

PART B.—APPOINTMENT OF COMMISSIONERS.

1. Instructions contained in this Chapter are administrative and are not to be regarded as binding the discretion of Civil Courts in making appointments of Commissioners.

Instructions for the guidance of Courts.

2. (i) Ordinarily a panel of not more than four persons including a lady lawyer, if available, shall be appointed by the High Court in each district as Commissioners for recording evidence. Such Commissioners should ordinarily be younger members of the Bar but not men in large practice and retired Civil Judicial Officers.

Panel of Commissioners for recording evidence.

(ii) All vacancies which arise for appointment of such Commissioners shall be circulated by the District Judge to the members of the Bar and all applications received shall be forwarded by him in original to the High Court with his recommendations, duly supported by reasons for recommending a particular person.

District Judge to forward all applications with his recommendations to the High Court.

(iii) Commissioners for recording evidence will normally be appointed to the panel for a period of three years or until further orders, whichever may be earlier. The term may be renewed for a further period of three years, but after six years there will normally be no reappointment.

Term for such appointment.

3. Official Receivers, should be appointed *ex-officio* to the panel on the understanding that the appointment is until further orders or until the end of the period of appointment as Official Receiver, whichever may be earlier.

Official Receivers to be appointed to the panel *ex-officio*.

4. A consolidated list of Commissioners with their addresses shall be prepared in the High Court annually and copies of the list sent to the District Judges for supply to all Courts. It is believed that by sending commissions direct to Commissioners time would be saved. In order to ensure punctuality of the return of the Commissions, only a part of the fee should be paid in advance and the balance should be paid when the Commission is returned by the Commissioner within the period fixed by the Court.

Measures to prevent delay in the return of commissioners.

5. Court Readers or other Ministerial Officers should never be appointed to make local investigations, such as finding out the market value of the property, etc. Such Commissions should be issued wherever possible to retired Revenue Officers or professional men, such as engineers, contractors, auctioneers and accountants. Legal Practitioners are not excluded from appointment as local

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investigation commissioners, but the best man for the particular commission in question should be appointed. Revenue Officers in service such as Tehsildars and Naib Tehsildars should not, as a rule, be appointed when retired officers suitable for the work are available. The wishes of the parties in regard to the appointment of a particular individual as Commissioner for local investigations should be taken into consideration while making such appointments".

Selection of
Commissioner
to examine
accounts.

6. Commissioners to examine accounts should be selected from men competent in the particular form of accounts. It is absolutely futile to issue Commissions in a particular form of account to a person who is unable even to read the script in which those accounts are written.

Selection of
Commissioners.

7. Great care should be exercised by the Courts in selecting persons for appointment as Commissioners for the purpose of making local inquiries; and District Judges should exercise strict supervision over the action of subordinate Courts in this respect. The habitual employment of the same person should not be encouraged. The issue of Commissions to petition-writers and persons who hang about the Courts should not be permitted.