

## CHAPTER 22

# Judicial Buildings

Part

A

### SUBMISSION OF PROPOSALS AND ESTIMATES

**1. What are judicial buildings**—These instructions relate to buildings which are purely Judicial and not Judicial and General Administration jointly. The latter (*e.g.*, the District Kutchery) are dealt with under the orders of the Financial Commissioners under paragraph 20.13 of the Book of Financial Powers. All buildings of which the Deputy Commissioner is incharge are “General Administration” buildings. Purely “Judicial” buildings include District and Sessions Judges' Courts, Sessions Houses, Courts of Small Causes and Subordinate Judges' Courts and subsidiary buildings attached to them,—*vide* serial No. 6 of paragraph 20.13 of the Book of Financial Powers. Buildings which are both Judicial and General Administration, that is, buildings, which are used for both purposes and are not exclusively applied to judicial purposes (*e.g.*, Sub-Judges' Court located in a Tahsil buildings), and buildings subsidiary to them will, for purposes of additions and alterations, be dealt with the department requiring the larger amount of accommodation, *viz.*, the High Court, through the District of Sessions Judge, or the Financial Commissioners through the Deputy Commissioner, as the case may be.

**2. Bar rooms and Waiting rooms**—As regards Bar Rooms, that is, accommodation specially provided by the State Government for the convenience of Legal Practitioners, the Punjab Government have decided that Bar Rooms, which are detached buildings even though they may be situated in the compounds of a Tahsil or a Commissioner's office, etc., shall be classified as Judicial buildings under the control and management of the High Court. A Bar Room which forms part of another building, shall be classified in accordance with the classification of that building. Bar Rooms at the headquarters of districts and at outlying stations where there are more Courts than one will be of two classes according to standard plans which have been approved by the Punjab Government and are kept by the Public Works Department, *viz.*, class A for stations where there are more than fifty lawyers, and class B where there are fifty or less. It is intended that Bar Rooms of this description should be situated in a central position within reasonable distance and roughly equidistant from the Civil, Criminal and Revenue Courts. When the Sessions Court is at some distance from the main Kutchery, a separate waiting room and bath room should be provided in the former, and similarly, in the rare cases where any one subordinate Court or block of Courts is far distant from the remainder similar provisions should be made. These waiting rooms will be under the entire control of the Court concerned and will ordinarily be open to respectable litigants as well as to members of the Bar. *It should be understood that Bar Rooms and Waiting Rooms so provided will be open only to the members of the recognised local bar associations.*

**3. Reference**—Local officers will be guided by Chapters II and III of the Public Works Department Code (2nd edition), and Chapter 7 and Appendix D of the Punjab Budget Manual in the matter of all definitions and proposals relating to works.

**4. Procedure to be adopted whenever a work is to be proposed**—Whenever the necessity for a work other than a petty work, becomes apparent the District and Sessions Judge, before calling upon the Public Works Department to prepare rough plans and estimates for any work, should first of all obtain the consent of the High Court to taking up the scheme. If the Judges are of the opinion that the scheme for any reason is not likely to mature in the near future, they will veto it at this stage. Consent to proceed having been obtained, the next move of the local officer should be to prepare, in tabular form, a statement of accommodation required, and to convey, in a brief note, any remarks he may wish to make about special features and design, and whether cheapness, appearance or finish is a primary consideration. The requirements should be formulated as concisely as possible, *e.g.*, so many rooms for accommodating so many officers of a certain standing or records of a certain quantity or other details which the Public Works Department might require to know; but all details which might unnecessarily tie the hands of the Public Works Department should be excluded, *e.g.*, if it is stated that a room for two junior clerks is among the requirements, it need not be stated what its area or dimensions should be. At this stage the Executive Engineer or the Superintendent Engineer should be consulted personally and orally by the local officer himself if the latter has any difficulty in framing his list of requirements, but the system of deputing a subordinate to consult a Public Works Department subordinate should be rigorously avoided. The local officer should then submit his list of requirements to the Executive Engineer according to paragraph 2.10 of the Public Works Department Code; a rough estimate and pencil plan (unless a standard plan exists) will then be prepared by the Public Works Department after which the District and Sessions Judge will take steps to obtain the necessary administrative approval.

**5. Submission of proposal of obtain High Courts sanction**—In applying to the High Court for administrative approval, the District and Sessions Judge will see that all proposals for new buildings, etc., are not submitted in a form which fails to explain clearly either the nature of the proposals or the reasons for making them. All proposals should, therefore, be submitted with a self-contained letter describing and nature and extent of the requirement with such plans and maps as may be required to understand them. The High Court should not be left to extricate the details from the plans and estimates supplied by the Public Works Department. When proposals are submitted relating to different Courts, these should be dealt with in separate letter whenever this can be conveniently done. It is sometimes necessary to refer to a scheme relating to several Courts as a whole, but the aim should be to keep works relating to different Courts distinct, and it should be borne in mind that when several proposals are submitted together each of them is likely to be delayed by this course.

**6. Limits of High Court's power sanction**—Certain powers to accord administrative approval have been delegated to the Judge of the High Court, *viz.*,—

(a) Works relating to judicial buildings other than resident buildings to the extent of Rs. 10,000 (that is Minor Works),—*vide* serial No. 5 of paragraph 20.14 of the Book of Financial Powers;

(b) Estimates of capital expenditure on the construction or purchase of residences of Government servants of the Judicial Department to the extent of Rs. 2,000,—*vide* serial No. 23 of paragraph 20.13 of the Book of Financial Powers.

Power to accord administrative approval in excess of the limits mentioned in (a) and (b) above vests with the State Government. Works under (a) above in excess of Rs. 10,000 are termed “Major Works” and those up to that limit “Minor Works”.

In the case of alterations to *existing* residential buildings the power to accord administrative approval vests with—

(1) The Superintending Engineer in the Public Works Department circle concerned up to a limit of Rs. 2,000;

(2) The Chief Engineer, Public Works Department, up to a limit of Rs. 2,000; and

(3) The State Government beyond Rs. 2,000;—*vide* paragraph 20.13 of the Book of Financial Powers.

**7. Date of submission of Projects**—Lists of Major Works and of Minor Works for the whole of the Judicial Department are prepared annually in the High Court Office and forwarded to the State Government in the Administrative Department not later than the 1st September in each year. No work can be included in the list of Major Works unless it has first received the administrative approval of the competent authority and such approval is operative within the meaning of paragraph 18.16 of the Book of Financial Powers. The rules regulating the preparation and submission of these lists are laid down in Chapter 7 of the Punjab Budget Manual.

A project for which funds are required in the following year must be forwarded to the High Court in time for administrative approval to be obtained before the beginning of September. As the preceding months are usually occupied by the Court vacation, it is advisable to forward the completed project for the orders of the Judges at least two or three weeks before the vacation begins. Unless this is done, it will not ordinarily be possible to provide funds during the following year unless (a) the work is a petty one the cost of which can be met from the reserve at the disposal of the Judges for Minor Works or (b) it is of sufficient urgency to justify a demand for a supplementary grant.

**8. Allotment of funds for works**—Funds for Major Works when voted by the Legislative Assembly are allotted by the State Government to the Public Works Department and that department then begins execution in respect of such works for which funds are assigned. In the case of Minor Works, however, funds are placed at the disposal of the High Court under the head 50—Civil Works (Transferred) Voted—Original Works—Buildings—(G) Administration of Justice", and the Judges then proceed to select the works for execution during the year, due regard being paid to the relative urgency of projects and to the amount of funds available.

**9. Intimation of administrative approval to P.W.D.**—Intimation of the administrative approvals to Minor Works will be given by the High Court, where the High Court accords such approval, to the Superintending Engineer of the Public Works Department circle concerned to whom also the plans and estimates will be forwarded for disposal under the rules of that department. Funds will either be allotted simultaneously or at a subsequent date when they are available. Such intimations will also be communicated to the District and Sessions Judge concerned.

**10. Registers of works approved**—In the High Court registers will be maintained of (a) Major Works and (b) Minor Works in which all works will be entered as administrative approval is accorded and the entries therein will be completed as each event occurs. The registers will contain the following entries :—

(a) *Major Works*

(1) Annual serial number.

(2) High Court file number.

- (3) Name of work.
- (4) Number and date of authority conveying administrative approval.
- (5) Amount of administrative approval.
- (6) Number and date of authority conveying technical sanction.
- (7) Amount of technical sanction with cost of "Original Works" and "Repairs" shown separately.
- (8) Remarks, *viz.*, budget in which provision was suggested and provided, dates of commencement and completion of work, etc.

*(b) Minor Works*

- (1) Annual serial number.
- (2) High Court file number.
- (3) Name of work.
- (4) Number and date of authority conveying administrative approval.
- (5) Amount of administrative approval with cost of "Original Works" and "Repairs" shown separately.
- (6) Remarks, *viz.*; amount of funds allotted and date thereof.

A third register in the prescribed form will be maintained for the purpose of keeping a running account of the allotment for Minor Works placed at the disposal of the Judges in each year.

Part  
SESSIONS HOUSES

B

**1.** The following instructions have been issued by these Judges with regard to control over Sessions Houses.

**2. Management**—In accordance with Punjab Government Consolidated Circular No. 28, the management of Sessions Houses is vested in the Sessions Judges concerned. Funds are provided under the head "27—Administration of Justice—Civil and Sessions Courts Circuit and Sessions Houses" for which they are both the disbursing and the controlling officers,—*vide* Appendix D to the Punjab Budget Manual (Fourth Edition), pages 258-59.

**3. District Judges are disbursing officers**—It has been brought to the notice of the Honourable Judges that in certain districts the allotment placed at the disposal of the Sessions Judges by this Court is, according to post practice, transferred to the Deputy Commissioners who incur expenditure therefrom on their own responsibility. This is perhaps due to misapprehension of the revised rules. They are, therefore,

pleased to direct that District and Sessions Judges should in future keep the allotment in their own hands, if they so desire.

**4. Use of Sessions Houses by other officers**—It should be made clear to all concerned that as laid down in the circular quoted, a Sessions House is primarily intended for the use of a Sessions Judge as a Sessions Court for disposal of his judicial work. These officers have therefore the first claim to use the Sessions House. But subject to this condition Financial Commissioners and Commissioners are also entitled to use the buildings when on tour but should first ascertain that it is not required by the Sessions Judge for the trial of cases. The management of Sessions Houses vests with the Sessions Judge whose permission must be obtained before a Sessions House is occupied by any one other than the Financial Commissioner or the Commissioner. When permission is given by a Sessions Judge to any person to occupy a Sessions House it will be subject to the rules given in the circular and to the condition that the occupant will vacate as soon as the building is required by the Sessions Judge, the Financial Commissioner or the Commissioner.

The Financial Commissioner will be entitled to the occupation of the whole of the Sessions House while of Official tour.

**5. Use of Sessions Houses by other officers**—Whenever the Financial Commissioner or the Commissioner requires the use of the Sessions House as his residence while on tour, the correct procedure would be for the Deputy Commissioner on his behalf or for the Financial Commissioner or the Commissioner direct to enquire whether cases have been fixed or not. In one instance a Sessions Judge was asked to postpone the cases, if fixed, as the Sessions House was required for the use of the Commissioner and in another case the same request was made as it was wanted by another higher officer, the excuse advanced for this being that Sessions Houses are shown in the list of Rest Houses and could, therefore be used as such by Government officers entitled to the use of Rest Houses. This view of the case is wrong. A Session House can be used as a Rest House only if it is not first required by the Sessions Judge and then by the Financial Commissioner or the Commissioner of the Division.

Part

C

## COURT FURNITURE

**1. Scale**—The following scale has been prescribed by the Judges for the furnishing of the Courts of Subordinate Judges :—

### *Court Room*

1. One writing table for Presiding Officer.
2. One table for Counsel.
3. One chair for Presiding Officer.
4. Six office chairs for Counsel.
5. Two office chairs for dais.
6. Matting.

7. Chicks, according to requirements.
8. Durrie for dais.
9. Bench for litigants.

### *Bathroom*

1. Wash-hand stand, with crockery, consisting of bowl, jug, soap dish and brush dish.
2. Commode.
3. Chamber utensil.

### *Retiring Room*

1. One table with cloth.
2. Two ordinary chairs.
3. One arm chair.
4. One book case.
5. A row of pegs.
6. One durrie.
7. A curtain or curtains (according to requirements).

**2. List of furniture for each year**—A card must be placed on the wall of each Subordinate Judge's Court, showing the number of article supplied for the room. Inspecting Officers must satisfy themselves that all article are present at inspection; and in particular that chairs, tables and durries are not allowed to wander into office rooms, retiring rooms and residences.

**3. Renewal of furniture**—The refurnishing of Subordinate Judge's Courts will be done by District Judges out of their grants. The Presiding Officer of each Court is responsible for seeing that all furniture is maintained in good condition, and he will apply to the District Judge for renewal when required. If any article of furniture is broken or becomes useless, immediate steps must be taken to mend it or replace it, if necessary. When any article is replaced the old article must be destroyed or sold. The storing of broken and useless chairs, etc., in godowns is absolutely for bidden.