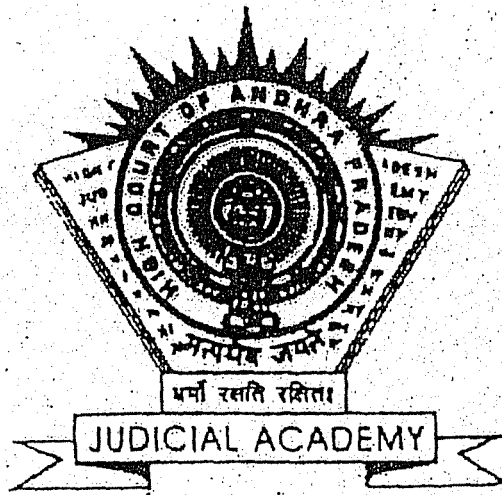


**ANDHRA PRADESH JUDICIAL ACADEMY  
SECUNDERABAD**



**REFERENCE/STUDY MATERIAL**

**For Private Circulation-Educational purpose only**

HIGH COURT OF ANDHRA PRADESH

CODIFICATION OF CIRCULARS

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

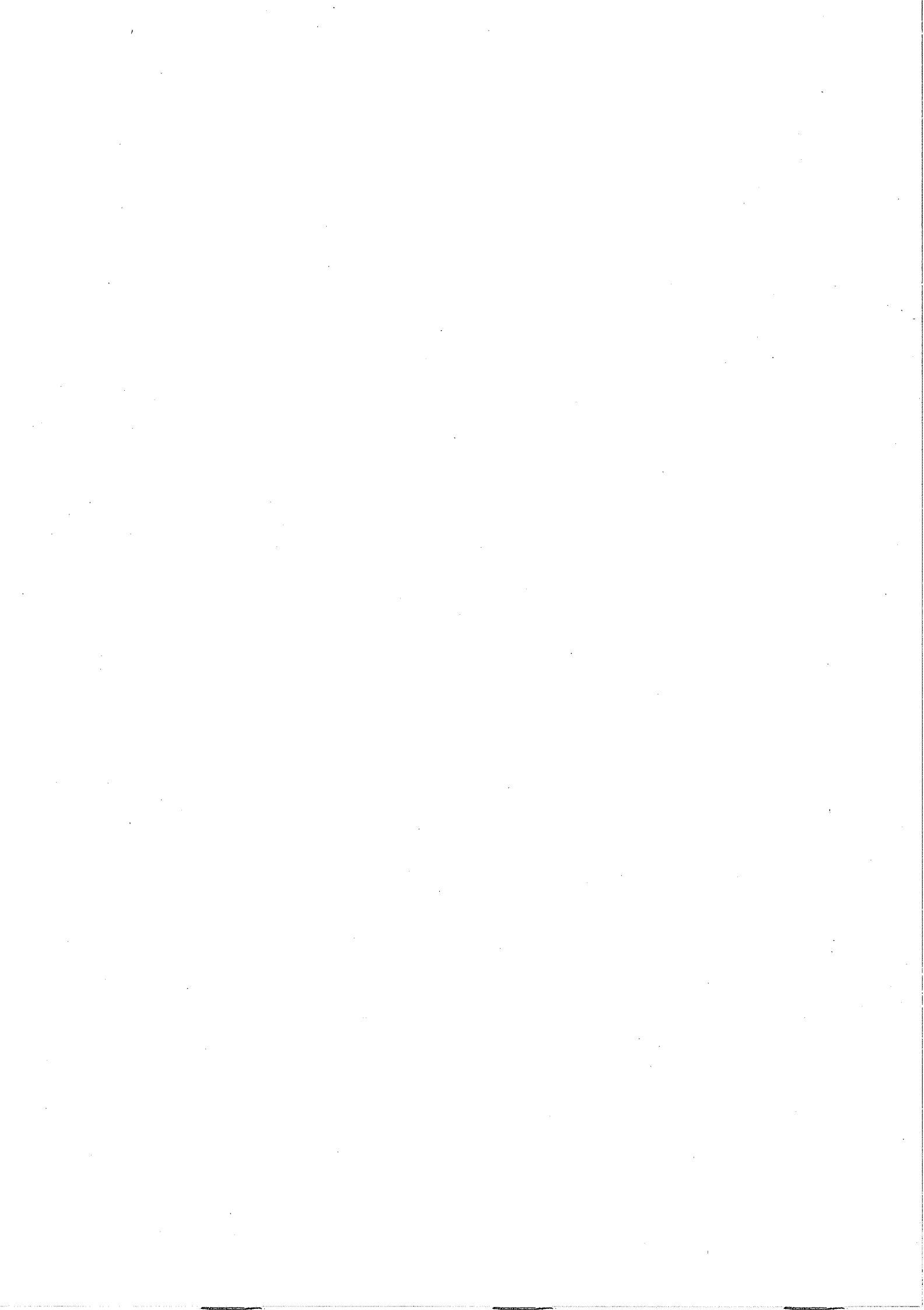
VOLUME – III

(Upto 31.12. 2001)

Hyderabad.

Dt: 22-7-2002.

Special Officer's Section  
High Court



Dr. Justice  
AR. LAKSHMANAN



CHIEF JUSTICE  
HIGH COURT OF ANDHRA PRADESH

☎ : Hyderabad : 040 - 4577732 (0)

**FOREWORD**

Our system of justice has sufficient elasticity to meet the day to day challenges. Yet, there are several hurdles and lacunas which need to be overcome by compilation of certain laws and by publication of Administrative orders, circulars and notifications, issued by various authorities on various subjects, in order to properly guide the presiding Officers of Courts, members of the High Court and Ministerial staff of Subordinate Courts and the litigant public as well. The entire gigantic job of such publication was earlier taken up in two volumes, which was duly printed and made available to all.

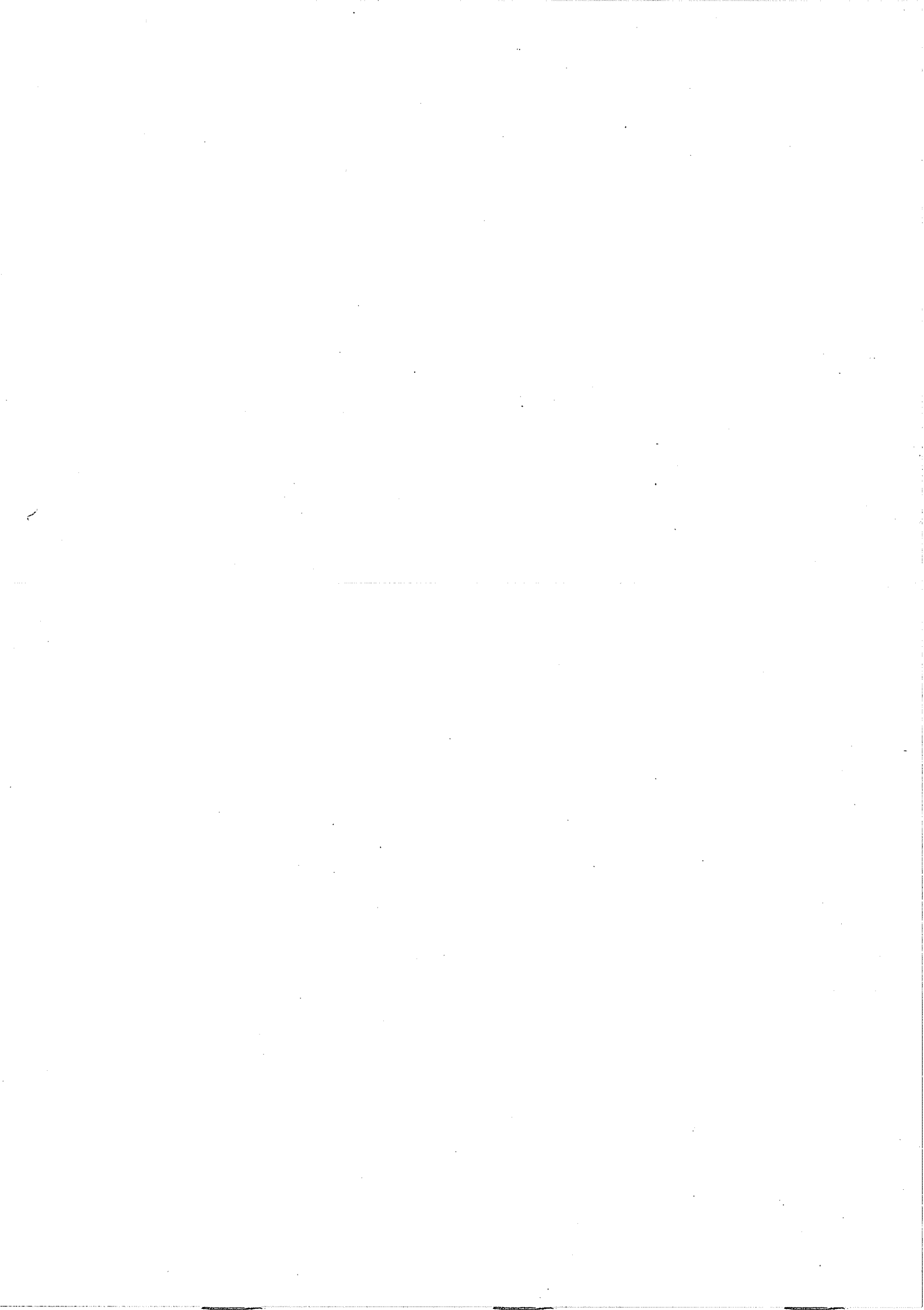
In the present volume, some more circulars, orders and notifications upto 31<sup>st</sup> December, 2001 are sought to be codified. It will go a long way, if the various subjects relating to the Advocates, the Ministerial Staff, the disposal of cases, Court Management, civil and criminal Procedure Codes, guidelines for bank deposits, various enactments and judgments etc., are arranged in a systematic manner. With such an avowed object, the present volume is contemplated.

I hope with the aid of the contents in this volume, there would be uniform application of matters in all the Courts and true justice will be done by the Adjudicatory Authorities.

I appreciate the strenuous task and sincere efforts taken by the Registry of this High Court in this regard.

Hyderabad.  
Dt.22.7.2002

**Dr.AR.LAKSHMANAN**  
**CHIEF JUSTICE**



## PREFACE

*The High Court of Andhra Pradesh for the first time in the year 1995 brought out the Codification of Circulars in two volumes I & II containing the Circulars issued from time to time by the High Court from the year 1955 onwards pertaining to guidelines, clarifications and procedural aspects for effective functioning of the courts on Judicial and Administrative sides.*

*In continuation thereof the High Court now prepared the Volume III of the Codification of Circulars. This book contains the circulars which were not included in volumes I & II and the circulars which were issued after the publication of Volume I & II upto 31.12.2001. These circulars are arranged subject wise duly Indexed.*

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HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.1550/SO/88.

Dt:17.2.1989.

CIRCULAR

Sub:- Acts-The Advocates' Welfare Fund Act,1987- Instructions to the concerned officers of the High Court and Presiding Officers of all the Subordinate Courts in the State with regard to affixing of Stamp inscribed as "Andhra Pradesh Advocates' Welfare Fund Stamp"-Issued – Reg.

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This is to inform you that the Andhra Pradesh Advocates' Welfare Fund Act, 1987, shall come into force from 20<sup>th</sup> February 1989. Under Section 12 of the said Act every vakalat (vakalat means a Vakalathnama, memorandum of appearance or by any other document by which an advocate or any other legal practitioner is empowered to appear and plead before any court, tribunal, authority or person) shall be affixed with the Andhra Pradesh Advocates' Welfare Fund Stamp of the value of three rupees, and no vakalat shall be valid or accepted without such stamp. The person or authority receiving a vakalat with such stamp shall, forthwith, effect cancellation of the stamp by punching out the same.

Sd/-I.PANDURANGA RAO.  
REGISTRAR(ADMN)

BY FAX MESSEGE

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.508/SO/98.

DT 30.6.1998.

CIRCULAR

Sub: A.P. Advocates Welfare Fund And A.P. Advocates Clerks Welfare Fund - Affixing of Stamp on Vakalats and Memorandum of appearance-Enhancement of the Stamp from Rs.8/- to Rs.12/- vide A.P. Advocates Welfare Fund and A.P. Advocate Clerks Welfare Fund (Amendment) Act 1998 (A.P. Act No.15 of 1998)-Reg.

- Ref: 1. High Court's Circular Roc.No.2038/SO/92, dated 16.11.1992.  
2. Lr.No.3711/C/1998, dt.5.6.1998 of the Secretary to Government, Legal Affairs Law Department.

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The Secretary to Government, Legal Affairs, Law Department, Hyderabad, has informed that the Andhra Pradesh Advocates Welfare Fund Act, 1987 (Act No.33/1987) and the Andhra Pradesh Advocates Clerks Welfare Fund Act, 1992 (Act No.13 of 1992) have been amended by the Andhra Pradesh Advocates Welfare Fund and the Andhra Pradesh Advocates Clerks' Welfare Fund (Amendment) Act, 1998(A.P. Act 15 of 1998). Interalia amending Section 12-A, of the Act 33 of 1987, and Act 13 of 1992 enhancing the value of combined stamp of A.P. Advocates Welfare Fund and A.P. Advocate Clerks' Welfare Fund from rupees 'eight' to rupees 'twelve.' The Secretary to Government also requested to issue suitable instructions to all the District Courts, other Subordinate Courts and all Tribunals under the control of the High Court to see that the new enhanced combined stamp of Rs.12/- superscribed as "Nyayavadula Mariyu Vari Gumasthala Samkshema Nidhi" is affixed to Vakalats and Memoranda of appearance filed by the Advocates, and see that the sale proceeds thereof are apportioned at the rate of 9:3 to the Andhra Pradesh Advocates Welfare Fund and to the Andhra Pradesh Advocates Clerks' Welfare Fund, respectively.

The High Court, in view of the Amendment to A.P. Advocates Welfare Fund Act, 1987 and the A.P. Advocates Clerks' Welfare Fund Act, 1992, by A.P. Advocates Welfare Fund and the A.P. Advocates Clerks' Welfare Fund (Amendment) Act, 1988 (A.P. Act No.15 of 1998), in modification of its earlier circular Roc.No.2038/SO/92, dt.16.11.1992, hereby directs all the Presiding Officers in the State to ensure forthwith that the new combined stamp of Rs.12/- superscribed as 'NYAYAVADULA MARIYU VARI GUMASTHALA SANKSHEMA NIDHI' is affixed to every Vakalat and memo of appearance, and also see that the sale proceeds thereof are apportioned at the ratio of 9:3 to the A.P. Advocates Welfare Fund and to the A.P. Advocates Clerks' Welfare Fund respectively. No Vakalat should be accepted or treated, as valid if above such stamp is not affixed thereto. The person or authority receiving a Vakalat with such stamp shall, forthwith, effect cancellation of that stamp by punching out the same.

Receipt of the Circular, which comes into force immediately, may please be acknowledged.

SD/- C.Y.SOMAYAJULU  
REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.3275/95-D2.

Dt.13.10.1995.

CIRCULAR

Sub:- Instructions for the Speedy Settlement of Audit Objections/  
Inspection Reports and Audit paras - Reg.

Ref:- Govt. U.O. Note No.22581-8/86/A1/PAC/95.Dt.8.9.1995.

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The detailed instructions issued by the Government for the Speedy settlement of Audit observations and Audit paras are communicated herewith to all the controlling officers for their guidance with a request to see that the Audit paras are attended to within the time limit prescribed by the Government and all the Sub Unit Officers may be alerted in this regard.

The Receipt of this circular may be acknowledged.

SD/-M.E.N.PATRUDU  
REGISTRAR (MANAGEMENT)

INSTRUCTIONS FOR GUIDANCE OF ALL THE CONTROLLING OFFICERS FOR SPEEDY SETTLEMENT OF AUDIT OBSERVATIONS AND AUDIT PARAS.

1. SPEEDY SETTLEMENT OF AUDIT OBSERVATIONS;-

Appropriate action has to be taken to rectify the defects and omissions pointed out by the audit party to avoid their recurrence. The delay in disposal of audit observations tends to defeat the very purpose of audit. In addition to this it may involve Government in avoidable loss on account of fraud, defalcation, misappropriation and other serious irregularities, which may remain undetected for want of prompt attention and with the lapse of time it may be more difficult in locating the relevant records, or death, retirement or dismissal of concerned officers and officials.

2. RESPONSIBILITY OF OFFICERS;-

Under this caption, the Government have stated that the responsibility for replying to audit observations/paras and settlement of issues in audit devolves primarily upon the Drawing and Disbursing Officers and Heads of the Offices. In the case of Major irregularities commented in part-II, of the Audit Report, the Heads of Departments or Chief Controlling Officers should take immediate action.

3. TIME LIMIT FOR DISPOSAL OF AUDIT OBSERVATIONS;-

Audit observations/notes/Reports received from the Accountant General's Office should normally be replied to within a fortnight from the date of receipt by the officer except where consultations with other officers is required to be made or orders from superior officers are required to be made or orders from superior officers are required to be obtained for rectifying the defects and omissions. But, in no case should the time exceed three months.

4. REGISTER OF AUDIT OBJECTIONS;-

Heads of Offices should maintain a Register of Audit observations in the Form given in Annexure-I to the Hand Book to watch the prompt disposal of Audit observations and the following instructions are issued to the departmental officers in the maintenance of this Register.

1. As soon as Audit, observation (Memorandum or Report) is received from the Accountant General it should be entered in the Register.

2. All the Audit observations/Audit paras received in a calendar year should be seriously numbered. Each item of audit observations should be given a serial number. If there are two or more items in a single memo or letter or para received from the Accountant General, Separate serial numbers should be given for each of them.
3. An item should be treated as closed only after an intimation of acceptance of the reply is received from the Accountant General. If, however, a reply is not received during the year and the item is not shown as outstanding objections/paras received from the Accountant General, the item may be treated as closed or settled.
4. Items which are cleared should be rounded off in red ink, under the attestation of the Head of the office.
5. There should be only one register for the whole office and one of the clerks should be made responsible for the maintenance of the register

#### 5. REVIEW OF AUDIT OBSERVATIONS REGISTER;-

The Register should be closed monthly. It should be reviewed by the Head of Office monthly and by the Superintendent or such other intermediary Supervising Officer, if there is one, every fortnight.

The review of the Register by the Head of the Office or any other Officer entrusted with this work should be critical and detailed and special attention should be given to the clearance of old observations/paras still pending.

#### 6. SPECIAL INSTRUCTIONS FOR DISPOSAL OF AUDIT OBSERVATIONS;-

In spite of the instructions issued by the Government from time to time the number of audit observations pending and the amount held under objection are on the increase. This is pointed out by Audit in almost every Report. The Public Accounts Committee are distressed about the large number of audit observations pending for pretty long periods. Special instructions have been issued for clearing this backlog. It is necessary in the interest of sound Financial administration that audit observations should be disposed of within the stipulated time limit. They should not be allowed to accumulate.

## RECTIFICATION OF IRREGULARITIES DISCLOSED DURING AUDIT;-

The Head of the office should also simultaneously without waiting for the receipt of the inspection report initiate action to rectify irregularities, defects, omissions etc., which come to light in the course of audit. For example it is discovered that a sanction issued by the head of the office was in excess of the powers delegated to him, immediate steps should be taken to get his action ratified by the competent authority.

### 8. REPLY OF INSPECTION REPORTS;-

All inspection reports received from the Accountant General, should normally be replied to within a period of one month from the date of their receipt. This time limit should be strictly adhered to except where consultation with other officers is required to be made on the orders of competent authority are required to be obtained for rectifying the defects and omissions pointed out. If replies to certain points mentioned in the Inspection Reports cannot be furnished to the Accountant General, within the time limit specified, interim replies indicating the action taken or proposed to be taken to rectify the defects should be sent to the Accountant General. And the action taken to give final replies within a maximum period of three months. The factual correctness of the replies should be ensured and proper steps also taken to avoid recurrence of such defects..

HIGH COURT OF ANDHRA PRADESH;;HYDERABAD

ROC.NO.1814/75/C1.

.Dt:26.4.1975.

CIRCULAR

Sub: PUBLIC SERVICES-A.P.J.M.S-Appointments to Non-selection posts of L.D. Clerks and below - Instructions - Issued.

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In connection with the scrutiny of administrative appeals and representations received from the members of the A.P. Judicial Ministerial Service against the Orders of regularisation or fixing the seniority of the members to posts not covered by rule 8(Non-selection posts of L.D. Clerks etc., and categories below), it has been observed by the High Court that the District Judges and other appointing authorities under the A.P. Judicial Ministerial Service Rules are not making appointments to non-selection posts on the basis of seniority. It is found that appointments by promotion or transfer in the first instance are made under rule 40 of the A.P. Judicial Ministerial Service Rules, probably due to administrative exigencies, without following the rule of seniority of members in the lower category considered for promotion or appointment by transfer. While it may not be against the rules to make such temporary promotions or appointments without reference to seniority of members in the lower categories, it is not in accordance with the rules to make regular appointments later, on the basis of such temporary initial appointment.

The attention of the District Judges, and all appointing authorities is invited to the provisions of rule 8, which is to the following effect.

“8. Selection posts:- Promotion to the following posts shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal:-

xxx                      xxx                      xxx                      xxx                      xxx

From a reading of the rule it is clear that the criteria of merit and ability have to be observed in making promotions to the posts enumerated in this Rule. It also follows by necessary implication that seniority should be followed in the case of all other posts in the service except where the members have been awarded punishments under A.P.Civil Services (Classification, Control, & Appeal) Rules. Even in such cases, the appointing authorities should consider their cases, after reasonable lapse of time on their earning good reports subsequent to the award of punishments.

The District Judges and other appointing authorities are requested to keep the above principles in mind while making regular appointments.

Sd/- K.SRIKRISHNA  
REGISTRAR

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC.NO.2360/78/C.1.

Dt21.6.1978.

CIRCULAR

Sub: PUBLIC SERVICES-Employees of the Judicial Department  
Approaching the Government where High Court is  
Government to deal-Instructions-Issued.

\*\*\*

It has come to the notice of the High Court that employees of the Judicial department are resorting to approach the Government in the matters either personal or in their individual capacity or through their Service Associations that when it is the High Court that can grant such permission. The High Court viewed the matter seriously and hereby directs that such practice on the part of Judicial Employees approaching the Government direct should be discouraged in future.

Sd/-K.VENKATARAMANA.  
REGISTRAR.

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC.NO.4475/81/C.1.

Dated 7.7.1982.

CIRCULAR

Sub:-A.P. Judicial Ministerial Service-Payment of Dress Allowance to the employees working in Subordinate Courts-Reg.

\*\*\*

The President A.P. Judicial Employees' Association, Vijayawada, has requested the High Court to recommend at least Rs.10/- per month provisionally towards the Dress Allowance, and in case if the same is not recommended he requested the High Court to relax the out dated dress regulation imposed by the composite Madras State and relieve the members of the Judicial Department from the Financial burden.

After careful consideration of the matter, the High Court has addressed the Government again to sanction at least Rs.10/- per month as Dress Allowance to the employees of the Judicial Department. The Government have again deferred the consideration of the same in view of the orders on economy measures issued in G.O.Ms.No.142, Finance and Planning Department, dated 5.5.1982. However, the Government is being approached for consideration of the same for the year 1983-84. But in the meanwhile the High Court has also decided to relax the Dress regulations imposed by the Composite Madras State.

All the Subordinate Judicial Officers under the control of the High Court are hereby requested not to insist the Judicial Employees to follow the Dress Regulations until further Orders in the matter.

Sd/- P.SRIRAMA RAJU  
REGISTRATION (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

ROC.NO.572/93-C. Spl. (Con)

Dt.12.2.1992.

CIRCULAR

Sub: PUBLIC SERVICES – Re-introduction of Confidential Reports (Personal files) – Maintenance and Scrutiny of Confidential Reports (Personal Files) of the employees working in the Subordinate Courts and other offices under the Administrative Control of the High Court –Instructions – Issued.

- Ref: 1) High Court's Circular Roc.No.1463/SO/79,dt.1.7.80  
2) G.O.Ms.No.82, General Administration (Services-C) Department, dt.21.2.85.  
3) High Court's Circular Roc.No.567/86-C.Spl(Con),dt.3.10.1986.

\*\*\*

In exercise of the powers conferred under Article 235 of the Constitution of India and all other powers hereunto enabling and in supersession of the instructions and orders already issued on the subject, the High Court of Andhra Pradesh had issued instructions through the Circular first read above for maintenance and scrutiny of Confidential Reports (Personal files) of the employees working in the Subordinate Courts and other offices under the Administrative Control of the High Court.

The Government, through their G.O. Second read above, have abolished with immediate effect the system of personal files in so far as it relates to the categories of non-gazetted employees except those non-gazetted categories, which form feeder posts to gazetted posts.

The High Court, after careful consideration of the G.O. second read above, had taken a decision to adopt the instructions issued by the Government and accordingly issued the circular third read above dispensing with the system of maintenance of personal files in so far as it relates to all the categories of non-gazetted employees working in the Subordinate Courts except those non-gazetted categories which form Feeder posts to Gazetted Posts.

The High Court, after a thorough examination of the effects of dispensing with the system of maintenance of personal files, and in the interests of administration, have once again decided to introduce the system of maintenance of personal files. Accordingly, the High Court in supersession of the Circular third read above, hereby direct all the District Judges and Unit Officers under the administrative control of the High Court to maintain personal files (Confidential Reports) of all the employees working in their respective units in accordance with the instructions issued by the High Court in Circular First read above (Copy enclosed), except the proviso under instructions (2) of the said Circular.

Receipt of this Circular may be acknowledged and personal files (Confidential Reports) for the Calendar year 1991 may be completed within one month from today.

Sd/-REGISTRAR(ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.4547/94-C.3.

Dated:8.1.1996.

CIRCULAR

All the District Judges and Unit Officers are informed that the applications from candidates seeking transfer from any of the units of the Judicial Department to other Departments shall not be forwarded to the High Court as the units of the Judiciary are not comparable to the Departments of the Government or the State. If the applicants so desire, they may resign and go anywhere to seek appointment.

SD/- M.E.N.PATRUDU  
REGISTRAR (MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH::AT HYDERABAD

ROC.NO.778/96-C.1(3)

Dated:22.3.1996.

CIRCULAR

SUB: PUBLIC SERVICES – APJMS – Certain instructions for effective Administration of Justice.

\*\*\*

It has been noticed by the High Court that in several Unit Officers of the Subordinate Judiciary Staff Members have been retained years together in a particular unit and there by the element of monopoly has crept in resulting in haphazard disposal of the official works.

It has also been noticed that in several units, staff members have not been staying at the place of their duty especially during the week-end days and there-by at times of necessity the unit heads have been finding it difficult to secure their Services.

In order to streamline the administrative set up, having kept in view the past experiences, the High Court hereby issues the following instructions for strict compliance.

- 1) The District Judges are directed to transfer such of those staff members who have been retained in a particular Station/Seat for more than three years continuously to other Court within the District. In case if, in the view of the District Judge the transfer of a particular individual to the other office dislocates the existing continuity of events pertaining to a seat the District Judge may, at his option, retain the said staff member for some more time and in doing so he is required to record his detailed remarks for future reference.
- 2) The Unit Heads are directed to inform the staff members working under their control not to leave the headquarters i.e., the place of duty without obtaining prior permission in writing from the unit head concerned. In case any staff member is required to leave the headquarters on emergent work, the unit head, before permitting the said staff member may arrange for keeping a substitute in his place so as to avoid any possible delay in attending to a particular item of urgent work.

The above instructions are to be followed invariably and any deviation if noticed subsequently, will be viewed seriously by the High Court

SD/- M.E.N.PATRUDU  
REGISTRAR (MANAGEMET)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.779/96-C.I (3)

Dt. 22.3.1996.

CIRCULAR

Sub: PUBLIC SERVICES – APJMS – Certain Instructions Issued.

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The Hon'ble the Chief Justice, High Court of A.P., Hyderabad, has been pleased to direct all the unit heads of Subordinate Judiciary to transfer such of those staff members who have been working in a particular seat for more than three years and report compliance to High Court positively.

SD/- M.E.N.PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

ROC.NO.447/96-C.1(1)

Dt:17.4.1996.

CIRCULAR

Sub: Drawal of the entitled amount in respect of the staff members and verification of the claims by the Drawing Officers - Certain instructions-Issued.

\*\*\*

It has been noticed by this Registry that the members of staff working in the Accounts Sections/Claims Sections in the respective Courts of the Courts of the Subordinate Judiciary have not been following the revised orders being issued by the Government from time to time extending certain financial benefits to the members of the staff resulting in the drawal of lesser amounts by the respective Drawing Officers. In an instant case, a Full Time Malachi had to be paid the revised remuneration running into thousands of rupees for the only reason that the members of staff dealing with subject have no knowledge of the orders issued by the Government. To curb and to have a proper check on the wrong claims, the High Court, on noticing certain similar instances, has decided to issue the following instructions to the Unit Heads.

- 1) All the unit heads of the Subordinate Judiciary are directed to issue clear instructions to all the Drawing Officers working under their control to verify the bills claiming salary or arrears etc. pertaining to the staff before the said bills are approved.
- 2) To verify whether the revised orders issued by the Government from time to time extending certain financial benefits to the staff are actually included in the relevant claims, without giving any scope for omissions or wrong claims.
- 3) To instruct whether the salary bill is claimed for the actual staff members working as per the sanction accorded in a particular order.
- 4) A note after the drawal of arrear claim may be made in the regular bill to avoid claiming of less amounts.

All the unit heads are, therefore, directed to see that the above instructions are strictly adhered to and to bring to the notice of the Registry the instances which they have come across in claiming the lesser amounts than to what the staff members are entitled.

SD/- M.E.N. PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC.NO.2318/96.CI(1)

Dated:1-7-1996.

CIRCULAR

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 the High Court of A.P., Hyderabad- Fresh Norms/Guidelines- Issued.

Ref: High Court's Circular Roc.No. 3475/91-C1, dated:25.6.1992.

\*\*\*

In the circular cited, the High Court has issued certain Norms and Guidelines regulating the appointments to the posts of Junior Assistants, Steno-typists, Typists, Examiners, Readers, Copyists, Amins, Drivers, Record Assistants, and Attenders, and Process Servers in the Subordinate Courts in the State and they are being followed by the Unit Officers while filling-up the vacancies in the above categories.

In filling-up the above vacancies, it is reported that the following difficulties are being experienced by the Unit Officers.

- 1) Due to wide publicity by affixing the notification in the notice boards throughout the Districts thousands of applications are being flooded to the District Court.
- 2) Graduates and Post Graduates are also applying to all the Categories of posts. Candidates possessing higher qualifications are offering their services for the lowest category of posts such as Attenders and Process Servers.
- 3) There is no choice left for the Unit Heads to short list the applications.
- 4) There are no clear guidelines/instructions and method of selection covering and said aspects.
- 5) Some District Judges are conducting written examination and interview. Some District Judges are constituting a Selection Committee with himself, Addl. District Judge, and other Judicial Officers. Whereas some District Judges are selecting the candidates independently without the assistance of any other Judicial Officer.
- 6) The unsuccessful candidates are resorting to sending representations to High Court that they have been deprived of their legitimate chance on one ground or the other; some of them are filing writ petitions in the High Court causing inconvenience to the institution etc.,

In the circumstances, it became necessary to issue clear instructions in this regard to avoid the cumbersome procedure of calling thousands of people for very few posts and also to stop unnecessary litigation and unwarranted criticism about the process of recruitment. The previous guidelines issued on the subject in the circular cited have therefore been re-cast and modified with the objective of making them more comprehensive, to ensure uniformity, to make the selection process more objective, and to ensure that right persons are selected to the particular types of jobs.

Keeping in view the high status enjoyed by the Judicial Officers in the society, the Supreme Court in its judgement in Review Petition No.249, of 1992, have given certain directions to be implemented by the Executive in the country with regard to their reasonable salary, appropriate allowances and manageable living conditions i.e., providing of residential accommodation, conveyance etc., and the said directions are being implemented. Since a Judicial Officer has to maintain an allowance amounting almost to self imposed isolation and since a form of life and conduct far more severe and restricted than that of ordinary people is required of him, it also became necessary to appoint suitable and willing Attenders at the residences of the Judicial Officers to attend to all Domestic work apart from their regular duties in order to enable the Judicial Officers to concentrate more in their Judicial functions.

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 thereto, and in modification of the previous guidelines issued in the Circular cited, hereby issues 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, a copy of which is enclosed herewith to this Circular.

The Unit Officers are directed to follow the below mentioned instructions while making appointments to the posts of Process Servers and Attenders.

- 1) Before appointing the candidates who have been selected primarily on account of their professional skills as Attenders, they shall be asked to give an undertaking that they are prepared to discharge the duties assigned by the Judicial Officers at their residences. It shall be made clear in the order appointing the Attenders that they can, at any time, be assigned duties at the residences of the Judicial Officers according to the exigencies.

- 2) For selection to the posts of process Servers a simple written test in Telugu/Urdu, and a test to ensure that they are able to read and understand simple words or sentences in English must be held. Candidates selected as process servers shall be asked to give an undertaking that they have no objection to work as Attenders in Courts including the performance of guard duties and duties connected with their skills as and when called upon to do so.

The SAILENT FEATURES of the above revised guidelines are summarised below:

- 1) There is a Selection Committee instead of the Principal District Judges doing the selection solely.
- 2) For posts other than Attenders and Process Servers, the practice of calling for names from Employment Exchange remains but the ratio will be 1:10.
- 3) Maintaining of 'C' List but only with those who are regularly selected and worked for a continuous period of 3 months.
- 4) Assessment of vacancies before 1<sup>st</sup> September every year.
- 5) Appointment of Attenders from those personnel possessing special skills, such as Driving, Carpentry, Electrical etc., for performing duties at the residences of the Judicial Officers.
- 6) Written test to be held for all categories of posts other than the Attenders.
- 7) For process Servers, a simple written test in English of the standard consistent with minimum qualifications prescribed to know whether they are able to read, write and understand properly shall be conducted.
- 8) Maximum qualifications for Attenders/Process Servers.
- 9) Preferential qualifications or factors and the broad norms for short-listing or screening of applications in relation to each category/ class of post have been specified.
- 10) The weightage of marks to be awarded in written test and interview have been specified.
- 11) Preparation of gradation list and the number of candidates to be called for interview are laid down.

Sd/- x x x  
REGISTRAR (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

ROC.NO.779/96-CI(3)

Dt.3-9-1996.

CIRCULAR

Sub: Public Services – APJMS/APLGS/APGSS – Transfer of Staff  
Members –Reg.

Ref: 1) High Court's Circular Roc.No. 778/96-CI(3), dt.22-3-96  
2) High Court's Circular Roc.No.779/96-CI(3), dt.22-3-96

\*\*\*

The attention of all Unit Heads is invited to the instructions issued by the High Court in the circulars cited, on the issue relating to the transfer of staff members on completion of three years stay in a particular seat/station.

The unit heads are hereby directed to furnish information in the proforma enclosed as to the transfers made in implementation of the circular instructions referred to above.

Sd/- M.E.N. Patrudu

REGISTRAR (MANAGEMENT)

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ROC.NO.779/96-CI(3)

DATED 03-09-1996

PROFORMA

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Sl.No.	No. of persons	No. of years of service	Persons retained and put up
	Category-wise	in one seat before transfer	reasons for retention

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HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

ROC.NO.2318/96-CI(1)

Dt:5.10.1996.

CIRCULAR

Sub: PUBLIC SERVICES – Recruitment to various categories under APJMS, APGSS, and APLGS in Subordinate Courts under the control of the High Court of Andhra Pradesh, Hyderabad - Certain instructions – Issued.

Ref: High Court's circular Roc.No.2318/96-CI(1) dt. 1.7.1996.

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In connection with the temporary recruitment to the various posts in the Subordinate Judiciary revised guidelines were issued by the High Court in the circular cited, In view of the observations made while approving the proposals forwarded by the Unit Heads to this Registry for approval, the High Court directs that the further observations made in that behalf as furnished below should be kept in view while attending to the recruitment process.

“It is found that whenever written test or interview is conducted, no marks lists are maintained in regard to each candidate nor any scientific method is followed in allotting the marks. In most of the cases, it will not be known as to who set the paper for written test and who corrected the answer papers. Sometimes, it is also found that a staff member is entrusted with such work. That may led to suspicions in the mode of selection and the arbitrary manner in which selections are made and also the doubt whether the unit head took necessary responsibility in that regard and whether the staff played certain important role in the finality of the selections. Therefore, the Unit Heads may be impressed that they will be personally and officially responsible in such selections and take personal interest in setting the question papers in the written test and to either personally correct the answer papers or wherever technical posts are involved like the posts of Stenographers, corrections should be done by the senior most, experienced and expert person in the presence and supervision of the Unit Heads and to that effect there must be certificate on each answer paper and the original question paper. While allotting marks in the interview, there must breakup for different heads like personality and deportment, expression, general knowledge

and general impression etc. It may also be impressed that selection for the posts of particular categories of reservation etc., should be strictly in accordance with the relevant G.Os. and the roster and that should be reflected in the papers submitted for confirmation. The entire file including the applications, question paper, answer papers, marks lists and if necessary the report of the Unit Head to clear any doubt should be submitted to the High Court.”

All the Unit Heads are therefore instructed that any violation in the mode and method of selection in the light of the above instructions will be viewed very seriously and the Unit Head will be open for all the consequences.

SD/- M.E.N.PATRUDU  
REGISTRAR (MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.1025/97-C.I(3)

Dated:27.5.1997

CIRCULAR

Sub: PUBLIC SERVICES – Passing of Departmental Tests/Special Tests- Exemption from passing of tests prescribed in the Special Rules in respect of employees who crossed 45 years of age – Reg.

Ref: 1. G.O.Ms.No.165, G.A. (Services-C) Dept., dt 22.4.1997.  
2. High Court's Communication, Endt.Roc.No.1025/97-CI(3) dt.30.4.97.

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The Government in the G.O. first cited, have issued orders exempting the Government employees who have crossed 45 years of age from passing of the Departmental Test/Special Tests prescribed in the Special Rules. The said G.O. was communicated to all the Unit Officers in the Subordinate Judiciary in the reference 2<sup>nd</sup> cited for information only.

In this connection all the Unit Officers are hereby informed that the exemption given in the aforesaid G.O. per se is not applicable to the employees working in the Judiciary and the Government have been informed of the same through a separate letter.

All the Unit Officers in the Subordinate Judiciary are, therefore, requested not to give effect to the G.O. 1<sup>st</sup> cited.

Receipt of the circular may please be acknowledged by return of post.

SD/- C.Y.SOMAYAJULU  
REGISTRAR (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.2242/97-DI(A)

DATED:22.7.1997

CIRCULAR

Sub: Menials – Sanction of the Posts of Full-Time/Part-Time  
Contingent Employees – Reg.

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Proposals are being received from various Unit Heads for sanction of the Posts of Part-Time/Full-Time Contingent Employees and in this connection, I am to inform that in view of the ban orders imposed by the Government the sanction for the said posts cannot be considered.

However, I am to inform that the High Court addressed the Government for creation of Full-Time/Part-Time Contingent Employees to various Courts in the State and the matter is under consideration by the Government and the same will be intimated as and when the orders are received.

Sd/- G.YETHIRAJULU  
REGISTRAR (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.355/98-RC.

Dated:25.9.98.

CIRCULAR

SUB: PUBLIC SERVICES- Recruitment to the various categories of posts under APJMS, APGSS AND APLGS, in all the Units in the State – Certain instructions issued with regard to the selection procedure – Reg.

- REF: 1. High Court's Circular ROC.NO.3475/91/C1,  
dt.25.6.1992.
2. High Court's Circular ROC.NO.2318/96-CI(1)  
dt.1.7.1996.
3. High Court's Circular ROC.No.2318/96-CI(1),  
dt.5.10.1996.

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Attention of all the Unit Heads is invited to the High Court's Circulars dated:1.7.1996 and 5.10.1996. The High Court after careful consideration has taken a decision that the procedure prevailing prior to the year 1995 as regards the selection and approval of the panels of the directly recruited staff of the District Courts be re-introduced for all future appointments. Accordingly, the High Court hereby re-introduces the said procedure for all future appointments with immediate effect.

All the Unit Heads in the State are therefore requested to follow strictly the procedure as stated above for all future appointments.

SD/- REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.8/99-RC.

Dt.25.1.1999

CIRCULAR

Sub: PUBLIC SERVICES – Recruitment – Recruitment to the various categories of posts under APJMS and APLGS in all the Units in the State – Selection of candidates against resultant vacancies of Non-Joining/Relinquishment of selected candidates – Discontinuance of operation of waiting list – Certain instructions – ISSUED.

REF: 1. High Court's Circular Roc.No.355/98, dt.25.9.98,  
2. G.O.Ms.No.544, General Administration (Ser.A) Dept., dt.4.12.1998.

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The Government have issued Adhoc Rule in G.O.Ms.No.544, General Administration (Ser.A) Department, dt.4.12.1998, notwithstanding anything contained in the A.P. State and Subordinate Service Rules, Special Rules of Adhoc Rules, governing the maintenance and operation of waiting list for all the direct recruitments for the posts under the State and Subordinate Services and Last Grade Services, dispensing with the maintenance and operation of waiting list and directing the Unit Heads to notify in the next recruitment year, the fall out vacancies, if any due to relinquishment and non-joining etc., of selected candidates.

The High Court therefore requests all the Unit Heads to adopt the Adhoc Rule issued in the G.O.Ms.No.544, General Administration (Ser.A) Dept., dt.4.12.1998 (Copy of which is enclosed) in all future recruitments.

Receipt of the Circular along with G.O.Ms.544, dt.4.12.1998, may please be acknowledged.

SD/- REGISTRAR(VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.30/99-RC.

Dt.22.2.1999.

CIRCULAR

SUB: PUBLIC SERVICES – Recruitment to the posts of Record Assistants which are governed by A.P. General Subordinate Service Rules-Deleting the provision of direct recruitment to the post of Record Assistant – Certain instructions – ISSUED.

- REF: 1. High Court's Circular ROC.No.355/98-RC, dt.25.9.98.  
2. G.O.Ms.No.965, General Administration (Ser.B) Department, dt.21.10.95.

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The Government, in supersession of the Andhra Pradesh General Subordinate Service Rules, 1960, have issued Special Rules in G.O.Ms.No.965, General Administration (Ser.B) Department, dated 21.10.95, wherein the method of recruitment to the posts of Record Assistant under Rule 3 has been changed. As per the said Rule, the method of appointment to the category of Record Assistant is, "by appointment by transfer of a person from the Andhra Pradesh Last Grade Service in the concerned unit in the department concerned or by transfer of Roneo Duplicator Operator or Xerox Operator."

The High Court, therefore, directs all the Unit Heads in the State not to notify the post of Record Assistant by direct recruitment and to adopt the Special Rule with regard to the procedure of appointment to the post of Record Assistant issued in G.O.Ms.No.965, General Administration (Ser.B) Department, dated 21.10.95, (Copy enclosed) in all future recruitments.

Receipt of the Circular together with G.O.Ms.No.965, dt.21.10.95, may please be acknowledged.

REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.2536/98-C.I(1)

DT.23.3.1999.

CIRCULAR

The A.P. Judicial Employees Association has brought to the notice of the High Court that no uniform procedure is being followed by the Unit Heads while giving promotions to both selection and non-selection posts in the Subordinate Courts. Some of the Unit Heads are conducting written tests for promotions and some of them are promoting the individuals by conducting oral interview only. Some of the Unit Heads are calling the candidates for written test/interview at the ratio of 1:3 or 1:5 whereas in some districts, the Unit Heads are calling the candidates at the ratio of 1:10 or even 1:40.

The High Court desires that it is essential to adopt a uniform procedure throughout the State while giving promotions to both selection and non-selection posts in the Subordinate Courts.

All the Unit Heads are therefore requested to adopt the following instructions while effecting promotions to both selection and non-selection posts.

I. SELECTION POSTS:

- 1) Provisions of Rule 8 of A.P.J.M.S. Rules shall be followed while giving promotions to the selection posts.
- 2) The District Judges should prepare a panel of eligible candidates as per seniority. Call them for Interview at the ratio of 1:3 and select the suitable candidates.

In case, any of the first three candidates not eligible for promotion for the reasons viz., unauthorised absence, prolonged ill-ness, undergoing punishments etc. the District Judges may consider next eligible candidates in seniority for promotion in the same promotion.

II NON-SELECTION POSTS:

- 1) 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 and not suffering from any disqualification for the post to which he is to be promoted;
- 2) In cases of promotions to the members, who have been awarded penalties under A.P.C.S.(CCA) Rules, the Unit Heads 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.

Receipt of the circular may be acknowledged.

SD/- G.YETHIRAJULU  
REGISTRAR (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.142/99-RC.

Dt.7.4.1999

CIRCULAR

SUB: PUBLIC SERVICES- Recruitment – Recruitment to the posts under APJMS – Allotment of candidates for the posts of Steno-Typists, Jr. Assistants and Typists by the A.P. Public Service Commission – Furnishing of estimate of vacancies of the posts which are under the purview of A.P. Public Service Commission – Certain instructions to all the Unit Heads in the State – ISSUED.

REF: 1. High Court's Circular ROC.NO.355/98-RC, dt.25.9.98.  
2. Letter No.1260/RS.11/1/97,dt.11.3.99 from the Secretary, APPSC, Hyderabad.

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The Andhra Pradesh Public Service Commission through its letter second cited has brought to the notice of the High Court that as and when commission requests the Unit Heads in the State to furnish the estimate of vacancies with correct roster position, for the posts of Steno-Typists, Jr. Assistants and Typists in the Andhra Pradesh Judicial Ministerial Service for the vacancies fallen vacant from 1.7.93 to 1.9.98 with specific instructions which are to be followed to furnish an indent for allotment of required candidates from the recruitment of Group-IV Services, 1998. Instances have also come to the notice of the High Court that certain Unit Heads are raising objections in accepting the candidates sponsored by the Andhra Pradesh Public Service Commission contrary to the Andhra Pradesh Judicial Ministerial Service Rules and the guidelines and Circular Orders issued by the High Court, though the Unit Heads earlier sent requisitions for allotment of candidates.

Keeping in view all the aspects referred to by the Andhra Pradesh Public Service Commission and Note (2) of the Guidelines 1<sup>st</sup> cited, the High Court, hereby directs all the Unit Heads in the State to notify the vacancies of Steno-Typists, Jr. Assistants and Typists which are within the purview of the Andhra Pradesh Public Service Commission, within the ambit of Andhra Pradesh Judicial Ministerial Service Rules, and the procedure formulated in the guidelines issued and communicated to all the Unit Heads in the State, by the High Court under reference first cited, and to follow scrupulously the Andhra Pradesh Judicial Ministerial Services Rules and the norms and guidelines issued by the High Court. The High Court further directs the Unit Heads to furnish the correct roster position to the Andhra Pradesh Public Service Commission as and when it requires and to accept the candidates sponsored by the Andhra Pradesh Public Service Commission for the posts which are under the purview of the Andhra Pradesh Public Service Commission viz., Steno Typists, Jr. Assistants, and Typists without raising any objections.

Receipt of the Circular may please be acknowledged.

SD/- REGISTRAR(VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.2536/98-C-I(1)

DT:20.4.1999.

CIRCULAR

Sub: Public Services-APJMS- Representation of A.P. Judicial Employees Association with regard to maintenance of confidential files – Instructions-Issued.

Ref: 1) High Court's Circular Roc.No.572/92-C.Spl.(Con) dt.12.2.1992.  
2) Representation dt.24.10.1998, of the A.P. Judicial Employees Association represented by Organising Secretary addressed to the High Court.

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The A.P. Judicial Employees Association, represented by its Organising Secretary, has submitted a representation to the High Court to issue instructions to stop the maintenance of personal files of the staff of the Subordinate Courts.

The High Court, after careful consideration of the relevant G.Os. and previous circulars of the High Court has taken a decision to continue the maintenance of annual confidential reports of the staff of the Subordinate Courts as per the Circular of the High Court dt.12.2.1992 issued in Roc.No.572/92-C.Spl.(Con) with a direction to all the Unit Heads to communicate a copy of the adverse remarks of the annual confidential reports, if any, against the employees of the respective units to the individuals concerned.

All the District and Sessions Judges and other unit officers under the control of the High Court, are therefore, requested to continue the maintenance of confidential files of all the employees working in their respective units in accordance with the instructions issued by the High Court, in the circular first read above (Copy enclosed) and to communicate a copy of the adverse remarks of the annual confidential reports, if any, against the employees of their respective units, to the individuals concerned.

Receipt of the circular may be acknowledged.

SD/- G.YETHIRAJULU  
REGISTRAR(ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.No.125/99-RC.

Dated:28.7.1999

CIRCULAR

SUB: PUBLIC SERVICES – Recruitment to the posts under APJMS and APLGS in all the Units in the State – Furnishing of Roster Points to the notified vacancies and preparation of Common Merit Lists of selected candidates – Certain Instructions-ISSUED,

REF: High Court's Circular Roc.No.355/98-RC. Dt.25.9.1998

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It is noticed by the High Court that some of the Unit Heads are not intimating the assessment of the requirement of fresh appointments during the next succeeding year, before 30<sup>th</sup> September of each year. And the Unit Heads are not communicating the Roster Points supporting the posts notified by them. It is also noticed that as and when the Unit Heads are forwarding the Final Merit Lists of selected candidates they are not submitting common merit lists of all the selected candidates for the posts notified under O.C. vacancies, as all candidates irrespective of their groups can compete against O.C. vacancies by virtue of their merit. In the absence of common merit lists, unnecessary delay is caused in approving the selection of candidates and it is becoming necessary to correspond with the Unit Heads or sometimes, to differ the selection.

The High Court, therefore requests all the Unit Heads in the State to furnish the Roster Points supporting the posts notified by them whenever they furnish the assessment of vacancies to the High Court and to forward common merit lists of selected candidates for the posts notified under O.C. Vacancies along with other group vacancies, keeping in view to place the older in the age above the younger in the case of candidates who got equal marks, while preparing such common merit lists. The break-up of marks secured by the candidates in the practical and written exams for the posts of Steno-typists, Typists, and Copyists, may also be furnished along with the common merit lists.

Receipt of this circular may please be acknowledged.

SD/- REGISTRAR(VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

ROC.NO.756/2001-C-I(5)

DT.05-07-2001

CIRCULAR

Sub: A.P. Chief Justice Relief Fund – Instructions to all the Unit Heads and Unit Officers of District and Subordinate Judiciary to send detailed information while forwarding the A.P. Chief Justice Relief Fund applications – Reg.

Ref: High Court's Circular Roc.No.2793/92-C.Spl.(A), dated 21-07-1992.

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The High Court during the course of sanctioning death relief/refund/financial aid from the A.P. Chief Justice Relief Fund to the employees of the District and Subordinate Judiciary, observed that inspite of the instructions issued by the High Court in the circular cited, many of the Unit Heads are not furnishing the necessary particulars of the employee concerned for considering the applications for sanction/refund of A.P. Chief Justice Relief Fund, which is resulting in loss of time in further correspondence and delay in providing relief to the applicants.

With a view to avoid delay in sanctioning the relief, all the Unit Heads and Unit Officers are hereby requested to invariably follow the instructions mentioned below while forwarding the applications seeking relief/refund from the A.P. Chief Justice Relief Fund.

- (a) No delay should be made in forwarding the A.P. Chief Justice Relief Fund claims.
- (b) IN case of emergency the application for financial aid should be sent by Fax. While forwarding such application, the District Judge concerned should use his discretion and indicate in appropriate cases that the applicant is suffering from serious medical problem which needs immediate aid and urgent treatment.
- (c) The contribution particulars of the applicant and details of financial aid taken previously, if any, and the date of retirement of the applicant should be indicated in the covering letter of the District Judge.
- (d) In cases of death relief, the death certificate of the deceased employee, nomination particulars and in the absence of nomination, legal heir certificate and all other relevant particulars should be furnished along with the applications to avoid delay.

Sd/- Registrar (Admn)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.2879/97/O.P.ELL

Dt:24.6.1997.

CIRCULAR

Sub: Courts – Civil – Observance of certain basis norms while granting adjournments in disposal of cases by Subordinate Courts – Instructions-Issued.

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Certain instances have come to the notice of the High Court that the Subordinate Courts, particularly on Civil side, are not observing certain basis norms, like hearing both sides before granting an adjournment and that cases are being adjourned only on hearing one side, in the absence of the counsel for the other. The High Court deprecates such practice.

It is made clear that adjournment of cases, if it is to be granted inevitably, has to be announced on the Bench itself, in the presence of both the Counsel, and if the counsel for one party is absent, the Presiding Officer may do it in accordance with law.

Sd/- S.CHANDRA RAO  
REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

Roc.no.694/SO/77

Dated: 15.7.1977.

**CIRCULAR**

Sub: COURTS – CIVIL -Preparation of panels for appointment of Commissioners and Receivers from among the Advocates under the Code of Civil Procedure (Act V of 1908) Instructions-Issued.

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Representations are being received from members of the Bar that only Advocates with good practice are being included in the panel of Receivers and Commissioners maintained by the Subordinate Courts and that in assigning work no rotation is being observed. It is also represented that in some of the Courts no panels are maintained at all and that Commissioners or Receivers are appointed off-hand.

The Presiding Officers of all Civil Civil Courts (other than Additional Courts) are hereby informed that they should maintain separate panels of advocates for appointment as Commissioners and Receivers and that while preparing panels from among the advocates care should be taken to see that names of advocates commanding good practice are not included in the panels and that the assignment of work to the Commissioners and Receivers should be strictly by rotation from the panels a departure being made for good and sufficient reasons. The Presiding Officers of additional courts will ascertain the turns in the panels from the Principal Presiding Officers before assigning work.

Sd/-RAMANUJA CHARI,  
REGISTRAR.

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD ✓

ROC.NO:5689/98/OP CELL-E

Dated:11.4.2000

CIRCULAR

Sub: COURTS - CIVIL - Filing of claim Petitions under M.V. Act before more than one Tribunal - Certain instructions - Issued.

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It is brought to the notice of the High Court that unscrupulous claimants or misguided claimants have been filing claim petitions under Motor Vehicles Act before more than one Tribunal for the same claim taking advantage of the amended provisions of M.V. Act, 1994, and thereby causing heavy financial loss to the Insurance Companies and to other Public Sector undertakings.

The High Court while deprecating the above said practice directs the Presiding Officers concerned to observe the following norms in entertaining Claim petitions under M.V. Act.

- 1) An Affidavit or verified petition may be insisted to be filed by the Claimant to the effect that no claim petition regarding the same accident or regarding the same cause of action has been instituted by such claimant in any other Tribunal to his/her knowledge.
- 2) It is also desirable to verify at the time of trial by way of insisting from the claimant that no other Claim Petition is pending or filed before any other Tribunal.
- 3) A similar assertion by way of an averment may be insisted to be mentioned in the Counter Affidavit to be filed by the Insurance Companies.
- 4) ✓ Bank Passbooks of awardees of compensation to be sent directly to Bank with Cheque.
- 5) The account to be opened in a Bank close to the place of residence of Decree Holder.

The above said Circular instructions hold good till a Rule as such is framed and communicated to the Lower Courts.

The receipt of the Circular may be acknowledged.

Sd/- G.YETHIRAJULU  
REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.4907/E1/97.

Dt.25.7.1997

CIRCULAR

Sub: Improper filing of petitions under Order 29 of the Code of Civil Procedure – Certain Instructions – Issued.

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Instances have come to the notice of the High Court, that in Motor Accident Claims Petitions filed before the Motor Accident Claims Tribunals under Order 29 of the Code of Civil Procedure, the Advocates are filing the said claim petitions against the Insurance Companies or APSRTC,, by making the General Manager or Managing Director as a Respondent. Even in High Court the C.M.As. are being filed against the awards passed by the Motor Accident Claims Tribunals by the General Manager of APSRTC., or by the Manager of the Insurance Company.

This type of filing petitions/C.M.As.is not in accordance with the Order 29 of the Civil Procedure Code. The Petitions filed against the General Manager of APSRTC., may amount to impleading of improper parties and such petitions may likely to be dismissed on technical grounds. In that event, the claimant would be put to irreparable loss.

The High Court has examined the above said practice that is being followed by the Advocates while filing petitions/C.M.As. In Motor Accidents Claims Tribunals/High Court and hereby issues a clarification to the effect that petition filed by the Claimants against the State/Union/Corporations etc.,/C.M.As. Filed by the General Managers of Corporations or Insurance Companies or by the State or by the Union of India the description of the party has to be given in detail. For instance, if a claim is filed before the Motor Accident Claims Tribunal against the APSRTC, the description of the Respondent has to be as follows:-

“Andhra Pradesh State Road, Transport Corporation,  
represented by its General Manager and not as  
“General Manager, APSRTC.”

The Registrar (Judicial), High Court of Andhra Pradesh and all the District Judges in the State are hereby requested to issue necessary instructions to the Scrutiny Officers of the High Court and the Chief Ministerial Officers of the Motor Accident Claims Tribunals, working under their control, to be more alert in scrutinising the petitions' C.M.As filed under Motor Vehicles Act and to see that such petitions are in conformity with the Order 29 of the Code of Civil Procedure.

SD/- S. CHANDRA RAO  
REGISDTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.5125/E1/96

Dated 25.7.1997

CIRCULAR

Sub: COURT FEE - Collection of Court Fee in respect of  
M.V.O.Ps. - Certain clarification-Issued.

\*\*\*

It is brought to the notice of the High Court that in some Districts excess Court Fee is being collected in respect of M.V.O.Ps. filed under Section 166(1) of the M.V.Act,1988, contrary to the Rule 475(1) of the A.P. Motor Vehicles Rules 1989, which results indiscrimination of collection of Court fee in such matters.

The High Court has examined the same at length and decided to issue a clarification in this regard as follows:-

Court fee to be collected.

On Claims upto Rs.10,000/-	Rs.10/-
On Claims above Rs.10,000/- upto Rs.50,000/-	¼ %
On Claims above Rs.50,000/- upto Rs.1,00,000/-	½ %
On Claims above Rs.1,00,000/-	1%.

Which is illustrated in respect of a claim for Rs. 1,50,000/- as follows:-

For First Rs.10,000/-	Rs.10/-
Above Rs.10,000/- upto Rs.50,000/- for each Rs.10,000/-	
Rs.25/- (Calculated for Rs.40,000/- @1/4 %)	Rs.100/-
For remaining Rs.50,000/- @ ½% upto Rs.1,00,000/-	Rs.250/-
Remaining Rs.50,000/- above Rs.1,00,000/- @1%	Rs.500/-
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	Rs.860/-
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All the District Judges are, hereby requested to follow up Rule 475 (1) of the A.P. Motor Vehicles Rules, 1989, in Verbatim while collecting Court Fee in applications under sub-section (1) of Section 166 of the M.V. Act, to avoid inconsistency in collection of Court fee.

Sd/- S.CHANDRA RAO  
REGISTRAR(VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.515/SO/2000

Dated: 20.7.2000

CIRCULAR

✓ Sub: Compensation amounts under M.V.Act 1988 – To keep the Amounts in Interest yielding Fixed Deposits in Banks – Issuing of certain instructions – Reg.

\*\*\*

Instances have come to the notice of the High Court, that some of the Presiding Officers are keeping the amounts awarded under Sections 140, 168 and 173 M.V. Act, 1988 in Civil Court Deposits inspite of specific directions in the Judgments. The delay caused in depositing the amounts in Banks in resulting in loss to the Claimants,

All the Presiding Officers of Tribunals under M.V.Act in the State are here by instructed to deposit the award amounts in Interest yielding Fixed Deposits in Nationalised Banks keeping in view the directions given by the Tribunals in the respective Judgments.

The Presiding Officers of the Tribunals under M.V.Act, are further directed to take immediate steps as per the above instructions and report compliance immediately.

The Ministerial Officers who fail to obtain necessary Orders for keeping the award amounts in Interest yielding Fixed Deposits will be held liable for the loss of interest likely to be caused to the respective claimants.

Receipt of the circular may be acknowledged.

Sd/- REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC.NO.48/E.II/96

Dt:4.1.1996.

CIRCULAR

Sub: Accumulation of Backlog of cases – Court-wise pendency of cases – Certain instructions – Issued.

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In pursuance of the Resolutions passed in the Conference of Principal District and Sessions Judges held on 16<sup>th</sup> and 17<sup>th</sup> September, 1995, at Hyderabad regarding the subjects of accumulated backlog of cases and court-wise pendency, the following guidelines/instructions are issued to all the Judicial Officers in the State of Andhra Pradesh for being followed scrupulously.

1. Clearance of all old cases shall be in a phased manner.
2. Targets for disposal of old cases have to be fixed up for each Court by the concerned Presiding Officer and communicate the same to the Unit Officer and also to High Court.
3. The list of cases to be disposed of for every six months are to be identified and the progress of these cases are to be minutely, observed by the Presiding Officer, in every month and, by the end of the 6<sup>th</sup> month, all the cases identified in the list are to be disposed of.
4. The trial of oldest cases have to be taken up almost on day to day basis and not be adjourned, except in extraordinary circumstances, and the reasons for adjournment are to be noted on the docket, and the same is to be informed to the Unit Officer and to the High Court when the explanations are submitted at the time of review.
5. Prolixity and repetition in judgements have to be avoided. Orders in interlocutory orders must be brief and concise.
6. Judgements are to be pronounced on the dates so fixed and they should not be reopened except in rare circumstances and the same is to be mentioned on the docket for verification.
7. The Unit Head is to watch as to how many times, the Officer has posted the case for Judgement and how many times the matter is reopened and the reasons therefor.
8. The rate of disposals should keep pace with the institution of cases.
9. Call work time has to be reduced.

10. There shall be uniform distribution of Civil and Criminal work of all cadres at each station i.e, where there are courts of heavy pendency in the same station, the District Judge shall exercise his discretion judiciously and transfer cases appropriately by giving due regard to the Special Enactments wherever applicable and with less inconvenience, if any, to the litigant public and see that there is uniformity in distribution of cases keeping Revenue Mandals and Police Stations jurisdiction in view and communicate the same to High Court for verification.
11. Officer shall take necessary steps to ensure prompt execution of Non-Bailable Warrants. If the warrants are neither presented nor executed the reasons should be informed to the court by the concerned police in writing and obtain further instructions.
  - a) The Practice of adjourning Sessions Cases for cross-examination has to be eschewed.
  - b) The Chief – examination and Cross-examination of witnesses are to be completed on the same day and deferring cross-examination shall only be in exceptional circumstances, by assigning reasons.
12. Recording of evidence of all the witnesses in attendance must be completed, as far as possible, on the same day on which they are summoned, preferably in the morning hours. The arguments may be taken up after lunch.
13. Both sides in the case should be clearly instructed to produce witnesses as per schedule and if they fail to produce the witnesses, they should be insisted to file a memo for their failure.
14. While granting an ad-interim order, the Officer shall fix up a date, preferably two weeks, upto which the injunction get ready for disposal in the interlocutory Applications after two weeks shall be in force, and an opportunity should be given to both parties to get ready for disposal in the Interlocutory Applications after 2 weeks.

Receipt of this Circular may be acknowledged at an early date.

SD/- M.E.N.PATRUDU  
REGISTRAR (MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

ROC.NO.100/E.II/96.

Dated:10.1.1996.

CIRCULAR

Sub: Accumulation of Backlog of cases-Causes for accumulation and remedies suggested - Communicated for implementation.

Ref: High Court's Circular Roc.No.48/E.II/96, dt.4.1.1996.

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Since the Docket explosion is a serious problem, the Registry of the High Court on an overall observation and discussions with the concerned has identified the following causes for accumulation of backlog of cases:-

1. Increase in Statutes.
2. Excessive Filing.
3. Non-increase of Courts.
4. Inadequacy of facilities.
5. Complications of procedure.
6. Improper checking before registration.
7. Excessive professionalism.
8. Indiscriminate interim orders.
9. Unnecessary adjournments.
10. Lengthy arguments.
11. Non-cooperation of Advocates.
12. Boycotts of Courts.
13. Absence of Official witnesses.
14. Non-production of under trial prisoners.
15. Non-execution of Non-bailable warrants.
16. Indifference attitude of Police,.
17. Lazy and lethargy approach from Judicial Officers.
18. Intermittant transfers.
19. Delay in appointment of Law Officers.
20. Failure to reduce call work.
21. Lack of managerial skills and court-craft.
22. Failure of fix monthly, quarterly and half-yearly targets.

Some of the remedies suggested by the Registry of the High Court are enumerated as under:-

1. Evelution of code of conduct from the Bar.

2. Fixing of time bound targets.
3. Regular monitoring through special cells at the District level and at High Court level.
4. Removal of minor blockades for disposals .
5. Establishment of sufficient Courts.
6. Establishment in the staffing pattern.
7. Appointment of more Law Officers.
8. Preparation of advance cause lists.
9. Identifying old cases for disposal by preparing monthly, quartely and half years lists.
10. Fixing definite schedules for disposal of old cases.
11. Limited number of adjournments.
12. Regular production of under trial prisoners.
13. Appearance of prosecution witnesses and Police Officers.
14. Proper exercise of judicial discretion,
15. Encouragement for written arguments.
16. Clear instructions to the judicial officers to proceed with the work irrespective of boycotts.
17. Setting apart a day preferably a Saturday in a week for call work of non- trial matters.
18. Strict vigil on judicial officers.
19. Continuous judicial work from 10,30 A.M. to 5.00 P.M.
20. Prompt delivery of judgements.
21. Encouraging officers through revised unit rating
22. Motivating the officers through regular discussions
23. Organising Lok Adalats locally without much expenditure.
24. Periodical Conferences.

In fact, on the aspect of reducing the accumulation of backlog of cases, the Registry has already issued guidelines and instructions, by way of circular, referred to above, to be followed scrupulously. Now, the unit heads are requested to bring the causes and remedies, identified above, to the notice of all the Judicial Officers in their respective units for implementation of the remedies available to them.

The receipt of the circular may be acknowledged at an early date.

SD/- M.E.N.PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.4903/E1/97

Dated:11.8.1997.

CIRCULAR

Sub: COURTS- Boycott of Courts by the Advocates for reasons unconnected with the Administration of Justice – Instructions– Issued - Reg.

Ref: 1) High Court's Circular Roc.No.1626/S.O./95, dt.19.8.1995 (Codified in High Court's Circular's Volume-II)  
2) High Court's Lr.Roc.no.1626/S.O/95, dt.19.8.1995, addressed to the Presidents of all Bar Associations in the State. (Codified in High Court's Circular's Volume-II).

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Attention of all the Unit Heads is invited to the High Court's Circular 1<sup>st</sup> read above wherein the High Court issued certain instructions to the Presiding Officers of all the Courts in the State in connection with the Boycott of Courts by the Advocates, to make an appeal to the learned members of the Profession to cooperate with the courts in hearing of cases and to persuade them in every manner to desist from any conduct that would impair the dignity of the court and also all the Presiding Officers are instructed that when persuasion in every manner fails and when the situation demands action, the Presiding Officers should act firmly with circumstances and make every effort to proceed with their judicial work.

At the same time, the High Court in its letter 2<sup>nd</sup> read above, addressed to the Presidents of all the Bar Associations, which also enclosed to the circular 1<sup>st</sup> cited, wherein the High Court made an appeal to the Bar Associations and Advocates that in case of any grievance concerning the administration of justice or any other aspect relating to any Court, they may represent the same to the Presiding Officer of the court concerned, and if necessary, they may represent their grievances to the District Judge concerned or to the Hon'ble Portfolio Judge/Hon'ble The Chief Justice through the Registry of the High Court. The High Court also made an appeal to the Bar Associations to 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.

Despite that, a several instances have come to the notice of the High Court that the Advocates are boycotting the Courts for reasons unconnected with the functioning of Courts and with day to day administration of Justice and thus interrupting and dislocating the court's work, delay in disposals and causing hardship to the litigant public.

Therefore, all the Unit Heads are requested to follow the previous circular 1<sup>st</sup> read above and to direct all the Presiding Officers in their units to act firmly whenever the advocates boycott the courts for the reasons not connected with the functioning of courts and with day to day administration of justice.

All the Unit Heads in the State are also requested to direct the Presiding Officers working under their control to make an appeal to the Bar Associations concerned once again by reiterating the High Court's letter 2<sup>nd</sup> cited and to request them to cooperate with the Presiding Officers in achieving the goal of speedy justice by not hampering the court work.

This may please be circulated to the Presiding Officers in their respective units and the same may please be informed to all the Bar Associations in their Units.

SD/- REGISTRAR(VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD.

ROC.NO.772/68-B.Spl.

DT.22-03-1968

CIRCULAR NO.13,B.Spl.Dt.22.3.68

Sub: Submission of Confidential reports on Subordinate  
Judicial Officers certain instructions issued

Ref:- High Court's Circular Roc.No.,2117/67  
B.Spl.Dt.11.9.1967.

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It is seen from the confidential reports received from the District Judges for the year 1967 that some of the District Judges sent reports in respect of officers who were actually working in their Districts on 31.12.1967 and omitted to send reports in respect of officers who left the Districts during the middle of the year on transfer. The District Judges are requested to send reports in respect of such officers also urgently.

To obviate such omissions in future, in all cases where a subordinate Judicial Officer is transferred from the District during the middle of the year, the concerned District Judge should forthwith write a confidential report on the work and conduct of the officer for the period of his stay in the District and forward the report to the High Court. In respect of such officers, it is not necessary to wait till the end of the year for submitting reports on their work and conduct.

It is also noticed that the District Judges are generally taking their own time for submitting to the High Court confidential reports on subordinate Judicial Officers and annual statements of work done by them.

Hereafter the confidential reports, and statements of work should be submitted to the High Court.

In the High Court's Circular, dt.11.9.67 cited above, the District Judges were informed that in the confidential reports the names of the reporting officers should be typewritten or written in block letters immediately below their signatures. It is observed that some of the District Judges have not followed these instructions while submitting the confidential reports for the year 1967. The District Judges are requested to follow the present instructions as also the instructions issued in paragraphs 1 and 2 of the said circular scrupulously.

Receipt of the circular may please be acknowledged.

Sd/- M.Ramachandra Raju,  
REGISTRAR

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC.NO.40/97/OP.CELL

Dated:7.1.1997.

CIRCULAR

Sub: COURT MANAGEMENT PROJECT – Measures for toning up the administration – Instructions – Issued. - Reg.

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It has been constant observation made by the District Judges in almost all the Notes of Inspection submitted to the High Court, that there are delays detected in the Copyists Establishment, and those delays are attributable to the disorderly way in which Central Record Rooms are being maintained in the Units and also on account of lack of diligence in supervising certain other main wings in the Units.

The Registry, therefore, suggests certain measures to be taken in the main branches of the Units for getting better results and to avert such delays.

First of all, during the first month of the year itself, it is to be assessed as to what is the volume of arrears of work to be attended to in the Central Record Room, and the various stages to be covered, namely, the consignment, preparing destruction list, separation of parts etc. Then, the available staff-strength of various cadres, working in all the Courts at the Head Quarters, are to be listed out, along with the names of the Presiding Officers,

Then, all the above said personnel shall be addressed by the Head of the Unit, impressing upon them the need and necessity to putforth concerted, concentrated and collective effort for clearing of the arrears of work, with voluntary spirit and with institutional devotion, by apprising them of the Rules relating to the maintenance of Record Room and furnishing them with the Office Note and Instructions (the copies of which are appended herewith) along with the latest destruction Rules and they shall be made to follow them scrupulously.

Later, a hall may be identified, where about 20 tables can be arranged, accommodating about 100 people to sit and turnout work. After making such arrangements, the Unit Head may see that each table be occupied by a C.M.O./an U.D.C. and two Assistants, and, for two tables and an Attender may be made available, and, then, one Presiding Officer, if possible, may be made to supervise four tables.

After this exercise, the records may be brought to the place of work, court-wise and year-wise and, by fixing up quota of work to be turned out by the men employed at the tables, the Presiding Officers, who supervise, may be called upon to record the work turned out by the staff assigned to them, as also the particulars of missing records, if any, with names of persons responsible therefor.

Then, the work starts by allotment of bundles to each table along with brochures containing Rules (appended herewith) and it may be seen that all the identified works are carried out, including destruction work.

After clearing off the arrears of work on war-footing basis, preferably within one week or 10 days, a comprehensive compliance report has to be sent to the High Court by the Unit Head, whose performance will, then, be placed before the Hon'ble the Chief Justice for consideration on incentive aspect.

SD/-M.E.N.PATRUDU

REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC.NO.040/O.P.CELL/97

DATED 7-1-1997

CIRCULAR

Sub: COURT MANAGEMENT PROJECT – Expeditious disposal of cases, identifying pendencies in each branch and steps for clearance-Reg.

- Ref: 1. High Court's Circular Roc.No.48/E.II/96, dt.4.1.1996.  
2. High Court's Circular Roc.No.100/E.II/96,dt.10,.1.96.  
3. High Court's Circular Roc.No.729/E.II/96,dt.8.2.96.

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In pursuance of the objectives evolved by the COURT MANAGEMENT PROJECT and for effective administration of Justice, the High Court desires all the Unit Heads in the State to instruct all the Judicial Officers working in the District to get identified pendencies as on 31.12.1996, on the following areas, mentioned hereunder, and clear off the pendencies as per the targets indicated hereunder, and a comprehensive report of compliance for the entire district, i.e., in all the District Courts, Subordinate Judge's Courts and Munsif Magistrate Courts, be sent to the Registrar (Vigilence) within one month after the target date.

**I. JANUARY: TARGETS:-**

- a) COPYIST ESTABLISHMENT:- All the Copy Applications pending as on 31.12.1996 with the Copyist Establishment of each Court shall be cleared off on or before 31.1.1997 by eliminating the delays at every stage. The Presiding Officers are specifically requested to take necessary interest in this regard.
- b) CHECKING OF PROCEEDINGS:- The Presiding Officers are requested to instruct the C.M.Os., to verify all the un-numbered suits/petitions/appeals/charge-sheets etc., pending as on 31.12.1996, check them immediately and register them, if they are in order, or place them before the concerned Presiding Officer with all objections, and clear off all such proceedings before 31,.1.1997.

## II. FEBRUARY: TARGETS:-

- a) NAZRATH: The Presiding Officers are requested to issue necessary instructions to the Incharge of Nazareth to verify all the summons, warrants and other process pending as on 31.12.1996 and take immediate steps for clearing off all such pending processes, either by serving or by returning with proper endorsements to the concerned courts, on or before 28.2.1997.
- b) NON-BAILABLE WARRANTS:- The Presiding Officers are requested to direct the concerned clerks working on Criminal side to verify all the pending non-bailable warrants or summons as on 31.12.1996, entrusted to the police for service on the accused person or on witnesses, and call for report, with reasons, from the concerned Police Stations, for their pendency and, if necessary the Presiding Officers may address D.O. Letter to the Superintendent of Police, and mark a copy to the Chief Judicial Magistrate, District & Sessions Judge, and the Registrar (Vigilance) for prompt action for execution of the warrants and summons in all the criminal cases. If they are not executed, the Police may be asked to return the same with detailed report for non-execution. This process is to be completed on or before 28.2.1997.
- c) Case Properties:
  - i) Return of properties:- The Presiding Officers are requested to instruct the C.M.O., and in charge of the property room to prepare the list of properties as on 31.12.1996 both valuable and non-valuable in all disposed of cases and issue notices to the part through police or through Registered post and clear the case-property in all disposed off cases on or before 28.2.1997.
  - ii) Interim Custody:- In the pending trial cases, the Presiding Officers are requested to take such steps under law which are necessary to clear off properties by giving interim custody on or before 28.2.97. If any case property can be ordered for interim custody with proper security and direction for producing at the time of trial, the same can be initiated.
  - iii) Confiscation and destruction:- In other cases where the property is to be confiscated to the State or ripe for destruction, the Presiding Officers are to take necessary steps with the assistance of the concerned investigation officers and clear off such properties by 28.2.1997.

**III. MARCH: TARGET:**

a) RECORD ROOM:- A separate circular is issued long with this, concerning the clearance of files in Record Room. The Presiding Officers are requested to take all necessary steps for clearing off all the records on or before 31.3.1997, and report the compliance to the High Court within one month thereafter.

**FUTURE PROGRAMME:-**

The Unit Heads in consultation with all the Presiding Officers, are further requested to set before themselves similar frame work of issues at the end of each quarter, by themselves prescribing the dates of clearance, on the lines set by the Registry, and, then, go on reporting compliance to the High Court. (O.P. Cell) from time to time i.e., within one month after the prescribed dates.

Receipt of this Circular may be acknowledged.

SD/- M.E.N.PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH;; HYDERABAD

ROC.NO.974/SO/78.

Dt.21.9.1979.

CIRCULAR

Sub: Order IX C.P.C. -Applications to set aside default dismissal orders and exparte decrees Scope clarified.

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During his visit to one of the districts recently, a District Munsif has enquired from the Honourable the Chief Justice as to what should be done if a suit was dismissed for default or an exparte order was passed against the absentee defendant and an application is filed by the affected party and the opposite party states no objection to the application being allowed and whether it is obligatory on the part of the Presiding Officer to allow such applications where the opposite party states no objection.

Answer to the question is directly found in rules 9 and 13 of Order IX C.P.C. The Presiding Officer should have known that applications for setting aside default dismissal orders and exparte decrees are to be allowed or dismissed according to their own merits and no administrative instructions can be issued as to how judicial discretion should be exercised in such matters.

According to the provisions of Order IX C.P.C. the default order or an exparte decree shall have to be set aside if the court is satisfied that the applicant has sufficient cause for his absence on the day when the default order or an exparte decree was passed. Sufficiency of cause has to be decided judiciously with reference to the facts and circumstances of each case and it cannot be made to depend solely upon the objection or consent of the opposite party.

SD/- REGISTRAR (ADMN)

## HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.1441/SO/79

Dt: 20.12.1979.

CIRCULAR

Sub: Application filed under Order 14 Rule 2 and Section 151 C.P.C. for deciding a particular issue as a preliminary issue in Civil Suit certain instructions in dealing with the said application - Issued.

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The High Court hereby directs all the Civil Courts in the State to follow the instructions mentioned hereunder in dealing with application filed under order 14 Rule 2 and Section 151 CPC for deciding a particular issue as a preliminary issue in Civil Suits.

1. Whenever an Application is filed in a suit in a suit requesting the Court to decide a particular issue as a preliminary issue; the Court at that stage has to decide whether a case is made out for deciding that issue as a preliminary issue.
2. If the Court comes to the conclusion that no case is made out for deciding a particular issue as a preliminary issue, the said application has to be dismissed and the suit will have to be proceeded with by trying all the issues together.
3. If however the Court feels that the applicant is justified in his request to determine the issue application. At this stage Court has to consider only the question whether it is advisable to try an issue as a preliminary issue or not, and it is not necessary or desirable to give a finding on the preliminary issue. The I.A. has to be merely ordered. The result of this order on such an application is that the Court has decided only to try a particular issue as a preliminary issue. With this order the I.A. is disposed of.
4. The next step for the court is to take up the preliminary issue and give a finding on that issue. This will be a proceeding in the suit itself and certainly not in the I.A.
5. While deciding the preliminary issue if the Court finds it necessary to record any evidence such evidence will be the evidence in the suit itself and documentary evidence has to be marked as Ex-A series and B Series and the Oral evidence as P Ws and D Ws.

The High Court hereby directs all the Civil Courts to draw the distinction between these two stages stated above.

HIGH COURT OF ANDHRA PRADESH:: AT HYDERABAD

ROC.NO.1446/SO/81.

Dt. 15-7-1982.

CIRCULAR

Sub:-Procedure with regard to admission of appeals under Section 96(4) of the Code of Civil Procedure 1908 - Instructions - Reg.

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A District Judge has sought for clarification from the High Court whether Appeals under Section 96(4) of the Code of Civil Procedure 1908, have to be numbered first and then posted before the Court for Admission or whether they should be heard before numbering them.

The High Court, on a careful consideration of the matter, hereby directs that all the Lower Appellate Courts in the State shall number the said Appeals first and then post them before the Courts for Admission.

Sd/- REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.2380/SO/89.

Dated:7.3.1990.

CIRCULAR

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

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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 acknowledged.

Sd/- I.PANDURANGA RAO.  
REGISTRAR(ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.2773/97/OP CELL-E.

DT.22.7.1997

CIRCULAR

Sub: COURTS – Civil –Procedure for payment of fees for examination of documents in civil cases, while sending to Forensic Science Laboratories-Instructions-Issued-Reg.

Read: D.O.Lr.No.FSL/CM/97/50,dt. –3-1997, from the Inspector General of Police, Police Scientific Services & director, Forensic Science Laboratories, Hyderabad

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It is brought to the notice of the High Court by the Director, Forensic Science Laboratories, Hyderabad, in his letter read above, that the Forensic Science Laboratory is not able to furnish the reports in civil cases because the fees for examination in the form of a challan prescribed by the Government is not being sent by the Subordinate Courts despite several reminders, due to which, the reports are kept pending in the Forensic Science Laboratory for prolonged periods for want of fee.

The Unit Heads are, therefore, requested to draw the attention of the concerned Judicial Officer in their respective units to the requirement of deposit of the fees for examination of documents in civil cases to the Forensic Science Laboratory Hyderabad, before the documents are sent for examination, by following the procedure laid down in Rule 6 of the Rules Regulating Applications for and payment of the services of the Government Examiner of Questioned Documents (Shown as Appendix-A) at the end of the Civil Rules of Practice and Circular orders of the High Court of Andhra Pradesh) and each such application should be accompanied by a certificate as prescribed in the said Rule.

The Unit Heads are, therefore, requested to communicate this circular to all the Judicial Officers working in their respective units for strict compliance of the above procedure.

SD/- S.CHANDRA RAO  
REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.4562/99/OP CELL-E

Dt: 4.1.2000

CIRCULAR

Sub: Courts – Fraudulent filing of cases against innocent public – Issue of summons by courts with short notice – Hand over of warrants to parties at week ends – Instructions to Lower Courts – Issued.

Ref: Representation made by one Rajeev S.Thatta, Human Rights Acitivist, resident of Mumbai, addressed to the Hon'ble the Chief Justice.

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It is brought to the notice of the High Court of A.P., that in twin cities of Hyderabad, and Secunderabad, summons in criminal cases are being served on the accused persons fixing a short notice for appearance in courts and further that non-bailable warrants and accused summons are being entrusted to private complainants for execution and service and such a practice is resulting in harassment of accused persons. Entrustment of accused summons for service and non-bailable warrants for execution to the private complainants is against law.

In this regard the attention of Metropolitan Magistrates in the twin cities is invited to some of the relevant provisions in Criminal Procedure Code.

Section 62, Criminal Procedure Code, envisages service of summons only by a police officer or by the officer of the court issuing the summons or by other public servant. There is no other enabling provision in Criminal Procedure Code authorizing the Metropolitan Magistrate to entrust accused summons to the private complainants for service on accused persons.

Section 72, Criminal Procedure Code, stipulates that a warrant of arrest shall ordinarily be directed to police officers and only in cases where immediate execution is necessary and no police officer is immediately available, the court may direct the entrustment of warrant of arrest to any other person. As clear from Section 73 Criminal Procedure Code, that such entrustment of warrant of arrest to private persons can be made if the accused whose arrest is sought for is accused of a non-bailable offence and is evading arrest. The offence punishable under Section 138, Negotiable Instruments Act. Is a bailable offence. In case of non-appearance of accused, though N.B.W. can be issued, entrustment of non-bailable warrant to a private complainant in criminal cases arising out of Section 138, N.I.Act, is against law, as it is not covered by the provisions of Section 73, Cr.P.C.

The High Court deems it necessary to invite the attention of the Metropolitan Magistrates in twin cities to the provisions in Sections 78 and 79 Cr.P.C., regarding the procedure to be followed by the Criminal Courts where warrants are to be executed outside the local jurisdiction of the court issuing it. Such warrants shall be forwarded by the court to any Executive Magistrates or District Superintendent of Police or Commissioner of Police within the local limits of whose jurisdiction it is to be executed. Even if such a warrant is directed to the local police officer, such local police officer shall take it for endorsement either to an Executive Magistrate or to a police officer within the local limits of whose jurisdiction the warrant is to be executed.

The Metropolitan Magistrates in twin cities are hereby directed not to entrust service of summons on accused and also not to entrust warrants of arrest for the execution to the private complainants. Metropolitan Sessions Judge, Hyderabad, and Chief Metropolitan Magistrate, Hyderabad, are requested to serve the circular on all the Magistrates working in the twin cities and see that the Metropolitan Magistrates do not violate the circular and that they follow the provisions in Cr.P.C. strictly.

The Receipt of the circular may be acknowledged.

Sd/- REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC.NO.2744/2000/O.P.CELL-E

Dt. 8.6.2000

CIRCULAR

Sub: COURTS - Civil - Strict complinace of the provisions of Order V Rule 2 of Civil Procedure Code- Instructions - Issued.

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It is brought to the notice of the High Court that some of the Subordinate Courts are not following the provisions of Order V Rule 2 of the Civil Procedure Code while issuing the Summons to the defendant/s to appear and answer the claim on the day specified therein; despite the mandatory duty cast upon the Courts under the said provisions of C.P.C. to enclose copy of the plaint.

Order V Rule 2 reads thus:

" Every Summons shall be accompanied by a copy of the plaint or, if so permitted, by a concise statement".

If the Summons is not accompanied by a copy of the plaint, it does not amount to due service and the ex-parte decree obtained upon such defective service has to be set aside. The Service of Summons without copy of plaint is causing so much anxiety to the defendants regarding the nature of suit filed against them and to secure relevant material to answer the averments made in the plaint. It is also causing expenditure to the defendants to go to the Court from far off places to collect or to obtain copy of the plaint. Due to non enclosure of the plaint to the Summons the defendants are made to seek adjournment on the first hearing date on the ground of non-receipt of the plaint with the Summons. Though the Summons disclose a para that the copy of the plaint is enclosed, the respective Courts are dispatching the Summons in a casual manner unmindful of the mandatory provision. It is essential in the interest of justice to enclose a copy of the plaint to the summons being served on the defendants. It is also noticed that the Subordinate Courts are accepting the Summon forms, which are not in the prescribed form for the purpose of service on opposite parties.

Hence, the Presiding Officers of the Subordinate Courts in the State are instructed to follow the mandatory provisions of Order V Rule 2 C.P.C. scrupulously while issuing Summons and ensure enclosure of copy of Plaint/Petition to the Summons. Any violation in this regard will be viewed seriously.

Receipt of the Circular may be acknowledged.

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC.NO.692/SO/77.

Dt: 8.7.1977.

CIRCULAR

Sub: CRIMINAL CASES- References to witnesses as L.Ws-  
Avoidance-Instructions Issued.

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It has been noticed by the High Court in a large number of cases that the Sessions Judge, Assistant Sessions Judges and Magistrates have been using the number of a witness as given to him in Police charge sheet while recording evidence and even while writing judgements by referring to the witnesses as L.W.1, L.W.2, and the like. Such references to witnesses as LWs. in the depositions and judgements is causing unnecessary inconvenience to the High Court at the time of hearing the appeals or revisions arising out of those cases. The High Court deprecates such practice.

All the Presiding Officers of the criminal courts are informed that depositions and judgements should be written by mentioning the names of the witnesses or referring to them with their numbers as prosecution witness or defence witness according to their numbers when examined before the Court. Persons not examined before the court but cited in the charge sheet should be referred only by their names and not by the numbers allotted to them in the charge sheet.

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

V.RAMANUJACHARI,  
REGISTRAR.

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC.NO.807/SO/77

Dt: 12.8.1977.

CIRCULAR

Sub: Courts-Criminal-Allowing the accused to sit during trial-  
Instructions-Issued.

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The Honourable the Chief Justice, during his visits to some of the Subordinate Courts, has noticed that the accused are made to stand in the dock throughout their trial, which may last several days in some of the cases. Although under rule 85 of the Criminal Rules of practice it is entirely within the discretion of the Presiding Officers to require an accused or a witness to stand or permit him to sit, the High Court considers that it is not a healthy practice to require the accused to stand throughout their trial.

The High Court directs that except when the accused are examined under Sections 239,251 and 313 of the Code of Criminal Procedure, 1973, or at the time of framing of charges or when they are heard, they may be allowed to sit and for that purpose a bench or seat may be provided in the dock.

All the Presiding Officers of Criminal Courts are requested to take action accordingly.

Sd/- V.RAMANUJA CHARI.  
REGISTRAR.

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC.NO.1166/SO/77

Dt: 27.12.77.

CIRCULAR

Sub:- Courts-Criminal-Invariable compliance with Rule 249, of the Criminal Rules of Practice and Circular Orders 1966-By the Sessions Judges and the Addl. Sessions Judges while convicting and sentencing women accused for the murder of their infant children-Instructions- Issued.

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Rule 249 of the Criminal Rules of Practice provides that in all cases where women are convicted for the murder of their infant children, the Sessions Judge shall make a reference to the Government through the High Court with an expression of his opinion as to the propriety or otherwise of reducing the sentence and that every such reference shall be accompanied by certified copies of the record of the trial or such record thereof as exists.

It has been noticed by the High Court in many cases that the Sessions Judges have not been complying with the aforesaid rule while convicting and sentencing women-accused for the murder of their infant children.

The attention of the District & Sessions Judges and the Addl. District & Sessions Judges is invited to the aforesaid rule and they are requested to comply with the provisions thereof scrupulously.

Sd/- V, RAMANUJA CHARI  
REGISTRAR

HIGH COURT OF ANDHRA PRADESH:: AT HYDERABAD

Roc.No.74/SO/80

Dated"6.3.1981

CIRCULAR

Sub: Separation of judiciary from the Executive – Reorganisation of Courts-Placing of Taluk Executive Magistrates in additional charge of posts of Judicial First Class Magistrates-Instructions-Issued.

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The Government have brought to the notice of the High Court two instances of placing Taluk Executive Magistrates in additional charge of posts of Judicial First Class Magistrates during their absence from station for short periods, by the Additional District and Sessions Judges reported by the concerned District Collectors for necessary action.

The High Court has considered the aforesaid actions of the two Additional District and Sessions Judges and is of the view that they are without authority as to the functions of the Judicial Magistrates under the new Code of Criminal Procedure 1973 can never be undertaken by the Executive Magistrates, having regard to the Scheme of Separation of Judiciary from the Executive and the reorganisation of Courts even though such actions were authorised by the repealed Code of Criminal Procedure, 1898 (Old Code).

The High Court is further of the view that unless the Executive Magistrate is conferred with the powers of a Judicial Magistrate or of a Metropolitan Magistrate by the High Court under Section 13 or 18 of the Code of Criminal Procedure 1973 to perform such functions as are envisaged in Section 167(2A) Cr.P.C. 1973 the District Judge/Metropolitan Sessions Judge cannot place such Executive Magistrate in charge of the post of the Judicial Magistrate/Metropolitan Magistrate during the absence of the said Judicial/Metropolitan Magistrate from the station.

Under the circumstances, the High Court hereby directs that the Sessions Judge/Metropolitan Sessions Judge shall not in future, place any Taluk Executive Magistrate in his unit in additional charge of the post of the Judicial/Metropolitan Magistrate during the period of the absence of the said Judicial/Metropolitan Magistrate from his station, unless such Executive Magistrate is conferred with Judicial powers by the High Court under Section 13 or 18 of the Code of Criminal Procedure 1973, to perform such functions as are envisaged in the Section 167(2A) Cr.P.C. 1973.

The aforesaid instructions shall be followed scrupulously.

Sd/- REGISTRAR(ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.1552/SO/80.

Dt. 23.6.1982.

CIRCULAR

Sub: Entertaining of first Information Reports sent by the Officers incharge of Police Stations u/s.157 Cr.P.C. in respect of cognizable offences, by the concerned judicial Magistrates in the State-Certain Instructions-Issued.

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Instances have come to the notice of the High Court that in some cases the Officers in charge of Police Stations are sending First Information Reports under Section 157 Cr.P.C.1973 without disclosing the commission of cognizable offences suspected to have been committed, to the concerned the Judicial Magistrates empowered to take cognizance of such offences upon Police Reports.

The receipts of such F.I.Rs. is not contemplated U/s 157 Cr.P.C. 1973 as they do not disclose the commission of cognizable offences suspected to have been committed. The Judicial Magistrates in the State are therefore directed not to entertain such F.I.Rs. which do not disclose the commission of cognizable offences suspected to have been committed, sent by the concerned officers in charge of Police Stations but to return to them. This step will also obviate unnecessary piling up of such F.I.Rs.

Sd/-REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

Roc.No.1253/65.B1.

Dt:10<sup>th</sup> Jan.1966.

CIRCULAR

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

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

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

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

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

Sd/- x x x  
For REGISTRAR

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.1857/SO/94

Dated 9.4.1996.

CIRCULAR

SUB: REFORMS in the Administration of Criminal Justice System- Follow-up action on the conference of Chief Ministers held in New Delhi, on the 13<sup>th</sup> November, 1992- Instructions for strict adherence-Issued.

Ref: 1. Government of India's Letter No.2/9/92/Judl.Cell, dated 18.7.1994, from the Joint Secretary, Government of India, New Delhi.  
2. State Government's letter no. 06163/Cts.B/95/1, dated 9.2.1995, from the Dy. Secretary to Government, Home (Cts.B) Department, Secretariat, Hyderabad.

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The Joint Secretary to Government of India, Ministry of Home Affairs, New Delhi and the Deputy Secretary to Government of A.P., Home (Courts.B) Department, Hyderabad, in the references 1<sup>st</sup> and 2<sup>nd</sup> cited, while enclosing the copies of the agenda of the conference of the Chief Ministers held in New Delhi, on 13<sup>th</sup> November, 1992, wherein a number of suggestions were made on the reforms in the Administration of Criminal Justice System, on which appropriate action has to be taken by the High Courts, requested to give suitable directions to the Subordinate Courts under its control as may be considered necessary.

Some of the suggestions in the present recommendations were already covered, in which proposals were already sent to the Government for creation of various categories of Criminal Courts and instructions were issued to all the Presiding Officers of the Subordinate Courts in regard to trial and disposal of Criminal Cases.

Now, after careful examination and consideration of the remaining suggestions, the Committee of the Hon'ble Judges in the meeting felt it necessary to issue necessary instructions to all the presiding officers of the Subordinate Criminal Courts in the State for strict adherence in regard to trial and disposal of Criminal cases on the following points:

- 1) The Presiding Officers should see that trial of Criminal Cases is not badly delayed due to causes like non-appearance of witnesses, lack of preparedness of the prosecution or defence counsel to get on with cases posted for the date, frequent adjournments, prolonged cross examination without regard to relevance or need, taking unduly long time for perusing the records or otherwise getting prepared the case at different stages of the trial.

- 2) The trial Magistrate should himself frame the charges in every case.
- 3) All the Magistrates are instructed to ensure that all incriminating circumstances in the prosecution evidence are put to the accused during the 313 Cr.P.C. examinations.
- 4) Top priority should be given to the cases involving death sentence.
- 5) The Appellate Courts are directed to ensure that an appeal filed against an Interlocutory Order is disposed of within a reasonable time.
- 6) The Appellate Courts are directed to ensure that the record of the trial court is sent back within 10 days of the judgement in appeal against the Interlocutory Order and so also in the case of remand in an appeal etc., to the trial Court.
- 7) Necessary legal action might be taken against delinquent who gives false statement on oath, and false averments in the affidavits.
- 8) Miscellaneous Applications should be disposed of immediately after giving notice, and the Orders passed thereon should not be lengthy or elaborate.
- 9) The District and Sessions Judges are instructed to ensure punctuality of the Judicial Officers and they should make surprise visits to the different courts and take necessary action against those who are recalcitrant.

All the Presiding Officers of the Criminal Courts in the State should follow the above instructions scrupulously. Any deviation will be viewed seriously.

The receipt of the same should be acknowledged.

Sd/- REGISTRAR(ADMN.)

HIGH COURT OF ANDHRA PRADESH ::AT HYDERABAD

Roc.No.3042/E.2/93

Dated 30.8.1996.

CIRCULAR

Sub: Courts-Criminal - Constitution of 23 Special Judicial Magistrate of I class one for each District for the trial of Prohibition and Excise offences - Certain clarifications - Issued.

Ref: G.O.Ms.308 Revenue (Excise-II) Department, dt.26.3.1996.

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It has been brought to the notice of the High Court that the prosecuting agencies as well as the accused are facing considerable difficulties by virtue of the fact that all matters arising out of the fact that all matters arising out of the offences under the Prohibition and Excise Act, are required to be taken before the Special Judicial Magistrate of I Class, established in the G.O. cited. It is pointed out that producing the accused in the Courts within 24 hours, obtaining remand orders and moving bail applications at the Special Courts situated in the District Head Quarters is causing considerable inconvenience.

It is clarified that the Special Courts have been established for speedy trial of prohibition and Excise offences under the relevant acts. The notification establishing the Special Courts does not bar the regular courts having jurisdiction over their respective areas from entertaining pre-cognizance matters like production of the accused, passing remand orders, entertaining bail applications and orders on such applications etc., and the incidental proceedings.

In view of the above, it is hereby clarified that the regular Magistrates, having jurisdiction over their respective areas are entitled to entertain pre-cognizance matters like production of the accused, passing remand orders, entertaining bail applications and passing orders there on and such related matters prior to the taking of cognizance and commencement of trial by the Special Courts.

All the District and Sessions Judges are requested to issue appropriate directions to the above said effect to all the Judicial Magistrates of I Class in their respective units.

Sd/- VAMAN RAO  
REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC..NO.4872/96-O.P.Cell-E

Dated 6.11.1996.

CIRCULAR

SUB; Courts-Criminal Trial-Trial in cases concerning rape – in Camera Proceedings – Obligation of the Sessions Courts to follow the mandatory requirements of Sec.327(2) &(3) Cr.P.C.-Reg.

REF: Judgement of the Supreme Court of India, in STATE OF PUNJAB VS. GURMIT SINGH – 1996 (2) SCC 384.

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The Supreme Court of India, in the Judgement referred to above, observed that Section 327(2) of the Code of Criminal Procedure 1973, as amended by Act 43 of 1983, obligates that the trial of offences concerning rape shall be held in camera and while taking notice of the fact that this mandatory requirement is not being followed in most of the cases, impressed upon all the High Courts.

”.....to draw the attention of all the trial courts to the amended Provisions of Sec.327 Cr.P.C and to impress upon the Presiding Officers to invariably hold the trial of rape cases in camera rather than in the open court as envisaged by Sec.327(2) Cr.P.C.”.

All the District Judges, are, therefore, requested to communicate this circular to the courts under their control dealing with rape cases with a direction to the Presiding Officers concerned to strictly comply with the requirements of Section 327 of Cr.P.C. without fail.

Sd/- REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.402/SO/98

Dated: 6.7.1998

CIRCULAR

Sub: PRIVATE COMPLAINTS filed before various Magistrates in the State forwarded to the Crime Branch, C.I.D. Hyderabad, or Branches in Districts U/s. 156(3) Cr.P.C. for investigation- Difficulty in registering cases and taking up investigation - Reg.

Ref: High Court's Circular Roc.No.1735/SO/87, dt.3.12.1987.

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Instances have come to the notice of the High Court that some of the Presiding Officers in the State are forwarding the complaints which are trivial in nature to the Crime Branch, C.I.D., Hyderabad/Branches in District to take up investigation without following the circular instructions issued in the reference cited.

I am directed to request you to draw the attention of the officers in your Unit to the above referred circular and issue necessary instructions to all the Judicial Magistrates of I Class and Metropolitan Magistrates in their respective units not to forward, U/s. 156(3) Cr.P.C., ordinary private complaints pertaining to trivial offences and unimportant crimes to the Crime Branch, C.I.D. for investigation, and forward only such type of complaints which pertain to sensitive crimes of special importance or the offences committed by organised professionals which have inter-district and inter-state ramifications.

Needless to mention that the above instructions do not apply to the orders already passed on Judicial Side.

Please acknowledge receipt of the Circular.

Sd/- C.Y.SOMAYAJULU  
REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.844/98-VIGILANCE CELL

DT.2.2.1999.

CIRCULAR

The Director of Prosecutions, Hyderabad, addressed a letter to the High Court stating that some of the Judicial Officers in the State are addressing letters to him directly requesting for appointment of A.P. P.Os., to their Courts; and that they are not routing the said letters through proper channel viz., the District Judge or the Addl. District Judge of the concerned District. The Director further stated that the action of the Judicial Officers in addressing letters directly to him amounts to ignoring and by-passing the Unit Heads.

The High Court upon consideration of the matter hereby instructs all the Judicial Officers in the State not to address letters direct to the Director of Prosecutions, Hyderabad, for appointment of A.P. P.Os. to their Courts and that they shall make their requests through the District Judge or the Addl. District Judge of the concerned District.

Any deviation of the instructions issued above will be viewed seriously.

SD/- REGISTRAR (VIGILANCE)

HIGH COURT ANDHRA PRADESH :: HYDERABAD

ROC.NO.4544/99/OPCELL-E

DT.16.10.1999

CIRCULAR

Sub: COURTS – CRIMINAL – The Hon'ble Supreme Court Judgment dated 22.9.1999 in Crl.M.P.2326/99 in Crl. Appeal 1045/98 – Instructions to the Sessions and Trial Judges in the State – Issued. ✓

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In view of the directions in the Judgment dt.22.9.1999, in Crl.M.P.2326/99 in Crl.Appeal 1045/98 of the Hon'ble Supreme Court of India, all the Sessions and Trial Judges in the State are hereby reminded of the need to comply with the Section 309(1) of Criminal Procedure Code in letter and spirit, which reads thus:-

“In every inquiry or trial, the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of same beyond the following day to be necessary for reasons to be recorded.”

Further, all the officers are informed to follow the said mandatory provision scrupulously in conducting the trial of cases and violation of the said provision by any officer will be viewed seriously and administrative action against the delinquent judicial officer will be initiated as per law.

The receipt of the Circular may be acknowledged.

Sd/- G.YETHIRAJULU  
REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.4754/99/O.P.CELL-E

Dated:22.12.1999

CIRCULAR

Sub: COURTS – CRIMINAL – Disposal of Criminal Cases – Directions of the Hon'ble Supreme Court of India in its Judgment, dt.1.5.1996,in W.P.No.1128/86 – Earlier High Court's instructions – Reminded – Reg.

Ref: 1) High Court's Circulars in Roc.no:976/96/O.P. CELL-E, dated:27.6.1996 & 20.7.1996;  
2) Lr.dt.29.9.1999 of the Special Rapporteur, National Human Rights Commission addressed to the Hon'ble the Chief Justice along with the draft circular Memorandum.

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Attention of all the District and Sessions Judges in the State and the Metropolitan Sessions Judges, Hyderabad, Vijayawada, and Visakhapatnam, and also all the Chief Judicial Magistrates/Chief Metropolitan Magistrates in the State of Andhra Pradesh is invited to the High Court's Circular 1<sup>st</sup> read above, wherein the High Court of Andhra Pradesh has issued certain instructions to be followed by all the Criminal Courts in the State of Andhra Pradesh in pursuance of the directions of the Hon'ble Supreme Court of India in its Judgment dated:1.5.1996 in W.P.No.1128/96 and further clarifications to the said Circulars, with regard to disposal of criminal cases and release of Under Trial Prisoners languishing in jails for long periods.

Further in order to ensure that the directions of the Supreme Court of India are scrupulously complied with, and Under Trial Prisoners do not languish in jails for long periods, the Special Rapporteur, National Human Rights Commission in his letter 2<sup>nd</sup> cited, requested the High Court to issue the below mentioned instructions to all the District and Sessions Judges in the State.

- 1) All Courts, whether Judicial Magistrates of First Class or Special Courts, before extending the period of remand of any prisoner, should ascertain the period of remand already undergone by the prisoner and examine whether he is entitled to be released on bail as per the directions of the Supreme Court contained in the "Common Cause Judgment". In case the accused is not able to furnish surety/security they may be released on personal bonds to ensure their attendance on the dates of hearing.

The District Level Review Committees for Under Trial Prisoners should meet, without fail at least once in every 3 months and review the cases of all prisoners who are in Judicial Custody for periods of six months or more. These meetings should invariably be presided over by the Principal District & Sessions Judge himself.

- 3) As and when a case falling under any of the three categories mentioned by the Supreme Court is noticed, either while extending the period of remand of the U.T. Prisoner or during the meetings of the District Level Review Committees, the concerned Court should, suo motu " release the accused on bail or on personal bond to be executed by the accused and subject to such conditions, if any, as may be found necessary, in the light of Section 437 of the Code of Criminal Procedure.

Therefore, all the District and Sessions Judges in the State, Metropolitan Sessions Judges, Hyderabad, Vijayawda and Visakhapatnam, all the Chief Judicial Magistrates/Chief Metropolitan Magistrates and also all the Judicial First Class Magistrates in the State of Andhra Pradesh, are hereby directed to follow the High Court's earlier circular instructions as well as the above suggestions made by the National Human Rights Commission scrupulously.

The receipt of the circular may be acknowledged.

Sd/- G.YETHIRAJULU  
REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO:78/2000/OP CELL - E

DT. 9.2.2000

CIRCULAR

Sub: COURTS - CRIMINAL - Private Complaints filed before various Magistrates in the State forwarded to the C.I.D. Hyderabad U/Sec. 156 (3) Cr.P.C. for investigation - Difficulty in registering cases and taking up investigation Circular instructions - Issued.

Ref: High Court's Circular Roc.no:1735/SO/87 dt.3.12.1987.

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It has come to the notice of the High Court that the Judicial Magistrates of I Class/Metropolitan Magistrate in the State, are forwarding the complaints of Trivial offences and un-important crimes to the Crime Branch, C.I.D. for investigation U/Sec.156(3) Cr.P.C. without referring the said complaints to the local police stations, though there are Circular instructions issued by the High Court in the references cited.

In this connection, while reiterating the earlier Circular instructions issued in this regard, once again the High Court directs all the Judicial Magistrates of I Class/Metropolitan Magistrates in the State, not to forward ordinary private complaints pertaining to trivial offences and un-important crimes to the Crime branch, C.I.D. for investigation U/sec.156(3) Cr.P.C.

The above said instructions should be followed scrupulously without any violation.

Receipt of the circular may be acknowledged.

Sd/- REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH:: AT HYDERABAD

ROC.NO.6018/OP.CELL-E/2000

DT.9.1.2001.

CIRCULAR

Sub: COURTS - Criminal Courts in A.P. State -  
Instructions to avoid delay in numbering the Charge  
Sheets - Reg.

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Instances have come to the notice of the High Court, that several Criminal Courts are keeping the charge-sheets pending for long time without numbering or returning them with appropriate objections. The High Court deprecates the said practice and desires that if the charge sheets are in Order, they should be numbered without any delay, and if there are any tenable objections, they should be returned at the earliest for compliance of such objections.

If there is any delay in taking cognizance of the offences referred to in the charge-sheets, there is every likely-hood of the accused suffering in incarceration and the image of the institution is likely to be eroded.

There is any amount of necessity to number the charge-sheets immediately or return them with objections, if any, to convey the Investigating Officers and the accused regarding the promptness of the court in rising to the occasion.

The Judicial Magistrates have to ensure the maintenance of relevant register indicating the date of the presentation of the charge-sheet and the date of numbering it, and personally see that the charge-sheet are numbered or returned within the shortest possible time from the date of filing of the said charge-sheets.

It is also essential that all the Unit Heads shall, either during the periodical visits or during the inspections, point out the delays, if any, in numbering such charge-sheets and that get the necessary data, indicating the particulars regarding the numbering of charge-sheets presented, number of charge sheets numbered and the number of charge-sheets remained unnumbered etc., and issue specific instructions to number them expeditiously, unless and until they are not in order.

All the Unit Heads are, therefore, requested to ensure expeditious numbering of charge-sheets, if they are in order, or return them with proper endorsements, by giving specific instructions to the concerned in this regard.

The Unit Heads are further requested to obtain the information from the concerned Magistrates and furnish the same to the High Court in the prescribed Proforma in respect of charge sheets remained unnumbered as on 31.12.2000.

Sl. No.	Name of the Court	No.of Charge Sheets Remained pending	Reasons
(1)	(2)	(3)	(4)

The above said information should reach the Registry by 27.1.2001.

SD/-G.YETHIRAJULU  
REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

ROC.NO.6496/OP.CELL.E/2000

Dated:22.1.2001

CIRCULAR

Sub: COURTS – CRIMINAL – Holding of Courts in Jails by the Magistrates in respect of Under trial Prisoners involved particularly in petty offences and other cases – Instructions to the Chief Judicial Magistrates/Chief Metropolitan Magistrates – Reg. ✓

Ref: 1) Letters dt.29.11.1999 and 14.4.2000 from the Office of the Hon'ble the Chief Justice of India.  
2) High Court's Letter Roc.no:2312/OP CELL.E/2000, Dt.19.7.2000

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It is bring to the notice of all the Unit Heads that the Chief Justice of India, desired that courts should be held once or twice in a month in jails to take up the cases of those Under trial Prisoners who are involved in petty offences but are suffering incarceration for the reason that they are not in a position to furnish Bail-bonds for their release. In order to implement the said suggestion, the High Court of Andhra Pradesh, issued a letter dated:19.7.2000 to all the Chief Judicial Magistrates/Chief Metropolitan Magistrates in the State to hold courts once or twice in a month in the Jails of the respective areas depending upon the work load, to take up the cases of those under trial prisoners who are involved in petty offences. On receipt of information from all the courts, it is noticed that considerable progress has been made in this direction and there are some cases of such nature pending in some districts.

The Unit Heads are, therefore, instructed to take necessary steps to hold Courts in Jails on such occasions wherever the necessity arises to dispose of the petty cases of under-trial prisoners and furnish the information regarding the sittings of the Courts and the disposal of cases periodically.

Receipt of the Circular may be acknowledged.

Sd/- Registrar (Vigilance)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.983/SO-1/2000

DT.7.2.2001

CIRCULAR

Sub: Implementation of the observation – Direction of the Hon'ble Supreme Court in Judgment Crl.A.No.616/85 dated:16.1.1996 – Publication of the name of the victims of rape in News Papers – Deprecated – Instructions – Issued.

Ref: 1) High Court's Circular Roc.no:194/SO/96 dated:21.5.1996.

2) Lr.No.316/2000-PRP dated 11.12.2000 of National Human Rights Commission, New Delhi.

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The attention of all the Judicial Officers is invited to the instructions issued in the High Court's Circular first cited, for implementation of observation/direction of the Supreme Court Judgment in Crl. Appeal No.616/85 dated 16.1.1996.

Now, the National Human Rights Commission while inviting attention to the above said judgment of the Hon'ble Supreme Court states that the Courts in the Country have been careful to avoid disclosing the name of the prosecutrix in order to save further embarrassment to the victims of this heinous crime. However, it is found occasionally in some Court cases this practice is not followed. That apart more often the Press is remiss because the trend to sensationalize the incident and make it more news worthy. Therefore, the National Human Rights Commission is of the view that the Subordinate Courts are to ensure that the local press does not stray from the correct path and it follows in lead given by the Supreme Court against disclosing the name of the prosecutrix and lessen the embarrassment to the victim of such a crime maintaining the victims anonymity. The National Human Rights Commission requested the High Court for issuance of appropriate directions in this behalf.

The High Court in view of the request of the National Human Rights Commission hereby directs all the Presiding Officers of the Criminal Courts to impress upon the local Press not to disclose the identity of the victims in cases of rape or molestation whenever such Court Proceedings are covered by the media in their respective Courts.

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

Receipt of the Circular may kindly be acknowledged.

Sd/- Registrar General

HIGH COURT OF ANDHRA PRADESH:: AT HYDERABAD

ROC.NO.1100/2001

DT.13.2.2001

CIRCULAR

Sub: Delay in trial of Criminal cases due to non-attendance of Investigating Officers and Medical Officers – Communicating Orders of the transfers issued in respect of the said Officers to the District and Sessions Judges – Instructions – Reg.

Ref: 1. Memo.No.35656/B2/2000-1 dated: 23.12.2000 issued by the Government of Andhra Pradesh, Health Medical and Family Welfare (B) Department.  
2. Circular Memorandum in Rc.No.11/F4/2001, dated: 6.1.2001 issued by the Office of Director General and Inspector General of Police, A.P., Hyderabad.

With reference to the subject cited, in a Meeting held at Higher Level with dignitaries, representing the Executive and Judiciary, it is noticed that the trial of Criminal Cases in Magistrate's Courts, and even in the Courts of Session, is getting protracted mainly due to non-attendance of Investigating Officers and Medical Officers. which again is attributable to the delay in service of summons on the said officers, for want of their latest addresses. Hence, it has been resolved to make it obligatory on the part of the Heads of Department, in the A.P. Medical and Health Services and the Police Authorities, to mark the copies of orders of transfers issued by the said authorities, in respect of the rank of Civil Assistant Surgeons and above and of S.Is.,C.Is.. and SDPOs among others, to the District and Sessions Judges concerned, so as to facilitate prompt service of summons or other processes of the Court on those Officers to help expedite the trial and disposal of the Criminal Cases before the Magistrate's Courts and Courts of Session.

(The copies of the Circular and Memorandum issued by the respective departments in consonance with the above said decision, are enclosed herewith for ready reference.)

In turn, the Unit Heads on receipt of such orders of transfer, in respect of Medical and Investigating Officers, shall cause prompt service of summons or other processes of the Court on the said Officers at their latest addresses to help expedite the trials and disposal of Criminal cases before their own courts, and before the Courts of Magistrates.

Receipt of the Circular may please be acknowledged.

Sd/- REGISTRAR (Vigilance)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.3227/91-B.SPL

Dated:29.10.1997

CIRCULAR

Sub: DEPOSITS - Depositing of Court deposits in Banks-Fresh guidelines - ISSUED.

- Ref: (1) High Court's Circular Roc.No.3227/91/B.Spl., dated 15.7.1991.  
(2) High Court's Circular Roc.No.3227/91/B.Spl., dated.13.9.91.  
(3) High Court's Circular Roc.No.3227/91/B.Spl., dated 25.9.1991.  
(4) High Court's Circular Roc.No.3227/91/B.Spl., dated 27.5.1992.

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All the Judicial Officers are hereby informed that except the directions issued in the Circular 1<sup>st</sup> cited (Roc.No.3227/91-B.Spl., dated 15.7.1991) all other circulars issued in this behalf are hereby cancelled.

Therefore, all the Judicial Officers are hereby directed that they shall invest the Court deposits only in State Bank of India in Andhra and Rayalaseema Districts and in State Bank of Hyderabad in Telangana Districts.

The above direction shall apply to all deposits already made as and when maturing for re-deposit.

The above orders will come into force with immediate effect. Any deviation from these instructions will be viewed seriously.

Receipt of this Circular may please be acknowledged.

SD/- REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.No.3227/91.B.Spl.

Dated 5.1.1998

CIRCULAR

Sub: DEPOSITS- Depositing of Court Deposits in Nationalized Banks- Revised Guidelines-Issued. ✓

Ref: 1. High Court's Circular Roc.no.3227/91-B.Spl., dated 15.7.1991.  
2. High Court's Circular of even no. date 13.9.91, 25.9.1991/27.5.1992 & 29.10.1997.

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In supercession of the circular orders fifth referred to above, the following fresh instructions are issued with regard to the depositing of the Court Deposits in Banks.

1. The Judicial Officers are hereby directed that they shall invest Court deposits only in Nationalised Banks.
2. As far as possible, the said deposits should equally be distributed between different Nationalised Banks located at the Head Quarters where the Court is situated.
3. No deposit should be prematurely encashed save and except for the purpose of payment to the person for whose benefit the deposit is made and only upon his/her filing an application in that behalf and the Judicial Officer recording reasons thereon.
4. Every Judicial Officer making Court Deposits is directed to send monthly returns thereof so as to reach the High Court latest by the 10<sup>th</sup> of each succeeding month. These returns must clearly indicate inter-alia the Bank and the Branch where the deposit is made, date of deposit the amount deposited and the reference of the Court proceedings in the proforma already prescribed in the High Court's circular second cited.

This Circular would operate with immediate effect.

The receipt of this Circular be acknowledged.

Sd/- REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO:3227/91.B.SPL.

Dated: 26.2.1999.

CIRCULAR

Sub: DEPOSITS – Depositing of Court Deposits in Nationalised Banks/Scheduled Banks/Grameena Bank – Revised guidelines – ISSUED,

Ref: High Court's Circular Roc.No:3227/91.B.Spl.,dt.5.1.1998.

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In partial modification of the orders issued in the High Court's Circular referred to above, the following fresh instructions are issued with regard to the depositing of the Court Deposits in Banks:-

All the Judicial Officers in the State are hereby instructed that in all the Subordinate Courts, the Court Deposits be made in Nationalised Banks/ Scheduled Banks and while making deposits in the Scheduled Banks, preference shall be given to those Scheduled Banks which are having more than 50 branches in the State of Andhra Pradesh. Such deposits by the Subordinate Courts may also be made in those Grameena Banks which are funded by the Government/s and/or Nationalised Banks.

This Circular would operate with immediate effect.

The receipt of this Circular be acknowledged

Sd/- XXXXX  
REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC.NO.4122/76.E1.

CIRCULAR

Sub: REVIEW COMMITTEE – Review of long pending Criminal Cases in Courts-Permission to attend the District Level Committee-Reg.

Ref: G.O.Ms.No.1612 Home (Cts.B) Department, dt.28.12.76

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The attention of the District Judges and Chief Judicial Magistrates is invited to the G.O. cited and they are directed to attend the Meeting of the District Level Committee whenever the District Magistrate (Collector) convenes the same.

Sd/- P.SREERAMARAJU,  
ADDL.REGISTRAR.

HIGH COURT OF ANDHRA PRADESH;; HYDERABAD

ROC.NO.175/SO/77.

Dated: 18.2.1977.

**CIRCULAR**

Sub:- Constitution of District Level Committee to review progress in trial of Criminal Cases and delays in investigation – Scope and function-Clarified.

Ref: G.O.No.1612 Home (Courts.B) Department,dt: 28.2.1976.

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In the G.O. cited, Government have constituted for a period of one year a District Level Committee in each District with District Magistrate as convener and District Judge, Chief Judicial Magistrate, and Superintendent, of Police as members, to review the progress in regard to the trial of criminal cases as well as delays in investigation and to take remedial measures that are required on an urgent basis. The Committee is to meet once in a quarter.

At the meeting of the members of the State Higher Judicial Services held on 12<sup>th</sup> February, 1977, at Hyderabad several Sessions Judges have brought to the notice of the High Court that they were asked by the conveners of the District Level Committees to furnish in a proforma particulars of the stages of cases together with reasons for pendency and requested the High Court to clarify as to the scope and function of the District Level Committees. Some of the Sessions Judges have also forwarded to the High Court a copy of the proforma prescribed by the conveners in which particulars as to the several stages of the Criminal cases have been called for.

Broadly, the object of the District Level Committee is to secure the cooperation of the District Magistrate and the Superintendent of Police in avoiding delays in investigation, and filing of charge sheets specially where the accused are in prison, service of processes on the accused and the witnesses, execution of Warrants on the accused, in the appointment of prosecutors, in the conduct of cases by the Prosecutors, a filing medical certificates, reports, of Chemical Examiners, omission of final reports, in securing accommodation for courts etc., which are essential for the expeditious disposal of cases. It is no part of duty of the District Level Committee to call for returns or review the stages or progress of Criminal cases on the file of the Subordinate Criminal Courts. Further, it should be remembered that these committees have nothing to do with cases other than criminal cases. The power of Superintendence and review of the work of the Subordinate Courts Vests solely in the High Court. Therefore, statistics regarding stages of cases or reasons for delay in the disposal of cases need not be furnished to the District Level Committee.

The purpose in constituting the District Level Committees is to secure the cooperation of the District Magistrates and the Superintendence of Police for the expeditious completion of investigation or disposal of criminal cases. Hence, it is necessary to furnish them with particulars in regard to which their co-operation is required for the speedy disposal of criminal cases. The particulars may be furnished to the District Level Committee in the proforma given below with variations as may be necessary sufficiently in advance of the meeting of the committee.

All Sessions Judges and Chief Judicial Magistrates as requested to take action accordingly.

SD/- REGISTRAR (ADMN)

**PROFORMA**

Crime Number With the Name of The Police Station	Case Number	Aspect which requires attention	Period of delay	Action required	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.3298/E.II/95

Dated.23.12.1995.

CIRCULAR

Sub: Periodical Conferences to be held by the District Judges by the Hon'ble Portfolio Judges - Instructions - Reg.

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Apart from the annual inspection of Subordinate Courts and receipt of periodical returns and statements, there is no regular monitoring of judicial and administrative work of the Subordinate Courts at present.

Hence, as per the consensus arrived at the recent conference of Prl. District and Sessions Judges, it has been resolved that in order to streamline the judicial administration and Court management in mofussil courts and for effective control and supervision of all the matters relating to Subordinate Courts, more particularly the review of work, disposal of old matters, providing guidance to the Judicial Officers etc., a District Judicial Conference be held once in 3 months by the District and Sessions Judge with the Judicial Officers working in the District, and once in 6 months by the Hon'ble Portfolio Judge of the District with all the judicial officers of the District. These conferences can be held on a Saturday or Sunday, and agenda will be prepared well in advance, and communicated to all the Officers for preparing reports by each Officer, and there will be a group-discussion on each and every topic during these conferences. As far as quality of work, the District Judges may call the officers concerned individually and apprise them of the deficiencies and offer necessary suggestions.

For the guidance of the District Judges, on the topics to be discussed in the proposed periodical conferences, a proforma agenda is herewith enclosed. All the District Judges are requested to convene these conferences from 1996 onwards, and they are requested to take steps duly informing the High Court, after the conferences are held at their level, by way of sending the Minutes. The District Judges are requested to send the particulars as per the agenda, in advance, if the proposed Conference is going to be held by Hon'ble Portfolio Judge.

The Receipt of this Circular may be acknowledged at an early date.

SD/-M.E.N.PATRUDU  
REGISTRAR (MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.6278/E1/2000

Dt. 27.7.2001

CIRCULAR

Sub: FUNDS - 2001 -2002 - A.P. Judicial Academy, Secunderabad - Major Head 2014 Admn. of Justice: Minor Head 800 Other Expenditure, Sub Head: 05 A.P. Judicial Academy - Allotment of Funds under 050 Office Expenses and 056 Other Office Expenses - A sum of Rs.1000/- per month initially for a period of three months to each Unit Head in the State - Certain Instructions - Issued.

- Ref: 1. High Court's Circular Roc.No.3298/E.II/95, dt.23.12.1995.  
2. High Court's Circular Roc.No.6278/E1/2000, dt.29.1.2001.  
3. Proceedings of the Director, A.P. Judicial Academy, Secunderabad, in Order Roc.No.781/2001/APJA/Secunderabad, dt.22.6.2001.

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While forwarding herewith Proceedings of Director, A.P. Judicial Academy, Secunderabad, third cited, you are instructed to hold Judicial Officers' Conferences in Your Unit as envisaged therein 'for Academic discussion and presentation of research papers on various legal topics by the Judicial Officers.'

You are also requested to cover the topics specified under the Circular 1<sup>st</sup> and 2<sup>nd</sup> cited in such Conferences, so that the valuable time of Judicial Officers is put to maximum utilization.

SD/-REGISTRAR (VIGILANCE)

PROCEEDINGS OF THE DIRECTOR, A.P.JUDICIAL ACADEMY,  
SECUNDERABAD

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Sub: FUNDS - 2001 -2002 - A.P. Judicial Academy,  
Secunderabad - Major Head 2014 Admn. of Justice:  
Minor Head 800 Other Expenditure, Sub Head: 05  
A.P. Judicial Academy - Allotment of Funds under  
050 Office Expenses and 056 Other Office Expenses  
- A sum of Rs.1000/- per month initially for a period  
of three months to each Unit Head in the State -  
Ordered.

Read: G.O.Ms.No.61 Finance and Planning (FW BG)  
Dept.Dt.31.3.2001.

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ORDER ROC.NO:781/2001/APJA-SECUNDERABAD, Dt:22.6.2001

Whereas Hon'ble the Chief Justice of A.P. and the Patron-in-chief and the Board of Governors of the Academy have been pleased to resolve in the meeting of Board of Governors dated 3.6.2001, that each Unit Head be allotted Rs.1,000/- p.m. for a period of three months initially to enable the Unit Heads to hold Judicial Officers' Conferences of their respective Units periodically for Academic discussions and presentation of research papers by the Judicial Officers.

Having regard to the appropriation made available by the Government in the G.O. cited in the reference, the following allotment is hereby made by the Director under the following head of Account during the current financial year to each of the under mentioned unit heads @ Rs.1000/- p.m. initially for a period of 3 months (July, August & September 2001).

M.H. 2014 - Admn.of Justice	
M.H. 800 - Other Expenditure	
S.H. 05 - A.P.Judicial Academy	
050 - Office Expenses	
056- Other Office Expenses	
050 - Office Expenses.	
056- Other Office Expenses.	3,000
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Total	Rs. 3,000
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(Rupees three thousand only)

- (1) The Prl. District & Sessions Judge, Adilabad
- (2) The Prl. District & Sessions Judge, Ananthapur
- (3) The Prl. District & Sessions Judge, Chittoor
- (4) The Prl. District & Sessions Judge, Cuddapah
- (5) The Prl. District & Sessions Judge, East Godavari District at Rajahmundry
- (6) The Prl. District & Sessions Judge, Guntur
- (7) The Prl. District & Sessions Judge, Karimnagar
- (8) The Prl. District & Sessions Judge, Khammam
- (9) The Prl. District & Sessions Judge, Krishna District at Machilipatnam
- (10) The Prl. District & Sessions Judge, Kurnool
- (11) The Prl. District & Sessions Judge, Mahabubnagar
- (12) The Prl. District & Sessions Judge, Medak
- (13) The Prl. District & Sessions Judge, Nalgonda
- (14) The Prl. District & Sessions Judge, Nellore
- (15) The Prl. District & Sessions Judge, Nizamabad
- (16) The Prl. District & Sessions Judge, Prakasam at Ongole
- (17) The Prl. District & Sessions Judge, Rangareddy District, Hyderabad
- (18) The Prl. District & Sessions Judge, Srikakulam
- (19) The Prl. District & Sessions Judge, Visakhapatnam
- (20) The Prl. District & Sessions Judge, Vizianagaram
- (21) The Prl. District & Sessions Judge, Warangal
- (22) The Prl. District & Sessions Judge, West Godavari District at Eluru
- (23) The Chief Judge, City Civil Court, Hyderabad
- (24) The Metropolitan Sessions Judge, Hyderabad
- (25) The Chief Justice, City Small Causes Court, Hyderabad.

The details of expenditure shall be sent to the Director every month by the respective Unit Heads for the purpose of reconciliation.

Sd/- Director

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.2536/98-C.I (1)

DT.24.3.1999

CIRCULAR

Sub: Representation of A.P. Judicial Employees Association with regard to forwarding Administrative Appeals to the High Court – Delay in forwarding the Appeal/Revision Petitions – Instructions – Issued.

- Read: 1) High Court's Circular Roc.No.8070/79-C.Spl.(Con)  
dt.2.6.1978.
- 2) High Court's Circular Roc.No.309/87-C.Spl.(Con)  
dt.29.8.88.
- 3) High Court's Circular Roc.No.151/94-C.Spl.(Con)  
dt.17.1.1994, and Roc.No.4028/94-C2,dt.27.10.94.

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The A.P. Judicial Employees Association, has brought to the notice of the High Court that the Administrative Appeal filed by the employees against the orders of the punishing authority are kept pending with the Unit Officers and Unit Heads for a long time without forwarding them to the High Court and requested the High Court to issue necessary instructions to the Unit Officers in this regard.

In this connection the attention of all the Unit Heads is invited to the High Court's Circulars 1 to 3 read above, in which instructions were issued for avoiding delay in forwarding the Appeal/Revision Petitions filed by the employees of the District and Subordinate Courts.

All the Unit Officers are, therefore, requested to follow the instructions already issued in this regard through High Court's Circulars 1 to 3 read above scrupulously and forward the Appeal/Revision Petitions to the High Court together with all the relevant records and Para-wise remarks with least possible delay so as to enable the High Court to dispose of them at an early date.

SD/- G.YETHIRAJULU  
REGISTRAR (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH; AT HYDERABAD

ROC.NO.750/SO/78.

Dated:11.7.1978.

CIRCULAR

Sub: Expeditious disposal of old cases-Prompt hearing of appeals and revisions arising out of Interlocutory orders and despatch of orders and records-Instructions Issued.

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The High Court has already issued circulars expressing grave concern and anxiety over the tardy progress in the disposal of the pre-1976 matters both civil and criminal in various subordinate courts in the State. The Presiding Officers must have realised by now the urgency to dispose of all such matters giving them utmost priority. It is observed that some of the old matters could not be disposed of by trial courts for long on account of stay granted by the appellate or revisional courts in matters arising out of interlocutory proceedings. Delays in receiving back the orders and records from the appellate or revisional courts after disposal of cases also account for a substantial portion of the present pendency. It is difficult to ensure expeditious disposal of old matters unless there is a concerted action on the part of trial, appellate and revisional Courts.

The High Court directs that in all pre-1976 matters where an Order staying trial of a suit or proceeding is received, the lower court should immediately bring the fact to the notice of the appellate or revisional court concerned with full particulars and furnish to each such court at the end of the month a list of cases stayed by it. Requisition for submission of record in such appeals and revisions shall be complied forthwith.

The Lower appellate or revisional court shall endeavour to dispose of such appeals or revisions within a period of two months. Where the stay is granted by the High Court, the communication should be addressed to the Registrar (Judicial) direct who will take steps for posting of the matters before court expeditiously.

While reviewing the progress of the old cases in their unit every month, the District Judges should also review the stage of the appeals and revisions arising out of Interlocutory matters in such old cases where stay is being continued. The Chief Ministerial Officers of the lower appellate and revisional courts will be held personally responsible for the prompt dispatch of the orders and records in all such appeals and revisions.

All the Presiding Officers are requested to acknowledge receipt of the circular.

Sd/- REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.729/E.II/96.

Dated:8.2.1996.

CIRCULAR

Sub: Cases-Quick disposal of cases – certain Instructions-Issued.

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The Registry of the High Court desires to inform all the Unit Heads that every endeavour is being made for procuring and providing the required perquisites and amenities to the Subordinate Judiciary, like providing Telephones, arranging vehicles, upgrading posts, filling up vacancies constructing buildings, for courts and residences of officers, Special Allowances, giving relief in method of assessment, recently revised etc.

But, very unfortunately, there is no equal diligence and devotion discernible in the disposal of the cases by the Subordinate Judiciary. Except forwarding the statements of the Courts in the District, even the Unit Officers do not appear to guide the slack and sluggish officers for improving their disposals. The review wing of the Registry has been constantly observing the tendency of some of the Officer, including the Unit Heads, in concentrating much on securing more units by doing less number of cases which fetch more units to them. To put it more vividly, there are some officers identified who give disposal only to a claim petition (E.A) by keeping the main E.P. in cold storage, simply because the E.P. secures them only 1/4<sup>th</sup> unit, while the E.A. fetches them full unit. There are also officers identified who give preference to giving disposals to petitions under Ord.39, Rules 1 and 2 C.P.C. and are evasive for taking up the main suit, though ripe for disposal. Such practices are creating displeasure to High Court.

There is every need to see that the disposals are commensurate with institutions. If such primary motto is kept in mind, securing the required units for an officer will not be a problem. The Unit Heads should set example for their Subordinate Officers both in giving heavy disposals of cases and in administration and are expected to motivate, monitor, and guide all the other Officers of their unit for effective disposals. If any Officer is slow or is avoiding, the same may be reported to the High Court through a Special Confidential Report for checking the malady. Right to speedy Justice has got to be enforced. The Court feels sit elated if the improved amenities inculcate a spirit of deep devotion for disposal of cases in the minds of the Officers and staff who avail them of and if the backlog of pendency is reduced to the minimum. The recent circulars issued by the High Court on method of assessment and other aspects shall be read and implemented in the right perspective, and positive results have to be achieved.

The Unit Heads are requested to follow the pith and substance of this circular and also to emphasize the same to the other Judicial Officers in their units.

Receipt of this Circular may be acknowledged and circulated to all the Officers working in their respective units.

SD/- M.E.N.PATRUDU  
REGISTRAR (MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH ::AT HYDERABAD

ROC.NO.474/SO/96

Dt.18.4.1996.

CIRCULAR

Sub: PENDENCY of Criminal Cases in the Subordinate Criminal Courts-Instructions regarding disposal of Criminal Cases during Summer Vacation, 1996-Issued.

- Ref: 1. High Court's Notification Roc.No.577/SO/95, dated 10.4.1996.  
2. High Court's Circular Roc.No.577/SO/95, dt.10.4.1996.

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In view of the High Court's Notification and Circular cited, all the Sessions Judges, the Addl. Sessions Judges, the Asst. Sessions Judges, the Munsif Magistrates are aware that they will be at Head Quarters during the Summer Vacation and they will be permitted by the High Court/the respective Unit Heads to avail two weeks permission to be away from Head Quarters during Summer Vacation, by turns.

It is observed by the High Court, that there is heavy pendency of Criminal Cases (Sessions Cases and CC's) on the file of the Subordinate Criminal Courts in the State.

On a careful consideration it is thought fit that this pendency could be reduced considerably by the Presiding Officers of the Criminal Courts by disposing of the cases during Summer Vacation.

All the Sessions Judges, Addl. Sessions Judges, Asst. Sessions Judges, and Munsif Magistrates are hereby instructed to post sufficient number of Criminal Cases ripe for trial during Summer Vacation, 1996, in particular and the ensuing Summer Vacations in general and dispose of good number of Criminal cases preferably old cases. The Counsel concerned (including Public Prosecutors) shall be put on notice sufficiently in advance.

All the Presiding Officers of the Criminal Courts in the State shall submit the statement of work turned out by them during Summer Vacation to the High Court positively by 15.6.1996, for verification, together with reasons for arrears of work, Judicial and administrative in their Courts.

The above instructions should be followed scrupulously and any slackness in the performance during summer vacation will be viewed seriously.

The receipt of the Circular should be acknowledged.

SD/- M.E.N.PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.1386/SO/OP CELL-E/95

Dt.25.7.1997

CIRCULAR

Sub: REPRESENTATION of Sri Syed Galib, proprietor of Mahaboob Old Iron and General Merchant, Vijayawada, dated.25.6.1996 – To dispose of Tender cases in pursuance of the observations made by Supreme Court of India in 1993(1) SCC 445 – Certain instructions – ISSUED.

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The Proprietor of Mahboob Old Iron & General Merchant, Vijayawada, in his representation, dt.25.6.1996, has requested the High Court to amend Writ Rules suitably to dispose of tender cases within 3 months under Article 226 of Constitution of India and to direct the Subordinate Courts to dispose of tender matters as early as possible in pursuance of the Supreme Court observations in 1993(1) SCC 445.

The High Court on careful consideration of the matter feels it necessary to issue circular instructions to all the Presiding Officers of Subordinate Courts in the State, in respect of tender cases, to give sufficient attention for the petitions to vacate the orders in which injunctions are granted against opening/finalisation of tenders and to avoid unnecessary adjournments.

All the Presiding Officers of the Subordinate Courts in the State are, therefore, instructed to follow the above instructions and also the observation made by the Supreme Court of India in 1993(1) SCC 445 in disposal of Tender cases.

The relevant portion at page 467 in Para 32 of the above said Judgment is extracted hereunder for your guidance.

“Before we part with the judgment we shall like to strike a note of caution. It is a matter of common experience that whenever applications relating to awarding of contracts are entertained for judicial review of the administrative action, such applications remain pending for months and in some cases for years. Because of the interim orders passed in such applications, the very execution of the contracts, are kept in abeyance. The costs of different projects keep on escalating with passage of time apart from the fact that the completion of the project itself is deferred. This process not only affects the public exchequer but even the public in general who are deprived of availing the facilities under different projects. As

such, it need not (sic) be impressed that while exercising the power of judicial review in connection with contractual obligations, courts should be conscious of the urgency of the disposal of such matters, otherwise the power which is to be exercised in the interest of the public and for public good in some cases become counter-productive by causing injury to the public in general.”

The receipt of the Circular may be acknowledged.

Sd/- S.CHANDRA RAO,  
REGISTRAR(VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.2424/98/OPCELL-E

DT.2.10.1999

CIRCULAR

Sub: COURTS – Civil and Criminal – Cases which have become infructuous – Certain directions for reduction of pendency of cases and of holding Lok-Adalats – Issued.

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The Government of India in its "Analysis Report" on the Institutions, Disposals and Pendency of Civil and Criminal cases in the District and Subordinate Courts in all the States and Union Territories. For both the halves of 1994, prepared on the basis of statistics received from all the High Courts/State Governments, has made certain suggestions to reduce the pendency of cases, and requested the High Courts to take action as deemed necessary.

In the light of the above report, all the Subordinate Courts in the State of Andhra Pradesh are hereby directed to identify the cases which have become infructuous and they may be disposed of as per Law, and the Unit Heads are hereby further directed to hold Lok-Adalats to deal with the pendency of cases, at least two Sundays in every month for the next '12' months, so that such step would go a long way in reducing the pendency of cases.

The receipt of the circular may be acknowledged.

Sd/- REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO1126/SO/83

DT.10-10-1984

CIRCULAR

Sub: Instructions in serving summons under section 66 of the Code of Criminal Procedure 1973 – Reg.

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It is brought to the notice of the High Court that some of the Subordinate Judicial Officers are not following the procedure as laid down under Section 66 of the Code of Criminal Procedure 1973 while serving summons on the Government servants in the active service. .

You are therefore requested to issue necessary instructions to the to the Subordinate Judicial Officers to follow the procedure as laid down under section 66 Cr. P.C strictly.

Sd/-REGISTRAR (JUDICIAL)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.1496/SO/93.

Dated:16.9.1993.

CIRCULAR

Sub:- COURTS - CRIMINAL - Metropolitan Magistrates' Courts/Munsif Magistrates' Courts-Certain difficulties ~~Faced~~ with regard 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.

Ref:- 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 Assistant 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.15.3.1993, on the representation 1<sup>st</sup> 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 1<sup>st</sup> 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 summons as witnesses will be required to be present in Court at 2.30 P.M. In case where inspite of service 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 processes, 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 in turn, issue necessary relevant 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.330/E1/96

Dated:6.5.1996.

CIRCULAR

SUB: Service of notice in cases of Appeals Revisions filed against  
C.B.I. Certain instructions-Issued.  
Ref: Lr.No.57/C3/SC/CBI/95-Hyd, dt.17.1.96, from the  
Superintendent, C.B.I., Hyderabad.

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The Superintendent, Central Bureau of Investigation, Hyderabad, in his letter states that in cases where accused in C.B.I. cases prefer revisions against the interlocutory orders of lower court either to the High Court U/Sec.401 Cr.P.C. or in cases of revision preferred U/Sec.399 Cr.P.C. to the Metropolitan Sessions Judge's Court or appeal preferred U/sec.374 and 385 Cr.P.C., under rule 15 of Criminal Rules of Practice, it is provided that notices shall be served on the respondent. But in several cases of appeals, Revisions filed against the C.B.I. Hyderabad. No notices were served on the C.B.I. and due to which proper and timely representation of C.B.I. through its standing counsel could not be made. Therefore, he has requested for service of notices to the C.B.I. in the cases filed in the Courts in which the C.B.I. is a party.

Therefore, the High Court hereby directs all the District and Sessions Judges and the Metropolitan Sessions Judges in the State to instruct their Chief Ministerial Officers to serve notices to the Superintendent of Police of C.B.I. without fail in cases of Revisions referred U/Sec. 399 Cr.P.C. or Appeal preferred under Section 374 and 385 of Cr.P.C. for timely representation by the standing counsel of the C.B.I.

Sd/- M.E.N.PATRUDU  
REGISTRAR (MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.863/SO/99

Dt. 18.2.2000

CIRCULAR

Sub: COURTS - CRIMINAL - Service of Summons and issuing non-bailable warrants by the Courts concerned against Doctors for giving evidence - Certain instructions - Issued.

Ref: High Court's Circular Roc.no:1496/SO/93, dated:16.9.1993.

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Instances have come to the notice of the High Court, that some of the Presiding Officers of the Criminal Courts in the State are issuing non-bailable Warrants against the Doctors for giving their evidence by not following the instructions issued by the High Court from time to time. A clear Circular instructions have been issued by the High Court in the Circular cited about securing the presence of a Doctor for giving his evidence in a case.

The High Court hereby directs all the District Judges and Metropolitan Sessions Judges in the State to issue necessary instructions to all the Presiding Officers of the Criminal Courts under their respective Control to follow the instructions issued in the Circular cited scrupulously and any deviation would be viewed seriously. However, para 4 of the said Circular is reiterated for their guidance.

PARA 4: " 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 witnesses 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."

Receipt of the same may please be acknowledged.

Sd/- REGISTRAR GENERAL

HIGH COURT ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.243/SO/99

DT. 14.9.1999

CIRCULAR

Sub: ESSENTIAL COMMODITIES ACT – Courts exercising jurisdiction under the Essential Commodities Act prior to the introduction of Section 12-A of the Essential Commodities (Special Provisions) Act, 1981 – Continuance – Orders – ISSUED.

Ref: High Court's Notification Roc.No.138/SO/96, dated 22.2.1997.

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The attention of the Presiding Officers of Criminal Courts in the State, is invited to the provisions of the Essential Commodities Act, 1955. Consequent on the repeal of Sec.12 thereof, and on introduction of Sec.12-A under Act of 18 of 1981, Special Courts were constituted to function for a period of 10 years w.e.f. 1.9.1982 and they were extended by another 5 years under Act 34 of 93 w.e.f.27.8.1992. After the expiry of their tenure, the Central Government issued ordinance no.21/97 on 30.10.1997, extending the validity of Sec.12 – A, but the said extension came to an end on 24.10.1998. Subsequently, there was no extension of the validity of Sec.12.A either by any Ordinance or by Act. As a natural corollary, the Special Courts ceased to function by virtue of lapse of Ordinance, and the matters arising under the E.C. Act 1955, have to be necessarily dealt with by the courts having jurisdiction under the said Act.

The above legal position is made clear by two decisions of this Court, one in W.P.No.32463/98 dated 11.12.1998, and the other in W.P.Nos.15224/99 and batch dated:23.8.1999. As per the direction given in the said Writ petitions, the courts exercising jurisdiction under the E.C. Act, prior to the introduction of Sec.12-A of the E.C.(Special Provisions) Act, 1981 shall continue to entertain the matters under the Essential Commodities Act and deal with the same, subject to further Ordinance or Act, that may be introduced by the Central Government. The Enforcing Agency of the State Government also has to treat the offences under the Essential Commodities Act, in accordance with the provisions 1955 Act, and not in accordance with the Amending Act 18 of 1981.

The Magistrates and Sessions Judges are further informed that the offences, as on today, under the Essential Commodities Act, are bailable, and, if an application is made before them Under Section 436 Cr. P. C. that should be disposed of accordingly.

The earlier notification issued by the High Court in the reference cited, is superceded.

The above directions shall be followed scrupulously. Any deviation will be viewed seriously.

Receipt of the Circular may please be acknowledged.

Sd/- REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO:243/SO/99

Dated:17.1.2000.

CIRCULAR

Sub: Essential Commodities Act – Appeals against the Orders of Confiscation U/S.6.A of the E.C.Act 1955, lie to the District & Sessions Courts of the District concerned – Instructions – Issued.

Ref:1)G.O.Ms.No.38 Law (L.A.&J.Courts) Department, dated:11.3.1998,

2)High Court's Circular Roc.no:243/SO/99, dated:14.9.1999.

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The attention of all the District and Sessions Judges in the State and the III Addl. Metropolitan Sessions Judge, Hyderabad, is invited to the provisions of the Essential Commodities Act 1955. Sec.6.A of the E.C.Act, provides for confiscation of food grains by an Order of the Collector concerned and an appeal lies to the Judicial authority appointed by the State government. The Government in exercise of the powers U/S.6© of the Act (Act 10/55) have issued notification empowering the District and Sessions Judges to act as appellate authorities. The above legal position has also been made clear by the decision of this Court in W.Ps.23597 and 24097 of 1999. Since, the Special Court ceased to be in existence the High Court has also issued Circular 2<sup>nd</sup> cited to treat the offences under the E.C.Act, in accordance with the provisions of 1955 Act, and not in accordance with the amending Act 18/1981.

The III Addl.M.S.J., Hyderabad, and all the District and Sessions Judges in the State are, therefore, informed that the appeals against the Orders of confiscation U/S.6.A of the Essential Commodities Act, 1955, lie to the Dist.&Sessions Court of the concerned District U/s.6© of the Act, but not to the III Addl.M.S.J. Hyderabad.

The above directions shall be followed scrupulously.

Receipt of the Circular may please be acknowledged.

Sd/- G.Yethirajulu,  
REGISTRAR GENERAL.

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.243/SO/99

DT.29.03.2000

CIRCULAR

Sub: Essential Commodities Act – Appeals against the orders of confiscation U/s.6.A of the Essential Commodities Act, 1955, lie to the Metropolitan Sessions Judge, Hyderabad in respect of twin cities of Hyderabad and Secunderabad – Instructions – Issued.

- Ref: 1) G.O.Ms.No:38, Law (L.A.&J.Courts) Department, dated 11.3.1998.  
2) High Court's Circular Roc.no:243/SO/99, dated 14.9.1999.  
3) High Court's Circular Roc.no:243/SO/99, dated 17-01-2000.

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In continuation of the High Court's Circular 3<sup>rd</sup> cited, the High Court is pleased to issue the following order in respect of twin cities of Hyderabad and Secunderabad.

That Metropolitan Sessions Judge, Hyderabad, is empowered to act as the Appellate Authority U/s.6.C of the Essential Commodities Act in respect of twin cities of Hyderabad and Secunderabad, over the Orders of confiscation made U/s.6.A of the Essential Commodities Act.

Receipt of the circular may please be acknowledged.

Sd/- REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH:: AT HYDERABAD

ROC.NO.2602/82.B.Spl.

Dated 17.7.1982

CIRCULAR

All the District & Sessions Judges are informed that for any formal functions like laying of foundation stones, inauguration of Court Buildings or Courts, they should contact the portfolio Judges (Judge incharge of the particular District) and the Chief Justice and that no such functions should be held during the Court hours. For such functions only the portfolio Judge, the Chief Justice the Law Minister and the Chief Minister should be associated and no one else should be associated without the permission of the High Court. Not more than two Judges including the Chief Justice should be associated with any such function for it would dislocate the work in the High Court. If the concerned portfolio Judge is unable to attend the function, any other Judge may be approached in consultation with the Chief Justice.

Whenever a Judge or Chief Justice is associated with any such function it should be arranged on a Saturday or a Sunday or any other Public holiday and timings of the functions should be so arranged that the Judge or the Chief Justice concerned may leave Hyderabad after court hours and return to Hyderabad in time to attend the Court on the next working day.

The expenditure on such a formal function should be kept nearest minimum, and garlanding of the Chief Justice and the Judges may be avoided.

Receipt of the Circular may please be acknowledged.

Sd/- REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.169/87-B.Spl.(S.C)

Dt:20.5.1987.

CIRCULAR

Sub:- Using of court premises for religious functions and also functions organised under the auspices of the Courts-  
Avoidance - Instructions - Issued.

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It has come to the notice of the High Court that court premises in Mofussial are being used for religious functions and the Judicial Officers concerned are performing religious functions and ceremonies in Court premises. The High Court deprecates such practice.

All the Judicial Officers in the State are therefore hereby directed not to use the Court premises for religious functions. They are also informed that at functions organised under the auspices of the courts, religious ceremonies should be avoided. They are instructed to strictly adhere to these instructions. Any breach of these instructions will be viewed by the High Court seriously.

SD/- M.J.VIJAYAVARDHANA RAO.  
REGISTRAR(ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.2459/97-DI(A)

Dt:17.7.1997.

CIRCULAR

Sub: Furniture and Stationery – Purchase of Furniture and Stationery articles – Seeking ratification after the purchases - Reg.

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It came to the notice of the High Court that the Unit Heads are making some purchases without prior sanction from the High Court for several years and they are not seeking ratification of the action taken at their level for long periods. Such irregularities if recur will lead to serious audit objections and financial mis-management.

Therefore, all the Unit Heads are requested to identify the instances, if any, from the date of the last audit and seek ratification for such actions by addressing the High Court immediately.

Sd/- G.YETHERAJULU  
REGISTRAR (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.770/98-D1(4)

Dated:28.2.1998.

CIRCULAR

- Sub: FURNITURE – Purchase of Wooden and Steel furniture and other items – Issuing of instructions – Reg.
- Ref: 1) G.O.Ms.No.737/Home (Cts.D) Dept.,dt.31.10.1994  
2) G.O.Rt.No.3149, Hme(Printing)Dept.,dt.28.11.1995.

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You are aware that the Government in their G.O. 1<sup>st</sup> cited, have delegated full powers for the purchase of furniture, within the Budget provision, and also exempted the judiciary from the purchase procedure prescribed by the Government from time to time, in respect of various items purchased for official purpose vide their G.O.2<sup>nd</sup> cited.

In order to ensure supply of good quality at reasonable prices, the following instructions and guidelines are issued for the purchase of various items.

1. The District Judge shall constitute a purchase Committee at the District Level with the District Judge and Addl. District Judge.
2. At least three quotations shall be called for in respect of each kind of purchase.
3. The Committee shall carefully examine all the quotations before finalising the agency.
4. The Committee shall inspect the shops of three agencies who quoted lesser price to satisfy themselves whether they will be in a position to supply the best quality furniture or other items. However, this inspection may not be necessary if the items to be purchased are a few or the past performance of the agency is known to the officers.
5. While accepting the lowest quotation, it should be ensured that the items are of good quality.
6. If the quality of the items offered by the agency which quotes lowest price is not satisfactory, reasons may be recorded while accepting the next lowest quotation.
7. Priority shall be given to essential items like chairs, tables, benches, almyrahs etc., from out of the requisitions received from the Courts in the Unit.

8. The purchase of items like carpets, sofas for the Chambers may be considered depending upon the availability of funds.
9. If the cost of the items proposed to be purchased is beyond the financial limits of the District Judge, in terms of G.O.Ms. No.737, Home (Courts.D) Department, dated:31.10.1994, proposals are to be sent to High Court well in advance with recommendation of the Unit Head along with the copies of quotations for obtaining sanction.
10. At the time of delivery of items the Committee shall ensure the quality as per specifications of the quotation and certify to that effect after verification.
11. The Committee after identifying the agencies who presented the quotations shall be called for negotiations with a view to secure further reduction in prices, if possible,
12. The Committee shall ensure that there is a permanent stock register of all the items purchased and certify in the Register that the items purchased during all the years till then, are entered in the said Register.
13. The Committee shall ensure that the stock is verified physically at least once in a financial year and a certificate shall be got appended to the Register as per rules.
14. Old items of furniture shall be listed out and a decision be taken for repairs if they are repairable and if not, to certify that they are not fit for repairs and put them for disposal as per rules.
15. The Unit Heads shall maintain a file indicating the procedure the Committee has adopted, from the time or calling for quotations till the stock is entered in the Stock Register.

This may be circulated to all the Judicial Officers of the respective Units for their guidance.

Sd/-G.YETHIRAJULU  
REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

Roc.No.4432/61-B2

Dt:29.8.1961.

CIRCULAR

Sub: COURTS- Civil and Criminal - Inspection by  
District and Sessions Judges and Addl. Sessions  
Judges - Further Instructions.

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It has been brought to the notice of the High Court that some District and Sessions Judges and Additional District and Sessions Judges are often going for inspection of Judicial II Class Magistrates Courts and even Bench Courts in their Districts. District Judges are expected to inspect Civil Courts in their districts, only once a year. It has been made clear in the High Court's Circular Roc.No.1973/58.B1, Dt.14.4.58 that the Courts of Munsif Magistrates on the criminal side should be inspected once a year by Additional District and Sessions Judges. It was suggested therein that District Judges may while inspecting the Courts on the Civil side, avail the opportunity of inspecting the Criminal work also of those courts. Thus, Munsif Magistrates Courts are expected to be inspected only once a year by the District and Sessions Judges or the Addl. Sessions Judges as the case may be. They are ordinarily not required to inspect the courts more than once a year.

As regards Judicial II Class Magistrates Courts and Bench Courts, District and Sessions Judges are not required to make regular inspection of those courts. What the High Court suggested in the above mentioned circular was that District and Sessions Judges may, whenever they visit sub-jails within their jurisdiction, avail that opportunity for the purpose of formally checking the work of Judicial II Class Magistrates. Additional Sessions Judges are required to inspect Judicial II Class Magistrates Courts only once a year.

All District and Sessions Judges and Additional Sessions Judges are requested to strictly adhere to the above instructions in the matter of inspection of Subordinate Courts and not to make any extensive and frequent inspection tours in their Districts.

Sd/-Y.Venkateswara Rao,  
REGISTRAR

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

ROC.NO.4451/E1/1996

DT. 6.7.2001

CIRCULAR

Sub: Notes of Inspection of Subordinate Courts – Certain common omission discernible in the Notes of Inspection received from various Units – Instructions - Reg.

Ref: 1. Roc.no.4451/E1/96, dt.5.10.1996  
2. Roc.no.827/E6/1999,dt.23.2.1999

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A close scrutiny of Notes of Inspections received from the various Units in the State, discloses certain common omissions committed by the Courts being inspected, and also reveals lapses on the part of the Unit Heads too, warranting the necessity of issuing the following instructions to be adhered to strictly.

- 1) The abnormal delays (ranging from 2 to 5 years) in taking up the inspection of courts, which fell due, are to be avoided, and the Subordinate Courts, including the courts of Special Judicial Magistrate of I Class and Judicial II Class Magistrates, have got to be inspected regularly as per rules, and Comprehensive report, regarding the inspections made during the previous years, with dates, are to be promptly submitted by 15<sup>th</sup> January of succeeding year by the Unit Heads to the High Court in the prescribed proforma, as indicated in the circular 2<sup>nd</sup> cited.
- 2) It shall be seen that compliance of the omissions pointed out in the Notes of Inspections be made by the courts inspected within one month from the date of inspection and the notes of inspection submitted to the High Court shall necessarily be accompanied by compliance report, duly scrutinized by the Unit Heads, avoiding unnecessary correspondence by the Registry.
- 3) Though certain questions (to name a few) on the following aspects are shown in the formats prescribed on 'Civil side' and 'Criminal side' respectively, the inspecting team is expected to give detailed answer to each question as specified in clauses 2,3 and 5 of the 'Instructions to the Inspecting team in the format'

- Q.No. 50 (Hearing book)  
68 (Cash book)  
71 (Library Gazette periodicals)  
72 (H.C.Receipt Book)  
78 (C.L.Register)  
79 (Appointments)  
80 (Pay Rolls)  
81 (Stationery)  
82 (Cash Balance register)  
83 (Service Register)  
86 (Furniture)  
87 (Seals, Belts)  
88 (Iron Safe Wall Coffe)  
89 to 92 (Court buildings)  
93 (Un-disbursed Pay Registers)

- Q.No. 25 (Diary)  
36 (Cause List) and  
37 (Steno) etc.,

The above omissions lead to the undue delay in the disposal of inspection files apart from incomplete method of inspection adopted. It is relevant to note that answers to all the relevant questions have an important bearing on the Notes of Inspection whether they are shown on 'Civil side" or "on Criminal side".

- 4) Remarks by the Inspecting Judge, over the performance of the Chief Ministerial Officer, Head Clerk, Deputy Nazir and Presiding Officer concerned, who worked during the relevant period, have to be written in the Notes of Inspection by the inspecting Judge personally under his signature.

It will be more helpful if such remarks are speaking/self explanatory reflecting the objective assessment of their performance.

- 5) Mere directions to comply with certain instructions may not be enough at times (for example: Instructions to get the furniture repaired, reconciliation work, issuance of refund vouchers etc.,). If the Presiding Officer is a fresh entrant, he should be apprised of the procedure by the Inspecting Judge/Unit Head. The compliance with such directions shall be continuously monitored.

- 6) The lists of property items, Non-Bailable Warrants, and pendencies etc. need not be enclosed to the Notes of Inspection being submitted to the High Court. It is enough if the Inspecting Judges, scrutinizes them and issues appropriate instructions.
- 7) The Unit Heads may instruct the Presiding Officers under their control inter alia on the following aspects:
  - i) The delays in registering the cases, in complying with the copy applications, in transmitting the records to other courts, in making entries in the respective registers before and after the disposal of Cases/Petitions and in the disposal of case - property etc., shall be avoided;
  - ii) Registers in each branch must be checked periodically by the Chief Ministerial Officers/Presiding Officers.
  - iii) In Criminal courts, process registers shall be got verified by the C.I. concerned regularly as per Rules.
  - iv) Prompt steps are taken for non-execution of Non-Bailable Warrants.

Adherence to the above instructions is to be ensured by the Unit Heads and any deviation in this regard will be viewed seriously by the High Court.

The receipt of the Circular may please be acknowledged.

Sd/- Registrar (Vigilance)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.6375/97/OP CELL-E

Dt.11.2.1998.

CIRCULAR

Sub: COURTS - CRIMINAL - Holding of Test Identification Parades of accused under remand in Jails located outside the District to which the crime relates - Certain instructions- Issued.

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Instances have come to the notice of the High Court that some of the Chief Judicial Magistrates are refusing permission to the Magistrates for conducting Test Identification Parades in respect of the accused, kept in jails, located in the jurisdiction of a District other than the one in which the crime is committed.

On a consideration of the issue, in the light of certain rules and the rulings governing the situation, the following procedure is prescribed by the High Court.

The Police concerned will file the requisition for conducting the Test Identification Parade before the Chief Judicial Magistrates, in whose jurisdiction the crime is pending. The said officer, in his turn, addresses his counter-part of the District, in whose jail the accused is detained, with a request to depute one of the Local Magistrates there, to go to the Jail and to conduct the Test Identification Parade, marking a copy of the said letter to the Police concerned, as well as to the Jail Superintendent. The Police, along with the copy of the said letter may approach the Chief Judicial Magistrate in whose jurisdiction the accused is in jail, and thereupon the said Chief Judicial Magistrate, shall authorise one of the local Magistrates to go over to the jail where the suspect is detained and to conduct the Identification Parade by following the relevant rules and transmit the proceedings to the concerned court with least delay.

All the Chief Judicial Magistrates in the State shall follow the above said procedure scrupulously.

The receipt of the Circular may be acknowledged.

Sd/- S.CHANDRA RAO  
REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.416/SO/82.

Dt.3.8.1982.

CIRCULAR

Sub:-Indian Stamp Act (Andhra Pradesh Amendment Act) 1971 Section 47-A Execution of documents by Courts-Adoption of 'Market Value' for the purpose of Stamp duty - Instructions Issued.

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The Inspector General of Registration and Stamps, Government of Andhra Pradesh has brought to the notice of the High Court an instance that in particular case a Presiding Officer of a Court has not furnished all the Prescribed statements and information which are required to the extent possible to the Registering Officer appointed under the Registration Act 1908, and has also not paid Stamp Duty in respect of a document executed by him on behalf of a Party Contrary to the procedure contemplated in Section 47-A, of the Indian Stamp Act 1899. The High Court on consideration of the matter issues the following instructions to be followed scrupulously by the Presiding Officers of Courts whenever they execute documents on behalf of parties in accordance with the decrees and send them for purposes of registration to the Registering Officers appoint under the Registration Act, 1908.

- 1) The Presiding Officers of Courts are directed to file the prescribed statements along with the documents executed by them and sent to the said Registering Officers and also pay requisite Stamp Duty as required under Section 47-A, of the Indian Stamp Act 1899 and the Rules framed thereunder.
- 2) In case the Registering Officers make Orders challenging the actions of the Presiding Officers of Courts referred to in Instruction No.1, they may avail themselves of the remedies provided under the said Section 47-A.

Sd/-(REGISTRAR ADMN)

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD.

Roc.No.1632/71-B2

Dt:12.11.1971,

CIRCULAR

Sub: PUBLIC SERVICES - The Andhra Pradesh State Judicial Service- Practice of District Judges placing the Subordinate Judicial Officers working under them in full additional charge of a second post without intimation to the High Court-Deprecated.

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Instances have come to the notice of the High Court where some of the District and Sessions Judges placed their subordinate officers in full additional charge of posts that were vacant eventhough the High Court placed such Officers only in additional charge.

Under Rule 49 of the Fundamental Rules read with instruction No.1, thereunder, it is the competent authority who appoints a Government Servant to hold or officiate in a second post in addition to his own, that will declare whether he officiates in or holds full charge of the additional post or is appointed merely to discharge the current duties.

Though the action of the District and Sessions Judges in placing their Subordinate Officers, who are holding additional charge a of vacant post in full additional charge of that post, owing to the accumulation of work or the nature of the cases warranting their expeditious disposal, may be justified administratively it may lead to complications if their action is not subsequently ratified by the High Court.

All the District and Sessions Judges, are, therefore, informed that whenever they think that,in the exigencies of work, it is necessary to place a particular Officer in full additional charge of a vacant post, they should address the High Court and obtain Orders.

Sd/-K.VENKATESWARA RAO  
REGISTRAR.

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

Roc.No.2549/84-B2.

Dated:16.11.1984

CIRCULAR

On several occasions, it has been brought to the notice of the High Court that some of the Judicial Officers, while applying for earned leave or any other leave are not furnishing their leave addresses in their applications, thus causing inconvenience while communicating the orders of the High Court. Whenever an officer takes leave, he ought to furnish the leave address in his application.

All the Judicial Officers are, therefore, hereby informed that whenever they apply for leave they should furnish the leave address in their applications.

The above instructions should be followed strictly by all the Judicial Officers and any breach thereof will be viewed seriously.

Sd/- D.SURYA RAO.  
REGISTRAR(ADMN./JUDL)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.No.3395/96-B.Spl.

Dt:22.6.1996.

CIRCULAR

Sub: Submission of Leave applications by the Judicial Officers-  
Reg.

Ref: High Court's Circular Roc.No.4628/95-B.Spl. dt. 26.8.1995.

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Attention of all the Judicial Officers is invited to the Circular Instructions issued by the High Court in the reference cited wherein they were instructed to submit their leave applications sufficiently in advance, so that the said applications should reach the High Court at least 15 days in advance to enable the Registry to obtain orders and communicate them in advance.

In spite of the said Circular instructions, several instances have been noticed by the High Court that the leave applications are being received in the High Court from the Judicial Officers just one or two days before or after commencement of the leave.

All the Judicial Officers are, therefore, directed to strictly follow the instructions contained in the above circular without fail. Any deviation from these instructions will be viewed seriously.

SD/-M.E.N.PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH ::AT HYDERABAD.

ROC.NO.2654/97-B.SEC

Dated:21.7.1997.

CIRCULAR

Sub: A. P. JUDICIAL OFFICERS' ASSOCIATION  
REPRESENTATION by the President to grant Special Casual  
Leave to attend the Executive Committee Meetings – Reg.  
Ref: Representation, dated 24.4.97, from the President, A.P.  
Judicial Officers' Association.

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The President, A.P. Judicial Officers' Association, has, in the representation cited, requested for grant of Special Casual Leave to the Committee members of the said Association to attend the Executive Committee Meetings.

The High Court on a careful consideration of the request of the President, resolved that the request for grant of Special Casual Leave to attend the Executive Committee Meetings of the Association is declined. Such Officers, however, who attend Executive Committee Meetings and are required to be away from their headquarters can avail regular Casual Leave.

It is further resolved that officers when required to attend Annual General Body Meetings shall be granted one day Special Casual Leave.

SD/- G. YETHIRAJULU,  
REGISTRAR (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.4309/97-B.I.

Dt.19.1.1998.

CIRCULAR

SUB: PUBLIC SERVICES – Verification of the service particulars  
made in the Service Registers of the Judicial Officers – Reg.  
REF: High Court Circular Roc.No.4309/97-B, dt.15.10.1997.

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In the interest of the Judicial Officers in their financial benefits that would become payable to them at the appropriate time, a special drive has been initiated as outlines in the circular cited (Copy enclosed).

During the course of scrutiny of the entries made in the Service Registers of certain Judicial Officers so far called for by this Registry, it has been noticed that in most of the Service Registers, entries as regards the subscriptions made to the Family Benefit Fund and to the A.P. Group Insurance Scheme have not been recorded in the Service Registers as a result of which settlement of the claims against the respective two heads would create a difficulty at the time of retirement of the Judicial Officers. In respect of the Family Benefit Fund Scheme, the card in the form prescribed in Schedule-III appended to G.O.Ms.No.307, Finance and Planning (FW, Pen. II) Department, dated 9.11.1974, has not been enclosed to the Service Registers.

The scheme of Family Benefit Fund ceased to exist from 31.10.1984 and the scheme of Group Insurance came into force from 1.11.1984, and so the balance in individual accounts was directed to be retained in the said scheme to refund the same with interest at the prescribed rates at the appropriate time. In the absence of the required entries in the Service Register, the retirement claims would be delayed as had been observed on several occasions. With this background in view all the unit heads are requested to see that complete particulars as per the scheme are recorded in the Service Registers of the Judicial Officers working under their Jurisdiction.

As regards the A.P. Group Insurance Scheme also the particulars of contributions made at the appropriate rates from April to March every year are not recorded in the service registers as required by Para 3, 4 of the accounting procedure annexed to G.O.Ms.No.323, Finance and Planning (FW.Accts.2) Department, dated 12.11.1984. In the absence of such entries in the Service Registers the settlement of the claim under this head would be delayed.

It has also been noticed that nominations under the two Schemes are not recorded in the Service Registers and the nomination forms are also not enclosed to the Service Registers.

All the Unit Heads are therefore requested to see that the above aspects are promptly attended to in order to have a complete record to settle the claims in time.

All the Unit Heads are requested to communicate this circular to all the Judicial Officers working under their jurisdiction who maintain the Service Registers for compliance of the above requirements.

Receipt of this circular may please be acknowledged.

SD/- G. YETHIRAJULU  
REGISTRAR (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.4309/97-BI

Dt. 11.2.1998

CIRCULAR

SUB: PUBLIC SERVICES – Verification of the service particulars made in the Service Registers-Bringing of the Service Registers upto - date - Reg.

REF: High Court's Cir.Roc.No.4309/97-B, dt.15.10.1997.

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During the course of verification of the entries made in some of the Service Registers of the Judicial Officers so far called for by this Registry, in pursuance of the Circular cited, it has been noticed that in most of the Service Registers the entries relating to the options exercised and the pay fixed in terms of the modified orders issued in G.O.(P) No.18, Finance and Planning (FW.PC.I) Department, dated:19.1.1994 have not been recorded. It is, therefore, presumed that the pay fixations as per the A.P. Revised Scales of Pay Rules, 1993, as contained in the said Orders have not been given effect to, which is against the order issued by the Government.

All the Unit Heads are therefore requested to give top priority to the said item of work and see that the above aspect is properly recorded in the Service Registers of the Officers before forwarding the Service Registers to the High Court on receipt of a further communication from this end.

Receipt of this Circular may please be acknowledged.

SD/- G.YETHIRAJULU  
REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.4309/97-B4.

Dt.17.2.1999.

CIRCULAR

SUB: PUBLIC SERVICES – Verification of the service particulars made in the Service Registers of the Judicial Officers – Reg.  
REF: High Court's Circulars Roc.No.4309-97-B4, dated:15.10.1997, 19.1.1998, and 11.2.1998.

\*\*\*

In the interest of the Judicial Officers, three circulars above cited, have so far been issued highlighting the utmost importance attached to the primary task of bringing the Service Registers up-to-date to avoid complications likely to arise in future at the relevant point of time.

On a perusal of the Service Registers received at this end, it has been noticed that no entries are made as regards the drawal of certain interest-bearing Loans and Advances, such as (1) House Building Advance (2) Motor Car Advance (3) Marriage Advance (4) Computer Advance etc., with the result the issue of the certificate of fulfilment of formalities as required by the respective orders sanctioning such advances is being delayed.

Experience had shown that the Judl. Officers who had taken the Interest-bearing-Advances have been addressing the High Court just before the date of their retirement for issue of the certificate of fulfilment of formalities, on receipt of communication either from the Accountant General, A.P Hyderabad, or from the Government, as the case may be, thereby their pension cases are being delayed.

In Order to see that such delays are minimized atleast to some extent, keeping in view the practical difficulties, the following instructions are issued for guidance of all the Judicial Officers, who have taken Interest-bearing-Advances.

- 1) On receipt of orders sanctioning a particular advance, steps should be taken to record the following entries in the Service Register and also in the Loans and Advances Register, under attestation by the Presiding Officer.
  - i) Name of the advance sanctioned.
  - ii) Amount of Advance sanctioned.
  - iii) Number of instalments in which the Prl. amount and the interest are to be recovered.
  - iv) Amount of each instalement.
  - v) The Voucher Number/Token number, date and Cheque Number, date, which the advance is drawn and the place of drawal.
  - vi) Date of completion of the formalities such as submission of Agreement Bond, Mortgage Bond and Insurance Policy and submission of the same to the authority concerned.

- 2) It may be possible that due to the postings of the officers to different stations in their service, the complete particulars may not be available with them and so, to avoid the practical difficulties it is always better, in their interest, to note down each such step in the Service Register so that at any point of time a reference can be made to the entries made therein and to take immediate steps for completion of the required step. As per the rules, the non-compliance of the formalities within the time limit would attract penal interest.
- 3) The Office of the Accountant General, A.P., Hyderabad, has been periodically sending the statements showing the outstanding balances under each "Interest Bearing Advance", for acceptance of the said balance. The object of the same being that the outstanding balance shown by the Accountant General, A.P., Hyderabad, is to be verified with reference to the Pay Bill Register and to furnish him the details of such loan repayments incase there is any discrepancy, Had this item of work been properly attended to, there could be no scope for any missing credit against any "Interest Bearing Advance" which is the main reason, as practically observed, for the delay in furnishing the certificate of fulfilment of formalities, in the absence of which the Accountant General, A.P., Hyderabad, is likely to withhold the Retirement Gratuity of the officer concerned.
- 4) The next important aspect pertains to the obtaining a letter of confirmation of interest from the Accountant General, A.P. Hyderabad, for each such advance which will be possible only when it is ensured that all the monthly repayments or repayments made through a Challan if any, are properly accounted for by the Accountant General, A.P., Hyderabad, by referring to the statement of outstanding balance furnished by the Accountant General, A.P., Hyderabad, annually. The Accountant General, A.P., Hyderabad, is to be requested to confirm the amount of interest on a particular advance, on complete repayment of the principal amount and the interest by duly furnishing to him a statement showing the recovery particulars, diminishing balances, and the formula adopted for calculation of interest. On receipt of such confirmation letter, a note has to be made in service register as well as in the Loans and Advances Register.

- 5) There may be a possibility for certain credits not being accounted for in the records of the Audit for the reason that the relevant schedules attached to the Pay Bills do not contain the remarks on the schedules about the postings of an officer on transfer from a previous station. In order to overcome the same, it is advisable to record in the respective schedules attached to the monthly pay bills about the posting of an officer on transfer from the old station to the new station and the total recoveries made in the old station, just as in the case of G.P.F. schedules. This will facilitate the Audit to trace out the missing credits and to account for them in the relevant records maintained therefor.

At times, some of the loanees may desire to repay a particular Loan/Advance in lumpsum through a Challan. In such cases, it is always desirable to address the Accountant General, A.P., Hyderabad, about the said fact and to obtain a letter from him and to record the same in the Service Register for reference at the relevant point of time.

All the Judicial Officers are therefore, requested to keep in view the above aspects and co-operate with this Registry in the speedy settlement of their pension cases.

Receipt of the circular may be acknowledged.

SD/- G.YETHIRAJULU  
REGISTRAR (ADMINISTRATATION)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.301/99-B2

Dt.8.3.1999

CIRCULAR

SUB: G.P.F. – Applications from Judicial Officers for grant of advances/part-final withdrawals on medical grounds – Reg.

\*\*\*

It has been noticed by the High Court, while considering the G.P.F. applications submitted by the Judicial Officers in the State for grant of advances/part-final withdrawals from their G.P.F. on medical grounds, that in most of the cases inflated amounts are being asked for on medical grounds.

All the Judicial Officers are hereby informed not to inflate the amount required for medical treatment in order to circumvent the Rules governing the withdrawal from General Provident Fund.

SD/- G.YETHIRAJULU  
REGISTRAR (ADMINISTRATION)

CIRCULAR

Instance have come to the notice of the High Court that some of the Judicial Officers in the State are calling on the Hon'ble Judges either in the Chambers or at residences stating that they received a phone call requiring them to call on a particular Hon'ble Judge though in fact they were not so required.. While doing so the Judicial Officers are not verifying from which place they received the call or who telephoned them requiring them to appear before the Hon'ble Judges, and thereby subjecting themselves to unnecessary trouble and avoidable embarrassment.

The High Court, having noticed the situation hereby advises all the Judicial Officers to verify from their side whenever they receive a call requiring them to call on the Hon'ble Judges as to from where they received the call and who telephoned them, to avoid unnecessary trouble in this regard. The High Court also advises the Judicial Officers to verify also from the Registrar concerned with regard to the telephone call requiring them to call on the Hon'ble Judges.

The instructions issued above shall be followed scrupulously in order to avoid unnecessary trouble and embarrassment.

Sd/- Registrar (Vigilance)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

Roc.No.3310/68.B2

Dt.6.11.1968.

CIRCULAR NO.23-B.2

Recently the High Court had to point out to a Judicial Officer for "scribbling" his leave application on a scrap of paper removed from a student notebook. This is not a solitary instance of the kind and there are instances where Judicial Officers resorted to using such objectionable papers for addressing the High Court.

All the Judicial Officers are therefore informed that applications and representations addressed to the High Court should be neatly written or type written on white sheets of foolscap size.

Sd/-M.Ramachandra Raju  
REGISTRAR

HIGH COURT OF ANDHRA PRADESH; HYDERABAD.

ROC.NO.925/SO/76.

Dated: 8.11.1976.

CIRCULAR

Sub: Judgments of Subordinate Courts usage of abbreviations-  
Deprecated.

\*\*\*

Of late, in a number of cases it is noticed that the Subordinate Courts are using abbreviations in their Judgements and Orders, making it difficult for the Honourable Judges to understand what the abbreviations stand for. The High Court deprecates use of abbreviations in Judgements, Orders, and decrees in any form and directs that all Presiding Officers should instruct their steno-typist, typists and copyists not to use abbreviations in the judgements, orders and decrees. Serious notice will be taken of any slackness in this regard.

Sd/- V.RAMANUJACHARI.  
REGISTRAR.

HIGH COURT OF ANDHRA PRADESH :: AT. HYDERABAD

ROC.NO.459/SO/79.

Dated: 30.4.1979.

CIRCULAR

Sub: Delays in furnishing copies of Judgements in sessions cases to the police where accused are acquitted - Instructions -Issued.

\*\*\*

Attention is invited to the High Court's Circular ROC.No.1062/SO/76, dated: 9.12.1976, wherein instructions have been issued by the High Court to all the Sessions Judges, Additional Sessions Judges, and Assistant Judges to adhere Strictly to the provisions of Sec.363 of the Code of Criminal Procedure, 1973 and to supply to the accused sentenced to imprisonment, free of cost a copy of the judgement immediately, after pronouncement of the judgement. Instructions were also issued that where the judgement is voluminous and where there were number of accused persons, instead of retyping judgements several times the fair copy of the judgement itself can be conveniently cyclostyled as is done in some of the sessions courts so that copies are available for being furnished to the accused persons sentenced to imprisonment immediately after the judgement is pronounced.

It has been brought to the notice of the High Court that in some of the Courts copies of the judgements are not furnished to the police immediately after the pronouncement of the judgement and on account of the long delay in printing of sessions cases, difficulty is being experienced by them for taking prompt action in preferring appeals in cases where the accused are acquitted.

All the Sessions Judges including the Additional Sessions Judges and the Assistant Sessions Judges are informed that in view of the delay in supplying printed copies of judgements under Rule 145 of the Criminal Rules of Practice and the consequent delays in preferring appeals in cases of acquittal, they may supply type written or cyclostyled copies of judgements to the Superintendent of Police, concerned and the Superintendent of Police, Crime Branch C.I.D. where the cases are investigated by the latter, as expeditiously, as possible in any case within 15 days prescribed under Rule 145 of the Criminal Rules of Practice so that there may not be delay in preferring appeals where the accused are acquitted.

Where it is considered that there would be undue delay in furnishing printed copies of Sessions Judgements under Rule 145 of the said Rules and necessary arrangements are available in the Court to supply cyclostyled copies instead of printed copies, Cyclostyled copies may be furnished to the authorities mentioned in the said Rule.

Sd/- REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.1325/SO/82-1

Dt. 9.8.1982

CIRCULAR

Sub:-Legible endorsements affixed on the Certified Copies of decrees and Judgement of Lower Courts with regard to the date of application and the date of delivery of the same Instruction-Issued.

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While disposing of a Second Appeal the High Court has noticed that the endorsements affixed in the certified copies of the Judgement and decree of the lower Appellate Court with regard to the date of Application, the date of delivery of the same etc., are not at all eligible.

Under the circumstances, the High Court directs all the Lower Courts in the State to the following effect to be followed scrupulously.

All the Presiding Officers of Courts are directed to issue suitable instructions to the Staff in the Copyists Sections attached to their respective Courts that all endorsements with regard to the date of application to the date of delivery etc, made on the certified copies of Judgements and decrees shall be legible.

Sd/-REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.813/SO/91

Dt.31.7.1991

CIRCULAR

Sub: Prosecution Department – Judgments – Supply of copies of Judgments of Magistrates of I Class and II Class free of cost to the Superintendents of Police – Reg.

Ref: Letter No.145/A2/DOP/91,dt.19.3.1991, from the Director General and Inspector General of Police, Hyderabad.

The Director General and Inspector General of Police, A.P., has stated, interalia, in his letter read above, addressed to the Government that the Judgments in Sessions Cases are being supplied to the Superintendents of Police, under Rule 145 of Criminal Rules of Practice, 1966 that there is no provision in the said rules of 1966 regarding the supply of judgments copies of Magistrate Courts, that due to the non-supply thereof free of cost, it is taking much time for obtaining certified copies of the said judgments, resulting in delay in preferring appeals in deserving cases; that it is also expensive to obtain certified copies on stamp papers and that in the absence of judgement copies, the supervising officers are not in a position to know the lacunes, where the prosecution failed to establish the guilt of the accused, and also of the comments, if any, passed by the Court, against Investigating Officers.

The High Court, on consideration thereof and in the light of the various reasons stated therein, decided that copies of Judgments of Magistrates of I Class and II Class, in the Criminal cases filed by the Police, to be supplied, free of cost, to the Superintendent of Police, and to issue a general circular to that effect in that regard.

Accordingly, all the District and Sessions Judges, including the Metropolitan Sessions Judges in the State, are therefore, hereby required to issue necessary instructions directing the Judicial Magistrates of First Class or the Metropolitan Magistrates, and the Special Judicial Magistrates of II Class or Special Metropolitan Magistrates, as the case may be, in their respective unit, to supply from the cost, copies of Judgments, in all Criminal cases filed by the Police, to the concerned Superintendents of Police in Conviction cases, simultaneously with copy to the accused; and in acquittal cases within two weeks; and that such copies shall bear the courts seal and date of delivery and shall be treated as certified copies. They also further be instructed to follow the said instructions scrupulously.

The receipt of this Circular may kindly be acknowledged.

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.5653/99/OP CELL-E

DT.18.12.1999

CIRCULAR

Sub: Subordinate Courts – Observance of Office Timings  
scrupulously by the Judicial Officers – Instructions –  
Issued.

\*\*\*

It has come to the notice of the High Court that some of the Presiding Officers of the Subordinate Courts in the State are not strictly adhering to the Office Hours by attending the Bench late, leaving to their residences during lunch hours and also leaving the court premises before 5.00 p.m. on working days.

In this connection, the High Court of Andhra Pradesh hereby directs that all the Unit Heads in the State and all the Judicial Officers working in their Units to maintain the Court Hours strictly from 10.30 a.m. to 2.00 p.m. and 2.30 p.m. to 5.00 p.m. and not to leave the Court premises during lunch hours and the Unit Heads are further directed that any deviation in this regard by any officer in this respective units be reported to the High Court immediately.

Sd/- G.YETHIRAJULU  
REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.18

Dt.2.11.2000

CIRCULAR

Ref: High Court Circular Roc.no:38 dated:18.11.1999.

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It is noticed by the Hon'ble High Court that inspite of instructions issued in the circular cited the trial court and the first appellate court are still issuing certified Xerox copies/carbon copies of the Judgments/Orders which are not at all legible and readable and they are being filed before the High Court as material papers causing any amount of inconvenience to the Hon'ble Courts while perusing them.

The Hon'ble Courts have taken serious note of the same and directed reiteration of the cited Circular instructions in this regard. You are, therefore, requested to issue necessary and suitable instructions to all the Judicial Officers in your unit to ensure that certified Xerox copies/carbon copies of the judgments/orders furnished are legible and readable. If the Xerox copies are not clear and legible, neatly typed copies of judgments/orders shall be furnished while complying with the copy applications.

Any deviation in this regard will be viewed seriously and necessary disciplinary action against the concerned will be initiated.

//By Order//

Sd/- Registrar (Judicial)

IN THE HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

ROC.NO.19/JUDL/2000

DT.10.11.2000

CIRCULAR

I am directed to inform you that the judgments of Andhra Pradesh High Court from the year 2000 onwards are now available on the internet and can be accessed at the Web Site Address <http://apjudis.nic.in>

The Judgments can be retrieved Judge-wise Case Number-wise, Act/Section-wise, Petitioner/Respondent-wise, Text/Phrase-wise and date-wise also.

//By Order//

Sd/-Registrar (Judicial)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.1006/2001/VIGILANCE CELL

DT.18-10-2001

CIRCULAR

Sub: Judicial Officers – Allegations of not disposing of the cases after hearing cases before their transfer from the stations received against – considered – Certain instructions – Issued.

\*\*\*

Allegations from the litigant public are being received complaining that the Judicial Officers are not pronouncing judgments/orders after receiving transfer orders in many cases though the evidence was already recorded and arguments heard. It is further complained that the Advocates, because of the above situation have to argue the matters again before the new officers and the litigant public have to pay extra legal fee to the Advocates and that the new officers would not be conversant with the demeanor of the witnesses whose evidence is already recorded.

The High Court upon considering the matter hereby instructs all the Judicial Officers in the State to expedite the part heard cases, and judgments and orders reserved in those cases be pronounced before handing over charge of their post on account of transfer from the station.

All the Judicial Officers are hereby directed to follow the above instructions scrupulously.

Sd/- REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.1261/2001/VIGILANCE CELL

DT.18-10-2001

CIRCULAR

Sub: Judicial Officers – Instructions to Judicial Officers for passing speaking orders on judicial side – Issue of – Ordered.

\*\*\*

It has come to the notice of the High Court that some of the Judicial Officers while passing orders on judicial side are not giving any reasons or passing speaking orders in many cases, maintenance cases in particular, with the result, the said orders are being set aside and remitted back to the lower courts for passing appropriate speaking orders in the said cases.

The High Court having considered the matter hereby directs all the Judicial Officers to pass appropriate speaking orders on judicial side and avoid complaints in this regard.

Sd/- REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.420/2001/VIGILANCE CELL  
1335/2001

DT.18-10-2001

CIRCULAR

Sub: Court timings – Observance of court timings by the  
Judicial Officers – Certain instructions – Issued.

\*\*\*

Several instances have come to the notice of High Court that most of the Judicial Officers made it a habit not to maintain the court timings properly, making the litigant public and Advocates suffer a lot. It has also come to the notice of the High Court that inspite of repeated requests made by the parties/Advocates, the officers are not speedily disposing of the matters and granting adjournments on trivial reasons. It has also come to the notice of the High Court that some of the Judicial Officers are sitting idle in court chambers and involving in chit chatting though Advocates and parties are waiting in Court Hall and that some of the Officers are getting down from the Bench immediately after the call work is over and going to the Bench leisurely, which is highly deprecated.

The High Court having considered the matter hereby issues the following instructions:

- (1) All the Judicial Officers shall maintain punctuality in going to the Bench and shall not cause any inconvenience either to the Advocates or to the litigant public.
- (2) No Judicial Officer shall remain in the chambers during court hours unless there are cogent and compelling reasons.

All the Judicial Officers are hereby directed to ad-here to the instructions scrupulously and any deviation in this regard will be dealt with severely.

Sd/- REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD.

ROC.NO.833/SO/76.

Dt:4.10.1976.

CIRCULAR

Sub:- Land Acquisition O.P's arising under the same acquisition-  
Joint Trial-Instructions-Issued.

\*\*\*

Of late, instances have been noticed by the High Court of Land Acquisition O.P's arising out of a single acquisition having been disposed of separately by the same or different officers giving rise to avoidable disparity in the rates of compensation which itself is urged as a ground for allowing the appeals. The desirability of disposing of all such O.P's jointly needs no emphasis.

It is impressed on all the Presiding Officers that all O.P's arising in relation to the lands acquired under the same acquisition should be tried together and disposed of by a common judgment and not separately.

Sd/- V.RAMANUJACHARI  
REGISTRAR.

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.734/97/O.P.CELL

DT. 27.1.1997

CIRCULAR

Sub: Petitions and L.A.O.Ps – Measures to streamline the procedure – Reg.

\*\*\*

Certain instances have come to the notice of High Court where different procedures are being adopted in different districts concerning the disposal of the Cheque petitions and Land Acquisition Original petitions putting the litigant public to any amount of inconvenience and expenditure. While reviewing such instances, the High Court deemed it desirable to call for certain date and to give certain instructions for the present thus:

1. A brief note is to be submitted by each Unit Head specifying the procedure being adopted in each court with regard to Cheque petitions right from the stage of its filing into Court till its disposal by issuance of Cheque. They may call the necessary information from each Court.
2. Number of Land Acquisition O.Ps. pending Court-wise and the stage of the matter in each Unit as on 31.12.1996.

The above said information shall be furnished to the High Court 28.2.1997, positively.

Sd/- M.E.N.PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO3394/99/OP CELL-E.

Dt.27.7.1999.

CIRCULAR

Sub: Courts-Civil and Criminal – Procedure for payment of enhanced compensation amount in Land Acquisition matters by Executing Courts-Reg.

\*\*\*

In pursuance of the observation made in W.P.No. 14282/98, dt.23.6.99 by the Division Bench of this Court, the Presiding Officers of the Executing Courts are hereby called upon to adhere to the procedure contemplated hereunder in all cases where the decrees passed enhancing the compensation amount (Land Acquisition O.Ps.) have become final:-

“In the cases where the decrees passed enhancing the compensation amount had become final, the respective claimants shall be entitled to file execution petitions and the cheque petitions have to be paid to the decree-holders by crossed-demand drafts and depositing the same in the banks by opening the accounts by the Presiding Officers of the Executing Courts. Thorough and proper enquiry has to be conducted by the Presiding Officers of the Executing Courts with regard to identity of the decree-holders.”

Receipt of this circular may be acknowledged.

SD/- REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.3242/OP CELL-E/2000

DT: 18.7.2000

CIRCULAR

Sub: Quick Disposal of Land Acquisition Matters -  
Instructions - Issued.

Ref: High Court's Circular Roc.no:5961/O.P.CELL-E/  
1998,dt.4.2.1999.

\*\*\*

Certain instances have come to the notice of the High Court where some of the Senior Civil Judges are not evincing any interest to take up L.A.O.P. matter despite the High Court's Circular instructions referred above.

It is to mention that though in pursuance of Circular instructions considerable number of Land Acquisition matters were disposed of during 1999, there remains substantial number of Land Acquisition Matters pending. Hence, while reiterating earlier Circular instructions, all the Presiding Officers of the Senior Civil Judges Courts or such other courts are once again directed to concentrate more on the disposal of Land Acquisition O.Ps. The Unit Heads are also requested to monitor disposal of Land Acquisition Matters and report the progress by the end of every month.

Receipt of the Circular may be acknowledged.

Sd/- G.Yethirajulu  
REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.3394/99/O.P.CELL-E

Dated: 26.7.2000

CIRCULAR

Sub: Courts – Civil – Procedure for payment of enhanced compensation amount in Land Acquisition matters by Executing Courts – Certain Clarification – Issued.

Ref: 1) High Court's Circular Roc.no:3394/99/OP CELL-E, dt.27.7.1999  
2) High Court's Order dt:17.4.2000 in W.P.24357/99.

\*\*\*

In pursuance of the observation made in W.P.24357/99 dt.17.4.2000 by the Division Bench of this High Court, the earlier Circular instructions issued in reference 1<sup>st</sup> cited are hereby clarified as mentioned hereunder:-

The earlier instructions issued in Circular Roc.No.3394/99/OP Cell-E, dt.27.7.1999 shall be followed scrupulously only in so far as Yeluru Scam cases are concerned viz., Visakhaapatnam District, but in so far as the other cases not concerning Yeluru Scam, it is clarified that if the Bank Accounts have not been opened on the date of issuance of cheque, then the Presiding Officers of the executing courts have to deposit the compensation amounts in the Bank as suggested by the claimants, but after thorough verification of the identification of the claimants. But in cases where bank accounts have already been opened in the name of the claimants, the cheques may be directed to be presented for deposit into the said bank accounts after thorough identification of the claimant/s in whose name the cheques are issued.

The Receipt of the Circular may be acknowledged.

Sd/- G.YETHIRAJULU  
REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.361/SO/78

Dt: 1.7.1978.

CIRCULAR

Sub: Law Officers in the Districts-Appointments of  
Government Pleaders and Public Prosecutors etc..  
- Instructions – Issued.

\*\*\*

A question has been raised whether the District Judge or Sessions Judge can entertain and consider individual representations and offer his remarks to the Collector & District Magistrate in the matter of appointment of Government Pleader and Public Prosecutors.

The High Court on a consideration of the matter is of the opinion that it is not desirable for the District Judge or Sessions Judge to entertain representations from advocates for appointment to the said post. In sending panel of suitable persons for appointment to the said posts the Judge concerned should consider on his own and include in the panel such of those whom he considers suitable for appointment after obtaining their consent in that regard.

Sd/-REGISTRAR(ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.301/E.1/96

Dt.25.11.1996.

CIRCULAR

Sub: LAW OFFICERS- Appointment of Public Prosecutors and Addl. Public Prosecutors in the Subordinate Courts in the State – Instructions - Issued.

Read: Govt's Circular Memo.No.53320/Courts.C/A-2/96-1, dated 2.11.1996, communicated in the High Court's Endorsement Roc.No.301/E.1/96, dt.15.11.1996.

\*\*\*

While forwarding the copy of the Government's Circular cited, all the District and Sessions Judges, Chief Judicial Magistrates and also Special Sessions Judges in the State are requested to initiate proposals for the appointment of Public Prosecutors/Addl. Public Prosecutors/Assistant Public Prosecutors to be forwarded to the concerned District Collectors through the Sessions Judges, atleast six months in advance before the expiry of the term of the respective Public Prosecutors and Additional Public Prosecutors, to enable the Government to issue necessary orders in the matter in time.

These instructions may be scrupulously and invariably followed.

SD/- REGISTRAR (MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD.

ROC.NO.301/E1/96

Dt.11.12.1996

Sir,

**Sub:** Law Officers – Appointment of Government Pleaders/Asst. Govt. Pleaders/Public Prosecutors/ Asst. Public Prosecutors and also official receivers in all the Courts in the State-  
Furnishing of certain information – Reg.  
**Ref:** High Court's Circular Roc.No.301/E1/96, dt.25.11.1996.

\*\*\*

I am to state that as you are aware that, in recent past, the High Court, has taken up efforts to fill up the vacant posts of Law Officers and the Government started to fill up the said vacancies of Law Officers. Still, there are certain courts, which require the Law Officers for speedy disposal of the cases. With a view to get the posts of Law Officers filled up wherever they are vacant at present and also in future where any vacancy is going to arise in any court and to fill up such vacancies, the High Court intends to take up the matter, both with the Government as well as the Director of Prosecutions, from time to time.

For the above said purpose, I am to request you to furnish the information in the proforma attached herewith, duly indicating the details of the Law Officers posts available in each of the Court and also the details of vacant posts so as to enable the High Court to take further action in this behalf.

The District and Sessions Judges are also advised in the light of High Court's Circular cited to maintain a Register on the above lines and take steps for immediate filling up of vacancies of the posts of Law Officers in the courts in their respective Units.

The above said information may please be sent to High Court forthwith.

SD/- REGISTRAR (MANAGEMENT)

PROFORMA

NAME OF THE DISTRICT-----

Sl. No.	Name of the Court/ Station.	Name of the Present Law Officer (both GP/PP)	Original sanction Order & date.	Present period of appointment.	If the post is vacant what period.	The steps if any taken to fill the vacancy
1	2	3	4	5	6	7

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.417/E1/97

Dated:24.1.1997

CIRCULAR

Sub: Appointment of Standing Counsel for APSRTC to appeal before District Courts, Subordinate Courts and Tribunals- Sending of Panels by District Judges-Certain instructions-Issued.

Ref: Lr.No.B1/12(38)/96-L.D. dt.21.12.1996, from the Vice Chairman and Managing Director, A.P.S.R.T.C., Hyderabad,.

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The Vice Chairman and Managing Director, APSRTC, Hyderabad, in his letter referred above, brought to the notice of the High Court, that some of the District Judges in the State are refusing to send a panel of Advocates for being appointed as Standing Counsel for APSRTC, on the ground that no rule or provision is there to send the said panels.

The High Court has considered the letter of the Vice-Chairman and Managing Director, APSRTC, Hyderabad, and is pleased to direct all the District and Sessions Judges in the State, whenever a requisition is received from the APSRTC, authorities requesting for sending of panel of Advocates for appointment as Standing Counsel to appear on behalf of APSRTC before the District Courts, Subordinate Courts and Tribunals, to consider the same and send the panels of Advocates, without fail, as requested by the A.P.S.R.T.C.

SD/- C.Y.SOMAYAJULU  
REGISTRAR (ADMINISTRATION)

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC.NO.1183/SO/79-2.

Dated:3.11.1980.

**CIRCULAR**

Sub:- Certain Medico-legal problems – Clarification – Instructions - Issued.

Read:- Letter dated:26.9.1979, by Professor of Forensic Medicine, Institute of Medical Sciences, O.M.C. & City Police Surgeon, Hyderabad.

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In the letter read above, the Professor of Forensic Medicine, Institute of Medical Sciences, O.M.C. & City Police Surgeon Hyderabad, has brought to the notice of the High Court the following for consideration:-

“Usually the summons are issued asking the medical witness to be present in the court at 10,30 AM. The call work of the court begins at 11.00 a.m. and will go on for one hour or more. Some Magistrates adjourn the case if the medical witness is not present in the court when the concerned case is called. Few Magistrates want to record the evidence only in the post-lunch Session. Sometimes the medical witness is made to wait from morning to evening.

It is desirable to fix a uniform time throughout the State for deposition by medical witnesses.

In some cases the medical witness is not allowed to sit along with the lawyers even when there is place, and the doctor is asked to sit along with the public. Kindly clarify.”

- The High Court on a consideration of these matters, directs
- (a) that all the Criminal Courts in the State should also specify in the summons the time viz., 2.30PM. i.e., post lunch sitting with the date to be issued to the remedical Witnesses under Section 61 of the Code of Criminal Procedure 1973 when they have to be present in court and to adhere to this time as far as possible and also to give priority for the recording of evidence of the Medical Witness if he is present, and
  - (b) that all the Criminal Courts in the State should allow the medical witnesses to sit along with the lawyers if they observe the dress regulation contained in the High Court's Circular ROC.NO.1183/SO/79-1,dated:3.11.1980, as in the case of Police Officers in uniform assisting the Public Prosecutor or attending the Court as witnesses who are allowed to sit with the lawyers.

The receipt of this Circular be acknowledged.

contained in the High Court's Circular  
ROC.NO.1183/SO/79-1,dated:3.11.1980, as in  
the case of Police Officers in uniform assisting the  
Public Prosecutor or attending the Court as  
witnesses who are allowed to sit with the lawyers.

The receipt of this Circular be acknowledged.

SD/-REGISTRAR(ADMN)

**CIRCULAR**

Sub: Courts-Criminal-Not to cause inconvenience to the Medical Officers who attend to courts for giving evidence-Instructions-Issued.

Ref: 1.High Court's Circular in Roc.No.1183/SO/79-3, dt.3.11.1980.

2 High Court's Circular in Roc.No.1183/SO/79-4, dt.3.11.1980.

1. High Court's Circular in Roc.No.1183/SO/79-5, dt.3.11.1980.
2. High Court's Circular in Roc.No.514/SO/91, dt.14.8.1992.
3. High Court's Circular in Roc.No.1319/SO/82-1, DT.20.1.1983
4. High Court's Circular in Roc.No.1319/SO/82-2, dt.20.1.1983.
5. High Court's Circular in Roc. No. 2345/SO/82, dt. 25.1.1983.
6. High Court's Circular in Roc.No.1496/SO/93, dt.16.9.1993.

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It is brought to the notice of the High Court that a lady Medical Officer, who was summoned as witness by an Assistant Sessions Court was made to wait in the court throughout the day and, then, to go back without getting her evidence recorded.

On a consideration of the said issue, while reiterating the instructions already issued under the circulars cited (which are already embodied in the Codification of Circulars-Volume I & II-issued by the High Court) the High Court deemed it desirable to impress upon the Judicial Officers the need to minimize the waiting time for the Medical Witnesses present in the court and accordingly all the Judicial Officers in the State are instructed to follow the guidelines issued by the circulars cited and to see that the waiting time in respect of Medical Witnesses is minimized.

The receipt of this circular may be acknowledged.

Sd/- S.CHANDRA RAO.  
REGISTRAR(VIGILANCE)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

Crl.Judl.No.144/73.

Dt.19.4.1973.

CIRCULAR

When a reference is received from the High Court to send material objects in Sessions Cases for consideration of Crl.Appeals on the file of the High Court, the High Court is receiving valuable material objects also.

The Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges are hereby requested to exercise their discretion under Rule 282 of Criminal Rules of Practice and Circular Orders 1966 in respect of valuable material objects also and retain them in the custody of their Courts if the inspection thereof will not assign the High Court as the work relating to the receipts and despatch of valuable of M.Os., in the High Court can be minimised.

Sd/-K.VENKATESWARA RAO.  
REGISTRAR.

HIGH COURT OF ANDHRA PRADESH: AT HYDERABAD

ROC.NO.3296/95/E.II

Dated 23.12.1995.

CIRCULAR

Sub: Method of Assessment of work of the Judicial Officers -  
Revised Circular Instructions – Issued.

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In supercession of the previous circulars issued on this subject, the High Court is pleased to issue the following instructions.

These instructions will come into effect from 1.1.1996.

I) PERIODS OF REVIEW AND GROUPING:

The Qualitative and Quantitative out turn of work of Judicial Officers shall be assessed twice in a year.  
i.e., once in Six months.

The periods of Review and Grouping of the Districts are shown as

Annexure-I.

II) QUANTITATIVE ASSESSMENT:

(a) Units Prescribed:

a)	Prl. District Judges	.. 6 Units.
b)	District Judges in other Courts and Tribunals	.. 8 Units.
c)	Subordinate Judges	.. 8 Units.
d)	Munsif Magistrates, including Rent Controllers.	.. 12 Units.
e)	Spl. Mobile Magistrates dealing with Cases under P.C.R. Act and IPC.	.. 7 Units.

In a month of 22 working days

(The Table showing the units fixed for contested matters is shown as Annexure – II)

(b) Classification:

The Classification of the work of the Officer will be considered in the following categories:-

- 1) VERY GOOD : Where the out turn is above twice the norm fixed.
- 2) GOOD : Where the out turn is above one and half and up to twice the norm fixed.

- 3) SATISFACTORY : Where the out turn is between the nor fixed and one and half times of the norm.
- 4) NOT SATISFACTORY : Where the out turn of work is less than the norm fixed but not less than half.
- 5) POOR : Where the out turn is less than half of the prescribed norm.

C) Disposal of old Matters:

- a) Each Judicial Officer has to identify the first 60 oldest main cases available for disposal on his/her file in proportion to the pendency in different Categories in his/her court. (all illustrated in Annexure – III) and communicate the same to the Unit Head and also to the High Court in the Prescribed Proforma (as indicated in Annexure-IV) at the beginning of the period.
- b) Out of these 60 oldest matters, if the Officer disposes of in a period:-

- i) 50 and above : Commendation certificate will be issued and an entry of appreciation will be made in his/her personal record for excellent disposals, apart from giving a weightage 100% in Units prescribed for such category of identified old cases;
- ii) 40 and above : A weightage of 75% in units prescribed for such category of identified old cases will be given.
- iii) 30 and above : A weightage of 50% in units prescribed for such category of identified old case will be given.
- iv) 20 and above. : A weightage of 25% in units prescribed for such category of identified old cases will be given.
- v) Below 20 : A proportionate deduction of 1/4<sup>th</sup> Unit for shortfall of each such matter shall be made from the units otherwise reached and officer will be cautioned.
- vi) Below 15 : A proportionate deduction of 1/2<sup>th</sup> Unit for shortfall of each such matter shall be made from the units otherwise reached, and officer will be warned.
- vii) Below 10 : The cut turn of Officer will be assessed as totally unsatisfactorily irrespective of the number of units otherwise reached, and an adverse entry will be made in his/her personal record, unless there are some exceptional reasons beyond the control of the Officer.
- Viii) Below 10(for more: If an Officer is continuing to get such

than two consecutive periods)

an entry for more than two consecutive periods, he/she may be subjected to appropriate action on an over all assessment of his/her performance by the High Court.

c) Disposal of U.T. Prisoners' Cases & Cases U/Sec. 125 Cr.P.C.:

Apart from disposing of 60 oldest identified main cases, preference should be given to the Under-trial Prisoners' Cases and matters under Sec.125 Cr.P.C., pending for more than one year, while disposing of the other criminal matters.

For disposal of such contested matter of U.T. prisoners and Maintenance Cases, weightage of 25% in units prescribed for such category of cases will be given. The Officers are to give priority for the oldest cases and not the latest from the list of the above two categories to secure the weightage,

III) QUALITATIVE PERFORMANCE:

- a) For assessing the qualitative judicial work of the officers, the High Court will identify two contested judgements of the District Judges (including the Officers in Tribunals or Special Courts) from two categories of main cases disposed of out of which atleast one judgement should relate to the oldest 60 identified and disposed of cases.
- b) The Unit Heads shall identify two contested Judgement of Subordinate Judges and District Munsifs from two categories of main cases disposed of out of which atleast one judgement should relate to the oldest 60 matters identified and disposed of in each period and or with the assistance of Additional District Judges working at the respective places and forward them to the High Court, duly filling up the Opinion Forms, as prescribed in Annexure - V (A) & (B).
- c) The Hon'ble Judges in the Review Committee will review the Judgements of all levels of Officers and also the opinion Forms given by the Unit Officers for assessing the qualitative performance of the Officer.
- d) Guidelines for Gradation: The guidelines for giving gradation to:-
  - a) Marshalling of facts.
  - b) Appreciation of evidence.
  - c) Appreciation of Law
  - d) Power of expression.
  - e) Reasons for decision, etc.
- e) Gradation :- On qualitative performance, there shall be a gradation as follows:-
  - a) Ver Good
  - b) Good
  - c) Average
  - d) Below Average

The Reviewing Authority shall express a specific opinion on each and every clause in the opinion Forms: (Annexure V (A& B)).

IV. OTHER INSTRUCTIONS:

- a) (i) Submission of Review Statements: The Review Statements of the work of District Judges in duplicate should reach High Court within 10 days after completion of the period;
- (ii) The review statements of Sub-Judges and Dist. Munsifs should reach their Unit Heads in triplicate within a week of the completion of period, and initial scrutiny of Quantitative and Qualitative assessment by Unit Heads is to be completed within two weeks;
- (iii) The review of Statements of Sub-Judges/ Munsifs should reach the High Court in duplicate within 30 days of the completion of all requisites i.e. the initial scrutiny of the Unit Head/Addl. District Judges with their opinion Forms.
- b) All the Judicial Officers have to prepare a Special Cause list for the 60 identified old cases in his/her Court at the beginning of the period and display the same in the Court-Notice-Board with a copy of the Bar Association to enable both the parties to get ready for disposal of the listed cases.
- c) Explanations: All the Judicial Officers are instructed to explain the reasons with all details for not disposing of any case in the list of 60 oldest cases and Under-trial Prisoners' Cases and Cases under Sec. 125 Cr.P.C., while submitting the statement of disposal of old matters as in Statement No. I (E) & (F).
- d) O.P.CELL: A separate Old Pendency Cell shall be constituted in each District Court to monitor the Judicial work in the District and for furnishing any information immediately to the High Court. This cell shall provide necessary information to the District Judge concerned on the disposal of old cases, Under-trial Prisoners' cases and Maintenance Cases, review of Judicial Work, particulars of stayed matters, etc.,
- e) MONITORING: The District Judge shall monitor the performance of all the other Judicial Officers, including himself in his unit through O.P.Cell. The District Judge shall obtain monthly information from the Sub-Judges and District Munsifs by 10<sup>th</sup> of every succeeding month in the prescribed performance as shown in Annexures – VI and VII, and issue appropriate instructions from time to time. The District Judge shall submit similar information of his own Court and of other District Courts in his Unit, to the High Courts in his Unit, to the High Court in the same performance, by 10<sup>th</sup> of the succeeding month.

- f) BATCH CASES: If cases of any category are disposed of in a batch, the rating will be given, for each such case, only at 50% of the rating fixed for that category of cases, subject to a maximum of two and half times the rating given to that category.
- g) HOUSTILE CASES: If the material witnesses in Sessions Cases/I.P.C. Cases/ Excise Cases turn hostile, half of the rating will be given.
- h) COURTS HAVING LESS PENDENCY: The Presiding Officers –of the Courts/Tribunals, irrespective of their cadre having pendency of cases less than the units prescribed for the particular period, shall atleast dispose of cases commensurate with the institutions, during the six months' period. In such cases, if the disposals are twice the institutions, the out turn will be recorded as VERY GOOD If they are above one and half and upto twice the institutions, it will be recorded as 'GOOD' If they are between the number of cases instituted and upto one and half times of the said number, that will be recorded as SATISFACTORY. If the disposals are less than the institutions, it will be recorded as UNSATISFACTORY.
- i) Wherever there is transfer of cases from regular courts, the standard of 12 units fixed for Munsifs Magistrates, as also the norms fixed for Munsif Magistrates shall apply mutatis mutandis to the Special Mobile Magistrates/Special Munsif Magistrates.
- j) If period is shorter: Where the period is shorter than one month, the out turn of work of the Officer need not be assessed.
- k) No Standard is prescribed for the Mobile Courts other than Special Mobile Courts dealing with P.C.R. Act and I.P.C. Cases. However, disposals in those courts shall atleast keep pace with the institutions. Otherwise, the out turn of the work of the Officer will be treated as UN-SATISFACTORY.

The receipt of this Circular may be acknowledged at an early date.

SD/- M.E.N.PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

Roc.No.3301/E.II/95

Dated:23.12.1995.

CIRCULAR

Sub:- Method of Assessment of work of the Judicial Officers-  
Special Instructions issued in respect of I period of 1996.

Ref:- Circular issued by the High Court's in Roc.No.3296/E.II/95,  
dated:23.12.1995.

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As a natural corollary to the issuance of the circular referred to above and in order to clarify all possible and probable doubts, only in respect of the I period of 1996, the following further instructions are issued:-

- 1) Though the new Circular comes into force with effect from 1.1.1996, all the statements, required to be sent till 31.12.1995, have got to be sent to the High Court by all the Courts/Tribunals, in order to maintain the fabric of statistics.
- 2) In view of the splitting up of periods of Review and setting up of groups for the Districts under the new Circular, till the actual period of Review starts for each District, there occurs a transitional period. For Example, though the Calender Year starts on 1<sup>st</sup> January,1996, the period of Review for Group-II starts on 1<sup>st</sup> February, for Group III on 1<sup>st</sup> March, and, likewise, for Group VI on 1<sup>st</sup> June. During this interrugnum, i.e., from 1<sup>st</sup> January,1996, till the starting point of the period of review for a particular group of Districts, Review of out-turn of work of the Officers will also be made, by streteching the periods of Review (ONLY FOR THE YEAR 1996), by including the preceding months to the period of Review, and by applying the very same principles enunciated in the new Circular regarding Quantitative and qualitative assessments. In respect of identifiable oldest cases, where the period is increased beyond 6 months, the Judicial Officers are directed to identify at the rate of 10 cases per month in addition to the 60 cases on the same norms as shown below:-

GROUP	REVIEW FOR I PERIOD OF 1996	NO. OF OLDEST CASES IDENTIFIABLE
I	1-1-96 to 30-6-96 (6 months)	60
II	1-1-96 to 31-7-96 (7 months)	70
III	1-1-96 to 31-8-96 (8 months)	80
IV	1-1-96 to 30-9-96 (9 months)	90
V	1-96 to 31-10-96(10 months)	100
VI	1-1-96 to 30-11-96(11 months)	110

All the Judicial Officers are instructed to follow the above instructions minutely.

The Receipt of this Circular maybe acknowledged at an early date.

SD/-M.E.N.PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC.NO 3354/E.II/95

Dt.23-12-1995

CIRCULAR

Sub:- Method of Assessment of work of the Judicial Officers – Further instructions to be followed in the case of Transferee Officers – Issued..

Ref: High Court's Circular in Roc.No.3296/E.II/95, dt.23-12-1995.

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In continuation of the circular referred to above, the following further instructions are to be followed, with regard to the review of the out-turn of work of the Officers:

- a) If an Officer happens to work at more than one place in a period, his/her out-turn of work at both the places will be reviewed separately according to the actual number of working days and disposal in respect of identified old matters (proportionately) and other regular cases, and weightage also be given accordingly.
- b) If an Officer on transfer is unable to dispose of the required identified cases as instructed, for the remaining part of that period of transfer, such officer may send a detailed explanatory note for the non-disposal of the remaining identified cases for consideration.

Sd/ -M.E.N.PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC.NO.4762/78-D1

DT.01-07-1981

CIRCULAR

Sub: Misappropriation cases-Effective steps to be taken in dealing with the misappropriation cases-Instructions- Issued.

\*\*\*

The Public Accounts Committee while considering the accounts for 1972-73 has certain made recommendations regarding the procedure to be adopted in dealing with the cases of misappropriation.

The District and Sessions Judges are requested to follow the following instructions strictly while dealing with the cases of misappropriation:-

1. Immediately and effective steps should be taken to ensure that necessary enquiries in all the cases of misappropriation should be completed expeditiously and suitable action taken against the officials concerned.
2. If there is any delay with the police in filing the case or in the matter of proper representation of facts, the matter should be taken up with the High Court for issuing necessary instructions to the concerned officers to move the matter speedily if there is any avoidable delay.
3. The tendency to prolong the enquiry should be curbed should be seen that there is no lacuna in the matter of conducting enquiry.
4. Reports of relevant facts relating to the misappropriation cases may be furnished to the High Court regularly.
5. Amounts of recovery due from the delinquent officials should be so fixed as to have deterrent effect on the other officials against commission of misappropriation, defalcation etc.,

Sd/-  
REGISTRAR(ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.3213/98/OP.CELL-E

Dt.12.10.1998

CIRCULAR

Sub: COURTS - CRIMINAL - Alarming pendency of  
N.B.Ws- Remedial steps - Instructions - Issued -  
Reg.

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A recent study of the pendency of N.B.Ws. in all the Criminal Courts in the State gives a gloomy picture, showing a total pendency of N.B.Ws. of about 55,593, as on 31.7.1998. This alarming situation calls for taking appropriate steps for reducing the pendency.

Hence, all the Unit Heads are instructed to review the situation at their level by taking necessary steps. They are further instructed to inform the High Court, within two weeks from the date of receipt of the Circular, with regard to the steps taken for the reduction of the pendency of N.B.Ws., the targets achieved by taking such steps, the broad reasons for the pendency and the remedial measures, by way of suggestions for reducing the pendency.

They are also instructed to pursue the progress constantly by taking recourse to appropriate provisions of law and by holding periodical review meetings with the concerned officials and to inform the progress, separately, while submitting the periodical statements.

Receipt of the Circular may be acknowledged.

Sd/- Registrar (Vigilance)

CIRCULAR

Sub:- Observance of Condolence on the Demise of a Judicial Officer-Instructions-Issued.

\*\*\*

Hitherto there was no practise of making a reference, on the death of Judicial Officer or placing a wreath on the body.

The High Court on a consideration of the issue has decided to issue the following instructions.

1. Whenever any Judicial Officer dies while in service, the principal Judicial Officer at the place of death will requested to place a wreath on the body on behalf of the Judiciary, make a reference in the Principal Court to convey the condolence message to the bereaved family and to suspend the work of the Courts for half-an-hour on that day.
2. Whenever any Judicial Officer dies after retirement, there will be a reference in the Court of his native place and there will not be suspension of the work.
3. The Judicial Officers working at the place of cremation, may be allowed to attend the funeral, without causing any hindrance to important judicial work.

SD/- M.E.N.PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH::HYDERABAD

ROC.NO.671/74/B.1.

DT.3-1-1975

CIRCULAR

Sub: Term of Imprisonment – Remand period set off—Details of Remand period in Committal Warrants—Instructions to convicting Courts.

\*\*\*

It has been brought to the notice of the High Court that some of the Criminal Courts are not clearly indicating the remand period (Period spent while facing the trial) in the Committal Warrants, to enable the Jail authorities to work out the benefit of set-off period.

Under Section 428 of the Cr.P.C.1973, the period of detention undergone by the accused while facing trial is to set off against the sentence of imprisonment.

All the Presiding Officers of Criminal are requested to clearly indicate the remand period in the Committal warrants to enable the Jail authorities to work out the benefit of set-off period under Section 428 Cr.P.C.1973.

Sd/- P.SREERAMA RAJU,  
DEPUTY REGISTRAR &  
VACATION OFFICER.

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD.

ROC.NO.291/SO/76.

Dt: 10.11.1976.

CIRCULAR

Sub: Prisoners undergoing sentence of imprisonment and facing trial in other cases- Directions of courts to send them to their native places under police escort to enable them to see their families-Certain Instructions-Issued.

\*\*\*

Government have brought to the notice of the High Court, instances where the Subordinate Courts in exercise of powers under Section 482 of the Code of Criminal Procedure directed Jail authorities to take undertrial prisoners undergoing imprisonment in other cases to their houses under escort to enable them to see their kith and kin who were seriously ill. These orders were passed without noticing that the under-trial prisoners were undergoing imprisonment in other cases.

The legal position in this regard is as follows:-

There is no inherent power under section 482 of the Code of Criminal Procedure so far as the Subordinate Criminal Courts are concerned. It is only the High Court that is invested with inherent power under Section 482. That does not, however mean that the Subordinate Criminal Courts have no inherent power: The Subordinate Criminal Courts can also exercise inherent powers but to the limited extent mentioned in the decision of this High Court in Criminal Revision Case No.394 of 1972 reported in 1975 (1) A.n.W.R.291.

In case of under trial prisoners who are not undergoing sentence, the Subordinate Courts can pass appropriate orders under Section 437(3) of the Code of Criminal Procedure. In case of undertrial prisoners who are undergoing imprisonment in other cases, the prisoners concerned can move only the Jail authorities in accordance with the provisions of Jail Manual to enable them to see their relatives at their native places or on parole as and when occasion arises.

In view of the legal position the High Court instructs all the Presiding Officers of the Subordinate Criminal Courts to ensure that no convict undergoing imprisonment is dealt with otherwise than in accordance with the provisions of Prisoners (Attendance in Courts) Act, 1955 and the provisions of Chapter XXII of the Code of Criminal Procedure.

V.RAMANUJACHARI  
REGISTRAR

HIGH COURT OF ANDHRA PRADESH;; HYDHERABAD

ROC.NO.1056/SO/79-2

Dt:27.12.1979.

CIRCULAR

Sub: Expeditious disposal of cases of Undertrial Prisoners particularly those who are poor – Reg.

\*\*\*

It is the policy of the State that the population of undertrial prisoners in Jails should be reduced as far as possible in the interest of justice. In this connection, the Supreme Court of India has observed that the Bail system operates harshly on the poor and in many cases they remain as undertrial prisoners in Jails because of their inability to furnish bail bonds.

In order to achieve the aforesaid policy, cases of undertrial persons particularly the cases of those who are poor and unable to furnish Bail Bonds should be tried and disposed of as expeditiously as possible by the Criminal Courts.

In order to secure the ends of justice, the High Court hereby directs that all the Criminal Courts in the State shall try and dispose of the cases of undertrial prisoners particularly the cases of those who are poor and unable to furnish bail bonds expeditiously.

Sd/- REGISTRAR(ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.346/SO/88

Dt.5.3.1988,

CIRCULAR

Sub:- Elections-Elections to the Offices of Members and Sarpanches of Gram Panchayaths Police cases not to be posted during the period of Elections – Remanding of prisoners – Revised instructions – Reg.

Ref:- High Court's Circular of Even number, dated:29.2.1988.

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The State Government in its letter dt.2.3.1988, have informed that the dates of Elections to the Offices of Members and Sarpanches of Gram Panchayaths have been re-scheduled to from 10.3.1988 to 16.3.1988, instead of from 6.3.1988 to 12.3.1988.

The State Government have therefore requested the High Court that necessary instructions may be issued to the Presiding Officers of Criminal Courts not to post any cases for hearing during the period beginning from three days prior to and three days after the date of poll i.e., 7.3.1988 to 19.3.1988.

Hence, in view of the above circumstances, the High Court is pleased to issue revised instructions amending the dates to all the Subordinate Criminal Courts in the State in the matter.

1. As far as possible, police cases may not be posted for trial or hearing during the period from 7.3.1988 to 19.3.1988 (both days inclusive) instead of from 3.3.1988 to 15.3.1988 (both days inclusive) as mentioned in the circular cited.
2. Where the period of remand of any undertrial prisoner expires during the aforesaid period, the Presiding Officers may pass orders extending such period at the premises of sub-jail, where he is confined, if it is situate at this Headquarters. If the sub-jail in which the prisoners are confined is not situate at the Headquarters of the Magistrate, the usual procedure shall be followed.

Sd/-REGISTRAR(ADMN)

ROC.NO.92/SO/98

Dt.5.2.1998.

CIRCULAR

Sub: ELECTIONS- General Elections to the House of people, 1998, and Bye-Elections to Two Legislative Assembly Constituencies i.e., Hanumakonda and Madhira – Police cases not to be posted during the period from 13.2.1998 to 25.2.1998, and remanding of undertrial prisoners - Instructions to all the Presiding Officers in the State - ISSUED.

Ref: 1. Lr.No.699/ELECS-B/98-1, dt.18.1.98, from the Principal Secretary to Government G.A.(Elections) Dept., Hyderabad.  
2. Lr.RC.No.47/EL/98, dt.25.1.98 of the Director General and Inspector General of Police, Andhra Pradesh, Hyderabad.

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The State Government in their letter 1<sup>st</sup> cited have informed that the Elections to the House of people, 1998, and Bye-Elections to TWO Legislative Assembly Constituencies i.e., Hanumakonda and Madhira are scheduled to be held in two phases on 16.2.1998 and 22.2.1998 and the entire police force in the State will be drafted for election bundobust work and only a skeleton staff shall be available in each district to attend to important and emergent police work. The Government have further informed that it will not be possible for the police officers to attend courts and escort prisoners to courts during the period of elections without detriment to the election bundobust work, and that the work relating to the production of prisoners in courts has to be suspended.

The State Government have, therefore, requested the High Court that suitable instructions may be issued to the Presiding Officers of criminal courts, not to post any police cases for hearing during the period from 13.2.1998 to 25.2.1998.

In the above circumstances, the High Court is pleased to issue the following instructions to all the Subordinate Criminal Courts concerned.

1. As far as possible police cases may not be posted for trial or hearing during the period from 13.2.1998 to 25.2.1998 (both days inclusive).

Where the period of remand of any undertrial prisoner expires during the aforesaid period from 13.2.1998 to 25.2.1998, the Presiding Officers may pass orders extending such period at the premises of sub-jail where he is confined, if it is situate at his headquarters. If the sub-jail in which the prisoners are confined, is not situate at the headquarters of the Magistrate, the usual procedure shall be followed.

The District and Sessions Judges in the State are requested to issue necessary instructions to all the Subordinate Courts under their control.

The receipt of the Circular instructions may please be acknowledged.

Sd/- C.Y.SOMAYAJULU  
REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.5478/96.B.Spl.

Dated:11.11.1996.

CIRCULAR

Sub:- Prisons-Visit of District and Sessions Judges to the Prisons regularly within their jurisdiction as provided in the Prison Manual-Instructions-Issued.

Ref:- Letter dated:25.9.1996, from the Chair-person, National Human Rights Commission, New Delhi.

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The State Prison Manuals contain provisions for Sessions Judges to function as ex-officio visitors to jails within their jurisdiction so as to ensure that the conditions of prisoners conform to certain minimum standards of maintenance, health, hygiene, institutional treatment and discipline, and they are expected to take corrective action as found necessary to uphold human rights of the prisoners.

The Supreme Court also has specifically directed that the District and Sessions Judges must visit prisons and make expeditious enquiries into the grievances of the prisoners and take suitable remedial action and that they are also required to ascertain that grievance deposit boxes are provided for all prisoners for this purpose.

The Chairman, National Human Rights Commission, New Delhi, in his letter cited, has brought it to the notice of the High Court that in spite of the clear provisions in the State Prison Manuals and specific directions of the Supreme Court, it is noticed that the District Judges are not visiting the prisons regularly and the Committee headed by the Sessions Judge and comprising District Magistrate and Superintendent of Police is not meeting at regular intervals to review the conditions of the prisoners and requested the High Court to issue necessary instructions to the concerned in this regard.

The High Court, after careful examination of the matter, issues the following instructions:-

All the Principal District and Sessions Judges are directed to visit the jails along with District Magistrates and Superintendent of Police at least once each month as provided in the prison Manual and make enquiries into the grievances of the prisoners and report to the High Court.

SD/- M.E.N.PATRUDU  
REGISTRAR (MANAGEMENT)

CIRCULAR

Sub:- Undertrial Prisoners in Excise matters – Non-concentration  
for disposal of such cases by special Magistrates – Reg.

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Instances have come to the notice of High Court, that, several Under Trial Prisoners, particularly in Excise matters, have been languishing in Jails, though charge-sheets are not filed within Sixty days (in the case of Calender Cases) and within Ninety days (in the case of cases trible by Sessions Courts) vide Chapter XXXVI Cr. P.C. The Registry intends to concentrate on such cases and pursue the remedies in consultation with appropriate authorities.

Hence, all the Unit Heads are requested to direct the Presiding Officers of all Criminal Courts in their unit to identify cases of Under Trial Prisoners where charge sheets are not filed within 60/90 days, as the case may be, and to send consolidated list of their respective units forthwith, having due regard to the seriousness involved in the issue.

SD/- M.E.N.PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

ROC.NO.1329/2001/O.P. CELL-E

DT.23-02-2001

CIRCULAR

Sub: Constitution of Co-ordination Committees to find out remedies for expeditious disposal of Criminal Cases, particularly cases relating to undertrial prisoners and other cases – Reg.

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In pursuance of a meeting held on 10-01-2001 at the behest of the Hon'ble the Chief Justice, accompanied by Hon'ble Sri Justice B. Subhashan Reddy with the Hon'ble Minister for Home, the Director General of Police, the Principal Secretary to Home etc., it is decided that a "Co-Ordination Committee" be constituted at State level and District level for discussing about all the issues relating to Criminal Justice System and to find out remedies for expeditious disposal of criminal cases, particular cases relating to undertrial prisoners and other cases.

All the District & Sessions Judges in the State are, therefore, instructed to see that the Committees are constituted with the District & Sessions Judge as Convenor, the District Collector, the Superintendent of Police, the Superintendent of Jails as Members of such Committees and further see that the committee meet once in a month for the above said purpose.

The minutes of such meeting along with the formidable follow up action taken up at their end and the results achieved be informed to the High Court within a fortnight of the date of such meeting.

Receipt of the circular may please be acknowledged.

Sd/- Registrar (Vigilance)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.467/SO/87.

DATED 6.7.1987.

CIRCULAR

Sub: Custody of records – Central Record System - Desirability of introduction in Telnagana Region - Certain instruction issued to District Judges to ensure regular consignment and periodical destruction of records-Reg .

Ref: High Court's letter of even Number dt.18.4.1987.-

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The High Court noticed that the Subordinate Courts in Telangana Region are not indexing and consigning the records in the disposed of matters to the record room promptly and that the destruction of the records is pending for years.

The High Court on careful consideration introduces the Central Record System in the said Region. Until then the District Judges are hereby directed to issue suitable instructions to the Subordinate Courts of their respective units to ensure regular consignment and periodical destruction of records after following the procedure as laid down in the rules framed under Destruction of Records Act 1917, make a note in their inspection notes and supervision that they are implemented by Subordinate Judicial Officers-scrupulously.

Sd/-REGISTRAR(ADMIN)

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC.NO.664/96-B.Spl.

Dated:1-2-1996.

CIRCULAR

Sub: A.P.STATE JUDICIAL SERVICE – Transfers and Postings –  
Instructions with regard to the forwarding of representations  
submitted by the Sub Judges and District Munsifs for their  
transfers – Further Instructions – Issued.

REF: High Court's Circular No. 4055/95-B.Spl., dt.18.8.1995.

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Attention of all the Prl. District Judges in the State is invited to the High Court's Circular cited, wherein the Subordinate Judges and District Munsifs have been instructed to forward their representations through the concerned Dist. Judges, who in turn have to offer specific remarks on the said representations.

Contrary to the instructions issued therein, majority of the Prl. Dist. Judges are simply endorsing or forwarding the representations of the Sub Judges and District Munsifs without any remarks.

All the Prl. District Judges in the State are, therefore, requested to forward the transfer applications/representations of the Sub Judges and District Munsifs to the High Court by the end of February 1996, offering their specific remarks on the said representations without fail.

They are further instructed to offer specific remarks in respect of representations/transfer applications of the Sub Judges and District Munsifs already forwarded to the High Court without remarks.

All the Prl. District Judges are to follow the above instructions strictly.

SD/-M.E.N.PATRUDU  
REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.4979/96.E.II

DT.11.11.1996

CIRCULAR

Sub: Reduction of pendency on the files of various Courts in the State of Andhra Pradesh, - Certain suggestions-Issued.

Ref: 1. High Court's Circular Roc.No.48/E.II/96, dt.4.1.1996.  
2. High Court's Circular Roc.No.100/E.II/96, dt.10.1.1996.

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In pursuance of the discussions and deliberations held at District Judges' Conference in August 1996, the following further measures are suggested to be adopted for reducing the back-log of cases.

1. The High Court has categorised the Courts, on whose files there is a pendency of 2000 cases as 'Moderate Pendency Courts' 1000 cases as 'Moderate Pendency Courts' and 500 cases as 'as 'Normal Pendency Courts', and the High Court expects, in the first instance, to make the heavy pendency courts as 'Moderate Pendency Courts as 'Normal Pendency Courts'. To achieve this goal, the Unit Heads have to redistribute the work, judiciously, both on Civil and Criminal sides, among the Courts situated at a particular station. While doing so, no scope is to be given for any unwarranted comments, from any quarters, that all heavy matters, involving huge number of exhibits and too many witnesses/parties are made over to particular courts, etc., the above process has to be started forth-with and has to be completed by 30.11.1996, and the Compliance to be sent to the High Court 15.12.1996.

On perusal of the Statistics of cases as on 30.6.1996, the High Court has observed that the pendency on the files of the District Courts and District Munsifs is not quite heavy and is within manageable limits, whereas the pendency on the files of the Subordinate Judges Courts is heavy. The High Court hereby advises the District Judges to withdraw some old cases ripe for trial from the files of the Subordinate Judges situated at District Head Quarters to the District Courts and dispose of the said cases expeditiously as possible.

3. Efficient staff are to be posted at heavy pendency courts,

- if necessary, on deputation from light pendency courts.
4. The Unit Heads are hereby further advised to take up the classification and grouping of cases in such a way by identifying the cases having identical facts in the light of the decided questions of Law from the latest decisions of the Supreme Court or the High Court of Andhra Pradesh, on the same point of law, which will facilitate expeditious disposal of large number of cases,; and
  5. After grouping of cases, the Unit Heads are advised to distribute a particular group of cases (Bank matters, Money Suits, Municipal Cases and Injunction Petitions) to a particular court where a cluster of Courts are situated.

The Unit Heads are, therefore, directed to follow the above said instructions scrupulously and the follow up action, in this regard, be intimated to the High Court by the end of November 1996.

Receipt of this Circular may please be acknowledged.

Sd/- REGISTRAR(MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD.

ROC.No.387/71-B1.

Dt:26.8.1974.

CIRCULAR

Sub: Awards – Date of signature on the stamp Papers by the Judl. Officers - Instructions to address covering letters-Issued.

Ref: 1) Lr.No.64/15426/71,Dt.17.9.1972 from I.G. of Registration and Stamps Hyderabad.

2) High Court's letter Roc.No.387/71-B1/Dt.8.4.74.

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Attention of all the District Judges and Subordinate Judges is invited to the High Court letter cited.

On a consideration of the letter of the Inspector General of Registration and Stamps, Hyderabad 1<sup>st</sup> cited, and also the suggestions made by the Presiding Officers of the Subordinate Courts, the High Court as of the view that all the Presiding Officers of the Subordinate Courts should be given uniform instructions in the matter of presentation of documents by Courts for Registration, especially as to the date of execution of an award or drawing up of a Sale Certificate or a Sale Deed on Stamp papers, to meet the requirements of Section 23 of the Registration Act.

All the Presiding Officers of the Subordinate Courts in the State are therefore advised to address covering letters to the Registering Officers, while forwarding documents signed by them for Registration, mentioning therein the date on which the documents to be registered, are signed.

Sd/-K.SRIKRISHNA  
REGISTRAR

HIGH COURT OF ANDHRA PPRADESH;; HYDERABAD

ROC.NO.388/SO/75.

Dt:29.12.1975

CIRCULAR

Sub: Code of Criminal Procedure, 1973 - Courts of Special Judicial Magistrate/Special Metropolitan Magistrates - Functioning of -Instructions Issued.

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Some of the Sessions Judges sought clarification as to the number of days in a week the Special Judicial Magistrates should hold Court, the timings of the court and on other ancillary matters. The following instructions are issued for guidance:-

1. The Special Judicial Magistrates and Special Metropolitan Magistrates shall hold Court for three days in a week i.e., every alternative day from Monday on working days between 7.30 A.M. and 10.30 A.M. unless any such day is notified to be a holiday when the court shall be held on the following working day.
2. The Special Judicial Magistrates for Railways may hold court at any time between 7.30 A.M. and 10.00 P.M. They shall give advance intimation of camp courts to the Chief Judicial Magistrates concerned. While on camp outside their head quarters they are eligible for such Daily Allowance as is admissible for such Daily Allowance as is admissible to the Magistrates of Second Class under the Andhra Pradesh Traveling Allowance Rules, Expenditure on that account is also debatable to the Railway Administration.
3. The Special Judicial Magistrates will be under the administrative control of Chief Metropolitan Magistrate as the case may be, in matters such as grant of leave, drawl of honorarium, inspection of court, permission to assume charge.
4. The Special Magistrates are eligible for casual leave not exceeding 15 days in an year and not to any other kind of leave.
5. They shall be paid honorarium from the date of assuming charge or the date on which powers are conferred by the High Court whichever is later.
6. The Chief Judicial Magistrates to issue orders under Sections 14 and 15 of Code of Criminal Procedure, defining the local limits of the areas within which the Special Magistrates may exercise powers and as to the distribution of business among the magistrates. The Chief Metropolitan Magistrate will issue orders under Section 19 of the Code of Criminal Procedure, allocating work to the Special Metropolitan Magistrates.

Sd/- K.SRIKRISHNA,  
REGISTRAR

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC.NO.3042/E2/93

Dated:2.9.1996.

CIRCULAR

Sub: Courts-Criminal-Conferment of powers under Sec.13 and 18 of the Code of Criminal Procedure, 1973 on this Special Judicial Magistrates of Second Class and also on the Special Metropolitan Magistrates for the trial of cases arising under A.P. Prohibition Act and A.P. Excise Act - Reg.

Ref: 1) High Court's Proceedings Order Roc.No.382/SO/96, dt.15.3.1996.

2) Letter No.1056/96/DPE/C5/dt.6.8.96, from the Commissioner of Prohibition and Excise Act, A.P., Hyderabad.

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Attention of all the District and Sessions Judges and the Metropolitan Sessions Judges in the State is invited to the High Court's proceedings 1<sup>st</sup> cited, wherein the High Court has conferred powers on all Special Judicial Magistrates of Second Class/Special Metropolitan Magistrates in the State to enable them to try the cases arising under A.P. Prohibition Act, 1955, and also A.P. Excise Act, 1968. In the reference second cited, the Commissioner of Prohibition and excise, A.P., Hyderabad, reported that in some districts the special Judicial Magistrates of II class are not accepting the cases under the Acts in question on the ground that the Special Courts constituted exclusively to deal with the cases are to try the said cases.

In view thereof, the High Court of Andhra Pradesh hereby clarifies that the creation of Special Judicial Magistrates of I Class courts to deal with the cases arising under A.P. Prohibition and Excise Acts at every district Head Quarters is not a bar on the Special Judicial Magistrates of II Class to try the offences falling under the proviso to item (ii) of clause (b) of Section 8 of A.P. Prohibition (Amendment) Ordinance, 1996 and any other offences under A.P. Prohibition Act, 1995, and A.P. Excise Act, 1968, triable by Special Judicial Magistrates of II Class.

All the District and Sessions Judges are hereby directed to instruct the Special Judicial Magistrates of II Class, special Metropolitan Magistrates working under their control to entertain the cases arising under the A.P. Prohibition and Excise Acts falling within their power to try those cases.

SD/-M.E.N.PATRUDU  
REGISTRAR (MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.852/35/7

Dated 29.1.1998.

CIRCULAR

Sub:- CODE OF CRIMINAL PROCEDURE 1973-Courts of Special Judicial Magistrates of II class/Special Metropolitan Magistrates in the State-Holding Courts for 5 days in a week instead of 3 days in a week – certain Instructions – ISSUED.

Read:- 1) High Court's Circular Roc.No.388/SO/75, dt.27.12.1975.  
2) G.O.Ms.No.35, Law (L.A.&J-Cts/B) Department, dated 22.1.1997.

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In partial modification of the High Court's circular 1<sup>st</sup> read above, the following changes are made in Para 1 of the said circular with regard to holding of the courts by the special Judicial Magistrates of II Class/Special Metropolitan Magistrates in the State, in view of the terms mentioned in Para 6 of the G.O.2<sup>nd</sup> read above.

“The Special Judicial Magistrates of II Class and Special Metropolitan Magistrates shall hold court work for 5 days in a week, i.e., from Monday to Friday on working days between 7.30 a.m. and 10.30 a.m. instead of 3 days in a week.

The Chief Judicial Magistrates and Chief Metropolitan Magistrates in the State are requested to issue necessary instructions to the Special Judicial II Class Magistrates/Special Metropolitan Magistrates to hold the courts for 5 days in a week instead of 3 days in a week as indicated above.

The receipt of the circular instructions may please be acknowledged.

SD/- REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.403/SO/97

DT.4.9.1998.

CIRCULAR

Sub: COURTS-CRIMINAL-Special Judicial Magistrates of II Class/Special Metropolitan Magistrates in the State- Grant of Casual Leave to the Court Assistants and Court Attendants (Retd. Judicial Employees) working in the Courts of Special Judicial Magistrates of II Class/Special Metropolitan Magistrates-Circular Instructions-ISSUED.

Ref: G.O.Ms.35, Law (L.A.&J-Courts.A) Department, dt.22.1.1997.

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The District & Sessions Judge, Prakasam at Ongole has sought clarification from the High Court as to the eligibility for availment of Casual Leave and Optional Holidays by the Court Assistants and Court Attenders who are appointed in the Courts of the Special Judicial Magistrates of II Class/Special Metropolitan Magistrates in the State in terms of G.O. cited.

The High Court after careful examination of the matter, feels it necessary to issue the following instructions for guidance.

The Court Assistants and Court Attendants (Retd. Judicial Employees) who are appointed in terms of the G.O.cited, are entitled to avail Casual Leave not exceeding 15 days in an year, but not to any other kind of leave.

The above instructions shall come into force w.e.f. the date of this circular.

Receipt of the Circular may be acknowledged.

SD/- C.Y.SOMAYAJULU  
REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.745/SO/96

Dated 22.10.1998

CIRCULAR

Some of the District and Sessions Judges and Chief Judicial Magistrates in the State are seeking ratification of their action in placing the Judicial Magistrates of First Class as incharge of the Courts of Special Judicial Magistrates of II Class/Special Metropolitan Magistrates after expiry of their term.

All the District and Sessions Judges/Metropolitan Sessions Judges and Chief Judicial Magistrates/Chief Metropolitan Magistrates in the State are requested to address the High Court in advance before the expiry of the term of the Special Judicial Magistrate of II Class/Special Metropolitan Magistrates for making incharge arrangements for the said Courts.

Receipt of this Circular may be acknowledged

SD/- C.Y.SOMAYAJULU  
REGISTRAR GENERAL/

HIGH COURT OF ANDHRA PRADESH AT HYDERABAD

ROC.NO.694/SO/96.

Dated:3.3.1999.

CIRCULAR

Sub: COURTS – CRIMINAL - Special Metropolitan Magistrates/  
Special Judicial Magistrate of II Class Courts in the State of  
A.P.- Constables and other unauthorised employees under  
law are not allowed to collect the fines or issue receipts –  
Instructions – ISSUED.

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Instances have come to the notice of the High Court that some of the Presiding Officers of the Special Metropolitan Magistrates/Special Judicial Magistrates of II Class in the State are allowing the Constables and other unauthorised employees under law to collect the fines or issue receipts in their Courts. The High Court after careful examination of the matter, feels it necessary to issue the following instructions.

All the District and Sessions Judges/Metropolitan Sessions Judges in the State are requested to issue necessary instructions to all the Special Metropolitan Magistrates/Special Magistrate of II Class in their units, not to allow constables and other unauthorised employees under law to collect the fines or issue receipts in their respective courts. Any deviation from the Circular will be viewed seriously.

Receipt of the circular may please be acknowledged.

SD/-C.Y.SOMAYAJULU  
REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.469/SO/98

Dated 19.4.1999.

CIRCULAR

Sub: COURTS – CRIMINAL – Special Judicial Magistrates of II Class/Special Metropolitan Magistrates-Panel of names to be sent to the High Court after issuing notification – Certain guidelines – ISSUED.

- Ref: 1. G.O.Ms.No.35, Law (L.A. & J-Cts.A) Dept., dt.22.1.1997.  
2. High Court's Notification Roc.No.2589/E1/95, dt.26.3.1997.  
3. High Court's Circular Roc.No.85/SO/97, dt.2.4.1997.  
4. High Court's Lr.Roc.No.2589/E1/95, dt.19.5.97.

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Instances have come to the notice of the High Court where some of the District Judges/Metropolitan Sessions Judges in the State, while forwarding, panels for appointment of Special Judicial Magistrates of II Class/Special Metropolitan Magistrates in their respective Units, to the High Court are not following the Circular instructions/guidelines issued by the High Court in the references 1 to 4 cited.

While reiterating the Circular Orders issued earlier, referred to in 1 to 4 above, the Sessions Judges/Metropolitan Sessions Judges in the State are requested to follow the instructions given below without fail.

1. Notify the vacancies well in advance as instructed in the High Court's Circular Roc.no.85/SO/97, dt.2.4.1997 (vide reference 2<sup>nd</sup> cited) and send a copy of the said notification to the High Court.
2. Follow Rule 1(v) of the rules framed by the High Court in Roc.No.2589/95/E1, dt.26.3.1997 (Published in A.P. Gazette, dt.29.3.1997) while forwarding the applications in respect of retired Gazetted Officers.
3. Forward Xerox copies of the documents relating to the educational qualifications and Departmental Tests passed (four papers test consisting of Indian Panel Code and Criminal Procedure Code) by the candidates in proof of their educational qualifications.
4. While recommending the names of Officers of revenue Department information regime that exercising of magisterial powers for not less than 3 years, during the tenure of their service in the Gazetted Cadre.

5. Not to forward or recommend the names of persons whose term of office as Special Judicial Magistrates of II Class/ Special Metropolitan Magistrates would be less, than one year.
6. In case of advocate candidates, forward the certificate of suspension of practice issued by the concerned Bar Associations, also along with the application and Bio-data and antecedents.
7. Forward the antecedents of the candidates issued by the Superintendent of Police, along with the applications and Bio-data (as per the instructions issued Roc.No.2589/E1/95, dt. 19.5.1997).
8. Forward the original applications of the candidates after thorough as per the guidelines issued by the High Court from time to time.

Sd/- G.Y.SOMAYAJULU  
REGISTRAR GENERAL.

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.2589/E1/1995

DT. 6.1.2001

CIRCULAR

Sub: COURTS - CRIMINAL - Appointment of Court Assistants and Court Attendants in the 207 Courts of Special Judicial Magistrates of Second Class/Special Metropolitan Magistrates in the State - Guidelines - Issued.

Ref: G.O.Ms.No:35 Law (L.A. & J. Cts.A) Department, dated:22.1.1997.

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Attention of all Unit Heads are invited to the G.O. cited, wherein the Government has issued orders for the creation of one Court Assistant and One Court Attendant with the Honorarium of Rs.1000/- p.m. and Rs.500/- p.m. respectively, to each of the 207 Courts of Special Judicial Magistrates of Second Class in the State, and the said posts shall be filled in by the retired employees of judicial department only.

Pursuant to the said G.O. the High Court has issued instructions through the letter 2<sup>nd</sup> cited, to all the District and Sessions Judges in the State and Metropolitan Sessions Judge, Hyderabad to take necessary steps for filling up of the said posts from the retired employees of the Judicial department.

After the receipt of the said instructions some of the District Judges have sought for certain instructions from the High Court with regard to the age limit, Educational Qualifications etc., for the recruitment of Court Assistants and Court Attendants in the said Courts.

After careful examination, the High Court has framed guidelines for the recruitment of Court Assistants and Court Attendants in the Courts of Special Judicial Magistrates of II Class, and the same are enclosed herewith.

All the District and Sessions Judges in the State and the Metropolitan Sessions Judge, Hyderabad, are therefore, directed to follow said guidelines while filling up of the posts of Court Assistants and Court Attendants in the Courts of Special Magistrates of II Class without fail.

The receipt of the Circular may please be acknowledged.

Sd/- Registrar General

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

GUIDELINES REGARDING APPOINTMENT OF COURT ASSISTANTS AND COURT ATTENDANTS IN THE COURTS OF SPECIAL JUDICIAL MAGISTRATES OF SECOND CLASS/SPECIAL METROPOLITAN MAGISTRATES.

- (1)(a) Any retired person who held any post in the Andhra Pradesh Judicial Ministerial Service or any retired person who held the post of Assistant, Examiner, Typist, Copyist and above in the Andhra Pradesh High Court Service is eligible for appointment as Court Assistants.  
Provided that if suitable retired employee from A.P. Judicial Ministerial Service and A.P. High Court Service does not respond to the recruitment notification or otherwise not available an outsider can be appointed.
- (b) The appointing authority shall take steps to impart such training as may be necessary for a short period to the Court Assistants recruited, if they are not otherwise familiar with the nature of work to be performed.
- (2) Any retired person who held the post of Attender, Process Server or in any other post in the Last Grade Service in the Subordinate Courts or in the High Court Service is eligible for appointment as Court Attendant.  
Provided that if suitable retired employee from the Last Grade Service in the Subordinate Courts and the High Court Service does not respond to the recruitment notification or otherwise not available, an outsider can be appointed.
- (3) Any employee who crossed the age limit of 65 years shall not be eligible for the appointment of Court Assistant and Court Attendant.
- (4) Any employee, who has taken voluntary retirement on the ground of medical invalidation, retired on compulsory retirement from service, dismissed, or removed from service, shall not be eligible for the appointment of Court Assistant or Court Attendant.
- (5) The District & Sessions Judges in all the Districts and Metropolitan Sessions Judge in the City of Hyderabad are the appointing authorities to appoint Court Assistants and Court Attendants in the Courts of Special Judicial Magistrates of Second Class/Special Metropolitan Magistrates as the case may be in their respective Units.
- (6) The appointments for the posts of Court Assistants and Court Attendants shall be for a period of two years and if the work of the persons hold the said posts is satisfactory, such persons may be considered for re-appointment for the subsequent period.

- (7)(a) Vacancy position of the Court Assistant and Court Attendant shall be notified well in advance in all the Courts in the district, calling for applications from the eligible candidates. Preference shall be given to the local candidates i.e., persons living in the same station or near about place and the Rule of Reservation need not be followed.
- (b) If there are no suitable persons in the district, the District Judge/Metropolitan Sessions Judge, Hyderabad, may take candidates from the other districts also.
- (8) The Court Assistant shall be paid Rs.1,000/- per month (Honorarium) and Court Attendant shall be paid Rs.500/- per month (Honorarium) as per G.O.Ms.No.35, Law (L.A. & J-Courts-A) Department, dated 22-01-1997 or such other amount as may be prescribed by the Government from time to time.
- (9) The Court Assistant and Court Attendants are eligible for 15 Casual Leaves per every Calendar Year as in the case of Special Judicial Magistrates of Second Class and they are not entitled for any other kind of leave. The concerned Special Judicial Magistrate of Second Class is authorized to sanction CASUAL LEAVE to the Court Assistant and Court Attendant.
- (10) The District Judge/Metropolitan Sessions Judge is competent to take disciplinary action against the erring persons working as Court Assistants and Court Attendants, on the report submitted by the concerned Special Judicial Magistrate of Second Class or otherwise.
- (11) The District Judge/Metropolitan Sessions Judge is competent to terminate the service of any person working in the posts of Court Assistant and Court Attendant at any time, if the work is not generally satisfactorily or there is any physical disability or on the grounds of misconduct or negligence subject however to giving an opportunity of making representation in the last mentioned event viz., "misconduct or negligence."
- (12) Medical fitness and mental alertness is insisted upon in the appointments of Court Assistants and Court Attendants.
- (13) Preference may be given to those candidates who have experience in the field.
- (14) The District Judges/Metropolitan Sessions Judge, Hyderabad are directed that in the matters of appointment to the posts of Court Assistants and Court Attendants, merit shall be the only criteria and further directed to adopt fair means and transparency in such appointments.
- (15) All other terms and conditions of the relevant G.O.Ms.No.35, Law (L.A. & J-Courts) Department, dated 22-01-1997 must be scrupulously followed.

Sd/- Registrar General

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.73/SO-3/2001

DT. 20.01-2001

CIRCULAR

Sub: Courts - Criminal - Special Judicial Magistrates of Second Class/Special Metropolitan Magistrates - Filling up of the posts of Special Judicial Magistrates of Second Class/Special Metropolitan Magistrates - Instructions - Issued.

Ref: High Court's Circular Roc.No.85/SO/97, dated 2.4.1997.

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Attention of all the District and Sessions Judges/Metropolitan Sessions Judges in the State is invited to the High Court's circular cited. Despite the clear instructions some of the District and Sessions Judges are not taking prompt steps for filling up of the vacant posts of Special Judicial Magistrates of Second Class well in advance before the expiry of the term of the Special Judicial Magistrates of Second Class/Special Metropolitan Magistrates. Some of the District and Sessions Judges are also recommending the continuance of the present incumbents whose term is going to expire shortly without renotifying the vacancy. In the result many of the posts of Special Judicial Magistrates of Second Class/Special Metropolitan Magistrates posts are vacant in the State.

Therefore, the High Court directs all the District and Sessions Judges/Metropolitan Sessions Judges in the State to take immediate steps duly notifying the vacant posts of Special Judicial Magistrates of Second Class/Special Metropolitan Magistrates in their respective Units. They are also requested to follow the above said Circular instructions scrupulously in future and see that no post shall be left vacant as far as possible.

Any deviation of the above instructions will be viewed seriously.

Sd/- REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.3300/E.Stat/95

Dt.23.12.1995.

CIRCULAR

Sub: Courts- Lower Court cases stayed by the High Court – Proper co-ordination between High Court and Lower Judiciary for early disposal of the stayed matters – Further instructions – Issued.

Ref: Circular in Roc.No.3153/E.Statistics, dated 11.5.1993.

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The High Court in the Circular referred to above, has requested all the District and Sessions Judges in the State to instruct all the Judicial Officers under their control to bring to the notice of the High Court if any cases, instituted in and before 1989, are stayed by the High Court, together with their correct connected numbers on the file of the High Court, so that necessary steps can be taken for the early disposal of those matters.

During the State Level Conference of Principal District and Sessions Judges held recently, the High Court has received information revealing considerable number of cases stayed by the High Court many of which pertain to old matters. On a careful scrutiny, the High Court found that, in some cases, the correct case numbers have not been furnished by the Subordinate Courts and in some areas, disposed of matters are also being shown as 'pending' on the file of High Court, may be, on account of communication gap.

In view of the above situation, it has been decided by the High Court that there should be a proper check on the stayed matters; so that they can be disposed of as early as possible at the High Court level, enabling the lower courts to proceed of the main suits/cases on their files.

For this purpose, the High Court has deemed it necessary to issue the following instructions:-

- 1) A separate Old Pendency Cells, (O.P. Cells) are ordered to be constituted at the High Court and Prl. District Court at every district head-quarter to monitor disposals of old cases, under trial prisoners cases, cases under Sec.125 Cr.P.C., Stay matters, progress of trial of other cases and attending to review work;
- 2) The Presiding Officers of the lower Courts are directed to post the stayed matters on their files once in a month preferably on the 3<sup>rd</sup> Friday and they should note very clearly the stage of the stayed matters on the docket after obtaining a

memo from the party/counsel about the latest stage of the stayed cases in the appellate courts. The progress of adjourning such cases mechanically by noting on the docket as 'Stay continues' is deprecated.

- 3) The Presiding Officers are instructed to communicate the list of all pending such matters, as in statement No.I-E, on their files, in duplicate to the Unit Head at the beginning of every period i.e., once in six months, as indicated in the circular of method of assessment of the work of Judicial Officers, for verification, monitoring and for onward transmission of the same to the O.P. Cell at the High Court with the remarks of the District Court O.P. Cell.
- 4) The O.P. Cell at the District Court shall thereafter collect and furnish any freshly stayed cases to the High Court every month.
- 5) The O.P. Cell in the High Court will verify all the details of the stayed matters on the file of the High Court and, as and when such matters are disposed of, the same will be intimated to the concerned court and will be intimated to the O.P. Cell of the District Court and also monitor for expeditious dispatch of records, if any, and the orders therein, and, on all other pending matters, the O.P. Cell will submit a statement to the Registrar (Judicial) for necessary orders for posting the cases.
- 6) If any stayed case is transferred from one Court to another Court, the Original Court shall intimate the same fact to the O.P. Cell and, in case if the records are, received by the Original Court, the same are to be transmitted to the Court where the case is pending within a week from the date of receipt of such records.
- 7) On receiving the orders of disposal of the stayed matters by the High Court or the District Court as the case may be, the Presiding Officers of the Courts are strictly instructed to dispose of the matters pending on their files expeditiously preferably within a period of three months if the cases are sufficiently old or as directed by the High Court.

These instructions will come into force with effect from 1.1.1996. The receipt of this Circular may be acknowledged at an early date.

Sd/- M.E.N. PATRUDU  
REGISTRAR (MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH;; HYDERABAD

R.O.C.No.11/72.B1

.Dt:10.1.1972.

CIRCULAR

It has been observed that the preparation of printed or typed record and posting of Civil and Criminal Cases in the High Court is delayed on account of the fact that the depositions recorded by the Judicial Officers of the Subordinate Courts and the documents filed by the parties in the cases are often not easily decipherable, and that translations of documents marked as Exhibits in the cases are not enclosed along with the records of the cases, at the time of their transmission to the High Court. In such cases, it becomes necessary to return the depositions to the Court concerned or the Judicial Officer concerned and to require that typed copies be sent to the High Court.

Thus, in order to avoid delays involved in returning depositions and documents to the lower Courts, and getting them typed and sent back to the High Court, it is directed that all the civil and Criminal Subordinate Courts should without fail, send typed copies of depositions, and the translations of exhibits filed by parties whether done by the Court staff or by Advocate, along with the original record of the case transmitted with High Court.

The District & Sessions Judges are requested to bring these instructions to the notice of every Presiding Officer of the Courts under their control, and impress upon them that any contravention of these instructions will be viewed seriously by the High Court. They are also requested to check, while inspecting the Subordinate Courts, whether those instructions are being followed scrupulously or not.

Sd/- K.VENKATESWARA RAO.  
REGISTRAR.

HIGH COURT OF JUDICATURE ANDHRA PRADESH :: HYDERABAD

JUDL.V.R.NO.177/87.

Dt/29.7.1987

CIRCULAR

Sub: APPEALS-CIVIL & CRIMINAL- Non-compliance of trial court records for reference in High Court - Reg.

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There were several instances, where requisitions, calling for the records from the Lower Courts for reference in appeals etc. on the file of the High Court, are not complied with inspite of repeated reminders. Some of the old appeals etc. on the file of the High Court have to be adjourned for want of records of the lower Courts. The Hon'ble Judges have taken serious view of the matter and observed that suitable action should be taken against the staff responsible for the delay in complying with the requisitions received from the High Court.

The Criminal appeals and Revisions filed in the High Court are coming up for final hearing within six months, some of the appeals could not be listed for final hearing in the serial order, due to non-receipt of records from the lower Courts. The requisitions for submission of records in Criminal cases should be complied by return of post.

All the District & Sessions Judges are hereby requested to issue suitable instructions to all the Courts under their control and ensure that the records required by the High Court, for reference in judicial matters, should be complied with promptly and there should not be any occasion for the High Court to issue reminders in the matter.

Sd/- REGISTRAR (JUDICIAL)

IN THE HIGH COURT OF JUDICATURE ANDHRA PRADESH AT  
HYDERABAD

VRR No.572/74.

Dt:26.4.1974.

CIRCULAR

For some time past it has been noticed that the indices to the records in civil cases, submitted to the High Court by the City Civil Courts and by Courts in the Telangana area are not prepared properly, and that some of the Exhibits marked in the Lower Courts do not bear either the Exhibits seal, or the initials of the Presiding Judicial Officer. The exhibits number should be clearly stated at the top of the concerned document. In addition to this there should be an exhibit seal on the outer-docket carrying the necessary particulars, such as "name of the Court", Case No.Ex.No. and the date Prove or admitted by concerned P.Ws. or DWS besides the attestation of the concerned Judicial Officer along with his designation.

As a result of these defects much inconvenience is being felt in the preparation of cases and also in submitting the appropriate paper or document to the Hon'ble Judges hearing the case.

It is also directed that the index of the records submitted the High Court from a Lower Court should be in the pro-forma prescribed, a copy of which is given herewith. It is further directed that Lower Courts should retain a true copy of the index and submit the original record along with the correct index and submit the original record along with the correct index as per the afore said Pro-forma. Action should be taken for non-compliance with these instructions against the defaulting clerk or clerks.

Sd/-K.VENKATESWARA RAO.  
REGISTRAR

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.803/SO/98

Dt. 3.11.1998.

CIRCULAR

Sub: HIGH COURT – WRIT PETITIONS-Requests made to the High Court by certain Judicial Officers who are impleaded as respondents in certain writ petitions for sanctioning of defence – Instructions reiterated – Reg.

Ref: High Court's Circular Roc.no.1288/SO/82, dt.3.8.1982, published in Volume No.I at page 190 of the Codification of Circulars issued by the High Court.

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Instance have come to the notice of the High Court that some of the Judicial Officers in the State who are impleaded as respondents in certain writ petitions are seeking sanction of defence without following the instructions issued in the Circular referred to above.

All the District & Sessions Judges are requested to direct the Presiding Officers working in their respective Units to strictly adhere to the following instructions.

- a) On receiving Rule Nisi and copies of the Writ petitions and affidavits accompanying them the Judicial Officers shall verify from the affidavits whether allegations of facts as are required to be controverted, are made in the particular writ petitions. If so, they shall address the High Court requesting for sanction of defence in such Writ Petitions.
- b) If no such allegations are made in the affidavits they need not enter appearance in such Writ Petitions and need not address High Court for sanction of defence. But they shall cause production of records connected with the Writ Petitions in the High Court expeditiously.

Receipt of this Circular be acknowledged at an early date.

SD/- G.YETHIRAJULU  
REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD.

ROC.NO.3297/EII/95

Dated:23.12.1995.

CIRCULAR

Sub:- Courts – Submission of Statistics and Periodical Statements –  
Certain instructions – Issued.

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The Registry of the High Court of Andhra Pradesh has been receiving number of statements from the courts under its control either for the purpose of review or for onward transmission to the Government. Apart from the above, the courts are also furnishing detailed explanatory notes on old cases.

It is noticed by the Registry that there is avoidable duplication of work in preparation of these statements. In order to avoid multiplicity of statements, simplify and reduce periodical returns and statements, give required relief to Judicial Officers and the concerned staff enabling them to devote their valuable time to regular judicial work, and proper maintenance of registers and records and for an orderly administration, the Registry, after in depth study, has identified the statements and the proformae for each statement, as shown in the Annexure, to be submitted by the Courts/ Tribunals under its control.

The subject is also discussed at the Conference of the Principal District and Sessions Judges held recently and, as per the consensus arrived at the Conference, the circular instructions are issued, in supercession of all the earlier circular instructions on the subject.

All the Judicial Officers are instructed to submit the statements to the High Court as indicated herein.

These instructions will come into force with effect from 1.1.1996.

Receipt of this Circular may be acknowledged by all the Unit Heads.

Sd/- M.E.N.PATRUDU  
REGISTRAR (MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

DIS.NO.867/60.

DT:7.11.1960.

CIRCULAR

SUB: SUITS- Partition suits- Suits- Drawing up final decree-Procedure parties fail to furnish stamps- Instructions -Issued.

READ:1) High Court's Circular Roc.No.135\55.B1 Dt.7.9.57.  
2) Letters Dis.No.1623/DT.14.2.59 from the District Judge, Guntur.

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Consequent on the deletion of sub rule (3) to Rule 12 of "The Rules relating to partition suits under the Civil Procedure Code and under the Partition Act, 1893", the following points have arisen for consideration:-

- i) Whether the Court should wait till the party chooses to file the stamps required for drawing the decree. This question assumes greater importance in suits instituted in forma pauperis, where on the basis of the decree, Government have to realise Court fees due to them.
- ii) Whether the records in such cases have to be retained in the Subordinate Courts concerned till the party chooses to file the requisite stamps without being sent to the Central Record Room in the District Court as required under the rules.

In regard to the above points, the High Court issues the following instructions:-

- i) It may be seen from Sec.(2) (15) of the Indian Stamp Act, 1899 that it is only "a final order for effecting a partition passed by any Civil Court" that is liable to stamp duty under Art.45, Schedule I of the said Act. The High Court's Circular first read also applies to this final decree in partition suits.

As per Rule 18(2) of Order XX, Sch.I. C.P.C., the preliminary decree in partition suits declares the rights of the several parties and may also contain such further directions as may be required. The final decree simply recites the several portions of the Joint property assigned to the several parties as their respective shares.

In the circumstances, it may be possible to draw up the preliminary decree on plain paper and incorporate in it a direction regarding payment of Court fees where the suit is instituted in forma papuperis.

If the pauper petitioner files some petitions after the preliminary decree then a separate decree or order has to be drawn up for the purpose of Court fee.

- ii) In any event, the records in petition suits may be retained in the Subordinate Courts concerned till the final decree is drawn.

Sd/- A.D.V.Reddy,  
REGISTRAR

CIRCULAR

Sub: Suits – Partition Suits – Drawing up of Preliminary and Final Decrees – Certain Instructions – Issued.

- Read: 1) High Court's Circular Roc.No.135/55/B1, dt.7/9/1957.  
2) High Court's Circular Roc.No.861/60, dated: 7.11.1960.  
3) Lr.Dis.No.427, dated 21.1.1974, from the District Judge, West Godavari, Eluru.

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The reference made by the District Judge, West Godavari 3<sup>rd</sup> read above raises the following three questions, namely:-

- 1) In a suit for partition filed *informa pauperis* which has been compromised and no provision is made in the compromise petition regarding payment of Court Fee and Non-Judicial Stamps, what are the steps to be taken for recovery of the Court Fee and Non-Judicial Stamps due to Government?
- 2) In partition suits wherein a preliminary decree is passed if the parties do not apply for passing of a final decree and do not deposit the Non-Judicial Stamps, what procedure should be adopted to compel the parties to deposit the Non-Judicial Stamps?
- 3) What is the period for which the records are to be retained in the trial Court in the above cases without consigning them to the Central Record Room?

Taking into consideration the views expressed by the other District Judges and the Circulars first and second read above on the subject, the High Court issues the following instructions

In suits instituted *informa pauperis* for partition, a preliminary decree may be passed incorporating a direction for payment of Court Fee as provided by Order 33 Rules 11 Clause (2) Code of Civil Procedure. The preliminary decree has to be drawn up on plain paper and sent to the Collector for realization of Court Fee.

In cases where a partition suit is compromised and the decree to be passed is a final decree itself, the Court shall insist upon the production of non-judicial stamps for the purpose of engrossing the final decree before the compromise is recorded. If it is a suit instituted *informa pauperis*, the Court may also require the parties to pay the court fee payable on the plaint. It is only after the compliance with these two requirements that a final decree be passed in terms of the compromise.

In other cases, where a final decree is passed on merits (and not by compromise) the Court may direct the parties to file non-judicial stamps for the purpose of engrossing the final decree thereon. The date of the decree in a partition suits for the purpose of limitation being the date on which the judgement was pronounced limitation runs from that dates although the non-judicial stamps have not been furnished for the purpose of engrossing the final decree. Therefore, if the parties fail to provide the necessary non-judicial stamps, they run the risk of the Law of Limitation. That was the effect of the decision of the Bench in *CHINA VENKATAPPA V. PEDA VENKATAPPA* (A.I.R. 1943 Madras 650). Under the Limitation Act, the period of execution of the decree is 12 years from the date when the decree becomes enforceable. Till that time the final decree has to be kept in the Court, which passed it.

In view of the Full Bench decision in *BOARD OF REVENUE V. MOIDEEN* (A.I.R. 1956 Mad. 207 FB) it is not possible to draw up a final decree on un-stamped paper, sign it and send it to the Collector and impound it under Section 33 of the Stamp Act.

Sd/- V. RAMANUJACHARI  
REGISTRAR

DISTRICT & SESSIONS COURT :: GUNTUR

Dis.No.5678/18-7-84/Admn./84.

Dated:17.7.1984.

CIRCULAR

Sub:- Suits-Partition Suits-Drawing up of final decrees-Certain Instructions-Issued.

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It was observed that a final decree for partition was prepared on plain paper and signed by the Judge in one of the Subordinate Courts. The attention of the Judicial Officers is invited to Rule 12 (2) of Chapter-3 of part II of the Civil Rules of Practice (the Rules relating to partition suits under the Code and under the Partition Act, 1893) which runs as follows:

“The decree in partition suits shall be engrossed on non-judicial stamp paper as provided by Act 45, Schedule-I, of Act II of 1899 as amended by Act 38, of Schedule-I, of Madras Act VI of 1922.”

It was held in SATYANANDAM V. HAMMAYYA (CBIR 1438 Madras 307) that:

“It is well settled that a final decree for partition has no existence as a decree until it is engrossed on the proper non-judicial stamp paper; till that is done the suit is pending”.

While reiterating the same, it was observed in BOARD OF REVENUE V. MOIDEEN (A.I.R. 1956 Madras 207) that:

” If the parties choose to take that risk and do not furnish the stamp papers, we do not think that the Court has power to draw up a decree on unstamped paper and sign it. That will mean that the Court is doing an obviously wrong thing. A Court is precluded from drawing up a final decree for partition on unstamped paper”.

The Judicial Officers shall follow the rule and see that final decree for partition is not prepared and signed by the Judge except where it is engrossed on Non-Judicial Stamps of sufficient value.

It was ruled in Smt.K.MAHALAXMAMMA, V.K.GANESEWAR RAO (AIR 1960 ANDHRA PRADESH 4) that:

“ It is the duty of the Court when passing final decree for partition to call upon the parties to furnish the requisite stamp paper for engrossing the decree on such paper”.

The High Court in its Circular Roc.No.60/74-B1, dated:14-5-76, gave instructions that where a final decree is passed on merits the Court may direct the parties to file Non-Judicial Stamps for the purpose of engrossing the final decree thereon". The Judicial Officers shall therefore, after passing final decree, call upon the parties to furnish Non-Judicial Stamps and post the matter to a date for the purpose.

In cases, where a partition suit is compromised and the decree to be passed is a final decree in itself, the Court, as instructed by the High Court in the Circular referred to earlier shall insist upon the production of Non-Judicial Stamps for purpose of engrossing the final decree before the compromise is recorded. If it is a suit instituted informa pauperis the Court may also require the parties to pay the Court fee payable on the plaint. It is only after the compliance with these two requirements that a final decree be passed in terms of the compromise".

Even in a suit other than a suit for partition, the parties may enter into a compromise and file a compromise petition into Court and the final order that the Court passes in terms of the compromise may be an instrument of partition within the meaning of Section 2(15) of the Indian Stamp Act, in that case it may have to be engrossed on Non-Judicial Stamps. The real test for determining the question whether a decree is an instrument of partition under Section 2(15) of the Indian Stamp Act, as laid down in Y.LAXMI PRASANNAM Vs. NARASAYYA (A.I.R.1975 ANDHRA PRADERSH 91) is "whether there was any property of which the parties were Co-owners and that property was being divided by the deed in severalty. It is not necessary to recite in the instrument itself that the parties were co-owners of the property, which was divided under the deed. In the absence of such a recital it is always open to the Court to find, on proper construction of the terms of the instrument, whether the parties purported to divide the property as co-owners. It would suffice if they purport to be co-owners of the property and divide or agree to divide it in severalty. Consistently the Madras High Court and this Court have taken the view that the parties to an instrument of partititon need not be co-owners in the eye of law and that it would suffice to bring the instrument within the definition of the instrument of partition under Section 2(15) of the Indian Stamp Act, if they purport or deal with the property in the document as co-owners.

Receipt of the Circular may be acknowledged.

Sd/-K.V.RAGHAVA RAO  
DISTRICT AND SESSIONS JUDGE

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.2960/E1/98.

Dated:3.7.1999

CIRCULAR

Sub: A.P. Wakf Tribunal – Transfer of cases filed under A.P. Wakf Act, 1995 in various Courts in the State to the A.P. Wakf Tribunal, Hyderabad – Certain Instructions-Issued.

Read: G.O.Ms.No.88, Minorities Welfare (Wakf-2) Department, dt.20.6.1997.

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Attention of all the District Judges in the State of Andhra Pradesh and the Chief Judge, City Civil Court, Hyderabad, is invited to the G.O. read above, as per which the State Government has been pleased to constitute the Andhra Pradesh Wakf Tribunal at Hyderabad, having jurisdiction over the whole of the State of Andhra Pradesh, with effect on and from 1<sup>st</sup> July, 1997.

The Suits or other proceedings involving determination of dispute or question relating to Wakf or Wakf property or other matters falling within the purview of the Wakf Tribunal cannot be entertained by the Civil Courts, when once the Wakf Tribunal is constituted. (Vide Sections 83 and 85 of the Wakf Act, 1955).

The High Court of Andhra Pradesh hereby directs all the Civil Courts in the State to return the Plaints/Petitions instituted on or after 1.7.1997, so as to enable the parties to present them before the A.P. Wakf Tribunal, Hyderabad, after giving notice to the Counsel and hear them if there is any dispute as regards the maintainability of the Suit and then take appropriate steps.

Receipt of the Circular may please be acknowledged.

Sd/- REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.4229/E1/2000

Dt. 18.10.2000

CIRCULAR

Sub: Constitution of Special Tribunals in each District under Sub-Section (1) of Section.49.C of the Indian Electricity Act, 1910 as amended by the Indian Electricity (Andhra Pradesh Amendment) Ordinance, 2000 – Transfer of cases under the said Act to the Special Tribunals – Instructions – Issued.

- Read: 1. Andhra Pradesh Ordinance no.8 of 2000  
2. G.O.Ms.No.85 Energy (PR.II) Dt:16.8.2000 published in the A.P.Gazette Part-I Extraordinary No.349.A, dated:16.8.2000.  
3. High Court's Letter Roc.no:4229/E1/2000, dated:15.2.2000.

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Attention of all the District and Sessions Judges and Metropolitan Sessions Judge, Hyderabad, is invited to the G.O.2<sup>nd</sup> read above, wherein the Government has issued a notification under Sub-Section (1) of Section 49.C of the Indian Electricity Act as amended by the Indian Electricity (Andhra Pradesh Amendment) Ordinance, 2000, specifying the Court of Addl. District and Sessions Judge in each district where there is only one Addl. District and Sessions Judge and the Court of I Addl. District and Sessions Judge in each district where there are more than one Addl. District and Sessions Courts and the Court of Chief Metropolitan Magistrate-cum-I Addl. Metropolitan Sessions Judge, Hyderabad as "Special Tribunal" to try the offences under the Indian Electricity Act, 1910 and determine the compensation to be awarded to the Electricity utility where the compensation to be awarded is up to the value of rupees five lakhs. The High Court has forwarded the said notification to all the District Judges in the State, the Metropolitan Sessions Judge and the Chief Metropolitan Magistrate, Hyderabad through the High Court's letter 3<sup>rd</sup> read above.

In this connection, the attention of all the District and Sessions Judges and Metropolitan Sessions Judge, Hyderabad, is invited to the Sub-Section (5) of Section 49.C of the Indian Electricity Act, 1910 as amended by the Indian Electricity (Andhra Pradesh Amendment) Ordinance, 2000 as per which any case pending before any Court or other authority immediately before the commencement of the Indian Electricity (Andhra Pradesh amendment) Ordinance, 2000, as would have been within the jurisdiction of a Special Tribunal shall stand transferred to the Special Tribunal, having jurisdiction as if the cause of action on which such suit or proceeding is based had arisen after such commencement.

Hence, all the District and Sessions Judges in the state and the Metropolitan Sessions Judge, Hyderabad, are hereby requested to take necessary steps for transfer of all pending cases under the Indian Electricity Act, 1910 from the files of the regular Courts to the file of the Special Tribunal constituted to try the offences under the said Act and determine the compensation to be awarded to the Electricity utility where the compensation to be awarded is upto the value of rupees five lakhs.

The receipt of the Circular may please be acknowledged.

Sd/- REGISTRAR GENERAL

HIGH COURT OF ANDHRA PRADESH :: HYDERABAD.

ROC.NO.1087/92-B.Spl.(SC)

Dt:15.2.1993.

CIRCULAR

Consequent on the introduction of A.P.C.S. (C.C.&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.7A)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.

Receipt of this circular may kindly be acknowledged.

Sd/-REGISTRAR(ADMN)

**HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD**

**ROC.No.2053/SO/92**

**DT:5-12-1997**

**CIRCULAR**

Sub: PUBLIC SERVICES – Regular Departmental Enquiries – Conduct of Regular Departmental Enquiries in accordance with A.P.Civil Services (Classification, Control and Appeal) Rules, 1991 – Certain instructions – ISSUED.

Ref: High Court's Circular ROC.No.1087/92-B.Spl.(SC), dated 15-2-1993.

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The High Court has issued certain instructions in the Circular read, directing all the Enquiry Officers to conduct the enquiries entrusted to them in accordance with the provisions of A.P.Civil Services (Classification, Control and Appeal) Rules, 1963, instead of A.P.Civil Services (Classification, Control and Appeal) Rules, 1991 till further directions are issued.

(N) Now the High Court after careful considerations, feels it necessary to extend the application of A.P.Civil Services (Classification, Control and Appeal) Rules, 1991 in super session of the circular read, to conduct the Regular Departmental Enquiries against the Judicial Officers and Judicial Employees under the control of High Court, in respect of the proceedings of Departmental Enquiries that would be initiated on or after 01-01-1998.

All the District & Sessions Judges and Presiding Officers in the State are, therefore, directed to conduct the Regular Departmental Enquiries against the Judicial Officers and Judicial Employees in accordance with the provisions of A.P.Civil Services (Classification, Control and Appeal) Rules, 1991.

The above instructions shall be strictly followed and the Unit Heads shall ensure circulation of this circular to all the Judicial officers under their control without fail and shall report compliance.

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SD/- S.CHANDRA RAO  
REGISTRAR (VIGILANCE)

HIGH COURT OF ANDHRA PRADESH;; AT HYDERABAD

ROC NO. 4315/93-D II (A)

Dt.19-08-1996

CIRCULAR

Sub:- VEHICLES - Statement showing the particulars of Quantum of fuel-used, mileage and the expenditure incurred-Reg.

Ref:- 1) High Court's Lr.Roc.No.4315/93-D II(A) dt.30.3.96.  
2) High Court's Lr. Roc.No.4315/93-D II(A) dt.5.8.1996.

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The attention of all the Unit Heads is invited to the High Court's references cited wherein the High Court while issuing certain guidelines on the maintenance of the vehicles has requested to send the statement showing the particulars as to the quantum of fuel used, the mileage and the expenditure incurred in respect of each vehicle under their control every month to the High Court.

They are requested to send the particulars to the High Court in the following proforma regularly:-

VEHICLE ATTACHED TO			BEARING NO.		
S.No.	Month.	Mileage K.M.	Fuel used Liters	Expenditure	Remarks

SD/- M.E.N.PATRUDU  
REGISTRAR (MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH :: AT HYDERABAD

ROC.NO.4054/95.B.SPL.

DATED;18.8.1995.

CIRCULAR

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 Court's 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 any 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 informal 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, and Khammam in particular and all other District Judges in general shall inform the High Court about the expenditure likely to be incurred by the of 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 on them, particularly at places like Tirupathi, Puttaparthi, Srisailam, 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 //

Sd/-M.E.N.PATHRUDU  
REGISTRAR (MANAGEMENT)

HIGH COURT OF ANDHRA PRADESH ::AT HYDERABAD.

ROC.NO.1909/98-B.Spl.

Dated 2.3.1998.

CIRCULAR

Ref: ROC.NO.4654/91-B.Spl.dt.8.10.1991

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Attention of all the District and Sessions Judges in the State is invited to the reference cited above (Copy enclosed for ready reference) and all the District Judges in the State are hereby instructed that whenever a Hon'ble Judge of the High Court has to participate in any official function in their District, they should first apprise the Hon'ble Chief Justice through the Registrar of the High Court in that regard and then only proceed further in the matter as per the instructions. Any deviation from the above instruction would be viewed seriously.

The receipt of the Circular may be acknowledged."

D/- C.Y. SOMAYAJULU  
REGISTRAR GENERAL

## HIGH COURT OF ANDHRA PRADESH:: AT HYDERABAD

ROC.NO.463/PROTOCOL/2001

DT.21.09.2001

CIRCULAR

Sub: A.P. High Court – Visit of Hon'ble the Chief Justice –  
Circular instructions – Reg.

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The following circular instructions are issued in regard to arranging official functions for Laying Foundation Stoners and inauguration of Court Buildings and residential quarters of Judicial Officers and other functions.

1. There shall not be any pomp and show at any of the functions. The function shall be simple, modest and dignified. Dignity and decorum shall be maintained at the functions in all respects.
2. Garlanding or presentation of bouquets to the dignitaries must be reduced to the barest minimum possible.
3. Decoration of Dais and the premises shall be avoided.
4. Throwing flower petals on the dignitaries or covering the pathway from the alighting point to the dais with flowers or petals shall be avoided.
5. Putting crown chairs or big cushion chairs has to be dispensed with. Simple Chairs are preferable.
6. The practice of Unit Heads or Judicial Officers personally visiting the Hon'ble Chief Justice at Hyderabad for finalisation of programme or distribution of invitation cards or handing over the photo albums or books etc., shall be discontinued. The draft programmes can be sent by fax to the Joint Registrar (Protocol) and the draft invitation cards or draft matters to be inscribed on the plaques can be sent by fax to the Registrar (Management).
7. Convoy of cars shall be limited to the cars of the Hon'ble the Chief Justice with one Protocol car besides the pilot and escort.
8. Lavishness at lunch, dinner including breakfast shall be avoided.
9. The expenditure on the functions shall be limited to the barest minimum possible.
10. Presentation of bouquets or garlanding the Hon'ble the Chief Justice at the Railways Stations or at the Airports shall be avoided. The Unit Head/Local Senior Officer and the Officer incharge of the Protocol and minimum staff members only may be present at the Railway Station or the Airport during the visits of the Hon'ble the Chief Justice.
11. Except the Unit Head and the Protocol Officer, other Judicial Officers need not accompany the Hon'ble the Chief Justice during the visit.

The above instructions shall be adhered to strictly. Any deviation will be viewed seriously.

Sd/- REGISTRAR GENERAL

