

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Friday 7th August, 2009

No. 284

HIGH COURT OF SIKKIM AT GANGTOK.

No. 17/HCS

Dated:1.08.2009

NOTIFICATION

In exercise of the powers vested under Article 235 of the Constitution of India and all other enabling powers in this behalf, the High Court of Sikkim makes the following rules for inspection of Subordinate Courts by the High Court.

- TITLE:** 1. These rules may be called "The Sikkim Inspection of Subordinate Courts Rules, 2009."
- COMMENCEMENT:** 2. These rules shall come into force with immediate effect.
- DEFINITION:** 3. In these rules, unless the context otherwise requires:-
- (i) 'High Court' means the High Court of Sikkim.
 - (ii) 'Chief Justice' means the Chief Justice of the High Court of Sikkim.
 - (iii) 'Inspecting Judge' means the Chief Justice and also includes a Judge so appointed by the Chief Justice, to inspect the Subordinate Courts.
 - (iv) 'Registrar General' means the Registrar General of the High Court and also includes the Registrar or any other Officer exercising functions delegated to him under these rules.
 - (v) 'Subordinate Court' means a Court subordinate to the High Court exercising Civil or Criminal jurisdiction.
 - (vi) 'District and Sessions Judge' means a District and Sessions Judge appointed under the Sikkim Superior Judicial Service Rules, 1980.
 - (vii) 'Presiding Officer' means the Judicial Officer presiding over a Subordinate Court.
 - (viii) 'Proforma' means proforma prescribed under these rules.
 - (ix) 'Prescribed' means prescribed by these rules.

INSPECTION:

- 4 (a) Ordinarily, every Subordinate Court shall be inspected by the High Court once in a year. However, surprise inspection(s) may be carried out at any time.
- (b) On the day of commencement of inspection, the cash-in-hand lying in the Subordinate Court shall be checked and verified in the first instance.
- (c) Inspection shall be conducted so as to cover all aspects specified in the proforma. In addition, it may include such aspects as specified by the Inspecting Judge in his discretion.

In order to form opinions and make observations regarding functioning of the Subordinate Courts on the judicial and administrative side and to ascertain problems, if any, the Inspecting Judge may visit the Courts and its office and meet the Presiding Officers, the staff, the Bar, the litigants and members of general public.

As far as practicable procedural defect(s), if any, noticed during inspection shall be pointed out and necessary guidelines or instructions to remove the same shall be issued then and there.

INSPECTION NOTES :

- 5 (a) The inspection party which shall comprise of such other Officers as may be selected by the Chief Justice or the Inspecting Judge, if so delegated with the functions, shall maintain notes of relevant points noticed during the inspection.
- (b) On completion of ground work for inspection, the inspection party shall prepare an inspection note in accordance with the proforma appended hereto, so as to include therein, all the points noticed during the inspection for perusal of the Inspecting Judge.

INSPECTION REPORT: 6:

The inspection report shall be placed before the Chief Justice for perusal and orders.

PROCEDURE FOR COMPLIANCE:

- 7 (a) On receipt of communication from the High Court, the Presiding Officer of the Subordinate Court which has been inspected, shall take appropriate steps for removal and rectification of the defects and deficiencies and for compliance of the guidelines and instructions issued thereunder,
- (b) The compliance report shall be submitted to the Registrar General within thirty days from the receipt of the communication from the High Court, and if the report pertains to a Subordinate Court other than the Court of a District & Sessions Judge, it shall be forwarded through the concerned District & Sessions Judge along with his para-wise comments thereupon,
- (c) On receipt of the compliance report and the comments under clause (b) of the rule, the Registrar General shall after scrutiny, cause the same to be placed before the Inspecting Judge for perusal and orders.

**RESIDUARY
POWERS:**

8. Nothing contained in these rules shall be deemed to affect the powers of the High Court to make such Orders from time to time as it may deem fit with regard to all matters incidental or ancillary to these rules not specifically provided for herein, or with regard to matters as have not been provided for, or not sufficiently provided for, or for removal of any difficulty which may arise in giving effect to any of the provisions of these rules.

BY ORDER.

**Sd/-
(MEENAKSHI M. RAI)
REGISTRAR GENERAL**

8. Whether any complaint(s) against the Presiding Officer or the staff member(s) have been received from the members of the Bar, or litigating public? If so, its nature & solution.
9. Whether proper accounts of Civil Deposits, Traveling Allowance & Diet Money, office expenses and other funds are being prepared and cash books properly maintained? Whether the accounts tally with the last balance?
10. Whether staff car and telephone in the office and residence of the Presiding Officer have been provided?

PART-II CIVIL

1. Whether the files and register(s) pertaining to Civil/Criminal Cases are maintained properly, and the entries made in the relevant columns of the register?.
2. Whether decree sheets are being prepared promptly and drawn in accordance with the rules?.
3. Whether the Presiding Officer shows interest in curbing unnecessary adjournments and follows the procedure with regard to restoration of cases dismissed in default?
4. Whether the old cases are being disposed of on priority basis?
5. Whether in case of non-appearance of parties in the pre-lunch sessions, such parties are called again in the post lunch sessions, before proceeding exparte?
6. Whether the procedure prescribed in the Code of Civil procedure is being adopted in case of suits by indigent person(s)?
7. Opinion on critical examination of two Civil and two Criminal judgments.

PART -III CRIMINAL

1. Whether fines imposed are being realized and deposited in the treasury on-the same day or next day?
2. What steps are being taken in case of defaults in payment of fine where no alternative punishment is awarded?
3. Whether the Presiding Officer has been vigilant in disposal of oldest criminal cases, disposal of bail applications and supply of copies of order(s) free of cost where-ever required by law?
4. Whether application(s) received from under trial prisoner(s) are being dealt with promptly?
5. Whether in case of non-appearance of accused/witnesses in pre-lunch sessions, such parties are called again in the afternoon before passing orders for coercive action ?
6. Whether witnesses are promptly examined or adjournments are granted without examining witnesses who are present?
7. Whether statements of complainants and their witnesses are reduced in writing in cases instituted on complaint? Are such cases referred to the police for investigation in a routine manner and the propriety of the order passed in such cases?
8. Any other material facts, discrepancy or complaint coming to the notice of the Hon'ble Judge during inspection.

PART-IV COPYING AGENCY

1. Whether the copies of judgments/orders are supplied as per the relevant rules?
2. Whether the applications for supply of copies are being attended to promptly and requisition issued through a movement register maintained for the purpose?

3. Whether the petitions/plaints/memos/ applications are properly stamped and the stamps are cancelled? The time taken in supply of copies.

PART- V NAZARAT

1. Whether the Nazir is an experienced hand and has deposited the security in the treasury?
2. Any other material fact, discrepancy etc, or complaint coming to the notice of the Hon'ble Judge, during inspection?

PART-VI CONSIGNMENT OF FILES

1. Whether there are racks, cupboards for safe keeping of the files/records and whether the spare accommodation provided for the purpose of record room are sufficient/spacious enough?
2. Whether the decided files are being consigned to the record room within time after duly entering details of the case in the relevant register? The problems of Record Keepers, if any.
3. Whether there are arrears of decided files for consignment? If so, reasons for the same and directions/suggestions thereon.
4. Whether requisitions received in Record Room are being attended to promptly?