

HIGH COURT OF MADHYA PRADESH : JABALPUR

// MEMORANDUM //

No. C/2534 / Jabalpur, dated 11th Sep/2007.  
II-15-20/04

To.

The District & Sessions Judge,

HOSHANGABAD.

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Hon'ble the Chief Justice constituted a Committee headed by Hon'ble Shri Justice S.S. Jha to give suggestions regarding working of subordinate Courts and to suggest measures to plug all vulnerable areas of corruption amongst the staff in the High Court as well as in the subordinate Courts and Committee gave its recommendations. These suggestions were also discussed in the District Judges' Conference held on 31-03-2007. With a view to ensure compliance of the recommendations given by the aforesaid Committee, the following instructions are issued for strict compliance:

1. Board diary shall be maintained regularly. The cases listed on that date shall be filled in Board Diary with subsequent dates fixed by the Court, by the Reader of the Court on the same date. Entries in the Board Diary shall not be left incomplete for the next day. Rule 117 of the Civil Court Rules & Orders and Rule 12 of the Rules & Orders (Criminal) should be followed and work of fixing of next date of hearing shall not assign to Reader of Court.
2. The amount of fine recovered shall be strictly checked by the Presiding Officer of each court, as well as by the concerned ministerial officer authorized by the District Judge on his behalf. Any lapse on the part of Presiding Officer & ministerial staff shall be viewed seriously and the District Judge shall take appropriate action against the concerned Presiding Officer & ministerial staff.
3. Attention of District Judges is invited to Rule 285 of the Rules & Orders (Civil) and instructions issued thereunder, regarding requisition of the record of lower Court. If it is necessary to call the entire record, it should be called on the date of hearing and the Presiding Officer shall ensure that records are sent back to lower Court as soon as possible before the next date of hearing fixed by the trial Court. Similarly, when an application for transfer of case or appeal is filed, the practice has developed that without looking into the grounds in the applications, records of the court are requisitioned. The practice must be stopped and only in a case where it is necessary, record be called on the date of hearing and should be sent back immediately.

The appellate/revisional Court should retain the lower Court's record only if found absolutely necessary and may return the record to the subordinate Court and call it back, only on the date of hearing.

Before entertaining a revision against an interlocutory order, the revisional Court must ensure that the impugned order is revisable or not and only thereafter, if the order is revisable, further steps may be taken regarding calling of records etc.

The District Judge should ensure that periodical statements be sent within time as specified under Rule 387 of the Madhya Pradesh Civil Court Rules. If monthly returns, half yearly returns and annual statements are not received within the stipulated time, action will be initiated against the defaulter.

Every endeavor shall be made to supply certified copies at the earliest but not later than 30 days from the date of application. If certified copy is not supplied by the Copying Section within 30 days from the date of application, then matter shall be brought to the notice of District Judge with the reasons and explanation. All relevant rules of Rules & Orders (Civil & Criminal) and instructions issued by the High Court vide circular dated 17-01-1980 & 07-06-1974 should be followed.

The District & Sessions Judge shall carry out regular yearly inspection of the Courts etc. according to Rules & Orders (Civil & Criminal).

The officer in-charge of Nazarat, Malkhana and Copying Section should carry out regular inspection with a view to check all sort of pendency and irregularities. Each Judicial Officer should inspect his Court every month regularly.

Each Judicial Officers should make physical verification of the pending cases in their Courts twice a year, for the period ending on 30th June and 31st December respectively. Report of each Court in this regard shall be submitted to District Judge and District Judges shall send their report to High Court till 15th July and 15th January respectively.

Declaration of movable and immovable properties be taken from employees by the District Judge in view of Rule 19 of M.P. Civil Services (Conduct) Rules, 1965.

If District Judge feels that a particular employee should not be retained in the District and should be transferred and posted outside the District, he should make recommendations with reasons to this effect to the High Court.

13. Judicial Officers & employees, who are not residing at the District Head quarter or outlying stations (Tahsil) and commuting daily to their work place and returns to their home town in the evening be checked, as it adversely affects the working of the Court. If employee is not residing at his headquarter and receiving H.R.A., then suitable steps for recovery of H.R.A. should be initiated.
14. Clerk/Reader of a Court shall be transferred after their completion of period of three years of his posting and he shall not be reposted in the same Court before completion of period of three years.
15. The efforts be made for computerization of all the courts in order to eradicate corruption by strengthening the system.
16. If the District Judge finds any lapse on the part of the Clerk of Court, Deputy Clerk of Court and staff, he should send a report to the High Court for taking appropriate action.
17. Other duties responsibilities entrusted to the District Judge and other Judicial Officers under Rules (Rules & Orders Civil & Criminal) and circulars of the High Court, shall be strictly discharged by them. On failure to perform any duty or comply with any Rule of the Rules and Orders (Civil or Criminal), the officer concerned shall be held liable.
18. If, complaints are received regarding corruption of employees, it will be presumed that concern District Judge is not effectively monitoring the supervisory work, over the staff.

You are, therefore, requested to take necessary steps in the matter.



(K.C. SHARMA)  
REGISTRAR GENERAL

21 Shilpa (Bureau)  
