

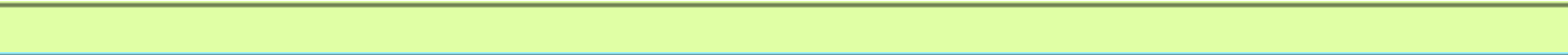


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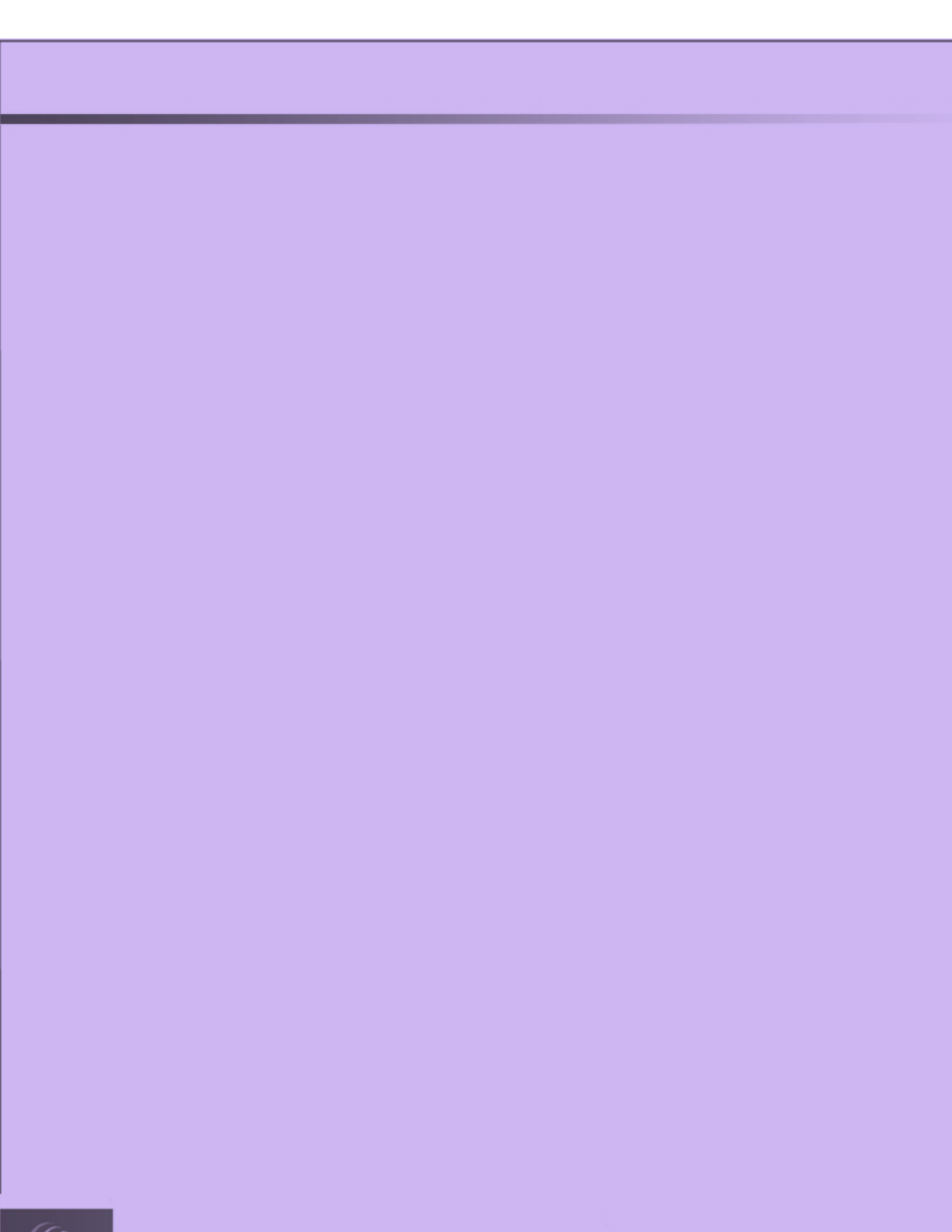
# Upgraded Training Manual Court Staff





## Abbreviations

<b>COC</b>	Clerk of Court
<b>DPEP</b>	Disposal based Performance Evaluation Policy
<b>HRDC</b>	Human Resource Development Centre
<b>HRO</b>	High Court Rules & Orders
<b>IMS</b>	Institute of Management Sciences
<b>IT</b>	Information Technology
<b>KPK</b>	Khyber Pakhtunkhwa
<b>PER</b>	Performance Evaluation Report
<b>SCJ</b>	Senior Civil Judge
<b>SRLM</b>	Strengthening Rule of Law Malakand
<b>UNDP</b>	United Nations Development Programme



## Foreword

The Judicial education was informal in its early days. It was imparted in traditional manner whereby newly appointed judicial officers were allowed to enter into their offices and work independently only after they sit for some days with senior judicial officers at district headquarters. This was termed as on-job training which provided an opportunity to the judicial officers to experience directly how their peers performed and what they are required to do while presiding over their own courts. However, it is now well established that the judicial education, being one of the fields of adult education, also needs education technology and methodology. For imparting judicial education in a best possible way and in accordance with the needs assessment, curriculum has to be defined.

The main curriculum generally includes substantive/procedural law. After establishment in 2012, the Academy in collaboration with UNDP had developed three manuals: two for judges—1) Substantive/procedural law—2) Case & Court Management—3 ) Case & Court Management for court staff.

I am grateful to the faculty of the Academy for their efforts, with the result that these first editions stand exhausted. The present editions, which are second one have been revised and upgraded after consideration of training evaluation reports and using three FGDs (two with judges and one with court staff). The amendments and the case law which has become available so far have been inserted and appropriately incorporated in these editions.

I hope that the present editions will prove more useful both for the trainees and the trainers and will enable them to transfer knowledge, build skills and promote attitude. I would appreciate any

suggestion to improve the manuals and shall be grateful if any error or misprint is pointed out so as to rectify the next editions.

Director General

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## Trainers Guidelines

Teaching adult learners is a tricky business. It needs creativity on the part of the trainer as how to deal with adult learners. Creativity is not possible without critical thinking. Critical thinking is a conscious activity to evaluate a situation and proceed accordingly. The trainer is advised to read the following points for effective delivery :

1. The Manual should be studied one week earlier than the actual event .
2. The Manual provides topic for discussion and debate; the trainer should think over the details and may note them on a paper/computer .
3. The suggested readings will provide the trainer enough material for making his/her input more beneficial .
4. In-text tips have been provided for making the delivery more adult-learner-friendly .
5. The trainer should remain alert to the response of the participants; if they become un-attentive, the teaching style should be changed in the following ways:
  - a. Turn the topic into a discussion
  - b. Ask for practical situations in courts
  - c. Ask for some input on their own
  - d. Change the tone
  - e. As a last resort, give them a short break
6. Examples are more important than verbal explanations .
7. The participants should be asked for their examples as well.
8. Keeping them engaged in activities is the best strategy for “learning by doing ”.
9. Certain videos have been suggested on the subject. There are other videos available on the YouTube, which will cause a change in the learning environment .
10. Mini-research on a given topic relating to a situation confronted in courts
11. Participants should be encouraged and motivated for debating and discussing a point .
12. Pre-training test and post-training is a must both for the trainer and the trainees .
13. In each session, get their feedback on how to improve the teaching style and material .

14. Besides a list of resources at the end, relevant websites have been provided through footnotes. The trainer should make the participants work or conduct some research through these resources as well .
15. Final presentations should be individual on “What I De-learned, Learned, and Re-learned ”.

**Definitions :**

De-learning: The process of consciously “deleting” a wrongly learned concept or idea .

Learning: The conscious process of adding something new to our inventory of knowledge, skills, and abilities .

Re-learning: The process of refreshing our knowledge, skills, and abilities.

# 1. Court Staff Management

## 1.1. Introduction

This in-service training manual is designed to build the capacity of various categories of court staff for their relevant job descriptions in accordance with the rules and regulations. It aims at enhancing skills and bringing attitudinal change in the court staff by making them professionals and litigant-friendly. Since Job description of each category is different from the other, therefore, it is necessary to have specialized training module for each. Such an exercise would, no doubt, be time-consuming but effective. Court staff, being a vital part of the administration of justice, can not be ignored in professional training programs. Their role in timely and quality justice is quite significant. They also need regular refresher courses.



This manual seeks to build capacity of each category of court staff in a range of thematic skill areas, such as, drafting, official correspondence, maintenance of judicial record and its proper consignment, accounts, registers, service of court process, maintenance of daily court diary and the like. The manual employs practical approach of learning by doing. It shall help minimize delay via better delivery.

The growing concern of the delayed disposal has tarnished the image of courts. On each coming day, exceptions are taken to the efficiency of runners of the system. The rising expectations of the public necessitate that courts should adopt measures for improving their performance by expeditious disposal of cases. The notable performance standards include access to justice, in-time disposals, consistency, equality, fairness, independence, and all essentials that lead to public confidence. Judges, lawyers and court staff all play important role in assuring that these standards are met in letter and spirit.

The major areas covered in this manual are:

- Judicial Ethics and integrity of judicial offices.
- Court administration and case processing/management.
- Organization of case files (court filing system with proper management).
- Service of summonses, notices and execution of warrants.
- Secretarial work and client service (public relations).
  - Financial management skills (collection of fees, costs, diet money and the like).
  - Implementation of court directives and execution orders and decrees.

## 1.2 Objectives

**The manual would enable the trainees to:**

- Build the capacity of court staff (District Judiciary) for improving their performance.
- Sensitize them to the values of Judicial Ethics and fragile status of their responsibilities.
- Refine their professional skills for effective and efficient delivery.
- Motivate them towards exploring and utilizing of their own tools for the achievement of organizational targets.
- Make them mindful of the adverse effects of delayed justice.

## 1.3 Outcomes

On successful completion of the sessions, the court staff would be competent enough to:

- Perform with clarity, consistency and confidence.
- Carry out their duties with a proper sense of accountability.
- Properly deal with arising situations and hard times.
- Observe moral values both inside and outside the office.
- Adopt a litigant-friendly attitude.

## 1.4 Categories of Court Staff

This Manual addresses the professional needs of the following categories of court staff:

- Superintendent to the District & Sessions Judge/Zilla Qazi.
- Clerks including English clerk and clerk of court to the SCJ/A'ala Allaqa Qazi.
- Stenographers & Computer Operators.
- Readers of the Courts.
- Accountant/Nazir & Civil Nazir.
- Copying Supervisor, Clerk, Agent, Copyist.
- Examiners.
- Muharirs.
- Bailiffs and Process Servers.

The training addresses the needs of staffs coming from different positions in the hierarchy in a combined environment; therefore, the contents, in a number of places, vary in nature and applications.

# Module 1

## 1.1.1 Superintendent and Clerk of the Court

Superintendent of the sessions' division performs a number of duties. He receives the official letters and other correspondence addressed to the Session judge and other judges. He keeps an eye on the support staff and helps the sessions' judge in general administration. He proposes transfers and postings of the subordinate staff and coordinates the works of attached offices. The clerk of the court also performs administrative function in the establishment of senior civil judge; therefore his capacity building will lessen the burden of the sessions judge and senior civil judge. They may be trained in:

- Drafting official letters with special focus on the following:
  - 1- Meaning and definition.
  - 2- Need and significance of effective writing.
  - 3- Writing communication skills (choosing of proper words, simple language, conciseness, preciseness and attention to the ranks of persons).
  - 4- Required skills for creating a primary version.
  - 5- Proper organization of the ideas.
  - 6- Difference between official letter, demi official, unofficial letter, memo and replies to each.
- Taking notes:
  - 1-Need of shorthand.
  - 2-Use of different symbols and signs such as arrows, dots, tick mark and the like.
  - 3-Self-created techniques.
- Preparation of note sheets with focus on:
  - 1- Clarity.
  - 2- Coherence.
  - 3- Comprehensiveness.
- Maintenance of character rolls of the staff
  - 1- Avoidance of personal grudges.
  - 2- Verification of information received.
  - 3- Significance of in-time actions.
  - 4- Declaration of Assests.
- Submission of PER forms of the staff to the reporting officer:
  - 1- Adverse effects of unwarranted delays.

- 2- Duties of a trustee.
- Preparation of Duty roster of the staff:
  - 1- Sticking to the principles of justness.
  - 2- No fear or favor.
  - 3- Equal treatment.
- Maintenance of different registers.
  - 1- Knowledge of registers.
  - 2- Knowledge of contents.
  - 3- Place, time and method of entries.
- Distribution of Agenda for the monthly meeting of the Judicial officers:
  - 1- Significance of Agenda.
  - 2- Preparation of Agenda.
  - 3- Need of in-time distribution.
- Maintenance of record: as per secretarial instructions.
  - 1- Safety requirements.
  - 2- Stoppage of unwarranted access.
  - 3- Sequence, classification of documents and files.
- Other responsibilities (Judicial).
  - 1- Examination of appeals, complaints and petitions for the purpose of required stamps, court fees and limitation.<sup>1</sup>
  - 2- Signing of summons if authorized by the District Judge.<sup>2</sup>
  - 3- Monthly checking of Register of processes.<sup>3</sup>
  - 4- Checking and verification of copies issued by courts of session.<sup>4</sup>
  - 5- Daily checking of copying accounts.<sup>5</sup>
  - 6- Checking of the process server register of the Agency of District & Sessions Judge.<sup>6</sup>
- Library incharge:<sup>7</sup>
  - 1- The need and role of library for academic, judicial and research purposes.
  - 2- Introduction to Library Sciences.

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<sup>1</sup> See HRO, Vol. I, Ch 1-B, rule 5.

<sup>2</sup> See HRO, Vol. I, Ch 1-D, rule 6.

<sup>3</sup> See HRO, Vol. II, Ch 8-D, rule 18.

<sup>4</sup> See Judicial Estacode, 286.

<sup>5</sup> See Judicial Estacode, 287.

<sup>6</sup> See HRO, Vol. II, Ch 8-D, rule 23.

<sup>7</sup> See HRO, Vol. IV, Ch 18, rule 9.

- 3- Reserved and non-reserved materials.
  - 4- Rules regarding purchase of books.
  - 5- Criterion for selection of books.
  - 6- Rules for issuance and in-time safe return of books.
  - 7- Relations with the authors and publishers.
  - 8- Rules regarding newspapers, magazines and periodicals.
- Additional Duties
    - 1- Incharge computer networks, file/data sharing with other courts.
    - 2- Coordination with copying branch through computer network for one window operation.
    - 3- Round the clock monitoring of CCTV surveillance system through security personnel.
    - 4- Drawing of cleanliness and sanitation policy and its follow ups.
    - 5- Follow ups of SOPs drawn by the District and Sessions Judge.
    - 6- Follow up of emergency and security policy in letter and spirit.

**Group activity:**

A letter has been received from the Registrar, Peshawar High Court, asking for progress in the construction of a Record Room in the District Courts.

- Group A. Describe the official procedure required to be adopted on receipt of the letter.
- Group B. Put up the letter to the District & Sessions Judge on a proper note sheet,
- Group C. Prepare a draft reply,
- Group D. Adopt the next procedure, following the approval.

### 1.1.2 Stenographers<sup>8</sup> and Computer Operators

In the present era of information technology, IT-skilled staff has gained a significant role. Efficient and properly trained stenos and computer operators have practically become helping hand to the judicial officers. They can greatly help the judges in timely writing of judgments and orders. An efficient steno and computer operator must possess skills in;

- Short hand.
- Taking dictation of orders and judgments.
- Preparation of computerized statistical data according to instructions of the High Court issued from time to time.
- Preparation of automated cause list.

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<sup>8</sup> See HRO, Vol. 1, Ch 11-A, rule 7.

- Preparation of Monthly statements.
- Preparation of inspection notes.
- Expert use of the computer and data protection.
- Maintenance of the computer system.
- Command over the key punching.
- Collection and computerizing the court data.
- Organizing of ideas.
- Comprehending the dictation.
- Proper and accurate converting the dictation to a descriptive form.
- Proof reading.
- The role of correct punctuation (ability to avoid wrong punctuation) [shall be explained by examples].

**Note: Even a single word and a slight mistake in punctuation may cause a blunder in a judgment. The situation becomes more intensified if malafide worked behind. This category of court staff need comparatively more liable for observing the principles of justness and fairness. The resource person shall highlight the need of honesty, trustworthiness, keeping confidentiality and above all fear of accountability before Allah Al-mighty,**

**Activity for stenographers:** The instructor shall dictate a paragraph to the stenographers, who shall then, type it.  
Evaluate accuracy in short hand, typing speed and accuracy in language.

**Activity for KPOs:** Prepare the monthly statement (of statistical data of Disposal based Performance Evaluation Policy-DPEP), showing institution and disposal of cases in the court.

### 1.1.3 Readers

Readers of the court sit next to the judge. They remain in contact with the litigants in the courtroom. Trained and skilled readers play effective role in the quick dispensation of justice. The proper maintenance of the daily diary and bonafide prioritization of cases by the reader help the smooth running of judicial business, therefore, all the readers must be proficient in:

- Preparation of daily cause lists and its one-day early exhibition on conspicuous place in the veranda of the court.<sup>9</sup>
- Maintenance of daily dairies.

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<sup>9</sup> See HRO, Vol. I, Ch 1-A.

- Examination of appeals, complaints and petitions for the purpose of required stamps, court fees and limitation.<sup>10</sup>
- Maintenance of relevant registers.<sup>11</sup>
- Giving proper *Parcha Yadasht* to the parties.<sup>12</sup>
  - 1- Tips to avoid mistake in writing of months and dates.
  - 2- Adverse effects of wrong dates, dates where a holiday falls, dates of inspections, expected dates of the leaves of the presiding officer.
  - 3- Alternative arrangements in case of unexpected holiday and emergent non-working day.
  - 4- Avoidance of prioritization of cases and fixing dates of hearing on malafide considerations.
- Other duties:
  - 1- Recording note on warrant of attachment.
  - 2- Certificates regarding diet money before consignment.<sup>13</sup>
  - 3- Proper locking of the courtroom at the end of the day.<sup>14</sup>
  - 4- Depositing of judicial fines on daily basis.<sup>15</sup>
  - 5- Maintenance of the following registers:<sup>16</sup>
    - A- Register regarding return of documents.
    - B- Register of return of complaints.
    - C- Register of attendance.
    - D- Stock Register.
    - E- Register of appointment of commissions.
    - F- Correspondence registers.

**Activity:** Scrutinize a given plaint.

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<sup>10</sup> See HRO, Vol. I, Ch 1-B, rule 5.

<sup>11</sup> See Judicial Estacode, 288-289.

<sup>12</sup> See HRO, Vol. I, Ch 1-C, rule 13.

<sup>13</sup> See HRO, Vol. II, Ch 8-D, rule 29.

<sup>14</sup> See HRO, Vol. IV, Ch 18, rule 14.

<sup>15</sup> See HRO, Vol. IV, Ch 11, rule 5.

<sup>16</sup> See Judicial Estacode, 288-289.

### 1.1.4 Accountant/Nazir

Accountant and Nazir deal with the financial matters of the District Courts. They maintain accounts of the fines, costs, pre-emption money, diet money of the official witnesses, rents and court fee, therefore, they must possess skills in the:

- Maintenance of the signature record of all judicial officers.<sup>17</sup>
- Preparation of pay & TA bills of the judges and staff.<sup>18</sup>
- Preparation of budget estimates.<sup>19</sup>
- Correspondence connected with financial matters.<sup>20</sup>
- Control over office contingency.<sup>21</sup>
- Preparation of progressive statement of expenditure.<sup>22</sup>
- Quarterly statements of fine realized to be sent to sessions judge.<sup>23</sup>
- Monthly reconciliation of all deposits in the treasury.<sup>24</sup>
- Preparation of contingency bills.<sup>25</sup>
- Maintenance of relevant registrars.<sup>26</sup>
- Maintenance of accounts.<sup>27</sup>
- Clarity, honesty and fairness.<sup>28</sup>

#### Activity:

Group A. How to maintain accounts for the pre-emption money- debate

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<sup>17</sup> See HRO, Vol. III, Ch 9-B, rule 1.

<sup>18</sup> See Judicial Estacode, 290.

<sup>19</sup> *ibid*

<sup>20</sup> *ibid*

<sup>21</sup> *ibid*

<sup>22</sup> *ibid*

<sup>23</sup> See HRO, Vol. IV, Ch 11, rule 22.

<sup>24</sup> See Judicial Estacode 291. Also see GFR.

<sup>25</sup> *ibid*

<sup>26</sup> *ibid*

<sup>27</sup> See Judicial Estacode, 291-293

<sup>28</sup> See the NWFP Governments Servants (Conduct Rules, 1987, with special focus on 4-A(e).

Group B. A patwari has recorded statement in official capacity and has asked to release the diet money. Follow the proper procedure and release the diet money

Group C. A court of magistrate has imposed cost on a party which failed to produce witness. How the costs will be deposited?

Group D. A Rent controller has directed an applicant to deposit rent of the disputed shop in the court. Follow the proper procedure and deposit the rent after making entries in the relevant registrars.

### 1.1.5 Copying Supervisor, Agent, Clerk and Copyist<sup>29</sup>

The copying branch is one of the busiest places in the district courts. During the course of proceedings and after the disposal of cases, parties have to get copies of the record. It is often complained that the performance of the copying branch is not up to the expectations of the litigant public. Many factors contribute to the inefficient performance of the copying branch such as lack of knowledge about their roles & responsibilities, the lack of supervision and lack of proper training of staff. Thus, the staff of the copying branch must be formally trained in:

- Maintenance of receipt book for copies.
- Keeping of accounts of receipts.
- Maintenance of counterfoil of receipts, issues and payment orders.
- Approval of the duty list of the copying agent.
- Receiving of cash payment for the purpose of converting them into court fee stamp.
- Sanctioning, rejecting & accepting applications for copies.
- Maintenance of daily record of outturn in registers CD-5.
- Maintenance of register in form CD-8.
- Maintenance of register in form CD-4.
- Maintenance of register in form CD-11.
- Maintenance of income account in form CD-3.
- Proper preparation of duty list of staff working under him.
- Keeping of receipts of issuance of copies.
- Proper maintenance of applications for copies.
- Sanctioning of applications for copies.
- Keeping of all the files in lock.
- Maintenance of register in form CD-8.
- Maintenance of accounts of the copying branch.
- Use of computer networking for one window operation.

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<sup>29</sup> See for comprehensive details, Judicial Estacode, 297-301.

### 1.1.6 Examiner<sup>30</sup>

Like other staff of the copying branch, the examiner also plays a key role in providing copies to the parties. His role, being supervisory in nature, can minimize the chances of misuse of the powers by the copying staff. To ensure his effective role, he must be sensitized in the areas of:

- Revising the copies.
- Examining the copies.
- Certifying the copies.
- Stamping the copies.
- Paginating the copies.
- Endorsing the copies.
- Cancelling defective copies.
- Supervising the copyist.
- Producing the copies.
- Attestation of translation copies.
- Entries of translations in registers CD-2, and CD-3.
- Verification of delay in preparation of copies.
- Compliance with all provisions of law and relevant rules.

#### **Group Activity**

Group A. A plaintiff want to get attested copies of a written statement. suggest the proper procedure

Group B. A party has placed on file a document which was declared as inadmissible by the court. The aggrieved party has applied for the photocopy of the order and the document. How would you proceed?

Group C. Make a check list of the formalities for the maintenance of stock of the receipt book in form CD-10

Group D. Describe the procedure of conversion of money received through money order or V.P.P into court fee stamp affixing the same on the application and canceling the court fee stamps.

### 1.1.7 Muharir

Muharir is the custodian of the record of the court. He receives the cases after being admitted by the presiding officer of the court. His prime duty is to prepare summon/notice to inform the opposite party of the case against it. An efficient and trained Muharir can help considerably in

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<sup>30</sup> ibid

the quick disposal of cases by issuing timely process. To achieve this end, all Muharirs, must be trained in;

- Registration of cases in the relevant registers.<sup>31</sup>
- Preparation of checklist to the files.<sup>32</sup>
- Preparation and issuance of process.<sup>33</sup>
- Preparation of different Proformas.
- Maintenance of the court record.
- Preparation of different statements.
- Maintenance of chronological list of cases.
- Keeping files in tidy conditions.
- Maintenance of different registers.
- Compilation of record.
- Preparation of index of the decided cases.
- Consignment of record on time.<sup>34</sup>
- Separate index to each part of file.<sup>35</sup>
- Maintenance of diary of process fee.<sup>36</sup>
- Checking of the judicial record received from courts including High Court.<sup>37</sup>
- Transmission of record to high courts.<sup>38</sup>
- Proper custody of different registers.<sup>39</sup>
- Punching of stamps coming to the files.<sup>40</sup>

**Activity:** Compile, complete and consign a civil suit after its decision by the Presiding Officer

<sup>31</sup> See HRO, Vol. IV, Ch 16A, rule 5A(iii).

<sup>32</sup> See HRO, Vol. IV, Ch 16-A (Part II).

<sup>33</sup> See HRO, Vol. IV, Ch 5A, rule 10.

<sup>34</sup> See Judicial Estacode, 302. Also See HRO, Vol. IV, Ch 24 rule 9.

<sup>35</sup> See HRO, Vol. IV, Ch 16-A (Part II).

<sup>36</sup> See HRO, Vol. IV, Ch 5A, rule 10.

<sup>37</sup> See HRO, Vol. IV, Ch 19, rule 6.

<sup>38</sup> See HRO, Vol. IV, Ch 20, rule 7-9.

<sup>39</sup> See HRO, Vol. IV, Ch 24, rule 8.

<sup>40</sup> Judicial Estacode, 302.

### 1.1.8 Naib Nazir

Naib Nazir assists the Nazir of the Senior Civil Judge. His main responsibilities are to note the particulars on the process, keep the registrar in the safe custody, consign the registrars and dealing with road and diet money in the outlying courts. He/she shall be trained in the following areas:

- Noting the particulars of every process issued.<sup>41</sup>
- Maintenance of relevant registers.<sup>42</sup>
- Consignment of cases to the record room.<sup>43</sup>
- To give diet money to the official witness deposited by the parties.<sup>44</sup>
- Custody of different registers.<sup>45</sup>

### 1.1.9 Bailiffs and Process Servers

Bailiffs and process servers are the foot soldiers of the judiciary. They are the field workers and remain in close contact with public, especially, the litigants. They visit the field on daily basis to serve the process of the court and inform parties about the litigation pending against them. Their role in the administration of justice is of vital importance. They can play a significant role in the delay reduction if properly trained. They need training in the following areas:

- How to note the particulars on the processes.<sup>46</sup>
- How to serve summons, notices.<sup>47</sup>

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<sup>41</sup> See HRO, Vol. IV, Ch 5-A, rule 7.

<sup>42</sup> See HRO, Vol. IV, Ch 24, rule 8.

<sup>43</sup> See HRO, Vol. IV, Ch 24, rule 9.

<sup>44</sup> See HRO, Vol. IV, Ch 9-B, rule 4-A.

<sup>45</sup> See HRO, Vol. IV, Ch 24, rule 8.

<sup>46</sup> See HRO, Vol. IV, Ch 5-A, rule 7.

<sup>47</sup> See Judicial Estacode, 304

- How to execute warrants including warrant of attachment.<sup>48</sup>
- How to pay diet money to witnesses.<sup>49</sup>
- How to manage sale in certain circumstances.<sup>50</sup>

**Activity:**

Group A. A family court has issued a notice to a female defendant, in the case. How would you execute the summon?

Group B. In an execution proceeding, a court has ordered the attachment of a house. What formalities are to be observed while making attachment?

Group C. A court of sessions has issued a warrant to release a person from the illegal custody of the police. How would you execute the warrant?

Group D. In execution of a decree a court has ordered sale of a house. What procedure would you follow?

## 2. Concluding Activity

The participants are required to submit individual written presentations on “What I De-learned, Learned, and Re-learned.”

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<sup>48</sup> See HRO, Vol. IV, Ch 7-B, rule 11.

<sup>49</sup> See HRO, Vol. II, Ch 8-D, rule 21.

<sup>50</sup> See HRO, Vol. IV, Ch 7-B, rule 11.

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