

MODULE OF TRAINING FOR THE MINISTERIAL STAFF
ATTACHED TO COURTS

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PROCESS-SERVING ESTABLISHMENT

Educating the process servers for proper & effective service of summons

NEED FOR CONSTANT VIGIL AND SURVEILLANCE OVER THE WORKING OF THE PROCESS SERVING ESTABLISHMENT

Questions are raised time and again regarding the working of the Process Serving Establishment. Complaints are received that the process servers/bailiffs, despite having adequate time, do not put in the desired effort for service of summons/execution of warrants due to sheer lethargy, lack of knowledge of the procedure and connivance with the opposite party. This causes delay in the disposal of cases. It would not be an exaggeration to say that almost 60% delay in the disposal of cases occurs due to delay in service of opposite parties and witnesses. Constant vigil and surveillance over the working of the Process Serving Agencies is, therefore, indispensable at all the times. Hon'ble Supreme Court also emphasized this need in *Salem Advocate Bar Assn. (II) v. Union of India*, (2005) 6 SCC 344 as under:-

“ 28. While considering the submissions of learned counsel, it has to be borne in mind that the problem in respect of service of summons has been one of the major causes of delay in the due progress of the case. It is common knowledge that defendants have been avoiding to accept summons. There have been serious problems in process serving agencies in various courts. “

CONTROLLING OFFICERS

1. **Under Rule 3 of Part A, Chapter 6 of High Court Rules and Orders, Volume 4, Civil Judge (SD) at the Distt. HQ and Addl. Civil Judge (SD) at the Sub Divisional HQ is the Controlling authority of and responsible for efficiency of the Process Serving Establishment** except that of the Distt. Judge and the Judge, Small Cause Court.

MINISTERIAL HEAD

2. Under Rule 4 *ibid*, **Civil Nazir/Naib Nazir is the ministerial head of the Process Serving Establishment under the control of Civil Judge (SD) and Addl. Civil Judge (SD), as the case may be.** His main duty is to maintain the efficiency of the process serving establishment and for this purposes he is required to submit reports and make suggestions from time to time to the Civil Judge (SD) or the Addl. Civil Judge (SD).
3. Apart from the Civil Nazir/ Naib Nazir at the head, process serving agency consists of some bailiffs and process servers.
4. Bailiffs and Process Servers have to wear belts and badges as required by Rule 8 of Chapter VIA of the High Court Rules and Orders.

PROVISIONS

General provisions regarding service of summons in civil cases are contained in Sections 27, 28, 29 and 143 and Order V Rules 9 to 30, Order XXVII, Rule 4, Order XXIX, Rule 2, Order XLVIII, Rules 1, 2 & 3, Order III, Rules 3, 5 & 6, Order XXVIII, Rule 3, Order XXX, Rule 3, Order XLI, Rule 14 of the Code of Civil Procedure, 1908 and Chapter 7 of Volume IV of the High Court Rules and Orders. Provision for service of summons on witnesses has been made in Order XVI, Rule 8 of the Code of Civil Procedure, 1908 and in High Court Rules and Orders, Volume I, Chapter 5 and is the same as in the case of defendants. As per Order XLVIII, Rule 2 CPC, all orders and notices issued under the Code are to be served in the manner provided for the service of summons.

Rule 1 Part A of Chapter 7 High Court Rules and Orders, Volume IV stipulates that the provisions regarding the service of summons on the parties, contained in sections 27, 28, 29 and 143, Order V, Rules 9 to 30, Order XXVII, Rule 4, Order XXIX, Rule 2, Order XLVIII, Rules 1, 2 and 3, Order III, Rules 3,5 and 6, Order XXVIII, Rules 3, Order XXX, Rule 3, and Order XLI, Rule 14 of the Civil Procedure Code as amended by the High Court **should be strictly observed**, as neglect of them may often render the service ineffectual, especially when personal service cannot be made.

Rules regarding service in particular cases are contained in Rule 2 of Part A of Chapter 7 High Court Rules and Orders, Volume IV.

The prescribed forms for the service of processes by process servers are contained in Appendix B to Schedule I of the CPC and Part A-I of the High Court Rules and Orders, Volume VI.

TYPES OF PROCESSES

5. i) Summons to defendants/respondents/accused(in criminal complaints.)
- ii) Summons to the witnesses.
- iii) Warrants of arrest of witnesses in civil cases.
- iv) Warrants of attachment of moveable/immoveable property and salary etc.
- v) Warrants of delivery of moveable/immoveable property in execution proceedings.

REGISTERS

6. High Court Rules and Orders, Volume 6, Part A-IV provides different registers to be maintained regarding service of processes as under:-

1. REGISTER No. XXII – REGISTER OF WARRANTS EXECUTED BY BAILIFFS

MONTH	WARRANTS OF ARREST	WARRANTS OF ATTACHMENT	WARRANTS OF SALE	REMARKS
	Served unserved	Executed Non-executed	Executed Non-executed	

2. **Register No.XXIII** is the Register of Processes served by Process Servers. This register contains the following columns:-

Month	Number of processes entrusted for service	Number of processes served according to law and returned within time	Number of processes served personally	Percentage of personal service	REMARKS

3. **Register No.XXIX** is the Register of Diaries of Process Servers. This register contains the following columns:-

1	2	3	4	5	6	7	8
Serial No	TO BE FILLED AT THE TIME OF DEPARTURE						Date on which the process server visited the village
	Date of Departure	The number of processes to be served in each village or area	The name of the village or area in which to be served	The serial No. of register No.6 in Ch.8-D, H.C.R.O.Vo I,II, at which entered	Date fixed for service of processes in the village	Date of return fixed by the Nazir	

9	10	11	12	13	14	15	16
TO BE FILLED AT THE VILLAGE VISITED							
Traveller	Distance	Number of	Man	The number	Signature or thumb-	Signature of	REMARKS

from which village to which village	travell ed	proces ses served and time of service , i.e., mornin g or evenin g etc.	of servi ce	of process es unserve d	impression of the Lambardar or Chowkidar or any other respectable person of the village	Nazir	

Notes:

- (1) Process servers might effect personal service on a date other than the date mentioned in column 6 but before the date fixed for the return of the process. They must however record reasons for doing so in the remarks column.
- (2) Processes received back unserved should be entrusted for service again and again if the date of hearing fixed in the case admits of it.

AFFIDAVITS OF PROCESS SERVER

7. Affidavit of Process server, Form Nos.6 and 7 – see separate pages.

APPENDIX I

Affidavit of Process server to accompany Return of a Summons or Notice

(O.5, R. 18).

(Title)

The Affidavit of _____ son of _____

I ----- make oath/affirm and say as follows :-

- (1) I am a process server of this Court.
- (2) On the _____ day of _____ 20 I received a summons/notice ----- issued by the Court of _____ in Suit No.----- of 20 , in the said Court, dated the-----day of 20 _____ for service on-----
- (3) The said----- was at the time personally known to me and I served summons/notice on him/her the said ----- on the----- day of 20 at about _____ o'clock on the----- noon at----- by tendering a copy

thereof to him/her his summons ----- and requiring his/her signature to the original summons/notice

(a) (b)

(a) Here state whether the persons served signed or refused to sign the process and in whose presence.

(b) Signature of process server. Or

(3) The said----- not being personally known to me accompanied me to----- and pointed out to me a person whom he stated to be the said----- and I served the summons/notice upon him/her on the day of----- 20 notice her at about----- o'clock in the----- noon at----- by tendering a copy thereof to him/her ----- and requiring his/her signature to the original summons/notice.

(a) (b)

(a) Here state whether the person served signed or refused to sign the process and in whose presence.

(b) Signature of process server. or

(3) The said----- and his house in which he ordinarily resides being personally known to me/pointed out to me by ----- I went to said house in----- and there on the----- day of 20_____at o'clock in the fore/ afternoon I did not find the said_____ I enquired from neighbours (a) -----and (b)----- I was told that----- had gone to----- and would not be back till -----

Signature of process server,

or

If substituted service has been ordered, state fully and exactly the manner in which the summons was served with special reference to the terms of order for substituted service.

Sworn/ Affirmed by the said before me----- this----- day of 20.

Empowered under section 139 of the Code of Civil Procedure to administer the oath to deponents

8. Affidavit of the PS regarding service or refusal should mention the names of the persons/witnesses present at the time of service/refusal. In case of personal service, signatures/thumb marks of the defendant/witness should be obtained in token of receipt of the summons (under Rule 16). If

he is personally known to the PS, this fact should be noted in the report of the PS. If he has been identified by some person of the locality or Lambardar/Patwari/school teacher or any other prominent person, the signatures/thumb mark of the identifier should be obtained on the report of the PS in token of identification. Under HC Rules & Orders, Vol. 4, Chapter 7, Rule 1, Lambardar of the village is duty bound to assist the PS in service of processes and, therefore, PS should be directed to associate the concerned Lambardar while effecting service. **In the case of service of notice of sale, it is mandatory for the PS to associate the Lambardar and get his report attested from him as also from the village Patwari or the school master, wherever possible as per Rule 2 ibid.**

DIFFERENT MODES OF SERVICE

9. Under Order V, different modes of service of summons have been provided. The role of the process server is restricted to the modes of:-

- (i) Service on the defendant in person or through authorized agent empowered to accept service under Rule 12;
- (ii) Service through Manager or agent, who at the time of service, personally carries on the business or work of the defendant under Rule 13;
- (iii) Service on agent in charge in suits for immovable property under Rule 14;
- (iv) Service on adult male or female member of the family where the defendant is absent from his residence (and not

from his business), where service is sought to be effected at his residence and there is no likelihood of his being found at the residence within a reasonable time. (**Reasonable time depends on the particular facts of the case. All possible inquiries should be made to find out as to when he is likely to return to his residence and in the process server's affidavit, facts must be stated to show what enquiries were made and whether it was found reasonable under the circumstances to assume that the defendant could not be found at his residence within reasonable time**). A servant is not a member of the family, under Rule 15;

- (v) Service by affixation on a conspicuous part of his ordinary residence or ordinary place of residence is permissible **under Rule 17, where** the defendant, his agent or adult member of the family refuses to sign acknowledgement, or where the defendant is absent from his residence and there is no likelihood of his being found at his residence within a reasonable time and there is no agent empowered to accept service on his behalf. The report of the PS in this regard should be supported by his affidavit.

HOW TO CONDUCT EFFECTIVE & PROPER SERVICE AND TO AVOID DELAY AT THE SERVICE STAGE

9. Chapter 7B to 7F of Volume IV OF High Court Rules and Orders contain detailed instructions regarding serving of processes. These must be kept in view while giving training to the concerned members of the Process Serving Agency. Rules contained in Order V of the CPC should also be kept in view. The gist of these instructions is as under:

- a) Attempt should be made primarily to effect personal service and failing that on an agent / member of the family. Repeated visits should be made by the process servers for effecting service, if there is sufficient time for the date of hearing;
- b) The process server should obtain attestation of witnesses on his reports of various attempts of service;
- c) Service by affixation should not be done in a routine manner but only after repeated attempts at personal service have failed. As per Order 5 Rule 10 of the CPC summons by registered post can be ordered. Under Rule 20A of Order 5 of the CPC service by registered post can be resorted to after the process has been received back unserved for any reason whatsoever.
- d) Service by publication of the notice in the newspaper should be effected as a last resort and not in the ordinary course and that too in local newspaper where the defendant resides or carries business and also by keeping in mind that the defendant is literate and is expected to read newspapers daily. This should be got done in a newspaper approved by the High Court and normally in a vernacular paper having circulation in the area.
- e) As per the Rules contained in Chapter 7-G of Volume IV of the High Court Rules and Orders, it is the duty of the Lambardars to assist the Process Servers in serving processes in Civil and Criminal cases. In case any Lambardar fails in this duty, the Judges should bring the matter to the Collector who is the controlling authority of the Lambardars and if still there is no improvement, the matter, through proper channel, can be brought to the notice of the High Court for further action.
- f) To check false reports being made by the Process Servers, his report on the summons should be got attested from the village Lambardar and village Patwari and the school master, if possible.

10. DUTIES OF CIVIL NAZIR/ NAIB NAZIR, BAILIFFS AND PROCESS SERVERS:

- A. **Civil Nazir: He** is required to perform the following duties:
- (i) Maintain civil deposit and repayment accounts;
 - (ii) Manage the business of execution of decrees;
 - (iii) Distribute the business amongst the process servers; Obtain signatures of the process server in the receipt register; ensure that the PS enters the process in Register No.XXIII; **keep a rubber stamp on which three columns should exist, i.e. name of the process server, date of entrustment and date of return (to be within 7 days)**; ensure that the process is returned by the aforesaid date; report default to the Officer-in-charge of the process serving agency for suitable disciplinary action against the PS; to check and sign diary of the PS in Form No.XXIX to ensure that it is properly maintained.
 - (iv) Send processes to other agencies located at tehsils for service;
 - (v) Send processes meant for service outside the jurisdiction of the Sessions Division;
 - (vi) Manage accounts and correspondence regarding payment of diet money to the witnesses etc.
 - (vi) Examine Register No.XXIII (Processes served by each Peon), and note whether the distribution of work is fair. Are any of the process-servers employed on other than their legitimate duties? (Page 392 Chapter 2-B of Punjab High Court Rules and orders Vol. 4).
 - (vii) To check that the process:-
 - a) bears the name of the issuing Court;
 - b) bears the name and address of the defendant/opposite party/witness upon whom the process is to be served;
 - c) bears the stamp and signatures of the court/authorized official of the court;
 - d) is accompanied by the copy of the plaint/complaint and other documents mentioned in the process;

- e) Warrant of possession contains full description of the property in dispute and copy of the site plan of the property is attached with it.

The Nazir/Naib Nazir should return the incomplete/deficient process to the Court concerned and get it rectified. For entrustment of a defective process to the Bailiff/process server, Nazir/Naib Nazir is responsible and liable for disciplinary action.

- B. **Bailiff: Duty** of the bailiff is ordinarily to execute the warrants of attachment, arrest and delivery of possession etc. However this duty can also be entrusted to the process servers with the permission of officer-in-charge of the Process Serving Agency. Rules regarding exaction of warrants of sale by the process servers are contained in Rule 24 (iv) of Chapter 12 –L, Volume I of the High Court Rules and Orders.
- C. **Process Server:** Under Rule 4 of Chapter VIB of Volume IV of the High Court Rules and Orders the main work of the process servers is to serve and execute the processes. However, they can be required to perform any other public duty assigned to them by their controlling officer.

SURVEILLANCE OF PROCESS SERVERS

11. **Diaries of** process servers should be regularly checked and action should be taken against them if they are negligent in giving the prescribed percentage of personal service. Other relevant registers should also be regularly and thoroughly checked.

12. **Return** of processes by the process server in time should be closely monitored and action against the delinquent taken as per rules.

13. **Service** should be effected within a reasonable time prior to the date fixed. Service effected one day prior to date fixed would mean it has

been effected mechanically by sitting in the office, either through telephone/SMS or through some other messenger.

14. It is being observed that while effecting service through phone/SMS/other messenger, copies of the plaint and relevant documents are not supplied to the defendant/respondent **and** if the defendant/respondent refuses to accept service without documents, he is threatened that adverse report shall be made against him.

RULES REGARDING APPOINTMENT OF PROCESS SERVERS

15. As per Rule 2 of Chapter VIA of volume IV of the High Court Rules and Orders, process serving establishments are appointed and dealt with in accordance with the Rules given in Chapter 18A of Volume I of the said Rules and Orders. Different set of appointment rules for Punjab, Haryana and UT Process Serving Establishment known as (i) (a) The Punjab Subordinate Courts Establishment (Recruitment and General Condition of Service) Rules 1997; (b) The Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Group 'D' Service Rules, 2012; (iii) Haryana Subordinate Courts Establishment (Recruitment and General Condition of Service) Rules, 1997 and (iii) Chandigarh Union Territory Subordinate Courts Establishment (Recruitment and General Condition of Service) Rules, 1997, have been framed.

RULES REGARDING WORKING STRENGTH OF PROCESS SERVING AGENCY

17. Rules regarding the working strength of a Process Serving Agency have been made by the High Court with the approval of the Punjab Government under the powers conferred by Section 22 of the Court Fees Act, 1870 and are contained in Chapter VI-C of Volume IV.

SCALE OF PROCESS FEE

18. The scale of process fee is detailed in Chapter 5 of High Court Rules and Orders Volume IV and is amended from time to time.

19. **COST OF POSTAGE AND REGISTRATION ON PROCESSES FORWARDED BY POST, HOW TO BE DEFRAIDED**

Rules regarding cost of postage and registration on processes forwarded by post are contained in Chapter 7-H of the High Court Rules and Orders, Volume IV.

These rules are now being amended and Final Draft Rules have been framed. The amended Rules are now contained in Chapter VI of Volume IV. As per Rule 5 of Chapter VI of Volume IV, process fee for the service of processes including summons, notices or other process shall be levied at the rate of 50/- in each civil/criminal/revenue case at the time of institution. **This fee will not include the charges for registered post cover or substituted service by beat of drum or publication in a newspaper, which charges shall be paid in addition to the process fee.** In appropriate case, the Court may also ask for additional fee to the extent of `25/- for

any miscellaneous application filed during the pendency of the case.

20. POLICE ASSISTANCE FOR EXECUTION OF WARRANTS ETC. IN EXECUTION CASES

Following is the procedure, as contained in Chapter 7-J of the High Court Rules and Orders, Volume IV, for rendering police assistance to the Civil Courts in the execution of warrants of arrest and distress or of warrants for the delivery of possession of immovable property:

‘The Civil Judge may seek police assistance through the District Judge or Civil Judge (Senior Division), whosoever is available at the station, from the Commissioner of Police/Superintendent of Police in execution of the decree, on being satisfied that the resistance or obstruction was occasioned without any just cause by the judgment-debtor or by some other person at his instigation or on his behalf, or by any transferee, where such transfer was made during the pendency of the suit or execution proceedings.’

21. PLAINTIFF MAY BE REQUIRED TO FILE SUMMONS FOR THE SERVICE OF THE DEFENDANT

As per sub rule I-A inserted by amendment by the Punjab and Haryana High Court to Rule 9 of Order VII of the CPC, the plaintiff is required, within the time to be fixed by the Court, to file summons in the prescribed form in duplicate, after duly filling in the same, for each of the

defendants and pay the requisite fee for the service thereof on the defendants. Punjab (26.02.1982), Haryana (16.02.1982) and Chandigarh (01.04.1982).

22. PROCESSES IN CRIMINAL CASES

Rules regarding issue and service of summons are contained in Chapter 8 of the High Court Rules and Orders, Volume IV. **Summons in cases not cognizable by the Police are to be got served through the civil process serving agency attached to the courts.**

Rule 6 Chapter 8-A of the High Court Rules and Orders, Volume IV contains detailed instructions of the manner in which (i) Govt. servants generally, (ii) Bodies corporate, (iii) Soldiers in Military employ, (iv) Railway officials, (v) Police officers, (vi) Medical officers and some others, are to be served. These instructions need to be brought to the notice of the concerned Ahlmads and process servers/serving officers of the police for their guidance and strict observance.

Chapter 8-B of the High Court Rules and Orders, Volume IV contains detailed Rules and instructions regarding preparation and issue of warrants of arrest and other processes, which need to be brought to the pointed notice of the concerned Ahlmads and process servers/serving officers of the police for their guidance and strict observance.

Chapter 8-C of the High Court Rules and Orders, Volume IV contains the rules regarding attendance as witnesses and evidence of persons residing beyond the limits of India. Briefly stated these rules say

that issuance of warrants of arrest against witnesses and persons residing outside India is illegal.

As regards the form and contents of warrants generally, rules in Chapter 8C say that the warrant should be in the relevant form of the second schedule of the Cr.P.C. It should contain the name, location and the District of the court and other particulars of the case and the offences involved in the case. The warrant should also contain the name, father's name, nationality and residence of the person to be arrested. It should also contain the name and legible signatures of the presiding officer and should bear the seal of the court. The officer/person who is to execute the warrant must be specified on it. The next date in the case and the date by which the warrant is to be returned, must be specified. Long date should not be given for return/execution of the warrant. The warrant should be duly entered in the relevant register of warrants maintained in the court. When a warrant is cancelled, this fact should be recorded in the court file and the said register and the copy of the order should be sent to the officer/person to whom the warrant was sent for execution with the direction to return it unexecuted.

Appendix to Chapter 8C contains the list of Northern Railway Officers to whom summons is to be sent for service upon the staff employed under them.

23. FINANCIAL AND ACCOUNTING DUTIES

SHERIFF'S PETTY ACCOUNT

Rules regarding Sherrifs' Petty Account are contained in Chapter 8-D of High Court Rules and Orders Volume 2.

At district headquarters, the Sheriff's Petty Account is maintained in the court of Civil Judge (Senior Division) and at Tehsil Headquarters, by the Additional Civil Judge (Senior Division). In this account the sums deposited by parties, as the expenses of **witnesses**, fees of **expert witnesses** and **commission fee** in civil, criminal and revenue cases and deposit of **charges of news papers** in cases of substituted services, sum deposited for immediate disbursement as costs in partition cases(revenue), sums deposited as costs in connection with application for Probate, Letter of Administration and Successions Certificate, other than the cost of stamps deposited by applicants under Acts XXXIX of 1925 and all petty items received for immediate disbursement in full except when they are deposited in courts following the cash system for Civil Court Deposits are received.

The following registers are maintained/used in Sheriff's Petty Account:

1. Register of receipts (Register A)
2. Register of Disbursement (Register B)
3. Cash book (Register C)
4. Treasury pass book.
5. Receipt form
6. Register of process including warrants etc., received from other Tehsils or Districts with or without diet money
7. Note book of process server.

8. Payment order form.
9. Challan form
10. Check Form
11. Form 29 Civil Code Vol. 1.
12. Form 30 Civil Account Code Vol. 1.
13. Stock book of forms of Receipt Books/cheque books.
14. Intermediate register of money orders etc.

(The proforma of the registers are given in the end of Part D, Chapter 8, Volume II High Court Rules and Orders).

Whenever a party makes an application for deposit of the amounts stated above, the Reader of the Court is to enter the case No. and date of institution on the application and court shall pass order for depositing the amount. Then this application along with money shall be produced to the Civil Nazir or Naib Nazir who is dealing with the Sheriff Petty Account.

REGISTER OF RECEIPTS – Register A

After receiving the amount shall make entry in the Register of Receipts and shall issue receipt in form No.5. The concerned Nazir shall send the application to the Ahlmad of the court concerned. The progressive totals of daily receipt should be made beneath the daily total and continued till the end of the month.

REGISTER OF DISBURSEMENTS – Register B

From the monthly progressive total, the total payment as per the “Register of Disbursements” is to be deducted to arrive at the net balances at the end of each month, which should be carried forward from month to month to work out the progressive net balance at the end of the year. This balance should agree with the total of balances appearing in the treasury and cash columns in the cash book. The balance for each

month going back to the back three financial years should be worked out separately from the “Register of Receipt” and the total of the items thus worked out proved with the balance in the “Cash Book”

PROGRESSIVE TOTALS OF PAYMENTS

The “Register of Disbursements” is to be completed and should be confined to a daily record of payments to entitled payees. The daily entries should be totaled up and the progressive totals of daily payments should also be made beneath the daily total till the end of the month.

CASH BOOK-REGISTER C

The daily total of receipts in the “Register of Receipts” and all payments in the “Register of payments” should be carried to the “Cash book”. In the cash column the closing balance of the previous month is being noted as opening balance of the next month on the 1 day of that month. Payments into and withdrawal from the treasury should be accounted for in this “Cash Book” in the manner described under:-

ENTRIES IN CASH BOOK OF PAYMENTS INTO AND WITHDRAWALS FROM TREASURY

When the amount is paid into the Treasury an entry should be made on the payment side in the column “Cash” and a per contra entry should be made on the receipt side in the column “Treasury”. Similarly, when money is drawn from the Treasury an entry should be made on the payment side in the column “Treasury” and a per contra entry should be made on the receipt side in the column “Cash”. Progressive balance on each day should be struck under the signatures of the “Officer-in-Charge”

COMPARISON OF CASH BOOK WITH TREASURY PASSBOOK

At the close of the month, there will be no cash balance in the hands of the Nazir. The balance with Treasury (as per Treasury Column) cashbook should be worked out and agreed with the balance as shown in the Treasury Pass Book.

DUTIES OF THE OFFICER-IN-CHARGE

The principal financial duties of the officer –in-charge of the agency are:

- (i) to see that all sums received are brought to account in the “Register of Receipts”,
- (ii) to see that no payments are made except against deposits shown in the “Register of Receipts.”
- (iii) to verify the balance by frequent physical verification of the cash balance in the agency and by comparison of the treasury balance in the “Cash Book” of the agency with that shown in the “Treasury Pass Book”; and
- (iv) to see that remittances into and withdrawals from the Treasury when required are promptly and correctly made.

If the duties are properly carried out there is no risk or defalcation and clerical error in the accounts should be immediately detected.

PERSONAL LEDGER ACCOUNT OF THE TREASURY

In respect of the balances remitted thereto the Treasury maintains a Personal Ledger Account in the name of the agency concerned.

PROPER FORMS AND REGISTERS TO BE MAINTAINED

No books of account, other than those prescribed, can be maintained and no change can be made in the existing forms of the registers without the sanction of the High Court in consultation with the Accountant General.

MONEY ORDERS INTERMEDIATE REGISTER

Whenever the money is received in the court by Money Order, the Nazir has to enter particulars to identify the transaction in the “Courts's Intermediate Register”. The officer in charge of the agency or in his absence another judicial officer, empowered in this behalf by the District Judge, will then both initial the “Intermediate Register” in respect of the transaction and sign the money order receipt before handing over the receipt to the Postman and money with the money order coupon to the Nazir for further disposal. Such an officer must see that all items in the “Intermediate Register” are cleared by transfer entry to the 48 appropriate” Register of Receipt” on the day of receipt, if possible, or the next morning and initial both the “ Intermediate Register” and the “Register of Receipt” in verification of this having been done by the Nazir.

AGENCIES MAINTAINING SHERIFF'S PETTY ACCOUNT

There are 2 classes of agencies, which are required to maintain the Sheriff's Petty Accounts. The office maintaining accounts is usually known as the Nazarat. The classes are as under:

- (i) The principal process-serving agency at the headquarters of a district. This deals with process received from Civil, Revenue and Criminal Courts. This agency is under the control of the Civil Judge (Sr. Divn.). It is referred to as Civil Judge (Sr. Divn) Agency.
- (ii) Agencies at outlying stations is in the charge of Additional Civil Judge (Sr. Divn.)

The agency of the Civil Judge (Sr. Divn) is in the subordinate charge of a Naib Nazir / Civil Nazir who receives cash and make payments. In outlying stations these are performed by a Naib Nazir or a Madad Naib Nazir.

CONTROL OVER AGENCIES AND DELEGATION OF DUTIES

The Civil Judge Sr. Divn. is responsible for general control of all agencies other than those of a district court or a small cause court.. The Civil Judge (SD), under special permission of the High Court, may delegate certain of his administrative duties to another subordinate judge. The order of delegation will state exactly what duties have been delegated in that case; however, he will still remain responsible for general supervision. District Judges and officers in charge of outlying agencies, in no case, delegate their duties under the rules.

SECURITY

Nazirs are responsible in the first instance for the proper up-keep of the accounts for the security of the cash in their hand. Security is required to be deposited by them and by certain other members of the process serving establishment as laid down in Chapter XVIII-E, Rules and Orders Vol .I, as under:

Civil Nazirs (Civil Judge Sr. Division's Agency):	Rs. 1000/-
Naib Nazir (Distt. Judges, Civil Judge (SD) other Agencies including Subordinate Court's Judges	Rs. 200/-
Naib Nazir (Civil judge, Sr. Division's Agency)	Rs. 100/-
Naib Nazir, Madad Naib Nazir	
Bailiff	Rs. 50/-
Process Server	Rs. 200/-

DUTIES OF CIVIL NAZIR

The Civil Nazir is also the head of the Process Serving Establishment of the District other than that working directly under the District Judge or the judge of a Small Cause Court. His duties are:

- i) To submit reports relating to the members of the establishment or their duties to the Civil judge Sr. Divn. ;

- ii) To arrange for the distribution of processes amongst the process servers and the transmission to the agencies located at Tehsils;
- iii) To see that the prescribed accounts are properly maintained by the staff working under his immediate control; and
- iv) To prepare correspondence regarding the payment of diet money of witnesses and other similar matters.

RECEIPTS OF PROCESSES AND DEPOSITS BY THE AGENCIES - APPLICATIONS FOR DEPOSIT HOW TO BE DEALT WITH:

When an application involving a deposit in a Sheriff's Petty Account is presented in the court, as for example, an application for summoning of witnesses to whom diet money is to be paid, the court Reader shall note thereon the number of case, in order to enable Nazir to make the necessary entry in the "Register of Receipts". After the usual orders have been passed and recorded by the court, the applicant shall tender the amount of deposit together with the application to the Nazir who will fill in column 1 to 7 of the "Register of Receipts", prepare a "Receipt", in foil and counter foil on the prescribed form and issue the foil to the depositor as receipt for money deposited after it is signed by the officer in charge.

If the application is for summoning of a Govt. servant as witness it must state:

- i) His full official designation;
- ii) The amount deposited for traveling expenses
- iii) The amount deposited for diet money or subsistence allowance.

These details must be entered in the "Register of Receipts".

The application should then be returned to the court concerned, after the usual daily checks have been made by the officer-in-charge.

PROCESSES FOR SERVICE WITHIN THE DISTRICT TO BE SENT TO LOCAL AGENT (NAZIR)

All processes, issued by courts for service within the district, will be sent to the Nazir which should contain a reference to the amount deposited and the number of deposit.

PROCESS FOR SERVICE IN ANOTHER DISTRICT

Processes issued by a court for service in another district will be made over to the Nazir of a court of Civil Judge (SD) or Nazir of the court of Additional Civil Judge (SD) at Tehsil headquarters by the issuing court for entry in the register in Form No. 6 and for transmission to the Civil Judge Sr. Divn. Of the district in which the person to be served resides. The amount deposited with the Nazir concerned on account of subsistence and other expenses as noted on the summons will be transmitted by the Nazir by postal money order to the Civil Judge Sr. Divn. or the Administrative Subordinate Judge in the district or Additional Civil Judge (SD) at Tehsil Headquarter in which the service is to be effected, the cost of postal money order, being borne by the party at whose instance the process is issued.. The Civil Judge Sr. Divn., Additional Civil Judge (SD) of such other district, shall, in the event of the process not being served, return the amount by postal money order less cost of commission on such money order.

STEPS TO GET BACK THE MONEY IF THE PROCESS IS NOT SERVED

Courts issuing processes to other districts should take measures to call for the prompt return of the money remitted on account of processes, which

have not been served, and such sums, after being accounted for in the accounts of the Nazir in the usual way should be returned to the persons taking out the process and excluded from the cost of the suit.

SERVICE OF PROCESSES

Processes issued by a court at the headquarters of the District or a Tehsil, for service on a person, residing within their jurisdiction, will be made over to the in charge of the process serving agency who will, thereupon, arrange for payment at the time of service, of sums due to person to whom the processes are addressed.

PROCEDURE WHEN PROCESSES AND MONEY ARE DELIVERED TO PROCESS-SERVER

The sums, as entered on the processes, will be given to the process server together with the processes and while doing so the following procedure is to be adopted by the process serving agency:

- (i) Each process should be entered in the "Register of Processes received and disposed of by the Nazir",
- (ii) Payment to process-server should be entered in the appropriate column of the "Register of Receipts" against each sum,
- (iii) Payment entries should be made in the "Register of Disbursements" and the process-server's acknowledgement of receipt in column 1,
- (iv) Details of each sum should be entered in the "Process –server's Note-book."

NO PROCESS SERVER SHOULD HAVE MORE THAN RS. 60/- IN HAND AT ANY ONE TIME

When a process server pays diet money to any witness or pays Munadi fee, he shall take the receipt of the actual payee in column 8 of his note book as well as on the back of the original copy of the process on which service is endorsed. The payee's acknowledgement will be verified by

one or more respectable witnesses, the date and signature of the serving officer will be added. To minimize the risk of misappropriation, the court concerned should ascertain, before proceeding with the case, that the witnesses appearing before them are the persons whom the diet money was actually paid.

PROCEDURE WHEN PROCESSES ARE RETURNED SERVED BY THE PROCESS SERVER

The processes whether served or un-served will be returned to the Nazir. If the service is effected and money paid to the payee, the Nazir shall verify the service with the acknowledgement of the payee given in column no. 8 of the Processes Server's note book as well as on the back of the original copy of the process and submit the same to the court concerned with the usual certificate of service, at the same time filling up column 12 and 13 of the "Register of Processes received and Disposed of by the Nazir".

PROCEDURE WHEN PROCESSES ARE RETURNED UN-SERVED BY THE PROCESS SERVER

In the case of non-service of processes, the **un-disbursed amount** returned by the process server shall again be entered against a new number in the "Register of Receipts". The new number in the "Register of Receipts" will be quoted against the original entry in the "Register of Disbursements" and noted in column 10 of the "Process Server Note book", column 1 of which should also be signed by Nazir in acknowledgement of money having been received back from the Process Server. The processes shall then be returned to the court concerned with a certificate of non-service after filling the columns 12 and 13 of the "Register of processes received and disposed of by the Nazir".

CHECKING OF PROCESS SERVER'S NOTE BOOK

The process server note book in the court of Civil Judge Sr. Divn. and Small Cause Court will be checked by the COC monthly and all these note books shall also be checked quarterly by the officer in charge and monthly by the Presiding Officers of the courts at Tehsil headquarters. The following certificates shall be recorded by the Presiding Officers on the note books.

“Certified that I have personally checked the accounts for the month of /quarter ending _____ and am satisfied that they are correct and in order”.

When un-served processes are returned to the Nazir, it shall be his duty to see that un-disbursed diet money, remitted with the processes, is also returned to him and entered in the “Register of Receipts”.

PROCESSES SENT BY ONE NAZIR TO THE OTHER IN THE SAME DISTRICT

Processes issued by a court, situated within the limits of one Tehsil (whether it be the headquarter Tehsil or an outlying Tehsil) for service on a person residing within the limit of another Tehsil in the district will be made over to the Nazir at the place where the court issuing the process sits and such Nazir will transmit the process (duly endorsed with the amount, if any, which is to accompany the process) by post or (where absolutely necessary) by messenger to the Nazir of the Tehsil within which service is to be effected, after making the necessary entries in columns 1 to 11 of the “ Register of Processes received and disposed off” by the Nazir.

Processes received by one agency from another in the same district will invariably be returned direct to the them from whom they are received and he will return them to the court concerned.

AMOUNT TO BE SENT BY MONEY ORDER

The amount to accompany a process, as noted above, after making the usual entries in the “Register of Receipts” and the “Register of Disbursements”, will be sent by postal money order to the Nazir concerned along with the process, the money order commission being recovered from the party at whose instance the process is issued and the money order being addressed to the officer-in-charge of the agency in which the processes are to be served. The said officer-in-charge shall take delivery of the money order under his own signatures and in the manner referred to in para “Money order intermediate register” stated above and he shall also see that the amount is transferred from the “Intermediate Register” to the “ Register of Receipts” on the day of receipt, if possible, or the next morning. The Nazir, after carrying out the procedure noted above, shall cause the processes to be served and the amount disbursed to the payee in the same manner as if the process had been issued by one of the court of his own station.

The officer in charge of the receiving court must satisfy himself that all amounts accompanying the process have been brought on in the “Register of Receipts”

The processes received from other Tehsils shall be entered in the relevant register bearing No. 6 maintained by the Nazir/Naib Nazir.

PROCEDURE FOR RETURN OF MONEY IN CASE OF NON-SERVICE OF THE PROCESSES

In case of non-service of the processes, the amount (less money order commission) will be returned by postal money order to the officer in charge of the court from whom it was received. The said officer shall take delivery of the money in accordance with the procedure laid down above for the receipt of money order on the day of receipt, if possible or on the next morning; such amount will be entered by the Nazir against the new number in the "Register of Receipts" which number would also be quoted against the original entry in the "Register of Disbursements".

CERTIFICATE OF SERVICE OR NON-SERVICE

The Nazir, to whom the process is sent for service will invariably return the same, with a certificate of service or non service, as the case may be, duly endorsed thereon and signed by the officer in charge to the agent from whom he received the process, and the latter will thereupon fill in the relevant column of register Form No.6 and then forward the process to the court which issued it.

REFUND OF DEPOSITS

Any un-disbursed balance of deposit will be paid to the depositor when he claims a refund. In such cases and in all other cases in which un-disbursed money has been ordered by the Court to be paid to the proper person, the court shall issue a payment order in the prescribed form to the Nazir who, after taking the payees acknowledgement in the space provided for the purpose and making necessary entries in the "Register of Receipts" and the "Register of Disbursements" will pay the amount due. The number will be quoted on the top of the payment order which will be the serial number of the transaction in the "Register of Disbursements" by the Nazir concerned.

In all the decided cases in which the diet money of the witness was deposited and is lying un-disbursed, the Reader of the Court will issue a payment voucher in the prescribed proforma in the name of the depositor and will send the same to Nazir who shall remit the amount to the depositor through money order. **The un-disbursed diet money is to be refunded to the depositor and not to counsel for the depositor in any case.**

Before the record of a decided case is consigned to the Record Room the Reader of the Court will attach to it a certificate that un-disbursed deposit of diet money payable to witnesses has, in all cases, where necessary, been refunded to the depositors. The Record Keeper will not receive the record unless this certificate is attached. This condition is also applicable towards deposit of advertisement charges of newspaper in cases of substituted services.

Renewal of payment order

The court's payment orders remain in force for a period of one month only and in no case payment will be made to any person on a lapsed order unless it is renewed. On the production of a lapsed payment order, the authority which originally granted it may, if satisfied that the person producing the same is entitled to receive payment, will revalidate the order as follows:

Renewed.

Signature of the officer

Date

The fact and date of renewal will be quoted in the departmental record of the court.

DAILY SUPERVISION OF ACCOUNTS

At the end of the day, the officer in charge of the agency shall compare the entries made in the "Register of Receipts" with the application and

counterfoils of the receipts issued and, after satisfying himself of their correctness, will put his initials against each entry in column 8 of the “Register of Receipts.”

All entries of receipts in “Register of Receipts” and of payments in “Register of Disbursements” and in the payment column of “Register of Receipts” will be duly attested by the officer in charge of the agency on the day of transaction before the close of the business. If, however, he is absent, he should, within a week of his return, check the accounts and forward a certificate to the District Judge that he has carefully scrutinized the records of all monetary transactions which took place in his absence and has satisfied himself that they have all been brought to account and that no irregularities have been committed. Payee's receipts, received through the Post Office for amounts sent by money order, should be pasted in a guard file and a reference to their number in the guard file will be inserted in column No.1 of the “Register of Disbursements”. Similarly, coupons of money order receipts will be pasted in a separate guard file and a reference to their number in the guard file, inserted in column no. 6 of the “Register of Receipts”.

DEALING WITH TREASURY

Whenever, during the month, the sum in the hand of Nazir at the district headquarter is Rs. 20,000/- or more and that at Sub Division, Rs. 10,000/- or more, thus surplus amount respectively will at once be remitted to Treasury or Sub Treasury. A memorandum in the form given below will accompany each such remittance and the treasury passes book and the challan, which will be returned to the Nazir, duly receipted, by the treasury/bank.

- (i) Balance in hand, if any.

- (ii) Withdrawal from Treasury since last remittance.
- (iii) Deposits received since last remittance.
- (iv) Total.
- (v) Payments made since last remittance.
- (vi) Balance
- (vii) Amount now remitted to the treasury.
- (viii) Balance in hand

At the end of the month the entire amount in the hands of Nazir will also be remitted to the Treasury/Bank.

WITHDRAWALS FROM THE TREASURY

In the rare case, when the balance in the hands of Nazir, falls below the amount required for immediate disbursement, he will recoup himself by means of a cheque on the treasury to be signed by the officer in charge after he has satisfied himself by personal inspection of the accounts that the withdrawal is necessary. The cheque will be sent to the Treasury along with Treasury passbook, which will be returned to the agency after noting the withdrawal, duly attested by the Treasury Officer.

Neither the balance paid into the Treasury nor the amount withdrawn there from will be shown in the “Register of Receipts” and the “ Register of Disbursements”. These remittances and withdrawals will be shown only in the cashbook, as their effect is to deplete or increase the amount in the hands of Nazir.

This is the principal duty of the officer in charge to see that the money is promptly remitted in the Treasury whenever the amount in the hands of Nazir exceeds the permissible limit and that no unnecessary withdrawals are made, and also to watch that the balance in the hands of Nazir on the last working day of 53 the month is remitted to the Treasury so that it

may be included in the accounts of the Treasury on that day. The monthly balancing of the accounts should show at a glance whether the Nazir has remitted to the Treasury the amount which is supposed to have been sent and it is also necessary for the officer in charge to satisfy himself that the remittances have been promptly made by the reference to the treasury receipts which should be filed in a separate guard file.

TREASURY ACCOUNT

The treasury is required to maintain a Personal Ledger Account in form 44 Civil Account Code, in the name of each agency dealing with it and to supply the Court with a pass book. The Court is to send the pass book monthly to the Treasury Officer for verification of the balance shown in it.

On each occasion, when a remittance is made to the treasury, the gross receipt and gross payments noted in the memorandum, will be entered in the receipt and payments column, respectively in the Personal Ledger account and the amount actually credited to the Treasury added to the previous balance to arrive at the progressive balance to be shown in column 5 thereof. The amount remaining in the hands of Nazir, at the time of each remittance, will be noted down in the remarks column. In addition to being entered in the Ledger Account the gross receipt and gross payments shall be carried to the receipt and payment side of the cashbook against the head "Sheriff's Petty Account".

In the case of payments taken from Treasury through cheque, the progressive balance as shown in column 5 shall be reduced and the amount noted in the remarks column (as amount in the hands of Nazir).

RECONCILING DIFFERENCES BETWEEN THE BALANCES AS SHOWN IN THE TREASURY AND BALANCE SHEET OF THE AGENCY.

To reconcile the discrepancies, the amount remaining in the hands of Nazir will be shown separately as under:

- i) In the remarks column of the Personal Ledger Account,
- ii) In the Nazir's daily balance sheet, the entry in the last being on the same principle as entry of a Sub Treasury balance.

The Treasury shall continue to show these balances in the balance sheet until the entry is cancelled by a corresponding credit at the treasury at the end of the month.

DEDUCTION OF LAPSED DEPOSITS

In addition to the gross receipts and gross payments the other entry in the treasury account will be the annual deduction of lapsed deposits reported by the Nazir, the adjustment of which shall be made in the office of the Accountant General by credit to head "XLVI-Miscellaneous-Unclaimed deposits". The Treasury Officer will simply reduce the balance of Personal Ledger Account.

MONTHLY VERIFICATION OF ACCOUNTS

On the last working day of the month the agency will proceed to compare the balance shown in its own books with the balance shown in the treasury pass book.

WORKING OUT BALANCE LIST OF UNREFUNDED LAPSED ITEMS

There will be three balances in the books of the court. One balance will be struck at the end of the month in the "Register of Receipts" and will show the total amount outstanding from all previous deposits, less the amount which was lapsed to Govt. This balance will be made of one of two other balances. One will be balance in cash with the Nazir, as shown in the Cash Book and the other will be the balance of remittance to the Treasury as shown in the passbook. The comparison of balances in the cash book shall be made at the end of each month with the balance shown in the "Register of Receipts" as under; -

Opening balance

Receipt for the month as per "Register of Receipts"

Total

Payments for the month, as shown in the “ Register of Disbursements”(plus lapsed item which will appear in March only.

Closing balance

Details

Balance as per Treasury “Pass Book”

Balance in the hands of Nazir as per “ Cash Book”(which should be remitted to the Treasury after verification on the last day of the month.

Total

At the end of each month, the officer in charge of the court, dealing with SPA should also prepare a list of un-refunded deposits not lapsed to govt. working upto the balance (including the treasury balance). The balance for each month, going back to 3 complete financial years should be worked out separately from the “Register of Receipts” and proved with the balance with the balance at the end of the month as depicted by the “Cash Book”.

PHYSICAL VERIFICATION OF BALANCE IN THE HANDS OF NAZIR

The balance in the hands of Nazir should be physically verified by the officer in charge who should record a note certifying:

“I have myself today counted the cash in the hand of Nazir under the head” Sheriff's Petty Account” and find that the cash amount of Rs. _____ as shown in the cash book, is with the Nazir”.

This verification should not only be made monthly but surprise inspections may also be made at frequent intervals in order to ensure that the Nazir is not using the balance for other purposes during the middle of

the month. Inspecting Officer should also check the cash balance by physical verification.

MONTHLY COMPARISON OF NAZIR'S BALANCE WITH TREASURY PASSBOOK

The balance should be checked by the officer in charge with the “treasury pass book” at the beginning of each month and he should record a certificate to the effect that:

“ I have today compared the treasury balance as shown in the books with the Nazir with the balance in the “ treasury pass book” and I find that they agree.”

If any discrepancy is found in the accounts the officer in charge should take immediate steps to have the accounts reconciled and to see that no error has crept in. If the account cannot be reconciled at the middle of the month following that to which the balance relates, the discrepancy must be at once reported to the District Judge who will personally take steps to have the discrepancy reconciled. If the District Judge cannot do this by the end of the month, a report will must be sent to the Hon'ble High Court and the Accountant General.

DIFFICULTIES IN THE WORKING OF ACCOUNTS TO BE REPORTED TO THE HIGHER AUTHORITY

If the Nazarat Branch feels any difficulty, which may be found in the working of accounts, the same should be reported to higher authorities with the proposal for their removal by the branch

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LAPSED DEPOSITS

Notwithstanding the provisions of Article 206 of Civil Account Code, Vol. I and in partial modification thereof, all deposit items relating to Sheriff's Petty Accounts, irrespective of their amounts shall remain

current for three complete account years and shall lapse to govt. at the end of that period.

The officer in charge of branch shall prepare a statement of lapsed items on form 29 Civil Accounts Code after the end of each financial year and strike them off from the "Register of Receipts" on the last day of the financial year by entering them in column 20 provided for the purpose, the date of lapse being noted below the amount in red ink. The total amount of lapsed items as per statement so prepared should agree with the total of outstanding balances prior to three complete account years as shown in the analyses of 55 the outstanding balances in the remarks columns of the "Register of Receipts" (Vide Rule 3 under Section 1(1) and as worked out in the memorandum prescribed in Rule 42 under Section X. This statement should be submitted to the Treasury Officer in the first week of next financial year. The officer in charge of the agency shall record a certificate on the statement to the effect that "all amounts, due to lapse to govt., have been included in the statement." One copy of the statement shall be kept by the court for audit by the Audit Department.

The Treasury Officer shall reduce the balance of the "Personal Ledger Account" by the total amount of lapsed items who shall forward the same to the Accountant General.

Items so lapsed, if claimed, shall only be paid by the Treasury officer after the necessary sanction of the Accountant General has been obtained on form 30 of Civil Account Code.

Diet money (i.e. subsistence allowance) levied in accordance with rules) deposited in these accounts under rule 9 in respect of servants of the govt. appearing as witnesses in civil and criminal cases will not be paid to them but will be credited in the treasury under the head "XXI-Administration of Justice-Misc. fees and fines-Other items". Similarly,

all sums deposited for traveling expenses in respect of these servants, who are not entitled to receive such expenses from the court, will be credited in the Treasury under the same head.

In the case of employees of the Central Govt. sums on account of Road and Diet money will be deposited in the Treasury to the credit of department concerned in the receipt schedule of the Central department.

In the case of Railway employees, the amount is creditable to the accounts of Railway concerned under the head "Adjusting accounts with Railway under provincial section of the accounts". In each case, the following particulars will be inserted in the challan:

1. Name of witness
2. Official designation.
3. Office in which employed
4. Name of court in which appeared.
5. Date of hearing. 6
6. Names of parties to the suit.

Sr.No.	Classification of employees	Head to which creditable
1.	Employees of States other than Punjab State	S. Remittance Interstate Suspense A/C with state
2.	Employees of H.P. Govt.	S. Remittance Central HP Govt. suspense A/C
3.	Employees of Central Govt. under the audit control of AGCR New Delhi.	S. Remittances. Adjusting A/C between Central and Provincial Govt. Account between Civil and Civil A/C between AGCR Punjab. III items adjustable by AGCR.
4.	Employees of Central Govt. under the audit control of Accountant General, Punjab	To the corresponding receipt head of the central section of A/C of the department of the Central Govt. to which the govt. servant belongs.

The Readers of the Court concerned should give timely information to the Civil Nazir/Nazir that the statement of the servant of the govt. appearing as witness has been duly recorded so that there may be no avoidable delay in crediting the subsistence allowance into the Treasury. As a further safeguard the Reader of the Court, before the record of decided cases is consigned to the Record Room, attach to it a certificate that the subsistence allowance of all servants of govt., who have appeared as witness to the case, has been credited into the Treasury under the relevant head. The Record Keeper will not receive any such record to which this certificate has not been attached.

CUSTODY AND ISSUE OF CHECKING OF “RECEIPT BOOKS” AND “CHEQUE BOOK”

“Receipt” books and “Cheque” books, on receipt by the office, should be entered in the **“Stock Book of Receipts” and Cheque books** and remain in personal custody of the officer in charge who will issue the same to the Nazir after accounting for such issue in the stock book. The number of cheque and receipt forms in each book, when received, should be checked and a certificate to this effect recorded on the cover of each copy.

Each page of every Register and Book of Accounts should be paged and sealed and an endorsement should be made at the end of such register or book shown by the number of pages and signed by the officer in charge. All registers of “Sheriff's Petty Account” and blank forms etc. should be kept under lock and key.

29. FINANCIAL AND ACCOUNTING DUTIES OF NAZIR

Financial duties of Civil/Naib Nazir are enumerated in Parts D & E of Chapter 8 of Volume II of High Court Rules and Orders and some of them are:

- a) Maintenance of the Sheriffs' Petty Account; Registers A(of receipts); B (of disbursements) and (Cash Book).
- b) The principal financial duties of the Officer-in charge of an agency in brief are: -
 - (i) to see that no payments are made except against deposits shown in the "Register of Receipts".
 - (ii) to see that no payments are made except against deposits shown in the "Register of Receipts";
 - (iii) to verify the balance by frequent physical verification of the cash balance in the agency and by comparison of the treasury balance shown in the "Cash Book" of the agency with that shown in the "Treasury Pass Book"; and
 - (iv) to see that remittances into and withdrawals from the Treasury when required are promptly and correctly made. If these duties are properly carried out, there should be no risk of defalcation and any clerical error in the accounts can be immediately detected.

REGISTERS

Sr. No.	Form/Register No.	Name of Register/ Form
1.	1	Register of Receipts of Sheriff's Petty Account Deposit.
2.	2	Register of disbursements of Sheriff's Petty Account Deposits.
3.	3	Cash Book of Sheriff's Petty Account showing cash balance in the hand of Nazir each day.
4.	4	Treasury Pas Book for the Sheriff's Petty Accounts.
5.	5	Receipt Book
6.	6	Register of processes including warrants etc. received from____Tehsil/District_____ with/without diet money or Munadi fee by the process-serving agency.
7.	7	Note book of Process-Server attached to the Court of_____.
8.	8	Payment order on Sheriff's Petty Account.

9.	11	Statement of Lapsed Deposits of the _____ Treasury for the year _____ 20_____.
10.	12	Refund of Lapsed Deposits.
11.	13	Stock Book of Form OF Receipt book/cheque book. CCD Registers.
12.	1	Note Book of-----Execution Bailiff.
13.	3	Register of Receipts of Civil Court Deposits. (Voucher System)
14.	7	Voucher (D.R.O.Form)
15.	16	Refund of Lapsed Deposits.
16.	17	Intermediate register of money orders etc. received in the court of _____.
17.	XXII	Register of Warrants Executed by Bailiffs.
18.	XXIII	Register of Processes Served by Process-Servers

FINAL AMENDED DRAFT RULES

Note: These rules are yet to be implemented.

HIGH COURT RULES AND ORDERS VOLUME IV**Chapter-6****Process Fees****1. General**

- (i) A table of the fees chargeable on processes should be exhibited in each Court in some conspicuous place.
- (ii) The fees for processes in non-cognizable criminal cases shall be `50/- payable at the time of institution of the cases. Summons in such cases shall be served by the Process Serving Establishment of the Judicial Courts. In case of conviction in such case, the convict may be directed to pay cost (including amount of process fee) to the complainant.
- (iii) Processes issued by Revenue Courts and Revenue Officers are also to be served by Process Serving Agency of the Judicial Courts. The control over income from process fee for the same shall remain with the High Court. The amount of process fees shall be in accordance with the rules framed by the High Court.
- (iv) No process shall be prepared or issued until payment of the proper process fee. A receipt shall be given by the official receiving the process fee. The court fee label of the process fee shall be immediately punched.

2. Particulars on the process

On every process issued by any Court, the following particulars shall be recorded, namely:- (i) the name of the process server deputed to serve or execute the same; (ii) the period within which the process server is required to certify service or execution; (iii) the amount of fee paid and (iii) the date of return after service or execution. Such endorsements shall be signed by the Civil Nazir or Naib Nazir or Bailiff.

3. Accounts to be maintained

An account of Court fee stamps realized as process fee, of the number of process servers employed, of the cost of establishment and of contingencies shall be kept for each Process Serving Establishment. A statement giving information on the above points should be submitted with the annual civil reports.

4. No process fee in some criminal cases

No process fee shall be charged for serving or executing processes on behalf of the prosecution in any criminal proceedings instituted on Police Report or on information presented or complaint made by a Public Officer acting in his official capacity. The Government has declared all Police Officers to be Public Officers for this purpose.

5. Process Fee for each Court

Process fee for the service of processes including summons, notices or other process shall be levied at the rate of 50/- in each civil/criminal/revenue case at the time of institution. This fee will not include the charges for

registered post cover or substituted service by beat of drum or publication in a newspaper, which charges shall be paid in addition to the process fee. In appropriate case, the Court may also ask for additional fee to the extent of `25/- for any miscellaneous application filed during the pendency of the case.

6. Separate process for each person

A separate process shall be issued for each person. However, a combined warrant of attachment shall be issued if it is desired to attach the property of more than one person in the same village/city in one case.

7. Process issued by or sent to other Court

A process issued by any Court in India, Civil or Criminal, shall be served free of charges by any other Court, in Punjab, Haryana and Chandigarh, if it be certified on the process that the proper fee has been levied under the rules applicable to the Court issuing the process.

When any Court, Civil or Criminal, subordinate to this High Court, transmits a process for service or execution to any other Court, a certificate shall be endorsed on the process that process fee chargeable under the rules has been levied.

8. Travelling Allowance of Process Servers

Uptil now, Process Servers are required to travel on foot for serving or executing the processes. In view of changed circumstances, each Process Server should be paid fixed Travelling Allowance of `500/- per month by amending the relevant service rules. The amount should be suitably revised periodically or with revision of pay scales.

Chapter 7

Process-Serving Establishment:

1. General:

There are separate service rules regulating the recruitment and conditions of service of process-serving establishment including process servers, bailiffs, Naib Nazirs and Civil Nazirs, besides other staff of establishment of the Subordinate Courts. The said rules also provide for the number of posts and pay scales of various categories. The said rules are available at the High Court website under the Head 'High Court Rules and Orders'.

2. Controlling authority:

Subject to general control of the District Judge, Civil Judge (Senior Division) has control over the process-serving establishment of the entire District (except that of the District Judge) and is responsible for the efficiency thereof. Subject thereto, Additional Civil Judge (Senior Division) at Sub Divisional Headquarter has control over the process-serving establishment of the Sub Division. Controlling authority should pay special attention to personal service of processes and should also frequently inspect the prescribed

register for distribution of work amongst the process servers so as to monitor their work.

3. Duties of Civil Nazirs:

(i) The Civil Nazir at District headquarter and Naib Nazir at SubDivision is ministerial head of the process-serving establishment under the control of the controlling authority. His duty is to maintain the efficiency of process-serving establishment and to submit 36 fortnightly or monthly reports to the controlling authority regarding service of processes by each process-server and bailiff.

(ii) The Civil Nazir is also to keep up the Civil Deposit and Repayment Accounts and to manage the business of execution of decrees. The controlling authority may issue detailed instructions as to the duties to be performed by the Civil Nazir. The Civil Nazir should also devote his time to the distribution of business amongst process-servers (subject to overall control of the controlling authority), the transmission of processes to agencies located at outstations for service, the management of the accounts and correspondence regarding the payment of diet money to witnesses, and other similar matters connected with process serving system at outstations.

4. Belts and badges of bailiffs and process-servers.

Every Bailiff and Process Server shall be supplied with the following equipment, the cost of which will be met from the contingencies of the Court to which he is attached:

Bailiffs

- (a) Brown leather Waist belt with cross strap over left shoulder. Brass buckle combined with badge prescribed by High Court to be fixed to the Waist belt:

Maximum cost Rs. 500/-
with buckle and badge.

- (b) Khaki drill haversack or other suitable bag:-

Maximum cost Rs. 300/-

Process-servers

- (a) Brown leather belt with brass buckle combined with badge prescribed by High Court to be fixed to the belt.

Maximum cost Rs. 400/-

- (b) Khaki drill haversack or other suitable bag:

Rs.300/--maximum cost.

Belts should last four years and badges and buckles for an indefinite period. Haversacks/bags should last two years. No article will be replaced unless the controlling authority certifies that it requires replacement. All equipment will remain Government property and should be inspected by the controlling authority from time to time. Losses will be made good by the concerned process server or bailiff as the case may be.

5. Number of process servers:-

The maximum number of posts for process serving establishment allowed to each District has been fixed by the High Court and may be varied from time to time. Reference for the variation may be made by District and Sessions Judge to the High Court by giving necessary data of processes issued and served month-wise during the preceding 12 months. Within the District, the District Judge may distribute the process-servers for District head-quarters and various Sub-Divisions in such manner as shall be most suitable for the efficient and maximum service of processes.

6. Duty of process-servers.

The process-servers shall be employed mainly in the work of serving processes, but they may be required to perform any other public duties that may be assigned to them.