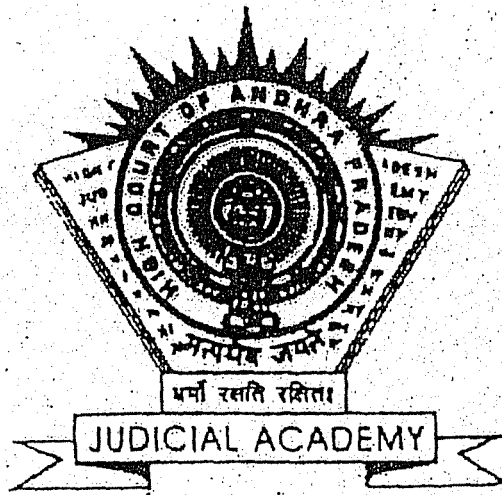


**ANDHRA PRADESH JUDICIAL ACADEMY
SECUNDERABAD**



REFERENCE/STUDY MATERIAL

For Private Circulation-Educational purpose only



High Court of Andhra Pradesh



CODIFICATION OF CIRCULARS

VOLUME - II

HIGH COURT OF ANDHRA PRADESH

CODIFICATION OF CIRCULARS

**An Official publication by High Court of Andhra Pradesh
for the guidance of the State Judiciary**

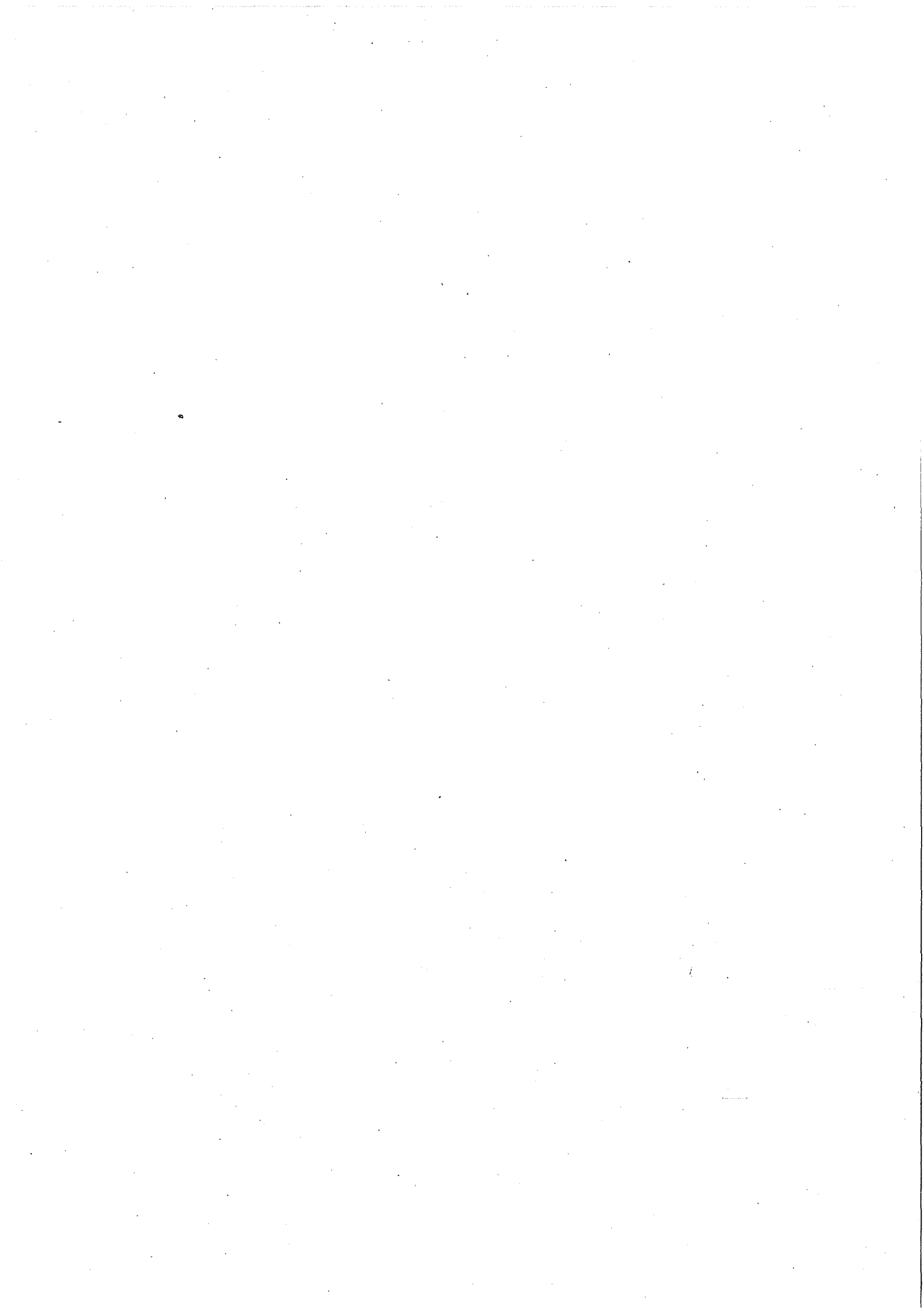
VOLUME - II

Hyderabad

31-10-1995

J. 1175-1

[1]



HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

SUBJECT INDEX

S1. No.	Subject	Roc.No. & Date/ * Previous references circulars if any	Page
(1)	(2)	(3)	(4)
LEAVING HEADQUARTERS-HOLIDAYS-VACATIONS-TOURS			
1.	Availment of Holi- days	Roc.No.300/90-B, Spl., dt.18-1-1990.	1
2.	Vacations	Roc.No.19/91-B.Spl., dated 2-1-1991.	4
3.	Work turn out during summer vacation.	Roc.No.2111/95-B.Spl., dt.18-4-1995.	6
4.	Tours	Roc.No.3978/93-B. Spl., dt.19-3-1993.	8
5.	Tours	Roc.No.3127/95-B. Spl., dt.12-6-1995.	9
6.	Tours	Roc.No.4053/95-B. Spl., dt.18-8-1995.	10
7.	Visits	Roc.No.4052/95-B. Spl., dt.18-8-1995.	11
		* Roc.No.3108/58-B1 dt.17-6-58 (P.No.9 Vol-I)	
		* Dis.No.660/58-B2 dt.16-10-1958 (P.No. Vol.I)	

(1)	(2)	(3)	(4)
VISITS BY HON'BLE CHIEF JUSTICE AND HON'BLE JUDGES			
8. Visits	Roc.No.6518/92-B.Spl dt.25-11-1992.		13
9. Visits	Roc.No.4054/95-B.Spl dt. 18-8-1995.		14
OFFICIAL FUNCTIONS IN JUDICIARY			
10. Official Functions	Roc.No.4654/91-B.Spl dt. 8-10-1991.		16
TRANSFERS OF JUDICIAL OFFICERS			
11. Guidelines	Roc.No.5227/91-B.Spl. dt.7-11-1991.		17
12. Guidelines	Roc.No.284/92-B.SP1. dt. 18-1-1992.		18
13. Transfers & Postings	Roc.No.4055/95-B.Spl. dt. 18-8-1995.		23
14. Choice of Station	Roc.No.37/95-B2 dt.5-1-1995.		25
CONTROL AND SUPERVISION BY DISTRICT JUDGES			
15. Control & Super- vision.	Roc.No.4007/92-B.Spl. dt.17-7-1992.		26

(1)	(2)	(3)	(4)
-----	-----	-----	-----

BOYCOTT OF COURTS

- | | | | |
|-----|--|--|----|
| 16. | Takeup of work to avoid inconvenience to public. | Roc.No.5670/93-B.Spl.
dt. 19-11-1993. | 27 |
| 17. | Boycott of courts | Roc.No.1626/S0/95
dt. 19-8-1995. | 28 |

LEAVES, L.T.Cs.ETC.,

- | | | | |
|-----|--|---|----|
| 18. | | Roc.No.4628/95-B.Spl.
dt. 26-8-1995. | 33 |
|-----|--|---|----|

VIGILENCE

- | | | | |
|-----|----------------------|--|----|
| 19. | Conduct of Enquiries | Roc.No.1087/92-B.Spl.
(SC) dt. 15-2-1993. | 35 |
|-----|----------------------|--|----|

DEPARTMENTAL ENQUIRIES AGAINST STAFF

- | | | | |
|-----|---------------------------------------|---|----|
| 20. | Guidelines | Roc.No.1863/92-C.Spl.
(Con) dt. 2-5-1992. | 36 |
| 21. | Guidelines | Roc.No.151/94-C.Spl.
(Con) dt. 17-11-1994. | 39 |
| 22. | Completion of Department enquiries. | Roc.No.4028/94-C2
dt. 27-10-1994. | 41 |
| 23. | -do- | Roc.No.4028/94-C2
dt. 20-7-1995. | 43 |
| 24. | Sending of Panel of Judicial Officers | Roc.No.998/95-C.Spl.
(Con) dt. 11-9-1995. | 45 |

(1)	(2)	(3)	(4)
APPOINTMENTS, PROMOTIONS, REGULARISATION OF JUDICIAL EMPLOYEES ETC.,			
25.	Promotions	Roc.No.4458/90-C.Spl. dt. 16-11-1990	46
26.	Guidelines for Recruitment	Roc.No.3475/91-C1 dt. 25-6-1992.	47
27.	-do-	Roc.No.3475/91-C1 dt. 9-9-1992.	54
28.	-do-	Roc.No.3475/91-C1 dt. 9-9-1992.	54
	Temporary Promotions *	Roc.No.1758/77-C.Spl. (Con) dt.2-12-1977 (Page No.126)	
	Reservations	* Roc.No.7027/77-C1 dt.10-1-1980 (Page No.140)	
	Terminations	* Roc.No.3857/81-C.Spl. dt.28-2-85 (Page No.203)	
	Transfer of office bearers from Headquarters.	* Roc.No.2608/88/C1 dt.9-2-89 (Page No.263)	
	Appointments of Sheristadars and Superintendents.	* Roc.No.2608/88/C1 dt.9-2-89 (Page No.264)	
	Children for appointments	* Roc.No.5618/88/C1 dt.10-2-89 (Page No.267)	
	Transfers	* Roc.No.702/90/C3 dt.24-2-90 (Page No.289)	

(1)	(2)	(3)	(4)
-----	-----	-----	-----

Appointments of Spouse/Children of the deceased employee.	* Roc.No.2792/90-C4 dt. 8-8-90 (Page No. 296)		
Transfer of members.	* Roc.No.4275/91 - C3 dt. 21-11-91 (Page No. 233)		
Confidential report	*Roc.No. 572/92-C Spl., dt. 12-12-92 (page No. 366).		

LEAVING HEADQUARTERS BY STAFF-USE OF OFFICE PREMISES FOR PERSONAL STAY ETC.,

29. Use of office premises for personal stay.	Roc.No.2568/95-C.Spl. (Con) dt. 11-7-1995.	56
Spl.CL for Executive members of A.P. Judicial employees Association.	* Roc.No.5003/85-C1 dt. 20-2-86 (Page No. 213)	
	* Roc.No.2825/90-C1 dt. 13-7-90 (Page No. 293)	
Non stayal of Judicial employees at place of work.	* Roc.No.5417/88-C1 dt. 29-12-88 (Page No. 261)	

FUNDS--BUDGET-AUDIT OBJECTIONS ETC.,

30. Requirement of Funds	Roc.No.932/95-D1 dt. 6-4-1995.	57
31. Replies to Audit objection.	Roc.No.2689/95-D2 dt. 8-8-1995.	65
32. Reconciliation.	Roc.No.2822/95-D1 dt. 18-8-1995.	66

(1)	(2)	(3)	(4)
33.	Budget estimates.	Roc.No.3026/95-D1 dt. 12-9-1995.	68
34.	Audit objections.	Roc.No. 2689/95-D2, dt. 24-9-1995.	71
METHOD OF ASSESSMENT OF WORK OF JUDICIAL OFFICERS			
35.	Method of Assessment	Roc.No.55/92-E3 dt. 4-9-1992.	73
	Method of Assessment.	* Roc.No. 503/87 dt. 13-2-87 (Page No.227)	
	Method of Assessment.	* Roc.No.55/92-E3 dt. 21-1-92 (Page No.334)	
SPEEDY DISPOSALS			
36.	Disposal of Cases.	Roc.No.3153/86-E. Stat. dt. 11-5-1993.	74
37.	-do-	Roc.No.3153/86-E. Stat. dt. 29-04-1994.	76
38.	-do-	Roc.No.3153/86-E. Stat. dt. 25-12-1994.	77
39.	-do-	Roc.No.3153/86-E. Stat. dt. 20-6-1995.	79
	Priority for trial of offences under IPC & PCR Act.	* Roc.No.2009/E2/86 dt. 6-8-86 (Page No. 219)	
	-do-	* Roc.No.434/88/E2 dt. 5-3-88 (Page No. 250)	
	-do-	* Roc.No.3153/80/E2 dt. 2-5-91 (Page No. 315)	

(1)	(2)	(3)	(4)
STATEMENTS			
40.	Sending Half yearly statements.	Roc.No.88/95-E. Stat. dt. 18-4-1995.	81
41.	-do-	Roc.No.88/95-E. Stat. dt. 20-6-1995.	87
ESTABLISHMENT OF COURTS			
42.	Establishment of Family Court.	Roc.No.64/85-E1 dt. 23-2-1995.	88
43.	Establishment of Co-op. Societies Act.	Roc.No.3388/93-E1 dt. 5-5-91.	91
	Establishment of Spl. Mobile Courts to deal with SC & ST under IPC & PCR Act.	* Roc.No.273/86/E2 dt. 24-7-86 (Page No. 216)	
	-do-	* Roc.No.1866/87/E2 dt. 29-1-1988 (Page No. 245)	
SUBSTITUTED SERVICE			
44.		Roc.No.2380/SO/89 dt. 7-3-90.	93
SERVICE OF NOTICES, SUMMONS, ETC.,			
45.		Roc.No.125/SO/94 dt. 24-2-94.	94

(1)	(2)	(3)	(4)
CRIMINAL TRIAL OF CASES			
46.	Not to adjorn the cases too often.	Roc.No.1896/S0/91 dt. 7-8-91	96
47.	Trial of cases.	Roc.No.1474/S0/93 dt. 17-9-93.	97
48.	Recording of evidence.	Roc.No.156/S0/95 dt. 4-7-95.	99
DYING DECLARATIONS			
49.	Follow the observation in Cr1. A.No.691/90.	Roc.No.2229/S0/91 dt. 1-10-91	100
50.	Guidelines.	Roc.No.1496/S0/93 dt. 16-9-93.	101
OTHER ACTS			
51.	NDPS Act Transfer of records.	Roc.No.1865/S0/91 dt. 2-8-91	105
52.	NDPS Act Disposal of cases.	Roc.No.110/S0/94 dt. 25-1-94	110
53.	NDPS Act Designation of DJS/ADJ as Spl. Court.	Roc.No.957/S0/93 dt. 19-2-94	111
54.	SCs & STs (Prevention of Atrocities) Act-Transfer of cases to Spl. Court.	Roc.No.2582/S0/91 dt. 12-2-92	113

(1)	(2)	(3)	(4)
55.	SCs & STs (Prevention of Atrocities) Act-Establishment of Spl. Court.	Roc.No.1240/SO/93 dt. 30-9-93	115
56.	A.P. Advocate Clerks' Welfare Fund Act-Affixing Stamps.	Roc.No.2038/SO/92 dt. 6-11-92	117
57.	A.P. Forest Act, 1967-Numbering of Appeals.	Roc.No.1340/SO/93 dt. 17-8-93	124
58.	Contempt of Courts Act-Follow Section 20 and rules therein.	Roc.No.1881/SO/92 dt. 20-6-94	125
59.	Establishment of Debt Recovery Tribunal.	Roc.No.98/SO/95 dt. 13-2-95	127

(1)	(2)	(3)	(4)
JUDGEMENTS			
60.	Implementation of Supreme Court Judgement WP (Cr1) No.1171/92 regarding Indian Children taken abroad-Disposal of cases.	Roc.No.2225/S0/94 dt. 19-11-94	130
61.	Fair and legible copies Judgements and orders.	Roc.No.1660/S0/93 dt. 23-9-93	132
PENDENCY OF CRIMINAL CASES			
62.	Consolidated report of old Criminal cases.	Roc.No.173/S0/93 dt. 24-2-93	134
63.	Suggestion to reduce the pendency.	Roc.No.46/S0/93 dt. 3-3-93	136
64.	-do-	Roc.No.46/S0/93 dt. 24-8-93	139
UNDERTRIAL PRISONERS			
65.	Measures to reduce the population of undertrial prisoners.	Roc.No.565/S0/93 dt. 1-12-93	141
66.	Naxalite undertrial prisoners-Transfer to Central Prison, Hyderabad.	Roc.No.222/95-PIL dt. 15-9-95	146

(1)	(2)	(3)	(4)
-----	-----	-----	-----

PRESERVATION AND DESTRUCTION OF RECORDS

- | | | | |
|-----|---|----------------------------------|-----|
| 67. | Destruction of records
in cases disposed under
Spl. Acts. | Roc.No.1261/S0/92
dt. 29-4-93 | 149 |
| 68. | Preservation of selective
Judgements, records,
etc., | Roc.No.689/S0/95
dt. 2-5-95 | 151 |

**APPOINTMENT OF SEPCIAL JUDICIAL II CLASS MAGISTRATES/
SPECIAL METROPOLITAN MAGISTRATES**

- | | | | |
|-----|--|--------------------------------|-----|
| 69. | | Roc.No.468/S0/94
dt. 6-4-94 | 155 |
|-----|--|--------------------------------|-----|

IDENTIFICATION OF SURETIES BY ADVOCATES

- | | | | |
|-----|--|----------------------------------|-----|
| 70. | | Roc.No.1140/S0/94
dt. 30-8-94 | 157 |
|-----|--|----------------------------------|-----|

COURT DEPOSITS

- | | | | |
|-----|--|---|-----|
| 71. | Deposits in Employees
Credit Society. | Roc.No.3227/91-B. Spl.
dt. 15-7-1991 | 159 |
| 72. | Withdrawal/Encashment. | Roc.No.3237/91-B. Spl.
dt. 25-9-1991. | 160 |
| | | * Roc.No.3227/91-B. Spl.
dt. 13-9-91,
Vol.I, Page No. 325 | |

N.B.:- *This mark in Column No. 3 indicates that, previous Circulars issued by the High Court on the same subject.



HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 300/90-B:Sp1.

Dated: 18-1-1990.

C I R C U L A R

All the Judicial Officers in the State should strictly observe the following circular instructions:

1. Several instances have come to the notice of the High Court where Judicial Officers, and even some of the District Judges have made it a habit of availing most of the holidays and Sundays and leaving their Headquarters.

The High Court would like to impress upon the District and Sessions Judges that in view of their position as the heads of the judiciary in the District, they should set an example to their Subordinates in the District by remaining at the Headquarters on holidays; and if they intend availing any holiday and leaving the headquarters, they should, except in cases of exceptional urgency, do so after intimation to the High Court with reasons sufficiently in advance for its approval. The District Judges should also see that the officers subordinate to them, observe the above discipline.

2. All the Judicial Officers, shall whenever they visit Hyderabad, report their arrival, address and probable date of their departure from Hyderabad, either by letter to the Registrar (Admn.) of the High Court or by entering their names, and the dates of arrival, and probable departure, in a book which is maintained for the purpose in the Registrar's office.

3. 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 the Judicial Officers.

No Judicial Officer shall address or venture into correspondence with either the Hon'ble the Chief Justice or any other Hon'ble Judge directly in any matter.

All correspondence or representations to the High Court should be addressed only the Registrar (Admn.), High Court.

4. All the Judicial Officers are informed that the representations, if any, for transfer, posting and promotion etc., shall not be sent direct to the Hon'ble the Chief Justice or the Hon'ble Judges and they should be sent through proper channel to the Registrar (Admn.), High Court for consideration of the High Court. However, they may make oral representations, if any, if they so desire, after fixing prior appointment through the office of the Registrar.

5. It has been also observed by the High Court that of late there has been growing tendency on the part of some Judicial Officers to apply for short leave in the first instance and subsequently ask for extension of the same by short spells, possibly with a view to avoid their being posted elsewhere on return from leave. Consequently, courts remain vacant without Presiding Officers for long periods causing serious dislocation of work. The High Court deprecates such tendency on the part of Judicial Officers.

All Judicial Officers are hereby informed that in future they should clearly indicate in their applications for leave that they should not ask for extension of leave except when it becomes absolutely necessary due to unforeseen circumstances.

6. The practice of availing casual leave admissible under the rules long before the expiry of the calendar year and apply to the High Court for conversion of Casual Leave already availed of into Earned leave is deprecated.

All the District and Sessions Judges are informed that they should use their discretion in granting

casual leave to the Subordinate Officers and discourage the tendency of conversion of casual leave into earned leave.

All the Judicial Officers are informed that the above instructions are nothing but a repetition of the instructions already issued by the High Court time and again. Yet, the High Court notices breach of the said instructions by some of the Judicial Officers in spite of issuance of the said instructions repeatedly. Any further non-observance of the above instructions, will be viewed seriously and the High Court will not hesitate to take such action as is necessary against those who fail to observe the above instructions.

Receipt of the circular may please be acknowledged.

REGISTRAR (ADMN.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 19/91-B.Spl.

Dated: 2-1-1991.

C I R C U L A R

Instances have come to the notice of the High Court that some of the Additional District and Sessions Judges are refusing permission to District Munsifs exclusively working on Civil Side to avail vacation or portion of vacation on the ground that the High Court has declared the vacation only for the civil courts but not its Presiding Officers and staff.

Under Subsidiary rule under Rule 82(a) of the Fundamental Rules, a vacation department is a department, or part of a department, to which regular vacations are allowed, during which Government Servants serving in the department are permitted to be absent from the duty. Judicial Officers other than District and Sessions Judges, and Magistrates are in the Vacation Department. A Government Servant, serving in the vacation department, shall be considered to have availed himself of a vacation or a portion of vacation unless he has been required by general or special orders of a higher authority to forego such vacation or portion of vacation.

Provided that, if he enjoys not more than 15 days of the vacation, he shall be considered to have availed himself of no portion of it. A Government Servant who has routine duties to discharge during the vacation, which do not require his presence at his place of duty and which can be performed either by himself at some other place or by some other Government Servant, shall be considered to have availed himself of a vacation or a part of it; a Government servant who leaves his place of duty during a vacation is excepted to arrange for, and is responsible for, the performance, without any cost to Government, of such routine duties. A Government servant who leaves his place of duty during vacation is liable to be recalled thereto at his own expense.

The Officers working in the vacation department, will earn only 3 days of earned leave by foregoing 30 days of earned leave per year, whereas, the officers in the non-vacation department will earn 30 days of earned leave per year.

The High Court has been declaring certain periods in a calendar year as Sankranthi Vacation, Summer Vacation and Dasara Vacation and Communicating such information to all the courts in the state along with the list of Public Holidays. Subordinate Judges, District Munsifs dealing exclusively with civil work who are not being put in additional charge of any criminal courts will, therefore be entitled as a matter of right to avail such vacations whether it is Sankranthi, Summer or Dasara Vacation unless they have been required to forego such vacation by the High Court.

The Judicial Officers including Sub-Judges and District Munsifs dealing exclusively with civil work other than the District and Sessions Judge, Additional District and Sessions Judges and Magistrates are entitled to avail vacation or a portion of vacation and to leave the Headquarters by obtaining prior permission; as they are foregoing earned leave proportionately.

T.H.B. CHALAPATHI,
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

C I R C U L A R

ROC.No. 2111/95-B.Spl.

Dt. 18-4-1995.

Sub:- A.P. State Higher Judicial Service - District Judges - Instructions regarding the work to be turned out during Summer Vacation, 1995 - Issued.

Ref:- High Court's Circulars Roc.Nos. 687/SO/76 & 931-A/SO/77, dt. 29-10-76, 25-11-77.

Attention of all the Principal and Addl. District and Sessions Judges in the State is invited to subsidiary Rules 1 and 3 (b) under Rule 82 (a) of the Fundamental Rules according to which the District and Sessions Judges, Addl. District and Sessions Judges, Magistrates, etc., come under non-vacation department. As such they are expected to be at their respective Headquarters during Summer Vacation. The Principal & Addl. District and Sessions Judges have to attend to the Judicial work on criminal side and the Administrative work pertaining to their respective units offices and they are entitled to earned leave as per rules being Officers of non-vacation department.

Instances have come to the notice of the High Court that some of the District and Sessions Judges both Principal and Additional are leaving the Headquarters without the knowledge of the High Court during summer vacation.

Therefore, all Principal District and Sessions Judges and Addl. District and Sessions Judges in the State are directed not to leave Headquarters during vacation without applying permission, and leave, failing which their absence from Headquarters will be viewed seriously and appropriate action will be taken against the erring Officers.

That apart, the Principal and Addl. District and Sessions Judges are instructed to attend to Judicial work on criminal side, administrative work and streamline the entire District Judicial administration, Financial Management, Statistics etc., by the end of Summer Vacation, 1995.

The Principal District and Sessions Judges and Addl. District and Sessions Judges who are appointed as Vacation Civil Judges shall attend to the civil work in the vacation civil Court.

(BY ORDER)

Sd/-
Registrar (Management).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

R.O.C. No. 3978/93-B.Spl.

Dated: 19-3-1993.

C I R C U L A R

Of late instances have come to the notice of the High Court that some of the District & Sessions Judges are coming to Hyderabad without prior permission on the pretext of discussions on official matters with the portfolio Judges/Registrars, High Court of Andhra Pradesh and claiming T.A. and D.A. It has also come to the notice of the High Court that some of the District and Sessions Judges who come to Hyderabad on private visits are showing their trips to Hyderabad as Official for the purpose of claiming T.A. and D.A. This practice is very much deprecated.

All the District and Sessions Judges are informed that whenever they intend to come to Hyderabad for Official purposes, they are requested to intimate the fact to the Registrar (Administration), in advance.

All the District and Sessions Judges are requested to adhere to the strict compliance of the above instructions.

REGISTRAR (Admn.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

ROC.No. 3127/95.B.Spl.

Dated: 12-6-1995.

C I R C U L A R

All the District Judges are informed that whenever they are visiting Mofussil Courts of their respective Districts, they have to forward the tour/inspection notes to the High Court for verification and record.

REGISTRAR (Management).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

R.O.C.No. 4053/95-B. SPL.Dated: 18-8-1995.C I R C U L A R

Sub:-A.P. State Higher Judicial Service-District Judges-Visits to Hyderabad to discuss official matters-Instructions to inform in advance of their visits and the purpose-Issued.

Of late instances have come to the notice of the High Court that some of the District and Sessions Judges are coming to Hyderabad officially to meet the Hon'ble Portfolio Judges without intimating the same in advance to the Registry of the High Court for preparing and placing the necessary material pertaining to their Districts before the Hon'ble Portfolio Judges. Such visits are serving no purpose.

All the district and Sessions Judges are informed that whenever they intend to come to Hyderabad to meet the Hon'ble the chief Justice or the Hon'ble Portfolio Judge to discuss official matters, they have to inform the Registrar (Management) about their proposed trip and its purpose well in advance in order to keep the files (if any) ready for discussion. However the District Judges may also meet the Registrar to apprise them of any important matter to be attended by the Registry.

All the District and Sessions Judges are requested to adhere to the strict compliance of the above instructions.

//BY ORDER//

REGISTRAR (Management)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

R.O.C. No. 4052/95-B.SPL.Dated: 18-8-1995.C I R C U L A R

Sub:-VISITS-Visits by the Judicial Officers to the residences/Chambers of Hon'ble the Chief Justice/Hon'ble Judges-Instructions-Issued.

Ref:-High Court's Circular Roc.No. 3240/84-B. Spl. (5) dated: 6-7-1984.

It is observed by the High Court that in the recent times some Judicial Officers from the City and Mofussil are visiting the residences of the Hon'ble the Chief Justice and Hon'ble Judges and are also meeting the Hon'ble Judges in their Chambers during the lunch recess on working days without prior appointment. Many times they are making oral representations without any written memoranda. These visits of the Subordinate Officers are more during general transfers. The frequent visits of the Officers without prior appointment is causing disturbance and inconvenience to the Hon'ble Judges.

Therefore the following instructions are issued:

1. Any individual or group representation to the Hon'ble the Chief Justice or to Hon'ble Portfolio Judge or to any Hon'ble Judge must be preceded by a written memoranda.

2. The request letter for appointment enclosed with written memoranda must reach the Registrar (Management) atleast one week in advance in order to place the same before the Hon'ble Chief Justice or the Hon'ble Judge concerned with the connected office file (if any) for perusal and discussion at time of appointment.

3. The date and time of appointment will be intimated by the personal Secretary of the Hon'ble the Chief Justice or the Hon'ble Judge as the case may be and accordingly the Officer has to meet the Hon'ble the Chief Justice or the Hon'ble Judge.

4. The Officers are at liberty to meet and make any representation to the Hon'ble the Chief Justice/Hon'ble Judges when they are officially visiting the Districts and in all such cases their written representations must reach the Registrar (Management) at least 10 days in advance so as to prepare the Office Note and to apprise the Hon'ble Judge on the subject. Then the Officer concerned may call on the Hon'ble the Chief Justice or the Hon'ble Judge as per the appointment so fixed to make representation.

5. If any Officer desirous to call on any Hon'ble Judge for courtesy, they may do so only after seeking prior appointment through the concerned Personal Secretary of the Hon'ble Judge.

//BY-ORDER//

REGISTRAR (Management)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

ROC.No.6518/92.B.Spl.Dated: 25-11-1992.C I R C U L A R

The following guidelines are issued in connection with future visits of the Hon'ble the Chief Justice to District Courts or other Subordinate Courts.

1. If the Hon'ble the Chief Justice happens to visit your station during the Court hours, no Judicial Officer should be present during Court hours, or come to the Airport or Railway Station for receiving or seeing off the Hon'ble the Chief Justice. Even after Court hours, only the District Judge or the senior Judicial Officer of the station may come to the Airport or the Railway Station to receive or see off the Hon'ble the Chief Justice.
2. There should be no welcome banners. There should be no garlanding or presentation of Shawls.
3. There should be no lunches or dinners by Judicial Officers or the District Judges.
4. The Hon'ble the Chief Justice will visit the Court and meet the Judicial Officers.
5. The Hon'ble the Chief Justice will be happy to meet the members of the Bar at their Association premises, but there should be no ostentation.

The above guidelines should be strictly followed. Any deviations from these guidelines will be viewed very seriously.

REGISTRAR (Adm.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

ROC.NO. 4054/95-B.SPL.Dated: 18-8-1995.C I R C U L A R

Sub:-Visits by the Hon'ble Judges of Supreme Court and the High Court to the places of tourist importance in the State - Creation of protocol wing at every District - Providing funds - Instructions - Issued.

The Hon'ble Judges of the Supreme Court, our High Court and other High Courts will be visiting places of pilgrimage, tourist interest in our State. On such Official/private visits necessary courtesies are to be extended without violating the judicial norms. Therefore, the following instructions are issued.

1. All the District Judges shall;
 - (a) nominate a Protocol Officer, preferably a young, active and dynamic local Officer at such places to monitor and supervise the protocol duties and communicate the name of the protocol Officer at the earliest; and
 - (b) name a Clerk with two Attenders as Protocol staff at every such place to attend on the Protocol duties of the visiting dignitaries and issue necessary instructions to the Protocol staff to attend to the Protocol duties. An attender shall attend to the Hon'ble visiting dignitary during his stay.
2. The Protocol Officer will be responsible to make arrangements like accommodation, transport, food etc., and to inform the Hon'ble dignitary, through the District Judge about the tariff for accommodation, boarding and transport charges etc.,
3. The Hon'ble visiting dignitary will be received at the Airport, Railway Station or at the Guest House, as the case may be, by the Protocol Officer and the staff.

4. The Protocol Officer will be in formal dress and the Attenders, nominated for protocol duties and attending on the Hon'ble Judges shall wear proper uniform.

5. The District Judge and other Judicial Officers shall not call on the Hon'ble visiting dignitary during court working hours, and on working days, if so advised may call on, before 10-30 A.M. or after 5.00 P.M.

6. The Unit Officers and the other Judicial Officers staying outside the place of visit shall not make any official trips for the purpose of seeing the dignitary.

7. The District Judges shall ensure that no funds or donations are collected or received to meet any expenditure of and on the visiting Hon'ble Judges or other visiting dignitaries.

8. The District and Sessions Judges of Chittoor, Kurnool, Anantapur, Krishna, Visakhapatnam, Nalgonda in general shall inform the High court about the expenditure likely to be incurred by the Officials and Protocol Staff attending on the Hon'ble Judges, during their official or private visits to the places of their Districts. On receiving such statements, necessary funds will be allotted by the High Court.

9. During the visits of the Hon'ble Judges certain expenditure may be incurred by the Protocol Wing attending Srisailem, Mantralayam, Badrachalam, Nagarjunasagar, Visakhapatnam, Vijayawada and Yadagirigutta etc., that expenditure shall be from out of the funds allotted by the High Court.

10. Since the Hon'ble Judges draw allowance when they are on official visits and make their arrangements when they are on private visits, the District Protocol Wing is expected to provide necessary courtesies and facilities to which the fund is allotted by the High Court. The District Judge shall not allow any expenditure from the Court's establishment, from any individual or from any other source.

(By order)

REGISTRAR (Management).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

R.O.C. No. 4654/91-B. Sp1.

Dated: 8-10-1991

CIRCULAR

All the District and Sessions Judges are informed that all official functions connected with the judiciary, including holding of conferences and inauguration of Courts, Judicial Quarters etc., should be done only after first moving the High Court by a written application and only after obtaining prior written permission of the High Court.

The above instructions should be strictly followed by all the District and Sessions Judges.

Receipt of this circular should be acknowledged.

sd/-
REGISTRAR (ADMN.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

R.O.C. No. 5227/91-B. Spl.

Dated: 7-11-1991

CIRCULAR

All Judicial Officers of the Higher and Subordinate Judicial Service of the State of Andhra Pradesh are hereby put on notice that while, consistent with the guidelines on transfers/postings/deputations/repatriations, the High Court gives due consideration to genuine hardships and difficulties, any attempt to influence the High Court in these matters, either through the executive or otherwise, will be considered an act of indiscipline and will be viewed with serious displeasure with, in a given case, an appropriate entry in the service record of the concerned Judicial Officer.

Receipt of this Circular should be acknowledged.

Sd/-
REGISTRAR (ADMN.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

ROC. No. 284/92-B. Spl.

Dated 18-1-1992

From:

V. Bhasker Rao,
Registrar (Administration).

To

The District and Sessions Judge,
(with a request to communicate the
same to the Subordinate Judicial
officers working in your Unit).

Sir,

Sub:- Guidelines relating to transfer of Judicial
Officers - framed by the High Court
Communicated.

Ref:- High Court's Circular Roc.No.5227/91-B.Spl.
dated 7-11-1991.

I am to annex herewith the guidelines relating to
the transfer of Judicial Officers framed by the High
Court for information.

Yours faithfully,

Sd/-
REGISTRAR (ADMN.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.**Guidelines Relating to transfer of Judicial Officers:**

1. For the purpose of these guidelines -
 - (a) the Metropolitan Area of the twin cities of Hyderabad and Secunderabad and the area comprising of Ranga Reddy District shall be treated as one District.
 - (b) the three regions in the State will be Coastal Andhra, Rayalaseema and Telangana.
2. Normal period of incumbency of every officer in a particular station will be three years.
3. Officers will not be posted in the native Districts or where they had practised.
4. Every officer shall serve in different regions of the State atleast for one term of three years.
5. No officer who has already worked in one District for six years will be posted in the same District again.
6. Subject to administrative exigencies, request of any officer having his/her spouse in employment will ordinarily be considered for posting in the same station or district. This will, however, be subject to the other guidelines.
7. Officers completing three years of service by 1st June each year shall submit their applications for transfer in the proforma indicating three stations of their choice - such choice shall be indicated subject to the principles mentioned herein. Such applications shall reach the Registrar, High Court by the end of February of the year. Applications not in compliance with these guidelines will not be considered.

8. First posting will be in existing vacancies. This will however be subject to the condition that persons who are likely to complete three years of service by the succeeding 1st June, may be considered for such posting. All cases of initial posting or posting on transfer will be subject to review at the time of general transfers.
9. Requests of officers for transfer will be considered only after they complete the first three years of service.
10. Officers employed from other services shall not be posted in Districts where they had worked before their entry into A.P. State Judicial Service.
11. No Officer shall be sent on deputation to ex-cadre posts for more than three years. On completion of three years, the deputationist shall be recalled and posted in regular service.
12. Where there are more Courts of the same category at a particular place, the transferred Judicial Officer shall ordinarily be posted to the existing vacancy. In the case of Principal Court, inter-se-seniority of the officers working at the place will be followed.
13. It is open to the Chief Justice to relax, in the exercise of his discretion, any of the aforesaid guidelines.

Sd/-
REGISTRAR (ADMN.).

PROFORMA APPLICATION FOR TRANSFER

1. Name of the Officer :
2. Present Station and Designation. :
3. Native District of the Officer. :
4. District where practiced/ was employed prior to appointment in Judicial Service. :
5. Places where Officer/ spouse has properties. :
6. Places where officer/ spouse has close relations. :
7. Stations where worked with designation and duration.
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.
 - 7.
 - 8.
 - 9.
 - 10.

1. Please specify with duration and whether the station is in coastal Andhra, Rayalaseema or Telangana).

2. If the officer had been on duputation outside the service, Please furnish details like post and department, duration, station etc.,)

8. The date of posting in :
the present station.

9. Mention three stations in :
the order of preference for
transfer.

- 1.
- 2.
- 3.

10. Reasons for seeking :
transfer to any particular
station.

The details mentioned above are true to the best of my knowledge.

(SIGNATURE).

1. Only such of the officers as have completed or likely to complete 3 years of duty at the present station by 1st June of the year need apply. Other applications will not ordinarily be entertained.
2. Requests will be considered in accordance with the norms already communicated.

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

R.O.C.No. 4055/95-B.Spl.

Dated: 18-8-1995.

C I R C U L A R

Sub:- A.P. State Judicial Service - Transfers and Postings - Instructions.

- Ref:-**
1. High Court's Circular P.Dis.No.214/58, dated 10-4-58.
 2. High Court's Circular ROC. No. 1698/74-B Spl., dated 11-6-74.
 3. High Court's Circular ROC.No. 4157/81-B. Spl., dated 25-11-81.
 4. High Court's Circular ROC.No. 3240/84-B. Spl. (2), dated 6-7-84.
 5. High Court's Circular ROC.No. 5227/91-B. Spl., dt. 7-11-91.
 6. High Court's Circular ROC.No. 37/95-B2., dt. 5-1-95.
 7. Resolution of the Committee dealing with postings and transfers of District Munsifs, dt. 29-4-1995.

1. The Judicial Officers completing three years by the end of September of a Calendar year and the other Officers making request for transfer are instructed to forward their written representations giving three places of their option to be received in the Registry of the High Court on or before 28th February of every Calendar Year.

2. The Subordinate Judges and District Munsifs are to forward their representations through the concerned District Judge who is requested to offer his specific remarks on the said representation.

3. Officers making requests on the grounds of health or education of their children have to furnish all necessary details.

4. The representations reached after 28th February may not be considered. The representations received after 1st June and before 28th February will be considered for the current year.

5. If an Officer is not shifted during the General Transfers, he or she will not be disturbed normally till the next General Transfers except on promotion or on a genuine request or for administrative reasons.

6. The Committee for transfers and postings will minutely examine the out turn of work, the conduct and the confidential reports about the Officer and wherever it is possible the request of the Officer will be considered sympathetically.

7. The Officers are instructed not to meet the Hon'ble Judges personally or through any one with an oral request for transfer to a particular place. Violation will be viewed seriously and the request of such Officer will be rejected and the matter will be placed before Hon'ble the Chief Justice for disciplinary action.

All the Judicial Officers in the State are to follow the above instructions strictly.

(BY ORDER)

Sd/-

Registrar (Management).

Note:- Receipt of this circular may be acknowledged by the Dist. Unit Officers. This circular is to be communicated to all the Judicial Officers working in the District.

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

ROC.No.37/95-B2.

Dated: 5-1-1995.

CIRCULAR

Ref: High Court's Lr.Roc.No.284/92-B.Spl., dated 18-1-1992.

It is noticed by the High Court that some of the District Munsifs are seeking transfer to a particular station or to a particular post instead of giving three preferential places of their choice as mentioned in Col.No.9 of the proforma application for transfer. The request of those officers who sought a particular station/post will not be considered by the Committee of the Hon'ble Judges.

The attention of all the District Munsifs is, therefore, drawn to the letter cited (copy enclosed) and they are directed to follow the earlier guidelines and submit their applications for transfer as laid down therein within the stipulated time i.e., by the end of February of the year for consideration by the High Court.

REGISTRAR (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH : HYDERABADDated 17-7-1992.D.O.IR.No.4007/92, B.Spl.

Dear Sri

I am directed to inform you that it has come to the notice of the Hon'ble the Chief Justice that many Judicial Officers in the State are not observing punctuality in attending to the Courts and commencing the Court work by 10-30 A.M. and also not engaging themselves in the Judicial work on the Bench till 5.00 P.M. It is needless to say that the lack of punctuality not only affects the disposal of the cases, but it affect the judicial discipline of the Subordinate Judiciary. I am, therefore, directed to impress upon you the necessity to ensure that all the Judicial officers under your charge in the District acrupulously observe the punctuality in attending to the Courts and also commencing the Judicial work at 10.30 A.M., and to engage themselves with judicial work in the Courts till 5.00 P.M. by posting sufficient work every day.

The Principal District & Sessions Judges occupy a very important position in the Judicial administration of the State. The High Court depends upon them for maintenance of high standards of integrity and fair name of the Judiciary.

I am, therefore, directed to request you to bring it to the notice of the High Court any instance of corruption, want of integrity and bad or doubtful reputation of any Judicial Officer under your charge. At the same time, you are also requested to give full protection to the officers who are honest and of high degree of integrity and noted for hard-work.

I request you to acknowledge the receipt of this letter.

Yours

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

ROC No. 5670/93-B.Spl.Dated: 19-11-1993.C I R C U L A R

The Advocates in Coastal Districts and in Rayalaseema area have been boycotting the Courts since 23-8-93 demanding establishment of Benches of the High Court. Consequently, the judicial work has come to a standstill causing considerable inconvenience to the members of the public. Especially criminal trials have been held-up and Under Trial Prisoners are languishing in jails.

The High Court therefore feels it imperative to take immediate remedial steps. Accordingly it is decided by the High Court to direct all the Presiding Officers of the Subordinate Courts in the concerned areas to take up cases for hearing and disposal from 29th November, 1993 onwards. All the district judges shall give in turn directions to the subordinate courts in their districts to take effective steps for hearing and disposal of the cases, after due publicity. All the presiding officers are directed to display circulars on the notice boards of the courts that cases will be taken up for hearing and disposed of with effect from 29th November, 1993. The Districts Judges and the presiding Officers are, in this regard, directed to take appropriate steps including causing wide publicity of the said circulars in the press in their respective jurisdictions as far as practicable.

REGISTRAR (Admn.)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc.No.1626/SO/95.

Date: 19-08-1995.

C I R C U L A R

Sub: Boycott of Courts by Advocates for reasons unconnected with the administration of justice - Instructions - Issued.

Ref: Supreme Court's Order, dt. 7-12-1994 in Civil Writ Petition No.821 of 1990.

Instances have come to the notice of the High Court that Advocates are boycotting the Courts for reasons unconnected with the day to day administration of justice and thus interrupting and dislocating the Court's work and delaying disposals and causing hardship to the litigants.

It has also been brought to the notice of the High Court that during these boycotts, Advocates who are willing to attend the Court are being prevented physically from partaking in the hearing of matters, some times by show of force, and that Court proceedings are disturbed by dharnas and by slogan shouting. This is a serious matter.

Advocates form an important limb in the dispensation of justice. Though it is not for the Court to advise the Advocates to attend or not to attend to Court work having accepted briefs, yet an appeal has to be made requesting them not to do anything which would undermine the dignity and decorum to be maintained in the conduct of the proceedings in the Court and to extend their cooperation in the disposal of cases. The letter addressed to Bar Associations is enclosed herewith.

In the circumstances, the Presiding Officers of all the Courts in the State are required to make an appeal to the learned members of the profession to cooperate with the Courts in the hearing of cases and to persuade them in every manner to desist from any conduct that would impair the dignity of the Court and to exercise utmost restraint in the Court premises and to desist from interfering with the proceedings before Court when willing Advocates partake in the hearing of matters. However, when persuasion in every manner fails and when the situation demands action, the Presiding Officers should act firmly and with circumstances and make every effort to proceed with their judicial work.

The Presiding Officers are to inform the High Court whenever the Advocates practising before them take a decision to boycott the Courts, and about any unsavoury developments during boycotts, and about the progress of work during the days of boycott. This shall be complied with without fail.

Receipt of the Circular has to be acknowledged.

(Sd/-),
Registrar(Management).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD
Roc.No. 1626/S0/95 Date: 19-08-1995.

To

The President,
Bar Association,

Sir,

It is a matter of concern for the High Court to note that at times, Advocates are boycotting the Courts for various reasons causing dislocation of judicial work and hardship to the litigents. Therefore, the High Court desires to evolve and follow a harmonious and helpful procedure for redressal of any grievance.

1. In case of any grievance concerning the administration of justice or any other aspect relating to any Court, the President and Secretary of the Bar Association concerned may represent to the Presiding Officer of the Court concerned, for removal of such grievance.

2. If after waiting for a reasonable time (not less than one week), the Bar Association feels that their representation had no effect, the Office bearers of the Association may represent the same to the District Judge concerned, if it is a matter pertaining to a Court other than District Court.

3. If after waiting for a reasonable time (not less than one week) after the representation to the District Judge concerned, the Bar Association feels that there is no adequate response to their representation, the Office bearers of the Association may represent their problem or grievance to the Honourable Portfolio Judge/Hon'ble Chief Justice through the Registry of the High Court.

4. If the Bar Association feels the necessity of making any further representation to the High Court, it may do so through the Bar Council of Andhra Pradesh and the High Court will take all such steps as are necessary for due administration and dispensation of justice.

5. It is the desire of the High Court that in no case, the work in the Judicial institutions shall suffer due to the boycott of work by an Advocate or group of Advocates individually or through an association for any reason and any grievance or problem of any Advocate or group of Advocates shall be attempted to be resolved individually or through association by legal means only.

6. As pointed out by the Supreme Court in Civil Writ Petition No. 821 of 1990 (Order dt. 7-12-1994), members of the legal profession should be alive to the possibility of the Presiding Officers of the Courts concerned refusing adjournments merely on the ground of there being a strikecall and insisting on proceeding with the cases.

7. The High Court will also be constrained to advise all the Judicial Officers in the State to take all steps to provide sufficient security to those Advocates willing to attend the Courts and if necessary to the members of the staff and the litigant public against any interference by those boycotting the Courts.

8. The High Court hopes that the Bar Associations and Advocates throughout the State will cooperate with the Presiding Officers of the Courts in achieving the goal of speedy justice by not hampering the Court work and adopting any method which is not in tune with the legal provisions or the dignity of the institution or the nobility of legal profession.

You are requested to kindly circulate this for favour of information to all members of your Association.

(Sd/-),
Registrar(Management)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC.No. 4628/95-B.SPL.

Dated: 26-8-1995.

C I R C U L A R

According to the A.P. Leave Rules, 1933, Earned Leave/Leave on Half-pay/E.O.L./on Private Affairs has to be availed of by the Officers only after prior sanction of the said Leave by the competent authority.

Under the Rules prior permission of the competent authority is required to avail Leave Travel Concession (L.T.C.) by the Officers and their family members, together or separately, before commencement of the journey.

Several instances have been noticed by the High Court that leave applications for permission to avail Leave Travel Concession (L.T.C.) and for sanction of Earned Leave/Half-pay Leave on Private Affairs are being received in the High Court from the Judicial Officers just before the commencement or after the commencement of the Leave/LTC applied for by them without giving minimum time required for obtaining orders permitting them to avail L.T.C. and sanction of Leave by making alternative incharge arrangements and communicating the sanction proceedings in advance to them, before availment of the leave, due to which the Registry is forced to make correspondence to know information in that regard.

All the Judicial Officers, viz., District and Sessions Judges, Sub Judges and District Munsifs are hereby instructed to submit their applications for permission to avail L.T.C. or for grant of Earned Leave/Half-pay Leave on Private Affairs sufficiently in-advance, so that the aforesaid applications reach the High Court atleast 15 days in advance to enable the Registry to obtain orders and communicate them in advance.

All the District and Sessions Judges/Unit Officers are further instructed to forward the L.T.Cs./Leave applications of the Subordinate Judges and District Munsifs, to the High Court 15 days in advance, specifying the nature of leave intended to be availed by the Officer in the case of L.T.Cs. and duly certifying the leave title standing to their credit along with specific remarks, suggesting alternative incharge arrangements to be made during the absence of the Officer, for processing the said applications.

Sd/-

Registrar (Management).

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

CIRCULARROC.No.1087/92.B.Spl.(SC):

Dated: 15-2-1993.

Consequent on the introduction of A.P.C.S.(CC.&A) Rules, 1991, many of the Enquiry Officers appointed by the High Court to conduct regular departmental enquiries have sought for a clarification as to whether they have to conduct the enquiries entrusted to them as per the A.P.C.S. (C.C & A) Rules, 1963 or A.P.C.S. (C.C. & A) Rules, 1991.

The High Court considered the letters of the Enquiry Officers and decided to direct that all the enquiries should be conducted according to A.P.C.S. (C.C. & A) Rules, 1963 till further instructions are issued in this regard.

All the Enquiry Officers are, therefore, hereby directed to conduct the enquiries entrusted to them, in accordance with the provisions of the A.P.C.S. (C.C & A) Rules, 1963, till further directions are issued in the matter, complete the same and submit their reports within three months from the date of receipt of these instructions.

Receipts of this circular may kindly be acknowledged.

(BY ORDER)

REGISTRAR (ADMN.).

J. 1175-4

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

ROC.No.1863/92/C.Spl.(Con.)

Dt.2-5-1992.

CIRCULAR

The High Court while going through the appeals preferred by the members of staff of Subordinate Courts on administrative side against the orders passed by the unit officers awarding penalties after due enquiry noticed certain procedural irregularities in conducting the enquiries, with the result, the appeals are often being remanded for further or fresh enquiry or such other action which is deemed fit or as required under the Rules.

The following are some of the irregularities:-

1. The charges framed by the Enquiry Officers in certain enquiries are vague in nature. As per Instruction..3 of the Instructions appended to A.P. Civil Services (Classification, Control & Appeal) Rules the charge sheet should contain definite charge or charges. The charge Memo. must be precise and to the point instead of a long catalogue of events and opinions. Each charge must be supported by the grounds on which the said charge or charges are based.

2. In certain enquiries, the Enquiry Officers, while submitting their enquiry reports are recommending penalties, but they are not expected to do so. As per Government's Memo. No. 327/Ser..C/85-13, dated 10-6-1986, the Enquiry Officers should not make any recommendations as to the nature and quantum of punishment to be imposed.

3. When the disciplinary authority proposes, after an enquiry, to impose on the person charge a major penalty, viz.,

- (i) reduction to a lower rank in seniority or to a lower stage in time scale;
- (ii) compulsory retirement from service;
- (iii) removal from service; or
- (iv) dismissal from service, such penalty may be imposed on the basis of the evidence adduced during the enquiry after furnishing a copy of Enquiry Report to the person charged and after taking into consideration any representation made by him thereto within a reasonable time; ordinarily not exceeding one month. However, it shall be necessary to give to the person charge any opportunity of making representation on the penalty proposed to be imposed, (G.O.Ms.No. 425, Genl.Admn.Department, dated 9-9-1985).

4. The Unit Officers who are the disciplinary authorities, while passing final orders, are also taking into account the past conduct of the delinquent officer without affording any opportunity regarding the same in the final show cause notice. It is incumbent upon the disciplinary authority to give the delinquent officer at the 2nd stage a reasonable opportunity to show cause against the proposed punishment and if the proposed punishment is also based on his previous punishments or his previous bad records, it should be included in the final notice so that the charged officer may be able to give an explanation (State of Mysore Vs. K.Manche Gowde, 1964 S.C. 506 to 510).

All the Unit Officers are hereby requested to keep in view the above points and not to allow any irregularities to creep in while conducting the enquiries so

38

as to create in the minds of the delinquent officers that a fair and impartial enquiry is conducted in their matters.

Receipt of this Circular may please be acknowledged.

REGISTRAR (ADMN.)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

ROC.No. 151/94, C.SPL. (CON).

Dated : 17-1-1994.

C I R C U L A R

It is noticed that in many cases the unit Officers are transmitting the records in administrative appeals only when a requisition is sent by the High Court on receipt of advanced copy of the Appeal petition and after the issue of two or three reminder. In some cases, the appeal petitions alone are forwarded without records and remarks. With regard to the records received, it is noticed that in some cases only Xerox copies of material papers are transmitted without sending the originals, while in some other cases some of the requisite material papers are omitted to be included in the records. All the said instances necessitate protracted correspondence and consequently result in delay in the disposal of the appeals preferred to the High Court.

In this connection, the attention of all the Unit Officers is invited to Rule 27(2) of Andhra Pradesh Civil Services (CC & A) Rules, 1963 which reads as follows :-

"27(2): 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, without any avoidable delay and without waiting for any direction from the appellate authority"

All the Unit Officers are therefore, requested to comply with the above rule scrupulously and send to the High Court all the connected material papers in original along with the appeal petition with least possible delay and without waiting for any direction

40

from the High Court. They are further requested to furnish the service particulars of appellants to the High court along with the records.

Receipt of this circular may be acknowledged.

REGISTRAR (ADMN.).

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

ROC.No.4028/94-C2.

Dated : 27-10-94.

C I R C U L A R

It is observed that abnormal delays are taking place in completing the enquiries ordered against the employees in the Subordinate Judiciary. It is also found that the said delays are occurring even in cases in which the employees concerned is placed under suspension, pending the result of the enquiry. There is no information from the unit Officers with regard to the steps taken to avoid the said delays. But extension of period of suspension is sought for from time to time in a casual and routine manner.

On account of the delays in completing the enquiries, particularly when the delinquent employee is placed under suspension, the process of finalising the enquiry is being prolonged unnecessarily and subsistence allowance is being paid to the delinquents under suspension for unduly longer periods without knowing as to whether the said enquiry results in awarding penalty or in exonerating the delinquent. Further, it is also complained by the delinquents under suspension that they are subjected to misery on account of the delays in completing the enquiries. The said employees also represent quite often for enhancement of their subsistence allowance.

Considering all the above aspects, the unit Officers are hereby requested to ensure the completion of enquiries ordered against the employees of their respective units, other than those in which the employee concerned is simultaneously facing Criminal charges, within 3 months from the date of ordering such enquiries. They are further requested to furnish the following information along with the requests for extension of period of suspension, well before the expiry of the said period of suspension:-

1. Date of ordering enquiry/suspension :
2. Steps taken by the Enquiry Officer to complete the enquiry within the time allowed by the Disciplinary authority :
3. Reasons for seeking extension of suspension :
4. Probable period required for completing the enquiry, as informed by the concerned Enquiry Officer :

The unit Officers are requested to follow the above instructions scrupulously and to ensure that the enquiries are completed within 3 months from the date of ordering the enquiries as stated above.

REGISTRAR (ADMN.).

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

ROC.No.4028/94-C2.

Dated : 20-7-95.

C I R C U L A R

The attention of all the unit Officers is invited to the High Court's circular Roc.No.4028/94-C2, Dated 27-10-1994 wherein they were requested to ensure the completion of enquiries ordered against the employees working in their respective units within 3 months from the date of ordering the same and to furnish detailed reasons for seeking extension of suspension period. In spite of the said circular the delays in completing the enquiries are still continuing to take place and the unit Officers are not furnishing the necessary information directed to be furnished along with the request for extension of suspension. The High Court, therefore, issues the following instructions for strict compliance :

- (1) All the unit Officers in the State shall ensure the completion of the departmental enquiries ordered against the employees working in their respective units within the time given for the purpose and not later than 3 months from the date of ordering such enquiries.
- (2) The Enquiry Officer, in case of failure to complete enquiry as above, should inform the District Judge the reasons for delay under intimation to the High Court.
- (3) It should further be noted that if the reasons furnished by the Enquiry Officers for the delay in completion of the enquiry are not convincing, the High Court will not the attitude of the officer with displeasure that the Officer is not a competent administrator and the said Officer will be asked to improve his administrative capabilities.

The unit officers while giving immediate effect to the above instructions by bringing them to the notice of all the other Judicial Officers working in their respective units will send to the High Court forthwith reports regarding enquiries pending for over three months and the reasons therefor.

REGISTRAR (MANAGEMENT).

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

ROC.No.998/95, C.SPL.(CON) :

Dated : 11-9-1995.

C I R C U L A R

It is observed that in some Units where is no Subordinate Judicial Officer working under the control of the concerned Unit Officer. When departmental enquiries are ordered against the employees working in such Units, the Unit Officers are unable to find an Officer in their Unit for appointment as Enquiry Officer. Though the Unit Officers, under the rules, are not precluded from conducting the said enquiries themselves, a view has been expressed that it will be embarrassing for the Unit Officers to conduct such enquiries as they are the appointing authority as well as punishing authority in respect of the employees working in their Units.

The Unit Officers of all such Units where there is no Subordinate Judicial Officer, are therefore, requested to send to the High Court the names of three Judicial Officers working in other Units for being appointed as Enquiry Officer, whenever such necessity arises, and to appoint one of them as Enquiry Officer as per the recommendations of the High Court.

Receipt of the circular may please be acknowledged.

REGISTRAR (MANAGEMENT).

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 4458/90/C.Spl.(Con.)

Dt. 16-11-1990.

CIRCULAR

Instances have come to the notice of the High Court that many of the unit officers are not following seniority while promoting members from the Categories of Amins, Readers, Examiners and Copyists to the posts of L.D.Clerks, Typists and Steno-typists, as the case may be, which are non-selection posts; with that result the seniors who are deprived of promotions 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 R.O.C.No.1814/75/C1, dated 26-4-1975. Promotion to non-selection posts shall be made on the basis of seniority only, provided the member to be promoted possesses the required minimum general educational qualification for the post of which he is to be promoted. The Unit Officers are therefore requested to follow strict seniority while effecting promotions to the non-selection posts except where the members have been awarded penalties under A.P.Civil Services (C.C.A) 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.H.B. CHALAPATHI,
Registrar (Admn.).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

R.O.C. No. 3475/91/C1Dated 25-6-1992CIRCULAR

Sub:-Public Services-Recruitment-Recruitment to various categories, viz., Junior Assistants, Steno-typists, Typists, Examiners, Readers, Copyists, Amins, Drivers, Record Assistants and Attenders in Subordinate Courts under the control of High Court of A.P., Hyderabad -Fresh norms and guidelines-Issued.

Ref:-(1) High Court's Circular Roc. No. 5618/88/C1, dated 10-2-1989.

(2) High Court's Circular R.O.C. No. 3475/91/C1, dated 30-9-1991.

The High Court of Andhra Pradesh, in exercise of the powers conferred under Article 235 of the Constitution of India and all other powers relating thereto, hereby issues the following Circular containing fresh norms and guidelines regulating the appointments to the posts of Junior Assistants, Steno-typists, Typists, Examiners, Readers, Copyists, Amins, Drivers, Record Assistants and Attenders in the Subordinate Courts under the control of the High Court of Andhra Pradesh, Hyderabad.

In supersession of Circular Roc. No. 5618/88-C1, dated 10-2-1989, the High Court issues the following order regulating appointments to the posts of Copyists, Examiners/Readers, Record Assistants, Amins and Drivers:

1. The appointing authority shall be the District Judge.

2. The method of appointment shall be by direct recruitment from:
 - (a) Candidates sponsored by the Employment Exchange and those who apply pursuant to notification issued by the appointing authority (list A), and
 - (b) Persons who have served previously (List B) either in the aforementioned categories of posts or in Category 5, Division IV posts of A.P.J.M.S. Rules.
3. The District Judge shall intimate the existing and anticipated vacancies for the succeeding year to the concerned Employment Exchange requiring the Exchange to sponsor candidates in the ratio of ten for every one vacancy, specifying the age and other qualifications necessary for appointment. In doing so, he shall specify that appointments will be made only on the basis of the Presidential order to the extent it applies and subject to Rules of Reservation, and only such candidates who satisfy those requirements need be sponsored. He may also publish a notice inviting applications from eligible candidates specifying that in the event of more than 20 times the number of candidates applying for appointment, the appointing authority will be free to short-list candidates on the basis of marks obtained in the qualifying examination or proficiency in typewriting in the case of Typists, neatness of handwriting in the case of Copyists and other relevant considerations. Notices inviting applications shall be published on the notice boards of all Courts in the District, the Office of the District Collector, all Bar Associations in the District and such other places as the District Judge may decide.

4. (1) The District Judge shall prepare a list of candidates who had worked earlier temporarily and whose services were dispensed with after service of not less than three months. Persons who had worked for less than three months will not be included in the Panel (List-B). The District Judge may also exclude such persons whose performance was not found satisfactory during the period of their engagement.
4. (2) In preparing the list of such candidates, persons who had rendered longer service should be treated as senior. In case where two persons have equal service, the older shall be treated as senior. The list shall also indicate the date and manner of appointment, its duration, the zone and the reservation category, to which the candidate belongs and the reason for dispensing with his service. The District Judge shall communicate a copy of that list to the High Court for approval.
5. The District Judge shall intimate the number of vacancies to the Employment Exchange. He shall send a copy of the communication simultaneously to the High Court. He shall also intimate the candidates in the list of persons (List B) who have been employed formerly by registered post acknowledgement due.
6. The District Judge shall interview the candidates of List A and List B.
7. Other conditions being equal, the District Judge shall prefer a qualified candidate from List-B, but such preference shall be subject to the Presidential Order and the Rules of Reservation.

8. In selecting candidates, the District Judge may select three candidates against each post to fill up the existig or arising vacancies.
9. The District Judge shall forward to the High Court the list of selected candidates for approval of the High Court and await orders of the High Court before affecting appointments.
10. Appointments shall be made from the list of selected candidates in the order of seniority subject to the provisions of the Presidential Order wherever it applies and the Rules of Reservation.
11. The above rules apply to temporary/emergency/provisional appointments also.
12. If a vacancy continues for a period of more than two years, the District Judge shall take up the question of regularisation of service of the person in that post.
13. All provisional/temporary/emergency/non-regular appointments made on and after 30-9-1991 by the District Judge shall be reported to the High Court forthwith. Such appointments may be reviewed so as to comply with the requirements of the Presidential Order and the Rules of Reservation.
14. For the purpose of regularisation, the District Judge shall call for the remarks of the officers under whom the employees are working, so as to decide whether the employees concerned may be appointed on regular basis. Such orders of regularisation shall be forwarded to the High Court for approval, along with the reports submitted by the concerned officers.

15. In the case of appointment of candidates sponsored by the Employment Exchange, the Exchange may be intimated immediately after such appointment. In case a candidate who is offered employment does not join duty within a period of one week on receipt of such appointment order sent by registered post acknowledgment due, the next candidate who is entitled on the basis of the Presidential Order and the Rules of Reservation shall be offered employment.
 16. The District Judge shall make an assessment of the requirements of fresh appointments during the next succeeding year before the 30th September of each year and intimate the requirement to the High Court and the Employment Exchange simultaneously.
 17. The rules/orders issued by the Government in respect of appointment of dependents of employees dying in harness will apply mutatis mutandis to the appointments in the above categories. It shall be competent to the appointing authority to create supernumerary vacancies for effecting compassionation appointments as mentioned above.
 18. In effecting appointments from List-B it may be competent to the Head of the Department to grant relaxation from age limit to the extent to which the over-aged candidate was in temporary/ad-hoc service.
- NB:-(1) The above norms guidelines shall apply mutatis mutandis to the appointments made to the Posts which are within the purview of A.P. Public Service Commission viz., L.D. Clerks, Steno-typists and Typists if they are to be appointed on temporary basis and due to exigencies of service.

- (2) As and when regular vacancies arise in the Categories of L.D.Clerks, Steno-typists and Typists, which are under the purview of A.P. Public Service Commission, the District Judges shall intimate 3 vacancies out of every 4 posts to the A.P. Public Service Commission for allotment of approved candidates and in case of delay in the allotment of approved candidates by the A.P. Public Service Commission, the District Judges shall appoint suitable candidates in such vacancies on purely temporary basis by following the above guidelines and obtain concurrence of the Commission for continuance of the temporary appointments as per the procedure laid down in G.O.Ms.No. 279; General Administration (Ser.A) Department dated 25-5-1989.

ATTENDERS/PROCESS SERVERS

1. In the case of Attenders/Process Servers the District Judge shall make appointments by inviting applications.
2. Notification inviting applications may be put on the Notice Boards of the District Court, District Collectorate, the District Employment Exchange and all Courts in the District. The fact of publication of such notice shall be verified from the concerned officers.
3. Applications which are received shall be duly acknowledged in writing serially numbered and registered.
4. Persons who have already rendered service for more than six months on earlier occasions shall be included in a separate list. The

District Judge shall intimate the persons included in that list about the vacancies sumultaneously with the publication of the notification.

5. Candidates who apply pursuant to the notification and those included in the list may be interviewed for appointment.
6. In effecting appointments, the Presidential Order and the Rules of Reservation shall be strictly observed. Selection of five candidates shall be made against each vacancy.
7. The District Judge shall forward the list of selected candidates along with the proceedings of such selection to the High Court for concurrence. Appointments shall be made only after receipt of concurrence from the High Court.

Note:-The Circular second cited imposing ban on appointments stands withdrawn with affect from 1st July, 1992.

REGISTRAR (Admn.)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

R.O.C. No. 3475/91-C1

Dated: 9-9-1992

CIRCULAR

Sub:- P.S.-Recruitment-Recruitment to various categories viz., Jr. Assistant, Steno-Typists Typist, Examiners, Readers, Copyists, Amins, Drivers, Record Assistants and Attenders in Subordinate Courts under the control of High Court of Andhra Pradesh, Hyderabad-Additions and amendments to certain guidelines-Issued.

Ref:- High Court's Circular Roc.No.3475/91-C1, dated 25-6-1992.

The High Court of Andhra Pradesh, Hyderabad, in exercise of the powers conferred under Article 235 of the Constitution of India and all other powers enabling, hereby issues the following additions and amendments to the fresh norms and guidelines issued in the circular cited.

I. Add the following in the first portion of the guidelines dealing with the appointments of Copyists, Examiners, Readers, Amins, Drivers.

At the end of Clause 8 after the words "arising in various circumstances".

"The list of selected candidates will be valid for a period of one year; and vacancies arising during that period shall be filled up by appointing candidates included in that list".

2. In Clause 9 after the words "before effecting appointments".

"After ascertaining whether the norms/Guidelines have been followed, approval may be granted and communicated by the High Court".

II. Substitute and add the following in the second portion of the guidelines dealing with the appointments of Attenders/Process Servers.

1. In Clause 6 the numbers 'Five' shall be substituted by the number 'Three'.

2. The following shall be added to Clause 6:-

"The list of selected candidates will be valid for a period of one year; and vacancies arising during that period shall be filled up by the appointing candidates included in that list".

3. In Clause 7, the words 'concurrence from the High Court' will be substituted by the words 'approval of the High Court'. Thereafter, the following shall be added in that Clause:-

"After ascertaining that the norms/guidelines have been followed, approval will be granted and communicated by the High Court".

Sd/-
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

ROC.No.2568/95, C.SPL.(CON) : Dated : 11-7-1995.

C I R C U L A R

Sub:-Public Services - APJMS - Accommodation - Use of office premises for personal stay - Instructions issued - Reg.

It is brought to the notice of the High Court that some of the employees in the Subordinate Courts are staying in the office rooms, court halls and chambers without permission from the concerned authorities and are using them as their personal accommodation contrary to the rules.

All the Officers and Employees of Subordinate Courts are hereby informed that the above said practice of unauthorised use of office accommodation amounts to misconduct and indiscipline and the persons adopting such practice would become liable for disciplinary action under CCA Rules.

The Unit Officers are, therefore, requested to circulate these instructions to the notice of all the Officers and Employees in their respective Units and to ensure that the said instructions are scrupulously followed and no one either an employee or Officer should be allowed to use office as their residential accommodation.

REGISTRAR (MANAGEMENT).

HIGH COURT OF ANDHRA PRADESH : HYDERABAD.

ROC No. 932/95-D1.Dt. 6-4-1005OFFICIAL MEMORANDUM

Sub:-Funds 1995-96 - Statement of requirements called for - Regarding.

All the Sub-Controlling Officers are requested to forward to the High Court not later than 30-4-1995 the statement of their requirements for each court in their units and for the entire unit for the year 1995-96 under each of the detailed heads as given below;

- 020 - Wages/
- 040 - Travel Expenses
- 050 - Office Expenses
- 330 - Payment for Professional & Special. Services.
- 060 - Rents, Rates & Taxes
- 340 - Other Charges

The actual under each detailed Head and Sub-detailed heads for the last 3 years including the year 1994-95 may please be furnished in the statement in the proforma enclosed together with the reasons in greater detail for anticipated variations, if any in regard to the requirements for the year 1995-96.

The amount required for payment of the arrears upto the year 1994-95 if any and the amount required for 1995-96 should be shown separately under each detailed heads. The particulars of arrears Court Wise to be paid towards House Rent, Electricity, water charges, Taxes etc. T.A., Petrol bills etc. shall be given in detail and the reasons for keeping arrears pending in the last year.

020 - Wages:

022-Contingent Employees:

Pay and Dearness Allowances allowed to the menials (Whether full-time or part-time) is debitable to this detailed Head. The details of the menials appointed in each court together with their Pay & Dearness Allowances may please be furnished for justifying the demands.

040 - Travel Expenses:

The expenditure relating to 041-T.A., 042-F.T.A., AND 043-C.L. 045-T.T.A., is debitable to this Head

050 - Office Expenses:

051-Service Postage and Telegram Charges

As regard "Service Postage" all efforts should be made to avoid unnecessary correspondence. The demand should be based on actual requirements. The balance of the stamps available as on 1-4-1994 (according to the service postage register of each Court) should be furnished seperately. The expenditure incurred towards Telegram Charges is also debitable to this Head. The details of requirements in respect of Service Postage and Telegram Charges along with the expenditure thereon for the last 3 years may be furnished seperately.

052-Telephone Charges.

The expenditure incurred forwards Telephone Charges is debitable to this Head. The details of requirement in respect of Telephone Charges alongwith the expenditure thereon for the last 3 years may be furnished.

053-Water Charges

The Water consumption charges should be paid to the concerned authorities regularly every month and under no circumstances should they be kept in arrears. Statements of requirements including expenditure for the last 3 years may be furnished.

054-Electricity Charges:

The Electricity Consumption Charges should be paid to the concerned authorities regularly every month and under no circumstances should they be kept in arrears. Statements of requirement including expenditure for the last 3 years may be furnished.

056-Other Office Expenses:

The expenditure incurred on books and periodicals "Printing and Binding" furniture and "Other Contingencies" is debitable to this head. Details of requirements together with the expenditure for the last 3 years with particulars may please be forwarded separately in respect of the above said 4 items of expenditure.

57-Maintenance of Office Vehicle:

The expenditure on the Maintenance of Office Vehicles excluding Petrol, Oil and Lubricants will come under this Head.

450-Petrol, Oil and Lubricants:**451-General Office Vehicle:**

The expenditure on Petrol, Oil and Lubricants shall be classified under distinct detailed Head.

330-Payments for Professions & Special Services:**331-Pleaders Fees:**

Expenditure incurred for payment of fees paid to the Pleaders appointed by the Court in Sessions Cases to deferred the accused as amicus curiae fees paid to Advocates appearing in cases filed on behalf of the Judicial Dept. of against the Judicial Dept. is debitable to this Head. It may be noted the expenditure incurred towards payment of "Retainers Fees" to the Government Pleaders, Public Prosecutors and Addl. Public Prosecutors is debitable to the details Head

"010-Salaries" under a separate Minor Head "114-Legal Advisors and Counsels". However, the expenditure incurred towards payment of fees in each individual cases to the Government Pleaders etc., is debitable to the Department concerned. The expenditure relating to fees in respect of each case to the Public Prosecutor and Addl. Public Prosecutor is, however, debitable to the Major Head "2014-Admn. of Justice, Minor Head-114-Legal Advisors & Counsels, 330-Payment for Professions & Special Services, 331-Pleader Fees".

060 - Rents, Rates and Taxes:

061-Rents

Under "Rents" the amount payable in respect of each of the Private building housing the Courts should be given in detail.

062-Rates & Taxes

Under "Rates & Taxes" the property tax payable to the Municipalities is kept in arrears due to some reasons or other.

This has to be avoided.

Efforts should be made to obtain the demand notices from the Municipalities every year will be in advance and pay the Taxes regularly within the Financial Year itself.

340 - Other Charges:

341-Legal Charges

The expenditure incurred on "Legal Charges" in respect of Civil suits filed on behalf of Judicial Department or against the Judicial department is debitable to this Head as laid down in Govt. Memo. No. 2787/1066/BG/74-1, Finance & Planning (Fin. Wing. BG), Department, dt. 29-5-74 communicated in High Court's P.Dis. No. 126/74, dt. 22-6-1974.

342 - Other Expenditure.

the expenditure relating to payment of "Diet and Road Money to Prosecution Witnesses" is debitable to this Head. It is seen that usually lumpsum amounts and quite often amount for in excess of the requirements are asked, for every year under each head with the result that the allotted funds are either utilised fully nor are surrendered in time i.e. before the month of February itself. Consequently large amounts remain unspent and finally they have to be lapsed to the Government, resulting in the large variations in the actual expenditure and the allotments made. These variations often figure as the subject matter for discussion before the Public Accounts Committee.

Utmost care should therefore, be taken in furnishing above particulars court-wise, both Civil & Criminal seperately. The particulars required should be sent without fail before the due date viz., 30-4-95 as otherwise it would cause a lot of dislocation in allotting funds, it may be noted that as far as impossible utmost economy in the expenditure should, as a rule be observed at every stge. It may also be noted that it would not be possible to ratify the expenditure incurred by the Sub-controlling officer over and above the allotments made.

ANNEXURE

Statement showing the particulars of expenditure incurred and amount required under the detailed Heads of Civil and Criminal Courts.

Name of the Courts	<u>Accounts</u>			Total amount allotted by the High Court for 1995-during the 1996 year 1994-95
	1992-93	1993-94	1994-95	
(1)	(2)	(3)	(4)	(4)
020-Wages				
022-Contingent Employees:				
040-Travel Expenses				
Allowance				

Name of the Courts	<u>Accounts</u>			Total amt. allotted by the High Court during the year 1994-95	Amount required for 1995-1996
	1992-93	1993-94	1994-95		
(1)	(2)	(3)	(4)	(5)	(6)
042-Fixed Travelling Allowance					
043-Conveyance Allowance					
045 Transfer Travelling Allowance					
050-Office Expenses					
051-Service Postage & Telegram Charges					

Name of the Court	1992-93	<u>Accounts</u>		Total amt. Amount allotted. required by the High Court during the year 1994-95
		1993-94	1994-95	
052-Telephone Charges				
053-Water Charges				
054-Electricity Charges				
056-Other Office Expenses				
057-Maintenance of Office Vehicles				
450-Petrol Oil Lubricants				
451-General Office Vehicles				
330-Payments for Prof. Spl. Services				
331-Pleadere Fees				
060-Rens, Rates & Taxes				
061-Rents				
062-Rates & Taxes				
340-Other Cahrges				
341-Legal Charges				
342-Other Expenditure				
Total:				

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc.No. 2689/1995-D2

Dt. 8-8-1995

CIRCULAR

It has been observed by this registry that most of the Judicial Officers/P.Os are sending their replies direct to the Accountant General to the audit objections raised by the audit party of the Accountant General's Office on the test audit of the accounts of the respective units. The High Court deprecates such a practice hereafter.

In order to have a thorough scrutiny of the replies, all the Judicial Officers/P.O.s are therefore directed to send their replies to the audit objections to the High Court through their respective District and Sessions Judges concerned who will in turn examine the same and furnish their specific remarks also on the said reports, if necessary.

All the Judicial Officers are directed to strictly adhere to the above instructions.

Yours faithfully
Sd/- M.E.N. PATRUDU,
Registrar (Management).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Dt. 18-8-1995

Roc.No. 2822/95-D1

CIRCULAR

Sub: Budget-Control of expenditure against each unit of appropriation-Reconciliation of departmental figures with the figures of Treasury-Early Transmission of expenditure statements to High Court-Requested.

111

As per the Provisions of the Budget Manual, the High Court, as the Chief Controlling Authority, is endowed with prime task of watching the expenditure under each unit of appropriation so as to see that, if incurring, of expenditure beyond the existing appropriation is considered essential as a result of watching the progress of expenditure, the High Court takes further steps in time to obtain further allotment of budget from Government, which will be possible only when the Unit Officers co-operate with the High Court in furnishing the reconciled figures of expenditure to the High Court in time under each unit of appropriation. As it has been observed that the reconciled statements are being received late in the High Court, the High Court has been finding it difficult to arrive at the actual further requirements under each unit of appropriation, resulting in less allotments, It is, therefore, needless to emphasize the necessity of having reconciled statements to have proper watch on the expenditure.

All the District Heads of the Judiciary are requested to communicate this circular among the Judicial Officers under their control and see that the unit officers

attend to the work of reconciliation as early as possible and furnish the reconciled statements to the High Court by 15th of the succeeding month positively failing which further release of funds will be stopped.

Receipt of this circular may be acknowledged.

M.E.N. PATRUDU,
Registrar (Management).

1175/6

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC. No. 3026/95-D1Dated 12-9-95CIRCULAR

Sub:-Budget Estimates for 1996-97 and Revised Estimates for 1995-96-Called for-Reg.

The Subordinate Controlling Officers are requested to furnish to this registry the Budget Estimates for 1996-97 and the Revised Estimates for 1995-96 in the Proforma enclosed herewith, not later than 30-9-95.

While furnishing the Revised Estimates for 1995-96 and Budget Estimates for 1996-97 the orders issued in G.O. Ms. No. 304, Finance and Planning (FWBG) Department, dated 3-9-94 may be kept in view.

In respect of the "Contingencies", detailed explanation should be given for each item justifying the requirements both for R.E. and B.E. and the practice of asking for higher allotments and surrendering the funds at the fag-end of the year should be dispensed with. Before arriving at the actual requirements the arrears, if any, payable under any head, may be taken note of.

The Unit Officers are required to note the instructions issued by this Registry in Lr. ROC. No. 932/95-D1, dated 31-8-95 and forward copies of the statements of actual requirements of the Subordinate Officers for verification at this end.

This may be attended to on a priority basis, and if we do not receive your estimates, it creates displeasure to the High Court and will be viewed seriously.

Yours faithfully,

Sd/-.,

for Registrar (Management).

PROFORMA

MAJOR HEAD: "2014 Administration of Justice (Non-Plan)

MINOR HEAD:

SUB HEAD:

Head of Account	Accounts Budget for the Year 1994-95.	Budget Estimates for 1995-96.	Revised Estimates for 1995-96.	Budget Estimates for 1996-97.
(1)	(2)	(3)	(4)	(5)

010 Salaries

011 Pay of Officers

Pay of Estt.

012 Pay of Estt.

013 House Rent

Allowance.

014 Other Allowance

015 Encashment of

Earned Leave.

017 L.T.C.

Total 010

020 Wages

022 Contingent

Employees.

030 Dearness Allowance

040 Travel Expenses

041 Travelling

Allowance.

042 Fixed D.A.

043 Conveyance

Allowance.

045 Transfer T.A.

Total 040

(1)	(2)	(3)	(4)	(5)
050 Office Expenses				
051 Service Postage & Telegram Charges.				
052 Telephone Charges				
053 Water Charges				
054 Electricity Charges				
056 Other Office Expenses				
057 Maintenance of Office Vehicles.				
Total 050				
450 Petrol, Oil & Lubricants.				
451 Genl. Office Vehicles.				
060 Rents, Rates and Taxes.				
061 Rents				
062 Rates and Taxes.				
330 Payments for Prof., Special Services.				
331 Pleaders Fees				
334 Other Payments.				
340 Other Charges				
341 Legal Charges				
342 Other Expenditure.				
Grand Total				

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC. No. 2689/95-D2Dated 24-9-95CIRCULAR

Sub:-Audit objections-Speedy Disposal of Audit Paragraphs-Reg.

The Audit of the Receipts and expenditure is conducted by the Accountant General, Andhra Pradesh, Hyderabad on behalf of the Comptroller and Auditor General of India. The very purpose of such an audit is among other things, to bring to the notice of the Legislature, items of expenditure which are beyond the scope of authorisation made by the Legislature, cases of irregular expenditure, loss of public money caused by default, lack of Supervision of other causes, as well as excess or short collection of taxes, etc. The results, of Audit will be reported to Departmental Officers, so that appropriate action is taken to rectify the defects and omissions wherever possible and to prevent their recurrence. The delay in the disposal of audit observations tends to defeat the very purpose of audit. As such these audit objections have to be attended to on top-priority basis. The paramount importance attached to the compliance of audit objections and in early settlement of the same therefore devolves primarily upon the Drawing and Disbursing Officers and Heads of Offices. It is, therefore, needless to emphasize in the interest of sound Financial administration, that the audit observations should be disposed of within a stipulated time.

It has been observed by this registry that in most of the Unit Offices there are still audit objections un-cleared even though the objections were related to the Financial Years 1983-84, which shows that the respective Controlling Officers have not paid special attention to the speedy disposal of the audit paras.

The Controlling Officers are, therefore, required to bestow, their personal attention on the work related to the audit objections and see that each objection is complied with, say in one month, and the concerned official of the respective unit may be alerted to expeditiously comply with the audit objections.

Receipt, of this Circular may be acknowledged and the respective Sub Unit Officers may be informed of the same.

M.E.N. PATRUDU,
Registrar (Management).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

R.O.C. No. 55/92/E3:Dated: 4-9-1992CIRCULAR

Sub: Method of Assessment of the out-turn of work of the Judicial Officers cadre - wise in terms of units - Allotment of units to the Tenancy Appeals disposed of by the District Judges.

In continuation of the High Court's circular R.O.C. No. 55/92/E3, dated 21-1-1992, the High Court of Andhra Pradesh has considered the question of awarding of units in respect of the Tenancy Appeals disposed of by the District and Sessions Judges in the State and is pleased to award 1/6 (one sixth) of the unit for each "Tenancy Appeal" disposed of by them.

M.E.N. PATRUDU,
Registrar (Management).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

Roc.No. 3153/86-E Statistics: Dated: 11-5-1993

CIRCULAR

Sub: Courts - Civil and Criminal - Disposal of cases instituted in and before 1989.

Ref: High Court's circular R.O.C. No. 3153/86-E, Statistics, dated 2-5-1991.

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. 31-3-1992 to dispose of the cases instituted in and before 1986. On a overall review of the disposed of old cases by the Judicial Officers in the Subordinate Courts consequent of the issue of the said circular, the High Court deems it necessary to fix a further target date and accordingly fixes 30th April, 1994 as the target date for the disposal of all the cases instituted till the end of 1989 (Pre-1990 cases) so that it is hoped that no cases Civil and Criminal instituted till the end of 1989 remain pending in any court in the State beyond the said target date i.e. 30th April, 1994. However, this will be subject to the rider that it will be open to the concerned Hon'ble Portfolio Judge to fix different target dates for disposal of old cases.

All the District and Sessions Judges in the State including those working in the twin cities are therefore requested to ensure the expeditious disposal of old cases instituted in and before 1989 and instruct all the Subordinate Judicial Officers under their control to spare no efforts 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 if any case instituted in and before 1989 is stayed by the High Court together with its correct connected number on the file 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 are final reports of the Subordinate courts under their control including the District courts positively on or before 20-5-1994 and the final report must necessarily contain court-wise consolidated statement showing the category-wise pendency of cases instituted in and before 1989 as on 1-5-93, their disposal from 1-5-93 to 30-4-1994 and the pendency if any as on 1-5-1994 together with detailed explanation for such pendency.

The receipt of the circular may please be acknowledged.

D.V. RAMANA MURTHY,
Registrar (Management).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

R.O.C. No. 3153/86/E.Statistics: Dated: 29-4-1994

CIRCULAR

Sub: Courts - Civil and Criminal - Disposal of cases instituted in and before 1989 - Target fixed for disposal of cases as on 30-4-1994- Progress Report - Called for - Reg.

Ref: High Court's circular Roc. No. 3153/86/E Statistics, dated 11-5-1993.

Attention of all the District and Sessions Judges is invited to the circular referred to above, wherein the High Court had fixed 30th April, 1994 as the target date for disposal of all the cases instituted till the end of 1989 (pre 1990 cases).

All the District and Sessions Judges are requested to send the final reports for the period from 1-5-1993 to 30-4-1994 to the High Court on or before 20-5-1994, in respect of the Subordinate Courts under their control including the district courts, containing -

- (I) Consolidated statement (from 1-5-1993 to 30-4-1994) showing the category-wise Institutions, Disposals and Pendency of cases till the end of 1989.
- (II) List of cases stayed by the High Court as on 30-4-1994 (Court-wise) and the pendency if any, as on 1-5-1994 together with detailed explanations for such pendency (court-wise and category-wise).

The receipt of the circular may please be acknowledged.

(Sd/-),
Registrar (Management).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

CIRCULAR

R.O.C. No. 3153/86/E.Statistics: Dated: 25-12-1994

Sub: Courts - Civil and Criminal - Disposal of cases instituted till the end of 1989 (pre 1990) - Instructions - Issued.

- Ref: 1. High Court's circular Roc. No. 3153/86/E. Statistics/86, dated 11-5-1993.
2. High Court's circular Roc. No. 3153/E. Statistics/86, dated 29-4-1994.

In the High Court's circular first cited, the High Court has fixed 30th April, 1994, as the target date for disposal of all the cases instituted till the end of 1989 (Pre 1990) subject to the rider that it will be open to the concerned Honourable Profolio Judge to fix different target dates for disposal of the old cases.

In the High Court's Circular second cited, all the District Judges in the State were requested to send the consolidated statements showing the category-wise institutions, disposals and pendency of cases till the end of 1989 (pre 1990 cases) and list of cases stayed by the High Court as on 30-4-1994 (court-wise) and the same have been received by the High Court.

The High Court during the verification of the statements showing the pendencies as on 30-4-1994 (Court wise) in respect of pre 1990 cases, found that there are heavy pendencies of cases pertaining to pre 1990 in each of the courts in the unit of every district.

In the circumstances, the High Court has fixed 30-4-1995 as target date for disposal of all Pre 1990 cases. Hence all the District and Sessions Judges in the State are requested to motivate and encourage all the presiding officers in their respective units to dispose of all pre 1990 cases on priority basis as expeditiously as possible, in any event not later than 30th April, 1995, and seek the compliance report from them every month showing the number of pending pre 1990 cases and the number of cases disposed of by them and issue necessary instructions and provide timely guidance for reaching the target.

The District Judges are also requested to dispose of the pre 1990 cases on their respective files on priority basis before 30th April, 1995 and send the compliance report together with the court-wise consolidated statements pertaining to their respective units by 15-5-1995, to the High Court.

In case the target is not achieved by any officer, it creates displeasure and dissatisfaction to the High Court. Hence the seriousness of the issue has to be realised by every officer in general and unit heads in particular.

The receipt of the circular may please be acknowledged.

(Sd/-),
Registrar (Management).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

R.O.C. No. 3153/86/E.Statistics: Dated: 20-06-1995

C I R C U L A R

Sub: Courts - Civil and Criminal - Disposals of cases instituted till the end of 1989 (pre 1990) - Instructions - Issued - Regarding.

- Ref: 1. High Court's Circular R.O.C. No. 3153/E. Statistics 86, dated 11-5-1993.
2. High Court's Circular R.O.C. No. 3153/E. Statistics 86, dated 29-4-1994.
3. High Court's Circular R.O.C. No. 3153/E. Statistics 86, dated 25-12-1994.

The High Court during the verification of the statements showing the pendencies as on 30-4-1994 (court-wise) in respect of pre 1990 cases, found that there are heavy pendencies of cases pertaining to pre 1990 in each of the courts in the unit of every District.

The High Court in the circular 3rd cited, has fixed 30-4-1995 as target date for disposal of all pre 1990 cases and requested all the District and Sessions Judges in the State to motivate and encourage all the Presiding Officers in their respective units to dispose of all pre 1990 cases on priority basis as expeditiously as possible, in any event not later than 30th April, 1995, and seek compliance report from them every month showing the number of pending pre 1990 cases and the number of cases disposed of by them and issue necessary instructions and provide timely guidance for reaching the target. The District Judges were also requested to dispose of pre 1990 cases on their respective files on priority basis before 30th

April, 1995 and send compliance report together with the court-wise consolidated statements pertaining to their respective units by 15-5-1995 to the High Court.

Unfortunately, no compliance report has been received from most of the District and Sessions Judges in the State.

All the District and Sessions Judges in the State are therefore requested to strictly comply with the instructions issued by the High Court in the Circular third cited and send a compliance report without any further loss of time.

This may please be treated as specially urgent. The receipt of the circular may please be acknowledged

M.E.N. PATRUDU,
Registrar (Management).

HIGH COURT OF ANDHRA PRADESH, HYDERABAD

R.O.C. No. 88/95/E.Statistics:Dated: 18-04-1995C I R C U L A R

Sub: Pendency of Cases on the file of each of the courts/Tribunals in each District - Instructions to send the Half-yearly Statements - Issued.

Ref: High Court's Circular R.O.C. No. 88/95/E. Statistics dated 18-1-1995.

In the High Court's Circular referred to above, the High Court has called for the particulars of pendency of cases as on 31-12-1994, on the file of each of the Courts/Tribunals in the Unit of the District Judge of each District in the proforma prescribed therein.

On the similar lines, all the District Judges in the State are requested to send the Half Yearly statements ending with June and December of each year respectively, in the proforma (Annexure I and Annexure II) enclosed herewith. The information should be sent courtwise in the prescribed proforma only. At this juncture, it is to clarify that Total Pendency of cases means, all cases including miscellaneous matters pending; whereas pending trial cases means only those cases posted for trial including parheard or reached the stage of trial after framing issues etc.

The Statement ending with 30th June of the year should invariably reach the High Court by 31st of July of the year and similarly the statement ending with 31st December of the year should invariably reach the High Court by 31st January of the succeeding year.

This procedure shall be followed every year by all the District Judges. It is noticed by the High Court that some unit officers are confused about the pending trial cases, hence the above clarification is given.

The Half Yearly statement ending with 30th June 1995 should reach the High Court on or before 31st July of 1995 without fail.

M.E.N. PATRUDU,
Registrar (Management).

ANNEXURE - I

NAME OF THE COURT:

J. 1175-7

Category	Pending as on first January.	Institutions first January to thirtieth June.	Disposal from first January to thirtieth June.	Total pending as on thirtieth June	Pending trial cases from total pendency.	No. of pro 1990 cases.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

CIVIL

O.S.

A.S.

C.M. As

O.Ps

E.Ps

L.R. As

F.D. Ps

A.T. As

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
--	-----	-----	-----	-----	-----	-----	-----

Det. A.S.
 R. Ar
 C.M. Ps

TOTAL:

CRIMINAL

Sessions Cases

Cal. As
 Cal. R. Ps
 C.Ce
 Cal. M.Ps
 FRCB
 STCS

TOTAL:

ANNEXURE - II

NAME OF THE COURT:

Category	Pending as on First July.	Institutions from First July to thirty first December.	Disposals from first July to thirty first December.	Total pending as on thirty first December.	Pending trial cases from total pendency.	No. of Pre-90 cases.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
<u>CIVIL</u>						
O.S.						
A.S.						
C.M. As						
O.Ps						
E.Ps						
L.R. As						
F.D. Ps						

(1)	(2)	(3)	(4)	(5)	(6)	(7)
-----	-----	-----	-----	-----	-----	-----

A.T. As
Est. As
F. As
C.M. Ps

TOTAL:

CRIMINAL

Sessions

Cases

CrI. As
CrI. R. Ps
C.Cs
CrI. M.Ps
P.R. Cs
S.T. Cs

TOTAL:

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

R.O.C.No. 88/95/E. Statistics

Dated: 21-6-1995.

C I R C U L A R

Sub:-Pendency of cases on the file of each of the courts/Tribunals in each District-Instructions to send the Half-yearly statements - Issued.

- Ref:- 1. High Court's circular Roc.No. 88/95/
E.Statistics dated : 18-1-1995.
2. High Court's circular Roc.No. 88/95/
E.Statistics dated: 18-4-1995.

Attention of all the District and Sessions Judges, and Presiding Officers of all the Tribunals etc., is invited to the circular second cited wherein all the District Judges in the state are requested to send the half yearly statements ending with June and december of each year respectively in the proforma annexed to the circular (copy enclosed).

All the DistrictandSessions Judges in the state are requested to follow the circular in sending the half yearly statements every year.

The Half Yearly statement ending with 30th June 1995 should reach the High Court on or before 31st July of 1995 without fail.

M.E.N. PATHRUDU,
Registrar (Management).

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

R.O.C.No.64/E.1/85

Dated: 23-2-1995.

C I R C U L A R

Sub:- Courts-Establishment of Family Court under family Courts Act 1984-Regarding.

The Central Government have passed Family Courts Act, 1984 to exercise all the jurisdiction exercisable by any district or any subordinate civil court under any law for the time being in force in respect of

- (a) a suit or proceeding between the parties to a marriage for a decree of nullity of marriage (declaring the marriage to be null and void or, as the case may be, annulling the marriage) or restitution of conjugal rights or judicial separation or dissolution of marriage;
- (b) a suit or proceeding for a declaration as to the validity of a marriage or - as to the matrimonial status of any persons;
- (c) a suit or proceeding between the parties to a marriage with respect to the property of the parties or of either of them;
- (d) a suit or proceeding for an order or injunction in circumstances arising out of a marital relationship;
- (e) a suit or proceeding for a declaration as to the legitimacy of any person;
- (f) a suit or proceeding for maintenance;
- (g) a suit or proceeding in relation to the guardianship of the person or the custody of, or access to, any minor.

and subject to the other provisions of the Family Courts Act, 1984 the Family Court shall also have and

exercise.

- (a) the Jurisdiction exercisable by a
- (a) the Jurisdiction exercisable by a Magistrate of the first class under Chapter IX (relating to order for maintenance of wife, children and parents) of the Code of Criminal Procedure, 1973 (2 of 1974); and
- (b) such other - jurisdiction as may be conferred on it by any other enactment.

With a view to achieve the above objective the Government of Andhra Pradesh, in G.O.Ms.No. 605 Home (C's.A) Department, dt: 17-8-1994 have decided to establish the Family Court at the following places.

1. Hyderabad and Secunderabad
2. Warangal
3. Kurnool
4. Chittoor
5. Visakhapatnam and
6. Vijayawada

The Central Government was also pleased to accord sanction for extension of the Family Courts Act to State of Andhra Pradesh w.e.f. the 15th day of February, 1995 vide their notification No. 79/1/86-Jus. Ministry of Law Justice and Company Affairs, (Department of Justice) dated: 6th February 1995.

A notification fixing the Jurisdiction of the said Court will be issued very shortly.

The District Judges are therefore requested to secure suitable accommodation for the Court hall, Chambers of the Presiding Officer of the Family Courts. They are also requested to depute the staff sanctioned for each of the Family Courts from their respective units, once if the Courts commence its business.

The Government have also provided Rs. 1.50 lakhs for each Court towards contingencies and Rs.1-00 lakh for each court towards non-recurring expenditure. The funds will be released very shortly by the Government to meet the expenditure.

90

The High Court is also contemplating to inaugurate the said six Family Courts very shortly.

All the District Judges are requested to arrange for functioning of the said Family Courts at the places mentioned above.

The detailed Programme of inauguration of each of the Family courts will be sent to them shortly.

(sd/-.),
Registrar (Management.)

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

R.O.C.No.3388/E1/93.Dated: 5-5-1995.C I R C U L A R

Sub:- A.P. Co-operative Societies Act, 1964-Establishment of Special courts one each at Hyderabad and Vijayawada for speedy trial of cases under A.P. Co-operative Societies Act, 1964-Transfer of cases filed before 11-3-93-Clarification-Issued-Reg.

Read:-G.O.Ms.No.161, Agriculture & Co-operation (Co-Op-IV) Department, dated. 11-3-1993.

The attention of the District and Sessions Judges, is invited to the G.O. read above, wherein the Government have constituted two Special Courts in the cadre of MunsifMagistrates one each at Hyderabad andVijayawada ~~a~~ for speedy trial of cases under A.P. Co-operative Societies act, 1964. The Presiding Officer of the special court for trial of cases under A.P. Co-operative societies act, 1964 at Vijayawada has sought for clarification whether the cases filed prior to 11-3-1993 i.e., the date of constitution of the Special Courts in question, have to be tried by the regular Munsif Magistrates in which the said cases were instituted or the said cases are to be transferred to the Special Courts.-

The High Court has examined the said aspect and is of the view that the cases filed before 11-3-1993 need not be transferred to the newly constituted Special courts at Vijayawada and Hyderabad from the files of the regular Munsif Magistrates courts for the following reasons:

- (a) that the accused would be put to disadvantage, if the offences committed prior to the constitution of Special Courts are directed to be tried by the Special Courts the Special Courts have to draw the special presumptions provided in Section 83(B) in the trial of the Offences which may cause unjust to expose the accused, who committed the offences prior to the constitution of the Special courts, to the disadvantageous of the procedure as well as the presumptions which were not present at the time of commission of offence; and
- (b) that the intention of the legislature also does not appear to favour transfer of cases relating to the commission of offences prior to the constitution of Special courts, since there is no provision in the act for such transfer.

In view of the above, all the District and Sessions Judges in the State are directed to give instructions to the Munsif Magistrates under their control to dispose of the cases filed before the regular Munsif Magistrates prior to 11-3-1993 under A.P. Co-operative Societies Act, 1964.

The Officers of the Special Courts constituted in G.O. read above are herein after known as "Presiding Officer, Special court for trial of offences under A.P. Co-operative Societies Act".

(sd/-)
Registrar (Management).

HIGH COURT OF ANDHRA PRADESH: HYDERABAD

Roc.No.2380/50/89Dated: 7-3-1950.C I R C U L A R

Sub: Order V Rule 20(1-A) of C.P.C. - Substituted service - The Lower Courts are not following this Rule - Instructions - Reg.

An instance is brought to the notice of the High Court that some of the Subordinate Courts are not strictly adhering to the provisions of Law as laid down under Order V Rule 20(1-A) of C.P.C. while ordering Service by advertisement in a news paper. Some of the Presiding Officers of the Lower Courts order publication of notices in petty or very insignificant weekly or fortnightly Telugu Papers, even though the defendants/respondents are residents of Calcutta, Varanasi or New Delhi etc.,

The attention of the Presiding Officers of the Lower Courts in the State is therefore invited to the provisions of Order V Rule 20(1-A) of the Civil Procedure Code which reads as follows;

"where the Court acting under Sub-Rule (1) orders service by an advertisement in a newspaper, the newspaper shall be a daily newspaper circulating in the locality in which the defendant is last known to have actually and voluntarily resided, carried on business or personally worked for gain".

The Presiding Officers of all the Subordinate Courts in the State are hereby directed to follow the provisions of above said Rule scrupulously, while ordering substituted service by advertisement in a newspaper.

The receipt of the same may please be acknowledged.

I. PANDURANGA RAO,
Registrar (Administraton).

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc.No. 125/SO/94.

Date: 24-2-1994.

C I R C U L A R

Sub: Language used to endorse the manner of service in notices, summons etc., sent to courts outside the State for service and Return - Instructions - Issued.

Ref: Letter Roc.No. 2636/93/F1, dated 4-1-94 from the Registrar, High Court, Madras.

Adverting ; to the Subject and reference cited, I am directed to state that, it has been brought to the notice of this Registry, by the Registrar, High Court, Madras, that summons and notices received from other States for service and return by the Courts in Tamilnadu are in the vernacular languages of that State, that English translations of the same are not accompanied as per the rule 55 of the Civil Rules of Practice and Circular Orders, framed by High Court of Madras, that non furnishing of English translation causes much inconvenience to the Subordinate Courts in the State, that similarly, the process sent by the Civil Courts in Tamil Nadu to outside the State for service and return are received back after service with the endorsement of the Nazirs of that Court only in the vernacular language of that Court which could not be deciphered and therefore requested the High Court to issue necessary instructions for compliance.

In this connection, attention is invited to Rule 72 of the Civil Rules of Practice and Circular Orders, issued in the year 1985. The Subordinate Courts have to follow the procedure laid down in the said rule framed by the High Court, while issuing notices, processes, summons etc., and the language of the processes.

All the P.Os. of the Subordiante Courts in the State are hereby directed to give a true translation of the (1) Summons/ Notices intended to be served in the Courts in other States, in English and (2) endorsement regarding the manner of service, in English, as regards the processes issued from the Courts in the other States, so that the endorsements may be correctly understood.

Any deviation of these instructions will be viewed seriously.

(Sd/-),
Registrar (Admn).

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD.

Rec.No.1896/SO/91.Dated: 3-8-1991.C I R C U L A R

Sub:- Sessions Cases - when posted for trial or during the course of trial shall not be adjourned 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 for 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.

They are requested to scrupulously adhere to these instructions.

The receipt of the same may be kindly acknowledged.

sd/-.,

REGISTRAR (Admn.)

the First Schedule, under the heading captioned "1-Offences under the Indian Penal Code" is as follows.

Act 3 of 1992:

Rule 2(i): "against the entry relating to Section 354 in column 3 of the expression "imprisonment for 2 years, or fine, or both", the expression, "Imprisonment for 7 years and fine" and in column 5 for the word "Bailable", the words, "Non-bailable", and in column 6 for the words, "any Magistrate", the words "Court of Session" shall respectively be substituted".

In view of the above amendment the procedure mentioned hereunder has to be followed:

"The Criminal Procedure Code by Andhra Pradesh Second Amendment Act 3 of 1992 (1992 APLJ Legislative Supplement P.33) making the offence under Section 354 IPC triable by Sessions after committal by Magistrate and making the offence Non-Bailable came into force, on 15-2-1992. Thus, offences that occurred before 15-2-92 have to be tried only by Magistrate and sentence to be awarded in maximum of 2 years or with fine or with both. Offences that took place between 15-2-1992 and 1-4-1994 can be tried by Sessions Court but the maximum sentence is 2 years or fine or with both. But, the offences that took place after 1-4-1994 have to be tried only by Sessions Courts after committal procedure and the minimum sentence is 5 years imprisonment".

The District & Sessions Judges and Metropolitan Sessions Judges are instructed to follow the above Procedure scrupulously in view of the amended Section 354 Indian Penal Code and bring it to the notice of all the Assistant Sessions Judges and Magistrates under their control.

The receipt of the Circular be acknowledged.

Sd/-
Registrar (Admn.)

HIGH COURT OF THE ANDHRA PRADESH: AT HYDERABAD.

Roc.No. 1474/80/93.

Dt. 17-9-1993.

C I R C U L A R

Sub:- Criminal Trial - Act No. 6 of 1991 of Andhra Pradesh - Amendment of Section 354 Indian Penal Code - Trial of Cases - Jurisdiction - Issue of necessary instructions to the Presiding Officers in the State - Reg.

You are aware, that Section 354 Indian Penal Code has been drastically amended, by Act No. 6 of 1991 prescribing minimum punishment of five years and in G.O.Ms.No.165, Home (Cts.B) Department, dt. 23-3-1992 it was ordered that the said amendment shall come into force with effect from 1st day of April, 1992.

Prior to the amendment Act, under Section 354, Indian Penal Code, the imprisonment was only for 2 years or with fine or with both. After amendment of Section 354 Indian Penal Code, it was made punishable with imprisonment of either description for a term which shall not be less than 5 years but which may extend to 7 years and shall also be liable to fine. After the amendment, this offence under Section 354 IPC, which came into force with effect from 1st day of April, 1992, is exclusively triable by the Court of Sessions and the Munsif Magistrates are committal Magistrates, who commit the said cases by following the procedure laid down under Section 209 of Criminal Procedure Code.

In this connection, I am also to invite your attention to the Legislative supplement of Andhra Pradesh Law Journal (Published in the Andhra Pradesh Gazette Part-IV.B.(E.O.) dt. 15-2-1992, under Act No. 3 of '92, where under Amendment of First Schedule (Central Act 2 of 1974) in the code of Criminal Procedure, 1973, in

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc.No.156/SO/95.

Date: 4-7-1995.

C I R C U L A R

Sub: Non-Compliance with the mandatory provisions laid down under Section 278 of Criminal Procedure Code, 1973 and Rule 53 of Criminal Rules of Practice and Circular Orders, 1990, by the Trial Courts while recording evidence Instructions to Trial Courts - Issued.

It has been brought to the notice of the High Court that most of the Presiding Officers of the Criminal Courts are not complying with the mandatory provisions laid down under Section 278 of the Criminal Procedure Code, 1973 and Rule 53 of the Criminal Rules of Practice and the Circular Orders 1990, while recording the evidence and affixing "rubber stamp" at the fag-end of each deposition in token of having read over, explained and admitted by the witness to be true and correct, without actually complying with the above mandatory provisions.

In this connection, the attention of the Presiding Officers of the Criminal Courts in the State is drawn to the provisions of Section 278 of the Code of Criminal Procedure and Rule 53 of the Criminal Rules of Practice and the Circular Orders 1990 which they are expected to follow so as to ensure that the witnesses know whether their depositions were accurately recorded or not. The non-compliance thereof will be viewed seriously.

The receipt of the Circular should be acknowledged.

(Sd/-),
Registrar (Admn.)

J. 1175 8

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

ROC No. 2229/SO/91.

Dt. 1-10-1991.

CIRCULAR

While disposing of Crl. A.No. 691 of 1990, the High Court observed as follows:-

"Before parting with the case, we wish to add that since it is a well settled law that a court is entitled to convict on the basis of a dying declaration, all precautions be taken to see that the said dying declaration is recorded being fully satisfied that the declarant was in a fit state of mind while making the statement. The Magistrate should not record dying declaration unless he is fully satisfied about the same and before recording the dying declaration, the Magistrate should state therein that he was fully satisfied that the declarant was in a fit condition to make a statement. The Magistrate, while recording the dying declaration, to the possible extent, should insist upon the presence of the Medical Officer while recording the same and obtain an endorsement from the said Medical Officer that the declarant was in a fit condition to make a statement and not the usual statement that the declarant was conscious".

The District and Sessions Judges are directed to communicate the said observations to all the Munsif Magistrates under their control for strict compliance.

(Sd/--)

Registrar (Administration)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD.

Roc.No. 1496/SO/93.

Dt. 16-9-1993.

C I R C U L A R

Sub:- Courts-Criminal-Metropolitan Magistrates' Courts/Munisif Magistrates' Courts-Certain difficulties faced with regard to (1) Recording of Dying Declarations (2) Service of Summons for Court attendance on Doctors and (3) Issuing of Non-bailable Warrants to the Doctors for non-attendance to the Criminal Courts for giving evidence-Instructions and guidelines to the Presiding Officers-Issued.

- Fef:- 1) Letter No.E1/OGH/93, dt. 28-1-1993 from the Superintendent, Osmania General Hospital, Hyderabad enclosing the representation of the Secretary, Andhra Pradesh Civil Assistnat Surgeons Association, Osmania Unit, Hyderabad.
- 2) Letter Dis.No.2609, dt. 3-6-1993 from the Metropolitan Sessions Judge, Hyderabad enclosing the remarks of the IX Metropolitan Magistrate, Hyderabad dt.15-3-93 on the representation 1st cited.

Instances have been brought to the notice of the High Court, that some of the Metropolitan Magistrates are facing certain difficulties with regard to recording of Dying Declaration, Service of Summons on the Doctors for giving evidence in the Criminal Courts and issuing of Non-bailable Warrants to the Doctors for non-attendance to the Criminal Courts for giving evidence.

In the reference 1st cited, the Superintendent, Osmania General Hospital, Hyderabad has brought to the notice of the High Court, an instance of issuance of show cause notice direct to Dr. Mohan Krishna Assistant Professor of Plastic Surgery on duty, by the IX Metropolitan Magistrate, Hyderabad and about non availability of duty surgeon etc., and representation made by the Andhra Pradesh Civil Assistant Surgeons' Association, Osmania Unit, Hyderabad in regard to the above instance.

The High Court after discussions at length in the meeting with the Judicial Officers, Police Officials and Administrative Heads of the Hospitals, on the above subject and references cited, deems it necessary to issue suitable instructions and guidelines on the above paras 1 and 2.

Summons meant for Doctors who are to be examined as witnesses, shall be served through the Administrative Head of the Hospital. He shall endorse the served copy of the summons and hand it over to the Police Constable for return to the Court. He shall also see that the concerned doctor is served and the fact intimated to the concerned Court within a period not exceeding two days from the date of receipt of the summons in his Office.

Doctors who are summoned as witnesses will be required to be present in Court at 2-30 P.M. In case where, inspite of Service of summons, the doctor is not present, the Magistrate concerned shall send a D.O. intimation to the Administrative Head of the Hospital, who shall take appropriate action to ensure his presence at the next posting. In case where the Medical witness is not likely to be examined on the day on which the case is posted for examination, the Magistrate shall inform the administrative head (RMO) of the Hospital for information of the concerned.

It is agreed that the Investigating Officers/ Station House Officers requiring presence of Magistrates to record Dying Declarations shall give intimation simultaneously to the Administrative Head of the Hospital (RMO) about the probable time of the visit of the Magistrate to the Hospital, so that the concerned Medical officer will be present at the time of recording Dying Declaration.

To the extent possible, the Station House Officer/ the Investigating Officer shall provide conveyance to the Magistrate to the Hospital for recording Dying Declaration and also for his return.

Instructions shall be issued to the Magistrates that they shall not issue notice to show cause or initiate disciplinary proceedings to the Medical Officers. If it is felt that there has been any default on the part of any Medical Officer, the Magistrate shall bring it to the notice of the Chief Metropolitan Magistrate or the Metropolitan Sessions Judge, as the case may be, who will report the matter to the Administrative Head of the concerned Institution for necessary action.

The Administrative Head of the Hospital (RMO) shall meet the Metropolitan Sessions Judge, or the Chief Judicial Magistrate (Addl. D.J.) once in a month for effectively monitoring the service of process on Medical Officers, and their presence in Court.

The Court wise monitoring Committees at the District, Division and Sub-Division levels shall be activated to monitor service of process, production of Final reports, and other documents in Courts promptly.

All the District & Sessions Judges and Metropolitan Sessions Judges in the State are hereby directed to follow the above, instructions and guidelines scrupulously, and inturn, issue necessary relevent instructions and guidelines to the Presiding Officers of the Criminal Courts under their Control.

Any deviation will be viewed seriously. The receipt of the same be acknowledged.

Sd/-
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

Roc.No. 1865/SO/91Dt. 2-8-1991.

Sub:-N.D.P.S. Act, 1985 - Cases filed under transfer of case records in crime stage to Metropolitan Sessions Judges Court, Hyderabad Strict enforcement of instructions issued earlier - Requested.

- Ref: 1. High Court's Circular in Roc.No. 1545/SO/90 dated 8-11-1990.
2. Letter Dis.No.965/Spl.J/EOC/91, dated 29-7-91.

The Special Judge for Economic Offences, has, in his letter last cited, reported to the High Court, that despite the specific instructions issued in High Court's circular 1st cited, some of the Magistrates are still sending the records in the cases filed under the N.D.P.S. Act, to his court, instead of the Metropolitan Sessions Court, Hyderabad.

I am, therefore, to request you to issue strict instructions to all the Magistrates in your unit, requiring them to scrupulously adhere to the said circular instructions of the High Court and in no event send the case records in such cases to the Special Judge for Economic Offences Court, Hyderabad, but to send them only to the Metropolitan Sessions Judges Court, Hyderabad. They may also be further impressed upon that any deviation thereof will be viewed seriously by the High Court.

Kindly acknowledge the receipt of this letter.

Sd/-.
Registrar. (Admn.)

LATE NOTIFICATIONS

NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.,

JUDICIAL NOTIFICATIONS

ESTABLISHMENT OF SPECIAL COURTS IN THE CADRE OF SESSIONS JUDGES TO DEAL WITH THE CASES FILED UNDER THE SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989 AT GUNTUR, CHITTOOR AND MAHABUBNAGAR.

Notification

Roc.No. 2582/SO/91.-Redesignation of the Special Judges for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 established in G.O.Ms.No. 665, Home (Cts.A) dated 4th November, 1991 as Additional Sessions Judges and to confer powers under Section 9(3) of Criminal Procedure Code, 1973.

In exercise of the powers conferred under subsection (3) of Section 9 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the High Court hereby appoints the Special Judges for trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Guntur, Chittoor and Mahabubnagar as Additional Sessions Judges within the Districts as mentioned below.

TABLE

Sl. No.	Name of the Court	Jurisdiction of the Court.
1.	Court of Special Judge for trial of offences under the Scheduled Castes and Scheduled Tribes Prevention of Atrocities) Act, 1989 at Guntur.	Over the Districts of Guntur and Prakasam and Nellore.

Sl. No.	Name of the Court	Jurisdiction of the Court.
2.	Court of Special Judge for trial of offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Chittoor.	Over the Districts of Chittoor, Cuddapah, Anantapur and Kurnool.
3.	Court of Special Judge for trial of offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Mahabubnagar.	Over the Districts of Adilabad, Khammam, Karimnagar, Mahabubnagar, Medak, Nalgonda, Nizamabad, Rangareddy and Warangal.

They are empowered to try and dispose of all the cases including cases under section 302 IPC as made over by the respective Principal Sessions Judges.

Hyderabad, 17th January, 1992.

V. BHASKAR RAO,
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD

ROC No. 2582/SO/91

Dt. 12-2-1992.

//Communicated//

Sd/-.
Special Officer.

QUARTERLY REPORTS FROM DISTRICT COURTS TO BE SENT THROUGH HIGH COURTS

PART I.

Sl. No.	Name age & sex of the child.	Name & address of the foreign adoptive parents.	Name & address of the recognised Indian/Social/child Welfare agency processed the case in India.	Name & address of the foreign agency which sponsored the application of foreigners.	Name of the Court	No. and date of the Court order.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

QUARTERLY REPORTS FROM DISTRICT COURTS TO BE SENT THROUGH HIGH COURTS

PART II

No. of cases of adoption/ guardianship on the last date of previous quarter	No. of cases filed in Dist. Courts during the quarter under report	Total No. of the cases available for disposal (1+2)	No. of cases disposed by the Dist. Courts during the quarter under report	No. of pending cases, as on the last date of the quarter under report.	No. of cases pending for more than 60 days.	Period of pendency and reasons for the delay in each such case.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Dated:

Signature of the Distt Judge.

Name of District :
State :

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC No. 110/SO/94

Date: 25-1-1994.

C I R C U L A R

As you are well aware that the Narcotic Drugs and Psychotropic Substances Act, 1985 was drastically amended in the year 1989 by the amending Act (Act No.2 of 1989), which came into force on 29-5-1989 and under section 36 of Special Courts have been constituted for the purpose of providing speedy trial of the offences under the Act.

In Chief Justices Conference, 1993 held at New Delhi on 3rd, 5th and 6th December, 1993, in Item No.10 it has been resolved that all the High Courts do take all necessary and appropriate steps for expeditious disposal of cases under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1989.

In this Connection, attention of all the District and Sessions Judges and Metropolitan Sessions Judges in the State are invited to the above resolution, and they are directed to take all necessary and appropriate steps for the expeditious disposal of cases under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1989.

The receipt of the circular may kindly be acknowledged.

(Sd/-),
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC No. 957/SO/93.

Date: 19-2-1994.

C I R C U L A R

An instance is brought to the notice of the High Court that some of the Presiding Officers of the designated Special Courts under Narcotic Drugs & Psychotropic Substances Act, 1985, in the State are registering and numbering the cases pertaining to grave offence relating to 'Ganja and Opium' as calander cases while the others are registering and numbering the said cases as Sessions Cases under the Narcotic Drugs & Psychotropic Substances Act, 1985, (Amendment Act II of 1989) thereby not following the uniform procedure throughout the State.

After careful consideration of the views expressed by the District Sessions Judges in the State on the issue of registering and numbering the cases relating to 'Ganja and Opium' filed under the Narcotic Drugs & Psychotropic Substances Act, 1985, the High Court feels it necessary, that it is desirable to follow the uniform procedure throughout the State in numbering the said cases as Sessions Cases under the N.D.P.S. Act, 1985, to avoid confusion regarding numbering of other Sessions Cases, and those filed under the N.D.P.S. Act, 1985 and to issue Circular instructions in the matter.

All the District Judges/Addl. District Judges/Metropolitan Sessions Judges/Addl. Metropolitan Sessions Judge in the State who are designated as Special Courts under the Narcotic Drugs & Psychotropic Substances Act, 1985 are directed to follow the uniform procedure in registering and numbering Sessions Cases relating to 'Opium and Ganja' filed under the Act as N.D.P.S. Sessions Cases, under the N.D.P.S. Act, 1985, (Amendment act II of 1989). The other Warrant Cases should be numbered as calander cases under the N.D.P.S. Act, 1985.

112

All the Presiding Officers are requested to follow the above instructions scrupulously.

(Sd/-),
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

ROC. No. 2582/SO/91

Dated 12-2-1992

CIRCULAR

Sub: Courts - Special Courts to deal with the cases filed under S.C. & S.T. (Prevention of Atrocities) Act, 1989 - Transfer of cases to the concerned Special Courts for trial of offences under S.Cs. & S.Ts. (Prevention of Atrocities) Act, 1989 - Instructions - Reg.

- Ref : 1. High Court's letter Roc.No. 1998/SO/89, dated 12-2-1989.
2. G.O.Ms.No. 665, Home (Cts.A) Department, dated 4-11-1991.
3. High Courts Notification Roc.No. 2582/SO/91, dt. 17-1-91.

By virtue of Government's notification second cited Three Special Courts for trial of offences under S.Cs. and S.Ts. (Prevention of Atrocities) Act, 1989, were established at Guntur, Chittoor and Mahabubnagar exclusively to try the offences under the said Act within their jurisdiction over the districts mentioned in the reference second cited.

The High Court in exercise of the powers conferred under Section 407 of Cr.P.C. 1973 be and hereby permits all the Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges of the concerned Districts mentioned in Column No. 3 of the notification enclosed herewith straight away to transfer the cases filed under S.Cs. and S.Ts. (Prevention of Atrocities) Act, 1989 including those cases filed under IPC which are punishable with imprisonment for 10 years or more, in which S.Cs. and S.Ts. are complainants and the accused do not belong to S.Cs. or S.Ts. to the concerned Special Court for trial of offences under S.Cs. and S.Ts. (Prevention of Atrocities Act, 1989 for disposal according to law.

The Special Judges for trial of offences under S.Cs. and S.Ts. (Prevention of Atrocities) Act, 1989 at Guntur, Chittoor and Mahabubnagar are hereby directed to receive all the cases that are transferred to them by the said Sessions Judges, Additional Sessions Judges, and Assistant Sessions Judges mentioned supra and dispose according to law.

The receipt of the circular may please be acknowledged.

(Sd/-)
Registrar (Administration).

HIGH COURT OF THE ANDHRA PRADESH: AT HDYERABAD.

Roc.No.1240/SO/93.

Dt. 30-9-1993.

C I R C U L A R

Sub:- Courts-Criminal-Establishment of Special Court in the Cadre of sessions Judge to deal with the cases filed under the S.C.'s & S.T.'s (Prevention of Atrocities) Act, 1989 at Guntur, Chittoor and Mahaboobnagar-Instructions Requested - Reg.

Ref:- High Court's Circular instructions in Roc.No.2582/SO/91, dated 12-2-1992.

Several instances are brought to the notice of the High Court that some of the District Judges (Special Judges) are seeking clarification with regard to committal procedure to be adopted in respect of the offences and atrocitties against the S.C.'s & S.T.'s (Prevention of Atrocities) Act, 1989.

The special Court constituted under section 14 of the Act, is Special Court having the jurisdiction of Original Criminal Court and the issue has been elaborately considered by Kerala high Court. Therefore, the special Court can take cognizance on complaint or charge sheet filed before it without committal..

In this connection, your attention is invited to the Judgment delivered by Kerala High Court reported in 1993(1) ALT (Criminal) 52 (DB), which clearly envisages the procedure to be followed by the special Court. The relevant portion is extracted hereunder:

" A special court is neither a court of Session nor a Court of Magistrate. It is a Court of original Criminal jurisdiction. The Act provides for specifying a Court of Session to be a Special Court to try the offences under the Act. When such a court of Sessions is so specified as a

J. 1175-9

specified as Special Court, it ceases to be a Court of Sessions as envisaged in the Code and it becomes a Court of Original Criminal jurisdiction. When such a power is conferred on the Court of Session which is a special court under the Act, that court is clothed with all authority to proceed with the case. The power as a special court is conferred on a Court of Sessions which is one in the hierarchy of Courts envisaged by the Code. When such a Court is seized of the dispute in so far as actual trial is concerned, it should be governed by the ordinary rules of procedure applicable to it as provided in the Code. The procedure for trial to be followed can only be that prescribed in the Code since no special provision to that effect is made in the Act. In other words, so long as the act does not make provision for the procedure to be followed by Special Court, which is a Court of Session, its procedure regarding trial should be governed by the provisions contained in the Code. The special Court is thus to take cognizance of the offence under the Act and proceed with the trial as provided under the Code. Section 193 of the Code will not apply to the special Court".

All the Presiding Officers of the Special Courts are hereby instructed to take cognizance of the offences under the Act following the procedure as laid down in the decision of Kerala High Court on the above lines without insisting the Judicial First Class Magistrates to follow the committal procedure as laid down under Sections 207 to 209 of Criminal Procedure Code, 1973.

The instructions should be followed scrupulously and any deviation will be viewed seriously.

The receipt of the Circular may be acknowledged.

Sd/-
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

ROC. No. 2038/S0/92.Dt. 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/S0/90 dated 26-12-1990.

2. Letter No. 11376/C/92-2, dt. 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. Advocates Welfare Fund 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. 8/- superscribed as "Nyayavadula Mariyu Vari Gumasthala Samkshema Nidhi" is affixed on Vakalats and Memoranda of appearance filed by the Advocates from the 26-11-92 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, dt. 26-12-1990 hereby directs all the Presiding Officers in the State to ensure that the new combined Stamp of Rs. 8/- superseribed as "Nayayavadula Mariyu Vri Gumasthala Samkshema Nidhi" is affixed on every vekalat and memo of appearance 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 acknowledge.

Sd/-
REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

ROC No. 290/SO/93.

Dt. 18-2-1993.

CIRCULAR

Sub : Implementation of Supreme Court Judgment dt. 6-2-1984 in W.P. (Cr1) 1171/82. by Sri Laxmi Kant Pandey - Quarterly reports regarding Indian Children adopted by Foreign Parents-Circular Instructions-Issued.

Ref : 1. High Court's Lr. Roc. No. 2339/SO/91, dt. 30-10-1991.

2. Govt's Lr. No. 4-4/91-CARA-1337, dt. 1-7-92 from the Secretary, Central Adoption Resource Agency, Ministry of Welfare, Govt. of India, New Delhi.

3. High Court's Lr. Roc. No. 1180/SO/52, dt. 13-7-1992.
4. Govt's Lr. No. 4-4/91-CARA, dt. 11-2-93 from the Dy. Secretary to the Government of India, Ministry of Welfare/Secretary, Central Adoption Resource Agency, Ministry of Welfare, Govt. of India, New Delhi.

Attention is invited to the High Court's letter 3rd cited wherein certain instructions were issued requesting the District Judges to forward the quarterly reports regarding applications of Foreign Nationals for adoption of Indian Children in the revised proforma, as requested by the Government of India, in the reference 2nd cited.

It has been observed that some of the District Judges are still forwarding quarterly reports in the old proforma which contravenes the directions of the Supreme Court of India pursuant to which the revised proforma was introduced as well as the subsequent instructions of the High Court issued in the reference 3rd cited.

In this connection, special attention is invited to the copy of the Government's letter last cited (copy enclosed) wherein the abovesaid observation has been pointed out by the Government of India in regard to the furnishing of quarterly reports.

The District Judges are, therefore, requested to follow the foregoing instructions scrupulously and ensure that the quarterly reports are forwarded to the concerned authorities exclusively in the revised proforma/with requisite information of pendency of cases relating to the applications of foreign nationals for adoption of Indian children by following the directions of the Supreme Court with strict compliance. Any deviation in this regard will be viewed seriously by the High Court.

120

The receipt of this circular may please be acknowledge.

Sd/-.,

REGISTRAR (ADMINISTRATION)

Nô. 4-4/91-CARA, Ministry
of Welfare Government
of India

Registered
Reminder-I

Central Adoption Resource Agency

West Block 8, Wing No. 2,
R.K. Puram, New Delhi-66.

Dated 11th Feb' 1993.

Registrar of High Courts of Andhra Pradesh,
Hyderabad (A.P.)

Subject:-Quarterly Report about children whose
guardianship has been awarded in favour
of foreign parents.

Sir,

I am to invite your urgent attention to this Agency's Circular dated 1-7-1992 (copy enclosed) regarding furnishing of quarterly report about children whose guardianship has been awarded in favour of Foreign parents in pursuance of the directions of the Supreme Court of India in Writ Petition (CRL) No. 1171/82 in the matter of Shri Laxmi Kant Pandey Vs. Union of India.

2. A revised proforma of quarterly report was sent to you along with above referred circular with a request to circulate the same to all District Courts within your jurisdiction for their guidance and immediate compliance. However, it has been observed that District Courts are still furnishing the requisite quarterly report in the old proforma which does not cover the information of pendency of cases

relating to adoption of destitute/orphaned/abandoned children. You would kindly agree that in the absence of above information, this Agency will not be able to give you necessary feed back to exercise proper vigilance in this regard on the District Courts within your jurisdiction. It may be added that Supreme Court has given specific directions to the High Courts in this regard (Copy of relevant extract is enclosed).

3. In the light of foregoing it is once again requested that matter may kindly be looked into so as to ensure strict compliance of the direction of the Supreme Court.

4. This may kindly be considered as Most Important. It is also requested that receipt of this letter may kindly be Acknowledged.

Yours Faithfully,

K.P. Sethy
Deputy Secretary to the
Government of India, Ministry
of Welfare/Secretary (CARA).

Encls:-As above.

No. 4-4/91-CARA-1337
Ministry of Welfare
Government of India,
Central Adoption Resource Agency

West Block No. 8, Wing No. 2,
R.K. Puram, New Delhi-66.

Dated the 1st July, 1992.

To.

All Registrars of High Courts of States/UTs.

Sub:- Quarterly Report about children whose guardianship has been awarded in favour of foreign parents.

Sir,

In continuation of this Agency's letter No. 4-4/91-CARA dated 15-10-91 regarding quarterly report about children whose guardianship has been awarded in favour of foreign parents, I am to invite you kind attention to the following portion of the directions of the Supreme Court to High Courts in judgement dated 3rd Decemver, 1986 in Writ Petition (CRL) No. 1171/82 in the matter of Shri Laxmi Kant Pandey Vs Union of India:-

"Some Social and Child Welfare Agencies made a complaint before us that the proceedings for appointment of a prospective adoptive parent as guardian of the child drag on for months and months in some district Courts and almost invariably they take not less than five to six months. We do not know whether this is true, but if it is, we must express our strong disapproval of such delay in disposal of the proceedings for appointment of guardian. We wish to impress upon the district courts that proceedings for appointment of guardian of the child with a view to its eventual adoption, must be disposed of at the earliest and in any event not latter than two months from the date of filing of the application. We would request the High Court to call for returns from the district courts within their respective jurisdiction showing every two months as to how many applications for appointment of guardian are pending, when they were filed and if more than two months have passed since the date of their filing, why they have not been disposed of up to the date of the return. If any application for guardianship is not disposed of by the district courts within a period of two months and there is no satisfactory explanation, the High Courts must take a serious view of the matter. We were also informed that some district courts are treating

applications for guardianship in a lacadaisical manner and are not scrupulously carrying out the directions given by us in our judgement. This defiance by the district courts of the directions given by us should not be tolerated by the High Courts and we would request the High Courts to exercise proper vigilance in this behalf.

2. In accordance with the above directions of the Supreme Court, Part II has been further provided in the existing proforma of the quarterly report so as to collect the requisite additional information regarding pendency of cases from the District Courts. Accordingly you are requested to circulate the revised proforma of the Quarterly Report to all District Courts within your jurisdiction for their guidance and compliance. It is also requested that specific action taken by the High Courts against the District Courts for undue delay may kindly be communicated to us from time to time.

3. This may kindly be considered Most Important. Receipt of this letter may kindly be acknowledged.

Yours faithfully,

(AMITA PAUL),
Secretary, CARA.

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

Roc.No. 1340/SO/93.

Dt. 17-8-1993.

CIRCULAR

Sub: NUMBERING OF APPEALS arising against the Orders made on petitions under Special Acts viz., A.P. Forest Act, 1967 as Civil Miscellaneous Appeals - Instructions - Issued - Reg.

It is brought to the notice of the High Court that the appeals arising against the Orders made on petitions under the Forest Act are being numbered as Appeal Suits in some of the District Courts.

Attention is, therefore, invited to Rule 167 of the Civil Rules of Practice and Circular Orders wherein it is stated that all appeals arising against the Orders made on petitions under Special Acts shall be registeted as Civil Miscellaneous Appeals and entered in the Civil Register No. 4.

All the District Judges and Presiding Officers are therefore, hereby directed to adhere to the above Rule strictly.

Receipt of this Circular may kindly be acknowledged.

Sd/-.,

REGISTRAR (ADMN.).

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

Roc.No. 1881/SO/92.Dt. 20-6-1994.CIRCULAR

Sub : Instructions to all the Presiding Officers in the State - To strictly follow Section 20 of the Contempt of Court Act, 1971 and procedure laid down under Sub Rule 1 to 4 of Rule 9 of the Contempt of Court Rules, 1980 while forwarding the reference to the High Court for initiating contempt proceedings - Reg.

Some instances are brought to the notice of the High Court, that some of the Presiding Officers in the State are not following provisions contained in Section 20 of the Contempt of Courts Act, 1971 and Sub Rules 1 to 4 of Rule 9 of the Contempt of Court Rules, 1980 framed by the High Court while forwarding the reference to the High Court, some of the Presiding Officers are forwarding the references after lapse of the period of limitation of one year. Which is resulting in non-initiation of contempt proceedings against the persons concerned in view of the fact that the matter has become time barred as per Section 20 of the Contempt of Courts Act, 1971.

In this connection, attention is invited to all the Presiding Officers Section 20 of the contempt of courts act, 1971 and sub rules 1 to 4 of Rule 9 of the Contempt of Courts Rules, 1980 framed by the High Court which are extracted hereunder:

Section 20:-Limitation for actions for Contempt:-

"No court shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed."

Rule - 9 :-(1) All references made by the Subordinate Courts under Rule 5(d) shall contain the particulars as mentioned in Rule 7(1)(a) and (b) so far applicable.

(2) The Subordinate Courts shall transmit all relevant documents or true copies thereof duly attested along with the letter of reference.

Rule-9:-(3) all references made under Rule 5(d) by the Subordinate Courts other than the Courts of District and Sessions Judges shall be forwarded through the respective District and Sessions Judges for onward transmission of the same to the High Court expeditiously with their report.

(4) Before making reference, the Subordinate Courts shall hold a preliminary enquiry by issuing a show cause notice to the Contempter and after hearing him, the said court shall write a concise reasoned order of reference about the alleged contempt.

All the Presiding Officers in the State are requested to follow the above procedure scrupulously and after thoroughly checking before forwarding the references to the High Court for initiating contempt proceedings against the respondents before the lapse of period of limitation of one year from the date on which the contempt is alleged to have been committed and also strictly follow the sub rules 1 to 4 of rule 9 of the Contempt of Courts Rule, 1980.

Any deviation will be viewed seriously.

The receipt of the Circular may kindly be acknowledged.

(Sd/-)

Registrar (Administration)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

ROC.No. 98/80/95.Dt. 13-2-1995.CIRCULAR

Sub :-Civil Courts cease to exercise any jurisdiction consequent on the Establishment of Debt Recovery Tribunal under Act No. 51 of 1993 - Jurisdiction, power or authority in relation to matter specified in Section 17 of the said Act - Instructions to the subordinate Courts - Issued.

Consequent on the establishment of the Debt Recovery Tribunal at Bangalore, under sub-section (1) of Section 3 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (Act No. 51 of 1993) on and from the date of Notification F.No. 18(14)/93-Coord, dated 30-11-1994 (Copy enclosed) for the States of Karnataka and Andhra Pradesh the Civil Courts cease to exercise, any jurisdiction, powers or authority in relation to matters specified in Section 17 of the said Act and that in terms of the provisions of the Act;

- (a) Civil Courts shall not entertain and decide suits and execution petitions where an amount of debt due to any Bank or Financial Institution is Rs. 10 Lakhs and above;
- (b) All such suits and execution petitions which are pending immediately before the date of establishment of Debt Recovery Tribunal shall stand transferred to the Debt Recovery Tribunal at Bangalore,

and that in view of the aforesaid notification and establishment of the Debt Recovery Tribunal at Bangalore, on and from 30-11-1994, the Civil Courts in Andhra Pradesh cease to exercise jurisdiction in matters specified in (a) & (b) supra.

Attention of the Presiding Officers of the Civil Courts is invited to sub-section 4 of Section (1), (3), (17), (18) and (31) of the Debt Recovery Tribunal Act, (Act No. 51 of 1993), in relation to the suits and execution petitions pending in their courts.

All the Presiding Officers of the civil Courts under the control of the High Court shall not entertain and decide suits and execution petitions when the amount of Debt Due to any Bank or Financial Institution is Rs. 10 Lakhs and above; and transfer all such suits and execution petitions which are pending immediately before the date of establishment of Debt Recovery Tribunal at Bangalore, to the aforesaid Tribunal, immediately.

The above instructions (a) and (b) should be followed scrupulously and any deviation will be viewed seriously.

The receipt of the Circular may please be acknowledged.

(Sd/-)
Registrar (Administration).

TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY
UNDER PART II, SECTION 3, SUB-SECTION (1)

GOVERNMENT OF INDIA

MINISTRY OF FINANCE
DEPARTMENT OF ECONOMIC AFFAIRS
(Banking Division)

F.No. 18(14)/93-Coord.

Dt:30-11-94.

NOTIFICATION

G.S.R.: (E) In exercise of the powers conferred by Section 3 of the Recovery of Debts Due to Banks and Financial Institutions act, 1993 (51 of 1993), the Central Government hereby establishes the Debts Recovery tribunal at the place mentioned in Column (2) of the Table below, to exercise jurisdiction within the areas specified in the corresponding entry in column (3) of the said table.

TABLE

Sl. Place at which Tribunal No. is established.	Area of Jurisdiction.
(1)	(2)
(3)	
1. Krishi Bhavan, (Near Police Corner) Nrupathunga Road, Hudson Circle, Bangalore-560 002.	States of Karnataka and Andhra Pradesh.

(Sd/-)

(K. SRINIVASAN)

Joint Secretary to the
Government of India.

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

ROC.No. 2225/SO/94.Dt. 19-11-1994.CIRCULAR

Sub :-Implementation of Supreme Court Judgement, dt. 6-2-1984 in W.P. (Crl.) No. 1171/82 by Sri Laxmi Kant Pandey - Disposal of adoption cases by the District Courts within the time-frames fixed by the Supreme Court of India - Circular Instructions - Issued.

- Ref :-1. High Court's Lr.Roc No. 2339/SO/91, dated 30-10-1991.
2. Govt's Lr. No. 4-4-91 - CARA - 1337, dt. 1-7-92 from the Secretary, Central Adoption Resource Agency, Ministry of Welfare, Govt. of India, New Delhi.
 3. High Court's Lr. Roc. No. 290/SO/93, dt. 18-2-93.
 4. Govt's Lr.No. 4-4-91 - CARA, dt. 25th October, 1994 from the Secretary (CARA)/ Director, Govt. of India, Central Adoption Resource Agency, Ministry of Welfare, Govt. of India, New Delhi.

Attention is invited to the High Court's letter 3rd cited, wherein certain instructions were issued requesting the District & Sessions Judges to forward the quarterly reports regarding applications of Foreign Nationals for adoption of Indian Children in the revised proforma, as requested by the Government of India, in the reference 2nd cited.

Now it has been brought to notice of the High Court that some of the District Courts are taking lot of time to decide the guardianship of the child in favour of foreign adoptive parents - inspite of the time limit of two months stipulated by the Supreme Court of India.

In this connection, special attention is invited to the paras 3 and 4 of the Government's letter last cited (Copy enclosed), wherein the abovesaid delays has been pointed-out by the Government of India in regard to disposal of adoption cases.

The District & Sessions Judges, are therefore, requested to follow the foregoing instructions scrupulously and also to ensure that the quarterly reports are forwarded to the concerned authorities in the proforma (Part-I & II are already enclosed in the reference 2nd cited).

Any deviation in this regard will be viewed seriously by the High Court.

The receipt of the Circular may please be acknowledged.

(Sd/-)
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD.

Roc.No.1660/SO/93.dt. 23-9-1993.

1E1

C I R C U L A R

of delivery at various issues, and also of
 last dated 12-9-1991, and also of
 Sub:- Judgments - Judgments and Orders in Civil, and
 Criminal and other matters (Appeals) & Revisions
 Revisions from Sessions and other Courts, need
 Judgments and Orders are often not legible or
 fair and Legible copies of Judgments and
 Xerox copies to be sent to the High Court.
 Instructions - Issued.
 Ref:- High Court's Circular Roc.No.2158/SO/91,
 dated 12-9-1991.

Attention is invited to the Circular cited.

While disposing of civil, Criminal and other matters, it has often been observed by the High Court that the certified copies of the Judgments and Orders sent in appeals by the District & Sessions Courts and other Courts are not legible and some times it is almost impossible to read the sentences which are either missing or typed in blurred manner. Likewise the Xerox/Certified copies filed in the above matters are not legible due to typing the matter on both sides. As such, the High Court feels it imperative, that instructions are issued to all the Presiding Officers in the State.

All the Presiding officers in the State are, therefore, hereby directed to transmit and issue Fair, Legible and neatly typed certified copies (on one side of the page) and Xerox copies of the High Court, as also to the Advocates who prefer Appeals and Revisions to the High Court.

The above instructions should be followed scrupulously and any deviation will be viewed seriously.

01-21/11

134

The receipt of the Circular should be acknowledged.
HIGH COURT OF ANDHRA PRADESH : AT HYDRABAD.

Hydrabad,
Dt. 24-7-1993.

A. Hanumanth, M.A., J.L.B.,
Registrar (Administration)

Registrar (Admn.)

REG. NO. 173/20/93.

To
All the District & Sessions Judges in the State including the Metropolitan Sessions Judges in Hyderabad, Visakhapatnam and Vijayawada.

Sir,

Sub: CONSOLIDATED report of Old Criminal cases in which the accused persons absconding and where the police are not returning the warrants of arrest duly executed - Information - Registrar.

- 1. High Court's Circular Reg. No. 246/20/78, dated 28-8-1978.
- 2. Govt's Lr. No. 1228/Crs. B/93-2, dt. 23-1-1993 from the Deputy Secretary, Home (Crs. B), Dept. Government of A.P., Hyderabad.
- 3. Govt's Lr. No. 1228/Crs. B/93-3, dt. 18-7-1993 from the Deputy Secretary to Government, Home (Crs.) Department, Govt. of A.P., Hyderabad.

I am to invite your attention to the High Court's Circular cited and to state that it is observed that as per the circular none of the District Judges except the District Judge, Warangal is informing the High Court regularly about the position of pending of old criminal cases in which the accused are absconding and where the police are not returning the warrants of arrest duly executed for over three months by forwarding the consolidated reports of such cases to the High Court under Sections 31 and 32 of Code of Criminal Procedure for taking up the matter at appropriate level.

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

A.Hanumanthu, M.A.,LLB.
Registrar (Administration)

Hyderabad,
Dt. 24-2-1993.

ROC.No. 173/SO/93.

To

All the District & Sessions Judges in the State including the Metropolitan Sessions Judges in Hyderabad, Visakhapatnam and Vijayawada.

Sir,

Sub: CONSOLIDATED report of Old Criminal cases in which the accused persons absconding and where the police are not returning the warrants of arrest duly executed - Information - Reg:-

- Ref:** 1. High Court's Circular Roc.No.946/SO/78, dated 28-8-1978.
2. Govt's Lr.No.1228/Cts.B/93-2, dt.23-1-1993 from the Deputy Secretary, Home (Cts.B) Dept., Government of A.P., Hyderabad.
3. Govt's Lr.No.1228/Cts.B/93-3, dt. 18-2-1993 from the Deputy Secretary to Government, Home (Cts.) Department, Govt. of A.P., Hyderabad.

I am to invite your attention to the High Court's Circular 1st cited and to state that it is observed that as per the circular none of the District Judges except the District Judge, Warangal is informing the High Court regularly about the position of pending of old criminal cases in which the accused are absconding and where the police are not returning the Warrants of arrest duly executed for over three months by forwarding the Consolidated reports of such cases to the High Court under Sections 82 and 83 of Code of Criminal Procedure for taking up the matter at appropriate level.

I am further to state that in this context the Government has pointed out about non-receipt of such reports from the Other District Courts regularly and requested the High Court to communicate the similar reports from other Districts as submitted by the Warangal District Court for the month of November, 1992.

I am, therefore, to reiterate the earlier instructions issued by the High Court in the reference 1st cited (copy enclosed for ready reference) and to request all the District & Sessions Judges in the State to forward consolidated reports of Old Criminal cases pending under Sections 82 and 83 of the Code of Criminal Procedure, 1973 peremptorily and regularly duly following the instructions issued thereunder.

Any deviation in the matter will be viewed seriously.

The receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/-.,

REGISTRAR (ADMN)

I am further to state that in this text the Government has pointed out about 1000 cases reported from the District Court for the year 1992. The High Court has requested the District Court to submit reports from other Districts also. The District Court has submitted the reports for the month of November, 1992.

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.
 dt. 3-3-1993
ROC.No:46/SO/93.
CIRCULAR

Sub: COURTS OF MAGISTRATES - Pendency of Criminal cases - Suggestions to reduce the pendency -
 Reg. (copy enclosed for ready reference)

1. Govt's letter No.43421/Cts.B/92-3, dated 1-11-1993, Home (Cts.B) Department, Secretariat, Hyderabad.

2. High Court's letter Roc.No.1476/SO/91- (1, 3, 5), dated 22-1-1992.

3. Letter No.933/A2/DOP/91, dt. 14-8-1991 and 17-10-1991 from the Addl. Director General of Police and Director of Prosecutions, A.P., Hyderabad.

As you are aware that the High Court has already issued some circular instructions in the reference 2nd cited to all the District Judges, Chief Metropolitan Magistrates, Chief Judicial Magistrates with a request to communicate the same to all the Munsif Magistrates (criminal side) in the State to follow certain guidelines viz., examining all the witnesses on a particular day, reduction of pendency and expeditious disposal of criminal cases and execution of N.B.Ws etc.

In this connection, I am to invite your attention to para 3 of Circular No.3 in Roc.No.1476/SO/91, dated 22-1-1992 issued by the High Court, wherein the High Court has directed to post the cases in such a manner that cases concerning each Police Station are to be posted on one day in a week as far as possible. No information regarding compliance is received from the District Judges. I am to request you to send a report about the implementation of the said circulars. If the instructions have been implemented please send the progress reports to the High Court. If for any reason,

I am further to request you to furnish the detailed report in regard to the suggestions Nos. (a), (b), (c) and (d) of the Government's letter (enclosed herewith) dated 13/7/92. The Government has to observe the month of April, 1993 as a special drive month to execute the N.B.Ws and dispose of summary trial cases and report compliance to the High Court immediately thereafter.

In the previous meetings held by the High Court with the Director of Prosecutions, it has been noticed from the statements received from the District & Sessions Judges that most of the cases are pending only for want of execution of N.B.Ws by the concerned Police Officials. The Additional Director General of Police has issued a circular memo to all the Commissioners of Police and Superintendents of Police in the State requesting them to intimate whether the instructions of the High Court mentioned in para 3 of the Circular Roc.No.1476/SO/91-3, dt. 22-1-1992 are being complied with by the Courts in actual practice (reference No.3 is enclosed herewith).

Now, the Government in their letter 1st cited (copy enclosed) have suggested certain measures to reduce the pendency of Criminal cases and other offences which come under Special Acts for quicker and summary disposal by strictly following Section 206, 253, Sub-section (1) of Section 320 and Section 260 and 261 of Criminal Procedure Code so that such Magistrate can dispose of cases quickly and summarily.

In pursuance of the above letter, the Committee of the Hon'ble Judges and the Director of Prosecutions in its meeting held on 25-2-1993 has decided to issue appropriate instructions to the District and Sessions Judges in the State to observe the month of April, 1993 as a special drive month to execute the N.B.Ws and dispose of summary trial cases and report compliance to the High Court immediately thereafter.

All the District & Sessions Judges and Metropolitan Sessions Judges are hereby requested to take special attention in the matter and discuss with the concerned Officers and issue suitable instructions to the concerned Munsif Magistrates on criminal side to do the needful in the matter.

I am further to request you to furnish the detailed report in regard to the suggestions Nos. (a), (b), (c) and (d) of the Government's letter (enclosed herewith) and to observe the month of April, 1993 as a "special drive month for execution of N.B.Ws and dispose of summary trial cases" and report to the High Court the results of the Special drive immediately after the end of April.

I am also further to request you to send fresh proposals after a close scrutiny of the work load in existing courts of S.T.Cs for creation of new courts in your unit in the cadre of Special Judicial Second Class Magistrates keeping in view of the pendency of criminal cases, if necessary.

The receipt of this circular may please be acknowledged.

Sd/-.,

REGISTRAR (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

ROC.No.46/SO/93.

Dt. 24-8-1993.

CIRCULAR

Sub: COURTS OF MAGISTRATES - Pendency of Criminal Cases - Suggestions to reduce the pendency - Further Instructions - Issued.

- Ref:** 1. Govt's Lr.No.43421/Cts.B/92-3, dt.7-1-1993 from the Secretary, Home (Cts.B) Department, Secretariat, Hyderabad.
2. High Court's Lr.ROC No.1476/SO/91 pertaining to Circular Instructions Nos. 1, 3 and 5, dated 22-1-1992.
3. High Court's circular ROC No.46/SO/93, dated 3-3-1993.

You are well aware that the High Court has issued several circular instructions from time to time to all the District and Sessions Judges, the Chief Metropolitan Magistrates, the Chief Judge, City Civil Court, Hyderabad relating to reduction of pendency in the Munsif Courts and expeditious disposal of Criminal cases and execution of Non-bailable Warrants etc.,

After careful examination of the Government's letter, 1st cited (which has already been communicated to you on 3-3-1993), the Committee of the Hon'ble Judges discussed the matter at length and found that further guidelines and circular instructions should be issued to all the Presiding Officers in the State on the points mentioned below, viz.,

- (a) to dispose of as many cases by liberal use of Section 206 of the Criminal Procedure Code by dispensing with the personal presence of the accused, and suggesting the amount of fine in

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

Dr. 24-8-1993

140

REG.No.40/20/93

the summons itself as Section 253 of the CrI.P.C. enables the accused to plead guilty without appearing in person and by effecting payment of the fine specified in the summons;

(b) to resolve cases falling within the Table to Sub-section (1) of Section 320 of the CrI.P.C, by bringing the parties to the negotiation table by way of pre-trial conciliation or placing their cases before Lok Adalats;

In this connection your attention is invited to the provisions of Sections 206, 253 and Sub-section (1) of Section 320 of CrI.P.C. and you are hereby directed to follow the procedure laid down in CrI.P.C. 1973 very liberally so as to dispose of larger number of cases by dispensing with the personal presence of the accused. All the District & Sessions Judges and Presiding Offices in the State are directed to follow the procedure laid down under Sections 206, 253 and Sub-section (1) of Section 320 of Criminal Procedure Code, 1973 and to dispose of as many cases as possible in that manner.

The receipt of the Circular may kindly be acknowledged.

Sd/-,

Registrar (Admin.) (s) Section 306 of the Criminal Procedure Code by dispensing with the personal presence of the accused, and suggesting the amount of fine in

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Date: 1-12-1993

ROC.No. 565/50/93

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

CIRCULAR

Roc.No. 565/50/93.

Date: 1-12-1993.

Sub: Undertrial Prisoners - Measures to reduce Population of Undertrial Prisoners undergoing long incarceration - Further instructions - Issued

Ref: High Court Circular No. dated 1-12-93

I am to enclose herewith the circular dated 1-12-93, cited in the reference, and to request you to implement the circular instructions scrupulously.

In this connection, I am directed to request you to send the Statement relating to Undertrial Prisoners undergoing long incarceration due to non-progress of trial in the cases for the offences/offences for which they are charged in the enclosed proforma, along with the review committee report for every quarter commencing from the IV Quarter 1993 onwards.

Registrar (Admn.)

It is a matter of serious concern and alarm, Committee of the Hon'ble Judges, the High Court feels it necessary to issue circular instructions to all the Presiding Officers of Criminal Courts for their future guidance and immediate action.

(1) that immediate steps should be taken in cases of all Undertrial Prisoners, who are represented by defence counsel provided at State expense to be posted on working Saturdays and heard and disposed of by all the courts concerned as early as possible.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC.No.565/SO/93.

Date: 1-12-1993.

CIRCULAR

Sub: UNDERTRIAL PRISONERS - Measures to reduce population of Undertrial Prisoners undergoing long incarceration - Further instructions - Issued.

You are well aware, that the District Review Committee Meetings are to be held in the District Headquarters for every quarter alongwith other Officials to review the Undertrial Prisoners who are detained in various jails in the Districts for more than three months to one year.

As seen from the Review lists furnished by the District & Sessions Judges/Metropolitan Sessions Judges in the State relating to various Criminal Courts, the High Court on scrutiny of the same finds that the number of Undertrial Prisoners awaiting disposal of their cases in Criminal Courts are in increase and for abnormally long periods of time and the various reasons mentioned in the said lists viz., (1) Non production of accused (2) Pending non-bailable warrants; and (3) Charge sheets not filed etc., do not justify their further detention as undertrial prisoners.

As it is a matter of serious concern and alarm, after an exhaustive discussion of the matter by the Committee of the Hon'ble Judges, the High Court feels it necessary to issue circular instructions to all the Presiding Officers of Criminal Courts for their future guidance and immediate action.

- i) that immediate steps should be taken in cases of all Undertrial Prisoners, who are represented by defence counsel provided at State expense to be posted on working Saturdays and heard and disposed of by all the courts concerned as early as possible.

- ii) the co-operation of the prosecution and accused should be appropriately obtained for hearing and disposing of the cases on Saturdays.
- iii) in cases of other Undertrial Prisoners defended by advocates of their choice, the prosecutor and the defence counsel concerned should be persuaded by concerned courts to expedite their disposal.
- iv) the prosecuting agency, the police should take positive and effective steps for production of witnesses and completion of prosecution evidence at the earliest possible opportunity in cases of all Undertrial Prisoners.
- v) in all cases of Undertrial Prisoners, the police and the prisons departments should co-ordinate and take steps for the production of Undertrial Prisoners on the respective dates of hearing without fail by providing necessary escort.
- vi) in all cases where the Undertrial Prisoners are in detention for sufficiently long periods, sometimes even exceeding the sentence that can be lawfully imposed on them for offences with which they were charged and where they voluntarily express their willingness to admit the crimes, the possibility of disposing of the cases on such admissions may be pursued by all the courts concerned.
- vii) the prosecuting agency may examine the cases of undertrial prisoners to explore the possibility of withdrawing the prosecution in deserving cases.
- viii) if any of the Undertrial Prisoner is being tried alongwith other accused and the said accused is absconding and N.B.W. for his apprehension is pending for long time and if there is

no scope for his apprehension and production in the Court in the near future, then the case of the Undertrial Prisoner may be split up and proceeded with trial.

All the District and Sessions Judges/Metropolitan Sessions Judges in the State are directed to follow the above instructions scrupulously and any deviation will be viewed seriously.

The receipt of the Circular may kindly be acknowledged.

(iv) the prosecuting agency, the police should take effective steps for production of witnesses and completion of report evidence at the earliest possible opportunity in cases of all Undertrial Prisoners.

(v) in all cases of Undertrial Prisoners, the police and the prison department should coordinate and take steps for the production of Undertrial Prisoners on the respective dates of hearing without fail by providing necessary security.

(vi) in all cases where the Undertrial Prisoners are in detention for substantially long periods, sometimes even exceeding the sentence that can be lawfully imposed on them for offences with which they were charged and where they voluntarily express their willingness to admit the crimes, the possibility of disposing of the cases on such admission may be pursued by all the courts concerned.

(vii) the prosecuting agency may examine the cases of Undertrial Prisoners to explore the possibility of withdrawing the prosecution in deserving cases.

(viii) if any of the Undertrial Prisoner is being tried alongwith other accused and the said accused is absconding and N.A.W. for his appearance is pending for long time and it is

STATEMENT RELATING UNDER TRIAL PRISONERS UNDERGOING LONG INCORPORATION

DUE TO NON PROGRESS OF TRIAL IN CASES IN WHICH THEY ARE CHARGED

Details of Offence, Offences for which the accused is/are charged with case No.	Maximum period of sentence prescribed for the offence under the I.P.C.	Reasons for not disposing of the case	Duration of Remand
---	--	---------------------------------------	--------------------

(1)

(2)

(3)

(S)

... (mirrored text from reverse side) ...

241

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc.No. 222/95-PIL.

Dated: 15-9-1995.

CIRCULAR

Sub:-Prisoners-Naxalite Undertrial Prisoners -
Transfer to Central Prison, Hyderabad -
Instructions issued - Reg.

The Inspector General of Prisons and Director of Correctional Services, Hyderabad, has brought to the notice of the High Court that the Presiding Officers are ordering for the transfer of Naxalite Undertrial Prisoners to Central Prison, Hyderabad conceding their request inspite of the difficulties and security implications explained by the Superintendent, Central Prison, Hyderabad, and requests to issue necessary instructions to the Presiding Officers to take into consideration of the difficulties explained by the Prison administration.

The High Court after careful examination of the requests of the Inspector General of Prisons and Director of Correctional Services, Hyderabad, directs all the Presiding Officers of the Criminal Courts in the State to consider the rule position and the difficulties expressed by the Prison Administration in the letter (copy enclosed) while ordering transfer of undertrial Naxalite Prisoners to the Central Prison, Hyderabad.

(Sd/,)

Registrar (Management).

GOVERNMENT OF ANDHRA PRADESH
JAIL DEPARTMENT

Letter No. SB. 3/1064/94

28-3-1995.

Sub:-Prisoners-Naxalite Undertrial prisoners-
Transfer to Central Prison, Hyderabad - Reg.

I have to bring it to your knowledge that of late it is observed that several Naxalite Undertrial prisoners are applying for transfer to Central Prison, Hyderabad from various other Jails, on some pretext or other. The Presiding officers are ordering for their transfer to Central Prison, Hyderabad conceding their requests inspite of the difficulties and security implications explained by the Superintendent, Central Prison, Hyderabad.

2. In this connection I have to state that Sub-Rule 4 of Rule 9 of Andhra Pradesh Prisons Rules, 1979 requires that remand or Undertrial prisoners should be committed to Sub-Jails, District Jails, or Central Prisons situated nearest to the committing court. Beside jurisdiction of Jails was also clearly specified.

3. You will appreciate that congregation of Naxalite Prisoners at one place is highly dangerous from security point of view. Due to lack of sufficient accommodation, especially cellular accommodation and lack of seggregational facilities, these extremist prisoners are taking undue advantage and reportedly hatching conspiracy. Recent Intelligence reports reveal that the Undertrial Naxalites are conspiring to congregate at Central Prison, Hyderabad with ulterior motives of planning a Jail break. The top cadre of Naxalites are at present lodged at Central Prison, Hyderabad.

4. One of the grounds putforth by the Naxalite Prisoners for transfer to Central Prison, Hyderabad is to utilise the educational facilities for appearing for examinations in Open University. As a matter of

J. 1175-11

fact, this facility is mainly intended to convicted prisoners whose stay in the jail is long whereas the detention of Undertrial prisoners is not definite. Further for appearing in Open University examinations prisoners have to necessarily pass the entrance examination conducted in May. This aspect is not being considered by the Presiding Officers.

5. I am enclosing copies of several orders passed by the Courts as well as copies of letters written by the Superintendent, Central Prison, Hyderabad for favour of perusal.

6. I would request you to appreciate the grave security risk involved in the transfer of Naxalite Undertrial Prisoners from other Jails to Central Prison, Hyderabad, and issue necessary instructions to the presiding officers to take into consideration of the difficulties explained by the Prison Administration in this regard.

S.R. SUKUMARA,
Inspector General of Prisons and
Director of Correctional Services.

V.R. JOSHI,
Additional Inspector General of
Prisons.

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

ROC.No.1261/SO/92.

Dt. 29-4-1993.

CIRCULAR

Sub: Records - Rules for Destruction of certain records lying in the Central Record Room of the District Courts - proposals for revision of existing rules to make provision for the records in cases disposed of under Special Acts other than the Acts provided in the said Rules - Instructions - Reg:-

You are well aware that the High Court has framed the Rules pertaining to Preservation and Destruction of Records in the Subordinate Courts in the State vide in Roc.No.9/SO/73. The High Court has called for the remarks from all the District Judges in the State to take steps for amendments of the Rules for Preservation and Destruction of records pertaining to the Special Acts viz., (1) Records of Estates Abolition Tribunal from 1950; (2) Records under Andhra Pradesh Tenancy Act from 1980; and (3) Records under Land Reforms Appellate Tribunal from 1973, as suggested by the then District Judge, Guntur.

In this connection, the High Court after considering the question from all aspects and also the suggestions made by the District Judges, is of the view that there should be a uniform procedure in regard to destruction of records; prescription of various periods in respect of destruction of records in cases arising under different special enactments is likely to lead to avoidable confusion. The better course is to follow the existing rules in respect of all the matters dealt with and decided by the Subordinate Courts under the control of the High Court irrespective of the enactments under which the matters are disposed of.

In so far as the Consumers' Redressal Fora are concerned, the High Court is of the view that in the Districts where the District Judges are discharging the functions as part-time Chairmen, the same procedure suggested supra also may be followed by them in respect of destruction of records. As and when full time chairmen are appointed, the records shall be transmitted to them.

All the District Judges in the State are hereby directed to follow the circular instructions as framed originally by the High Court of Madras under Destruction of Records Act (Act V of 1917) as per High Court Dis.No. 505 of 1901 which also provides for collection of draft judgments for 1(b), 1(c) and 1(d) as published at page 329 of Civil Rules of Practice and Circular Orders Vol.I (copy enclosed).

The receipt of the circular may please be acknowledged.

Sd/-.,

REGISTRAR (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

ROC. No. 689/SO/95.

DT. 2-5-1995.

CIRCULAR

Sub :-Andhra Pradesh Judicial Academy - Preservation of selective judgements, records, registers, documents, books etc., and development of a judicial Museum - Instructions to the Unit Officers of the entire State of Andhra Pradesh Issues.

The Director, Andhra Pradesh Judicial Academy, Secunderabad, has proposed to collect judgements of distinguished Judges of earlier generations, records, registers, documents, books etc., on selective basis for the purpose of preservation in the A.P. Judicial Academy, since there are no such facilities in different courts of the State and there is likelihood of those valuable documents being damaged due to natural or other supervening causes. It is further proposed that in course of time the Academy can develop a Judicial Museum for the benefit of the Judicial Officers and Research Scholars. The said proposal was considered by the Hon'ble Board of Governors in the Meeting of the Hon'ble Judges, dated : 30-12-1994, and it was resolved to permit the Director to address the Unit Officers in the State to provide information on a selective basis of such judgements, records, books, antiques etc., worth preservation in their considered opinion and also to forward them to the Academy on its request for taking steps to preserve their contents by micro-filming, micro-copying, laminating, etc., or by any other appropriate manner, and enclosed information sheet (Annexed hereto), which will throw light on the action of the Academy to develop a museum on firm footing to make it a unique one in the country.

The Director of Andhra Pradesh Judicial Academy, has, therefore, requested the High Court to issue suitable instructions to the Unit Officers of the entire State to furnish the information initially and to furnish the judgements, records, books, objects, etc., on selective basis which are worth preservation to enable the Academy to preserve their contents by micro-filming, micro-copying, laminating, etc., or by any other appropriate manner and thereafter to return the originals to the concerned courts, if required.

The High Court, after careful consideration of the proposal of the Director of A.P. Judicial Academy, Secunderabad, instructs all the Presiding Officers in the State of Directly furnish the information initially and to furnish the judgements, records, books, objects, etc., on selective basis which are worth preservation to enable the Academy to preserve their contents by micro-filming, micro-copying, laminating, etc., or respond to letter of the Director of A.P. Judicial Academy, Secunderabad, in furnishing the initial information and to furnish judgements, records, books, objects, etc., under intimation to the High Court..

(Sd/-),
Registrar (Management)

ANDHRA PRADESH JUDICIAL ACADEMY : SECUNDERABAD.

JUDICIAL : MUSEUM (JUDICIAL GALLERY)

1. Courts : In different countries-Models -
Facilities-Hierarchy of Courts
Powers & Functions.
2. Robes : Robes of Judges in different countries
and different periods in India.
3. Hammers & Tools: Hammers & Tools used in Courts.
4. Judges : Service conditions - Tenure of
office-Perks etc.,
5. Judgements : Land Mark Judgments - Judgments
given by great Judges - Brief and
effective Judgments, Printed
Material, Micro films etc.,
6. Pendency of
Cases : Pendency of cases in India - Diff-
erent States and other countries
Tabular Forms, Graphs, Duration
for disposal etc.,
7. Weapons : Different types of weapons being
used in the commission of offences
Collection of such models for
exhibition, The Types of injuries
each weapon causes etc.,
8. Fire Arms : Fire Arms of different types.
9. Explosives and
Explosive Sub-
stances : Models like difused country made
prombs, gelliten sticks, land
mines, granades, detenators etc.,

10. Narcotic Drugs Exhibition of samples.
& other Drugs:
11. Human Body : (Photos) Different types of injuries (for visual discreption) Injuries caused with different types of weapons, fire Arms, fire, etc., marks of hanging etc., Dead body immediately after death, when rigermortis passing off, Decomposed, drowned, presence of maggots etc.,
12. Bones : Different types of fractures and disabilities Amputation of limbs etc.,
13. Accidents : Accidental deaths, condition of Roads skid marks, surroundings of Accident places, stray Electric Wires, ground wells etc.,
14. Land Scapes : Agricultural lands, Hillocks, Thick Villages, Bushes, Thrashing Floors, path Towns ways, cart tracks, water tanks, Rivers etc.,
15. Towns : Industrial areas, pollution affected areas, slums, thickly populated areas, Any other items that are going to be suggested from time to time.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Roc.No. 468/SO/94.

Date: 6-4-1994.

To

All the District and Sessions Judges in the State and Metropolitan Sessions Judges, at Hyderabad, Visakhpatnam and Vijayawada.

Sir,

Sub: Courts - Criminal - Appointment of Special Judicial Magistrate of II Class/Special Metropolitan Magistrates of II Class - Sending panels for appointment - Guidelines - Issued.

Ref: 1. High Courts Notification Roc.No.63/SO/74-2, dated 28-3-1974.

2. CrI.P.C. 1973 (A.P. Amendment Act) (Act 2/92).

I am to state that several instances have come to the notice of the High Court, where the District Judges and Metropolitan Sessions Judges, have sent panels to the Collectors for appointment as Special Judicial Magistrates/Special Metropolitan Magistrates of persons, whose term is 1 month, 3 months, 4 months and 5 months respectively, even though the CrI. P.C. 1973 (A.P. Amendment Act), Act 2 of 1992 came into force with effect from 10-4-1992 wherein the term of appointment of special Judicial Magistrates/Special Metropolitan Magistrates prescribed is 2 years and the Government are appointing them, as such, for such short spells and by the time they assume office on conferment of powers, the period will be too short and it is resulting in a lot of inconvenience in making incharge arrangements by the District Judges/Metropolitan Sessions Judges, and they being required to frequently send the panels to the Collectors for filing up of the vacant posts. That apart, the regular work is

hampered and the staff attached to the said Courts will not have full work load during the intugnum period.

The High Court on consideration of the entire issue has decided to issue guidelines to all the District Judges/Metropolitan Sessions Judges, not to send panel recommending the persons, whose term of appointment as Special Judicial Magistrate/Special Metropolitan Magistrates is less than 1 year, keeping in view, qualificatons and the preferences laid down in rule 1 of the rules framed by the High Court in Roc. No.63/SO/74-2, dated 28-3-74 under/Sec. 13 & 18 of CrI.P.C. 1973 if not as per the term prescribed in the Criminal procedure code 1973 (A.P. Amendment Act) Act. 2 of 1992).

Any deviation in the matter will be viewed seriously.

(Sd/-),
Registrar (Admn.)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

ROC.No.1140/SO/94.Dt. 30-8-1994.CIRCULAR

Sub :-Resolution of the Bar Council of the State of Andhra Pradesh, Hyderabad passed on the representation made by the Bar Association Bezawada, as to whether the Advocates can identify the sureties or not and requesting the Hgh Court to issue necessary instructions to the Subordnate Judiciary not it insist the Advocates to identify the sureties - instructions ssued.

Instances have been brought to the notice of the High Court, that some of the Munsif Magistrates are insisting and compelling the Advocates on record to identify the sureties, eventhough they are verified from the concerned departments by the courts and the verification reports are received that the sureties are found to be correct, for releasing the accused on bail, and for banding over the case properties etc.,

The High Court on careful consideration of the resolution of the Bar Council of the State of A.P., Hyderabad and the representation of the Bar Association, Bezawada, feels it necessary to issue suitable instructions on the issue, to all the Presiding Officers of the Criminal Courts in the State.

All the Presiding Officers of the Criminal Courts in the state are directed not to insist upon the Advocates on record to identify the sureties for releasing the accused on bail, and while handing over the case properties.

It is further directed, that, if however, the Advocates on record volunteer to identify the sureties, the Presiding Officers of the Criminal Courts, may act on the same.

It is also further directed that the Presiding Officers of the Criminal Courts should satisfy themselves about the identify of the sureties.

All the Presiding Officers of the Criminal Courts in the state are directed to follow the above instructions scrupulously. Any deviation in the matter will be viewed seriously.

The receipt of the circular should be acknowledged.

(Sd/-)
Registrar (Administration).

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 3237/91-B.Spl.

Dated: 25-9-1991.

C I R C U L A R

Ref:- High Court Circular ROC.No. 3227/91-B.Spl.
dated 15-7-1991.

Further to the Circular ROC No. 3227/91-B. Spl, dated 13-9-1991 it is directed that as regards the Courts located in the twin cities, Hyderabad and Secunderabad, Judicial Officers of these courts are permitted to make court deposits also in the Metropolitan Criminal Courts Employee's Co-operative Credit Society Limited, Hyderabad, because the said Society is formed exclusively of the judicial employees, is operated exclusively by the judicial employees and is also for the benefit exclusively of the judicial employees of the twin cities.

All other conditions including the condition of equitable distribution contained in the aforesaid Circular will apply to deposits in this Society also.

Sd/-
REGISTRAR (JUDL.)

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

R.O.C.No.3227/91.B.Spl.Dated: 21-8-1992.C I R C U L A R

Ref:-High Court's Circular Roc. No.3227/91. B.Spl.
dated 27-5-1992.

In the circular referred to above, the High Court while issuing certain directions in regard to Court Deposits in Banks (1) to all District and Sessions Judges (2) all the Presiding Officers in Twin Cities of Hyderabad and Secunderabad and (3) all the Presiding Officers of Special Courts, has directed in Clause (3) therein of the guidelines that "No deposit should be prematurely encashed without prior permission of the High Court."

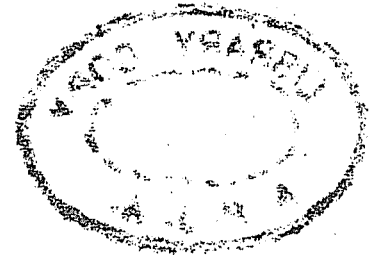
Applications have been received from certain Judicial Officers in the State seeking instructions of the High Court as to whether the concerned parties in the cases should be directed to approach the High Court to seek permission or they have to address the High Court in every case in that regard or by following the Division Bench decision of the High Court, they can pass orders on merits in the applications wherein the otherside endorses no objection and also seeking permission to encash the prematurred F.D.Rs. to enable them to pay to the parties on the cheque petitions/applications filed by parties in the cases.

In view of the matter, the High Court hereby issues the following instructions:-

The intention in drawing up clause 3 of the guidelines was only to avoid indiscriminate premature withdrawals of deposits from one Bank to deposit the same amount in another Bank and on account of it the beneficiary loses the advantages of the interest accumulations. The rule shall be strictly applied in all such cases of premature withdrawals which are likely to be to the detriment of the beneficiaries.

In other cases of withdrawal/encashment of deposits, the Judicial Officers are directed to satisfy themselves of the genuineness of the claim for premature withdrawals/encashment and indicate such withdrawals with reasons for the same in the quarterly returns which they are to submit under Clause (4) of the Circular referred to above.

REGISTRAR (Admn.)



LIBRARY COPY
A.P.J.A.

PRINTED BY THE COMMISSIONER OF PRINTING, GOVT. OF ANDHRA PRADESH
AT GOVT. CENTRAL PRESS, HYDERABAD

