following information:-

- a) The case number
- b) The Parties name (abbreviated, if necessary) and
- c) The date and time of any hearing to which the email relates

2) TRANSLATION OF DOCUMENT-

Any document in a language other than English or Hindi intended to be used in any proceedings before the Court should be accompanied by a translation in English or Hindi. The translation in Hindi or English should be Certified as True Copy either by concerned Advocate or Official Translator or as agreed by both the parties.

UNIFORM SYSTEMIC PATTERN

PRESENTATION OF PLAINT/PETITION/ APPEAL/ APPLICATION AT FILING COUNTER

1. The plaint/ petition/ appeal/ application including execution applications shall be presented and received only at the Filing Counter. In addition to this, a soft copy in Portable Document Format (hereinafter referred to as “**PDF**” or “**PDF Format**”) should also be filed.
2. The plaint/ petition/ appeal/ application shall be accompanied by a Standard Computer Readable Form (hereinafter referred to as “**SCRF**”) which shall provide complete details of the parties, parentage, age, addresses, contact number, email I.D's and details of the suit property, valuation for the purposes of Court fees and jurisdiction, name and contact number of the advocates representing the party (Proposed **SCRF** is annexed as **Annexure A**)
3. The **SCRF** shall be scanned with a document scanner. The details provided in the **SCRF** shall automatically get fed in the server upon scanning and would generate a unique I.D number.
4. The Mandatory Fields in **SCRF** shall generally include the name, gender, age, address, mobile number, nature of suit, valuation of suit for the purposes of court fees and jurisdiction, court fees affixed, names of defendants, the name of the designated Court.

ADVANTAGES OF SCRF

About 100 cases are filed every day in the civil jurisdiction in District Courts. The Filing counter is manned by 2-3 officials only. These officials check the suit and enter the details in the computer. Due to shortage of staff at the Filing Counter, the complete information may not be fed in the computer. The advantages of SCRF are:-

- (i) By the introduction of SCRF, the necessary details shall be scanned and get automatically fed into the computer. In case, if any of the mandatory information is not furnished by the concerned party, in that eventuality, the computer will not generate unique I.D number in respect of that particular case. This practice, if followed, shall save time of the concerned parties and advocates and manual work of the concerned officials.
 - (ii) The introduction of SCRF shall make all relevant information available at the click of the button to the concerned parties/ persons. The data can be segregated on the basis of nature of case, parties, immovable property involved, age and gender of the parties. This practice would help in identifying the cases involving Senior Citizens, Government Authority etc. and there pendency so that such cases can be listed for hearing on priority basis.
5. The Filing Attendant thereafter shall create a **Case Folder** with the unique I.D number of case and shall save a PDF copy of the plaint/ petition/ appeal/ application in the respective Case Folder. Thereafter, all the records pertaining to that case shall be maintained in that specific folder till the disposal of the plaint/petition/ appeal.
 6. The Filing Attendant shall then check the plaint/ petition/ appeal/ application from a checklist. If the plaint/ petition/ appeal/ application is not in conformity with the checklist, the concerned parties/ advocate shall be asked to rectify the defect before allocation of the case. The rectification, if required, should be done within maximum three days. (Proposed checklist is annexed **as Annexure B**).
 7. If the plaint/ petition/ appeal/ application is in conformity with the

check-list then plaint/ petition/ application/ appeal shall be allocated to the courts as per procedure prescribed in chapter no. IV & V.

8. Every pleading, document filed in that particular case should be saved in the respective Case Folder. The daily orders, evidence, judgment, decree etc. should be saved in the Case Folder. The case folder can be accessed from the Trial Court to the Superior Courts. This would eliminate the physical movement of the case file and shall facilitate the speedy disposal of the case.

CONSIGNMENT OF FILES:

The files should be consigned according to the date of institution rather than the date of disposal. The files would be consigned according to the Unique Identity Number and there would be no need to issue a goshwara number. At present, many a times the consigned files are not traceable because the goshwara number is not known. If the files are consigned as per the UID number, each party would be able to trace its file.

Moreover, there should be one mauja clerk for each month/months, who shall take care of the files for his respective month/months. Each mauja clerk would know how many cases were instituted in his month/months and accordingly, he would be knowing how many files are to be consigned with him. He can found out from the data of consigned files as to how many files are yet to be consigned. This will make the consignment more organized and litigant friendly. In this system even if the concerned Mauza Clerk is on leave the other person working in his place can easily locate the file

E-INSPECTION:

Presently, many lawyers and litigants come to the court only to inspect the file. Therefore, to save time, inspection of the files can be allowed online through the District Judiciary website, delhicourts.nic.in. All the files will be digitised in PDF form which would be available on the website for e-inspection after payment of inspection fee online. Also, e-kiosks may be provided in the court complexes so that parties and

litigants can inspect the files on them.

ACCESS TO CASE FOLDER AND ITS PROCEDURE

A) ACCESS BY THE PRESIDING OFFICER AND THE COURT STAFF

The presiding officer or the court staff can have access to the Case Folder by using the password provided to them.

The file in the Case Folder would be kept with index and duly paginated and flagged like plaint, written statement, issues, PW1, DW1, and Exhibits such as Ex.PW1/A and DW1/A etc. If the presiding officer wants to see any particular document he can directly go to that document by clicking on the index or by clicking on the flag such as PW1, DW1 or the exhibit of the document.

B) ACCESS TO THE PARTIES AND ADVOCATES

- i) Limited access of the Case Folder can be provided to the concerned parties/advocate through the website portal of the Delhi District Courts. The desirous party/advocate shall have to register himself on the website portal. At the time of registration the concerned party/advocate shall click on the link provided on the website, which shall take him to another page wherein he shall be required to fill in the requisite details about the case. An access password, valid for 60 minutes, from the actual time of login, shall be generated automatically and be sent to the already registered mobile Number of the parties/advocate. As the password shall only be sent to the registered mobile number/ email I.D, this would limit the access of the file to the concerned parties/advocate only. No third party will be able to have access to the case file. (Proposed E form for access to Case Folder is annexed as **Annexure C**)
- ii) The mobile number/email I.D provided in SCRF at the time of filing of the suit shall be registered mobile number and registered email I.D of the concerned parties / advocate.
- iii) The Case Folder System may be accessed date wise or subject wise. The proforma is annexed herewith.

ADVANTAGES OF CASE FOLDER SYSTEM (CFS)

- (i) The introduction of Case Folder System would bring functional promptness at all levels of the justice delivery system.
- (ii) The judicial record shall be available to the concerned parties/advocates as per their suitability and convenience.
- (iii) It shall save the precious time of the Court staff to the benefit of parties and advocates and other Court work.
- (iv) The unnecessary adjournments can be curtailed with introduction of Case Folder System, thereby facilitating expeditious disposal of cases.

Annexure – 1 A
PROPOSED STANDARD COMPUTER READABLE FORM

Urgent/ordinary UID No.
..... (to be filled in by Filing Section)

1.*Cause Title:

2.* Name of First Plaintiff/Petitioner/Appellant:

3.* Age: Gender: M /F / T

4.*Address :

5.* Contact number of First Plaintiff/Petitioner/Appellant:

6.Mobile number of Advocate, if any:

7.Email id of Party / advocate, if any:

8.Subscribe for cause-list: Yes/No Through: Email SMS
Both

9.* Name of the First Defendant/ Respondent:

10.Age: Gender: M /F / T

11.Contact number of First Defendant/ Respondent:

12.* Nature of the case:

13.* Valuation:

S.No	VALUATION FOR JURISDICTION	VALUATION FOR COURT FEE	COURT FEE AFFIXED	DEFICIT COURT FEE, IF ANY
1.				
2.				
3.				
4.				
5.				
TOTAL				

14.* Total Number of Plaintiffs:

15.* Total Number of Defendant:

16.* Advance Process Fee Deposited / paid:

17. Whether any connected case/matter pending? Yes/No

18. If yes the No. of the case ...

19.* Designated Court: (tick whichever is applicable)

UOI	DDA	MCD	FAMILY COURT	GUARDIAN COURT	RENT
TRIBUNAL	ADOPTION	SUCCESSION	SMALL CAUSES	NONE	

20. Whether any prior Notice Served? YES / NO

21. Whether Caveat filed? YES / NO

22. Details of Movable / Immovable Property involved:

*Mandatory fields.

Signature of Party/Advocate.....

Annexure - 1 B
PROPOSED CHECK-LIST

It shall be checked at the filing section itself whether:-

S.No.		Report	Remarks
1	Plaint is filed in duplicate	Yes/No	
2	Plaint/ petition/ appeal/ application is in English/Hindi		
3	Typed in 12 font size, Arial, in double line space	Yes/No	
4	All pages are type written or printed on one side of the foolscap white paper with inner margin of 4cm width on top and left side	Yes/No	
5	All pages are legible	Yes/No	
6	Dates expressed in DD/MM/YYYY format	Yes/No	
7	Memo of Parties containing names of all the plaintiffs, their age, parentage complete addresses, mobile number/contact numbers and names of all the defendants, their age, complete addresses	Yes/No	
8	Name, office address, contact number of advocate	Yes/No	
9	Territorial jurisdiction	Yes/No	
10	Pecuniary jurisdiction	Yes/No	
11	Valuation for the purposes of Court fees	Yes/No	
12	Valuation for Jurisdiction	Yes/No	
13	Requisite court fees has been affixed	Yes/No	
14	Soft copy of plaint/petition/appeal/ application and documents in PDF Form	Yes/No	
15	Verification at the bottom of the plaint/ petition/ appeal/ application by all the concerned parties or their Representative	Yes/No	
16	Supporting affidavits of all the plaintiffs or their representative	Yes/No	
17	If plaint/ petition/ appeal/ application is filed by a representative, then Authorization Letter or Power of Attorney in support thereof.	Yes/No	
18	Vakalatnama signed by all the concerned parties or their representative clearly specifying the capacity in which it is signed along with official stamp, if any.	Yes/No	
19	Document are clear, legible, duly certified, true translated copy of documents (if document is in a language other than English/Hindi accompanied by a list of documents.	Yes/No	
20	In case of appeals, a certified copy of impugned order /judgment and details of the court which passed the same.	Yes/No	
21	Date of commencement of period of limitation.		

Annexure - 1 C

Proposed E-form for Access to Case Folder
(e-inspection of file by the parties/advocate)

1. Unique I.D Number:
2. Case Title (in full or in part):
3. Next date of hearing, if any:
4. Name of Applicant:
5. Whether party/advocate:
6. Registered Mobile Number.....

And/Or

Registered Email I.D.....

7. Mode of Payment (tick whichever is applicable)
a)... Pre-paid vouchers , b)... Internet banking, c)... Debit/Credit card

Terms & Conditions for e-inspection/e-access to Case Folder:

- i) Login password will be sent only on the registered mobile number and email of the party/advocate representing party only. If the mobile number has not previously been registered, kindly register the same by submitting duly filled SCRF Form at the filing Section.
- ii) No third party shall be allowed the e-inspection/e-access of the Case Folder.
- iii) The e-inspection/e-access shall be valid for 3 hours from the time of actual login. If the session is cancelled/ terminated before the expiry of 3 hours, the session shall end.
- iv) The e-inspection/e-access fee shall be payable online through Internet banking, Debit/Credit card or through pre-paid vouchers.

Annexure – 1 E

ADDRESS FORM

IN THE COURT OF ...

TITLE OF THE CASE.....

UNIQUE I. D No.....

NDOH.....

The address of Plaintiff/ Defendant/ Applicant is as under:-

S. No.	Name with Parentage & age	Resident of	Fax No., if any	E-mail Address, if any	Telephone/ Mobile No.	Remarks
1.						

All the summons, notices, orders etc, in connection with the above suit be sent to me at the address given above.

In case of any change in address, the same shall be communicated to you with full particulars and details.”

Kindly use multiple forms in case of multiple parties.

FILED BY:

SIGNATURES:

REPRESENTED BY ADVOCATE:

Annexure – 1 F
ADDRESS FORM
 (Family / Matrimonial/ Guardianship Cases)

IN THE COURT OF

TITLE OF THE CASE.....

UNIQUE I. D No.....

NDOH.....

The address of Plaintiff/ Defendant/ Applicant is as under:-

S. No.	Name with Parentage & age	Resident of	Fax No., if any	E-mail Address, if any	Telephone/ Mobile No.	Remarks
(a)	Self					
(b)	Parents					
(c)	Spouse					
(d)	Children (s)					

All the summons, notices, orders etc, in connection with the above suit be sent to me at the address given above.

In case of any change in address, the same shall be communicated to you with full particulars and details.”

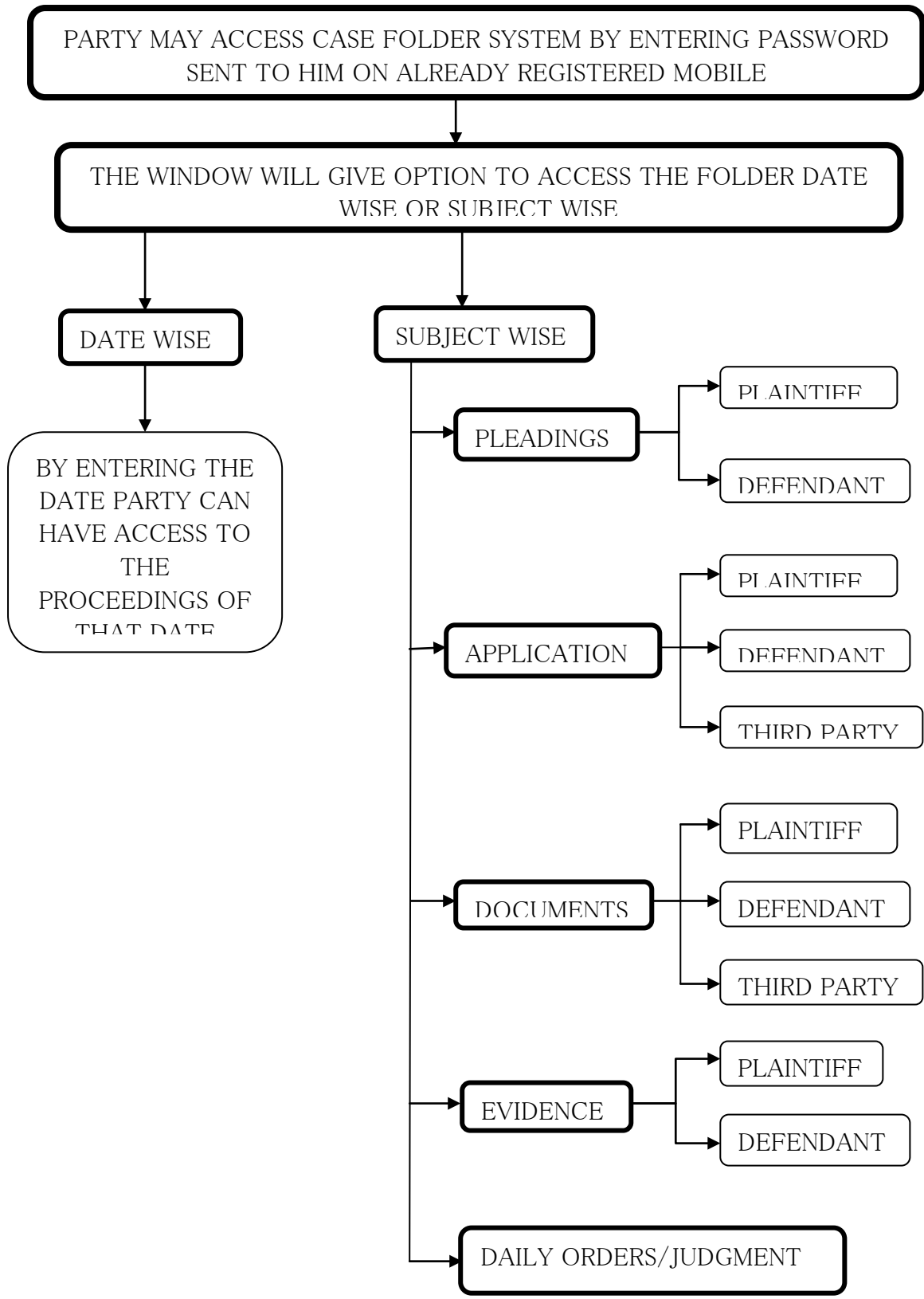
FILED BY:

SIGNATURES:

REPRESENTED BY ADVOCATE:

PROPOSED CASE FOLDER SYSTEM

Annexure – 1 G



CHAPTER – II

INSTITUTION REGISTER

CHAPTER – II INSTITUTION REGISTER

PREVAILING PRACTICES & PROCEDURE

In Delhi District Courts, the prevailing practice is that the suits are presented at the Filing Counter as per territorial jurisdiction. After generating the Unique Identification Number, the suits are sent to the District Judge/ Senior Civil Judge for assignment according to the pecuniary and subject matter jurisdiction. Thereafter, the Ahlmad of the concerned court enters the suit in Register No. 1 and assigns a “*Suit number*” which is used for identification of suit for procedural purposes.

In District Courts, various Registers are maintained for recording the institution of the suits/ petitions/ applications/ executions/ appeals. Few of such Registers are as under:

S.No.	Register Form no.	Subject
1	I	Register of Civil Suits
2	II	Register of Miscellaneous cases cognizable only by a principal court of original jurisdiction
3	III	Register of Divorce and matrimonial cases
4	IV	Register of cases under the Land Acquisition cases
5	V	Register of Probate, Letters of Administration and Succession Certificates Granted
6	VI	Register of Miscellaneous Petitions and Applications
7	VII	Register of Applications to sue or appeal as a pauper
8	X	Register of execution of decrees
9	XI	Register of Miscellaneous Petitions in Execution Proceedings
10	XII	Register of Applications for Review in suits and Appeals and for Amendment of decrees

11	XIII	Register of Appeals from Decrees
12	XIV	Register of Miscellaneous Appeals

In Institution Registers, which are generally used for recording the institution of suits/ petitions/ applications/ executions/ appeals, there are about 20 columns (**Proforma annexed is Annexure - 2A for ready reference**).

PROCEDURAL DRAWBACKS EXPERIENCED IN INSTITUTION REGISTERS:

1. INADEQUATE SPACE IN COLUMNS

The columns which are prescribed in the Institution Registers do not have adequate space to incorporate all the necessary and requisite details about the case. For e.g. the column meant for name and description of parties does not have adequate space for incorporating the details of all the parties particularly in case of multiple parties. Sometimes, relevant and important information are not being mentioned in the Institution Registers. Even if all the details are mentioned in these columns, then it may not be legible.

2. UNAVAILABILITY OF INSTITUTION REGISTERS

Many times, the Institution Registers are not available in stock. In this eventuality, concerned official of the court generally uses any other available register which may cause mismanagement in maintenance of Institution Registers.

3. TIME CONSUMING

There are 22 columns in the Register Form no. I used for civil suits. It is observed that only four to five relevant columns are being filled in by the Ahlmads in practice. The filling of particulars in the said 22 columns is time consuming and less informative.

4. IRRELEVANT COLUMNS

Column nos. 8 to 22 of Form no. I are generally not used by the Ahlmads e.g. details pertaining to trial and disposal of the suit are not entered by the Ahlmad in the Institution Register. A separate disposal Register is being maintained by the Reader and Ahlmad.

HUMBLE SUBMISSIONS

In the modern time, with the advancement of Information Technology and introduction of computer and management strategies, it is not practically viable to continue with the practice of maintenance of Institution Registers in the District Courts. As a part of Court Management strategies, practice of maintenance of Institution Registers must be dispensed with. It is time consuming and less informative. The concerned official of the court fills the vital information in the prescribed columns in rough manner and without taking appropriate care and caution. The entries so filled are even not legible.

MANUAL MAINTENANCE OF INSTITUTION REGISTERS

1. For institution purpose, for the time being, one common Institution Register can be used by the court staff for incorporating necessary details about the institution of the case.
2. The columns which are not generally used and are outdated should be deleted from Institution Register. The proposed proforma of the Institution Register is enclosed herewith as **Annexure-2B**.

CASE FOLDER SYSTEM

With the introduction of Case Folder System (CFS), the requirement of Institution Registers shall be dispensed with.

S. NO.	REGISTER NO.	NAME OF REGISTER	PRESENT STATUS	COMMENT	PROPOSAL
1	I	REGISTRATION OF CIVIL SUITS	COMMONLY USED	REQUIRED	ADDED
2	II	MISCELLANEOUS CASES COGNISABLE ONLY BY A PRINCIPAL COURT OF ORIGINAL JURISDICTION	NOT IN USE	NOT REQUIRED	MAY BE DELETED
3	III	DIVORCE AND MATRIMONIAL CASES	COMMONLY USED	REQUIRED	ADDED
4	IV	CASES UNDER THE LAND ACQUISITION ACT, 1894	COMMONLY USED	REQUIRED	ADDED
5	V	PROBATES, LETTERS OF ADMINISTRATION AND SUCCESSION CERTIFICATES GRANTED	OCCASIONALLY USED	REQUIRED	ADDED
6	VI	MISCELLANEOUS PETITIONS AND APPLICATIONS	NOT IN USE	REQUIRED	ADDED
7	VII	APPLICATIONS TO SUE OR APPEAL AS PAUPER	NOT IN USE	REQUIRED	ADDED
8	VIII	REJECTED AND RETURNED PLAINTS OR MEMORANDA OF APPEAL	NOT IN USE	REQUIRED	ADDED
9	IX	DATES FIXED FOR THE TRIAL OF ORIGINAL SUITS, APPEALS AND EXECUTION OF DECREES	COMMONLY USED	REQUIRED	ADDED
10	X	EXECUTION OF DECREES	COMMONLY USED	REQUIRED	ADDED
11	XI	MISCELLANEOUS PETITIONS IN EXECUTION PROCEEDINGS	NOT IN USE	REQUIRED	ADDED

12	XII	APPLICATIONS FOR REVIEW IN SUITS AND APPEALS AND FOR AMENDMENT OF DECREES	NOT IN USE	REQUIRED	ADDED
13	XIII	APPEALS FROM DECREES	NOT IN USE	REQUIRED	ADDED
14	XIV	MISCELLANEOUS APPEALS	NOT IN USE	NOT REQUIRED	MAY BE DELETED
15	XV	GENERAL REGISTER OF SUITS AND APPEALS DISPOSED OF	OCCASIONALLY USED	NOT REQUIRED	MAY BE DELETED
16	XVI	JUDGMENT DEBTORS IMPRISONED IN EXECUTION OF DECREES	NOT IN USE	REQUIRED	ADDED
17	XVII	PERSONS PUNISHED FOR CONTEMPT	NOT IN USE	REQUIRED	ADDED
18	XVIII	STAMP DEFICIENCIES TO BE MAINTAINED BY COURTS AND OFFICES	NOT IN USE	NOT REQUIRED	MAY BE DELETED
19	XIX	REGISTER OF COMMISSIONS	NOT IN USE	NOT REQUIRED	MAY BE DELETED
20	XX	PROCESS SERVERS	NOT IN USE	REQUIRED	MAY BE RETAINED
21	XXI	WARRANTS EXECUTED BY BAILIFFS	NOT IN USE	REQUIRED	MAY BE RETAINED
22	XXII	PROCESSES SERVED BY PROCESS SERVERS	NOT IN USE	REQUIRED	MAY BE RETAINED
23	XXIII	REGISTER OF RETURNED DOCUMENTS	NOT IN USE	REQUIRED	ADDED
24	XXIV	DEPOSITS AND REFUNDS OF COMMISSION OF SALE-PROCEEDS IN EXECUTION PROCEEDINGS	NOT IN USE	REQUIRED	ADDED
25	XXV	APPLICATIONS UNDER SECTION 31 OF THE PUNJAB RELIEF OF INDEBTEDNESS ACT, 1934	NOT IN USE	NOT REQUIRED	MAY BE DELETED
26	XXVI	DIARIES OF PROCESS SERVERS	NOT IN USE	NOT REQUIRED	MAY BE DELETED
27	XXVII	DECLARATIONS UNDER THE MUSLIM PERSONAL LAW (SHARIAT)	NOT IN USE	NOT REQUIRED	MAY BE DELETED

		APPLICATION ACT, 1937			
28	XXVIII	RECORDS DEPOSITED IN THE RECORD ROOM AT UNDER THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION ACT, 1937	NOT IN USE	NOT REQUIRED	MAY BE DELETED
29	XXIX	APEALS UNDER THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION ACT, 1937	NOT IN USE	NOT REQUIRED	MAY BE DELETED
30	XXX	DECREES RECEIVED FROM OR TRANSFERRED TO OTHER COURTS IN THE DISTRICT OR OTHER DISTRICT FOR EXECUTION	NOT IN USE	REQUIRED	PART I MAY BE RETAINED PART II ADDED
31	XXXI	APPLICATIONS FOR REVISION UNDER SECTION 65 OF THE PUNJAB GRAM PANCHAYAT ACT, 1952 (PUNJAB ACT NO. IV OF 1953)	NOT IN USE	NOT REQUIRED	MAY BE DELETED
32	XXXII	RECEIPT & DESPATCH REGISTER	NOT PROVIDED	REQUIRED	PROPOSED PROFORMA ADDED

Annexure-'2A'

FORM NO. I - REGISTRATION OF CIVIL SUITS

1	2	3	4	5	6	7	8	9	10	11	12
Sl. No.	Date of Presentation of the plaint	Name and description of the plaintiff with pleader's name (if any) stating whether the pleader is empowered to realize money in execution proceedings.	Name and description of the defendant with pleader's name (if any) stating whether the pleader is empowered to realize money in execution proceedings	Claim			Hearings With Duration of the Suit in Days		Judgment		
				Particulars	Description of the suit for purposes of classification	Amount or value	Date	Purpose for which the date is fixed	For whom	Brief description of the relief granted and the order as to cost	Future interest allowed (if any)

13	14	15	16	17	18	19	20	21	22
Modification of the decree on Appeal, Review, Revision, Amendment, Etc.			Execution				Date of despatch of record of the Record -keeper	Number in the Recordkeeper's register with date of consignment to the Record-room	Remarks
Date	Nature of the order and the Court by which the order was passed	Purport of the order	Date of application	Date of final order	Result	Order was to costs of the application .			

FORM NO. II - REGISTER OF MISCELLANEOUS CASES COGNIZABLE ONLY BY A PRINCIPAL COURT OF ORIGINAL JURISDICTION

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Sl. No.	Date of institution	Name and description of the Petitioner	Name and description of the Respondent	Description of the case	Law and Section applicable	Abstract of final order with date	Order as to costs	Name of the Presiding Officer by whom the order was passed	Duration in days	Duration of despatch of record to the Record-keeper	Number of the case in the Record-keeper's Register with date of consignment of the record to the Record Room	Result of appeal revision (if any)	Remarks

FORM NO. III - REGISTER OF DIVORCE AND MATRIMONIAL CASES

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Sl. No.	Date of institution	Name and description of the Petitioner	Name and description of the Respondent	Description of the case	Law and Section applicable	Hearing with Total Duration of the case		Abstract of the final order and date	Order as to costs	Name of the Presiding Officer deciding the case	Date of despatch of record to the Record-keeper	Number of the case in the Record-keeper's Register with date of consignment of the record to the Record Room	Result of appeal (if any)	Remarks
						Date	Purpose							

FORM NO. IV - REGISTER OF CASES UNDER THE LAND ACQUISITION ACT, 1894

1	2	3	4	5	6		7	8	9	10	11	12	13
Sl. No.	Date of reference	Name and description of the person disputing the award	Particulars of the property with the name of town or village where it is situated	Date on which notices under Section 19 are returned	Compensation		Date of final order and date	Abstract of final order (if any) other than the order as to compensation	Order as to costs	Date of despatch of record to the Record-keeper	Number of the case in the Record-keeper's Register with date of consignment of the record to the Record Room	Result of appeal (if any)	Remarks
					Awarded by the Collector	Awarded by the Court							

FORM NO. V - REGISTER OF PROBATES, LETTERS OF ADMINISTRATION AND SUCCESSION CERTIFICATES GRANTED

1	2	3	4	5	6	7	8	9	10	11
DECLARED VALUE OF ASSETS OF ESTATE.	Number of probates or letters of administration with will annexed	Amount of court fee paid	Number of letters of administration without will annexed	Amount of court fees paid	Number of succession certificate under Act	Amount of stamp duty paid	Total		Number of letters of administration cancelled and fresh letters issued in lieu of the original	Remarks
							Number of probates, letters and certificates	Amount of Court-fees and stamp duty paid		

FORM NO. VI - REGISTER OF MISCELLANEOUS PETITIONS AND APPLICATIONS

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Sl. No.	Number and year of the suit or appeal (if any), to which the petition relates	Date of institution	Name and description of the Petitioner	Name and description of the Respondent	Brief abstract of petition	Date of final order	Abstract of final order	Order as to costs	Name of the Presiding Officer passing the final order	Date of despatch of record to the Record-keeper	Number of the case in the Record-keeper's Register with date of consignment of the record to Record Room	Result of appeal (if any)	Remarks

FORM NO. VII - REGISTER OF APPLICATIONS TO SUE, OR APPEAL, AS A PAUPER

1	2	3	4	5	6	7	8	9	10	11	12	13
Sl. No.	Date of presentation	Name and description of the Petitioner	Name and description of the Respondent	Abstract of the claim	Value of the suit for purposes of court fees	Amount of court fees payable on the plaint	Final order of the Court on the application	Number at which the plaint is registered in cases when the application is granted	Final order of the Court as to the amount of court-fees to be realised and the persons from whom it is to be realised	Date of despatch of the copy of the decree to the Collector under Order XXXIII, Rule 14, C.P.C.	Date of realization of Court Fees	Remarks

FORM NO. VIII - REGISTER OF REJECTED AND RETURNED PLAINTS OR MEMORANDA OF APPEAL

1	2	3	4	5	6	7	8	9	10
Sl. No.	Date of presentation	Name and description of the Plaintiff or the Appellant	Name and description of the defendant of the respondent	Claim	Date of rejection or return	Reasons for rejection or return	Order as to costs	Signature or thumb-mark of the person to whom the plaint or memo, of appeal is returned	Remarks

FORM NO. IX - REGISTER OF DATES FIXED FOR THE TRIAL OF ORIGINAL SUITS,,
APPEALS AND EXECUTION OF DECREES

1	2	3	4	5	6	7	8	9
Date	Number of suit, appeal or execution case	Name of the Plaintiff, Appellant or Petitioner	Name of Defendant or Respondent	Nature of the case	Purpose for which the date is fixed	Brief abstract of the work done	Date to which the case is adjourned with reasons for adjourned	Remarks

FORM NO. X - REGISTER OF EXECUTION OF DECREES

1	2	3	4	5	6	7	8	9	10	11
Sl. No.	Date of application	Number of suit with names of parties, date of decree (stating whether original or appellate), and court by which passed	Name of person applying for execution	Name of person against whom application for execution has been made	Amount of property decreed, and nature of the decree	Whether any and what adjustment has been made subsequent to decree	Amount for which execution is now sought	Mode in which assistance of Court is required	Date of hearing of the application	The purpose for which the date is fixed

Contd.....2/-

12	13	14	15	16	17	18	19	20	21	22	23
Amount Realized					1.Date of issue of certificate under Order 21, Rule 94, Civil Procedure Code in the case of immovable property	Cause of non-completion of execution	Date on which the case of execution was struck off the file or transferred to the Collector and purport of final order.	Name of officer passing final order	Date of despatch of record to the Record-keeper	Date of consignment in the Record Room with number in Record-keeper's Kuliat Register.	Remarks
By delivery of property specially decreed	By payment, voluntarily	By attachment and sale of property or temporary alienation through Collector or by the Court	After arrest and imprisonment	Total								2. Date of sending copy to registering officer

FORM NO. XI - REGISTER OF MISCELLANEOUS PETITIONS IN EXECUTION PROCEEDINGS

1	2	3	4	5	6	7	8	9	10	11	12
Sl. No.	Number and year of the execution case to which the petition relates	Date of prosecution of the petition	Name and description of the Petitioner	Name and description of the Respondent	Brief statement of the relief asked for in the petition	Law and Section under which the petition is presented	Specification of the property (if any) to which the claim in the petition relates	Date and purport of final order	Name of the Presiding Officer passing the final order	Result of appeal (if any)	Remarks

FORM NO. XII - REGISTER OF APPLICATIONS FOR REVIEW IN SUITS AND APPEALS AND FOR AMENDMENT OF DECREES

1	2	3	4	5	6	7	8	9
Serial No.	Number and year of the suit or appeal to which the application relates	Date of presentation	Name and description of the applicant	Name and description of the respondent	Date and purport of the order of which review or amendment is sought	Relief sought in the application	Date and purport of the final order on the application	Remarks

FORM NO. XIII - REGISTER OF APPEALS FROM DECREES

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Sl. No.	Date of institution	Name and description of the Appellant	Name and description of the Respondent	Decree Appealed from			Under which law and section the appeal is preferred	Hearings		Judgment		Abstract of order	Modification of the Decree, on Second appeal, Revision, Review or Amendment		Number in Record-keeper's Register	Remarks
				Of what court	Number and year of the original suit	Particular of the decree		Date	Purpose for which the date is fixed	Date	Whether confirmed, reversed or altered		Nature of the order and Court by which the order was passed	Date and purpose of the order		

FORM NO. XIV - REGISTER OF MISCELLANEOUS APPEALS

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Sl. No.	Date of institution	Name and description of the Appellant	Name and description of the Respondent	Decree Appealed from			Under which law and section the appeal is preferred	Hearings		Judgment		Abstract of order	Modification of the Decree, on Second appeal, Revision, Review or Amendment		Number in Record-keeper's Register	Remarks
				Of what court	Number and year of the original suit	Particular of the decree		Date	Purpose for which the date is fixed	Date	Whether confirmed, reversed or altered		Nature of the order and Court by which the order was passed	Date and purpose of the order		

FORM NO. XV - RECORD-KEEPER'S GENERAL REGISTER OF SUITS AND APPEALS DISPOSED OF

1	2	3	4	5	6	7	8	9	10	11	12	13
Sl. No.	Date of receipt in Record Room	Particulars of Suits Decided					In favour of which party	Date and abstract of final order	Number of deciding officer	Amounts of stamps in the file	Number of papers in case	Remarks (Stating where the file has been placed by Record-keeper)
		Number	Date of institution	Name of parties	Value or amount of claim	Class of suit according to the classification given in Annual District Statement No. II (Civil)						

FORM NO. XVI - REGISTER OF JUDGMENT-DEBTORS IMPRISONED IN EXECUTION OF DECREES

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Sl. No.	Number and year of the execution application	Names of parties to the execution application	Brief particulars of the decree under execution with the date of the decree	Balance due on the decree	Name of person applying for imprisonment of the judgment debtor	Name of Judgment-debtor imprisoned	Date of commitment	Period for which committed	Amount of diet money deposited with the period for which it is deposited and the rate at which it is calculated	Application for discharge under Section 58, C.P. Code	Order of the Court upon the application	Date of release with reason	Remarks

FORM NO. XVII - REGISTER OF PERSONS PUNISHED FOR CONTEMPT OF COURT

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Sl. No.	Name of case in which the contempt of Court or other offence occurred	Name of offender and whether a party to the suit or how connected therewith	Name of Officer before whom offence was committed	Nature of offence and section of Code applicable	Date on which committed	Punishment		Date of order forwarding accused party to Magistrate in more serious cases	Date of payment of fine or of release of offender from imprisonment in lieu of fine	Date of order discharging offender on his submission	Name of Officer receiving fine	Date of deposit of fine in the treasury with No. of the Treasury receipt	Remarks
						Fine	Imprisonment in lieu of fine						

FORM NO. XVIII - REGISTER OF STAMP DEFICIENCIES TO BE MAINTAINED BY COURTS AND OFFICES

District Court or Office

1	2	3	4	5	6	7	8	9	10	11	12
Sl. No.	No. of suit	Brief Particulars of Suit or Case			Description of documents in which deficiency in stamp duty or court-fees has been discovered	If discovered in audit, state date and serial no. in Form S.A. 3 (see Rules and Orders, volume IV, Chapter 4-F)	Duty recoverable under Section 35 of Stamp Act or under the Court-Fees Act	Penalty imposed under Section 35 of Stamp Act	Amount recovered		
		Name of plaintiff	Name of defendant	Nature and amount of claim					Duty	Penalty	Total
									Rs. nP.	Rs. nP.	Rs. nP.

Contd.....2/-

13	14	15	16	17	18	19	20	21	22
Name of party paying duty and penalty	Date of payment		Signature of Presiding Officer of Court or Collector	If sent to Collector* under Section 38 of Stamp Act, state exact date	Amount Written off as Irrecoverable by Competent Authority		Balance		Remarks (Brief reasons for levying the duty and penalty)
	In Court	Into the treasury and No. of treasury receipt			Duty	Penalty	Duty	Penalty	
					Rs. nP.	Rs. nP.	Rs. nP.	Rs. nP.	

FORM NO. XIX - REGISTER OF COMMISSIONS

1	2	3	4	5	6	7	8	9
Serial No.	Name of Parties	Nature of the claim in the suit	Object for which Commission was issued	Name of the Commissioner	Fees	Date on which Commission was issued	Date fixed by the issuing Court for return of the Commission	Remarks

FORM NO. XX - REGISTER OF PROCESS-SERVERS

1	2	3					4	5	6
Serial No.	Name of Peon	Particulars					Date of appointment	Pay	Remarks(Remarks of Presiding Judge respecting the conduct of each peon should be entered in this column)
Father's name	Caste	Residence	Date of birth	Examinations passed, if any, and in what language?					

FORM NO. XXII - REGISTER OF WARRANTS EXECUTED BY BAILIFFS

Name of Bailiff

Month	Warrants of Arrest		Warrants of Attachment		Warrants of Sale		Remarks
	Served	Unserved	Executed	Not executed	Executed	Not executed	
January, February , etc.							

FORM NO. XXIII - REGISTER OF PROCESSES SERVED BY PROCESS SERVERS

Name of the process server

Month	Number of processes entrusted for service	Number of processes served according to law and returned within time	Number of processes served personally	Percentage of personal service	Remarks

FORM NO. XXIV - REGISTER OF RETURNED DOCUMENTS

1	2	3	4	5	6	7	8	9	10	11
Sl. No.	Number and year of the suit	Name of parties	Brief description of the document, with its date and names of parties to it	Date on which the document was filed and by whom	Date of order for return of the document	Name and signature of the officer ordering return of the document	Name and signature or thumb-mark of the party to whom the document is returned, with date	Signatures of the officer in whose presence the document was returned	Whether a certified copy of the document has been kept on the record	Remarks

FORM NO. XXV - REGISTER OF DEPOSITS AND REFUNDS OF COMMISSION ON SALE-PROCEEDS IN EXECUTION PROCEEDINGS

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Sl. No	Name of Court	Name of parties and number of Execution Files	Date of sale	Description of property sold	Amount of sale proceeds	Number of entry of Register A, Nos. 2 and 3, Ch. 8-E, H.C. R.O. Vol. 11	Amount of commission	Date of depositing commission into Treasury	Number of Treasury Receipt and the whole amount deposited which includes this commission	Signature of officer	Refund of Commission			Remarks
											Date	Grounds of refund	Amount of refund	

FORM NO. XXVIII - REGISTER OF APPLICATIONS UNDER SECTION 31 OF THE PUNJAB RELIEF OF INDEBTEDNESS ACT, 1934

In the Court of Sub Judge District, for the year

Sl. No.	Date of application to deposit or date of money order remitting deposit	Date of receipt of the money in Court	Name of depositor with father's name, caste and residence	Whether amount deposit-ed in cash or received by money order	Number and date of entry in the Register of Deposit receipts	(i) whether the debt, for which deposit is made, is on the basis of a bond, a pro-note, Bahi account, etc. (ii) the total amount due from the depositor	Name, father's name, caste and residence of the creditor for whom deposited	Initials of the presiding officer of the Court
1	2	3	4	5	6	7	8	9

Contd.....2/-

The date of notice of deposit given to the creditor	Date of application for repayment of deposit	Date of order of the Court sanctioning repayment	Date of repayment of deposit with No. and date of entry in Register of Repayments	The name of the person to whom repaid	Total amount repaid	Initials of the Presiding officer of the Court	No. of the case in Record-keeper's registers with date of consignment of the application to the Record Room	Remarks
10	11	12	13	14	15	16	17	18
					Rs. nP.			

FORM NO. XXIX - REGISTER OF DIARIES OF PROCESS-SERVERS

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Sl. No.	To be Filled at the Time of Departure						Date on which the process server visited the village	To be Filled at the Village Visited						Signature of Nazir	Remarks
	Date of departure	The number of processes to be served in each village or area	The name of the village or area in which to be served	The serial number of Register No. 6 in Ch. 8-D, H.C.R.O., Vol. II, at which entered	Date fixed for service of the processes in the village	Date of return fixed by the Nazir		Travelled from which village to which village	Distance travelled	Number of processes served and time of service, i.e. morning or evening etc.	Manner of service	The number of processes unserved	Signature or thumb-impression of the Lambardar or Chowkidar or any other respectable person of the village		

FORM NO. XXX - REGISTER OF DECLARATIONS UNDER THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION ACT., 1937

Court of, Subordinate Judge, Class,

District

1	2	3	4	5	6	7	8	9	10
Sl. No.	Date of filing declaration	Name, parentage, caste and address of declarant	Order	Date of order	Result of appeal, if any, with date	Remarks	Date of despatch of the file to the Record Room	Date of receipt of the file in the Record Room	Number, etc., of the postal acknowledgment receipt

FORM NO. XXXI - REGISTER OF RECORDS DEPOSITED IN THE RECORD ROOM AT UNDER THE MUSLIM PERSONAL LAW
(SHARIAT) APPLICATION ACT, 1937

1	2	3	4	5	6	7	8	9	10
Date of receipt of record	Serial No.	Court from which received	No. and year of the case	Name, parentage, caste and address of declarant	Date of final order	Abstract of the final order	Number of pages in the record	Signature of Record-keeper	Remarks

FORM NO. XXXII- REGISTER OF APPEALS, UNDER THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION ACT, 1937
COURT OF THE DISTRICT JUDGE

1	2	3	4	5	6	7	8	9
Serial No.	Date of filing the appeal	Name, parentage, caste and address of the appellant	Date of order appealed against, with the name of the officer who made the order	Result of appeal	Date of despatch of the appellate order to the court of first instance	Date of despatch of record to the Record Room concerned or to the Court of first instance	Date of receipt of the record by the Court of first instance or the Record Room	No., etc., of the postal acknowledgment receipt

FORM NO. XXXIII- REGISTER OF DECREES RECEIVED FROM OR TRANSFERRED TO OTHER COURTS IN THE DISTRICT OR OTHER DISTRICTS FOR EXECUTION UNDER ORDER XXI, RULE 6, CIVIL PROCEDURE CODE, AS PRESCRIBED IN PARAGRAPH 7, CHAPTER 12-B, HIGH COURT RULES AND ORDERS, VOLUME I.

1	2	3	4		5	6	7	8
PART I - DECREES RECEIVED BY TRANSFER								
Serial No. of receipts	Date of receipt	Brief description of documents received	Particulars of decrees		Names of parties to the decree	Court from which received	Date of communication of result of execution	Remarks
			No. of suit	Date of decision				

1	2	3	4		5	6	7	8
PART II - DECREES TRANSFERRED TO OTHER COURT								
Serial No. of issue	Date of issue	Brief description of documents sent	Particulars of decrees		Names of parties to the decree	Court to which sent	Date of communication of result of execution	Remarks
			No. of suit	Date of decision				

FORM NO. XXXIV - REGISTER OF APPLICATIONS FOR REVISIONS UNDER SECTION 65 OF THE PUNJAB GRAM PANCHAYAT ACT, 1952
(PUNJAB ACT NO. IV OF 1953)

1	2	3	4	5	6
Serial No.	Date of institution	Name of panchayat whose order is sought to be revised	Name of petitioner	Name of respondent	Particulars of order revision of which is sought

PROPOSED PROFORMA FOR DATA BASE

1	2	3	4	5				
U. ID. NO.	DATE OF INSTITUTION	DESCRIPTION OF THE PLAINTIFF(S) / APPELLANT(S)	DESCRIPTION OF THE DEFENDANT(S)/ RESPONDENT(S)	PAUPER SUIT (DETAILS)				
				FINAL ORDER ON APPLICATION	DATE OF ORDER	AMOUNT OF COURT FEE TO BE REALISED AND FROM WHOM	DATE OF DESPATCH OF COPY OF DECREE TO COLLECTOR	DATE OF REALISATION OF COURT FEE

PROPOSED PROFORMA FOR DATA BASE

6				7		
CLAIM				LAND ACQUISITION CASES		
NATURE OF SUIT	PARTICULARS OF THE SUIT PROPERTY/ SUBJECT MATTER	VALUE OF THE CLAIM	COURT FEE PAID	DATE OF STATEMENT U/S 19	COMPENSATION	
					AWARDED BY THE COLLECTOR	AWARDED BY THE REFERENCE COURT

LETTERS OF ADMINISTRATION AND SUCCESSION CERTIFICATES

NUMBER OF PROBATES / LETTERS OF ADMINISTRATION WITH WILL ANNEXED	COURT FEE PAID	NUMBERS OF LETTERS OF ADMINISTRATION WITHOUT WILL ANNEXED	COURT FEE PAID	NUMBER OF SUCCESSION CERTIFICATE	STAMP DUTY PAID	NUMBER OF LETTERS OF ADMINISTRATION AND CERTIFICATES ISSEUED	NUMBER OF LETTERS OF ADMINISTRATION CANCELLED AND FRESH LETTERS ISSUED

PROPOSED PROFORMA FOR DATA BASE

9			10				11			12	
PESHI			APPLICATION (S) (INCLUDING REVIEW APPLICATION)				REFERENCE UNDER SECTION 89 CPC			JUDGMENT / FINAL ORDER	
DATE OF HEARING	WORK DONE	NEXT DATE OF HEARING	FIFLING DATE	NO.	DATE OF DECISION	DECISION (DETAIL OF OPERATIVE PORTION)	DATE OF REFERENCE	STAGE OF REFERENCE	FINAL ORDER	DATE	DETAIL OF OPERATIVE PORTION

PROPOSED PROFORMA FOR DATA BASE

13

FIRST APPEAL

FILING DATE	DESCRIPTION OF THE APPELLANT	DESCRIPTION OF THE RESPONDENT	DATE AND OPERATIVE PORTION OF ORDER AGAINST WHICH APPEAL IS FILED	PESHI			JUDGMENT / FINAL ORDER	
				DATE OF HEARING	WORK DONE	NEXT DATE OF HEARING	DATE	DETAILS OF OPERATIVE PORTION

PROPOSED PROFORMA FOR DATA BASE

14

SECOND APPEAL

FILING DATE	DESCRIPTION OF THE APPELLANT	DESCRIPTION OF THE RESPONDENT	DATE AND OPERATIVE PORTION OF THE ORDER AGAINST WHICH APPEAL IS PREFERRED	PESHI			JUDGMENT / FINAL ORDER	
				DATE OF HEARING	WORK DONE	NEXT DATE OF HEARING	DATE	DETAILS OF OPERATIVE PORTION

PROPOSED PROFORMA FOR DATA BASE

15											
EXECUTION											
FILING DATE	NATURE OF DECREE	DATE OF HEARING	WORK DONE	NEXT DATE OF HEARING	APPLICATIONS /OBJECTIONS				JUDGMENT DEBTOR'S IMPRISONMENT IN EXECUTION		
					FILING DATE	NO.	DATE OF DECISION	DETAIL OF OPERATIVE PORTION OF DECISION	BALANCE DUE ON THE DECREE	NAME OF JUDGMENT DEBTOR IMPRISONED	DATE OF COMMITMENT

PROPOSED PROFORMA FOR DATA BASE

16

EXECUTION

JUDGMENT DEBTOR'S IMPRISONMENT IN EXECUTION			DETAILS OF SALE PROCEEDS IN EXECUTION					DETAIL(S) OF TRANSFER CERTIFICATE ISSUED	DATE / FINAL ORDER
PERIOD FOR WHICH COMMITTED	AMOUNT OF DIET MONEY DEPOSIT ED	DATE OF RELEASE WITH REASON	DATE OF SALE	DESCRIPTION OF PROPERTY	AMOUNT OF SALE PROCEEDS/ DETAILS OF DEPOSIT IN TREASURY	AMOUNT OF COMMISSION	BALANCE AMOUNT		

PROPOSED PROFORMA FOR DATA BASE

17

DETAILS OF PUNISHMENT FOR CONTEMPT OF COURT

DESCRIPTION OF THE OFFENDER	WHETHER PARTY TO THE SUIT	DATE OF COMMISSION OF OFFENCE AND NATURE	DATE OF DISCHARGE	PUNISHMENT				
				IMPRISONMENT	FINE	IMPRISONMENT IN LIEU OF FINE	DETAIL/DATE OF DEPOSIT OF FINE	DATE OF RELEASE

PROPOSED PROFORMA FOR DATA BASE

18						19	
RETURN OF PLAINT/DOCUMENTS						CONSIGNMENT	
DATE OF ORDER	NAME OF THE COURT / OFFICER	DATE OF RETURN	DETAIL OF THE PERSON TO WHOM DOCUMENTS RETURNED	SIGNATURE	ID	DATE	DETAILS

CHAPTER-III SCRUTINY OF CASES

CHAPTER-III SCRUTINY OF CASES

1. PROCEDURE AND DRAWBACKS

Scrutiny of the cases at the stage of filing is important. If there is any procedural defect, it should be cured at the initial stage without further delay. At present, the suit after assignment is received by the Reader. He scrutinizes the suit only for the limited purposes such as total number of pages, annexed documents as per list and court fees. Many legal objections are usually taken in the written statement by the opposite party, due to inappropriate scrutiny before it is placed before the presiding officer. It results into loss of valuable judicial time. It is therefore, necessary that proper scrutiny of the suit be carried out at the initial stage itself.

2. LEGAL PROVISIONS PERTAINING TO SCRUTINY OF CASES

As per Delhi High Court Rules [Vol. I Chapter 1 Part C], following details have to be checked:-

- a) The plaint should contain the particulars specified in Orders VI and VII;
- b) There should not be a prima facie non-joinder or mis-joinder of parties or mis-joinder of causes of action;
- c) If any of the party is a minor, it should be properly represented;
- d) The plaint should be duly signed and verified;
- e) The suit should be within the jurisdiction;
- f) The documents annexed should be mentioned in the prescribed form and should be in order;
- g) The plaintiff should file his address in the prescribed format;
- h) In money suits, the plaintiff should have stated the precise amount of his claim;
- i) The plaintiff should have filed the address of the opposite party in the prescribed form;
- j) If the suit is filed by or against a firm or Hindu Undivided Family, it should be in the form prescribed in Order 30 CPC.

HUMBLE SUBMISSIONS

The scrutiny of the cases filed in the District Courts should be standardized, to avoid procedural delays in the case. The appropriate scrutiny at the initial stage shall facilitate the smooth trial of the case. It will help in Court Management and case management. It can be done at the following stages:

1. Scrutiny at the filing counter

The scrutiny of cases shall be initially done at the filing counter. If the suit is complete in all material particulars as per the checklist (Annexed as Annexure - 1B), the case should be sent to the office of the Senior Civil Judge/ District Judge/ Rent Controller for further direction and action. If there is any procedural defect in the case, then it must be corrected by the parties or advocates within 3 days.

2. Scrutiny by Reader of the Court:

The Reader should verify the following:

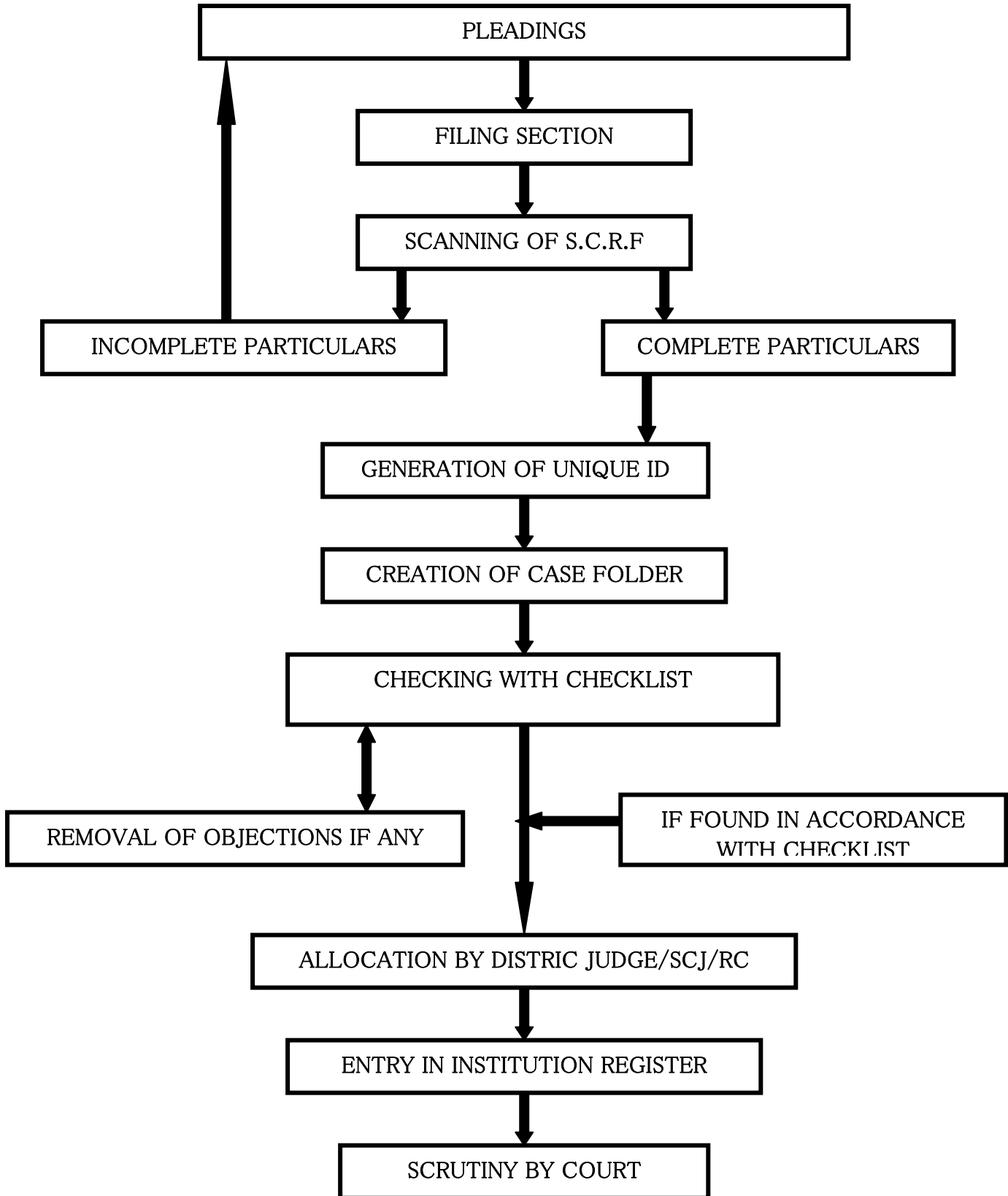
- a) The prescribed court fee is paid. Yes/No
- b) The plaint/ application bears the signatures of the concerned party/counsel? Yes/No
- c) The affidavit of the concerned party in support of the case/application has been filed, properly attested and identified? Yes/No
- d) The Vakalatnama is signed by the concerned party. Yes/No
- e) Proper court fees and welfare stamp have been affixed on the vakalatnama? Yes/No
- f) Memo of Appearance and address form are filed. Yes/No
- g) The documents annexed are mentioned in the list of documents? Yes/No
- h) If the plaintiff is represented through power of attorney, the original power of attorney is filed. Yes/No
- i) If the petition is filed by a body registered, the copy of the Registration certificate is filed. Yes/No

- j) If the person filing the plaint/appeal on behalf of the incorporated body has the authority to file? If yes, the proof of such authority is filed. Yes/No
- k) If it is a civil appeal, the certified copy of the impugned judgment is filed? Yes/No
- l) If the appeal is time barred, the application for condonation of delay mentioning the number of days of delay, with affidavit and court fee is filed. Yes/No
- m) If the application is for deposit of rent, the period for which the rent is sought to be deposited is mentioned. Yes/No
- n) Whether the rent was tendered, if yes, by which mode?
- o) If either of the party is a minor, the name of the next of kin is mentioned. Yes/No
- p) If the answer to point 'o' is yes, application under Order 32 CPC is filed. Yes/No

3. Judicial Scrutiny

The presiding officer should check the following:

- (a) Whether the court has jurisdiction to entertain the suit?
- (b) Whether the suit is within limitation?
- (c) Whether the plaint is duly signed and verified?
- (d) Whether the suit is fit/ suitable for ADR mechanism?



CHAPTER IV & V LISTING AND ALLOCATION OF CASES

CHAPTERS IV & V LISTING AND ALLOCATION OF CASES

As per the present practice in Delhi District Courts, the cases are listed in the concerned court on the next day of its filing. The system of listing and allocation of cases is manual. The cases are filed at the Filing Section. Thereafter, cases are placed before the concerned District Judges/ Senior Civil Judges/ Rent Controllers, as the case may be for further assignment preferably keeping in view the pendency of each court.

HUMBLE SUBMISSIONS

There is a need to develop a uniform system of Listing and Allocation of cases through the computer. It is noticed that manual system of listing and allocation of cases is sometimes misused by the litigants and is also time consuming. The following are few humble submissions to streamline the existing system of Listing and Allocation of cases:-

1. After the generation of Unique I.D. number, the case would be allocated by the computer automatically. If the case is filed before 12:00 Noon, the case should be allocated on the same day for hearing. If the case is filed after 12:00 Noon, it should be allocated for the next day. This will eliminate the distinction between the urgent and ordinary cases.
2. The allocation of cases needs to be computerized by developing appropriate software having the following features:
 - a) It should allocate the case to the court having least pendency.
 - b) If the case is triable by a special court, it should be able to identify the designated court and allocate the case to that court.
 - c) If a connected case is pending in another court then the software shall allocate the case to that court.
 - d) While allocating the case, the software should also consider the name of the judicial officers available on that date.

3. It will help in equal distribution of work and save time in allocation of cases.
4. The District Judge/ Senior Civil Judge/ Rent Controller shall have the right to override the automatic allocation of the case by the computer system.

CHAPTER-VI

CAUSE LIST

CHAPTER-VI

CAUSE LIST

The cause list is displayed outside the Court. It is also available at the website of Delhi District Courts. In the cause list, suit number, name of the parties, the purpose for which the case is fixed are displayed. The name of the Court and the date are mentioned on the top of the cause list.

DELHI HIGH COURT RULES

CHAPTER XVII

Dates and Cause Lists

1. Cause lists—(a) *On such day in the week as may be fixed by him, the Registrar shall sit to fix dates in suits, miscellaneous and interlocutory applications and other matters pending on the original side.*

(b) *Subject to the orders of the Court, matters fixed for final disposal on any day of the week shall be entered in the list for that day according to the date of their registration provided that precedence be given to :*

(i) *Part-heard matters;*

(ii) *As between the suits of the same year to commercial suits.*

(c) *The cause list shall be prepared under the directions of the Registrar and signed by him;*

(d) *If there be more Judges than one on the Original Side, a separate cause-list of the matters before each Judge shall be prepared in the manner aforesaid.*

2. Day for short causes—*Short causes shall be set down for hearing on such date as may be appointed for the purpose.*

3. What are short causes—*The following suits or matters shall be deemed to be short causes :*

(1) *Ex-parte suits;*

(2) *Undefended suits;*

(3) *Suit to which Chapter XV applies;*

(4) *Mortgage suits, rent suits on bonds or acknowledgment;*

(5) *Objection to Commissioner's report;*

(6) *Such other suits or matters as may, by special order of the Court, be directed to be tried as short causes. Any other suit or matter shall be deemed to be a long cause.*

4. Fixing of dates for final disposal—*Suits to which Chapter XV applies shall not be set down for hearing till the expiration of 10 days*

from the date of service of summons. If an application for leave to defend is filed within those ten days, notice shall be given to the plaintiff or his advocate and the suit shall be set down for hearing of the application instead of for final disposal.

The existing proforma of cause list as prescribed under Delhi High Courts Rules is as under:-

In the Court of _____

Cause list for (Day of the week and Date) _____

Serial No.	Number and description of the case	Plaintiff Appellant or Petitioner	Defendant Or Respondent	Stage of the case, viz., for issues, evidence, arguments	Remarks
1.	2.	3.	4.	5.	6.

In the High Court of Delhi, the cause list is also published. It is also sent to the concerned advocates who have subscribed to it. However, there is no such practice followed in the Delhi District Courts. The printing of cause list for each court consumes considerable time of the Court and also results into wastage of papers. With the advancement of Information Technology and introduction of computers in the management of court administration, the lawyers and litigants can be motivated and encouraged to access the cause list electronically. The cause list can be made available to the advocates and litigants or concerned parties through mobile phone.

HUMBLE SUBMISSIONS

(i) The cause list of Specific Court may be sent to the subscribing Advocate/party through E-mail, SMS service or Push message service on the registered mobile number. This facility, if implemented, will save considerable time of the Advocate/party as the relevant information would be readily available to them.

(ii) The Cause list shall display the unique I.D number of the

suit, in place of existing practice of mentioning the suit number.

(iii) If any Judicial Officer is on leave, this information should be displayed on the cause list as early as possible. As the cause list would be available to the concerned Advocate/party, updating of this information on the cause-list would save the concerned Advocate / party from any possible inconvenience.

(iv) The Reader/ Ahlmad should update the cause list every day before 5 PM.

(v) As all the Advocates/parties may not have access to Internet, touch screen computer systems (electronic kiosks) should be provided/ installed in the Delhi District Courts to facilitate immediate access to cause lists of different Courts. The status of the case should also be available to the concerned Advocate / party by inserting the unique I.D. Number on the touch screen computer.

vi) The column of Unique Identification Number should be substituted for the column of Suit Number. The column of '*Remark*' has become redundant and should be deleted. Two new columns i.e, '*Work Done*' and '*Next date of hearing with purpose*' should be introduced. The Reader should enter the work done in the specified column and fill in the next date of hearing for the case. There would be no need for the Ahlmad to update the cause-list separately. The purpose and format of cause list is annexed herewith as – Annexure 6 A)

BENEFITS OF PROPOSED PERFORMA OF CAUSE-LIST

1. As it is proposed that the case shall be identified by one Unique Identification Number assigned at the time of institution itself, the practice of assigning of a separate suit number can be done away with. This would avoid duplicacy of work of concerned court officials.
2. If implemented, the Peshi Register can also be discarded as the Reader would be able to enter the requisite details in this format itself including the next date of hearing and the subsequent cause-lists would

get updated automatically. This would also help in avoiding duplicacy of work as the Alhmad would not be required to update the cause list and save time of the court officials to the benefit of parties/advocates. The details of Work done on any particular day shall also be available with the click of button.

Annexure 6A

PROPOSED PERFORMA OF CAUSE LIST

In the Court of _____

Whether the Court is on leave _____

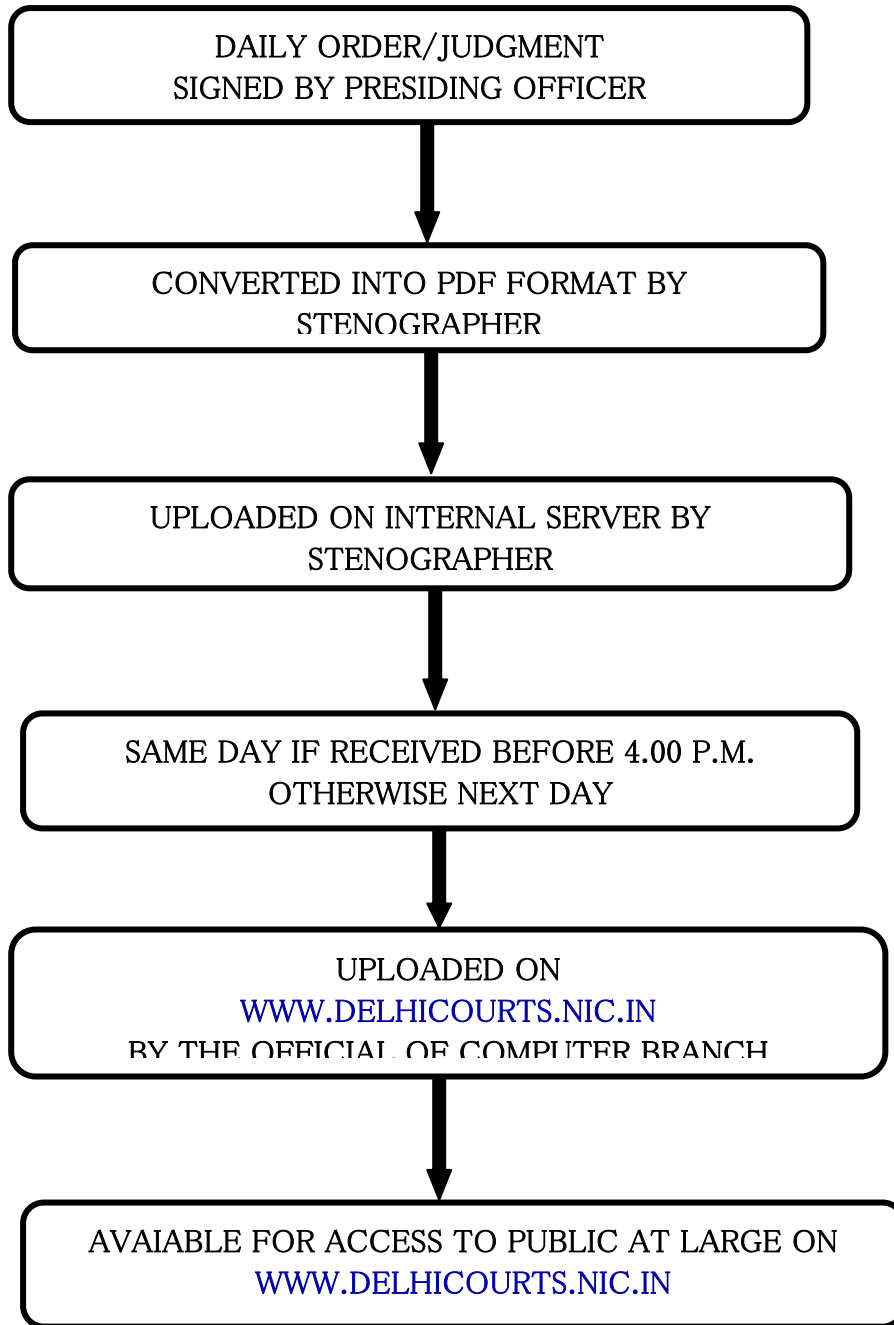
Cause list for (Day of the week and Date) _____

Serial No.	Unique Identification number of the case	Plaintiff Appellant or Petitioner	Defendant Or Respondent	Stage of the case, viz., for issues, evidence, arguments	Work done	Next date of hearing and purpose for which case is fixed
1.	2.	3.	4.	5.	6.	7.

CHAPTER-VII

DAILY ORDERS/JUDGMENTS

PRESENT SYSTEM



CHAPTER VII DAILY ORDERS/JUDGMENTS

PREVAILING PRACTICE AND PROCEDURE

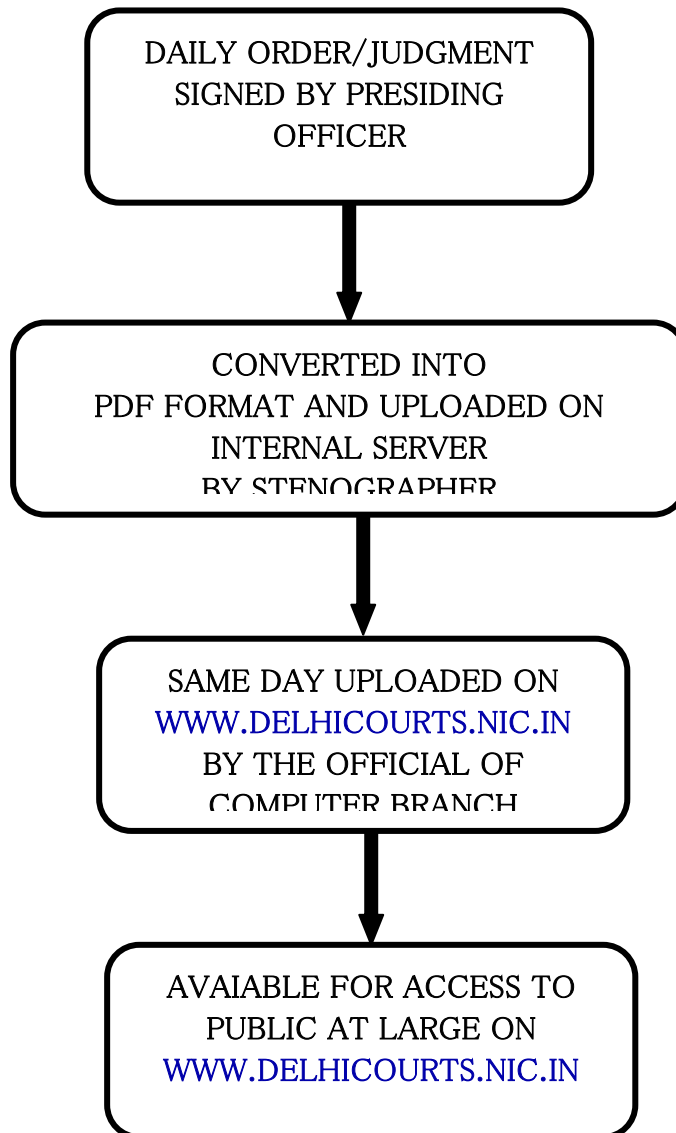
The evidence, miscellaneous orders and the daily order sheets are being uploaded on the Website through the computer branch. The Courts do not have any mechanism by which the Daily orders / Judgments can be directly uploaded on the website. The practice of sending the Daily orders / Judgments firstly on the internal server and then on the website is a time consuming exercise due to which the Daily orders / Judgments are not available on the website of the Delhi District Courts on the same day itself.

HUMBLE SUBMISSIONS

i) Every Court should be given direct internet access so that the Daily orders / Judgments can be directly uploaded on the website of the Delhi District Courts and are available to the concerned Advocate/party on the same day itself. The stenographer should upload the miscellaneous orders and judgments on the website immediately after being signed by the concerned Judicial Officer.

ii) Till the implementation of this proposal, the Computer Branch should update miscellaneous orders, order sheets and judgments on the website on the date of their receipt.

PROPOSED SYSTEM



CHAPTER VIII CERTIFIED COPIES

CHAPTER VIII CERTIFIED COPIES

PREVAILING PRACTICES

1. To obtain certified copy from the court, the concerned party has to fill up a prescribed form. If the case is pending trial then the application has to be filed before the concerned Court in the prescribed form. If the concerned Court allows the application for obtaining the certified copy then the application is sent to the copying agency. The applicant can obtain the certified copy after payment of the requisite fee. Only parties / advocates representing the parties can obtain certified copy in the pending case. If a third party wants to obtain certified copies of documents during the pendency of a case then he has to show sufficient reasons thereof to the satisfaction of concerned court.
2. After disposal of the case, any person can obtain a certified copy of the pleadings, evidence and Judgment, on making an application in prescribed form which can be submitted directly to the copying agency.
3. The certified copy of any document is not provided to any person who is not a party to the suit. However, it can be provided to any person with the consent of the party producing or filing that document or by the orders of the court.
4. The parties/advocate shall specify in the form that the certified copy is required by him/her is Urgent or Ordinary. If the certified copy is required on urgent basis, it is made available to the party within three days of the application whereas the ordinary copy is provided within seven days. There is a special fee leviable in case of urgent certified copy.
5. The concerned parties sometimes complain about the delay caused in the supply of certified copy.
6. There is no procedure in the prevailing system whereby the concerned parties/advocates can make an online application for obtaining certified copy and can be provided with certified copy in soft copy / PDF form. In the absence of this, concerned

parties/advocates have to visit the concerned Court complex to make an application which utilizes a lot of his/her valuable time in that process. **The existing form for supply of certified copies is annexed as Annexure 8 A.**

HUMBLE SUBMISSIONS

1. The distinction between Urgent and Ordinary certified copy should be done away with. It is proposed that certified copies be made available within three days.
2. The existing form for supply of certified copy is very complex and column of “*Remarks*” is never used. It is proposed that the existing form for supply of certified copy be substituted with a more simple form. In the new form, the parties / advocate should be required to give further details such as email address, mobile numbers etc which are not required under the current format. **The proposed form is annexed as Annexure 8 B.**
3. The parties/advocates should also be given an option to avail the digitally signed certified copy in PDF format in substitution of, or along with or in alternate to hard copy. If a digitally signed certified copy is available to the parties/ advocates in PDF form, then the concerned parties/ Advocates can take more copies. The parties/advocate would be saved from the rigors of applying of multiple number of copies. This would also be environment friendly.

PROPOSED PROCEDURE FOR ONLINE APPLICATION FOR SUPPLY OF CERTIFIED COPY

1. The parties or their advocates may make an application for supply of certified copy with an option of availing the Digitally signed certified copies in PDF format and/or hard copy or both. The charges for certified copy shall also be payable online either through Internet banking or through Debit/Credit card. It can also be provided free of cost.
2. The Digitally Signed Certified copies can only be provided on the

registered email address of the parties/advocates. As a measure of safeguard, the OACC shall neither be accepted from a third party nor would DGCC be supplied to him/her at any stage including the stage after the disposal of the case as the OACC does not require the applicant to sign the application, in the absence of which, it would be impossible to ascertain the true and correct identity of the applicant.

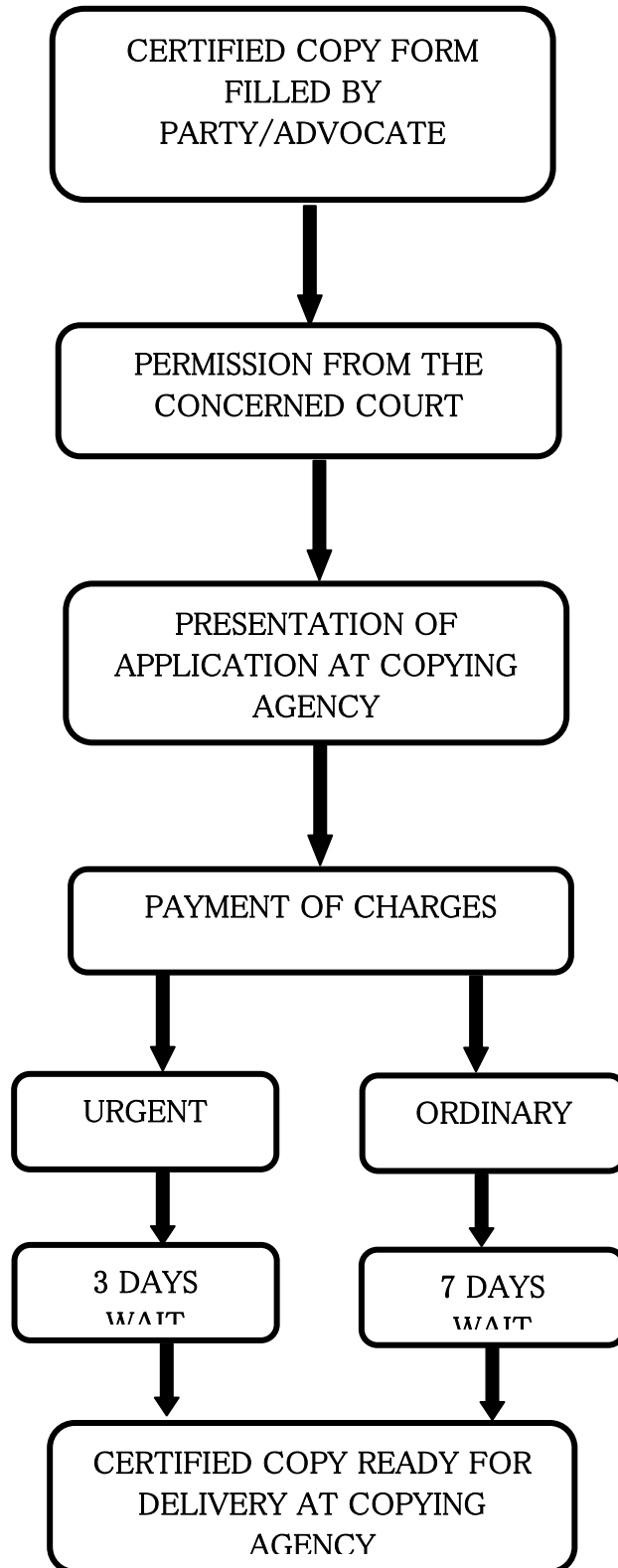
3. A parties/advocates representing the party shall be able to make OACC only if he provided the registered email address or the registered mobile. Any application which does not contain this detail shall be not be accepted by the computer at the first instance and the certified copies shall be provided only if the information provided by the party as to his registered email address and/or registered mobile number is found to be true and correct. However, a party/advocate representing the party shall be at liberty to change or modify his/her registered mobile number or email address at any stage of the case by filing a fresh SCRF mentioning the Unique Identification Number of the concerned case. **The proposed OACC is annexed as Annexure 8 C.**

UNCERTIFIED COPIES

1. As a matter of practice, the uncertified copies of daily orders/judgments are uploaded on the web site of Delhi District Courts accessible to the public and the desirous persons can take print outs thereof at their convenience. Uncertified copies of order and evidence are provided to parties/advocates on filing of the application along with requisite fee on the same day itself. However, there is no provision whereby a party/ advocate can obtain an uncertified copy on any other day. Uncertified copies of pleadings, documents etc. is not available to the parties/ advocates under the prevailing system.
2. It is proposed that the parties/advocates representing the party should be able to obtain uncertified copy of the pleadings and orders/ judgment by filing application at the Filing Section or making an online application.
3. If the proposed Case Folder System (CFS) and E-access to the folder is implemented, the concerned parties/advocates would be able to access the same with an option of taking printouts thereof

their convenience. If the application for uncertified copy is made at the filing section, the concerned official shall provide the uncertified copy on the same day itself after taking printout from the concerned Case Folder.

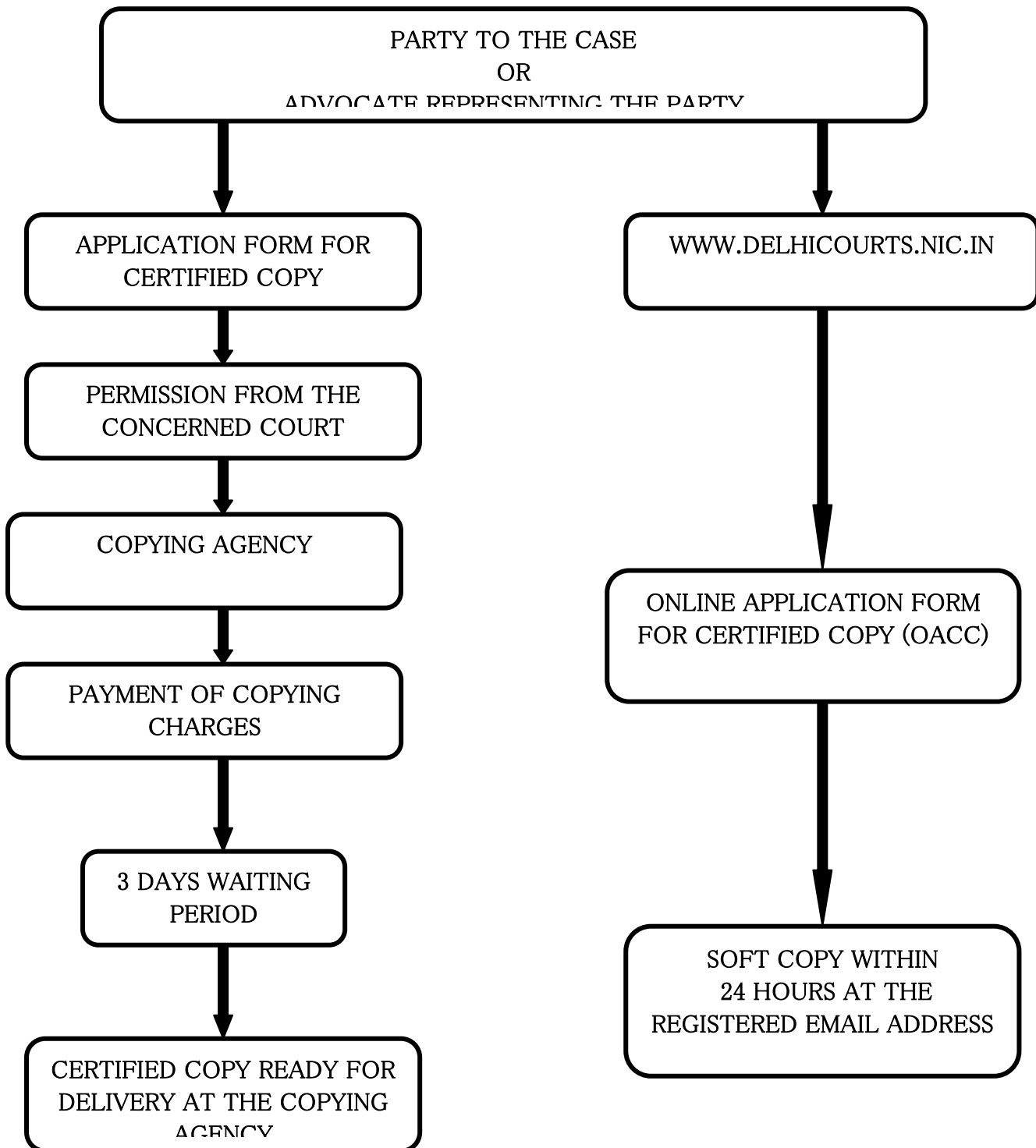
PRESENT SYSTEM



FORM FOR CERTIFIED COPIES

	Name of Applicant	12	C O M P L E T E P E R M I T T E D A D D R E S S		No. of suit civil Criminal or revenue	1	It is requested that copies of column No.10 be provided	CERTIFIED COPY FORM
	Parentage	13			Plaintiff or complainant with Parentage	2		
	Residence with particulars Post Office & District	14			Defendant or accused with Parentage	3		
	Signature of Person through whom the petition is filed	15			Nature of Suit or Offence Amount of suit or Detail of offence	4		
	Whether ordinary	16			Name of place where the suit property is situate or where dispute arose or offence was committed	5		
	Or Urgent	17		/ /	Name of the first court & of the appellate court if any	6		
	Who will take the delivery and with full address & his signature	18		/ /	Date of order in court	7		
	Who will pay copying fee and other charges				Next date of hearing, if any	8		
	with full address & Signature	19			For what purpose the certified copy is intended to used	9		
	Remark	20			Details of documents of which copies are applied with particulars of date or mark, if any	10		
					Signature of applicant & date of filing application for copies	11		

PROPOSED SYSTEM FOR SUPPLY OF CERTIFIED COPIES



Annexure- 8 B
DISTRICT & SESSION COURTS, DELHI
TIS HAZARI/ROHINI /KARKARDOOMA /SAKET /DWARKA COURTS
CERTIFIED / UNCERTIFIED COPY FORM
CIVIL

1	Particulars of Applicant	
2	Whether party or advocate representing the party	
3	Residential address	
4	Total fee payable * Advance fee paid *Balance fee	
5	Unique I.D. Number	
6	Title of case	
7	If the case is pending, the next date of hearing	
8	If case has already been decided, the date of decision	
9	Nature of suit	
10	Particulars of Courts	
11	Details of documents- Pleadings/ Judgement /Order	S.No. Document No. of pages
12	Mode of delivery (tick where applicable)	PDF Copy Hard Copy Both
14.	Uncertified copy	PDF Copy Hard Copy Both
13	Signature of the applicant alongwith Contact number/ Email I.D., if any.	

- Soft copy in PDF Form shall only be delivered at the registered email address of the party/ advocate representing the party.
- Incomplete application shall not be accepted.

Annexure- 8 C

Proposed E-Application for Certified / Uncertified Copy

1. Court Complex: (tick where the case was filed/pending/disposed off)

THC	KKD	Rohini	Saket	Dwarka
-----	-----	--------	-------	--------
 2. Unique I.D Number:
 3. Case Title (in full or in part):
 4. Next date of hearing,if any:
 5. Name of Applicant:
 6. Whether party/advocate:
 7. Registered Mobile Number.....
- And/Or
- Registered Email I.D.....
8. Services required: (tick whichever is applicable)
 - a) Certified copy in Paper form (to be collected from Filing Section)
 - b) Digitally signed certified copy in PDF Format (to be delivered only on the registered email address of the party/advocate representing the party)
 - c) Certified Copy in Paper form as well as Digitally Signed copy in PDF Format.
 - d) Uncertified copy in Paper Form.
 - e) Uncertified copy in PDF Format.
 - f) Uncertified copy in Paper form as well as in PDF Format.
 9. Details of documents of which copies are required No of copies

i) .....	.....
ii) .....	.....
iii) .....	.....
iv) .....	.....
v) .....	.....
vi) .....	.....
 10. Total Fees Payable
 11. Mode of Payment (tick whichever is applicable)
 - a) Cash Payment at Filing Section,
 - b) Internet banking,
 - c) Debit/Credit card
 12. Expected Date of Delivery (Auto generated)

Terms & Conditions.

- i) Only parties/advocates representing the party can make online application for certified / uncertified copies.
- ii) Copies in PDF Form shall only be delivered at the registered email address of the party/ advocate representing the party.

CHAPTER IX SERVICE OF NOTICE

CHAPTER IX SERVICE OF NOTICE

One of the causes of delay in disposal of cases is the time consumed in effecting service on the opposite party. The service is generally affected through Process Serving Agency of the courts, Postal department and also by affixation. Service is also allowed through electronic means but in most of the cases, the service is affected only through Process Serving Agency, Postal department or by way of publication. If the opposite party is residing outside the State then it takes more time as a long date has to be given for the process to reach and come back. Some time even the process fee is not filed in the court by the parties resulting into the delay.

LEGAL POSITION

- i) Section 27 of CPC deals with the issuance of summons. Section 28 provides the procedure how to affect service on a person, who resides in another state. Section 29 provides the service of foreign summons. Order V provides the procedure for issuance and service of summons. Summons are to be issued either for settlement of issues by the Civil Courts or for final disposal as in the cases of court of Small Cause. If the case is under Order XXXVII Rule 3 CPC then the summons for appearance has to be issued and if the defendant put appearance then on application of the plaintiff, summons for judgment have to be issued under Order XXXVII Rule 3 CPC. Service of notice to the witnesses is dealt with under Sec. 31 of the CPC. The court has to fix the day while issuing the summons for putting appearance if the summons is for final disposal then the parties are to be directed to produce witnesses and the evidence. Service is to be effected on the person where ever it is practicable unless he has an agent empowered to accept service, may be on the adult member of the party and the person to whom the summons are served has to sign as acknowledgment of service. In case he refused then it can be affixed. If all the modes fail then service is to be effected by publication. Summonses are to be sent in prescribed proforma provided in the CPC. Summons to witness are also to be served as

per Section 31 of CPC. The procedure for summoning and attendance of witnesses is detailed in order XVI. Summons to witness can be sent on the request of the parties specifying the time, place and purpose of attendance and also if direct him to produce the documents if it is so required. Such summons are also issued on prescribed proforma provided in CPC. Recently mutual assistance treaties have also been entered into by the republic of India with other States for cooperation in the field of legal assistance in civil and commercial matters for the service of summons, judicial documents, commissions etc.

- ii) According to Delhi High Court Rules, the process is not to be issued until the process fee for the service thereof has been made as provided in Chapter 5 (part 8) Rule 6, that also in the prescribed form. Thereafter the process is to be prepared and has to be issued only if the party who applied for the process wants it to be issued.

In cases of substituted service, one process fee has to be charged to cover all the acts done. Fresh fee is payable for every fresh process. The form for process is provided in Appendix B to Schedule 1 of CPC.

Chapter 7 Part A Rule 10 provides that if process is transmitted by post, they can be sent by under service covers and ordinarily by registered post. According to Chapter 7 Part B Rule 1, every attempt should be made to effect personal service in the first instance, failing that service of attempt or member of the family repeated attempts be made in this regard and if it is not served despite that then it can be served by way of affixation. Rule 2 of Chapter 7 Part B further provides that substituted service can be affected only if the court is satisfied that the defendant is keeping out of the way for the purpose of avoiding service. It can be made by publication in newspaper provided in the list (or having wide circulation) selected by the Presiding Officer.

Part C deals with the service on person employed in the public service which can be served through head of the officer where he serving. However, sufficient time is to be given, so that the officials superior may be available suitable arrangement in place of the person summoned.

Part D of Chapter 7 deals with the issue of summons or other process is for service of person in the Army, Navy or Force which can be served through the proper Military Authority. If any such person is having any agent or pleader then the service can be effected on such pleader or agent.

Part E of Chapter 7 deals with the service of summons on the person residing within the jurisdiction of another court in the same or the State or Territory. Process is to be sent by post. If it is in another district but within the same State or Union Territory, it should be sent by post to the Sr. Sub Judge for service and in case of another state or union territory it be sent to District Judge of the District in which the service is to be desired. Rule 4 provides that all reports made on the process received for service from any district or State or Union Territory, the vernacular which differs from that of the District in which the report is written, shall be translating in English. Rule 7 provides that summons to defendant out of India be sent by post if he has no agent in India empowered to accept service.

Part F deals with the service of process is of the courts in India in places beyond India and vice-versa i.e. the foreign country and specific provision has been provided in this regard.

OBJECTIVE

This has always been a huge problem faced by almost every court. The CPC also allows service of notice though electronic means as well. How often is this method actually used? Similarly, how often are common services, such as the postal department, used for effecting service on a litigant, particularly outside the State? Issues of service of notice/summons need to be revisited and innovative methods need to be introduced.

PRACTICE IN OTHER JURISDICTION

In Singapore the service of legal process received from foreign country is to be accompanied by rule on letter with a copy

of translation of the process in English. It has to be effected by leaving the original process or copy of it with the person to be served. Such service is to be effected by the Process server. Similarly, if the witness is residing, who is out of jurisdiction, the letter of request is to be sent to the judicial authorities of that country in which that person reside to take or cause to be taken the evidence of that person.

In Ontario, service is to be effected on individual it must be affected on him. If it is on Municipal Co-operation then by leaving the copy with the Chair, Mayor, Warden of the Municipality or with the clerk or Dy. Clerk of the Municipality or with the lawyer of the Municipality. In case of cooperation, on a officer, director or agent of the cooperation or any person, who appears to be in controlled or management of place of business. In case of Board or commission by serving on a member of officer of the Board in case of a minor with guardian. If one has been appointed, if the minor reside with the parent then on the parent. In case of mentally in capable person, if there is a guardian appointed in law then on him. In case of partnership, on one or more of the partners or at the principal place of the business of the partners.

The rules also provides service upon the lawyer or an employee of the lawyer, service by mail at the last known address is also deemed to be effected service only card is received back.

In Australia according to rules, it is required that summons be served in person. The process is generated by the computer but additional copies are provided by the party concerned. It also allows service at the address of the solicitor or by fax or electronic service by transmitting an electronic copy of the document to that address and in case of fax by faxing a copy of document at that number.

HUMBLE SUBMISSIONS

1. The process fee may be taken one time so that there is no delay due to non filing of the Process Form (Talbana) and the Process Fee. In case of substituted service, the plaintiff will have to pay the charges of the publication. The plaintiff shall furnish two sets of the plaint with copies of all the annexed documents for each defendant for each address, to be sent along with summons with proper

pagination.

2. Pre-institution notice can be sent by the plaintiff to the defendant along with the copy of plaint and documents which he intends to file. The plaintiff can also inform the date of institution and the court where case is to be filed. This pre-institution notice may be considered as due service. Such notice should be sent at least one month before the institution of the suit.
3. Summons may also be sent to the defendant by fax at the fax number of the defendant, if the plaintiff gives on affidavit fax number of the defendant. The date of the delivery of notice/summons shall be the date of service to the defendant.
4. Summons can also be served upon the defendant by SMS or Mobile Number i.e. by giving the information about the filing of the case against the defendant or the defendant can be advised to take the copy of plaint and documents from the concerned court.
5. The summons may also be sent by e-mail at the e-mail address of the defendant. In case of summons being sent by e-mail, the date of service shall be the date on which it is delivered to the defendant with OK Report of delivery.
6. If the summons are sent to the State, Union Territory or District having different vernacular language, it should be specified on the summon itself that the Report of the process server should be translated in English/Hindi before the summons are sent back.
7. It should be mentioned on every summon that the opposite party is entitled to free legal aid and also the contact number of District Legal Service Authority be mentioned. It should be also mentioned on the summons that the opposite party can get his case referred for Arbitration, Conciliation, Lok Adalat or Mediation as per suitability of the case.
8. Summons by ordinary process registered post e-mail and fax can also be sent to the recognized agent or pleader of the party (if the same is available).
9. The process server shall visit the address of the person to be served thrice and give the detailed report as given on the back of the summons and shall submit the report as per the column given

on the back of the summons.

10. Every process server should be equipped with camera having GPRS facility and net connectivity, so that photographs equipped is immediately transferred to the server at District Court complex.
11. The language on the summons should be simplified so that every citizen of this city can understand and comprehend the summons.
12. Only the relevant information should be provided on the summons. The irrelevant information only discourages the concerned person to read the entire summons.
13. The Ahlmad should issue the summons within 24 hours of order passed by the Court.

ORDINARY/URGENT/DASTI

CIVIL NAZIR/S.H.O

DATE OF ORDER.....

NAME OF PROCESS SERVER/Belt No.....

NO.OF DOCUMENTS ANNEXED.....

DATE OF RETURN.....

SUMMONS FOR SETTLEMENT OF ISSUES

(ORDER V, Rules 1 and 5 and 17 of the Code of Civil Procedures)

IN THE COURT OF:-

Room No.

Unique Identification No.....

Title:- _____

To

(Name of the Defendant with address)

Distt.....

(Name of plaintiff) has instituted a suit against you (copy annexed),

You are summoned to file a written statement along with all documents in your possession upon which your defence is based or claim for set off or counter-claim, and list of other document(s) also relied upon **within 30 days of the service of the present summons** ;

and to appear in the court either in person or by a duly instructed pleader competent to answer questions relating to suit, or authorized person competent to answer questions relating to suit.

In event of non - appearance on above mentioned date, the suit will be heard ex-parte and adjudicated accordingly.

Given under my hand and seal of the Court, this day of Month and Year

You are entitled to get free legal services from District Legal Service Authority as per Rules.

You can check the entitlement at www.dlsa.nic.in Address & Telephone No. of DLSA

You can also get your case referred to Mediation in terms of section 89 Code of Civil Procedure, 1908.

(Seal)

Judge

First Visit	Second Visit
<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason	<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/ not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason

Signature of Process Server _____

REPORT OF AFFIXATION (WITH PHOTOGRAPHS THROUGH GPRS) IF NOT SERVED ON
IIND VISIT

Signature of Process Server _____

Civil Nazir's Attestation _____

SUMMONS FOR TENANT

ORDINARY/URGENT/DASTI..... CIVIL NAZIR/S.H.O
DATE OF ORDER..... NAME OF PROCESS SERVER.....
NO.OF DOCUMENTS ANNEXED.....
DATE OF RETURN.....

IN THE COURT OF:-

Room No. Unique Identification No.....

Title:- _____

To
(Name of the Respondent with address)

(Name of the petitioner) has filed a petition (a copy of which is annexed) for your eviction from (insert the details of the tenanted premises _____ on the ground (s) specified in petition.

File leave to defend this eviction petition before the Rent Controller within **fifteen days (15)** of the service for grant of leave to contest the application for eviction on the grounds specified in the petition.

In default of that the petitioner shall be entitled to obtain an order of your eviction from the tenanted premises after the expiry of the period of **fifteen days (15 days)**.

Leave to appear and contest the eviction petition may be granted on an application to the Rent Controller supported by an affidavit as referred to in sub-section (5) of Section 25(3) of Delhi Rent Control Act, 1958.

Given under my hand and seal of the court, thisday of Month, 20.....

You are entitled to get free legal aid from District Legal Service Authority as per Rules. You can check the entitlement at (www.dlsa.nic.in) Address & Telephone No. of DLSA

You can also get your case referred to Mediation in terms of Section 89 Code of Civil Procedure, 1908.

SEAL

Rent Controller / Additional Rent Controller

First Visit

Second Visit

<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason	<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason
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Signature of Process Server _____

REPORT OF AFFIXATION (WITH PHOTOGRAPHS THROUGH GPRS) IF NOT SERVED ON
IIND VISIT

Signature of Process Server _____

Civil Nazir's Attestation _____

ORDINARY/URGENT/DASTI

CIVIL NAZIR/S.H.O

DATE OF ORDER.....

NAME OF PROCESS SERVER/Belt No.....

NO.OF DOCUMENTS ANNEXED.....

DATE OF RETURN.....

SUMMONS FOR TENANT

IN THE COURT OF:-

Room No.

Unique Identification No.....

Title: - _____

To

(Name of the respondent with address)

Dist.....

(Name of the petitioner) has filed a petition (copy annexed) for your eviction from (details of the tenanted premises) on the ground(s) specified in the petition.

You are summoned to file a written statement along with all documents in your possession or power upon which your defence is based and list of other document(s) also relied upon **within 30 days of the service of the present summons;**

and to appear in this court either in person, or by a duly instructed pleader competent to answer questions relating to petition, or authorized person competent to answer questions relating to petition.

In event of non - appearance on above mentioned date, the petition will be heard ex-parte and adjudicated accordingly.

Given under my hand and seal of the Court, this day of Month and Year

You are entitled to get free legal aid from District Legal Service Authority as per Rules. You can check the entitlement at (www.dlsa.nic.in) Address & Telephone No. of DLSA

You can also get your case referred to Mediation in terms of Section 89 Code of Civil Procedure, 1908.

(Seal)

Rent Controller / Additional Rent Controller

First Visit

Second Visit

<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <p> a) Premises found locked b) Address incomplete/not traceable c) Address incorrect d) Left the given address e) Refused to accept f) Addressee out of station g) Addressee expired h) Any other reason</p>	<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <p> a) Premises found locked b) Address incomplete/not traceable c) Address incorrect d) Left the given address e) Refused to accept f) Addressee out of station g) Addressee expired h) Any other reason</p>
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Signature of Process Server_____

REPORT OF AFFIXATION (WITH PHOTOGRAPHS THROUGH GPRS) IF NOT SERVED ON
IIND VISIT

Signature of Process Server_____

Civil Nazir's Attestation_____

ORDINARY/URGENT/DASTI

CIVIL NAZIR/S.H.O

DATE OF ORDER.....

NAME OF PROCESS SERVER/Belt No.....

NO.OF DOCUMENTS ANNEXED.....

DATE OF RETURN.....

SUMMONS UNDER DELHI RENT CONTROL ACT

IN THE COURT OF:-

Room No.

Unique Identification No.....

Title: - _____

To

(Name of the Respondent with address)

Dist.....

(Name of the petitioner) has filed a petition against you (copy annexed) in respect of (details of the tenanted premises).

You are summoned to file a written statement along with all documents in your possession upon which your defence is based and list of other document(s) also relied upon **within 30 days of the service of the present summons;**

and to appear in this court either in person, or by a duly instructed pleader competent to answer questions relating to petition, or authorized person competent to answer questions relating to petition.

In event of non - appearance on above mentioned date, the petition will be heard ex-parte and adjudicated accordingly.

Given under my hand and seal of the Court, this day of Month and Year

You are entitled to get free legal aid from District Legal Service Authority as per Rules. You can check the entitlement at (www.dlsa.nic.in) Address & Telephone No. of DLSA

You can also get your case referred to Mediation in terms of Section 89 Code of Civil Procedure, 1908.

(Seal)

Rent Controller / Additional Rent Controller

First Visit

Second Visit

<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason	<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason
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Signature of Process Server_____

REPORT OF AFFIXATION (WITH PHOTOGRAPHS THROUGH GPRS) IF NOT SERVED ON
SECOND VISIT

Signature of Process Server_____

Civil Nazir's Attestation_____

ORDINARY/URGENT/DASTI

CIVIL NAZIR/S.H.O

DATE OF ORDER.....

NAME OF PROCESS SERVER.....

NO.OF DOCUMENTS ANNEXED.....

DATE OF RETURN.....

NOTICE UNDER ORDER XVI RULE 12 OF CPC

IN THE COURT OF:-

Unique I.D. No.....

_____ **Plaintiff**

V/s

_____ **Defendant**

To

In the above noted case you did not appear before this court on _____ despite service of summons as witness or otherwise on _____.

You are directed to appear before this court on _____ along with the record and to show cause as to why action U/S XVI Rule 12 Code of Civil Procedure, 1908 be not taken against you.

Issued under seal of the court on this day _____.

SEAL

JUDGE

First Visit

Second Visit

<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <p> a) Premises found locked</p> <p> b) Address incomplete/not traceable</p> <p> c) Address incorrect</p> <p> d) Left the given address</p> <p> e) Refused to accept</p> <p> f) Addressee out of station</p> <p> g) Addressee expired</p> <p> h) Any other reason</p>	<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <p> a) Premises found locked</p> <p> b) Address incomplete/not traceable</p> <p> c) Address incorrect</p> <p> d) Left the given address</p> <p> e) Refused to accept</p> <p> f) Addressee out of station</p> <p> g) Addressee expired</p> <p> h) Any other reason</p>
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Signature of Process Server_____

REPORT OF AFFIXATION (WITH PHOTOGRAPHS THROUGH GPRS) IF NOT SERVED ON
IIND VISIT

Signature of Process Server_____

Civil Nazir's Attestation_____

ORDINARY/URGENT/DASTI
DATE OF ORDER.....

CIVIL NAZIR/S.H.O
NAME OF PROCESS SERVER/Belt No.....
NO.OF DOCUMENTS ANNEXED.....
DATE OF RETURN.....

NOTICE TO SHOW CAUSE
(GENERAL FORM)

IN THE COURT OF:-

Room No.

Unique Identification No.....

Title :- _____

To
(Name of the person with address)

Dist.....

The above-named (Name of party) has made application to this Court U/S
_____.

You are directed to appear in this Court in person or by a duly instructed pleader, on the (next date of hearing and time).

In non compliance, the said application will be heard and determined ex-parte.

Given under my hand and the seal of the Court this _____ day of Month, 20

SEAL

JUDGE

First Visit

Second Visit

<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p style="padding-left: 40px;">Reasons</p> <p>a) Premises found locked b) Address incomplete/not traceable c) Address incorrect d) Left the given address e) Refused to accept f) Addressee out of station g) Addressee expired h) Any other reason</p>	<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p style="padding-left: 40px;">Reasons</p> <p>a) Premises found locked b) Address incomplete/not traceable c) Address incorrect d) Left the given address e) Refused to accept f) Addressee out of station g) Addressee expired h) Any other reason</p>
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Signature of Process Server_____

REPORT OF AFFIXATION (WITH PHOTOGRAPHS THROUGH GPRS) IF NOT SERVED ON
SECOND VISIT

Signature of Process Server_____

Civil Nazir's Attestation_____

ORDINARY/URGENT/DASTI
DATE OF ORDER.....

CIVIL NAZIR/S.H.O
NAME OF PROCESS SERVER/Belt No.....
NO.OF DOCUMENTS ANNEXED.....
DATE OF RETURN.....

COURT NOTICE

IN THE COURT OF:-

Room No.

Unique Identification No.....

Title :- _____

To
(Name of the person with address)

You are directed to appear before this Court in person or by a pleader on (next date of hearing).

Given under my hand and the seal of the court this _____ day of Month, 20...

SEAL

JUDGE

First Visit

Second Visit

<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason	<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason
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Signature of Process Server_____

REPORT OF AFFIXATION (WITH PHOTOGRAPHS THROUGH GPRS) IF NOT SERVED ON
IIND VISIT

Signature of Process Server_____

Civil Nazir's Attestation_____

First Visit

Second Visit

<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason	<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason
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Signature of Process Server_____

REPORT OF AFFIXATION (WITH PHOTOGRAPHS THROUGH GPRS) IF NOT SERVED ON
IIND VISIT

Signature of Process Server_____

Civil Nazir's Attestation_____

ORDINARY/URGENT/DASTI CIVIL NAZIR/S.H.O
DATE OF ORDER..... NAME OF PROCESS SERVER/Belt No.....
NO.OF DOCUMENTS ANNEXED.....
DATE OF RETURN.....

Form No.14

SUMMONS TO WITNESS

(ORDER XVI, Rules 1 and 5 of the Code of Civil Procedure)

IN THE COURT OF:-

Room No. Unique Identification No.....

Title :- _____

**To
(Name of the witness with address)**

Your attendance as witness is required on the behalf of (Plaintiff/Defendant) in the above suit.

You are required to appear in person before this Court on (Date) at (Time) and bring this/these [document(s)] to this Court.

A sum of Rs..... being travelling and other expenses and subsistence allowance for one day, is sent along with this summons.

If you don't comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in Rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under my hand and the seal of the Court thisday of Month, 20...

SEAL

JUDGE

First Visit

Second Visit

<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason	<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason
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Signature of Process Server_____

REPORT OF AFFIXATION (WITH PHOTOGRAPHS THROUGH GPRS) IF NOT SERVED ON
SECOND VISIT

Signature of Process Server_____

Civil Nazir's Attestation_____

ORDINARY/URGENT/DASTI CIVIL NAZIR/S.H.O
DATE OF ORDER..... NAME OF PROCESS SERVER/Belt No.....
NO.OF DOCUMENTS ANNEXED.....
DATE OF RETURN.....

SUMMONS FOR JUDGMENTS IN SUMMARY SUIT U/O XXXVII C.P.C.

IN THE COURT OF:-

Room No. Unique Identification No.....

Title :- _____

To

(Name of the Defendant with address)

(Name of plaintiff) has instituted a suit under Order XXXVII of Code of Civil Procedure, 1908 against you.

You have already been served with summons for appearance of the suit.

The plaintiff, thereafter, has filed an application supported by an affidavit (copy enclosed) verifying the cause of action, the amount claimed and stating that in his belief, there is no defence to the suit.

You are served with the summons for judgment under sub-rule 4 of Rule 3 of Order XXXVII of the Code of Civil Procedure, 1908.

You have to apply **within ten days** from the service of this summons for leave to defend the suit, by affidavit or otherwise disclosing such facts as may be deemed sufficient to entitle you to defend the suit and unless on such application leave to defend is granted to you and unless you fulfill conditions, if any, that may be imposed upon you for grant of such leave, the plaintiff shall be entitled to judgment forthwith against you for (amount).

In case of failure to file an application **within ten days**, a decree for recovery shall be passed against you forthwith.

The suit, the plaintiff's application for the judgment and your application for leave to defend, if any, are scheduled for hearing on (Date), which you may attend in person or through pleader failing which the matter will be heard as provided under Order XXXVII, Rule 3(6) of Code of Civil Procedure, 1908.

Given under my hand and seal of the court, thisday of Month, 20.....

You are entitled to get free legal aid from District Legal Service Authority as per Rules.

You can check the entitlement at (www.dlsa.nic.in) Address & Telephone No. of DLSA

You can also get your case referred to Mediation in terms of Section 89 Code of Civil Procedure, 1908.

SEAL

JUDGE

First Visit

Second Visit

<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason	<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason
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Signature of Process Server_____

REPORT OF AFFIXATION (WITH PHOTOGRAPHS THROUGH GPRS) IF NOT SERVED ON
IIND VISIT

Signature of Process Server_____

Civil Nazir's Attestation_____

First Visit

Second Visit

<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason	<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason
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Signature of Process Server_____

Civil Nazir's Attestation_____

ORDINARY/URGENT/DASTI	CIVIL NAZIR/S.H.O
DATE OF ORDER.....	NAME OF PROCESS SERVER/Belt No.....
	NO.OF DOCUMENTS ANNEXED.....
	DATE OF RETURN.....

CITATION IN GUARDIANSHIP CASE

IN THE COURT OF:-

Room No. Unique Identification No.....

Title :- _____

The petitioner (s) above named applied for adoption / appointment of the guardian of the person and property of minor (s)

.....
.....
.....
.....

The (next date of hearing) is fixed for hearing the application.

The notice is given to the public that if any other relatives/friends, kinsman or well wisher of the aforesaid minor/desire to adopt minor or appointed as guardian of the person and property of the said minor and desire to oppose the application of the petitioner, he/she should enter appearance in person in this court on the aforesaid date and be prepared to adduce on that date documentary or oral evidence in support of his/her claim.

Given under my hand seal of this court on thisday of Month, 20

(SEAL)

(DISTRICT JUDGE)

ORDINARY/URGENT/DASTI

CIVIL NAZIR/S.H.O

DATE OF ORDER.....

NAME OF PROCESS SERVER/Belt No.....

NO.OF DOCUMENTS ANNEXED.....

DATE OF RETURN.....

NOTICE TO COLLECTOR IN PROBATE CASE

IN THE COURT OF:-

Room No.

Unique Identification No.....

Title :- _____

To

The Collector,

.....

.....

An application under the Indian Succession Act, 1925 for Grant of Probate of the will or for letters of Administration to the estate of

.....

..... Died ondate of atis made by

.....

.....

.....

The **(next date of hearing)** is fixed for hearing of the case.

Notice is given to find out the value of the property of the deceased as per section 10 of the Court Fee Act, 1970).

Given under my hand and the seal of this court on thisday of Month, 20 .

(SEAL)

(DISTRICT JUDGE)

First Visit

Second Visit

<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason	<p>Date: Time: Whether served: Yes/No</p> <p>If served</p> <p>i) To whom: Name: Relation:</p> <p>ii) Documents/Annexures supplied</p> <p>iii) Signature</p> <p>If not served</p> <p> Reasons</p> <ul style="list-style-type: none">a) Premises found lockedb) Address incomplete/not traceablec) Address incorrectd) Left the given addresse) Refused to acceptf) Addressee out of stationg) Addressee expiredh) Any other reason
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Signature of Process Server_____

Civil Nazir's Attestation_____

CHAPTER X

PAYMENT OF COURT FEE

CHAPTER X

PAYMENT OF COURT FEE

PAYMENT OF COURT FEES

As per the present practice in Delhi electronic court fee is now paid. Electronic court fee certificate is annexed with the plaint. It is locked on presentation at the Facilitation Centre and send to the court.

OBJECTIVE

Today it is possible to pay court fees electronically. This is an area that needs serious consideration for the benefit of litigants. Rules may have to be modified in this regard.

PROBLEM FACED

In case there is deficiency in court fee and court directs the party to make up the deficiency in court fee or on account of decision regarding damages/ mesne profits etc. or rendition of account cases, the party after taking e-court fee files it before the court then the officials posted in facilitation center calls for the entire file, resulting into undue delay and the file is to be moved unnecessarily which has to be taken by the Ahlmad of the court concerned to facilitation center for locking of the court fee.

HUMBLE SUBMISSIONS

In case the parties submit the court fee later on voluntarily or under the orders of the court, the officials at the Facilitation Centre shall lock the same on application of the party and if it is under the order of the court then certified copy of that order be also annexed with the application and officials of the Facilitation Centre shall not ask for the original file and lock the e-court, which shall be sent to the court.

CHAPTER XI DEPOSIT AND WITHDRAWAL OF MONEY

CHAPTER XI DEPOSIT AND WITHDRAWAL OF MONEY

PRESENT PRACTICE

The deposit of money in District Courts for any purpose is a tedious job for the litigants. They have to fill the Challans which is required to be approved from the concerned court. Thereafter, the concerned parties go to the Nazarat Branch or to the Civil Nazir and thereafter deposit Challans in the Bank. Presently, the deposits which are received are deposited in the treasury by filling challans. _____

Records are maintained manually about deposit and also of withdrawal of amount. When a party moves application for withdrawal of the amount already deposited or files execution, then voucher is issued in the name of the party duly signed by the Presiding Officer. Thereafter, the amount is released through the treasury. Considerable time is consumed in the process.

The Travelling Allowance and Diet Money for the witnesses is deposited in Nazarat Branch. For the out station witnesses, the applicant has to furnish money order form, as Diet Money is sent to the witness through money order. But if no such money order form is furnished, then money is paid to the witness in the court itself. There is no uniform procedure applied for payment of Travelling Allowance and Diet Money of the witnesses. It is required to be streamlined and uniform procedure has to be evolved for making payment to the witnesses. It is also informed that on the last working day of the month, Nazarat Branch neither takes the deposits nor makes payment to the witnesses.

CURRENT RULE POSITION

Volume 2 Part D Chapter 8 Part C of the Delhi High Court Rules provides that the money paid in the district courts under Sec. 31 of the Land Acquisition Act has to be lodged in the treasury as revenue or Civil Court deposit and register shall be maintained in each district court to show the receipt and disposal of deposits made by the Land Acquisition Officer.

Volume 2 Chapter 8 Part D Section 1 of Delhi High Court Rules further provides that there are two systems of deposit and withdrawal. In

case of cash system, the rules for Sheriff Petty accounts as provided in Volume 2 Part D Chapter 8 will follow. In case of voucher system the payment is made through treasury by issuing the voucher.

OBJECTIVE:

The concerned parties/litigants face considerable difficulties in depositing money or to withdraw money which is already deposited. For example, deposit of rent in landlord-tenant disputes, maintenance in matrimonial proceedings etc. These procedures need to be simplified and made litigant friendly.

The witnesses also faced difficulty in receiving their expenses, diet money or batta from the Court registry. The amount of expenses, diet money or batta need to be more realistic. A witness should be paid adequate amount towards expenses, diet money or batta. The legal expenses to witnesses should be paid immediately without encountering any hassles. This is also required to be streamlined.

HUMBLE SUBMISSIONS

- (i) In LAC cases, the parties may be asked to furnish their account no. along with one copy of cancelled cheque of the same account along with affidavit, so that the compensation money can be transferred through ECS to their account.
- (ii) The TDS deduced on the payment shall be reverted to concerned LAC through ECS on the same day with request to deposit it with the Income Tax Authorities. The information to concerned LAC may also be given through fax, e-mail.
- (iii) In execution petitions with respect to money decree, decree holder shall furnish one copy of cancelled cheque along with an affidavit and all money payable against the decree, if deposited in treasury be transferred to that account through ECS.
- (iv) In petition under Section 14 (1) (a) of DRC Act, the landlord shall furnish account no. along with one cancelled cheque, so that in pursuance of Section 15 (1) the rent can be directly credited in that account by the tenant.
- (i) Landlord, while moving application for withdrawal of rent deposited under Sec.27 of DRC Act, shall furnish his account

no. along with cancelled cheque supported by an affidavit, so that the amount may be transferred through ECS to his account.

- (vi) The Travel Allowance shall be paid to the witnesses at the rate of Rs.10/- per km. if the witness is from Delhi along with Rs.100/- as diet money. The Travel Allowance shall be deposited by the party summoning the witness in advance and be delivered to the witness along with the summons.
- (vii) The Travel Allowance to the out station witnesses, Ahlmad be paid @ Rs.4/- per km.along with the diet money @ Rs.300/- per day. If the witness has to travel more than 400 kms.then Rs.1500/- be paid for stay also.
- (viii) The concerned party shall give the money order form duly filled while depositing the amount in the Nazarat Branch, so that the money can be paid to the witness along with the summons.
- (ix) The Nazarat Branch shall remain open even on the last working day of the month up to 2 PM for accepting the deposits and also to make payment to the witnesses.
- (x) In cash system the Nazarat Branch instead of depositing the balance amount at the end of every month may be permitted to deposit that amount every six months. However, they shall furnish the details of the transactions every month duly signed by the concerned Officer.

Annexure-11A

DEPOSIT OF RENT						WITHDRAWAL OF RENT			
S.No.	PAY ORDER	DEPOSIT NO.	DATE OF DEPOSIT	PERIOD	AMOUNT DEPOSITED	IN FAVOUR OF	CHEQUE NO.	WITHDRAWAL NO.	AMOUNT

Annexure- 11 B

Sr.No.	Date	Unique ID No.	Court Name	Receipt						Payment					
				Ch.No.	Dated	Amount	Deposited by	Treasury No.	Dated	Voucher	Dated	Amount	Date of Release	Paid to	Identified No.

CHAPTER-XII

UNITS

CHAPTER-12 UNITS

PREVAILING UNIT AND INCENTIVE CRITERIA

The following criteria have been laid down by the Delhi High Court for assessment of work for the officers of Delhi Higher Judicial Service and Delhi Judicial Service:

- (a) The Judicial Officers will submit statistics regarding pendency / disposal on monthly basis to concerned District Judge who shall have the same compiled and keep updated for submission to High Court.
- (b) Assessment on the basis of following scale will be done on quarterly basis [i.e. January to March (first quarter); April to June (second quarter); July to September (third quarter) and October to December (fourth quarter)].

SCALE OF NORMS FOR ONE QUARTER

Above 400 Units	Outstanding
350 to 400 Units	Very Good
300 Units to 350 Units	Good
Less than 300 Units	Inadequate

Assessment is done on a quarterly basis and reports submitted to the High Court through the concerned District Judge.

Note:- Having regard to the vacation period falling within the Second Quarter, the Officers are required to give 80% of the above norms in that quarter.

- (c) A “contested” case means one in which a reasoned judgment is rendered after conclusion of evidence and hearing of parties. Contested case shall not include a case decided on the basis of confession of accused, compounding, withdrawal of case u/s 321 CrPC, withdrawal or dismissal of a criminal complaint case in default, case in which evidence is recorded in the

absence of accused u/s 299 CrPC and cases undecided in Lok Adalat, Mediation, Plea Bargaining or Judicial Settlement.

- (d) (i) The District Judge-I & Sessions Judges, Chief Metropolitan Magistrate, Officers assigned the work of DDO and Administrative Civil Judge (Central), on account of heavy administrative work shall be expected to give 50% of the above mentioned scale.
- (ii) The Judicial Officers working as part time Secretaries of District Legal Services Committees for the second half of the each working day shall be expected to give 50% of units on the above mentioned scale.
- (iii) Officers In charge looking after Administration, Vigilance, Litigation and Controlling Officers (Accounts) in the office of District & Sessions Judge-I, on account of additional Administrative work shall be expected to give 80% of the units on the above mentioned scale.
- (iv) The other District Judges, DDOs in the office of District Judge -II to District Judge-IX, Officers In charge looking after Administration, Vigilance, Litigation and Controlling Officers (Accounts) in the office of District Judge-II to District Judge-IX and ACMMs on account of additional Administrative work shall be expected to give 90% of the units on the above mentioned scale.
- (v) For Judicial Officers deputed as Mediator or Plea Bargaining Judge, there shall be rebate in the number of working days equivalent to the days on which such duty is performed.
- (vi) If the number of actual working days in a quarter falls below 70, the requirement of units shall stand reduced by 4 units for each day by which it falls short of 70 days.
- (e) All units are for disposal of contested cases unless specified otherwise.

- (f) If any Judicial Officer is not able to give the disposal as per the above norms, he/she should give cogent and special reasons for the same.
- (g) The units shall be calculated as per norms indicated in Table 'A' for Officers of Delhi Higher Judicial Service and Table 'B' for Officers of Delhi Judicial Service.

TABLE 'A'
(Norms for Officers of Delhi Higher Judicial Service)

I. ADDITIONAL DISTRICT JUDGES

S.No.	CATEGORY OF CASE DISPOSED OF	UNITS	INCENTIVE	PROPOSED INCENTIVE	REMARKS (REASONS)
1.	(i) Contested regular civil suit(including matrimonial cases under HMA or other personal laws, except petition for divorce by mutual consent);	7 Units	10 units for every contested civil suit more than 10 years old.	10 units for every contested civil suit more than 5 years old.	D.J.S. officers are entitled to 10 units for every contested case which is more than 5 years old and there may thus, be parity.
	(ii) Suit for Partition and Rendition of Accounts				
	a) At the time of passing preliminary decree	4 Units	8 units for every final disposal in a suit for partition or by rendition of accounts more than 7 years old.		
	b) At the time of passing final decree	3 Units			
	iii) Suit decided under Order XII Rule 6 CPC				
	1.where decree is partially passed.	3 Units			
	2.where final	4 Units			

	decree is passed without a partial decree			
2.	Divorce Petition by mutual Consent: 2.First Motion 3.Second Motion	½ Unit ½ Unit		
3.	Objections u/s 34 Arbitration & Conciliation Act Petition u/s 9 of Arbitration & Conciliation Act	3 Units 1 Unit	4.5 units for every Sec. 34 case more than 3 years old	
4.	Cases of a summary nature: i) where case is decided after granting leave to defend ii) where decree is passed by refusing leave to defend	6 Units 3 Units		
5.	Reference made to the High Court under CPC or Cr.P.C	1 Unit		
6.	Press Act Case	6 Units		
7.	Contested cases under Guardianship Act, Lunacy Act, Trust Act, Wakf Act, Essential Commodities Act,	6 Units		

	Companies Act and Improvement Trust cases			
8.	i) Contested Probate Case ii) Application for revocation u/s 263 of Indian Succession Act	8 Units 6 Units	12 units for every contested probate case more than 7 years old	
9.	Election Petition	6 Units	---	
10.	Execution case where decree is satisfied	2 units for disposal of every 5 petitions up to 30 decided per quarter	3 units for every 5 petitions beyond 30 per quarter	
11.	Injunction application (contested), petitions u/s 24 and 26 of Hindu Marriage Act and u/s 12 of Guardianship Act.	2 Units	----	
12.	Civil appeal (including appeal under DRC Act), Public Premises (Eviction of Unauthorized Occupants) Act – uncontested or against miscellaneous orders or time sought and	1 unit per case up to 30 decided cases per quarter	1.5 units for every additional decided case	

	granted			
13.	Civil appeal (including appeal under DRC Act), Public Premises (Eviction of Unauthorized Occupants) Act – contested and against a final order/decre	2 units per case up to 30 decided cases per quarter	(1) 3 units for every additional decided case (2) 3.5 units for every decided case more than 7 years old.	
14.	Civil appeal under Section 16 of the Delhi Municipal Corporation (Amendment) Act of 1961, House Tax Appeals pertaining to MCD or NDMC	1 unit per case up to 35 decided cases per quarter	(1) 1.5 units for every additional decided case. (2) 1.5 units for every decided case more than 7 years old.	
15.	Case remanded to lower court, excluding appeals not contested or against miscellaneous orders	0.5 units	---	
16.	Each connected and contested case (subject to a maximum of 3 decided by one common judgment)	1 unit	---	
17.	Cases at Sl. No.17, 23 and 24 above withdrawn or compromised at any stage	2 units per case	---	

18.	Transfer applications u/s 24 CPC	1 unit for 3 contested applications	---		
19.	Application U/S.18 Hindu Adoptions and Maintenance Act	Nil	Nil		
20.	If Objection filed in Execution Including Objection Under Order XXI Rule 97, Order XXI Rule 102 & Order XXI Rule 106 CPC	Nil	Nil	6 Units if the objections are disposed off after recording of evidence 3 units if the objections are disposed off purely on question of law	Deciding objections in an execution petition are equivalent to deciding a suit and therefore, it is imperative that some credit is given for deciding the same.
21.	Where suit is disposed off purely on question of law after framing of a preliminary issue	Nil	Nil	4 Units	To encourage quick disposal on a point of law, incentive may be given for deciding the matter on preliminary issue.

LAND ACQUISITION CASES

S. No.	CATEGORY OF CASE DISPOSED OF	UNITS	INCENTIVE	PROPOSED INCENTIVE	REMARKS
22.	Reference under Section 18 of the Land Acquisition Act	5 Units	---		
23.	Application or reference under Section 31(2) of the Land Acquisition Act	3 Units	---	5 units	Sufficient incentive may be given as deciding the reference under this provision takes a lot of time.
24.	Connected Land Acquisition Act case subject to maximum of 3 decided by one common judgment	1 Unit	---		
25.	Execution subject to satisfaction of the award	1 unit	---		

CASES UNDER OTHER SPECIAL STATUTES

S.NO.	CATEGORY OF CASE DISPOSED OF	UNITS	INCENTIVE	PROPOSED INCENTIVE	REMARKS
26.	Industrial Disputes Act and Motor Vehicles Act -Contested	3 Units	(1) 4.5 units for every additional	No Change	

	-Uncontested but not dismissed in default or dismissed for non-prosecution	1 Unit	decided case beyond 100 cases per quarter. 2) 4.5 units for every decided case more than 7 years old.	
27.	Other statutes not specifically mentioned	2 Units		No Change

MISCELLANEOUS

28.	Inspection of Court	3 Units subject to maximum of 15 units per quarter and submission of the inspection report	---	No Change	
-----	---------------------	--	-----	-----------	--

29.	<p>Departmental Inquiry:</p> <p>(1) Fact finding Inquiry</p> <p>(2) Regular departmental Inquiry</p>	<p>2 Units per Inquiry</p> <p>6 units each for 3 inquiry concluded in a quarter</p>	<p>9 units for every additional inquiry completed in that quarter</p>	<p>No Change</p>	
30.	<p>Case or appeal returned as settled through Lok Adalat or Mediation or Plea Bargaining (other than those cases carrying one unit or less)</p>	<p>2 Units</p>	<p>---</p>	<p>4 Units</p>	<p>ADR mechanisms should be encouraged and there should be a difference between out of court private settlements and settlements through ADR mechanism.</p>
31.	<p>Miscellaneous applications that are not covered under any other head</p>		<p>5 units for deciding 20 applications.</p>	<p>At present, no incentive is given for deciding miscellaneous applications which form a major part of the civil proceedings</p>	

				. Quick disposal of miscellaneous applications may be encouraged and some credit should be given.	
32.	Case returned as settled through Judicial Settlement (other than those cases carrying 2 units or less)	3 Units	---	No Change	

TABLE 'B'
(Norms for Officers of Delhi Judicial Service)

CIVIL JURISDICTION -D.J.S

S.NO.	CATEGORY OF CASE DISPOSED OF	UNITS	INCENTIVE	PROPOSED INCENTIVE	REMARKS
(i) APPELLATE JURISDICTION					
1.	Civil Appeal uncontested or time sought and granted	–1 unit per case upto 45 decided cases per quarter	1.5 units for every additional decided case	No Change	
2.	Civil Appeal (1) Against miscellaneous order (2) Against a final order/decree	a2 units per case upto 45 decided cases per quarter 3 units per case upto 45 decided	(1) 3 units for every additional decided case (2) 3.5 units for every decided case more than 5 years old. (1) 4 units for every additional	No Change No Change	

		d case per quarter	decided case (2) 5 units for every decided case more than 5 years old.		
(ii) CIVIL JURISDICTION					
3.	Contested regular Civil Suit and eviction case under DRC Act	7 units	10 units for every contested civil suit more than 5 years old	No Change	
4.	Contested cases pertaining to ESI, Small Cause Suit, insolvency and guardianship	6 units		No Change	
5.	(i)Application u/s 9 of Arbitration and Conciliation Act (ii)Application u/s 34 of Arbitration and Conciliation Act	1 unit 3 units		No Change	
6.	Case in which leave to defend is refused (including under DRC Act) and decree passed	3 units		No Change	
7.	Case under Order XXXVII CPC where the suit is decreed			1 unit	Suits decreed under this category are

	for non filing of memo of appearance or non filing of leave to defend				equivalent to suits decreed ex parte and thus, equal units may be given.
8.	Contested cases under Sec. 25 DRC Act	6 units	9 units for every contested case more than 3 years old.	No Change	
9.	Case under Section 27 DRC Act	1/2 unit for disposal of every 10 petitions		No Change	
10.	Contested case under Section 44/45 DRC Act	2 units		No Change	
11.	Execution work where decree/order is satisfied	2 units for disposal of every 5 petitions upto 30 decided per quarter	3 units for every 5 petitions beyond 30 per quarter	No Change	
12.	If Objection filed in Execution Including Objection Under Order XXI Rule 97, Order XXI Rule 102 & Order XXI Rule 106 CPC	NIL	Nil	6 Units if the objections are disposed off after recording	Deciding objections in an execution petition are equivalent to deciding a suit and

				of evidence 3 units if the objections are disposed off purely on question of law	therefore, it is imperative that some credit is given for deciding the same.
13.	Cases at Sl. No.15 and 16 above withdrawn or compromised at any stage	2 units per case		No Change	
14.	Contested injunction Application	2 units		No Change	
15.	Order under Order 12 Rule 6 CPC when the case is not disposed off Order under Order 12 Rule 6 CPC when the case is disposed off.	3 units 4 units			
16.	Order under Order 7 Rule 11 CPC when the case is disposed off	1 unit			
17.	Miscellaneous applications that are not covered under any other head			5 units for deciding 20 applications.	At present, no incentive is given for deciding miscellaneous applications which form a major part of the civil proceedings. Quick disposal of

					miscellaneous applications may be encouraged and some credit should be given.
(iii) MISCELLANEOUS					
18.	Departmental Enquiry: (1) Fact Finding Inquiry (2) Regular Inquiry	2 units for each inquiry 6 units for each inquiry concluded in a quarter		No Change	
19.	Case or appeal returned as settled through Lok Adalat or Mediation or Plea Bargaining (other than those cases carrying one unit or less)	2 units	Nil	4 units	
20.	Case returned as settled through Judicial settlement (other than those cases carrying 2 units or less)	3 units		No Change	
21.	Where suit is disposed off purely on question of law	Nil	Nil	4 Units	

after framing of a preliminary issue				
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HUMBLE SUBMISSIONS

1. Point No.(d) (i), (d) (iv) are required to be amended in view of the fact that the districts have been bifurcated and there are 11 District & Sessions Judges. It is proposed that the words “**all the District & Sessions Judges**” shall be substituted for words “**District Judge -I & Sessions Judge**” and words “**Administrative Civil Judge**” shall be substituted for words “**Administrative Civil Judge(Central)**” in point (d) (i).
2. Points No. (d) (ii) and (iv) have become obsolete and are required to be deleted.
3. Point No. (d) (iii) is required to be amended and the words “office of District Judge -I & Sessions Judge” in point (d) (iii) be read as “all the District & Sessions Judge”.
4. At, present the judicial officers are given specified units for disposal of certain category of cases and applications as per Table ‘A’ and Table ‘B’. There is a uniform Unit System in existence and specific units are allotted for disposal of the case based on the degree of difficulty. However, there are certain cases where difficulty level and time required for disposal is high but no incentive is provided for the same under the current system.
5. It is sometimes necessary to record evidence before deciding certain applications including the applications Under Section 18 Hindu Adoptions and Maintenance Act, Order IX Rule 13 CPC, Order XXI Rules 97, 102 & 106 CPC, and Objections in Execution Applications; however, no incentive has been allotted for their disposal. Similarly, there is no incentive or unit where a case is disposed off purely on a question of law after framing of preliminary issue. It is proposed that reasonable units/ incentive may also be allotted for these as well.
6. Every amicably settled case curbs further litigation and appeal, thereby saving precious time and money of the concerned parties. Sometimes, one amicable settlement in a particular case settles many cross cases between the parties, thus helps in minimizing litigation enhancing the peace of mind of the parties. Thus, there is a need to re-look at the existing incentives for settlement through the modes of Alternate Dispute Resolution such as Lok Adalats,

Mediation & Conciliation. The units for cases which are received as settled through any of the modes of Alternate Dispute Resolution should be enhanced from 2 to 4.

7. Presently, no incentive is given for miscellaneous work while many miscellaneous applications require quick disposal in civil cases. If incentive is given, it will encourage the officers to dispose them off in a huge number and thus, expedite trial procedure.

CHAPTER XIV

FORMS

CHAPTER XIV

FORMS

PRESENT SYSTEM AND DRAWBACKS

1. At present, there are various forms prescribed by Delhi High Court Rules and CPC. Some of them are used and some of them are outdated and redundant. Most of the forms are prescribed proformas which do not require any change but some forms are required to be revised so as to incorporate the advanced development that our present legal system has witnessed. For instance, the forms pertaining to summons/ notices/ warrants shall find mention of the fact that free legal aid is available to the litigants. These forms should also mention that the litigants can approach one of the modes of alternative dispute resolution for efficacious disposal of their cases.
2. Further, there are various forms, the proformas of which are printed and stored. This increases the cost, leads to wastage of natural resources and reduces the storage space in the court complexes. Therefore, to overcome these issues, information technology should be used.

HUMBLE SUBMISSIONS

1. All the forms should be available on the server which should be accessible to all the Ahlmads and Nazirs. Whenever there is a requirement for a form, the Ahlmad/ Nazir should download the same from the server, fill it up and then print it for its use. This way only the forms that are required will be printed and it will save the valuable resources and cost.
2. Some of the forms which require re-drafting have already been dealt with in chapters 1, 2 and 9. The copies of the forms proposed/ dealt with in chapters 1, 2 and 9 are annexed herewith for ready reference.
3. Form no. 16 for Warrant of Attachment of property of a witness under Order XVI Rule 10 CPC, Appendix B 16 should be deleted. According to the provision, the property only to the extent of fine or cost which can be imposed under Order XVI Rule 12 CPC can be attached which provides for a maximum fine of Rs. 500/-.

Therefore, in the present scenario, this form should be deleted unless the limit of the fine under Order XVI Rule 12 CPC is revised.

4. Form provided in Appendix H Miscellaneous 1 is required to be deleted as the same is no more in use.
5. One form with respect to application for summoning the witnesses has been proposed which is annexed herewith as Annexure 14-A.
6. Every form pertaining to summons, notices and warrants should mention two facts: one, that in prescribed circumstances, the litigants are entitled to free legal aid and second, that they can get the matter referred to one of the modes of alternative dispute resolution.
7. Each form should now find mention of the unique identity number of the suit/petition rather than the suit number.

Note:- In this report, Forms prescribed under Delhi High Court Rules and Code of Civil Procedure, 1908 are examined. Modifications are proposed in some of the Forms as per Annexure 14-B

ANNEXURE -14A

Application for Issue of Summons to a Party or Witness

Unique ID No.

Title of the Case:

Application moved on behalf of Plaintiff/Defendant

Number of witnesses to be summoned	Name and full address of each person to be summoned	Rank or occupation	Distance of residence from Court Rail Road	Cash paid for Traveling Expenses Diet Expenses	Name and address of person to whom unexpended travelling expenses and diet money should be returned

Signature of the Applicant/Advocate

ANNEXURE- 14-B

S.No.	Form No.	Nature of the Form	Under what Act	Remarks	Suggestions
1	1	Summons for final disposal of suit	Order V Rules 1 and 5 CPC (Schedule 1, App.B.1)	Dealt with under chapter 9	Modifications proposed as per Annexure -
2	2	Summons for settlement of issues	Order V Rules 1 and 5 CPC (Schedule 1, App.B.2)	Dealt with under chapter 9	Modifications proposed as per Annexure -
3	3	Summons to appear in person	Order V Rule 3 CPC (App.B.3)	Dealt with under chapter 9	Modifications proposed as per Annexure -
4	4	Summons in summary suits or negotiable	Order XXXVII, Rule 2 CPC (App. B.4)	Dealt with under chapter 9	Modifications proposed as

		instruments			per Annexure -
5	5	Notice to person who, the court considers should be added as co-plaintiff	Order 1 Rule 10 CPC (App. B.5)	Dealt with under chapter 9	Modifications proposed as per Annexure -
6	6	Summons to legal representative of a deceased defendant	Order XXII Rule 4 CPC (App. B.6)	Dealt with under chapter 9	Modifications proposed as per Annexure -
7	7	Order for transmission of summons for service in the jurisdiction of another court	Order V Rule 21 CPC (App. B.7)	Dealt with under chapter 9	Modifications proposed as per Annexure -
8	8	Order for transmission of summons to be served on a prisoner	Order V Rule 24 CPC (App. B.8)	Dealt with under chapter 9	Modifications proposed as per Annexure -
9	9	Order for transmission	Order V Rules 27 and 28 CPC	Dealt with under chapter 9	Modifications

		of summons to be served on a public servant or soldier	(App. B.9)		proposed as per Annexure -
10	10	Order to accompany return of summons of another court	Order V Rule 23 CPC (App. B.10)	Dealt with under chapter 9	Modifications proposed as per Annexure -
11	11	Affidavit of process server to accompany return of summons or notice	Order V Rule 18 CPC (App. B.11)	Dealt with under chapter 9	Modifications proposed as per Annexure -
12	12	Proclamation requiring the attendance of a witness	Order XVI Rule 10 CPC (App. B.14)	Dealt with under chapter 9	Modifications proposed as per Annexure -
13	13	Notice to defendant	Order IX Rule 6 CPC (App. B.12)	Dealt with under chapter 9	Modifications proposed as per Annexure -
14	14	Summons to witness	Order XVI Rules 1 and 5 CPC	Dealt with under chapter 9	Modifications

			(App. B.13)		proposed as per Annexure -
15	15	Proclamation requiring attendance of witness	Order XVI Rule 10 CPC (App. B.15)	Not printed.	May be deleted.
16	16	Warrant of attachment of property of a witness	Order XVI Rule 10 CPC (App. B.16)	Not printed.	May be deleted.
17	18	Warrant of committal	Order XVI Rule 16 CPC (App. B.18)		
18	19	Ditto	Order XVI Rule 18 CPC (App. B.19)		
19	20	Order for delivery of Interrogatories	Order XI Rule 1 CPC (App. C.1)	Not printed.	May be deleted.
20	21	Interrogatories	Order XI Rule 4 CPC (App.C.2)	Not printed.	May be deleted.
21	22	Answer to Interrogatories	Order XI Rule 9 CPC (App. C.2)	Not printed.	May be deleted.
22	23	Order for affidavit as to documents	Order XI Rule 12 CPC (App. C.4)	Not printed.	May be deleted.

23	24	Affidavit as to documents	Order XI Rule 13 CPC (App. C.5)	Not printed.	May be deleted.
24	25	Order to produce documents for inspection	Order XI Rule 14 CPC (App. C.6)	Not printed.	May be deleted.
25	26	Notice to produce documents	Order XI Rule 16 CPC (App. C.7)	Not printed.	May be deleted.
26	27	Notice to inspect documents	Order XI Rule 17 CPC (App. C.8)	Not printed.	May be deleted.
27	28	Notice to admit documents	Order XII Rule 3 CPC (App. C.9)	Not printed.	May be deleted.
28	29	Notice to admit facts	Order XII Rule 5 CPC (App. C.10)	Not printed.	May be deleted.
29	30	Admission of facts pursuant to notice	Order XII Rule 8 CPC (App. C.11)	Not printed.	May be deleted.
30	31	Notice to produce (general form)	Order XII Rule 8 CPC (App. C.12)	Not printed.	May be deleted.
31	32	Decree in original suit	Order XX Rules 6 and 7 CPC (App. D.1)	No change.	..
32	33	Simple Money decree	Sec. 34 CPC	No change.	..

			(App. D.2)		
33	34	Money decree to be paid by instalments	Order XX Rule 11 CPC	No change.	..
34	35	Decree in suit for possession etc.	Order XX Rules 9 and 10 CPC	No change.	..
35	36	<i>Ex parte</i> money decree	Sec. 34 CPC	No change.	..
36	37	Preliminary decree for sale		No change.	..
37	38	Preliminary decree for foreclosure (where accounts are directed to be taken)	Order XXXIV Rule 2 CPC Schedule I (App. D.3)	No change.	..
38	39	Preliminary decree for foreclosure (where the Court declares the amount due)	Order XXXIV Rule 2 CPC Schedule I (App. D.3-A)	No change.	..
39	40	Final decree for foreclosure	Order XXXIV Rule 3 CPC (App. D.4)	No change.	..
40	41	Preliminary decree for	Order XXXIV Rule 4 CPC	No change.	..

		sale (where accounts are directed)	(App. D.5)		
41	42	Preliminary decree for sale (where the court declares the amount due)	Order XXXIV Rule 4 CPC (App. D.5-A)	No change.	..
42	43	Final decree for sale	Order XXXIV Rule 5 CPC (App. D.6)	No change.	..
43	44	Preliminary decree for redemption where in default of payment by mortgagor a decree for foreclosure is passed (where accounts are directed)	Order XXXIV Rule 7 CPC (App. D.7)	No change.	..
44	45	Preliminary decree for redemption where in default of payment by mortgagor a decree for sale is passed (where	Order XXXIV Rule 7 CPC (App. D.7-A)	No change.	..

		accounts are directed)			
45	46	Preliminary decree for redemption where in default of payment by mortgagor a decree for foreclosure is passed (where the court declares the amount due)	Order XXXIV Rule 7 CPC (App. D.7-B)	No change.	..
46	47	Preliminary decree for redemption where in default of payment by mortgagor a decree for sale is passed (where the court declares the amount due)	Order XXXIV Rule 7 CPC (App. D.7-C)	No change.	..
47	48	Final decree for foreclosure in a redemption suit on default of payment by	Order XXXIV Rule 8 CPC (App. D.7-D)	No change.	..

		mortgagor			
48	49	Final decree for sale in a redemption suit on default of payment by mortgagor	Order XXXIV Rule 8 CPC (App. D.7-E)	No change.	..
49	50	Final decree in a suit for foreclosure, sale or redemption where the mortgagor pays the amount of the decree	Order XXXIV Rules 3,5 and 8 CPC (App. D.7-F)	No change.	..
50	51	Decree against mortgagor personally for balance after the sale of the mortgaged property	Order XXXIV Rules 6 and 8-A CPC (App. D.8)	No change.	..
51	52	Preliminary decree for foreclosure or sale	Order XXXIV Rules 2 and 4 CPC (App. D.9)	No change.	..
52	53	Preliminary decree for redemption of prior	Order XXXIV Rules 2,4 and 7 CPC (App. D.10)	No change.	..

		mortgage and foreclosure or sale on subsequent mortgage			
53	54	Preliminary decree for sale	Order XXXIV Rule 4 CPC (App. D.11)	No change.	..
54	55	Notice to show cause why a payment or adjustment should not be recorded as certified	Order XXI Rule 2 CPC (App. E.1)	No change.	..
55	56	Precept	Sec. 46 (App. E.2)	No change.	..
56	57	Order sending decree to another court for execution	Order XXI Rule 6 CPC (App. E.3)	No change.	..
57	58	Certificate of non-satisfaction of decree	Order XXI Rule 6 CPC (App. E.4)	No change.	..
58	59	Certificate of execution of decree sent to another court	Order XXI Rule 6 CPC (App. E.5)	No change.	..
59	60	Application for	Order XXI Rule 11 CPC	No change.	..

		execution of decree	(App. E.6)		
60	61	Notice to show cause why execution should not issue	Order XXI Rules 16 and 22 (App. E.7)	No change.	..
61	62	Warrant of attachment of movable property in execution of a decree of money	Order XXI Rule 30 CPC (App. E.8)	No change.	..
62	63	Warrant for seizure of specific movable property in execution of a decree for money	Order XXI Rule 31 CPC (App. E.9)	No change.	..
63	64	Notice to state objections to draft of document	Order XXI Rule 34 CPC (App. E.10)	No change.	..
64	65	Warrant to the Bailiff to give possession of land etc.	Order XXI Rule 35 CPC (App. E.11)	No change.	..
65	66	Notice to show cause why warrant of arrest	Order XXI Rule 37 CPC (App. E.12)	No change.	..

		should not issue			
66	67	Warrant of arrest in execution	Order XXI Rule 38 CPC (App. E.13)	No change.	..
67	68	Warrant of committal of judgment debtor to jail	Order XXI Rule 40 CPC (App. E.14)	No change.	..
68	69	Order for release of a person imprisoned in execution of decree	Secs. 58 and 59 CPC (App. E.15)	No change.	..
69	70	Security for safe custody of movable property	Order XXI Rule 43 CPC (App. E.15-A)	No change.	..
70	72	Prohibitory Order, where the property to be attached consists of movable property, to which the defendant is entitled subject to a lien or right of some other person to the	Order XXI Rule 46 CPC (App. E.16)	No change.	..

		immediate possession thereof.			
	73	Prohibitory Order, where the property consists of debts not secured by Negotiable Instruments	Order XXI Rule 46 CPC (App. E.17)	No change.	..
	74	Prohibitory Order, where the property consists of shares in the capital of a corporation	Order XXI Rule 46 CPC (App. E.18)	No change.	..
	75	Order to attach the salary of a Public Officer or servant of Railway company of Local Authority	Order XXI Rule 48 CPC (App. E.19)	No change.	..
	76	Order of attachment of Negotiable Instrument	Order XXI Rule 51 CPC (App. E.20)	No change.	..
	77	Prohibitory Order,	Order XXI Rule 52 CPC	No change.	..

		where the property consists of money or of any security in the custody of a Court of Justice or Officer of Government	(App. E.21)		
	78	Order of attachment of a decree addressed to the Court which passed it	Order XXI Rule 53 CPC (App. E.22)	No change.	..
	79	Notice of attachment of a decree to the holder of the decree	Order XXI Rule 53 CPC (App. E.23)	No change.	..
	80	Prohibitory Order, where the property consists of immovable property	Order XXI Rule 54 CPC (App. E.24)	No change.	..
	81	Order for payment to the plaintiff, etc. of money etc. in the	Order XXI Rule 56 CPC (App. E.25)	No change.	..

		hands of a third party			
	82	Notice to attaching creditor	Order XXI Rule 58 CPC (App. E.26)	No change.	..
	83	Warrant of sale of property in execution of a decree for money	Order XXI Rule 66 CPC (App. E.27)	No change.	..
	84	Notice of the day fixed for setting a sale	Order XXI Rule 66 CPC (App. E.28)	No change.	..
	86	Order on the Nazir for causing service of proclamation of sale	Order XXI Rule 66 CPC (App. E.30)	No change.	..
	87	Certificate by Officer holding a sale of the deficiency of price on a re-sale of property by reason of the purchaser's default	Order XXI Rule 71 CPC (App. E.31)	No change.	..
	88	Notice to person in possession of movable	Order XXI Rule 79 CPC (App. E.32)	No change.	..

		property sold in execution			
	89	Prohibitory Order against payment of debts sold in execution to other than the purchaser	Order XXI Rule 79 CPC (App. E.33)	No change.	..
	90	Prohibitory Order against the transfer of shares sold in execution	Order XXI Rule 79 CPC (App. E.34)	No change.	..
	91	Certificate to judgment debtor authorising him to mortgage, lease or sell property	Order XXI Rule 83 CPC (App. E.35)	No change.	..
	92	Notice (at the instance of the decree holder or judgment debtor) to show cause why sale should not be set	Order XXI Rules 90 and 92 CPC (App. E.36)	No change.	..

		aside			
	93	Notice (at the instance of the purchaser) to show cause why sale should not be set aside	Order XXI Rules 91 and 92 CPC (App. E.37)	No change.	..
	94	Certificate for sale of land	Order XXI Rule 94 CPC (App. E.38)	No change.	..
	95	Order for delivery to certified purchaser of land at a sale in execution	Order XXI Rule 95 CPC (App. E.39)	No change.	..
	96	Summons to appear and answer charge of obstructing execution of decree	Order XXI Rule 97 CPC (App. E.40)	No change.	..
	97	Warrants of committal	Order XXI Rule 98 CPC (App. E.41)	No change.	..
	98	Authority to the Collector to stay public	Sec. 72 (App. E.42)	No change.	..

		sale of land			
	99	Notice to the heir or representative of the judgment-debtor	Order XXI Rule 22(1) CPC	No change.	..
	100	Warrant of attachment of immovable property in execution of a decree for money	Order XXI Rules 30 and 54 CPC	No change.	..
	101	Proclamation of sale of movable property	Order XXI Rule 66 CPC	No change.	..
	102	Order confirming sale of land etc.	Order XXI Rule 92 CPC	No change.	..
	103	Order of committal for resisting or obstructing execution of decree for immovable property	Order XXI Rule 98 CPC	No change.	..
	104	Prohibitory Order, where the property to be attached consists of movable, subject to a	Order XXVIII Rule 7 CPC	No change.	..

		lien or right of some other persons to the immediate possession thereof.			
	105	Prohibitory Order, where the property consists of immovable property	Order XXVIII Rule 7 CPC	No change.	..
	106	Prohibitory Order, where the property consists of money in the hands of other persons or of debts	Order XXVIII Rule 7 CPC	No change.	..
	107	Prohibitory Order where the property consists of shares in the capital of a corporation	Order XXVIII Rule 7 CPC	No change.	..
	108	Warrant of arrest before judgment	Order XXVIII Rule 1 CPC (App. F.1)	No change.	..

	109	Security for appearance of a defendant arrested before judgment	Order XXVIII Rule 2 CPC (App. F.2)	No change.	..
	110	Summons to defendant to appear on surety's application for discharge	Order XXVIII Rule 3 CPC (App. F.3)	No change.	..
	111	Order of committal	Order XXVIII Rule 4 CPC (App. F.4)	No change.	..
	112	Attachment before judgment, with order to call for security for fulfilment of decree	Order XXVIII Rule 5 CPC (App. F.5)	No change.	..
	113	Security for the production of property	Order XXVIII Rule 5 CPC (App. F.6)	No change.	..
	114	Attachment before judgment on proof of failure to furnish security	Order XXVIII Rule 6 CPC (App. F.6)	No change.	..

	115	Appointment of a Receiver	Order XL Rule 1 CPC (App. F. 9)	No change.	..
	116	Bond to be given by the Receiver	Order XL Rule 3 CPC (App. F. 10)	No change.	..
	117	Security bond to be given on order being made to stay execution of decree	Order XLI Rule 5 CPC (App. G. 2)	No change.	..
	118	Security bond to be given during pendency of the appeal	Order XLI Rule 6 CPC (App. G. 3)	No change.	..
	119	Security for costs of appeal	Order XLI Rule 10 CPC (App. G. 4)	No change.	..
	120	Intimation to lower Court of admission of appeal	Order XLI Rule 13 CPC (App. G. 5)	No change.	..
	121	Notice to respondent of the day fixed for the hearing of appeal	Order XLI Rule 14 CPC (App. G. 6)	No change.	..
	122	Notice to respondent	Order XLI Rule 14 CPC	No change.	..

		of the day fixed for the hearing of the appeal, with endorsement to District Judge	(App. G. 6)		
	123	Notice to a party to a suit not made a party to the appeal but joined by the Court as a Respondent	Order XLI Rule 20 CPC (App. G. 7)	No change.	..
	124	Decree on appeal	Order XLI Rule 20 CPC (App. G. 9)	No change.	..
	125	Notice of appeal in <i>forma pauperis</i>	Order XLIV Rule 1 CPC (App. G. 11)	No change.	..
	126	Precept directing inquiry into alleged pauperism of appellant	Order XLIV Rule 2 CPC	No change.	..
	127	Notice to show cause why a certificate of appeal to the Supreme Court should not be	Order XLV Rule 3 CPC (App. G. 12)	No change.	..

		granted			
	128	Notice of admission of appeal to the Supreme Court	Order XLV Rule 8 CPC (App. G. 13)	No change.	..
	129	Notice to show cause why a review should not be granted	Order XLVII Rule 4 CPC (App. G. 14)	No change.	..
	130	Notice to show cause why a review should not be granted, with endorsement to District Judge	Order XLVII Rule 4 CPC (App. G. 14)	No change.	..
	131	Precept forwarding Court's order of remand	Order XLI Rule 25 CPC	No change.	..
	132	Notice of application for the transfer of a suit to another court for trial	Sec. 24 CPC (App. H.2)	No change.	..

	133	Notice of payment into court	Order XXIV Rule 2 CPC (App. H. 3)	No change.	..
	134	Notice to show cause (general form)	(App. H. 4)	No change.	..
	135	List of documents produced	Order XIII Rule 1 CPC (App. H. 5)	No change.	..
	136	Notice to parties of the day fixed for examination of a witness about to leave the jurisdiction	Order XVIII Rule 16 CPC (App. H. 6)	No change.	..
	137	Commission to examine absent witness	Order XXVI Rules 2 and 18 CPC (App. H. 7)	No change.	..
	138	Letter of Request	Order XXVI Rule 5 CPC (App. H. 8)	No change.	..
	139	Commission for a local investigation, or to examine accounts	Order XXVI Rules 9 and 11 CPC (App. H. 9)	No change.	..
	140	Commission to make a	Order XXVI Rule 13 CPC	No change.	..

		partition	(App. H. 10)		
	141	Notice to minor defendant and guardian	Order XXXII Rule 3 CPC (App. H. 11)	No change.	..
	142	Notice to opposite party of day fixed for hearing evidence of pauperism	Order XXXIII Rule 6 CPC (App. H. 12)	No change.	..
	143	Notice to surety of his liability under a decree	Sec. 145 (App. H. 13)	No change.	..
	144	Notice to opposite party of application to set aside decree passed in default or <i>ex parte</i>	Order IX Rule 14 CPC	No change.	..
	145	Security bond for appearance of defendant	Order XXXVIII Rule 2 CPC	No change.	..
	146	Sheet for the reply of the defendant to the	Order X Rule 1 CPC	No change.	..

		plaint			
	147	Sheet for the record of the admission or denial by the plaintiff of allegations of fact contained in written statements of defendant	Order X Rule 1 CPC	No change.	..
	148	Sheet for the examination of the plaintiff or person able to answer material questions on his behalf	Order X Rules 2 and 3 CPC	No change.	..
	149	Sheet for the examination of the defendant or person able to answer material questions on his behalf	Order X Rules 2 and 3 CPC	No change.	..
	150	Sheet for the	Order XIII Rule 1 CPC	No change.	..

		examination of the parties as to the documents to be produced by them at the first hearing			
	151	Notice of defendant of postponement of suit	Order IX Rule 6 CPC	No change.	..
	152	Prohibitory Order for salary of Public Officer etc.	Order XXI Rule 46 CPC	No change.	..
	153	Return of process of Corporation etc.	Order XXIX Rule 2 CPC	No change.	..
	154	Security bond	Order XXXVIII Rule 5 CPC	No change.	..
	155	Warrant to bailiff	Order XXXVIII Rule 5 CPC	No change.	..
	156	Order of reference to arbitration	Schedule II, para 3	No change.	..
	157	Notice to parties	Schedule II, para 17	No change.	..
	158	Ditto	Schedule II, para 20	..	..
	159	Ditto	Order XXXVI rules 1 and 3 CPC	..	..
	160	Security bond for	Order XLI Rule 6 CPC	No change.	..

		decree holder			
	161 to 172	Spare numbers for new forms as required		..	..

The unique ID No to be filled by the official

DETAILS OF THE PARTIEES AND CLAIM / LAND ACQUISITION
CASE / PROBATE AND LETTER OF ADMINISTRATION CASES

PAUPER APPLICATION

PESHI REGISTRERR

APPLICATIONS/REVIEW APPLICATION

CONTEMPT APPLICATION

JUDGMENT / ORDER

EXECUTION

FIRST APPEAL

SECCOND APPEAL

REPORT

ON

PROCESS RE-ENGINEERING FOR CRIMINAL CASES

SUBMITTED BY:

**R.K. GAUBA, DISTRICT & SESSIONS JUDGE,
DINESH KUMAR SHARMA, SPECIAL JUDGE,
SANTOSH SNEHI MANN, DIRECTOR (ACADEMICS)**

07 FEBRUARY 2014

INDEX

PART – I (REPORT)

Section	Subject	Page No.
I.	BACKGROUND	4
II.	METHODOLOGY ADOPTED	6
III.	FRAMEWORK OF THE REPORT	8
IV.	MAJOR BOTTLENECKS IN THE PROCESS	12
	A. Administrative Set-up	12
	B. Filing	15
	C. Custody of Case Records	16
	D. Process Serving	17
	E. Copying	18
	F. Court Processes on Criminal Complaints/FIRs	18
	G. Inquiry/Trial before Court	20
	H. Rules & Orders	22
V.	RECOMMENDATIONS	25
	A. E-Solutions	25
	B. Administrative Set-up	26
	C. Filing	29
	D. Custody of Case Records	32
	E. Process Serving	32
	F. Copying	34
	G. Court Processes on Criminal Complaints/FIR	34
	H. Inquiry/Trial before Court	36
	I. Practice Instructions for Police	40
	J. Rules & Orders	42
VI	CONCLUSION	45
	ACKNOWLEDGEMENT	46

PART – II (ANNEXURES)

Annexures	Subject	Page No.
Annexure A	E-Solution - Broad Contours	47
Annexure B	List of Administrative Committees	51
Annexure C	Statistical Branch (Structure, Role and Responsibilities)	54
Annexure D	Model Draft of Proceeding u/S.294 Cr.P.C.	57
Annexure E	New Scheme for Traffic Challan Cases	59
Annexure F	List of Forms recommended to be “Deleted”	61
Annexure G	List of Forms recommended to be “Modified or substituted”	64
Annexure G/1	Summons to accused persons	68
Annexure G/2	Warrant to bring up a witness after a summon	71
Annexure G/3	Bail Bond to be furnished when evidence deficient	72
Annexure G/4	Bond to be furnished by the complainant or witness to prosecute or give evidence	73
Annexure G/5	Summons to witness	74
Annexure G/6	Warrant of Commitment under Sentence of death	75
Annexure G/7	Warrant of Commitment on a Sentence of imprisonment or fine passed/upheld by the Court of Sessions in Criminal Appeal	76
Annexure H	List of Forms recommended to be “Introduced”	77
Annexure H/1	Order for service on government servant	79
Annexure H/2	Bail Bond to be furnished in bailable offence if evidence is sufficient	80
Annexure H/3	Notice for show cause against punishment for non attendance	81

Annexures	Subject	Page No.
Annexure H/4	Database (Criminal Case)	82
Annexure H/5	Register of Criminal Cases	89
Annexure H/6	Register of Criminal Appeal & Criminal Revisions	90
Annexure H/7	Register of Miscellaneous Criminal Cases	91
Annexure H/8	Register of Bail Applications	92
Annexure H/9	Register of Applications for Transfer of Criminal Cases	93
Annexure H/10	Case Custody Register	94
Annexure H/11	Pending Causes Register	95
Annexure H/12	Daily Cause Register	96
Annexure H/13	Register of Return of Processes	97
Annexure H/14	Register of Decided/Consigned Cases	98
Annexure H/15	Cover Sheet for Filing	99
Annexure H/16	Acknowledgment	101
Annexure H/17	Remand Sheet	102
Annexure H/18	Report on status of service of witnesses	103

PART – III (APPENDICES)

Appendix	Subject	Page No.
I.	District Court Establishment – Administrative Set-up	104
II.	Inquiry/Investigation by Police	141
III.	Process in Court	
	(a) Pre-trial Court Inquiry (Complaints)	166
	(b) Pre-trial Court Inquiry (State Case)	169
	(c) Trial Before the Court	172
	(d) Traffic Challan Cases	186
IV.	APPRAISAL OF PRESCRIBED FORMS & REGISTERS	190

I. BACKGROUND

1. This team was constituted pursuant to communication vide letter No.21408/Comp./DHC dated 10.09.2013 of Registrar General, High Court of Delhi, New Delhi on the subject "Process Re-engineering for Criminal Cases". Pursuant to the request sent by the Head of the team vide D.O. Letter No.22/RKG/D&SJ/Saket/ND/13 dated 13.09.2013, the background papers were made available by Mr. Keshav Kumar Bhati, Joint Registrar (Comp.) & 'CPC' vide his letter No.21966/Comp./DHC dated 17.09.2013.
2. The team in its first formal meeting (held on 30.09.2013) discussed the work assigned in the light of the papers made available which primarily comprised of the "Draft for discussion" on the subject circulated by Mr. Ashok T. Ukrani, Member (Management & Human Resources), E-Committee, Supreme Court of India vide his letter No.EC/58/2013 dated 22.07.2013.
3. From the material available, it appears that the exercise involves "re-visiting" the existing processes and procedures followed in the District Courts so as to find out if they require to be "streamlined" (in case they have been rendered archaic and/or have become causes for delay) and suggest measures "introducing or innovating new processes and procedures" to attain the prime goal of "expediting the justice delivery".
4. In the understanding of this team, the exercise is expected to encompass the whole range of processes, procedures, forms etc. right from the stage where a criminal case enters the judicial system through the entire process thereafter upto the ultimate conclusion and beyond (where consequential steps are required to be taken). The background paper suggests that the initiatives may involve

modernization of the court related administrative matters so as to re-organize, re-structure and simplify the same and make them litigant friendly.

5. Since they are to be dealt with by the E-Committee separately, the deliberations here, however, are to exclude from consideration issues of -

- (i) case or court management;
- (ii) e-filing; or
- (iii) categorization of cases.

6. The background paper summarizes the objectives of the exercise as under:-

- (i) To study the existing rules, processes, procedures and forms in vogue in the District Courts;
- (ii) To modernize the existing rules, processes, procedures and forms to make them litigant friendly and technology related;
- (iii) To introduce new rules, processes, procedures and forms to avoid administrative delays in the District Courts and thereby assist in expediting disposal of cases; and
- (iv) To compile the new rules, processes, procedures and forms and officially publish them for use in the District Courts.

II. METHODOLOGY ADOPTED

7. Against the above backdrop, the team had its first formal meeting on 30.09.2013 when the subject was discussed. It was, *inter-alia*, resolved that the team shall:
- (a) Gather and critically study, analyze the existing rules and orders as well as administrative instructions/practice directions issued from time to time by Hon'ble High Court or by the erstwhile office of the District & Sessions Judge [now the District & Sessions Judge (Head Quarter)];
 - (b) To obtain feedback/inputs from all stake holders connected with the court process including judicial officers, court staff, the lawyers, police officers, litigants, under-trial prisoners, convicts etc.;
 - (c) Examine/appraise the software presently in use in the district courts for registration of cases and for purposes of court proceedings (as also the mode/manner in which it is utilized and/or the extent to which it is put in public domain) alongside the new programme (software) developed by National Informatics Centre (NIC); and
 - (d) Identify such specific problem areas as suffer from shortcomings or deficiencies necessitating improvements, *inter-alia*, by use of modern technology.
8. The formal meetings were also utilized for interaction with judicial officers (of the two districts at Saket on 21.10.2013 and 23.10.2013); office bearers/representatives of Bar Associations of the six District Courts complex of Delhi (on 24.10.2013); with under-trial prisoners and convicts in Central Jails at Tihar (on 26.10.2013); with Delhi Legal Services Authority panel Advocates and Secretaries of District Legal Services Authorities of District Courts of Delhi (on 06.11.2013); with court staff working at various levels in the hierarchy with varied duties/responsibilities (mixed group with variety of experience) (on 07.11.2013);

with officers of Police department along with representatives of the Prosecution department of South & South-East District (on 07.11.2013) and senior members of the Bar practicing in criminal courts and having long standing and sufficient experience in trial courts and in High Court. The team also took guidance from the “Approach paper of judicial process – re-engineering in Karnataka”, a copy whereof was made available by the Registry of Hon'ble High Court.

9. On our request, the office of District & Sessions Judge (Headquarters) and Rules Branch of High Court Registry made available copies of some of the orders issued in the past which have a bearing on the subject at hand.
10. The team had numerous formal meetings, in addition to regular informal interaction with each other. The team met almost on daily basis in the month of January 2014, *inter-alia*, for deliberations and to finalize the report.

III. FRAMEWORK OF THE REPORT

11. Having regard to the problem areas that came to the fore during our deliberations, the team has examined the following main areas:

- (i) District Court Establishment – Administrative Set-up;
- (ii) Police inquiry/investigation;
- (iii) Process of Criminal Cases in Court (Inquiry/Trial) :
 - (a) Pre-Trial Court Inquiry (Complaints),
 - (b) Pre-Trial Court Inquiry (State Case),
 - (c) Trial before the Court,
 - (d) Traffic challan cases ;
- (iv) Existing Rules and Practices.

12. In the brain-storming sessions that the team has had, major problem areas were identified concerning each of the above facets, having regard to the court process involved or the utility thereof *vis a vis* the main objective of expeditious adjudication. In this exercise, we logged/took note of the various shortcomings or deficiencies in the existing practices in vogue. On the basis of our own judicial/administrative experience, and the inputs that were given by various stakeholders, we have devised certain possible solutions which could help achieve the objectives of this exercise, in particular for making the adjudicatory practices in criminal justice administration expeditious, litigant friendly, more transparent and in tune with the requirements of modern times, ready to meet the newer challenges with the aid and assistance of advanced technological tools.

13. In undertaking this task, and while finalizing the initiatives which we feel are necessary, we have borne in mind the fact that *e-governance* is now the public policy of the State and, therefore, it is incumbent that the adjudicatory process also be in *sync* with the era of reforms in this direction alongside the other public-service departments and must switch over to automated systems to the extent feasible.

14. The exercise has resulted in tabulation of our thoughts, and possible solutions, on each of the above mentioned aspects. The said tables are being submitted as part of this report, they being **Appendix - I, Appendix – II, Appendix – III and Appendix - IV** respectively.
15. It must be added here, in above context, that the deficiencies in existing practices, which have been noticed in the exercise, stem not necessarily on account of singular causes, but generally from varied factors. Conversely, the solutions that we suggest are not necessarily designed to tackle each problem with singular/separate cure. The problem areas overlap and manifest individually or cumulatively (with some others) into other complexities. Thus, what we are recommending include initiatives which hopefully would have an overall impact. For convenience of cross reference, the relevant appendix has been indicated in parenthesis wherever required for what follows in this report.
16. As would be noticed, as part of our deliberations and recommendations for reforms in the administrative set-up of the District Courts Establishment (**Appendix – I**), we have dwelt upon at length on all possible areas of concern including organizing the administration of the district courts; administrative support to justice delivery process; filing; service of processes; copying agency; deposits and refunds; local bar and public at large as stakeholders, etc.
17. Similarly, while examining the issues concerning the stage of police inquiry/investigation (**Appendix-II**), our anxiety has been to bring in reforms relating to registration (or non-registration) of FIRs; non-compliance of statutory provisions concerning the records prepared during investigation; remand (police/judicial) of persons arrested, including by police of other states; bottlenecks relating to requests for release on bail (anticipatory/regular or by default); issues concerning custody of minor victims (particularly female); plea of juvenility, elusive witnesses for prosecution; recording of statements under Section 164 Cr.PC; conduct of test

identification parade; inquest by Metropolitan Magistrate; issuance/execution of search warrants or seizure; *superdagi* of case property; issuance/execution of process to compel appearance during investigation; police reports seeking closure/cancellation of cases, etc.

18. Further, while examining the problem areas in the context of process of inquiry/trial in the court (**Appendix – III**), we have focussed on the system of filing; calling of police reports ; issuance of processes of various kinds (and at different stages); supply of copies (u/Ss 207-208 Cr.PC); consideration of charge; use of provisions to narrow down the controversy or cut down the need for formal evidence; recording of evidence and problems connected therewith (including the language/communication barriers); disposal of Traffic Challan Cases, etc.

19. For purposes of review of forms prescribed in High Court Rules and Orders, we have gone by “Delhi High Court Rules – Practices And Procedures”, compiled by Mr. RC Khera (Sixth Edition – 2013), published by Allied Book Company (Two Volumes). In the said publication, various “Criminal Forms”, as contained in Volume 6-B (Part 1) of High Court Rules and Orders, are categorised as under:-

- B-I** - Forms under the Code of Criminal Procedure, 1898.
- B-II** - Forms under Special Acts.
- B-III** - Miscellaneous Forms.
- B-IV** - Forms of Registers.
- B-V** - Forms of Periodical Statements

20. The appraisal of the prescribed forms in present use (or disuse) has been dealt with at length by us (**Appendix-IV**) with our views briefly indicated in the remarks column against each.

21. We have indicated our views *vis a vis* **Part B – I** (“Forms under the Code of Criminal Procedure”), as included in the High Court Rules & Orders, in tabular form, in section ‘I’ of **Appendix IV**.
22. We have also taken up **Part B- IV** (“Forms of Registers”) as included in the High Court Rules and Orders and given our views in tabular form, which is enclosed as section ‘II’ of **Appendix IV**.
23. We have not reviewed the remaining parts since that is a subject better left to be taken up after policy decisions have been taken on our various suggestions in this report; particularly because the shape and content of different reports is likely to undergo substantial change upon the administrative processes of the Courts being shifted to automated mode.
24. In the following section of the report (**Section IV**), we have summarized the major bottlenecks which were identified, grouped under different heads viz., Administrative Support; Filing; Custody of Case Records; Process Serving; Copying; Court Processes on Criminal Complaints/FIRs; Inquiry/Trial before Court; and, Rules & Orders.
25. The next section of this report (**Section V**) sets out the “**Recommendations**”. We have grouped them under different heads viz., *e-Solutions*; Administrative Support; Filing; Custody of Case Records; Process Serving; Copying; Court Process on Criminal Complaint/FIRs; Inquiry/Trial before Court; Practice Instructions for Police; and, Rules & Orders.

IV. MAJOR BOTTLENECKS IN THE PROCESS

26. As a result of the discussions and deliberations, as indeed the scrutiny of inputs/suggestions received from different quarters, we have identified the major bottlenecks which lead to slow down the judicial process in criminal justice administration. These are summarized, classified and catalogued hereinafter. For detailed thoughts concerning each, one may refer conveniently to the corresponding tabulation (**Appendices**) as indicated in the parenthesis at the end.

27. The problem areas may be set out as under:-

A. Administrative Set-up:-

(i) ***Deficient Administrative Support:*** Judicial process depends substantially on administrative support which is provided by the establishment that comprises of various branches established to take care of different needs, e.g., the Copying Agency, the Record Rooms, the Filing Counter, Facilitation Counter, Accounts etc. When originally conceived, the number of courts established was too small as compared to what is the position now. The strength of the judicial services and the support staff has increased manifold. With geometrical increase in the litigation, the demands of the litigants for services of various kinds to be provided by the system has also increased, resulting in corresponding additional workforce. Though the High Courts rules and orders do contain broad guidelines to regulate the administrative structure of the District Court Establishment, the same have become deficient over the years. **[Appendix I];**

(ii) ***Manual Accounting:*** The office procedures continue to follow practices which were in use several decades ago. Though the courts have been computerized, the use of the modern technology has been restricted to recording of evidence, preparation of judgments and uploading of some of the proceedings on the court website. The Accounts branch does use

technological aids with the help of software developed by NIC for purposes of preparation and raising of bills with the treasury. But, the bills generated through such system continue to be presented in physical form. To put it simply, neither the administrative nor judicial processes have been automated **[Appendix I];**

(iii) Cumbersome office Procedures: The computerization has not had the desired impact on the administrative decision making processes. In the result, the outdated procedure of the administrative files moving from one level to the other on the basis of unnecessary lengthy/verbose office notes render the administrative decision making process slow and tardy **[Appendix I];**

(iv) Lack of Expert Assistance: The administrative structure in the different District Courts lacks uniform pattern. The Judicial Officers and the court staff do not have the requisite training or experience in handling administrative issues. There is no proper guidance/assistance, particularly in such technical matters as budgeting, finance or human resource management. The District Judges shoulder the administrative responsibilities virtually with no expert assistance. They solicit the help and assistance of Judicial Officers who would rather devote their time and energy on judicial output. There has been no structured programme, or plan of action, for imparting the necessary skills to the work force for dealing with administrative tasks **[Appendix I];**

(v) Lack of Timely & Adequate Responses from the Government: The District & Sessions Judges grapple with issues requiring approvals or sanctions of Govt. Departments which are often found unresponsive. Many a time, letters and repetitive reminders remain unanswered. There seems to be no sense of urgency even in emergent requirements. The practice of District Judges (or their representative Judicial Officer) being made to call the bureaucracy (or attend meetings) to impress upon them the justification

of official requests/institutional requirements is not healthy **[Appendix I]**;

(vi) Centralized Control of Finance: The control over human/budgetary/material resources remains concentrated in the hands of the Headquarters with no effective mechanism for collective decision making by all District Judges in matters of common/mutual interest **[Appendix I]**;

(vii) Centralized Control of Staff: The Delhi District Court Establishment (Appointments and Conditions of Service), Rules, 2012, recently notified and circulated have taken away the administrative/disciplinary control over court staff from the other District Judges, making it again the exclusive prerogative of District & Sessions Judge (HQ), which erodes the recently conferred authority of former *vis a vis* the staff working under them. This, and the deficiency in resources of various kinds, reflects on the over all productivity **[Appendix I]**;

(viii) Outdated Nomenclatures: The nomenclature of designations for the court staff continues to be what was coined many years ago. The expressions “*Ahlmad*”, “Reader”, “*Mauza Clerk*” etc., are not easily comprehended by lay persons and are reminiscent of archaic culture. There is no initiative for the court staff to be made to feel an integral part of the system so as to feel motivated **[Appendix I]**;

(ix) Physical Cash Handling: The Courts deal with money deposited by the parties as fine/compensation/damages etc. All the receipts are required to be remitted to the Government, or held in the Court deposit. Some of these receipts are held in trust to be remitted to the party eventually held entitled thereto. The work of maintaining accounts of all receipts or remittances continues to be borne by the Courts. This not only adds to the work of the Judicial Officers (presiding over the criminal courts) who would rather use their time and energy for judicial work but also becomes the source of

inconvenience to all concerned [**Appendix I**];

(x) Outdated Method of Maintaining Records: The procedures for acknowledging receipts of such deposits, and transfer of the money through various channels into the Govt. account, requires a large workforce to be deployed on the task. The method of maintaining accounts is also outdated where the intended recipient of money (which is to be released, say as compensation) finds it hard to procure the refund voucher [**Appendix I**];

(xi) Lack of Technical Support: The District Courts do not have the requisite level of technical support in matters connected with computerization.

B. Filing:-

(xii) Multiple Windows: The system of institution of cases (filing) continues to be loosely structured. There are multiple windows of entry of cases of different kinds into the court system. This may be illustrated by reference to the fact that while civil cases are presented at the counter, charge-sheets presented by the police go directly to the jurisdictional courts (Magistrates/Special Judges). The instances of such cases not being entertained often come up in form of grievances which include rights/obligations of parties involved [**Appendix I**];

(xiii) Multiple Registration: The existing system of court-wise registration of cases (in the Institution Register) has outlived its utility. It has become source of much confusion, particularly when cases are transferred from one forum to the other. Multiple numbers assigned to identify a particular case during its journey to adjudication play havoc with the task of stock-taking as and when required. In the result, the compilation of pendency/disposal figures requires physical count every time periodical or special reports are

required to be generated and submitted before authorities [**Appendix I**];

(xiv) Non-registration of Interlocutory Applications: In the District Courts, the practice of registering interlocutory applications (IAs) has generally not been followed. Experience has shown that this leads not only to the actual work-load not being reflected but also delay in the judicial process since, at times, such applications remain undecided and lost (and forgotten) in the voluminous papers and when pressed at a later stage require the clock to be turned back, relegating the case to an earlier stage [**Appendix II**];

C. Custody of Case Records:-

(xv) Record of Abolished Courts: For various reasons, the number of courts for a particular jurisdiction has never remained constant in Delhi. The abolition of Courts, or creation of new courts, from time to time has led to transfer of the custody of the case records from one hand to the other. Though instructions have been issued at some stages for proper handing over/taking over of the record in such eventualities, the enforcement thereof has seldom been scrupulously ensured. The practice of appointment of “Successor Courts” for abolished courts has led to overload of registers of “Predecessor Courts” with no corresponding scheme for their systematic handling or safe custody [**Appendix I**]

(xvi) Outdated Systems of Record Room: The Record Rooms where the decided case files ultimately get consigned remain unhygienic places with records overflowing. For various factors (mainly staff and space crunch and non-use of modern technology), the work of consignment or weeding out of old records remains a neglected area. This leads to multifarious problems for the litigants/parties/lawyers, making the system of locating the desired record a painful exercise. The existing system of maintaining physical records (with no protocol for back-up) also renders it vulnerable and prone to tampering, pilferage, damage etc. [**Appendix I**];

D. Process Serving:-

(xvii) Inefficient System: The court proceedings heavily depend on effective system of service of processes (summons, notices, warrants etc.). Though there has been no empirical study undertaken to confirm this, on the basis of experience one can say that the major reason for delay in adjudication of a large percentage of cases has been “delayed service” (on opposite parties/accused/witnesses etc.). The existing instructions on the subject involve cumbersome/repetitive steps which are not only source of inconvenience but also give room for neglect of work or improper/corrupt practices by the court staff **[Appendix I, II & III];**

(xviii) Inefficient Police Assistance: The criminal courts depend largely on the agency of police (in State cases) for service/execution of processes. The system of dispatch to, or return by, police of all such processes generally suffers from lack of supervision and accountability. This is particularly difficult when service is to be effected in other Districts or States **[Appendix I, II & III];**

(xix) Complex Formalities: Particularly in the jurisdiction arising out of private criminal complaints (as indeed in other context), the criminal courts are often required to issue processes to the opposite parties, witnesses (for oral testimony or production of documents) etc. The rules governing the issuance of such processes, particularly the ones requiring filing of process fee, registered postal cover etc., are cumbersome. Parties feel especially harassed when such steps have to be taken repeatedly. **[Appendix I & III];**

(xx) Lack of Accountability: Though instructions have been issued from time to time for the processes in the nature of warrants to be duly accounted for, compliance therewith has been wanting **[Appendix I & II];**

E. Copying:-

(xxi) ***Archaic Rules & Procedures:*** The element of transparency is the hallmark of judicial process. For this, the Courts work in open and also make available their records to the parties/litigants for inspection. The court records being public documents, copies can be taken out for appropriate use. However, these areas are subject to rules, which are not in tune with the expectations of modern times. Moreover, they carry certain restrictions that lead (at times) to harassment and inconvenience **[Appendix I];**

F. Court Processes on Criminal Complaints/FIRs:-

(xxii) ***Bottlenecks in Registration of FIR:*** The criminal law is ordinarily set in motion by registration of FIR. Grievances are often raised by way of criminal complaints, or applications u/S 156(3) Cr.PC, about non compliance with the statutory duty by the police. This results in protracted proceedings wherein the magisterial courts call for “Action Taken Report (ATR)”. The orders calling for ATRs are often misconstrued and result in inquiries. The ATRs take their own time in coming **[Appendix III];**

(xxiii) ***Lack of Access & Transparency:*** Even where an FIR is registered, it being a public document (excluding the exceptional cases where confidentiality is required to be maintained), it should be in public domain and easily accessible. Grievances are often heard from the complainant’s side, as also (mostly) from the side of the defence counsel, that such material is unreasonably withheld. This lack of transparency leads to harassment, malpractices and prolonged proceedings before the Court at the stage of hearing on applications for remand, bail etc. **[Appendix III];**

(xxiv) ***Police Proceedings not in Sync with Legislation:*** Even though the law governing police diaries in investigation (U/S 172 Cr.PC) was amended in 2009, the erstwhile practices have continued giving rise to questions about the reliability of such record **[Appendix II];**

(xxv) *Miscellaneous Proceedings:* While a case is under investigation with police, matters arising from the concerned FIR do come up before the Courts at different levels. Applications for remand and bail are moved and orders passed thereon. At times, police moves applications for issuance of duress processes during investigation which result in not only orders being passed but also follow-up action being taken (e.g., issuance of proclamation u/S 82 Cr.PC). The applications for interim custody of the case property (*superdagi*), for recording of the statement u/S 164 Cr.PC, for holding of Test Identification Parade (TIP), issuance of search warrant, application for tender of pardon etc., are all matters that come up at preliminary stages when there is no formal case registered with the criminal courts. There has been no systematic handling of the record that gets generated in such wake to be properly maintained. Papers are kept in loose form and there have been numerous instances of them getting mislaid and rendered not available at future dates when reference thereto is necessary **[Appendix I & II];**

(xxvi) *Remand Application:* There is no standardized format of remand application, which document is of crucial importance for each case. At times, it does not indicate sufficiently the facts of the case, status of investigation, collection of evidence, the period of incarceration, compliance with statutory requirements about maintenance of police case diary etc. Copies of such applications are reluctantly shared with the defence counsel which tends to make the process non-transparent, giving rise to lengthy submissions, unnecessarily consuming time of the court. This also renders the task of the magistracy rather difficult in regulating the rights of the accused for statutory bail **[Appendix II];**

(xxvii) *Fake Sureties:* The malaise of fake sureties, and consequent abscondance of accused, has been a major cause for worry for the judicial administration. The undue dependence of the criminal courts for verification of the sureties by the police leads to unhealthy practices **[Appendix II];**

(xxviii) Warrants: The custody warrants and warrants for release from jail are manually prepared by Court staff. In case of errors (inadvertent or otherwise) in either warrant, there is often delay and harassment suffered in release from custody **[Appendix II]**;

(xxix) Plea of Juvenility & Age of Victim: The claims of juvenility of accused, and of minor age of the victim, often pose challenges which at times become intractable because the task of assessment of age is not promptly (or properly) handled at the inception. **[Appendix II]**;

(xxx) Responsibilities of Metropolitan Magistrate during Investigation: The Metropolitan Magistrates (MMs) play multifarious role even while the case is under investigation with the police [e.g. recording of statements/confession u/S 164 Cr.PC; presiding over TIP (of accused or property); holding of inquest proceedings etc]. These proceedings come up generally on applications moved without prior intimation. For this reason, as also for the amount of time they consume, they tend to dislocate the regular judicial business of such courts, having an adverse impact on the progress of the on-going trials **[Appendix II]**;

(xxxii) Police Report: The police reports u/S 173 Cr.PC are submitted directly in the jurisdictional courts. Though the police rules would specify the format, there is no uniformity in their general structure. If chargesheets were to come up with clarity, due pagination and indexing, with proper list of witnesses and calendar of evidence, they would save the precious judicial time and preclude unnecessary complications at the stage of consideration. What has been found to be jarring is the fact that the chargesheet would not clearly spell out the calendar of evidence concerning an individual accused with reference to specific set of witnesses. **[Appendix III]**;

G. Inquiry/Trial before Court:-

(xxxiii) Mechanical Recording of Evidence: An accused facing criminal
Process Re-engineering for Criminal Cases – Report

charge is entitled to the presumption of innocence and to remain silent. The prosecution is generally called upon to prove all necessary facts through elaborate set of witnesses/documents to bring the accusations home. More often than not, it is seen that a substantial part of evidence is not controverted. But, in adducing/gathering such evidence a large amount of time is consumed, thereby prolonging the trial. The statutory provisions contained in Code of Criminal Procedure which may help in narrowing down the need to record formal evidence are often not resorted to **[Appendix III]**;

(xxxiii) Day-to-Day Trial: The mandate contained in Sec. 309 Cr.PC for day-to-day trial continues to be followed more in breach than in compliance. Good practices in this context have not evolved **[Appendix III]**;

(xxxiv) Non-use of Statutory Provisions: Various statutory provisions contained in Code of Criminal Procedure, aimed at speedy trial (e.g. Sections 228, 239, 251, 293, 294, 296 etc.) are not availed of **[Appendix III]**;

(xxxv) Language Barrier: Language barriers emanating mainly from exclusive use of English as Court language, lead to breakage of communication and impinges on fair procedure making the person at the receiving end doubt its transparency; **[Appendix III]**;

(xxxvi) No system of Advanced Information: With heavy workload borne by Courts at all levels, the system cannot afford wastage of limited precious judicial time. Similarly, the members of the Bar also need information for proper planning and co-ordination in discharging their responsibilities in the cases in which they are engaged. Not only the presiding officer of the Court but also the lawyers representing both sides can do much better if advance information is available as to the status of service of processes. There has never evolved in the District Courts a practice of such reports to be compiled and made available ahead of the date of hearing **[Appendix III]**;

(xxxvii) Verbose Arguments: The stage of arguments (on inter-locutory matters or at final analysis) remains unregulated as lengthy/verbose, unending /repetitive arguments eat away judicial time and cause delay. **[Appendix III];**

(xxxviii) Traffic Challans: The work of traffic challans (though petty or summary in nature) is a major burden (quantitatively) borne by the magisterial courts. This jurisdiction suffers from numerous problems. e.g. no control over the volume of work on a particular day; the physical count of the pending challans is virtually an impossible task; absence of systems to ensure accountability for impounded documents; frequent complaints of irregularities/malpractices; flooding of courts with burden of even such cases where there is no contest; non-resort to summary procedure for disposal of cases u/S 208 of Motor Vehicles Act; harassment suffered in getting such challans disposed off, etc. **[Appendix III];**

(xxxix) Maintenance of Judicial Record: Preparation/maintenance of records of each judicial case continues to be haphazard and in non-compliance of existing instructions. There is no uniform/standardized system of assigning exhibit marks on the documents/case property **[Appendix III];**

H. Rules & Orders:-

(xi) Archaic & Outdated Rules & Practices: A large number of practices prescribed for the criminal courts, particularly in Delhi, have become archaic or outdated, they having been conceived/ introduced and followed since colonial times;

(xii) Inherited Rules: Delhi High Court has not, till date, framed its own rules and orders for the subordinate courts. The rules and orders which were introduced and enforced by erstwhile Punjab High Court, when it was located at Lahore (now in Pakistan) have been inherited and continue to be

used, albeit with some amendments made from time to time;

(xlii) *Lack of Uniformity in Use of Forms & Processes:* The various forms of registers, reports, proceedings or processes which were prescribed by the original High Court rules and orders have continued to be the statutory prescription till date, with some having gone out of print*, certain others having fallen into disuse and some modified (or added) through administrative instructions issued either by the High Court, or by the office of erstwhile District & Sessions Judge, Delhi (before bifurcation), but with no formal consolidated record (compilation) thereof available anywhere **[Appendix IV];**

(xliii) *Archaic & Outdated Formats & Proformas:* In the registers/forms of reports/ processes, a number of columns or fields have either become unnecessary, or tend to create confusion, some not even being ever insisted upon to be filled up scrupulously or regularly by the subordinate staff and some even gone out of print and, therefore, becoming redundant **[Appendix IV];**

(xliv) *Old Forms not Replaced:* The (old) Code of Criminal Procedure, as in force when the High Court rules and orders were originally framed, has since been replaced by the new Code of Criminal Procedure, 1973. The new Code of Criminal Procedure came with certain new set of forms in the IIInd schedule. Yet, the High Court rules and orders continue to reflect some of the old forms prescribed by the old Code of Criminal Procedure, thereby being at variance or repetitive **[Appendix IV];**

(xlv) *Confusion Over Repetitive Forms:* The repetition of forms prescribed by Code of Criminal Procedure in High Court Rules & Orders (Criminal Forms in Part B-1, Volume 6-A) creates confusion. The Rules & Orders

* High Court Rules & Orders by Sh. RS Khera, Sixth Edition (2013), (2 Volumes), as published by Allied Book Company

have mixed them up with some prescribed by the High Court, thereby disturbing the serial number **[Appendix IV]**;

V. RECOMMENDATIONS

28. In the humble view of this team, the following initiatives, if taken, might lead to improved rules/processes and help in cutting down on administrative delays and thereby assisting in expeditious disposal of cases:-

A. E-Solutions:

- (i) In order to tap the full potential of the technical tools, the Judicial organ has to depend on *e-solutions*. We understand (from our interaction with various stakeholders) that a national grid is already in the process of taking shape, in the form of 'Interoperable Criminal Justice System (ICJS)'. The solutions that we suggest hereinafter are aimed at integrating the District Courts with the said national grid so as to provide free flow of information / data. What we suggest, however, would depend on secure systems to be put in position (with requisite firewalls, back-up system, *et al*) with the help of dedicated servers, repositories etc. The follow-up on these suggestions would necessarily include development of protocols, rules and regulations.
- (ii) There is a need to develop a common court portal, exclusive for National Capital Territory of Delhi, as part of the national grid to be controlled/ administered by the Office of District & Sessions Judge (Headquarters) with provision for links (for information and inter-communication) to all concerned agencies/departments including various Courts/Tribunals, hospitals, police (Police Stations and specialized investigating agencies), prisons, prosecution, executive magistracy, Govt. departments (Home/Law & Justice/Finance etc.), agencies like Mediation Center, Legal Services Authorities, Sub-Registrars, Registrars of Births & Deaths, Registrars of Marriages, UIDAI (*Aadhar*) etc. [The utility or services envisaged of such arrangement are indicated in document titled "E-solutions – Broad Contours" added as **Annexure B**].
- (iii) The court portal which we have suggested would also provide links for the litigants/lawyers, or public at large, with suitable restrictions for accessing

information or downloading copies online, as per convenience. For such persons, however, who do not have access to the computer network, such facility is to be extended by providing e-kiosks in each District Court Complex, to be manned by court officials.

- (iv) This system shall also have provision for administrative decision making processes (including those pertaining to management of all resources – human/material/financial) to be put in automated mode, reducing paper-work.
- (v) The court portal, upon being connected to the national grid, shall facilitate on-line communication of all orders/requisitions by the superior courts, as also submission of reports by the District Courts, in the entire hierarchy, thereby minimizing the need for physical format.

B. Administrative Set-up:

- (vi) Formal orders may be issued by Hon'ble High Court specifying a uniform structure of the administrative set-up in each District Court, delineating the responsibilities to be looked after by various Branches/Administrative Units.
- (vii) Instructions may be issued, by Hon'ble High Court, directing that each Judicial Officer placed under the control of a District & Sessions Judge is duty bound to assist in such administrative responsibilities as are assigned in his/her discretion.
- (viii) Formal orders may be issued by Hon'ble High Court requiring each District & Sessions Judge to constitute subject committees to aid/advice in policy matters in a uniform pattern (Draft suggested as per **Annexure-'A'**).
- (ix) Hon'ble High Court may issue formal instructions for a Committee of all District & Sessions Judges to be formally established, with the Administrative Civil Judge (Headquarters) as *ex-officio* Secretary thereto, to meet periodically (at least once in a month) to take policy decisions on all

matters involving common interest (including distribution of resources – human/material/budgetary).

- (x) Proposal may be sent to the Govt. of NCT of Delhi by Hon'ble High Court for suitable amendments of the Delhi District Court Establishment (Appointment and Conditions of Service) Rules, 2012, so as to vest administrative/disciplinary control over the staff in the respective District & Sessions Judge.

- (xi) The proposal to create the posts of “Court Manager”, one each for all eleven Districts, may be taken up by the Hon'ble High Court with the Govt. of NCT of Delhi on priority basis.

- (xii) The matter of suitable increase in the trained manpower and thereby creating a full-fledged Accounts Branch, exclusive for each District, so as to provide effective assistance to each District & Sessions Judge, may be pursued by Hon'ble High Court with the Govt. of NCT of Delhi on priority basis.

- (xiii) The nomenclature designating court officials as *Ahlmad*, Reader, *Mauza* Clerk may be changed to “Court Clerk”, “Court Master”, and “Record Room Assistant” respectively by formal orders by Hon'ble High Court.

- (xiv) Delhi Judicial Academy to arrange for short-term courses for imparting necessary skills/training in administrative matters to Judicial Officers, with minimum ten years of experience, with the help of modules specially designed with reference to needs of court administration and management with aid and assistance of IIM/Management Development Institute (MDI)/Lal Bahadur Shastri IAS Academy;

- (xv) Delhi Judicial Academy to arrange short-term courses for imparting necessary skills/training in administrative matters to ministerial staff of District Courts with 5/15 years of service, with the help of modules specially

designed with reference to needs of court administration and management with aid and assistance of Directorate of Training, Union Territory of Delhi, Govt. of NCT of Delhi;

(xvi) District & Sessions Judges to arrange regular courses, for imparting skills/training to court staff with the help of modules specially designed with reference to their duties of responsibilities at various positions or levels (e.g. *Ahlmad*, Reader, Process Server, Bailiff etc.), in conjunction/coordination with (or assistance from) Delhi Judicial Academy.

(xvii) A Registrar in the High Court Registry may be appointed as the Nodal Officer to co-ordinate with the Govt. of NCT of Delhi for ensuring timely approvals/sanctions of all matters relating to District Courts.

(xviii) The Trial Courts be relieved of the responsibilities of receipt and payment of money, or disbursal thereof, and maintaining accounts in such respect. Instead, arrangements need to be put in place with the Govt. of NCT on one hand and a nationalized bank (preferably State Bank of India) on the other for setting up special counters in each District Court to take care of such responsibility.

(xix) In order to avail of the full potential of the modern technological tools for expediting the processes (administrative/judicial) in the District Courts, steps need to be taken (in phased manner), to achieve automation as under:-

(a) Switching over to Management Information System (MIS) for administrative processes.

(b) Developing/introducing customized software for management of human resources specific to the needs of court administration, which must also include provision for on-line lodging (by public or staff) of grievances, redressal and accountability mechanism;

- (c) Developing/introducing the software for smart accounting, customized for the specific needs of District Courts (something similar to ACCP) for streamlining the accounting and providing prompt/transparent automated services integrated with Pay and Accounts Office and banking system;
- (d) Developing/introducing software customized to the specific needs of District Courts for management of material resources (procurement/storage/maintenance/distribution).
- (e) To develop “Manual of Office Procedure” clearly delineating hierarchical structure, protocol and chain of command/responsibilities in the automated system for court administration to be introduced as above.

- (xx) Provision to be made for supply (and regular maintenance) of gadgets for production of electronic evidence (e.g. Multimedia players, scanners etc.)
- (xxi) A full fledged branch be set-up in each District Court, manned by in-house technically trained personnel, to assist in maintenance of computer systems.

C. Filing:

- (xxii) To remove deficiencies in the existing processes giving rise to difficulties in keeping a track of each case (or its proceedings), the accountability for safe custody of its records, access to collected information or proceedings (by inspections or taking out copies), compilation of accurate data as to pendency /disposal (necessary for planning, equitable work-distribution and identification of priority areas), and over-all transparency, the existing system of court-wise registration, or multiple windows of filing, to be

dispensed with. Instead, policy initiative be taken for shifting to district-wise centralized filing system and all tasks in the above nature (or ancillary thereto) to be made the responsibility of a unified wing to be known as “Statistical Branch” (the role/responsibility and structure of Statistical Branch is elaborately spelt out in **Annexure C**) **

(xxiii) While it may not be possible for each litigant to avail the process of e-filing, such facility needs to be extended to such parties as do have the advantage of the technological tools. At the same time, the investigating police agencies can be made to switch over to mandatory *e-filing* additional to (and not in lieu of) physical format of their reports, including their reports u/S 173 Cr.PC. Since we are also recommending (in later part of this report) automated generation and communication of processes (to respondents/accused/witnesses), it is essential in this scheme of things that the charge-sheets submitted by the police are uploaded, on-line, into the Court portal from their end. Delhi High Court recently inaugurated the system of e-filing of petitions. The same facility, *mutatis mutandis*, needs to be developed and made available for District Courts.

(xxiv) Mechanism needs to be introduced wherein the case upon filing is subjected to scrutiny on basis of standardized “Cover Sheet” (subject to scrutiny by office) and its receipt by the Court is duly acknowledged at the filing counter. [Formats of “Cover Sheet for Filing” and “Acknowledgment” have been developed]

(xxv) For specific jurisdictions (e.g. cases involving economic offences) or corporate litigants, who (or their lawyers) have easy access to technical tools, e-courts at magisterial level may also be set up (on need basis).

** This suggestion given by a Committee of District Judges, [of which one of us RK Gauba, District & Sessions Judge (South) was a member], in its report dtd. 23/5/2013 has since been approved by Hon'ble High Court, as communicated vide letter No. 1438-48/Rules/DHC/2013 dtd. 22/1/2014.

(xxvi) The court portal which has been suggested above, shall automatically generate a corresponding “Miscellaneous Case” number, upon receipt (online) of copy of FIR (as suggested a little later) and pass it on to the jurisdictional court.

(xxvii) The jurisdictional court (Magistrate or Special Court) shall download a copy of the FIR and open a formal file, bearing the Miscellaneous Case No. (auto-generated) and, thereafter, all subsequent reports/orders/proceedings passed in such respect shall be entered and maintained in the same folder in chronological form. The Miscellaneous Case file shall be closed only upon the filing of the report u/S 173 Cr.PC (which shall have resulted in registration of a regular case). On registration of a regular case, the file of the miscellaneous case shall get attached thereto. The data that gets entered over the period in the context of proceedings recorded, or included, in the Miscellaneous Case File (anterior to filing of the report u/S 173 Cr.PC) shall get connected with the record to be generated subsequently as the main case progresses. To put it simply, upon filing of the chargesheet, the proceedings recorded earlier during investigation shall also be accessible online from the same link.

(xxviii) Similar procedure as above shall be followed concerning requests from police of other States (e.g. for transit remand). The applications for transit remand moved by police of other States shall be registered, as separate miscellaneous case, and orders passed thereupon shall be communicated for information immediately online (or through e-mail) to the Court of competent territorial jurisdiction with insistence upon the police officer to whom transit remand is granted to report due compliance with the directions via email. The miscellaneous case shall be taken up on the date fixed and to be closed only after compliance report has been secured.

(xxix) Facility of online submission/registration of applications for bail shall be extended, in addition to submission in physical format.

(xxx) The work of dealing with bail/urgent applications may be allocated by Sessions Judge to each Additional Sessions Judge (Police station-wise) on permanent basis. This may also be extended further for allocation of criminal revisions/appeals.

(xxxii) The system of formal registration of all interim applications as “Interlocutory Application” (IA) to be introduced wherein each such application shall be presented at the filing counter and entered in the system thereby dispensing with existing procedure of direct filing of such applications in the Court.

(xxxiii) Instructions be issued about the manner in which private complaints are to be filed with standardized check list and provision for on-line filing of complaints [Detailed instructions that may be issued on this subject are suggested in Column “Possible Solutions” against Item Nos. 1 & 3 of **Appendix III (a)**].

D. Custody of Case Records:-

(xxxiv) The Statistical Branch would be the single-window for entire information about status of each case and current location of its records.

(xxxv) The custody of case records (pending or decided) shall be, controlled through “Case Custody Register” (format prescribed) to be maintained manually for obtaining formal authentication of handing/taking over.

(xxxvi) In order to obviate the difficulties arising out of frequent abolition of courts, a separate cell to be created and named as “Abolished Courts Record Cell (ACRC)” as a section of Statistical Branch (its role/responsibility and structure are indicated in **Annexure C**).

E. Process Serving:-

(xxxvii) The system of manual preparation and dispatch of court
Process Re-engineering for Criminal Cases – Report

processes (summons, notices, warrants etc.) be replaced by auto-generation, and online communication (under digital signatures), with the help of data-base of the particulars available in the system, while the corresponding printed forms are phased out.

(xxxvii) The online communication of all court processes (including warrants, proclamations etc.) as above shall entail print-outs to be generated online for follow-up action by the agency (of police or court) to whom it is entrusted for service/execution, and return of the reports thereof in similar manner to the concerned court (which shall be in addition to report in physical form).

(xxxviii) A pan-India protocol may be put in position, with obligation of mutual assistance on the part of each District and Sessions Judge, for lending assistance in prompt service /execution of court processes of other jurisdictions, and timely return to the district from where it was issued. This process may also adopt online communication and return of reports, similar to those suggested above, subject to integration through the national grid.

(xxxix) The postal department to create special provision for service of court processes of the District Courts, with facility of electronic tracking and generating proof of delivery, as also ear-marking an exclusive PIN (similar to the ones assigned for Hon'ble Supreme Court of India and High Court of Delhi).

(xl) Hon'ble High Court may organize, for all the District Courts, a formal tie-up and putting in position a protocol, to be followed by courier agencies engaged for the purpose of service of court processes, clearly indicating the accountability and penal clause for deficiencies in service.

(xli) The procedure for service of court processes in foreign jurisdictions to be simplified so as to vest the responsibility unto the concerned Indian Embassy/Consulate, without it getting embroiled in slow bureaucratic

process.

(xlii) The matter of augmenting the human resources engaged in process serving work in each District Court needs to be examined and appropriate proposals for the same, and provision of necessary facilities for their work (mobile camera, conveyance, uniform etc), needs to be taken up with the Govt.

(xliii) The existing system of process-fee, to be submitted each time a process is required to be issued, may be dispensed with. Instead, the system of “one time deposit of process fee” be introduced at the time of filing of the case for the service of respondents and at appropriate stage for the service of witnesses, irrespective of the number of attempts required to be made. The fee to be depositable in e-form on average rates to be fixed by the Govt., for which Hon'ble High Court may have to initiate proposal.

F. Copying:-

(xliv) The Court portal which we suggest shall facilitate easy access (online) to court records/proceedings and facilitate taking out of prints thereby reducing demands for issuance of copies by Court.

(xlv) In order to reduce the administrative work for such parties as require certified copies, new system of one-time deposit of copying fee to be introduced at such rates as may be fixed by the Govt., which shall entail issuance of certified copy only once for a particular record.

(xlvi) As suggested in the context of Inquiry/trial before Court, the Copying Agency shall have a new cell for catering to the demands of Courts for preparation of copies for compliance with requirements of Section 207 – 208 Cr.P.C.

G. Court Process on Criminal Complaint/FIR:-

(xlvii) The practice of communicating (u/S.157 Cr.P.C.) copy of the First

Information Report (FIR) to the Magistrate empowered to take cognizance in physical format to be replaced by online communication of the said event (with copy of the FIR) to the concerned Metropolitan Magistrate through court portal, from where it shall be accessible (for viewing or downloading copy) by all concerned (subject to restrictions in case of confidentiality or claim of privilege).

(xlvi) The role of “Duty Magistrate” be revised/expanded, so as to entrust to such functionary all miscellaneous court work (including applications for statement u/S 164 Cr.PC, TIP, Inquest, etc.) of the given day for the entire District, and freedom from regular judicial work for such duration, thereby sparing the other Metropolitan Magistrates disturbance on account of unscheduled work coming in and, thus, helping them focus on the trials [Detailed instructions which may be issued on this subject are suggested in column “Possible Solutions” against item No. 15 & 17 of **Appendix II**].

(xlix) Having regard to the letter and spirit of Sec.291 A Cr.PC (inserted by amendment brought in force w.e.f 23/06/06), instructions be issued, by Hon'ble High Court, to do away with the practice of requiring Metropolitan Magistrates to hold the Test Identification Proceedings (TIP) of the accused or property and for it, instead, to be entrusted only to Executive Magistrates. Instructions may include compulsory timely submission of the record of proceedings of TIP, against formal acknowledgment, to the concerned Chief Metropolitan Magistrate (CMM) for onward transmission and inclusion thereof in the Miscellaneous Case File maintained by the Metropolitan Magistrate.

(l) A pan-India protocol may be developed and introduced, with consent of, and co-ordination by, all the High Courts, so as to set-up an effective mechanism for mutual assistance by each District Court for recording of evidence through video conferencing, wherein the Court of Magistrate (deputed for the purpose) located at the station of the witness in question would supervise the recording of evidence (as a Court Commissioner) from

the remote end, during connectivity with the concerned court (requiring the recording of the evidence) functional simultaneously.

- (ii) Fresh instructions be issued for strict enforcement of statutory rules for age determination under Juvenile Justice Act, particularly in the context of the following:
 - (a) Mandatory inquiry by the competent authority as to the age of the victim who appears to be minor u/S 49 of the Act; and
 - (b) Protocol for co-ordination between different agencies viz., police, competent authority, Juvenile Justice Board, Court and Hospital Authorities in above regard.

H. Inquiry/Trial before Court:-

- (iii) Modified instructions regarding supply of copies (u/Ss 207-208 Cr.PC) to be issued so as to utilize modern technology by making available additional copies in e-form. The Court to discharge the statutory responsibility of supply of the copies u/Ss 207-208 Cr.PC. For this, a new Cell to be created in the copying agency for preparation of copies for such obligation of the Court.
- (liii) Hon'ble High Court may take up the subject with the Govt. of NCT of Delhi for suitable policy decision, and issuance of instructions, to the effect that a private citizen being duty bound to appear when called upon by a court to give evidence in the court is entitled, as of right, for reimbursement of travelling/diet expenses consequently incurred, irrespective of budget constraints, it being an obligation of the State.
- (liv) In order to comply with the letter and spirit of law as contained in Section 277 and Section 279 Cr.P.C., arrangements need to be put in position for vernacular (Hindi) Stenographers to be provided and facility of translation by a "Translation Branch" (manned by competent Translators), besides a panel of experts in sign languages for assistance in recording of evidence of

speech-impaired witnesses and formal tie-up with language departments of institutions of higher learning, for assistance in cases of witnesses not conversant with local languages.

(iv) Hon'ble High Court may consider issuing "Practice Directions to be followed by Criminal Courts on the following lines:-

- (a) Strict compliance of the statutory requirements of Section 228(1)(a) of the Code of Criminal Procedure, 1973, wherein a Court of Session forming an opinion that there is ground for presuming that the accused has committed an offence which is "not exclusively triable by the Court of Session" is expected to "frame a charge against the accused" and only thereafter "transfer the case for trial" to the magisterial court, so that the trial may immediately commence without delay.
- (b) To impress upon the courts of Metropolitan Magistrates (and such other courts as follow warrant trial procedure), to examine, where necessary in the facts and circumstances of the case, the accused at the stage of consideration of charge, to narrow down the controversy (and to cut down on the need for formal evidence) in terms of Section 239 of Code of Criminal Procedure.
- (c) To impress upon the Metropolitan Magistrates applying the summons trial procedure while recording the plea of the accused, to seek a clear response as to whether he "has any defence to make" in answer to the notice of accusation under Section 251 Cr.P.C..
- (d) To impress upon all criminal courts to call upon both the parties to admit/deny the genuineness of the documents relied upon, in terms of Section 294 Cr.P.C. (model draft of proceedings to be drawn up at such stage is suggested as **Annexure D**).
- (e) To impress upon the criminal courts to strictly adhere to the mandate of Section 309 Cr.P.C. for the proceedings of inquiry or trial

to be continued “from day-to-day” and, for such purpose, to follow the following guidelines:-

- Immediately after the formal charge has been framed (or notice of accusations served), an intervening date shall be fixed, which shall be known as the “Settling Date”;
- The practice of fixing several single dates spread over prolonged periods shall be scrupulously avoided and, instead, on the Settling Date, the court shall decide upon the schedule (and order of appearance of witnesses) taking into account the preference of the prosecution and having regard to the convenience of the defence counsel, in agreeing to which the commitment of the counsel to dutifully appear shall be inherent.
- At the Settling Date, the court shall review the list of witnesses, with the assistance of counsel on both sides, *inter alia*, by pruning it down to the extent possible (having regard to factors, such as, repetitive/duplication, admission/denial under Section 294 Cr.P.C., relevancy etc.).
- On the Settling Date, the court shall also identify, with the assistance of counsel on both sides, the witnesses whose evidence is of “formal character” (Section 296 Cr.P.C.) or of “Government Scientific Experts” (Section 293 Cr.P.C.), calling upon the prosecution to submit by next date of hearing, affidavits in terms of Section 296 Cr.P.C. or reports in terms of Section 293 Cr.P.C.
- The court shall monitor, ahead of the date fixed for recording of evidence, the status of service of summons on witnesses and, in the event of non-service, to take remedial steps including for re-adjustment of the work.

- The Court Master shall prepare a formal report about the status of service of witnesses in each case, at least two days in advance and publish it for information of all concerned on the court portal [Format developed].
 - The court shall not adjourn a matter fixed for recording of evidence without recording the testimony of such witnesses as are present, except for special reasons to be recorded in writing.
 - The presiding officer of a court shall, in the event of proceeding on leave, make endeavour to intimate the same in advance so that the office can pass on the intimation to all concerned.
- (f) If an appeal from a convict in prison is received, the appellant-convict shall be called mandatorily by the Sessions Court through production warrant to remain present at the hearing, in addition to notice to DLSA, to fulfill the statutory obligation flowing, *inter alia*, from Section 385 Cr.P.C.
- (g) To impress upon the criminal courts for assigning exhibit marks on documents and case property admitted in evidence in a uniform manner by an endorsement, adopting the format prescribed for civil cases as per Delhi High Court Rules and Orders [Volume I, Part C, Chapter 1(G), Para 14] by utilizing rubber stamp of following description:

“Criminal Case (Sessions Trial) No. _____ of _____
 Title _____ v. _____
 Documents Proved by _____ PW/DW _____
 Admitted as Exhibit No. _____
 On _____ day of _____”

**Signature with date of the Presiding Officer
 (Name and Designation of the Presiding Officer)**
 Date: _____”

- (h) To impress upon the courts for calling for brief synopsis of arguments in bullet points, running preferably in not more than three/four pages, in order to discourage verbosity in oral submissions.
- (i) The Secretaries of District Legal Services Authorities shall ensure that the assignment of court/jurisdiction-wise responsibility to Legal Aid Panel Advocates is notified for information to all concerned including members of the Bar, Police Stations and Prison department.
- (j) Practice Directions be issued for consideration of bail bonds submitted and record to be maintained in such regard. [Detailed instructions that may be issued on this subject are suggested in column 'Possible Solutions' against item Nos.10 & 11 of **Appendix II**]
- (lvi) Introduce a new system modified instructions for dealing with traffic challan cases wherein challans are submitted online and only such cases come up before Courts as involve contest or prosecution for offences punishable with imprisonment, with facility to be provided by court portal for guilty plea to be entered online and pre-determined fine to be paid directly into the Govt. account. [the draft of the scheme enclosed as **Annexure-'E'**].

I. Practice Instructions for Police:

- (lvii) Instructions need to be issued to the police department to the following effect:-
 - (a) At the time of arrest, the arrestee is to be asked the name and contact number of his lawyer (if engaged) and the same to be mentioned in arrest memo.
 - (b) If a lawyer has been privately engaged he/she, or if there is no lawyer privately engaged the concerned Legal Aid Panel Advocate,

to be telephonically informed about the arrest and particulars of the court of jurisdiction.

- (c) To develop standardized format of remand application which must include columns for background facts, investigation done till such stage, evidence collected (by such stage) and justification for further remand, alongwith a check list.
- (d) For copy of remand application with copy of FIR to be mandatorily supplied to the accused (or defence counsel).
- (e) The statutory mandate as to the manner of maintenance of case diary of proceedings in investigation, particularly with reference to Sec. 172(1A) and (1B) Cr.PC, needs strict compliance.
- (f) For uploading of copy of the report of seizures effected during investigation on court portal so as to put it in public domain (unless allowed to be kept confidential or if there is a claim of privilege).
- (g) To compulsorily obtain bonds (in modified form u/S 170 Cr.PC) from the witnesses to ensure due appearance at the trial [Format developed].
- (h) For mandatory assessment of threat perception of material witnesses and suitable steps for witness protection.
- (i) To collect mobile number and e-mail ID of the accused and prosecution witnesses during investigation and reflect the same in the report u/S 173 Cr.PC (unless required to be kept confidential in a particular case).
- (j) To develop standardized format of charge-sheet with index and detailed calendar of evidence alongwith list of documents/exhibits (case property).

(lviii) For filing of reports u/S.173 Cr.P.C., there must be proper indexing and pagination alongwith check list. Such reports u/S.173 Cr.P.C. shall be
Process Re-engineering for Criminal Cases – Report

required to be submitted in book form (spiral or hard bound), each set comprising not more than 200 pages containing narration of facts of the case with significant details of chain of events; role, conduct and acts of commission/omission attributed to various accused; circumstances leading to arrest; recovery and seizure; and circumstances in which witnesses were identified alongwith substance of their respective statements. The report should clearly indicate proper chapterization e.g. mode (and gist) of first intimation and steps taken thereupon ; registration of FIR and investigative steps taken in its wake in chronological order ; facts about arrests made, status (bail or custody) and result of interrogation (and version if any) of each accused ; summarized narration of facts revealed in investigation, under sub-headings like 'direct evidence', 'circumstantial evidence (last seen, motive, recovery of incriminating material, extra-judicial confession, etc.)' ; background facts as concluded by investigation to form the basis of charge (specific to each accused); and declaration about further investigation (if being taken up).

- (lix) The report u/S.173 Cr.P.C. must carry a separate list of documents indicating the document number ('D' No.) assigned to each. The report must also be accompanied by a 'calender of evidence' connecting each witness with the facts / documents to be proved. Such list must indicate the order in which the testimony of the witnesses is relevant for proper consideration of facts and circumstances of the case (wherein witnesses of same facts and circumstances are listed together).

J. Rules & Orders:-

- (lx) The forms given in High Court Rules & Orders make reference at several places to the "Code of Criminal Procedure, 1898" or to the provisions contained therein. The same would need to be suitably amended by reference to the "Code of Criminal Procedure, 1973" or the corresponding provisions contained therein.

- (lxi) Various forms included in the High Court Rules & Orders refer to “High Court of Punjab”. Wherever this expression occurs, it needs to be substituted by the expression “High Court of Delhi”.
- (lxii) There are a number of forms where fields are indicated to be filled in to mention the “caste” of the person(s) involved. All such fields need to be omitted.
- (lxiii) Fifteen (15) of the forms included in **Part B-I** (table to be re-captioned as “Forms under the Code of Criminal Procedure”) and eight (08) of **Part B-V** (“Forms of Registers”) which we recommend to be “**Deleted**” are shown in the list attached hereto as **Annexure 'F'**.
- (lxiv) Thirty Two (32) of other forms included in **Part B-I** (“Forms under the Code of Criminal Procedure”) and one (01) of **Part B-V** (“Forms of Registers”) which we recommend to be “Modified or substituted” are shown in the list attached hereto as **Annexure 'G'**.
- (lxv) Some new forms which we recommend to be “**Introduced**” are shown in the list attached hereto as **Annexure 'H'**.
- (lxvi) To bring various connected registers upto date, make them more useful for present day requirements (deleting fields that have become obsolete) and to tap full potential of technology, all information pertaining to each case, or its progress through the system (e.g., name of the Court, the particulars of the parties, witnesses, sureties, lawyers, status of the case on a given day, the dates of hearing, the purpose for which the matter is listed, formal order, final order, consignment of the record etc.) to be collected and compiled comprehensibly in the system, which may be viewed (with in-built mechanism for restricted access) by all concerned, and from which customized information/reports may be generated as and when required. [The fields that would be minimally required to be created for a comprehensive Data-Base to be created case-wise are indicated in a

separate document, included in **Annexure 'H'**].

(I xvii) As a sequel to the above suggestion [and certain others including setting up of new Branches called “Statistical Branch” and “Abolished Courts Record Cell (ACRC)], new formats of various connected registers/reports be introduced, replacing the existing corresponding forms [Drafts of such formats have been prepared which, duly indexed, are part of the report, **Annexures 'H'**].

(I xviii) While reiterating instructions for maintenance of prescribed register on the subject of police/judicial remand as per Chapter XI, Part B, para 13, Delhi High Court Rules, Vol.1, a form of “**Remand Sheet**” may be introduced to reflect all necessary information about the authorization and duration of remand undergone separately for each person arrested, to be kept in the folder of Miscellaneous Case File. (Draft of the form of remand sheet is included in **Annexure H/17**).

(I xix) Formal rules are to be notified and strictly enforced on the subject of collection of electronic evidence, mode of proof and its preservation.

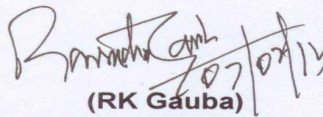
(I xx) It would be noticed that most of the new forms that we recommend to be introduced would possibly be generated from database. Except for scrupulous updating of data, they will not add much to the manual work to be done by the Court staff.

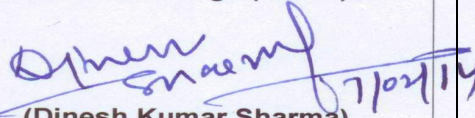
(I xxi) The rules for preservation of judicial records need to be suitably modified so as to take into account the possibility of speedier disposal of consigned records as a consequence of digitization.

VI. CONCLUSION

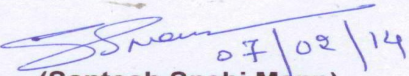
29. We submit this report with optimism that the suggestions given by us will pave the way for meaningful reforms so as to achieve the objectives of this exercise. We are conscious that a number of recommendations included in the preceding section of this report would need detailed follow-up wherein finer details would require to be worked out, mainly with the aid and assistance of IT professionals. Since we have been privileged to be part of this exercise at the threshold we would love to remain involved should it be so required at the implementation stages.
30. In our humble view, there is a need for re-writing the High Court Rules & Orders. This should be the next logical step after the action on Process Re-engineering has been concluded.

We commend accordingly.


(RK Gauba)
District & Sessions Judge (South)


(Dinesh Kumar Sharma)
Special Judge (PC Act) : CBI

07th February 2014


(Santosh Snehi Mann)
Director (Academics), Delhi Judicial Academy

Process Re-engineering for Criminal Cases – Report

ACKNOWLEDGMENT

The team expresses its deep sense of gratitude to Hon'ble High Court for the opportunity given for working on the subject "Process Re-engineering for Criminal Cases". We are beholden for the kind guidance given to us throughout this exercise by Hon'ble Mr. Justice Badar Durrez Ahmed, Chairman and Hon'ble Judges/Members of the Computer Committee of the High Court of Delhi.

The team acknowledges the valuable inputs given by various stakeholders in the interactive sessions, without the benefit of which this project could not have been accomplished.

We place on record our deep appreciation for the valuable contribution made by Mr. Manoj Jain, Special Judge (PC Act) at District Court Complex, Saket. He worked with us tirelessly almost through the entire endeavour.

A special mention is in order for the able assistance rendered by Ms. Stuthy Prithviraj, Personal Assistant, who spent endless hours in taking dictation, preparing transcripts and carrying out corrections, duly complemented by Ms. Arti Batra, Personal Assistant.

ANNEXURE - 'A'**“E-SOLUTIONS - BROAD CONTOURS”**

1. Court portal to provide links (for information & communication) to all connected agencies/departments including police, hospitals, prison, legal aid, mediation centre, executive magistracy, Home Department, Law & Justice Department, Finance Department, UIDAI-Aadhar, Registrar of Births & Deaths , Registrar of Marriages, Sub-Registrars etc.
2. Court portal specific to each district court shall provide links for accessing information about the particular case in a particular court with the help of various parameters (case title, case number, judge name, date of hearing etc.).
3. The court portal shall be accessible with full facility of uploading to the court administration, and with restricted facility of uploading to the members of the Bar (duly registered), investigating agencies (police stations, crime branch or such other special units), Jail administration, Hospitals, Probation Services, Protection Officers etc. and with access to the public at large (limited to viewing or for taking printouts).
4. System of Unique ID / password issued by the portal for litigating parties shall permit access to the Court proceedings uploaded on day-to-day basis by the Court on the portal facilitating downloading / taking print-outs at time of their convenience.
5. The Court portal to facilitate registration of Advocate who wish to practice before the Court and use the facilities including those relating to e-filing.
6. The police shall communicate registration of FIR u/S 157 Cr.PC to Court electronically on court portal whereupon it shall get automatically transmitted to jurisdictional Court and result in registration of a Miscellaneous Case (thereafter) to deal with all matters arising during investigative process.
7. Information about each arrest to be shared by police on Court portal with full particulars of case.

8. System to inform automatically on phone through SMS the lawyer (privately engaged or from legal aid panel) about arrest.
9. Information about all seizures effected by police to be shared on portal and put in public domain (unless allowed to be kept confidential)
10. Provision for online submission of bail applications (preferably upto 6 pm on each working day), indicating full particulars of the applicant(s), the case/FIR No., Police station, offences involved etc, upon which the system shall automatically call for a report from the concerned investigating agency indicating the Court to which it is to be submitted.
11. Legal Aid Panel Advocates with their mobile phone contact number to be registered with the District Court and the area / police station assigned to them to be published online.
12. The order calling for police reports to be communicated by electronic communication through the court portal to the head of the concerned investigating agency and report in response thereto.
13. Order passed on each bail application to be transmitted, immediately upon authentication by the Presiding Judge, to all stakeholders [police, prison, accused, prosecution, Court of Magistrate (if passed by a superior court) and also to be published online.
14. The Court Portal will have provision for database of sureties (offered/accepted), with easy interface and accessibility on-line to all courts within all districts. The system will facilitate co-ordination between different financial institutions, registering authorities and police/courts for expeditious verification of the particulars and documents submitted which may include proper proof of identification and address (e.g. *Aadhar* or UID Card). The system will provide for adoption of modern tools of taking digital photographs and biometric impressions (fingerprints etc.) with assistance of trained personnel.
15. Submission of application for release of personal search, calling for and submission of report thereupon online.

16. Order releasing case property to be passed and communicated online with hard copy generated (and attested) and handed over to the claimants simultaneously.
17. The e-filing of reports (including u/S.173 Cr.P.C) shall be feasible from the end of the police station for which the court portal shall allow necessary access / uploading facility.
18. The court portal to be developed wherein it registers each challan (to be) filed online by police and the court proceedings thereupon to get added thereto as the case progresses through inquiry/trial stages till conclusion (and beyond), so as to make available information and downloading facility to litigants, lawyers, etc.
19. Jail Authorities and DLSA to have access to court portal (where the investigating agency has uploaded charge-sheet) enabling them to generate the supply of fresh copies to undertrial prisoners or convict, as and when required.
20. For supply of copies, a link be provided to DLSA and Jail authorities for auto-generation of copies for supply to the legal-aid beneficiaries and under-trial/convict prisoners.
21. All traffic challans [by Delhi Traffic Police or State Transport Authority (STA)] to be generated in electronic form by the field officers and transmitted to the court portal through e-filing, and facility of "guilty" plea to be entered on-line (in cases triable under special summary procedure) and payment of pre-determined fine through e-banking gateways directly into government account.
22. All processes to be generated electronically from database on system and communicated electronically with digital signatures for service/execution with reports to be returned similarly.
23. Report about status of service of summoned witnesses to be uploaded on website for advance information of all concerned.
24. This system shall also have provision for administrative decision making processes to be put in automated mode, reducing paper-work, so as to govern

all gamut of such activities including management of resources – human/material/financial.

25. The above scheme depends on secure systems being put in position, with the help of dedicated servers, back-up processes, repositories, fire wall etc, in addition to development of protocols, rules and regulations.

Annexure 'B'**LIST OF COMMITTEES****I. Committees exclusively for the office of District & Sessions Judge (HQ)**

<u>S.No.</u>	<u>Administrative Subject</u>	<u>Brief Description of Work</u>
1	Committee of District & Sessions Judges	To decide on matters pertaining to <i>Inter-se</i> transaction of business amongst various Districts.
2	Inter-District Transfer Committee	To deal with inter-district transfers of court staff.
3	Recruitment Committee(s)	May be constituted cadre/ post wise for appointments.
4	Departmental Promotion Committee(s)	(xlvi) Screening for group A, B, C & D employees to consider grant of financial upgradation under MACP/ ACP. (xlvii) To examine and advise on issues relating to seniority of the employees.

II. Committees to be set up in each District

1	Vigilance Committee	To deal with disciplinary matters involving court staff.
2	Security Committee	To oversee the security arrangements of the court complex and suggest ways to plug loop-holes or take other measures e.g. installation of CCTV Systems etc., and outsourcing services as per norms.
3	Committee for Disaster Management	To prepare Disaster Management Plans for the court complex and its enforcement, in close co-ordination with government authorities and statutory bodies.
4	Building Maintenance Committee.	Development and maintenance of infrastructure.

S.No.	<u>Administrative Subject</u>	<u>Brief Description of Work</u>
	Sub-Committees of Building Maintenance Committee	
	a. House Keeping	To oversee, supervise and implement the various house-keeping functions including hygiene, cleanliness, public convenience, other amenities and outsourcing services as per norms.
	b. Space Allotment Committee	To take measures to ensure optimum physical space management commensurate with the requirements and availability.
	c. Energy Conservation Committee	To take appropriate steps to achieve functional efficiencies, monitor consumption patterns and to take innovative steps to fulfill the energy requirements of each court complex in a sustainable manner.
5	Computer Committee	To ensure smooth functioning of computer & peripherals including hardware, software, LAN, dispatch of data for uploading, handling of emails etc., their timely maintenance and carry out assessment of future requirements and effectively administer district court website.
6	Library Committee	To manage and provide supervision of the resources including procurement of books, journals, magazines, legal data base etc. and effective utilization of such services.
7	Budget Estimates Committee	To carry out budgetary task and to keep the track of grant related developments.
8	Purchase Committee	To process demands for, and carry out purchases of, all essentials as per norms.
9	Environment Committee.	Monitoring/supervising of the ecological landscape in each court complex and to suggest ways and means to enhance aesthetics and flora.

S.No.	<u>Administrative Subject</u>	<u>Brief Description of Work</u>
10	Condemnation Board	To suggest ways and to lay down the principles and to carry out condemnation of furniture and other articles as per norms.
11	Committee for Digitization of Court Records.	To effectively supervise the digitization of court records, and liaise with record room for corresponding weeding out of old records.
12	Protocol Committee	To carry out various hospitality & protocol duties in official functions and on visits of dignitaries as per norms.
13	Staff Training Committee	To prepare training modules and oversee the training programs for staff for capacity building and to improve motivational levels.
14	Staff Welfare Committee	To suggest and initiate action relating to welfare of staff including cultural & other social measures, to consider the issues of compassionate appointments of group 'C' and 'D' posts, to examine and recommend on the issues relating to <i>inter-se</i> seniority.
15	Sexual Harassment Complaints Committee	To deal with complaints relating to sexual harassment of women at workplace.
16	Suspension Review Committee	To review the suspension orders of employees placed under suspension.
17	Monitoring Committee	To deal with issues relating to infrastructure/ facilities for local Bar.

Notes:

- (i) Each District shall compulsorily have in position the above mentioned committees to aid and advice the respective District & Sessions Judge in decision making process.
- (ii) The composition of the aforesaid committees shall be at the discretion of the respective District & Sessions Judges.
- (iii) Each District & Sessions Judge shall have liberty to constitute any other *ad-hoc* committees (or sub-committees) to deal with specific matters.

ANNEXURE - 'C'**“STATISTICAL BRANCH”
(Structure, Role and Responsibilities)**

1. A new unit, to be known as Statistical Branch (SB), to be created in each district to work in close coordination with the filing counter and the courts / record rooms.
2. Statistical Branch will have three sections, one for “Pending Cases”, second for 'Decided Cases' and third to be called “Abolished Courts Record Cell (ACRC)”.
3. In the wake of shifting of some responsibilities of *Ahlmad* (Court Clerk) of different Courts to Statistical Branch, re-distribution of workforce would need to be undertaken wherein staff strength in Courts would be reduced alongside corresponding deployment in Statistical Branch.
4. Jurisdictional Clerks in Statistical Branch shall be assigned different jurisdictions.
5. Upon filing and allocation of the case (or if the jurisdiction is predetermined), each case file shall be sent by Filing Branch to the Statistical Branch (SB) where the Jurisdictional Clerk (JC) shall generate the case number from the computer system, making necessary entries in the concerned “Register of Criminal Case” and then enter the same in Case Custody Register (CCR) (to be maintained in physical form with the aid of printouts to be taken from database) and hand over the file to the *Ahlmad* of the concerned court (to be re-designated as Court Clerk) against formal acknowledgment.
6. After the hearing is complete on the first date, the Court Clerk (*Ahlmad*) shall enter all particulars, other than the brief particulars already entered at the time of registration in the filing / Statistical Branch, in the database (particulars to be entered shall cover all such fields in the prescribed database as may be filled in at such stage e.g. full details of the parties, full particulars of the witnesses, if already cited brief description of the case / prayer).

7. The software to be used in the Statistical Branch shall be developed in such a way that it can always generate all necessary Registers and statistical reports including about the pendency figures; the break-up (category-wise, age-wise, stage-wise / status-wise); age / gender of the parties (to facilitate identifying priority areas such as cases involving senior citizens, women etc.), cases involving under-trial persons (including with possibility of sorting out data according to the period of incarceration), age / gender of victim etc.
8. In the event of a criminal case being committed to the Court of Sessions, the corresponding "Sessions Trial" shall be registered by the Statistical Branch (SB). Such matter shall, thereafter, be known by the "Sessions Trial Number" of the criminal case from which it arises.
9. Whenever occasion arises for transfer of the custody of judicial record from one hand to another (e.g. upon transfer of the case from one court to other; upon transfer of jurisdiction; transfer / retirement of the court clerk ; consignment etc.), the event shall be duly reported, to be logged in the Statistical Branch through which the handing over / taking over of the file(s) shall take place, with entries to be made in the computer database as also in the Case Custody Register (CCR).
10. All movement of files (whether pending or decided) to the Appellate / Revisional Courts (including High Court and Supreme Court) shall be routed through Statistical Branch (SB).
11. All files returned by the Appellate / Revisional Courts (including High Court and Supreme Court) shall be first received by the Statistical Branch (SB) and corresponding entries made in that record before the file is made over to the quarter from where it was originally sent.
12. When a case is decided and the file is ready for consignment as per rules on the subject, it shall be made ready in accordance with the rules and orders and handed over to the record room through Statistical Branch (SB) with corresponding entries being made in CCR as also in both the sections (pending and decided) of the statistical branch.

13. The consignment of the records of decided cases shall be routed through its Decided Case Section of Statistical Branch (SB).
14. The Decided Case Section of Statistical Branch shall maintain a Case Custody Register (CCR) similar to the one kept in the Pending Case Section of the Statistical Branch.
15. The *Mauza* clerk (to be renamed as Record Room Assistant) of the record room will notify the general number / *goshwara* number to the Pending Case Section of Statistical Branch and acknowledge receipt of the records.
16. The Decided Case Section of the Statistical Branch will be the information desk as to the location of the file of decided cases for the public at large and will maintain the necessary computer database.
17. The “Abolished Courts Record Cell (ACRC)” shall receive and preserve/maintain all registers/records (including the pending case files which are to be made over to other courts or decided case files which are to be consigned to Record Room) of all abolished courts. Upon receipt of orders/directions from superior courts in respect of all decided cases connected with the registers/records consigned with ACRC, action thereupon shall be taken by the judicial officer of competent jurisdiction to whom it is made over/allocated by the District & Sessions Judge. For proper allocation of the work in such nature, ACRC shall maintain appropriate records/registers and for assistance to the judicial officer to whom such matters as mentioned above are allocated, the official-in-charge of ACRC shall render assistance. For clarity and removal of doubts, the concerned official of ACRC shall need to be notified the “Court Clerk” for all such purposes.

Annexure 'D'

**MODEL DRAFT OF PROCEEDINGS
(UNDER SECTION 294 CR.P.C.)
ADMISSION / DENIAL OF DOCUMENTS BY THE ACCUSED
UNDER SECTION 294 CR.P.C.**

Criminal Case (or Sessions Trial) No. :
Title of the case :
Under Sections :
Police Station :
Date :

Statement of accused _____ D/S/W/ of _____
 aged _____ R/o _____, occupation _____ under
 Section 294 read with Section 313 Cr.P.C.:-

I admit, after having taken legal advice, the genuineness of the documents mentioned below and thus, I have made endorsement under my signatures on each of them accordingly, whereupon the same have been assigned exhibit marks.

I have no objection if the said documents are read against me in evidence and the author / signatories thereof are exempted from formal examination, as per provisions of Section 294 Cr.P.C., which has been duly explained to me. The admitted documents are as under:-

S. No	Document No.	Description of the Documents	Exhibit No.
1		F.I.R.	
2		M.L.C. No. _____ of injured Sh. _____	
3		Postmortem Report No. _____ of deceased Sh. _____	
4		Motor Vehicle Inspection Report of Vehicle No. _____	
5		Superdaranama in name of _____ for vehicle No. _____	
6		Dead body identification memo of Sh. _____	
7		Etc.	

RO & AC

**Signature of the Presiding Officer
(Name & Designation of the Presiding Officer)**

Certified that the above is true and correct record of the proceedings wherein the above mentioned accused made the statement voluntarily.

**Signature of the Presiding Officer
(Name & Designation of the Presiding Officer)**

Contd./-...

Contd. from previous page:

ORDER

The documents, the genuineness of which has been voluntarily admitted by _____ vide his/her above statements, have been admitted in evidence and shall be hereafter referred as under:-

- | | |
|---|--------|
| 1. F.I.R. | Ex.P-A |
| 2. M.L.C. No. _____ of injured Sh. _____ | Ex.P-B |
| 3. Postmortem Report No. _____ of deceased Sh. _____ | Ex.P-C |
| 4. Motor Vehicle Inspection Report of Vehicle No. _____ | Ex.P-D |
| 5. Superdarinama in name of _____ for vehicle No. _____ | Ex.P-E |
| 6. Dead body identification memo of Sh. _____ | Ex.P-F |
| 7. Etc. | |

**Signature of the Presiding Officer
(Name & Designation of the Presiding Officer)**

Note:

The description of documents in above format are only for illustration.

ANNEXURE – 'E'**NEW SCHEME FOR TRAFFIC CHALLAN CASES**

1. The practice of traffic challans in physical form shall be abolished in Delhi.
2. All traffic challans [by Delhi Traffic Police or State Transport Authority (STA)] to be generated in electronic form by the field officers and transmitted to the court portal through e-filing. The challaned person, however, shall be given a hard copy of the challan giving all necessary particulars as per existing practice.
3. The court portal to be developed wherein it registers each challan filed online automatically.
4. The documents impounded shall not be sent to the court but be retained in safe custody for release at appropriate stage.
5. In case the challaning Officer finds the documents produced by the Driver or person In-charge of Motor vehicle to be forged or fabricated or the vehicle to be bearing fake registration mark etc., he shall mandatorily report these facts to the local police station for registration of a cognizable case under appropriate sections (e.g. S.420, 466, 467, 468, 471, 474 IPC etc.) which shall also include the request for prosecution of traffic offences.
6. The Traffic Police / STA shall create Desks (circle-wise) across Delhi for release of documents / vehicles at appropriate stages.
7. Section 208, Motor Vehicles Act to be used in its full bloom. Hon'ble High Court may specify the amount of fines that may be imposed for offences under Motor Vehicles Act with reference to S.208(1)(ii), in case the challaned person does not wish to contest and intends to plead guilty.
8. Matter may be taken up with the Govt. for suitable amendment of S.208 Motor Vehicles Act so as to offer some additional options for mode of payment (internet banking, online payment, credit card, debit card etc.)
9. Facilities for online logging for pleading guilty against a traffic challan to be created across the city, which may be available not only in the District Courts in

the form of e-kiosks but also in the offices of Traffic Police, STA and other different places.

10. The software to be developed for above purposes to permit search for pleading guilty with reference to the vehicle number, so that multiple challans of one vehicle in different traffic circles may get disposal simultaneously.
11. Online submission of plea of guilty for summary disposal u/S.208, Motor Vehicles Act to be permitted for all traffic offences under the Act, excluding such challans as involve offences attracting imprisonment as possible punishment.
12. Public to be educated to the effect that they may come to the court for disposal of traffic challan only in case they wish to contest.
13. Deposit of fine in cash, on pleading guilty, to be facilitated by a special counter of State Bank of India (SBI) to be set up in each District. (as suggested in the main report).
14. Upon deposit of fine on plea of guilty, the system would generate a receipt which may also contain directions for release of documents / vehicle, if impounded by the challaning authority (subject to order for suspension of authorization etc.).

Annexure - 'F'**LIST OF FORMS RECOMMENDED TO BE “DELETED”****I. Forms under Code of Criminal Procedure (Part B-I)**

S. No.	Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
1	2 (Section 68)	Summons to an accused person in a warrant case	-----	May be deleted as already omitted in Cr.PC
2	3 (Section 74)	Declaration of service of summons	-----	May be deleted as merged with Form No.1
3	22 (Section 138) (Not printed)	Magistrate's order constituting a jury	Omitted	No longer required
4	23 (Section 140) (Not printed)	Magistrate's Notice and Pre-Emptory Order after the finding by a jury	----do----	No longer required.
5	39 (Section 250 & 547)	Warrant of Attachment and Sale to Recover Amends Awarded on Dismissal of a Complaint	43 (Section 421)	Form No. 39 given in HC Rules may be deleted.
6	42 (Section 321)	List of Jurors and Assessors	Not prescribed	No longer required.
7	43 (Section 326)	Receipt to District Magistrate to summon Jurors	Not prescribed	No longer required.
8	44 (Section 328)	Summons to a Juror	Not prescribed	No longer required
9	45 (Section 367)	Sessions Judge's finding and sentence	Not prescribed	No longer required.
10	52 (Section 383)	Statement of previous convictions to be attached to the warrant of commitment of a previously convicted person who is sentenced to imprisonment	Not prescribed	No longer required
11	53 (Section 386)	Order to Police to make demand for payment of fine	Not prescribed	No longer required

S. No.	Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2 nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
12	58 (Section 422)	Notice to appellant and the District Magistrate of the date fixed for the hearing of an appeal by a Sessions Judge, in cases, in which the appellant is in prison and is not represented by a Pleader or authorized agent	Not prescribed	May be omitted. Instead, a practice direction needs to be issued that if an appeal from a convict in prison is received he / she be called mandatorily through production warrant by the sessions court to remain present at the hearing with copy to DLSA. This shall be in full compliance of S.385 Cr.P.C.
13	59 (Section 422)	Notice to the District Magistrate and the appellant or his Pleader, or authorized agent of the date fixed for the hearing of an appeal by a Sessions Judge, in cases other than those provided for in Form 58	Not prescribed	No longer required
14	61 (Section 438)	Order reporting case for revision	Not prescribed	May be omitted as unnecessary.
15	65 (Section 488)	Order of maintenance	Not prescribed	May be omitted as unnecessary

II. Forms of Registers (Part B – V)

Sl. No.	Description of Form	Existing Form No. prescribed in High Court Rules	Remarks
1	Register showing the number of offences reported and brought to trial, and of persons discharged, acquitted and convicted of each offence in	VI	Report when required can be generated from data-base. Hence, this register may be dispensed with.

Sl. No.	Description of Form	Existing Form No. prescribed in High Court Rules	Remarks
	the district of _____ in _____.		
2	Register of session trials and of references made to the court of sessions under section 123, Criminal Procedure Code.	VII	To be dispensed with as new registers "Register of Criminal Cases" and "Register of Miscellaneous Criminal Cases" shall cater to the corresponding needs.
3	Register of complaints against or inquiries into conduct of government servants	IX	Report when required can be generated from data-base. Hence, this register may be dispensed with.
4	Register of prisoner under trial	XII	Report when required can be generated from data-base. Hence, this register may be dispensed with.
5	Register of persons admitted to and removed from the lock-up, in the district of _____.	XIII	Redundant and so may be dispensed with
6	Register of prisoners who are released or whose punishment is reduced on appeal for revision.	XIX	Report when required can be generated from data-base. Hence, this register may be dispensed with.
7	Register of First Information Reports	XXIII	Report when required can be generated from data-base. Hence, this register may be dispensed with.
8	Register of First Information Reports	XXIV	Report when required can be generated from data-base. Hence, this register may be dispensed with.

Annexure - 'G'**LIST OF FORMS RECOMMENDED TO BE “MODIFIED OR SUBSTITUTED”****I. Forms under Code of Criminal Procedure (Part B – I)**

S.No.	Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
1	1 (Section 68)	Summons to an accused person in a summons case	1 (Section 61)	As per Annexure G/1
2	12 (Section 90)	Warrant to bring up a witness after a summon	Not prescribed [Section 87(b)]	As per Annexure G/2
3	31 (Section 169)	Bond and Bail Bond on a Preliminary Enquiry before a Police Officer	28 (Section 169)	As per Annexure G/3
4	32 (Section 170 & 217)	Bond to prosecute or give evidence	29 [Section 170(2)]	As per Annexure G/4
5	34 (Section 221 to 223)	Charge with one head	32 (Sections 211, 212, 213)	Form Nos. 34 to 38 of High Court Rules may be replaced by Form No. 32 of Cr.PC, 1973.
6	35 (Section 221 to 223)	Charge with two heads	- do -	
7	36 (Section 221 to 223)	Charge with three heads	- do -	
8	37 (Section 221 to 223)	Charge with four heads	- do -	
9	38 (Section 221 to 223)	Charge after a previous conviction	- do -	
10	41 (Section 244, 252 & 257)	Summons to witness	33 (Section 61 & 244)	As per Annexure G/5
11	46 (Section 374)	Warrant of commitment under sentence of death	40 (section 366)	As per Annexure G/6
12	47 (Section 381)	Warrant of execution on sentence of death	42 (Section 413, 414)	Form No. 47 of High Court Rules may be replaced by Form No. 42 of Cr.PC, 1973.

S.No.	Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2 nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
13	48 (Sections 381 and 82)	Warrant after commutation of a sentence death	41 (Section 381, 413, 416)	Form No.48 of High Court Rules may be replaced by Form No. 41 of Cr.PC, 1973.
14	50 (Section 383)	Warrant of commitment on a sentence of imprisonment by a Magistrate	34 (Sections 235, 248, 255)	Form Nos. 50 & 51 of High Court Rules may be replaced by Form No. 34 of Cr.PC 1973.
15	51 (Section 383)	Warrant of commitment on a sentence of imprisonment by a Sessions Judge	Merged in Form No.34	
16	54 (Section 386)	Warrant by a Magistrate to levy a fine by distress and sale	43 & 44 (Section 421)	Form Nos.54 & 55 of High Court Rules may be replaced by Form Nos.43 & 44 of Cr.P.C., 1973.
17	55	Warrant by a Sessions Judge to levy a fine by distress and sale		
18	64(Section 488)	Warrant of imprisonment on failure to pay maintenance	18 (Section 125)	Form No. 64 of High Court Rules may be replaced by Form No. 18 of Cr.PC, 1973.
19	66 (Section 488)	Warrant to enforce the payment of maintenance by Attachment and Sale	19 (Section 125)	Form No. 66 of High Court Rules may be replaced by FormNo. 19 of Cr.PC, 1973.
20	67 (Sections 496 and 499)	Bond and bail-bond on a preliminary inquiry before a Magistrate	45 (Ss.436, 436A, 437, 437A, 438(3) and 441)	Form No. 67 of High Court Rules may be replaced by Form No. 45 of Cr.PC, 1973.
21	68 (Section 500)	Warrant to discharge a person imprisoned on failure to give security for his appearance	46 (Section 442)	Form No. 68 of High Court Rules may be replaced by Form No. 46 of Cr.PC, 1973.
22	76 (Section	Notice to the Surety for	49(Section 446)	Form No.76 of High

S.No.	Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2 nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
	514)	Forfeiture of a Bond to keep the peace		Court Rules may be replaced by Form No. 49 of Cr.PC, 1973.
23	77 (Section 514)	Warrant to Attach the Property of Surety on Breach of a Bond to Keep the peace	55 (Section 446)	Form No.77 of High Court Rules may be replaced by Form No. 55 of Cr.PC, 1973.
24	81(Section 523)	Proclamation of Articles suspected to have been stolen	Not prescribed (Section 457)	The only change required is reference to provisions of Cr.PC, 1973 instead of old Cr.P.C.
25	82 (Section 503/ 506)	Commission to examine witness	Not prescribed (Section 284 & 287)	The only change required is reference to provisions of Cr.PC, 1973 instead of old Cr.P.C.
26	83 (Section 562)	Bond to appear and receive sentence when called upon	Not prescribed (Section 360)	The only change required is reference to provisions of Cr.PC, 1973 instead of old Cr.P.C.
27	90 (Prescribed by High Court)	Magistrate's warrant for reduction of punishment on appeal or revision	Not prescribed	To be modified by addition of Form No.100 at the bottom
28	91 (Prescribed by High Court)	Sessions Judge's warrant for reduction of punishment on appeal or revision	Not prescribed	To be modified by addition of Form No. 100 at the bottom
29	92 (Prescribed by High Court)	Warrant for the release of a prisoner on bail	Not prescribed	To be modified by addition of Form No.99 at the bottom
30	96 (Prescribed by High Court)	Form of Warrant when a sentence is modified or Altered on appeal	Not prescribed	As per Annexure G/7

S.No.	Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2 nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
31	99 (Prescribed by High Court)	Detachable Portion of release warrant	Not prescribed	May be merged at the bottom of form No.92
32	100 (Prescribed by High Court)	Detachable Portion of Reduction Warrant	Not prescribed	May be merged at bottom of Form No. 90 & 91.

II. Forms of Registers (Part B – IV)

Sl. No.	Description of Form	Name of Register / Form No.	Remarks
1	Register of Shri. _____, Magistrate, First Class, exercising summary powers in _____ District.	XVII	Needs to be modified in terms of Section 263 Cr.P.C. 1973.

ANNEXURE - G/1

SUMMONS TO ACCUSED PERSONS*(Section 61 of the Code of Criminal Procedure, II Schedule, Form 1)***In the court of** _____*(Name of the presiding officer and designation / jurisdiction exercised)***(Court Room No..... , Court Complex, Delhi / New Delhi.)****Criminal Case (Session Trial) No.....**..... **Vs.**
(Title of the case)

Crime No. / FIR No.....

u/Ss.

Police Station / Investigating Agency.....

TO,

.....
.....
.....*(Name and full particulars / address of accused)*

WHEREAS, on the basis of materials placed, this court having taken cognizance is of the opinion that there are sufficient grounds for proceeding against you for offence(s) punishable u/Ss.....

..... *(the system will automatically indicate if any particular offence including herein is non-bailable by so depicting in parenthesis):-*

AND WHEREAS, your attendance is necessary to answer to the charge of the above mentioned offence(s) and therefore, you are required to appear in person *(if there is a special order by the court dispensing with the personal attendance, the system will automatically add the words or by pleader)*, before this court atam/pm on day of(month & year).

(Signature)

*(Name of the Presiding Officer and designation)***Enclosed** :.....*(Number of pages of documents, if any, sent)*

Note : 1) If the person summoned is unable to arrange for legal aid and assistance, he/she, if so eligible, may avail the legal aid and assistance at State expenses, in which regard office of Mr./Ms....., Secretary, District Legal Service Authority, *Process Re-engineering for Criminal Cases – Report*

..... (Room No., District Court Complex, Delhi/New Delhi) may be contacted. *(the system shall generate the name and address of Secretary of DLSA)*

2) If the person summoned so desires, he/she may, subject to statutory provisions have resort to the process of plea bargaining (Chapter XX1A of Code of Criminal Procedure) or compounding of offence (Section 320 of Code of Criminal Procedure) or the process of mediation.

3) In case, the offence mentioned above are bailable, the person summoned is entitled to be released on bail and therefore, may come ready with sureties. *(This note shall not be printed by the system, in case any of the offence(s) for which the accused is summoned, is non bailable).*

4) In case the offence mentioned above is punishable u/S.138 of Negotiable Instrument Act, the person summoned may make an application for compounding at the first or second hearing of the case, whereupon it may be allowed by the court without imposing any cost [In terms of judgment dated 03.05.2010 of Hon'ble Supreme Court in CrI. Appeal No.963 of 2010 titled as "Damodar S. Prabhu Vs. Sayed Babalal H."] *(This note shall be generated by the system only where necessary).*

(Report of service to be given overleaf)

(to be printed overleaf)

REPORT OF PROCESS SERVER

Sl. No.	Particulars	Ist Visit	IInd Visit	IIIrd Visit
1.	Date & Time of Visit			
2.	Name & Address of the person / company / office on whom process served			
3.	Whether process served / if not served then reasons			
4.	If Documents / Annexure are supplied, number of pages thereof			
5.	Endorsement and Signature of the person to whom the process is served			
6.	Remarks of the Process Server			

Declaration of service of summons by Process Server

(Chapter VIth of Code of Criminal Procedure, 1973)

.....(Process Server)..... (employee code) presently deployed in the process serving agency attached to (Name of Police

Process Re-engineering for Criminal Cases – Report

station or court, as the case may be), do hereby solemnly affirm and declare that I did, on day of(Month & Year) deal the summon given overleaf in the manner and on the date and time indicated above.

Witness:

- 1.
- 2.

(Signature of the Process Server)

Warrant to Bring Up a Witness After a summons
(Section 87(b) of Cr.P.C. Prescribed by the High Court)

IN THE COURT OF (Name & Designation)

FIR / Crime No. _____
Police Station (or Investigating Agency) _____
Under Sections _____

To
(Name and designation of Police Officer or other person or persons to execute the warrant)

WHEREAS a summons has been issued to _____ (name and description of the witness) requiring him to give evidence concerning the commission (or suspected commission) of the offence therein mentioned (mention the offence concisely), and proof has been given of the due service thereof in time to admit of his appearing in accordance therewith, and WHEREAS he has failed to appear at the time and place appointed by the said summons without offering any reasonable excuse for such failure :

This is to authorize and require you to arrest the said _____ - (name) and on the _____ day of _____ 20 to bring him before this Court, to be examined touching the said offence.
Given under my hand and the seal of the Court this _____ day of _____ 20...

Addressed to (Signature)

I / We _____ (name(s) and full particulars of the person(s) standing surety) hereby declare myself (or jointly and severally declare ourselves and each of us) surety (or sureties) for the above said _____ (name) that he shall attend the Court above mentioned, if and when so required, further to answer to the charge against him, and, in case of he making default therein, I (or we) _____ hereby bind myself (or ourselves) to forfeit to Government the sum of rupees _____.

Dated, this day of, 20.....

(Signature of surety / sureties)

Full name :
Address of the surety / sureties :
.....
E-mail ID :
Mobile No. : / Landline No.....

Particulars of documents submitted as proof of identity:
1.
2.
3.

(Signature of the officer accepting the bond)
(name and full particulars of the officer)

ANNEXURE – G/3

Bail Bond to be furnished for release when evidence deficient
 {Section 169 of Code of Criminal Procedure, II Schedule, Form 28}

Before _____
 (Name and Designation of the Police Officer)

FIR / Crime No. _____
 Police Station (or Investigating Agency) _____
 Under Sections _____

Whereas, I, _____ (name, full particulars including age, parentage, occupation and address), having been arrested and taken in custody on suspicion of involvement in the offence(s) investigated as per case particulars captioned above ; and ,

Upon investigation, it having appeared to the Investigating officer that there is no sufficient evidence or reasonable grounds of suspicion to justify I being forwarded to the court of competent jurisdiction ; and ,

the officer in-charge of the police station having called me upon to enter into my own recognizance to appear, if and when so required, do hereby bind myself to appear before the court of _____ (name, designation and address of the Presiding Officer), empowered to take cognizance of the said offence(s) on a police report and to try or commit the case for trial, and in case of I making default therein, bind myself to forfeit to Government, the sum of rupees _____

Dated, this day of, 20.....

(Signature of accused)

(Signature of the officer accepting the bond)
 (name and full particulars of the officer)

I / We _____ (name(s) and full particulars of the person(s) standing surety) hereby declare myself (or jointly and severally declare ourselves and each of us) surety (or sureties) for the above said _____ (name) that he shall attend the Court above mentioned, if and when so required, further to answer to the charge against him, and, in case of he making default therein, I (or we) _____ hereby bind myself (or ourselves) to forfeit to Government the sum of rupees _____.

Dated, this day of, 20.....

(Signature of surety / sureties)

Full name :

Address of the surety / sureties :

.....

E-mail ID :

Mobile No. : / Landline No.....

Particulars of documents submitted as proof of identity:

1.

2.

3.

(Signature of the officer accepting the bond)
 (name and full particulars of the officer)

Process Re-engineering for Criminal Cases – Report

ANNEXURE – G/4**Bond to be furnished by the complainant or witness to prosecute or give evidence***{Section 170(2) of Code of Criminal Procedure, II Schedule, Form 29}*

(to be executed in duplicate)

FIR / Crime No. _____

Police Station (or Investigating Agency) _____

Under Sections _____

Whereas, I, _____ (name, full particulars including age, parentage, occupation and address), being the complainant (or witness) acquainted with the facts and circumstances of the case as per particulars captioned above, do hereby bind myself to appear before the court of _____ (name, designation and address of the Presiding Officer), empowered to take cognizance of (or try) the said offence(s) on a police report, if and when so required, to prosecute (or to prosecute and give evidence) (or to give evidence), as the case may be, in the matter of charge against the accused and, in case of making default therein, I bind myself to forfeit to Government, the sum of rupees _____

Dated, this day of, 20.....

(Signature of the complainant / witness)

Full name :.....

Address of the complainant / witness :.....

.....

E-mail ID :

Mobile No. : / Landline No.....

Particulars of documents submitted as proof of identity:

1.

2.

3.

4.

(Signature of the officer accepting the bond)

(name and full particulars of the officer)

SUMMONS TO WITNESS

{Sections 61 and 244 of Code of Criminal Procedure, II Schedule, Form 33}

To.....of.....

WHEREAS complaint has been made before me that.....(name of the accused) of(address) has (or is suspected to have) committed the offence of(state the offence concisely with time and place), and it appears to me that you are likely to give material evidence or to produce any document or other thing for the prosecution;

You are hereby summoned to appear before this court on theday of..next at ten o'clock in the forenoon, to produce such document or thing or to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the court; and you are hereby warned that, if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Dated thisday of.....20.....

(Seal of the court)

(Signature)

Note : The witness is entitled to payment of travelling expenses and diet money as per rules for which documentary proof may be furnished.

ANNEXURE – G/6

Warrant of Commitment under Sentence of Death
 {Section 366 of Code of Criminal Procedure, II Schedule, Form 40}

To the officer in the in charge of the Jail at

WHEREAS at the Session held before me on the.....day of..... 20.....(name of prisoner) the (1st,2nd,3rd, as the case may be) prisoner in case No..... of the Calendar for 20.....at the said Session, was duly convicted of the offence of under section..... Of, and sentenced to death subject to the confirmation of the said sentence by the High Court of Delhi, at New Delhi.

This is to authorise and require you to receive the said(prisoner's name) into your custody in the said Jail, together with this warrant, and him there safety to keep until you shall receive the further warrant or order of this court, carrying into effect the order of the said..... court.

Dated, this ... day of20.....

(Seal of the Court)

(Signature)

ANNEXURE – G/7

**WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR
FINE PASSED / UPHeld BY THE COURT OF SESSIONS IN CRIMINAL APPEAL**

IN THE COURT OF

(Name & Designation)

Crl. Appeal No. _____

Vs.

.....**Appellant**

.....**Respondent**

FIR / Crime No. _____

Police Station (or Investigating Agency) _____

Under Sections _____

To,

The Superintendent, Central Jail,

.....

Whereas the court of _____ (name and designation of Trial Court), on conclusion of the trial in criminal case bearing No. _____ vide judgment dated _____ found the appellant aforementioned guilty and convicted him/her for the offence(s) punishable u/ss. _____ and whereas the court aforementioned vide order dated _____ sentenced the appellant to undergo _____ imprisonment _____;

and whereas, the appellant preferred criminal appeal against the said judgment and order of the trial court by way of criminal appeal No. _____;

and whereas, this court upon perusing the record of proceedings of the trial court and after hearing, _____, Advocate, on behalf of appellant and _____, on behalf of the State/Respondent, has passed the judgment today, thereby _____;

and now, therefore, this is to authorise and require you to receive and keep the said appellant in your custody in the said jail for the purpose of he / she undergoing the punishment of imprisonment as imposed by the Trial Court or modified in appeal to undergo _____

_____ and thereto carry into execution the punishment under the said order according to law and thereafter, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and seal of the court on this _____ day of _____

(Seal)

Signature (Name & Designation)

Annexure – 'H'**LIST OF FORMS RECOMMENDED TO BE “INTRODUCED”****I. Forms under Code of Criminal Procedure, (Part B - I)**

Sl. No.	Description of Form	Proposed Form No. to be added to II Schedule of Cr.P.C. (u/S.476)	Remarks
1	Order for service of government servant	1A [section 66 Cr.P.C.]	As per Annexure H/1
2	Bail Bond to be furnished in Bailable offence when evidence is sufficient	29A [Section 170(1) Cr.P.C.]	As per Annexure H/2
3	Notice for show cause against punishment for non-attendance	39A [Section 350 Cr.P.C.]	As per Annexure H/3

II. Forms of Registers (Part B - IV)

Sl. No.	Description of Form	Proposed Form No.	Remarks
1	Database of Criminal Cases (to be maintained electronically)	I	For comprehensive database to generate customised reports or other prescribed registers. [As per Annexure H/4]
2	Register of Criminal Cases (to be generated from database)	II	To replace existing Register Nos. I to III [As per Annexure H/5]
3	Register of Criminal Appeals and Revisions (to be maintained electronically)	III	To replace existing register No. X [As per Annexure H/6]
4	Register of Miscellaneous Criminal Cases (to be generated from database)	IV	To replace existing register No. IV [As per Annexure H/7]
5	Register of Bail Applications (to be maintained electronically)	V	To replace existing register No. XXII [As per Annexure H/8]
6	Register of Applications for transfer of Criminal Cases (to be maintained electronically)	VI	To replace existing register No. XX [As per Annexure H/9]
7	Case Custody Register	VII	New Register [As per Annexure H/10]
8	Pending Causes Register (to	VIII	New Register

SI. No.	Description of Form	Proposed Form No.	Remarks
	be generated database)		[As per Annexure H/11]
9	Daily Cause Register (to be generated database)	IX	To replace existing Register No. XI [As per Annexure H/12]
10	Register of Return of Processes	X	New Register [As per Annexure H/13]
11	Register of Decided/Consigned Cases (to be generated from database)	XI	To replace existing register No.V [As per Annexure H/14]

III. Miscellaneous Forms

SI. No.	Description of Form	Proposed Form No.	Remarks
1	Cover Sheet for Filing	XII	New Form [As per Annexure H/15]
2	Acknowledgment of Filing	XIII	New Form [As per Annexure H/16]
3	Remand Sheet	XIV	New Form [As per Annexure H/17]
4	Report on Status of Service of Witnesses	XV	New Form [As per Annexure H/18]

ANNEXURE – H/1**Order for service on Government Servant***{Section 66 of Code of Criminal Procedure, II Schedule, Form 1A}***IN THE COURT OF****(Name & Designation)****In the matter of****Case No. _____**

...

Complainant/Revisionist/Appellant**Versus**

...

Respondent/Accused

FIR / Crime No. _____

Police Station (or Investigating Agency) _____

Under Sections _____

To_____
(Head of Office/Department)**Next Date of Hearing :****Subject:-** ORDER UNDER SECTION 66 OF CODE OF CRIMINAL PROCEDURE
1973 IN RESPECT OF [particulars of the Government Servant, place of
posting etc.]

Whereas the case mentioned above is pending adjudication in this court with next date of hearing _____

And whereas (particulars of the government servant) is impleaded as respondent /accused in the above mentioned case and required to be called before this court through a notice;

And whereas information has been laid before the court that the person above mentioned is in active service of Government, he being employed in (particulars of the Government department) (as made available by the opposite party) ;

And whereas on the notice being sent for service, it has been returned with a report that no such person was found posted at the said address;

And whereas this court having been left with no other option has decided to take recourse to the provision contained in Section 66 of Code of Criminal Procedure, 1973;

And now, therefore, you are called upon, being the head of office/department (where the aforementioned persons is employed) to cause one copy of this process sent herewith, in duplicate, to be served on the above said person in the manner provided by Section 62 of Code of Criminal Procedure, 1973; and to return the other copy to this court under signatures of a responsible officer with the endorsement required by law on or before _____

Given under my hand and seal of this court on this..... day of

Encl.: Summons or Notice in duplicate.**Signature (Name & Designation)**

ANNEXURE – H/2

Bail Bond to be furnished in bailable offence when evidence is sufficient
{Section 170(1) of Code of Criminal Procedure, II Schedule, Form 29A}

Before _____
(Name and Designation of the Police Officer)

FIR / Crime No. _____
 Police Station (or Investigating Agency) _____
 Under Sections _____

Whereas, upon investigation in the case as per particulars captioned above, it having appeared to the Investigating officer that there is sufficient evidence or reasonable grounds of suspicion to justify I being forwarded to the court of competent jurisdiction ; and ,

Whereas, the offence(s) involved herein being bailable and the officer in-charge of the police station having called me upon to enter into my own recognizance to appear, do hereby bind myself to appear before the court of _____ (name, designation and address of the Presiding Officer), at _____ (specify the time) on the _____ day of _____ (or on such day as I may hereafter be required to attend) to answer further to the said charge and in case of I making default therein, bind myself to forfeit to Government, the sum of rupees _____

Dated, this day of, 20.....

(Signature of accused)

(Signature of the officer accepting the bond)
 (name and full particulars of the officer)

I _____ (name and full particulars of the person standing surety) hereby declare myself surety for the above said _____ (name) that he shall attend the Court above mentioned, if and when so required, further to answer to the charge against him, and, in case of he making default therein, I ____ hereby bind myself to forfeit to Government the sum of rupees _____.

Dated, this day of, 20.....

(Signature of surety)

Full name :.....

Address of the surety :.....

E-mail ID :.....

Mobile No. : / Landline No.....

Particulars of documents submitted as proof of identity:

1.
2.
3.

(Signature of the officer accepting the bond)
 (name and full particulars of the officer)

ANNEXURE – H/3

Notice for show cause against punishment for non-attendance*{Section 350 of Code of Criminal Procedure, II Schedule, Form 39A}***IN THE COURT OF****(Name & Designation)**

Case No. _____

FIR No.:.....

Vs.

PS :

U/Sec.:

To

Whereas you were summoned vide summons issued on _____, as witness in the above noted case to prove _____ and were legally bound to appear in obedience to the summons;

And whereas despite service of summons for _____ you failed to appear in the court without intimation of any cause [or departed from the court where you were bound to attend before the time lawful for you to depart] thus *prima facie* have committed offence under Section 174 IPC;

Now, therefore, by way of this notice issued under Section 350 Cr.P.C, you are hereby directed to appear in person before this court on _____ by _____ PM and show cause as to why you should not be punished for the aforesaid offence committed by default in appearance despite service of summons for _____.

GIVEN UNDER MY HAND AND SEAL OF THIS COURT ON THIS _____ day of _____

(Seal).

Signature (Name & Designation)

**ANNEXURE – H/4
(FORM NO.I)**

DATABASE (CRIMINAL CASE)

1 UID No. _____

2 Criminal Case No _____ of year _____

3 Date of Institution : _____ DD/MM/YYYY

4 Instituted by:

(A) If by private complainant:

(i) Name : _____ Father's/Husband's Name : _____

(ii) Address : _____

(iii) Gender : _____

(iv) Date of Birth : _____ DD/MM/YYYY

(v) Name of Advocate with Mobile Number & E-mail ID. : _____

(B) If by any Government Body/Statutory Body/Firm/Company/Proprietary concern:

(i) Name of complainant : _____

(ii) Date of Incorporation : _____ DD/MM/YYYY

(iii) Name of authorized representative of complainant : _____

(iv) Designation of such authorized representative : _____

(v) Name of Advocate with Mobile Number & E-mail ID. : _____

(C) If complaint instituted by the Court :

(i) Name of the Court: _____

(ii) Date of taking cognizance: _____

(D) Police Report:

(A) Whether:

(i) Police Report u/s /170/173 Cr.P.C. []

(ii) Cancellation Report u/s 169/173 Cr.P.C. []

(iii) Untraced Report u/s 173 Cr.P.C. []

(iv) Closure Report u/s 173 Cr.P.C. []

(B) Instituted through:

- (i) Name : _____
 (ii) Designation : _____

- 5 Sessions Division/District (Jurisdiction Wise) : _____
- 6 Police Station : _____
- 7 Offences alleged : _____
 (System would generate penal statutes & penal provisions with option for multiple fields)
- 8 Category of cases : _____
 (to be decided by most serious offences involved)
 (Broad categories may be labeled as Murder/Culpable Homicide/Kidnapping for ransom/Rape/Gang Rape/Robbery/Dacoity/Cheating/Forgery/Complaint u/s138 Negotiable Instruments Act, MACOCA/POTA/TADA/NDPS/POSCO/DV Act etc.)
 (Note : To be suitably revised after charge is framed.)
- 9 Type of institution:
- (i) Date of allocation : _____
 (ii) Allocated by : _____
- 10 Details of the court to which the matter has been allocated : _____
- (A) Court to which allocated (with designation) : _____
- (B) In the event of committal to Sessions:-
 (i) Name of Sessions Court to which the case has been allocated : _____
 (ii) Date of commitment : _____
 (iii) Date of allocation by District & Sessions judge: _____
- (C) In the event of transfer of case from other Sessions Division:
 (i) Date of order of transfer : _____
 (ii) Order of transfer passed by : _____
 (iii) Particular s of transfer order : _____
 (iv) Court to which allocated on transfer : _____
 (v) Sessions Trial No. _____ of _____
- 11 Details of persons (s) accused:

(Multiple fields be created in case of multiple accused and accused No.1 be referred as A-1 and so on)

- (A) Number of accused : _____
- (B) Particulars of accused :
- (i) Name : _____
 - (ii) Father's/Husband's name : _____
 - (iii) Address : _____
 - (iv) Gender : _____
 - (v) Date of birth : _____ DD/MM/YYYY
 - (vi) If the accused is a juvenile, whether enquiry into age has been held to determine age and if so, date of such order. : _____
 - (vii) If public servant, whether prosecuted in official capacity. Yes/No
 - (viii) Name of Advocate with Mobile Number & E-mail ID. : _____
- (C)
- (i) Whether accused in custody: Yes/No
 - (ii) If in custody, the date of arrest : _____
- (D) Whether on bail, Yes/No
- (a) If Yes,
 - (i) Whether on anticipatory bail: Yes/No.
 - (ii) Whether granted u/s 437 Cr.P.C. or u/s 439 Cr.P.C. : _____
 - (iii) Date of Bail Order. : _____
 - (iv) UID No. of Bail Applications, if any. : _____
 - (v) Whether released on statutory bail. : _____
 - (b) Details of surety: (if more than one surety, multiple fields would be created by the system)
 - (i) Amount of bail : _____
 - (ii) Name and address of surety : _____
 - (iii) Date of acceptance of bail bonds : _____
 - (iv) Photograph of surety taken by the office on _____ at _____
 - (v) Bio-impression of surety taken by the office on _____ at _____
 - (iv) Effective period in custody : _____
(Data to be generated by the system automatically).
 - (c) If released on deposit instead of recognizance (sec. 445 Cr. PC), the details thereof : _____

12 In case of complaint: (i.e. case arising otherwise than on Police Report)

- (i) If dismissed, without taking cognizance, the date of such order: _____
- (ii) If dismissed, after taking cognizance, the date of such order: _____
- (iii) If accused summoned, the date of such order: _____

13 Trial procedure applied:-

- (i) Summary
- (ii) Summons
- (iii) Warrant
- (iv) Sessions

14 Details about notice/charge/discharge:

- (i) Date of order : _____
- (ii) Whether discharged: _____ Yes/No.
- (iii) If notice served/charged, relevant Penal Sections : _____
- (iv) Plea of accused: _____ Guilty/Not guilty.
- (v) Date of framing of formal charge/notice : _____
- (vi) If convicted on plea of guilt, jump to column no. 19 : _____

15 Number of prosecution witnesses examined: _____

16 Number of defence witnesses examined: _____

17 Details of I.A.

- (i) Name of applicant : _____
- (ii) Date of filing : _____
- (iii) Nature of I.A. : _____
- (iv) I.A. No. : _____
- (v) Date of order of disposal of such I.A. : _____
- (vi) Brief description of such order. : _____

(Multiple fields to be created for each separate application).

18 Details of proceedings:

- (i) All the order-sheets (date-wise) (click-able).
- (ii) Order on cognizance (click-able).
- (iii) Order on bail (click-able).
- (iv) Order on charge (click-able).
- (v) Charge (click-able).
- (iv) Statements of prosecution witnesses (click-able).
- (vii) Statement (s) of accused (s) (click-able).
- (viii) Statements of defence witnesses (click-able).

19 Final Result of trial:

(Multiple fields to be created for multiple accused).

(A) If acquitted, date of acquittal : _____

(B) If Conviction, basis of conviction:

- (i) On plea of guilt at the stage of charge.
- (ii) On plea of guilt at any subsequent stage.

(iii) After trial.

(C) Date of order of conviction. : _____

20 Sentence:

- (A) (i) Date of order on sentence: _____
 (ii) Whether released on probation or admonition etc. (If yes, details thereof)
 (iii) Sentence awarded (accused wise): _____
 (iv) Whether released on undergone sentence, if yes, period of sentence: _____

(B) Details of fine imposed:

- (i) Fine imposed: _____
 (ii) Fine realized: _____
 (iii) Date of realization of fine: _____
 (iv) Receipt number issued by the Bank: _____
 (v) Name & Branch of the Bank: _____
 (Additional fields to be generated if deposit is in the installments).

(C) If sent to custody in default of payment of fine/compensation etc., the details thereof:-

(D) Details of compensation if awarded:

- (i) Whether compensation is part of fine. : _____ Yes/No
 (ii) If not, then the amount of compensation awarded. : _____
 (iii) Amount deposited. : _____
 (iv) Date of deposit. : _____
 (v) Receipt Number issued by the Bank. : _____
 (vi) Name & Branch of the Bank: : _____
 (Additional fields to be generated if deposit is in the installments).

(E) Cost awarded, if any, at the time of final judgment:-

- (i) Cost imposed : _____
 (ii) Cost realized : _____
 (iii) Date of realization of cost : _____
 (iv) Receipt number issued by the Bank : _____
 (v) Name & Branch of the Bank : _____
 (Additional fields to be generated if deposit is in the installments).

(F) If death sentence awarded, the date of submission of Reference. : _____

21 Other modes of disposal:

- (i) Whether matter was compounded by the complainant/State.
 (ii) Mutually Satisfactory Disposition through Plea Bargaining.
 (iii) Settlement through Mediation.
 (iv) Whether proceedings quashed by Sessions Court/High Court/Supreme Court.
 (v) Whether accused absconded after being declared "proclaimed offender".
 (vi) Whether proceedings abated due to death of accused.

- (vii) Whether the complaint was withdrawn.
 (viii) Whether the case was transferred out.
 (ix) Whether proceedings were stopped.
 (x) Any other ground. (If yes, then the relevant details). : _____
- 22 Name of the Court passing final order/judgment : _____
- 23 (i) In case sentence of imprisonment is awarded, whether taken in custody & sent to jail to serve the sentence. Yes/No.
 (ii) If yes, date of being sent to jail. : _____
 (iii) if sentence is suspended, date of issue of release order. : _____
- 24 Total number of days consumed in disposal : _____
 (To be generated automatically by the system with the help of data mentioned in column no. 3, 9, 10, 12, 14, 19, 20, 21 & 22).
- 25 Whether proceedings stayed by any superior court:
 If yes:
 (i) Date of such order : _____
 (ii) Details of such case : _____
 (iii) Name of such superior court : _____
 (iv) If stay vacated, the date of such order : _____
 (v) Total time when the matter remained stayed : _____
 (To be generated automatically by the system).
- 26 Units claimed : _____
- 27 Details of consignment :
 (i) Date of consignment : _____
 (ii) Date of digitization of record with reference number : _____
 (iii) Date of preparation of record for consignment. : _____
 (iv) General number assigned by Record Room. : _____
 (v) Goshwara number assigned by Record Room. : _____
 (vi) Date of weeding out of record with reference number. : _____
- 28 Whether any requisition received regarding filing of any Appeal/Revision, Yes/No.
 (Multiple fields to be opened as per hierarchy of Courts).
 (i) If yes, UID No. of such Appeal/Revision. : _____
 (ii) Criminal Appeal No. _____ of _____ / Criminal Revision No. _____ of _____
 (iii) Date of impugned order. : _____
 (iv) Name of Court before which Appeal/Revision preferred. : _____
 (v) Result of such Appeal/Revision. : _____
 (vi) Date of order of such Appeal/Revision. : _____
 (vii) Brief description of outcome of such Appeal/Revision. : _____
- 29 (A) If sentence of imprisonment imposed in Appeal/Revision, date of surrender/being sent to custody. : _____
 (B) If acquitted/discharged, date of release order being sent to Jail (if accused is in custody). : _____

30 Details of payment of compensation (whether from fine or otherwise).

- (i) Name/particulars of person to whom compensation paid. : _____
- (ii) Amount paid. : _____
- (iii) Date & number of instructions issued to bank. : _____
- (iv) Date of payment. : _____
- (v) Transaction number as communicated by bank. : _____

31 Details of fine, if refunded : _____

32 Remarks, if any : _____

Footnotes:

- (i) Multiple fields to be auto-generated for each accused/ individual head wherever required.
- (ii) Software must facilitate generation of reports of all kinds i.e. case-wise, Sessions trial-wise, PS wise, offence-wise, trial procedure, litigant age wise, case-age wise, gender wise (all priority areas) etc.
- (iii) If the proceedings are held under Juvenile Justice (Care & Protection of Children) Act, 2000, the words 'court', 'accused' and 'trial' shall be construed as 'Juvenile Justice Board', 'juvenile in conflict with law' and 'enquiry' respectively.

**ANNEXURE : H/5
(Register No : II)****REGISTER OF CRIMINAL CASES**
(To be maintained by Statistical Branch)

Sr. No.

- 1 Criminal Case No _____ of _____
- 2 UID No.: _____
- 3 Date of Institution : _____
- 4 Title of case : _____
(Brief description of parties)
- 5 Number of accused persons : _____
- 6 FIR No. : _____
- 7 Police Station : _____
- 8 Offences alleged : _____
- 9 Sessions Division : _____
- 10 Court to which criminal case allocated : _____
- 11 Date of allocation on : _____
- 12 Allocated by : _____
- 13 Date of handing over of record to concerned court : _____

Footnotes:

- (i) Data to be generated by Statistical Branch from database.
- (ii) Print out of such forms to be generated on legal-size paper.
- (iii) Printouts to be taken and after each set of 200 number of cases, the same be kept and maintained in bound volumes.
- (iv) Such bound volumes (year wise) to be preserved by Statistical Branch for future reference.

ANNEXURE : H/6
(FORM No.III)

REGISTER OF CRIMINAL APPEALS & CRIMINAL REVISIONS

(To be maintained by Statistical Branch)

- 1 Criminal Appeal/Criminal Revision No. : _____
- 2 UID No. : _____
- 3 Date of Institution : _____
- 4 Title of case : _____
(Brief description of parties)
- 5 Details of impugned order : _____
 (i) UID No. : _____
 (ii) Criminal/Miscellaneous No : _____
 (iii) Date of impugned order : _____
 (iv) Name & designation of court passing such order : _____
 (v) Effect of such order : _____
- 6 Whether appellant/petitioner is in jail: Yes/No
- 7 Details of allocation :
 (i) Date of allocation : _____
 (ii) Allocated by : _____
 (iii) Court to which allocated : _____
- 8 Date of handing over of record to concerned court : _____

Footnotes:

- (i) Data to be generated by Statistical Branch from database.
- (ii) Print out of such forms to be generated on legal-size paper.
- (iii) Printouts to be taken and after each set of 200 number of cases, the same be kept and maintained in bound volumes (year-wise)
- (iv) Such bound volumes to be preserved by Statistical Branch for future reference.

**ANNEXURE :H/7
(FORM No.IV)**

**REGISTER OF MISCELLANEOUS CRIMINAL CASES
(To be maintained by Statistical Branch)**

- 1 Misc. Criminal Case No. _____ of _____
- 2 Date of Institution. : _____
- 3 FIR No. _____ of _____ U/s _____
- 4 Police Station : _____
- 5 Date & time of receipt of communication of copy of FIR from Police Station _____ u/s
157 Cr. PC
(to be automatically logged by the court portal on the basis of electronic communication)
- 6 Sessions Division : _____
- 7 Jurisdictional court:
(i) Name : _____
(ii) Designation : _____
- 8 Date of allocation to jurisdictional court : _____
(System will automatically generate the date if miscellaneous case is registered on communication of FIR u/s 157 Cr.P.C.)
- 9 Particulars, if miscellaneous case is registered otherwise than with reference to
FIR:
(i) Name of applicant : _____
(ii) Prayer in the application : _____
- 10 Date of handing over of record to concerned Court : _____

**Annexure : H/8
(FORM No.V)**

**REGISTER OF BAIL APPLICATIONS
(To be maintained electronically in Statistical Branch)**

1	2	3	4	5	6	7
Bail Application No.	UID No.	Title of Case	Name of applicant (s)	FIR/ Crime No.	Police Station/Agency	Offences Alleged

8	9	10	11	12	13	14
Date of Application	Court to which addressed (designation only)	Court to which allocated (Name & Designation)	Result	Date of final disposal	Date of communication sent to Jail/DLSA/Trial Court.	Remarks, if any.

Notes:

- (i) Data to be generated on legal size paper in landscape by Statistical Branch from database.
- (ii) Printouts to be taken and the same be kept and maintained in bound volumes (month-wise).
- (iii) Such bound volumes to be preserved by Statistical Branch for future reference.

**Annexure : H/9
(FORM No.VI)**

**REGISTER OF APPLICATIONS FOR TRANSFER
OF CRIMINAL CASES
(To be maintained in Statistical Branch electronically)**

1	2	3	4	5	6
Transfer (Criminal) Application No.	UID No.	Criminal Case/Misc./ Session Trial (No.) (Transfer of which is required)	Title of Case (Transfer of which is required)	Name & Particulars of the Applicant	Date of Institution of Transfer Application

7	8	9	10	11
Name of Court where case pending	Court to which transfer application addressed.	Result of transfer application.	Date of final order.	Name of transferee court, if applicable.

Notes:

- (a) Data to be generated on legal size paper in landscape by Statistical Branch from database.
- (b) Printouts to be taken and after each set of 200 number of cases, the same be kept and maintained in bound volumes (year-wise).
- (c) Such bound volumes to be preserved by Statistical Branch for future reference.

ANNEXURE - H/10
(Form No.VII)

CASE CUSTODY REGISTER (CCR)
(to be maintained by Statistical Branch)

1	2	3	4	5		6
S. No	UID No.	Criminal Case/Misc. Case/Session Trial No.	Title of the case	Name and Designation of the Court		Date of consigning the record
				If the case is pending	If the case has been decided	

7	8	9	10	11
Person to whom the custody of the case is handed over (including employee code)	Court where the case is sent [Sessions Court/High Court/Supreme Court/or any other Court (outside court)]	Signature of the Officer handing over	Signature of the Officer taking over	Reasons for transfer of custody of the record

1. This register shall be printed in large sheets with sufficient space to be filled, to be kept in hardbound manner.
2. Separate register shall be maintained for each jurisdiction by the Jurisdictional Clerk in the Statistical Branch.
3. Each movement of file from one hand to another shall be recorded in this register chronologically by the Jurisdictional Clerk (this shall include handing/taking over the file as a result of transfer from one Court to another; on transfer of a court staff from one posting to the other; on retirement; on requisition by the superior courts etc.

**Annexure : H/11
(FORM No.VIII)**

PENDING CAUSES REGISTER
(To be maintained electronically by Court Clerk in each Court
on the basis of data -base)
Name of Court with Designation.

1	2	3	4	5
Sr. No.	Criminal Case No./Misc. No./Session Trial No.	UID No.	Title of the case	Date of final order, if any

6	7	8	9
Date of Institution (Original)	Date of Receipt in Court upon allocation/transfer	Offence(s)	Status

Note: At the end of each month the Court Clerk shall generate a print out from the system, which shall show only pending matters of a particular court (i.e., excluding such cases as have been disposed of in the preceding month) and make a physical re-conciliation, and, thereafter, submit a formal report before the presiding officer for counter signature.

**Annexure : H/12
(FORM No.IX)**

DAILY CAUSE REGISTER
(To be maintained electronically by the Court Master in each Court)
Name of the Court with Designation
Date _____ (Day)

1	2	3	4	5	6	7
Sr. No.	Case No.	Title	Last Date of Hearing	Purpose for which matter is listed	No. of witnesses present, if any.	No. of witnesses examined.

8	9	10	11	12	13
Brief description of work done	If no effective work done, ground for adjournment	Time spent (in minutes)*	Next date of hearing	Purpose for which next date is fixed	Remarks, if any

If the Presiding Officer is not holding court for entire or substantial part of the day.
Reason/Duration thereof:-

- Note: 1) Daily Cause List shall be generated from this Data-base. (Picking information from column No. 1 to 5)
2) Court Master shall generate print-out at the end of each working day and maintain the same in chronological order in a folder available for inspection. Such folder shall be bound in a Volume on quarterly basis.
3) Cause list be published on website and also displayed in physical format outside the Court.

*Time spent in Administrative responsibility may be shown in last row.

Annexure : H/13
(FORM No.X)

REGISTER OF RETURN OF PROCESSES

(To be maintained by Court Clerk)

In the Court of _____ (Name with designation)

Sr. No.	Date of Return of process to Court	Criminal/ Misccl. case/ Sessions Trial No.	Title of the case	Name of person summoned	Capacity (accused /witness)	Date of issuance of process	Date for which case is fixed	Remarks , if any

**ANNEXURE : H/14
(FORM No.XI)****REGISTER OF DECIDED/CONSIGNED CRIMINAL CASES
(To be maintained by Court Clerk)****In the court of _____ (with jurisdiction)**

- 1 Case No. : _____
(Criminal/Misc)
- 2 Sessions Trial No. if any. : _____
- 3 UID No. : _____
- 4 Title of case. : _____
(Brief description of parties).

- 5 Date of final order of Trial Court. : _____
- 6 Brief description of final order. : _____
- 7 Date of completion of digitization of record. : _____
- 8 Date of preparation of record for consignment. : _____
- 9 Date of consignment. : _____
- 10 General Number (assigned by Record Room). : _____
- 11 Goshwara Number (assigned by Record Room). : _____
- 12 Date of weeding out of record with reference number. : _____

Footnotes:

- (i) Date to be generated by Statistical Branch from database.
- (ii) Print outs of such forms to be generated on legal-size paper.
- (iii) Prints outs for each quarter of the year to be retained by the concerned court in bound volumes.

Annexure: H/15
(FORM No.XII)

COVER-SHEET FOR FILING
(subject to scrutiny)

1	Title	(i) Vs.	In case of Individual: i) Male [] Female [] ii) D.O.B. DD/MM/YYYY In case of juristic person viz company, firm, society, corporation etc: i) Type of Incorporation
			Multiple fields to be created for multiple parties.
2	Date of Filing		
3	Number of papers (leaves) filed. (To be paginated)		
4	Nature of case	(i) Final Report (charge-sheet) (ii) Cancellation Report. (iii) Untraced Report. (iv) Closure Report (v) Private Complaint. (vi) Complaint by Govt. Body. (vii) Criminal Appeal. (viii) Criminal Revision. (ix) Transfer Application before CMM. (x) Transfer Application before D&SJ. (xi) Bail [Please Specify (a) Regular Bail or (b) Anticipatory Bail] (xii) Miscellaneous Application (xiii) Others (please specify the nature).	
5	Name of Sessions Division/District		
6	Name of Police Station		
7	FIR No. (if already registered)		
8	Jurisdictional Court (name if earmarked)		
9	Amount of court fee, if any.		

10	Whether matter is urgent & requires same day allocation. If Yes, Reason thereof.	Yes []/No [] Reasons, if any.....
11	UID No. allocated by the Filing Counter.	(To be filled by Office)
12	Case No. allocated by the Office.	(To be filled by Office)

Submitted by

Signature.....

Name :
Mobile No. & E-mail ID :

Through

Signature.....

Name of counsel :
Mobile No. & E-mail ID :

Date:

Place:

Signature.....

Name.....

Checked by Filing Counter Clerk:

Signature.....

Name.....

Re-checked by Jurisdictional Clerk:

**Annexure : H/16
(FORM No.XIII)**

**OFFICE OF DISTRICT & SESSIONS JUDGE
(SESSIONS DIVISION/DISTRICT:.....)
.....COURT COMPLEX, DELHI/NEW DELHI**

ACKNOWLEDGMENT OF FILING

Sr. No.

Date:

- | | | | |
|---|--|---|--------|
| 1 | Brief Title | : | |
| 2 | Nature of case | : | |
| 3 | Name of Sessions Division/District | : | |
| 4 | Date of filing | : | |
| 5 | Number of papers (leaves)
(subject to checking) | : | |
| 6 | Filed by | : | |
| 7 | Unique ID No. | : | |
| 8 | Whether urgent | : | Yes/No |

Footnotes:

- 1 This is a computer generated receipt and does not require signatures.
- 2 This tentative acknowledgment of filing is subject to checking/scrutiny of papers by the office/court in due course.
- 3 Please ascertain the date/time of first hearing and particulars of the allocated Court from the Filing Counter.

**ANNEXURE – H/17
(FORM No.XIV)**

FIR No.

u/Ss.....

PS :

Sessions Division/District

REMAND SHEET

In the court of _____ (Name and Designation)

Name of accused
(with parentage, age
and address)

Misc. Criminal Case / Criminal Case/ Session Trial No.

Date of Arrest _____

Date of First Production before Court _____

Sl. No.	Nature of Remand	Date of Remand		Remarks, if any.
		From	To	

**Annexure: H/18
(FORM No.XV)****REPORT ON STATUS OF SERVICE OF WITNESSES**

(To be prepared/published by Court Master)

In the Court of _____ (Name with designation)

Title of the case _____

Criminal Case /Miscll. Case/Sessions Trial No. _____

Date of hearing _____

Sr. No.	Name of witness	Status of service of summons	Remarks, if any

Signatures

(Name & Designation with employee code)

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
1.	Organizing the administration of District Courts	<ul style="list-style-type: none"> • Providing support and ancillary services to the judicial process. • Developing/ maintaining court infrastructure • Arranging/ managing human resources • Procuring/ managing material resources • Out-sourcing services necessary for upkeep/ maintenance of the infrastructure • Ensuring security • Developing/ maintaining court infrastructure • Procuring/ managing material resources • Out-sourcing services necessary for upkeep/ maintenance of the infrastructure 	<ul style="list-style-type: none"> • High Court Rules and Orders provide only broad guidelines as to the administrative process / set-up in the District Courts • There are no clear instructions as to how the administrative set-up is to be organized • Delhi was bifurcated into 09 Civil Districts w.e.f. 01.11.2008 and into 11 Civil Districts / Sessions Divisions w.e.f. 01.03.2013 – yet the resources (human/ material / finance) continue to remain under the control of District & Sessions Judge (HQ). • The new Districts that came up have established their own administration as per the individual discretion of the respective District Judges, with no uniformity. • The jurisdiction / responsibilities of various branches is not properly defined resulting in overlap and confusion. • Though spirit of High Court Rules and Orders indicates that all judicial officers are to share administrative responsibility, yet, there is general reluctance for various reasons, mainly 	<ul style="list-style-type: none"> • A uniform structure of the administrative set-up (divided into various branches /sections/ units) with well defined roles / responsibilities be enforced. • Clear instructions be issued and enforced to the effect that all Judicial Officers placed under the control of District & Sessions Judge shall share such administrative responsibilities as are assigned to them (for which due credit be given at the time of periodical appraisal of their work /conduct). • Each District & Sessions Judge shall constitute sub-Committees to aid/advise him / her on policy matters (the nomenclature of such committees shall be uniform). • Work of each branch / administrative unit shall be supervised by a Judicial Officer to be designated by the District &

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>with reference to judicial work. Though High Court has formalized and circulated <i>inter se</i> rules of business to regulate the inter district matters, there has been slow progress in the enforcement thereof.</p> <ul style="list-style-type: none"> • A large number of subjects remain concentrated in the hands of the Headquarter for distribution of which suitable instructions given have not been followed up (e.g. administrative control over the staff, division of work relating to office of the Administrative Civil Judge etc.) • The Delhi District Courts Establishment (Appointment & Conditions of Service) Rules, 2012, as published in Delhi Gazette dtd. 2/12/2013 have created confusion since as per the rules, the disciplinary control is again vested exclusively in District & Sessions Judge (HQ), which is in conflict with the guidelines issued by the Hon'ble High Court vesting full administrative control over the Court staff in the respective District & Sessions Judges. • There is no system of taking collective 	<p>Sessions Judge from amongst the Officers placed under his control, with requisite provision for Link Officers to act in case of absence of regular Officer Incharge.</p> <ul style="list-style-type: none"> • The rules of <i>inter se</i> business of various districts as issued by Hon'ble High Court be enforced by fresh formal mandatory instructions. • The Committee of District & Sessions Judges be institutionalized with instructions to meet periodically (atleast once a month) to consider all matters involving common interest – Administrative Civil Judge (HQ) be appointed as Secretary to the said Committee to get the meetings convened and minutes recorded / maintained. • The Delhi District Courts Establishment (Appointment & Conditions of Service) Rules, 2012, be suitably amended so as to

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>decisions on matters of common interest (though the directions of Hon'ble High Court require that such matters are to be considered and decided upon by all the District and Sessions Judges collectively, the said institutional mechanism has not come into play).</p> <ul style="list-style-type: none"> • Accounts Branch of all the Districts continue to be handled by untrained manpower under supervision of Accounts Officers who are shared by more than one district. • The challenges faced by the District Courts administration in matters relating to infrastructural development or managing the human / material resources, at times, become difficult to handle for the judicial officers entrusted with administrative responsibilities since they do not have the requisite training / expertise. • For reasons which have remained unexplained, the scheme of providing "Court Managers" for each District Courts, as mooted by Finance Commission, has not been extended to Union Territory of Delhi. • The Court staff is recruited at the entry 	<p>vest the full administrative/disciplinary control over the staff in concerned District & Sessions Judges.</p> <ul style="list-style-type: none"> • The matter of suitable increase in the trained manpower for Accounts Branch (particularly at the level of Sr. Accounts Officer/Accounts Officer) lying dormant with GNCTD be taken up by the High Court with Govt. for urgent sanction. • The posts of Court Managers, one each for all the 11 districts be made available to assist the District & Sessions Judges in matters relating to administration. • The officials presently called <i>Ahlmad</i> and Reader be re-designated as Court Clerk and Court Master, respectively. • The Judicial Academy to arrange short term (crash) courses for imparting necessary skills / training to Judicial

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>level in class III or IV from where they rise in service (depending on the promotional avenues) over the years – at the time of induction, the suitability is generally decided in the context primarily of duties relating to courts.</p> <ul style="list-style-type: none"> • Except for some posts (e.g. Librarian, Accounts Officer, Drivers) almost the entire ministerial court staff generally lacks training / qualification (or experience) for assisting in administrative responsibilities. • There is no system of formal training to the court staff either for duties relating to judicial work / court work or core administrative branches. • There have been no formal institutional initiatives for welfare measures concerning court staff. • There has been no system of grooming the staff in matters of proper etiquette, conduct, dress sense etc. – consequently, the atmosphere in Courts appear to be casual lacking in professionalism. • The nomenclature of designations of certain Court Clerks e.g. <i>Ahlmad</i>, Reader etc are either not fully 	<p>Officers with 10 years of judicial experience, with the help of modules specially designed with reference to needs of Court Administration in liaison with IIMs / Management Development Institute (MDI)/Lal Bahadur Shastri IAS Academy (IAS Academy).</p> <ul style="list-style-type: none"> • The Judicial Academy to arrange short term courses for imparting necessary skills / training to ministerial staff of District Courts with 5/15 years of service, with the help of modules specially designed with reference to needs of Court Administration, in liaison with Directorate of Training, Union Territories Civil Services, Govt. of NCT of Delhi, near Karkardooma Courts, Shahdara, New Delhi. • A Registrar in the High Court registry be appointed as the Nodal Officer to liaise with the Govt. of NCT for ensuring

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>understood or do not reflect the nature of duties entrusted.</p> <ul style="list-style-type: none"> • The District Courts feel themselves to be at the mercy of the departments in the Govt. of NCT for various sanctions / approvals. • The experience of the District & Sessions Judges has not been happy as they are called upon to convince / persuade the Secretaries in the Govt., for release of even routine sanctions / approvals (e.g. for consumable items like stationary). • There is no institutional mechanism of ensuring all needs of the District Courts to be timely catered for by the Govt. – efforts in this direction eat into valuable time and energy which can be better utilized for judicial business. • In spite of bifurcation of Delhi into 11 Civil Districts / Sessions Divisions w.e.f. 01.03.2013, the financial resources continue to remain under the control of District & Sessions Judge (HQ). • The District Judiciary receives a composite budget for all District Courts of Delhi which is 	<p>timely approvals / sanctions on all matters relating to District Courts.</p> <ul style="list-style-type: none"> • Official uniform befitting the status, and level in hierarchy, commensurate with the court decorum be prescribed/provide d for all court employees. • A special cell be created (as suggested in the charter to be part of General Administration Branch) to deal with all matters of staff training and welfare. • The existing system of composite budget may continue but with stipulation that budgetary estimates and allocation shall show clearly at the outset the distribution of funds amongst different Districts under all heads of accounts.

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>controlled by District & Sessions Judge (HQ) from where the funds are allocated district-wise, on which subject there is no system of consultation.</p> <ul style="list-style-type: none"> Over the period, the expenditure incurred by the District Courts has grown geometrically but with no corresponding augmentation in expert advice / assistance in matters of finance 	
2.	<p>Administrative support to justice delivery process</p> <ul style="list-style-type: none"> Managing resources & planning. Manual outdated systems. 	<p>Managing human resources Finance Material resources Inter departmental official communications with Hon'ble Supreme Court, Hon'ble High Court, other Districts, Government Departments (e.g. Jail, Hospital etc.) and other agencies</p>	<ul style="list-style-type: none"> Archaic procedure of file notings, submission and processing/ approval etc. Avoidable repetitive notings adding to the manual work resulting in wastage of human resources Cumbersome procedure for gathering information from different desk for decision making. Avoidable movement of files makes them prone to wear-tear or loss. Absence of clear demarcation of work amongst different branches leads to multiple processing or action. No clarity about the hierarchy or chain of command In matters relating to service conditions/benefits of 	<ul style="list-style-type: none"> To switch over to on-line administrative process or Management Information System (MIS) to the extent possible (exception may have to be provided in matters relating to financial sanctions etc.). To develop/introduce software for management of human resources (akin to SAP). To develop complete profile of each employee including basic particulars, qualifications, experience, time to time postings, special aptitude, pay, promotion

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>employees - lack of transparent and effective communication between employees and court administration.</p> <ul style="list-style-type: none"> • No standard procedure in place coupled with ignorance about the existing instructions, if available on issues relating to administration. • Neglected area of matters connected with conduct and discipline— delayed inquiries, lack of consistency in procedure. • General lack of motivation and will to work. • No institutionalized mechanism for grievance resolution. • No system of identifying talent suitable for administrative sanctions, approval of funds or utilization there against. • No system in place for regular/ periodical training at the entry level or mid-career for imparting requisite skills or capacity building. • Lack of clarity and absence of standard protocol for communication with Hon'ble Supreme Court, Hon'ble High Court, other Districts, Government Departments (e.g.Jail, Hospital etc.) and other agencies 	<p>entitlements, leave account, GPF contribution, loans/advances, regularity/punctuality /attendance, Confidential Reports/disciplinary proceedings, if any etc. (the updation of data on all such subjects shall be the responsibility of the concerned desk. The data of each employee shall be consolidated so as to be available comprehensively to the superior authorities and to the concerned employee).</p> <ul style="list-style-type: none"> • To develop/introduce the software for Smart Accounting (similar to ACCP) for making accounting system streamlined for providing prompt, transparent and automated services, integrating it with Pay & Account Officer and banking systems so as to make use of the latest technology available in the competitive market. • To develop/introduce software to manage the material resources

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>(procurement/storage/ maintenance/ distribution).</p> <ul style="list-style-type: none"> • To develop “Manual of Office Procedure” clearly delineating hierarchical structure and chain of command/responsibilities (on the lines of the “Manual of Office Procedure” in use in Hon’ble Supreme Court) • To introduce Charter of Administrative set-up of District Courts (draft appended). • To develop/introduce uniform protocol for conduct of disciplinary proceedings or fact finding inquiries. • To impart regular training for the staff at the entry level and mid-career. • Policy initiative to be taken by Hon’ble High Court for mandatory periodical training of the court staff, to be arranged in consultation with Delhi Judicial Academy and Directorate of Training of Union Territory of Civil Services. • To develop /introduce effective

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>on-line mechanism for grievance redressal with built-in accountability systems.</p> <p>33. Introduce standard protocol for communication with Hon'ble Supreme Court, Hon'ble High Court, other Districts, Government Departments (e.g. Jail, Hospital etc.) and other agencies</p> <ul style="list-style-type: none"> • Court portal to provide links (for information & communication) to all connected agencies/departments including police, hospitals, prison, legal aid, mediation centre, Executive Magistracy, Home Department, Law & Justice Department, Finance Department, UDI-Aadhar, Registrar of Births & Deaths, Registrar of Marriages, Sub-Registrars etc.
3.	Filing Multiple windows for filing / institution (Court-wise)	<ul style="list-style-type: none"> • Entry of the case in judicial system. • Managing statistical information. 	<ul style="list-style-type: none"> • Duty to register and generate UID No. distributed in different hands. • Issuing of institution No. (case No.) done court-wise. • Re-registration of case 	<ul style="list-style-type: none"> • District-wise centralized filing system • Unique Identification Number (UID No.) to be generated by computer system,

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>number upon transfer resulting in confusion (one case bearing more than one number)</p> <ul style="list-style-type: none"> • No uniform system of scrutiny of the case at inception. • Difficulty in tracking a particular case file on account of decentralized filing (particularly in the event of transfer of case or abolition of Court). • Complaints about certain courts (MMs) not accepting reports U/s 173 Cr.PC upon tender – giving rise to issues concerning personal liberty of arrestees, limitation etc. • Lapses in noting down the full particulars of the parties in the institution register. • Non-registration of Interlocutory Applications (IAs) – resulting in confusion or delay and also consequently not reflecting the actual work-load. • Lack of transparency respecting information about status of a particular case which requires to be gathered from physical records that are not easily accessible or which do not provide full information. • In case of transfer of jurisdiction of a particular nature (e.g. 	<p>to be common for all 11 districts, adopting the existing system wherein the location of original generation of UID is reflected..</p> <ul style="list-style-type: none"> • UID No. to remain same, from inception till end, not withstanding intra-district or inter district transfers (if feasible the basic UID No. may continue, with necessary additions, in connected matters in Courts in superior hierarchy). • District-wise registration of each case (category-wise) – the system of court-wise registration of the case to be abolished. • A uniform pattern of assigning the case number to be adopted in all the districts for which categories need to be specified. • In the event of a criminal case being committed to the Court of Sessions, the corresponding “Sessions Trial” shall be registered by the Statistical Branch (SB). Such

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>police station), or on abolition of the court, the registers get transferred to another court designated as "Successor Court" – lack of clarity in identifying the successor court leading to harassment of public, also making it difficult to fix accountability.</p> <ul style="list-style-type: none"> • Unsatisfactory system where responsibility of safe custody of records is not easily fixed. • Too frequent handling of judicial record in physical form makes it vulnerable to wear, tear, tampering etc. • Difficulty is faced in inspection of judicial record by the public at large. • Avoidable burden on <i>Ahlmads</i> of vigil during inspection of judicial records. • Increasing demands for issuance of certified copies. • Information scattered in different hands at different places. • Change of case number consequent upon transfer leads to confusion as also corrupts the data (e.g.hides the actual age of case) • No system in place for ensuring that court fee paid on interlocutory applications is 	<p>matter shall thereafter be known by the "Sessions Trial Number" of the criminal case from which it arises.</p> <ul style="list-style-type: none"> • No fresh registration upon transfer of the case. • Centralized filing counter to receive all fresh cases, including reports u/S.173 Cr.P.C., interlocutory applications, documents etc. • A new unit, to be known as Statistical Branch (SB), to be created in each district to work in close coordination with the filing counter and the courts / record rooms. • Upon filing of fresh case, the filing counter clerk (of the concerned category) shall subject it to tentative scrutiny, with reference to the prescribed check list, enter the basic particulars of the case (e.g. the title, the nature, the jurisdiction, the court fees, number of pages (leaves), number of

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>accounted for.</p> <ul style="list-style-type: none"> • No system of issuing even a tentative acknowledgment of filing of a case / IA/ documents. • No uniform system of use of petition box. • Practice evolved wherein applications are entertained on being presented directly in the court. • Similar work entrusted to different officials resulting in inadequate utilization of work force. • Difficulties in compiling statistics (for periodical or urgent reports). 	<p>additional copies etc.) in the computer system and generate the UID number, against which he shall issue a formal acknowledgment, indicating therein, <i>inter alia</i>, the UID No., the name and particulars of the court / court number (if the jurisdiction is pre allocated) or the time at which the same may be ascertained from the inquiry counter of the filing section.</p> <ul style="list-style-type: none"> • Immediately after the UID number is generated, in case allocation of court is required, the file shall be taken before the competent authority for necessary orders. • Upon allocation of the case (or if the jurisdiction is predetermined), the file shall be sent to the Statistical Branch (SB) where the Jurisdictional Clerk (JC) shall generate the case number from the computer system, making necessary entries in the concerned

APPENDIX - I

District Court Establishment – Administrative Set-up

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>Institution Register, for present purposes the Criminal Case Institution Register (CCIR), and then enter the same in Case Custody Register (CCR) (to be maintained in physical form with the aid of printouts to be taken from Data Base) and hand over the file to the <i>Ahlmad</i> of the concerned court (to be re-designated as Court Clerk) against formal acknowledgment.</p> <ul style="list-style-type: none"> • The main database shall correspondingly note the name / employee code of the official who is entrusted with the record. • The Court Clerk (<i>Ahlmad</i>), upon receipt of the file, shall enter its brief particulars in the Pending Causes Register (PCR) of that court in the chronological order of receipt – PCR shall be common register for all categories which shall be maintained simultaneously in physical as well as

APPENDIX - I

District Court Establishment – Administrative Set-up

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>in electronic form (its format to be prescribed – to indicate the pendency, conclusion and transfer / consignment)</p> <ul style="list-style-type: none"> • After the entry of the case in the PCR, the Court Clerk (<i>Ahlmad</i>) shall submit it through the Reader (to be re-designated as Court Master) before the Presiding Judge for orders. • After the hearing is complete on the first date, the Court Clerk (<i>Ahlmad</i>) shall enter all particulars, other than the brief particulars already entered at the time of registration in the filing / Statistical Branch, in the database – particulars to be entered shall include full details of the parties, full particulars of the witnesses (if already cited), brief description of the case / prayer. • The filing system shall have additional provision for e-filing of all

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>cases including petitions, complaints or police reports (including and particularly reports u/S.173 Cr.P.C.) in addition to the physical form.</p> <ul style="list-style-type: none"> • The e-filing of reports u/S.173 Cr.P.C. shall be feasible from the end of the police station for which the court portal shall allow necessary access / uploading facility. • The e-filing procedure may be extended to the members of the Bar registered with the District courts for such purposes. • Court portal specific to each district court shall provide links for accessing information about the particular case in a particular court with the help of various parameters (case title, case number, judge name, date of hearing etc.). • The court portal shall be accessible with full facility of uploading to the court administration and

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>with restricted facility of uploading to the members of the Bar (duly registered), investigating agencies (police stations, crime branch or such other special units) Jail administration, Hospitals, Probation Services, Protection Officers etc. and with access to the public at large (limited to viewing or taking printouts).</p> <ul style="list-style-type: none"> • Statistical Branch will have two sections, one for pending cases and other for decided cases. • The case specific database shall be updated by the Court Master (Reader) on each date the case is taken up while making the necessary entries in the <i>Peshi</i> Register, to be known as Daily Cause Register (DCR). • The facilitation centre would stand upgraded, with information desks / counters (single

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>window for all kinds of information relating to the Judicial business)</p> <ul style="list-style-type: none"> • There would be provision for information to be collected, or printouts of required court proceedings to be taken (against nominal fee) on the basis of the database from the facilitation centre for such parties as need court assistance. • For such individuals as only need to view the information available about a particular case, the same would be made available through e-kiosks with connectivity to the database. • Whenever occasion arises for transfer of the custody of judicial record from one end to another (e.g. upon transfer of the case from one court to other; upon transfer of jurisdiction; transfer / retirement of the court clerk ; consignment etc.),

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>the event shall be duly reported, to be logged in the Statistical Branch through which the handing over / taking over of the file(s) shall take place, with entries to be made in the computer database as also in the Case Custody Register (CCR).</p> <ul style="list-style-type: none"> • When a case is decided and the file is ready for consignment as per rules on the subject, it shall be made ready in accordance with the rules and orders and handed over to the record room through Statistical Branch (SB) with corresponding entries being made in CCR as also in both the sections of the statistical branch. • The software to be used in the Statistical Branch shall be developed in such a way that it can always generate all kinds of Registers and statistical reports including about the pendency figures, the break-up

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				(category-wise, age-wise, the stage / status-wise), age / gender of the parties (to facilitate identifying cases involving senior citizens, women etc.) cases involving under trial persons (including with possibility of sorting out data according to the period of incarceration), age / gender of victim etc.
4.	Service of Process (Preparation) Delay in preparation. Errors.	<ul style="list-style-type: none"> • The Justice delivery system depends on due notice. 	<ul style="list-style-type: none"> • Delays in filing of process fee by the parties. • No proper system to keep check on the Court Clerk (<i>Ahlmads</i>) in accounting for each process fee submitted. • Non preparation of the process by the Court Clerk (<i>Ahlmad</i>) within reasonable time. • Incomplete / wrong address of the accused/witness in the chargesheet/complaint. • Errors (inadvertent or intentional) in manual preparation of the process by the court staff. • Non maintenance of record of process in the nature of warrants [<i>Raghuvansh Diwanchand Bhasin Vs. State of Maharashtra</i>, 	<ul style="list-style-type: none"> • System of one time deposit of process fee be introduced at the time of filing of the case for the service of respondents and at appropriate stage for the witnesses irrespective of the number of attempts required to be made. • The process fee payable for issuance of notice / summons to the opposite party shall be depositable in e-form at the outset and such deposit shall be entered in the database by the filing clerk. • Process fee for witnesses shall be

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>(2012) 9 SCC 791]]</p> <ul style="list-style-type: none"> • Cumbersome procedure / practice of deposit of process fee which, most of the time, becomes repetitive. • Because of additional work load, the rules and orders requiring accounts to be kept of process fee deposited are followed more in breach than in compliance. 	<p>payable in e-form at appropriate stage, at the special window for the purpose at facilitation counter.</p> <ul style="list-style-type: none"> • Instructions be issued to the police for mandatory verification of address (including permanent address) of accused, surety and witnesses during investigation. • Instructions be issued to the police to record mandatorily complete address (including permanent address) alongwith email ID, if available, and telephone Nos. (including mobile telephone) and any other possible contact number of the accused, surety and witnesses and also mention the same in the chargesheet. • System of manual preparation of processes be dispensed with. All processes (notice / summons / warrants etc) be generated from the data base.

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<ul style="list-style-type: none"> Subject to confirmation of the deposit of process fee, the auto-generation of process (required to be issued) shall be promptly done immediately after the court order by the Court clerk logging the date of issue in the computer system.
5.	<p>Service of Process (Issuance / dispatch)</p> <p>Delay in dispatch. No uniform system of maintaining record.</p>	<ul style="list-style-type: none"> The Justice delivery system depends on due notice. 	<ul style="list-style-type: none"> No mode of service / contact other than through tender of physical form of process. Non mention of telephone number and e-mail ID or any other alternative address / permanent address. No uniform system of keeping record relating to issue of summons in the court. Inefficient system of dispatch / return of process through <i>Naib courts</i>. Neglect in prompt / timely issuance of process by the court staff. The service provided by courier agencies is largely unsatisfactory with virtually no accountability. General neglect of process received from, or sent to, other States/Districts. 	<ul style="list-style-type: none"> Except such process as is necessarily required to be executed through police (e.g. warrant) or those required to be sent by post / courier agency, all other court process to be issued / communicated to the process serving agency (police or of the Court) by electronic means under digital signatures. Each process auto-generated to bear unique No. (or bar code) to be always accounted for. The process to be served / executed through the agency of police to be transmitted electronically,

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<ul style="list-style-type: none"> Difficulty is faced in service of process in foreign jurisdictions mainly on account of cumbersome procedure and unresponsive MEA (GOI). 	<ul style="list-style-type: none"> under digital signature, to the concerned police station / investigating agency where the print-out shall be taken for compliance purposes. The process to be served through agency of court administration shall also be similarly communicated by electronic means, under digital signatures, by each court with similar facility for print out to be taken at the other end. A pan-India Protocol to be put in position with obligation of mutual assistance on the part of each District & Sessions Judge for assisting in prompt service / execution of court process of other jurisdictions and timely return to the district from where it was issued. All process required to be served / executed in other districts / states to be sent by electronic means, under

APPENDIX - I

District Court Establishment – Administrative Set-up

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>digital signatures, to the concerned District & Sessions Judge with facility of its print out to be taken at the other end.</p> <ul style="list-style-type: none"> • The postal department to create special provision for service of court processes of District Court, including by earmarking of exclusive PIN (on the lines issued for Hon'ble Supreme Court and Hon'ble High Court) with provision of electronic tracking and generating proof of delivery. • Formal tie up and putting in position a formal protocol to be followed by the courier agencies engaged for the purpose of service of court process (clearly indicating system of accountability and penal clause for deficiencies in service). • Formal orders to be strictly followed by all concerned, simplifying the procedure for service in foreign jurisdictions

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				through agency of Indian Embassies / Consulates.
6.	Service of Process (service / execution) (iii) Delay on account of in efficient system. (iv) Delay on account of non service. (v) Delay on account of sketchy reports.	<ul style="list-style-type: none"> The Justice delivery system depends on due notice. 	<ul style="list-style-type: none"> Neglect of police / investigating agencies in discharging obligations regarding service of processes. No effective supervision of senior police officials on the subject. Practice of physical tender of process leaves room for false reports / easy evasion. Untrained process serving personnel Modern technologies have not been used in this area. Neglect in prompt / timely service of the process serving agency (court / police). Instances of abuse of process in the nature of warrants by unscrupulous elements. No formal mechanism of service of process in other districts / state. No system of accountability of postal department / courier agencies. Process servers are generally expected to move by public transportation which is not a healthy system. Process servers do not carry a unique identity and therefore, there have been instances of they being not taken 	<ul style="list-style-type: none"> The method of service by way of physical tender needs to be upgraded with use of modern technology to avoid intentional evasion/refusal of summons (e.g. use of mobile camera for taking photographs at the time of service with facility for it to be appended to the report and its electronic transmission). Additional mode of service by e-mail and / or SMS or fax to be adopted. (which shall not entail issuance of duress process, till the law is suitably amended). Government be called upon to sanction sufficient work force of process servers. Formal uniforms to be prescribed for use on official duty by process servers / bailiffs, to be provided by court administration. Two wheeler transportation to be

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			seriously. <ul style="list-style-type: none"> • Inadequate working strength of process servers resulting in unmanageable beats. 	<ul style="list-style-type: none"> • provided to each process server / bailiff (the travelling allowance may be dispensed with). • Formal training (regarding rules, report writing and conduct) be necessarily imparted.
7.	Service of Process (return / end use) Lack of timely information	The Justice Delivery System depends on due notice.	<ul style="list-style-type: none"> • No practice of monitoring service in advance (ahead of the date of hearing) • The Presiding Judge and the counsel on both sides remain ignorant as to the status of service resulting in dislocation of the work in the event of non-service. • No system of formal report of the status of service by the court staff in advance. • No insistence on return of each process being accounted for. 	<ul style="list-style-type: none"> • The report on each process must ideally be submitted on-line well in advance (preferably three days before the date of hearing) through electronic communication. • The factum of service shall be logged simultaneously to return of the process to the process serving agency by the process server so that it gets electronically notified to the court concerned immediately. • The report of service in the physical format bearing the acknowledgment shall be submitted ideally two days before the date of hearing. • It shall be the

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>responsibility of the Court Master (Reader) to prepare a formal report in standardized format about the return of the process and the nature of reports specific to each case and to be published on the court website atleast a day before the date of hearing.</p> <ul style="list-style-type: none"> • A separate register shall be maintained in physical format by the Court Clerk (<i>Ahlmad</i>) maintaining account of the processes returned with reference to the date of hearing. (Clearly carrying a separate column of the actual date of return).
8.	<p>Record Room</p> <ul style="list-style-type: none"> ➤ Non compliance with High court rules and orders on preparation of records for consignment. 	<ul style="list-style-type: none"> • Keeping transparency in information and system concerning maintenance of decided files. • Facilitating immediate access for appellate / revisional courts to the trial court 	<ul style="list-style-type: none"> • Instructions in the High Court rules and orders about preparation of the record for consignment (indexing, pagination etc.) generally not followed. • Weeding out of files in record rooms remains a neglected area. • Due to systemic factors (e.g. lack of manpower, lack of space, lack of effective supervision, 	<ul style="list-style-type: none"> • The consignment of the records of decided cases to be routed through its Decided Case Section of Statistical Branch (SB). • The Decided Case Section of Statistical Branch to maintain a Case Custody Register (CCR) similar to

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
	<ul style="list-style-type: none"> ➤ Delay in consignment ➤ Bottlenecks in consignment ➤ Lack of clarity in status of decided case files ➤ Outdated method of keeping the records (wasted space or record rooms over flowing with files). ➤ Unhygienic and unhealthy working conditions. ➤ No system for a public person to track the location of the file. ➤ No proper place for inspection of court record ➤ No uniform system of responsibility for 	<ul style="list-style-type: none"> record. • Facilitating weeding out. 	<ul style="list-style-type: none"> over-burden etc.) consignment work is not timely. • Incomplete and faulty information of case status in the records. • The information in the registers not duly filled in the given columns. • The formats of registers are too complicated, outdated and too technical. • No easy access to the registers relating to the consignment for the litigants at large. • Contents of record incomprehensible to a lay person and, therefore, of no assistance in terms of information. • Record Rooms still keeping the consigned files in <i>Bastas</i>, in conditions which are unhygienic and, therefore, unhealthy for the record room staff. • As a result of abolition of courts from time to time, system of designating “Successor Courts” for such abolished courts has evolved but it results in burdening the Ahlmad / Reader of “Successor Court” with unmanageable / unwieldy records and consequent harassment to the litigants as also absence of accountability. • The digitization of files 	<ul style="list-style-type: none"> one kept in the Pending Case Section of the Statistical Branch. • The <i>Mauza</i> clerk (to be renamed as Record Room Assistant) of the record room will notify the general number / <i>goshwara</i> number to the Pending Case Section of Statistical Branch and acknowledge receipt of the records. • The Decided Case Section of the Statistical Branch will be the information desk as to the location of the file of decided cases for the public at large and will maintain the necessary computer database. • The instructions about preparation of files for consignment as contained in High court rules and orders to be reiterated and strictly enforced. • The format of Disposal Register, Consignment Register, General Register and <i>Goshwara</i> Register

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
	<p>sending the records of the decided cases to the appellate / revisional courts.</p> <p>Problems concerning custody and control of registers on account of abolition of courts.</p>		<p>of decided cases has not been followed up with suitable amendment in the weeding out rules – consequently digitization has not helped in reduction in the volume of physical records.</p> <ul style="list-style-type: none"> • No uniform practice about the responsibility for submission of trial court record when requisitioned by appellate / revisional court in case of decided cases. • No separate place earmarked for inspection of records in record room. • Lack of clarity in responsibility for return of original documents to the parties at the time of weeding out. 	<p>to be simplified / updated.</p> <ul style="list-style-type: none"> • Mechanized stacking system to be introduced - The experiment with compactors has not been successful and so may be abandoned • Record rooms to be re-developed ensuring proper ventilation, hygiene etc. • The earlier practice of weeding out of the files in the Record Room under the supervision of Judicial Officers specially deputed for the purpose needs to be revived – specific role / responsibility to be assigned to make it a continuous process not dependent on vacations. • Introduce periodical schedule of weeding out, with monthly progress report to be submitted by Officer In-charge (RR) to District & Sessions Judge for monitoring. With the shift towards parallel maintenance of electronic record

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>(digitized), the rules on the subject of the weeding out need to be revisited so as to permit early weeding out of decided files (particularly of criminal jurisdiction where the result of acquittal / discharge has attained finality).</p> <ul style="list-style-type: none"> • Sufficient space must be allocated for Record Room for each District Courts (even if for such purpose, the Govt. is to be asked to arrange some building in the vicinity). • Provision needs to be made in the rules and in the server of the court system for backup of the data of all such cases. The physical files thereof are weeded out. • The schedule of consignment of files month-wise (within one month of disposal) must be enforced scrupulously and to check the same, a monthly report to be submitted by the Court Clerk through the

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>Presiding Judge of each Court.</p> <ul style="list-style-type: none"> • Upon consignment of each file, the date of consignment and general / <i>goshwara</i> number shall be uploaded with the case status on the website for information of public at large. • The practice of regular / periodical fumigation / pest control etc to be enforced, particularly for Record Room. • A separate room for inspection of files of Record Room be established. • A separate cell be created to be named / styled as "Abolished Courts Record Cell" (ACRC) – system of designating successor courts to be abolished. • Registers / records (excluding the pending case files which are to be made over to other courts) shall be closed and consigned with ACRC. • In case orders / directions are received from

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>superior courts in respect of decided cases connected with records consigned with ACRC, they shall be made over / allocated for necessary action by the District & Sessions Judge to a Judicial Officer of competent jurisdiction for necessary action in accordance with law.</p> <ul style="list-style-type: none"> • For proper allocation of the work in the nature mentioned above, ACRC shall maintain appropriate records / registers. • For assistance to the Judicial Officer to whom such matters as mentioned above are made over / allocated, the Official In-charge of ACRC shall render necessary assistance (for removal of doubts it is clarified that for all such files, the concerned official of ACRC shall be the Court Clerk for such purposes). • The requisitions for judicial records respecting pending

APPENDIX - I

District Court Establishment – Administrative Set-up

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>cases shall be addressed to, and dealt with by, the concerned Court while such requisitions respecting decided cases shall be dealt with by the concerned Record Room.</p> <ul style="list-style-type: none"> • All movement of files (whether pending or decided) to the Appellate / Revisional Courts (including High Court and Supreme Court) shall be routed through Statistical Branch (SB). • All files returned by the Appellate / Revisional Courts (including High Court and Supreme Court) shall be first received by the Statistical Branch (SB) and corresponding entries made in that record before the file is made over to the quarter from where it was originally sent.
9.	<p>Copying Agency</p> <ul style="list-style-type: none"> ➤ Delay ➤ Harassme 	<ul style="list-style-type: none"> • Issuance of copy • Transparency • Keeping the litigant updated 	<ul style="list-style-type: none"> • Systemic deficiency in supply of uncertified copies by the Court – consequent overload on demand for certified 	<ul style="list-style-type: none"> • System of UID / password for litigating parties shall permit access to the Court

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
	nt		<p>copies.</p> <ul style="list-style-type: none"> • Insufficient manpower. • Non submission of records by the concerned Court / Record Room in time. • The preparation of copies with the Xerox machines – instead of using computer data. • Cumbersome process of deposit of copying fee. • Harassment on account of repeated dates given by the copying agency. 	<p>proceedings uploaded on day to day basis by the Court on the portal facilitating downloading / taking print out at time of their convenience.</p> <ul style="list-style-type: none"> • Services can be taken from the e-kiosks put up in the court premises. • Matter needs to be pursued with the Govt. for sanction of requisite manpower commensurate with the work load. • With parallel electronic records of each case being developed as it progresses in the Court and its uploading on the system with due authentication (including by digital signature), preparation of certified copies by the Copying Agency on the basis of print out taken from the system should reduce the requirement of physical summoning of the files. • One time deposit of copying fee by the parties – by the

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>petitioner / complainant at the time of filing and by the opposite parties upon putting in their appearance.</p> <ul style="list-style-type: none"> • The copying fee shall be payable in e-form at the facilitation center and shall give title to issuance of certified copy only once for a particular record – for additional copies similar suitable slab may be fixed. • The Clerk in the copying agency would file report if the copy is not supplied at the specified time on the given date.
10	<p>Deposits and Refunds</p> <ul style="list-style-type: none"> • Risks connected with cash handling • Cumbersome procedure, multiple window • Complex procedure of receipt, deposit in Govt. account 	<ul style="list-style-type: none"> • Deposits on account of fine / penalty, rent / profits, maintenance, cost compensation / damages, decretal amount etc. • Refund / disbursement. 	<ul style="list-style-type: none"> • Manual cash handling carries inherent risks (e.g. defalcation, theft, counterfeit money etc.) • The deposits at times require multiple paper work (preparation of challan, clearance of voucher by the court, deposit in the treasury, confirmation of deposit by the treasury to the court, maintenance of records in this regard and reconciliation). • The deposited money goes into the govt. account through various 	<ul style="list-style-type: none"> • The work of deposit or refund of money directly by the court be taken away. • For all above purposes, arrangement be made with the govt. on one hand, and the nationalized bank on the other (preferably State Bank of India (SBI)), for setting up special counters in each District

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
	etc. • Problems in maintainin g accounts		desks. • The registers of imposition of fine, realization of fine and accounts are too cumbersome. • Court staff not trained in accounting procedures. • Difficulty in reconciliation of accounts causes delay at the time of refund/ release (giving rise at times to corrupt practices). • Cash deposit in RBI on daily basis. • The fines imposed or compensation awarded in recent times, particularly under special laws, involve deposits of money of huge value (at times running into several lakhs of rupees) – existing practice of deposits to be received only in cash and not through any other mode (cheque etc.) is in teeth of the RBI regulations restricting cash transactions beyond a certain value. Consequent harassment of the litigant, parties (particularly intended recipient of released money)	Court to take care of this responsibility. • Multiple options be made available for the litigants and parties for deposit in cash or by internet banking or by credit / debit card etc. • A system be put in position wherein the directions for deposit of a sum (imposed as fine, compensation etc.) is communicated online to the bank with reference to the particular court / case indicating the particulars of the party by whom it is to be deposited and for corresponding report by the bank to the court as and when the deposit is received. • The accounts in above regard shall be maintained in a consolidated form with necessary break-up court-wise / case-wise to be reconciled by the bank with the accounts branch of the District Courts periodically.
11	Local Bar as stake-holder	Necessity to have systems of	• Though under the Advocates Act, a duly	• The Court portal to facilitate

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
	Absence of communication channels or flow of information	communication between the court and the local Bar.	<p>enrolled lawyer can practice / appear before any Court, in routine Advocates prefer to concentrate their work in particular District Courts but with no formal information system in such regard in place.</p> <ul style="list-style-type: none"> • In recent past, a practice has grown where lawyers have established firms, about the composition of which there is no formal data available (even the <i>Vakalatnamas</i> at times carry the name of the firm leaving out the names and particulars of the Advocates who are partners) making it difficult for Court Notice to be addressed / served. • Without prior information about the source of uploading, permissibility of e-filing of petition / complaints / cases etc. may give rise to issues of abuse / accountability etc. • There is no system of identifying Advocates who are “primarily practicing” before a particular District Court, information in which regard has become important for extending facilities like allotment of Chambers / seats, appointment of Oath Commissioners, Notary Public etc. 	<p>registration of Advocate who wish to practice before the particular District Court and use the facilities including those relating to e-filing.</p> <ul style="list-style-type: none"> • The registration would entail submission of necessary information (including proof of enrollment with the Bar Council and the Local Bar Association, proof of identity, declaration of the address including the one intended to be used for correspondence, contact Telephone numbers including Mobile Phone Number, e-mail ID etc.) • The registration for above mentioned purposes shall be in individual names only. • The court portal will provide a link to the registered Advocates for facilitating e-filing. • The registration will facilitate communication of notices / information through SMS / e-mail systems.

APPENDIX - I**District Court Establishment – Administrative Set-up**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
12	General	-----	-----	<ul style="list-style-type: none"> Introduce a system of portal access through unique identity number issued by the system to the litigating party for regulating / restricting access to record / proceedings of pending cases.

APPENDIX – II**Inquiry / Investigation by Police**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
1.	FIR Non-registration leading to application u/s 156(3) CrPC	<ul style="list-style-type: none"> • Action Taken Report (ATR) called for 	<ul style="list-style-type: none"> • Inquiry commenced by police to form view and justify inaction on earlier complaint • Evidence collection (impermissible) without registration of FIR leading to delay in consideration of request • Delay in the communication of order. • Delay in filling the report. 	<ul style="list-style-type: none"> • Standardize format for order calling ATR • The communication between the court & the police should be through email, which would take away the excuses made by the police regarding non-receipt of the directions made by the court.
2.	FIR Communication to MM	<ul style="list-style-type: none"> • Endorsement by MM as to date & time of receipt of copy of FIR • Entry in FIR register by <i>Ahlmad</i> • Future reference at consequential / follow-up stages (remand / bail / seizure / release etc.) 	<ul style="list-style-type: none"> • Two Registers (Form Nos. XXIII and XXIV) prescribed – both in disuse – purpose of both unclear and so creates confusion • FIRs kept in <i>muttha</i> (loose bunch) • Seldom tagged with Charge-sheet when filed • No system to maintain / track of papers / proceedings connected 	<ul style="list-style-type: none"> • Prescribe new form of register and method of maintaining such record and use [Use some columns in Registers XXIII & XXIV] • On-line communication (on website/webpage/e-mail) to MM of copy of FIR immediate upon registration • Registration (possibly automated) of “Miscellaneous Case” in file of which all subsequent papers (e.g. status reports; remand / bail applications; reports of seizure; application for warrants / processes; Orders etc.) connected to the FIR must be tagged (as

APPENDIX – II**Inquiry / Investigation by Police**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>per order, and in volumes/parts, prescribed) till Report under Section 173 CrPC submitted</p> <p>[Note: If further investigation taken up u/s 173(8), formal intimation to court shall result in a new "Miscellaneous Case" being registered]</p>
3.	Investigation Case Diary	<ul style="list-style-type: none"> Reference during inquiry / trial [as prescribed in Sec. 172(2) Cr.PC] 	<ul style="list-style-type: none"> Non compliance of Sec. 172(1A) & (1B) Code of Criminal Procedure 	<ul style="list-style-type: none"> Instructions to police officers for strict compliance. Sensitization of Judicial Officers to ensure compliance.
4.	Remand Unrepresented arrestee	<p>15. Legal aid to arrestee</p> <p>16. Consideration of request for remand / release</p>	(e) No institutionalized mechanism of involving legal aid counsel	<p>(f) Registration of legal aid panel advocates with Court portal</p> <p>(g) Automated information to registered legal aid panel advocate of court concerned where arrestee is being produced after arrest</p> <p>(h) Insert column in Arrest Memo about declaration, if made, by the accused (or his family member) as to the name and contact no. of lawyer engaged –</p>

APPENDIX – II**Inquiry / Investigation by Police**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				with instructions to the police to suitably inform such lawyer about production
5.	Remand (v) Sketchy remand application (vi) Quality of assistance (prosecution / defence)	Consideration of request including as to nature of custody (police custody/judicial custody)	(i) Insufficient information to the accused / relative of grounds of arrest or about court where (and time when) to be produced. (j) No prescribed register (k) No systematic maintenance of records. (l) Confusion arising out of remand granted by court other than that of area MM (e.g. Remand order by Link Magistrate/Duty Magistrate). (m) Seldom tagged with charge-sheet when filed. (n) No system of	(p) Prescribe standardized check list to be added to remand application and ensuring its compliance. (q) Prescribe standardized format of remand application including columns for background facts, investigation done thus far, evidence collected and justification for further remand (r) Mandatory registration of remand application as Interim Application (IA) of the Misc. Case registered upon FIR (s) Ensure supply of copy of remand application with copy of FIR to accused (or

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>listing the remand proceedings</p> <p>(o) Non-production of under-trial prisoner (UTP) for various reasons (illness, release, need to produce elsewhere etc.) leads to wasting judicial time and date of hearing</p>	<p>defence counsel).</p> <p>(t) Prescribe register and method of maintaining such record and use.</p> <p>(u) Placing the remand application and orders passed thereon on the misc. case file.</p> <p>(v) Formal order to be kept in Miscellaneous case file and particulars entered in "Remand Sheet" (in prescribed format) to be retained in each case as ready reckoner on the misc. case file for each arrestee.</p> <p>(w) Listing the misc. case for necessary proceedings on the date the remand granted expires ensuring that each accused sent in remand is accounted for.</p> <p>(x) Digital data-base to be developed and maintained,</p>

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>District-wise, about all orders on requests for remand (police or judicial), indicating full particulars of the accused and the case (FIR / Crime No. / RC), in chronological order, also specifying date of arrest and the date up to which remand granted and its nature, as also name and particulars of police officer to whom custody handed over (in case of police remand)</p> <p>(y) The data-base to be accessible across the board to all MMs so that in case of extension by duty/link MM, the same may be updated</p> <p>(z) Data-base also having linkage with prison department so that it can be updated from their end so that the</p>

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>date(s) of hearing (production) in other Courts/towns is known to all concerned.</p> <p>(aa) Formal system of communicating remand orders to area MM for being placed in relevant file.</p>
6.	<p>Arrest by Police of other State (Transit Remand / bail)</p> <p>(lxxii) Incomplete facts / information</p> <p>(lxxiii) Unrepresented arrestee</p>	<ul style="list-style-type: none"> • Consideration of request for transit remand in custody of police • Invariably simultaneous request for interim bail 	<ul style="list-style-type: none"> • Non-availability of full background papers / information as to status of the case and previous applications • Communication of orders to jurisdictional courts <p>(bb) Keeping track for ensuring compliance</p> <p>(cc) No uniform system of maintaining records</p>	<p>(dd) Registration of requests for transit remand by police of other States as Miscellaneous case</p> <p>(ee) Communication of orders passed on applications for transit remand / transit (interim) bail through e-mail to concerned Court</p> <p>(ff) Mandatory compliance report to be submitted by concerned police via e-mail</p> <p>(gg) Listing of the matter for compliance report by concerned</p>

APPENDIX – II**Inquiry / Investigation by Police**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				police / arrestee
7.	Bail (including anticipatory Bail) Delay due to time taken by police to submit report	(xlviii) Registration and filing. (xlix) Notice (assumed on filing as per existing practice). (l) Report of concerned investigating agency. (li) Consideration and passing of order. (lii) Transmission / making copy available. (liii) Maintenance of record (by the Filing Branch)	(hh) Hardship felt in certain cases due to constraints of time. (ii) Communication gap on account of absence of practice for formal notices. (jj) Delay in receipt of report from investigating agency. (kk) Deficient reports (at times found to be withholding facts), particularly disturbing as they are not always formally retained in court record. (ll) Non-disclosure of applications previously filed and the status. (mm) Deficient information as to the offences involved	(nn) Standardize format of Bail application (oo) On-line registration of application (including those submitted in physical format). (pp) To prescribe checklist for Filing Counter (qq) Facility of on-line submission preferably up to 06:00 P.M. on each working day, in addition to presentation of applications in physical format which may be restricted upto 04:00 P.M. (rr) On-line registration with full particulars of the applicant(s), the case/FIR No., Police Station, offences involved etc. (ss) On-line notice

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			(including about the offences involved)	<p>calling for report from the concerned investigating agency (automatically generated on registration of the matter.</p> <p>(tt) On-line submission (in addition to physical submission in the court) of report from concerned investigating agency to the court in response to above-mentioned notice.</p> <p>(uu) On-line submission of further reports, if any, required by the court (in addition to physical submission).</p> <p>(vv) Supply of copy of report (s) to the accused (or his counsel)</p> <p>(ww) Order to be passed in a standardized format to be generated with</p>

APPENDIX – II**Inquiry / Investigation by Police**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>reference to registration (to rule out any discrepancy in the FIR/offence alleged)</p> <p>(xx) On-line transmission of every order to concerned court/investigating agency for compliance/necessary action.</p> <p>(yy) Uploading order with facility for it to be downloaded by all concerned including Jail Administration.</p> <p>(zz) Mandatory transmission of copy of order on bail application to be served on the accused in Jail, through Supdt., of which formal record shall be maintained.</p>
8.	Bail (anticipatory) Rotational responsibility	(liv) Bail Roster issued by District & Sessions Judge	(aaa) Periodical change in roster (bbb) Forum hunting by	(fff) Distribution of Bail work police station-wise to each ASJ in the District on

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>advocates</p> <p>(ccc) Reluctance on part of ASJs to do such duty</p> <p>(ddd) Major (productive) part of the day consumed in bail work at the cost of regular trials in courts to which work allocated</p> <p>(eee) Neglect leads to accumulation of pendency</p>	<p>permanent basis</p> <p>(ggg) This can be extended to allocation of revisions & Appeals against orders of MMs (and also the duty of Inspection of Courts) on same lines</p>
9.	<p>Bail by default</p> <p>Consideration of request for extension of remand</p>	<p>(iv) Extension of remand involves consideration of justification</p> <p>(vi) Statutory obligation of MM to grant bail in default u/s 167 CrPC</p> <p>(vii) Formal order admitting accused to bail and in default remand</p>	<p>(hhh) Extension of judicial custody in practice seems to be more of a mechanical exercise</p> <p>(iii) No uniform system of keeping tab on period</p> <p>(jjj) No uniform method of communication of order to accused / jail</p>	<p>(kkk) Prescribe standardized format of remand application including columns for background facts, investigation done thus far, evidence collected and justification for further remand</p> <p>(III) "Remand sheet" and the data-base on remands would reflect the</p>

APPENDIX – II**Inquiry / Investigation by Police**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			authorities	<p>necessary information and may also caution the MM about completion of period</p> <p>(mmm) Automate d communication of order in same manner as bail orders</p>
10.	<p>Release on Bail</p> <p>Continued detention due to non-fulfillment of surety conditions</p>	<p>(lviii) Verification of genuineness of surety</p> <p>(lix) Verification of soundness of surety</p> <p>(lx) Verification of control of surety over accused</p> <p>(lxi) Acceptance of Bail Bond</p> <p>(lxii) Issue of Release Warrant</p>	<p>(nnn) Difficulties in securing presence of accused when required – leading to delayed judicial process</p> <p>(ooo) Too many / frequent cases of fake sureties</p> <p>(ppp) Insufficient scrutiny before acceptance leads to too many cases of accused jumping bail and sureties taking the court for a ride with impunity</p>	<p>(www) Data-base of sureties (offered / accepted), with easy interface, to be developed and made available on-line to all courts within District (if possible all Districts)</p> <p>(xxx) Compulsory pre-check on Data-base</p> <p>(yyy) Insistence on submission of <i>Aadhaar</i> (or UID) card as proof of identity and address</p> <p>(zzz) Compulsory verification by police on pre-set</p>

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>(qqq) Dependence on police for verification – leads to corrupt practices</p> <p>(rrr) Police reports generally non-committal</p> <p>(sss) No effective system for verification of documents like FDR, title deeds of property etc.</p> <p>(ttt) System / practice of taking finger-prints of surety (and accused) in “Bail-Bond Register” (not prescribed) of no use in case of impersonation as court clerks not trained in the technique</p> <p>(uuu) Neglect of complaints of fake sureties – absence of deterrence</p> <p>(vvv) Accused not released due to technical deficiencies in the release</p>	<p>format</p> <p>(aaaa) System of co-ordination between financial institutions, registering authorities and police/courts to facilitate expeditious verification</p> <p>(bbbb) Adoption of modern techniques of taking digital photograph and bio-metric impressions of finger-prints – with trained personnel</p> <p>(cccc) Prosecution of complaints of fake sureties to be fast-tracked by CMMs (to whom it stands allocated)</p> <p>(dddd)</p>

APPENDIX – II**Inquiry / Investigation by Police**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			order	
11.	Cancellation of bail Evasion of inquiry by accused	(lxiii) Preliminary scrutiny of grounds (lxiv) Notice to accused (lxv) Inquiry into allegations	(eeee) Difficulties faced in serving notice on accused (ffff) No practice or system of verification of contact address of accused at the time of release on bail (gggg) No practice or system of change of contact address to be intimated leading to evasion of notices	(hhhh) Mandatory practice to be adopted for the proof of address of accused to be also furnished at the time of release on bail (iiii) Obtaining of copy of <i>Aadhaar</i> (or UID) card and the address mentioned therein treated as contact address (unless change communicated) (jjjj) Obtaining of phone number (landline / mobile) and/or e-mail ID of accused (on voluntary basis) as mode of contact / notice (kkkk) Compulsory intimation of change of contact address be treated as a condition of bail – and so intimated to the accused through jail by insertion of a

APPENDIX – II**Inquiry / Investigation by Police**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				formal instruction in the release warrant
12.	Custody of minor (victims or prosecutrix) <ul style="list-style-type: none"> ● Lack of adequate assistance ● Determination of guardianship 	(lxvi) Inquiry into age (if disputed) (lxvii) Order to regulate interim custody (institutional or with lawful guardian) (lxviii) Co-ordination with hospital administration for expedition (lxix) Final order on custody or liberty	(llll) Unguided investigation by police (mmmm) No magisterial intervention (supervision) at the stage of police investigation as to age determination – as against desirability for the same since these issues if settled at the threshold might clinchingly determine core questions of the case (nnnn) The process of section 49 JJ Act which requires such age-inquiry by “competent authority” never followed in case of minor victims (oooo) Medical opinion takes time in being	(qqqq) Instructions for strict enforcement of statutory rules for age-determination under JJ Act (rrrr) Formal Inquiry by competent authority into age of the victim who appears to be minor under section 49 JJ Act to be made mandatory (ssss) Local Hospital competent to assist in all cases requiring medical opinion be notified for each District Court and made accountable to mandatorily assist when called upon by the criminal courts (subject to priority to be regulated by District & Sessions Judge) (tttt) Protocol for co-ordination

APPENDIX – II**Inquiry / Investigation by Police**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			secured (pppp) Lack of awareness about various institutions for interim custody (or short term stay) purposes	between police, competent authority (under JJ Act), court and hospital authorities
13.	Plea of juvenility (c) Juveniles shown as adults by police (d) False plea of juvenility	(k) Inquiry into claim of juvenility	(l) Same as claim for custody of minor victims	(uuuu) Local Hospital competent to assist in all cases requiring medical opinion be notified for each District Court and made accountable to mandatorily assist when called upon by the criminal courts (subject to priority to be regulated by District & Sessions Judge) (m) Protocol for co-ordination between police, competent authority (under JJ Act), court and hospital authorities
14.	Statement u/s. 161 Cr.PC	(n) No direct involvement during investigation	(o) Non availability of PWs due to incomplete or unverified	(vvvv) IO to collect the mobile number and e-mail addresses of

APPENDIX – II**Inquiry / Investigation by Police**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
	<p>4. Reluctance of witnesses to come forward</p> <p>5. Planted witnesses</p>	<p>except when an application u/s 164 Cr.P.C is made to record the statement</p>	<p>addresses</p> <p>(p) Changes of address by witness for various reasons including to elude the procedure.</p> <p>(q) No other contact details of PWs.</p>	<p>the prosecution witnesses – the same should be reflected in the list of witnesses.</p> <p>(www) Witnesses be summoned electronically as an additional mode.</p> <p>(xxx) Insistence on use of Sec. 170 Cr.PC which requires bond for appearance from the witnesses.</p> <p>(yyy) Mandatory assessment of threat perception of material witnesses and suitable steps for witness protection</p>
15.	<p>Statement u/s 164 CrPC</p> <p>Scheduling, arrangements & making over the record</p>	<ul style="list-style-type: none"> • Application moved before area MM • Matter made over to Link / Duty MM • Application considered by MM to whom it stands assigned • Fixing date & time for recording of Statement 	<ul style="list-style-type: none"> • No system of registration of application u/s 164 Cr.P.C. – No formal record for future reference • Witness made to move from court to court, feeling harassed due to absence of standard protocol for handling witnesses in the system 	<ul style="list-style-type: none"> • Mandatory registration of such applications as IA • For miscellaneous duties, the system of “Duty Magistrate” may be utilized wherein the Metropolitan Magistrate deputed, by turn for each day, shall also be responsible to look after the new work (coming on such day)

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
		<ul style="list-style-type: none"> • Recording of Statement • 	<ul style="list-style-type: none"> • Delay on account of this being task suddenly coming in addition to work already fixed before MM • Consequently delaying decisions on custody issues • With existing workload, the increasing burden on account of compulsory recording of such statements (e.g. under POSCO Act), the magistracy is over-strained • Since it is additional work, without sufficient credit (in terms of units), the task is handled most reluctantly and more as a formality – leading to perfunctory statements being recorded, not of much assistance and leading to arguments of contradictions (omissions) being raised. • No formal / systematic keeping of record or its custody 	<p>in the nature of TIP or recording statements u/s 164 CrPC etc.</p> <ul style="list-style-type: none"> • The notification by the CMM through the Duty Roster shall declare that all such work shall stand assigned to the Duty Magistrate of the day, without the need for formal order of allocation, and thus may be presented accordingly. • The Magistrate on duty shall not fix any regular work in court on the day of his duty under the Roster and, instead, shall deal exclusively with the work of Duty Magistrate. • The Duty Magistrate shall make all endeavors to complete necessary proceedings on the same day, unless for reasons beyond control there is a need to fix another date for such purposes, even in which event the matter shall remain the responsibility of the same magistrate. • If the Duty Magistrate is constrained to adjourn the matter for another date, all efforts shall be made to fix an early date for

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>the purpose and it shall be ensured that this does not unduly dislocate the routine court work (regular judicial business) of such judicial officer.</p> <ul style="list-style-type: none"> • For the day of Duty, appropriate / commensurate credit (units) may be accorded to the judicial officer concerned. • Magistrates to be sensitized about the need to be inquisitorial in approach while recording statements u/s 164 (inasmuch as it is an exercise which is part of investigative process) • Formal register to be prescribed about such record and its custody (dispatch to and receipt by concerned MM) • The record of proceedings received by area MM from Duty MM to be placed on the concerned Miscellaneous Case file by formal order and it being shown in the index accordingly
16.	TIP of accused / Case property	<ul style="list-style-type: none"> • Application moved before area MM • Matter made over to Link / 	<ul style="list-style-type: none"> • Delay on account of this being task suddenly coming in addition to work already fixed before 	<ul style="list-style-type: none"> • Holding of TIP be entrusted only to Executive Magistrate as per sec. 291A Cr P C.

APPENDIX – II**Inquiry / Investigation by Police**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
	Scheduling, arrangements & making over the record	Duty MM <ul style="list-style-type: none"> • Application considered by MM to whom it stands assigned • Fixing date & time for the proceedings • Holding of proceedings 	MM <ul style="list-style-type: none"> • Consequently delaying further investigation • Practice of fixing TIP in jail even when accused submits refusal to join at outset – at the cost of regular court work • Since it is additional work, without sufficient credit (in terms of units), the task is handled most reluctantly and more as a formality • No formal / systematic keeping of record or its custody • Essentially an investigative step and so part of role of executive (Sec. 291A Cr.PC). 	<ul style="list-style-type: none"> • Record of TIP to be immediately submitted against formal acknowledgement to CMM, for onward transmission to the Area MM.
17.	Inquest by MM [u/s 176 (1-A) CrPC] Suddenness of the request disrupting the scheduled work	<ul style="list-style-type: none"> • Intimation / reference received by CMM • Matter made over to MM • Application considered by MM to whom it stands assigned • Fixing date & time for the proceedings • Proceeding to inspect place of incident 	<ul style="list-style-type: none"> • Dislocation of regular work on account of this task suddenly coming in • Since it is additional work, without sufficient credit (in terms of units), the task is handled most reluctantly and more as a formality • No formal arrangements in place for cooperation by medical / forensic 	Same as in the context of Statements u/s 164 CrPC [Note : In case the Duty Magistrate is constrained to suddenly leave the Court for inspection of dead body or place of incident, CMM shall make suitable alternative arrangements for the remainder work in Court]

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
		(and where dead body located) <ul style="list-style-type: none"> • Holding of proceedings • Preparation of report and making it over 	experts <ul style="list-style-type: none"> • No formal / systematic keeping of record or its custody • 	
18.	Search warrant / seizure Non compliance of statutory requirements	<ul style="list-style-type: none"> • Application moved before area MM • Order passed on request • If warrant issued, its preparation and issuance • Report on Search Warrant. • Reports (generally) of seizures made by police during investigation. • Action on seizure reports 	<ul style="list-style-type: none"> • No systematic keeping of record (generally loosely kept) • Generally, no practice of compliance with statutory requirement of seizures being reported to area MM 	<ul style="list-style-type: none"> • Formal Registration of request for Search Warrants as IA • Insistence on reports for due compliance with law • Report to be taken on record of Miscellaneous Case file under formal order • Seizure Report to be put in public domain (unless allowed to be kept confidential) by being made accessible from website after uploading by police
19.	Superdagi of case property Unregulated work	<ul style="list-style-type: none"> ➢ Application for release ➢ Calling report from police ➢ Consideration & Order ➢ Communication of Order ➢ 	<ul style="list-style-type: none"> • No systematic keeping of record (generally loosely kept) <ul style="list-style-type: none"> ➢ Time-consuming exercise – both for claimant and the court (even in routine matters like application for release of personal search) ➢ Unnecessary 	<ul style="list-style-type: none"> • Formal Registration of such applications as IA <ul style="list-style-type: none"> ➢ Applications for release of personal search to be registered on website (with reference to FIR) and report called by auto-generated order sent on-line ➢ Report of Police called / submitted through electronic

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<p>adjournments on account of non-receipt of reports</p> <ul style="list-style-type: none"> ➤ Cryptic orders without proper inquiry [e.g. release of motor vehicle in favour of “registered owner (not named)”]; acceptance of <i>superdaginama</i> executed by a person whose identity is not verified] ➤ Release of motor vehicles involved in accident cases without precautions about protecting interests of claimants of compensation (before MACTs) in terms of Delhi Motor Accident Claims Rules, 2008 ➤ Release of case property (stolen article) without inquiry (or notice to person from whom seized) – leading to unnecessary issues during trial ➤ Release of 	<p>communication on-line – excluding cases where Police has objections</p> <ul style="list-style-type: none"> ➤ Except in stray cases where Police has objection, the Order allowing release of Personal search to accused to be passed and communicated on-line – with hard copy generated (& attested) and handed over to claimant simultaneously ➤ In all cases of dispute (or possibility of dispute being raised in future), claim decided only after notice to possible claimants (including person from whom seizure made) ➤ Claims for release of Motor Vehicles involved in accident cases only after due compliance with Delhi Motor Accident Claims Rules, 2008 with regard to third party insurance ➤ Proper verification

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			valuable articles like jewellery (subject to change of shape) or cash (subject to exchange) without proof ➤ Release without proper enforceable security ➤ Papers not properly tagged or maintained	of identity of person to whom case property released ➤ Recording clear response of person from whom seizure made as to his claim (or absence thereof) in cases where property released to another person ➤ Preserving proof of property released (in form of photographs or valuation reports etc.) ➤ Execution of <i>Superdaginama</i> in standardized format and its proper attestation / acceptance ➤ Uploading all such orders on – line ➤ Placing of connected papers on Miscellaneous Case file
20.	Processes to compel appearance (NBWs) Unregulated work	➤ Consideration of application of police for Non-bailable warrant (NBW) of accused avoiding apprehensi	➤ Loosely kept papers – no system ➤ Reports of police at times cryptic ➤ No formal record accounting for such processes and their return	• Formal Registration of such applications as IA ➤ Maintenance of record of process in the nature of warrants <u>[Rahuvansh Diwanchand Bhasin Vs. State of Maharashtra,</u>

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
		on during investigation		<p>(2012) 9 SCC 791]</p> <ul style="list-style-type: none"> • System of manual preparation of warrants be dispensed with. Warrants be automatically generated from the data base. <ul style="list-style-type: none"> ➢ Auto- generation of warrants shall be promptly done immediately after the court order by the Court clerk logging the date of issue in the computer system. • The process to be served / executed through the agency of police to be transmitted electronically under digital signature, to the concerned police station / investigating agency where the print-out shall be taken for compliance purposes.
21.	<p>Processes to compel appearance (u/ss. 82-83 CrPC)</p> <p>Unregulated work</p>	<ul style="list-style-type: none"> ➢ Application of police for issuance of Proclamation u/s 82 CrPC ➢ Application of police for issuance of Attachment warrant u/s 83 CrPC ➢ Requests 	<ul style="list-style-type: none"> ➢ Loosely kept papers – no system ➢ Reports of police at times cryptic ➢ No formal record accounting for such processes and their return ➢ Improper inquiries – 	<ul style="list-style-type: none"> • Formal Registration of such applications as IA <ul style="list-style-type: none"> ➢ All papers to be added to Miscellaneous Case file in chronological order ➢ Application and Reports of Police to be uploaded and put in public

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
		<p>for cancellation of above-mentioned duress processes</p> <ul style="list-style-type: none"> ➤ Inquiry to reach satisfaction about abscondance of accused ➤ Dealing with property attached u/s 83 CrPC 	<p>mechanical at times</p> <ul style="list-style-type: none"> ➤ No formal record maintained of property seized u/s 83 CrPC 	<p>domain from end of police</p> <ul style="list-style-type: none"> ➤ All Orders to be uploaded on-line from end of Court ➤ Formal listing of matter for necessary orders after six months, unless there is an application earlier made for release of property ➤ Proper follow-up action u/ss. 84-85 CrPC by Court for disposal of seized property
22.	<p>Reports u/s 173 CrPC other than Charge-Sheet (i.e. closure reports / cancellation reports / untraced reports)</p> <p>Unaccounted work as no system in place for formal registration of such reports</p>	<ul style="list-style-type: none"> • Consideration • Issuance of notice to first informant • Order on Report 	<ul style="list-style-type: none"> • No record maintained in Court of such reports • Files submitted by police at leisure and dealt with by MMs in their discretion and at convenience • No statutory obligation for notice to victim 	<ul style="list-style-type: none"> • Registration of all reports u/s 173 CrPC (whether or not u/s 170 CrPC) • Formal listing of all such cases for hearing on date to be specified • Report considered and formal orders passed, where required after notice to first informant / victim as per law • Consignment of all files of reports (closure / cancellation / untraced) which are accepted to record room of Court, with formal communication of order to police – to be preserved for period that may be prescribed • Police files in such

APPENDIX – II**Inquiry / Investigation by Police**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				<p>cases where report rejected and further investigation ordered to be returned with copy of Court order and File of Report consigned to record room of Court or listed for further proceedings, as the case may be.</p> <ul style="list-style-type: none"> • In cases where report is in the nature of “Untraced” or “Closure”, the police file may be returned – so that, if need be, further investigation may be taken up on fresh leads by police • Credit (units) for such work may be allocated • Moot amendment in Cr P C to include compulsory notice to the victim before such report is accepted
23.	<p>Misc. applications (e.g. u/s 91 Cr.PC)</p> <p>Unregulated work</p>	<ul style="list-style-type: none"> • Consideration after notice. • Required to be disposed of to proceed ahead with the inquiry. 	<ul style="list-style-type: none"> • Considerable time is taken in filling the response to the application. • No record is maintained of such applications & they are placed (loosely) in haphazard manner. 	<ul style="list-style-type: none"> • Formal registration of all applications as “IA” (Interim Applications). • Proper index be maintained indicating such applications & the orders passed thereon. • The applications be sent through mail to the concerned agency & reply/response be also accepted in the same manner.

APPENDIX – III (a)**Pre-trial Court Inquiry (Complaints)**

S. No.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
1.	Filing of Complaint Lack of transparency	<ul style="list-style-type: none"> The administrative process anterior to judicial scrutiny 	<ul style="list-style-type: none"> Mechanical acceptance of private complaints at filing counter. Ineffective scrutiny. Improper checking / scrutiny at the filing counter Lengthy and time consuming process resulting in delay in reaching to the court Lack of transparency and accountability 	<ul style="list-style-type: none"> Instructions be developed and issued modifying the practices of the manner in which the private complaint is to be filed (clearly indicating number of copies to be filed, the unique code, font size of the printed material, line spacing, printing be done on one side of the paper, indexing and pagination). To develop and introduce standardized check list to be made available to lawyers and litigants at the time of filing the complaint case to avoid any possible objection. Optional filing of e-complaint and creation of special e-courts for putting such complaints on fast tracks
2.	Calling for police report before cognizance.	<ul style="list-style-type: none"> The Magisterial Courts generally call for an Action Taken 	<ul style="list-style-type: none"> The order for calling for ATR is generally misconstrued not only by the police and parties but also by some Courts as authorizing an inquiry 	<ul style="list-style-type: none"> The order calling for ATR to be communicated, in addition to physical form, by electronic communication through the court

APPENDIX – III (a)**Pre-trial Court Inquiry (Complaints)**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
		Report (ATR) in cases where the complainant alleges inaction on the part of police on complaint earlier lodged (also for examining if Sec. 210 Cr.PC is at play).	<p>into the complaint to be made at that stage – this leads to multiple adjournments waiting for such unauthorized inquiry to be completed.</p> <ul style="list-style-type: none"> • While waiting for ATR, Magistrates are constrained to not only adjourn the matter unnecessarily from time to time but also issue processes to secure the presence of concerned police officer. 	<p>portal to the head of the concerned investigating agency.</p> <ul style="list-style-type: none"> • The report to be submitted by the head of the investigating agency by electronic means in addition and in physical form on the date of hearing. • The report submitted online to be made accessible to the party concerned on the court website. • ATR to be restricted to the action taken (if any), on the report lodged earlier with the police (i.e. before filing of the complaint in the Court).
3.	<p>Recording of complainant's evidence during pre-summoning inquiry (Sec. 200-202 Cr.PC).</p> <p>Production of witnesses</p>	26. When required Court is expected to lend assistance in procuring presence of witnesses.	<p>(f) Incomplete/wrong address of the witnesses.</p> <p>(g) Delay in filing process fee by the parties.</p> <p>(h) No proper system of accounting for each process fee submitted.</p> <p>(i) No preparation of process by Court Clerk within reasonable time.</p> <p>(j) Errors in manual preparation of processes addressed to witnesses.</p> <p>(k) Cumbersome procedure/practice on</p>	<ul style="list-style-type: none"> • At the stage of filing it must be ensured that list of witnesses is filed with complete particulars. • Consolidated one time process fee proportionate to the cited witnesses may be charged from complainant to avoid filing of PF / RC every time. • The improved system of preparation/issuanc

APPENDIX – III (a)**Pre-trial Court Inquiry (Complaints)**

S. N o.	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			deposit of process fee which at times becomes repetitive. (l) No mode of service/contact other than through tender of physical form of process. (m) Inefficient system of dispatch/return.	e/dispatch/ return of processes as indicated in the table "Appendix - I" (District Court Establishment – Administrative setup) to <i>mutatis mutandis</i> apply.
4.	Issue of process u/S 204 Cr.PC Form of summons (Form No. 1 as prescribed in 2 nd Schedule of Cr.PC)	<ul style="list-style-type: none"> • Summons to the accused. 	18. Summons in the prescribed form do not indicate as to whether: <ol style="list-style-type: none"> a) The offence is bailable / non bailable. b) The offence is Compoundable / non compoundable. c) If on court bail (particularly on anticipatory bail) if surety is required to be furnished again. d) If personal appearance is mandatory. e) The right to Legal Aid / Assistance. f) Provision for Legal Aid at State expenses, mode of availing it on the office to which one is to approach. g) The permissibility of resort to plea bargaining/mediation. 	19. Modified form of summons to the accused persons (to substitute existing form No. 1 as prescribed in Cr.PC) to be developed/enforced.

APPENDIX – III (b)**Pre-trial Court Inquiry (State Case)**

S · N o.	Subject	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
1.	<p>Filing of report u/S.173 Cr.P.C.</p> <p>Unsystematic filing of report also lacking in uniformity.</p>	<ul style="list-style-type: none"> • Either final report is accepted ; and / or` • Cognizance is taken ; or • Further investigation is ordered 	<ul style="list-style-type: none"> • Charge-sheet filed without indexing & proper pagination. • Documents are filed in haphazard manner. • Cryptic charge-sheet i.e. omitting to clearly demarcate the incriminating evidence and culpability. • Only such reports are entered in court register as are treated to be charge-sheeted (untraced, cancellation and closure remain unaccounted) • Casual approach of the IO, while admitting the accused on bail, which creates difficulty in procuring the appearance of the accused • Complete particulars are not entered by the <i>Ahlamd</i> while generating UID no. • Repeated issuance of summons on account of lethargic & inefficient process 	<ul style="list-style-type: none"> • All reports u/S.173 Cr.P.C. (irrespective of the nature) must be duly registered (in case cognizance is not taken the material submitted with the report be returned to the investigating agency) • Instructions be issued and enforced for filing of report u/S.173 Cr.P.C. only after proper indexing & pagination, and checklist alongwith soft copy of reports and documents Simultaneous uploading on the court portal of the report by the police. • Office be instructed not to accept the report if it is not indexed, paginated or documents are filed In a haphazard manner or not in conformity with the charge-sheet. • Necessary modifications be made in software so that it does not generate UID no, unless all fields or the complete particulars are not filled. • Directions be issued to the police for furnishing complete particulars of accused and surety at the time

APPENDIX – III (b)**Pre-trial Court Inquiry (State Case)**

S . N o.	Subject	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			serving agency. <ul style="list-style-type: none"> • Lack of supervision on part of the police officials in service of summons 	of admitting the accused to police bail/anticipatory bail. <ul style="list-style-type: none"> • Documents filed to be assigned document numbers (D No.) (as practice followed by CBI) • Calendar of evidence connecting witness with fact to be proved and documents (in terms of High Court rules, in improved format) . • Special e-courts may be established, where the charge-sheets are filed in e-form, and the entire proceeding are also conducted in this manner (particularly where the prosecution is launched by specialized agencies like EOW, Spl. Cell or the CBI) • In case of record being voluminous, it be filed in bound book form (spiral or hardbound) each set containing not more than 200 pages.
2.	Supply of copies (u/s 207 and 208 Cr.PC) Delay in supply of legible copies	Statutory obligation of the court to ensure supply of copies	<ul style="list-style-type: none"> • Courts depend on investigating police agency to arrange copies for supply. • Complete copies are not made available by the investigating agencies in one go. 	<ul style="list-style-type: none"> • Preliminary scrutiny to ensure proper indexing (as suggested in the context of filing) • E-filing of charge-sheets (as also suggested in the context of filing) would

APPENDIX – III (b)**Pre-trial Court Inquiry (State Case)**

S · N o.	Subject	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
			<ul style="list-style-type: none"> • No proper indexing leads to confusion and multiple applications raising issue of deficiencies. • Illegible copies. • Stress on traditional method of supply in physical form. • Under Trial Prisoners (UTPs) tend to loose control over the copies supplied for various reasons necessitating repeat supply, particularly during the trial and after conviction (when lawyer is changed) 	<p>facilitate easy generation of additional copies as and when required.</p> <ul style="list-style-type: none"> • Instructions to be issued for supply of copies in electronic form (CD) in addition to copy in physical form. • The task of preparation of copies (in physical or electronic form) to be entrusted to a separate section (or cell) in the Copying Agency of the Court. • Jail Authorities and DLSA should be given access to court portal (where the investigating agency has uploaded charge-sheet) enabling them to generate the supply of fresh copies to UTP / convict as and when required.

APPENDIX – III (c)**Trial before the Court**

S . N o .	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
1.	Charge Charge-sheet filed is generally cryptic	<ul style="list-style-type: none"> • <u>Discharge</u> – If there is not sufficient ground for proceedings against the accused. • <u>Framing of charge</u> – If there is a ground for presuming that the accused has committed an offence. • <u>Transfer of the case to the CMM by the Sessions Court</u> – If there is ground for presuming that accused has committed an offence, which is not exclusively triable by the Court of Sessions, after framing the charge against the accused. 	<ul style="list-style-type: none"> (iv) Charge-sheet & the connecting documents are filed loose in a bunch without proper index and page numbers (v) It generally lacks significant details of the case (vi) Role, conduct & acts of various accused not clearly mentioned (vii) Circumstances leading to arrest, recovery & seizure not illustrated (viii) Circumstances in which witnesses were identified and substance of their statements not indicated. (ix) Forensic & Expert Opinions are most of the time not filed simultaneously. (x) Nature and context of testimony of witnesses not indicated against their respective names in the list of witnesses (xi) Articles seized & recovered during investigation are not assigned any distinct label or identification marks (in case of multiple recoveries from various accused at different time & place, appreciation in the context becomes difficult) (xii) The case is transferred 	<ul style="list-style-type: none"> (xiii) Charge-sheet filed in hard-bound book form with pagination and under standardized index of documents, memos, reports etc. (xiv) Narration in chargesheet of facts of the case with significant details of chain of events; role, conduct & acts of various accused; circumstances leading to arrest, recovery & seizure and circumstances in which witnesses were identified and substance of their statements (xv) Use of headings to indicate chapterization in the charge-sheet e.g. <ul style="list-style-type: none"> ✓ Mode and gist of first intimation and steps taken thereupon ✓ Registration of FIR and investigative steps taken in its wake in chronological order

APPENDIX – III (c)**Trial before the Court**

S · N o ·	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
			to the CMM on the ground that it is not exclusively triable by the Court of Sessions by a cryptic order without framing the charge – resulting in another round of arguments on charge (and plea for discharge) before magisterial court followed by petitions before Sessions Court or High Court	<ul style="list-style-type: none"> ✓ Facts about arrests made, status (bail or custody) and result of interrogation (and version, if any) of each accused ✓ Summarised narration of facts revealed in investigation - under sub-headings like 'Direct Evidence', 'Circumstantial evidence (Last Seen, Motive, Recovery of incriminating material, extra-judicial confession etc.)" ✓ Background facts as concluded by Investigation to form the basis of Charge – specific to each accused ✓ Declaration about further investigation, if being taken up <p>(xvi) All reports of scientific, forensic & medical investigation to be filed ordinarily along with the charge-sheet, in</p>

APPENDIX – III (c)**Trial before the Court**

S · N o ·	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
				<p>case such reports are not immediately available follow up action for obtaining to be reported periodically.</p> <p>(xvii) Brief indication of the nature of evidence against name of each witness (DHC Rules Vol.III Ch. 24 Part-A Rule 13)</p> <p>(xviii) Witnesses to be numbered in the order in which their evidence is relevant for consideration of facts & circumstances of the case</p> <p>(xix) Witnesses of same facts & circumstances to be listed together</p> <p>(xx) Articles seized & recovered during investigation given distinct label or identification marks (DHC Rules Vol.III Ch. 24 Part-A Para 11)</p> <p>(xxi) Case to be transferred to CMM for trial by a speaking order, clearly mentioning the offences with which accused is to be charged and tried</p>

APPENDIX – III (c)**Trial before the Court**

S · N o ·	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
2.	<p>Plea of Accused at the stage of charge</p> <p>(iv) Uncertainty about voluntary nature of plea due to following:</p> <ul style="list-style-type: none"> ✓ Illiteracy of accused ✓ Language barrier ✓ Tutoring of accused <p>(v) Lack of clarity about the defence being taken</p>	<p>(vi) Recording of either of the following plea (Court under an obligation to ensure voluntary plea):</p> <ul style="list-style-type: none"> κ) Plea of guilty) Plea of not guilty <p>(vii) The defence plea/theory can be better appreciated if it comes upfront (at the outset), which of course must come voluntarily (and not under compulsion or upon being extracted)</p>	<p>(xxii) Though Sec. 239 Cr.PC enables the Magistrate to examine the accused at the stage of consideration of the case for charge / discharge and similarly, Sec. 251 Cr.PC mandatorily requires the accused to be asked not only his plea, if he has any defence to make, in answer to the accusation, these provisions are seldom resorted to.</p> <p>(xxiii) At times accused remains unrepresented; absence of his Lawyer or non-availability of Legal Aid.</p> <p>(xxiv) At times it's not properly explained to the accused, in the language he understands as to what charge he is to face at trial.</p>	<p>(xxv) Instructions be issued for use of the enabling power u/S 239 Cr.PC to examine the accused at the stage of consideration of the case for charge / discharge.</p> <p>(xxvi) Instructions be issued for a clear answer to the question about "defence", if any to be asked and answer elicited at the stage for recording of plea at the stage u/S 251 Cr.PC.</p> <p>(xxvii) Instructions be issued to ensure presence of advocate privately engaged or one provided by L.S.A.</p> <p>(xxviii) Instructions be issued for charge to be explained to the accused in the language he understands (if necessary by engaging interpreter).</p>
3.	<p>Admission/Denial of documents</p> <p>The provision contained in</p>	<p>(viii) Detailed exercise to be conducted in admission/denial of documents.</p>	<p>(xxix) No uniform practice of resort to Sec. 294 Cr.PC.</p> <p>(xxx) The resort to Sec. 294 Cr.PC at times is noticed to be a sheer formality.</p>	<p>(xxxiii) Mandatory instructions be issued for each Criminal Court to call upon the parties to admit/deny the</p>

APPENDIX – III (c)**Trial before the Court**

S · N o ·	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
	Sec. 294 Cr.PC generally remains un-tapped.		(xxxii) No format prescribed by the State Govt. in terms of Sec. 294 (2) Cr.PC	documents in terms of Sec. 294 Cr.PC. (xxxiv) The proceedings to be drawn for the purposes of Sec. 294 Cr.PC may be standardized.
4.	Prosecution Evidence (ix) Non compliance with the statutory mandate for day to day trial.	(x) Obligation of the Criminal Court to strictly comply with the prescribed procedure and ensure expeditious trial.	(xxxv) No practice of proper planning of fixing schedule for recording evidence. (xxxvi) The practice of fixing one date at a time breaking this stage into multiple, scattered/staggered dates with virtually no continuity. (xxxvii) Because of the last mentioned reason the recording of material witnesses is rendered piecemeal, resulting it being at times repetitive and also causing prejudice to one or the other side. (xxxviii) No formal mechanism of taking on board the convenience/commitment of the prosecutor and the defence counsel. (xxxix) Some of the courts do not keep tab on volume of work allocated to particular dates and fix the schedule in a casual manner.	(xli) A set protocol be evolved, to be followed mandatorily by the courts for holding day to day trial in compliance with letter and spirit of Sec. 309 Cr.PC. (xlii) The practice be enforced for fixing the schedule (and order of appearance of the witnesses) on an intervening date after framing of charge and recording of plea and before the recording of evidence commences – such intervening may be called “Settling Date” (adopting the practice in vogue in Madhya Pradesh). (xliii) On the “Settling Date” the Court will review

APPENDIX – III (c)**Trial before the Court**

S . N o .	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
			(xi) No practice of monitoring the status of service of summons of the witnesses ahead of the date of hearing resulting in no planning of the court work.	<p>the list of witnesses, with the assistance of counsel of both sides, <i>inter-alia</i> by pruning it down to the extent possible (having regard to factors such as repetitive/ duplication, admission/denial u/S 294 Cr.PC, relevancy etc).</p> <p>(xlii) On the “Settling Dates” the court shall also identify, with the assistance of counsel on both sides, the witnesses, whose evidence is “formal in nature” (Sec. 296 Cr.PC) and “Govt. Scientific Experts” (Sec. 293 Cr.PC), calling upon the prosecution to submit by next date of hearing, affidavits in terms of Sec. 296 Cr.PC or reports in terms of Sec. 293 Cr.PC.</p> <p>(xliii) The practice of fixing several single dates spread over prolonged periods be abandoned. Instead on the “Settling Dates” the court shall</p>

APPENDIX – III (c)**Trial before the Court**

S · N o ·	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
				<p>decide upon the schedule (and order of appearance of witnesses) taking into account the preference of the prosecution and having regard to the convenience of the defence counsel, in agreeing to which the commitment of the counsel to dutifully appear shall be inherent.</p> <p>(xlvii) Mandatory instructions be issued for criminal courts for fixing dates, ahead of the actual date of recording of evidence, for monitoring the status of service of summons on witnesses and in the event of non service for taking remedial steps including for readjustment of the work.</p>
5.	<p>Recording of Evidence</p> <p>The format of summons to witnesses (Form No.</p>	<p>(xi) Expeditious gathering of evidence ensures timely conclusion.</p> <p>(xii) Clear communication to the witnesses</p>	<p>(xlviii) Form No. 33 (summons to witnesses) as prescribed in the Code of Criminal Procedure (with reference to Sec. 61 and Sec. 244 Cr.PC) is presently supplied in printed format to all the criminal courts with no</p>	<p>(xlviii) The form No. 33 needs to be suitably modified so as to accommodate all requisite information to be communicated to the witness, to be generated</p>

APPENDIX – III (c)**Trial before the Court**

S . N o .	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
	33)		scope for suitable modification as per the specific need viz a viz the particular witness (e.g. there is no place given for the particulars of the “material evidence” or “documents” or “other things” to be spelt out.	electronically.
6.	Recording of Evidence (issuance, dispatch and execution of processes to witnesses) (xiii) Delay in preparation. (xiv) Errors. (xv) Delay in dispatch. (xvi) No uniform system of maintaining record. (xvii) Delay in service / execution. (xviii) Sketchy	(xxi) Expeditious gathering of evidence ensures timely conclusion. (xxii) Optimum utilization of judicial time.	(xlix) The shortcomings / deficiencies have been noted at sufficient length on all these issues in table Annexure “___” (District Court Establishment – Administrative setup), which apply <i>mutatis mutandis</i> in the present context	(l) Same as those suggested in the corresponding row / column in “Appendix – I” (District Court Establishment – Administrative setup).

APPENDIX – III (c)**Trial before the Court**

S · N o ·	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
	<p>reports. (xix) Lack of timely information about service report. (xx) Difficulty in service of outstation processes.</p>			
7.	<p>Recording of Evidence (Evasion of service / appearance)</p> <p>Evasion of service / appearance .</p>	<p>(xxiii) Expeditious gathering of evidence ensures timely conclusion. (xxiv) Optimum utilization of judicial time. (xxv)</p>	<p>(li) The form of summons to witnesses is not very informative. (lii) No standard uniform practice is followed in the event of evasion of service / appearance by witnesses. (liii) Mechanical issue of repeat processes with no thought given to resort to duress process to compel appearance at the earliest. (liv) Harassment suffered by witnesses for prosecution for various reasons (including upon being called to appear repeatedly, Presiding Officer on leave etc.) leading to reluctance. (lv) No uniform practice of giving travelling expenses/diet money to private witnesses for prosecution (Govt. servants are issued</p>	<p>(lvii) Practice directions to be issued for the summary procedure for dealing with non attendance by witnesses (Sec. 350 Cr.PC) to be first resorted to before issuance of duress process in the nature of warrants. (lviii) The proceedings for purpose of Sec. 350 Cr.PC be standardized. (lix) The improved format of summons of witnesses to be enforced. (lx) Practice directions be issued for not adjourning the matter, fixed for mandatory</p>

APPENDIX – III (c)**Trial before the Court**

S . N o .	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
			<p>formal certificates against which they claim reimbursement from their respective departments).</p> <p>(Ivi) Budgetary constraints limit the possibility of compensating the witnesses for travelling / diet expenses incurred.</p>	<p>recording of the testimony of the witnesses who are present, except for special reasons to be recorded in writing.</p> <p>(Ixi) Practice directions be issued that in the event of judicial officer proceeding of leave intimation be sent in advance to the witnesses summoned for that day.</p> <p>(Ixii) A private citizen being duty bound to appear when called upon by a Court to give evidence in the Court, must be entitled as to right for reimbursement of travelling/diet expenses consequently incurred, irrespective of budget constraints, it being obligation of the State. (matter to be taken up with the Govt. for suitable policy decisions on the subject).</p>
8.	Prosecution Evidence	(xxvii) Expediting Trial	(Ixiii) Mechanical summoning of witnesses without	(Ixvi) Taking on record the affidavits of

APPENDIX – III (c)**Trial before the Court**

S · N o ·	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
	(xxvi) Time consumed in recording evidence of witnesses of formal character		ascertaining if they are formal in nature. (lxiv) Substantial time is consumed in examination and cross examination of witnesses of formal character. (lxv) General non resort to Sec. 296 Cr.PC.	witnesses of formal character, in the follow-up of proceedings recording on the “Settling Date”, in terms of Sec. 296 Cr.PC
9.	Recording of Evidence Language/ Communication barrier	(xxviii) Recording of evidence	(lxvii) Non comprehension of evidence recorded in English by such parties as are illiterate or non conversant with English. (lxviii) General non compliance with statutory mandate (Sec. 277 and 279 Cr.PC) (lxix) Scope for error on account of inaccurate translation of testimony given in vernacular. (lxx) No system in position for assistance in translation of evidence given by such witnesses who are not conversant with any of the locally used languages (e.g. witnesses coming from Southern/ Eastern States) (lxxi) No existing provision for assistance in recording of the	(lxxii) The letter and spirit of law as contained in Sec. 277 and Sec. 279 be strictly enforced. (lxxiii) Evidence be recorded in the language of the witnesses. (lxxiv) Translation into English of such testimony as has been recorded in vernacular soon after the proceedings by the Translation Branch which much engage competent Translators. (lxxv) Vernacular (Hindi) Stenographers be provided. (lxxvi) Panel be prepared of experts in Sign

APPENDIX – III (c)**Trial before the Court**

S · N o ·	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
			evidence of speech impaired witnesses.	Languages for assistance in recording of evidence of speech impaired witnesses. (lxxvii) Arrangements be made with Language Departments of Institutions of higher learning in Delhi for assistance in translation in cases of witnesses not conversant with local language.
10	Recording of Evidence istics No system in place for proper collection of evidence, proving the same in the Court of Law and preservation of electronic device.	Expeditious gathering of evidence ensures timely conclusion and optimum utilization of judicial time	(lxxviii) Technical faults in the computer system lead to disruption of court proceedings. (lxxix) Absence of effective technical assistance in troubleshooting. (lxxx) No system of back-up for preservation of data in case of break-down leading to loss of records. (lxxxix) Courts not equipped for production of electronic evidence. (lxxxii) Ineffective system in place for recording of evidence through video conferencing of outstation witnesses.	(lxxxiii) Technically trained personnel must be provided to each District Court Complex on full time regular basis, to be borne on the strength of the Court Establishment. (lxxxiv) The provision be made for gadgets for production of electronic evidence (e.g. Multimedia players etc). (lxxxv) An effective mechanism be developed and introduced in co-ordination of all the High Court's for mutual assistance by

APPENDIX – III (c)

Trial before the Court

S · N o ·	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
				<p>each District Court for recording of evidence through video conferencing – the court of Magistrate (assigned need based duty) located at the station of the witness in question to supervise the recording of evidence through video conferencing may be as Court Commissioner, from the other end, during connectivity with the court requiring the recording of evidence functional simultaneously.</p> <p>(lxxxvi) Formal rules be notified and strictly enforced on the subject of collection of electronic evidence, mode of proof and preservation.</p> <p>(lxxxvii) Arrangements be made to impart training to police, prosecutor and judicial officers in co-ordination with the forensic experts.</p>

APPENDIX – III (c)**Trial before the Court**

S . N o .	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiencies in existing practice	Possible Solutions
11.	Recording of Evidence Assigning exhibit marks to documents/material evidence.	<ul style="list-style-type: none"> Ensuring integrity and identify of the evidence gathered. 	(lxxxviii) No standardized method for assigning exhibit marks on documents or case property in criminal trials.	(lxxxix) Introduce uniform method of giving of exhibit marks on documents and case property. (xc) A format/rubber stamp to be developed and introduced for use by criminal courts (similar to one prescribed in para 14 Chapter 1, Part C (G) "Practice in the Trial of Civil Suites, Delhi High Court Rules" Volume I.
12.	Final Arguments <ul style="list-style-type: none"> Lengthy submissions Bulky written arguments Unending reference to case law Non-availability of prosecutor or the defence counsel on the given date 	<ul style="list-style-type: none"> Prosecution begins the arguments and sums up its case Followed by defence arguments. Rebuttal 	(xci) Verbose Arguments. (xcii) Inadequate assistance. (xciii) Piecemeal submissions resulting in repetition. (xciv) Omission on the part of court at times to deal with some arguments (leading to grievance in Appeal / Revision).	(xcv) Mandatory Practice direction to be issued to be scrupulously enforced, requiring brief synopsis of arguments, in bullet points only. (xcvi) Advisory be issued about desirability of allocation of time slot adequate for completion of arguments in one go.

APPENDIX – III (d)**Traffic Challan Cases**

S . N o .	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
1.	Filing and registration of Traffic Challan Cases <ul style="list-style-type: none"> • Voluminous filing. • No uniform system of registration. • No uniform system of maintenance of records. 	<ul style="list-style-type: none"> • Registration of Traffic Challan Cases. 	<ul style="list-style-type: none"> • Traffic challans are generated in physical form in large numbers and are handed over with a loose index sheet alongwith the impounded documents to the Court Clerk with no system of proper scrutiny / verification. • No uniform practice of registration of each traffic challan. • Maintenance of records with reference to date of first appearance fixed by the traffic challaning officer – no system of control over the pending traffic challans / documents. • Frequent complaints of corrupt practices. • Frequent cases coming to the fore indicating forged/ fabricated documents. Non compliance of Section 210 MV Act. 	<ul style="list-style-type: none"> • The practice of traffic challans in physical form be abolished in Delhi. • All traffic challans [by Delhi Traffic Police or State Transport Authority (STA)] to be generated in electronic form by the field officers and transmitted to the court portal through e-filing. • The challaned person however, shall be given a hard copy of the challan giving all necessary particulars as per existing practice. • The court portal to be developed wherein it registers each challan filed online automatically. • The documents impounded not to be sent to the court but to be retained in safe custody for release at appropriate stage. • In case the challaning Officer finds the documents produced by the Driver or person In-charge of Motor vehicle to be forged or fabricated or the vehicle to be bearing

APPENDIX – III (d)**Traffic Challan Cases**

S . N o .	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
				fake registration mark etc., he shall mandatorily report these facts to the local police station for registration of a cognizable case under appropriate sections (e.g. S.420, 466, 467, 468, 471, 474 IPC etc.) which shall also include the request for prosecution of traffic offences.
2.	Disposal of Traffic Challan Cases <ul style="list-style-type: none"> • Regulation of daily business in the court due to volume of work and volume of footfall of litigants and lawyers • Physical handling of original documents filed with the challan (DL/RC etc.) 	<ul style="list-style-type: none"> • Summary procedure • Cognizance, recording of plea, decision on guilt, imposition of fine, release / impounding of vehicle or documents etc. • Enforcement of order on sentence. 	<ul style="list-style-type: none"> • Non appearance on the date fixed on the challan – no uniform practice of issuing process to secure presence. • Appearance at will of the challaned person adds to the volume of work of each day over which the Magistrate has no control. • A special summary procedure (u/S.208 of MV Act) generally not used – need for amendment to offer multiple option for payment (e-banking, credit card, debit card etc. in addition to money order) • Harassment suffered by the public at large in attending court for disposal of summary traffic cases (particularly when there are challans 	<ul style="list-style-type: none"> • The Traffic Police / STA to create Desks circle- wise across Delhi for release of documents / vehicles at appropriate stages. • Section 208 of MV Act to be used in its full bloom. • High Court may specify the amount of fine that may be imposed for offences under MV Act with reference to S.208(1)(ii) of MV Act, in case the challaned person does not wish to contest and intends to plead guilty. • Matter be taken up with the Govt. for suitable amendment of S.208 MV Act so as to offer some

APPENDIX – III (d)**Traffic Challan Cases**

S . N o .	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
	<ul style="list-style-type: none"> • Realization of fine • Cash handling on account of fine deposits • Huge pendency of NBT (Notice Branch) challans • No proper maintenance of records regarding the release of impounded documents. • Requirement of law for suspension and endorsement generally not followed - as a result no deterrence. • No secure means of communication regarding directions for release of impounded 		<p>pertaining to different jurisdictions)</p>	<p>additional options for mode of payment (internet banking, online payment, credit card, debit card etc.)</p> <ul style="list-style-type: none"> • Facilities for online logging for pleading guilty against a traffic challan to be created across the city – which may be available not only in the District Courts in the form of e-kiosks but also in the offices of Traffic Police, STA and other different places etc. • The software to be developed for above purposes to permit search for pleading guilty with reference to the vehicle number – so that multiple challans of one vehicle in different traffic circles may get disposal simultaneously. • Online submission of plea of guilty for summary disposal u/S.208 MV Act to be permitted for all traffic offences under MV Act <u>excluding</u> such challans as involve offences attracting imprisonment as possible

APPENDIX – III (d)**Traffic Challan Cases**

S . N o .	Subject (Problem Area)	Court Process involved / utility	Short-comings / Deficiency in existing practice	Possible Solutions
	d vehicles after disposal of challan – complaints of corrupt practices galore.			<p>punishment.</p> <ul style="list-style-type: none"> • Public to be educated that they may come to the court for disposal of traffic challan only in case they wish to contest. • For deposit of fine in cash on pleading guilty to be facilitated by a special Desk of SBI to be set up in each District. (*Details as suggested in the column of deposits in the Table District Court Administrative Setup) • Upon deposit of fine on plea of guilty, the system would generate a receipt which shall also contain directions for release of documents / vehicle, if impounded by the challaning authority.

APPENDIX - IV**APPRAISAL OF FORMS AND REGISTERS PRESCRIBED IN
HIGH COURT RULES AND CODE OF CRIMINAL PROCEDURE****CRIMINAL FORMS VOL.VI-B OF HIGH COURT RULES & ORDERS****I. PART B - I (Forms under the Code of Criminal Procedure, 1898)**

Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
1 (Section 68)	Summons to an accused person in a summons case	1 (Section 61)	Modified and Substituted
2 (Section 68)	Summons to an accused person in a warrant case	Not prescribed	May be deleted as already omitted in Cr.PC
3 (Section 74)	Declaration of service of summons	Not prescribed	May be deleted as merged with Form No.1
4 (Section 75)	Warrant of arrest	2 (Section 70 - 71)	No change suggested
5 (Section 86) (not printed)	Bond and bail bond after arrest under a warrant	3 (Section 81)	Not printed in High Court Rules and so no comments offered
6 (Section 87) (not printed)	Proclamation requiring the appearance of a person accused	4 (section 82)	Not printed in High Court Rules and so no comments offered
7 (Section 87) (not printed)	Proclamation requiring the attendance of a witness	5 (Section 82, 87, 90)	Not printed in High Court Rules and so no comments offered
8 (Section 88) (not printed)	Order of Attachment to compel the Attendance order for witness of a witness	6 (Section 83)	Not printed in High Court Rules and so no comments offered
9 (Section 88) (not printed)	Order of Attachment to Compel the Appearance of a Person accused	7 (Section 83)	Not printed in High Court Rules and so no comments offered

Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
10 (Section 88) (not printed)	Order Authorizing an attachment by the Deputy Commissioner	8 (Section 83)	Not printed in High Court Rules and so no comments offered
11 (Section 90) (Printed)	Warrant in the First Instance to Bring up a witness	9 (Section 87)	Not printed in High Court Rules and so no comments offered
12 (Section 90) (Printed)	Warrant to Bring up a Witness After a Summons	Not Prescribed	Modified and substituted
13 (Section 96) (not printed)	Warrant to Search after information of a Particular Offence	10 (Section 93)	Not printed in High Court Rules and so no comments offered
14 (Section 98) (not printed)	Warrant to Search a Suspected Place of Deposit	11 (Section 94)	Not printed in High Court Rules and so no comments offered
15 (Section 107) (not printed)	Bond to keep the peace	12 (Section 106 & 107)	Not printed in High Court Rules and so no comments offered
16 (Section 108-110) (not printed)	Bond for good behaviour	13 (Section 108, 109, 110)	Not printed in High Court Rules and so no comments offered
17 (Section 114) (not printed)	Summons on information of probable breach of peace	14 (Section 113)	Not printed in High Court Rules and so no comments offered
18 (Section 123)	Warrant of commitment on failure to find security to keep the peace	15 (section 122)	No change suggested
19 (Section 123)	Warrant of commitment on failure to find security for good behaviour	16 (Section 122)	No change suggested
20 (Section 123 & 124)	Warrant to discharge a person imprisoned on failure to give security to keep the peace or for good behaviour	17 (Section 122 & 123)	No change suggested
Not prescribed	Warrant of Imprisonment on	18 (Section 125)	No change

Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2 nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
	failure to pay maintenance		suggested
Not prescribed	Warrant to Enforce the payment of maintenance by attachment and sale	19 (Section 125)	No change suggested
21 (Section 133)	Order for the removal of nuisances	20 (Section 133)	Not printed in High Court Rules and so no comments offered
22 (Section 138) (Not printed)	Magistrate's order constituting a jury	Omitted	No longer required
23 (Section 140) (Not printed)	Magistrate's Notice and Pre-Emptory Order after the finding by a jury	---do--	No longer required
Not prescribed	Magistrate's Notice and Pre-Emptory Order	21 (Section 141)	No change suggested
24 (Section 142) (not printed)	Injunction to Provide Against Imminent Danger Pending	22 (Section 142)	Not printed in High Court Rules and so no comments offered
25 (Section 143) (not printed)	Magistrate's Order Prohibiting the Repetition, etc. of a Nuisance	23 (Section 143)	Not printed in High Court Rules and so no comments offered
26 (Section 144) (not printed)	Magistrate's Order to Prevent Obstruction, Riot, etc.	24 (Section 144)	Not printed in High Court Rules and so no comments offered
27 (Section 145) (not printed)	Magistrate's Order Declaring a Party Entitled to Retain Possession of Land, etc., in Dispute	25 (Section 145)	Not printed in High Court Rules and so no comments offered
28 (Section 146) (not printed)	Warrant of attachment in the Case of a Dispute as to the Possession of Land	26 (Section 146)	Not printed in High Court Rules and so no comments offered
29 (Section 147) (not printed)	Magistrate's Order Prohibiting the Doing of Anything on Land or Water	27 (Section 147)	Not printed in High Court Rules and so no comments offered

Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2 nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
30 (Section 164)	Record of a confession made by an accused person	Not prescribed	No change suggested
31 (Section 169) (not printed)	Bond and Bail Bond on a Preliminary Enquiry before a Police Officer	28 (Section 169)	Modified and substituted
32 (Section 170 & 217)	Bond to prosecute or give evidence	29 (Section 170)	Modified and substituted
Not prescribed	Special summons to a person accused of a petty offence	30 (Section 206)	No change suggested.
Not prescribed	Notice of commitment by Magistrate to public prosecutor	31 (Section 209)	No change suggested
33 (Section 220)	Warrant of commitment for intermediate custody	Not prescribed	No change suggested
34 (Section 221, 222 and 223)	Charge with one head	32 (Sections 211, 212, 213)	Form No.34 to 38 of High Court Rules may be replaced by Form No.32 of Cr.P.C., 1973
35 (Section 221, 222 and 223)	Charge with two heads	- do -	
36 (Section 221, 222 and 223)	Charge with three heads	- do -	
37 (Section 221, 222 and 223)	Charge with four heads	- do -	
38 (Section 221, 222 and 223)	Charge after a previous conviction	- do -	
39 (Section 250 and 547)	Warrant of Attachment and Sale to Recover Amends Awarded on Dismissal of a Complaint	43 (Section 421)	Form No. 39 given in HC Rules may be deleted as unnecessary.
40 (Section 250 and 547) (not printed)	Warrant of imprisonment on failure to Recover Amends by Attachment and Sale	35 (Section 250)	Not printed in High Court Rules and so no comments offered
41 (Sections 244, 252 and 257)	Summons to witness	33 (Section 61 & 244)	Modified and substituted

Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2 nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
Not prescribed	Warrant of commitment on a sentence of imprisonment or fine if passed by a [Court]	34 (Section 235, 248 & 255)	No change suggested
Not prescribed	Order requiring production in court of person in prison for answering to charge of offence.	36 (Section 267)	No change suggested
Not prescribed	Order requiring production in court of person in prison for giving evidence	37 (Section 267)	No change suggested
41-A (Article 227)	Letter of request to the Speaker of the House of People / Chairman of the Council of States / Speaker, Legislative Assembly / Chairman of the Legislative Council	Not prescribed	No change suggested
41-B (Article 227)	Letter of Request to the Speaker of the House of People / Chairman of the Council of States / Speaker, Legislative Assembly / Chairman of the Legislative Council when the Presiding Officer himself is required to produce a document or to appear in a case as a party	Not prescribed	No change suggested
42 (Section 321) (not printed)	List of Jurors and Assessors	Not prescribed	No longer required
43 (Section 326)	Receipt to District Magistrate to summon Jurors	Not prescribed	No longer required
44 (Section 328)	Summons to a Juror	Not prescribed	No longer required.
45 (Section 367)	Sessions Judge's finding and sentence	Not prescribed	No longer required.

Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2 nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
46 (Section 374)	Warrant of commitment under sentence of death	40 (section 366)	Modified and substituted
47 (Section 381)	Warrant of execution on sentence of death	42 (Section 413, 414)	Modified and substituted
48 (Sections 381 and 82) 49	Warrant after commutation of a sentence death <i>Cancelled</i>	41 (Section 381, 413, 416)	Modified and substituted No change suggested
50 (Section 383)	Warrant of commitment on a sentence of imprisonment by a Magistrate	34 (Sections 235, 248, 255)	Modified and substituted
51 (Section 383)	Warrant of commitment on a sentence of imprisonment by a Sessions Judge	Merged in Form No.34	Modified and substituted
52 (Section 383)	Statement of previous convictions to be attached to the warrant of commitment of a previously convicted person who is sentenced to imprisonment	Not prescribed	No change suggested
53 (Section 386)	Order to Police to make demand for payment of fine	Not prescribed	May be deleted as unnecessary
54 (Section 386)	Warrant by a Magistrate to levy a fine by distress and sale	43 & 44 (Section 421)	Modified and substituted
55 (Section 386)	Warrant by a Sessions Judge to levy a fine by distress and sale		
56	<i>Cancelled</i>	Not prescribed	Number be deleted
57	<i>Cancelled</i>	Not prescribed	Number be deleted
58 (Section 422)	Notice to appellant and the District Magistrate of the date fixed for the hearing of an appeal by a Sessions Judge,	Not prescribed	May be omitted. Instead, a practice direction needs to be issued that if an

Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2 nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
59 (Section 422)	<p>in cases, in which the appellant is in prison and is not represented by a Pleader or authorized agent</p> <p>Notice to the District Magistrate and the appellant or his Pleader, or authorized agent of the date fixed for the hearing of an appeal by a Sessions Judge, in cases other than those provided for in Form 58</p>	Not prescribed	<p>appeal from a convict in prison is received he / she be called mandatorily through production warrant by the sessions court to remain present at the hearing with copy to DLSA. This shall be in full compliance of S.385 Cr.P.C.</p>
60 (Section 388) (not printed)	Bond for appearance of offender released pending realisation of fine	44A Section [424 (a)(b)]	No change suggested
61 (Section 438)	Order reporting case for revision	Not prescribed	May be omitted as unnecessary.
62 (Section 480) (not printed)	Warrant of commitment in certain cases of contempt when a fine is imposed	38 (Section 345)	No change suggested
63 (Section 485) (not printed)	Magistrate's or Sessions Judge's warrant of Commitment of a Witness refusing to Answer	39 (Section 349)	No change suggested
64 (Section 488)	Warrant of imprisonment on failure to pay maintenance	18 (Section 125)	Modified and substituted
65 (Section 488)	Order of maintenance	Not prescribed	May be omitted as unnecessary
66 (Section 488) (not printed)	Warrant to enforce the payment of maintenance by Attachment and Sale	19 (Section 125)	Modified and substituted
67 (Sections 496 and 499)	Bond and bail-bond on a preliminary inquiry before a Magistrate	45 (Ss.436, 436A, 437, 437A, 438(3) and 441)	Modified and substituted

Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
68 (Section 500)	Warrant to discharge a person imprisoned on failure to give security for his appearance	46 (Section 442)	Modified and substituted
69 (Section 514) (not printed)	Warrant of attachment to enforce a bond	47 (Section 446)	Not printed in High Court Rules and so no comments offered
70 (Section 514) (not printed)	Notice of surety on breach of a bond	48 (Section 446)	Not printed in High Court Rules and so no comments offered
71 (Section 514) (not printed)	Notice to surety of forfeiture of bond for good behaviour	49 (Section 446)	Not printed in High Court Rules and so no comments offered
72 (Section 514) (not printed)	Warrant of attachment against a surety	50 (Section 446)	Not printed in High Court Rules and so no comments offered
73 (Section 514) (not printed)	Warrant of commitment of the surety of an Accused Person Admitted to Bail	51 (Section 446)	Not printed in High Court Rules and so no comments offered
74 (Section 514) (not printed)	Notice to the principal of Forfeiture of a Bond to keep the peace	52 (Section 446)	Not printed in High Court Rules and so no comments offered
75 (Section 514) (not printed)	Warrant to Attach the property of the Principal on Breach of a Bond to keep the peace.	53 (Section 446)	Not printed in High Court Rules and so no comments offered
76 (Section 514)	Notice to the Surety for Forfeiture of a Bond to keep the peace	49(Section 446)	Modified and substituted
77 (Section 514)	Warrant to Attach the Property of Surety on Breach of a Bond to Keep the peace	55 (Section 446)	Modified and substituted
78 (Section 514) (not printed)	Warrant of imprisonment on breach of a bond to keep the peace	54 (Section 446)	Not printed in High Court Rules and so no comments offered
79 (Section 514)	Warrant of attachment and	55 (Section 446)	Not printed in High

Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
(not printed)	sale on forfeiture of a bond for good behaviour		Court Rules and so no comments offered
80 (Section 514) (not printed)	Warrant of imprisonment on forfeiture of a Bond for good Behaviour	56 (Section 446)	Not printed in High Court Rules and so no comments offered
81(Section 523)	Proclamation of Articles suspected to have been stolen	Not prescribed (Section 457)	Change required is reference only to provisions of Cr.PC , 1973 instead of old Cr.P.C.
82 (Section 503/ 506)	Commission to examine witness	Not prescribed (Section 284 & 287)	Change required is reference only to provisions of Cr.PC , 1973 instead of old Cr.P.C.
83 (Section 562)	Bond to appear and receive sentence when called upon	Not prescribed (Section 360)	Change required is reference only to provisions of Cr.PC , 1973 instead of old Cr.P.C.
84 (Prescribed by High Court)	Magistrate's warrant for release upon acquittal on appeal or revision	Not prescribed	No change suggested
85 (Prescribed by High Court)	Sessions Judge's warrant for release upon acquittal on appeal or revision	Not prescribed	No change suggested
86 (Prescribed by High Court)	Magistrate's warrant for release upon reversal of conviction on revision	Not prescribed	No change suggested
87 (Prescribed by High Court)	Sessions Judge's warrant or release upon reversal of conviction on revision	Not prescribed	No change suggested.
88 (Prescribed by High Court)	Magistrate's warrant for enhancement of punishment	Not prescribed	No change suggested

Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2 nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
	on revision		
89 (Prescribed by High Court)	Sessions Judge's warrant for enhancement of punishment on revision	Not prescribed	No change suggested
90 (Prescribed by High Court)	Magistrate's warrant for reduction of punishment on appeal or revision	Not prescribed	To be modified suitably to add Form No. 100 at the bottom
91 (Prescribed by High Court)	Sessions Judge's warrant for reduction of punishment on appeal or revision	Not prescribed	To be modified suitably to add Form No. 100 at the bottom
92 (Prescribed by High Court)	Warrant for the release of a prisoner on bail	Not prescribed	To be modified suitably to add Form No. 99 at the bottom
93 (Prescribed by High Court)	Notice intimating payment of fine	Not prescribed	No change suggested
94 (Prescribed by High Court)	<i>Cancelled</i>	Not prescribed	Number may be deleted as unnecessary
95 (Prescribed by High Court)	Warrant of commitment to Judicial Lock-up	Not prescribed	No change suggested
96 (Prescribed by High Court)	Form of Warrant when a sentence is modified or Altered on appeal	Not prescribed	Modified and substituted
97 (Prescribed by High Court)	Bond and Bail Bond	Not prescribed	No change suggested
98 (Prescribed by High Court)	Surety Bond	Not prescribed	No change suggested
99 (Prescribed by High Court)	Detachable Portion of release warrant	Not prescribed	To be suitably modified to add at the bottom of Form No. 92

Number of Form as indicated in High Court Rules & Orders (with reference to related provisions of Cr.PC, 1898)	Description of Form	Corresponding Form No., as prescribed in the 2 nd schedule (u/S 476) Cr.PC, 1973 (with reference to related provision).	Remarks
100 (Prescribed by High Court)	Detachable Portion of Reduction Warrant	Not prescribed	To be suitably modified to add at the bottom of Form No. 90 & 91
101 to 110	Spare numbers for new forms	---	No change suggested

II. PART B - IV (Forms of Registers)

S. No.	Form No.	Description of Form	Remarks
1.	I	Register of cognizable and non-cognizable offences instituted on complaint or on Magistrates own motion or reported by the police under sections 157 and 173 of the Code of Criminal	To be replaced by a common new form (Register of Criminal Cases) to be generated electronically and maintained in Statistical Branch.
2.	II	Register of cases under the Indian Penal Code	
3.	III	Register of cases under special and local laws and the Criminal Procedure Code	
4.	IV	Register of miscellaneous criminal cases	To be replaced by a new form (Register of Miscellaneous Criminal Cases) to be generated electronically and maintained in statistical branch, as per Annexure:-_____.
5.	V	Register of cases decided in the court of _____ at _____ in the year _____.	To be replaced by common new form (Register of Decided/Consigned Criminal Cases) to be generated electronically from data-base and maintained quarterly, by court clerk.

S. No.	Form No.	Description of Form	Remarks
6.	VI	Register showing the number of offences reported and brought to trial, and of persons discharged, acquitted and convicted of each offence in the district of _____ in _____.	Report when required can be generated from data-base. Hence, this register may be dispensed with.
7.	VII	Register of session trials and of references made to the court of sessions under section 123, Criminal Procedure Code.	To be dispensed with as new registers "Register of Criminal Cases" and "Register of Miscellaneous Criminal Cases" shall cater to the corresponding needs.
8.	IX	Register of complaints against or inquiries into conduct of government servants	Report when required can be generated from data-base. Hence, this register may be dispensed with.
9.	X	Register of appeals and revisions in criminal cases.	To be replaced by a new form (Register of Criminal Appeals & Revisions) to be generated electronically and maintained in statistical branch, as per Annexure:- _____.
10.	XI	Register of dates fixed for trial of criminal cases, including dates or receipt of cases sent up for trial by the police.	To be replaced by a new form (Daily Cause Register of Criminal Court) to be generated electronically and to be maintained by court master as per Annexure:- _____.
11.	XII	Register of prisoner under trial	Report when required can be generated from data-base. Hence, this register may be dispensed with.
12.	XIII	Register of persons admitted to and removed from the lock-up, in the district of _____.	Redundant and so may be dispensed with
13.	XIV	Register of judicial fines	The revision of these registers needs to be deferred till a policy decision is taken regarding the proposal of e-banking system (deposit/remittance of fine/compensation in bank).
14.	XV	Register of judicial fine realizations	

S. No.	Form No.	Description of Form	Remarks
15.	XVI	Record keeper's general register of decided criminal cases.	No change suggested.
16.	XVII	Register of Shri. _____, Magistrate, First Class, exercising summary powers in _____ District.	Needs to be modified in terms of Section 263 Cr.P.C. 1973.
17.	XVIII	Register of road and diet money of witnesses to be maintained in each court, as prescribed in chapter 9-B, rules and orders volume III.	No change suggested.
18.	XIX	Register of prisoners who are released or whose punishment is reduced on appeal for revision.	Report when required can be generated from data-base. Hence, this register may be dispensed with.
19.	XX	Register of application for transfer of criminal cases in the court of _____, Magistrate District.	To be replaced by a new form (Register of Application for Transfer of Criminal Cases) to be generated electronically and maintained in statistical branch, as per Annexure:-_____.
20.	XXI	Register of traffic cases relating to the Court of Shri. _____, Magistrate 1st Class _____ District _____.	The revision of this register needs to be deferred till a policy decision is taken regarding scheme on traffic challan proposed.
21.	XXII	Register of Bail Applications presented in the Court of _____.	To be replaced by new form (Register of Bail Application) to be generated electronically and maintained in statistical branch, as per Annexure:-_____.
22.	XXIII	Register of First Information Reports	Report when required can be generated from data-base. Hence, this register may be dispensed with.
23.	XXIV	Register of First Information Reports	Report when required can be generated from data-base. Hence, this register may be dispensed with.