ANDHRA PRADESH JUDICIAL ACADEMY
SECUNDERABAD

REFERENCE/STUDY MATERIAL

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High Court of Andhra Pradesh

CODIFICATION OF CIRCULARS

ANDHRA PRADESH JUDICIAL ACADEMY
LIBRARY
SECUNDERABAD

VOLUME - I

FOREWORD

Though belated, this publication of the circulars, orders and notifications of the High Court on subjects which need attention of all concerned is of immense help to the Judicial Officers, Staff Members of the Bar and the litigent public. Many circulars and orders need revision and the Court is going to revise and issue comprehensive circulars and orders so that confusion, if any, is removed and matters of procedure, jurisdiction, power and duty of the Court are well regulated and well defined.

Courts must exist as a pillar of strength for those who care to abide by law as well as those who need protection of law. There should be no feeling however, that these circulars orders/ notifications are issued because there has been failing which needed attention. They have been issued from time to time, however, to ensure that uniformity is maintained in all matters in courts, delays are avoided and meaningful justice is done. Our adjudicatory system has sufficient elasticity. It can meet any challenge. Need however, of the time is to see the substance and leave technicalities aside.

Task of compilation is not difficult. Arranging in such a manner that proper and relevant circular/order/notification is found easily is always difficult. This compilation is a sincere endeavour of the Registry of the Court to deliver a hand book to all concerned for help and guidance.

Hyderabad,
16-10-1995.

PRABHA SHANKER MISHRA
CHIEF JUSTICE

PREFACE

Administration is an Art. Administration of Justice is a divine duty. The Judiciary being the custodian for the effective implementation of the rights and liberties of the citizens guaranteed under the Constitution, has to effectively function to instil confidance in dispensing justice.

Under Art 235 of the Constitution of India, the High Court in exersing supervision and control over the courts at the district level issued various circulars from time to time for effective and smooth functioning of the Judicial and administrative sides.

The circulars issued from the inception of the establishment of HighCourt of Andhra Pradesh are not available in a book form. Hither to the circulars issued from various sections of the High Court are scattered and their existence also unknown to many. To trace them in case of necessity hours and days are to be wasted. Therefore it was felt desirable to publish a compilation of all these circulars and supply the same to the Officers, staff etc., in order to have the advantage of easy and immediate reference.

The High Court under the effective leadership of Hon'ble Chief Justice Sri P. S. Mishra and able guidance of all the Hon'ble Judges is striving hard to see that the state judiciary functions smoothly and effectively with glory.

The circulars pertaining to guidelines, clarifications and procedural aspects for effective functioning of the Courts on judicial and administrative sides will be noticed in these two volumes. This is an outcome of the deep study and struggle of the Special Officers Cell of the High Court. Valuable service is rendered by one and all in fulfilling our desire.

On the eve of State Judicial Officers Conference the volumes are released with a hope that this work of the Registry will be of some utility to our Officers and employees for streamlining the judicial administration in their respective courts.

When the book comes into the hands of a reader and if a page is turned he can look back with some pride at what the Registry did there. But looking back means research into the archieves.

In the 2nd volume the reader will be noticing the Circulars subjectwise rather than datewise as in the first volume. In order to maintain the uniformity in issuing circulars the Registry divided the circulars subjectwise. We hope that we can achieve more and more meaningful tasks with your constructive suggestions and wholehearted co-operation.

M. E. N. PATRUDU
REGISTRAR [Management]

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CONFIDENTIAL
R.O.C. No. 1234/66 Con. B.

CIRCULAR

Sub: Stamps - Adhesive Court-fee stamps - Instructions for Prevention of fraud.

Certain instances of fraudulent use of defaced adhesive court-fee stamps have come to the notice of the High Court. The modus operendi appears to be to get hold of used adhesive court-fee labels, cut out the undefaced portion thereof and attach thereto the required remaining portion taken out either from a new court-fee label of small value say 25 paise or from undefaced or unpunched portions of an used label and join them together by fastening both the pieces neatly on an impressed stamp paper so that it would appear that the adhesive stamps used are new ones. It requires careful scrutiny and observation to detect this type of fraud. It is therefore necessary that the chief Ministerial officers attached to the courts or their assistants who are in charge of scrutiny of court-fee received on proceedings etc., filed into courts, should carefully examine the adhesive court-fee labels affixed to an impressed stamp paper or ordinary paper to avoid being cheated and to prevent loss of revenue to the State.

The High Court is also of the view that the safeguards already prescribed, if scrupulously adhered to and adopted would go a long way to provece all kinds of Sec. 72 of the Court fee Act lays document requiring as under the Act shall be or acted upon in any proceeding in the stamp has been cancelled and that the officer appointed by the court shall, on receiving any such document, effect forthwith such cancellation by punching out the figure head so as to leave the amount designated on the stamp untouched and the part removed by punching shall be destroyed. The Civil Rules of Practice and Circular orders contain certain detailed instructions regarding the punching of stamps. If only the adhesive stamps are cancelled immediately on receipt

into courts by affixing the date stamp thereon and punching the figure-head out, it will not be possible to use them over again without fear of detection. The High Court therefore directs that the aforesaid rules should be strictly followed and any violation thereof will be taken serious notice of.

The Presiding Officers of all the Subordinate Courts may also impress upon the respective Bar Associations the need to insist on supply of loose adhesive court-fee labels and not accept labels that are already affixed to an impressed stamp or other paper in their own interest.

A copy of the Circular Orders so far issued on the Subject are herewith furnished to all the District Judges for being communicated to all the Courts in their district for strict compliance.

Y. VENKATESWARA RAO,
Registrar.

Roc.135/55-B.1

CIRCULAR

Sub:- COURTS - Civil - Final Decree passed in partition suits - Procedure when the parties fail to furnish non-judicial stamp paper - Instructions-Issued.

Rule 12(3) of the Rules relating to partition suits printed at pages 261 to 263, Chapter III, Part II, Civil Rules of Practice and Circular Orders, Vol.I requires that in final decress passed in partition suits, if the party concerned fails to produce the necessary non-judicial stamps within the time fixed, the Court shall have the decree drawn up on unstamped paper and deal with it as an instrument within the operation of chapter IV of the Indian stamp Act II of 1899 (Examination and impounding of instruments not duly stamped ect.) and send the unstamped decree to the Collector for realisation of the stamp duty. The High Court considers that the procedure prescribed under the aforesaid sub-rules is not warranted by the provisions of the stamp Act and as such ultra vires. All presiding officers of the civil courts are accordingly informed that the procedure prescribed under rule 12(3) of the Rules referred to above should be discontinued with immediate effect.

Necessary amendments to the above rules are being issued separately.

S. OB L REDDY,
Registrar.

High Court of Andhra Pradesh
Hyderabad.
7th September, 1957.

Roc.554/56.B.1.

CIRCULAR

Sub:- Courts-Subordinate Courts-Cross Examination of defendants supporting the plaintiff-Avoidance of the practice-Circular Instruction-Issued.

It is noticed that a practice prevails in the Subordinate Courts whereby, even though some of the parties arrayed as defendants actually support the plaintiff, they are still allowed to be cross examined by him as if they are witnesses on the side of the defendants. The Hon'ble the Judges deprecate this practice as it leads to considerable confusion and direct that the same should be discouraged. Their Lordships observe that the right of cross examination should be properly limited to parties against whose interests the witness deposes in chief examination and, therefore, when there is no controversy between some of the defendants and the plaintiff and when on the otherhand their case in the same on some or all of the issues, a witness appearing for one of them cannot be subjected to cross examination by the other on matters in regard to which there is identity of interest between them. In such cases, however, wherever necessary a further chief examination of a witness may, with the leave of the court, be made on behalf of other parties who have the same interest, after his chief examination by one party is over.

Sd/-
K.N. CANPATI
Registrar.

High Court of Andhra Pradesh,
Guntur,
Dated 9th April, 1956.

HIGH COURT OF ANDHRA, GUNTUR

?

P.Dis.No.602/56. Dt. 26th September, 1956.

CIRCULAR

Sub:- Courts-Criminal-Preservation of Material objects in Sessions Cases-Instructions-Issued.

It has come to the notice of the High Court that material objects in a certain sessions case were destroyed even during the pendency of the appeal in the Hgih Court. Their importance cannot be over-estimated especially in cases where they will be material for the appreciation of the evidence.

Ordinarily, Sessions Judges (including Additional, Assistant and Agency Sessions Judges) should send all the material objects along with the records to the High Court unless the material objects are too heavy or unwieldy. Their attention is invited to Sections 517 and 520 of the Code of Criminal Procedure as well as to Rule 290 of the Criminal Rulesof Practice, under which it is incumbent on them to preserve all material objects except live-stock or property subject to speady and natural decay in all cases till the expiry of the time prescribed for preferring the appeals and in cases in which appeals are preferred till after their disposal. The Sessions Judges (including the Additional, Assistant and Agency Sessions Judges) should as-certain from the High Court in all appealable cases if appeals have been preferred and obtain specific directions from the High Court in this regard.

K.N. GANPATI,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

Roc.No.2114/57-B.1 Dt. 6th July, 1957.

NOTIFICATION

Under section 138(1) of the Code of Civil Procedure (Act V of 1908) as amended by the Decontalization Act (Act IV of 1914), the High Court is pleased to direct that all District Judges, Sub Judges and Munsifs in the Districts of Hyderabad, Secunderabad, Medak, Nizamabad, Karimnagar, Warangal, Khammam, Nalogonda, Mahaboobnagar, and Adilabad shall, in cases in which an appeal is allowed, take down the evidence with their own hand in the English Language.

S. OBUL REDDY,
Registrar.

Roc.No.3986/57. B1.

CIRCULAR

Sub:- Courts-Criminal-Committal Proceedings-Binding over witnesses for their appearance in Courts of Sessions-Procedure-Instructions issued.

The High Court considers that the existing practice in the Telangana area of the Committing Magistrates binding over the witnesses to appear before the Courts of Session without specifying the date and of the Sessions Judge intimating the date later on receipt of the record of enquiry, causes avoidable delay, in-convenience and expenditure to the parties concerned. The High Court, therefore directs that in modification of the procedure prescribed in Rules 109 and 111 of the Rules regulating the practice and proceedings of Criminal Courts issued by the erstwhile Hyderabd High Court the following procedure in force in the Andhra area shall be followed by the Courts in the Telangana area as well.

When a Magistrate has decided to commit a case to the Court of Session, he shall communicate with the Sessions Judge reporting the nature of the offence and the number of witnesses on each side. The Sessions Judge will then fix and intimate to the Committing Magistrate with the least possible delay a date for which the witnesses and the accused shall be summoned or bound over. The Magistrate shal thereupon take further action for summoning or binding over the witnesses concerned.

Necessary amendments to the relevant Rules will issue in due course.

J-276-4

Roc.No.135/55-B.1

Sub:- Courts-Civil-Final Decree Passed in partition suits-Procedure when the parties fail to furnish non-judicial stamp paper-Instructions-Issued.

Rule 12(3) of the Rules relating to pertition suits printed at pages 261 to 263, Chapter III, Part II, Civil Rules of Practice and Circular Orders, Vol.I requires that in final decress passed in partition suits, if the party concerned fails to produce the necessary non-judicial stamps within the time fixed, the Court shall have the decree drawn up on unstamped paper and deal t with it as an instrument within the operation of Chapter IV of the Indian Stamp Act II of 1899 (Examination and impounding of instruments not duly stamped etc.) and send the instamped decree to the Collector for realisation of the stamp duty. The High Court considers that the procedure presecribed under the aforesaid sub-rule is not warranted by the provisions of the Stamp Act and as such ultra vires. All presiding Officers of the civil courts are accordingly informed that the procedure prescribed under rule 12(3) of the Rules referred to above should be discortioned with immediate effect.

Necessary amendments to the above rules are being issued separately.

S. OBUL REDDY,
Registrar.

High Court of Andhra Pradesh,
Hyderabad.
7th September, 1957.

Roc.No.3986/57. B1.

CIRCULAR

Sub:- Courts-Criminal-Committal Proceedings-Binding over witnesses for their appearance in Courts of Sessions-Procedure-Instructions issued.

The High Court considers that the existing practice in the Telangana area of the Committing Magistrates binding over the witnesses to appear before the Courts of Session without specifying the date and of the Sessions Judge intimating the date later on receipt of the record of enquiry, causes avoidable delay, in-convenience and expenditure to the parties concerned. The High Court, therefore directs that in modification of the procedure prescribed in Rules 109 and 111 of the Rules regulating the practice and proceedings of Criminal Courts issued by the erstwhile Hyderabd High Court the following procedure in force in the Andhra area shall be followed by the Courts in the Telangana area as well.

When a Magistrate has decided to commit a case to the Court of Session, he shall communicate with the Sessions Judge reporting the nature of the offence and the number of witnesses on each side. The Sessions Judge will then fix and intimate to the Committing Magistrate with the least possible delay a date for which the witnesses and the accused shall be summoned or bound over. The Magistrate shal thereupon take further action for summoning or binding over the witnesses concerned.

Necessary amendments to the relevant Rules will issue in due course.

Roc.No.135/55-B.1

Sub:- Courts-Civil-Final Decree Passed in partition suits-Procedure when the parties fail to furnish non-judicial stamp paper-Instructions-Issued.

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Necessary amendments to the above rules are being issued separately.

S. OBUL REDDY,
Registrar.

High Court of Andhra Pradesh,
Hyderabad.
7th September, 1957.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

Roc.No.3108/58-B1. Dt. 17th June, 1958.

CIRCULAR

Sub:- Courts-Civil and Criminal-Working hours prescribed-strict observance of-Instructions issued.

The attention of the Presiding Officers of all Subordinate Civil and Criminal Courts is drawn to the High Court's Circular Roc.No.3119/56-B1. dated 5-1-1957 and they are informed that they should strictly adhere to the working hours prescribed therein.

In this connections, their attention is also drawn to the Composite Madras High Court's Circular Roc.No. 1315/48.D6 dated 10-12-1943 (copy enclosed) and they are once again informed that non-observance of the prescribed working hours will be taken serious notice of by the High Court.

S. OBUL REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

Circular Roc.No.2744/57-B4. Dt. 1-9-1958.

Sub:- Jails-Monthly joint visits to District/Central Jaila-Participation of Judicial Officers-Regarding.

It has come to the notice of the High Court that a practice exists in the Telangana area of the dt. Magistrate (Judl) Collector and the Dt. superintendent of Police jointly visiting the District prisons within their jurisdiction once in a month. It is also seen that the Collectors are in the practice of issuing "Proceedings" to the judicial Dt. Magistrates for information and guidence and some times calling upon the latter to issue suitable instructions to the Munsif Magistrates tending to expeditions trials.

A proposal is under the consideration of the High Court and the Government for laying down a new procedure for the expeditions disposal of cases of undertrial prisoners confined in the Dt. or Central Jails.

The Dt. and Sessions Judges are informed that the practice of joint visits referred to above need no longer be continued.

S. OBUL REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

Roc.No.3108/58-B1. Dt. 17th June, 1958.

CIRCULAR

Sub:- Courts-Civil and Criminal-Working hours prescribed-strict observance of-Instructions issued.

The attention of the Presiding Officers of all Subordinate Civil and Criminal Courts is drawn to the High Court's Circular Roc.No.3119/56-B1. dated 5-1-1957 and they are informed that they should strictly adhere to the working hours prescribed therein.

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Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

Circular Roc.No.2744/57-B4. Dt. 1-9-1958.

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A proposal is under the consideration of the High Court and the Government for laying down a new procedure for the expeditions disposal of cases of undertrial prisoners confined in the Dt. or Central Jails.

The Dt. and Sessions Judges are informed that the practice of joint visits referred to above need no longer be continued.

S. OBUL REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

P.Dis.No.617/58. Dt. 22-9-1958.

CIRCULAR

In references under S.374 of the Code of Criminal Procedure, the practice in the Andhra area is for the Sessions Judges to send to the High Court, within 7 days from the date of disposal of the case, the material part of the record including depositions typed out. Some of the Sessions Judges of Telangana area are following this practice.

All the Sessions Judges of both the areas are therefore requested toget the entire material part of the record including the depositions, (as the depositions recorded by some of the Sessions Judges are found to be very indecipherable) the statement of the accused and the exhibits, typed, duly compared and certified and send the same to the HighCourt within 7 days of the date of disposal of the case.

Sd/-
S. OBUL REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD.

Roc.No.2920/58-B1. Dated the 30th September, 1958.

CIRCULAR

Sub:- Arrest, Detention, etc., of Members of Parliament-Intimation to the Speaker, Lok Sabha-Instructions-Issued.

It has been observed that in some cases of arrest, detentioin, conviction or release of Members of Parliament, due intimation was not given to the Speaker of the Lok Sabha as required under Rules 229 and 230 of the Rules of Procedure and Conduct of Business in Lok Sabha. An extract of the aforesaid rules and the forms prescribed thereunder for communication to the Speaker is enclosed for the information of all subordinate Courts. Failure to give such intimation to the Speaker would amount to infringement of privileges of Parliament and its Members. The High Court desires to impress upon the presiding officers of a subordinate Criminal Courts the need for strict observance of the rules referred to above.

1. that in the communication regarding arrest, detention or imprisonment of a Member, the place of imprisonment or detention of the Member should invariably be specified;

2. that when a Member, who is under detention or is undergoing a sentence of imprisonment, is transferred from one jail to another, the change in the place of detention or imprisonment should also be intimated to the Speaker; and

3. that when a Member is released from jail on any ground, as for example-on bail pending appeal, or, on the sentence being set a side on appeal, the fact of such releats should invariably be intimated to the Speaker.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

P.Dis.No.617/58. Dt. 22-9-1958.

CIRCULAR

In references under S.374 of the Code of Criminal Procedure, the practice in the Andhra area is for the Sessions Judges to send to the High Court, within 7 days from the date of disposal of the case, the material part of the record including depositions typed out. Some of the Sessions Judges of Telangana area are following this practice.

All the Sessions Judges of both the areas are therefore requested toget the entire material part of the record including the depositions, (as the depositions recorded by some of the Sessions Judges are found to be very indecipherable) the statement of the accused and the exhibits, typed, duly compared and certified and send the same to the HighCourt within 7 days of the date of disposal of the case.

Sd/-
S. OBUL REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD.

Roc.No.2920/58-B1. Dated the 30th September, 1958.

CIRCULAR

Sub:- Arrest, Detention, etc., of Members of Parliament-Intimation to the Speaker, Lok Sabha-Instructions-Issued.

It has been observed that in some cases of arrest, detentioin, conviction or release of Members of Parliament, due intimation was not given to the Speaker of the Lok Sabha as required under Rules 229 and 230 of the Rules of Procedure and Conduct of Business in Lok Sabha. An extract of the aforesaid rules and the forms prescribed thereunder for communication to the Speaker is enclosed for the information of all subordinate Courts. Failure to give such intimation to the Speaker would amount to infringement of privileges of Parliament and its Members. The High Court desires to impress upon the presiding officers of a subordinate Criminal Courts the need for strict observance of the rules referred to above.

1. that in the communication regarding arrest, detention or imprisonment of a Member, the place of imprisonment or detention of the Member should invariably be specified;

2. that when a Member, who is under detention or is undergoing a sentence of imprisonment, is transferred from one jail to another, the change in the place of detention or imprisonment should also be intimated to the Speaker; and

3. that when a Member is released from jail on any ground, as for example-on bail pending appeal, or, on the sentence being set a side on appeal, the fact of such releats should invariably be intimated to the Speaker.

Where intimation of arrest or detention is sent by telegram, it is necessary that information on all the points mentioned in the appropriate forms should be given succinctly but clearly.

I have the honour to inform you that Shri.....Member of the Lok Sabha, who was convicted on.....(date) and imprisoned for..... (period) for.....(reasons 'for conviction) was released on bail pending appeal released on the sentence being set aside on appeal, us the case may be on the.....(date).

Your faithfully,

Sd/-

(Judge, Magistrate or Executive Authority.)

Third Schedule

(see rules 229 and 230)

Form of communication regarding arrest, detention, conviction or release, as the case may be, of a Member.

Place:

Date:

To

The Speaker, Lok Sabha,
New Delhi.

Dear Mr. Speaker,

A

I have the honour to inform you that I have found it my duty, in the exercise of my powers under section .....of the .....(Act), to direct that Shri. .....Member of lthe Lok Sabha, be arrested/ detained for.....(reasons for the arrest or detention, as the case may be).

Shri.....M.P., was accordingly arrested/ taken into custody at..... .(time) on .....(date) and is at present lodged in the .....jail.....(place).

B

I have the honour to inform you that Shri..... Member of lthe Lok Satha, was tried at the.....Court before me on a charge (or charges).....of (reasons for the conviction).

On.....(date) after a trial lasting for .....days, I found him guilty of and sentenced him to imprisonment for.....(period).

Where intimation of arrest or detention is sent by telegram, it is necessary that information on all the points mentioned in the appropriate forms should be given succinctly but clearly.

I have the honour to inform you that Shri.....Member of the Lok Sabha, who was convicted on.....(date) and imprisoned for..... (period) for.....(reasons 'for conviction) was released on bail pending appeal released on the sentence being set aside on appeal, us the case may be on the.....(date).

Your faithfully,

Sd/-

(Judge, Magistrate or Executive Authority.)

Third Schedule

(see rules 229 and 230)

Form of communication regarding arrest, detention, conviction or release, as the case may be, of a Member.

Place:

Date:

To

The Speaker, Lok Sabha,
New Delhi.

Dear Mr. Speaker,

A

I have the honour to inform you that I have found it my duty, in the exercise of my powers under section .....of the .....(Act), to direct that Shri. .....Member of lthe Lok Sabha, be arrested/ detained for.....(reasons for the arrest or detention, as the case may be).

Shri.....M.P., was accordingly arrested/ taken into custody at..... .(time) on .....(date) and is at present lodged in the .....jail.....(place).

B

I have the honour to inform you that Shri..... Member of lthe Lok Satha, was tried at the.....Court before me on a charge (or charges).....of (reasons for the conviction).

On.....(date) after a trial lasting for .....days, I found him guilty of and sentenced him to imprisonment for.....(period).

(His application for leave to appeal to*..... is pending consideration)

Name of the Court.

The procedure described above should also be followed in the case of arrest, detention, etc., of Members of the Rajya Sabha, the only difference being that the information is to given to the Chairman, Rajya Sabha, instead of the Speaker, Lok Sabha.

A Copy of the report to the Speaker, Lok Sabha/ Chairman, Rajya Sabha, should also be furnished to the Stat Gioverment simulaneously.

HIGH COURT OF ANDHRA PRADESH, AT HDYDERABAD.

CIRCULAR

Roc.No.5804/58-B1. Dated 24th December, 1958.

Sub:- Court-Arrest-Detention, etc., of Members of the Andhra Pradesh State Legislative Assembly and Legislative Council-Intimation to the Speaker or Chairman of the Council-Instructions Issued.

In continuation of the High Court's Circular Roc.No. 2920/58 B-1. dated 30-9-58 the Presiding Officers of all the subordinate criminal courts in the Stat are informed that under Rules 182 and 183 of the Andhra Legislative Assembly Rules (copies enclosed) intimation regarding arrest, detention, release, etc., of the Members of the Andhra Pradesh Legislative Assembly should be sent to the Speaker, Legislative Assembly. Similar reports in respect of Members of the Legislative Council may be sent to the Chairman of the Council pending issue of the rules in respect of the Andhra Prdesh Legislative Council. Copies of the reports sent to the Speaker, Legislative Assembly or to the Chairman Legislative Council should also be sent simultaneously to the Chief Secretary to Government, general Administration (Genl-A) Department.

Reports referred to above should specifieally contain the following information and should be in the forms appended to this circular.

(i) In the communication regarding arrest, detention or imprisonment of a Member of the State Legislature, the place of imprisonment or detention of the Member should in variably be specified;

(His application for leave to appeal to*..... is pending consideration)

Name of the Court.

The procedure described above should also be followed in the case of arrest, detention, etc., of Members of the Rajya Sabha, the only difference being that the information is to given to the Chairman, Rajya Sabha, instead of the Speaker, Lok Sabha.

A Copy of the report to the Speaker, Lok Sabha/ Chairman, Rajya Sabha, should also be furnished to the Stat Gioverment simulaneously.

HIGH COURT OF ANDHRA PRADESH, AT HDYDERABAD.

CIRCULAR

Roc.No.5804/58-B1. Dated 24th December, 1958.

Sub:- Court-Arrest-Detention, etc., of Members of the Andhra Pradesh State Legislative Assembly and Legislative Council-Intimation to the Speaker or Chairman of the Council-Instructions Issued.

In continuation of the High Court's Circular Roc.No. 2920/58 B-1. dated 30-9-58 the Presiding Officers of all the subordinate criminal courts in the Stat are informed that under Rules 182 and 183 of the Andhra Legislative Assembly Rules (copies enclosed) intimation regarding arrest, detention, release, etc., of the Members of the Andhra Pradesh Legislative Assembly should be sent to the Speaker, Legislative Assembly. Similar reports in respect of Members of the Legislative Council may be sent to the Chairman of the Council pending issue of the rules in respect of the Andhra Prdesh Legislative Council. Copies of the reports sent to the Speaker, Legislative Assembly or to the Chairman Legislative Council should also be sent simultaneously to the Chief Secretary to Government, general Administration (Genl-A) Department.

Reports referred to above should specifieally contain the following information and should be in the forms appended to this circular.

(i) In the communication regarding arrest, detention or imprisonment of a Member of the State Legislature, the place of imprisonment or detention of the Member should in variably be specified;

(ii) When a Member, who is under detention or is undergoing a sentence of imprisonment is transferred from one jail to another, the change in the place of detention or imprisonment, should also be intimated to the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be.

(iii) When a member is released from jail on any ground e.g., on bail pending appeal, prosecution or trial or on the sentence being set aside on appeal, such release should invariably be communicated to the Speaker or the Chairman, as the case may be.

Sd/-
S. OBUL REDDY,
Registrar.

Annexure

(see rules 182 and 183 of the Andhra Pradesh Legislative Assembly Rules).

Form of communication regarding arrest, detention, conviction or release as the case may be, of a Member of the Andhra Pradesh Legislative Assembly.

Place:

Date:

To

The Speaker, Andhra Pradesh,
Legislative Assembly,
Hyderabad-Division.

Dear Mrs. Speaker,

A

I have the honour to inform you tha you that I have found it my duty, in the exercise of my powers under section.....of the .....(Act), to direct that Sri.....Member of the Andhra Pradesh Legislative Assembly, be arrested/detained for.....(reasons for the arrest or detention, as the case may be);

Sri.....M.L.A. was accordingly arrested/ taken into custody at.....(time) on.....(date) and is at present lodged in the.....jail.....(place).

B

I have the honour to inform you that Sri..... Member of the Andhra Pradesh Legislative Assembly was tried at the .....Court befor me on a charge (or charges) of.....(reasons for the conviction).

On.....(date) after a trial lasting for... days, I found him guilty of.....and sentenced him to imprisonment for.....(period).

(His application for leave to appeal to*..... as pending consideration).

C

I have the honour to inform you that Sri..... Member of the Andhra Pradesh Legislative Assembly, who was convicted on.....(date) and imprisoned for.... (period) for.....(reasons for conviction) was released on bail pending appeal or prosecution or trial or released on the sentence being set aside on appeal, as the case may be on the.....(date).

Yors faithfully,

Sd/-

(Judge, Magistrate or Executive Authority.)

(ii) When a Member, who is under detention or is undergoing a sentence of imprisonment is transferred from one jail to another, the change in the place of detention or imprisonment, should also be intimated to the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be.

(iii) When a member is released from jail on any ground e.g., on bail pending appeal, prosecution or trial or on the sentence being set aside on appeal, such release should invariably be communicated to the Speaker or the Chairman, as the case may be.

Sd/-
S. OBUL REDDY,
Registrar.

Annexure

(see rules 182 and 183 of the Andhra Pradesh Legislative Assembly Rules).

Form of communication regarding arrest, detention, conviction or release as the case may be, of a Member of the Andhra Pradesh Legislative Assembly.

Place:

Date:

To

The Speaker, Andhra Pradesh,
Legislative Assembly,
Hyderabad-Division.

Dear Mrs. Speaker, A

I have the honour to inform you tha you that I have found it my duty, in the exercise of my powers under section.....of the .....(Act), to direct that Sri.....Member of the Andhra Pradesh Legislative Assembly, be arrested/detained for.....(reasons for the arrest or detention, as the case may be);

Sri.....M.L.A. was accordingly arrested/ taken into custody at.....(time) on.....(date) and is at present lodged in the.....jail.....(place).

B

I have the honour to inform you that Sri..... Member of the Andhra Pradesh Legislative Assembly was tried at the .....Court befor me on a charge (or charges) of.....(reasons for the conviction).

On.....(date) after a trial lasting for... days, I found him guilty of.....and sentenced him to imprisonment for.....(period).

(His application for leave to appeal to*..... as pending consideration).

C

I have the honour to inform you that Sri..... Member of the Andhra Pradesh Legislative Assembly, who was convicted on.....(date) and imprisoned for.... (period) for.....(reasons for conviction) was released on bail pending appeal or prosecution or trial or released on the sentence being set aside on appeal, as the case may be on the.....(date).

Yors faithfully,

Sd/-
(Judge, Magistrate or Executive Authority.)

Extract of Rules 182 and 183 of the Andhra Pradesh Legislative Assembly Rules.

182. Intimation to Speaker by Magistrate of arrest, detention, etc., of a Member:-

When a Member is arrested on a criminal charge or for a criminal offence or is senteneed to imprisonment by a court or is detained under an executive order, the committing Judge, Magistrate or Executive Authority, as the case may be, shall immediately intimate such act to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the members.

183. Intimation to Speaker on relese of Members:-

When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such facts shall also be intimated to the Speaker by the authority concerned.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

Circular Roc.No.4531/58-B1. dated 22nd January, 1959.

Sub:- Allowances-cum-Travelling allowance Bills of Special Railway Magistrates Drawal of Procedure Instructions-Issued.

A suggestion has been made that the Railway First class Magistrates in the Andhra area of the State functioning on the Southern Railway should send their T.A. Bills to the Dt. and Sessions Judges concerned for counter signature instead of to the office of the General Manager, Southern Railway at Madras as at Present.

The expenditure on account of the Railway Magistrates, Courts is, borne by the State Government in the first instance and subsequesntly recovered from the Railway administration through the agency of the Accountant-General, Andhra Pradesh. The claims of the Railway Magistrates for T.A. are also regulated in accordance with the Andhra Pradesh T.A. Rules.

The Railway Magistrates and their staff are under the administrative control of the concerned District and Sessions Judges. It is therefore proper that the T.A. Bills of the Railway Magistrates should be countersigned by the Dt. and sessions Judges.

The Dt. and Sessions Judges are requested to ensure that the T.A. Bills of the Railway Magistrates are countersigned by them instead of forwarding them to the General Manager, Southern Railway at Madras.

Sd/-
S. OBUL REDDY,
Registrar.

// t. c. f. b. o. //

Extract of Rules 182 and 183 of the Andhra Pradesh Legislative Assembly Rules.

182. Intimation to Speaker by Magistrate of arrest, detention, etc., of a Member:-

When a Member is arrested on a criminal charge or for a criminal offence or is senteneed to imprisonment by a court or is detained under an executive order, the committing Judge, Magistrate or Executive Authority, as the case may be, shall immediately intimate such act to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the members.

183. Intimation to Speaker on relese of Members:-

When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such facts shall also be intimated to the Speaker by the authority concerned.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

Circular Roc.No.4531/58-B1. dated 22nd January, 1959.

Sub:- Allowances-cum-Travelling allowance Bills of Special Railway Magistrates Drawal of Procedure Instructions-Issued.

A suggestion has been made that the Railway First class Magistrates in the Andhra area of the State functioning on the Southern Railway should send their T.A. Bills to the Dt. and Sessions Judges concerned for counter signature instead of to the office of the General Manager, Southern Railway at Madras as at Present.

The expenditure on account of the Railway Magistrates, Courts is, borne by the State Government in the first instance and subsequesntly recovered from the Railway administration through the agency of the Accountant-General, Andhra Pradesh. The claims of the Railway Magistrates for T.A. are also regulated in accordance with the Andhra Pradesh T.A. Rules.

The Railway Magistrates and their staff are under the administrative control of the concerned District and Sessions Judges. It is therefore proper that the T.A. Bills of the Railway Magistrates should be countersigned by the Dt. and sessions Judges.

The Dt. and Sessions Judges are requested to ensure that the T.A. Bills of the Railway Magistrates are countersigned by them instead of forwarding them to the General Manager, Southern Railway at Madras.

Sd/-
S. OBUL REDDY,
Registrar.

// t. c. f. b. o. //

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

CIRCULAR

Roc.No.6187/58-B1. dated 11th February, 1959.

Sub:- Courts-Process fees collections of Instructions issued.

The attention of all the presiding officers of the subordinate Court in the Telangana area is invited to the provisions of Sections 69 and 70 of the Andhra Court Fees and suits Valuation Act, 1958 extended to the Telangana area with effect from 1-4-58 and they are informed that the practice of collecting the process fees in the shape of proceeding fee stamps should be discontinued and that the same should be collected in the form of court fee labels.

Sd/-
S. OBUL REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

Roc.No.3422/58-B1.

CIRCULAR

Sub:- Courts-Civil and Criminal Printing of Civil and Sessions Judgements of the Subordinate Courts in the Telangana area Instructions issued.

The District and Sessions Judges in the Telangana area are informed that they should make early arrangements for the printing of civil and Sessions judgments of the courts in the Districts and that the authorised printers of the courts may be paid at the present rates in force in the Andhra area. They are also informed that if any of the local printers are not willing to undertake the printing work of the courts at the aforesaid ratos, printers outside the district who are willing to undertake the work, may be engaged for the purpose.

S. OBUL REDDY,
Registrar.

// t. c. f. b. o. //

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

CIRCULAR

Roc.No.6187/58-B1. dated 11th February, 1959.

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Sd/-
S. OBUL REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

Roc.No.3422/58-B1.

CIRCULAR

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The District and Sessions Judges in the Telangana area are informed that they should make early arrangements for the printing of civil and Sessions judgments of the courts in the Districts and that the authorised printers of the courts may be paid at the present rates in force in the Andhra area. They are also informed that if any of the local printers are not willing to undertake the printing work of the courts at the aforesaid ratos, printers outside the district who are willing to undertake the work, may be engaged for the purpose.

S. OBUL REDDY,
Registrar.

// t. c. f. b. o. //

CIRCULAR

Sub:- Courts Civil and Criminal Summons for the production of doucuments in the Custody of Parliament Procedure-Instructions-Issued.

The attention of all the subordinate civil courts is drawn to the provisions of Rule 76 of the Civil Rules of Practice and Cricular orders Vol. I relating to the issue of summons for the production of documents in the custody of public officers. The following instructions are issued for guidance whenever documents in the custody of Parliament or of a State Legislature have to be summoned by the Courts.

(i) As far as possible, only certified copies should be called for in the first instance and the original documents may be requisitioned only at a later stage of the proceedings, when the parties insist upon their strict proof.

(ii) It should be specified be specifially stated in the summons whether the production of a certified copy will be suffcient or whether an officer must appear before the court with the original do document.

(iii) Whenever any document in the custody of Parliament or of any State Legislature is required by a Court, it should first be seen whether the document is unpublished, in which case alone, a summons need issue. Published documents, such as the proceedings of the Parliament can be proved under Section 78 (2) of the Indian Evidence Act, 1872 by the production of authorised parliamentary publications.

(iv) Summons for the production of documents in the custody of the Lok Sabha or the Rajya Sabha may be issued to the Speaker of the Lok Sabha or to the Chairman of the Rajya Sabha as the case may be. Similarly, in respect of documents in the custody of a State Legislature, the Speaker of trhe Legislative Assembly or the Chairman of the Legislative Council as the Case may be should be addressed for their production.

HIGH COURT OF ANDHRA PRADESH HYDERABAD

CIRCULAR

R.O.C. No. 2021/59-Bi.
Dated 4th May 1959.

Sub:-Delay in submission of material objects to the High Court by the Sessions Court Instructions Issued.

it has been observed that some of the Sessions Courts are causing delay in sending material objects to the High Court resulting in undue delay in the disposal of cases.

The Sessions Judges are requested to forward the material objects along with the records particularly in the case of appeals against acquittals.

K.V.L. NARSIMHAM
Registrar

HIGH COURT OF ANDHRA PRADESH
P. Dis. No. 728/59. B.1.

CIRCULAR

Sub:-Grant of certified copies - Stamped - impressions Instructions to Subordinate Courts-Issued.

Rule 133 of the Civil Rules of Practice and Circular Orders, Volume I requires that every certified copy shall bear an endorsement showing the following dates.

1. Application made
2. Stamp papers (or charges) called for
3. Stamp papers (or charges) deposited
4. Copy ready and
5. Copy delivered (or posted)

It has been observed that the stamped impressions on many of the certified copies furnished by the subordinate Courts are not quite clear and legible.

The High Court therefore directs that the stamped impressions showing the above particulars on the certified copies should be clear and legible.

K.V.L. NARASIMHAM,
Registrar.

CIRCULAR

HIGH COURT OF ANDHRA PRADESH HYDERABAD

ROC. No. 4546/59-B1. dated 25-4-1960

Sub:-Process Service-Return of Service-Instructions issued in the Civil Rules of Practice and Orders -Strict compliance of.

It has been observed that the rules and instructions with regard to the return of service of process are not being followed strictly.

Rules 51-55 of the Civil Rules of Practice contain the provisions with regard to the return of service verification of returns etc., High Court's Circular Dis. No. 781 of 1922 contains the instructions issued for the guidance of process-server and returning officers. High Court's Circular Dis No.1450 of 1925 indicates the action to be taken in the case of defective service.

The atention of the Subordinate Courts is invited to the Rules and Circulars (copies enclosed) referred to above and they are requested to see that they are strictly followed.

A.D.V. REDDY
Registrar

HIGH COURT OF ANDHRA PRADESH HYDERABAD.
Roc. No. 5660/60.B.1. D/18-8-1960.

CIRCULAR

Sub:-Civil Justice-Arrest & Trial of Persons subject to Military Navy or Air Force law-Instructions issued.

A copy of the Criminal Courts and Court Martial (Adjustment of jurisidiction) Rules, 1952 is communicated to all the Criminal Courts in the State. These rules were framed by the Cenral Government U/s 549 (1) Cr. P.C. The Criminal Courts are therefore expected to follow the said rules strictly.

A copy of the letter No. 59/54 Judl. D/14-7-54 from the Ministry of Home Affairs, Government of India also is communicated. The Govt. of India have observed that if the report of arrest is sent immediately after the event, the commanding officer would be able to adopt such timely measures as may be necessary in the circumstances of the case, while any delay or commission would not only cause administrative inconvenience both to the Military and to the Civil authorities but also affect the morale and confidence of the defence personnel. The Sessions Judges (Addl. Sessions Judges in Andhra area) are requested to ensure prompt compliance of the instructions of the Government of India in this behalf.

To

1. The District & Sessions udes, including Additional District & Sessions Judges in Andhra area (with encl).

2. Chief City Magistrate, Hyderabad (with encl.)

1. (1) These rules may be called the Criminal Courts and Court Martial (Adjustment of Jurisdiction) Rules, 1952.

(2) They extend to the whole of India except the States of Jammu and Kashmir and Manipur.

II. In these rules unless the context otherwise requires:-

(i) "Commanding Oficer"

(a) In relation to a person subject to Military law means the Officer Commanding the Unit or detachment to which such person belongs or is attached;

(b) In relation to a person subject to Naval law means the Commanding Officer of the ship to which such person for the time being belongs, and

(c) In relation to a perosn subject to Air Force Law means the officer for the time being in Command of the Unit or detachment to which such person belongs or is attached.

(ii) "Competent military authority" means the Officer Commanding the army, army corps, dicision, area, independent sub-area or independent brigade in which the accused person is serving, and, except in cases falling under section 69 of the Army Act, 1950 (XLVI of 1950) in which death has resulted, the Officer Commanding the brigade or sub-area or station in which the accused person is serving.

(iii) "Competent naval authority" means the Chief of the Naval Staff, or Eag Officer (Flotilla) Indian Fleet or Commodore-in-Charge, Bombay, or Commodore-in-charge, Cohin, or Naval Officer-in-charge, or Senior Naval Officer present and.

(iv) "Competent Air Force Authority" means the Officer commanding the Command, wing or station in

which the accused person is serving, and when death has resulted except in cases falling under section 72 of the Air Force Act, 1950 (XLV of 1950), the Chief of the Air Staff.

III. Where a person subject to Military, Naval or Air Force law is brought before a Magistrate and charged with an offence for which he is liable to be tried by a court-martial, such Magistrate shall not proceed to try such person or to inquire with a view to his commitment for trial by the Court of Sessions or the High Court for any offence triable by such Court, unless.

(a) He is of opinion, for reasons to be recorded, that he should so proceed without being moved thereto by competent Military, Naval or Air Force authority, or.

(b) He is moved thereto by such authority.

IV. Before proceeding under clause (a) of rule III, the Magistrate shall give written notice to the Commanding Officer of the acused and until the expiry of a period of seven days from the date of the service of such notice he shall not.

(a) convict or acquit the accused under sections 243, 245, 247 or 248 of the Code, or hear him in his defence under section 244 of the Code; or.

(b) frame in writing a charge against the accused under section 254 of the Code; or.

(c) Make an order committing the accused for trial by the High Court or the Court of Sessions under Section 213 of the code;

(d) Transfer the case for inquiry or trial under section 192 of the Code;

V. Where within the period of seven days mentioned in rule IV, or at any time thereafter before the Magistrate has done any act or made any order referred to in that rule, the Commanding Officer of the accused or competent Military, Naval or Air Force authority, as the case may be, gives notice to the Magistrate that in the opinion of such authority, the accused should be tried by a court-martial, the Magistrate shall stay proceedings and if the accused is in his power or under his control, shall deliver him, with the statement prescribed in sub section (1) of section 549 of the Code to the authority specified in the said sub-section.

VI. Where a Magistrate has been moved by competent Military, Naval or Air Force authority, as the case may be, under clause (b) of rule III, and the Commanding Officer of the accused or competent Minitary, Naval.

- continued -

HIGH COURT OF ANDHRA PRADESH HYDERABAD
ROC. No. 3193/59 B-1. D/ 25th August, 60.

CIRCULAR

Sub:-Contempt of Court - Procedure for Subordinate-Courts in sending reports to the High Courts-Instructions-Issued.

The High Court has had occasions to notice that some of the Subordinate Courts are entertaining applications for alleged Contempt filed by suitors before them, hearing the parties in open court and then 'Committing' the case to the High Court. The High Court considers such a procedure irregular since it is only the High Court that can take cognizance of Contempt whether it be of itself or of a Court Subordinate to it, except where the Contempt of a Subordinate Court is an offence punishable under the Penal Code. The following instructions are therefore issued for the guidance of Subordinate Courts in the Matter.

(1) Where the Contempt is alleged to have been committed by a party to the suit or proceedings in Court, the aggrieved party may file his application directly in the office of the Registrar under Rule 2 of the Contempt of Court Rules of the High Court.

2. Where the Contempt is alleged to have been Committed by a third party, the Subordinate Court may make a confidential departmental enquiry into the matter, and after satisfying itself that a prima facie case for contempt has been made out may make a report to the High Court.

The above instructions will not in any way affect the jurisidiction of the Subordinate Courts to refer suomotu any case to the High Court.

A.D.V. REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH

Roc. No. 1527/60.B.1. Dated 4th October, 1960.

CIRCULAR

Sub:-Accommodation for the supperintendents of Police while attending Trials in the Sessions courts Instructions Issued.

The Government in G.O.Ms. No. 1829 datd 3-12-1868 directed that suitable accommodation may be provided for the District Officers of the Police while attending trials in Sessions Courts.

It has been observed that no uniform practice is being followed in the districts in the matter of providing accommodation for the Superintendents of Police while attending trial of Sessions Cases.

With view to have uniform practice in the matter throughout the State the High Court desires that a chair and a table may be provided near the Bar table in the Court hall to all District Offciers of the Police in the District and Commissioner of Police in the twin cities when they attend Sessions trials.

A.D.V. REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

CIRCULAR.

P.D s. No. 807/60-E2. Dated: 5-10-1960.

Sub:- Act - Children Act - Opening of a separate Girls Certified School and Remand Home for Girls at Mushirabad, Hyderabad - Instructions.

Ref:- Letter No. 396/94/60 dated 9-8-60 from the Inspector General of Prisons, Andhra Pradesh Hyderabad.

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All District and Sessions Judges are informed that the Government of Andhra Pradesh, Hyderabad have established a Certified School and a Remand Home for girls and that the said Schools started functioning from 2-3-1960 at Mushirabad, Hyderabad. The Inspector General of Prisons, Andhra Pradesh has brought to the notice of the Hight Court that the strength of the juvenile girls committed to the above two institutions is not much: presumably because many of the Magistrates are not aware of the existence of the said schools. He therefore requests that suitable instructions may be issued to all the Committing Magistrates working in the State about the existence of the Girls Certified School and Remand Home and the need of making use of the aforesaid institutions.

All District and Sessions Judges are therefore requested to bring to the notice of the Magistrates working under their control about the existence and fuctioning of the above two institutions and to instruct them to commit, as far as possible, the girl offenders to the above two schools.

The Chief Judge, City Civil Court and the Chief City Magistrate are also requested to issue instructions accordingly to the Magistrates subordinate to them. They may also be instructed that when girl offenders are directed to be remanded pending trial, they may be confined in the Remand Home.

In this connection, a copy of insturctions issued under item 17 of Manual of Instuctions for guidance of the Magistrates dealing with juvenile offenders is also appended for reference. (copy of extract is appended hereto for ready reference). offenders should be committed under the orders of Government.

A.D.V. REDDY,
Registrar.

In the application of the provisions mentioned above, the age of the offender is an important factor. The finding of the convicting court regarding the age is held to be final, and therefore the Magistrate should bestow due care in determining this question. The Magistrates should not accept vague statements made either by the accused or given by the police in the charge-sheet. The age should be estimated by the Magistrate himself with reference to the evidence on record. The Magistrate will do well to take medical opinion in such cases. In many cases, it should suffice if the offender is sent to the nearest Government Medical Officer for a certificate as to the age of the offender On the basis of such a certificate, the Magistrate, could come to conclusion as to the age without examining the Medical Officer, unless either the prosecution or the accused desires to have the Medical Officer examined in court as a court witness.

It is very essential to bear in mind that an accused person to whom the provisions of the Madras Children Act apply should be kept in suitable custody during the trial.

Persons under the age of 16, even when arrested by the police would normally be released by the police.

themselves on bail. If such persons are, however, produced in custody before a Magistrate, he should normally avoid their detention in sub-jails pending either investigation by the police, or production before a juvenile court. The Magistrate should normally release such an accused person on bail of a suitable person is willing to stand surety for him, and the Magistrate should himself take steps to verify if sureties are available without awaiting a formal application from or on behalf of the accused. If a parent or a near relation or guardian cannot be found to take care of the juvenile accused, it may be desireable for the Magistrate to find out if a well-intentioned person of good character may be persuaded to keep the juvenile accused in custody till the investigation is completed, or the case is disposed of. The juvenile accused may even be released on his own recognizance if the Magistrate considers that there is no serious risk of the accused absconding. The police constables who produce the juvenile offender before the Magistrate should, whevever possible arrange to bring sureties also along with the accused. The main principle, to the borne in mind by the Magistrate is that the juvenile accused is kept out of jail before and during the trail, where-ever it is possible. In the rare cases where there is no option but to remand the juvenile accoused to custody in the sub jail, the Magistrate should ensure that the juvenile accused is segregated and not allowed to mix with the other undertrial prisioners or with the convicts in the sub jail.

A.D.V. REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

CIRCULAR

R. Dis. No. 657/60. Dated: 2-11-1960.

Sub:- Public Services - Andhra Judicial Ministerial service - Promotions from one category to another where passing of the special tests is required - Instructions - Issued.

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Instances have come to the notice of the High Court that the appointing authorities are making appointments or promotions by appointing Junior qualified members while senior members are awaiting publication of results of the special posts for which they had appeared. No doubt qualified candidates are eligible for appointment irrespective of the fact that their seniors are awaiting results of the tests for which they have apeared and a pass in which is a pre-requisite for being promoted. To obviate the hardship that would be caused to the senior members by such promotions the appointing authorities may, while making appointments, call for and take into consideration the claims of such of those senior members who are awaiting results of the tests if they are otherwise qualified and suitable; and make appointments by promoting qualified junior members if absolutely necessary, on a purely temporary basis till the results or the special tests are announced.

A.D.V. REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

CIRCULAR

Roc.No. 6813/60.B.1. Dated: 7-11-1960.

Sub:- Printing of Sessions Judgments - Bills for payment - Instructions - Issued.

Ref:- (i) High Court's circular Roc. No. 3422/58.B.1., dated 30-3-1959.

(ii) High Court's official Memorandum Roc. No. 3422/58.B.1 dated 20-5-1959.

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The High Court in the circular first cited, directed the District and Sessions Judges to make arrangements for the printing of Civil and Sessions Judgments in the districts and that the authorised printers of the courts may be paid at the rates in force in the Andhra area. In High Court's O.M. second cited they were furnished with the rates of printing Civil & Sessions Judgments in force in the Andhra area for information. It has since been brought to the notice of the High Court that some of the printers are not satisfied with the payments made by the Director of Printing and that they are giving up the printing of Sessions Judgments. They are also claiming exorbitant rates for the work done.

The attention of the District & Sessions Judges is invited to the note under rule 174 of the Criminal Rules of Practies wherein, it is provided that the Sessions Court will supply to the printer from its own stock of stationery the paper required to print its Sessions Judgments. (G.O. 1414 Judl. (26-10-1909). It is not clear whether the Sessions Judges have been supplying paper for printing of Sessions Judgments as required by the G.O. referred to above. On a reference

made by the Director of Printing regarding the made of calculating the rates for printing, the Government in Memo. No. 1832/A/60/8 dated 4-8-60 (copy enclosed) clarified the position, stating that either the required paer should be supplied by the Court or the cost of the paper alone should be paid to the printer in respect of printing of Sessions Judgments in addition to the rates prescribed for the first copy.

The District & Sessions Judge are directed to terminate immediately the services of such printers who are not willing to undertake the work at the prescribed rates, and to make arrangements with the printes anywhere in the State who are willing to under take the work on the terms referred to above. Printers who are not supplied with the paper for printing of Sessions Judgments are entitled to the cost of the paper as per the Government memo No. 1832/A/60-8 dated 4-8-60 and their claims may be settled through the Director of Printing.

A.D.V. REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

CIRCULAR

Roc. No. 244/61.B.1. Dated: 2-3-1961.

Sub:- Civil Rules of Practice and Circular Orders C.O.S. at page 195-197 as amended by the Composite High Courts Roc.No. 845/54.B.1. dated 21-5-1954 - Instructions - Issued.

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A copy of the letter No. 22/56-60/Judl.II dated 7-12-1960 from the Government of India, Ministry of Home Affairs is communicated to all the District Judges for imformation and guidance.

2. The attention of the District Judges is invited to the circular orders mentioned in the subject (copy enclosed). The are requested to see that the said circular orders are duly followed.

Copy of letter No. 22/56/60. Jud.II, Government of India, Ministry of Home Affairs, Under Secretary to Government of India, addressed to the Chief Secretaries to the Government of all States.

Sub:-Attachement of pay and Allowances of Persons In Military Service.

Sri,

Incontinuation of the Ministry of Home Affairs letter No. 5/51 Judicial Dated 7th January, 1954 (copy enclosed for ready reference) on the above subject, I amdirected to say that the pay and allowances of all personnel subject to Army/ Navy/ Air Force Acts are immune from attachment in accordance with the provisions of Section 28/20/28 thereof (coy enclose) for ready reference). Clause (j) of the provision of sub section (1) of Section 60 fo the Code of Civil Procedure, 1908 also provided that the pay and allowances of persons to whom the Air Force Act, 1950 or the Army Act, 1950 applies or of persons other than commissioned officers to whom the Indian Navy (Discipline) Act, 1934 applies shall not be liable to attachment. The latter Act has since been repealed by section 186 of the Navy Act, 1957. Inspite of these provisions, it sometimes happen that through oversignt, Civil Courts pass decrees against such personnel and serve attachment orders on the concerned disbursing officers for satisfaction of the decrees. Under the rules in force, the concerned disbursing officer, receiving an order of attachement, is required to take steps at once on behalf of the individual concerned to have the attachement order set aside, after getting the necessary legal advice, which involves considererable expenditure by the State.

2. I am to request that if the State Government you see no objection the High Court/Judicial Commissioner's Court may be moved to bring the above facts to the notice of the subordinate courts for their guidance so that the hardship experienced by personnel subject to the Army/Navy/Air Force Acts as well as infructuous expenditure from Central Revenue may be eliminated.

The receipt fo this letter and of its enclosures may kindly be acknowledged.

Sd/-

K. THYAGARAJAN,
Under Secretary to the
Government of India.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No.4776/59.B1 Dated 22nd May, 1961.

It has been brought to the notice of the High Court that in some of the Courts in the Telangana area, some process-servers are exclusively deputed to guard duty, while others are exclusively sent for serving processes.

The attention of the courts is invited to the provisions of the second paragraph of sub rule (2) of Rule XXII of the Process Service Rules, which lay down 'peons engaged on guard duty shall be told off in rotation for one month at a time from the whole number of peons'. They are also informed that the rule makes no distinction between regular and additional and permanent and temporary process-servers for the purpose.

Sd.
G. VENKATAKRISHNAIAH,
Assistant Registrar (A.D) and
Vacation Officer.

CIRCULAR

Roc.No.4776/59.B1 Dated 22nd May, 1961.

A copy of the rules regarding Pleaders' Clerks in Mufassal Civil and Criminal Courts printed at pages 314-316 of the Civil Rules of Practice is furnished to each of the subordinate courts in the Telangana area for guidance.

Sd.
G. VENKATAKRISHNAIAH,
Assistant Registrar (A.D) and
Vacation Officer.

J.276-6

HIGH COURT OF ANDHRA PRADESH

CIRCULAR

Roc.No.2226/61. B1. Dated 29th May, 1961.

Sub: VEXATIONS LITIGATION (PREVENTION) ACT, 1949 - Order passed in C.M.P. 239 of 1960 on the file of the High Court in the matter of P.H. Mowle - Instructions to subordinate courts - Issued.

In C.M.P. No. 239 of 1960 on the file of the High Court the Hon'ble the Judges have ordered that no proceedings, civil or criminal, shall be instituted by Sri P.H.Mowle, S/o. H.A.Mowle, Proprietor, M/s.P.H.Mowle and sons, Kamal Nivas, Barkatpura, Hyderabad -

in the City of Hyderabad, without the leave of the High Court ;

in the City of Secunderabad, without the leave of the Chief Judge, City Civil Court; and

elsewhere, without the leave of the Dt. and Sessions Judge concerned.

All the Subordinate Courts are therefore directed not to entertain any proceeding by the said Sri P.H.Mowle, without the leave of the courts mentioned above.

Sd.
A.V.V. REDDY,
Registrar.

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

P.Dis.No. 486/61-B1. Dated 5-8-1961.

CIRCULAR

Sub: RULES AND RULINGS - Service of Processes and orders - Collection of fee for serving orders of appointment of Receivers and Commissioners - Instructions - Issued.

It has been brought to the notice of the High Court that while process fee is being collected for serving orders of appointment of Receivers and Commissioners in some districts, it is not being collected in some other districts. The High Court issues the following instructions in the matter:

According to Rule I in Order XLVIII C.P.C. every process issued under the Code shall be served at the expense of the party on whose behalf it is issued. Rule 2 in the said order provides that all orders required by the code to be served on any person shall be served in the manner provided for the service of summons. It is evident from these rules that process fee has to be collected for serving orders of appointment of Receivers and Commissioners also.

In the circumstances, the High Court directs that fee should be collected for serving orders of appointment of Receivers and Commissioners as per item IV of the Schedule of Process Fee provided at page 226 of Civil Rules of Practice, Vol.I, which includes 'orders' also, in addition to proclamation and injunctions.

Sd.
Y. VE[illegible]TESWARA RAO,
[illegible]strar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

R.Dis.No. 465/61-B1, Dated 9-8-1961.

Sub: CRIMINAL JUSTICE - Service of processes - Complaints by Magistrates to the police - Instructions contained in 'A Manual of Instructions for Subordinate Magistrates - Communicated.

It has been brought to the notice of the High Court tht a Munsif Magistrate addressed the Superintendent of Police complaining that he received no replies from the Sub-Inspectors of Police to the reminders issued by him regarding service of processes in some long pending cases. It is reported that the Superintendent of Police took objection to a Munsif Magistrate addressing a District Official direct. But the Munsif Magistrate relied on the Circular No.5 dated 7-6-1953 F, of the former Hyderabad High Court.

Munsif Magistrates are informed that by this High Court's Roc.No.4168/57-B1, datd 13-3-1958, the circulars issued by the erstwhile Hyderabad High Court stood replaced from 1-4-1958. Therefore they have to follow the instructions contained in "A Manual of Instructions for Subordinate Magistrates". An extract of the said instructions on the subject is communicated to all the Munsif Magistrates and they are directed to ensure that all complaints in the matter are made to the Superintendent of Police only through the Sessions Judge concerned.

Sd.
Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No.1995/61-B1, Dated 17-8-1961.

CIRCULAR

Sub: SUMMONS - Summons for production of documents - Issuing to the Regional Transport Officers and staff working under them - Instructions to Courts - Issued.

It has been brought to the notice of the High Court that some of the Subordinate Courts are issuing summons for the production of documents to the Regional Transport Officers and their Subordinates by name and that considerable difficulty is caused when the officer named in the summons is transferred in the meantime. Therefore, it has been suggested that summons for production of documents should be issued to the Regional Transport Officers, in their capacity as such and not by name so that may depute competent persons for the purpose and that office may be summoned by name only when their personal attendance is considered essential.

1. Subordinate Courts are well aware of the Provisions of S.94 Cr.P.C. and R.6 of Or.XVI C.P.C. under which a person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such documents to be produced instead of attending personally to produce the same. They should not therefore insist on the personal attendance of any particular officer, unless it is indespensible.

2. The attention of the Presiding Officers of Civil Courts is also invited to Rule 76 of the Civil Rules of Practice. They are informed that summons for production of records of the Regional Transport Offices should be addressed only to the Regional Transport Officers (and not in their name) who will cause the production of the required papers by some competent number of their staff.

Sd.
Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No.86 /62. B.1. Dated 6th Jan, 1962.

Sub: JUDGMENTS - Form of judgment in Civil and Criminal cases - Annexing list of witnesses - Instructions issued.

It has come to the notice of the High Court that list of witnesses examined and exhibits marked is not being annexed to the judgments of subordinate courts in some cases.

Rule 84 of the Civil Rules of Practice, Volume I requires that a list of the exhibits filed and witnesses examined should be annexed to every judgment. Similarly, Rule 74 of the Criminal Rules of Practice lays down that a list of witnesses examined by the prosecution and for the defence and by the court as also a list of exhibits and material objects shall be appended to every judgment.

The attention of the Presiding Officers of Civil and Criminal Courts is invited to the above rules and they are requested to see that they are strictly complied with by annexing to the judgment or order, appending of evidence in all cases.

Sd.
Y. VENKATESWARA RAO.
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 871/62. B.1, Dated 31st Jan. 1962.

It has been brought to the notice of the High Court that some of the Munsif Magistrates are remanding under-trial prisoners to the District Jails, on the ground that there is no provisionin the budget for maintaining the local sub jails.

The Inspector General of Prisons has since informed the High Court that he has made sufficient provision in the budget and placed it at the disposal of the Collector and District Magistrate for distribution among the various sub jails in every district. He has also informed that in any case the funds allotted are not sufficient, the Superintendent of the Sub Jail should move the Inspector General of Prisons through the District Magistrare for additional allotment.

In the circumstances, all the Munsif Magistrates are informed that they should remand the under-trial prisoners only to the sub jails concerned and not to the District jails.

Sd.
Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 4174/62. B.1. Dated 25th June 1962.

Sub: CRIMINAL JUSTICE - Judgments in respect of Postal servants - Supply of copy to the Post-master General - Instructions issued.

The Post Master General has brought to the notice of the High Court some instances where subordinate criminal courts refused to supply him with free copy of the judgment in cases concerning postal servants.

The proviso to sub rule (4) of Rule 329, Criminal Rules of Practice empowers criminal courts to supply copies of their judgments asnd orders convicting, acquitting or discharging 'Government servants accused of offences to Heads of Departments applying for them, and to debit the charges incurred to their contingencies. Explanation 2 thereunder lays down that the Post Master General shall be deemed to be a head of the Department for the purposes of the said proviso.

The attention of the subordinate criminal courts is invited to the provisions mentioned above and they are requested to follow them strictly.

Sd.
Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 2678/62. B.1 Dated 29th June, 1962.

Sub: CIVIL JUSTICE - Printing of judgments - Instructions - Communicated.

It has been brought to the notice of the High Court that the original judgments of a District Munsif's Court was lost when it was sent for being printed. According to the instructions incorporated at pages 151 and 152 of the Civil Rules of Practice, original judgments should not be sent and only fair copies thereof should be sent to the printer.

A copy of the Instructions is communicated to all the subordinate courts in the Telangana area. The Presiding Officers are requested to follow the instructions strictly, since it would be very difficult and at times impossible to reconstruct the original judgments if they are lost.

Sd.
Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 5080/62. B.1. Dated 28th July, 1962.

Sub: INSPECTION - Bench Courts - Instructions issued.

It has been brought to the notice of the High Court that in some districts, Additional District and Sessions Judges have been inspecting the Bench Courts.

Attention of the Addl.Sessions Judges is invited to the High Court's Circular Roc.No.4482/58.B.1., dt. 19-12-58 and they are informed that Judicial Second

Class Magistrates and Munsif Magistrates alone should inspect the Bench Courts and that they should submit their inspection reports to the Addl. Sessions Judges for their orders.

The High Court directs that any practice contrary to that laid down in the aforesaid circular should cease with immediate effect.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

P.Dis.No.315/62. B.1. Dated 19-9-1962.

Sub: LAND ACQUISITION ACT - Compensation and other money deposited in court - Instructions for disposal of - Issued.

The High Court issues the following instructions for the disposal of compensation and other amounts deposited in court under the provisions of the Land Acquisition Act, 1894:-

1. In 1943, the Composite Madras High Court issued a circular for the disposal of petty cases. A copy of the said circular is communicated herewith and the courts may follow the procedure laid down therein in regard to petty cases.

2. As regards other cases, it has been suggested for consideration of the High Court that the amounts may be invested in Government securities for specified period and if the parties do not move the court within that period, they may be lapsed to Government. But the District Judges are informed that there is no provision in the Land Acquisition Act for lapsing the

amounts. They are therefore advised to invest the amounts in National Savings or other Government Securities which could be encashed at any time after giving an opportunity to the parties concerned even in cases coming under Sec. 33 of the Land Acquisition Act.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

P.Dis.No. 481/62. Dated 2-11-62.

CIRCULAR

Sub: CODE OF CRIMINAL PROCEDURE - SEC. 479-A - Procedure to be followed where the main case out of which the complaint has been made is appealable - Instructions issued.

Recently a case has come up before the High Court where a complaint made by a Sessions Judge under sub-section (1) of Section 479-A Cr.P.C., was disposed of while there was still time for preferring an appeal in the main case though no appeal was actually filed by then. Consequently the order passed by the High Court later on, directing the withdrawal of the complaint made under Section 479. A(1) Cr.P.C., could not be given effect to since the complaint was disposed of even before the appeal in the main case was preferred.

In order to prevent the recurrence of such cases, the High Court issues the following instructions in the matter:-

When an appeal has been preferred against the decision in the main case out of which a complaint was made under sub-section (1) of Section 479-A, the First Class Magistrate to whom the complaint was made should adjourn the hearing of the complaint under sub-section (4) thereof until the appeal is disposed of. The High Court directs the First Class Magistrate should also

adjourn the hearing of the complaint till after the expiry of the period allowed for the presentation of the appeal, when the decision in the main case is appelable. In such cases he should ascertain from the court concerned whether an appeal was actually filed from the decision in the main case and if so with what result.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

R.Dis.No. 507/62. dated 26th November, 1962.

CIRCULAR

Sub: SUMMONS - Services on the Railway Administration and the Government of India - Instructions - Issued.

It has been brought to the notice of the High Court that summons in suits against Railways are sent to the Secretary to the Railway Board, New Delhi, instead of serving them direct on the General Manager or the Deputy General Manager or the Chief Administrative Officer of the Railway concerned.

Copies of the following notifications of the Government of India are communicated to all the Subordinate Courts :-

(1) G.S.R. 1138 d/-11-9-1961.
(2) G.S.R. 1269 d/- 7-10-61.

By virtue of the second notification issued under Rule 2 of Order XXVII C.P.C., the officers mentioned in the schedule to the first notification shall be deemed to be the recognised agents by whom appearances acts and applications under C.P.C. may be made or sent on behalf of the Government of India in respect of Judicial Proceedings relating to the Railway Administration. Under Rule 12 of Order V C.P.C., where there is

an agent empowered to accept service it shall be sufficient to serve the summons on him and under Rule 3 of Order III C.P.C., it shall be as effectual as personal service.

2. It has also been brought to the notice of the High Court that summonses served on the Government of India do not specify the particular Department cocerned and are not accompanied by copies of plaints.

The Presiding Officers of subordinate courts are informed that in order to avoid inconveniance in locating the Department concerned and the delay in the service of summonses, summonses intended to be served against the Government of India should be addressed to the particular Department concerned. They should also see that every summons is accompanied by a copy of the plaint as required by Rule 2 of Order V C.P.C.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

Roc.No. /62. B.1 Dated 28th November, 1962.

CIRCULAR

Sub: CRIMINAL JUSTICE - Submission of records and material objects - Instructions - Issued.

The High Court has had occassions to notice that the Subordinate courts, particularly in the Telangana area have not been strictly following the rules in regard to the submission of material objects to the High Court. The following instructions are therefore issued for the guidance of the Subordinate Courts in the matter.

(1) Under Rule 74 of the Crl.Rules of practice, and a list of exhibits and material objects should be appended to every judgment.

(2) List of material objects has to be given in Judicial Form No.129 A of the Crl.R.P. A copy of the said form is furnished herewith. Attention is invited to the notes printed below the form, particularly notes printed (a) and (b) and the Presiding Officers of Subordinate Courts are requested to ensure strict compliance of the instructions contain therein.

It has also been noticed that copies of the judgments and other records contain numerous grammatical and other mistakes and that translations are sometimes very defective. Sessions Judges are requested to see that such mistakes do not recur.

Y. VENKATESWARA RAO
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

CIRCULAR

P.Dis. 523/62. Dt: 13-12-1962.

Sub: Criminal Justice - Cases under the Railways Act - Basic fare and excess charge or fine - showing of separate accounts.

All the Railway Registrates are informed that while remitting in the treasury amounts realised under the Railways Act, the basic fare and excess fare or fine, as the case may be, should be mentioned separately in the challans.

They are also informed that the Railway Administration is being moved to issue suitable instructions to their officers authorised to file complaints in the courts to show separately the basic fare and the excess fare in every claim preferred by them.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

CIRCULAR

Roc.No. 88/62, Bon.B.1. Dt. 1-4-1963.

Sub:- Courts - Civil and criminal - Service of summonses processes etc on Members of the Legislative Assembly and the Council - Practice of addressing the Speaker - Discontinuance of Instructions - Issued.

Ref: High Court's Circular Roc.No. 88/62.

In continuation of the High Court's Circular cited the Presiding Officers of the Subordinate Courts are

informed that instances have come to the notice of the High Court that some of the Judicial Officers are sending summonses, processes etc , intended for service on Members of the State Legislative Assembly to the Speaker of the House for effecting service.

The attention of all the Judicial Officers is invited to the instructions issued in the High Court's Circular Roc.No. 6437/58.B1. dated 12-12-1968 (copy enclosed) deprecating such procedure as it is highly improper and irregular and amounts to contempt of the Speaker and breach of privilege of the House. The instructions issued in the High Court's circular cited should be read with the instructions contained in the aforesaid circular dated 12-12-1958.

Y.VENKATESWARA RAO,
Registrar.

Copy of Circular Roc.No. 6437/58,B1., dated 12-12-1958 from the High Court of Andhra Pradesh.

Sub: Courts - Civil and Criminal - Service of summonses, processes etc. on members of the Legislative Assembly and the Legislative Council - Practice of addressing the Speaker - Discontinuance of - Instructions - Issued.

Instances has come to the notice of the High Court of some of the Subordinate Courts sending summonses, processes etc., intended for service on members of the Legislative Assembly to the Speaker of the House for effecting service. The Presiding Officers of all Subordinate Courts, Civil and Criminal, are hereby informed that such a procedure is highly improper and irregular and would even amount to contempt of the Speaker and a breach of privileges of the house. Under

no circumstances should the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, or the Secretary of the Legislature be addressed in regard to the service of such summons, processes etc., on Members of the Legislature. The proper coure in such cases would be to effect service through the agency of the court or the police officer concerned, as the case may be. If quicker service is desired, the summons could be sent by registered post with acknowledgement due direct to the person concerned.

All Judicial Officers are warned against using the agency of the Speaker of the Assembly or the Chairman of the Legislative Council or other official of the Legislature Secretariat for the purpose of effecting service of summonses, processes etc., in civil and criminal cases.

S. OBUL REDDI,
Registrar.

HIGH COURT OF ANDHRA PRADESH, AT HYDERABAD

Roc. No. 2148/63-B1. Dated 7-9-1963.

CIRCULAR

Sub:-Arrest, Detention, etc., of Members of Parliament and of State Legislature.

Copies of the following references are communicated to all the Sessions Judges in the State:-

(1) Letter No. 12/2/62-P. IV, dated 9-1-63 from the Government of India, Ministry of Home Affairs, together with Memo No. 212/63-4, dated 15-3-63 of the Government of Andhra Pradesh, G.A. (Genl.A) Department, and
(2) Letter No. 12/1/63-P. IV, dated 25-3-63 from the Government of India, Ministry of Home Affairs.

2. In High Court's Circular Roc. No. 2920/58-B1, dated 30-9-58 instructions were issued to the effect that intimation should be given to the Speaker, Lok Sabha/Chairman, Rajya Sabha of arrest, detention, etc., of Members of Parliament. The Government of India now desire that such intimation should be given also in the case of cancellation of bail and surrender of the accused before the Court. The State Government have also pointed out that the same procedure should be followed in the case of Members of the State Legislatures too in regard to whom instructions were issued in High Court's letter Roc. No. 5804/58-B1, dated 24-12-58.

3. The Government of India also desire that intimation of the arrest, detention, etc., of Members of Parliament should be given to the Government of India in the Ministry of Home Affairs, at the same time as the Speaker, Lok Sabha/Chairman, Rajya Sabha. It may be recalled that under High Court's Circular

Roc. No. 5804/58-B1, dated 24-12-58 intimation of the arrest etc.; of the Members of the State legislature should also be sent simultaneously to the Chief Secretary to the Government, G.A. (Genl.-A) Department.

The Sessions Judges are requested to see that the procedure laid down in the preceding paragraphs is followed strictly by the subordinate courts.

Sd/-
Y. VENKATESWARA RAO,
Registrar.

ENCLOSURES

Copy of letter No. 12/2/62-P. IV, from the Government of India, Ministry of Home Affairs, New Delhi-11, dated 9th January, 1963, to All State Governments/Administrations.

Sub:-Arrest, detention, etc., of the Members of Parliament - Intimation thereof to the Speaker, Lok Sabha Chairman, Rajya Sabha - Question whether cancellation of bail and surrender of the accused amounts to arrest.

I am directed to invite your attention to this Ministry's letters No. 36/2/57-P. II, dated the 21st May, 1958 and No. 35/4/58-P. II, dated the 29th August, 1958, wherein the procedure to be followed for intimating to the Speaker, Lok Sabha/Chairman of Rajya Sabha, of the arrest, detention, etc., of Members of Parliament was explained, and to say that recently a case came to the notice of the Government of India in which a person was arrested and then released on bail pending trial of the case against him. While he was on bail, he was elected as a Member of Parliament. Subsequently his bail was cancelled and he was taken into custody. A question arose whether the cancellation of

bail and the surrender of the person accused person, amounts to arrest and is covered by Rules 229 and 230 of the Rules of Procedure and Conduct of Business in Lok Sabha if the person happens to be a Member of Parliament. The Government of India are advised that when bail is cancelled and the person surrenders to custody, he is "arrested" in the legal sense of the term and, therefore, rules 229 and 230 of the rules of Procedure and Conduct of Business in Lok Sabha are attracted in case the person is a Member of Parliament. This view is supported by the Third Schedule to the Rules as the form of the communication regarding arrest, etc., of a Member given in it refers to "arrested/taken into custody."

2. I am to request that the position explained above may be brought to the notice of all the authorities concerned for their information and guidance.

3. The receipt of this letter may please be acknowledged.

Sd/-
L.I. PARIJA,
Deputy Secretary to the
Government of India.

(True Copy)

Copy of Memorandum No. 212/63-4, dated 15-3-63 from the Government of Andhra Pradesh, General Administration (General-A) Dept.

Sub:-Law and order - Arrest, detention, etc., of member of Parliament - Intimation to Speaker, Lok Sabha and Chairman, Rajya Sabha - Further-instructions of Government of India - Communicated.

Ref:-G.O.Ms. No. 1670, General Administration (General-A) dated 29-10-58.
G.O.Ms.No. 589, General Administration (General-A), dated 16-5-1961.
From the Government of India, Ministry of Home Affairs, letter No. 12/2/62-P, IV, dated 9-1-63

In continuation of the instructions issued in the G.O. second cited, a copy of the letter cited from the Government of India, Ministry of Home Affairs, containing of clarification whether cancellation of bail and surrender of the accused Members of Parliament amount to arrest and consequently attract the relevant Rules of Procedure and Conduct of Business in Lok Sabha is communicated to the Commissioner of Police, Hyderabad the Collectors of all Districts and the Heads of Department concerned for information and necessary action.

The position indicated in the Government of India's letter will apply mutatis mutandis to the arrest, detention, etc., of the Members of the State Legislative Assembly and the State Legislative Council, instructions in respect of which were similarly issued in the G.O. first cited.

Sd/-
S.P. BALASUBRAMANIAN,
Deputy Secretary to Govt.

Copy of immediate letter No. 12/1/63-P-IV, from the Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi-11, dated 25th March, 1963 to all State Government Administrations.

Sub:-Arrest detention, release, etc., of Members of Parliament - Intimation thereof to the Speaker of Lok Sabha/Chairman of the Rajya Sabha - Intimation to be sent simultaneously this Ministry.

I am directed to refer to this Ministry's letters No.35/2/57-P. Ii, dated 21st May 1958 and No.35/4/58-P. II, dated 29th August 1958, explaining the procedure to be followed while intimating to the Speaker of the Lok Sabha/Chairman of the Rajya Sabha about the arrest, detention and release of Members of Parliament. According to these instructions, intimation is required to be sent by the Court/Magistrate concerned direct to

the Speaker, Lok Sabha/Chairman, Rajya Sabha only. This Ministry remain completely ignorant of the cases of arrest, detention, release of Members of Parliament, until a complaint is made to the Government of India by the Speaker, Lok Sabha/Chairman, Rajya Sabha for the non-reporting or not reporting in the manner as provided in Rules 229 and 230 and the forms set out in the Third Schedule to the Rules of Procedure and Conduct of Business in the Lok Sabha. Such cases involving lapses on the part of the authorities concerned often also lead to the notices being given by Members of Parliament to move either a privilege or an adjournment motion. All such type of cases require to be dealt with in this Ministry immediately. In orde to avoid at the eleventh hour a reference to the State Government calling for full facts of the case, and the consequent delay entailed in it, the Government of India have decided that they should invariably be informed along with the Speaker, Lok Sabha/Chairman, Rajya Sabha of any case of arrest, detention, relese of a Member of Parliament. I am, therefore, to request that all the authorities concerned may please be advised to send intimation of arrest, detention, release of a Member of Parliament to the Speaker, Lok Sabha/ Chairman, Rajya Sabha, under intimation to this Ministry giving full facts,

2. The receipt of this letter may please be acknoweledged.

Sd/-
S.K. SINGH,
Under Secretary to the Govt.
of India.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD.

CIRCULAR

Roc.No. 21/62.B1. Dated 17-3-1964

Sub:-Summons Attendance of Officers of Parliament and Legislature or Chairmen of Committees thereof Substitution of letter of request Instructions Issued.

Government of India desire that when presiding Offices of Parliament or Legislature or Chairman of Committes there of are required to appear in Courts as parties to a case, a letter of request may be substituted for the usual summons.

Rule 30(1) of Order (V) C.P.C. provides for the substitution of a letter of request where the defendant is, in the opinion of the court of a rank entitling him to such a mark of consideration. Sub rule (2) of the said Rule 30 prescribes what a letter of request should contain.

Attention of the Subordinate Courts is invited to the afiresaid Rule. They are informed that whenever the attendance of the Presiding Officers of Parliament or State Legislature or Chairman of committees thereof is required as parties to a case, they should be addressed by letters of request and not summoned in the usual way.

Sd/-
Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

P.Dis.No.105/65. 6th April, 1965.

CIRCULAR

Sub:-Criminal Justice - Disposal of unclaimed gold - Instructions issued.

A District and Sessions Judge has suggested that Gold and Gold ornaments confiscated by, or lying unclaimed in, Criminal Courts may straightaway be deposited in the State Bank to the credit of the Natinal Defence Fund, instead of selling them in Public auction and crediting the sale proceeds to the State Government as at present. The matter has been examined in consultation with the State Government and the following instructions are issued for the guidance of Subordinate Courts:-

1. Gold and gold ornaments confiscated u/s 517 Cr.P.C. may be transferred to the Government of India who will take them over at Rs. 62-50 paise per tola. They may be sent to the India Government Mint at Bombay by registered and insured post, if the quantity is small or by a Clerk with Police escort if the quantity is big Credit for the gold or gold articles will be afforded to the State Government by the Accountant General, Maharashtra, Bombay, through his exchange account with the Accountant General, Andhra Pradesh. The sale proceeds in such cases are creditable to the minor head "Sale proceeds of unclaimed and escheated property" under the Major Head 'Administration of Justice'.

2. Under Sec. 524 Cr. P.C., unclaimed property will be at the disposal of the State Government but they hold it only for the benefit of the real owner (1956 An.W.R. 387). It may be sold by the Magistrate mentioned in Sec. 524 Cr. P.C. but it is within their discretion to sell it in public auction or to the Government of India.

The Hyderabad unclaimed property Act 1333 F. regulates the didposal of unclaimed property in the Telangana area. In cases coming under the Act, property declared as unclaimed has to be sold and the sale proceeds credited to the Judicial Department (Sec. 10), and the sale has to be conducted in the manner laid down in C.P.C. as for a sale in execution of a decree (Sec. 15). There is no discretion for the investigating Magistrate. But notice of sale may also be given to the concerned officers of the Central Government, so that they may, if they wish, participate in it.

Sd/-
Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

P. Dis.No.125/64. Dated 8-4-1964.

CIRCULAR

Sub:-Summons for service within the Municipal limits of the City of Ahmedabad to be sent to the City Civil Court, Ahmedabad.

All the Subordinate Civil Courts in the State are informed that the High Court of Gujarath has decided that summonses intended for service within the Municipal limits of the City of Ahmedabad may be sent to the Principal Judge of the City Civil Court, Ahmedabad.

Sd/-
Y. VENKATESWARA RAO,
Registrar.

PROCEEDING OF THE HIGH COURT OF ANDHRA PRADESH AT HYDERABAD.

Sub:-Printing of Judgments in Civil Cases - Enhancement of rates - orders passed.

Read:-1. Representations from Printers of Civil Court Judgments.
2. Reports of District Judges.

ORDER: P. Dis.313/64. Dated 14th July, 1964.

The present rate of printing of Civil Judgments i.e., nine annas per page of 175 words was fixed some-times in 1947. Since then the cost of Printing material and labour had increased very much. Consequently, Government enhanced the rates for printing Sessions Judgments. The Printers of Civil Judgments have been urging for similar enhancement in the case of Civil Judgments also, and the District Judges have recommended their request.

2. In the circumstances, the High Court, under Rule 135(2) of the Civil Rules of Practice, accords sanction to the District Judges prescribing a rate of 94 paise per page of 175 words for the printing of judgments in Civil Cases in their districts.

Sd/-
Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

P.Dis.No. 240/65 B1 Dated 22-7-1965

Sub:-Cr.P.C. Section 409 - Proviso added by A.P. Act, 19/64 regarding the powers of Addl. Sessions Judges to receive II & III Class appeals - Instructions issued.

Consequent on the F.B. decision reported in 1961 A.L.T. 565 the High Court issued Circular instructions in Roc. 5253/59 B.1 (1961) W.P.66, dated 31-5-61 that appeals from the decisions of all classes of Magistrates should, in the first instance, be received only in the Court of Session. In view of the proviso added to Section 409 (2) Cr.P.C. by A.P. Act, 19/64, the said Circular instructions are hereby withdrawn.

2. Under Section 408 Cr.P.C., appeals from the decisions of all classes of Magistrates lie to the court of Session i.e., the Sessions Judge. The new Proviso added to Section 409 (2) Cr.P.C., enables the parties to prefer to the Addl. Sessions Judges such appeals as he is directed to hear by the State Government. In G.O.Ms.No. 2337, Home, dated 24-11-61, Government directed all the Addl. Sessions Judges to hear II and III Class appeals. Thus, it is clear that both the Sessions Judge and the Addl. Sessions Judge can receive II and III Class appeals. But in order that the proviso enacted in the interests of the litigant public is properly utilised the HIgh Court directs that Sessions Judges in Andhra area should not receive II and III Class appeals unless the Addl. Sessions Judge is absent or is otherwise incapacitated to discharge his duties.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

Roc.No. 391/65-B.1 Dated -8-1965

Sir,

Sub:-G.P.C. - Order XX, R.1 (2) - Need for permission to dictate judgments in open court - Reg.

Ref:-Your letter Dis.No. 7912/dt. 12-4-65.

With reference to the letter cited, I am to state rule 1 (2) of Order XX C.P.C. was amended by the composite Madras High Court in 1930 to read as follows:

"The Judgment may be pronounced by dictation to a Shorthand Writer in open coourt."

The aforesaid rule does not require any permission for dictating Judgments in open court.

Yours faithfully,
Sd/-
for Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Dated 18th November, 1965.

It has come to the notice of the High Court that in some cases original documents are returned to the parties by the Subordinate Courts after certified copises are substituted therefor, without insisting on any undertaking being filed for the production of the originals whenever required by the Court, that such original documents are not being submitted to the Appellate Courts when records in the suits are sent for reference in the Appeals against those suits and that the nonsubmission of the original documents is causing great inconvenience to the Appellate courts when they desire to peruse the original documents.

The District Judges are requested to issue instructions to all the Subordinate Courts under them to strictly adhere to the requirements envisaged in Order XIII Rule 9, C.P.C. and to note that whenever notices are issued from the High Court or the Appellate court calling for the original records, the Lower Court should call for the original documents from the narties if they had been returned to them earlier and send the original documents instead of the certified copies thereof.

V. RAMANUJACHARY,
Addl. Deputy Registrar.

Copy of Circular Roc.No. 1253/65 B.1, dt. 10th January, 1966 from the Registrar, High court of Andhra Pradesh, Hyderabad addressed to All District and Sessions Judges.

Sub:-Criminal Justice - Compelling the attendance of experts of the Currency Note press - Instructions - Issued.

It has been brought to the notice of the High court that some criminal courts are requiring the Experts of the Currency Note Press, Nasik Road, to execute bonds before the Taluk Magistrate, Nasik for their appearance before them. Such a procedure is reported to be causing unnecessary waste of time and money.

Under the Code of Criminal Procedure, the normal procedure for compelling the appearance of a person in a court is to issue a summons in the form prescribed under Section 68. It is only when the person is already in attendance in court and his appearance before some other court or on a future date is required that a bond is taken from him - vide sub-Section (12) of Section 207 A, and Section (1) of Section 217 Cr.P.C.

In the circumstances, Presiding Officers of Criminal Courts are informed that when the appearance of an expert from the Currency Note Press is required in any case, they should issue a summons and send it to the Taluk Magistrate, Nasik as required u/s 73 CR.P.C.

2. The Master, Currency Note Press also desires that reference No. and date of the report of the Press may be noted in the summons issued to the Expert. As it would facilitate easy reference, criminal courts are requested to furnish them.

Y. VENKATESWARA RAO,
Registrar.

IMMEDIATE:

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

P.Dis.No. 10/66 B.1 Dated 19-1-1966.

Sub:-Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960 - Appointment of District Munsifs as Controllers - Instruction - Issued.

Attention is invited to the Notification issed in G.O.Ms.No. 4, General Administation (Acco.-A) Dept., dated 3-1-1966.

1. The First and Second Assistant Judges of City Civil Court, Hyderabad are requested to take over on 25-1-66 cases pending before the present Rent Controlle s in the twin cities, except those which are triable by the authorised officer and the Deputy Secretary ton Government in the General Administation Department.

2. District Munsifs and Munsif Magistrates appointed as Controllers under the aforesaid notification are requested to take over on 25-1-1966 all the applications under the Act till then pending before the Revenue Officials concerned.

The Chief Judge, city Civil court and the District Judges are requested to report to the High Court the number of cases taken over by each of the officers within their respective jurisdication.

Y. VENKATESWARA RAO,
Registrar.

CONFIDENTIAL:

CIRCULAR

Roc.No. 1234/66 B.1.

Sub:-Stamps - Adhesive Court-fee Stamps - Instructions for prevention of fraud.

certain instances fo fraudulent use of defaced adhesive court-fee stamps have come to the notice of the High Court. The modus operendi appears to be to get hold of used adhesive court-fee labels, cut out the undefaced portion therof and attach thereto the required remaining portion taken out either from a new court-fee label of small value say 25 paisa or from undefaced or unpuched portions of an used label and joining them together by fasting both the pieces neatly on an impresssed stamp paper so that it would appear that the adhesive stamps used are new ones. It requires careful scrutiny and observation to detect this type of fraud. It is therefore necessary that the Chief Ministerial Officers attached to the Courts or their assistants who are in charge of scrutiny of court-fee received on proceedings etc., filed into courts, should carefully examine the adhesive court-fee labels affixed to an impressed stamp paper or ordinary paper to avoid being cheated and to prevcent loss of revenue to the State.

The High Court is also of the view that the safeguards already prescribed, if scrupulously adhered to and adopted, would go a long way to prevent all kinds of stamp fraud, Section 72 of the Court-fees Act lays down that no document requiring a stamp under the Act shall be filed or acted upon in any proceeding in any court untill the stamp has been cancelled and that the officer appointed by the court shall, on receiving any such document, effect forthwith such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untauched and the part

removed by punching shall be destroyed. The Civil Rules of Practice and Circular orders contain certain detailed instructions regarding the punching of stamps. If only the adhesive stamps are cancelled immediately on receipt into courts by affixing the date stamp thereon and punching the figure-head out, it will not be possible to use them over again without fear of datection. The High Court therefore directs that the aforesaid rules should be strictly followed and any violation thereof will be taken serious notice of.

The Presiding Officers of all the Subordinate Courts may also impress upon the respective Bar Associations the need to insist on supply of loose adhesive court-fee labels and not accept labels that are already affixed to an impressed stamp or other paper in their own interest.

A copy of the Circular Orders thus far issued on the subject are herewith furnished to all the District Judges for being communicated to all the Courts in their district for strict compliance.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 1248/65 B.1. Dated 7-2-1966

Sib:-Touts - Constitution of Committees - Instructions - Issued.

Attention is invited to the provisions of Sub-section (4) of Section 36 of the Legal Practitioners Act, as amended by State Act 25 of 1965, regarding the Constitution of committees of Legal Practitioners to

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

CIRCULAR

P.Dis.No.57/66. Dated 21st March, 1966.

Sub:- Payment of T.A. to servants of Central Government appearing as official witnesses in civil cases.

Attention is invited to the amendment to Rule 4 B of order XVI C.P.C. published at page 99 of the Rules supplement to Part II of the Andhra Pradesh Gazette dated 10-3-1966. The amendment gives effect to the revised procedure prescribed by the Government of India for the payment of T.A. of Central Government servants summoaed to produce official documents or to give evidence on facts coming to their knowledge in the discharge of their official duties in civil cases to which Government is not a party.

Copy of office Memo No.5(59)-EIV(B)/63 dt. 27-12-63 from the Government of India, Ministry of Finance which prescribes the revised procedure reforred to above is enclosed herewith. Government of India have no objection to the transactions being effected through cheques/Bank drafts/money orders loss commission charges, but desire that money may be remitted by money orders only where banking facility is not available.

Presiding officers of Civil Courts are requested to adhere to the revised procedure in the matter.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD.

CIRCULAR

Roc.No. 310/66/B-1. Dated 24th March, 1966.

Sub:- Cr.P.C.-Section 260-Power to try summarily-Instructions to the new Munsif Magistrares-Issued.

Under section 260 Cr.P.C. any Magistrate of the First Class specially empowered in this behalf by the State Government may try summarily the offences enumerated therein. The power to try cases summarily is also included in the fourth schedule to the code of Criminal Procedure, 1898, as one of the additional powers with which a Magistrate of the First Class may be invested by the State Government. In G.O.Ms.No.2337 Home Dated 24-11-61, Government have invested all persons appointed as First Class Magistrates with all the powers enumerated in Schedule IV.

In the circumstances, all the Munsif Magistrates are informed that they can try summarily all the cases coming under Section 260 Cr.P.C.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD.

CIRCULAR

Roc.No.322/66 B-1. Dated: 31st March, 1966.

Sub:- Criminal Justice offences under the Labour Laws-Trial by regular Magistrates Instructions-Issued.

It has been brought to the notice of the High Court that some Magistrates refused to receive complaints of offences under the Labour Laws on the ground that the Industrial Tribunal and Presiding officers of Labour Courts were appointed as special Magistrates for the trial of offences under the Labour Laws.

Magistrates are informed that Government have since withdrawn the magistrial powers from the Industrial Tribunal and Presdiding Officrs of Labour Courts-Vide G.O.Ms.No. 2302 Home dt. 13-11-1965. They should therefore receive all complaints filed under the Labour Laws.

Sessions Judges are requested to see that the instructions issued above are duly complied with by the Magistrates in their districts.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

CIRCULAR

Roc.No.358/66 B-1. Dated 19th April, 1966.

Sub:- Munsif Magistrates Availment of vacation- Instructions issued.

Under G.O.Ms.No.172 Home dated 14-2-1966 the pattern of courts obtaining in the Telengana area was extended to the following Districts in the Andhra area viz., Anantapur, East Godavary, Krishna and Nellore with effect from 1-3-1966. According to the instructions issued by the High Court in its circular Roc.No. 390/58 B-2 dated 23-1-1958 Munsif Magistrates in the Telengana area, excepting those at the Head quarters, may avail themselves of 15 days of vacation with the prior permission of the District Magistrate. In the five districts in the Andhra area mentioned above, where the new set up of courts was introduced, the Munsif Magistrates may avail themselves of vacation like their counter-parts in the Telengana area subject to the following conditions and modifications:-

(i) Where there are more than one Munsif Magistrate at a place,including District Head quarters the Additional District and Sessions Judge, may permit them to avail the whole or part of the vacation in such a way that at least one Munsif Magistrate remains on duty in the station at any one time;

(ii) Where there is a sole Munsif Magistrate, the Additional District and Sessions Judge may permit him to avail vacation; but while granting such permission the Additional District and Sessions Judge should see that a neighbouring Magistrate remains on duty and entrust him with urgent criminal work arising within the area of the Munsif Magistrate who proceeds to avail himself of the vacation.

The Chief City Magistrate may permit the City Magistrates, working in the twin cities to avail themselves of vacation for a period not exceeding 15 days by turns.

The Chief City Magistrate will arrange for the disposal of urgent criminal work arising within the area of the Magistrate who proceeds to avail himself of vacation by entrusting the same to CityMagistrate of the neighbouring area who remains on duty.

The Additional District and Sessions Judges and the Chief City Magistrate should intimate the High Court details of the turns fixed for the various Munsif Magistrates and the arrangements made for the disposal of urgent criminal work in each case.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERARAD

CIRCULAR

Roc.No.290/66 B-1. Dated 4-7-1966.

Sub:- Stamp Act Andhra Pradesh Amendment Act XXVI 1965 Liability of affidavits to stamp duty Instructions issued.

Art 4 of Schedule IA to the Stamp Act levies a duty of Rs. 3/- on affidavits. The State Amendment Act XXVI of 1966 has deleted Cl.(b) of the exemotions under the said Article, which related to the affidavits intended for the immediate purpose of being filed or used in any Court or before the officer of any Court. The High Court has in a recent case explained the effect of the said amendment thus:-

"The deletion of the exemption in Art. 4(b) makes affidavits sworn or declared, for the immediate purpose of filing in court, liable to stamp duty under that Article."

Presiding officers of Subordinate Courts are, therefore, requested to ensure that the proper duty is paid on all affidavits filed in their Courts.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

CIRCULAR

P.Dis.264/66 B-1. Dated 21-9-1966.

Sub:- National Calendar Adoption for official purposes Instructions to courts-Issued.

The High Court directs that the National Calendar should be adopted in conjunction with the Gregorian Calendar in official correspondence with the High Court and other Government office.

Presiding officers are requested to ensure that the dates of the National Calendar given on letters and other communications are the correct equivalents of those of the Gregorian Calendar.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

CIRCULAR

Roc.No. 1039/65/B-1. Dated 24-10-1966.

Sub:- Seminars by the Regisonal, Inspectors, of Probation-participation by Judcial Officers-Instructions Issued.

The regional Inspectors of Probation have been permitted by the Government to conduct annual seminars at Anantapur, Eluru and Warangal with the object of maintaining closer co-ordination between the Departments concerned with the administration of criminal Justice. Government desire that Judicial officers may participate in the said seminars.

The High Court considers and directs that Judicial Officers may attend such seminars if they, chose to provided it doše not interfore with their normal Judicial work.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

P.Dis.No. 311/66, B-1. Dated: 28th November, 1966.

CIRCULAR

Sub:-INDIAN RAILWAYS ACT-Excess charge - realised by Railway Magistrates crediting to the Railway Administration Procedure for-Instructions - Reg:-

Under Section 113 of the Indian Railway Act the Excess charge and fa ⅓ realised from ticketless travellers have to be paid to the railway administration. Similarily, the excess charge fare collected under section 112 and 114 are payable to to the Railway Administration under Section 115 of the Act.

The amounts payable to the Railway administration under the aforesaid provisions of law are now remitted into the State Treasury along with judicial fines and later transferred to the railway administration. The Railway administration has represented that this procedure is entailing delay and creating complications. It has therefore suggested that Magistrates may be asked to deposit with the station master concerned the amounts payable to the Railway administration under a clear receipt.

The High Court directs that the amounts payable to the Railway adminstration under section 113 & 115 of the Indian Railways Act, should be deposited with the Station master concerned under a clear receipt.

(Sd/-)
Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD.

CIRCULAR

Roc.No. 1294/66 B.1.- Dated 7th December, 1966.

Sub:-RE-ORGANISATION OF COURTS - Designation of Munsif Magistrate - Instructions issued.

In G.O.Ms.No. 172 Home dated 4-2-1966 and G.O.Ms. No. 2258 Home dated 17-10-1966, Government have extended "the pattern of one Munsif Magistrate's Court in each taluk as now existing in Telengana region" to the districts of Andhra area. But the Civil Courts Act, which is in force Andhra area contemplates only District Munsifs" and the notifications issued under section 4 of the Act accordingly specified the number of "District Munsifs" appointed for each district. As the nomenclature adopted in executive orders of Government does not change the statutory designation of judicial officers, Presiding Officers of the new courts under the re-organised scheme have to style themselves as "District Munsifs" only, while dealing with Civil Cases. In regard to criminal proceedings they will style themselves as judicial First Class Magistrates.

District and Sessions Judges are requested to issue suitable instructions to the Officers working under them in regard to the position stated above.

(Sd/-)
Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD.

CIRCULAR

CIRCULAR

Roc.No. 52/67 B.1. Dated 30-1-1967.

Sub:-GENERAL ELECTIONS 1967 - Posting of police cases and extension of remand of under-trial prisoners- Instructions issued.

Government have brought to the notice of the High Court that during the third week of February, 1967 the entire police force in the State will be engaged in bondobust duties in connection with the General Elections to the Lok Sabha and the Legislative Assembly. They have therefore suggested that instructions may be issued to the presiding officers of Criminal Courts not to post any police cases during the peroid beginning from 3 days prior to the commoncement of the Elections to three days After their completion, and to extend the periods of remand of under-trial prisoners where they expire during the period of elections, without insisting on their production in court.

The High Court issues the following instructions in the matter:-

(1) As for as possible, police cases may not be posted for trial or hearing during the three days before and three days after the date of elections.

(2) Where the period of remand of any under-trial prisoner expires during the aforesaid period, Magistrates may pass orders extending such he is confines, premises of the sub jail, where he is confines, if it is situate at his headquarters. If the sub jail in which the prisoner is confined is not situate at the headquarters of the Magistrate, the usual procedure shall be followed.

(Sd/-)
Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD.

CIRCULAR

Roc.No. 58/67. Dated 2nd February, 1967.

Sub:-ANDHRA PRADESH (ANDHRA AREA) CHILDREN ACT, 1980 - Detention of you-thful offenders' - Instructions - Issued.

It has been brought to the notice of the High Court that some Magistrates have ordered the detention of youthful offenders in senior certified schools for one year.

Attention of the Magistrates is invited to Section 24 of the Andhra Pradesh (Andhra area Children Act, 1920. They are informed that in the case of a youthful offender sent to a senior certified school, the period of detention shall not be less than 2 and not more than 5 years but not in any case extending beyond the time when the youthful offender will, in the opinion of the court, attain the age of 18 years.

Additional District and Sessions Judges are requested to ensure that Magistrates observe the aforesaid provision while committing youthful offenders to senior certified schools.

(Sd/-)
Y. VENKATESWARA RAO,
Registrar.

PROCEEDING OF THE HIGH COURT OF ANDHRA PRADESH AT HYDERABAD.

Sub:-Allowances - Conveyance - Payment of Conveance allowance to Shorthand Writers for attending the residence of Judicial Officers on Official Duty - Enhancement of maximum No of days from 12 to 24 orders passed.

Read:-Letter Dis. No. 12231 d/6-12-62 from the District Judge, Anantapur and Reports from other Dist. Judges.

ORDER P. Dis.311/63 dated 14th July, 1964.

ORDER

Under Rule 51(b) of the Andhra Pradesh Travelling Allowance Rules and in partial modification of the orders incorporated at page 95 of Civil Rules of Practice and Circular Orders, Vol. II, the High Court authorises the Judicial Officers to sanction in favour of their shorthand Writers the actual cost of conveyance from their homes to their (Judicial Officers') residence when called there on duty, subject to a maximum of 24 times a month.

Sd/-
Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD.

Roc. No. 1247/64.B.1 — 19th April, 1965.

From

Sri G. Venkatakrishnaiah, B.A.,
Assistant Registrar,
Administrative Department.

To

The District Judge,
Chittoor
(with Encl.)

Sir,

Sub:-Rules - Rule 200 of the Registration Department Rules regarding writing of documents by document writers - Exemption for documents executed by Courts.

Ref:-Your letter No. 7212 d/25-11-64.

With reference to the letter cited, I am to forward herewith a copy of letter No. G.1/8275/64 d/ 9-4-65. from the Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad for information. The notification referred to therein is published in the Gazette on 8-4-65.

Yours faithfully,

Sd/-
Asst. Registrar,
Administrative Department &
Vacation Officer.

Copy of letter No. G1/8275/64 d/9th April, 1965 from Sri J. Jayarama Rao, B.A., B.L., Inspector General of Registration and Stamps, Andhra Pradesh, P.B. No. 137, Hyderabad addressed to the Registrar, High Court of Andhra Pradesh, Hyderabad.

Sub:-Rules - Rules 200 of the Registration Department regarding Writing of Documents by licenced Document writers - Exemption for documents executed by Court.

Ref:-Your letter No. Roc.1247/64 B.T. d/16-2-65.

With reference to your letter cited, I write to inform you that the Government have issued Orders exempting Documents executed by and in favour of civil, Criminal and Revenue Courts from Rule 200 of Registration of Rules in G.O.Ms. No. 186, (Revenue, d/19-2-65 irrespective of the capacity in which such documents are executed by or in favour of Courts. But the relevant notification has not yet been published in the Andhra Pradesh Gazette. The exemption comes into effect from the date of publication of the notification in the Andhra Pradesh Gazette.

Sd/-
for Inspector Ceneral of
Registration and Stamps.

J-276-9

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc.No. 1068/65-B1, CIRCULAR

Sub:- Destruction of records - Dying declarations and statements u/s 164 Cr.P.C. in cases where further action has been dropped.

The High Court directs that dying declarations, statements u/s 164 Cr.P.C. and intimations of accidents from the hospitals in cases where further action has been dropped may be destroyed after 3 years.

Sd/-
Y. VENKATESWARA RAO,
Registrar.

advise Judicial Officers in the matter of Proclaimin persons as habitual touts. The Amendment Act may com into foce on 1-3-1966. The Chief Judge, City Civil Court at Secunderabad and all District Judges in Telangana area are requested to take steps for the constitution of , Committees within their respective jurisdictions.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH HYDERABAD
R.DIS. No. 63/67. B-Spl. Dated 14th April, 1967

CIRCULAR

The connection with an enquiry into certain defalcations of fine amounts committed by a Bailiff of a Criminal Court, the concerned officer who presided over that court when called upon to explain in the matter, has taken the plea that one of the Magistrates working under him was being specifically entrusted with the duties of checking the accounts daily and that he himself was not therefore directly responsible in any way for the entries made in the registers. Obviously, the officer was under the mistaken impression that he has no responsiblity for ensuring that all receipts and payments are properly ensuring that all receipts andpayments are properly entered in the Cash Book and properly accounted for. Under the rules, all officers whose duties involve work relating to receipts and payments are responsible for ensuring regular posting of entries in the Cash Book and for maintenance of relevant Registers etc., The rules further require that every Government servant should exercise the same deligence and care while dealing with public funds under his case as a person of ordinary, pradence would exercise in respect of his own money. That being so, the Governmnet will hold a Government servant personally responsible for any loss sustained by theGovernment through fraud or engligence on his part and also for any loss sustained through fraud of negligence on the part of any other Government servant to the extent to which it may be shown that he contributed to the loss by his own action or negligence.

In this connection, attention of all Judicial officers is invited to the "Rules for securing uniformity and accuracy in the accounts of fines levied and refunded by Magistrates and Courts of Session". A copy of the said rules is appended hereto for convenience of reference.

All Judicial Officers are requested to strictly adhere to the rules mentioned above as also the relevant rules on the subject incorprated in the financial Codes to prevent embezzlement and misappropriation of public Funds.

The District Judges are requested to communicate the above instructions to all the Presiding Officers under their control.

Sd/-

V. VENKATESWARA RAO§
Registrar.

HIGH COURT OF ANDHRA PRADESH HYDERABAD

OFFICE MEMO

R.O.C. No. 1113/65 E.1 Dated 28-3-1967.

Sub:-C.P.C. Order V Rule 21 Amendment Issued.

Attention is invited to the notification published at page 84 of the Rules Supplement to Part II of Andhra Pradesh Gazette dated 23-3-67 amending Rule 21 of Order V C.P.C. All the Presiding Officers of the Civil Courts in the State are informed that summons intended for service in the twin cities of Hyderabad and Secunderabad shall be sent to the City Civil Court, Hyderabad at Secunderabad.

P. Sriram Raju,
Assistant Registrar,
Administrative Department.

PROCEEDINGS OF THE HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Sub:-Criminal Rules of Practice and Circular Orders, 1966 Rule 230 Minimum fees payable to pleaders engaged by the High Court fixed.

Read:-High Court's Proceedings P.Dis. 707/55 dated 2-12-55.

2. High Court's Proceedings P. Dis. 346/56

2. High Court's Proceedings P. Dis. 346/56 Dt. Nil. 1-8-56.

ORDER: R.O.C. No. 432 /67 B.1 Dated 22-6-67.

In supersession of the orders issued in the proceedings cited. The Hon'ble the Chief Justice is pleased to direct that the fee payable to a pleader appointed by the High Court under Rule 228 or Rule 229 of the Criminal Rules of Practice and Circular Orders, 1966 shall be subjcet to a minimum of Rs. 50/- in cases tried by a single judge and Rs. 75/- in cases tried by a Bench. In particularly havy or complicated cases the court may, in its discretion allow a higher fee, having regard to the length, complexity and other circumstances of each case.

2. The orders in para 1 above shall apply with immediate effect.

Y. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH HYDERABAD

CIRCULAR

R.O.C. 661/67 B.1 Dt. 18-8-1967.

It has come to the notice of the High Court that some Judicial Officers are arbitrarily institing upon the parties or their advocates to increase the valuation of suits and other proceedings and to pay the appropriate court-fee on the enhanced valuation regard less of the actual value of the subject matter of the suit or other proceeding for purpose of court fee. The High Court considers that this practice is highly objectionable and irregular and should be put

an end to immediately. All the District Judges are therefore requested to issued necessary instructions to the Judicial officeers working in their respective districts to give up the practice of arbitrarily insisting upon enhanced valuation and payment of court fee thereon with immediate effect and to adhere strictly to the provisions of the court Fees Act.

Sd/-

Y. VENKATESWARA RAO,
Rgistrar

HIGH COURT OF ANDHRA PRADESH HYDERABAD

CRICULAR

R.O.C. 660/67 B.1 Dt. 16-8-1967.

Sub:-Court Civil and Criminal Day to day trial of cases and examination of witnesses Instructions Issued.

It has been noticed that cases are not being heard from day-to-day in some courts and that witnesses summoned for a particular day are also not being examined on the dates so fixed despite their presence. It is needless to point: out that such practice leads to unnecessary adjournments besides causing avoidable expense and inconvenience to the parties and witnesses.

Attention is invited in this contet to the proviso to Sub-rule (2) of Rule 1 of Order XVII C.P.C. and sub-section (1) of Section 344 Cr.P.C. The High Court directs that witnesses should ordinarily be examined on the day on which they appear in obedience to summonses and that no witness should be sent away without being examined. This should not be difficult to implement if judicious posting of cases is resorted to and only such number of witnesses as can reasonably be examined on a particular day are summoned. Even in cases where the party summoning the witness alone is ready and the other party is not ready, the witness need not necessarily be sent away and asked to appear again, as in such cases the evidence in chief of those witnesses can be recorded and the other side may, if necessary and for sufficient reason, be afforded an opportunity to crossexamine them at a later date subject to meeting the costs of the issuance of fresh summons of those witnesses.

Y. VENKATESWARA RAO,
Registrar

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

CIRCULAR

R.O.C. No. 688/67 E.1 Dt. 23-8-1967.

Sub:-Judl. Officers on transfer to report cases closed in which judgements remain unwritten Instructions Issued.

It has been noticed that some Judicial Officers who have been transferred have not submitted lists of cases heard by them and closed in which judgments remain unwritten.

Attention is invited to the circular orders issued in High Court Dis. 330/1918 incorporated at pages 120 and 121 of the Civil Rules of Practice and Cricular Orders (Copies enclosed for ready reference). All Judicial Officers are informed that they should make every endeavour to write and pronounce judgements in all cases completely heard by them before handing over charge and that if however any cases are left over, list of such cases should be furnished to the High Court, without fail.

The District and Sessions Judges will ensure that the aforesaid instructions are strictly followed by the Officer working under them.

Sd/-

M. RAMACHANDRA RAJU,
Registrar.

EXTRACTS FROM CIVIL RULES OF PRACTICE AND CIRCULAR ORD

Order XX. rule 2 of the Code, authorizes a judge to pronounce a judgement which was written by his predecessor even after the leatter handed over charge but this in the opinion of the High Court, should rearly be necessary. Every endeavour should be made by judicial officers, not only to write, but to pronounce judgments in all cases completely heard by them before handing ever charge.

2. When reporting to the High Court the date of delivery of charge of their office, officers relieved shall enclose a list of cases heard by them and closed in which judgements remain unwritten. District Munsifs and Subordinate Judges shall invariably submit these reports through the District Judges who should satisfy themselves that the judgments are subsequently delivered without undue dalay. District Judges on relief shall also furnish similar list when reporting delivery of charge to the High Court.

3. No case shall under any circumstance be entered as disposed of until judgment has been wirtten and signed and pronounced in open court.

HIGH COURT OF ANDHRA PRADESH HYDERABAD

OFFICE MEMORANDUM

R.O.C. No. 333/67. B.1. Date 13-11-1967.

Sub:-Destruction of record Rules Rule 8 submission of records to District Court Regarding.

The High Court exemptsto all the lower Courts in Telengana area from Rule 8 of Destruction of Records Act in view of the fact that there are no Central Record Rooms in District Courts and also in view of the existence of sufficent accomodation in the lower Courts themselves. The lower Courts can retain the records of the disposed cases instead of submitting them to the District Courts.

This exemption will not apply to the Court in the City and the Courts within the District of Hyderabad.

Sd/-

M. RAMACHANDRA RAJU,
Registrar.

HIGH COURT OF ANDHRA PRADESH HYDERABAD
Roc. No. 300/68. B (Spl). Dated 12-2-1968.

Circular No. 4 1968 B (Spl.)

It has come to the notice of the Registrar that whenever Tappals or letters sent by the Tappal section to any section in the Judicial and J & P. Departments, the Clerks are refusing to receive them or taking their own time to receive them or receiving them without acknowledging the same as a result of which inordinate delay is caused in taking action on such letters. Sometimes the letters are lost and every one is disowning his responsibility for the loss of such letters.

All the clerks in the Judicial and J & P. Department are therefore warned that they should be very careful in future by taking acknowledgements whenever any papers are passed from hand to hand and now that they are not blamed for not taking prompt action or for the missing of papers entrusted to them. They are also warned that they should promptly receive, properly acknowledge and immediately attend to the Tappals sent to them by the tappal Section. If any Clerk refuses to receive and acknowledge any paper sent to him, he will be dealt with severly.

In case any difficulty is experienced by any clerk in dealing with any paper, he shold immediately refer the matter to the Sub-Assistant Registrar (Judicial). If any clerk refuses to receive and acknowledge any Tappals sent to him on the ground that it does not relate to his section, the Tappal clerk will immediately place such tappals before the Sub-Assistant Registrar, (Judicial), who will decide as to the section that should receive the same.

Sd-/

Assistant Registrar
Administration Dept.

HIGH COURT OF ANDHRA PRADESH HYDERABAD
R.O.C. No. 131/68. Bl. Dt. 14-11-1968.

CRICULAR NO. 25/68. Bl.

Attention is invited to the High Court's Circular R.O.C. NO. 660/67. Bl. dated 16-8-67. Inspite of the circular orders instances have come to the notice of the High Court where witnesses attending court were sent away without being examined. Such practice normally causes much inconvenience to the witnesses who might have come from long distances as they might be required to attend the court once again besides any inconvenience and extra expense that might be caused to the parties. All Judicial Officers are informed that as far as possible all witnesses atending court, more so, when they come from long distances, should be examined the same day itself as far as possible or the next day if the witness wants.

It is hoped that the Judicial Officers would look invariably to the inconvenience and difficulties of the witnesses and not ake them appear in court more number of times than what is absolutely necessary.

M. RAMACHANDRA RAJU,
Registrar.

HIGH COURT OF ANDHRA PRADESH HYDERABAD

CRICULAR

R.O.C.No. 1090/68 B.I Dt. 12-9-1968.

Sub:- Criminal Justice Compelling the attendance of Expents of the Curency Note Press-Instructions-Issued.

It has again been brought to the notice of the High Court that some criminal Courts are still requiring the Experts of the currency Note Press, Nasik Road, to execute bonds before the Chief City Magistrate, Nasik for their appearance before them. Such a procedure is reported to be causing waste of time and money.

The attention of all the Presiding Officers of Crl. Courts is invited to the instructions contained in High Court's Circular Roc. 1253/65 B Dt. 1-10-66 (copy enclosed). The High Court desires to impress upon all the presiding Officers of the subordinate Courts that strict adherence to the above instructions might help in avoiding complaints in this regard.

M. RAMACHANDRA RAJU,
Registrar

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD.

OFFICIAL MEMORANDUM.

R.O.C.No. 339/69.B.1. Dated: 25-8-1969.

Sub:- Rules - Destruction of Record Rules - Period of retention of small causes suits - Instructions - Reg.

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Under Article 136 of the Limitation Act (1963) the period of limitation prescribed for execution of any decree or order of any Civil Suit, is 12 years from the date it becomes enforceable. But the period prescribed for the retention of records pertaining to the Small Causes suits is '4' years under the item 2 in Part I of Appendix 'c' of the rules framed under Destruction of Records Act (vide page 325 of C.R.P. Vol.I). The question of amendment of the rules relating to the destruction of Records is under the consideration of the High Court. Pending the same, all the District Judges are requested to preserve the records in the Small Cause suits beyond 4 years.

K. UMAPATHY RAO,
Registrar.

HIGH COURT OF JUDICATURE: ANDHRA PRADESH AT HYDERABAD.

OFFICIAL MEMORANDUM

Roc. No. 13/SO/70. Dated: 8-9-1970.

Sub:- Rules - Civil Rules of Practice and Circular Orders - Printing of Judgments under Rule 135 - Proposal to dispense with Printing of Judgments - Remarks of the District Judges- Called for.

***

Rule 135 (1) of the Civil Rules of Practice requires the printing of all judgments or orders exceeding 700 words when a party applies for copies for the purpose of appealing against them to the District or Subordinate Judge's Court. Sub-rules (5) and (6) thereof require printing of all judgments and orders both appellate and original for the purpose of appeal to the High Court.

The High Court has had occasions to note that there are inordinate delays in printing and supplying copies of judgments in civil cases. This delay in printing is ultimately leading to pendency of civil appeals for longer periods. With a view to save time and reduce the cost of litigation, it is under consideration of the High Court, whether it is desirable, to dispense with the printing of judgments in all civil cases.

Rule (2) of Order XLI-A requires that the Memorandum of Appeal to the High Court from the original decree of the subordinate court should be accompanied by 12 printed copies of judgment. In the case of Second Appeal, 4 printed copies of each of judgments of the original court and Lower Appellate Court should accompany the memorandum of such appeal. When once the printing of judgments is dispensed with, the District Courts and other Subordinate Courts have to supply

Courts and other Subordinate Courts have to supply clean and neat typed copies of judgments without any errors or mistakes. For this purpose there should be sufficient number of qualified and efficient Copyists, Readers and Examiners in all the Lower Courts.

All the District and Sessions Judges are requested to report, after ascertaining the views of the lower subordinate courts also, on the following points:

(i) whether typing of judgments will be less expensive and time saving than printing of judgments;

(ii) Whether it is possible to secure sufficient number of well qualified and efficient Copyists, Readers and Examiners to prepare clean and neat copies of typed judgments;

(iii) the rates of typing to be prescribed for typing and supplying copies of judgments;

(iv) the time required to strengthen the Copyists Establishments with such staff before necessary amendments are brought into force dispensing with the printing of judgments.

This may please be treated as urgent.

K. UMAPATHY RAO,
Registrar.

J. 276-10

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

CIRCULAR

R.O.No: 30/72 B1. Dated: 19-1-1972.

Sub: Elections - General Elections to the Andhra Pradesh Legislative Assembly, 1972 - Posting of Police Cases and extension of remand of under trial prisoners - Instructions - Issued.

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The elections to the State Legislative Assembly are provisionally scheduled to be held during the period from 5-3-72 to 11-3-72 and the entire Police Force in Districts will be drafted on election bandobust work, barring a skeleton staff who will be available to attend to important and emergent Police work. The State Government have, therefore, requested the High Court that instructions may be issued to the Presiding officers of Criminal Courts not to post any Police Cases during the period beginning from 3 days prior to the commencement of the elections to three days after their completion and to extend the periods of remand of under - trial prisoners when they expire during the said period, without insiting on their production in Court.

The following instructions are accordingly, hereby, issued:-

(1) As far as possible, Police Cases may not be posted for trial or hearing during the period from 2-3-72 to 14-3-72 (both days inclusive); and

(2) Where the period of remand of any under - trial prisoner, expires during the aforesaid period, magistrates may pass orders extending such period at the premises of the Sub Jail, where he is confined, if it is situate at the head-quarters of the Magistrate. However, if the

Sub Jail in which the prisoner is confined is not situate at the headquarters of the Magistrate, the usual procedure shall be followed.

Sd/.
V. KRISHNASWAMY,
Additional Registrar.

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

CIRCULAR

Roc.No. 35/72.B1. Dated: 21-2-1972.

Sub: Records - Typed copies or translations of depositions and documents - Submission to the High Court - Clarification - Regarding.

Ref: High Court's circular Roc.No.11/72 B1, Dated: 10-1-1972.

***

With reference to the above circular, certain Bar Associations and District & Sessions Judges have made representations, voicing certain difficulties and inconvenience in implementing the instructions contained in the Circular. These relate to the possibility of conflicting versions of translations arising if parties or Advocates are required to file translation of documents exhibited, and involving the parties/ Advocates to extra costs and time in getting documents translated.

In the first place, the circular should not have been copies to Bar Associations as it was meant only for Subordinate Courts. A careful reading of the Circular would show that the instructions were addressed to Subordinate Courts and were not meant to be enforced on the parties or Advocates.

It was only stated in the Circular that Subordinate Courts should send "translations of exhibits filed by parties whether done by the Court staff or Advocates,

along with the original record." It was nowhere stated that in all cases, translations of all documents filed, should be called for from Advocates or parties, What is rerquired is that wherever translations of documents which are in a non-State language, like Tamil, Gujarati, Marwadi etc., are filed by a party to acase and are accepted and acted upon by the Court, the said Court shall send the translations also along with original document. It is not necessary to compel or Advocates to file translations of documents which are in one of the State Languages, as translation of documents pointed out by parties to an appeal in the High Court is done in the Court itself.

As regards, typed copies or depositions, it is clarified that they shall be sent only -

(1) when the handwriting of the presiding officer who has recorded the depositions is, on the face, of it, nearly illegible or undercipherable.

(2) when typed copies of depositions are, in the normal course prepared for the use of the presiding officer of the trial court or the appellate court, even in cases where the handwriting is legible.

Sd/.
K. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

CIRCULAR

R.O.C.No.256/72 B1. Dt. 17-6-1972

For sometime past, it has been noticed that the index to the records in civil cases, submitted to the High Court by the Subordinate Civil Courts, especially by the Courts in the Telangana area, are not prepared properly, and also that some of the Exhibits marked in the Lower Courts do not ear either the Exhibit seal, or the signature of the Presiding Judicial Officer, The Exhibit number is not clearly stated at the top of the concerned document, nor the Exhibit seal on the outer-docket carrying the necessary particulars, such as "name of the Court" Cases No. "Ex.No. and the date" proved or omitted by concerned P.W.'s. or D.W.s"; and designation of Judicial Officer affixed and the attestation of the concerned presiding Officer taken.

As a result of these defects, much inconvenience is being caused in the preparation of cases in the High Court and also in submitting the appropriate Paper or document to the Honourable Judges when heaving the cases. It is therefore directed that the index covering the records submitted to the High Court from a Lower Court should be in the form prescribed, a copy of which is annexed herewith, and each document should bear the Exhibit seal with the signature of the Presiding Officer, with all details filled up. It is further directed that the Lower Courts, should retain a true copy of the index, and submit the original record alon with the correct index as per the aforesaid Proforma.

Non-compliance with these instructions will be viewed seriously and action initiated against the defaulting clerk or clerks.

K. VENKATESWARA RAO,
Registrar.

HIGH COURT OF ANDHRA PRADESH : HYDERABAD.

R.O.C.No.63/SO/ SO/74-2. Dt. 28-3-1974.

NOTIFICATION NOTIFICATION

In exercise of the powers conferred under sections 13 and 18 of the Code of Criminal Procedure, 1973 (Central Act II of 1974), the High Court of Andhra Pradesh hereby makes the following rules specifying the qualifications or experience in relating to legal affairs to be possessed by aperson to confer powers as Special Judicial Magistrate or Special Metropolitan Magistrate under the Said sections:-

RULES

1. Qualifications:-

A perrson must not be over 65 years of age, and shall be .

(a) One who helds any post under the Government, and who is a graduate and who has exercised Magisterial powers of not less than a Second Clas Magistrate for a period of not less than three years.

OR

(b) One who has held any post under the Government and who is a graduate, and who had exercised Magisterial powers of not less than a Second Class Magistrate for not less than three years.

Provided that a siuitable retired Judicial Officer be preferred to the other retired Government Servants possessing the qualifications mentioned in this clause for conferment of powers of a Special Judicial Magistrate or Special Metropolitàn Magistrate".

(Amended vide High Court's Notification Roc. No. 357/SO/80, dated 21-10-1980).

OR

(c) One who holds or has held the post of an Honorary First or Second Class Magistrate for a period of not less than three years.

OR

(d) Persons appointed to the Indian Administrative Service (Amended vide High Court's Notification Roc. No. 187/SO/80, dated 20-2-1981).

OR

OR

(e) A Deputy Tahsildar, Thasildar, or Deputy Collector including a probationer in any such post who has passed the Criminal Judicial Test (full test consisting of the Indian Penal Code and the Code of Criminal Procedure) conducted by the Andhra Pradesh Public Service Commission.

Provided that a law graduate who has passed the Indian Penal Code and the Code of Criminal Procedure as sub-Acts in the law degree examination need not pass the test.

OR

(f) Any person who has held any gazetted post under the Government for not less than three years and who is a law graduate or who has passed the Cirminal Judicial Test (full test consisting of Indian Penal Code and the Code of Criminal Procedure) conducted by the Andhra Pradesh Public Service Commission.

"Provided that a suitable retired Judical Office preferred to the other retired Gazetted Officers possessing the qualifications mentioned in this clause for conferment of powers of a Special Judicial Magistrate or Special Metropolitan Magistrate".

(Amended vide High Court's Notification Roc. No. 1872/SO/80, dated 20-2-1981.)

2. **Disqualifications:!**

(a) A person must not be;
(i) a Practising Advocate.
(ii) A member of a local authority or.
(iii) A member of the State Legislature or of the parliament, or.
(iv) A person who having held an office under the State or Union Government has been dismissed or removed or compulsorily retired from service or.

(v) A person who has been convicted and sentenced by a court for an offcence involving meoral delinquency or .

(vi) A person of unsound mind or deaf or mute or blind or suffering from leprosy or any other contagious disease or.

(vii) A person adjudicated as an insolvent or an undischarged insolvent.

(b) A contractor or one interested in a subsisting contract made with or any work being done for Central or State Government or a local authority within whose limits the Special Magistrate has to discharge his duties.

Provided that, in cases of any doubt whether a person is qualified or not it shall be referred to the High Court, whose decision shall be final.

3. Revocation of powers of Special Magistrates:-

If any Special Judicial Magistrate or Special Metropolitan Magistrate fails to attend three consecutive sitttings of the Court without the written permission of the Chief Judicial Magistrate or the Chief Metropolitan Magistrate, as the case may be, his powers as a Special Magistrate shall stand withdrawn.

4. The High Court may, in suitable cases, whenever it considered expedient, relax any of the qualifications prescribed in Rule 1

(Amended vide High Court's Notification Roc. NO. 1872/SO/80 dated 20-2-1981).

P. SRIRAMA RAJU,
Registrar
(Administration).

COURT OF ANDHRA PRADESH HYDERBAD
Roc. No. 25/SO/74, Dated 14-8-1974.

Sub:-Code of Criminal Procedure, 1973 (Central) Act II of 1974 Notifications under Section 9(2), 9(3) and 167 of the Code Issued.

The following Notifications shall be published in the next issue of the Andhra Pradesh Gazette.

NOTIFICATION-I

In exercises of the powers conferred by Sub-Section (2) of section 9 of the Code of Criminal Procedure, 1973 (Central Act II of 1974), the High Court of Andhra Pradesh hereby appoints the District Judges in virtue of their offices to be the Sessions Judges of the respective Courts of Session.

NOTIFICATION-II

In exercise of the pwers conferred by Sub-Section (3) of section 9 of the Code of Criminal Procedure, 1973 (Act II of 1974), the High Court of Andhr Pradesh Hereby appoints the Additional Districrt Judges to be the Additional Sessions Judges to exercise Jurisidiction as such in the Courts of Sesion within their respective Sessions Divisions.

NOTIFICATION-III

Inexercise of the poeres conferred by Sub-Section (3) of Section 9 of the Code of Criminal Procedure, 1973 (Act II of 1974), the High Court of Andhra Pradesh hereby appoints all the Subordinate Judges in the State to be the Assistant Sessions Judges to exercise jurisidiction as such in the Courts of Session within their respective Sessions Divisions.

NOTIFICATION-IV

In exercise of the powers conferred by Clause (c) of Sub-Section (2) of Section 167 of the Code of Criminal Procedure, 1973 (Act II of 1974), the High Court of Andhra Pradesh hereby empowers all the Judicial Magistrates of Second Class to authoris detention of the accused in the custody of the Police.

Sd/-

K. SRIKRISHNA,
Registrar.

HIGH COURT OF ANDHRA PRADESH HYDERABAD
R.O.C. No. 403/SO/74-7, Dated 26-11-74.

CRICULAR

Sub:-Code of Criminal Procedure, 1973 (Act II of 1974)—Arrangements for disposal of cases investigated by the Special Police Establishment constituted under the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946) other than cases triable by the Special Judges under the Criminal Law (Amendment) Act, 1952-Instructions-Issued.

Prior to 1-4-1974 (the date on which the new Criminal Procedure Code, 1973 came into force) the Fourth City Magistrate, Hyderabad was appointed as a Special Magistrate under section 14 of the old Criminal Procedure Code, 1898 to try cases investigated by the Special Police Establishment constituted under the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946) other than cases triable by the Special Judges under the Criminal Law (Amendment) Act, 1952 arising in the entire State. The above appointment is not saved as per clause (b) of sub-section (2) of section 484 of the new Code of Criminal Procedure, 1973. Consequently with effect on and from 1-4-1974 the said Magistrate ceased to have jurisidction to entertain or try the said cases other than those relating to the Metropolitan area of Hyderabad. In the absence of a provision in the new Code corresponding to the section 14 of the old Code, enabling the appointment of a Special Magistrate of the First Class for any area and to empower him to try a particular class of cases, it is not possible to make arrangements for disposal of all the said cases in the State by one Officer. Therefore the following instructions are issued by the High Court regarding the arrangements for disposal of Delhi Special Police Establishment cases other than those falling under section 6 of the Criminal Law (Amendment) Act, 1952.

The Chief Metropolitan Magistrate is requested to issue special orders under section 19(3) of the new Code allocating allthe said cases arising in the Metro- politan area of Hyderabad to one of the Metropolitan Magistrates. The Chief Judicial Magistrate Hyderabad is requested to issue special orders under section 15(2) of the new Code entrusting all the said cases arising in the Hyderabad District outside the Metropolitan area to the Munsif Magistrae Hyderabad West or the Munsif Magistrate Hyderabad East and re-define the jurisdication of the said Magistrate under section 14 of the Code so as to cover the Hyderabad district excluding the Metropolitan area. Similarly, the other Chief Judicial Magistrates in the State are requested to issue special orders under section 15(2) of the Code entrusting the said cases arising in their respective districts to a Judicial Magistrate of the First Class at the district headquarters and to re-dofine the territorial jurisi- diction of the said Magistrate under section 14 of the Code so as to cover the entire district.

Registrar

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD
R.O.C. No. 446/76-C1, Dated 6-2-1976.

CRICULAR

Sub:-Maintenance of Personal files of the Subordinate Staff in the Courts-Instructions-Issued.

It has come to the notice of the High Court that personal files are not maintained for all the members of the Subordinate Staff of the Mofussil and City Courts regularly. As the maintenance of personal files is absolutely necessary to maintain the efficiency of the administration all the District Judges and Presiding Officers of the City Courts are requested to see that personal files (Confidential reports) are maintained in respect of all the members of the Subordinate staff under their control by the respective authorities as per the rules laid down in Chapter VI in Colume..II of Civil rules of Practice and Circular Orders.

A copy of the said rules and Form No. 23 at page 390 of Civil Rules of Practice and Circular Orders Volume-II is enclosed herewith for guidance.

K. SRIKRISHNA,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD
R.O.C. No. 958/74-B2, Dated -2-1976.

CRICULAR

Sub:-Courts Criminal Special Judicial Magistrates of Section Class Investiture of Powers under section 261 of Code of Criminal Procedure Clari fication Issued.

In the High Court notification Roc. No. 958/74-E2 dated 29-12-1975 all the powers of a Judicial Magistrates of Second Class under the Code of Criminal Procedure, 1973 were conferred on the persons mentioned therein in respect to cases generally to enable them to function as Special Judicial Magistrates. Some of the Chief Judicial Magistrates are requesting the High Court to empower the Special Judicial Magistrates to try offences summarialy under section 261 of the said Code. In this connection, attention of the Chief Judicial Magistrates is invited to High Court's Notification Roc. No. 1523/74-B1 dated 7-5-1974 wherein genreal orders have been issued under section 261 of Code of Criminal Procedure empowering all the Magistrates of Second Class in the State to try summarily any offence which is punishable only with fine or with imprisonment for a term not exceeding 6 months with or without fine and any abetment of or a attempt to commit any such offence.

It is hereby clarified that the general Investiture of poweers on all Judicial Magistrates of Second Class to try offences summarily would apply to the Special Judicial Magistrates of Second Class as well and therefore no separate investiture of powers on Special Judicial Magistrates in this regard is necessary.

K. SRIKRISHNA,
Registrar.

HIGH COURT OF ANDHRA PRADESH HYDERABAD.
R.O.C. No. 687/SO/76, Dated 29-10-1976.

CIRCULAR

Sub:-District Judges-Disposal of Criminal work during Summer Vacation-Instructions Issued.

The District and Sessions Judges and the Additional district Sessions Judges as Officers of non-vacation department, are expected to attend to regular criminal work during adjournment of civil Courts for summer. But it has been the practice for District and Sessions Judges to postpone regular criminal work till after re-opening of the civil courts. This is holding up regular criminal work unnecessarily for a month and a half during adjournment of civil courts for summer. The High Court considers that this practice is not conductive to the speedy disposal of criminal work.

The desirability of treating the District and Sessions Judges as belonging to vacation department has also been considered in this context. The High Court is of the opinion that it would be in the fitness of things to continue them as belonging to non-vacation department and decided that the District and Sessions judges will attended to regular criminal work during the summer adjournment of civil courts.

The High Court accordingly instructs all District and Sessions Judges and Additional District and Sessions Judges in the State to attended to regular criminal work during the summer adjournment of civil courts and to ensure that the criminal work pending at the beginning of the summer vacation in their courts and all courts under their control is disposed of by re-pening of the courts.

The District and Sessions Judges who are not Chief Judicial Magistrates or Vacation Civil Judges

will be permitted to avail themeselves of 15 days during the summer vacation subject to their undertaking to complete the criminal work pending at the beginning of vacation by the re-opening of the courts.

To facilitate proper adjustment of work the District Judges and the Additional District Judges will give preference to civil work during March and April every year and take up only such of the sessions cases and criminal appeals in which the accused are in jail and dispose of the other criminal work during vacation. They will forward to the High Court before 10th of April every year the business of criminal work drawn up for disposal during vacation indicating as to when they propose to avail themselves of the 15 days permission and may avail permission only on confirmation by the High Court. They will furnish to the High Court immediately after vacation a statement of the work done during the vacation and pendency at the end of the vacation.

Necessary amendments will be issued to the rules framed under the Civil Courts Act, 1972 and the Criminal rules of Practice.

Registrar

J-276-11

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

Roc. No. 172/80/77 Dated: 15-2-1977

CIRCULAR

Sub:-ASSISTANT SESSIONS JUDGES - Disposal of Criminal Work during vacation - Instructions Issued.

To ensure speedy disposal of regular criminal work, in the courts of session, the High Court in its Circular Roc.No. 687/80/76 dated 29-10-1976 instructed all Sessions Judges and Additional Sessions Judges who belong to non-vacation department to attend to regular criminal work during the summer adjournment of civil courts.

From the statistics furnished by the Sessions Judges for the last querter of 1976, it is observed that in some of the courts of Assistant Sessions Judges there is considerable pendency of Sessions cases a majority of which are old. In this connection the High Court desires to impress upon all Assistant Sessions Judges in the State keep their file free of sessions cases before the civil courts adjourn for each vacation. In order to keep the pendency of both civil and sessions work under control, one of the measures under consideration of the High Court is to make the Assistant Sessions Judges work during adjournment of civil courts for vacations, so that special attention is paid by them to the disposal of sessions cases during adjourment of civil courts, However, under the Fundamental Rules, unlike the Sessions Judges, the Assistant Sessions Judges (Subordinate Judges) belong to vacation department and they earn only three days leave in a year, unless prevented from availing vacations. Pending examination of the general question of declaring the Assistant Sessions Judges (Subordinate Judges) as belonging to non-vacation department like Sessions Judges by amending the relevant rules, as a preliminary measure, the High Court directs that until further orders, the following Assistant Sessions Judges i.e., Assistant Sessions Judges, Anantapur, Chittoor,

Cuddapah, Amalapuram, Rajahmundry, Eluru, Karimnagar, Khammam, Kurnool, Nalgonda, Nizamabad, Kandukar, Ongole, Srikakulam and Warangal on whose file there is considerable pendency of sessions cases should work throughout the vacations of civil courts and dispose of sessions cases on their file so that they can concentrate on civil work on reopening of the civil courts.

Assistant Sessions Judges who are directed to during adjournment of civil courts should submit ten days before the commencement of very vacation the business of sessions work drawn up for disposal during vacation and furnish at the end of vacation a statement of the work done during vacation and pendency. Where there is more than one Assistant Sessions Judge at a particular station the Sessions Judge may arrange for equitable distribution of sessions work between them under sub-section (1) of section 409 of the Code of Criminal Procedure.

The Assistant Sessions Judges who attend to the disposal of Sessions work during the adjournment of civil courts are entitled to full earned leave admissible under the rules.

The Sessions Judges are requested to ensure proper implementation of these orders.

K. RAMANUJACHARI,
Registrar.

PROCEEDINGS OF THE HIGH COURT OF ANDHRA PRADESH AT AT HYDERABAD.

Sub:-Indian Oaths Act (Act 44 of 1969) Section 3 - Authorising Officers of the High Court of administer oaths and affirmations - Orders Issued.

Order:- Judl. (OS) No. 14/77. Dt. 24-2-1977.

Under Section 3 of the Indian Oaths Act, 1969 (Act 44 of 1969) The Hon'ble the Chief Justice has been pleased, to authorise the Registrar, The Addl. Registrar, The Deputy Registrars, The Secretary to the Hon'ble the Chief Justice, The Special Officer and the Assistant Registrars of the High Court by their designations to administer oaths and affirmations for the taking of any affidavit or affirmation and for receiving and taking the examination of any party or parties and of any witness or witnesses to or in any suit, matter or proceeding which may be pending or about to be instituted and for swearing executirs or adminisrators in the High Court.

V. RAMANUJA CHARI,
Registrar.

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

Roc.No. 849/SO/77. Dated: 22-8-1977.

CIRCULAR

Sub:-Courts - Administration of Oath to witnesses by Attenders and Process Servers of the Court - Deprecated.

An unwholesome practice prevailing in some of the Subordinate Courts is the administration of Oath to witnesses by the Attender of Process Server of the court. The importance of administration of oath to witnesses in the courts need not be restated. Examination of witnesses being one of the primary functions of the court, sub-section (2) of section 6 of the Oaths Act, 1969 (Act 44 of 1969) empowers only the presiding officers of the subordinate courts to administer the oath themselves to make the witness understand and feel the solemnity of the oath and the duty cast on him to speak the truth in the witness-box. Entrustment of this function to the attender or process server of the court besides being violative of the statutory provisions also affects the dignity of the court, solemnity of the proceedings reducing its importance to an empty formality.

The High Court therefore desires to impress upon all the Presiding Officers to administer the oath to witnesses personally and in no event allow the Bench Clerks, Attenders and Process Servers to administer the same.

V. RAMANUJA CHARI,
Registrar.

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

Roc. No. 931-A/SO/77 Dated: 25-11-1977

CIRCULAR

Sub:- District and Sessions Judges - Disposal of Criminal Work during summer vacation - Old system - Restored.

Ref:- Memorandum, dated 1-10-1977 submitted by the Andhra Pradesh Judicial Officers' Association, Hyderabad.

In the High Court's Circular Roc. No. 687/SO/76, dated 29-10-1976, the District and Sessions Judges and Additional District and Sessions Judges were asked to attend to regular criminal work during the summer adjournment of the civil courts.

The Andhra Pradesh Judicial Officers' Association requested the High Court to consider the desirability of revoking the aforesaid circular on the ground that it has taken away the benefit conferred by the Andhra Pradesh Civil Courts Act 1972 and created an anomaly besides causing hardship to the District and Sessions Judges and the Additional District and Sessions Judges who perform arduous duties and turnout strenuous work.

On a careful consideration of the matter, the High Court has decided to withdraw the said Circular and restore the old system. Accordingly the instructions issued in the High Court's Circular are hereby withdrawn and the system obtaining prior to the issuance of the Circular is restored.

V. RAMANUJACHARI,
Registrar.

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

CIRCULAR

Roc.No. 1039/SO/7 Dt: 29-11-1977.

Sub: Appeals in Civil Cases - Filing of printed copies of judgments - Clarification Issued.

Ref: High Court's Notification Roc.No. 44/SO/72, dated 25-1-1977.

In order to avoid delays in disposal of appeals and to reduce the expenditure involved in printing the judgments in civil cases which is subject to periodical rise, in the notification read above, the High Court has amended Order XLI, XLI-A and XLII of Schedule 1 of the Code of Civil Procedure, Rules 135 and 136 of the Civil Rules of practice and Rules 72 and 73 of the appellate side Rules of High Court dispensing with printing of the Judgments in Civil Cases altogether and allowing the practice of file typed or mechanically reproduced copies of judgments.

The Bar Association, Kakinada, certain members of the Bar and Printers represented to the High Court to revive the old system of compulsory printing of judgments in Civil matters for the purpose of the appeals. on the ground that typing involves a Heavy Financial burdens on the party, that typed copies are more prone for typographical errors and that if judgments are printed the entire cost of printing can be conveniently included in the Memorandum of costs.

The effect of amendments notified in the reference read above is that compulsory printing of judgments and orders was done away with and choice is given to the appellant to file along with memorandum of appeal

copies of judgments either neatly typed or mechanically reproduced in any way. Under the amended rules, there is no objection for the parties filing printed copies of judgments, for the expression "judgment shall be neatly typewritten or mechanically reproduced in any other way" would cover printed copies also. To make the position clear, it is hereby clarified that wherever the appellant finds printing cheaper he may file printed copies of judgments along with the memorandum of appeal instead of typed or cyclostyled copies without causing any delay.

The High Court however considers that there is no justification to restore the old system of the courts granting printed copies of judgments in civil cases for the purpose of preferring appeals.

V. RAMANUJACHARI,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

CIRCULAR

Roc.No. 1758/77-C.Spl.(Con.) Dt. 2-12-1977.

Sub: Public Services - A.P.J.M.S. - Promotions under Rule 40 - Temporary promotions to regular vacancy - Not to be made by promoting unqualified prsons when suitable and qualified candidates are available - Instructions - Issued.

Instances have come to the notice of the High Court where temporary promotions under Rule 40 of the Andhra Pradesh Judicial Ministerial Service Rules are made, by promoting unqualified juniors over-looking qualified seniors even though they are available, and when the qualified seniors so over-looked prefer revisions to the High Court they also are promoted, to

circumvent the irregularity. The High Court depricates the said practice as being irregular and snacks of favouritism.

All the District Judges and other appointing authorities are therefore requested to avoid such appointments and to make regular promotions, as far as possible avoiding such irregularities instead of making temporary promotions under Rule 40, Andhra Pradesh Judicial Ministerial Service Rules.

The receipt of the instructions should be acknowledged.

V. RAMANUJACHARI,
Registrar.

PROCEEDINGS OF THE HIGH COURT OF ANDHRA PRADESH
HYDERABAD

Roc.No. 1139/SO/77. Dt: 20-3-1978.

Sub: Disposal of cash-properties in disposed of cases on the file of the courts of the Special Judges for S.P.E. & A.C.B. cases Hyderabad - Instructions Issued.

Read: Letter Dis.No. 974/77, dated 8-12-1977 from the Special Judge for S.P.E. and A.C.B. cases, Hyderabad.

ORDER:

It is brought to the notice of the High Court by the Special Judge for S.P.E. & A.C.B. cases, Hyderabad that inspite of service of notices on the parties to appear in court and take delivery of the cash-properties under Rule 290 of the Criminal Rules of Practice

and Circular Orders, 1966 in cases disposed of by the Court, the parties are not coming forward to receive them obviously because the property involved is cash and it is expensive for them to come from remote places for the sake of taking delivery of cash which sometimes is not sufficient to meet the expenses for the journey to Hyderabad and back.

The Special Judge requested that pending framing of a suitable provision in the Criminal Rules of Practice he may be allowed to send the cash by money orders. The suggestion made by the Special Judge has been considered by the High Court. The High Court is of the opinion that sending cash by money order by the Court suo motu is not desirable as it leads to malpractices and also involves certain practical difficulties. There is likelihood of several money orders being returned for want of full address of the party or on account of the person entitled to receive the cash changing his residence or leaving the village or town by the time the case is disposed of which is about 4 or 5 years from the date of filing charge-sheet. Further, the Moneys cannot conivently be send by money order in all cases. The maximum amount accepted by the post office under a rarely Money order is Rs. 1,000/- and amounts exceeding Rs. 1,000/- have to be sent under separate money orders.

The High Court having examined the matter in detail directs that the following procedure be followed by the Special Judges for S.P.E. and A.C.B. cases, Hyderabad in returning cash.

In all cases where cash is directed to be delivered to the parties at the time of judgment, a notice shall be issued in the proforma prescribed (Form No. 107 of the Criminal Rules of Practice and Circular Orders, 1966) with an additional clause that in case the party

is not in a position to personally attend court at Hyderabad and receive the property he is at liberty to submit a representation by post duly attested by a Magistrate or Revenue Officer not below the rank of a Tahsildar or a Police Officer not below the rank of an Inspector with an advance receipt for the amount on receipt of which a crossed-cheque would be sent to him for the amount by Registered post. The Special Judges may as soon as representations are received with advance receipts send crossed cheques for the amounts by Registered post with acknowledgment due. Where no such representations are received with advance receipts for return of cash, the amounts will be lapsed to Government as usual.

In all cases disposed of, after appeal time or after the disposal of appeals where they are preferred the Special Judges will deposit the cash in criminal court deposits and issue crossed cheques as and when representations are received from the parties in reply to the notices issued to them. In respect of pending items where notices have already been issued, the Special Judges may immediately transfer the cash to criminal court deposits and issue fresh notices as indicated supra.

Sd/-.,
Registrar.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

CIRCULAR

Roc.No. 8070/77/C.Spl.(Con.). Dt: 2-6-1978.

Sub: Public Services - Appeals - Delay in forwarding the appeal petitions - Instructions - Issued.

Rule 27 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1963 provides that an appeal

preferred under the rules shall be presented to the authority to whom the appeal lies a copy being forwarded by the appellant to the authority which made the order appealed against and that the authority which made the order appealed against shall forward the copy of the appeal with its comments thereon together with the relevant records to the appellate authority viz., High Court without any aviodable delay and without waiting for any direction from the appellate authority.

Inspite of the rule position extracted above, it is seen that advance copies of the appeal petitions are not being sent to the appellate authority and the disciplinary authorities are also not forwarding the appeal petitions presented to them with their comments together with the relevant records to the appellate authority expeditiously without any avoidable delay.

It would thus be seen that the appellate authority has to dispose of the appeal petition within six months of its representation.

In this connection attention is invited to the relevant provisions of the A.P. Administrative Tribunal Order, 1975, Under para 7 of the said order, the Tribunal shall not admit any representation unless the person concerned has availed of the remedies provided under the rules and if the representation submitted has not been disposed of within a period of six months from the date of its submission, it will be deemed that the appeal petitioner has failed to secure redress.

It would thus be seen that the appellate authority has to dispose of the appeal petition within six months of its representation.

In view of the rule position extracted above all the District Judges are requested to bring to the notice of members of staff under their control that they should invariably send an advance copy of the appeal petition to the High Court. The District Judges should also ensure that the copy of the appeal petition handed over through proper channel is forwarded to the High Court together with all the records and parawise comments with least possible delay so as to enable the High Court to dispose of the appeasl within SIX MONTHS.

All the district Judges in the State are requested to strictly adhere to the above instructions.

Sd.
K. VENKATARAMANA,
Registrar.

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 831/SO/78 Dated: 22-8-1978.

CIRCULAR

Sub: Rent Controllers in the twin cities - Administrative control - Instructions - Issued.

Three of the Assistant Judges attached to the City Civil Court are functioning exclusively as Rent Controllers in Hyderabad and Secunderabad. While administrative control over these Rent Controllers is vested in the Chief Judge, City Civil Court, under the provisions of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960, the Chief Judge, City Small Causes Court is constituted as the appellate authority on the judicial side. The Rent Controllers and their staff being part of the establishment of the City Civil Court, the expenditure on them is debited to the Minor Head of Account '10-Civil and Sessions Courts" to which the expenditure of the City Civil Court is debited, while the expenditure on the City Small Causes Court is debited to a separate head of account namely, '15 - Court of Small Causes.'

This dual control is leading to anomalous situation. The Chief Judge, City Civil Court who is exercising administrative control is not in a position to assess properly the quality and quantity of judicial work turned out by the Rent Controllers as he had no occasion to review their work on the judicial side. Similarly the appellate Judge had difficulty in co-ordinating the work of the appellate and trial courts for want of administrative control over the staff of the Rent Controllers.

At the conference of the Judicial Officers of Hyderabad City and Hyderabad District convened recently, the Chief Judge, City Civil Court and the Chief Judge, City Small Causes Court expressed that since the Chief City Small Causes Court is the appellate authority over the Rent Controllers on the judicial side it is

in the fitness of things that the administrative control over them is transferred from the Chief Judge, City Civil Court to the Chief Judge, City Small Causes Court.

The High Court has examined the above suggestion and is of the opinion that as the appellate authority the Chief Judge, City Small Causes Court is in a better position to appreciate the work of the Rent Controllers and streamline the administration both in the trial and appellate Courts.

But according to the budgetory classification worked out on all India basis, the Rent Control Courts are made part of the Civil Courts' Establishments and as things stand, the expenditure on Rent Controllers and their staff in the twin cities is debitable to the City Civil Court Establishment. Under the existing scheme, Assistant Judges forming part of the City Civil Court are functioning exclusively as Rent Controllers, their staff being interchangeable with the rest in the City Civil Court for whom the Chief Judge, City Civil Court, is the appointing authority.

The High Court considers that having regard to the above circumstances, full and complete transfer of administrative control over the Rent Controllers and their staff from the Chief Judge, City Civil Court to the Chief Judge, City Small Causes Court cannot be effected unless suitable changes are made in the relevant statutory provisions.

From the point of administrative convenience the High Court is pleased to issue the following instructions:-

The Chief Judge, City Small Causes Court will supervise the work of the Rent Controlles and write their annual confidential reports, scrutinise all periodical and other statements of work and inspect the offices of the Rent Controllers annually.

Financial control over the offices of the Rent Controllers and administrative control over the staff shall, however, continue to vest in the Chief Juege, City Civil Court.

The Chief Judge, City Civil Court, the Chief Judge, City Small Causes Court and the Rent Controllers are requested to follow the instructions until further orders.

REGISTRAR.

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 946/SO/78. Dated 28-8-78.

CIRCULAR

Sub: DISPOSAL OF OLD CRIMINAL CASES in which accused are absconding and where the Police are not returning the warrants of arrest duly executed - Instructions - Issued.

It is seen that sizable number of old criminal cases are pending before Magisterial Courts on account of non-execution of the warrants issued to the Police in respect of the absconding accused.

Under rules 17, 18 and 19 of the Criminal Rules of Practice and Circular orders, 1966 where the presence of the accused cannot be secured within a reasonable time, such cases have to be transferred to the Register of long pending cases after following the procedure prescribed in sections 82, 83 and 299 of the Code of Criminal Procedure, 1973. The High Court considers that it is not conductive to the Administration of Criminal Justice to keep on file old cases for non-execution of warrants. The High Court considers that effective steps should be taken to secure expeditious disposal of all such old cases.

The Sessions Judges are therefore requested to draw the attention of the Superintendents of Police concerned to all such cases pending for over three months and review the position at the end of each month. If there is no satisfactory improvement either in apprehending the accused or in returning the warrants or in submitting the reports under the sections 82 and 83 of the Code, the Sessions Judges are requested to send consolidated reports to the High Court every month to enable the High Court to take up the mater at appropriate level.

J.276-12

REGISTRAR.

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 633/SO/78-1. Dated 29-8-1978.

CIRCULAR

Sub: MOTOR VEHICLES - Traffic Accidents on National Highways - Recording of convictions and disqualifications in the Driving Licence and Conductors Licence as required under the Motor Vehicles ACt, 1939 and the rules made thereunder - Instructions - Issued.

Government have brought to the notice of the High Court that the criminal courts while convicting and disqualifying drivers and conductors under the provisions of Motor Vehicles Act are not making necessary endorsements about convictions and disqualifications in the driving or conductors' licence as the case may be and are also not intimating such endorsements to the licensing authorities although such endorsements and intimations are mandatory under the provisions of sections 17, 19, 20, 21G, 21H of the Motor Vehicles Act, 1939 and rules 39 and 68 of the rules made thereunder.

All Sessions Judges are requested to draw the attention of the Presiding Officers of all criminal courts within their respective Sessions Division to the aforesaid provisions and to issue suitable instructions to them to observe strictly the provisions of law regarding recording of convictions and disqualifications in the licences referred to and about prompt intimation of such endorsements to the licensing authorities.

REGISTRAR

HIGH COURT OF ANDHRA PRADESH : HYDERABAD
ABSTRACT

Rules made by the High Court under sections 22 and 31 of the Andhra Pradesh Civil Courts Act, 1972 - Amendment to Rule 5 of the said Rules - Notified.

Roc.No.1209/SO/78. Dated 8th December, 1978.

ORDER:

The following Notification will be published in the Andhra Pradesh Gazette. It shall come into force immediately.

NOTIFICATION

In exercise of powers vested under sections 22 and 31 of the Andhra Pradesh Civil Courts Act, 1972 the High Court of Andhra Pradesh hereby makes the following amendment to the Rules governing vacations and holidays of the Civil Courts notified in the Andhra Pradesh Gazette No. 39 Rules Supplement to Part II dated 30th November, 1972.

AMENDMENT

In the said Rules, for the first paragaraph of Rule 5, the following shall be substituted namely:-

"5. Except by special leave of the High Court, the adjournment of all the Civil Courts in the State for Sankranti and Dasara shall be simultaneous. The annual adjournment of the District Courts and the Subordinate Judges' Courts for summer shall commence on the same day as the High Court adjours for its summer vacation. The annual adjournment of the District Munsif Courts for summer shall be so adjusted that their re-opening synchronises with the re-opening of the District Courts and the Subordinate Judges' Courts."

REGISTRAR,
(Administration.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 458/SO/79. Dated 30th April, 1979.

CIRCULAR

According to the instructions already issued, the Sessions Judge has to send a panel of names of qualified and suitable persons for appointment as Special Judicial Magistrates to the Collector and District Magistrate concerned with full particulars as to the age, educational qualifications, and experience in relation to the legal afairs as prescribed by the High Court. The High Court is not aware of the recommendations of the Sessions Judge or the particulars of the persons recommended till proposals are received by the High Court from the Government for conferment of powers on a particular person.

To facilitate the High Court to know whether a particular candidate has been duly recommended by the Sessions Judge and also whether such person possesses the requisite qualifications and experience as prescribed under the Rules, the High Court considers it desirable to have a copy of the recommendations sent to the Collector and District Magistrate.

All the Sessions Judges, are therefore, requested to forward to the High Court a copy of the letter addressed by them to the Collector and District Magistrate whenever they send proposals to the latter regarding appointment of Special Judicial Magistrates.

REGISTRAR,
Administration.

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 391/SO/79. dated 28-6-1979.

CIRCULAR

Sub: PRIORITY FOR trial of officers falling under Indian Penal Code and Protection of Civil Rights Act 1955 against Scheduled Castes and Scheduled Tribes - Regarding.

It is the policy of the State that the offences falling under Indian Penal Code and Protection of Civil Rights Act, 1955 against Scheduled Castes and Scheduled Tribes should be tried and disposed of quickly.

With a view to ensure speedy disposal of such cases constitution of Special Courts at the District Head-Quarters throughout the State is under consideration. However constitution of the above mentioned Special Courts is likely to take some time.

Pending constitution of the Special Courts the High Court directs that the Chief Metropolitan Magistrate and other Metropolitan Magistrates under his control all Chief Judicial Magistrates and other Judicial Magistrates under their control should give priority for the trial of cases registered under the aforesaid Acts, against Scheduled Castes and Scheduled Tribes and dispose them of expeditiously.

K. VENKATARAMANA,
Registrar (Adm.)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

Roc.No. 7027/79/C1. Dated: 16-1-1980.

CIRCULAR

Sub: A.P.LEGISLATURE - Committee on Welfare of Backward Classes - Meeting on 12-12-1979 Note on reservation for Backward Classes in A.P. Judicial Employees and A.P. Judicial Ministerial Services - Regarding.

Ref: D.O.Lr.No.2362/Cts.A/79-5 dt:20-12-1979 of the Joint Secretary to Government, Home (Courts.A) Department, Hyderabad.

The Joint Secretary to the Government of Andhra Pradesh, Hyderabad in the letter cited, requested the High Court to instruct all the officers of the Subordinate Courts under the control of High Court to produce the records or documents and to appear the implementation of Rule of Reservation in the District Courts.

The matter has been carefully considered by the High Court and the Government have been informed that no permission would be given to them to inspect the records of the lower courts even in the administrative matters, and, therefore, not to insist the District Judges and other Subordinate Judicial Officers to produce the records or documents before the Committees or to appear personally before them in view of th fact that under Article 235 of Constitution of India, the High Court is vested with the powers of control and General Superintendence over the Subordinate Judiciary.

All the District Judges and other Judicial Officers under the control of High Court of Andhra Pradesh are therefore hereby directed not to produce any records or documents or appear before the Government Officials or Committees or Sub-Committees in the administrative matters.

K. VENKATARAMANA,
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 20/30/80. Dated: 18-1-1980.

CIRCULAR

Sub: COURTS - Civil and Criminal - Service of Summonses, Processes etc., on Members of the Legislative Assembly and the Legislative Council - Practice of addressing the Speaker and Chairman - Discontinuance of - Instructions - Issued.

Read: High Court's Circular R.O.C.No.6437/58-B1, dated, 12-12-1958.

Attention is drawn to the High Court's Circular cited (Copy enclosed for ready reference) on the above subject. Despite the same, instances have come to thenotice of the High Court that some of the Judicial Officers are sending summonses,processes etc., intended for Service on Members of the Legislative Assembly to the Speaker of the House or to the Chairman Legislative Council for service on the members. The High Court has already deprecated such practice in its Circular Roc.No. 88/62 Con.B-1, dated 1-4-63. But yet several Judicial Officers have been pursuing the said practice and thus making themselves liable for contempt of Speaker and breach of privilage of the House.

All Judicial Officers are hereby warned against using the agency of the Speaker of the Legislative Assembly or the Chairman of the Legislative Council or other Official of the Legislative Secretariat for the purpose of effecting service summonses, processes etc., in Criminal and Civil Cases.

Non-observance of the instructions contained in the Circular read above, by the Judicial Officers will be viewed with grave displeasure by the High Court and such disobedience will not only make then liable for contempt of Speaker but also for disciplinary action.

K. TATACHARI,
For Registrar(Administration).

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 4/SO/80. Dated: 28-1-1980.

CIRCULAR

Sub : THE ANDHRA PRADESH LAND REFORMS (Ceiling on Agricultural Holdings) Act 1973 - Filling of Civil Revision Petitions in the High Court - Delay in sending proposals to Government Pleaders High Court - Regarding.

Read: Government's Letter No. 3490-G/79-1, Revenue Secretariat, dated 24-12-1979.

The Government have brought to the notice of the High Court in the reference readabove that the Government Pleader High Court is receiving proposals from the Collector of West Godavari for filling Civil Revision Petitions under the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act 1973 in the High Court long after due dates and that the High Court has been decling to admit such C.R.Ps. The Government further state that the Collector of West Godavari who has been consulted in the mater has pointed out that the land Reforms Appellate Tribunals at Bhimavaram and Kovvur are sending the judgments direct to the Authorised Officer Land Reforms whose Head Quarters is at Eluru but not handing over the orders to the Assistant Government Pleaders appointed at their Courts and appearing before them and that in turn the authorised officers has to send copies of the judgments to the Assistant Government Pleader to obtain his opinion as to the fitness of the case for filing a revision or otherwise. The Collector has therefore stated that considerable delay is being caused in obtaining the opinion of the Assistant Government Pleaders. The Government therefore suggest that the Land Reforms Appellate Tribunals at Kovvur and Bhimavaram may hand over their judgments direct to the Assistant Government pleaders which will save much of the time.

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 95/SO/79. dated 4-2-1980.

CIRCULAR

Sub : STAMPS - Stamp Duty and Fee under the provisions of the Indian Stamp Act, 1899 - Collection of - Issue of directions by Subordinate Courts concerning Stamp Duties and fee on documents produced in evidence in Judicial proceedings prohibited - Instructions - Issued.

Read: Letter No. S1/23333/78 dated 2-2-1979 from the Inspector General of Registration and Stamps Hyderabad addressed to the High Court.

In the reference read above the Inspector General of Registration and Stamps, Hyderabad had brought to the notice of the High Court (copy enclosed) an instance wherein the Subordinate Judge, Gudivada issued a certificate dated 4-10-1977 stating that a fair security Bond filed by the party, pursuant to the order of the High Court dated 10-6-1977 and made in CMPs Nos. 12958 of 1976 and 5079/77 in Appeal No. 319 of 1977 was accepted and through the same certificate he also issued direction to the Sub Registrar Nuzvid to register the document collecting necessary fee and Stamp duty, as per the provisions of Article 48(b) of Schedule 1-A to the Indian Stamp Act which direction is not provided for.

The High Court on perusal of the letter read above had observed that the aforesaid action of the Subordinate Judge Gudivada in directing the Registering Officer to register the document collecting fee and stamp duty under the provisions of the Indian Stamp Act,, is without authority.

Under the circumstances pointed out by Government the High Court hereby directs that the Land Reforms Appellate Tribunals in the State do furnish, one more copy if each of their judgments to the Assistant Pleaders attached to their respective Tribunals to enable the Government to file Civil Revision Petitions under the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act 1973 in the High Court within the period of limitation apart from sending their judgments direct to the Authorised Officers Land Reforms.

REGISTRAR
(Administration)

In the circumstances, all the Subordinate Courts in the State are hereby directed not to issue directions to the Registering Officers to register the documents produced before them in evidence in judicial proceedings, collecting fee and stamp duty repayable on the said documents under the provisions of the Indian Stamp Act, which are not provided by authrority.

REGISTRAR,
(Administration)

GOVERNMENT OF ANDHRA PRADESH

From:
Sri K. Gopal Reddy,
M.A., L.L.B.,
Inspector General of Registration and Stamps,
Hyderabad.

To
The Registrar
High Court of A.P.,
Hyderabad.

No. SI/23333/78, Dt. 2-2-79.

Sir,

Sub: INSPECTION REPORT OF SUB-REGISTRY OFFICE - Nizvid for 1977-78-Item No. 7(b)-Doct.No. 3816/77 of BK. I - Deficitly stamped - wrong direction by the Subordinate Judge, Gudivada to the Sub-Registrar, Nizvid - Report - Submitted.

I write to state that the document No. 3816/77 of BK. I of Sub-Registry Office, Nizvid was styled as "Security Bond" for Rs. 12,671-26 Ps. It was executed on 30-8-77 on Non-Judicial Stamp papers worth Rs. 30/- by a party who is an advocate in favour of the subordinate Judge, Gudivada.

The details of the case are as follows:-

The Subordinate Judge, Gudivada issued a decree in favour of the executant of the above document on a sum of Rs. 24,708-20 against the Govt. i.e., Special Tahsildar, (L.A.) Nizvid. In execution of the said decree, the Special Tahsildar (L.A.) Nizvid had deposited a cheque for Rs. 25,342-52 in the said court and filed an appeal before the A.P. High Court against the orders of the Subordinate Judge, Gidivada and obtained stay Proceedings.

The party filed a representation before the High Court for vacation of the stay proceedings. The High Court issued a conditional order directing for release

of half of the deposit amount without insisting any security and for release of the balance deposit amount on security offered by the party.

Accordingly, the party executed the instant document which was styled as security Bond for Rs. 12,871-26 in favour of the Subordinate Judge, Gidivada. The party hypothecated immovable property as security for the receipt of the balance deposit amount till a final judgment is delivered by the High Court.

The document under reference is chargeable as mortgage for Rs. 12,671-26 requiring a stamp duty of Rs. 390/-u/a35(b) of Schedule I-A to Indian Stamp Act.

The Subordinate Judge, Gudivada issued a certificate Dt. 4-10-77 stating that the fair security bond filed by the party was accepted and through the same certificate, he also directed the Sub-Registrar, Nizvid to registrar document after collecting necessary fee and stamp duty under article 48(b) (applicable to security Bonds) of Schedule I-A to I.S. Act. The maximum duty chargeable under the said article is of Rs. 30/- only. I am to state that article 48(b) does not apply to the document under reference but only article 35(b) requiring payment of stamp duty at advaloram rates is applicable to the documents of the type.

On the direction (certificate) given by the subordinate Judge, Gudivada, the Sub-Registrar, Nizvid registered the document though the document is deficitly stamped by Rs. 360/-. The Sub-Registrar when questioned submitted, that he had to obey the orders of the Subordinate Judge, Gudivada, lest there may be a possible case contempt of court.

I, further state, that the action of the Subordinate Judge, Gudivada in directing the Sub-Registrar,

Nizvid to register the document collecting fee and stamp duty u/a. 48(b) of Schedule I-A to I.S. Act, is uncalled for and without authority.

The action of the Subordinate Judge has resulted in loss of stamp duty of Rs. 360 due to the State Exchequer in this case. When the courts are in doubt or not able to arrive at proper duty it would be appropriate to ascertain the present rates from Registration Officers. I enclose herewith a copy of the document under reference and copy of the certificate Dt. 4-10-77 issued by the Subordinate Judge, Gudivada for perusal.

I, therefore, request you to cause issue of necessary instructions to all the subordinate Judicial Officers under the control of the High Court not to issue directions concerning stamp duties payable on documents to the Registering Officers. A copy of the instructions issued in this regard may also kindly be furnished to me.

Yours faithfully,

K. GOPAL REDDY,
Inspector General of Registration and Stamps.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

CIRCULAR

Roc.No. 1177/ SO/79. Dt. 13-5-80.

Sub: Camp Court held by the Judicial First Class Magistrate for Railways and Special Judicial Magistrate for Railways - Avoidance of clash of the respective camp courts on a particular day at a particular station - Instructions - Issued.

During the meeting of the Railway Officials held on 11-4-1980 at General Manager's Conference Hall Rail Nilayam Secunderabad with the Judicial First Class Magistrates for Railways in the State and the Officers of the High Court to discuss various problems that may arise, consequent upon the issue of G.O.Ms.No. 83, Home (Courts-B) Department dated 5-2-1980 establishing five Special Courts of Judicial Magistrates of First Class for Railways at Vijayawada, Waltair, Nellore, Guntakal and Secunderabad with jurisdiction over more than one district, the Railway Officials have requested the High Court to issue suitable instructions to the District Judges to see that as far as possible camp courts are not held by both the Judicial First Class Magistrate for Railways and the Special Judicial Magistrate for Railways on the same day at a particular station as it creates unnecessary problems and troubles to the concerned Railway Officials at that particular station.?

The High Court had already considered this aspect at the time of recommending to the Government regarding the establishment of Special Courts of Judicial Magistrates of First Class for Railways over more than one District and is of the opinion that the holding of the camp courts by both the Judicial First Class Magistrate

for Railways and the Special Judicial Magistrate for Railways on the same day at a particular station shall be avoided as it creates unnecessary problems and troubles to the concerned Railway Officials at that particular station.

Under the circumstances the Judicial First Class Magistrates for Railways and the Special Judicial Magistrates for Railways in the state are hereby directed to send their respective programmes of holding camp courts at stations to the concerned District Judges fourteen-days in advance so as to unable them to satisfy themselves that there is no clash of camp courts by the Judicial First Class Magistrate for Railways and the Special Judicial Magistrate for Railways on a particular day and at a particular station.

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

CIRCULAR

Roc.No. 1091/SO/79. Dt. 15-5-1980.

Sub: Practice of Criminal Courts calling for Police Diaries of cases under inquiry for trial in their courts under section 172(2) of the Code of Criminal Procedure, 1973 - Instructions - Issued.

Ref: Government's Lr.No. 3285/Courts-B/79-1, dated 11-9-1979 with enclosures.

The Government while enclosing to their letter read above copies of the Letter No. C.No. 5597/04/79, dated 26-6-1979 from the Superintendent of Police, Visakhapatnam District to the Inspector General of Police, Andhra Pradesh and opinion No. 67/L.A./79 dated 7-8-1979 from Legal Advisor, Crime Branch, C.I.D. Hyderabad to the Inspector General of Police requested the High Court to consider the request of the Superintendent of Police, Visakhapatnam contained in the said letter No. C.No. 5597/C4/79, dated 26-6-1979.

The Superintendent of Police, Visakhapatnam States in the said letter that Police Diaries of cases are being called for by the Assistant Sessions/Sessions Courts in Visakhapatnam District under section 172(2) of the Code of Criminal Procedure, 1973 as a matter of routine much in advance of the commencement of trial of concerned cases and that this procedure is causing a lot of inconvenience to the Investigating Officers. The Police Diaries are kept in the court records till after the expiry of the appeal time. In some cases they are being sent to High Court by the lower courts

in connection with the hearing of the appeals. But they are not being made available to the Public Prosecutor for conducting the prosecution. The Superintendent of Police, Visakhapatnam further states that this procedure entailing the surrender of original police diaries to courts making it difficult for the Investigating Officers to refresh the memory of witnesses and to correctly plan the prosecution sequence during the course of trial.

The Superintendent of Police, Visakhapatnam has therefore requested that suitable instructions may be issued to the Assistant Sessions/Sessions Judges in Visakhapatnam District not to requisition, as a matter of routine the police diaries much in advance of the commencement of trial of the concerned cases.

The Legal Adviser, Crime Branch, C.I.D., Hyderabad has endorsed the aforesaid views of the Superintendent of Police, Visakhapatnam and requests that suitable instructions be issued in this regard. The High Court on a careful consideration of this matter is of the opinion that Criminal courts shall not send for Police Diaries of cases under section 172(2) of the Code of Criminal Procedure, 1973 as a matter of routine and that they may send for them under the said section 172(2) of Criminal Procedure Code, 1973 only if they think it necessary to peruse them during the inquiry or trial.

Under the circumstances, the High Court hereby directs that the Sessions Courts and even Criminal Courts in the State may send for the Police Diaries under section 172 (2) of the Code of Criminal Procedure

1973 only when they think it explicitly necessary to peruse them.

K. VENKATARAMANA,
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 274/SO/80. Dated: 9th July, 1980.

CIRCULAR

Sub: COURTS - Criminal - F.I.Rs filed by the Police and Excise Department - Certain Instructions Issued.

Read: High Court's Circular P.Dis.No.178/76-E6, dated 20-12-1976.

It is seen from the Inspection Notes of the Judicial Second Class Magistrates' Courts and First Class Magistrates' Courts submitted by the District and Sessions Judges that a number of F.I.Rs., are kept pending in their courts for want of charge sheets or final reports to be filed either by the Police or by the Excise Department and that reminders are being issued to them from time to time indefinitely.

The High Court after careful consideration is of the opinion that such a procedure of keeping the F.I.Rs pending and issuance of reminders to the police officers from time to time will consume a lot of time and waste of energy to the presiding officers of Criminal Courts

Under the circumstances and in modification of the High Court's Circular read above, the High Court hereby directs that all the Judicial Magistrates in the State shall close the F.I.Rs registered in their Courts and consign them to the record room if no charge sheets or final reports under Section 173 of the Code of Criminal Procedure are filed within one year in respect of the said F.I.Rs.

The High Court further directs that during this one year period, the Judicial Magistrates shall not only issue reminders to the concerned Police Stations but also send a list of such cases after every three

months to the respective Sessions Judges who in turn send the same to the concerned Superintendents of Police enabling them to take necessary action so that the F.I.Rs, are not unnecessarily kept pending on the file of the Courts.

As and when the Charge-sheets are filed in respect of the closed F.I.Rs., the Judicial Magistrates can call for the concerned F.I.Rs., from the record room for further action.

REGISTRAR(Admn.)

IGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 686/SO/80-1. Dated 7-8-1980.

CIRCULAR

Sub: The Andhra Pradesh (Andhra Area) Tenancy Act, 1956 (as amendec by Act 39 of 1974) - Instructions - Issued.

(1) All the District Munsifs and the District Judges in the Andhra Area may receive from the Tahsildars and Revenue Divisional Officers the pending matters under the Andhra Pradesh (Andhra Area) Tenancy Act, 1956 prior to amendment and may also receive new matters filed before them under the Amendment Act 39 of 1974. Which came into force on 1-7-80 and number the cases received by the District Munsifs as Andhra Tenancy Cases (A.T.Cs) and the appeals received by the District Judges as Andhra Tenancy Appeals (A.T.As) as is done with regard to Rent Control matters as Rent Control Cases (R.C.Cs) and Rent Control Appeals (R.C.As) and to register those cases and appeals in separate registers as is done in the case of R.C.Cs and the R.C.As and deal with them according to Law;

(2) While receiving the pending proceedings from the Tenancy Tahsildars, the District Munsifs should insist upon the Tenancy Tahsildars to furnish full particulars of the amount deposited in each proceeding and see that the amounts so deposited are transferred to the Civil Court Deposits and furnish a certificate to that effect to the concerned District Court ;

(30 The District Munsifs and District Judges in Andhra Area are directed to see that the monies deposited into Court during pendency of the proceedings or thereafter under the said A.P. Tenancy Act are deposited under the Head "Civil Courts Deposits", and

(4) The District Judges in Andhra Area are directed to send proposals to the High Court for the sanctioning of additional courts, if necessary, having regard to the pendency of those matters before the District Munsifs and the District Judges.

REGISTRAR (Administration)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No.3371/80-C1, Dated: 18-8-1980.

CIRCULAR

Sub: COMMITTEE ON WELFARE OF SCHEDULED CASTES - Recommendations regarding absence of some Officers before the Commission on Welfare of Scheduled Castes - Reg.

Ref: 1. High Courts Circular Roc.No.7027/79-C1, dated 16-1-80.
2. U.O.Note No.792/Committee/80-1, dated 27-6-80 from Social Welfare (Com), Dept.
3. Government's Lr.Endorsement No. 2117/ Genl.B/80, dated 9-7-80.

Attention is invited to the High Court's circular first cited through which all the District Judges and other Judicial Officers under the control of the High Court of Andhra Pradesh are directed not to produce any records or documents or appear before the Government Officials or committees or sub committees with respect to administrative matters.

In continuation of the above said circular, all the District Judges and other Judicial Officers under the control of High Court are hereby directed not to appear before committees, unless they are bound to appear under law before statutory or other committees.

P. SREERAMA RAJU,
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.no. 257/SO/80. Dated: 21-8-1980.

CIRCULAR

Sub: EXPEDITIOUS disposal of the cases involving Army personnel - Regarding.

The Government have reported to the High Court as follows:

(1) There are large number of cases involving Army personnel which are pending in Courts of Law; (2) These personnel remain away from their parent units for a long time to attend the Courts; (3) Their long absence from the unit depletes the fighting strength of the unit. The Government, therefore, request the High Court to issue suitasble instructions to the Subordinate Courts in the State to dispose of the aforesaid cases as expeditiously as possible lso as to enable the Army personnel to be present at their respective units immediately after the said cases are disposed of.

The High Court, on a consideration of the aforesaid report of the Government, is of the view that the cases involving Army personnel pending in Courts of law should be tried and disposed of as expeditiously as possible, enabling the Army personnel to resume their duties at their respective units immediately after the said cases are disposed of in the interest of the Nation.

The High Court therfore directs that all the Subordinate Courts in the State shall try and dispose of as expeditiously as possible the cases involving Army personnel to be present at their respective units immediately after the said cases are disposed of.

The receipt of this Circular should be acknowledged.

REGISTRAR,
(Administration)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

Roc.No. 888/SO/78.-1. Dated: 28-8-1980.

CIRCULAR

Sub:-PERSONS SUBJECT TO THE MILITARY, NAVY AND AIR FORCE LAW when brought before the Magistrate and charged with offences which are triable by a court-Martial-Instructions Issued.

Ref:-The Letter No. 3700/Court.B/78-1, dated: 4-8-1978 by the Government of A.P., with copy of letter from the Govt. of India, Ministry of Home Affairs, Lr.No. 7/6/78-Judicial Cell, Dated: 20-7-1978, addressed to The Chief Secretaries of all the State Governments and Union Territories.

The Government of Andhra Pradesh have brought to the notice of the High Court in the letter read above a copy of the letter No. 7/6/78-Judicial Cell, dated 20-7-1978 addressed by the Government of India, to the Chief Secretaries of all the State Governments and Union Territories for suitable action. In the said copy of the letter the Government of India state that the Naval Head-Quarters have intimated them that the Criminal Coruts generally delay supply of copies of the Judgments free of cost to them in respect of accused persons in the Naval Service while subject to Naval Law on application by the Chief of the Naval Staff or the Commanding Officer of those persons in the cases under section 25 of the Navy Act, 1957 and have requested that necessary steps may be taken so that the legal requirements of the Navy Act etc., are not overlooked and the detailed information regarding the cases and copies of Judgment are supplied expeditiously to the concerned authorities by the Courts.

The High Court on a consideration of this matter hereby directs:

(1) that all the Judicial Magistrates in the State shall, where persons subject to Military, Naval or Air Force Law are brought before them and charged with the offences for which they are liable to be tried by Court-Martial, give Written Notice of the same to the concerned Commanding Officers or Competent Authorities of the accused persons as required under rule 4 of the Criminal Courts and Court Martial (Adjustment of Jurisdiction) Rules, 1978 framed by the Cental Government under Sub-Section (1) of section 475 of the Code of Criminal procedure 1973, and

(2) that all the Criminal Courts in the State shall grant copies of their Judgments and final orders passed in the cases filed before them against the accused persons in the Naval Service while subject to Naval Law, free of cost and without delay on application by the Chief of the Naval Staff or the Commanding Officer of the said accused persons as required under section 25 of the Navy Act, 1957.

The aforesaid instructions should be followed scrupulously.

The receipt of this Circular should be acknowledged.

Registrar (Admn.)

Copy of the Governemnt of India, Ministry of Home Affairs "Notification No. 23/75 Judl. dated 9-2-1978.

S.O.488. In exercise of the powers conferred by sub-section (1) of section 475 of the Code of Criminal Procedure, 1973 (2 of 1974), and in supersession of the Criminal Courts and Court-martial (Adjustment of Jurisdiction) Rules, 1952, the Central Government hereby makes the following rules for the trial of the persons subject to military, naval or air force law, or any other law relating to the Armed Forces of the Union by a Court to which the said Code applies, or by a Court-martial, namely:-

1. These rules may be called the Criminal Courts and Court-matrial (Adjustment of jurisdiction) Rules, 1978.

2. In these rules, unless the context otherwise requires .

(a) "commanding officer",

(i) in relation to a person subject to naval law, law, means the officer Commanding the unit to which such person belongs or is attached;

(ii) in relation to a person subject to military law, means the Commanding Officer of the ship or naval establishment to which such person for the time being belongs; and

(iii) in relation to a person subject to air force law, means the officer for the time being in command of the unit to which such person belongs or is attached;

(iv) (b) "competent air force authority" means the Chief of the Air Staff, the air or other officer commanding any Command, Group, Wing or Station in which the accused person is serving, or where such person is serving in a field area, the officer Commanding the forces or the air forces in the field;

(c) "competent military authority" means the Chief of Army Staff or Officer Commanding the army, army Crops, division area, sub-area or independent brigade in which the accused person is serving and except, in cases falling under section 69 of the Army Act, 1950 (46 of 1950) in which death has resulted, the officer commanding the brigade or sub-area or station in which the accused person is serving;

(d) "competent naval authority" means the Chief of the Naval Staff or the Flag Officer Commanding in-Chief, Western Naval Command, Bombay or the Flag Officer Commanding-in-Chief, Eastern Naval Command, Visakhapatnam or the Flag Officer Commanding, Sourthern Naval Area, Cochin or the Flag Officer Commanding, Western Fleet or the Flage Officer Commanding, Eastern Fleet or Senior Naval Officer where the accused person is serving.

3. Where a person subject to military, naval or air force law, or any other law relating to the armed forces for the time being inforce is brought before the magistrate and charged with an offence for which he is also liable to be tried by a count martial, such magistrate all not produced to try such person or to contlit the case to the court of sessions, unless:

(a) he issued whereto by a competent military, naval or air force authority; or

(b) he is of opinion, for reasons to be recorded that he should so proceed or to commit without being moved thereto by such authority.

4. Before proceeding under clause (b) of rule 3, the Magistrate shall give a written notice to the Commanding Officer or the competent military, naval or air force authority, as the case may be, of the accused and until the expiry of a period of fifteen days form the date of service of the notice he shall not--

(a) convict or acquit the accused under section 252, sub-sections (1) and (2) of section 255 sub-section (1) of section 256 or section 257 of the Code of Criminal Procedure, 1973 (2 of 1974), or hear him in his defence under section 254 of the said Code or

(b) frame in writing a charge against the accused under section 240 or sub-section (1) of section 246 of the said Code; or

(c) make an order committing the accused for trial to the Court of Session under section 209 of the said Code; or

(d) make over the case for inquiry or trial under section 102 of the said Code.

5. Where a Magistrate has been moved by the competent military, naval or air force authority, as the case may be, under clause (a) of rule 3, and the commanding officer of the accused or the competent military, navel or air force authority, as the case may be, subsequently gives notice to such Magistrate that in the opinion of such officer or authority, the accused should be tried by a Court-martial, such Magistrate if he has not taken any action or made any order referred to in clauses (a), (b) (c) or (d) of rule 4, before receiving the notice shall stay the proceedings and, if the accused is in his power or under his control, shall deliver him together with the statement referred to in sub-section (1) of section 475 of the said Code to the officer specified in the said sub-section.

6. Where within the period of fifteen days mentioned in rule 4, or at any time threreafter but before the Magistrate takes any action or makes any order referred to in that rule, the commanding officer of the accused or the competent, military, naval or air force authority, as the case may be, gives notice to the Magistrate that in the opinion of such officer or authority, the accused should be tried by a Court-martial, the Magistrate shall stay the proceedings,

and if the accused is in his power or under his control, shall deliver him together with the statement referred to in sub-section (1) of section 475 of the said Code to the officer specified in the said sub-section.

7. (1) When an accused has been delivered by the Magistrate under rule 5 or 6, the commanding officer of the accused or the competent military, naval or air force authority, as the case may be, shall, as soon as may be, inform the Magistrate whether the accused has been tried by a Court-martial or other effectual proceedings have been taken or ordered to be taken against him.

(2) When the Magistrate has been informed under sub-rule (1) that the accused has not been tried or other effectual proceedings have not been taken or ordered to be taken against him, the Magistrate shall report the circumstances to the State Government which may in consultation with the Central Government take appropriate steps to ensure that the accused person is dealt with in accordance with law.

8. Notwithstanding anything in the foregoing rules, where it comes to the notice of a Magistrate that a person subject to military, naval or air force law, or any other law relating to the Armed Forces of the Union for the time being in force has committed an offence, proceedings in respect of which ought to be instituted before him and that the presence of such person cannot be procured except through military, naval or air force authorities, the Magistrate may by a written notice require the commanding officer of such person either to deliver such person to a Magistrate to be named in the said notice for being proceeded against according to law, or to stay the proceedings against such person before the Court-martial if since instituted, and to make a reference to the Central Government for determination as to the court before which proceedings should be instituted.

9. Where a person subject to military naval or air force law, or any other law relating to the Armed Forces of the Union for the time being in force has committed an offence which in the opinion of competent military naval or air force authority, as the case may be, ought to be tried by a Magistrate in accordance with the civil law in force or where the Central, Government has, on a reference mentioned in rule 8, decided that proceedings, against such person should be instituted before a Magistrate, the commanding officer of such person shall after giving a written notice to the Magistrate, concerned, deliver such person under proper escort to that Magistrate.

(F.No. 23/23/75-Judl.).
P.K. DATTA, Dy.Secy.

HIGH COURT OF ANDHRA PRADESH HYDERABAD.

Bnds Roc.No. 888/SO/78-2. Dated: 28-8-1980.

Communicated.

Special Officer.

HIGH COURT OF ANDHRA PRADESH HYDERABAD

Roc.No. 1062/SO/80. Dated: 22nd October, 1980.

CIRCULAR

Sub: JUDGMENTS - Signing of the fair copies of judgments in case of transfer of Presiding Officers - Clarification - Instructions - Issued.

A District Judge has brought to the notice of the High Court, an instance that after his taking charge at a particular station from his predecessor on transfer, the fair copy of a judgment in a Sessions case after it was made ready for signing was taken to the predecessor who pronounced the said judgment for signing the same and that he was informed by the predecessor that the successor has to sign the fair copies of the judgments delivered by his predecessor and that it is the practice known to him.

The successor Judge states that the practice which he came across is that the fair copy of the judgment is also to be signed by the officer who pronounces the judgment and that in a case if any fair copy of the judgment was not signed by him before he handed over charge, the same is used to be sent to him and get signed by him. He further states that only the decrees and decretal orders are being signed by the successor. He therefore requests the High Court to clarify whether the successor judge or the predecessor judge can sign fair copies of the judgments delivered by the predecessor after they are made ready for signature subsequent to handing over charge by the predecessor.

The High Court on a consideration of this matter issues the following instructions to be followed by all the Subordinate Courts in the State:-

(1) Every endeavour should be made by the judicial officers not only to write and pronounce judgments in all cases completely heard by them but also to sign their fair copies, before handing over charge, as far as possible;

(2) If, for any reason, the fair copies of judgments could not be made ready for signature and therefore could not be signed by a judicial officer before handing over charge, they can be signed by the successor judge after they are made ready for signature subsequent to the handing over charge by the predecessor and that the need not be taken to the predecessor for signature.

The receipt of this circular should be acknowledged.

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

Roc.No. 1128/SO/80. Dated: 24th October, 1980.

CIRCULAR

Sub:-CRIMINAL JUSTICE - Disposal of confiscated and unclaimed gold and gold ornaments - Instructions - Issued.

Read:-High Court's Circular P.Dis.No. 105/65 Dated 6-4-1965.

The High Court had issued instructions in its Circular read above regarding gold and gold ornaments ordered by Criminal Courts to be confiscated or those lying unclaimed in those Courts.

As the Criminal Procedure Code, 1973 has been enacted repealing the old Code of 1898 and as some new provisions have been made in the new Code with regard to disposal of case property and as The Hyderabad Unclaimed Property Act, 1333 fasli has been repealed by Sub-Section (1) of Section 17 of the Andhra Pradesh Escheats and Bona Vacantia Act, 1974 which came into force on 1-11-1974 new Circular Instructions in supersession of the Circular read above and in clarification of certain aspects thereof are hereby issued on the aforesaid subject.

Gold and gold ornaments confiscated under section 452 Cr.P.C. 1973 (Old section 517 Cr.P.C.) may be transferred to the Government of India who will take them over at the prevailing price based on the International Price of Gold fixed by the International Monetary fund. They may be sent to the Master of the Mint, India Government Mint, in Shahid Bhagatsingh Road, Fort, Bombay by Registered and Insured Post putting the Court seal if their value is not more than

Rs. 500/- (Rupees five hundred only) or by a clerk with police escort if their value is more than Rs. 500/- (Rupees five hundred only). If the parcel is sent by post, a seperate letter shall be sent by separate post to the Master of the Mint with a specimen of the seals put on the parcel for verification at the time of taking delivery of the parcel. Credit for the value of the said gold or gold articles will be afforded to the Government of Andhra Pradesh by the Accountant General Maharashtra, Bombay through his exchange account with the Accountant General, Andhra Pradesh, Hyderabad. The sale proceeds in such cases are creditable to the following Head of account:-

"Major Head:-

Detailed Account No. 065-

Other Administrative Services Sub Major Head:-

A. Administration of Justice.

Minor Head: 15-Other Receipts.

Sub-Head:-S.H. (04) Sale Proceeds of Unclaimed and Escheated Property".

All the Criminal Courts shall follow the aforesaid instructions scrupulously.

With regard to disposal of gold and gold ornaments lying unclaimed in Criminal Courts relating to Criminal Cases falling under the provisions contained in Section 458(1) Cr.P.C. 1973 (Old Section 524(1), Cr.P.C.) or with regard to gold and gold ornaments found in a Public Place reported by the police under sub-section (2) of section 14 of the Andhra Pradesh Escheats and Bona Vacantia Act, 1974 coming within the purview of sub-section (3) of section 14 of the said Act, and found to be unclaimed, the procedure referred

to above with regard to Gold and Gold ornaments which are confiscated, shall be followed but the State Government (Andhra Pradesh) will hold the sale proceeds of the said unclaimed gold and gold ornaments credited to it as a trustee and for the benefit of the true owner and will not be appropriated by it.

The receipt of this Circular should be acknowledged.

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

Roc.No. 1183/SO/79-1. Dated: 3rd November, 1980.

CIRCULAR

Sub:-CERTAIN MEDICO - legal Problems - Clarification - Instructions - Issued.

Read:-Letter dated 26-9-1979 by Professor of Forensic Medicine, Institute of Medical Sciences, O.M.C. & City Police Surgeon, Hyderabad.

In the letter read above, the Professor of Forensic Medicine, Institute of Medical Sciences, O.M.C. and City Police Surgeon, Hyderabad has brought to the notice of the High Court that some magistrates and Sessions Judges insist on the doctors attending the court for giving the deposition, to wear white-coat (apron) and a few insist on them to wear a full suit and neck-tie, and expressed the view that it is sufficient if the doctor wears a neat and decent dress like pant and bush-shirt.

The High Court on a consideration of this matter is of the view that a dress regulation has to be prescribed for the Medical Officers attending the Criminal Courts for giving evidence in order to maintain the decency and decorum of the court and to distingush them from the ordinary witnesses, as in the case of Military Personnel and Police, there being at present no rule in tne Criminal Rules of Practice and Circular Orders 1966 prescribing dress regulation for the Medical Officers in the State attending Criminal Courts for giving evidence.

Pending framing of a suitable rule in the fresh Criminal Rules of Practice and Circular Orders in this regard the High Court hereby prescribes the following

dress regulation viz., "either wearing of white coat (apron) or full suit with the neck-tie or closed coat" for the Medical Officers attending the Criminal Courts for giving evidence.

The receipt of this Circular be acknowledged.

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

Roc.No. 1183/SO/79-3. Dated: 3rd November, 1980.

CIRCULAR

Sub:-CERTAIN MEDICO-legal Problems - Clarification - Instructions - Issued.

Read:-Letter dated 26-9-1979 by Professor of Forensic Medicine, Institute of Medical Sciences, O.M.C. & City Police Surgeon, Hyderabad.

In the letter read above the Professor of Forensic Medicine, Institute of Medical Sciences, O.M.C. & City Police Surgeon, Hyderabad has brought to the notice of the High Court the following for consideration:-

"Summons are issued and in some cases witnesses are bound over, but the case is adjourned, and the medical witness is not informed. The doctor will go to the court only to be informed that the case is adjourned. In some cases the Magistrates and Judges hesitate to issue the attendance certificate in such cases. This creates difficulties, especially for the medical officers who come from the out-stations for giving deposition. It is better that in these cases the doctor should be informed telegraphically either by the police or by the Courts.

The High Court, on considertion of this matter directs;

(a) that all the Criminal Courts in the State shall issue attendance certificate to the official witnesses including the medical officers attending the Criminal Courts in responce to the summonses issued under section 61 of the Code of Criminal Procedure 1973 for giving evidence in Criminal Cases, even if those cases are adjourned; and

(b) that in all Criminal Cases where it is known earlier that the cases in which official witnesses including medical witnesses are summoned will have to be adjourned, the Criminal Courts shall inform the police to intimate those official witnesses telegraphically or otherwise, suiciently in advance the fact of adjournment of the cases to enable them to avoid unnecessary journeys.

The receipt of this circular be acknowledged.

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

Roc.No. 1183/SO/79-4. Dated: 3rd November, 1980.

CIRCULAR

Sub:-CERTAIN MEDICO-legal Problems - Clarification-Instructions - Issued.

Read:-Letter dated 26-9-1979 by Professor of Forensic Medicine, Institute of Medical Sciences, O.M.C. & City Police Surgeon, Hyderabad.

In the letter read above the Professor of Forensic Medicine, Institute of Medical Sciences, O.M.C. & City Police Surgeon, Hyderabad has brought to the notice of the High Court the following for consideration:-

"At Present medical witnesses are being bound over by the Magistrates to attend Sessions Courts for deposition. In some cases, when a medical officer is transferred, he is asked to come to the court of the Magistrate in whose jurisdiction the certificate was issued, instead of sending the Bond to the nearest Magistrate".

it is necessary for a medical witness to execute a bond?"

The High Court, on a consideration of this matter directs that the Presiding Officers of the Courts of Session in the State shall use their discretion with regard to issue of process for compelling the attendance of any witness or the production of any document or other material on the application of the prosecution in Sessions Cases under section 230 of the Code of Criminal Procedure 1973 and issue summons to the Medical Officers unless the circumstances of any case warrant the execution of a bond by them and if they choose to get bonds executed by the witnesses,

they shall follow the instructions contained in rules 93 and 94 of the Criminal Rules of Practice and Circular Orders 1966 pending framing of fresh Criminal Rules of Practice.

The receipt of this Circular be acknowledged.

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

Roc.No. 1183/SO/79-5. Dated: 3rd November, 1980.

CIRCULAR

Sub:-CERTAIN MEDICO-legal Problems-Clarification Instructions - Issued.

Read:-Letter dated 26-9-79 by professor of Forensic Medicine, Institute of Medical Sciences, O.M.C. & City Police Surgeon, Hyderabad.

In the letter read above the Professor of Ferensic Medicine, Institute of Medical Sciences, O.M.C. & City Police Surgeon, Hyderabad has brought to the notice of the High Court the following for consideration:-

"Mostly summons are issued to the medical witnesses without providing any information as to what documents he will have to carry to the court for giving deposition. Further, the summons do not state whether the doctor is appearing in his official capacity or in private capacity. In one case I received summons from the Magistrate. The Addl. Public Prosecutor started asking me whether I applied for leave on that day and whether I took the pormission of the Principal. I was arguing that I am deposing in my official capacity as the summons were issued by the Magistrate and nothing was noted therein to say I was appearing in my private capacity. The Magistrate was also siding with Addl. Public Prosecutor. Such issues become very embarrassing".

The High Court, on a consideration of this matter is of the view that the High Court's Circular Roc.No. 1092/SO/76, dated 24-12-76 and the pro forma enclosed thereto viz., Form of summons to Medical Witness under section 61 Cr.P.C. issued to all the Criminal Courts in the State are exhaustive in this regard.

The attention of the Presiding Officers of all the Criminal Courts in the State is invited to the said Circular Roc.No. 1092/SO/76 dated: 24-12-76 and the form attached to it and they are directed to follow the instructions therein strictly and use the said form with necessary varriations as to whether the medical witness is being summoned for prosecution or defence and mentioning in detail the document, if any, he has to bring either for the prosecution or for the defence as required by them and not to use the general form of summons i.e., form No. 39 in the case of medical witnesses and to treat the medical witness as an official witness if he is summoned by court on behalf of either party.

The receipt of this Circular be acknowledged.

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

Roc.No. 937/SO/81. Dated: 24th July, 1981.

CIRCULAR

Sub:-APPOINTMENT OF SUITABLE RETIRED JUDICIAL OFFICERS AS Special Judicial or Special Metropolitan Magistrates in preference to the other retired Government servants - Instructions - Regarding.

Attention is invited to proviso to clause (b) and proviso to clause (f) of Rule 1 of the Rules framed by the High Court under Sections 13 and 18 of the Code of Criminal Procedure 1973 in the matter of appointment of Special Judicial and Special Metropolitan Magistrates. Under the said provisos a suitable retired Judicial Officer has to be preferred to other retired Government servants for appointment as Special Judicial or Special Metropolitan Magistrate as the case may be.

It is noticed that some of the District Judges are not mentioning in their proposals to the Collectors concerned whether any retired Judicial Officer has made an application to be appointed as Special Judicial or Special Metropolitan Magistrate, as the case may be, and whether his application was considered by them. Such omission is necessitating further correspondence and is causing delay in conferring powers by the High Court on the Special Judicial or Special Metropolitan Magistrates appointed by the Government. Such mention in the proposals is therefore necessary in view of the aforesaid provisos to Rule 1 of the said rules.

The District Judges in the State are hereby requested to call for applications from the retired Judicial Officers, retired Government servants and others in their respecive Districts for the posts of

Special Judicial/Special Metropolitan Magistrates, as the case may be, whenever vacancies for the posts of such Magistrates arise in their Districts as to whether they are willing to be considered for appointment to the said posts before sending proposals to the District Collectors concerned for the said appointment and the claims of the retired Judicial Officers may be considered under the aforesaid provisos and a mention to that effect may be made in their proposals to the Collectors concerned.

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

Roc.No. 1086/SO/81. Dated: 18th August, 1981.

CIRCULAR

Sub:-COURTS - CIVIL & CRIMINAL - Allowing the witnesses to sit in the witness box while recording their evidence - Instructions - Issued.

The Honourable the Chief Justice, during his visits to some of the Subordinate Courts, has noticed that the witnesses are made to stand in the dock throughout their evidence which may last several hours and in some cases days. Although under Rule 85 of the Criminal Rules of practice, it is entirely within the discretion of the presiding Officers to require an accused or a witness to stand or permit him to sit, the High Court considers that it is not a healthy practice to require the accused or witness to stand throughout their trial, or evidence.

The High Court directs that except when the accused are examined under Sections 239, 251 and 313 of the Code of Criminal Procedure, 1973, or at the time of framing of charges or when they are heard. they may be allowed to sit and for that purpose a bench or seat may be provided in the dock.

The High Court also directs that this practice be followed not only in trial of Criminal cases, but Civil cases also. The witnesses will be provided with a chair in the witnes box while giving evidence.

All the Presiding Officers of Subordinate Courts are requested to take action accordingly.

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD.

Roc.No. 1097/SO/81. Dated: 3rd September, 1981.

CIRCULAR

Attention is invited to the High Court's Circulars Roc.No. 660/67, B1 dated 16-8-1967 and Roc.No. 1319/68 B1 (Circular No. 25/68,B1) dated 14-11-1968. In spite of issuing the said circulars, instances have come to the notice of the High Court that the witnesses attending courts are not being examined on the day they were summoned to give evidence and are being sent away without being examined. Such practive leads to unnecessary adjournments besides causing additional expense and convenience to the parties, witnesses and police.

In this context, attention is invited to the proviso (a) to Sub-Rule (2) of Rule (1) of Order XVII C.P.C.,) and to Sub-section (1) of Section 309 Cr.P.C. 1973. All the Judicial Officers are hereby informed that as far as possible all the witnesses attending the court on a particular day, more so when they come from long distances, should be examined on that day itself or on the next day if any witness so desires, or if he cannot be examined on that day due to unavoidable circumstances. They are further informed that the witnesses should not be made to appear in court more number of times than absolutely necessary, in order to avoid inconvenience and difficulties being caused to the witnesses and parties. It will not be difficult for the Presiding Officers to examine all the witnesses present on a particular day if judicious posting of cases has been done and if only such number of witnesses as can reasonably be examined are summoned on a particular day.

I-276-15

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

Roc.No. 1140/SO/81. Dated 9th September, 1981.

CIRCULAR

Sub:-ASSUMPTION OF CHARGE BY INCUMBENTS appointed as Special Judicial/Special Metropolitan Magistrates by the Government under G.Os., under sections 13 and 18, Cr.P.C., 1973 - Instructions - Issued.

Some instances have come to the notice of the High Court that incumbents appointed as Special Judicial/Special Metropolitan Magistrates under Sections 13 and 18, of the Code of Criminal Procedure 1973 by the Government under G.Os. are assuming charge of their respective offices even before conferment of requisite powers on them by the High Court under the said sections 13 and 18 of th Code of Criminal Procedure enabling them to functions as such Magistrates. Such practice, a part from being highly irregular, also gives rise to unnecessary complications. They are expected to assume charge of their respective offices on or after the date on which the requisite powers are conferred on them by the High Court under the said Sections 13 and 18 of Cr.P.C. 1973 by Notification.

In this connection, attention is invited to the High Cort's Circular Roc.No. 388/SO/75 Dated: 28-12-1975 mentioning inter alia under Instruction No. 5 that the Special Judicial Magistrates and the Special Metropolitan Magistrates shall be paid honorarium from the date of assuming charge or the date on which powers are conferred on them by the High Court whichever is later. Attention is also invited to the High Court's Circular Roc.No. 958/74-E2, dated 17-1-1977 inter alia stating that the appointment of Special Judicial Magistrates and Special Metropolitan Magistrates under the said Sections 13 and 18 of the

Code of Criminal Procedure 1973 is by way of conferment of powers on the incumbents by the High Court.

Under the Circumstances, the District Judges are hereby requested to see that the incumbents appointed by the Government under G.Os. as Special Judicial/ Special Metropolitan Magistrates under the Sections 13 and 18, Cr.P.C. 1973 assume charge of their respective offices only on or after the date on which the requisite powers are conferred on them by the High Court under sections 13 and 18, Cr.P.C. 1973 by Notification and not before.

The aforesaid instruction shall be followed scrupulously as they cannot function as such Magistrates until powers are conferred by the High Court by Notification and as there will be time lag between the issue of G.Os. appointing as such Magistrates by the Government and the issue of notifications by the High Court conferring requisite powers and as they may be drawing their honorarium without doing any Judicial work.

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

Roc.No. 1298/SO/81. Dated: 24th October, 1981.

CIRCULAR

Sub:-COURTS - Civil and Criminal - Allowing the witnesses to sit in the witness box while recording their evidence and allowing the accused to sit during trial - Revised Instructions - Issued.

Read:-High Court's Circular Roc.No. 1086/SO/81 dated 18-8-1981.

The High Court, in modification of the Instructions contained in the circular read above, on the above subject, issues the following instructions:-

The High court directs that except when the accused are examined under sections 239, 251, and 313 of the Code of Criminal Procedure, 1973 or at the time of framing of charges or when they are heard, they may be allowed to sit and for that purpose a bench or seat may be provided.

The High Court also directs that the witness box shall be removed and in its place the witnesses shall be provided with a table and chair on a raised platform while giving evidence and that the said practice be followed not only in the trial of Criminal Cases but also in Civil Cases.

All the Presiding Officers of Subordinate Courts are requested to take immediate action accordingly and report compliance.

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD.

Roc.No. 1468/SO/81. Dated: 3rd December, 1981.

CIRCULAR

It is brought to the notice of the High Court that some of the Judicial Officers are allowing the parties to sit behind the Advocates and asist them in the trial of the cases and that some are not so allowing. To have an uniformity, the High Court directs all the Judicial Officers in the State to allow the parties on a request made by the counsel to sit behind them and assist them in the trial of the cases wherever accommodation is available in the courts.

(Sd.)
Registrar (Administration

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

Roc. No. 804/50/80 Dated: 16-3-1982

CIRCULAR

Sub:-Courts-Criminal Courts-Establishment of Special Mobile Courts in the Districts of East Godavari, West Godavari, Mahabubnagar, Cuddapah and Chittoor for exclusively dealing with offences under Indian Penal Code and Protection of Civil Rights Act, 1955 against Scheduled Castes and Scheduled Tribes-Certain instructions-Issued.

Under G.O. Ms. No. 641, Home (Courts. B) Department, dated 4-10-1979, as modified by G.O. Rt. No. 247, Home (Courts. B) Department, dated 4-2-1980, the State Government have inter alia established one Special Mobile Court presided over by a Judicial Magistrate of First Class (in the Cadre of District Munsif) at the respective District Head Quarters for each of the five districts, namely, East Godavari, West Godavari, Mahabubnagar, Cuddapah and Chittoor to try exclusively offences falling under the provisions of the Indian Penal Code and the Protection of Civil Rights Act, 1955 in which members of Scheduled Castes and Scheduled Tribes are the victims. Under the aforesaid G.O., the Government have also directed that the Magistrate should hold the court in the village where the offence is alleged to have taken place and where it is not possible to do so, he should hold the court in the village nearest thereto after recording the reasons and notifying them in the village where the offence is alleged to have taken place why in the opinion of the Magistrate the Court could not hold its sitting there.

It is brought to the notice of the High Court that some of the District Courts have ordered transfer of all Criminal Cases where members belonging to Scheduled Castes/Scheduled Tribes are a party irrespective of

the fact whether those members are the victims of the offences under I.P.C. and the protection of Civil Rights Act, 1955 and the Rules made thereunder or not. The purpose of establishing these Special Mobile Courts is to extent prompt protection to the members of Scheduled Castes and Scheduled Tribes and to exclusively deal with cases of atrocities committed against them under the Indian Penal Code and Protection of Civil Rights Act, 1955 and to ensure their quick trial and disposal.

The District and Sessions Judges of the Districts where such Special Mobile Courts are established are hereby requested to issue suitable instructions to the Magistrates Presiding over the said Special (Mobile) Courts functioning in their respective units to the following effect:-

The said Magistrates shall not only try the offences committed against the members of Scheduled Castes and Scheduled Tribes under the Indian Penal Code and Protection of Civil Rights Act, 1955 in the village where the offence is alleged to have been committed on in the nearest village as contemplated in G.O. Rt. No. 247, Home (Courts. B) Department, dated 4-2-1980 but also deliver judgments in those cases in that village itself as far as possible, unless in his opinion there is a likelihood of arising Law and Order problem in pronouncing the Judgement there in which case he may deliver judgement in the District Headquarters.

Taking into consideration the heavy pendency of such cases on the file of the Special Mobile Courts, the aforesaid District and Sessions Judges are requested to withdraw such of the cases in which the members of the Scheduled Castes and Scheduled Tribes are not the victims of the offences under I.P.C. and Protection of Civil Rights Act, 1955 if transferred to the said Courts, as those Courts are established exclusively to try cases in which the members of the Scheduled Castes and Scheduled Tribes are only the victims, under the said Acts as quickly as possible.

P. SRIRAMA RAJU,
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

.oc. No. 1288/SO/82 Dated: 3-8-1982.

CIRCULAR

Sub:-Requests made to the High Gourt by certain Judicial Officers who are impleaded as respondents in certain Writ Petitions for sanctioning of defence - Instructions - Issued.

Of late quite a few Writ Petitions under Article 226 of the Constitution of India questioning the jurisdiction of certain courts and tribunals over which Judicial Officers are presiding are being filed. The Judicial Officers on receiving rule Nisi in the said Writ Petitions are seeking permission of the High Court that they be defended by a Government Pleader.

This is to inform that in all cases where the Jurisdiction of the Courts or tribunals is questioned on point of law and no allegations are made against the Judicial Officers as such, it is unnecessary for these Officers, Courts or tribunals to enter appearance and defend the question of law they have decided. However in a particular Case if some allegations against the Tribunals or Officers are made having regard to the nature of the allegations in the Writ petition it is necessary to enter appearance and defence has to be sanctioned.

Under the circumstances the Judicial Officers who are impleaded as respondents in the said Writ Petitions are directed to adhere to the following instructions.

(a) On receiving Rule Nisi and Copies of the Writ Petitions and affidavits accompanying them the Judicial Officers shall verify from the affidavits whether allegations of facts as are required to be controverted, are made in the particular Writ Petitions. If so, they shall address the High Court requesting for sanction of defence in such Writ Petitions.

(b) If no such allegations are made in the affidavits they need not enter appearence in such Writ Petitions and need not address High Court for sanction of defence. But they shall cause production of records connected with the Writ Petitions in the High Court expeditiously.

(Sd.)
REGISTRAR(ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

ABSTRACT

Rule under Section 20 (f) of the Indian Trusts Act, 1882 - Notified.

Roc. No. 1303/SO/82, Dated: 22-10-1982

The following Notification will be published in the Andhra Pradesh Gazette and it shall come into force with immediate effect.

NOTIFICATION

In exercise of the powers conferred by Section 20 (f) of the Indian Trusts Act 1882 (Central Act 2 of 1882) and in supersession of the existing Rules, the High Court of Andhra Pradesh makes the following Rule authorizing it and the Subordinate Civil Courts in the State to invest Suitors' Moneys, Moneys to provide for legacies and moneys belonging to Wards under the Guardians and Wards Act 1890 placed in Civil Courts Deposits under the Andhra Pradesh Financial Code in the following securities:

(1) Promissory Notes, debentures, stock or other securities of any State Government or of the Central Government.

(2) Bonds, debentures and annuities charged or secured by the Union Parliament on the Revenues of India or of any State.

(3) Stocks or debentures of or shares in companies, the interest whereon is guaranteed by the Central Government.

(4) Debentures or other securities for money issued by or on behalf of any municipal or local body under the authority of any State Act.

(5) First Mortgage of immovable Property situate in India provided that the property is not a lease-hold for a term of years and that the value of the property exceeds by one-third or if consisting of buildings exceed by one half the mortgage money.

(6) Deposit in a Government Bank or State Bank of India and all its subsidiaries or in any Nationalized Bank under the Banking Companies (Acquisition and Transfer of Undertakings) Laws.

(Sd.)
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc. No. 1319/SO/82-1 Dated: 20-1-1983

CIRCULAR

Sub:-Attendance of Medical Witnesses for giving evidence in Criminal Courts - Regarding.

The Presiding officers of Criminal Courts issuing summons to Medical witnesses to appear in courts for giving evidence in the cases on their file are directed to adhere to the following instructions scrupulously in issuing the said summons.

(a) The Police personnel to whom the said summons are entrusted for service shall be instructed to serve them on the medical witnesses immediately on receipt of the summons, from the courts; and

(b) The Presiding Officers of criminal courts issuing the said summons to the Medical witnesses shall give at least seven days clear notice to them prior to the date of attendance in courts so as to enable the medical witnesses who are on duty to make alternative arrangements or the Authorities of the Hospitals to make necessry arrangements for making the medical witnesses attend the courts for giving evidence.

(Sd.)
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc. No. 1319/SO/82-2 Dated: 20-1-1983

CIRCULAR

Sub:-Attendance of Medical witnesses for giving evidence in Cases before Criminal Courts - Regarding.

The Presiding Officers of Criminal Courts issuing warrants under the Code of Criminal Procedure, 1973 on failure to obey Summons by the Medical witnesses issued to them for giving evidence in cases before them are directed to adhere to the following Instructions in issuing the said Warrants.

(a) The said Warrants shall be issued only as a last resort and not as a matter of routine.

(b) The said Warrants shall be issued only if there has been wilful disobedience to the said summons issued by the Criminal Courts without justifiable cause or purposeful abstention or evasion or avoiding of the said summons on the part of the Medical witnesses, which may be ascertained from the Head of the Institution concerned.

(Sd.)
Registrar (Administration)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

Roc. No. 2345/SO/82 Dated: 25-1-1983

CIRCULAR

Sub:-Attendance of Doctors for giving evidence in Courts - Regarding.

Read:-Letter R.C. No. MRD/MLC/14172/82/2722, dated 1-12-1982 by the Superintendent, Osmania General Hospital, Hyderabad.

The following words and figures viz., "High Court's Circular Roc. No. 520/SO/82, dated 11-6-1982" shall be substituted for the words and figures, viz., "High Court's Circular No. 1183/SO/79-1, dated 3-11-1980" occurring in Instruction (b) of the Penultimate para of the High Court's Circular Roc. No. 1183/SO/79-2, dated 3-11-1980.

The Presiding Officers of the Criminal Courts are hereby informed that they shall treat with dignity the Medical witnesses attending their Courts for giving evidence, to which they are entitled to.

(Sd.)
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH HYDERABAD

Roc.No.1059/SO/82-2, Dated 30th June, 1982.

CIRCULAR

Sub:- Furnishing of copies of judgements in criminal cases to the accused or the parties concerned without delay instructions Regarding.

An instance is brought to the notice of the High Court that a Sessions Judgments was dictated at Home and pronounced in Court before typing and that a copy of the said judgment was furnished to the accused who was sentenced to life imprisonment long after delivery of judgment.

The attention of the District and Sessions Judges and other presiding Officers of the Criminal Courts in the State is therefore invited to the provisions of Sections 353 and 363 and other relevant Sections of the code of Criminal Procedure, 1973 with regard to pronoouncing of judgments making the whole judgment or the copy thereof available for the perusal of the accused or the copy thereof available for the perusal of the aaccused or the parties or their Advocates free of cost and furnishing copies of judgments to the accused or the parties immediately after pronouncement and without delay and the Presiding Officers are directed to follow those provisions scrupulously.

The Presiding Officers of all the Sessions Courts and other Criminal Courts in the Stat are hereby directed to follow the Instructions mentioned hereunder in the matter:-

(a) The judgments shallbe pronounced after they are type unless the whole of the judgments are dictated in the open court to the Stenographer and copies of such judgments shall be delivered to the accused or the parties concerned immediately; and

(b) In cases where the whole of the judgments are dictated in open Court to the Stenographer, the Presiding Officers shall ensure that judgments are transcribed immediately, giving priority to the said work and that copies of judgments are delivered to the concerned without undue delay.

Sd/-
Registrar (Administration)

HIGH COURT OF ANDHRA PRADESH HYDERABAD

Roc.No.1414/SO/83. Dated 9-5-1984.

CIRCULAR

Sub:- Criminal Justice Disposal of confiscated and unclaimed gold and gold ornaments Instructions-Issued.

Read:- 1. High Court's Circular P.Dis.No.105/65, dt. 6-4-1965.

2. High Court's Circular R.O.C.No.1128/SO/80, dated: 24-10-1980.

Ref:- Letter from the Sessions Judge, Krishna, dated: 22-6-1982.

The High Court has examined the suggestions contained in the letter of the Sessions Judge, Krishna cited above and directs as follows:

(1) The confiscated gold in their respective District be pooled at one place periodically in six months and the same be sent to the Master of the Mint, India Government Mint Bombay, shahid Baghath Singh Road, Fort Bombay.

(2) the Gold in question be valued at the International Monetary Fund rate and

(3) The Government of Andhra Pradesh has been addressed in this connection to make necessary Ruling to Rule 60(c) of the Andhra Pradesh Manual of Special Pay and Allowances, empowering the District Judges to permit the Subordinate officer to proceed to Bombay, with Police Encourt to hand over the gold gold articles to India Government Mint, Bombay.

Sd/-
Registrar (Administration).

J.276-16

HIGH COURT OF ANDHRA PRADESH HYDERABAD

Roc.No.3240/84-B.Spl.(6) Dated: 7-7-1984.

CIRCULAR

Several instances have come to the notice of the High Court that Judicial Officers have made it a habit of addressing the Hon'ble the Chief Justice or any other Hon'ble Judges to redress their grievances. The High Court deprecates such tendency on the part of judicial Officers.

No Judicial Officer shall address or enter into correspondence with either the Hon'ble Chief Justice or any other Hon'ble Judge directly in any matter.

All correspondence or representations to the High Court should be addressed only to the Registrar (Admn.) High Court.

The above instructions should be followed strictly by all the Judicial Officers and any breach thereof will be viewed seriously.

Sd/-
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH HYDERABAD

Roc.No.2226/SO/84 Dated: 17-12-1984.

CIRCULAR

Sub:- Courts-Civil and Criminal-Service of summonses, processes etc., on members of the Legislative Assembly and the Legislative Council Practice of addressing the Speaker and chairman Not permissable instructions issued.

Read:- 1. High Court's Circular Roc.No.6437/58-B1, Dt. 12-12-1958.

2. High Court's Circular Roc.No.20/SO/80, dt. 18-1-1980.

3. Letter No. 390/Coun. Leg./84-2, dt. 28-11-84 from the Secretary to Legislatur (Council Secretariat) Andhra Pradesh Legislature.

The Secretary to Legislature (Council Secretariat) has addressed a letter to the High Court stating that some subordinate Judicial Officers are directly addressing the Presiding Officers of the Legislature to get the summons served on the Members of the Legislature alleged to be involved in some cases.

In this connection several instances have come to the notice of the High Court that some of the judicial officers are still sending summonses processes, etc., intended for service on members of the Legislative Assembly and the Legislative Council directly to the Speaker of the Legislative Assembly and Chairman of the Legislative Council for effecting service. In this connection the attention of all the Judicial Officers is invited to the circulars cited above by the High Court, wherein the Judicial Officers were warned against using the agency of the Speaker of the Legislative

Assembly or the Chairman of the Legislative Council, or other official of the Legislative secretariat for the purpose of effecting service summons, process etc., in criminal and Civil Cases. They are aware of the fact that by adopting such practice, they aremaking themselves liable for contempt of the Speaker and breach of Privilage of the house.

All the Judicial Officers are once again warned that non-observance of the Instructions contained in the High Court's Circular read above, will not only be viewed with gravedispleasures but suchdisobediance will make them liable for contempt of Speaker and for disciplinary notice on the matter.

Sd/-
Registrar.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 3857/81/C.Spl.(con. R.Dis.No. 298/84. Dated 28-2-1985

Sub:-Public Services - A.P.J.M.S/A.P.L.G.S. - Termination of the services of seniors keeping juniors in sercice - Instructions - Issued.

Instances have come to notice of the High Court where the appointing authorities have been terminating the services of the senior ministerial staff of the subordinate judiciary keeping their juniors in service on the plea that their services are purely temporary and their appointment can be terminated at any time without assigning any reason which is against the rules and also to principles of natural justice.

When the appeals or Revision Petitions of those terminated employees are being allowed by the High Court it is becoming very difficult to pay them the pay and allowances from the date of their termination to the date of their reinstatement as supernumerary posts have to be created for the above period.

The High Court, after a careful consideration of this matter on hand, instruct all the appointing authorities in the State not to terminate the employees who are seniors keeping their juniors in service on the plea that their appointments are temporary. The Unit Officers are also hereby informed that responsibility for ousting or terminating the senior employees while keeping their juniors into service will be fixed on the concerned authority and recovery of the amount involved in the creation of the supernumerary post will also be effected.

Instructions given above may be followed scrupulosuly by all the unit officers of the subordinate judiciary.

The receipt of the same may be acknowledged.

Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 2325/E2/84. Dated 11-7-1985

Sub:-Courts - Criminal - Establishment of Spl. Mobile Courts in the Districts of East Godavari, West Godavari, Chittoor, Cuddapah, Mahabubnagar, Srikakulam and Medak to deal with offences committed against Schedule Castes and Schedule Tribes under the IPC & PCR Act, 1955 - Certain instructions - Issued.

There are at present seven Mobile Courts of Special Judicial Magistrates of I Class established in the Districts of East Godavari, West Godavari, Chittoor, Cuddapah, Mahabubnagar, Srikakulam and Medak to deal with offences committed against Scheduled castes and Scheduled Tribes under the Indian Penal code and the protection of Civil Rights Act, 1955. With a view to expedite disposals of the cases in these courts, the Government have proposed to hold periodical review meetings at the District level once in every two months between the district Collectors, the Additional Sessions Judge and the Superintendent of Police sitting together for discussion and for taking steps to reduce the pendency of cases. The Government have also proposed that the programme of the Mobile Courts may be fixed in advance and sent to all parties concerned, their Advocates and the APPOS, so as to avoid the necessity of taking frequent adjournments.

The High Court, after a carefull consideration of the proposals made by the Government, hereby directs that the Additional District and Sessions Judges incharge of the Mobile Courts in the districts of East Godavari, West Godavari, Cuddapah, Chittoor, Mahabubnagar, Srikakulam and Medak to participate in the

periodical Meetings convened by the the District Collector to discuss ways and means for the expeditious disposals of the cases pending in the aforesaid Mobile Courts. The High Court further directs the presiding Officers of the concerned Mobile Courts to fix their tour programme in advance and intimate the same to all the concerned parties, Advocates and APPOS, so as to avoid the necessity of taking frequent adjournments. A copy of the tour programme must invariably be marked to the Additional District and Sessions Judges concerned.

In this connection the attention of the Additional District and Sessions Judges and the Presiding Officers of the Mobile Courts is invited to the High Court's Circular Roc.No. 804/SO/80, dated 16-3-1982 (copy enclosed) and they are requested to follow the instructions issued therein scrupulously keeping inview the purpose of establishing the Special Courts viz., to take up only the cases of atrocities against the Scheduled castes and Tribes committed by non-Secheduled Castes and Tribes.

Sd/-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

OFFICIAL MEMORANDUM

Roc.No. 634/E-2/85. Dated 13-7-19[illegible]

Sub:-Courts - P.C.R. Act - Mobile Courts - Holdin of Camp Court at Taluk level - Instructions to the Magistrates to allow the Assistant Public Prosecutor to travel in the Vans of the Mobile Courts - Regarding.

It is brought to the notice of the High Court that the District Collectors of Medak and Srikakulam have requested the District Judges of their respective Districts to issue suitable instructions to the presiding Officers of the Mobile Courts constituted to try offences committted against Scheduled Castes and Scheduled Tribes to permit the Assistant Public Prosecutor to travel in the Vans provided for the Mobile Courts. It is also brought to the notice of the High Court that there are instances of Magistrates having allowed the Assistant Public Prosecutor to travel in the Van provided for the Mobile Court. On a reference made by the Government and the District Judge, Srikakulam, the High Court after a careful examination of the matter considers that it is not desirable to allow the assistant Public Prosectors attached to the Mobile Court to travel in the Vans provided for the Mobile Courts. The litigant public may suspect the purity of Justice rendered by the Magistrate if the prosecuting agency is allowed to travel in the same van along with judicial Officer and his staff for each and every camp. The District and Sessions Judges of Chittoor, Cuddapah, Fast Godavari, West Godavari, Mahabubnagar, Medak and Srikakulam are hereby requested to issue suitable instructions to the Presiding Officers of the Mobile Courts in their respective Districts in the light of above.

D. SURYA RAO,
Registrar (ADMN.).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 927/SO/85. Dated 21-8-1985
R.Dis. 1044/85.

Sub:-Archaeology and Museums Department - Handing over objects of Antique value to the Department of Archaeology and Museums - Reg.

The Director of Archaeology and Museums, Government of Andhra Pradesh has brought to the notice of the High Court that several art objects or antiquities are lying in the magistrates courts after the cases are disposed of, that these antiquities along with other seized objects are auctioned by the courts. He therefore, requested that circular be issued to all the Criminal Courts to handover the Antiquities or Art objects to the Director of Archeology and Museums for exhibition in the Archaeological Museum after the cases are disposed of.

The High Court after careful examination of the request of the Director of Archeology and Museums, directs that in view of the Provision of law and responsibility of preserving the cultural wealth of the State all the Subordinate Courts in state shall communicate with the Director of Archeology and Museums after the cases are disposed of and the appeal time is over, for due collection of the antiquities or Art objects.

Sd/-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 1984/SO/84. Dated 25-9-1985

Sub:-ARCHIVES - Transfer of Records of East India Company prior to 1857 - Reg.

The Commissioner for State Archives, Government of Andhra Pradesh, addressed a letter to the High Court stating that he had requested the District Judge, West Godavari at Eluru to inform his Department regarding the availability of records of the East India company pertaining to the period prior to 1857 and other old vernacular records, as it is proposed to centralise the East India Company records in the Andhra Pradesh State Archives, in order to prepare reference media for the benefit of Research Scholars and Administrators and to preserve them in a scientific manner in accordance with the priniciples of Archival Science.

The High Court after careful examination of the request made by the Commissioner for State Archives, Government of A.P. directs as follows.

1. The records relating to the period of East India Company prior to 1857 kept in the District Courts of Andhra region, be transferred to the Commissioner for State Archives, Government of Andhra Pradesh, Hyderabad.

2. The Commissioner for State Archives, Government of Andhra Pradesh, is requested to collect the said records from the District Courts, where such records are available.

Sd/-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

CIRCULAR

Roc. No. 4016/85-B2. Dated: 19-11-1985.

Sub:- Availing of time by Judicial Officers for giving evidence, for holding identification parades etc., - Instructions - Issued.

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It has been brought to the notice of the High Court that some of the judicial Officers, when summoned to give evidence or to hold identification parades in another court, are applying to the concerned District Judges for permission from the afternoon of the previous day to the day of giving evidence and also on the forenoon of the subsequent day after completion of giving evidence etc., ever for short distant places which are with in the same districts, instead of availing minimum time required for ectual journey, for giving evidence and for return journey.

All the Judicial Officers are actual instructed to avail only the actual time required for onward journey for giving evidence and for return journey, in view of the introdiuction of five working days in a week.

The presiding officers of the courts who issue summons to other Judicial Officers to come and give evidence in their courts are also requested to wait till 2-30 p.m. for Judicial Officers summoned by them tocome and given enidence and to examine the concerned officers immediately after lunch break. Summons to Judicial Officers may preferbly be fixed for appearance on fridays so that as few working days are lost as possible for the return journey.

The above instructions should be strictly followed by all Judicial Officers.

Sd./-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

CIRCULAR

Roc.No. 1548/SO/85. Dated: 27-11-1985.

Sub:- Posting of cases in which the evidence of the Judicial Officers is required - Instructions - Reg.

Ref:- Lr. Dis. No. 6082, dt. 10-9-1985 from the District Judge, Krishna.

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It is brought to the notice of the High Court that in Departmental Enquiries, the Enquiry Officers are posting, cases for the evidence of the Judicial Officers during the middle of the week. The officers who have to give evidence are applying for permission for 3 to 5 days and thereby the work of the Court suffers to the detriment of the litigant public and that the evidence of the Officer is also not being taken up on the day fixed.

The High Court has carefully examined the matter and directs that the Enquiry Officers holding departmental enquirries, requiring the evidence of Judicial Officers, should post the enquiry on Monday, Friday, Saturday or to a day succeeding Public Holiday and they shall not postpone the evidence of the Judicial Officers on the day for which they are summoned.

D. SURYA RAO,,
Registrar (Administration)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD.

CIRCULAR

Roc.No. 5003/85/C1. Dated: 20-2-1986.

The District and Sessions Judges in the State are permitted to grant Special Casual leave not exceeding 7 days in a Calendar year to the Executive Members of the A.P. Judicial Employees' Association, who attend the Executive Committee meetings of the said Association, in future.

Sd./-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

CIRCULAR

Roc. No. 2034/SO/85. Dated: 17-4-1986.

Sub:- Dowry deaths and divorce cases in Andhra Pradesh - Reg.

Ref:- High Court's Letter of Even No. dt. 9-1-1986

***

It is observed by the High Court that there is heavy pendency of cases arising out of Hindu Marriage Act, 1955, Indian Divorce Act, 1869 and Special Marriage Act, 1954. It ranges even from the year, 1974.

The attention of the District & Sessions Judges are invited to section 21-B of the Hindu Marriage Act and Section 40-B of Special Marriage Act postulating the necessity of expeditious trial of the cases filed under the said Acts. The Presiding Officers are directed to follow the provision of law cited and the petitions filed under the said Acts should be disposed of accordingly.

They are further informed that all efforts shall be made to dispose of all the petitions filed under the said Acts upto the end of the year 1984 by the end of the year 1986.

Sd./-
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

Notificatio No. 221/86/C3. Dated: 16-7-1986.

Sub:- Office hours of work in Subordinate Courts under the control of High Court of Andhra Pradesh - Reversion to the six-day working week for the Subordinate Courts - NOTIFIED.

***

In exercise of the powers conferred under Section 22 of the Andhra Pradesh Civil Courts' Act, 1972 and the Rules made thereunder, and in modification of the High Court's Notification No. 200/85/C3, dt. 26-6-1985 the High Court of Andhra Pradesh hereby notifies that the Subordinate Courts under its control shall revert to 6-day working week with effect from Saturday, the 26th day of July, 1986. Provided that as an experimental measure there shall be no sittings of the Subordinate Courts on Saturdays. The Presiding Officers, shall, however, be present in Court during the working hours on Saturdays in order to attend to Administrative work and for preparation of Judgments and Orders.

It is further notified that the Subordinate Courts shall sit from 10-30 A.M. to 5-00 P.M. on all working days with half-an-hour lunch break between 2-00 P.M. and 2-30 P.M.

Every Second Saturday shall be a general holiday in addition to Sunday.

J.276-17

Sd./-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

CIRCULAR

Roc.No. 273/86/E.2. Dated: 24-7-1986.

Sub:- Courts - Criminal - Establishment of Special Mobile Courts in the Districts of East Godavari West Godavari, Chittoor, Cuddapah, Mahabubnagar, Srikakulam and Medak to deal with offences committed against S.Cs & S.Ts under IPC & PCR Act, 1955 - Certain Instructions - Issued.

***

In the meeting held in the Secretariat on 9-12-85 to review the result in the functioning of the Courts of Special Judicial Magistrates of I Class constituted exclusively to deal with offences against Scheduled Castes and Scheduled Tribes under the Protection of Civil Rights Act, 1955 and I.P.C. Provisions, the Commissioner of Social Welfare, Government of Andhra Pradesh has made the following suggestions for consideration of the High Court and requested that if there be no objection to the High Court and if the suggestions are found constructive and helpful to achieve the primary object of establishing these Court the High Court may consider the desirability of adopting the same by giving suitable instructions to the Magistrates concerned.

1. It will be useful if the High Court formally reviews each month the work of each of the Mobile Court.

2. In regard to the adjournments, due to the absence of the Advocates the Magistrates may be instructed that in the case of absence of Public Prosecutor the fact may be brought to the notice of the Collector and Superintendent of Police concerned and in the case of Private Advocates it will perhaps be appropriate not to grant adjournments. The Govern-

be appropriate not to grant adjournments. The Government apprehends that due to the grant of adjournments the witnesses may turn hostile and the situation may become favourable to the accused.

3. In order to reduce the pendency, the Special Mobile Courts should take up only (a) cases under P.C.R. Act, (B) cases charged both under P.C.R. & I.P.C. and (c) I.P.C. cases only in regard to murder, rape, arson and grievous hurt.

4. The Special Mobile Courts are not to be kept vacant and these Magistrates are not to be entrusted with additional charges.

The High Court after careful consideration of the above suggestions issues the following instructions:-

1. The District and Sessions Judges concerned are requested to review the work of these courts every month and forward monthly report to the high Court.

2. They are also requested to instruct the Magistrates to avoid unnecessary adjournments and to address the Collector and Superintendent of Police through the District Judge in cases where the Prosecuting Officers are absent on more occasions than one and without reasonable excuse and also to see that in the case of Advocates they should be use their discretionof granting adjournment sparingly and that too for pressing reasons.

The High Court finds that cases which are not strictly within the purview of these courts are being filed in and entertained by these courts despite instructions issued by the High Court on several occassions. For instance, cases under Section 304 (A) I.P.C. are also being brought to these Courts. The Magistrates shall see scrupulously whether the offences brought before them relate to attrocities committed or infringement of Civil Rights perpetrated, against the members of the scheduled castes and scheduled tribes.

They are therefore directed not to entertain other cases and instruct the prosecuring agencies to see that such other case which are not within the purview of these Courts are not brought before them. The above instructions may be strictly implemented, so that the pendencies in the said courts are reduced to the minimum.

(Sd.)/P. J. VIJAYAVARDHANA RAO,
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

CIRCULAR

Roc. No. 2009/E, 2/86. Dated: 6-8-1986.

From:

Sri M.J. Vijayavardhana Rao, B.A., L.L.B.,
Registrar (Admn.),
High Court of Andhra Pradesh,
HYDERABAD.

Sub:- Priority for trial of offences failing under Indian Penal Code and Protection of Civil Rights Act, 1955 against Scheduled castes and Scheduled Tribes - Instructions- Reg.

***

With a view to protect the Civil rights of the Scheduled castes and Scheduled Tribes and to prevent atrocities being committed against them by non-scheduled castes and non-scheduled tribes, the Government have established Special Mobile Magistrate Courts of I Class in the Districts of Anantapur, Chittoor, Cuddapah, East Godavari, West Godavari, Nellore Srikakulam, Vizianagaram, Mahabubnagar, Medak and Nizamabad to try all such offences. The Government and the High Court have, on several occassions, impressed upon the Magistrate concerned the importance of these courts in regard to the quick disposal of cases filed before them. The High Court's circular, Roc.No. 391/SO/79 dated: 28.3.1979 (copy enclosed) is one such step in this regard to which attention of all the Judicial Officers is invited. The Presiding Officers of the Special Mobile Courts are requested to dispose of casesas expediting as possible, in any case within six months.

Apart from instructing the Special Judicial Magistrates concerned for the quick disposal of cases the High Court feels it necessary, that in the case of the Districts in which no special courts are established, to request the District and Additional District and Sessions Judges, the Metropolitan Sessions Judge, Hyderabad and the Chief Metropolitan Magistrate, Hyderabad to issue suitable instructions to all the Judicial Magistrates under their control to give priority for the trial of cases under PCR Act & IPC in regard to S.Cs. and S.Ts. and see that they are expeditiously disposed of.

M.J. VIJAYAVARDHANA RAO,
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

CIRCULAR

Roc.NO. 1483/SO/86. Dated: 15-9-1986.

Sub:- Andhra Pradesh Children Act, 1979 - Enforcement from 1-9-1986 - Instructions - Regarding:-

***

The District Judges are requested to invite the attention of all the Munsif Magistrates in their respective units that the A.P. Children Act, 1979 has come into force with effect from 1-9-1986 as published in the A.P. Gazette, Part-I Extraordinary, dated 30-8-1986.

Consequent upon the A.P. Children Act, 1979 coming into force on and from 1-9-1986, the A.P. Children Act, 1979 coming into force on and from 1-9-1986, the A.P. (Andhra Area) Children Act, 1920, the Andhra Pradesh (Telangana Area) Children Protection Act, 1343 F and the A.P. (Telangana Area) Children Act, 1951 stand repealed.

The Government by virtue of powers conferred on them under section 89 of the A.P. Children Act, 1979 framed rules thereunder.

Therefore, the District Judges are requested to instruct all the Munsif Magistrates in their respective units to follow the provisions of the A.P. Children Act, 1979 and rules framed thereunder on and from 1-9-1986.

All the earlier circulars issued in this regard by the High Court shall stand cancelled.

It is also desirable to note that the Government have instructed all the Regional Inspectors of Probation to contact the Magistrates in person and furnish them with a copy of the Act and the Rules.

Sd/-
REGISTRAR (ADMINISTRATION).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

CIRCULAR

Roc.No. 1564/SO/86. Dated: 30-9-1986.

Sub:- Courts - Criminal - Special Judicial Magistrates of Second Class - Necessity to follow rules in Notification Roc.No.63/SO/74-2, dt. 28-3-1974 - Issuance of general instructions - Reg:-

***

Of late, it is noticed that the copies of the proposals of the District Judges sent to the High Court in respect of the consideration of the appointment of Special Judicial Magistrate do not contain the bio-data such as age and qualifications of the persons recommended by them as required in Roc. No. 63/SO/74-2, dt. 28-3-1974 issued by the High Court. Some of the District Judges are not submitting to the High Court a copy of proposals sent by them to the Collector.

It is necessary to inform the disqualification if any, sustained by the existing incumbent, if a new candidate is proposed and recommended in his place.

The District Judges are requested to bestow their personal attention and make sure that they recommend only such candidates who possess the requisite qualifications so as to avoid the necessity of seeking cancellation of the G.O. relating to appointment of the Special Magistrate already issued.

It is observed that instead of a panel of names, the District Judges are sending only one name for consideration for appointment as a Special Judicial Magistrate. When only a single name is sponsored for want of qualified and suitable candidates, the fact may be indicated in the proposals.

The District Judges are requested to follow the instructions scrupulously which will help a long way in avoiding delays in conferring powers under Sections 13 and 18 of the Code of Criminal Procedure, 1973.

Sd/-
REGISTRAR (ADMINISTRATION).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

CIRCULAR

No. 567/86/C.Spl.(Con.) Dated: 3-10-1986.

Sub:- Public Services - Abolition of Personal files for employees to be appointed against Non-Gazetted posts in the Judicial Ministerial Service - Instructions - Issued.

Ref:- 1) High Ccurt's Instructions Issued in letter R.O.C. No. 1463/79-1/S.O., dated 1-7-1980.

2) G.O.Ms.No. 82, General Administration (Ser..C) Department, dated 21-2-1985.

***

The High Court in the reference first cited, issued instructions for maintenance and scrutiny of confidential reports (personal files) of the employees working in the Subordinate Courts and other offices under the administrative control of the High Court. The Government in their G.O.Ms.No. 82, General Administration (Services.C) Department, dated 21-2-1985 decided to abolish with immediate effect, the system of personal files in so far as it related to the categories of non-Gazetted employees except those non-gazetted categories which form feeder posts to Gazetted posts.

The High Court, after consideration of the G.O. cited, taken a decision to adopt the instructions issued by the Government to abolish with immediate effect the system of personal files in so far as it relates to all the categories of Non-gazetted employees including Record Assistants and Last Grade employees working in the Subordinate Courts except those non-gazetted categories which form feeder posts to gazetted posts.

Thed District and Sessions Judges and other Unit Officers under the control of the High Court are hereby informed that scheme of maintenance of personal files is dispensed with in so far as it relates to all the categories of non-gazetted employees including Record Assistants, and Last Grade Employees working in the Subordinate Courts, except those non-gazetted categories which form feeder posts to gazetted posts.

These orders will come into force with immediate effect.

Sd/-
REGISTRAR (ADMINISTRATION).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

CIRCULAR

Roc.No. 503/87. Dated: 13-2-1987.

Sub:- The method of assessment of the out-turn of work of the Judicial Officers Cadre-wise in terms of units - Revised Circular - Issued.

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In supercession of the previous circular issued on the subject, the High Court is pleased to issue the following circular:-

The revised ratings in the allotment of units to various categories of cases are noted in the annexures appended hereto. Having regard to the nature of cases and the cadre of officers, who deal with them appropriate increase in the ratings where ever necessary is allowed. The out-turn of work of the Subordinate Judicial Officers shall be assessed in terms of the rating of units contained in the annexures w.e.f. I period of 1987 commencing from 1-1-1987. The minimum number of units of work expected of the District and Sessions Judges, the Subordinate Judges and the Munisif Magistrates are Nine, Seven and Fifteen respectively in a month of 22 working days, proportionate deduction being made for the shortfall in the number of working days in a month. Where the period is shorter than one month the out-turn of work of the officer need not be assessed.

The out-turn of work of the presidng officers may be assessed in one of the following six categories.

POOR :where the disposal are half or less than half of the norm fixed.

INADEQUATE :Where the disposals are between half and three fou rths of the narm fixed.

AEQUATE :Where the out-turn is above three fourths and less than one and onefourth of the norm fixed.

SATISFACTORY:Where the out-turn is above one and one fourth and less than one and three fourths of thequota fixed.

GOOD :Where the out-turn is one and three quarters of the quota fixed but does not exceed twice the quota fixed.

VERY GOOD :Where the out-turn exceeds twice the quota fixed.

In determing the adequacy or otherwise of the out-turn of the work of the Judicial Officers, the following factors will also be take into considerartion viz:-

1. The number of old cases disposed of by him during the period.

2. Steps taken by him to make the unready old cases ready.

3. Pondency of old matters will count against and disposal of old matters in favour of the officer.

4. Quality of work.

5. Number of title suits disposed of.

With a view to assess the quality of work of the Judicial Officers model opinion form prescribed by the

High Court is herewith forwarded. The form is to be filled by the Appleiate Authorities in all matters coming up before them in exercise of ....their appellate or revisional jurisdiction. The District and Sessions Judges, the Additional District and Sessions Judges, the Subordinate Judge in the State, including these working in twin cities of Hyderabad and Secunderabad are requested to invariably fill up the forms as and when they dispose of Appeals or Revisions and forward all such forms to the High Court along with the quarterly returns irrespective of the fact whether the officer, about whom the opinion is expressed is still in the stations concerned or transferred. If the out-turn of work of the Judicial Officer is "Poor" quantitatively and" "below average" "Unsatisfactory" qualitatively, an entry will be made in the personal file of that officer.

In considering the disposals of the old cases 15% of weightage for matters which are more than 3 years old, but not more than 5 years old and 30% of weightage for matters which are more than 5 years old will be given.

All Civil Miscellaneous Appeals shall ordinarily be disposed of within a period of 6 weeks from the date of Institution. To facilitate such early disposal the Presiding Officers may as far as practicable set apart Fridays for their hearing. The Presiding Officer shall ensure that he fly leaf prescribed is kept on the top of every file.

While submitting the Periodical Statistical Statements the following salient features should clearly be indicated.

DISTRICT JUDGES:

Sessions Cases trible by Sessions Judges and those triable by Assistant Sessions Judge should be indicated clearly.

Likewise in the case of Criminal Appeals indicating those arising from judgments of Asst. Sessions Judges and those arising from judgments of Munsif Magistrates.

In the case of suits title and Money Suits should be separately shown in the disposals; also in the case of Civil Appeals.

In the case of O.Ps those under Sec. 24 C.P.C. should be separately shown.

In the case of E.Ps contested E.Ps under order 21 Rules 38 etc., should be separately shown.

Contested final decree proceedings in partition and Accounts Suits and other contested I.As for final decree should be clearly indicated seperately.

Whereever cases are disposed of in batches, the number of comprising each batch should be clearly indicated.

SUB-JUDGES:

As in the case of District Judges the disposals

As in the case of District Judges the disposals should be clearly shown.

DISTRICT MUNSIF MAGISTRATES:

As in the case of District Judges as far as applicable.

Besides, under "Criminal" the disposal (Contested) should be clearly indicated as required.

To facilitate calculation in terms of units each Judcial Officer is required to prepare a calculation table and indicate the out-turn of units which however will be verified by the High Court.

Sd/-
REGISTRAR.

J-276-18

QUARTERLY RETGURN:

OPINION FORM

Nature of the case and No. of 198

Decided on 198

by

Case against the decision of Shri

Sub Judge-cum-Asst. Sessions Judge of Munsif Magistrate Dated 198

In Civil Suit/Appeal 19
Criminal case/Revision/Sessions Case

1. Quality of Judgment ..Good/Below average

2. Appreciation of evidence ..Good/Unsatisfactory

3. Sentence awaraded ..Severe/Sufficient/ Inadequate

4. Power of expression ..Good/Below average

5. Result of Appeal/Revision..Set aside/Varied/ Confirmed.

6. Remarks if any.

DISTRICT & SESSIONS JUDGES : 9 UNITS : PER MONTH
(22 DAYS)

Category of Cases	Existing rating of Units.	Revised Rating.
(1)	(2)	(3)
CIVIL:		
Every Contested Original Suits a) Title	1	1
b) Money	1/2	1/2
Every Contested Appeal a) Titile	1/3	1/2
b) Money	1/6	1/4
Every Contested Tenancy Appeal	1/4	1/4
Every Contested C.M.A.	1/6	1/4
Every Contested Land Reforms Tribunal Appeals	1/3	1/3
Every Contested O.P. excluding these under Sec. 24 CPC	1/2	1/2
Every Contested F.D.P. (Partition & Accounts)	1	1
Other Contested I.As. for Final Decrees	1/2	1/2
Other Contested I.As other than those for Final Decrees	1/6	1/6
Every Contested Petn. U/o. 21, R. 58CPC	1/3	1/2

(1)	(2)	(3)
Every Contested Petn. U/s. 53&54 of the Insolvency Act.	1/2	1/2
Every Contested Petn. U/o. 39, R.1, 2 & 4 C.P.C.	1/6	1/4
Every Contested Petn. U/s. 47 C.P.C.	1/6	1/4
Every Contested Receiver and Injunction Petitions	1/6	1/4
Every Contested E.P.U./o.21, R.38	1/3	1/3
Every other Contested E.P.	1/6	1/6
Every Contested E.A.U./o.21, R. 90	1/6	1/3

Besides, under "Criminal" the disposal (Contested) should be clearly indicated as required.

To facilitate calculation in terms of units each Judcial Officer is required to prepare a calculation table and indicate the out-turn of units which however will be verified by the High Court.

Sd/-
REGISTRAR.

1.	2.	3.
Every Contested E.A. U/o.21, R. 37	1/6	1/6
Every contested applicaation under Act 7 of 1977	1/3	1/3
CRIMINAL		
Every Contested Sessions Cases	1	1
Every contested sessions case triable by an Asst. Sessions Judge	3/4	3/4
Every contested Criminal Appeal		
a) From Judgment of Asst. Sessions Judge	1/3	1/2
b) From Judgment of M.M.	1/4	1/3
Every contested Crl. Revision Cases	1/6	1/6
Chief Judicial Magistrate/		
Chief Metropolitan Magistrate:		
Every contested calendar cases	-	3/4

NOTE:

(a) A batch of more than 5 cases in any particular category shall be counted as twice the number of units allotted to that category and a batch of cases less than 5 in number shall be accounted as $1-\frac{1}{2}$ times the number of units allotted to that category.

(b) All Land Acquisition O.Ps covered by one Notification shall be disposed of together as one batch as far as practiable.

COURT OF SMALL CAUSES : HYDERABAD

CHIEF JUDGE ADDL. JUDGE AND
ADDL. JUDGE ———————— EACH 9 UNITS PER MONTH

			Revised Ratings.		
RENT APPEAL	..	1/4	Unit	..	1/3
SMALL CAUSE SUIT	..	1/3	,,	..	1/3
INSOLVENCY APPEAL	..	1/3	..		1/3
MUNICIPAL APPEAL	..	1/6	,,	1/6	1/6
ORIGINAL PETITION	..	1/2	,,	..	1/2
EXECUTION PETITION	..	1/3	,,	..	1/3

If disposed of after contest i.e. after taking evidence.

TRIBUNAL FOR DISCIPLINARY PROCEEDINGS:

Chairman, and Second Membe.
9 Units each per month.
1 Enquiry ccases .. Units.

SALES TAX APPELLATE TRIBUNAL(66 UNITS P.M.)

1 Appcal ..1 Unit

A batch of 5 and moro Appcals shall be counted as twicc the number of Units allotted to cach Appcal and a batch of loss than 5 shall be counted as 1-1/2 times the number of Units allotted to cach Appcal.

STATE TRANSPORT APPELLATE TRIBUNAL (9UNITS p.m.)

		Revised Ratings.		
1. State Transport Appcal	..	1/10	..	1/4
2. R.p.	..	1/12	..	1/6

In regard to other catogorics samo ratings as in the caso of other City Courts.

SPECIAL JUDGES FOR S.P.E.CASES A.C.B.CASES AND S.P.H. & A.C.B.CASES Each 9 units per month

1. Sessions Cases 1unit

2. Calendar Case 3 units

SPECIAL JUDGE FOR ECONOMIC OFFENCE (9 Units per month)

1. Case 3/4 unit

SPECIAL JUDGE FOR CASES UNDER ESSENTIAL COMMODITIES-ACT

(9 units per month)

Every S.T.O. 3/4 unit.

INDUSTRIAL TRIBUNAL : HYDERABAD : 9 UNITS.

A reference under	S.10(1) of the Industrial Disputes Act	2	Revised Rating 2 Unit
A preceeding Under	S.33(1)(a) of -do-	1/3	1/2
A preceeding Under	S.33(1)(b) of -do-	1/2	1/2
A proceeding Under	S.33(2) of -do-	1/4	1/4
A proceeding Under	Sec.75 of the employees Insurance Act;	1/3	1/2
A Proceedings under	chapter VII -do-	1/4	1/4
A proceeding Under the Standing Orders Act		1/3	1/3

ADDITIONAL INDUSTRIAL TRIBUNAL-CUM-ADDITIONAL LABOUR ACOUT: 9 Units.

A reference Under S.10(1) of the Industrial Disputes Act. 1 2 units

A proceeding Under S.33(1)(a) of -do-	1/3	1/2
A proceeding Under S.33(1)(b) of -do-	1/2	1/2
A proceeding Under S.33(2) of -do-	1/4	1/4
An appeals Under the standing Orders Act	1/3	1/3
A proceeding Under S. 75 of the Employees State Insurance Act	1/3	1/3
A proceeding Under Chapter VII of -do-	1/4	1/4

LABOUR COURT. HYDERABAD : 9 UNITS

A reference u/s. 10(1) of the Industrial Disputes Act	1	1
A proceeding u/s. 33(1)(a) of -do-	1/3	1/2
A proceeding U/s. 33(1)(b) of -do-	1/2	1/2
A proceeding U/s. 33(2) of -do-	1/4	1/4
A proceeding Under S.33(c)(2) of -do-	1/2	1/2
A second Appeal under shops and Establishment Act	1/3	1/2
A Proceeding U/s. 20(2) of the Minimum wages Act	1/2	1/2

INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT : GUNTUR (9 UNITS)

Same as in the case of Industrial Tribunal, Hyder-

Same as in the case of Industrial Tribunal, Hyderabad and the Labour Court, Hyderabad.

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

R.O.C.No.3158/86-E. Statistics: Dt: 8-4-1987.

CIRCULAR

Sub:-Courts - Civil and Criminal - Submission of monthly progress reports in regard to the disposals of cases instituted in or before 1980- Extension of target date for disposal of Pre-1981 cases from 31st March, 1987 to 31st July, 1987 - Regarding.

Ref:-High Court's D.O.Lr.No.3158/86-E. Statistics, Dt: 27-10-1986.

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Inviting attention to the reference cited, all the District and Sessions Judges in the State are informed that though some of the District and Sessions Judges expressed confidence to reach the target in disposal of cases instituted in or before 1980 by 31-3-1987, most of the District & Sessions Judges thought that it was not possible to do it in view of the intervention of the N.G.Os' strike which had upset all the working plans of most of the courts.

While aporeciating the good work already done in most of the districts, and taking a realistic view of the impact of the N.G.Os' strike on the progress of the work, the High Court felt it necessary to extend the time fixed for achieving the target and it is accourdingly extended upto 31st July, 1987.

All the District and Sessions Judges in the State are therefore requested to bring the same to the notice of all the Presiding Officers under them and also to see that proper monitoring is done so that no further time may be requested for achieving the target. They are also informed that forwarding of monthly progress reports to the High Court shall continue as usual.

Sd/.
M.J. VIJAYAVARDHAN RAO,
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

Roc.No. 708/SO/87. Dated: 9-6-1987.

CIRCULAR

Sub:-A.P. Court Fees and Suits Valuation act 1956- Adoption of market value for valuation of suits in Courts - Rules under G.O.Ms.No. 30, Home (Courts.D) Department, dated 2-2-1987 - Enforcement of Reg:-

Ref:-Lr.No.MV2/398/87 dated 7-5-1987 of Inspector General of Registration and Stamps, A.P., Hyderabad along with copy of G.O.Ms.No. 30, Home, dated 2-2-1987.

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In Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad has brought to the notice of the High Court, the Rules framed in G.O.Ms.No. 30, Home (Cts.D) Department, dated 2-2-1987 published in Rules Supplement to Part I of Andhra Pradesh Gazette, Issue No. 4, dated 12-3-1987 wherein principles for the detemination of market value of the immovable property in the suits based on the basic registers maintained by the Registration Authority, are notified and requested to bring the said G.O. to the notice of the Presiding Officers of the Subordinate Courts in the State.

All the Presiding Officers of the Subordinate Courts are hereby directed to follow the guidelines of the said G.O.

(Sd./)
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc. No. 1892/87/C5 Dated 25-7-1987.

CIRCULAR

Sub:-Public Services - A.P.J.M.S.-Non-Gazetted Officers posting to native Revenue divisions - Instructions - Issued.

Ref:-G. O. Ms. No. 224, General Admn. (Ser.A) Department, dated 25-5-1987.

The Governmetn in the G.O. referred to above, inter alia have issued instructions that no Non-Gazetted Officer other than the employees of Last Grade Service (Class IV) and Drivers should be posted in his native Revenue Division except in the case of those working in the Twin Cities of Hyderabad and Secunderabad. The High Court after careful consideration of the G.O. hereby directs all the District Judges and other appointing authorities under its control not to post the N.G.O's. to the extent possible in their respective native revenue divisions except in the case of those who are working in the Twin Cities of Hyderabad and Secunderabad.

The receipt of the circular may please be acknowledged.

(Sd./-)
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

CIRCULAR

R.O.C.No. 3153/86-E. Statistics: Dated 30-7-1987.

Sub:-Courts - Civil and Criminal - Submission of monthly progress reports in regard to the disposal of cases instituted in or before 1980 now extended to the cases instituted in or before 1982 - Reg.

Ref:- High Court's Circulars Roc. No. 3153/86-E. Statistics, dated 27-10-1986, 8-4-1987 and 15-6-1987.

All the District and Sessions Judges in the State inlcuding those working in the twin cities are aware that the target fixed viz., 31-7-1987 for the disposal of Pre-1981 cases has almost come to an end. A final report is called for by the High Court to be submitted by 10th August, 1987 showing the progress in the disposal of Pre-1981 cases in order to have a state-wide survey made by the Honourable Judges. At this juncture, the High Court deems it necessary to fix up a further target date i.e., 31st July, 1988 before which all cases instituted in or before 1982 shall have to be disposed of so that it is hoped that no cases civil or criminal instituted in or before 1982 is seen pending in any court in the State beyond the target date. To this end, the District and Sessions Judges are requested to explore all possible methods for the expeditious disposal of old matters instituted in or before 1982 and instruct all the subordinate judicial officers under thier control to spare no effort for taking up the old cases and disposing them of expeditiously. They are also requested to have the co-operation of the Bar extended in clearing off the arrears as this problem of old pendency is assuming serious proportions. The District and Sessions Judges are also requested to forward to the High Court monthly statements as usual. The receipt of this circular may please be acknowledged.

M.J. VIJAYAVARDHANA RAO,
Registrar(Admn.)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

Roc. No. 474/SO/87 dated 10-8-1987.

CIRCULAR

Sub:-Sending of Money Orders - Reg.

It is broughjt to the notice of the High Court that the amount received from the other court for payment of batta of the witnesses, has to be returned to the concerned Courts if the witnesses refused to receive summons after deducting M.O. Form and Commission charges, but in such cases due to non-acceptance of fraction of a rupee for M.O. by the Post Offices, the said amount has become a problem in the subordinate courts in view of the Gazette Notification No. G.S.R. 685, dated 30-8-1986 issued by the Director General, Department of Posts, New Delhi.

The High Court on careful consideration, as a Special case, directs the District Courts and other Subordinate Courts to follow the procedure as laid down in Rule 51 Chpater III of Civil Rules of practice and Circular Orders, Vol. II in respect of the fraction of a rupee on return of the sum deposited by the other Courts for the purpose of securing attendance of witnesses, after deducting the M.O. Form and Commission charges.

(Sd/-)
for Registrar(Admn.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc. No. 1735/SO/87 Dated 3-12-1987.

CIRCULAR

Sub:-Private complaints filed before various Magistrates in the State forwarded to the Crime Branch, C.I.D., Hyderabad u/s 156(3) Cr.P.C. for investigation - Difficulty in registering cases and taking up investigation-REg:-

Ref:-Lr. C.No. 5241/C-10/87, dated 19-11-87 from Special Inspector General of Police, Crimes (C.B.C.I.D.) Hyderabad.

I am direcred to request you to issue necessary instructions to all the Judicial Magistrates of 1st Class and Metropolitan Magistrates in their respective units not to forward, u/s 156(3) Cr.P.C. ordianry private compalints pertaining to trivial offences and unimportant crimes to the Crime Branch C.I.D. for investigation, but to forward only such type of complaints which pertain to sensitive crimes of special importance or the organised professional crimes with inter-district and inter-state ratifications

(Sd./-)
Registrar(Admn.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc. No. 1866/87/E.2 Dated 29-1-1988.

CIRCULAR

Sub:-Courts - Criminal - Establishment of Special Mobile Courts in the Districts of East Godavari, West Godavari, Chittoor, Cuddpah, Mahaboobnagar, Srikakulam, Medak, Anantapur, Nellore, Nizamabad, Vizianagaram, Kurnool, Krishna, Khammam, Nalgonda, Visakhapatnam and Prakasam to deal with offences committed against Scheduled Castes and Scheduled Tribes under the IPC and Act, 1955 - Certain instructions - Issued.

The Director and Ex-Officio Deputy Commissioner for Scheduled Castes and Scheduled Tribes, Government of India conducted a sample study of the functioning of the Special Mobile Courts constituted for the protection of Scheduled Cstes and Scheduled Tribes in the state of Andhra Pradesh, and made certain suggestions to the High Court for consideration and appropriate action. One of his suggestions is in regard to the granting of frequent adjournments by the Special Mobile Magistrates. He pointed out that the Scheduled Castes and Scheduled Tribes being poor lost their daily wages if cases are adjourned after the court in assembled. It is in fact a problem which is to be taken due notice of by the Special Mobile Magistrate Courts as in general the members of Scheduled Castes and Scheduled Tribes depend upon cooly work and are likely to lose their daily wages in coming to the Court and later being told that their cases are adjourned. The problem is certainly human and directly affects the bread winners in these communities. All the Presiding Officers of the Special Mobile Courts are therefore instructed that any adjournment is likely to affect adversly the parties concerned and that therefore the reasons urged for adjournments shall be weighed with moticulous care and caution.

They should also adhered to rule 67 of the Crl. Rules of Practice and Sec. 309 of the (Crl.P.C) They should avoid adjournments as a matter of court and that their discretion in granting adjournments and that to be exercised most sparingly and that the for compelling reasons.

The study report put forth another suggestion namely that it would be to the advantage of all concerned if advance programme is chalked out in regard to the camping of the courts and hearing of cases with due notices issued before hand to all the parties and witnesses. This suggestion also is worthy of consideration as it would solve problems like accommodation, appearance of parties with definite understanding that on a particular day and at a particular place their cases will be heard. There will not be scope for seeking adjournments if advance porgramme is chalked out are the same intimated to all concerned before hand. The presiding Officers are therefore requested to chalk out advance programme in holding camp courts and hearing of cases intimating the same to all concerned. In chalking out advance programme the Presiding Officers shall take all matters into consideration and see that the programme is carried out to a considerable extent if not in totality.

(Sd./-)
Registrar(Admn.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc. No. 1845/SO/87 Dated 22-2-1988.

CIRCULAR

Sub:-Recording of dying declaration by the Magistrates - Further instructions - Issuance of Reg.

Ref:-1) Draft Criminla Rules of Practice forwarded to the Govt. for its approval.

2) High Court's Judgment in Crl. A.Nos. 681 & 710 of 1987.

Their Lordships Hon'ble Sri Justice Jayachandra Reddy and Hon'ble Sri Justice Panduranga Rao while pronouncing the judgment referred under 2nd cited, have observed that the Magistrates while recording dying declarations in the actual words of the declarant some times over look to elicit some elementary particulars like the names of the fathers of the accused and other descriptive particulars which are of great importance.

The views of their Lordships is considered in draft Criminal Rules of practice and pending approval of Government. Until the publication of the same, the Magistrates should follow the procedure as laid down hereunder.

DYING DECLARATION: (1) While recording a Dying Declaration, the Magistrate shall keep in view the fact that the object of such declaration is to get from the declarant the cause of death or the circumstances of the transaction which resulted in death.

(2) Before taking down the declaration, the Magistrate shall disclose his identity and also ask the declarant whether he is mentally capable of making

a declaration. he should also put simple questions to elicit answer from the declarant with a view to knowing his state of mind and should record the questions and answers signs and gestures together with his own conclusion in the matter. He should also obtain whenever possible a certificate from the Medical Officer as to the mental condtion of the declarant.

(3) The declaration should be taken down in the words of the declaratn as far as possible. The Magistrate should try to obtain from the declarant particulars necessary for identification of the accused. Every question put to the declarant and every answer or sign or gesture made by him in reply shall be recorded.

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 236/SO/88 Dated 29-2-1988.

CIRCULAR

Sub:-Entertaining Bail applications on holidays or beyondcourt hours by Magistrates - Instructions - Reg.

It is brought to the notice of the High Court that Magistrates are not following the observation in Dr. P.C.Kakkar Vs. Director General of Police, Andhra Pradesh (1986-1 APLJ 203) that it is not permissible for the Magistrate to refuse to entertain an application for bail on holidays or beyond court hours.

The District & Sessions Judges are requested to direct the Munsif Magistrates in their respective units, to entertain bail applications in special cases, where there is no time for presentation of bail applications before the court during the office hours.

Receipt of the circular may please be acknowledged.

(Sd./-)
Registrar(Admn.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 434/88/E.2 Dated 5-3-1988.

CIRCULAR

Sub:-Courts - Criminal - Special Mobile Courts in the State to deal with offences filed under I.P.C. and P.C.R. Act, 1955 against Scheduled Castes and Scheduled Tribes - Instructions - Issued.

Occational requests are being made to the High Court by some of the District and Sessions Judges in the State that the Special Mobile Courts constituted for the trial of the offences committed against Scheduled Castes and Scheduled Tribes should be entrusted with other criminal cases also apart from the cases specially brought before them inview of heavy pendency of criminal cases particularly in the courts at District head Quarters in thier districts. It is also stated that in some of the Districts there is light work in the Special Mobile Courts and that therefore some other criminal work from the heavy courts in the district head quarters can be entrusted to the Special Mobile Courts, so that it may relieve the congestion of work in the heavy courts, the High Court has carefully examined the proposals made by some fo the District Judges and has come to the conclusion that in the interests by Judicial administration the Special Mobile Courts having light work can be entrusted with other criminal cases also from courts which are heavily burdened. However while doing so caution has to be exercised to see taht the trial of cases for which the special courts are meant should in no way hampered. it is also important to bear in mind the primary aim with which these courts are established viz. the protection of the down trodden communites by dispensing speedy justice. The central and State Government also are evincing much interest in the functioning of these courts as the establishment of these courts is primarily a welfare measure.

The District and Sessions Judges in the State are therefore requested to entrust other criminal cases also to the Special Mobile Courts if they, in their discretion, consider that there is light work in those courts. For this purpose they are requested to issue instructions to the Presiding Officers of the Special Mobile Courts to hold camp courts for two days in a week in the District Head Quarters for attending to the other criminal work entrusted to them and in the remaining days in the week to hold camp courts in various places in the District as per the advance programmes prepared by them. The Presiding Officers of the Special Mobile Courts may also be instructed to give priority to the disposal of cases in regard to the Scheduled Castes and Scheduled Tribes for which these courts are specially meant.

Sd/-
I. PANDURANGA RAO,
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 521/SO/88 Dated 28-4-1988.

CIRCULAR

Sub:-Official Language - Telugu - Telugu Typewriting (Lower Grade) Training classes to Stenos/ Typists working in District Courts and Subordinate Courts - Deputing personnel to the said training conducted in their respective Collectorate Offices - Reg:-

It is brought to the notice of the High Court that some of the District & Sessions Judges are not deputing their personnel i.e., Stenos/Typists to the Telugu Typewriting (Lower Grade) training classes conducted by the Government in respective District Collectors' Offices inspite of the instructions given by the Government from time to time in this regard.

In this connection all the District & Sessions Judges excluding Ranga Reddy District, the Presiding Officers of the courts situated in the twin cities, are hereby directed to furnish immediately a list of Stenos/Typists to their respective District Collectors and arrange for their training in the Telugu typewriting (Lower Grade) Classes arranged in the collectorates of their respective Districts.

The District Judge, Ranga Reddy District, Chief Judge, City Civil court, Chief Judge, City small Causes Court and the metropolitan Sessions Judge, Hyderabad are directed to furnish immediately to the General Administration (Official Languege) Department, Government of Andhra Pradesh, a list of Stenos/Typists for their selection to the Telugu Typewriting classes conducted by the Government.

(Sd./-)
Registrar(Admn.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

Roc. No. 859/SO/88 19-7-1988

CIRCULAR

Sub:-Courts-Civil and Criminal-Service of summons processes etc., on Members of the Legislative Assembly-Practice of addressing the Speaker-Not permissible-Instructions-Issued-Reg:-

Read: (1) High Court's Circular Roc.6437/58 B1 dated 12-12-1958 Roc 88/62 B1 Dt: 1-4-1963.

(2) High Court's Circular Roc.No. 20/SO/80, dated 18-1-80

(3) High Court's Circular Roc.No.2226/SO/84, dated: 7-12-1984.

(4) Letter No. 298/LEGN/68-1, dt. 21-5-1988 from the Joint Secretary to Legislature.

The Joint Secretary, Legislature (Assembly Secretariate) has addressed a letter to the High Court stating that some Subordinate Judicial Officers are directly addressing the Presiding Officers of the Legislature to get the summons served on the members of the Legislature who are said to be involved in some cases-both Civil and Criminal.

Eventhough several Circulars were issued by the High Court previously, some of the Judicial Officers are still sending summonses, processes, etc., to the Speaker for getting them served on Members of the Legislative Assembly. In this connection, the attention of all the Judicil Officers is invited to the circulars cited above by High Court, wherein the Judicial Officers were warned against using the agency of the Speaker of the Legislative Assembly or any other official of the Legislature Secretariate for the purposes of effecting service of summons, process etc., in Civil and Criminal cases. They are aware of the fact that by adopting such practices, they are making themselves liable for contempt of Speaker and breach of privilege of the house.

All the Judicial Officers are once again warned that non-observance of the instructions contained in the High Court's Circulars read above, will not only be viewed with utmost displeasure but will make them liable for contempt and will also expose them to disciplinary action in the matter.

Acknowledge the receipt of this Circular.

(Sd./-)
Registrar (Administration)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD.

Roc. No. 309/87/C.Spl.(Con.) 29-08-1988

CIRCULAR

Sub:-Public Services-Appeal Petitions and Revision Petitions-Delay in forwarding-Instructions-Issuecd.

Rule 27 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1963 provides that an appeal preferred under the Rules shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It is also provided in the said Rule that the authority which made the order appealed against shall, on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the Appellate authority (viz., High Court) without any avoidable delay and without waiting for any direction from the applellate authority.

Inspite the above Rule position, instances are brought to the notice of High Court that the Copies of the appeal petitions and also the Revision Petitions filed under the Andhra Pradesh Judicial Ministerial Service Rules are not being forwarded to the appellate authority. The concorned District Judges are also not forwarding the Appeal Petitions or the Revision petitions, as the case may be, presented to them with their comments togother with the relevant records to the appellate authority expeditiously without any avoidable delay.

All the District Judges and other appointing authorities are, therefore, requested to bring to the notice of members of staff under their control that they should invariably send an advance copy of the Appeal/Revision petition to the High Court. The District Judges should also ensure that the copy of the Appeal/Revision petition submitted through proper channel is forwarded to the High Court together with all the relevant records and parawise comments with least possible delay so as to enable the High Court to dispose of the Appeal/Revision within SIX MONTHS.

All the District Judges in the State are requested to strictly adhere to above instructions.

Receipt of this Circuler may be acknowledged.

Sd/-
I. PANDURANGA RAO,
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 1315/SO/87 Dated 3-11-1988.

CIRCULAR

Sub:-Consumer Protection Act, 1986 - Implementation- of - Instructions - Issued - Reg.

As you are aware the consumer Protection Act, 1986 has come into force and District Forums are formed in various Districts of which the principal District and Sessions Judge is the President, who will be assisted by two members.

Since the High Court feels it necessary to issue instructions regarding the days on which the District Forums should sit, the place of meeting, the robes to be worn by the District Judge who is the President of the District forum and regarding the seals of the District forum, the following instructions are issued.

The District forum shall meet an every first Saturday in the month. If it happens to be a holiday it shall meet on the third Saturday and any other Saturday, which is not a holiday as the President may decide.

The Proceedings of the District Forums shall be conducted in the Public Court Hall. The members and the President of the Forum shall sit in the Public Court hall but not on the dais.

It is left to the option of the President of the Forum either to wear the robes of a Judge or to sit in proper dress.

The District Judges in the Districts and the Chief Judge, City Civil Court in Hyderabad are requested to take steps to get a rubber Officer Seal of the District Forum as laid down in paragraph-5 of G.O.Ms. No. 583,

dated 2-5-1988. Facsimile of the seal to chief Judge, City Civil Court is enclosed to enable to the District Forums to adopt the same, while making necessary changes with regard to the District.

(Sd./-)
Registrar(Admn.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 1315/SO/87 Dated 18-11-1988.

CIRCULAR No. 2

Sub:-Consumer Protection Act 1986 - Implementation of - Instructions - Issued - Reg:-

In continuation of the High Court's Circular dated 3-11-1988, the High Court feels it necessary to issue some more instructions in connection with the implementation of the Consumer Protection Act 1986.

Till permanent arragnements is made by the Government regarding the members of the staff that may be appointed to the District forums, the Presidents of the District Forums are permitted to utilize the services of the staff attached to the Land Reforms Appellate Tribunal constituted under the Andhra Pradesh Ceilings and Agricultural Holdings Act, whenever they are available. Whenever such staff is not available, the Presidents of the District Forums will utilize the services of the staff of the District Court.

Once in a month the President of District Forum is entitled to defray the amount relating to salaries and other allowances from the State Consolidated Fund.

Honorarium payable to the President and the members of the District Forums shall be defrayed from the Consolidated Fund of India, while Travelling Allowances and Daily Allowances shall be paid from the contingencies provided in that behalf to the District forums.

The Presidents of the District Forums may note that no oath need be administered to the members.

The Presidents of the District Forums shall maintain an attendance Register for the days of sittings and the members shall sign in it.

The Presidents of the District forums shall adopt as summons the enclosed facsimile of the summons. Necessary changs would be made whereever necessary in the summons enclosed.

A proforma of Consumers Disputes Register, in which complaints are to be registered, is enclosed for ready reference. A register has to be maintained in the said form by each District Forum.

(Sd./-)
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 5417/88-C1 Dated 29-12-1988.

CIRCULAR

Sub:-Public Services - A.P.J.M.S. - Employees of the Subordinate Judiciary - not staying at the places of their work - Instructions - Issued.

Ref:-D.O.Lr.Dis.No. 10214, dated 5-12-88 from the District Judge, Guntur.

It is brought to the notice of the High Court that a good number of employees in the Subordinate Judiciary are not staying at the places of their work and are only attending the Courts by coming from outside stations and on account of which work in the Courts is being hampered with resultant accumulation of arrears in their seats. Despite instructions of the presiding officers not to leave the stations, the employees are reported to be still indulging in such practice.

The High Court therefore, feels it expediant in public interest, to order that all employees in Subordinate Judiciary shall invariably stay at their respective stations of work so as to help avoid inconvenience to the proper functioning of the Courts and clearance of arrears in their respective seats.

All the District & Sessions Judges and presiding Officers in the City Courts are therefore requested to instruct all the employees working under thier control in their respective units to stay at their respective stations of work and if they nave not so far taken steps to do so, to make immediate arrangements for their stay as aforesiad, without fail and within a reasonable time. Any attempt to flout the isntructions will be viewed seriously.

(Sd./-)
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 1315/SO/87 Dated 30-12-1988.

CIRCULAR No. 3

Sub:-Consumer Protection Act, 1986 - Implementation of - Instructions - Issued - Reg:-

In continuation of the High Court's circular dated 18-11-1988 and in view of some doubts having been raised by the District Judges as Presidents of the District Forums, it is thought necessary to issue the following instructions remove those doubts.

It may be noted that the language mentioned in the Circular issued by the High Court dated 3-11-1988 in regard to the sitting of the District Forums does not convey the meaning that the District forums should sit only once in a month.

No remuneration can be paid to the staff who attend to the work of the District forums.

The Presidents of the District Forums may furnish their view in detail touching on the functioning of the District Forums under the Consumer Protection Act, 1986.

(Sd./-)
Registrar(Admn.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 2608/88-C1 Dated 9-2-1989.

CIRCULAR

Sub:-Public Services - Rule 49 of the Fundamental Rules- Placing employees in Full Additional charge of the vacant post - Instructions - Issued.

Attention of the District Judges and other appointing authorities are invited to Rule-49 of the Fundamental Rule and the Instructions thereunder as also the order on the subject.

The Andhra Pradesh Judicial Employees' Association, has represented to the High Court that Instructions may be issued to pay full additional charge allowance to the persons who are placed in full additional charge of the vacant posts during the period they discharged additional duties of the post.

The District Judges and appointing authorities are requested that whenever additional charge arrangements in regard to the posts fallen vacant either due to retirements, leave or transfer etc., the senior most suitable employees may be placed in full additional charge of such vacant post by specific proceedigns issued in this behalf duly following the procedure and guidelines indicated in Rule-49 of the Fundamental Rules and full additional charge allowance paid to them as per the said Rule.

(Sd./-)

Registrar(Admn.)

J-276-20

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 2608/88/C1. Dated 9-2-1989.

CIRCULAR

Sub:-Summer Vacation - Permission to avail a period not exceeding one week, during Summer Vacation by the Staff of Criminls courts in the mofussil-Instructions- Issued.

The Service Association has requested the High Court that the Staff working in the Criminal Courts in the Mofussil may be permitted to avail Summer Vacation as allowed in the case of Presiding officers in the Criminal Courts.

All the Presiding Officers and other appointing authorities are instructed that they may permit the staff of the Criminal Courts, under their control at their discretion to avail Summer Vacation for a period not exceeding on week in all Courts when the Magistrate concerned avails permission for 15 days during the Summer vacation.

The receipt of this Circular may be acknowledged.

(Sd./-)
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 2608/88/Ca. Dated 9-2-1989.

CIRCULAR

Sub:-PUBLIC SERVICES - APJMS - Appointments of Sheristadars and Superintendents (Category-1) to the District Court - Ban relaxed temporarily - Orders - Regarding.

Ref:-1) High Court's Lr. of even No. dated 9-9-81.
2) High Court's proc. of even No. dated 24-5-83.

Attention of the District Judges and other appointing authorities is invited to the references first and second cited, wherein they were directed to appoint senior members in Cat-2 temporarily and Sheristadars/ Superintendents, District Courts (Cat.1) as the case may be, on an ad-hoc and purely on temporary basis making it clear in the order that the persons promoted will not have any preferential claim to the posts when regular appointments are made on the basis of State-wide seniority list in Category-2 as per the amended Rules.

Instances have come to the notice of the High Court and the appointing authorities are regularising such temporary promotees and confirming them contrary to the instructions issued.

The District Judges and other appointing authorities are hereby directed not to regularise or confirm the temporary promotees pending amendment of rules and State-wide seniority in Category-2.

(Sd./-)
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 2608/88/C1. Dated 9-2-1989.

CIRCULAR

Sub:-PUBLIC SERVICE - A.P.J.M.S.-Transfer of Office bearers from Head-quarters-Instructions-Issued

Ref:-Govt.'s Memo. No. 1521/Ser.Wel/81-3, dated 7-12-1981.

Attention of all the District Judges in the State is invited to the Government's Memo. cited, wherein instructions were issued that the office bearers of the recognised Service Associations should not be transferred from Head-quarters, both district and Taluk within a period of two years etc., and they are requested to follow the said instructions as far as practicable except in cases of administrative exigencies.

(Sd./-)
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 5618/ 88/C1. Dated 10-2-1989.

CIRCULAR

Sub:-EMPLOYMENT EXCHANGES(Compulsory Notification of Vacancies) Act, 1959-Filling up of the vacancies in the Subordinate Courts consequent on the Judgment of the Supreme Court of India in civil Apeal Nos. 9 to 15 of 1986, dated 13-4-1987-Revised guidelines-ISSUED.

Ref:-High Court's Circular Roc.No. 3227/87/C1, dated 23-12-1987.

In the reference cited, the High Court has issued instructions to the District Judges and other appointing authorities under the control of the High Court in the matter of appointment to the posts in the Judicial Ministerial Service, including Record Assistants, with a specific direction that the vacancies should be filled-up from among the candidates sponsored by the Employment Exchanges only. The High Court has since reviewed the matter with reference to the Judgment of the supreme Court dated 13-4-1987 in Civil Appeal Nos. 9 to 15 of 1986. and considered that the earlier instructions require modification and accordingly issues the revised instructions with regard to the recruitment to the posts in the A.P. Judicial Ministerial Service, the A.P. General Subordinate Service and the A.P. Last Grade Service.

The Andhra Pradesh Judicial Ministerial Service Rules, 1964, provide for direct recruitment to the posts mentioned in Rule-6 in accordance with the manner in annexure-II as provided in Rule-13. In addition, the provisions of the Presidential Order under Article 371-D have to be followed. Out of these, the post of a Junior Assistant (i.e., Lower Division Clerk)

is to be filledup both by promotion and direct recruitment. According to Rule 9(2) the proportion of direct recruits and promotees is to e 3 : 1. The selection for direct recruitment for the posts of Junior Assistants is to be made by the A.P. Public Service Commisson. The selection for direct recruitment for thè other posts of lower in rank than the Clerks or Junior Assistants are to be made by the respective appointing authorities. Some of these posts are feeder posts for promotion to the post of Junior Assitant or Clerk.

For the appointmetn of Clerks or Junior Assistants the appointing authorities have to estimate the number of vacancies in accordance with Rules and intimate the Public Service Commission regardign the vacancies meant for direct recruits before the dates prescribed. If a candidate slected by the A.P. Public Service Commission is not available for the vacancy meant for direct recruits, the appointing authority may make a temporary appointment, which has to be replaced by the properly selected candidate. Regulation-16 of the A.P. Public Service Commission (Regulations), 1963, as reiterated in Government Memo. No. 243/Ser.A/88-7, dated 11-7-1988 and the High Court Circular No. 4977/87/C4, dated 9-2-1988 require that for continuance beyond three months of such a candidate concurrence of the Commission is necessary has to be obtained. It is proper that whenever any temporary appointment to a post meant for direct recruit Clerk is made, in addition to seeking concurrence of A.P. Public Service Commission, this Court also be informed together with reasons for such appointment.

The District Judges and otehr appointing authorities under the control of the High Court are hereby instructed to compulsorily notify thé vacancies in the A.P. Judicial Ministerial Service, A.P. General Subordinate Service and A.P. Last Grade Service to the respective Employment Exchanges and at thé same time invite applications from eligible candidates directly. For the

purpose of adequate publicity for candidates, the unit officers are directed that the notification indicating the number of vacancies etc., is put up not only on the notice baords of the District Court but also of all the Courts in the District and some other Offices like the Collectorate and the Mandal Revenue Offices etc., and select candidates for appointment after estimating the relative merits of the candidates.

While selecting the candidates and making appointments, the appointing authorities shall strictly follow the Rule of reservation and the Presidential Order under Article 371-D of the Constitution of India in respect of the Six Point formula, wherever it is applicable. They should also report to the High Court the appointments made by them indicating that the appointments are in accordance with the aforesaid procedure and also with reference to the Rules.

The receipt of the Circular should be acknowledged.

(Sd./-)
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD.

Roc.No. 219/89-C1. Dated 13-2-1989.

CIRCULAR

Sub:-PUBLIC SERVICES - A.P.J.M.S-Representation of A.P. State Judl. Employees Association with regard to Bailifs in City Civil Court, extracting Bank duties - Instructions to all the District Judge's - Issued.

Ref:-Representation, dated 17-1-89 from the General Secretary, A.P. State Judl. Employees Association.

The A.P. State Judicial Employees Association in thier representation dated 17-1-89 have brought to the notice of the High Court, as follows:-

The Service of the Bailifts are being utilised for the purpose of depositing and encashment of heavy amounts in Banks which transactions involve heavy risks in addition to causing much hardship to them. The utilisation of their services in Bank transactions is hampering their original work of executing warrants allotted to them. All such transactions should be entrusted to the shroffs concerned or other responsible clerk who offer securities to the Drawing Officers.

The Association therefore requests the High Court to issue suitable instructions to all the Drawing Officers concerned, not to entrust such cash transactions involving heavy risks to the Bailiffs under their control.

The High Court after careful consideration of the above representation, considers it necessary to issue the following instructions in this regard.

All the District and Sessions Judges, and the other Drawing Officers under thier control are informed that the matter relating to cash transactions are governed by the Articles contained in Chapter XII APFC Vol I. The attention is particularly drawn to Article 274-A and they are requested to follow the said instructions issued under the Articles in regard to the entrustment of cash dealings to the employees under their control.

(Sd./-)
Registrar (Admn.)

as in the regular courts as per the convenience of the forums on accounts side, for making entries regarding collection of samples analysis charges and remittance of the same to the appropriate laboratory and also for other transactions such as payment of Honorarium, A & D.A. and other office expenses.

Regarding sanctioning of additional staff to the various District Forums in the State under this Act, it is felt by the Governmetn that there is no justification for sanctioning of additional staff keeping in view the negligible number of cases filed so far in the District Forums and that the existing staff available with the District and Sessions Judge has to attend the work arising under this Act.

(Sd./-)

(Sd./-)
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

NOTIFICATION

Roc.No.333/SO/89 Dated. 28-2-1989.

Consequent upon the abolition of special courts constituted under essential commodities (Special Provisions) Act, 1981 At Nellore, Nizamabad and Anantapur, the arrengements of the Special Judges under Essential Commodities (Special Provisions) Act in the case of Absence or temporary inconvenience.

In partial modification of the Notification dated 19-3-1986 consequent upon the abolition of the Court of Special Judge, Nellore, Nizamabad and Anantapur to deal with the cases arising under Essential Commodities Act and in exercise of the powers conferred by section 12(A) of the Essential Commodities (Special Provisions) Act, 1981 (Act 18 of 1981), the High Court of Andhra Pradesh hereby:-

Appoints the District and Sessions Judges, East Godavari at Rajahmundry, West Godavari at Eluru, Guntur, Krishna at Machilipatnam, Visakhapatnam, Srikakulam, Vizianagaram, Khammam, Nelgonda, Warangal, Nellore, Prakasam, Chittoor, Anantapur, Cuddapah, Kurnool, Nizamabad, Adilabad and Karimnagar Districts as Special Judges of their respective Districts for the purpose of providing speedy trial of the cases under this Act.

The above said Special Courts of the respective Districts shall specifically try cases arising under the Essential Commodities (Special Provisions) Act, 1981 even if, such cases include offences punishable under the Indian Penal Code, 1860 and any other enactment, if such offences form part of the same transaction, provided that such other offence is under the I.P.C. or any other law of the time being in force triable in a summary way. The said courts shall be known as the Courts of Special Judges of Essential Commodities Act under their respective Districts.

3. In the case of absence or temporary inconvenience of the Special Judge posted at Hyderabad, the Special Judge i.e., the District and Sessions Judge, Nalgonda shall deal with the cases under the said Act.

4. In the case of absence or temporary inconvenience the Special Judge i.e., the District and Sessions Judge, West Godavari, the Special Judge, i.e., the District and Sessions Judge, East Godavari shall deal with the cases arising under the said Act.

5. In the case of absence or temporary inconvenience of the Special Judge i.e., the District and Sessions Judge, East Godavari, the Special Judge, i.e., the District and Sessions Judge, West Godavari shall deal with the casees arising under the said Act.

6. In the case of absence or temporary inconvenience of the Special Judge, i.e., the District & Sessions Judge, Guntur, the Special Judge, i.e., the District and Sessions Judge, Krishna shall deal with the cases arising under the said Act.

7. In the case of absence or temporary nconvenience of the Special Jude, i.e., the District & Sessions Judge, Krishna, the Special Judge, i.e., the District & Sessions Judge, Guntur shall deal with the cases arising under the said Act.

8. In the case of absence or temporary inconvenience of the Special Judges i.e., the District and Sessions Judges, Srikakulam and Visakhapatnam the special Judge, i.e., the District & Sessions Judge, Vizianagaram shall deal with the cases arising under the said Act.

9. In the case of absence of temporary inconvenience of the Special Judge i.e., the District and Sessions Judge, Vizianagaram, the Special Judge i.e., the District and Sessions Judge, Visakhapatnam shall deal with the cases arising under the said Act.

10. In the case of absence of temporary inconvenience of the Special Judge i.e., the District and Sessions Judge, Nellore, the Special Judge, i.e., the District & Sessions Judge, Prakasam shall deal with the cases arising under the said Act.

11. In the case of absence or temporary inconvenience of the Splecial Judge, i.e., the District and Sessions Judge Prakasam, the Special Judge, i.e., the District & Sessions Judge, Nellore shall deal with the cases arising under the said Act.

12. In the case of absence or temporary inconvenience of the special Judge, i.e., the District and Sessions Judge, Chittoor, the special Judge, i.e., the District and Sessions Judge, Anantapur shall deal with the cases arising under the said Act.

13. In the case of absence or temporary inconvenience of the Specail Judge, i.e., the District & Sessions Judge, Anantapur, the Specail Judge, i.e., the District & Sessions Judge, Chittoor shall deal with the cases arising under the said Act.

14. In the case of absence or temporary inconvenience of the Special Judge, i.e., the District & Sessions Judge, Cuddapah, the Special Judge, i.e., the District and Sessions Judge, Kurnool shall deal with the csases arising under the said Act.

15. In the case of absence or temporary inconvenience of the Special Judge, i.e., the District & Sessions Judge, Kurnool, the Special Judge, i.e., the District & Sessions Judge, Cuddapah shall deal with the cases arising under the said Act.

16. In the case of absence or temporary inconvenience of the Special Judges, i.e., the District and Sessions Judges, Nizamabad and Adilabad, the Special Judge i.e., the District and Sessions Judge, Karimnagar shall deal with the cases arising under the said Act.

17. In the case of absence or temporary inconvenience of the Special Judge, i.e., the District and Sessions Judge, Karimnagar, the Special Judge, i.e., the District and Sessions Judges, Nizamabad shall deal with the cases arising under the said Act.

18. In the case of absence or temporary inconvenience of the Special Judges, i.e., the District & Sessions Judges, Nalgonda and Warangal, the Special Judge i.e., the District & Sessions Judge, Khammam shall deal with the cases arising under the said Act.

19. In the case of absence or temporary inconvenience of the Special Judge, i.e., the District & Sessions Judge, Khammam, the Special Judge, i.e., the District & Sessions Judge, Warangal shall deal with the cases arising under the said Act.

Sd/-
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

Roc.No.1765/88/C1. Dated 14th March, 1989.

CIRCULAR

Sub:- Allowances-A.P. travelling Allowance Rules-Recommendations of the Pay Revision Commissioner, 1986-Rate of F.T.A. Circular-Issued.

The Government in G.O.Ms.No.193, Finance and Planning(Fin.Wing.TA) Department, dated 5-8-1987 prescribed revised rates of Fixed Travelling Allowance basing on the recommendations of the Pay Revision Commissioner, 1986. Since then several doubts have been expressed and clarifications sought by several District Judges in its application to the Judicial Department. Representations have also been received from the Judicial Employees' Association stating that different modes are adopted by different District judges in applying the G.O. and that in some cases the G.O. is not even being implemented at all causing great hardship to the employees in subordinate Judiciary and that therefore immediate instructions in this regard shall have to be issued by the High Court.

To set at rest all the doubts and to see that there will not be any ambiguity and also to ensure uniformity in the application of the G.O. the High Court hereby issues the following instructions in accordance with the terms of the aforesaid G.O.

The Prime cause for the doubts felt in applicaton of the G.O. appears to be that in the Judicial Department there is no fixed minimum number of days required to be toured by either Amins or Process server will be touring throughout the month for the service of process, warrants and execution purposes. For this purpose the High Court hereby fixes twenty days as the minimum number of days required to be tourmed by Amins and Process Servers. [illegible] for the prescribed number of

paid only the F.T.A. Prescribed in the G.O. for the minumum number of days and will not be paid any extra amount for the days tourned in excess of twenty days. Therefore taking twenty days as the mined number of days the rates prescribed as per the scale may be paid as F.T.A. to the Amins and Process servers.

In the regard to the application of the G.O. in terms of Mandals the following procedure may be followed:-

When a Court is having jurisdication over a single Mandal the rates proscribed for touring within the Mandal may be paid where a court exercises Jurisdiction, over two or three Mandals the rates prescribed for touring within three Mandals may be paid. Where a Court is invested with Jurisdication over more than three mandals the rates prescribed for touris m the Revenue Division may be paid.

In case the mins or process Servers are requested to tour beyond the Revenue Division Payment of Mileage Allowance for the tour performed beyond the Revenue Division may be given for the mileage covered beyond the Revenue Division.

In view of the Mandal set up introduced in the State the difference between local or non-local and within town or outside the town etc., does not exist in the case of Fixed Travelling Allowance.

The Procedure prescribed and all other relevant rules and Rulings in the aforesaid G.O. and the Mandal of Special Pay and Allowances may be observed while claiming Fixed Travelling Allowance.

Sd/-
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC.No.2198/SO/88. Dated 20-4-1989.

CIRCULAR

Sub:-Stamp Paper Number of words to be written and payment of copying fees reg:-

Ref:-Representation of Dt. 29-11-1988 the Genreal Secretary of State Advocates Clerks Federation (A.P.,) Guntur.

The General Secretary of the Advocate's Clerk Federation A.P., Guntur in his representation to the High Court stated that the High Court and most of the Mofussil Courts are collecting copy Stamps wort only Rs.0.60 Ps. Whereas some Subordinate Courts in the State are insisting for filling copy stamps worth Rs. 0.75 ps. instead of Rs. 0.60 ps. and requested the High Court to issue suitable instructions to all the Mofussil Courts in this regard.

In view of the above said representation, the District Judges are requested to give neces ary instructions to all the Courts, under their unit to follow the directions given in G.O. Ms. No. 18), Revenue (U) Department, dt. -12-82 (a copy enclos d) and see that number of words to be written on each side of a stamp paper shall not exceed 175 words and that the copying fees chargeable for each page shall be Rs. 0.60 ps. only.

The receipt of this circular be acknowled .

I. PANDURANGA RAO
Registrar (Admn).

J-275-21

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC.No. 2198/SO/ Dated 20-4-1989

CIRCULAR

Sub:-Issuance of identity cards to Advocates Clerks Reg.

Ref:-Representation Dt. 29-11-1988 from the Genral Secretary, The State Advocate's Clerk Federation (A.P.), Guntur.

The General Secretary of the State Advocate's Clerks Federation (A.P.), Guntur is informed about: the procedure of the enrolment of Advocate Clerks in the concerned Subordinate Courts for official duties. Every registered Advocate Clerk should possess for official purposes an identity card containing the pass port size photo of the individual duly certified by the District Judge of the concerned District Courts.

The Sharistadar of the concerned District Copurts shall receive the applications for the registration of Advocate Clerks and get them duly certified by the District Judge.

The original of the card shall be given of the Advocate Clerk, which shall be duly certified by the District Judge of the concerned Courts and the Office copy whereof shall be retained in the District Court.

I. PANDURANGA RAO,
Registrar (Admn).

PROFORMA APPLICATION TO BE SUBMITTED BY THE ADVOCATE FOR ENROLMENT OF ADVOCATE'S CLERK

Passport size
Photograph

To

The District Judge,

Sri,

Sub:-Application for the enrolment of the Advocate Clerk Reg:-

I am herewith appointing sri .....

S/o. Sri.....R/o.....

as may clerk. His passport size photo and specimen signature are affixed herewith and they are duly atested by me.

Dt.

Name of the Advocate.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc. No. 2198/SO/88.

ROC.No. 2198/SO/88.

Dated 20-4-1989

To.

The General Secretary,
The State ADvocate's Clerks federation
(A.P) Court Compound,
GUNTUR.

Sir,

Sub:-Representation, dt. 29-11-1988 of the Genreal Secretary of the State Advocate's Clerks Federation (A.P.) Guntur Issuance of identity cards Reg:-

The General Secretary of the State Advocate's Clerks Federation (A.P.) Guntur made a request to the High Court to issue identity cards to the Registered Clerks.

I an directed to state that the request of the State Advocate's Clerks Federation (A.P.) is cousidered by the High Court and prescribes the following procedure.

The Advocate shall submit an application in duplicate as per the enclosed proforma with passport size photo of the Advocate Clerk duly attested by the Advocate, containing the specimen signature of the Advocate Clerk and also a form of card as per the enclosed proforma with a passport size photo of the Advocate Clerk which shall be duly certified by the District Judge. The cards shall be retained for official use by the Advocate Clerks.

Yours faithfully,

I. Panduranga Rao,
Registrar (Admn).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC.No. 1315/S)/87-5. dated 1-5-89

CIRCULAR

Sub: Consumer Protection Act, 1986 Certain instructions Reg:-

It has been brought to the notice of the A.P. State Commission by the Director of Civil Supplies, Hyderabad that the forum for Consumers and Environmental welfare, Visakhapatnam in its representation stated that the District Form Visakhapatnam is insisting upon certain procedural formalities in respect of filing complaints under Consumer Protection Act, 1986 which are retarding process of administering justice and that some of the complaints were not taken on file merely because the complaints petitions were not in the prescribed format of complaint or because of the Nonpayment of process fee at Rs. 7/- per complaint.

It may be noted in this connection, that neither the Consumer Protection ACt nor Rules envisage any fees to be collected from the complainant except the fee for analysis in laborataries.

In view of the circumstances mentioned supra all the Presidents of the District Forums are permittted to utilise the amounts sanctioned under the Head of Office Expenses alloted under the Consumer Protection Act, to meet the expenditure towards implementation of the said Act to wards process fee also and requested to address the Government for allotment of additional funds to meet expenditure towards process Fee if necessary.

All the presidents of the District Forums are also requested to accept the complaints in format of complaint as prescribed at page No. 109 under Index

No. 9 of the book viz., Training Programme for members of District Forums which has been already communicated to all the District Forums (Copy enclosed).

REGISTRAR (Aministration)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

R.O.C. No. 3153/86-E. Statistics, Dated 1-5-1989.

CIRCULAR

Sub:-Courts Civil and Criminal Disposal of cases instituted in and before 1984.

Reg:-Hihg Court's circulars Roc. No. 3153/86-E. States. Dated 30-7-1987.

The High Court with a view to reduc the pendency of old cases in the Subordinate Courts had through its circular cited fixed a target date i.e., 31-7-1988 to dispose of the cases instituted in and before 1982. On a overall review of the disposal of old cases by the Judical Officers in the Subordinate Courts conseouent on the issue of the said circular, the High Court deems it necessary to fix a further target and accordingly fixes 31st March, 1990 as the target date for the disposal of all the cases instituted till the end of 1984 (pre-1985 cases) so that it is hoped that no cases Civil or Criminal instuted till the end of 1984 remain pending in any court in the State beyond the targe date i.e., 31st March, 1990.

All the District and Sessions Judges in the State including those working in the twin cities are therefore reqested to ensure for the expeditious disposal of old cases instituted in and before 1984 and instruct all the Subordinate Judicial Officers under their control to spare no effort for taking up the old cases and disposing them of expeditiously. They are also requested to have the co.operation of the Bar extended in clearing off the arrears as the problem of old pendency is assuming serious proportions.

The District and Sessions Judges in the State are also requested to instruct all the Subordinate Judicial Officers under their control to bring to the notice of the High Court, so that necessary steps can be taken at this end for its early disposal.

The District and Sessions Judges in the State are further requested to forward to the High Court hth quarterely statements ending with 31-8-1989 and 31-12-1989 and final report ending with 31-3-1990 showing the progress achieved in this regard. the report must cover year wise and category wise pending cases, their disposal during the period and pendency at the end for each court spearately.

Receipt of the circular may please be acknowledge.

N. SUBBA RAJU
Registrar

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc. No. 1315/SO/87 Dated 25-7-1989

CIRCULAR No. 6

To
All the District Judges-cum-Presidents
of the District Forums in the State
including the Chief Judge, City Civil
Court-cum-President of the District
Forum, Hyderabad.

Sir,

Sub:-Consumer Protection Act, 1986-Implementation of Section 12 (b) of C.P. Act 1986 and Rule 2 (b) of Consumer Protection Rules, 1987 - Reg.

Some instances have been brought to the notice of the State Commission that recognised Consumer Associations are not allowed to file complaints under the Consumer Protection Act on behalf of the complainants.

Accordingly, I am directed to invite attention to Section 12 (b) of Consumer Protection Act, 1986 and Rules 2 (b) and 4 (8) of A.P. State Consumer Protection Rules, 1987 and to inform that all the Presidents of the District Forums should permit either the complainant or the opposite party to present any complaint or reply as the case may be through an authorised agent and to permit the authorised agents to represent the parties in the consumer disputes, coming under the said Act, as per the provisions of law.

Yours faithfully,

(Sd.)
Registrar (Judicial).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Rc.. No. 211/90-C1 Dated: 18-1-1990.

CIRCULAR

Sub:-Public Services-A.P. Judicial Ministerial Service-Typists and Copyists-Twin Cities Subordinate Judiciary-Prescribing daily quota of Typing work for Typists and Copyists -Instructions-Regarding.

Ref:-Representation of A.P. State Judicial Employees' Association, dated 13-4- 1989.

The Andhra Pradesh State Judicial Employees' Association has submitted the above representation stating that the daily quota for Typists and Copyists working inall the Lower Courts used to be at 35 pages prior to the introduction of 5 day week. Consequent on the introduction of 5 day week the said quota of typing work had been proportionately raised to 50 pages per day. Though the administration has reverted back to old system of six day week the daily quota for Typists and Copyists remained the same at 50 pages without reducing it proportionately which is resulting in much strain on the concerned members and therefore requested the High Court to reduce the daily quota of typing work to 30 pages per day.

The High Court, on a careful consideration of the above representation, feels it just that the daily quota of typing work for each Typist and Copyist working in the Lower Courts should be fixed at 40 pages if the original matter is in manuscript, and 45 pages if it is typed matter, and all the Unit officers are instructed to follow the above directions scrupulously.

(Sd.)
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc. No. 702/90-C3 Dated 24-2-1990

CIRCULAR

Sub:-Public Services-Transfers-Transfer of members working in the Subordinate Courts-Certain instructions-Reg.

Of late numerous applications from the members of staff of the Subordinate Courts are being received in the High Court for transfer to various departments or to the other units. The unit Officers are simply forwarding such applications without furnishing any particulars of the individuals such as whether the individual seeking transfer is temporary, probationer, approved probationer or confirmed or whether he is having lien etc., with the result, the high Court has to call for all the particulars from the unit officers, which is causing much delay, involving unnecessary correspondence.

The unit officers are therefore hereby requested to furnish all the service particulars of the members, who are seeking transfer to other departments/units, viz., whether they are temporary/probationer/approved probationer or confirmed and whether they are holding any lien in their respective posts. The members who seek transfer may also be informed that they cannot be repatriated to their parent unit in any case if they do not hold lien in their respective parent units.

Receipt of this circular may please acknowledged.

(Sd.)
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc. No. 5409/89/C.Spl.(Con.) Dated 5-4-1990

CIRCULAR

Instances have come to the notice of High Court that important records, registers and draft Judgments in particular are not being kept in proper condition and little care is taken for their safe custody. With the result, the draft Judgments and other important papers are being eaten away by white ants and pests. With a view to avoid such damage to the valuable Court records and draft judgments, all the District Judges are hereby directed to keep the draft judgments and valuable Court records in steel almirahs and instruct the concerned to have a periodical check over them.

Receipt of this circular may be acknowledged.

T.H.B. CHALAPATHI,
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc. No. 936/SO/90 Dated 26-4-1990

CIRCULAR

It is noticed that there are inordinate delays on the part of some of the District Courts in forwarding information to the High Court pertaining to the matters of very urgent nature such as Lok Sabha and Rajya Sabha Starred and Unstarred questions, Legislative Assembly Questions and views on Law Commission Reports, etc., thereby causing much inconvenience to the High Court in answering the said matters to the concerned Authorities in time.

I am to request you to issue suitable instructions to the respective staff under your control to follow the High Court instructions scrupulously so as to furnish the information promptly within the stipulated time as required by the High Court. Suitable action may be initiated against the persons who are found negligent.

T. CHANDRASEKHARA REDDY,
Registrar (Judicial).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

Roc. No. 1318/SO/90 Dated 3-7-1990

CIRCULAR

Sub:-Transfer of cases under narcotic Drugs and Psychotrophic Substances Act, 1985 from the Judicial First Class Magistrates to the Court of the Special Judge for Economic Offences, Hyderabad-Instructions-Reg.

Read:-High Court's Circular Roc. No. 2110/SO/88, dated 4-4-1990.

By virtue of notification issued in G.O. Ms. No. 425, Home (Cts.A) Department, dated 21-9-1987, the Special Court for Economic Offences, Hyderabad alone has exclusive jurisdiction to enquire into and commit all cases arising out of Narcotic Drugs and Psychotrophic Substances Act, 1985 (Act No. 61 of 1985) to the Court of Sessions indicated in sub-section (3) of Section 14 of the Code of Criminal Procedure, 1973 (Act II of 1974) duly following the commital procedure prescribed thereunder.

The High Court, therefore, in modification of the instructions issued earlier in the Circular read, hereby directs all the Presiding officers of the Subordinate Courts to straight away transfer records of the cases arising under Narcotic Drugs and Psychotrophic Substances Act at the crime stage itself, to the Special Judge for Economic Offences, Hyderabad. They are further instructed to transfer cases pending on their file prior to the issuance of the said G.O. which already are registered as P.R.Cs. and C.Cs. after obtaining specific permission from the High Court u/s 407 Cr.P.C.

T. CHANDRASEKHARA REDDY,
Registrar (Judicial).

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD.

R.O.C. No. 2825/90-C1, dated 13-7-1990.

CIRCULAR

Ref:- High Court's Circular R.O.C. No. 5003/85-C, dated 20-2-1986.

In partial modification of the Circular read above competent authority who are at present granting Casual Leaves to the members of the Subordinate Judiciary are permitted to grant Special Casual Leave not exceeding 7 (Seven) days in a calendar year to Executive Members of the Andhra Pradesh Judicial Employee's Association who attend the Executive Committee Meetings of the said Association in future.

T.H.B. CHALAPATHI,
Registrar (Administration).

HIGH CORT OF ANDHRA PRADESH: AT HYDERABAD.

R.O.C. No. 2938/90-C1, Dated 26-7-1990.

CIRCULAR

Sub:- Courts - Removal of Foot-wear before entering into Court Halls - Instructions - Issued.

Representations are received in the High Court voicing protest and resentment against the practice prevalent in some of the Courts in the State directing the parties or the Public to leave their Foot-wear outside before entering into the Court Halls. The High Court after a carefulr consideration of the matter feels that any such positive prohibition to enter into the Court Halls with Foot-wear is repugnant to and not in tune with the modern times.

All the District and Sessions Judges in the State are, therefore, requested to issue suitable instructions to all the Presiding Officers under their control not to insist upon the public and the parties to leave their Foot-wear outside before entering the Court Halls.

T.H.B. CHALAPATHI,
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

T. CHANDRASEKHARA REDDY,
B.Sc.,B.L.,
Registrar (Judicial).

Hyderabad,
Dated 7-8-1990.

R.O.C. No. 1644/SO/90

To
All the District Judges and
Addl. District Judges in the State
including the Chief Judge,
City Civil Court, Hyderabad.

Sir,

Sub:- Procedural irregularity in Motor Accident Claims Tribunal Cases - Reg.

Ref:- Lr. received from Divisional Manager of the Oriental Insurance Company Limited dated 2-5-1990.

It is brought to the notice of the High Court that some of the District Judges (Motor Claims Tribunals) are entering petitions under Motor Vehicle Act, without filling the required copies of petitions and are sending summons to respondents without a copy of the main petition. This practice is very much deprecated.

In this connection, the attention of District Judges Motor Accident Claims Tribunals) is drawn to Rule 69 of the Civil Rules of Practice and Circular Orders and also the Rule 517 of Andhra Pradesh Motor Vehicles Rules 1964, and are requested to comply with the same while entertaining the said petitions with number of copies of the main petitions that are required for each of the parties.

Yours faithfully,
Sd/-
Registrar (Judicial).

I-276-22

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD.

R.O.C. No. 2792/90-C4, Dated 8-8-1990.

CIRCULAR

Sub:- P.S. - Appointment of the spouces/Children of the deceased employees under Social Security Measures - Instructions - Issued.

You are aware that the Government, with a view to provide immediate succour to the members of the family of a Government Employee who dies on harness leaving no other earning member in the family, have issued various orders under Social Cecurity Measures from time to time. According to the said measures a Child (Son/ daughter) or spouce of the deceased Governmet Employees is eligible to be appointed to a post whose pay is equal to or less than that of L.D.C. The said posts are also taken away from the purview of Andhra Pradesh Public Service Commission. On the demise of the Government Employee if a suitable post is not immediately available for providing employment to the dependents of the deceased employee, the appointing authorities are empowered to create a supernumery post for the said purpose. In the case of appointment of dependents of the deceased Government employee to the posts included in the Andhra Pradesh Last Grade Services involving relaxation of Age and Educational Qualifications etc., the Unit Officers can refer such cases to the Head of the Department (i.e. High Court) for such relaxations. Even in the case of minors who are aged 16 years can also be appointed to posts in the Last Grade Service in relaxation of Rules.

Similarly, in bases where a Government Employee retires on Medical invalidation grounds the spouse of the Government Servant or any one of the dependent Children can be appointed to a Post of L.D.C. or equivalent post or anyother lower post subject to eligibility and the conditions mentioned in G.O.Ms. No. 504, dated 30-7-1980.

The Andhra Pradesh Judicial Employees Association has represented to the High Court that inspite of the above Social Security Measures introduced by the Government for the Welfare of the families of the deceased employees, some of the Unit Officers are dnot adhering to the said Government orders and are not providing immediate relief by appointing the spouce/ dependent children of the deceased employees, with the result, the said dependents are being rendered destitutes.

All the Unit Officers are, therefore, hereby instructed to strictly adhere to the various orders issued by Government from time to time under Social Measures and also to refer deserving cases involving relaxation of Age and Educational Qualifications in the matters relating to the appointment of the Spouce/ dependent children of the deceased employees to the posts in Andhra Pradesh Last Grade Services.

T.H.B. CHALAPATHI,
Registrar (Judicial).

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 611/87/E.2. Dated: 10-8-1990.

CIRCULAR

Sub: ACTS - Indian Railways Act, 1989 - Trial of Offences under Indian Railways Act, 1989 (Act No.24 of 1989) - Certain Instructions - Issued.

Ref: 1. Lr.No.0568/TC/IV/S/Vol.III, dated 27-7-1990 from the General Manager, Commercial Branch, South Central Railway, Secunderabad.

2. Lrs.No.0568/TC/IV/S/Vol.V, dated 6-8-1990 from the General Manager, Commercial Branch, South Central Railway, Secunderabad.

Section 181 of the Indian Railways Act, 1989 which came into force with effect from 1-7-1990 reads as follows:

"Notwithstanding anything contained in the code of Criminal Procedure 1973 (2 of 1974) no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try an Offence under this Act".

In view of the above provision, the II class Railway Magistrates at Kazipet, Rajahmundry, Guntur, Tenali, Dharmavaram, Renigunta, Cuddapah, Vijayawada, Nandyal, Nizamabad, Khammam and Visakhapatnam cannot, therefore, try any offences under the Indian Railways Act, (Act 24 of 1989) 1989. But under Section 138(4) of the said Act, the said II Class Magistrates are, however, not barred from trying the cases of Ticketless travel. The said section is abstracted hereunder:

Section 138(4): " If any passenger liable to pay the excess charge and the fare mentioned in sub-section(1) or the excess charges and any difference of fare mentioned in Sub-section (2), fails or refuses to pay the same on a demand being made therefor under one or other of these sub-sections, as the case may be, any railway servant authorised by the Railway administration in this behalf may apply to any Metropolitan Magistrate or Judicial Magistrate of First or Second Class, as the case may be, for the recovery of the sum payable as if it were a fine, and the Magistrate if satisfied that the sum is payable shall order it to be so recovered, and may order that the person liable for the payment shall in default of payment suffer imprisonment of either description for a term which may extent to one month but not less than ten days".

It is, therefore, clesar from the above the Judicial II Class Magistrates can be permitted to proceed with the trial of only the cases of Ticketless travel.

In the letter 2nd cited, it has also been clarified that the II Class Magistrates can try the cases of Ticketless travel u/s. 138(4) of the said Act.

The authorities of South Central Railway have not proposed for the upgradation of the existing II Class Magistrates at the places viz., Kazipet, Rajahmundry, Guntur, Tenali, Dharmavaram, Renigunta, Cuddapah, Vijayawada, nandyal, Nizamabad Khammam and Visakhapatnam to that of First Class Magistrates and pending upgradation of the abovesaid courts, they have requested the High Court to issue instructions to the II Class Magistrates at the above mentioned places to try only the cases of Ticketless Travenl under section 138(4) of the Indian Railways Act (Act No.24 of 1989), 1989.

The High Court, therefore, directs the II Class Railway Magistrates at the above mentioned places to try only the cases of Ticketless Travel under section 138(4) of the Indian Railways Act, (Act No.24 of 1989), 1989.

T.H.B. CHALAPATHI,
Registrar(Admn.).

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 1315/SO/87. Dated 16-10-90.

CIRCULAR

Sub: ENFORCEMENT of the orders passed by the District Forums established under the Consumer Protection Act - Instructions - Reg.

You are aware the Consumer Protection Act, 1986 has come into force, and the District Forums, State Commission and National Commission are formed.

Section 25 of the Consumer Protection Act (hereinafter referred to as the Act) prescribes the procedure for enforcement of the orders passed by the District Forum or the State Commission or the National Commission, and Section 27 of the Act provides penalities, where any trader fails or omits to cmply with any order made by the District Forums, State Commission or National Commission.

But the said sections do not lay the procedure to be followed by the District Forums. After careful examination, the following instructions are issued to the presidents of the District Forums.

Section 25 of the Consumer Protection Act:

As regards the enforcement of orders under the Section, the procedure laid down under Sections 36 to 74 and the relevant rules under order XXI of Civil Procedure Code, may be followed.

Section 27 of the Consumer Protection Act:

(1) A show cause notice may be issued to the concerned trader or person, whether the order in question was complied or not, enabling the District Forums to proceed further under Section 27 of the Consumer Protection Act.

(2) On appearance of the said person or trader, if the District Forum ssentences him to pay a fine only, and if the sid fine amount is not paid by the said person, steps may be taken by the District Forum under Sec.421 of the Criminal Procedure Code against the said person for collecting the fine amount by issuing a warrant in Form No.44 of the 2nd Schedule of the said Criminal Procedure Code.

(3) If the District Forum imposes a sentence of imprisonment against the said trader or person, the said trader or person shall be tasken into custody under a warrant as in the case of a person sentenced to imprisonment in a criminal case following the procedure laid down under the Criminal Procedure Code.

REGISTRAR, (Judicial)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

ROC.NO.1545/SO/90 Dated:10-11-1990.

CIRCULAR

SUB:- Transfer of cases under Narcotic Drugs and Psychotrophic Substances Act, 1985 from the Subordinate Courts to the Court of the Meetropolitan Sessions Judge, Hyderabad-Instructions-Reg:-

Ref: 1. High Court's Circular Roc.No.2110/So/88, dated:4-4-1990.
2. High Court's Circular Roc.No.1318/So/90, dated: 3-7-1990.
3. G.O.Ms.No. 638, Home(Cts.A) Department, dated: 25-10-1990.

In and by the notification issued in G.O.Ms.No.638, Home (Cts.A) Department, dt. 25-10-1990, the Metropolitan Sessions Jufdge, Hyderabad has been declared as the Special Court and having origginal jurisdiction to take cognizance of, and try the offences under Narcotic Drugs and Psychotrophic Substances Act, 1985 (Act No.61 of 1985).

The High Court, therefore, in supersession of the instructions issued earlier in the circulars read, hereby directs all the Presiding Officers of the Subordinate Courts, to straight away transfer records of the cases arising under Narcotic Drugs and Psychotrophic Substances Act at the crime stage itself to the Metropolitan Sessions Judge, Hyderabad. They are further instructed to transfer cases pending on their file prior to the issuance of the said G.O.

which have already been registered as P.R.C's and C.C.'s after obtaining specific permission from the High Court under Section 407;Cr.P.C.

The receipt of the same may please be acknowledged.

Sd/-
Registrar(Judicial).

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

Roc.No. 2082/Sc/90 Dated: 27-11-1990.

CIRCULAR

Sub: Non- complying with the mandatory provisions laid down u/s 361of Cr.P.C. 1973 againist Youth offenders-Instructions to Subordinate Courts - Issue of - Reg:-

Instances have been brought to the notice of the High Court that some of the Presiding Officers of the Subordinate Courts, while disposing of criminal cases, field against Youthful offenders i.e., boys between the ages of 16 and 21 years and girls between the ages of 18 and 21 years, are not complying with the mandatory provisions laid down under Section 360 and 361of of Cr.P.C. 1973 and Sections 3, 4 and 6 of the Probation of Offenders Act, in regard to the matters of crime and punishment.

The attention of the Presiding Officers of the Lower courts in the State is, therefore, once again invited to the elaborate instructions already issued by the High Court, in the form of a booklet (vide Roc.No.298/72-B1, dated: 30-10-1972) as to the use of Probation system, while disposing of the criminal matters pertaining to Youthful Offenders.

They are, therefore, directed to follow the provisions laid down under Sections 360 and 361 of Cr.P.C. which are same as Sections 3, 4 and 6 of the Probation of Offenders Act. Any deviation will be viewed seriously.

The receipt of the circular may be acknowledged.

Sd/-
Registrar(judicial)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc. No. 2792/SO/90 Dated: 26-12-1990

CIRCULAR

Sub:-A.P. Advocates' Welfare Fund Act, 1987-Amendment-Affixing of stamp on Vakalat-Reg.

Ref:-High Court's Circular Roc. No. 1550/SO/88, dated 17-2-1989.

Consequent to the amendment made by the Government to Section 12 (1) of A.P. Advocates Welfare Fund Act of 1987 by amendment Act 19 of 1990, the High Court, in modification of its earlier Circular in Roc. No. 1550/SO/88, dated 17-1-1989, inform that every vakalat and memo of apperance shall be affixed with the A.P. Advocates Welfare Fund Stamp of the value of six rupees and no vakalat shall be valid or accepted without such stamp. The person or authority receiving a vakalat with such stamp shall, forthwith, effect cancellation of the stamp by punching out the same.

T. CHANDRASEKHARA REDDY,
Registrar (Judicial).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

Roc. No. 4453/90/C.Spl. (Con.) Dated 25-1-1991.

CIRCULAR

Sub:-Public Services-APJMS-Appointment to non-selection posts-Instructions-Issued.

Ref:-High Court's Circular of even No., dated 16-11-1990.

Instances have come to the notice of the High Court that many of the Unit Officers are not following seniority inspite of the instructions issued in the Circular referred to above while promoting members from the categories of Amirs, Readers, Examiners and Copyists to the posts of L.D.Cs., Typists and Steno-typists, as the case may be which are non-selection posts, with the result the seniors who are deprived of promotion are approaching the High Court by filing Appeals on administrative side or Writ Petitions on the Judicial side. This practice is quite in contradiction to the instructions already issued in High Court's Circular Roc. No. 1814/75/C1, dated 26-4-1988. Promotion to non-selection posts shall be made on the basis of common seniority only, provided the member to be promoted possesses the required minimum general educational qualification prescribed for the post to which he is to be promoted. The unit officers are, therefore, requested to follow strict common seniority from among Reader, Examiners and Copyists while effecting promotions to the non-selection posts except where the members have been awarded penalties under A.P.C.S. (CCA) Rules. Even in such cases the unit officers should consider their cases if there is reasonable lapse of time after imposing such penalties and on their earning good reports subsequent to the award of penalty.

All the unit officers are hereby directed to keep in view the above instructions while making promotions to the non-selection posts.

Receipt of this Circular may be acknowledged.

T.M.B. CHALAPATHI,
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

CIRCULAR

Roc. No. 580/90, B.SPL.(SC) Dated 11-2-1991.

Sub:-Courts - Civil and Criminal - Oath by witnesses before giving evidence-Instructions - Issued.

Instances have come to the notice of the high Court that some of the Judicial Officers are insisting the witnesses to take oath in the name of God only and are refusing to record their evidence when they intend to take oath on affirmation.

Sections 4 to 6 and the Schedule to Section 6 of The Oaths Act, 1969 and Rule 58 of the A.P. Criminal Rules of Practice and Circular Orders, 1966, envisage that a witness can 'swear in the name of God'/'solemnly affirm' before giving evidence.

All the Presiding Officers of Subordinate Courts are hereby instructed to permit the witnesses to take oath in any of the prescribed modes.

These instructions mutatis mutandis apply on the Civil Side also.

(Sd.)
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc. No. 1662/SO/90 Dated 21-2-1991.

CIRCULAR

Sub:-Extension of remand by the Magistrates in the absence of the accused - Instructions - Issuance of - Reg.

Ref:-High Court's judgment in Criminal Petition No. 985 of 1990, dated 11-7-1990.

His lordship Hon'ble Sri Justice Y. Bhaskar Rao, while disposing of the criminal petition cited, has observed in the order therein, that the Magistrates, while passing orders on the petitions for extension of remand by the police, are not following the Rule laid down in Section 167 (2) (b) of Cr.P.C. and are not recording the reasons for non-production of the accused, and directed that they shall follow the procedure laid down hereunder:

(a) Generally, no Magistrate shall extend the remand under Section 167 of Cr.P.C. without the accused being produced before him;

(b) The extension of remand in the absence of production of the accused u/s 167 Cr.P.C. shall be for special and extraordinary reasons, specifically recorded while making the order of extension; and

(c) In cases where the police or prosecution is not able to furnish proper reasons for non-production of the accused while seeking extension of remand under Section 167 Cr.P.C. the competent court may order release of the accused on bail.

All the District & Sessions Judges are, therefore, hereby instructed to direct the Subordinate Courts in

their units to adhere to the above instructions strictly. Any deviation will be viewed seriously.

The receipt of the circular may be acknowledged.

(Sd.)
Registrar (Administration).

T.276-23

HIGH COURT OF ANDHRA PRADESH, HYDERBAD

CIRCULAR

Roc.No. 268/SO/91. Dated 14-3-1991

Sub:-Courts - Civil and Criminal - Service of summons, processes etc., on Members of the Legislative Assembly - Practice of addressing the Speaker - Not permissible - Instructions - Issued - Reg.

Read: 1. High Court's Circular Roc.No.6437/58-B1, dated 12-12-1958.

2. High Court's Circular Roc.No.88/62/Con.B1, dated 1-4-1963.

3. High Court's Circular Roc.No.20/So/80, dated 18-1-1980.

4. High Court's circular Roc.No. 2226/So/84, dated 17-12-1984.

5. High Court's Circular Roc.No. 859/SO/88, dated 19-7-1988.

6. Letter No. 97/LEGN/91-1, dated 25-2-1991 from the Secretary to Legislature, Legislature (Legn.), Secretariat, Hyderabad.

Despite the issue of several circulars by the High Court, from time to time, directing all the Presiding Officers in the State, not to use the Office of the Hon'ble Speaker, Deputy Speaker or the Legislative Secretariat for service of summons on members of the Legislative Assembly involved in Civil/Criminal cases, and also warning them against adopting such practice, yet instances of Judicial Officer/Officers adopting such deprecated practice, are being brought to the notice of the High Court.

The attention of all the Presiding Officers of the Subordinate Courts is, therefore, invited again to the earlier circulars issued by the High Court in this behalf, in the reference 1 to 5, and in particular to the circular fifth read, (copies enclosed). Needless to reiterate the instructions issued earlier, they are, however, hereby once again, specifically informed, that they by adopting such practice, make themselves liable for contempt of Court and breach of privilege of the House; and warned that any deviation from, or non-observance of these instructions, will be viewed by the High Court, with utmost displeasure, entailing initiation of disciplinary action against them.

They are further informed in this connection that the proper course to be adopted in such cases would, as was already communicated in High Court's circular Ist cited, be to effect service through the agency of court of the police officer concerned, as the case may be and that if quicker service is desired the summonses should be sent by R.P.A.D. direct to the person concerned.

Acknowledge the receipt of this circular.

Sd/-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH, HYDERBAD

CIRCULAR

Roc.No.1100/SO/90. Dated 2-5-1991.

Sub:-Crl.P.C. 1973 - Section 327 - Invoking of - in certain cases relating to women and deserving cases - Instructions - Issued.

Section 327 of Code of Criminal Procedure, 1973, vests discretion with the Presiding Judge or Magistrate of Criminal court, for holding trial or inquiry into any particular case 'in Camera'.

High Court, while inviting the attention of all the Presiding Officers of Criminal Courts in the State including the Judicial First Class Magistrates, to bear in mind the provisions of the said Section 327 of Code of Criminal Procedure, 1973, relating to the 'in camera' proceedings, instructs them to invoke the same wherever necessary, in maters relating to women and other deserving cases.

The receipt of this circular, may kindly be acknowledged.

Sd/-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

R.P.D.No. 3153/86-E, Statistics. Dt. 2-5-1991.

Sub:-Courts - Civil and Criminal Disposal of cases instituted in and before 1986.

Ref:-High Court's Circular, Roc.No. 3153/86-E, Statistics, dt. 1-5-1989.

The High Court with a view to reduce the pendency of old cases in the Subordinate Courts had through its circular cited fixed a target date: i.e. 31-3-1990 to dispose of the cases instituted in and before 1984. On a overall review of the disposal of old cases by the Judicial Officers in the Subordinate Courts consequent on the issue of the said Circular, the High court deems it necessary to fix a further target and accordingly fixes 31st March, 1992 as the target date for the disposal of all the cases instituted till the end of 1986 (Pre. 1987) cases. So that it is hoped that no cases Civil or Criminal instituted till the end of 1906 remain pending in any court in the State beyond the target date i.e., 31st March, 1992.

All the District and Sessions Judges in the State including those working in the twin cities are therefore requested to ensure for the expeditious disposal of old cases instituted in and before 1986 and instruct all the Subordinate Judicial Officers under their control to suare no effort for taking up the old cases and disposing them expeditiously. They are also requested to have the co-operation of the Bar extended in clearing off the arrears as the problem of old pendency is assuming serious proportions.

The District and Sessions Judges in the State are also requested to instruct all the Subordinate Judicial Officers under their control to bring to the notice of the High Court if any case instituted in and before 1986 is stayed by the High Court, so that necessary steps can be taken at this and for its early disposal.

The District and Sessions Judges in the State are further requested to forward to the High Court the final report ending with 31-3-1992 showing the progress achieved in this regard. The report must cover year-wise and category-wise their disposal during the period of pendency at the end for each court separately.

Receipt of the circular may please be acknowledged.

P. RANGAYYA,
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 1142/SO/91. Dated 9-5-1991.

Sub:-Elections - General Elections to the House of People, 1991, - Police cases not to be posted during the period of elections - Remanding of prisoners - Reg.

The State Government have informed that the elections to the House of People, 1991 will be held on 20-5-1991 and 26-5-1991 and the entire police force in the State will be drafted for election bandobust work and only a skeleton staff shall be available in each district to attend to important and emergent police work. The Government have further informed that it will not be possible for the Police Officers to attend courts and escort prisoners to courts during the period of elections without detriment to the election bandobust work, and that the work relating to the production of prisoners in courts has to be suspended.

The State Government have, therefore, requested the High Court that suitable instructions may be issued to the Presiding Officers of Criminal Courts not to post any cases for hearing during he period beginning from three days prior to and three days after the date of poll i.e., from 17-5-1991 to 29-4-1991.

In the above circumstances, the High Court is pleased to issue the following instructions to all the Subordinate Criminal Courts concerned.

(1) As far as possible, police cases may not be posted for trial or hearing during the period from 17-5-1991 to 29-5-1991 (both days inclusive).

(2) Where the period of remand of any undertrial prisoner expires during the aforesaid period, the Presiding Officers may pass orders extending such period at the premises of Sub-Jail, where he is confined, if it is situate at his Headquarters. If the Sub-Jail in which the prisoners are confined, is not situate at the Headquarters of the Magistrate, the usual procedure shall be followed.

Sd/-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 1434/SO/91. Dated 6-1-1991.

Sub:-Rules 143 and 144 of Civil Rules of Practice and Circular Orders - Provision of strict adherence to while passing orders and drawing decretal orders - Instructions issued to all the Subordinate Courts - Reg.

An instance has come to the notice of the High Court, where, the failure on the part of a Subordinate Court, in giving full description of the parties in the cause title of a decretal order passed by it, facilitated the filing of a revision in the High Court against the said order, by one of the parties thereto, impleading an wholly unconcerned and unconnected person as a party respondent therein. This could have been detected and averted to at the earliest had the cause title of the said decretal order contained full description of the parties, instead of mentioning only their names.

The attention of the Presiding Officers of all the Subordinate Courts in the State, is, therefore, invited to Rules 143 and 144 of Civil Rules of Practice and Circular Orders, issued by the High Court, and they are informed that the provisions of the said Rules, apply "mutatis-mutandis" equally, to orders and decretal orders passed by them, in so far as and to the extent of furnishing full description of the parties with their registered addresses etc., in the cause titles thereof.

They are therefore directed to scrupulously adhere to the provisions contained in the said rules and ensure that the cause titles of the orders and decretal orders passed and drawn by them, shall invariably contain the full description of the parties with their registered addresses etc.

Any deviation thereto will be viewed seriously.

Sd/-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH, HYDERBAD

CIRCULAR

Roc.No. 3227/91-B.spl. Dated 15-7-1991.

All the Judicial Officers are hereby directed that they shall invest the Court deposits only in State Bank of India in Andhra and Rayalaseema Districts and in State Bank of Hyderabad in Telangana Districts. This direction also applies to all deposits naturing hereafter.

Any deviation from these instructions will be viewed seriously.

Sd/-
Registrar (Judicial)

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 1896/SO/91. Dated 3-8-1991.

Sub:-Sessions Cases - when posted for trial or during the course of trial shall not be adjourned for too often when they are posted for trial - when once trial commences it shall be completed at a stretch. Instructions - Issued - Regarding.

While reviewing the work of the Sessions Judges, Additional Sessions Judges, Metropolitan Sessions Judges, Additional Metropolitan Sessions Judges and Assistant Sessions Judges in the State, an unfortunate tendency has been noticed, in that, that Sessions Cases are adjourned far too often, when they are posted for trial, and even during the course of the trial.

The High Court views such procrastination in the trial, completely erodes the solemnity of Sessions trials, and deems it essential, that instructions be issued on that behalf.

All the District and Sessions Judges, Metropolitan Sessions Judges and Assistant Sessions Judges in the State, are, therefore, hereby impressed upon that Sessions Trials should not be lightly and frequently adjourned to suit the convenience of the counsel, and that trial of a Sessions Case once commenced should necessarily be completed at a stretch.

The are requested to scrupulously adhere to these instructions.

The receipt of the same may be kindly be acknowledged.

Sd/-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH, HYDERBAD

CIRCULAR

Roc.No. 1894/SO/91. Dated 7-8-1991.

Sub:-Courts - Subordinate Judges Courts - Heavy pendency of - Suits, valuation of which is not less than 2 lakhs - to be taken over by the concerned District Judges, whenever work in their Courts is comparitively light - Instructions - Issued.

While reviewing the work of the Subordinate Judges in the State, it was noticed that there is heavy pendency in Sub-Courts. The High Cour in order to reduce and ease the said pendency, deemed it desirable to issue necessary instructions to the District Judges in that behalf.

All the District Judges in the State, are therefore, instructed to take over, whenever the work in their Courts, is comparitively light, suits, valuation of which is not less than Rs. 2 Lakhs, for disposal by them, according to law.

They are requested to acknowledge the receipt of the circular.

Sd/-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 2159/SO/91. Dated 12-9-1991.

Sub:-Judgments - Judgments sent in Criminal Appeals by the Sessions Judges are often not legible - Fair and legible copies of Judgments to be sent to the High Court Instructions - Issued - Reg.

While disposing of Criminal Appeals, it has been observed by the High court that the copies of the judgments sent in Criminal Appeals by the Sessions Judges are often not legible and some times it is almost impossible to read the sentences which are either missing or typed in blurred manner. As such, the High Court feels it imperative, that instructions are given to all the Sessions Judges in the State.

All the District and Sessions Judges in the State are, therefore, instructed to transmit fair and legible copies to the High Court, in future.

Sd/-
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 3227/91-B.Spl. Dated 13-9-1991.

Ref:-High Court Circular Roc.No. 3227/91-B.Spl., dated 15-7-1991.

Pursuant to the representations received in respect of High Court's Circular No. 3227/91-B.spl., dated 15-7-1991 relating to Court deposits in Banks, the matter has been reconsidered and in modification of the above referred Circular, the following directions are issued:-

1. The Judicial Officers are hereby directed that they shall invest Court deposits only in Nationalised Banks.

2. The said deposits should be equally distributed between different nationalised banks located at the headquarters where the Court is situated.

3. No deposit should be prematurely encashed save and except for the purpose of payment to the person for whose benefit the diposit is made and only upon his/her filing an application in that behalf and the Judicial Officer recording reasons thereon.

4. Every Judicial Officer making Court deposits is directed to send monthly returns thereof so as to reach the High Court latest by the 10th of each succeeding month. First such return should reach the High Court by 10th October, 1991. These returns must clearly indicate inter-alia the bank and the branch

where the deposit is made, date of deposit, the amount deposited and the reference of the Court proceedings vide proforma attached hereto.

This Circular would operate with immediate effect.

Sd/-
Registrar (Judicial).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

Roc.No. 3227/91-B.Spl. Dated 16-9-1991.

Ref:-(1) High Court Circular Roc.No.3227/91-B.Spl, dated 15-7-1991.

(2) High Court Circular Roc.No.3227/91-B.Spl, dated 13-9-1991.

All the Judicial Officers are hereby requested to send the statement of particulars relating to the Court deposits made by them in various Banks during the years 1990 and 1991 till the date of receipt of the Circular 2nd cited in the proforma enclosed hereto.

Sd/-
Registrar (Judicial).

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HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR CIRCULAR

Roc.No. 2186/So/91. Dated 30-9-1991.

Sub:-Advocate Welafare Fund Stamps - Dispensing with the collection of Welfare Fund Stamps from the accused in custody - Certain instructions - Issued.

In the recent conference of the Members of the State Higher Judicial Service held on 27-7-1991, the subject relating to dispensing with collection of Welfare Fund Stamps from the accused in the costody has come up for discussion. After detailed discussion, the High Court is pleased to issue the following clarification in the matter of collection of Welfare Fund Stamps.

"The Welfare Fund Stamps will be collected only if an accused in custody makes representation by an advocate,m who, has to necessarily file memo of appearance in that behalf.

The Welfare Fund Stamps need not be collected if an accused in custody seeks to approach the Court through the Jail Authorities."

Sd/-
Registrar (Admn.).

(3) In case of return of security amount, if the amount is more than Rs. 10,000/- the Metropolitan Megistrates or the Sessions Judges are directed to return the amount to the sureties only who are present in person duly identified by their advocates or some other responsible person whose identity can be accepted by the Court.

(4) If the amount is less i.e., Rs. 10,000/- and below, the Superintendents or the Head Clerks concerned deliver those amounts after due identification of the surety.

(5) At the time of taking surety bonds also, the sureties shall be directed to produce bank pass books of ration cards in support of their identification and if employees stands as surety, they must be directed to produce a certificate from their employer with regard to their identity.

If the lists of sureties are prepared by the Sessions Judges and checked and counter-checked periodically the growth of this false and fake sureties like mushrooms will be curtailed and if a false surety is produced proper action can be initiated against him.

The Presiding Officers of the Metropolitan cities of Hyderabad, Vijayawada and Visakhapatnam and the District and Sessions Judges in the State are hereby requested to communicate the same to all the Subordinate Courts in their units to observe the above guidelines scrupulously. Any deviation will be viewed seriously.

The receipt of the circular may please be acknowledged.

Sd./-
Registrar (Administration)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

Roc.No. 2400/SO/91. Dated: 4-10-1991.

CIRCULAR

Ref:-Refusal to return the Security amount deposited by the Surety - Certain guidelines to the Presiding Officers - Issuance of - Regarding.

Ref:-High Court's Judgement in Crl.R.C.No. 476/91, and Cr.R.P.No. 473/91, Dated 18-9-1991.

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While disposing of the above revision petition the High Court has observed that the practice of filing revisions on the orders of Metropolitan Sessions Judges rejecting or refusing to return the security amount when the surety himself was not present to receive the same should be depricated and at certain times false and faked sureties are produced with false documents of solvency and especially it is very difficult for the Presiding Officers in the Metropolitan Areas of Hyderabad. Vijayawada and Visakhapatnam to identify the surety and directed that all the Presiding Officers in the Criminal Courts in the State shall scrupulously follow the procedure as directed hereunder.

(1) In each and every case, the details of the persons who stand as surety have to be obtained and sent to the concerned Sessions Judges who in turn have to maintain a list of the sureties that are being produced in the trail Courts, date-wise and number-wise.

(2) The list so maintained have to be scrutinised by the Sessions Judges every quarter duly affixing their signatures, and communicate the same to the Metropolitan Magistrates.

HIGH COURT OF ANDHR PRADESH: HYDERABAD.

R.O.C. No. 1348/SO/1991, Dated 21-10-1991.

CIRCULAR

Sub:- Entertaining bail applications in the matters pertaining to Economic Offences - Instructions - Reg.,

It has been brought to the notice of the High Court that bail applications pertaining to the Economic Offences Court are entertained by the other Sessions Judges, who have no jurisdiction. As per the G.O. Ms. No. 734, Home (Cts. A) Department, dated 13-03-1991, a Special Judge's Court in the Cadre of District and Sessions Judge at Hyderabad was created to deal exclusively with the trial of Economic Offences under the 12 Specified Central Acts.

The practice of entertaining bail applications by the Courts which have no jurisdiction is quite irregular in view of the above said G.O. issued in exercise of the powers conferred by proviso to Sub-section (1) of Section 11 read with clause (j) of Section 2 of the Code of Criminal Procedure, 1973.

In this connection, I am directed to invite your attention to the specific orders of the High Court dated 23-3-1987 passed in Criminal M.P. Nos. 1188 and 1189 of 1986 (copy enclosed) holding that the jurisdiction of the Sessions Divisions in the State of Andhra Pradesh has been excluded and the Special Judge for Economic Offences alone is competent to consider the application for bail in Income Tax matters pending trial before the Court for Special Judge for Economic Offences, Hyderabad.

I am, therefore, directed to request you to follow the above decision scrupulously, in respect of the matters pertaining to the Economic Offences.

Sd/-
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

R.O.C. No. 2544/SO/91, Dated 15-11-1991.

NOTIFICATION

Read:- Rules made by the High Court under the Andhra Pradesh Civil Courts Act, 1972 dated 10-11-1972.

For the existing Rule (3) of Rules under the heading holidays, made under the Andhra Pradesh Civil Courts Act, 1972, the following Rule shall be substituted.

Rule (3): (Under the Heading of Holidays):

"Employees in the Judicial Department including Presiding Officers of the Courts be permitted to avail casual leave not exceeding 15 days and optional holidays not exceeding 5 days in the course of the calender year. No compensatory holiday to be permitted to be availed of in lieu of Optional Holiday."

Sd/-
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD.

R.O.C. No. 4275/91-C3, Dated 21-11-1991.

CIRCULAR

Sub:- Public Services - Transfers - Transfers of members working in the Subordinate Court certain instructions - Issued.

Of late numerous applications from the member of staff of the Subordinate Courts are being received in the High Court seeking transfer to various departments or to the other units. The unit officers are simply forwarding such applications without observing whether a particular individual has already applied transfer during the same month or about a couple of months back, or an individual is applying for all the Four City Units at a time or has applied for more than one unit/department simultaneously.

The unit officers are, therefore, hereby requested not to forward more than one application an individual at a time and if an individual is send transfer to the City Units, he may be informed to choose only one particular unit, viz., Chief Judge, City Civil Court, Chief Judge, City Small Causes Court. The Metropolitan Sessions Judge, The Chairman, Tribunal for Disciplinary Proceedings, Hyderabad. Further the Unit Officers are requested not to forward more than two applications of any particular employees in one year in a hid to discourage the attitute of the employees seeking Unit/ Departmental transfer on and error basis.

Sd/-
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

R.O.C. No. 55/92/E-3, Dated 21-1-1992.

CIRCULAR

Sub:- Method of assessment of the out-turn of work of the Judicial Officers cadre-wise in terms of units - Revised Circular instructions - Issued.

In supercession of the previous circulars issued on the subject, the High Court is pleased to issue the following instructions:-

The revised ratings in the allotment of units to various categories of cases are noted in the Annexures A, B and C appended hereto. Having regard to the nature of cases and the cadre of officers, who deal with them, appropriate increase or decrease, as the case may be, wherever necessary is allowed. The out-turn of work of the Subordinate Judicial Officers shall be assessed in terms of the revised ratings of units contained in the above mentioned Annexures w.e.f. I period of 1992 commencing from 1-1-1992. The minimum number of units of work expected of the District and Sessions Judges, the Subordinate Judges and the Munsif Magistrates are eight, and fifteen respectively in a month of 22 working days, proportionate deduction being made for the shortfall in the number of working days in a month. Where the period is shorter than one month, the out-turn of work of the officer need not be assessed.

GENERAL

The out-turn of work of the Presiding Officers will be assessed under one of the following five categories:

1. Not satisfactory.-Where the disposals are less than the norms fixed for the month of 22 working days.

2. Satisfactory.-Where the disposals are not less than the norms fixed for the month of 22 workind days but less than 1-¼;

1

e 3. Good.-Where the out-turn of work is 1 and ¼ ss$mes and above but less than 1 and 3/4 times of the norms fixed for the months of 22 working days;

4. Very Good.-Where the out-turn of work is 1 and 3/4 times and above but not more than 2 times of the norms fixed for the month of 22 working days; and

5. Excellant.-Where the out-turn of work exceeds twice the norms fixed for the month of 22 working days.

Provided that the assessment in terms of Good, Very Good or Excellant will not be awarded unless:-

(i) a District Munsif/Munsif Magistrate satisfies the minimum work norm prescribed in Clause d/e/f of the note to their rating;

(ii) a Subordinate Judge satisfies the minimum work norm prescribed in Clauses (b) and (c) the note to their rating; and

(iii) a District and Sessions Judge satisfies the minimum work norm prescribed in Clauses (b) and (c) and (d) of the note to their rating.

In considering the disposal of old cases 25% weightage will be given for suits/appeals which are pending for more than 5 years.

If any category of cases is disposed of in a batch, the rating will be given for each case at 50% of the rating fixed for that category of cases, subject to a maximum of two and half times of rating given to that category of cases.

Periods for assessment of the work of the judicial officers shall be as follows:-

FIRST PERIOD : 1st January to 30th April.

SECOND PERIOD : 1st May to 31st August; and

THIRD PERIOD : 1st September to 31st December.

For the purpose of assessing the quality of work of the judicial officers, namely, the District Munsifs and the Subordinate Judges, the following procedure will be followed:-

(a) The District Munsif/Magistrate shall forward to the concerned District and Sessions Judge, copies of judgements of his choice, in title suits, calendar cases and other categories of main cases, one each category of cases, disposed of during the relevant period;

(b) Where the District Munsif is entrusted only with civil work, he shall forward copies of two Judgements delivered in title suits and one judgement delivered in any other category of main cases of his choice. He shall forward a statement of the cases disposed of by him during the relevant period in the prescribed proforma (enclosed) and the District Judge shall call for a copy of Judgement chosen by him at random, from the cases disposed of.

(c) Where the Munsif Magistrate is entrusted only with Criminal work, he shall forward copies of two judgements, delivered in Calendar cases and one copy of judgement in any other category of cases of his choice. He shall forward a statement of the cases disposed of by him during the relevant period in the prescribed proforma (enclosed) and the District Judge shall call for a copy of Judgement chosen by him at random from the cases disposed of.

(d) The Subordinate Judge shall forward to the concerned District and Sessions Judge copies of judgements of his choice delivered in title suits, Sessions Cases and Land Acquisition cases/Appeals one in each category of cases. He shall also forward a statement of the cases disposed of by him during the relevant period in the prescribed proforma (enclosed) and the District Judge shall call for a copy of Judgement in each category of the cases chosen by him at random from the cases disposed of.

(e) The Judicial Officers shall forward such copies of judgements to the District and Sessions Judge, alongwith the statistical statements of work done in each period;

(f) The District and Sessions Judge on receipt of such copies of judgements, shall offer his remarks to the High Court in the prescribed opinion form (enclosed) regarding the quality of work of the officer indicating his assessment in terms of below average, average or good, along with the copies of judgements and periodical Statistical statements.

(g) The District and Sessions Judge shall forward to the High Cort, copies of Judgments of his choice in title appeals, Sessions Cases and Motor Accidents claims disposed of during the relevant period one is each category, along with his advance statement. He shall also forward a statement of the cases disposed of by him during the relevant period in the prescribed proforma (enclosed) to enable the High Court to call for a copy of judgement in each category from the cases disposed of.

(h) The District and Sessions Judges, who are posted in any Tribunal or Special Court, shall forward copies of two judgements of their choice in cases disposed of by them during the relevant period. He shall also forward a statement of the cases disposed of by him during the relevant period in the prescribed

proforma (enclosed) to enable the High Court to call for copy of judgment in each category from the cases disposed of.

(i) The efficiency of the officer will be assessed by the High Court on the basis of his/her qualitative and quantitative performance.

(j) If the quantitative performance does not come up to the standard of 'Satisfactory' the officer shall submit his explanation along with his advance statement. In the case of Munsif Magistrates and Subordinate Judges, the explanation shall be submitted through the District Judge, who shall forward it with his remarks along with the statistical statement. If the explanation is considered to be satisfactory by the High Court, the quantitative assessment will be recorded as 'Satisfactory'.

Receipt of this circular may be acknowledged at an early date.

Sd/-
Registrar (Management).

QUARTERLY RETURN:

OPINION FORM

Nature of the Case and No. of 19

Decided on 19

by

Case against the decision of Sri

Sub-Judge-Cum-Asst. Sessions Judge of dated 19

Munsif Magistrate.

Civil suit/Appeal No. 19

in _____

Criminal case/Revision/Sessions Case

1.	Quality of Judgment ..	Good/Average/Below average
2.	Appreciation of Evidance. ..	Good/Average/Below average
3.	Sentence awarded ..	Severe/Sufficient/Inadequate
4.	Power of expression ..	Good/average/Below average
5.	Result of Appeal/ Revision. ..	Set aside/varied/confirmed
6.	Remarks if any ..	

Sd./-

ANNEXURE - A.

DISTRICT & SESSIONS JUDGES AND PRESIDING OFFICERS OF ALL TRIBUNALS.

A standard of Eight units is now prescribed for District & Sessions Judges for 22 working days.

Civil Side:	Units	
	Existing	Revised
1. Every contested original suit		
(a) Money, Mortgage, Maintenance with or without charge, property tax recovery with or without charge and declaration of age suits.	1/2	1/2
(Suits where the contest relates only to costs, interest or instalments shall not be taken for reckoning the units).		
(b) Other title suits	1	1
2. Every contested appeal:		
(a) Money	1/4	1/4
(b) Title	1/2	1/2
3. Every contested C.M.A.	1/4	1/4
4. Every contested Land Reforms Tribunal's appeal.	1/4	1/4
5. Every constested O.P. arising under:		
(a) Section 110-A of M.V. Act, 1939	1/2	1/3

	(b) Section 92-A of M.V. Act, 1939 or Section 140 of M.V. Act, 1988	1/2	1/6
	(c) Land Grabbing (Prohibition) Act	1/2	1
	(d) A.P. (Telangana Area) Public Societies Registration Act.	1/2	1
	(e) Election petitions under various Acts.	1/2	1
	(f) Other contested O.Ps. excluding O.Ps. under Sec. 24, Or 33 or Or. 44 C.P.C.	1/2	1/2
6.	Every contested final decree petition (partition, Accounts or mesne profits), and contested E.A. under Or.21, R-90 C.P.C.	1	1/2
7.	Every contested petition under Or.21, R-58, 97 and 99 C.P.C.	1/2	1
8.	Contested petition U/Sec.47, Or.21. R-37, Or 38, R-8 Or.39, R-1,2 and 4	1/6	
	Or.34, R-5,	1/4	1/4
	Or.22, R-3 and 4 (when claim is based on will or Gift) and Or.40 R-1 C.P.C.	1/3	
9.	Contested applications under Act 45 or 1987		1/4
10.	Contested Rent Control Appeal	1/3	1/3
11.	Every contested petition under Insolvency Act other than Debtor petition	-	1/2

12. Every contested application Sections 53 and 54 of the Insolvency Act.	1/2	1/2
13. Every contested debtor's petition under Insolvency Act.	-	1/6
14. Contested Small Cause Suits	1/3	1/4
15. Every contested appeal under Municipal Acts.	1/6	1/6
16. Every contested appeal under Insolvency Act.	1/3	1/3

Criminal Side:

1. Every contested Sessions Case	1	1
2. Every contested criminal Appeal		
a) from the judgment of Asst. Sessions Judge.	1/2	1/2
b) from the Judgment of the Munsif Magistrate	1/3	1/3
3. Every contested Criminal Revision case:		
a) In respect of maintenance case	1/6	1/4
b) Others	1/6	1/6
4. Every contested Calendar Case and cases arising under the Essential Commodities Act.	3/4	3/4

TRIBUNAL FOR DISCIPLINARY PROCEEDINGS

Chairman and each member: (Eight) units each per month

	Units	
	Existing	Revised
Enquiry case	3	3

SALES TAX APPELLATE TRIBUNAL

(UNITS: (Eight) Units per month)

Appeal	1/6

NOTE: If the chairman presides over the bench that hears the appeal, whether the delivers the judgment or not, he is entitled to claim units for the appeal that is disposed of.

STATE TRANSPORT APPELLATE TRIBUNAL

(Units: (8) per month)

Apeal or Revision Petition	1/4 1/6	1/6

SPECIAL JUDGES FOR S.P.E., A.C.B., AND C.B.I. CASES

(Eight Units for Month)

1. Sessions Cases :	1	1
2. Calendar Cases :	3	1
a) Trap Cases	3	1
b) Assets Cases	3	4
c) Conspiracy, Fraud or Mis-appropriation cases	3	5

SPECIAL JUDGE FOR ECONOMIC OFFENCE

(8) UNITS PER MONTH

1. Calendar Case	3/4	3/4
2. S.T.C.	3/4	1/4

INDUSTRIAL TRIBUNAL & LABOUR COURTS

(UNITS : 8 PER MONTH)

	UNITS	
	Existing	Revised
1. A reference under Sec.10(1) of the I.D. Act.		
a) in respect of conditions of employment, effecting a number of workmen	2 1	3
b) Other references	2 1	1
2. Application under Sec.2-A of the I.D. Act	-	1
3. Proceedings under Sec.33(1) (a) 33(1) (b(or 33(2) of I.D. Act.	1/2 1/4	1/2
4. Proceedings under Sec.33(c)(2) of the I.D. Act.	1/2	1/4
5. Proceedings under Sec.33-A of the I.D. Act.	-	1
6. Proceedings Under Sec. 75 of the E.S.I. Act.	1/2	1/2
7. Proceedings Under Ch.VII of the E.S.I. Act.	1/4	1/4

8. Proceedings Under Ch.VII of the E.S.I. Act.	1/3	1/4
9. Second Appeal under the Shops & Establishments Act.	1/2	1/2

NOTE:

(a) If the material witnesses, in Sessions Cases turn hostile, half of the rating will be given.

(b) The District and Sessions Judges shall dispose of a minimum of (3) units of work in Civil Appeals/ Cases under Land Grabbing (Prohibition) Act/Cases under A.P. (Telangana Area) Public Societies Registration Act.

(c) Out of the (3) Units of work as mentioned in note (b), the District and Sessions Judges shall dispose of at least one unit of work in civil Appeals (filed against the judgments in title suits) of the 30 oldest pending appeals, the hearing of which is not stayed.

(d) the District & Sessions Judges, who do not come under the clauses referred to above, shall dispose of a minimum of (2) units of work out of the 30 oldest pending cases, of all categories, the trial/hearing of which is not stayed.

ANNEXURE - B.

SUBORDINATE JUDGES

A standard of (Eight) units is now prescribed as against the previous standard of (Seven) units for (22) working days.

CIVIL SIDE

	UNITS	
	Existing	Revised
1. Every contested original suits:		
(a) Money, Mortgage, Maintenance with or without charge, property tax recovery with or without charge, and declaration of age suits.	1/2	1/2
(Suits where the contest relates only to Costs, interest or Instalments shall not be taken for reckoning the units).		
(b) Other title suits	1	1
2. Contested Small Cause Suits	1/3	1/4
3. Contested Co-operative Tribunal Appeals.	1/4	1/4
4. Contested Election Petitions	1	1
5. Contested Interlocutory applications for passing final decree (partition, Accounts and Mesne profits), and contested E.As. under Or. 21, R-90 C.P.C.	1	1/2
6. Contested E.As. under Or.21, R-58, R-97 and 99 C.P.C.	1/2	1
7. Contested Petitions U/Sec.47, Or. 21, R-37. Or. 38, R-8 Or. 39, R-1, 2 and 4 Or. 34, R-5,		

Or. 22, R-3 and 4 (when Claim is based on will or Gift) and Or. 40, R-1, C.P.C.	1/4 1/6	1/4
8. Contested applications under Act 45 of 1987.	1/4	
9. Contested Rent Control Appeal	1/3	1/3
10. Every contested Civil Appeal		
(a) Title	1/2	1/2
(b) Money	1/4	1/4
(c) C.M.A.	1/4	1/4
11. Every contested O.P. other than Pauper O.Ps and Transfer Petitions under Rent Control Act.	1/2	1/2
12. Every Contested Petition under Insolvency Act, other than Debtor Petition.	1/2	1/2
13. Every Contested Aplication under Secs. 53 and 54 of Insolvency Act.	1/2	1/2
14. Every contested Debtors Petition under Insolvency Act.	1/2	1/6
15. Every Contested appeal under Municipal Act	-	1/6
CRIMINAL SIDE:		
1. Every contested Sessions Case	3/4	1
2. Every contested Calendar case	-	3/4

NOTE:

(a) If the material witnesses in Sessions cases turn hostile, half of the rating will be given.

(b) Subordinate Judges shall dispose of a minimum of five units of work, consisting of Suits/ Appeals, out of which thre units must pertain to title suits.

(c) Out of the three units of title suits, the Subordinate Judges shall dispose of at least one title suit out of the 20 oldest pending suits, the trial of which is not stayed.

ANNEXURE - C

MUNISIF MAGISTRATES

A Standard of (fifteen) units of work is fixed for Munsif Magistrates for a month of (22) working days.

CIVIL SIDE :

	UNITS	
	Existing	Revised
1. Every contested Original Suit		
(a) Money, Mortgage, Maintenance with or without charge, property tax recovery with or without charge, and declaration of age suits.	1/2	1/2
(Suits where the contest relates only to costs, Interest or Instalments shall not be taken for reckoning the units).		
(b) Other title suits	1	1

2. Contested Small Cause Suits	1/3	1/4
3. Contested Rent Control Cases	1/2	1/2
4. Contested Tenancy Cases	1/3	1/3
5. Contested Co-operative Tribunal Appeals	1/4	1/2
6. Contested election petitions	1	1
7. Contested Interlocutory Applications, for passing final decrees (Partition, Accounts and Mesne Profits) and contested E.As under Or. 21, Rule 90 C.P.C.	1/2	1/2
8. Contested E.As U/Or. 21, R-58, R-97 and R-99 OPC.	1/2	1
9. Contested petitions U/Sec. 47, Or. 21, R-37 Or. 38, R-8, Or. 39, R-1, 2 and 4, Or. 34, R-5, Or. 22, R-3 and 4 (when claim is based on will or gift) and Or. 40 R-1, CPC and applications under Sec. 9 of A.P. Buildings (Lease, Rent and Eviction) control Act.	1/4	1/4
10. Contested applications under Act 45 of 1987.	–	1/4
11. Contested petitions u/s. 11 (4) and 14 of the A.P. Buildings (Lease, Rent and Eviction) Control Act.	–	1/3

12. Every contested petition under Insolvency Act.	-	1/4

CRIMINAL SIDE:

1. Every Contested CC under IPC or Food Adulteration Act	3/4	3/4
2. Other contested C.Cs under other Acts, Miscellaneous cases for maintenance.	1/2	1/2
3. Contested S.T.Cs.	1/2	1/4

NOTE:

(a) If the material witnesses in Criminal cases turn hostile, half of the rating will be given.

(b) A Standard of (8) units of work is fixed for the Special Mobile Courts dealing with cases arising under Indian Penal Code read with Protection of Civil Rights Act.

(c) No standard is prescribed for other Mobile Courts. However, disposals must keep pace with institutions.

(d) Every Munsif magistrate shall dispose of a minimum of (10) units of work consisting of Original Suits/CCs, out of which, five units must pertain to title suits. Out of the five title suits, every Munsif Magistrate shall dispose of a minimum of two title suits out of the 30 oldest title suits which are not stayed.

(e) Where there is only one court, dealing with Civil and Criminal cases, the Presiding Officer of the said Court shall dispose of a minimum of four units of Civil Suits.

(f) Rent Controllers (in the twin cities of Hydera-
bad and Secunderabad) shall turn out a minimum
of 12 units of R.C. Petitions.

PROFORMA – I

STATEMENT OF CASES DEPOSED DURING THE PERIOD BY THE DISTRICT AND SESSIONS JUDGE (CIVIL SIDE) TO BE SUBMITTED TO THE HIGH COURT ALONG WITH THE ADVANCE STATEMENT TO ENABLE THE HIGH TO CALL FOR THE COPY OF JUDGMENT FROM THE SAID STATEMENT

Sl. No.	Nature of proceedings.	No.of witnesses examined.	No.of exhibits marked.	No.of days spend during trial.	No.of issued framed.	Result
(1)	(2)	(3)	(4)	(5)	(6)	(7)

PROFORMA - II

STATEMENT OF CASES DISPOSED OF DURING THE PERIOD BY THE DISTRICT & SESSIONS JUDGE(CRIMINAL SIDE) TO BE SUBMITTED TO THE HIGH COURT ALONG WITH THE ADVANCE STATEMENT TO ENABLE THE HGH COURT TO CALL FOR A COPY OF JUDGMENT FROM THE SAID STATEMENT

Sl. No.	Nature of proceedings.	No. of witnesses examined.	No. of exhibits marked.	Plea of the accused.	Finding of the court	Sentence awarded	date of commencement of trial.	closing date of trial	date of judgment.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

PROFORMA – I

STATEMENT OF CASES DISPOSED OF DURING THE PERIOD BY SUBORDINATE JUDGE (ON CIVIL CASES) TO BE SUBMITTED TO THE DISTRICT JUDGE ALONG WITH THE STATISTICAL STATEMENT TO ENABLE THE DISTRICT JUDGE TO CALL FOR A COPY OF JUDGMENT FROM THE SAID STATEMENT

Sl. No.	Case No.	No. of witnesses examined.	No. of exhibits marked.	No. of days spent during trial.	No. of issues framed.	Result
(1)	(2)	(3)	(4)	(5)	(6)	(7)

PROFORMA - II

STATEMENT OF CASES DISPOSED OF DURING THE PERIOD BY THE ASSISTANT SESSIONS JUDGE (CRIMINAL SIDE)

TO BE SUBMITTED TO THE DISTRICT JUDGE ALONG WITH THE STATISTICAL STATEMENT TO ENABLE

THE DISTRICT JUDGE TO CALL FOR A COPY OF JUDGMENT FROM THE SAID STATEMENT

Sl. No.	Case No.	No. of witnesses examined.	No. of exhibits marked.	Plea of the accused	Finding of the court.	Sentence awarded	Date of commencement of trial.	Closing date of trial.	Date of Judgment.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

PROFORMA – I

STATEMENT OF CASES DISPOSED OF DURING THE PERIOD BY THE DISTRICT MUNSIF (ON CIVIL SIDE) TO BE SUBMITTED TO THE DISTRICT JUDGE ALONG WITH THE STATISTICAL STATEMENT TO ENABLE THE DISTRICT JUDGE TO CALL FOR A COPY OF JUDGMENT FROM THE SAID STATEMENT

Sl. No.	Case No.	No. of witnesses examined.	No. of exhibits marked.	No. of days spent during trial.	No. of issues framed.	Result
(1)	(2)	(3)	(4)	(5)	(6)	(7)

PROFORMA - II

STATEMENT OF CASES DISPOSED OF DURING THE PERIOD BY THE MUNSIF MAGISTRATE (ON CRIMINAL SIDE)

TO BE SUBMITTED TO THE DISTRICT JUDGE ALONG WITH THE STATISTICAL STATEMENT TO ENABLE

THE DISTRICT JUDGE TO CALL FOR A COPY OF JUDGMENT FROM THE SAID STATEMENT

Sl. No.	Case No.	No. of witnesses examined.	No. of exhibits marked.	Plea of the accused.	Finding of the court.	Sentence awarded.	Date of commencement of trial.	Closing date of trial.	Date of judgment.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

Roc.No. 1476/So/91-1 Dated: 22-1-1992.

To,

All the Distric Judges in the State, including Metropolitan Sessions Judges (with a request to communicate the same to the Subordinate Courts under your control).

Sir,

Sub: CRIMINAL CASES - Pendency in the Courts of District Munsifs - Certain instructions for reduction of pendency and expeditious disposal thereof - Reg:-

Adverting to the above subject, I am to state that after calling for the pticulars regarding pendency of petty and summury trial cases, the Committee of Hon'ble Judges and Director of Prosecutions discussed the above matter at length.

In this connection, all the Distric Judges are hereby directed to address letters to the concerned Distric Collecters asking them to instruct the Village Assistants, Mandal Revenue Officers etc., while issuin solvency cerficates for production of the same in the Courts, to obtain the signature of the concerned person on the solvency cerficate, and attest the same.

They are further directed to instruct all the Presiding Officers, in their unit, to insist upon the signature of the surity attested by the Officer who has issued the solvency certificate.

The action taken in this regard may please be intimated to the High Court.

Yours faithfully,
Sd/-
Registrar(Managgement)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

Roc.No. 1476/So/91-2 Dated: 22-1-1992.

Sir,

Sub:- CRIMINAL CASES - Pendency in the Courts of Magistrates including the Courts of Special Judicial Magistrates/Special Metropolitan Magistrates of II Class - Reduction of pendency and expeditious disposal thereof-Reg:

Adverting to the above subject, I am to state that after calling for the particulars regarding pendency of petty and summury trail cases, the Committee of Hon'ble Judges and Director of Prosecutions discussed the above matter at length.

As seen from the statistics received by the various Courts, the increase of the pendency is due to non-avilability of Public Prosecutors on regular basis; and as the pendency of criminal cases, is increasing day by day, the Presiding Officers of the Criminal Courts are requesting the High Court to address the Government for appointment of Assistant Public Prosecutors on regular basis.

In this connection, I am to request that atleast one Assistant Public Procecutor should be appointed for each Criminal Court on a regular basis and he should not be entrusted with work of more than one Court so as to enable the Presiding Officers in the Courts to attend the criminal work on every working day thereby causing reduction of pendency of criminal cases.

An early action in this matter may be taken under intimation to the High Court.

Yours faithfully,
Sd/-
Registrar(Management)

J-276-26

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

Roc.No. 1476/So/91-3 Dated: 22-1-1992.

CIRCULAR

Sub: COURTS - Criminal - Examining all the witnesses on a particulr day - Instructions - Issued - Reg:

Read: 1. High Court's Circular Roc.No.660/67/B1, dated: 16-8-1967.

2. High Court's Circular Roc.No. 1319/68/81. dated: 14-11-1968.

3. High Court's Circular Roc.No.1087/So/B1, dated: 3-9-1981.

Inspite of issuing several circulars by the High Court, from time to time, directing all the Presiding Officers of the Courts in the State, that as far as possible to examine all the witnesses attending the Courts on a prticular day, more so when they come from long distences on that day itself or the next day if any witness so desires or if he cannot be examined on that day due to unavoidable circumstances, the witnesses attending Courts are not being examined on the day they were summoned to give evidence and are being sent away without being examined.

In this connection, attention is invited to the provision to sub-sec. (1) of Section 309 Cr.P.C.197[illegible]. The High Court of Andhra Pradesh hereby reiterate[illegible] the earlier circulars 1 to 3 read above issued in this behalf.

All the Presiding Officers of S[illegible]ubordinate Courts in the State are further directed [illegible]o post the cases in such a manner, that cases of e[illegible]ach police station are to be posted on one day in [illegible] week instead of posting on more than one day in [illegible] week, unless the exigencies warrant.

Any deviation will be viewed seriously. The receipt of the circular may please be acknowledged.

Sd/-
Registrar(Management)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

Roc.No.1476/So/91-4 Dated: 22-1-1992.

CIRCULAR

Sub: COURTS - Criminal Courts - Provide additional police constables for each Criminal Court - exclusively for the execution of N.B.Ws etc., Reg:

Adverting to the above subject, I am to atate that after calling for the particulars regarding pendency of petty and summury trail cases, the Committee of Honorable Judges and Director of Prosecutions discussed the above matter at length.

As seen from the Statements already received from the District Judges, most of the cases in Criminal Courts are pending only for want of execution of N.B.Ws. by the concerned police officials.

In this connection, I am to request you to provide additional strength of atleast 3 police constables for each police Station exclusively for attending to the Court work viz., service of summons and for execution of N.B.Ws.

I am also to request you to provide one police officer not below the rank of S.I.of police, exclusively to supervise and coordinate with the work intrusted to the above police constables attached to concerned Court.

This may please be treated as specially urgent.

Yours faithfully.
Sd/-
Registrar(Management)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Dated 22-1-1992

Registrar (Management)

Roc. No. 1476/SO/91-5

Sir,

Sub:-Criminal Cases - Pendency in the Courts of Magistrates including the Courts of Special Judicial Magistrates/Special Metropolitan Magistrates of II Class - Reduction of pendency and expeditious disposal thereof - Reg.

Adverting to the above subject, I am to state that after calling for the particulars regarding pendency of petty and summary trial cases, the Committee of Hon'ble Judges and Director of Prosecutions discussed the above matter at length.

As seen from the statements already received from the District Judges, most of the cases in Criminal Courts are pending only for want of execution of N.B.Ws. by the concerned police officials.

In this connection all the Chief Metropolitan Magistrates and Chief Judicial Magistrates (Magistrate Courts) in the State, are hereby directed to redistribute the jurisdiction of police station-wise after thorough examination and discussion with the concerned D.S.P.s. or Sub-Divisional Police officers.

This may please be treated as specially urgent and action may be taken at the earliest under intimation to the High Court.

Yours faithfully,

(Sd.)
Registrar (Management).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Registrar (Management). Dated: 24-1-1992

Roc. No. 1476/SO/91

To
All the District & Sessions Judges in the State including The Chief Judge, City Civil Court, Hyderabad and Metropolitan Sessions Judges, Hyderabad, Vijayawada and Visakhapatnam.

Sir,

Sub:-Courts - Criminal - Pendency of Criminal Cases in the Courts of Magistrates - Committee Meeting of the Hon'ble Judges constituted to look into - Reg.

Ref:-(1) High Court's Circulars Roc. No. 1476/SO/91, dated 1-7-1991 and 13-8-1991.

(2) High Court's Lr. of even No., dated 21st December 1991.

(3) D.O. Lr. No. 933/A2/DOP/91, dated 22nd January 1992.

In the meeting held on 18-12-1991 by the High Court with the Director of Prosecutions, it has been noticed from the statements received from the District and Sessions Judges that most of the cases are pending only for want of execution of N.B.Ws. by the concerned police officials.

In this connection, the Director of Prosecutions has been requested to issue appropriate instructions to the concerned police officials for execution of N.B.Ws. and observe the month of February, 1992 as a special drive month to reduce the pendency.

The Director of Prosecutions has now sent a D.O. Letter stating that he has issued instructions to all the concerned Commissioners of Police and Superintendents of Police in the State to launch a special drive in the month of February, 1992 for execution of N.B.Ws. by forming special teams (a copy of the same is enclosed herewith).

All the District and Sessions Judges and Metropolitan Sessions Judges are hereby requested to take special interest in the matter, discuss with the concerned Superintendent or Commissioner of Police as the case may be and also issue suitable instructions to the concerned Munsif Magistrates to do the needful in the matter.

I am also to request you to inform the action taken at your end at an early date.

Yours faithfully,

(Sd.)
Registrar (Management).

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 572/92-C. Spl.(Con). Dated 12-2-1992.

CIRCULAR

Sub: Public Services - Re-introduction of Confidential Reports (personal files) - Maintenance and Scrutiny of confidential Reports (personal Files) of the employees working in the Subordinate Courts and other offices under the Administrative Control of the High Court - Instructions - Issued.

Ref: (1) High Court's Circular Roc.No.1463/SO/79, dated 1-7-1980.
(2) G.O.Ms.No. 82, General Administration (Services-C) Department, dated 21-2-1985.
(3) High Court's Circular Roc.No.567/86-C.Spl. (Con), dated 3-10-1986.

In exercise of the powers conferred under Article 235 of the Constitution of India and all other powers hereunto enabling and in supersession of the instructions and orders already issued on the subject, the High Court of Andhra Pradesh had isued instructions through the Circular first read above for maintenance and scrutiny of Confidential Reports (Personal Files) of the employees working in the Subordinate Courts and other offices under the Administrative Control of the High Court.

The Government, through their G.O. Second read above, have abolished with immediate effect the system of Personal Files in so far as it relates to the categories of non-gazetted employees except those non-gazetted categories which form feeder posts to gazetted posts.

The High Court, after careful consideration of the G.O. second read above, had taken a decision to adopt the instructions issued by the Government and accordingly

issued the circular third read above dispensing with the system of maintenance of Personal Files in so far as it relates to all the categories of non-gazetted employees working in the Subordinate Courts except those non-gazetted categories which form Feeder posts to Gazetted Posts.

The High Court, after a thorough examination of the effects of dispensing with the system of maintenance of Personal Files, and in the interests of administration, have once again decided to introduce the system of maintenance of Personal Files. Accordingly, the High Court, in supersession of the Circular third read above, hereby direct all the District Judges and Unit Officers under the administrative control of the High Court to maintain Personal Files (Confidential Reports) of all the employees working in their respective units in accordance with the instructions issued by the High Court in Circular first read above (copy enclosed) except the proviso under instructions (2) of the said Circular.

Receipt of this Circular may be acknowledged and Personal Files (Confidential Reports) for the Calender Year 1991 may be completed within one month from today.

REGISTRAR.
(Administration).

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 265/SO/92 Dt. 21-2-1992.

CIRCULAR

Sub: NARCOTIC DRUGS and Psychotrophic Substances Act, 1985 - Statistics regarding pendency, institution and disposal of cases filed under the said Act - Quarterly report - Called for- Reg:-

Ref: Letter N.C.B.F.No. XV/2/15/91-Pt./1686, dated 3-2-1992 from Director General, Govt. of India, Ministry of Finance (Dept. of Revenue) Narcotic Control Bureau, New Delhi.

The Director General of Narcotic Control Bureau, New Delhi in his letter cited, requesting the High Court to send information with regard to institution, disposal and pendency of cases in various courts on quarterly basis which is essential to the Bureau to examine the need for setting up sufficient number of Special Courts for expeditious disposal and to identify sources of funding the expenditure therefor, and the needs of amending the law on the desired lines.

He also further requested the High Court to arrange to send information as in the proforma on a quarterly basis and also a one time report for the period 1-4-91 to 31-12-91.

In this connection, all the District & Sessions Judges and the Metropolican Sessions Judges, Hyderabad, Vijayawada and Visakhapatnam are therefore requested to collect the quarterly reports from the concerned Addl. District & Sessions Judges who are trying the offences under the above said Act and forward the same regularly from 1-1-92 onwards and also a one time report for the period 1-4-91 to 31-12-91 in regard to the cases pertaining to the cases filed under N.D.P.S.Act, as per the proforma enclosed herewith for onward transmission to the Director General of Narcotics Control Bureau, New Delhi.

It is also further requested to ensure that the quarterly reports should reach the High Court positively by 15th of succeeding month of each quarter regularly.

V. BHASKER RAO,
Registrar(Administration).

STATEMENT OF COURT CASES UNDER NDPS ACT 1985.

State/U.T. Quarter Ending _____

Sl. No.	No.of Cases pending at the begining of the Quarter/Year	Fresh Prosecutions launched during the quarter/year	Total of Columns (2) & (3)	Cases Disposed of during the quarter			Pending Cases (7)
				Convicted	Acquittal	Total	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 116/92-C1. Dated 24-2-1992.

CIRCULAR

Sub: P.S. - A.P.Last Grade Service - Enumeration of Legitimate duties of Process Servers/ Attenders and performance thereof - Instructions - Issued.

The A.P. Judicial Class IV Employees Association has represented to the High Court that they are not willing to perform the night duty to guard the public property, e.g., case records and books at the residences of the Judicial Officers and to carry boxes containing the case records and books to and from the Judges' residences etc., and therefore requested the High Court to exempt them from the said duties. The representation is considered and the following instructions are issued.

As per Civil Rules of Practice, punkah pulling in Court over the Judge's seat and carrying tappal boxes to and from the Court and guard duty at the houses of Sub-Judges and District Munsifs at night by the peons (attenders) etc., are the legitimate duties of the Process Servers and attenders. When a question arose to relieve certain duties which the Process Servers/ Attenders considered as menial and disliked, it was held that such a step will encourage the spirit of insubordination among them and it was decided that the performance by the Process Servers/Attenders of all the duties pertaining to their posts should be insisted upon even though some of the duties are regarded by them as being of menial character.

When the Government of Andhra Pradesh has introduced the scheme of gradual withdrawal of Attenders at the residences of officers through their G.O.Ms.No. 1059, G.A.D. dated 11-11-1971, the High Court addressed the Government to exempt the Judiciary from the operation

of the said G.O. on the ground that the Judicial Officers do not have contact with the public and have to be confined to the Courts and residences only, and as the residential attenders are required to watch the valuable Government records taken to the residences for dictation of Judgments etc., and as several type of criminals are tried by them, it is necessary that some attender must be on duty at the residence of the Judicial Officers to prevent all the sundry persons from entering the residences of the Judicial Officers. Accordingly, the Government issued G.O.Ms.No. 219, GAD dated 5-5-1973 exempting the Judicial Officers from the purview of G.O.Ms.No. 1059, GAD dated 11-11-1971. Moreover, G.O.Ms.No. 228, Fin. & Plg. dated 31-8-1988, relied upon by the A.P. Judicial Class IV Employees Association is not applicable to Secretary.

Under the circumstances, the High Court feels that a situation has arisen to enumerate the legitimate duties apart from process execution work attached to the posts of, and to be performed by, the Process Servers and Attenders (since both the posts are in the same class of srvice and are interchangeable) which are as follows:

(1) Guard duty in Court,

(2) Maintaining order and in around the Court halls and calling parties,

(3) Delivery of local ltappals and taking letters to and from the post-office.

(4) Clearing and booking railway parcels.

(5) Depositing money in the Bank or Treasury and cashing bills and cheques.

(6) Carrying office boxes, books and records to the Judge's residence and back to Court,

(7) Carrying boxes and papers from one section to another,

(8) Punching and sealing process memoranda,

(9) Second punching of disposed of records and other miscellaneous duties in the office.

(10) Doing the duties of Dayalats in casual leave vacancies, and

(11) Night duty at the residence of the Judicial Officers to guard public property, i.e., case records and books etc.

The above duties have always been regarded as legitimate duties to be performed by the Process/ Servers/Attenders.

All the District Judges and other Unit Officers are, therefore, hereby instructed to entrust the duties as specified above to the Process Servers and Attenders and see that they are duly performed by them and in case of disobedience or non-performance of any of the above legitimate duties by any of the Process Servers and Attenders, they may be dealt with according to rules in force.

Receipt of the circular may be acknowledged.

REGISTRAR(ADMN.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 742/92-B2. Dated 5-3-1992.

CIRCULAR

Instances have come to the notice of the High Court where Judicial Officers have entered into dealings relating to the immovable property without prior permission.

The High Court on considering the matter directs that:

'No Judicial Officer shall, except with prior permission of the High Court, acquire or dispose of or permit any member of his family to acquire or dispose of, any immovable property by exchange, purchase, sale, gift or otherwise, either by himself or through others.

Serious note will be taken of any breach thereof'.

REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

CIRCULAR Dated: 23-3-1992.

It has been brought to the notice of the Registrar (Judicial) that, as a result of assigning each number twice to some of the cases by the Scrutiny officers' Section and as a result of wrong-mentioning of case numbers on the docket sheets of the draft orders in some other cases by the Court Officer's Section, it has become increasingly difficult for the E.R.Section to comply with the C.D applications.

As the above irregularities are not only causing serious hindrance or impediment to the ordinary normal work of the E.R. Section but also contributing the enormous and unduly long delay in compplying with a large number of urgent C.D. applications, it is, therefore, directed that the Scrutiny Officer's Section and the Court Officers Section should exercise greater care and caution in assigning numbers to the cases mentioning case numbers on the docket sheets of the draft orders with utmost precision and exactitude to prevent recurrence of such mistakes in future and to secure prompt and expeditious compliance of the C.D applications.

Failure to comply with the above said directions should be severely dealt with.

[By Order of the Registrar (Judicial)]

K.V.G. KRISHNA MURTHY,
Assistant Registrar.

J.276-27

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

Roc.No. 894/SO/92. Dt. 7-7-1992

CIRCULAR

Sub: CONTEMPT OF COURTS ACT, 1971 - References made by the Subordinate Courts under contempt of Court Rules, 1980 - Forwarding of Reports by the District Judge along with the said references as provided under Rules - Regarding.

Instances have come to the notice of the High Court that the Contempt references received from the Subordinate Courts are forwarded by the respective District Courts under Rule 5(d) of Contempt Rules, 1980 are not being accompained by the detailed report of the respective District Judges as to whether the offence involved in such reference made thereof amounts to contempt of Court proceedings and whether such reference is barred by limitation under section 20 of the Contempt of Court Act, 1971 for taking action for contempt. Non receipt of reports alongwith references of Subordinate Courts amounts to non-observance of rules and it will be viewed seriously.

Attention is, therefore, invited to section 20 of Contempt of Courts Act, 1971 and the sub rules (3) of Rule 9 of the Contempt of Courts Rules 1980 and it is also requested that all the District Judges should thoroughly examine the references as made by the Subordinate Courts under the said rules and ensure that the relevant reports are forwarded to the High Court along with such references as mentioned supra. Any deviation will be viewed seriously.

The receipt of the circular may please be acknowledged.

REGISTRAR,
(Administration).

HIGH COURT OF ANDHRA PRADESH HYDERABAD

ROC.No. 4288/92. BSpl. Dated 31-7-1992.

CIRCULAR

It has been observe that there are abnormal delays in putting up the petitions/applications/received in the High Court, for orders.

It is hereby directed that if any petition or application of urgent nature is received, where urgent action is called for, those applications should be put up within 48 hours to the concerned Portfolio Judge and the Hon'ble the Chief Justice for orders. If any report is received from the District Judge in the matter where the High Court called for the remarks, those reports should be put up within 48 hours to the concerned portfolio Judge and also to the Hon'ble the Chief Justice.

In the report which was called for from the District Judge is not received within 15 days, the office is directed to put up a note to that effect and circulate the same to the Portifolio Judge and also to the Hon'ble the Chief Justice Further, if any directions are given, those directions should be communicated to the concerned District Judge forthwith.

Every effort should be made by concerned Section to get qurterly reports from the District Court. If there is any delay in sending quarterly reports by any District Judge, he should be promptly intimated to send the quarterly reports. After receipt of the quarterly report, they should be put up before the Portfolio Judge as soon as possible.

The above instructions should be strictly followed. Any deviations from there instructions will be viewed very seriously, against the members concerned.

Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC.No. 514/SO/91. Dated 14-8-1992.

CIRCULAR

Sub:-Recommendation of the Arrears Committee (Malimath Committe) Report 1989-90 certain circular instructions to the Presiding Officers in the State Reg:-

Pursuant to the above recommendation, the High Court after careful examination in its Full Court Meeting, feels it expedient to issue certain guidelines to all the Presiding and Hearing of cases in the Subordinate Courts.

In this connection, the High Court directs that all the Presiding Officers in the State should indicate the number in the court of institution in all cases which are transferred and renumbered in the transferred courts. It is also directed that in posting and hereing cases, the number and the year of the institution should be taken into consideration by the transferee courts.

Registrar (Administration)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc.No. 514/SO/91. Dt. 14-8-1992.

CIRCULAR

Sub:-Regular First appeal should not be dismissed in limine where it raises triable issues Brief reasons should be recorded while dismissing an appeal at preliminary stage Instructions Regarding.

The High Court after careful consideration of the recommendation No. 22 ofthe Arrears Committee (Malimath Committee) Report 1989-90 is of the view that the regular first appeal which raises triable issues should not be dismissed in limine at priliminary stage without recording brief reasons thereof and the Apopellate Courts should adhere to rule 11 of rder 41 of Civil Procedure Code while dismissing the appeal at the admission stage.

The High Court hereby directs that all the District Judges and Subordinate Judges in the State should follow the rule 11 of order 41 of Civil Procedure Code scrupulously while dismissing the appeal at the admission stage.

The receipt of the circular may please be acknowledged.

Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC. NO. 514/SO/91. Dt. 14-8-1992.

CIRCULAR-III

Sub:-Service of Summons on Medical Officers, expert witnesses and Investigating Officers Through their respective heads of Departments Certain Instructions Regarding.

The High Court on consideration of the recommendations of Arrears Committee (Malimath Committee) Report 1989-90 is of the view that in addition to the existing provisions relating to Service of Summons, Setrvice of Process in the case of Medical Officers, Expert Witnesses, Investigating Officers may be sent through the Heads of Departments also.

The High Court hereby directs that all the Presiding Officers in the State to effectuate Service of Process on Medical Officers, Expert Wiotnesses, Investigating Officers through the Heads of Departments in addition to the Existing provisions under Rule 12 of Criminal Rules of Pracatice.

The Presiding officers of the State are hereby directed to follow the above instructions acrupulously.

The receipt of the Circular may please be acknowledge.

Registrar (Administration)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC. No. 514/SO/91. Dt. 14-8-1992.

CIRCULAR - IV

Sub:-Order 19 code of Civil Procedure More free and liberal use of provisions in dealing with preper and prompt recording of evidence Certain instructions Reg.

The High Court after careful consideration of the recommendations of the Arrears Committee (Malimath Committee) Report 1989-90 is of the view that all the Presiding Officers in the State should more freely and liberally use the provisions of order 19 of Code of Civil Procedue to deal with the proper and prompt recording of evidence.

The High Court hereby directs that all the Presiding officers in the State should use the provisions of order 19 of Code of Civil Procedure more freely and liberally to deal with tthe proper and prompt recording of evidence to ensure saving of Court's time.

The receipt of the Circular may please be acknowledged.

Registrar (Administration)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC. NO. 514/SO/91.V. Dt. 14-8-1992.

CIRCULAR

Sub:-Courts Criminal Examing all the witnesses on a particular day instructions Regarding.

Ref:-1. High Court's circular Roc. No. 660/67/B1. dated 16-8-1967.

2. High Court's Circular Roc. No. 1319/68/B1, dated 14-11-1968.

3. High Court's Circular Roc. No. 1087/SO/81, dated 3-9-1981.

4. High Court's Circular Roc. No. 1476/So/91 Date 22-1-91.

the High Court on consideration of the recommendation of the Arrears Committee (Malimath Committee) Report 1989-90 is of the view that all the witnesses who are summoned to be ezxamined on a particular aree day should be examined on the same day itself as far as possible.

The High Court hereby directs all the Presiding Officers of the Courts in the State to examine all the witnesses who are summoned, on the same day itself as far as possible.

The aforesaid instructions should be followed scrupulously.

The receipt of the Circular may please be acknowledged.

Registrar (Administration)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC. No. 802/SO/92. Dt. 21-8-1992.

REGISTRAR

Sub:-Motor Vehicles Act Institution of Claims under Motor Vehicles Act before Addl. Judges Instructions Reg:-

An instance has come to the notice of the High Court that some of the Addl. District Judgs in the State are receiving the cases arising under Motor Vehicles Act directly without following the prescribed procedure as laid down in the notification contained in G.O.Ns. No. 307, Transport, R & B (Transport II) Department, dated 28th December, 1989.

In his connection, attention is invited to para (2) of the notification in G.O.Ms. No. 307, dt. 28-12-1989 vis., "The Addl. Judge as the Claims Tribunal shall dispose of such cases only as are transferred to him by the District Judge."

If any such type of cases are directly received by the Addl. District Judges, the concerned Disrict Judges are hereby requested to withdraw the cases arising under the Motor Vehicles Act, 1989 to their file and retransfer the same to the concerned Addl. District Judges as per section 24 (b) (iii) of the Code of Civil Procudure for disposal according to law.

Any devation will be viewed seriously. the receipt of the circular may please be acknowledged.

Registrar (Aministration).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

Judl. Letter No. 102/92 Dated: 23-9-1992

CIRCULAR

Instances have come to the notice of the High Court where cheque petitions for withdrawal of amounts are being granted by the trial courts in reference under Section 18 of the Land Acquisition Act in spite of the fact that reference under Sections 30 and 31 of the said Act are pending in the same court. All the subordinate courts dealing with land acquisition cases are, therefore, directed that the number of the petition registered in reference under Sections 30 and 31 of the said Act have to be noted in RED INK prominently on the top of the docket sheet of the original petition registered under Section 18 in regard to the same land under the said Act, that the Bench Clerks of the concerned courts have to bring it to the notice of the court about the pendency of the reference under Sections 30 and 31 of the Act when reference under Section 18 is posted for judgment. Further the concerned ministerial staff should also be directed that in the ledger concerning the reference under Section 18, the number of the original petition in reference under Sections 30 and 31 of the Act has to be noted and that when application for the issue of cheque is filed, the same has to be returned with an endorsement about its maintainability as the reference under Sections 30 and 31 for the same land is pending. In case the cheque petition is required to be called in court at the instance of the party, the court should reject it on the ground that the right of the said party for the acquired land is not yet decided.

The receipt of this circular should be acknowledged.

(Sd.)
Registrar (Judicial).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc. No. 2038/SO/92 Dated 16-11-1992

CIRCULAR

Sub:-A.P. Advocates' Clerks' Welfare Fund Act, 1992 (Act No. 13 of 1992)-Affixing of Stamp on Vakalats and Memoranda of Appearance-Reg.

Ref:-(1) High Court's Circular Roc. No. 2792/SO/90, dated 26-12-1990.

(2) Letter No. 11376/C/92-2, dated 5-11-1992 of the Secretary to Government, Legal Affairs, Law Department.

The Secretary to Government, Legal Affairs, Law Department, Hyderabad has informed that A.P. Advocates' Clerks' Welfare Fund Act, 1992 (Act No. 13 of 1992) comes into operation w.e.f. 26th November, 1992 and that a fund called A.P. Advocates Clerks Welfare Fund has been created with a committee to administer the said Fund and a combined Stamp of the value of Rs. 8/- has been prescribed by the A.P. Advoctes Welfare Fund and A.P. Advocates' Clerks' Welfare Fund Acts (Amendment Act, 1992 (Act No. 19 of 1992). The Secretary to Government therefore requests to issue suitable instructions to all the District Judges and other Subordinate Courts and all Tribunals under the control of the High Court to see that a new combined stamp of Rs. Rs. 8/- superscribed as "NYAYAVALULA MARTYU VARI GUMASTHALA SAMKSHEMA NIDHI" is affixed on Vakalats and Memoranda of appearance filed by the Advocates from the 26-11-1992 onwards.

The High Court, consequent to the amendment to A.P. Advocates Welfare Fund Act, 1987 and A.P. Advocates' Clerks' Welfare Fund Act, 1992 by Amendment Act No. 19 of 1992 in modification of its earlier circular Roc. No. 2792/SO/90, dated 26-12-1990 hereby directs all the Presiding officers in the State to ensure that the

new combined Stamp of Rs. 8/- superscribed as "NYAYA-VADULA MARIYU VARI GUMASTHALA SAMKSHEMA NIDHI" is affixed on every vakalat and memo of apperance and no vakalat shall be valid or accepted without such stamp. The person or authority receiving a vakalat with such stamp shall, forthwith, effect cancellation of the stamp by punching out the same.

The receipt of the Circular may please be acknowledged.

(Sd.)
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc. No. 2084/SO/92 Dated 17-11-1992

CIRCULAR

Sub:--CIRCULAR INSTRUCTIONS-Use of Blue Ink instead of Green Ink while recording depositions, and Statements, etc.-Reg.

Certain instances have come to the notice of the High Court that some of the Judicial Officers in the State are recording depositions/Statements of the Parties, Accused or witnesses as the case may be, in GREEN INK, in Civil as well as in Criminal cases.

Whenever the copies of such Depositions/Statements are taken for the use of the High Court on Xerox machines, the impression of the Xerox copies is not clear and visible.

Hence, all the Judicial Officers in the State are hereby instructed to use only BLUE INK instead of Green Ink when recording Depositions/Statements of Parties, Accused or Witnesses as the cse may be, in Civil and Criminal cases.

Please acknowledge the receipt of the above Circular.

(Sd.)
Registrar (Administration).

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ANDHRA PRADESH AT CENTRAL PRESS, HYDERABAD.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

C I R C U L A R

P. Dis. 669/58. B2. dt. 16-10-1958

Sub :- T.A. – Claims by Dt. Judges and Addl. Dt. and Sessions Judges in connection with tours and inspection of Subordinate Courts – Avoidance of unnecessary tours – Instructions – Issued.

It is observed by the High Court that some of the Addl. Dt. Judges and also Dt. Judges, are in the habit of making unnecessary tours on the pretext of making some enquiry or merely on the receipt of anonymous petitions making allegations against the members of the Subordinate staff or for the purpose of formal inspection of Magistrates' Courts, Sub Jails etc., without due regard to the necessity for such trips. It is particularly noticed that some of the Addl. Dt. and Sessions Judges are prone to go on tours without even consulting the Dt. Judge before leaving the Headquarters and claim T.A. which is out of all proporation to the public interest that is served.

In this connection, attention is invited to the instructions issued in High Court's letter No. 1973/58. B1 dated 14-4-58 in which the Addl. Dt. and Sessions Judges were informed that the courts of Judl. II Class Magistrates should be inspected once in a year by them and a second time by the Munsif Magistrates nominated by the Sessions Judge with an interval of at least 4 or 5 months between the two inspections.

All Dt. Judges and Addl. Dt. Judges are informed that the High Court will be constrained to exercise its powers under Rule 7 of the Andhra Pradesh Travelling Allowance Rules and disallow whole are any part of the T. A. claimed by them if sufficient amount of discretion and restraint are not exercised by them in regard to their tours.

In the interests of Judicial Administration, it is not proposed to place any restrictions immediately on the powers of Addl. Dt. Judges in the matter of drawal of T. A. under Rule 5 of the aforesaid Rules. It is however considered desirable that they should formally obtain the approval of the Dt. Judges before leaving the Headquarters on tour.

The Dt. Judges are also directed not to undertake visits to the courts subordinate to them unless such visits are absolutely necessary in the interests of Judicial Administration.

Sd/-
REGISTRAR

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

CIRCULAR

P. Dis. No. 751/58 Dt. 14-11-1958.

Sub —Courts Civil-Practice of accepting memo of arguments from the advocates-Discontinuance of Instructions-Issued.

Instances have come to the notice of the High Court of some of the Subourdinate Courts accepting memo of arguments from the counsel in substitution for oral arguments in court. The Presiding Officers of all Subordinate Courts are informed that such practice is highly irregular and objectionable and should be discontinued with immediate effect, wherever it exists.

Sd/-
REGISTRAR

HIGH COURT OF ANDHRA PRADESH, AT HYDERABAD.

Roc. No. 5895/58. B1. Dated 14-11-58

CIRCULAR

Sub:- COURTS - Civil and Criminal - Practice of addressing letters, D.Os. etc., in pending proceedings - Discontinuance of - Instructions - Issued.

Instances have come to the notice of the High Court of Presiding Officers of Courts addressing Demi-official letters to officials of Government and other persons as well in connection with the cases pending on the file of their courts. It would also appear to be the practice in some courts to receive and act upon letters from officials and other parties in pending proceedings.

The High Court strongly deprecates such practice, which is highly irregular and objectionable. No Court should address any letter much less a demi-official letter to any official or to any party in connection with any proceedings pending in the Court ; nor should a court receive and act upon any letter or D-O. addressed by any party. The proceedings of the Court should be couched in the form of an appropriate order. All representations to be made to the Court whether it be by officials or by the parties should be made through necessary application to the Court by the counsel on record.

Any contravention of the foregoing instructions will be viewed seriously by the High Court.

Sd/-

REGISTRAR.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

CIRCULAR

P. DIS. No. 888/ 58- B. 2 Dt. 23-12-58.

Sub: CASUAL LEAVE-Availment of by Judicial officers - Instructions—Issued.

Several instances have come to the notice of the High Court of Judicial Officers exhausting the Casual Leave Admissble under the rules long before the expiry of the calendar year and coming up later to the High Court with a request for conversion of the Casual Leave already availed of into earned leave so as to have some Casual Leave to their credit for the rest of the year. All Judicial Officers are informed that such procedure is highly irregular and that such requests for Conversion of Casual leave into earned leave will not be entertained by the High Court.

The District and Sessions Judges are informed that they should use their discretion in granting casual leave to their subordinate Judicial Officers and check and tendency among them to exhaust or to utilise the most part of the admissible period of casual leave long before the expiry of the calendar year.

Any breach of the foregoing instructions will be viewed seriously by the High Court.

Sd/-
REGISTRAR.