

CHAPTER 1

SUPERINTENDENCE AND CONTROL

PART I—GENERAL

PART A—SUPERVISION AND CONTROL

In subsequent chapters, instructions are given on various matters connected with the supervision and control to be exercised by Judicial Officers generally over the ministerial establishments attached to their courts, and by controlling officers over subordinate Judicial officers. A few general directions on the subject are here given for observance.

Preamble.

2. Controlling courts are required to exercise an active and continuous supervision over subordinate courts in regard to all matters affecting the judicial administration and are not relieved of responsibility in regard to anything which may be found to be in an unsatisfactory state, unless they can show that they have done all that may reasonably be expected of them to have the directions of the High Court enforced and to prevent the occurrence of irregularities.

Supervision by controlling courts in executive matters.

3. In regard to judicial business District Magistrates and District Judges are not responsible merely for a proper distribution of work amongst the courts, and for the disposal of appeals, but are required to see that subordinate courts follow the prescribed procedure in all their proceedings and are not left without guidance in matters in which they may be found to be at fault or to be in want of instruction. The supervision to be exercised over inexperienced officers and officers in training should be specially vigilant and thorough, and their work should be watched with kindly interest, guidance being afforded them on all proper occasions.

Supervision by controlling courts in judicial work.

Appellate Courts should point out to lower Courts errors and irregularities.

4. It is very desirable that appellate courts should, apart from disposing of appeals judicially, bring to the notice of subordinate courts errors or irregularities in procedure which may be observed in the course of hearing appeals. Unnecessary adjournments; undue delay in disposing of cases; omission to hear cases on the days fixed; too harsh a use of the summary procedure allowed by law in cases in which defaults in attendance, or in producing evidence or the like, occur; failure to examine thoroughly the parties and to arrive at an intelligent appreciation of the points in dispute, and similar matters should always be brought to the notice of officers concerned in a note or memorandum separate from the judgment.

Presiding officer to acquaint himself with the Rules and Orders of High Court and to exercise supervision over the staff.

5. Every Judicial officer is required to make himself acquainted with the law which he has to administer, and with the Rules and Orders of the High Court, and also to supervise the work of the ministerial officers attached to his court.

6. Presiding Officers of Courts should observe regular Court hours; serious notice will be taken of habitual unpunctuality. The attention of District and Session Judges and District Magistrates is drawn to the necessity of seeing that the officers subordinate to them are punctual in attending courts and to paying surprise visits, where necessary, to satisfy themselves. Periodical reports will not be made and a reference to the High Court will only be required if a report about a particular officer is necessary.

Court hours for Honorary Magistrates.

7. Honorary Magistrates or Benches of Honorary Magistrates in Delhi shall hold Court during the hours prescribed by the District Magistrate, Delhi and which should ordinarily be within the hours fixed for the sittings of Stipendiary Magistrates. These hours shall not be changed without the previous sanction of the District Magistrate. A copy of the order of the District Magistrate fixing the Court hours shall be affixed to the notice board outside the Court house for the information of the public.