

COURT WORK

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Courts: Kinds

- Criminal (Judicial courts)
- Civil (Judicial courts & Quasi-judicial e.g. 52A IFA: Authorised Officer)
- Revenue (e.g.unauthorised occupation cases under Public Premises Act)
 - Quasi-judicial
 - Summary trial
 - Justice should not only be done but also seem to be done

Courts

- Principles of Natural Justice
 - Nobody should be judge in his own case
 - Hear other side, reasonable opportunity
- Law of limitation
- Law of necessity
- Doctrine of Bias (Personal, Pecuniary, Official)
- Indian Evidence Act, 1876
- General Clauses Act
- Stamp Act
- Prevention of corruption Act
- Land acquisition Act
- State Police Rules

AUTHORISED OFFICER

Indian Forest Act, 1927
(Amended Sections 52-59)

Presiding Officer: Do's

- Exemplary, Impartial-fair, Calm-polite-firm, courteous, approach-skill, Keen to do justice-Attentive & Alert
- Knowledge of Act, CPC, CrPC, IEA, Land Revenue Act, Land revenue manual, standing orders, Appellate court orders: Competence
- Separate court room: Decorum & Isolation from routine works; seating arrangements for PW, DW, DC; No cells, smoking, cross-talk, No tel calls for PO
- Reliability of court clerk (no decisions)
- Court Hours (fixed days & timings; punctuality; regularity)
- Dress code (PO, DC & PW)
- Equal treatment to all DC (senior or junior)

Presiding Officer: Do's

- Case congestion; first come first serve; speedy trial but no undue haste
 - Take oldest cases first & dispose or
 - Take all cases and repeat in turns
 - Optimum no. of cases per day or adjourn
 - No. of disposals should exceed institutions per month
 - Next dates & no. of cases
- PO unable to conduct: inform the bar association; next date by clerk; proper hearing
- Local language working knowledge (oral testimony, documentary evidence)

Court work : stages

- Pre-trial
 - Ministerial staff (Reader);
 - prelim scrutiny of plaint/petition/report; for initiation of proceedings. Note date of presentation.
 - In proper form: challan, name of court
 - Name, description & place of residence of plaintiff & defendant/s (address for service)- no misjoinder of parties
 - Duly signed and verified with date
 - Documents attached & lists in prescribed form
 - Facts constituting the cause of action

Court work : stages

- Pre-trial contd..
 - Relief sought
 - court/stamp fee, punching, deficiencies –personal responsibility
 - within prescribed time limit (when cause of action arose)
 - courts jurisdiction
 - Trial/case register entry
 - Transfer of cases from other courts
 - Case no., Title, under Act & Section, Date, Brief facts
 - Final decision of admissibility with PO (of the opinion)

Court work : stages

- Trial
 - Index with page no.
 - Show Cause Notice (Date of cause, complete address, metres & bounds-schedule, reasons-grounds): due service is mandatory requirement. All material facts to be stated but not the evidence by which they are to be proved. Personal (person or persons) or as per CPC.
 - Response by Party in person or Power of Attorney (DC) by recognized agent or qualified legal practitioner
 - Reply (by respondent/s, point wise to the plaint/petition/report), written statement of defense along with documents in possession or not in possession. All admissions & denials of facts should be specific-precise and not evasive-ambiguous.
 - Rejoinder (by prosecution/plaintiff, point wise to the reply)
—do—
 - A copy of Reply and Rejoinder circulated vice versa.

Court work : stages

- Trial contd...
 - Framing of issues (speaking order with reasons, Points of determination based on plaint, reply and rejoinder. Material propositions of law & facts which are in controversy between parties. Fix burden of proof. Follow IEA) If required fresh reply and rejoinder be got filed.
 - Admission of additional document at a later stage- with caution & reasons
 - PW & Documentary (lead evidence on issues for prosecution)
 - DW & Documentary (lead evidence on issues for defence)
 - Arguments (written or verbal) – no fresh grounds other than those in plaint-reply-rejoinder.
 - Decision

Court work : stages

- Adjourment not without sufficient & compelling ground is made- due application of mind
- Witness in attendance must be examined; sufficient opportunity for cross-examination, re-examination if necessary and examination by court
- Statement of witness- narrative or Que-Ans (IEA)
- Contempt to be dealt firmly
- Ordersheet to be written by PO himself
 - Date
 - Called for
 - Parties present
 - Document admitted or rejected in evidence & marked as exhibit
 - Proceedings
 - Who asked for adjournment & why
 - Next date of hearing & purpose
 - Signature and seal

Court work : stages

- Documents filed be recorded on order sheet.
- Document admitted or rejected in evidence & marked as exhibit (P-1,2,3 or D-1,2,3)
- Summons (reason, date): through collectors if outside jurisdiction/ Registered post
- Maintenance of court diary
- Cause list is duly maintained and published timely
- Dates of hearing are fixed by PO himself
- Afford reasonable opportunity to all parties of being heard.
- Cases are brought to trail as per age
- Orders involving judicial determination are recorded by PO himself, no delegation

Court work : stages

- Post-trial

- Decision on merit on each issue
- On the same date as fixed
- No long dates for decisions
- Not on the back of the respondent
- Final order to be mandatorily communicated to all; copying, register
- Operative part of judgement to be pronounced in open court in local language
- Speaking one, points of determination, appreciation of evidence, arguments advanced by parties, reasons for not agreeing a contention
- Records of decided cases be consigned to the Record room after expiry of prescribed period

Court work: Final order

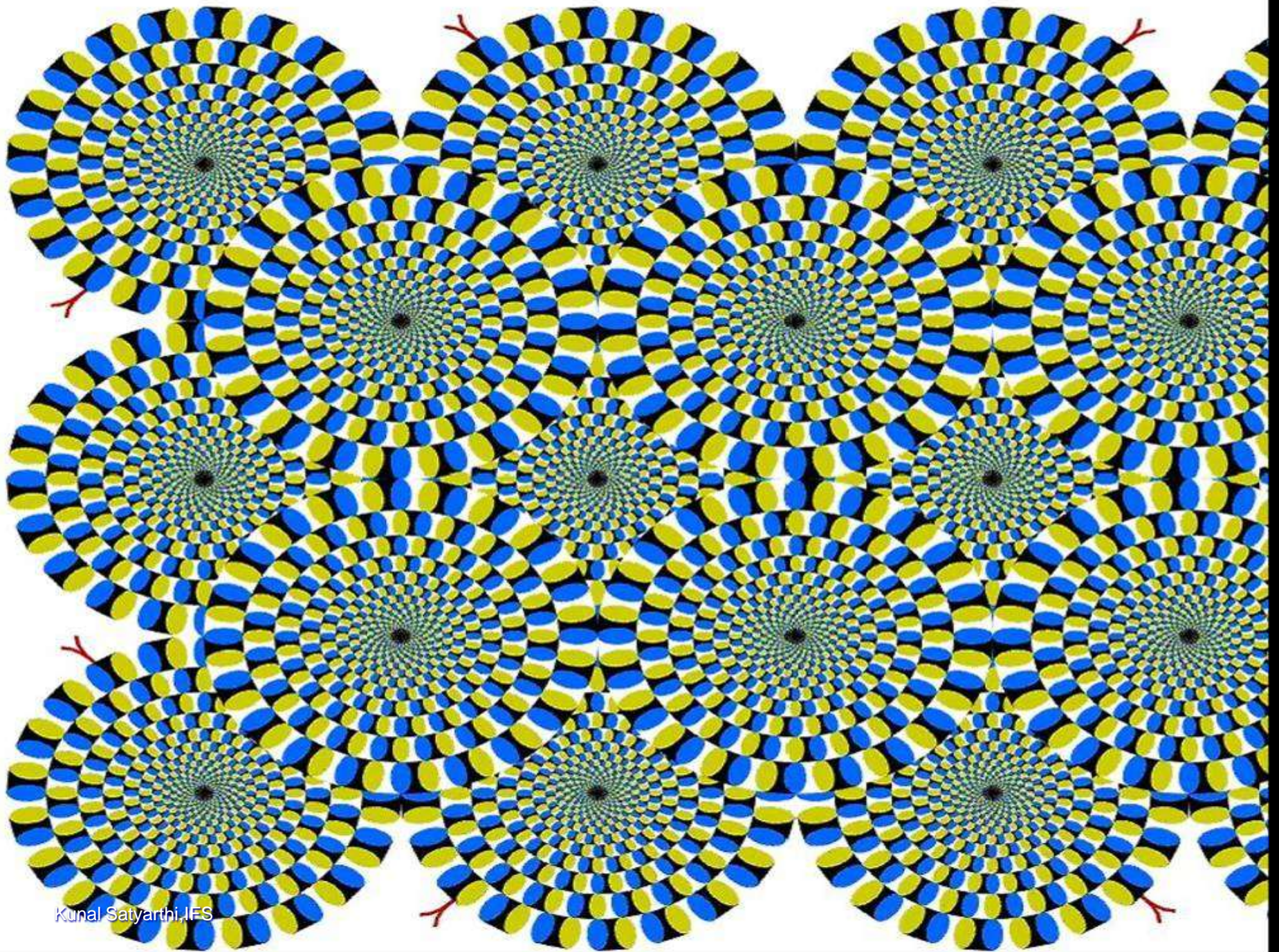
- Name of the court, Name of PO, u/s, case no., Title of case
- Date of institution, Date of Decision
- Cause of initiation
- Brief facts, Show cause notice, Service of summons, Hearings & Evidence
- Points of determination/ Issues, Findings
- Detailed, Well-reasoned, Speaking order based on facts & evidence during proceedings; not cryptic and based on conjectures & surmises.
- Final order

Court work: Essentials

- Stamps & seals
- Summons are served and the service returns submitted to the court by the date fixed for the purpose
- Register of dates of hearing
- All cases listed for hearing on a particular day are actually taken up for hearing
- Witnesses in attendance should be examined (Medical/ Prisoners)
- TA & other allowances to witnesses without any delay, as per rules
- PW's given attendance roll
- Court to note when each party has closed his/her case. No more witness/evidence to produce

Court work: Essentials

- Copies of documents applied for are supplied promptly to entitled parties
- All receipts in form of cash money entered in prescribed register & deposited into govt treasury, promptly.
- Money paid in pursuance to a court order is recvd by duly authorized officer & valid receipt is given
- No harassment of litigants/witnesses by court staff
- Funds for labour for effecting orders
- Ex-post facto proceedings (after due service of summons)



COLLECTOR

Public Premises Act, 1971

PPA essentials

- Summary trail
- Public premises (Forest land)
- Jurisdiction: RF, DPF, UPF, UF, wastelands- if no entry in definition & revenue records draw strength from notifications
- Forest record (CHF, survey maps, RF/DPF maps, UPF sketch maps, WP BP register & bound checked)
- Revenue record (Parcha tatima, Nakal mussavi/Jamabandi, demarcation report with map)-presumption of truth
- Initiation of challan by Range Officer

PPA essentials

- Demarcation of disputed land in presence of respondent or opportunity
- Demarcation from 3 fixed BP's (private or public premise)
- Collector, _ft div proper; not DFO or collector-cum-DFO: Cannot be a judge in his own case
- Challaning should be under sections of PPA, not under Sec 33(a) IFA; lack of jurisdiction
- Prosecutor i.e. Range Officer has to record statements of PW's and produce evidence to substantiate framed issues in favour of state.
- Use of word Respondent rather than accused (not a criminal case)
- Applicants presence mandatory at hearings
- No orders on the back of the respondent without recorded valid reasons

PPA essentials

- Demarcation report by competent authority (essential document for proving factum of unauthorised occupation): should be brought on record by Prosecution & mentioned in the decision.
- Prevention of Specific Corrupt Practices Act: stringent provisions, Cognizance by court when complaint is made in writing, police debarred from taking cognizance
- Chapter –III; offences connected with the preservation of forests & wildlife: Sec-30 links the forest officers for punishment for failure (omission) to detect & report encroachment

START

HUMANITY

सूरज को "दिया" दिखा रहे हैं लोग,
समुंदर को पानी पिला रहे हैं लोग,
शुक्र है ऐ रब! तु जुदा है उनसे,
यहाँ खुद को "खुदा" बता रहे हैं लोग.
"आनंद"