

PART G—POSITION OF ADDITIONAL DISTRICT AND
SESSIONS JUDGES

It has been brought to the notice of the Judges that some misunderstanding exists regarding the position of Additional Judges in relation to the District Judge of the district to which they are attached. To remove this misunderstanding, they consider it necessary to bring to the notice of Additional Judges and Additional Sessions Judges the exact position which they occupy both in administrative and in judicial matters.

2. In administrative matters, the position of the District Judge is defined in section 33 of the Punjab Courts Act, 1918. Subject to the general superintendence and control of the High Court, the District Judge is to have control over all civil courts under that part of the Act and within the local limits of his jurisdiction; and the court of an Additional Judge is included among such courts by the earlier section 18. It follows that for purposes of administrative control such as the grant of casual or other leave, appointment of ministerial staff and general discipline, the Additional Judge is subordinate to the District Judge; and that all correspondence with the High Court should ordinarily be addressed through the District Judge.

Additional judge is subordinate to District Judge in administrative matters.

3. In judicial matters, section 21 of the Act provides that an Additional Judge shall discharge any of the functions of a District Judge which the District Judge may assign to him; and by section 34 of the District Judge may distribute civil business among the courts under his control in such manner as he thinks fit. Once the functions of a District Judge have been assigned to an Additional Judge, the Additional Judge exercises, in the discharge of those functions, the same powers as the District Judge himself. It is only in respect of the functions actually assigned to him, however, that the Additional Judge enjoys these powers; and

District Judge may assign any of his judicial functions to the Additional Judge.

the functions so assigned will, as a general rule, be purely judicial functions.

Position of Additional Sessions Judge.

4. There is no similar statutory provision defining the administrative position of Additional Sessions Judges; but their position is analogous to that of Additional Civil Judges and they should be regarded as under the general control of the Sessions Judge. Under Sections 193, 409 and 438 of the Code of Criminal Procedure, the Sessions Judge is empowered to make over cases to them for trial or hearing.

Additional Judge to be acquainted with the orders passed by the District Judge.

5. All officers who may be posted from time to time as Additional Judges or as Additional Sessions Judges may be made acquainted with these orders by their District and Sessions Judges.