

PART C-THE DESTRUCTION OF RECORDS

Rules framed by the High Court under Section 3 of the Destruction of the Records Act, 1917, with the previous approval of the State Government.

PART I – General

Destruction of records to be made in accordance with the following rules.	1. All judicial records, books and papers in respect of which the period, hereinafter prescribed, for their preservation has expired, shall be destroyed in accordance with the direction contained in ¹.[these rules]. Provided that the ².[Registrar (Judicial)] may order for reasons to be specified, that any particular paper or the record of any particular case be preserved beyond such period.
Supervision of destruction.	2. The destruction of judicial records, books and papers, shall be carried out from time to time as may be necessary; and, subject to the general superintendence of the ².[Registrar (Judicial)], shall be supervised by such officer, hereinafter called the supervising officer, as may be appointed by the Chief Justice and the Judges for the purpose.
Manner of destruction of records and stamps.	3. ²[(i) The destruction of judicial records including all Court-fee stamps affixed, books and papers, shall be effected in the presence of the supervising officer after preserving the records for ¹.{the period specified in Rules 10 to 12 of these Rules, by shredding or in such other manner as may be decided by the Chief Justice from time to time}]¹ so as to render it unlikely that all such documents may be used again.]]²
Sale of papers destroyed and credit of sale price.	(ii) The paper, after the supervising officer has certified that the destruction has rendered such judicial records, books and papers of no value, shall be sold as waste, under the orders of the Registrar ¹.{ (Judicial)}, and the proceeds of the sale shall be certified in the treasury to Government.

¹.{ PART II – Judicial Records

Division into Parts ‘A’ and ‘B’.	4. Every judicial record shall, for the purposes of these rules, consist of two parts, namely (1) Part A and (2) Part B. Every document admitted to such records shall be marked with the letter ‘A’ or the letter ‘B’ according as it belongs to Part A or Part B, and shall be placed with such file and shall without delay be entered in the general index pre-fixed to each such record.
Part A of Civil Judicial Record.	5. Part A of a Civil Judicial Record other than writs (civil and criminal) shall consist of the following documents, namely:- (a) In Original Suits (1) The tablaq or cover containing particulars of the case and a brief abstract of the orders in English.

1. Rules 1 to 16 amended/substituted vide Correction Slip No. 192 Rules/II.D4. dated 19.01.2024.

2. Substituted vide Correction Slip No. 139 Rules/II.D4. dated 22.03.2011.

- (2) The index of papers.
- (3) All orders.
- (4) The plaint, together with any schedule annexed thereto, and all documents, whether original or copies, filed with the plaint.

Note: In miscellaneous cases, the petition or written application of the party setting the Court in motion will take the place of the plaint.

- (5) The written statements and pleadings of the parties.
- (6) Applications of persons who are strangers to the suit.
- (7) All depositions of witnesses.
- (8) All documents or certified copies thereof received as evidence during the trial.
- (9) Commissions, proceedings held thereunder and reports and examination of Commissioners.
- (10) Affidavits.
- (11) Reports furnished by the Record Department.
- (12) Instruments of withdrawal, compromise/settlement or admission of party/ies.
- (13) All documents relating to orders of arrest or attachment before judgment.
- (14) The judgment, translation thereof (if any), or other final order.
- (15) The decree and all documents relating to the preparation or amendment thereof.
- (16) Summons, with report of service, in ex-parte cases.
- (17) Application for the re-admission of a suit dismissed in default or for the re-hearing of a suit decreed ex-parte, all proceedings and documents relating thereto.
- (18) Applications for review of judgment, all proceedings and documents relating thereto.
- (19) All receipts and acknowledgments filed in execution proceedings.
- (20) Applications for substitution, addition or striking out of names of parties or for substitution of the names of the heirs of a deceased party, if allowed.
- (21) All Vakalatnamas (Powers of Attorney) and Memorandums of Appearance.
- (22) Orders or directions of Supreme Court along with correspondence, if any.
- (23) All papers of historical, sociological and scientific value or of any other category, as in the opinion of the Court or the Chief Justice should be preserved.

(b) In Civil Appeals and Miscellaneous Cases (including Reference and Revision Proceedings).

- (1) The tablaq or cover containing particulars of the case and brief abstract of the orders in English.
- (2) The index.
- (3) The memorandum of appeal/revision/main/miscellaneous application(s)/ letter or order of reference.

- (4) The notice, with report of service, in ex-parte cases.
- (5) Memorandum of objections under Order XLI, Rule 22 or Rule 26 of the Civil Procedure Code.
- (6) The finding on issues referred to the lower court for trial under Order XLI, Rule 25 of the Civil Procedure Code.
- (7) Security bond for costs or for obtaining order of stay of execution of decree.
- (8) Applications for substitution, addition or striking out of names of parties or for substitution of the names of the heirs of a deceased party, if allowed.
- (9) Depositions of parties or witnesses recorded in this Court or on the direction of this Court or by the lower Court on remand.
- (10) Commissions, proceedings held thereunder and reports and examinations of Commissioners.
- (11) Documents filed by the parties.
- (12) Affidavits, except those presented with applications which are rejected.
- (13) Instruments of withdrawal, compromise/settlement or admission of party/ies.
- (14) All orders.
- (15) The Court's judgment, translation thereof (if any), or final order.
- (16) The decree and all documents relating to the preparation or amendment thereof.
- (17) Application for the re-admission of an appeal, application or petition dismissed in default, or for the re-hearing of an appeal, application or petition heard ex-parte, all proceedings and documents relating thereto.
- (18) Application for review of judgment, all proceedings and documents relating thereto.
- (19) An application for stay or injunction in Regular Second Appeal.
- (20) All Vakalatnamas (Powers of Attorney) and Memorandums of Appearance.
- (21) Copies of judgments/orders of the Courts below.
- (22) Orders or directions of Supreme Court along with correspondence, if any.
- (23) All papers of historical, sociological and scientific value or any other category, as in the opinion of the Court or the Chief Justice should be preserved.

6. Part A of Writs (Civil and Criminal)

Part A of Writs (Civil and Criminal) shall consist of the following documents, namely:-

- (1) The tablaq or cover containing particulars of the case and brief abstract of orders in English.
- (2) The index.
- (3) The petition together with any Schedule annexed thereto.
- (4) The reply or the written statement and pleadings of the parties.
- (5) Documents filed by the parties and police reports.
- (6) Affidavits except those presented with applications which are rejected.

- (7) Depositions of the witnesses recorded in this Court or on the direction of this Court.
- (8) Commissions, proceedings held thereunder and reports and examinations of Commissioners.
- (9) All orders.
- (10) Instruments of withdrawal, compromise/settlement or admission/confession of party/ies.
- (11) Court's judgment or final order.
- (12) Application for review of judgment, all proceedings and documents relating thereto.
- (13) Notice, with report of service, in ex-parte cases.
- (14) Application for re-admission of petition dismissed in default or for the re-hearing of the petition decided ex-parte, all proceedings and documents relating thereto.
- (15) Applications for substitution, addition or striking out of names of parties or for substitution of the names of the heirs of a deceased party.
- (16) All Vakalatnamas (Powers of Attorney) and Memorandums of Appearance.
- (17) Orders or directions of Supreme Court along with correspondence, if any.
- (18) All papers of historical, sociological and scientific value or any other category, as in the opinion of the Court or the Chief Justice should be preserved.

7. Part B of Civil Judicial Record and of Writs (Civil and Criminal).

Subject to any direction by the Court to the contrary, Part B of a civil judicial record and of Writs (Civil and Criminal) shall consist of all documents in such records as are not indicated in Rules 5 & 6 as belonging to Part A.

8. Part A of Criminal Judicial Record.

Part A of Criminal Judicial Record shall consist of the following documents, namely:-

- (a) In an original trial-All Papers.
- (b) In an appeal, reference, revision and miscellaneous cases –
 - (1) The tablaq or envelope containing particulars of the case and a brief abstract of the orders in English.
 - (2) The index.
 - (3) The petition of appeal or revision or letter/order of reference.
 - (4) Any additional evidence taken under the orders of the High Court on remand.
 - (5) Translation of police reports.
 - (6) All orders.
 - (7) Judgment and final order of the Court, and translation of the same, if any.
 - (8) Copies of judgments/orders of the Courts below.
 - (9) Application to treat an accused as juvenile, all proceedings and documents relating thereto.

- (10) Instruments of withdrawal or compromise/settlement, admission/confession of party/ies.
- (11) Original documents filed by the parties.
- (12) All Vakalatnamas (Powers of Attorney) and Memorandums of Appearance.
- (13) Orders or directions of Supreme Court along with correspondence, if any.
- (14) All papers, in case of historical, sociological and scientific value, or of any other category as in the opinion of the Court or the Chief Justice, should be preserved.

9. Part B of Criminal Judicial Record.

Subject to any direction by the Court to the contrary, Part B of a Criminal Judicial Record shall consist of all documents in such records as are not indicated in the preceding rule as belonging to Part A.

10. Documents to be preserved permanently.

The following documents belonging to Part A of a judicial record shall be preserved in physical form permanently, namely:-

In Civil Cases and Writs (Civil and Criminal)

- (1) Index
- (2) All orders.
- (3) Judgment or final order and decree of the Court.
- (4) Compromise/Settlement Deed, admission/confession by party/ies or an application for withdrawal of the case.
- (5) Unreturned original documents (including vernacular) filed by any party.
- (6) Depositions of witnesses recorded in this Court or on direction of this Court.
- (7) All Vakalatnamas (Powers of Attorney).
- (8) Certified copy of order granting special leave to appeal to the Supreme Court.
- (9) Orders or directions of Supreme Court along with correspondence, if any.
- (10) All papers of historical, sociological and scientific value or any other category, as in the opinion of the Court or the Chief Justice should be preserved.

In Criminal Cases

a. In an original Trial- all papers.

b. In other cases

- (1) Index.
- (2) All orders.
- (3) Judgment or final order of the Court.
- (4) Compromise/Settlement Deed, admission/confession by party/ies or an application for withdrawal.
- (5) Unreturned original documents (including vernacular) filed by any party or police reports.
- (6) Warrant of commitment or execution when returned.
- (7) Depositions of witnesses recorded in this Court or on direction of this Court.
- (8) All Vakalatnamas (Powers of Attorney).

- (9) Orders or directions of Supreme Court along with correspondence, if any.
- (10)All papers of historical, sociological and scientific value or any other category, as in the opinion of the Court or the Chief Justice should be preserved.

11. Permanent preservation of Part A in Digital/Electronic Form.

Subject to the provisions of the preceding rule, entire Part A of all civil and criminal cases including writ petitions shall be preserved permanently as per Standard Operating Procedure (SOP) approved by the Chief Justice or an authority nominated for this purpose, in digital/electronic form on Electronic Storage Media with mechanism of retrieval as and when required and the provisions of the Information Technology Act, 2000 shall apply to such record preserved electronically/digitally. The record so preserved shall be treated to be the original record for all purposes.

12. Preservation of Judicial Record.

- (i) Subject to the provisions of Rule 10, record of all cases shall be preserved for six years except in the following categories of cases, wherein the record shall be preserved for the period specified against each entry:-

ABBREVIATED FORM	NATURE OF PROCEEDING	PERIOD FOR PRESERVATION OF PART A		PERIOD FOR PRESERVATION OF PART B
		CONTESTED CASE	UNCONTESTED CASE (DECIDED AT INITIAL STAGE/IN LIMINE/ WITHDRAWN ETC.)	
ARB				
	Petition under Section 9 of Arbitration and Conciliation Act, 1996	06 months	03 months	03 months
	Petition under Section 11 of Arbitration and Conciliation Act, 1996	06 months	03 months	03 months
CACP	Contempt Appeals	03 months	01 month	01 month
CAPP	Company Appeal	03 months	01 month	01 month
CMM	Hindu Marriage Act Cases U/S 24	06 months	01 month	01 month
COCP	Civil Original Contempt Petition	03 months	01 month	01 month
CP	Company Petitions	01 year	01 month	01 month
CR	Civil Revision			
	Against Interim Orders	06 months	01 month	01 month
	Rent Petition/Appeals under Rent Restriction Act	01 year	06 months	06 months
	Against Order passed under Order 39 Rule 1 & 2 CPC	03 months	01 month	01 month
	MACT	06 months	01 month	01 month
	Under Section 6 of Specific Relief Act	06 months	01 month	01 month
	Under Miscellaneous Acts like Guardian Wards Act, ESI Act Etc.	06 months	06 months	06 months
	Under Rent Act	06 months	03 months	03 months
	Under HMA	06 months	03 months	03 months
	Family/Matrimonial Matter	06 months	03 months	03 months
	Succession	06 months	03 months	03 months
CRA-AD	Criminal Appeal against acquittal Division Bench	01 year	06 months	06 months
CRA-AS	Criminal Appeal against acquittal-Single Bench	01 year	06 months	06 months
CRA-D	Criminal Appeal-Division Bench	04 years	02 years	02 years
CRA-S	Criminal Appeal Single Bench	04 years	02 years	02 years
CRACP	Criminal Appeal Contempt Petition	01 year	03 months	03 months
CREF	Civil Reference	06 months	03 months	03 months

CRM	Criminal Miscellaneous Petition	06 months	03 months	03 months
CRM-A	Against acquittal	06 months	03 months	03 months
CRM-M	Criminal Main			
	Quashing Petition	06 months	03 months	03 months
	Anticipatory Bail	03 months	01 month	01 month
	Regular Bail	03 months	01 month	01 month
	Cancellation of Bail	03 months	01 month	01 month
	Direction Matter	02 months	01 month	01 month
	Criminal Transfer	02 months	01 month	01 month
CROCP	Criminal Original Contempt Petition	02 months	01 month	01 month
CRR	Criminal Revision			
	Against Acquittal	06 months	03 months	03 months
	Against Conviction	06 months	03 months	03 months
	Interim Orders	03 months	03 months	03 months
	Against Conviction Order Passed under Section 138 of Negotiable Instrument Act	06 months	03 months	03 months
	Against Conviction Order Passed under Section 304 A IPC	01 year	03 months	03 months
	Against order passed under Section 167(2) Cr.P.C. Seeking Regular (Default Bail)	03 months	01 month	01 month
CRR(F)	Criminal Revision-(Family Court)	06 months	03 months	03 months
CRWP	Criminal Writ Petition			
	Habeas Corpus	06 months	06 months	06 months
	Protection matters	03 months	01 month	01 month
	Parole	03 months	01 month	01 month
	Premature Release/Remission	06 months	01 month	01 month
	Orders against AFT(Criminal)	06 months	01 month	01 month
	Court Martial	06 months	01 month	01 month
	Crime against Women	06 months	01 month	01 month
CS	Civil Suit	4 years	02 years	02 years
CS-OS	Civil Suit-Original Side	4 years	02 years	02 years
CUSAP	Custom Appeal	2 years	06 months	06 months
CWP	Civil Writ Petition-Single Bench			
	Land Matters	06 months	01 month	01 month
	Enhancement of Compensation	06 months	01 month	01 month
	Labour/Industrial	06 months	01 month	01 month
	Service Matters	06 months	01 month	01 month
	Seniority Dispute Matters	06 months	01 month	01 month
	Compassionate Matters	06 months	01 month	01 month
	Municipal and Panchayat Laws	06 months	03 months	03 months
	Education	06 months	01 month	01 month
	Co-operative Act Matters	06 months	01 month	01 month
	RTI's	06 months	01 month	01 month
	Allotment of Govt. Houses	06 months	03 months	03 months
	Arbitration Disputes	06 months	03 months	03 months
	Passport Related Matters	06 months	03 months	03 months
	License Related Matters	06 months	06 months	06 months
CWP	Civil Writ Petition-Division Bench			
	Against orders passed by Armed Forces Tribunal (Civil)	06 months	06 months	06 months
	Central Administrative Tribunal under Misc. Acts like Motor Vehicle Taxation Act (1924), Income Tax Act (1961) etc.	06 months	06 months	06 months
	Excise/Customs (Indirect)	06 months	06 months	06 months
	Property Tax	06 months	06 months	06 months
	Petitions under PMLA, FEMA, GST etc	01 year	06 months	06 months
	Election Matters	02 years	06 months	06 months
	Land Acquisition Case	01 year	06 months	06 months
	Financial Corporations	01 year	06 months	06 months
	Land Laws	01 year	06 months	06 months
	Cases related to Intelligence Agencies like R&AW, IB, etc. except CBI	02 years	01 year	01 year
	Education Matters	06 months	03 months	03 months
	Human Rights cases	06 months	03 months	03 months
	Judicial Officers	01 year	06 months	06 months
	Tenders	06 months	06 months	06 months
	Vires	06 months	06 months	06 months
	Others	06 months	06 months	06 months
CWP-PIL	Civil Writ Petition-Public Interest Litigation	06 months	03 months	03 months
DP	Divorce Petition	06 months	03 months	03 months
EFA	Execution First Appeal	06 months	03 months	03 months

EP	Election Petitions	04 years	01 year	01 year
FAO	First Appeal Order	06 months	03 months	03 months
	In Arbitration cases	01 year	06 months	06 months
FAO(FC)	FAO (Family Court)	06 months	03 months	03 months
FAO-CARB	First Appeal From Order (Commercial Arbitration)	01 year	03 months	03 months
FAO-M	First Appeal Order-Matrimonial	01 year	03 months	03 months
GSTR	General Sales Tax Reference	06 months	01 month	01 month
INCOMP	Incomplete Objection Case	06 months	01 month	01 month
ITA	Income Tax Appeal	06 months	06 months	06 months
ITC	Income Tax Cases	06 months	06 months	06 months
LPA	Latter Patent Appeals			
	Enhancement of Compensation	06 months	03 months	03 months
	Labour/Industrial	06 months	03 months	03 months
	Service Matters	06 months	03 months	03 months
	Seniority Dispute Matters	06 months	03 months	03 months
	Compassionate Matters	03 months	01 month	01 month
	Education	03 months	01 month	01 month
MRC	Murder Reference Case	02 years	01 year	01 year
PBPT-Appl	Prohibition Of Benami Property Transaction Appeal	02 years	01 year	01 year
PBT	Probate	04 years	01 year	01 year
PMLA- Appl	Prevention Of Money Laundering Appeal	04 years	06 months	06 months
PVR	PB Vat Revision	06 months	03 months	03 months
RA	Review Appl	06 months	03 months	03 months
RA-CA	Review In Company Appeal	06 months	01 month	01 month
RA-CP	Review In Company Petition.	06 months	01 month	01 month
RA-CR	Review In Cr	06 months	01 month	01 month
RA-CW	Review IN CWP	03 months	01 month	01 month
RA-LP	Review IN LPA	03 months	01 month	01 month
RA-RF	Review Application IN RFA	03 months	01 month	01 month
RA-RS	Review IN RSA	03 months	01 month	01 month
RCRWP	Review IN CRCWP	03 months	01 month	01 month
RERA-APPL	RERA Appeal	03 months	01 month	01 month
RFA Regular	First Appeal			
	Land Acquisition Cases	03 months	01 month	01 month
	Trade Mark/Copy Right Cases	03 months	01 month	01 month
RSA	Regular Second Appeal			
	Service Matters	06 months	03 months	03 months
	Others	06 months	06 months	06 months
SA	Service Appeal	06 months	06 months	06 months
SAO	Second Appeal Order	06 months	06 months	06 months
STA	Sales Tax Appeal	06 months	03 months	03 months
STC	Sales Tax Cases	06 months	03 months	03 months
TA	Transfer Application	03 months	01 month	01 month
TCRM	Transfer Criminal Petition	03 months	01 month	01 month
UVA UT	Vat Appeal	06 months	03 months	03 months
UVR UT	Vat Revision	06 months	03 months	03 months
VATCASE	Value Added Tax Case	03 months	03 months	03 months
VATREF	Vat Reference	03 months	01 month	01 month
XOBJ	Cross Objection	06 months	06 months	06 months
XOBJC	Cross Objection In CR	03 months	03 months	03 months
XOBJL	Cross Objection In LPA	03 months	03 months	03 months
XOBJR	Cross Objection In RFA	03 months	03 months	03 months
XOBS	Cross Objection IN RSA	03 months	03 months	03 months

- (ii) The destruction of Part A of any civil or criminal case including writ petitions shall not be carried out unless the same has been preserved in accordance with Rule 11.
- (iii) If an appeal has been made to the Supreme Court, the entire record shall be preserved till the final judgment or order of the Supreme Court has been communicated to this Court. Whenever first communication in any appeal made to the Supreme Court is received from there, photostat copy thereof shall be placed on the record of this Court and a note in red ink shall be made on the index of the case. Similarly final order of the Supreme Court or photostat copy thereof shall be placed on the record of this Court and a note in red ink shall be made on the index of the case.

(iv) When a case in this Court has been dismissed for default or heard ex-parte, the record of the case shall not be destroyed until the expiry of one year from the date of decision.

13. Record of Caveat.

Record of Caveat shall be preserved for four months after expiry of 90 days if no such case as mentioned in the Caveat is filed, and thereafter the same shall be destroyed.

14. Date of reckoning the period.

Notwithstanding anything contained in Rule 26 of these rules, the period mentioned in these rules for the preservation of judicial record shall be reckoned from the date of the final orders of the Court in the cases.
Note: If review application is filed, the period shall be reckoned from the date of final orders on the review application.

15. Note of destruction to be made in registers, etc.

A note of every judicial record destroyed under the provisions of these rules shall be made under the signatures and/or digital signatures in the register to be maintained in physical and/or digital form as may be determined from time to time by the Chief Justice or a Judge nominated for the purpose, and also in the general index pre-fixed to such record. The register shall be maintained in the following proforma:-

Proforma of Register for Destruction of Records

No. of Set	Particulars of the Record	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed	Particulars of the Record to be destroyed

16. Return of documents.

An admitted document shall not be returned within the period specified in Order XIII, Rule 9 of the Code of Civil Procedure, until a certified copy thereof has been delivered to be substituted for the original, nor shall a document be returned which has been ordered to be impounded and not released, or which has, by force of a decree or order of the Court, become void or useless, or which is required by law to be filed and preserved, e.g., a Will under Section 294 of the Indian Succession Act, 1925.”¹

PART III

17. Classification.- The registers of the court shall, for the purposes of these rules, be divided into three classes, namely:-

- A. – Primary.
- B. – Subsidiary.
- C. – Statistical.

All the registers shall be maintained in English.

1. Rules 1 to 16 amended/substituted vide Correction Slip No. 192 Rules/II.D4. dated 19.01.2024.

A.- PRIMARY

Primary registers:
Definition and period of preservation.

18.
- (i) The primary registers are those which have to do directly with cases filed in court, and which form an abstract of the progress and disposal of such cases.

(ii) The following primary registers shall be maintained and shall be preserved for the period specified against each:-

Number of register	Name of register	Branch	Period for which to be kept
1	Civil First Appeals (Regular and Executions)	Civil	For ever
2	Civil Second Appeals (Regular and Executions)	Do	Ditto
3	Civil First Appeals from orders	Miscellaneous	Ditto
4	Civil Second Appeals from orders	Miscellaneous	Ditto
5	Civil Revisions	Miscellaneous	Ditto
6	Civil Miscellaneous	Miscellaneous	Ditto
7	Ditto	Civil	Ditto
8	Civil Original	Miscellaneous	Ditto
9	References under the Punjab Tenancy Act and Order XLV, Civil Procedure Code	Miscellaneous	Twelve years
10	Original Matrimonial cases	Miscellaneous	For ever
11	Matrimonial References	Miscellaneous	Ditto
12	Matrimonial Appeals	Miscellaneous	Ditto
13	Probate and Administration	Miscellaneous	Ditto
14	Letters Patent Appeals	Criminal	Ditto
15	Criminal Appeals	Criminal	Ditto
16	Criminal Revision	Criminal	Ditto
17	Criminal Miscellaneous	Criminal	Ditto
18	Murder References	Criminal	Ditto
19	Criminal Originals	Criminal	Ditto
20	Trial of European British subjects	Civil	Twelve years
21	Roznamcha	Miscellaneous	Ditto
22	Do	Criminal	Ditto
23	Do	Civil	For ever
24	Civil Regular and Execution First Appeals (by districts)	Civil	Ditto
25	Civil Regular and Executive Second Appeals (by districts)	Miscellaneous	Ditto

26	First Appeals from Orders (by districts)	Miscellaneous	Ditto
27	Second Appeals from Orders (by districts)	Miscellaneous	Ditto
28	Civil Revision (by districts)	Criminal	Ditto
29	Criminal Appeals (by districts)	Criminal	Ditto
30	Criminal Revisions (by districts)	Civil	Ditto
31	Privy Council Criminal Appeals	Criminal	Ditto
32	Fedral Court Civil Appeals	Civil	Ditto
33	Federal Court Criminal Appeals	Criminal	Ditto
34	Supreme Court Civil Appeals	Civil	Ditto
35	Supreme Court Criminal Appeals	Criminal	Ditto

B.- SUBSIDIARY

Subsidiary registers; Definition and period of preservation.

19. The subsidiary registers are for administrative purposes, and the following shall be maintained, and shall be preserved for the period specified against each:-

Number of register	Name of register	Branch	Period for which to be kept
1	Outstation Dak Book (files)	Despatch	One year
2	Outstation Dak Book	Do	Ditto
3	Outstation suggestion letters and notice cards	Do	Ditto
4	Station Dak Book	Do	Ditto
5	Despatch Diary (Number Book)	Do	Five Years
6	Return of files in all cases (Record) Register	Do	Three years
7	Issue Diary (Divisional Register)	Despatch(Issue)	Five Years
8	Postal Receipts	Despatch	One year
9	Ledger of Stamp Account	Do	Five years
10	Certificate for refund of stamp duty (Revision)	Civil	Twelve years
11	Certificate for refund of stamp duty (Revision)	Miscellaneous	Ditto
12	Certificate for refund of find	Criminal	Ditto
13	Receipt of Records	Miscellaneous (Receipt)	Three years
14	Process fees realized	Civil	Twelve years
15	Process fees realized	Miscellaneous	Ditto

16	Cause Book for Division Bench Cases (Civil)	Cause Register Clerk	One year
17	Cause Book for Single Bench cases (civil)	Ditto	Ditto
18	Cause Book for Division Bench Criminal cases	Ditto	Ditto
19	Cause Book for Single Bench Criminal Cases	Ditto	Ditto
20	Incomplete cases of expired dates	Civil	Ditto
21	Incomplete cases of expired dates	Miscellaneous	Ditto
22	Remand Cases	Cause Register Clerk	One year
23	Remand Cases	Miscellaneous	Ditto
24	Remand Cases	Criminal	Ditto
25	Petition Cause Book	Civil	Ditto
26	Petition Cause Book	Miscellaneous	Ditto
27	Petition Cause Book	Criminal	Ditto
28	Deposit Order Book (Printing fee of First Appeals)	Civil	Five years
29	Deposit Order Book (I and II Appeals both)	Do	Ditto
30	Deposit Order Book	Miscellaneous	Ditto
31	Deposit Order Book	Criminal	Ditto
32	Payment Order Book (Refund of Process fees in First Appeals)	Civil	Ditto
33	Payment Order Book (I and II Appeals both)	Do	Ditto
34	Payment Order Book	Miscellaneous	Ditto
35	Payment Order Book	Criminal	Ditto
36	Cases given on requisition	Civil	Three years
37	Cases given on requisition	Miscellaneous	Ditto
38	Cases given on requisition	Criminal	Ditto
39	Cause laid before the Registrar (Reported Cases)	Do	One year
40	Receipt Diary	Miscellaneous(Receipt)	Twelve years
41	Issue (Baramdgi) Book	Judicial Record)	Five years
42	Cases in which memo of costs is prepared	Civil	For ever
43	Cases in which memo of costs is prepared	Miscellaneous	Ditto
43-A	Kaifiat Register	Judicial Record	Twelve years
44	Civil Index	Ditto	For ever
45	Criminal Index	Ditto	Ditto

46	Probate Index	Ditto	Ditto
47	Index of Matrimonial cases	Ditto	Ditto
48	Register of Division Bench and Full Bench cases	Readers	One Year
49	Register of Single Bench cases	Do	Ditto
50	Inspection of Records	Bar Room Clerk	Ditto
51	Register for urgent petitions	D.R.R	Ditto
52	Single Bench Cause Register for Civil Appeals	Cause Register Clerk	Six years
53	Single Bench Cause Register for Civil Revisions	Ditto	Ditto
54	Single Bench Cause Register for Criminal Appeals	Ditto	Ditto
55	Single Bench Cause Register for Criminal Revision	Ditto	Ditto
56	Single Bench Cause Register for Civil References	Ditto	Ditto
57	Single Bench Cause Register for Civil Miscellaneous Applications	Ditto	Ditto
58	Division Bench Cause Register for Civil Appeals and Income-tax Cases	Ditto	Ditto
59	Division Bench Cause Register for Letters Patent Appeals	Ditto	Ditto
60	Division Bench Cause Register for Criminal Cases	Ditto	Ditto
61	Division Bench Cause Register for Transportation Appeals and Murder References	Ditto	Ditto
62	Register for Special and Full Bench Cases	Ditto	Ditto
63	Register of Matrimonials and Privy Council cases and cases under Legal Practitioners Act, etc.	Ditto	Ditto
64	Petition Register	Ditto	Twelve Years
65	Actual date register	Ditto	Six years
66	Cause Lists (Weekly and Daily)	Ditto	One year
67	Work performed by copyists	Judgment Copy Section	Five years
68	Distribution of cases to copyists	Ditto	One year
69	Cases sent to Civil Branch after completion	Ditto	Ditto
70	Cases sent to Miscellaneous Branch after completion	Judgment Copy Section	One year
71	Cases sent to Criminal Branch after completion	Ditto	Ditto
72	Copies supplied to the Editor, I.L.R., Punjab Series	Ditto	Ditto
73	Copies sent to Bar Association	Ditto	Ditto
74	Copies sent to R.K. Judicial	Ditto	For Ever
75	Check Book showing the receipt of stationery and its consumption	Ditto	One year

1{76	Disposal of applications received locally	Central Copy Branch	Be retained in soft format (scanned copy) whereas the hard copy be retained for only one month.
77	Disposal of applications received by Post	Central Copy Branch	Be retained in soft format (scanned copy) whereas the hard copy be retained for only one month.}
78	Ledger Book	Ditto	Five years
79	Copying Agent’s Cash Book	Ditto	Ditto
80	Account of copies sent per V.P.P.	Ditto	Three years
81	Money Orders received from the applicants	Copy Supply Section	Ditto
82	Amounts refunded by Money Order to applicants	Ditto	Ditto
83	Applications given to the Tracers	Ditto	Ditto
84	Account of copies sent to Legal Remembrancer	Ditto	Ditto
85	Paper Books received for copy	Assistant Examiner’s Section	One year
86	Letters Patent Appeals sent to the Reader to Deputy Registrar or Miscellaneous Branch	Ditto	Ditto
87	Cases sent to Despatcher for issuing letters, etc.	Ditto	Ditto
88	Notice Cases sent to Despatcher for issuing notices with grounds of appeal or revision	Ditto	Ditto
89	First Appeal Register	Translating Department	Ditto
90	Daily Receipt Register (First Appeals and Petitions)	Ditto	Ditto
91	Ledger of Translators	Translating Department	One year
92	Deposit Receipt Books	Ditto	Three years
93	Deposit Account Books	Ditto	For ever
94	Cash Book (Daily)	Ditto	One year
95	Payment Order Book	Ditto	For Ever
96	Press Requisition From Book	Criminal Branch	One year
97	Printed Records	Civil	Five years
98	Supreme Court cases.	Do	Ditto
99	Daily outturn of work done by Copyists	Translating Department	One year
100	Daily outturn of work done by Proof Examiners	Civil and Criminal	Ditto
101	Index Register of bastas containing cases dealt with in the Judicial Destruction Branch	Judicial Record	Six years
102	Receipt Diary of letters	Gazette	For ever
103	Causal leave for Punjab Civil Service	Do	Three years

1. Sr. Nos. 76 & 77 – substituted vide Correction Slip No. 191 Rules/II.D4. dated 17.08.2023.

104	Index to Punjab Government Gazette, Part I, relating to history of Judicial Officers and Magistrates, powers, posting, etc.	Do	For ever
105	Candidates accepted for Sub-Judgeship	Do	Ditto
106	Charge report of Judicial Branch I.C.S. and P.C.S	Do	Three years
107	Consumption of service postcards	All Branches	Five years
108	Form Stock Book	General Branch	Ten years
109	Stationery Stock Book	Ditto	Ditto
110	Typewriter Stock Book	For Ever	For ever
111	Advocates' Register	Ditto	Ditto
112	Pleaders' Register	Ditto	Ditto
113	Vakil's Register	Ditto	Ditto
114	Mukhtar's Register	Ditto	Ditto
115	Petition-writer Register	Ditto	Ditto
116	Despatch Register	Ditto	Ditto
117	Register of Legal Practitioner's Clerks	Ditto	Ditto
118	Issue Book, Register of Record-Keeper	General Branch	For ever
119	Register of allotment for judicial buildings, Lock-ups and Mortuaries	Ditto	Ditto
120	Accession Book	Library	Ditto
121	Issue Register	Do	Three years
122	Journals Receipt Register	Do	One years
123	Correction Slips Number Book	Do	Ten years
124	Correction Slips Receipt Register	Do	One year
125	Distribution of Books	Do	Ditto
126	Register of Books in Courts and Chambers	Readers	For ever
127	Check Books	All Branches	Two years
128	Diary Receipt Registers	Do	For ever
129	Service Appeal Register	Establishment Branch	Ditto

C.Statistical

20. The statistical registers are for purposes of preparing the monthly and annual returns of the Court, and the following shall be maintained and shall be preserved for the period specified against each:-

Statistical registers; Definition and period of preservation.

Number of register	Name of register	By whom kept	Period for which to be kept
1	Average duration of Civil Appeals	Statistical Clerk	Twelve years
2	Average duration of Criminal Appeals and Revisions	Ditto	Ditto
3	Average duration of Murder References	Ditto	Ditto
4	Valuation and cost of Delhi Appeals	Ditto	Ditto
5	Disposal by a Bench	Ditto	Ditto
6	Register of pending Civil Appeals	Ditto	Ditto
7	Work done by Judges sitting in chambers	Ditto	Ditto
8	Court fee realized	Institution Clerk	Ditto

PART IV – Other Papers

A- Periodical returns

Periodical returns; period of preservation .

21. (a) The following returns shall be preserved for one year and then destroyed:-

- MonthlyIndex of judicial correspondence.
- QuarterlyList of unanswered references coinage statements submitted by District Magistrates.
- Probate statements submitted by District Judges.

(b) The following returns shall be preserved for two years and then destroyed:-

- MonthlyStatement of Civil and Criminal work of District and Sessions Courts District Civil and Criminal Courts
- AnnualProbate statements submitted by District Judges.

(c) The following returns shall be preserved for three years and then destroyed:-

- AnnualBudgetestimates. District Civil and Criminal statements. Manuscript copies of all annual received from District Courts.

Notes.- (1) Correspondence connected with the above returns will be destroyed at the same time, except such as may be of importance, which will be preserved for another year.

(2) The general statements compiled in the High Court office for the preparation of the Civil and Criminal reports, as well as the general statement of Civil and Criminal work will be preserved for ten years and then destroyed. The general monthly statements of the work of District Courts will be preserved for the same period.

B.-Correspondence

22. The following will be preserved for one year and then destroyed:-

**Correspondence
-period of
preservation.**

- (i) Reminders.
- (ii) Charge certificates.
- (iii) Letters asking for circulars, almanacs, copies of rules, petitions for employment, private letters and petitions asking for information regarding rules or the practice of the Court and such like.
- (iv) Arrear statements.

Personal files of all officers and ministerial and menial servants of Government-

**Personal files
of Officers -
Period of
preservation.**

- (a) who die while in service, shall be preserved for three years after their death and then destroyed; provided there are no outstanding claims on the part of their heirs, and
- (b) who have retired, shall be preserved until their death and then destroyed; provided that no file shall be destroyed before three years from date of retirement when death occurs within three years of retirement.

C-Accounts

23. Bills and vouchers will be preserved for three years and then destroyed; in the case of sub-vouchers for Rs. 25 or under, which are not submitted to audit, this period will, however, be reduced to one year only. Care should be taken to ensure that no bill or voucher is destroyed even after the expiry of the above periods until all audit objections, if any, relating to it have first been settled. Counterfoils and miscellaneous account papers will be preserved for three years and then destroyed. Cash Books, journals and Ledger accounts shall be preserved indefinitely in the absence of special order to the contrary.

**Accounts-
period of
preservation.**

23-A. The main principles which should guide the destruction of accounts records should be that so long as an objection is outstanding and the accounts have not been completely checked and accepted in audit, they and the supporting documents should not be destroyed even though the period of preservation prescribed in the rules may have expired.

D – Press Declarations

- Press
Declarations
– Period of
preservation.

24.

Press declarations made under sections 4, 5 and 8 and submitted for record in the High Court under section 6 of the Press and Registration of Books. Act, XXV of 1867, shall be destroyed after a period of one year from the date on which the press or the periodicals concerned ceased to exist.

E – General

- Letter ‘D’ to be
put in register
against paper
destroyed.

25.

When any paper is destroyed, the letter ‘D’ shall be entered in red ink against the entry in the register in which such paper in registered.
- Mode of
calculating
period of
preservation.

26.

The period for which a paper is to be preserved shall be reckoned from the 1st of January following the date which it bears, e.g., papers of 1885, which under these rules have to be retained for one year, will become liable to destruction after the 31st December, 1886.
- Period of
destruction
of general
complaints.

¹[27.

The general complaints being dealt by General Branch of this Court wherein no action is required to be taken may be weeded out after two years of its final disposal.

Provided that before destruction of any complaint, the same be got scanned, orders of the competent authority shall be obtained and thereafter, the inventory of each destroyed record shall be maintained to keep record of the same in the following proforma:-

Sr.No	Date of complaint	Name and address of the complainant	Subject	Final orders passed thereon	Date of destruction

1. Rule 27 inserted vide Correction Slip No. 170 Rules/II.D4. dated 10.10.2017.

APPENDIX

APPENDIX

LETTERS PATENT CONSTITUTING THE HIGH
COURT OF JUDICATURE AT LAHORE, DATED
THE 21ST MARCH, 1919

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, To all to whom these Presents shall come, greeting : Whereas by an Act of Parliament passed in the Fifth and Sixth years of Our Reign and called the Government of India Act, 1915, it was amongst other things enacted that it should be lawful for Us by Letters Patent to establish a High Court of Judicature in any territory in British India whether or not included within the limits of the local jurisdiction of another High Court and to confer on any High Court so established any such jurisdiction, powers and authority as were vested in or might be conferred on any High Court existing at the commencement of that Act.

And whereas the Provinces of the Punjab and Delhi are now subject to the jurisdiction of the Chief Court of the Punjab which was established by an Act of the Governor-General of India in Council, being Act No. XXIII of 1865, and was continued by latter enactments and no part of the said Province is included within the limits of the local jurisdiction of any High Court.

1. Now know ye that We, upon full consideration of the premises, and of our special grace, certain knowledge, and mere motion, have thought fit to erect, and establish, and by these presents we do accordingly for Us, Our heirs and successors, erect and establish, for the Provinces of the Punjab and Delhi aforesaid, with effect from the date of the publication of these presents in the Gazette of India a High Court of Judicature, which shall be called the High Court of Judicature at Lahore, and We do hereby constitute the said Court to be a Court of Record.

Establishment
of High Court
at Lahore.

Constitution
and first
Judges of
the High
Court.

2. And We do hereby appoint and ordain that the High Court of Judicature at Lahore shall, until further or other provision be made by Us, or Our heirs and successors, in that behalf in accordance with section one hundred and one of the said recited Government of India Act, 1915, consist of a Chief Justice and six other Judges, the first Chief Justice being Sir Henry Adolphus Rattigan, Knight and the six other Judges being William Chevis, Esquire, Henry Scott-Smith, Esquire, Shadi Lal, Esquire, *Rai Bahadur*, Walter Aubin le Rossignol, Esquire, Leycester Hudson Lesilo Jones, Esquire, and Alan Brice Broadway, Esquire, being respectively qualified as in the said Act is declared.

Declaration
to be made
by Judges.

3. And We do hereby ordain that the Chief Justice and every other Judge of the High Court of Judicature at Lahore, previously to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before such authority or person as the Lieutenant Governor of the Punjab may commission to receive it :

"I, A.B., appointed Chief Justice (or Judge) of the High Court of Judicature at Lahore, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment."

Seal.

4. And We do hereby grant, ordain and appoint that the High Court of Judicature at Lahore, shall have and use, as occasion may require, a seal bearing advice and impression of Our Royal arms, within an exergue or label surrounding the same, with this inscription, "The Seal of the High Court at Lahore," and We do further grant, ordain and appoint that the said seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of, the office of Chief Justice, or during any absence of the Chief Justice the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice under the provisions of section one hundred and five of the Government of India Act,

1915, and We do further grant, ordain and appoint that, whensoever the office of Chief Justice or of the Judge to whom the custody of the said seal be committed is vacant, the said High Court shall be, and is hereby authorized and empowered to demand, seize and take the said seal from any person or persons whomsoever, by what ways and means so ever the same may have come to his, her or their possession.

5. And We do hereby further grant, ordain and appoint that all writs, summonses, precepts, rules, orders and other mandatory process to be used, issued or awarded by the High Court of Judicature at Lahore shall run and be in the name and style of Us, or of Our heirs and successors, and shall be sealed with the seal of the said High Court.

Writs, etc. to issue in name of the Crown, and under seal.

6. And We do hereby authorize and empower the Chief Justice of the High Court of Judicature of Lahore from time to time, as occasion may require, and subject to any rules and restrictions which may be prescribed from time to time by the Lieutenant-Governor of the Punjab to appoint so many and such clerks and other ministerial officers as may be found necessary for the administration of the justice and the due execution of all the powers and authorities granted and committed to the said High Court by these Our Letters Patent. And it is Our further will and pleasure, and we do hereby, for Us, Our heirs and successors, give, grant, direct and appoint, that all and every the officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice may, from time to time, appoint for each office and place respectively, and as the Lieutenant-Governor of the Punjab, subject to the control of the Governor-General in Council may approve of : Provided always, and it is our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court so long as they hold their respective offices, but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules, prescribed from time to time by the Governor-General in Council, and to absent himself from the said

Appointment of officers.

limits during the term of such leave in accordance with the said rules.

Admission of Advocates, Vakils and Attorneys

Powers of High Court in Admitting Advocates, Vakils and attorneys.

7. And We do hereby authorise and empower the High Court of Judicature at Lahore to approve, admit and enrol such and so many Advocates, Vakils and Attorneys as to the said High Court may seem meet ; and such Advocates, Vakils and Attorneys shall be and are hereby authorized to appear for the suitors of the said High Court, and to plead or to act, or to plead and act for the said suitors, according as the said High Court may by its rules and directions determine, subject to such rules and directions.

Powers of High Court in making rules for the qualifications, etc., of Advocates, Vakils and Attorneys.

8. And We do hereby ordain that the High Court of Judicature at Lahore shall have power to make rules from time to time for the qualification and admission of proper persons to be Advocates, Vakils and Attorneys-at-law of the said High Court, and shall be empowered to remove or to suspend from practice, on reasonable cause, the said Advocates, Vakils or Attorneys-at-law ; and no person whatsoever but such Advocates, Vakils or Attorneys shall be allowed to act or to plead for, or on behalf of, any suitor in the said High Court, except that any suitor shall be allowed to appear, plead or act on his own behalf, or on behalf of a co-suitor.

Civil Jurisdiction of the High Court

Extraordinary original civil jurisdictions.

9. And We do further ordain that the High Court of Judicature at Lahore shall have power to remove, and to try and determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court subject to its superintendence when the said High Court may think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

10. And We do further ordain that an appeal shall lie to the said High Court of Judicature at Lahore from the judgement (not being a judgement passed in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a Court subject to the superintendence of the said High Court, and not being an order made in the exercise of revisional jurisdiction, and not being a sentence or order passed or made in the exercise of power of superintendence under the provisions of Section 107 of the Government of India Act, or in the exercise of criminal jurisdiction) of one Judge of the said High Court or one Judge of any Division Court, pursuant to Section 108 of the Government of India Act, and that notwithstanding anything hereinbefore provided an appeal shall lie to the said High Court from a judgement of one Judge of the High Court or one Judge of any Division Court, pursuant to Section 108 of the Government of India Act, made on or after the first day of February, one thousand nine hundred and twenty-nine in the exercise of appellate jurisdiction in respect of a decree or order made in exercise of appellate jurisdiction *by* a Court subject to the superintendence of the said High Court where the Judge who passed the judgement declares that the case is a fit one for appeal, but that the right of appeal from other judgements of Judges of the said High Court or of such Division Court shall be to Us, Our Heirs or Successors in Our or Their Privy Council, as hereinafter provided.

Appeals to the High court from Judges of the Court.

11. And We do further ordain that the High Court of Judicature at Lahore shall be a Court of Appeal from the Civil Courts of the Provinces of the Punjab and Delhi and from all other Courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as were, immediately before the date of the publication of these presents, subject to appeal to the Chief Court of the Punjab by virtue of any law then in force, or as may after that date be declared subject to appeal to the High Court of Judicature at Lahore by any law made by competent legislative authority for India.

Appeal from other Civil Courts in the Provinces of the Punjab and Delhi.

12. And We do further ordain that the High Court of Judicature at Lahore shall have the like power and authority with respect to the persons and estates

Jurisdiction as to Infants and Lunatics.

of infants, idiots and lunatics within the Provinces of the Punjab and Delhi as that which was vested in the Chief Court of the Punjab immediately before the publication of these presents.

Law to be administered by the High Court

By the High Court in the exercise of extraordinary original civil jurisdiction.

13. And We do further ordain that, with respect to the law or equity to be applied to each case coming before the High Court of Judicature at Lahore in the exercise of its extraordinary original civil jurisdiction, such law or equity shall, until otherwise provided, be the law or equity which would have been applied to such case by any local court having jurisdiction therein.

By the High Court in the exercise of appellate jurisdiction.

14. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied by the High Court of Judicature at Lahore to each case coming before it in the exercise of its appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

Criminal Jurisdiction

Ordinary original criminal jurisdiction of the High Court.

15. And We do further ordain that the High Court of Judicature at Lahore shall have ordinary original criminal jurisdiction in respect of all such persons within the Provinces of the Punjab and Delhi as the Chief Court of the Punjab had such criminal jurisdiction over immediately before the publication of these presents.

Jurisdiction as to persons.

16. And We do further ordain that the High Court of Judicature at Lahore in the exercise of its ordinary original criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.

Extraordinary original criminal jurisdiction.

17. And We do further ordain that the High Court of Judicature at Lahore shall have extraordinary original criminal jurisdiction over all persons residing

in places within the jurisdiction of any Court subject to its superintendence, and shall have authority to try at its discretion any such persons brought before it on charges preferred by any magistrate or other officer specially empowered by the Government in that behalf.

18. And We do further ordain that there shall be no appeal to the High Court of Judicature at Lahore from any sentence or order passed or made by the Courts of original criminal jurisdiction which may be constituted by one or more Judges of the said High Court. But it shall be at the discretion of any such court to reserve any point or points of law for the opinion of the said High Court.

No appeal from High Court exercising original jurisdiction, Court may reserve points of law.

19. And We do further ordain that, on such point or points of law being so reserved as aforesaid, the High Court of Judicature at Lahore shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the Court of original jurisdiction and to pass such judgment and sentence as to the said High Court may seem right.

High Court to review cases on points of law reserved by one or More Judges of the High Court.

20. And We do further ordain that the High Court of Judicature at Lahore shall be a Court of Appeal from the Criminal Courts of the Provinces of the Punjab and Delhi and from all other Courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as were, immediately before the date of the publication of these presents, subject to appeal to the Chief Court of the Punjab by virtue of any law then in force, or as may after that date be declared subject to appeal to the High Court of Judicature at Lahore by any law made by competent legislative authority for India.

Appeal from other Criminal Courts in the Provinces of the Punjab and Delhi.

17. And We do further ordain that the High Court of Judicature at Lahore shall be a court of reference and revision from the Criminal Courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the

Hearing of referred cases and revision of criminal trials.

Sessions Judges, or by any other officers in the Provinces of Punjab and Delhi who were, immediately before the publication of these presents, authorized to refer cases to the Chief Court of the Punjab and to revise all such cases tried by any officer or Court possessing criminal jurisdiction in the Provinces or the Punjab and Delhi, as were immediately before the publication of these presents, subject to reference to or revision by the Chief Court of the Punjab.

High Court may direct the transfer of a case from one Court to another.

22. And We do further ordain that the High Court of Judicature at Lahore shall have power to direct the transfer of any criminal case or appeal from any Court to any other Court of equal or superior jurisdiction, and also to direct the preliminary investigation or trial of any criminal case by any officer or Court otherwise competent to investigate or try it, though such case belongs in ordinary course to the jurisdiction of some other officer or Court.

Criminal Law

Offenders to be punished under Indian Penal Code.

23. And We do further ordain that all persons brought for trial before the High Court of Judicature at Lahore, either in the exercise of its original jurisdiction, or in the exercise of its jurisdiction as a court of appeal, reference or revision, charged with any offence for which provision is made by Act No. XLV of 1860, called the "Indian Penal Code", or by any Act amending or excluding the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise.

Testamentary and Intestate Jurisdiction

Testamentary and intestate jurisdiction.

24. And We do further ordain that the High Court of Judicature at Lahore shall have the like power and authority as that which was immediately before the publication of these presents lawfully exercised within the Provinces of the Punjab and Delhi by the Chief Court of the Punjab, in relation to the granting of probates of last Wills and testaments, and letters of administration of the goods, chattels, credits and all

other effects whatsoever of persons dying intestate :
Provided always that nothing in these Letters Patent
contained shall interfere with the provisions of any law
which has been made by competent legislative authority
for India, by which power is given to any other Court to
grant such probates and letters of administration.

Matrimonial Jurisdiction

25. And We do further ordain that the High Court of
Judicature at Lahore shall have jurisdiction, within the
Provinces of the Punjab and Delhi, in matters matrimonial
between Our subjects professing the Christian religion :
Provided always that nothing herein contained shall be
held to interfere with the exercise of any jurisdiction in
matters matrimonial by any Court, not established by
Letters Patent within the said Provinces which is lawfully
possessed of that jurisdiction.

Matrimonial
Jurisdiction.

Powers of Single Judges and Division Courts

26. And We do hereby declare that any function
which is hereby directed to be performed by the High Court
of Judicature at Lahore, in the exercise of its original or
appellate jurisdiction, may be performed by any Judge, or
by any Division Court, thereof, appointed or constituted for
such purpose in pursuance of section one hundred and
eight of the Government of India Act, 1915 ; and if such
Division Court is composed of two or more Judges and the
Judges are divided in opinion as to the decision to be given
on any point, such point shall be decided according to the
opinion of the majority of the Judges, if there be a
majority, but, if the Judges be equally divided, they shall
state the point upon which they differ and the case shall
then be heard upon that point by one or more of the other
Judges and the point shall be decided according to the
opinion of the majority of the Judges who have heard the
case, including those who first heard it.

Single Judges
and Division
Courts.

Civil Procedure

27. And We do further ordain that it shall be lawful
for the High Court of Judicature at Lahore

Regulation of
proceedings.

from time to time to make rules and orders regulating the practice of the Court and for the purpose of adapting as far as possible the provisions of the Code of Civil Procedure, being an Act, No. V of 1908, passed by the Governor-General in Council, and the provisions of any law which has been or may be made, amending or altering the same, by competent legislative authority for India, to all proceedings in its testamentary, intestate and matrimonial jurisdiction, respectively.

Criminal Procedure

Regulation of proceedings.

28. And we do further ordain that the proceedings in all criminal cases brought before the High Court of Judicature at Lahore shall be regulated by the Code of Criminal Procedure, being an Act, No. V of 1898, passed by the Governor-General in Council, or by such further or other laws in relation to criminal procedure as may have been or may be made by competent legislative authority for India.

Appeals to Privy Council

Power to appeal in civil cases.

29. And We do further ordain that any person or persons may appeal to Us, Our heirs and successors, in Our or their Privy Council in any matter not being of criminal jurisdiction from any final judgment, decree or order of the High Court of Judicature at Lahore made on appeal, and from any final judgment, decree or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court, from which an appeal does not lie to the said High Court under the provisions contained in the 10th clause of these presents; provided, in either case, that the sum or matter at issue is of the amount or value of not less than 10,000 rupees, or that such judgment, decree or order involves, directly or indirectly, some claim, demand or question to or respecting property amounting to or of the value of not less than 10,000 rupees; or from any other final judgment, decree or order made either on appeal or otherwise as aforesaid, when the said High Court declares that the case is a fit one for appeal to Us, Our heirs or successors, in Our or their Privy Council; but subject

always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the Provinces of the Punjab and Delhi, except so far as the said existing rules and orders respectively are hereby varied; and subject also to such further rules and orders as We may, with the advice of Our Privy Council, hereinafter make in that behalf.

30. And We do further ordain that it shall be lawful for the High Court of Judicature at Lahore at its discretion, on the motion or, if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition, of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree or order of the said High Court, in any such proceedings as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to Us. Our heirs and successors, in Our or their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed respecting appeals from final judgments, decrees and orders.

Appeal from
interlocutory
judgments.

31. And We do further ordain that from any judgment, order or sentence of the High Court of Judicature at Lahore, made in the exercise of original criminal jurisdiction or in any criminal case where any point or points of law have been reserved for the opinion of the said High Court, in the manner provided by the 18th clause of these presents, by any Court which has exercised original jurisdiction it shall, be lawful for the person aggrieved by such judgment, order or sentence to appeal to Us Our heirs or successors, in Council, provided the said High Court declares that the case is a fit one for such appeal, and that the appeal be made under such conditions as the said High Court may establish or require, but subject always to such rules and orders as are now in force or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the Provinces of the Punjab and Delhi.

Appeal in
criminal
cases.

32. And we do further ordain that, in all cases of appeal made from any judgment(decree, order or sentence of the High Court of Judicature at Lahore to Us, Our heirs of successors, in Our or their Privy

Rules as to
transmission of
copies of evidence
and other docu-
ments.

Council, such High Court shall certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees and orders had or made, in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us. Our heirs and successors in Our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination annealed against. And We do further ordain that the said High Court shall, in all cases of appeal to Us. Our heirs or successors, conform to and execute, or cause to be executed, such judgments, and orders as We. Our heirs or successors in Our or their Privy Council, may think fit to make in the premises, in such manner as any original judgment, decree or decretal orders or other order or rule of the said High Court, should or might have been executed.

*Exercise of Jurisdiction elsewhere than at the usual
place of sitting of the High Court*

Special com-
missions and
circuits.

33. And we do further ordain that whenever it appears to the Lieutenant-Governor of the Punjab subject to the control of the Governor-General in Council, convenient that the jurisdiction and power by these Our Letters Patent, or by or under the Government of India Act, 1915, vested in the High Court of Jurisdiction at Lahore should be exercised in any place within the jurisdiction of any Court subject to the superintendence of the said High Court, other than the usual place of sitting of the said High Court, or at several such places by way of circuit, one or more Judges of the Court shall visit such place or places accordingly.

Proceedings of
Judges on
special
commission or
circuit.

34. And We do further ordain that whenever any Judge or Judges of the High Court of Judicature at Lahore visit any place under the 33rd clause of these presents the proceedings in cases before him or them at such place shall be regulated by any law relating thereto which has been or may be made by competent legislative authority for India.

Delegation of Duties to Officers

35. The High Court of Judicature at Lahore may from time to time make rules for delegating to any Registrar, Prothonotary or Master or other official of the Court any judicial, quasi-judicial and non-judicial duties.

Power to
delegate
duties.

Calls for Records, etc., by the Government

36. And it is Our further will and pleasure that the High Court of Judicature at Lahore shall comply with such requisitions as may be made by the Governor-General in Council or by the Lieutenant-Governor of the Punjab for records, returns and statements, in such form and manner as he may deem proper.

High Court to
comply with
requisitions from
Government for
records etc.

Power of Indian Legislatures

37. And We do further ordain and declare that all the provisions of these Our Letters Patent are subject to the Legislative powers of the Governor-General in Legislative Council, and also of the Governor-General in Council under section seventy-one of the Government of India Act, 1915 and also of the Governor-General in cases of emergency under section seventy-two of that Act, and may be in all respects amended and altered thereby.

Powers of Indian
Legislatures
preserved.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS ourself at Westminster the 21st day of March in the Year of Our Lord one thousand nine hundred and nineteen and in the Ninth Year of Our Reign.

BY WARRANT under the King's Sign
Manual.

(Signed.)
SCHUSTER.

[89] MAINTAINABILITY OF PUBLIC INTEREST LITIGATION RULES, 2010

1.(i) These Rules shall be called as MAINTAINABILITY OF PUBLIC INTEREST LITIGATION RULES, 2010.

(ii) These Rules shall come into force with effect from the date of approval by the Full Court.

2. No Public Interest Litigation shall be entertained by the Registry unless the petitioner(s) has specifically disclosed his credentials and his direct or indirect personal motive or interest involved in the case, if any, by way of an affidavit.

3. Every Public Interest Litigation shall be separately numbered and categorized.

4. All the Public Interest Litigations shall be listed before a Division Bench by the orders of the Chief Justice of the High Court.

5. The Bench, wherever it appears so desirable, may ask the petitioner to deposit an appropriate amount with the Registry to be paid as compensation/costs to the person/institution who may be forced to contest the litigation, which is ultimately found to be vexatious, frivolous or mala fide.

6. Ordinarily, the PIL may be entertained on any subject of vital public importance, such as:

(a) Bonded Labour matters.

(b) Neglected Children.

(c) Petitions from riot victims.

(d) Petitions complaining of harassment or torture of persons belonging Scheduled Castes, Scheduled Tribes and other Backward Classes by the others or by the police.

(e) Petitioner pertaining to environmental pollution, disturbance of ecological balance, forest and wild life.

(f) Petitioners complaining violation of human rights.

7. The Registry shall be entitled to verify the antecedents of a person, society or an association who invokes the jurisdiction of the High Court on the cause of public interest. Where the Registry has any doubt on such antecedents, an office note to this effect shall be put up, except on the petitions which are received by post.

8. The Public Interest Petitions received through post shall not be entertained except in the following cases:-

(i) Petitions sent by prisoners and detenues;

(ii) Petitions complaining violation of human rights;

- (iii) Petitions seeking a writ in the nature of habeas corpus;
- (iv) Petitions with a cause of such nature that it may require suo-motu proceedings by this Court in 'Public interest';
- (v) Petitions by finally or physically disabled persons, minors and/or oppressed sections of Society. The petitions falling in this category may be sent to the Member Secretary of the State Legal Services Authority concerned, who, on satisfaction regarding genuineness of the petitioner, may provide adequate legal aid including a counsel to the victim.

9. All the suo-motu petitions initiated by the High Court shall be put up before the Chief Justice for enlisting the same before an appropriate Bench as per roster within three days.

(b) PRESENTATION OF PETITIONS FOR REVISION IN CRIMINAL CASES AND CERTAIN OTHER CRIMINAL MATTERS

1. To be put in petition box during Courts hours.- All ordinary petitions for revision under sections 399 and 401 of the Code of Criminal Procedure and other petitions connected with the judicial business of the Court shall be presented by litigants or their advocates by depositing them in the petition box of the Court outside the room of the Deputy Registrar between the hours of 10 a.m. to 4 p.m. on every working day which is not a court holiday.

In every criminal appeal/revision application the appellant/petitioner shall state that no such appeal/revision application in the same matter has previously been filed, and without that statement such appeal/revision application shall not be accepted.

Urgent petition to be presented personally.- Appeals, applications, etc., accompanied by a petition to treat the same as urgent should, however, be presented personally to the Reader to the Deputy Registrar, on any working day before 11 a.m. but may, in exceptional cases, be received not later than 3 p.m.

No appeal or application shall be received unless presented during court hour from 10 a.m. to 4 p.m.

Provided that during the summer vacation the time for presentation of all ordinary petitions/appeals applications by litigants or Advocates shall be 7.30 A.M. to 12.00 Noon or during such other timings as the Senior Vacation Judge may fix and notify for any such vacation :

Provided further that all urgent petitions shall be presented to the Reader to the Deputy Registrar (Judicial) of the High Court until 8.30 A.M. but in exceptional cases may be presented not later than 11.00 on all working days during such period.

^[1]**1-A.-** All criminal cases filed shall be page-numbered and indexed in the following serial:-]

- (a) Miscellaneous Applications, if any;
- (b) ^[2][Grounds of Appeal/Revision/Misc. Petitions or Petitions under Section 482 Cr.P.C. filed in the High Court on prescribed opening sheet ^[3]{(available on the website of this Court under the heading 'Downloads')} mentioning therein that the party has not filed any similar case in this Court or in Hon'ble the Supreme Court of India, duly supported by an affidavit of the concerned party];

1. Substituted vide Correction Slip No. 144 Rules/II.D4 dated 29.04.2011.
 2. Modified vide Correction Slip No. 158 Rules/II.D4 dated 12.09.2013.
 3. Amended vide Correction Slip No. 167 Rules/II.D4 dated 17.03.2017.

^[1][(**bb**) Memo of parties including age of the litigant(s)]^[2][and particulars as regard to status of any petitioner or any accused being a Proclaimed Offender to be mentioned prominently in the memo of parties as under :

Whether Proclaimed Offender :

If yes particulars thereof :]

- (c) Copy of lower Appellate Court judgment;
- (d) Copy of grounds of Appeal/revision before the lower Appellate Court.
- (e) Copy of trial Court Judgment, and

^[3][(**f**) Additional Documents, if any:

^[4]{(**g**) Part A of the Judicial record shall be kept in two parts. All CMs be tagged in a separate folder with separate page-marking with date-wise filing of miscellaneous applications. All the CMs shall be indexed and their status be shown in the index page. Whereas interim orders passed including on the miscellaneous applications shall be kept in the main file.

The pending and decided applications shall be indexed, decided applications shall be underlined with red pen and date of order be mentioned in index. A copy of order vide which CM has been disposed of be also attached with the respective CM, old flags already put on the CMs be removed and only flags on pending applications shall be affixed.}^[4]

The certified or photostat copies/copies attested to be true copies of the originals either by the applicant/ appellant/ petitioner's counsel or where such documents happen to be a language other than English, their translations certified by counsel to be correct if such document are part of the record of the Courts/Tribunal.]^[3]

2. Documents to accompany petition for revision of acquittal order.- The Deputy Registrar shall not receive any petition for revision of an order of acquittal passed in a case instituted on police report, unless it is accompanied by a copy of an order of the Magistrate of the district, refusing to move the State Government to appeal under section 378 of the Code.

Note.—The complainant has a right of appeal from an order of acquittal passed in a case instituted upon complaint, where the High Court has granted him special leave to appeal on an application made under section 378(4) of the Code.

3. Documents to accompany petition for revision of order in non-appealable cases, Bail and suspension of sentence pending reference.- A petition under Sections 397 and 401 of the Code of Criminal Procedure for the revision of orders of any criminal Court inferior to the Court of Session in non- appealable cases shall not be entertained by the Deputy Registrar unless the same contains an averment supported by an affidavit of the petitioner that he has not filed any such petition

1. Inserted vide Correction Slip No. 165 Rules/II.D4 dated 18.11.2016.

2. Inserted vide Correction Slip No. 186 Rules/II.D4 dated 18.12.2020.

3. Substituted vide Correction Slip No. 144 Rules/II.D4 dated 29.04.2011.

4. Inserted vide Correction Slip No. 196 Rules/II.D.4 dated 31.05.2024.

before the Sessions Judge. The petitioner shall also state whether to his knowledge similar application has or has not been made by any other person to the Sessions Judge and if made shall state the result thereof.

3-A. Copies of lower courts orders to accompany petition for revision.- Every petition for revision of an order shall be accompanied by a copy of the order in respect of which such application is made.

In the case of petition for revision of the order of an appellate Court, a copy of the order of the Court of the first instance shall also be filed.

^[1]**4. Copies of bail applications to be supplied to Advocate-General.-** Copies of all bail applications received in the High Court relating to criminal cases pending in lower courts, when bail has already been refused by the lower court, shall be supplied to the Advocate-General by the Deputy Registrar to enable him to appear, if desired, on behalf of the Government provided that hearing of any particular case by the Judge, to whom it is assigned is not delayed by this procedure. The litigants/their Advocates shall supply a spare copy alongwith all its annexures etc., for this purpose at the time of filing such cases.]

5. Bail applications.- ^[2][In every application for bail presented to the High Court the petitioner shall state whether similar application has or has not been made to the Supreme Court, and if made shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was involved in any other criminal case or not. If yes, particulars and decisions thereof. An application which does not contain this information shall be placed before the bench with the necessary information.]

6. Documents to accompany transfer applications.- Where a petition or application for the transfer of a criminal case from one criminal court to another criminal court in the same Sessions division is made to the High Court, it shall contain an averment, supported by an affidavit or attested copies, that an application for the transfer of the case was made to the Sessions Judge and was rejected by him under section 407(2) of the Code of Criminal Procedure.

7. Documents to accompany petition for transfer.- Petitions for transfer in a pending criminal case shall be refused by the Deputy Registrar unless accompanied by attested copies of the documents relied on by the petitioner. If admitted the records should not be sent for unless a Judge specifically so orders.

^[1]**8. Copy of certain petitions be supplied to Advocate-General.-** A copy, complete in all respects, of the petition for transfer shall be supplied to the Advocate-General before it is filed in court. The petition shall state whether a copy has been supplied in accordance with this rule and if a copy has not been supplied, the reasons for not supplying the same shall also be stated.]

1. Substituted vide Correction Slip No. 16 Rules/II.D4 dated 23.1.1990.

2. Rule 5 amended vide Correction Slip No.201 Rules/II.D.4 dated 11.11.2024

9. Procedure for notifying dates hearing of urgent petitions.-

Notice of the hearing of urgent petitions shall not be given individually to the petitioner or his counsel but a list of such petitions shall be hung up for the purpose on the notice-board outside the Deputy Registrar's room on the day preceding the date fixed for the hearing of these petitions giving the name of the Judge by whom the petition will be heard.

^[1]**[10. Service of notice in transfer petitions.-** In petitions for transfer of cases under section 407, Criminal Procedure Code, filed in the High Court, the District Magistrate shall, without fail, return all notices including notices received electronically, by him from the High Court, whether for himself or for parties after service, within one week from the date of their receipt.]

11. Submission of reports by District Magistrate on transfer petitions.- The Sessions Judge shall, without fail also submit, within one week from the date of receipt of the High Court, letter, all reports or explanations called for by the High Court from himself or the Magistrate concerned with regard to allegations contained in the petitions for transfer or affidavit, copy whereof will accompany the said letter.

12. Register of summary trials.- In petitions under section 397, Criminal Procedure Code, against the order of a Magistrate, in cases tried summarily and in which there are no records except entries in the Register of Summary Trials (Criminal Register No. XVII), certified copies of the relevant entries in the Register shall be called for, instead of the Register.

^[2]**[13. Copies of applications.-** Copies, alongwith their all annexures of applications presented in the High Court by complainants under Section 378(4) of the Code of Criminal Procedure for special leave to appeal against the orders of acquittal shall be supplied to the Advocate General by petitioners and a certificate to that effect obtained from him before filling them in the High Court.]

1. Amended vide Correction Slip No. 178 Rules/II.D4 dated 27.11.2018.
2. Substituted vide Correction Slip No. 16 Rules/II.D4 dated 23.1.1990.

PART B.—THE RECEPTION OF PAUPER APPEALS

Appeals to be accom-panied by application for leave to appeal.	1. No application for leave to appeal as a pauper shall be received unless it is accompanied by a memorandum of appeal, nor shall a memorandum of appeal purporting to be on behalf of a pauper be received unless it is accompanied by an application for leave to appeal as a pauper. A schedule of any movable or immovable property belonging to the applicant, with the estimated value thereof shall be annexed thereto. The schedule shall also be signed and verified in the manner prescribed for the signing and verification of pleadings.
Who can present.	2. (a) Such application and memorandum shall be presented to the Court by the applicant in person, unless he is exempted from appearing in Court, under section 132 or 133 of the Civil Procedure Code or any other provision of law. In the latter case the application and memorandum can be presented by an authorised agent who can answer all material questions relating to the application. Such agent may be examined in the same manner as the party represented by him might have been examined, had such party attended in person.
Grounds for exemp-tion to be stated if not prese-nted personally.	(b) Every such application, if presented by an agent shall state on the face thereof, that the applicant is a person exempted from appearance under section 132 or section 133 of the Code of Civil Procedure or any other provision of law and shall not be received unless it contains such statement.
Treatment of petition not duly presented.	3. When an application or memorandum of appeal is one that cannot be received under the foregoing directions, the Deputy Registrar shall record, or cause to be recorded thereon, the name of the person presenting such application or memorandum, the date of its presentation, and an order returning the same for due presentation with the reason for such order and shall sign and date such order with his own hand.

PART C.—APPLICATIONS UNDER ORDER XXII, CODE OF
CIVIL PROCEDURE(i) *Legal representatives of deceased parties and
appeals by persons who were not parties
to the decree or Order*

1. Whenever a party to a decree or order, which is appealable to the High Court, desires to appeal therefrom and to make as a respondent to his appeal the legal representative of a person who, having been a party to such decree or order, has died after the date of such decree or order, and who, if alive, would be a necessary party as a respondent to such appeal, and whose legal representative has not as such been made a party to the decree or order, or to subsequent proceedings there under or thereon the party so desiring to appeal may present to the High Court for admission a memorandum of appeal with the name of such legal representative mentioned therein as such as that of a respondent if at the time when he presents such memorandum of appeal for admission, he along with such memorandum of appeal, presents an application for leave to make such legal representative as such a party as a respondent to his appeal, and, except as hereinafter provided, an affidavit stating such facts as may be necessary in support of his application :

Provided always that a Judge of the High Court may, by an order, allow in his discretion a reasonable time in that behalf for the presentation of such affidavit, if it appears to him that the applicant could not by the exercise of due diligence have procured such affidavit in time for presentation along with the memorandum of appeal.

2. Whenever by a decree or order which appealable to the High Court the interest of-

- (a) a beneficiary in property which at the date of such decree or order was vested in or in the possession of a trustee, an executor, an administrator, or a receiver or manager appointed by a court who as such was a party to such decree or order; or

Procedure to make respondent the legal representative of a deceased party who died after the decree or order appealed from.

Appeals by persons other than parties to the decree or order appealed from.

- (b) a legal representative as such of a deceased party to such decree or order; or
- (c) an assignee of a party to such decree or order by assignment subsequent to the date of such decree or order; or
- (d) a person whose interest arose after the date of such decree or order by reason of any creation or devolution of interest, by, through, or from any party to such decree or order is affected;

and such beneficiary, legal representative, assignee, or person was not or has not been made a party to such decree or order or to proceedings thereunder or thereon and desires to present to the High Court for admission a memorandum of appeal from such decree or order, he may name himself therein as an appellant if at the time when he presents such memorandum of appeal for admission he along with such memorandum of appeal presents an application for leave to make himself an appellant, and, except as hereinafter provided, an affidavit stating such facts as may be necessary in support of his application : Provided always, that a Judge of the High Court may, by an order allow in his discretion a reasonable time in that behalf for the presentation of such an affidavit, if it appears to him that the applicant could not by the exercise of due diligence have procured such affidavit in time for presentation along with the memorandum of appeal.

Procedure to make respondent the legal representative of a party who died before the decree or order appealed from but whose legal representative has not been brought on record.

3. Whenever in any suit or appeal from the decree or order, in which an appeal may be preferred to the High court, a party has, before the appealable decree or order in such suit or appeal has been made, died, and the name of such deceased party appears in such decree or order as that of a party thereto, and his representative has not been brought upon the record and such deceased party would, if alive, be a necessary party to an appeal to the High court from such decree or order, and any party to such decree or

order, or the legal representative of any such party, having a right of appeal from such decree or order, desires to appeal from such decree or order, and to make the legal representative of such deceased party to the appeal, he may present to the High Court for admission a memorandum or appeal with the name of such legal representative mentioned therein as a party to the appeal, if at the time when he presents such memorandum of appeal for admission he along-with such memorandum of appeal presents an application for leave to make such legal representative a party to the appeal, and, except as hereinafter provided, an affidavit showing that he did not know, before the decree or order from which he desires to appeal was made, that such deceased party had died, or that he had no reasonable opportunity of informing the Court which made the decree or order, before such decree or order was made, that such deceased party was dead, and stating such other facts as may be necessary in support of his application: provided that a Judge of the High Court may, by an order allow in his discretion a reasonable time in that behalf for the presentation of such affidavit, if it appears to him that the applicant could not by the exercise of due diligence have procured such affidavit in time for presentation along with the memorandum of appeal.

4. Whenever after a memorandum of appeal has been presented to the High Court, any appellant or any party interested in the maintenance of any objection filed in the appeal under Order XLI, Rule.- 22 or 26 of the Code of Civil Procedure first ascertains that a person, whose name appears in the memorandum of appeal as that of a party to the appeal, and who, if alive, would be a necessary party to such appeal or objection, had died before the memorandum of appeal was presented to the High Court or admitted, such appellant or party so interested as aforesaid may, but subject to the law of limitation, apply for an order that the memorandum of appeal be amended by substituting for the person, who has so died as aforesaid, his legal representative, if at the time when he presents such application, he along with such

Amendment of memo. of appeal when a deceased person made a party in ignorance of death.

application, except as hereinafter provided, presents for filing an affidavit showing that such application is made with all reasonable diligence after the fact of the death of such person first came to the knowledge of such applicant or the agent, if any, acting on his behalf in the litigation; provided that a Judge of the High Court may, by an order, allow in his discretion a reasonable time in that behalf for the presentation of such affidavit, if it appears to him that the applicant could not by the exercise of due diligence have procured such affidavit in time for presentation along with the application.

(ii) *General Rules as to Suits and Appeals*

5. Every application-

Application to bring on record legal representative of a party to show date of death.

- (a) under Order XXII, Rules 3(1) and 11 of the Code of Civil Procedure, by a person claiming, to be legal representative of deceased plaintiff or appellant to enter his name on the record in place of the deceased party;
- (b) under Order XXII, Rules 4 and 11 of the Code of Civil Procedure, to make the legal representative of a deceased defendant or respondent a party in place of the deceased; and
- (c) under the second clause of Order XXII. Rule 3 of the Code of Civil Procedure, by a defendant or respondent;

shall, in addition to any particulars required by law, state approximately the date of the death of the deceased party.

Application to set aside order of abatement or dismissal.

6. Every application under Order XXII, Rule 9 (read with Rule 11) of the Code of Civil Procedure, by a person claiming to be the legal representative of a deceased or the assignee or the receiver of an insolvent plaintiff or appellant, for an order to set aside an order of abatement or dismissal, shall state the cause

which prevented him from continuing the suit or appeal.

7. Every application of the kind specified in Rules 5 and 6 of these rules and every application under Order XXII. Rule 10 of the Code of Civil Procedure, to make the petitioner or some other person an additional or substituted party in a suit or appeal, shall, as to the allegations of fact contained in such application, be verified by affidavit.

Affidavit to accompany application made under Rules 5 and 6 and application to add or substitute a party.

8. Every application under Order XXII of the Code of Civil Procedure shall ordinarily be presented to the Deputy Registrar, who shall cause the date of presentation to be entered thereon.

Mode of presentation .

9. The Deputy Registrar shall examine the application, and, if it does not satisfy the requirement of the Code or of these rules in that behalf, may return it to the Person presenting it, for amendment and representation within a time to be noted on such application under his signature, or may refer the application to a Judge for orders.

Return for amendment.

10. Any such application may be presented to a Judge or to a Bench (as the case may be) on the date fixed for the hearing of the case; but unless sufficient cause be shown for the application not having been presented in the ordinary course to the Deputy Registrar, before such hearing, the applicant will become liable to pay the costs of any adjournment or postponement caused by the omission to present the application to the Deputy Registrar.

Effect of not presenting application before the date of hearing.

11. When an application to have the name of the legal representative of a deceased party, or the name of an additional or substituted party, brought on the record, or to have the name of a party struck off the record, is granted by order of a Judge or Bench (as the case may be), the Deputy Registrar shall cause the record of the proceedings in the High Court to be amended in conformity with such order.

12. Every person admitted on the record as the legal representative of a deceased plaintiff, defendant,

Form of amendment.

appellant or respondent, shall be described as “the legal representative of A.B., deceased plaintiff” (or defendant appellant or respondent, as the case may be); and, similarly in the case of an insolvent plaintiff, defendant appellant, or respondent.

(iii) *Special Rule as to Suits*

Application in original suits to be granted by the trial Judge.

13. Applications under Order XXII of the Code of Civil Procedure in original suits, when presented to the Deputy Registrar, shall subject to Rule 9 of these rules, be laid by him for orders before a Judge who shall ordinarily be the Judge before whom the suit to which it relates is pending.

(iii) *Special Rules as to Appeals*

14. When an application of the kind specified in rule 5 of these rules is presented to the Deputy Registrar in relation to an appeal pending before the Court and is deemed by him sufficient, without or after amendment, and the Deputy Registrar does not deem it necessary to refer the application for the order of a Judge, he is authorised to make an order granting the application “Subject to all just exceptions” and to cause the necessary amendments to be made in the memorandum of parties’ names and notices to be issued to the parties concerned to show cause on the date fixed for hearing the appeal. Where however the application is time-barred or affects a minor the Deputy Registrar shall refer it for the order of a Judge.

Orders to be granted by Judge.

15. Every application under Order XXII of the Code of Civil Procedure, not falling within Rule 14 of these rules or not granted under that rule, shall be laid before a Judge for orders.

(v) *Rules as to proceedings other than Suits and Appeals*

Rules to apply to other proceedings.

16. The foregoing rules shall apply to all proceedings of a civil nature, other than suits or appeals, to which Order XXII of the Code of Civil Procedure is applicable.

PART D.- THE REPRESENTATION OF MINORS AND
PERSONS OF UNSOUND MIND

1. Whenever a Judge or Bench sees cause to appoint a next friend of a minor plaintiff or appellant or a guardian in the suit or appeal of a minor defendant or respondent, and an order to that effect is passed, the Deputy Registrar shall cause the memorandum of parties names in the suit or appeal to be amended accordingly.

Appointment
of next friend
or guardian.

2. In every appeal presented to the Deputy Registrar in which it appears from the memorandum or appeal or the copies of the judgments filed therewith, that the appellant or respondents is a minor, the deputy Registrar shall cause a note to be made on such appeal for the information and orders of the Judge or Bench exercising jurisdiction in the appeal.

Office to note
minority on
memo. Of appeal
for order of the
judge.

3. No notice in relation to an appeal shall be issued to any respondent who, from the memorandum of appeal or the proceedings of the lower courts, appears to be a minor, unless and until a guardian for such minor has been appointed by an order of the Court or unless the issue of such notice be authorised by the special order of a Judge.

Notice of appeal
not to issue until
guardian has
been appointed.

4. The foregoing rules shall apply, so far as may be, to proceedings in review of judgment or in revision and to proceedings of a civil nature other than suits or appeals, to which Order XXXII of the Code of Civil Procedure is applicable.

Rules to apply to
proceedings
other than
appeals.

5. The foregoing rules relating to the representation of minors shall apply, *mutatis mutandis*, to the representation of persons of unsound mind, adjudged to be so under any law for the time being in force.

Rules to apply in
case of persons
of unsound
mind.

6. The foregoing rules are subject to the provisions of Order XXXII, Rule 16 of the Code of Civil Procedure.

Savings for
Princes and
Chiefs.

7. Nothing in the foregoing rules shall be deemed to require that any order made thereunder shall be made or signed by more than one Judge of the Court.

A single Judge
may pass orders.

**PART E. — THE MAKING AND FILING OF AFFIDAVITS
IN THE HIGH COURT**

1. ^[1]**Form and Attestation of Affidavits.-** Affidavits intended to be presented in the High Court in support of an assertion of any fact shall be drawn up and attested in the manner prescribed in Chapter 12 of Volume IV of High Court Rules and Orders. Such affidavits shall be sworn before some Court or Officer appointed to administer the oath to the deponent. If the affidavit is in a language other than English, then its translation in English shall also be filed in Court.”]

2. When affidavits necessary.- When a memorandum of appeal, cross-objection, petition or application in any proceeding in the High Court contains an assertion of any fact or facts contrary to or outside the record or not supported by evidence already on record, such assertion shall be supported by one or more affidavits.

3. Affidavits when to be presented.- Such affidavit shall ordinarily be presented with the memorandum of appeal, cross-objection, application or petition.

4. Effect of absence of affidavit.- Any ground contained in any such memorandum of appeal, cross-objection, application, or petition containing an assertion of fact not supported by affidavit may on the hearing thereof be ordered, by the Judge or Bench to be struck out or amended summarily, unless leave be granted to present an affidavit in support thereof.

5. Counter affidavits.- Facts asserted by a party showing cause against any appeal, application or petition supported by affidavit, shall likewise be supported by affidavit, whether the facts asserted be in contradiction of the facts asserted in support of the same or be fresh matter. Such affidavits must ordinarily be presented before the date fixed for the hearing but may with the permission of the Judge be presented at the hearing.

6. Evidence to be given by affidavit.- When upon any application any evidence is to be given, such evidence shall ordinarily be given by affidavit as provided in Order XIX, Rule 2 of the Code of Civil Procedure, and not otherwise, unless by an order of a Judge or Bench.

Explanation. - Evidence given in support of any of the following or similar applications should be given by affidavit unless otherwise ordered :

- (a) Applications to admit an appeal or application, which is *prima facie* barred by time;
- (b) Applications to add parties or to substitute representatives of parties;

- (c) applications to readmit an appeal or application which has been dismissed for default or to re- hear an appeal heard in the absence of the respondent;
- (d) applications to transfer or withdraw a suit or appeal;
- (e) applications to stay execution of decree or order;
- (f) application for security of costs; and
- (g) applications for leave to appeal in *forma pauperis*.

7. ^[1]**Affidavit to be presented to.-** Affidavits intended to be used in any proceedings before the High Court may be presented before the Registrar (Judicial) up to *12 Noon of a day preceding* the date of hearing, who shall thereupon file them with the proceeding after noting thereon the date of presentation.

8. No affidavit shall ordinarily be read at the hearing of any appeal, application or other proceeding unless a copy thereof has been served upon the other party or his Advocate by *12 Noon preceding the day* before such hearing;

Provided that this rule shall not apply to urgent applications or to applications made ex-parte.]

9. Affidavits to be attested by.- Under the provisions of section 139, clause (b) of the Code of Civil Procedure, the following officers have been appointed by the High Court to administer the oath to the deponent in the case of any affidavit under the said code:

- (1) The Registrar for the time being;
- (2) The Deputy Registrar for the time being;
- (3) The Superintendent Judicial for the time being;
- (4) The Secretary to the Chief Justice;
- (5) Superintendent and the Reader to Deputy Registrar, Circuit Court, Delhi.

PART F.—PROCESSES ISSUED BY THE HIGH COURT IN THE
EXERCISE OF ITS JURISDICTION.

The following rules have been made by the High Court under clause 27 of the Letters Patent constituting, the High Court, for regulating the payment of process fee for processes issued by the Court in exercise of its jurisdiction:—

1. ^[1]**[Amount of process fee.-** A fee of Rs.50 only as one time process fee irrespective of the number of respondents shall be charged in all the cases, in court fee stamps, to be deposited within 3 days in motion cases and within 7 days in admitted matters from the date of order alongwith copies as per respondents. In case the office is closed on 3rd or 7th day, the process fee shall be tendered on the next day when the office is open. This fee will not include the charges for registered cover. There will be additional fee to the extent of Rs.25 for any miscellaneous application filed during the pendency of the proceedings.

In case of default in depositing the process fee within the aforesaid time, the matter shall be placed before the Court at the earliest for appropriate orders with an indication in the cause list that the case has been listed on account of non-payment of process fee.]”

2. ^[2]**[deleted]**

3. Receipt for the process.- No process shall be prepared or issued until the proper fee for the service thereof has been paid, where necessary, but as soon as the process-fee is paid, a receipt in the form contained in the Appendix to these rules shall be granted by the official receiving the same and thereafter the court-fee label denoting the fee shall be placed on the record of the case and immediately punched.

4. Action on default.- Process-fee tendered after the expiration of Action oil the period fixed in rule 2 shall be refused unless it is accompanied by an application, duly stamped with Rs. 2.65 Paise Court-fee under Article 1 (d)(iii) of Schedule II to the Court-Fees Act, 1870, and giving reasons for tendering process-fee late.

5. Action of default.- On the presentation of such application, the Deputy Registrar may, when he is satisfied that service of process can be effected before the date already fixed for hearing, accept the process-fee so tendered and cause notice to be issued for the date of hearing already fixed. Where the Deputy Registrar is of opinion that service cannot be effected before the date of hearing, he will cause the application to be laid before a Judge for orders as to acceptance of belated process-fee and the fixing of a fresh date of hearing.

1. Substituted vide correction slip no. 148 Rules/II.D4 dated 18.08.2011.

2. Rule 2 deleted vide Correction slip no.129/113 Rules/II.D.4, dated 14.11.2003.

Action on
default.

6. (1) In the event of process-fee not being paid and no application as provided in rules 4 and 5 being made, the cause will be listed for a date soon after the original date of hearing before a Single Judge or a Division Bench as the case may be, for disposal according to Order 9, rule 2, or Order 41, rule 18, Civil Procedure Code, or otherwise as the Court may order. Previous notice of the date so fixed will be given to the appellant or petitioner, by listing the cause as a Motion Cause and, where the appellant or petitioner in the case is not represented by counsel, by registered post-card also.

(2) Without prejudice to the provisions of sub-rule (1), in cases including petitions under Article 226 for the issuance of directions, orders or writs, where the Court grants any *ex-parte* stay order, injunction or direction in favour of a party with notice to the other side and any process fee is required to be paid for the issuance of the notice, the stay order, injunction or direction, as the case may be, shall not be issued until the process fee has been paid.

^[1]**7.** Where there are more than one respondent/defendant, the appellant/applicant/plaintiff or his Advocate shall clearly mention the name of such performa party if any, or the name of such party who was proceeded *ex-parte* or did not contest the proceedings in the lower court and service shall not be effected ordinarily upon such party unless the Court orders to the contrary.]

APPENDIX

PUNJAB HIGH COURT AT _____

Process-fee Receipt

Received on (date) court fee stamp of the value
of Rupees.....in case No.....in re.....
versus

Signature of the Head Notice-writer,
(..... Branch).

1. **Rule 7 added** vide correction slip no. 15 Rules/II.D.4. dated 23.01.1990.

PART G

¹¹³[Filing of Statement of Cases and List of Books

1. The parties shall be required to fill in the Registry a statement of cases containing summary of relevant facts, important dates, points of law and the books relied upon by them in count with a copy to the adversary party within one week of the date on which the case appears in the cause list.

2. If any party fails to comply with the provisions of Rule 1 the court in its discretion may decide the case without hearing the party.]

^[1]PART- J – ‘THE ELECTRONIC FILING (E-FILING) RULES’

In exercise of powers under Articles 225 and 227 of the Constitution of India and all other powers enabling it in this behalf the High Court of Punjab and Haryana at Chandigarh makes the following rules:

1. Nomenclature

These rules will be called ‘THE ELECTRONIC FILING (E-FILING) RULES’.

2. Applicability and Commencement:

These rules will be applicable to the High Court of Judicature at Punjab & Haryana and to the Courts and Tribunals over which it has supervisory jurisdiction.

These Rules shall come into force from the date of notification in the official gazettes of Punjab, Haryana and U.T. Chandigarh.

These Rules will apply to on-line e-filing and e-filing through Designated Counters and facilities provided for e-filing, including e-Service Centres. The rules will apply to such categories of cases or proceedings as would be notified by the High Court. These Rules amend and consolidate the existing Rules and Practice Directions except in the matter of filing hardcopies till the issuance of appropriate direction on creation of paperless court.

3. Definitions

3.1 Action: includes all proceedings instituted in the Court or Tribunal such as suits, petitions, criminal complaints, appeals, civil or criminal writ petitions, revision petitions, contempt petitions, execution petitions, arbitration petitions, probate cases, caveats, miscellaneous cases, cancellation or untraced reports, reports under Section 173 of Code of Criminal Procedure, 1973 and interlocutory applications.

3.2 Administrator: means in case of High Court, the Registrar (IT) or an officer appointed by the Chief Justice and in case of District Court, the officer or official appointed by the District and Sessions Judge concerned, for administering and dealing with matters connected with or relating to e-filing.

3.3 Bench: means and includes one or more Judges assigned to adjudicate upon Actions or the presiding officer of the Court or Tribunal as the case may be.

3.4 Chief Justice: means the Chief Justice of High Court of Punjab & Haryana at Chandigarh.

3.5 Physical Filing: means Actions and pleadings filed as hard copies.

3.6 Designated Counters: means and includes those counters that may be included in **Appendix-I** from time to time.

3.7 District Courts: means and includes the courts established and functioning under the control and supervision of the High Court.

3.8 District and Sessions Judge: in relation to these rules means the District & Sessions Judge of the district concerned.

3.9 Electronic Filing (e-filing): means e-filing as prescribed through the Internet (at the web portal of the Court) and through the internet/intranet at Designated Counters, unless the context requires otherwise.

[1] Chp.-1 Part J, inserted vide Correction Slip No.190 Rules/II.D.4, dated 07.02.2023.

- 3.10 **Evidence:** means and includes evidence as defined under the Indian Evidence Act, 1872.
- 3.11 **High Court:** High Court means the High Court of Punjab & Haryana at Chandigarh.
- 3.12 **Objections:** means and includes deficiencies and errors pointed out by the Registry/office in relation to the Actions instituted in the Court or Tribunal.
- 3.13 **Opposite Party:** means defendant(s), accused, respondents, judgment debtor(s) and non-applicant(s).
- 3.14 **Party:** means caveator(s), appellant(s), plaintiff(s), petitioner(s), decree holder(s), complainant(s) and applicant(s).
- 3.15 **Pleadings:** means pleadings filed in support or defence of an Action including replication, affidavits, additional affidavits and supplementary affidavits.
- 3.16 **PDF:** means an electronic document filed in a portable document format.
- 3.17 **PDF/A:** means an ISO-standardized version of the Portable Document Format (PDF) specialized for the digital preservation of electronic documents.
- 3.18 **Registry:** in case of High Court means the Registry of High Court and in case of District Courts/Tribunal means the office of District and Sessions Judge/Tribunal.
- 3.19 **Statement of Defence:** means and includes written statements, replies, counter-affidavits and additional or supplementary affidavits.
- 3.20 **Technical failure:** means a failure of the court's hardware, software, and/or telecommunications facility which results in the impossibility of submitting a file electronically. Technical failure does not include malfunctioning of the equipment of the person submitting an e-file.
- 3.21 **Third Party:** means and includes any person or entity seeking to become a party or to intervene in an Action.
- 3.22 **Working Day:** means and includes a day when the Registry/office of the Court or Tribunal is working under the Calendar published or as directed by the Court.
- 4 **General Instructions:** Following or as may be prescribed by the Chief Justice:-
- 4.1 On-line e-filing in High Court or District Court shall be made by visiting the web portal of the Court, namely <https://efiling-phc.ecourts.gov.in/> or by clicking on e-filing link on the official website of High Court.
- 4.2 Except as provided in these Rules, Actions, whether in fresh, pending or disposed of cases, will be filed electronically by an advocate or litigant in-person from their home, office or other remote location in the manner provided in these Rules.
- 4.3 Any person who is unable to access the e-filing portal would be entitled to make use of the facilities provided at the Designated Counters for that purpose, upon payment of charges, if any prescribed by the High Court.

- 4.4 The size of the e-file should not exceed the limit as prescribed on web-portal from time to time. In case the file size exceeds the prescribed limit, the Advocate or litigant should visit any one of the Designated Centres for enabling e-filing through the intranet.

5 Steps for Registration

- 5.1 Persons other than Advocates and litigants in-person who are already registered on the Court web portal will take the following steps to register themselves:

i) Advocates

- a) Should visit the web portal (<https://efiling-phc.ecourts.gov.in/>) to view the form.
- b) Click the registration link. Select the option of 'Advocate'.
- c) Fill the form with requisite details.
- d) Submit the filled-up form along with a self-attested copy of the Bar Council Registration Certificate or Bar Council I-card (in PDF format only).

ii) Litigants in-person

- a) Should visit the web portal (<https://efiling-phc.ecourts.gov.in/>) to view the form.
- b) Click the registration link. Select the option of 'Party in-person'.
- c) Fill the form with requisite details.
- d) Submit the filled-up form along with the self-attested copy of any identity document issued by the Government (in PDF format only).

- 5.2 Litigants in-person shall submit an affidavit/undertaking that they have not engaged an Advocate in the Action. A litigant in-person, who subsequently engages an Advocate, shall make an application before the Administrator for transferring the data in respect of the Action to the Advocate's account. Once the Administrator allows the application, the data in the Action shall be transferred in the user account of the Advocate. The litigant in-person will not be in a position to modify the data of the subject Action, without the permission of the Administrator.

- 5.3 A login ID will be allotted on the next working day if the application is found complete in all respects. The procedure for registration is set out in **Appendix-II**.

6 Frame of Pleadings

All the pleadings of the parties should be in accordance with Rules and Orders of the Punjab & Haryana High Court and the instructions issued from time to time by the High Court.

7 Formatting

- 7.1 All the original typed text material including notice of motion, memorandum of parties, main petition or appeal, interlocutory application(s), reply, status report, affidavit, documents, will be prepared as per Rules and Orders of Punjab and Haryana High Court rules and orders and the instructions issued from time to time by the High Court.
- 7.2 The document should be converted into Optical Character Recognition (OCR) searchable Portable Document Format PDF/A using any PDF converter or in-built PDF conversion plug-in provided in the software.

- 7.3 A document which is not a text document and has to be enclosed with the Action, should be scanned using an image resolution of 300 DPI (Dots per inch) in OCR searchable mode and saved as a PDF document. The procedure for converting a document into an OCR searchable PDF as mentioned above and as required in clause 9.1 is set out in **Appendix-III**.

8 Digital Signatures

- 8.1 The PDF document shall be digitally signed either by the parties and/or by their Advocate. The digital signatures shall be appended on such places on the PDF document as prescribed under the extant rules. If neither the party nor the Advocate who has been engaged possesses a digital signature, a print out of the Action shall be physically signed by the party concerned and/or their Advocate in accordance with rules and it shall thereafter be scanned and uploaded.
- 8.2 A List of recognized Digital Signature Providers and the procedure involved in appending single or multiple signatures is set out in **Appendix-IV**.
- 8.3 A litigant in-person or advocate who does not possess a digital signature issued by the competent authority can authenticate e-filed documents by e-Sign based on Aadhaar authentication.

9 Dos and Don'ts

- 9.1 The text documents and scanned documents set out in clauses 7.3 and 8.1 should be merged as a single OCR searchable PDF file and should be book-marked as per the Master Index, duly approved by the Registry. The procedure in this behalf is set out in **Appendix-V**.
- 9.2 The merged documents should be uploaded at the time of on-line e-filing. Screenshots of the manner of accessing the on-line e-filing portal and for the filing of the main case and documents including written statements, replies, replications, rejoinders, affidavits and evidence in a pending case are set out in **Appendix-I**.
- 9.3 Once e-filing is accepted, the filing or registration number shall be notified to the Advocate or litigant in-person.
- 9.4 In case on-line e-filing includes audio and/or video files, the Administrator shall generate a hash value.
- 9.5 Special Characters are not allowed while e-filing Memo of Parties and Advocate remarks.
- 9.6 Document Binary File Name Standards
The following special characters are not allowed in a file name:
- A quotation mark (")
 - A number sign/Pound (#)
 - Per cent (%)
 - Ampersand (&)
 - Asterisk (*)
 - Colon (:)
 - Angle brackets (less than, greater than) (<>)
 - A question mark (?)
 - Backslash (\)
 - Forward slash (/)
 - Braces (left and right) ({ })
 - Pipe (|)
 - A tilde (~)

- The period (.) character used consecutively in the middle of the file name or at the beginning or end of the file name.

File names should not exceed 45 characters in length, including spaces. Single space must be counted as one character each.

- 9.7 On-line e-filing shall not be watermarked or encrypted. The e-filed documents shall not contain any virus, malware, spam-ware, trojan horse or the like. All the e-filed documents shall be legible and free of markings, track changes or annotations.

10 Payment of Court Fees/Other Charges

Court fee and other charges can be paid either electronically by purchase on the on-line facility provided by the authorised agency or from the Designated Counters provided for the purpose in the High Court and District Courts or from any authorized court fee vendor. The Transaction ID provided upon payment of court fee and other charges is required to be entered in the appropriate field at the time of on-line e-filing.

11 Retention of Originals

- 11.1 Originals of the documents that are scanned and digitally signed by the Advocate or the litigant in-person at the time of e-filing should be preserved, for production or inspection, as may be directed by the Bench.

- 11.2 The signed vakalatnama, signed and notarized/attested affidavit and any other document whose authenticity is likely to be questioned should be preserved, at least, for two years till after the final disposal of the Action. Final disposal shall include disposal of the Action by the superior appellate court.

- 11.3 Notwithstanding anything above, the following documents will have to be preserved permanently: -

- a) A Negotiable Instrument (other than a cheque) as defined in Section 13 of The Negotiable Instruments Act, 1881 (26 of 1881).
- b) A Power-of-Attorney as defined in section 1A of the Powers-of-Attorney Act, 1882 (7 of 1882).
- c) A Trust as defined in Section 3 of The Indian Trusts Act, 1882 (2 of 1882).
- d) A Will as defined in Clause (h) of Section 2 of The Indian Succession Act, 1925 (39 of 1925) including any other testamentary disposition by whatever name called.
- e) Any contract for the sale or conveyance of immovable property or any interest in such property.
- f) Any other document as may be directed by the Bench.

- 11.4 The responsibility of producing the originals and proving their genuineness shall be of the party that has electronically filed scanned copies of the document.

12 Access to the Electronic Data of the Action

Free of cost access will be available to authorized person(s) to data e-filed by any of the parties to the specific Action, as is presently being provided in pending Actions. This facility shall be in addition to the procedure of obtaining certified copies.

13 Exemption from e-filing

Exemption from on-line e-filing of the entire pleading or a part of the pleadings and/or documents may be permitted by the Bench upon an application being made for that purpose in the following circumstances:-

- i) where on-line e-filing is for reasons set out in the application not feasible; or
- ii) where there are concerns about confidentiality and protection of privacy; or
- iii) where the document cannot be scanned or filed electronically because of its size, shape or condition; or
- iv) where the on-line e-filing portal is either inaccessible or not available for some reason; and/or
- v) for a just and sufficient cause.

14 Service of Electronic Documents

In addition to the prescribed mode of service, notices, documents, pleadings that are filed electronically may also be served through the designated e-mail IDs of Registry officials to the e-mail address of the advocates or parties, if available. E-mail IDs of Registry officials will be published on the Court website to enable the recipients to verify the source of the e-mail.

15 Computation of Time

- 15.1 Wherever limitation/time limits apply, it will be the responsibility of the party concerned to ensure that the filing is carried out well before the cut-off date and time and hardcopy thereof (if required) be provided within the prescribed time. The date of e-filing will be taken as that date when the Action is electronically received in the Registry within the prescribed time on any working day. For computing the time at which e-filing is made, Indian Standard Time (IST) will apply.
- 15.2 E-filing through Designated Counters will be permissible up to 1600 hours on any court working day. On-line e-filing carried out after midnight i.e. 2400 hours of the day, will be treated as the date which follows the actual filing date provided it is a court working day. Actions filed on a day declared as gazetted holiday or on a day when the court is closed, will be regarded as having been filed on the next working day. For the computation of limitation, on-line e-filing shall be subject to the same legal regime as applicable to physical filing, save and except as provided herein above.
- 15.3 The facility for on-line e-filing through the web portal shall be available during all twenty four hours of each day, subject to breakdown, server downtime, system maintenance or such other exigencies. Where on-line e-filing is not possible for any of the reasons set out above, parties can either approach the Designated Counters for e-filing between working hours on court working days or take recourse to physical filing. No exemption from limitation shall be permitted on the ground of a failure of the web based on-line e-filing facility.
- 15.4 Provisions for limitation governing on-line e-filing will be the same as those applicable to physical filing. The period of limitation for such actions will commence from the date when e-filing is made as per the procedure prescribed in these Rules.

16 Procedure for Filing Caveat

All caveats can be filed on-line. The procedure for this purpose is set out in **Appendix-VI**.

17 Hard Copies of Pleadings and Documents filed Electronically

Advocates, as well as parties, may print hard copies of all pleadings and documents filed electronically for their use in the court or elsewhere. The Registry will whenever required prepare hard copies for official use.

18 Storage and Retrieval of e-filed Documents and Pleadings

E-filings will be stored on an exclusive server maintained under the control and directions of the Court. Each such filing will be separately labelled and encrypted for facilitating easy identification and retrieval. The security of such filings will be ensured.

Access to e-filings would be restricted in the manner provided herein above and as may be notified from time to time. For continuity of operations in case of disaster, natural calamity or breakdown, a mirror image of e-filings available on the servers located in the Court may be maintained at different geographical locations, as decided from time to time by the Court.

19 Residuary provisions

19.1 The e-filing made by an Advocate/litigant in-person will be rejected if they do not follow the protocol mandated by these Rules or practice directions.

19.2 Subject to such further directions as may be issued, it would not be obligatory on the part of the opposite party to accept pleadings and documents by e-mail. In such an eventuality, hard copies of pleadings and documents will have to be provided to the opposite party. In such circumstances, the plaintiff/petitioner can be called upon to deposit the charges calculated on the basis of the number of pages per defendant/respondent which are required to be photocopied. This facility will be provided by the Registry on a written request being made by the defendant(s)/respondent(s).

19.3 The Registry will communicate the objections, if any, regarding the cases filed by e-mail/SMS/web hosting to the concerned Advocate/litigant in-person. After the objections are cleared the case will be processed for listing and the Advocate/litigant in-person will be informed including by e-mail/SMS.

20 General Caution

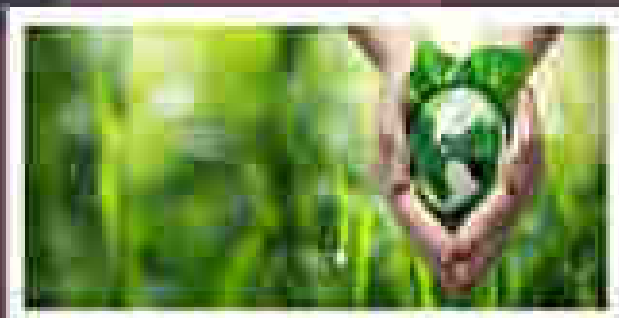
E-mail is not a secure medium of communication. Any communication transmitted by e-mail can be intercepted or read by a third party. An Advocate or litigant in-person seeking to transmit confidential or sensitive document/material shall approach the Registry or requisite assistance/advice.

Appendices

APPENDIX-I	Screenshots showing the procedure for accessing the on-line portal, electronic filing of documents and list of Designated Counters.
APPENDIX-II	Screenshots showing the procedure for registration.
APPENDIX-III	Screenshots showing the procedure for converting a document into an OCR searchable PDF.
APPENDIX-IV	Screenshots showing the procedure for appending single or multiple digital signatures.
APPENDIX-V	Screenshots showing the procedure for book-marking.
APPENDIX-VI	Screenshots showing the procedure for filing Caveat.

A STEP BY STEP GUIDE FOR EFILING

(efiling for High courts & District Courts of India)



**Circulated by
e committee
Supreme Court of India**

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A Step by Step Guide for E-filing

(For High courts & District Courts of India)

1.1.Introduction

Welcome to the digital world of E-filing of High courts /District courts of India and this user guide will help you with step by step how to efile your case in the online efilng portal. Follow this step by step guide and Start E-filing your cases from the comfort of your Office and And join the new band of **DIGITAL ERA ADVOCATE** .

1.2.Getting Started

- Before starting efilng confirm and ensure the following details:
- You must be a registered Advocate in www.efiling.ecourts.gov.in
- If you are not a registered Advocate, immediately register today in the efilng portal by watching our helpline tutorial/manual.
- To Watch the Help video / manual click on this hyperlink <https://efiling.ecourts.gov.in/help>.
- Unless you are a registered user you cannot efile a new case
- Keep you registered user name and Password ready. Lets start efilng a new case
- Lets start e filing a new case .

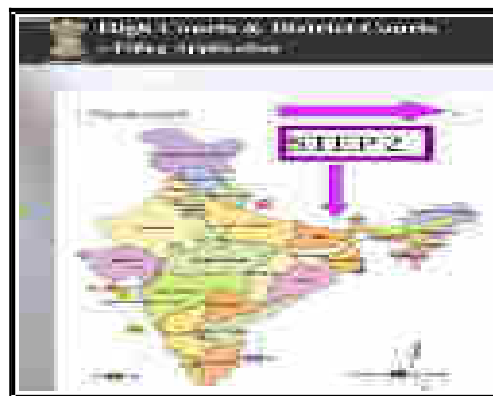
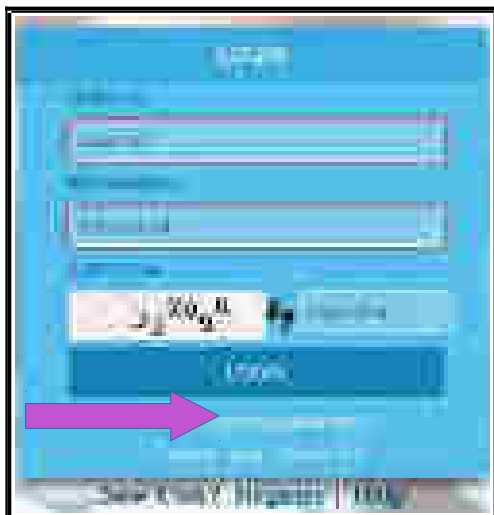
1.3 E.Filing portal www.efiling.ecourts.gov.in/ <https://efiling-phc.ecourts.gov.in/>

Type (www.efiling.ecourts.gov.in/ OR <https://efiling-phc.ecourts.gov.in/>) in your browser you will reach the filing online portal.



1.4. Select your< state>

- (i) by clicking on the drop list (or)
- (ii) by clicking the state directly from the India map

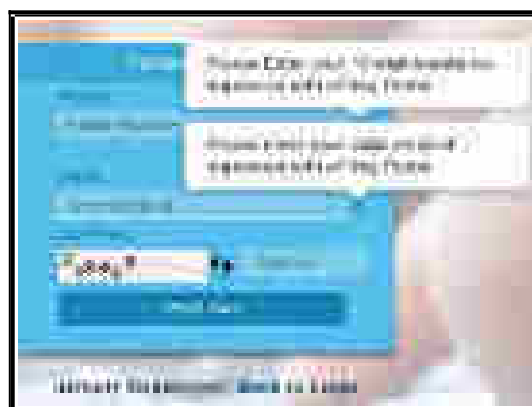


1.5.Login

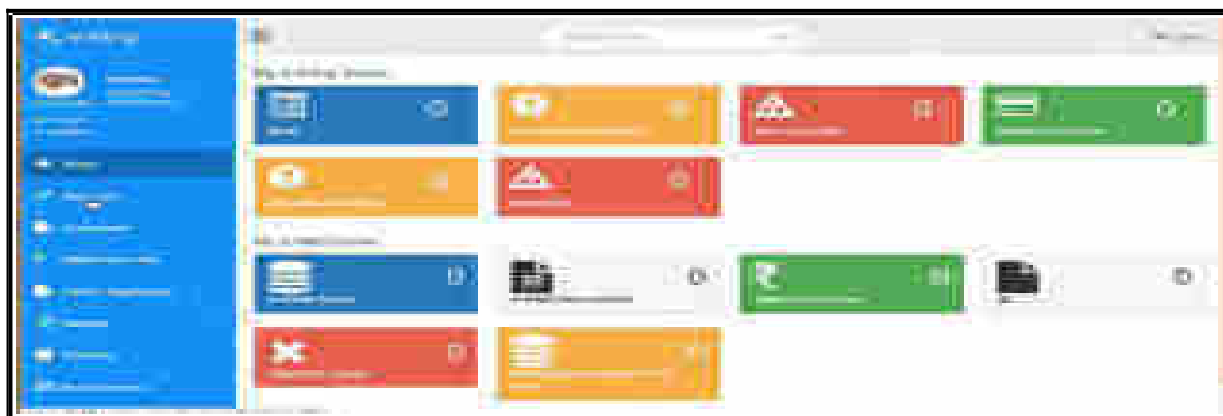
- Type the login id and password
- Enter the captcha
- Click on **LOGIN** button.

1.5.1 Forgot password :

If you forget your password or User-Id, you can click on the same and can enter your 10 digit mobile number or valid email id which you had registered with e Filing Portal at the time of Registration and then reset your password..

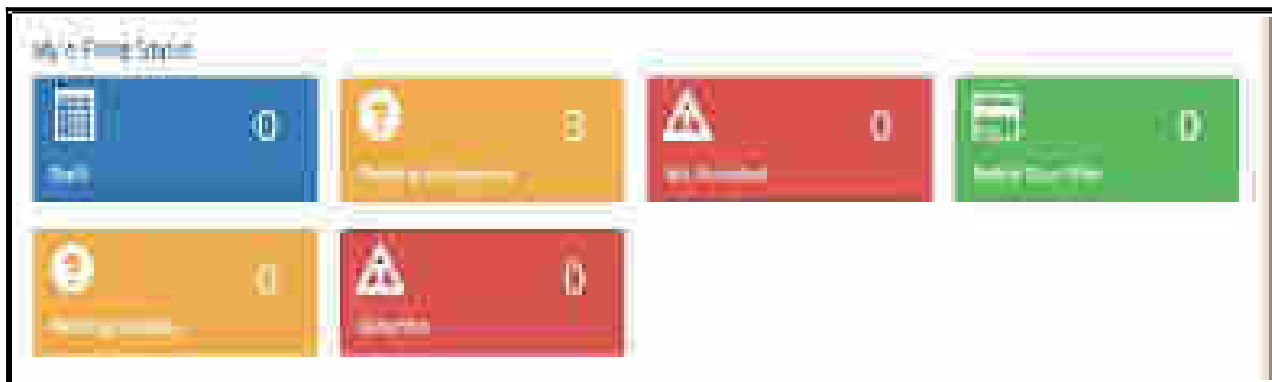


1.6. Dashboard :



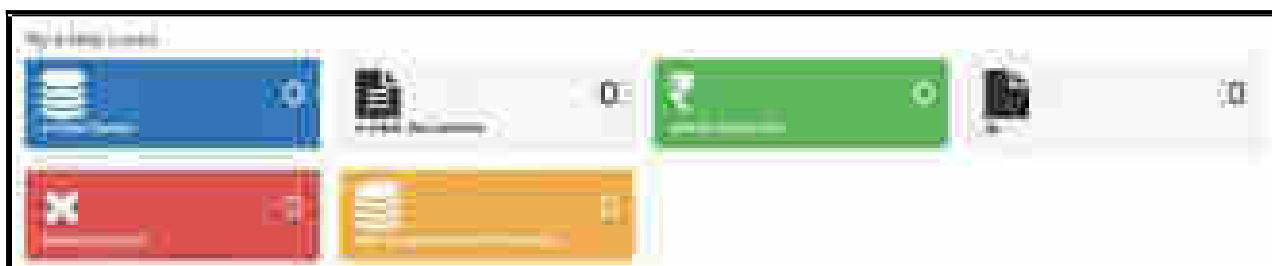
Dash board is the most important page from where you can keep track of the e filed cases digitally under two head (a) My e filing status and (b) My e filed cases. Let us see one by one.

1.6.1. My e filing status:



The e filing status shows the cases pending for acceptance , the cases not accepted, cases which have deficit court fees the cases pending for scrutiny and which are defective. There is another wonderful option under Draft where you can store all your drafts which are ready for e filing .

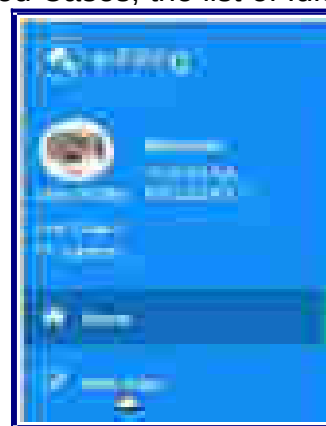
1.6.2 My e filed cases:



Under e filed cases you can see your list of e filed cases, e filed documents, deficit court fee paid, the list of Interlocutory Applications(IA), the list of Rejected Cases, the list of Idle/ Unprocessed e-Filed cases. So once you e file your case you can keep track of the case digitally using dashboard option without even visiting the court complex.

1.7.New case option:

After you login, you will be welcome d by the dashboard with the filing menu list on the left hand side . In the e filing menu list Click on '**New Case**' Option under the dash board which will take you to the form where to file the case .



1.8. Where to file High court /Lower court:

After Choosing the new case option in the dash board page you need to select where you are going to file the case whether in the



High court or in the Lower court . For filing in the High court choose the radio button for High court and for filing in the lower court choose the radio button of the lower court option . And fill the following details through drop box i.e High court , civil or criminal ,Matter Type, Case Type , and whether it is MACT case or not and whether it is an ordinary or Urgent matter. In case of lower court choose the State, the District, the Court Establishment in addition to the above particulars.

Check all the particulars and if it is correct then click on submit button .If you want to make any corrections then click reset button .

1.9.Filling up of forms:

1.9.1.Colour coding:

The next step is to fill the digital forms generated. Before filling up the forms we need to understand the colour coding used in the forms page which will make our task easier.

- **Blue** colour for the form in use and **Active**
- **Green** colour for the form which is **completed** or **Done** .
- **Orange** colour for the forms which are **optional**;
- **Red** colour for the forms which are **mandatory** to be filled up.

The screenshot shows the 'Filing Form' section of the e-filing portal. It includes a header with 'Filing Form' and a 'Save' button. Below the header, there are several optional forms and fields, each with a red star indicating it is mandatory. The forms include: 'Petitioner's Details', 'Respondent's Details', 'Petitioner's Address', 'Respondent's Address', 'Petitioner's Contact Details', 'Respondent's Contact Details', 'Petitioner's Bank Details', 'Respondent's Bank Details', 'Petitioner's Signature', 'Respondent's Signature', 'Petitioner's Stamp', 'Respondent's Stamp', 'Petitioner's Seal', 'Respondent's Seal', 'Petitioner's Photo', 'Respondent's Photo', 'Petitioner's Fingerprint', 'Respondent's Fingerprint', 'Petitioner's Thumbprint', 'Respondent's Thumbprint', 'Petitioner's Signature', 'Respondent's Signature', 'Petitioner's Stamp', 'Respondent's Stamp', 'Petitioner's Seal', 'Respondent's Seal', 'Petitioner's Photo', 'Respondent's Photo', 'Petitioner's Fingerprint', 'Respondent's Fingerprint', 'Petitioner's Thumbprint', 'Respondent's Thumbprint'.

Though there are optional forms and optional fields it is advisable to fill up all the details because only then you can have a complete digital picture of your e filed case. And don't forget that after filling up each and every form click "SAVE" and then "NEXT" .



1.9.2. Complainant/Petitioner form:

In the complainant/petitioner form you need to fill up all the details relating to the petitioner. And the fields with red star are mandatory. But it is advisable to completely fill up all the details. For example the mail is given as optional .But only when you fill up email you can get various alerts to your inbox from the ecourts services. Hence fill up all details and click "SAVE" and then "NEXT" .

The screenshot shows the 'Complainant/Petitioner form' with various fields for personal and contact information. A pink arrow points to the 'Next' button at the bottom right of the form.

1.9.3.e filing number:

The Saved Form will generate an e Filing **Number** at the Right Top. It can be noted for your reference.



1.9.4. Respondent form:

The respondent form is similar to the petitioner form and hence fill up all the details relating to the respondent and click “SAVE” and then “NEXT” ..

 A screenshot of a web-based form for adding a respondent. The form is divided into several sections with labels like 'Respondent Details', 'Address', and 'Contact Information'. It contains numerous text input fields, dropdown menus, and checkboxes. At the bottom, there are buttons for 'Save' and 'Next'.

After adding all the details you will get the message as **respondent added successfully**



1.9.5. Extra information Form (optional):

 A screenshot of an 'Extra information' form. It contains several sections with labels such as 'Passport Details', 'PAN Card Details', 'Fax Details', 'Phone Details', and 'Alternate Address'. Each section has corresponding input fields. At the bottom, there are buttons for 'Save' and 'Next'.

If you wish to fill up any extra information regarding complainant or accused, like the Passport number, Pan card number, Fax number, Phone number Alternate Address it can be filled up under this form. Though this form is optional it is advisable that these all particulars to be filled up as far as possible. After filling up the extra information, click on Save button and; then Click on Next button. But If you do not want to fill the extra

information about the Complainant/Petitioner or Accused/Respondent then directly click on the **Next** button.

1.9.6. Extra Party Details :

The Extra Party information arises in cases where there are more than one parties on the Complainants/Accused side or on the Petitioners/Respondents side or on both sides. Though this Form is also optional, it is highly recommended that it need to be filled up because once this form is submitted it cannot be modified later .

1.9.7 Case Details:

The Case Details Form contain the particulars of Cause of Action Details/ Date/ Dispute Place, the claim amount, Any Important Information/ Subject/ Reason, the Prayer, Relief Particulars.

1.9.7.1. Hide Party:

Hide party is an important option in Case details form. In case of offenses against women and children, POSCO act matrimonial disputes wherever law mandates the protection of the identity of the Victim or petitioner then this option should be enabled so that the privacy of the petitioner will be protected and the mandate of law can be complied with. Hence the identity of the Hide party option enabled person will not be revealed in the digital screens !

1.9.8. Act-Section:

Fill the details of the Act and Section and save the details and then click Next to move to the next form .

1.9.9. Signing Method:

- In the e-signing option, there are three options to sign
- uploaded and later on e signing Using Aadhar
- uploaded using digital signature digital token.
- Uploaded and later on e signing using mobile OTP. You can choose any one option and then proceed further by clicking SAVE and NEXT .

1.9.10. Upload Document:

Document Type: Document Title: Document File:

Previous Upload Next

Document Type	Document Title	Page No.	Status
1. Petition	1. Petition for the purpose of...	1-2	Success
2. Affidavit	2. Affidavit in support of...	3-4	Success

When you have documents to upload use this option and upload the documents. Choose the document type, document title and attach the document file which should not be more than 50 MB and click upload. The uploaded document will be displayed. If you have wrongly uploaded any document you can use the delete option and delete it. Then, you may upload the correct document. Once all the documents are uploaded, click on **Next** button.

Document Type: Document Title: Document File:

Previous Upload Next

Document Type	Document Title	Page No.	Status
1. Petition	1. Petition for the purpose of...	1-2	Success
2. Affidavit	2. Affidavit in support of...	3-4	Success

1.9.11. Pay court fees:

For making payment of court fee you can make online payment or through Challan payment and upload the challan details. After filing up payment details and clicking submit button, then click on **Next** button.

The screenshot shows a web form for paying court fees. It includes fields for 'Applicant Name', 'Applicant Mobile', 'Court Name', 'Case No.', 'Case Type', 'Filing Fee', 'Court Fee', 'Total Fee', and 'Payment Mode'. There are also checkboxes for 'Online Payment' and 'Challan Payment'. At the bottom, there are three buttons: 'Back', 'Next', and 'Submit'.

1.9.12 Affirmation and Verification of Applicant.

I. Applicant/Complainant/ Litigant Affirmation.

The screenshot shows a form for 'Applicant/Complainant/Litigant Affirmation'. It includes a text area for 'Affirmation' and a 'Send OTP' button. Below the text area, there are fields for 'Mobile No.' and 'OTP'. At the bottom, there is a 'Verify OTP' button.

- Type the Name of the Applicant
- Type the mobile number of the Applicant
- Click on **Send OTP** button. Then, type the OTP received in the mobile number of the applicant and then Click on **Verify OTP** button.

The screenshot shows a confirmation message: 'Document is verified by Mobile OTP ✓'. It also displays the date and time: 'On Date: 02-05-2020 21:29:19 PM'. Below this, it says 'Using Mobile: 9876543210' and 'By Litigant: RAJESH K. WADHAWA'. At the bottom, there is a 'View other Applications' button.

1.9.13. Advocate Identification and Verification:

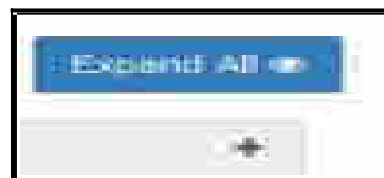
- After the e-verification of applicant, then Advocate identification also to be verified accordingly.
- Type the name of the advocate
- Type the mobile number of the Advocate
- Click on the **Send OTP button**. Then, type the OTP received to your registered mobile number and then Click on **Verify OTP** button.



- After the verification of (i)the applicant and (ii) the Advocate, then Click on the **Next** button.

1.9.14 . View:

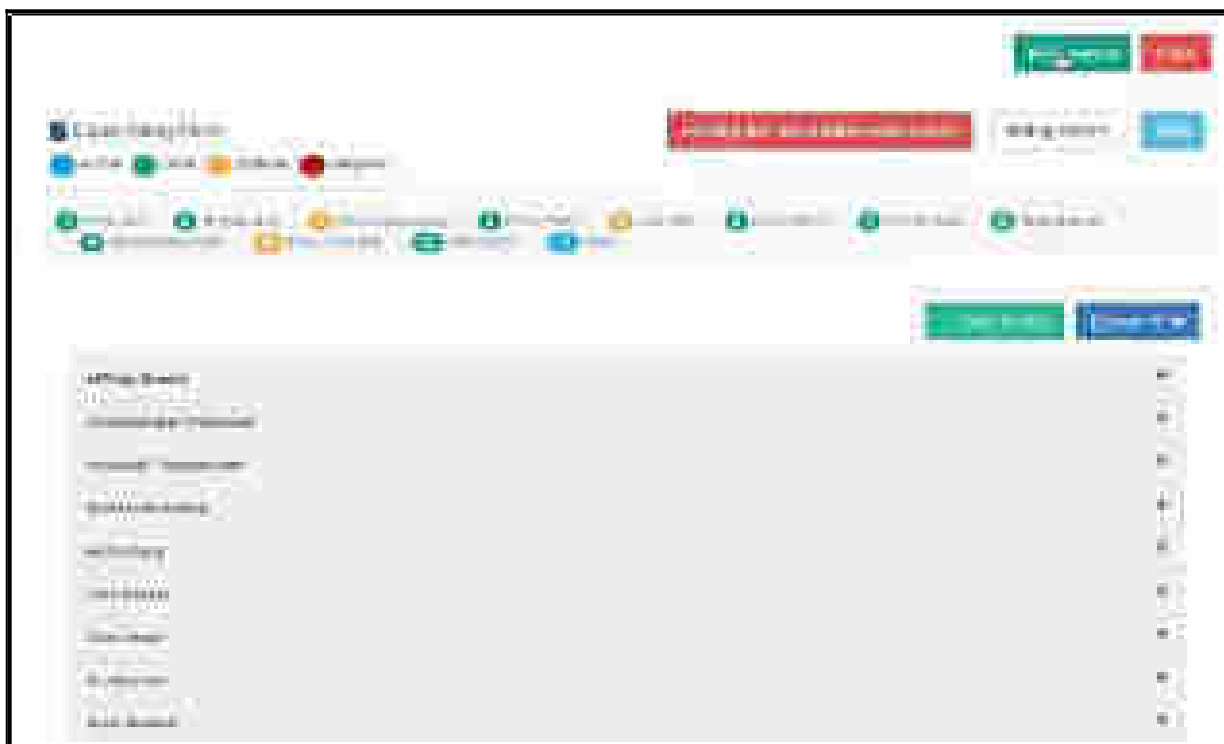
After filling up all the details, the filled up form details can be viewed using the 'EXPAND ALL" option or click on + to view the details against each category.



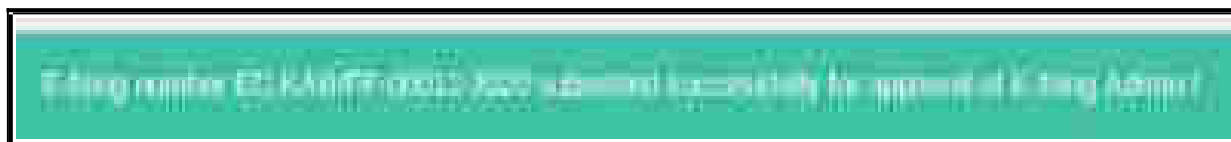
1.10. Final submit:

After checking all the details click the option "FINAL SUBMIT"





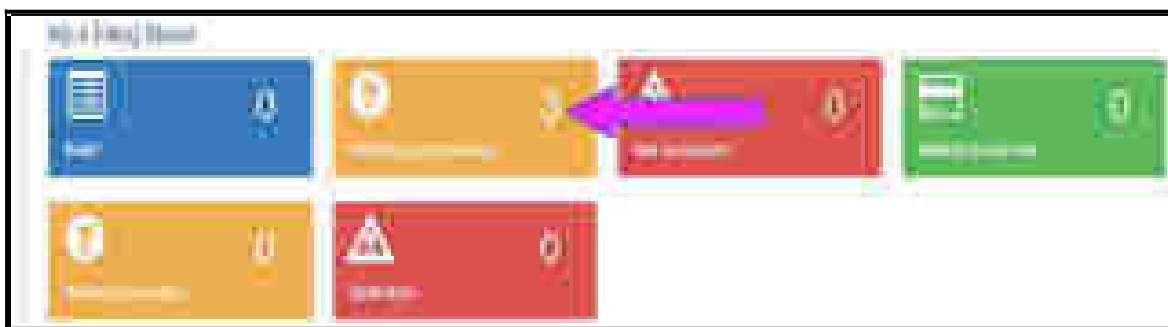
1.11. Submitted for approval of e filing admin :



After final submit you will get the message that the e filing case number XXXX submitted successfully for approval of e filing admin.

1.12. Generate acknowledgment:

You can also generate acknowledgment for filing by clicking on **Pending Acceptance** option in the dashboard. From the files in the **"Pending Acceptance option"**, find



out case by looking into the e filing no, case details, date and time of submission. and click on the e filing number of the concerned case as shown below.



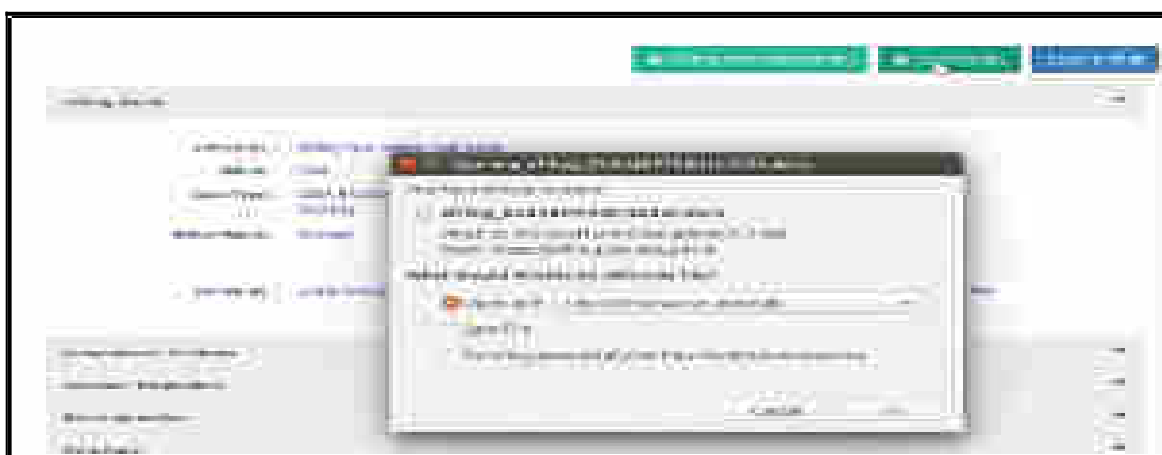
Then Click on the e Filing **Acknowledgment** button

Now, the e filing acknowledgment gets downloaded automatically in PDF form as shown below.



1.13. Generate Case party details:

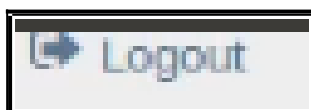
Similarly you can generate the case party details by clicking on the case parties option.



HIGH COURT OF JUDICATURE FOR E-FILING TEST	
COMEX (COMMERCIAL EXECUTION CASES)	
Divyodita Madhava W/o RAMAKRISHNA, Aged about 45 years, Resident of Madhava Transport, Ballari, Bellary, Ballari, Karnataka, India	Plaintiff
Rahul Kumar W/o SOMASHEKAR Resident of Annapurna Ballari, Bellary, Ballari, Karnataka, India	Defendant

1.14. Logout:

Lastly, you can log out from the current session by going to the **Home** in the dashboard and then click on the **log out** icon on the right side top of the screen.



1.15. Conclusion:

Thus you can successfully e file a new case in the online e filing portal which has the added advantage of keeping track of the status of the case digitally through Dashboard options. So keep e filing new cases through e filing portal and join the new band of 'Digital Era Advocate'.

-----Start e filing new cases in www.efiling.ecourts.gov.in -----.

www.efiling.ecourts.gov.in



My Status



My Filed Case



**ONLINE EFILING PORTAL
FOR HIGHCOURTS &
DISTRICT COURTS IN INDIA**



eCommittee
Supreme Court of India



**Register for e-filing for
High courts/District courts in India
And Become a Digital Era- Advocate**



Are you an advocate practicing in High court / District court of India ?

Do you want to file your case in the comfort of your office !

Do you want to file your case without visiting court complex !

Then choose *e-filing* -the digital online filing process.

**10 step Registration procedure for Advocate
at e-filing portal www.efiling.ecourts.gov.in**

Visit e-filing portal www.efiling.ecourts.gov.in and become a registered user by following the 10 steps hereunder .

GETTING STARTED

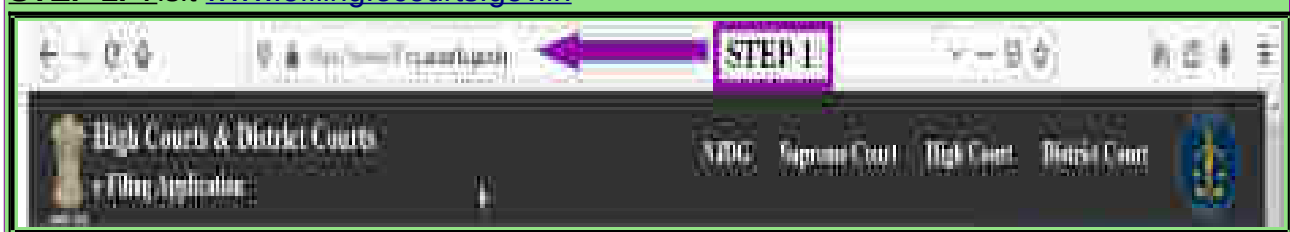
Before starting registration keep the following details ready

- (i) Details of your mobile number, email ID registered with court database
- (ii) Details of your bar enrolment number
- (iii) Digital Photo in Jpeg/Jpg format of size of size between 5KB and 5 MB .
- (iv) Identity proof (Any one Pan card /aadhar card/ Voter card/ Driving license/
Bar Registration certificate formate of size between 5KB and 5 MB .
- (v) Smartphone/laptop with internet connection

**As it is a time bound registration you need to complete within 18 minutes
Dont start registartion without having all the above details ready !**

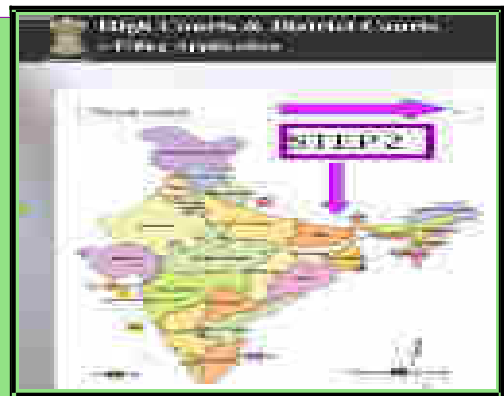
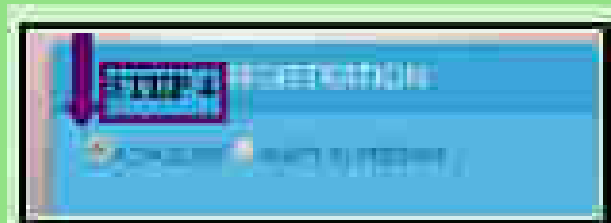
Lets start Registration .

STEP 1. Visit www.efiling.ecourts.gov.in



STEP-2 Select your< state>

- (i) by clicking on the drop list (or)
 (ii) by clicking the state directly from the India map

**STEP 3:** Click “Register” in the login page**STEP 4:** Select the radio button “ Advocate” in the registration form
STEP 5: Fill up the following details

- Mobile Number*
- Email ID*
- *(* The mobile number and the email ID that is registered with the court where the advocate practices must be furnished . If mobile number and email id are not registered with court database then registration will not be completed and in that case contact concerned court for registering the same)*
- Bar Registration Number of the Advocate
- Choose User ID (your preferable choice)
- Choose where you are Enrolled
- High Court/ court establishment
- Choose the Highcourt
- Enter the captcha
- Click “ GET OTP”

Step 6: Check your registered mobile number and the registered email ID for OTP. You should receive 2 separate OTP in your mobile number and the email ID. In some cases you may receive one OTP in your mobile number alone, in that case enter the OTP received in your mobile number and proceed further.

STEP 7: Two OTP verification: If you have received Two OTPs, Enter the OTP received in your mobile number and the OTP received in your email id in the respective entry bar and click verify OTP.

(OR)

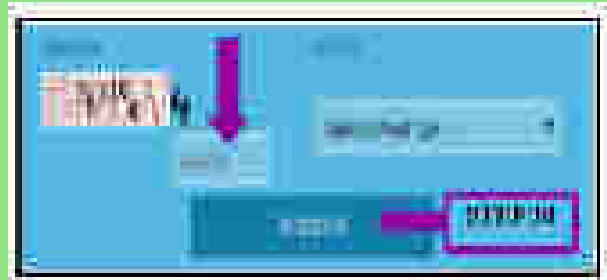
Step 7:One OTP verification :In some cases if you have received one OTP in your mobile number alone , then enter that OTP in the mobile OTP entry bar and click verify OTP .

STEP 8: Fill other Details

- Password *
- (Password must contain minimum 8 digit and must include 1 uppercase character,1 lowercase character,1 number, 1 special character)
- Confirm password
- First name
- Last name
- Other contact number
- Gender
- Date of Birth (DD/MM/YYYY)
- Address Line 1
- Address Line 2
- City
- State
- Pincode

Step 9 Upload your Photo and ID:

- Upload your Photo (in Jpeg/Jpg format of size less between 5 KB and 5 MB) using “Choose file” option.
- Upload Identity proof in image size less than 5 KB and 5 MB using the “Choose file” option.
- Suppose you don't have digital photograph, just take a photo from your smart phone and upload.
- Similarly, if you don't have digital copy of your ID cards, then you can take a photo or scan the ID cards using any scan application and upload. Before uploading ensure that your photo and the ID card are in the format Jpeg or jpg and in size between 5 KB and 5 MB.
- Then you have to choose the type of ID card uploaded i.e Pan card/ aadhar card/ Voter Card/Driving license/Bar registration certificate from the drop box.



STEP 10: Finally enters the captcha code given in box and click the “**Register**” button to complete the Registration process.

You will finally get the message

“Registered successfully”



You have successfully become a registered Advocate of efilng .

Welcome to the digital world of efilng of High courts /District courts of India .

Start efilng your cases from the comfort of your office



**Circulated by
ecommittee, Supreme Court of India.**



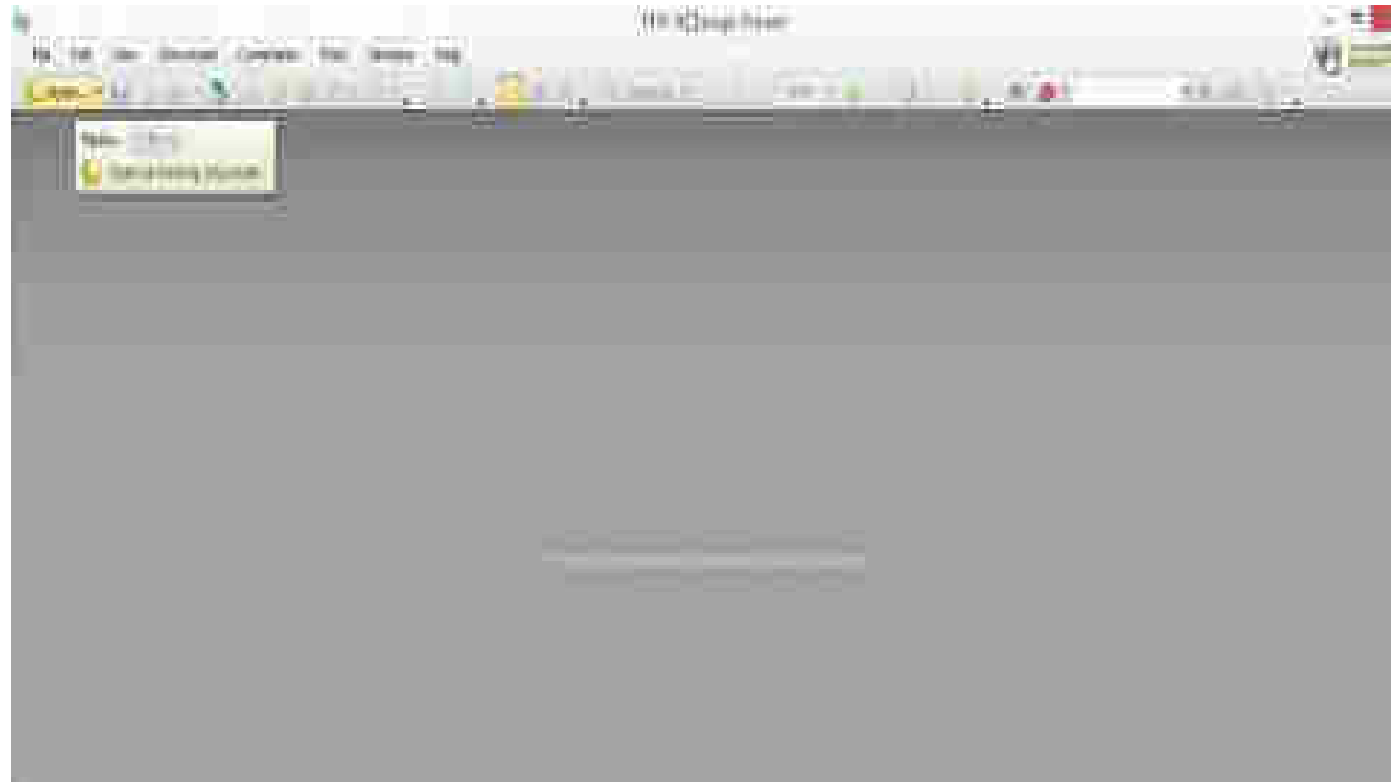
Procedure for converting a document into an OCR searchable PDF.

There are many free & trial version software available online that can be downloaded from internet for creating OCR in PDF files. These includes PDF -XChange viewer, Acrobat Adobe, Abbyy FineReader etc.

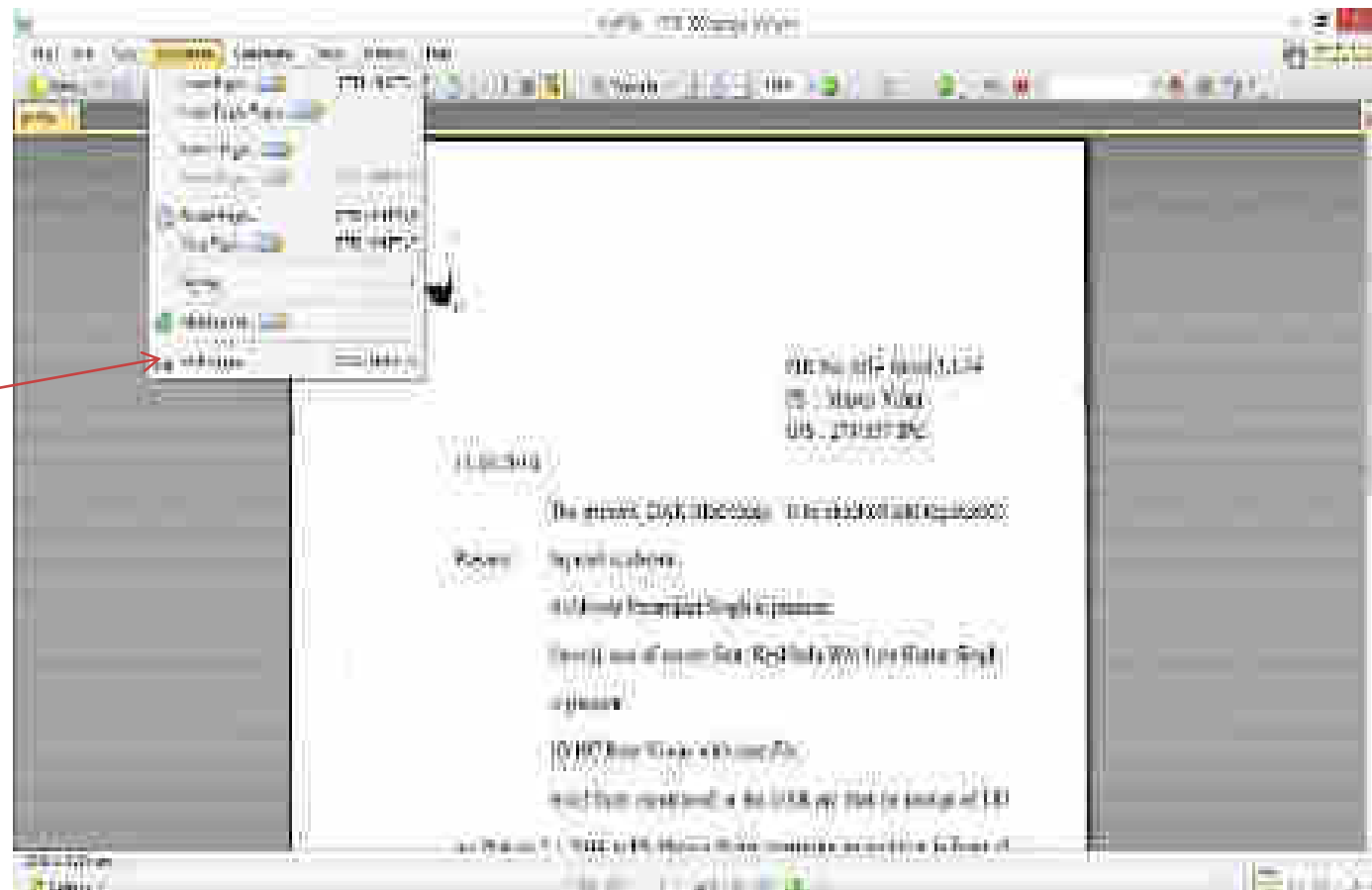
Open the PDF file containing a scanned image you wish to Convert in OCR Format

Using PDF- XChange Viewer – free

From the main menu, select
“*Open*” →
“*Open an Existing Document*” →
Open any PDF Document.



From the main menu, select
 "Document" →
 "OCR Pages".



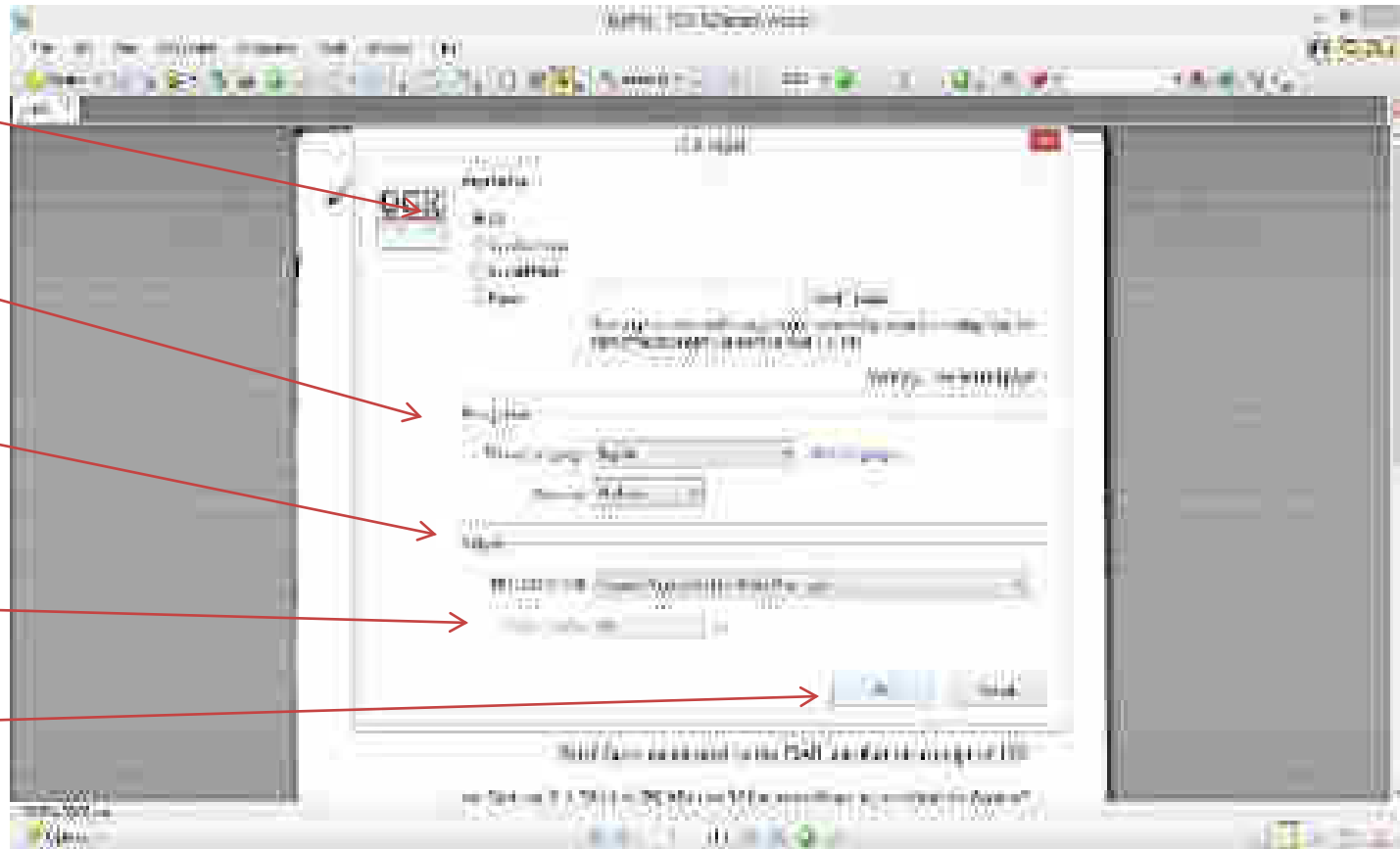
Select “*Page Range*”

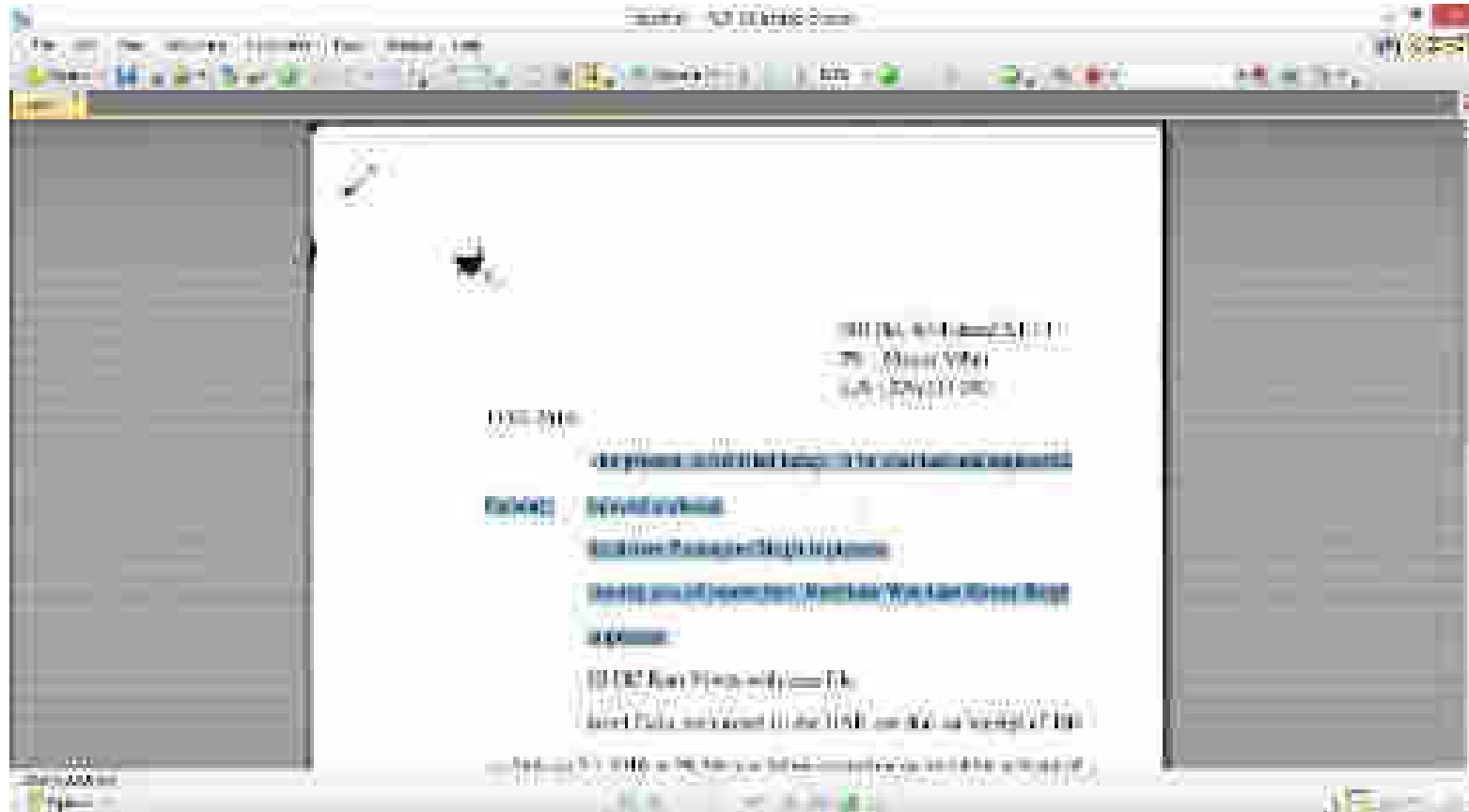
Select “*Recognition*”

Select “*Output*”

Image Quality
at least 300 dpi

Click “*OK*”



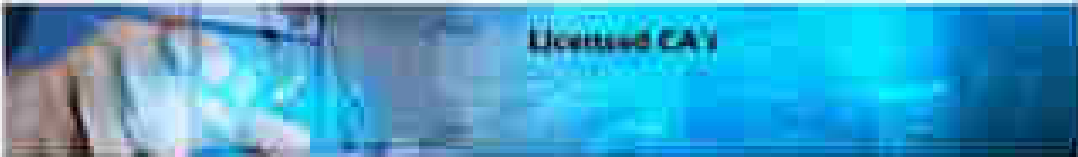


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[15. CRM \(Other\)](#)



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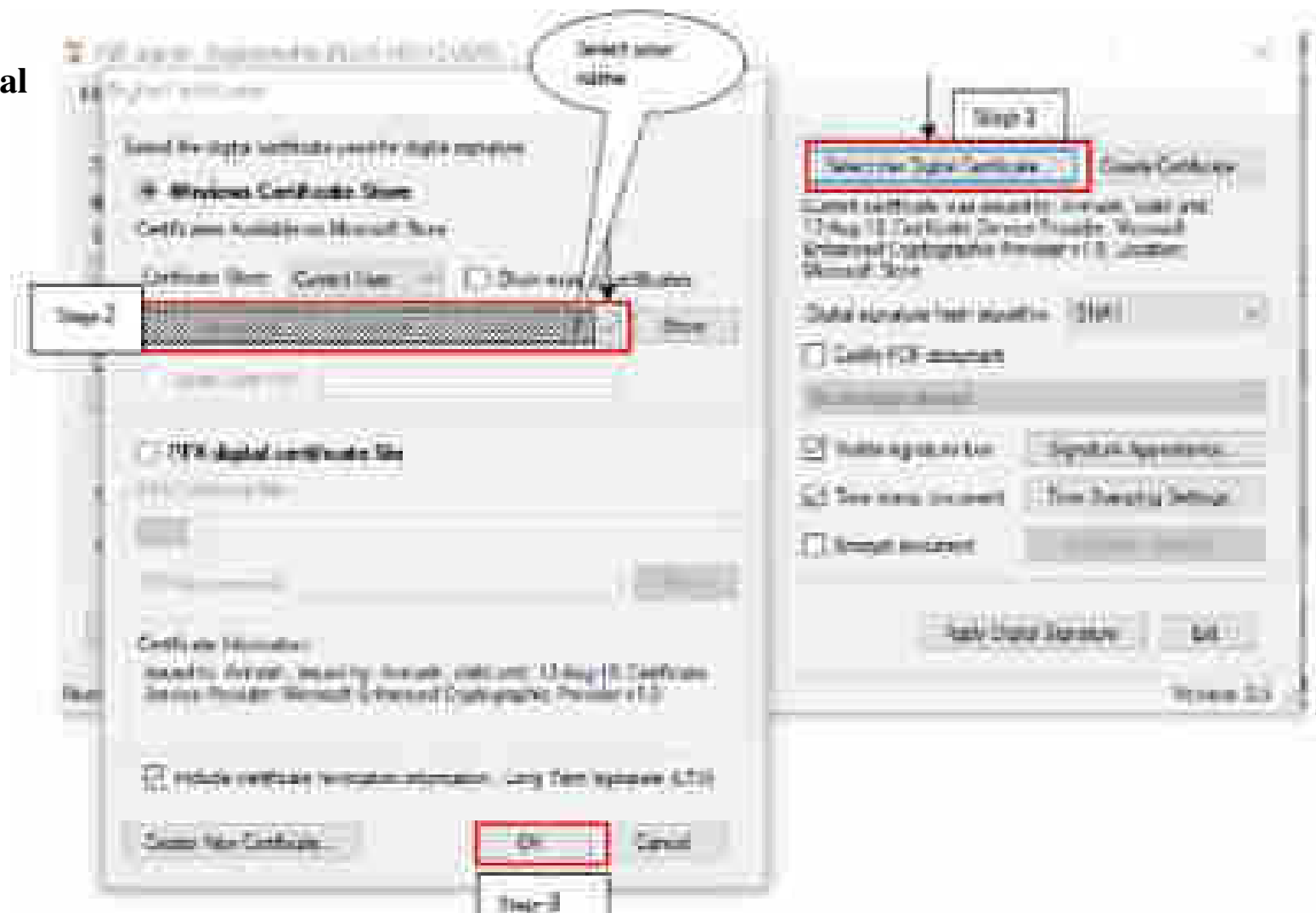


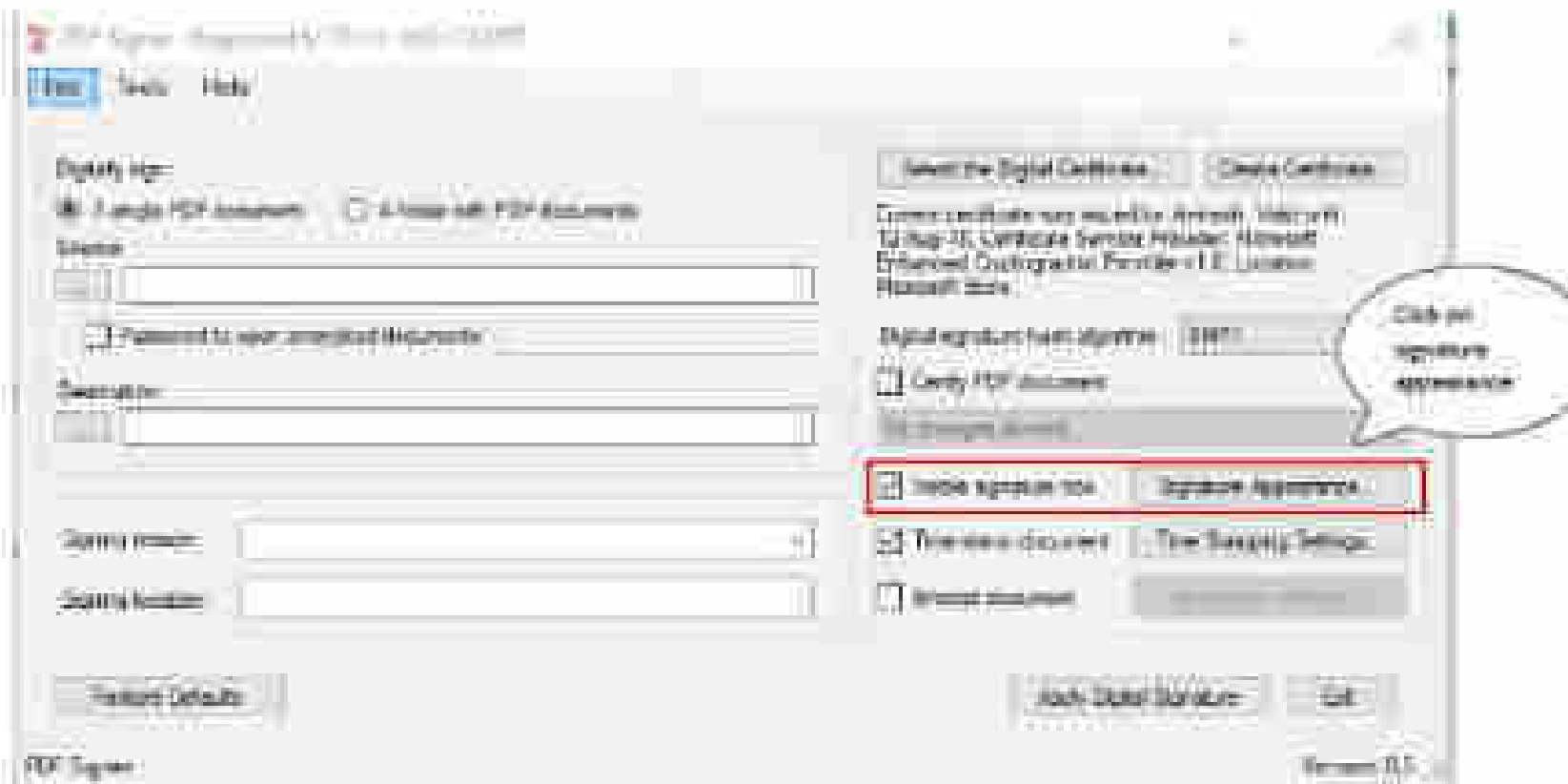

Procedure for Digital Signature

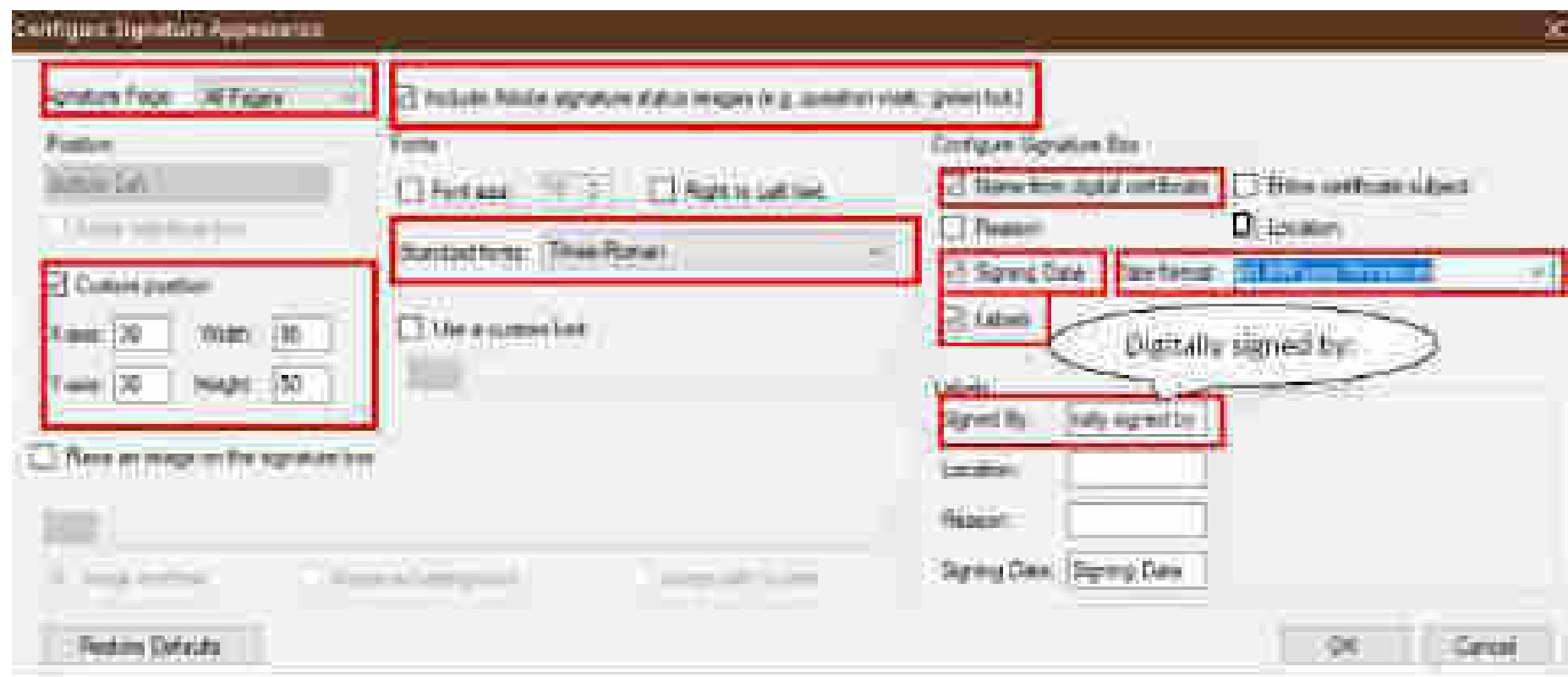
1. **Using PDF Signer.**
2. **Select “A single PDF document” or “A Folder with PDF documents”.**
3. **Select Source**
4. **Select Destination**

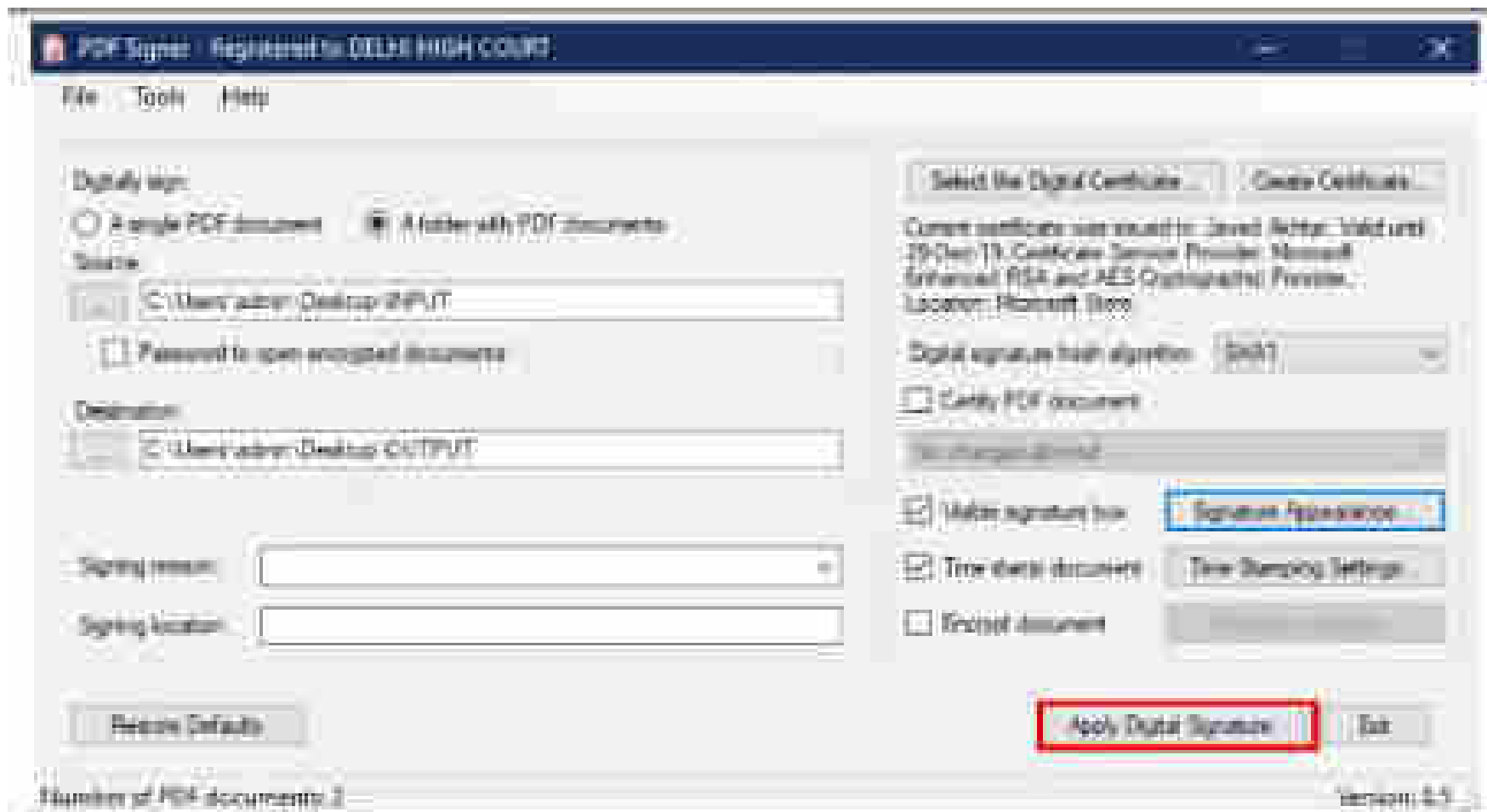


1. **Select Digital Certificate**
2. **Select your Name.**
3. **Click *OK***

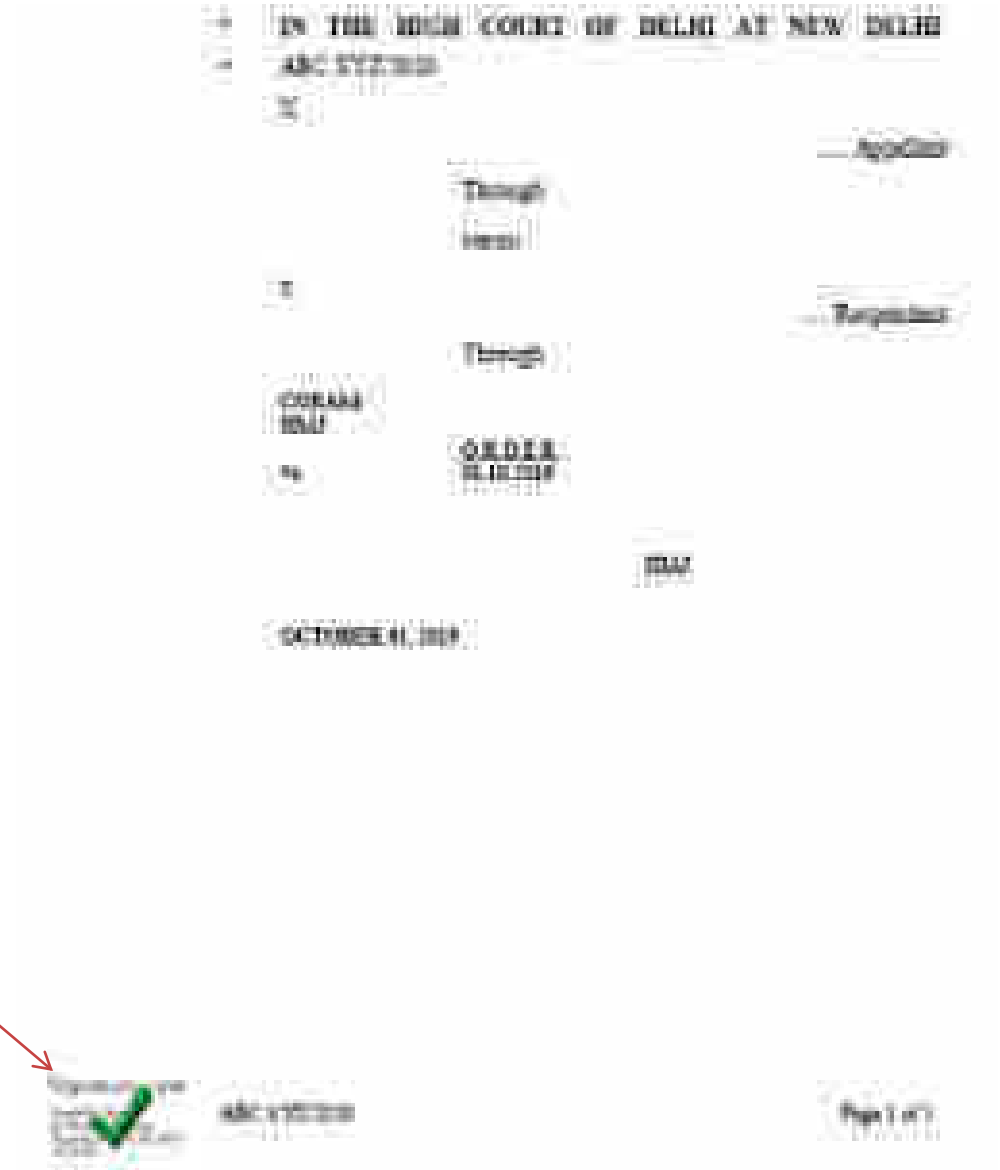








1. Go to Destination Folder & check Digitally signed PDF File
2. PDF File After Digital Signature
3. Digital Signature



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Foxit Reader(Using for Bookmark)

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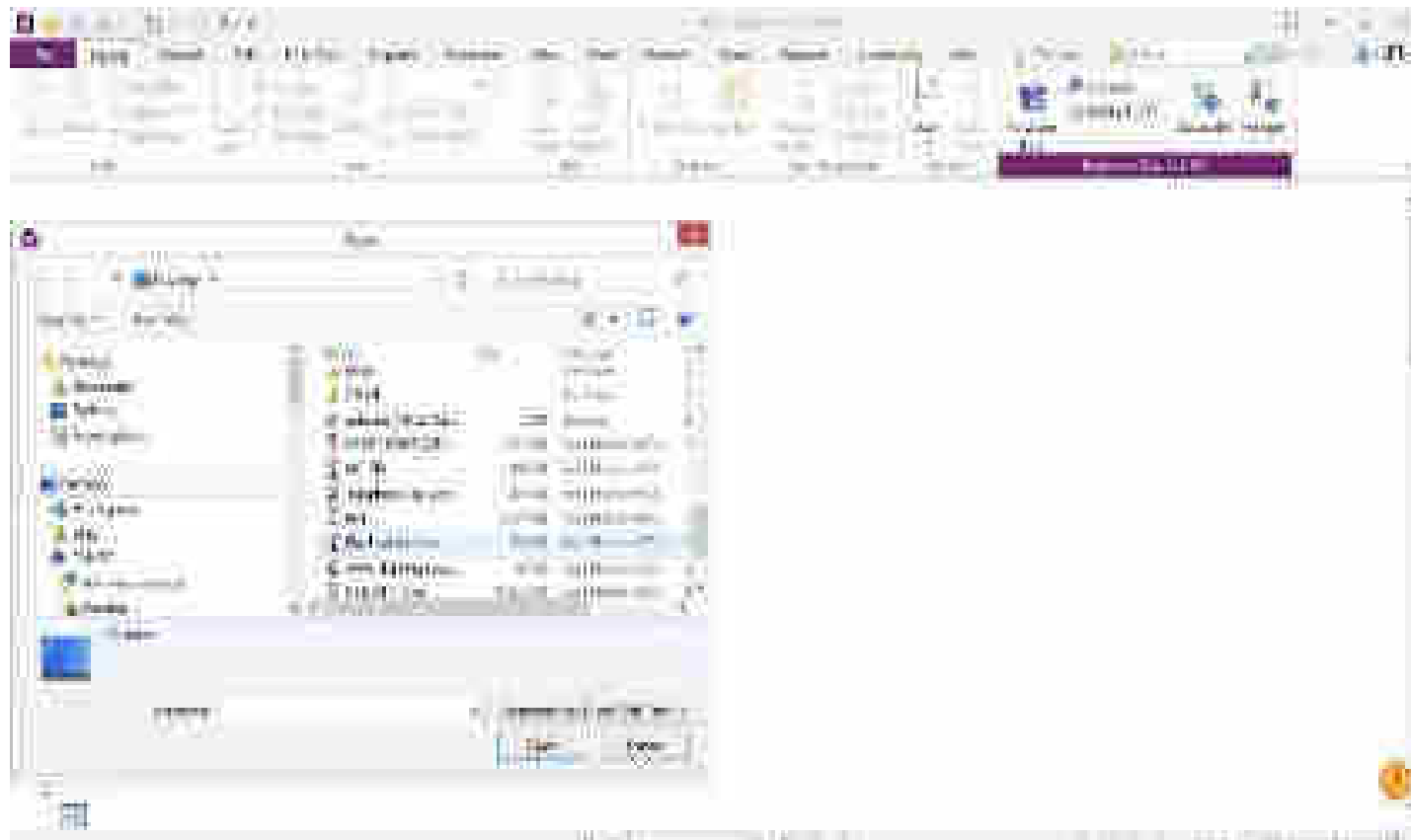
<https://www.foxitsoftware.com/pdf-reader>. The software program may be downloaded by clicking on Free Foxit Reader Download link available on website.



Open the PDF file to Bookmark

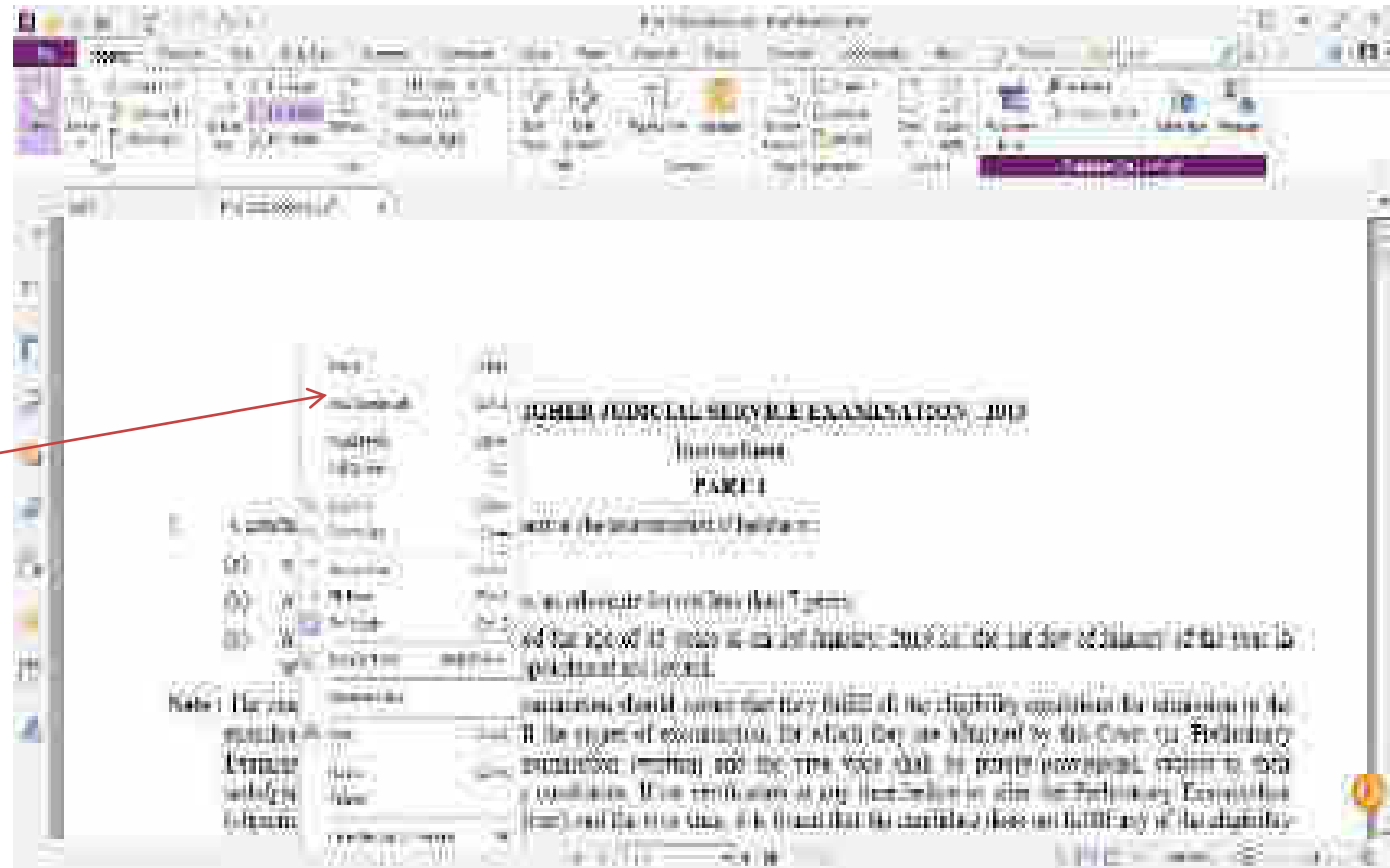
Using Foxit Reader – free trial

Select & open
the PDF
document to
make
bookmark



Using Foxit Reader – free trial

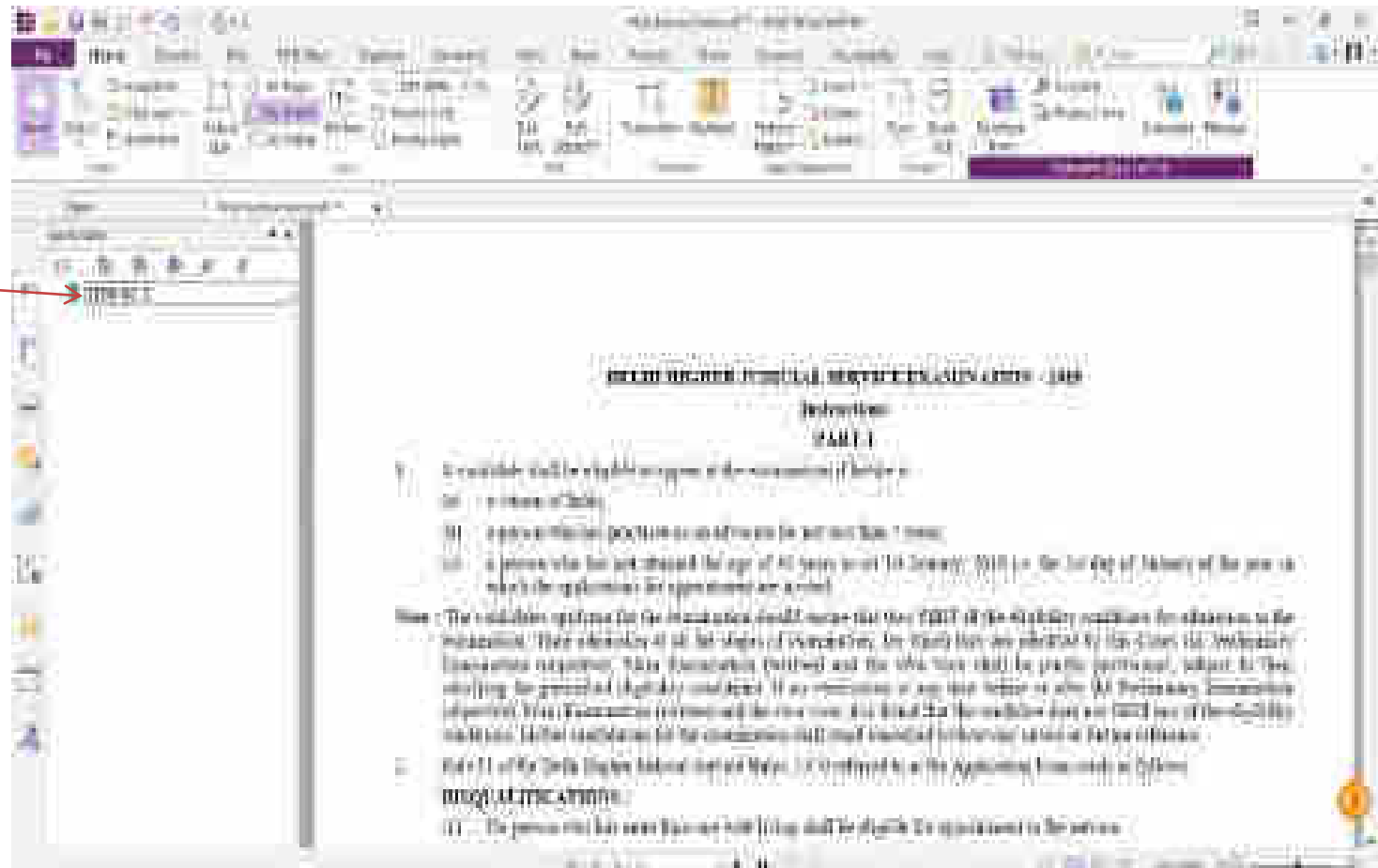
Right-click the selection and click **Add Bookmark...** on the shortcut menu or Press **Ctrl+B** → Click on **Add Bookmark (Bookmarks panel will open)**



Using Foxit Reader – free trial

1. Type the name of your Bookmark

2. By default, the newly created bookmark will point to the start of the current page.



Procedure for filing Caveat

CAVEAT FILING

In this you can do Document filing in the already filed matter.

1) There is a submenu **Caveat** available in **e-Filing** menu.

1) Select Case Type

2) Enter Caveator's & Non-Caveator's Details

3) Enter Impugned Order details

3) Add e-court fee

4) Select document to be upload

5) Click on *Save* button to submit the Filing.

The screenshot displays the 'CAVEAT FILING' form within the 'JUDICIAL COURT OF DELHI e-Filing/Document Filing' system. The form is divided into several sections for data entry:

- Case Details:** Includes fields for 'Case No.', 'Case Name', 'Case Type', 'Court', and 'Judge'.
- Caveator Details:** Fields for 'Caveator Name', 'Caveator Address', 'Caveator Phone No.', and 'Caveator Email Id'.
- Non-Caveator Details:** Fields for 'Non-Caveator Name', 'Non-Caveator Address', 'Non-Caveator Phone No.', and 'Non-Caveator Email Id'.
- Impugned Order Details:** Fields for 'Impugned Order No.', 'Impugned Order Date', 'Impugned Order Description', and 'Impugned Order Court'.
- Document Upload:** A section for selecting documents to be uploaded, with a 'Select Document' button.
- Payment:** Fields for 'e-Court Fee' and 'Payment Mode'.
- Submission:** A 'Save' button at the bottom right to submit the filing.

The interface also features a sidebar menu on the left with options like 'Home', 'My Profile', 'My Cases', 'My Documents', 'My Payments', 'My Notifications', and 'My Settings'.

CAVEAT FILING

After uploading, the following screen will appear with the Diary number for the case you have filed



CAVEAT INBOX

INBOX: Now you can track the status of Caveat through your inbox.

- 1.) Click on the **Caveat**
Inbox sub menu under
Inbox menu**

- 2.) under Caveat Inbox
there are two tabs viz**

SCRUTINY--- Lists the cases which are in scrutiny stage

DEFECTIVE--- Lists the cases which are in defective stage



CHAPTER 2**A. THE PREPARATION OF PAPER BOOKS IN FIRST APPEALS**

1. In first appeals from orders admitted to a hearing, a typed paper book shall be prepared: Provided that the Court may, either on its own motion or on the application of any of the parties to the appeal, dispense with the preparation of the paper book.

Preparation of paper books in the first appeals from orders.

2. In first appeals from decrees admitted to a hearing, a typed paper book shall be prepared : Provided that the Court may, either on its own motion or on the application of any of the parties to the appeal, dispense with the preparation of paper book.

Preparation of paper books in the first appeals from decrees.

3. In the absence of an order to the contrary, the paper book under rule 1 and 2 shall consist of,—

Contents of paper book.

- (i) the pleadings of the parties and issues;
- (ii) the transcript of the evidence of the witnesses, translated into English. if in vernacular;
- (iii) the judgment and decree;
- (iv) the grounds of appeal;
- (v) the order of the Bench admitting the appeal; and
- (vi) documents allowed to be included by an order under rule 6.

4. Any part of the record not included in the paper book under rule 3 may be referred to at the hearing with the permission of the Court.

Record not included in the paper book may be referred to at the hearing.

- (i) The Court, may, either on the application made by the appellant within 30 days from the date of the admission of the appeal or on the application of the respondent within 30 days from the date of service of notice of the appeal, permit the inclusion in the paper book all or any of the documents duly proved by either party in the trial Court after being translated into English, if in vernacular.
- (ii) The cost of including the documents specified in rule 3(i) to (v) shall be borne by the appellant and paid as provided for in rules 9 and 10.

Application for inclusion of documents in the paper book and cost of typing.

(iii) The cost of including the documents specified in rule 4(vi) shall be borne by the party at whose instance they are so included, the cost being shared equally where a document is included at the instance of more than one party. The cost shall be paid within 30 days from the date of order under sub-rule (i).

Order of documents in the typed paper book.

5. All documents included in the paper book shall be typed according to their serial order, first those produced by the plaintiff and then those produced by the defendant. On each document shall be endorsed the order by, and date on, which it was admitted by the trial Court :

Provided that when counsel for both the parties agree that the documents should be arranged for convenience in a different order, the document shall be typed in the order. In that case, a foot-note shall be added on the first page of the volume of documents that the documents have been typed in the order suggested by counsel for the parties.

Translation of vernacular documents.

6. Vernacular documents typed by desire of parties under Rule 6 shall ordinarily be translated, and not transliterated, unless especially desired by the party at whose instance they are included in the typed record.

Initial deposit by appellant.

7. In every appeal in which under these rules a paper book has to be prepared, the appellant shall, with his appeal, attach a receipt for a sum of one hundred rupees which should be deposited with the Treasurer of the High Court to cover the cost of typing the record. No first appeal from a decree shall be received unless it is accompanied by such receipt.

Exception.—This rule does not apply to an appeal filed in forma pauperis in which case the appellant will be required to pay the approximate cost of printing or copying of such portion of the record as the Judge admitting the appeal may under rule 2 of this Chapter, order.

8. (a) If the deposit required under Rule 9 proves insufficient to cover the cost of that part of typed paper book which is to be borne by the appellant, the Deputy Registrar may, by a notice in writing, require that such further deposit as seems to him necessary shall be made within one month.

Further deposits.

(b) If such further deposit be not made within one month of the date of receipt of the notice, the appeal shall, on the expiry of that period, be laid before a Judge for orders who may, in his discretion, grant further time or dismiss the appeal. The Judge may further, in his discretion discharge or modify any ad interim orders passed earlier in the case. The case shall be laid before a Judge for orders every time the default is repeated. If the default is made by the respondent, then the Judge may pass an order that the paper book be prepared according to appellant (s) list or he may pass such other orders as he thinks fit.

Note.—If the total sum required as deposits under rules 9 and 10 exceeds Rs. 200 the matter will be reported for the orders of a Judge.

9. The period fixed by Rule 9 for the payment of the deposit may, on cause being shown in an application duly stamped, be enlarged by an order of the Court so as to permit the amount of such deposit to be paid by installments.

Period for further deposit may be enlarged.

10. In the absence of a special order in any particular case, six copies of the record shall be prepared.

Number of paper books to be prepared.

11. The appellant and respondent may each obtain one copy of the typed paper book free of charge and one additional copy free of charge for each advocate employed in excess of one. Additional copies, if available, may be purchased at such rate as may be prescribed from time to time.

Supply of copies of paper books to parties.

12. Parties and Counsel shall be entitled to receive copies of the paper book on application to the Registrar or Deputy Registrar at least one month before the date fixed for hearing.

Copies to be supplied before hearing.

13. (a) At the foot of every paper book shall be noted the amount of the typing and incidental charges, and the party from whom levied, and such amount shall be included in the costs of the appeal unless the Court shall in any case otherwise direct.

Typing expenses to be included in costs.

(b) Should the amount so charged be less than the sum or sums deposited under Rules 5, 6 and 9, the Registrar or the Deputy Registrar shall refund the unexpended balance to the party by whom the deposit was made. Should it be more he will take action under Rules 9 or 10.

Refund of balance of cost.

Matters to be referred to Court.

14. The Registrar or the Deputy Registrar may and, if so required by either party by petition duly stamped shall refer to the Court any matter not herein expressly required to be referred.

Reference to be dealt with, by one judge.

15. For the purposes of these rules, when an order of the Court is required, the order of one Judge shall be sufficient and such order, subject to reconsideration by the Bench hearing the appeal, be conclusive.

Supplementary typed paper book.

16. (a) When an order has been made by a Division or Full Bench, under Order XLI, Rule 25 or Rule 27 of the Code of Civil Procedure, in an appeal to which these rules have been applied, and additional evidence has been taken in pursuance of such order, a Judge may, at any time after completion of the record of the enquiry, make an order that a supplementary typed paper book be prepared of (i) the order made under order XLI, Rule 25 or Rule 27, Civil Procedure Code, and (ii) the proceedings taken thereunder or any part thereof.

(b) The order shall direct by which party or parties the expense of preparing the supplementary record or of any part thereof shall be borne in the first instance.

(c) When a Judge's order for the preparation of a supplementary record has been made, the Registrar or the Deputy Registrar shall deal with the matter under the foregoing rules so far as applicable

Applicability of amended rules to the pending appeals.

16-A. Pending appeals shall be completed for hearing in accordance with the rules as amended. The amount deposited by a party to cover the cost of preparation of a typed paper book, shall be refunded to it to the extent it has not been utilised for the purpose.

SCHEDULE A

Index of the papers included in the paper book.

First Appeal No.....of
(Name)..... (Plaintiff or Defendant)—
Appellant.
(Name)..... (Defendant or Plaintiff)—
Respondent.

Serial No.	Date of the document, etc.	Description of the documents, etc.	Page
		Petition of Plaintiff. 2. Written statement of defendants. 3. Plaintiff's replication to above. 4. Defendants' rejoinder to above. 5. Issues. 6. Plaintiff's oral evidence (each witness by name). 7. Defendant's oral evidence (each witness by name). 8. Notes of the arguments advanced by the parties. 9. Judgment of the trial Court. 10. Petition of appeal to the High Court. 11. Order of the Judge admitting the appeal to a Bench. 12. { documents referred to in the plaint or considered in the judgment or duly proved by either of the parties in <u>the</u> trial Court.	

N.B.-Intermediate orders of the Court should be inserted in chronological order as they occur.

SCHEDULE B

The work of transcribing, transliterating, translating and typing the record will be charged for at the following rates under Rules 5 and 9 : —

		Rs. P.
Transcribing the record, per 1,000 words	...	1.67
Translitterating the record, per 1,000 words	...	2.50
Translating and revising the record, per 250 words or part thereof	...	1.75
Typing and revising the record, per 1,000 words	...	1.75
Typing charges of the record (six copies) to be prepared in 2 sets of the 3 copies each at the rate of per 1,000 words or part thereof	...	5.00

PART B.—THE PRINTING OF PAPER-BOOKS IN
SECOND APPEALS AND REVISIONS.

Paper-books when to be printed.

1. Typed/Cyclostyled paper books shall be prepared in all the second appeals which are referred for hearing before a Division Bench unless the Single Judge referring the case to the Bench or the Bench to which the case is referred, expressly orders, that the record shall be printed. In all other cases, typed/ cyclostyled paper books shall be prepared only if express order to that effect is made at the time appeal is admitted for hearing."

Contents.

2. The paper-book shall consist of :—

(a) copies or translations of the judgments of the lower Courts and the decree of the Lower Appellate Court;

(b) the grounds of appeal or revision and a memorandum of the names of the parties or, if the appeal or revision was filed in vernacular, a translation thereof; and

(c) a copy of the order of the Judge admitting the case to a Bench.

Cost of printing paper-book.

3. (1) In every appeal in which a paper-book has under these rules to be printed, the appellant shall, within fifteen days of the date of the order admitting the appeal, deposit with the Treasurer of the High Court, a sum of rupees fifty-five to cover the cost of the paper-book at the rates specified in the Schedule. In the case of cross-appeals, the cost of the paper-book shall, however, be paid by the parties in proportion to the amount involved, unless a Judge otherwise directs.

(2) An additional sum of Rs. 10 for translating the plaint and pleas shall be similarly deposited in every case in which the plaint and the pleas are to be included in the paper-book. The plaint and pleas shall not, however, be printed except at the express request of the parties or their counsel, or, when so directed by the Judge or Judges admitting the appeal.

4. If the appellant or respondent fails to deposit the sum or sums required under rule 3 within the prescribed period the procedure laid down in clause (b) of Rule 10 of Part A of this Chapter shall be followed.

Procedure on non-payment of deposit.

5. Such number of copies of the paper-book shall be printed as the Court may, by general rule in that behalf or special order in a particular case, direct.

Number of copies to be printed.

Note—The number of copies ordinarily to be printed has been fixed at ten. Enough copies shall be printed to enable juniors watching the case to be provided with a paper-book.

6. Each appellant and the respondent appearing separately may obtain two copies of the printed paper-book free of charge, and additional copies, if available, may be purchased at three rupees a copy.

Supply of copies to parties.

7. (1) At the foot of every printed paper-book shall be noted the amount of printing and other charges, and the party from whom levied, and such amounts shall be included in the costs of the appeal, unless the Court shall in any case otherwise direct.

Printing expenses to be included in costs.

(2) Should the amount so charged be less than the sum or sums deposited under rule 3, the Registrar or the Deputy Registrar shall refund the unexpended balance to the party by whom deposit was made. Should it be more, he will take action under rule 4.

8. For the purpose of rules 3 to 7, the expression "Appeal" shall include a petition for revision admitted a hearing before a Division Bench or referred to a Full Bench and the expression "Appellant" shall include a petitioner in the revision petition.

Interpretation.

SCHEDULE (referred to in rule 3)

The work of transcribing, transliterating, translating and printing the record will be charged for at the following rates under rule 3:—

Rs. P.

Transcribing the record, per 1,000 words ...	1.67
Transliterating the record, per 1,000 words ...	2.50

Printing per page of printed matter	...	3.62
Translating and revising the record, per 250 words or part thereof	...	1.75
Typewriting and revising the record, per 1,000 words	...	1.75
Printing per page of printed matter	...	3.62
Correcting proofs, per page	...	0.50
Paper, per sheet of printed matter	...	2.02
Typewriting charges of the record. (six copies) to be prepared in 2 sets of 3 copies each at the rate of per 1,000 words or part thereof	...	4.25

**PART C.— ‘PREPARATION OF PAPER-BOOKS IN
LETTERS PATENT APPEALS’**

[1][1. The paper-book in such appeals shall ordinarily consist of :-

- (a) The memorandum of appeal;
- (b) A copy of the judgment/order Impugned;
- (c) A copy of the judgment/order and documents which were before the Single Judge.

2. No Appeal under clause 10 of the Letters Patent will be received by the office of Registrar (Judicial) unless it is accompanied by two sets of following :-

- (a) Memorandum of Appeal (typed/printed);
- (b) Certified copy of judgment/order Impugned.
In case of exemption, downloaded copy from the official website of this Court or printed/typed/photocopy attested by the counsel as true copy.
- (c) Photocopy of the complete paper-book which was before the Single Judge including the Writ Petition, Written Statement, Replication/Rejoinder (if any), with Annexures and Documents in two identical sets attested by the counsel as true copy.

3. In case appeal is filed by the State or any statutory body, it shall mention, as to whether any other appeal(s) arising out of the judgment in bunch matter and/or earlier judgment relied upon, has been filed or not. If yes, the status thereof.]

PART D.—THE TRANSLATION OF CERTAIN
VERNACULAR DOCUMENTS PRESENTED TO THE
HIGH COURT

What documents
to be translated
and at whose ex-
pense.

1. Such vernacular documents filed in the High Court in its civil appellate or civil revisional, civil writ jurisdiction, as may from time to time be prescribed by the Court* shall be translated, and, subject to Rule 4, the expense of such translation shall be paid by the appellant or petitioner.

Agency for
translation and
scale of charges.

2. The translation shall be made and certified by such agency as the Court may from time to time appoint, and the maximum total charge shall not exceed rupees seven for one thousand words.

Initial deposit.

"3. (1) On the admission of an appeal, revision petition or civil writ petition, to a hearing, the appellant or the petitioner shall deposit within a period of 15 days from the date of such admission; the amount required to defray the cost of translation of the vernacular documents, if any.

(2) If the deposit under sub-rule (1) is deemed insufficient to cover the cost of translation, the Registrar or the Joint Registrar or the Deputy Registrar, may, by a notice in writing, require that such further deposit as seems to him necessary shall be made within 15 days of the service of notice.

*The following vernacular documents are required to be trans-lated

- (1) Memorandum of appeal.
- (2) Petition for revision.
- (3) Annexures to such memorandum or petition.
- (4) Copies of decrees, judgments or orders.
- (5) Application for-
 - (i) review or judgments of High Court ;
 - (ii) appointment of guardian ad litem;
 - (iii) appointment of new parties or representative of existing or deceased parties ;
 - (iv) re-admission of case for
 - (a) non-appearance ; or
 - (b) non-payment of translation, printing or process-fees;
 - (v) stay of execution of decrees ;
 - (vi) transfer;
 - (vii) alteration of dates of hearing ;
 - (viii) compliance with or connected with the rules relating to the preparation of printed records.
- (6) Returns to orders of remand of the High Court.
- (7) Objections to orders of remand of High Court,
- (8) Deed of compromise,

(3) If the deposit under the foregoing rules be not made within the period prescribed, the case shall, on the expiry of that period, be laid before a Judge for orders who may, in his discretion grant further time or dismiss the appeal or the revision or the writ petition. The Judge may further in his discretion discharge or modify any ad-interim order passed earlier in the case. The case shall be laid before a Judge every time the default is repeated.

(4) The Registrar or the Joint Registrar or the Deputy Registrar shall refund the deposit or the unexpended balance to the party by whom the deposit was made, in those cases which are disposed of by compromise or otherwise, before the translation of the vernacular documents or where this deposit exceeds the actual charges."

1.[PARTE E- THE NOMENCLATURES EMPLOYED FOR DIFFERENT TYPES OF CASES IN THE HIGH COURT

1.

The nomenclatures mentioned in rule 3 shall be employed for different types of cases being filed in the High Court.
2.

These nomenclatures shall come into force from the date of their notification in the official Gazette.
3.

(A) CIVIL PROCEEDINGS

(I) ORDINARY CIVIL PRODEEDINGS (HIGH COURT) (APPELLATE SIDE)			
	Nature of Proceedings		Abbreviated Form
1.	Civil Suit	:	CS
2.	First Appeals :		
	(a) First Appeals from Judgment and Decree in Suit	:	RFA
	(b) Cross Objections in First Appeal	:	CO
	(c) First Appeal from order	:	FAO
3.	Second Appeals:		
	(a) Second Appeal from Judgment and decree	:	RSA
	(b) Appeal from Appellate Order	:	SAO
	2[(c) Food Safety and Standards Act, 2006	:	SAO (Food Safety)]
4.	Letters Patent Appeal or Special Appeal before Division Bench against Judgment or order of Single Judge in appeal or original Civil Proceeding	:	LPA/Sp.A
5.	Revision Petition	:	CRP
6.	Review Petition	:	Review Petition
7.	Reference	:	C.Ref.
8.	Execution Petition	:	Ex.P.
9.	Execution First Appeal	:	Ex. FA.
10.	Execution Second Appeal	:	Ex. SA.
11.	Interlocutory applications in pending suits/Appeals	:	IA

1. Chp-2, Part E added vide Correction Slip No. 107 Rules/II.D4 dated 08.05.2000.

2. Sr. No. 3(c) inserted vide Correction Slip No. 185 Rules/II.D4 dated 12.12.2019.

12.	Miscellaneous applications e.g. leave to sue as indigent person, restoration application, condonation of delay, etc.	:	CM. Appl.
13.	Transfer Petition under section 24 C.P.C.	:	Tr. P.(C)
(II) OTHER CIVIL PROCEEDINGS			
1.	Writ Petition Order Articles 226 and 227 of the Constitution	:	WP (C)
2.	Appeal before Division Bench against judgment or order of Single Judge in a Writ Petition	:	WA
3.	Petition for leave to appeal to Supreme Court	:	SCLP
4.	Proceedings under Companies Act (a) Original Petition (b) Application in pending proceeding (c) Matters transferred under section 446(3) (d) Appeals against judgments/orders in Company Petitions.	: : : :	Co. Pet. Co. Appl. Co. case Co App.
5.	Proceeding under Banking Regulation Act.	:	Bkg. P.
6.	Matrimonial Cases (a) Suits / Petitions (b) References (c) Appeals (d) Revisions under Section 19 of the Family Courts Act 1. [(e) Appeals under Section 19 of the Family Courts Act	: : : : :	Mat. Cas. Mat. Ref. Mat. App. RP (FAM.CT) APP (FAM.CT)]
7.	Testamentary and Interstate Cases (a) Testamentary cases e.g., Probate or Letters of Administration etc. (b) Intestate cases e.g. Succession Certificates, etc.	: : :	Test Cas. Intest Cas.

1. Added vide Correction Slip No. 135 Rules/II.D4 dated 13.07.2010.

8.	Petitions under Guardianship and Wards Act.	:	Gua. P.
9.	Land Acquisition Act:		
	(a) Reference	:	LA. Ref.
	(b) Appeals	:	LA. App.
10.	Rent Control Matters:		
	(a) Original Suit/Petition	:	RCC
	(b) First Appeal	:	RCFA
	(c) Second Appeal	:	RCSA
	(d) Revision	:	RC Rev.
11.	(a) Motor Accident Claims	:	MAC
	(b) Motor Accident Appeals	:	MAC App.
12.	(a) Election Petitions	:	El. Pet.
	(b) Appeals from Judgments in Election Petition	:	El. App.
13.	Proceedings under Insolvency Act:		
	(a) Main Petition	:	IP (M)
	(b) Applications submitted after adjudication	:	IP (Appl.)
14.	(a) Petitions under Indian Arbitration Act	:	Arb. P.
	(b) Appeals under Indian Arbitration Act	:	Arb. A.
15.	(a) Reference under Insurance Act	:	Insurance Ref.
	(b) Appeals under Insurance Act	:	Insurance App.
1&2 [15-A.	Omitted]		
16.	Contempt of Court Cases relating to Civil Contempt	:	Cont. Cas(c)
17.	Appeals against orders in Civil Contempt Matters	:	Cont. App (c)

1. **Sr. No. 15-A was inserted vide Correction Slip No. 116 Rules/II.D4 dated 13.05.2005 as under:-
First Appeal against order under FEMA Act, 1999. First Appeal under Section 35 against order of Appellate Tribunal under Foreign Exchange Management Act, 1999. : FAO (Misc.)**
2. **Sr. No. 15-A Omitted vide Correction Slip No. 185 Rules/II.D.4 dated 12.12.2019, as the same is inserted at Sr. No. 10 under heading (III) Taxation Matter in Rule 3-A of this Chapter.**

18.	First appeal against Judgments in Special Jurisdiction Cases	: MFA (name of act)
19.	Second appeals from judgments in miscellaneous cases	: MSA
20.	Special Jurisdiction cases assigned to High Court e.g. Trust Act, Lunacy Act, Trade & Merchandise Act, Trade Marks Act, Copyrights Act, Patent Act and other enactments	: SP. JC(Name the Act)
(III) TAXATION MATTERS:		
1.	Income Tax Act- (a) Reference under Section 256(1) (b) Application under Section 256(2)	: ITR : ITA
2.	Gift Tax Act/Wealth Tax Act/Estate Duty, Act.- (a) References to High Court (b) Application for direction to make a reference	: GTR/WTR/EDR : GTA/WTa/EDA
3.	(a) Reference under Customs Act (b) Reference under Central Excise Act ¹ [1(c) Tax Appeal (I.T.) 2(c) Tax Appeal (Wealth Tax Act/Gift Tax Act)]	: Cus. Ref. : CE. Ref. : T.A.(I.T.) : T.A.(W.T./G.T.)]
4.	Sales Tax Act- (a) Reference (b) Application for directions to make a reference (c) Revision	: ST. Ref. : ST. Appl. : ST. Ref.
² [4(A)]	Value Added Tax:- (a) Reference (b) Application for direction to make a reference (c) Revision (d) Appeal	: VAT Ref. : VAT case : VAT Rev. : VAT Appeal]
5.	Other Tax Reference Cases	: OTR

1. Inserted vide Correction Slip No. 133 Rules/II.D4 dated 10.12.2009.

2. Inserted vide Correction Slip No. 130 Rules/II.D4 dated 22.10.2009.

6.	Other Tax Cases	:	OTC
7.	Other Tax Applications	:	OT Appl.
¹⁴ 8.	The Prohibition of <i>Benami</i> Property Transactions Act, 1988	:	PBPT Appeal
9.	The Prevention of Money-laundering Act, 2002	:	PMLA Appeal
10.	Appeal under Section 35 of the Foreign Exchange Management Act, 1999 against any decision or order of Appellate Tribunal.	:	FEMA Appeal]
(IV) CIVIL ORIGINAL JURISDICTION OF THE HIGH COURTS			
1.	Civil Suits	:	CS (OS)
2.	First Appeal from judgments in original suits	:	FA (OS)
3.	Execution Application	:	Ex. Appl. (OS)
4.	Miscellaneous summons e.g. summons for judgment, Chamber summons	:	M.S. (S.J.C.S. and so on)
5.	Notice of motion	:	N.M.
6.	Admiralty Suits.	:	Adml. S.

(B) CRIMINAL PROCEEDINGS

1.	Original Trial	:	Crl. Tr.
2.	Appeal against judgment/ Sentence	:	Crl. A.
3.	Confirmation case under section 366 Cr.P.C.	:	Death Sentence Ref.
4.	Revision	:	Crl. Rev. P.
5.	Reference	:	Crl. Ref.
6.	Application under Section 482 Cr. P.C.	:	Crl. M.C.
7.	Bail Application	:	Bail Appln.
8.	Other Miscellaneous Application	:	Cr. M. Appl.
9.	Petition under Article 226 for Writ of Habeas Corpus and other relief in relation to a Criminal Proceeding	:	W.P. (Crl.)
10.	Proceedings relating to criminal contempt	:	Cont. Cas. (Crl.)
11.	Appeals against orders in Criminal Contempt matters	:	Cont. App. (Crl.)
12.	Application for leave to appeal under Section 378 Cr.P.C. or under relevant corresponding proceedings	:	Crl. L.P.
13.	Transfer Petition for transfer a Criminal Proceeding	:	Tr. P.(Crl.)

Note: The different nomenclatures mentioned anywhere in the rules contained in the Rules and Orders of the Punjab High Court, Vol. V, shall stand changed/modified to the extent as contained in newly added Chapter-2(E).

1. Sr. Nos. 8, 9 and 10 are inserted vide Correction Slip No. 185 Rules/II.D4 dated 12.12.2019.

1.1(C) COMMERCIAL DIVISION (SINGLE BENCH MATTER)

1.	Commercial Petition (Main)	:	Comm.Pet.(Main) }
2.	Civil Original (Commercial)	:	C.O. (Comm.)
3.	Arbitration Case (International Commercial Arbitration)	:	Arb. Case (Int. Comm. Arb.)
4.	Arbitration Case (Domestic Commercial)	:	Arb. Case (Domst. Comm.)
5.	Civil Revision (Commercial)	:	C.R. (Comm.)
6.	Commercial Petition (Miscellaneous)	:	Comm. Pet.(Misc.)
7.	Commercial Application (Miscellaneous)	:	Comm. Applc.(Misc.)
8.	Execution Petition (Commercial)	:	Exc. Pet. (Comm.)

(D) COMMERCIAL APPELLATE DIVISION (DIVISION BENCH MATTER)

1.	Regular First Appeal (Commercial)	:	R.F.A. (Comm.)
2.	First Appeal from Order(Commercial)	:	F.A.O. (Comm.)
3.	First Appeal from Order (Commercial Arbitration)	:	F.A.O. (Comm. Arb.)
4.	First Appeal from Order (International CommercialArbitration)	:	F.A.O.(Int. Comm. Arb.)
5.	Execution First Appeal (Commercial)	:	E.F.A. (Comm.)
6.	Transfer Application (Commercial)	:	T.A. (Comm.)
7.	Commercial Appeal (Writ)	:	Comm. Appl. (Writ)
8.	Commercial Appeal (Miscellaneous)	:	Comm. Appl. (Misc.)

Disclaimer: The existence of nomenclature of any case herein above does not ipso facto authenticate the maintainability of the same.]

1. Clauses 'C' and 'D' are added vide Correction Slip No. 164 Rules/II.D4 dated 06.07.2016.
2. Sr.No.1 of Clause-C, amended vide Correction Slip No. 168 Rules/II.D4 dated 01.08.2017.

CHAPTER 3
JURISDICTION

PART A.—RULES REGULATING THE PRACTICE
OF THE HIGH COURT IN THE HEARING
OF CAUSES AND OTHER MATTERS.

^[18]**1.** The Court will be opened daily, except on authorized holidays, for the transaction of judicial business, between the hours of 10 a.m. and 4 p.m. with Lunch break of 45 minutes between 1 p.m. to 1.45 p.m.]

Hours of
business.

No fresh case will ordinarily be called on for hearing after 4-30 p.m.; but the hearing of a part-heard case may be continued so long as the court hearing it may deem necessary.

"Provided that the timings of the sittings of the Court for the transaction of judicial business may be changed during summer vacation from 7.30 a.m. to 1.00 p.m. (with half-an-hour interval from 10.30 a.m. to 11.00 a.m.) or such other timings as the senior vacation Judge may fix and notify for any such vacation."

¹{ Provided further that the office timings shall be 9.30 a.m. to 5.00 p.m. with Lunch break of 30 minutes from 1 p.m. to 1.30 p.m. 2nd and 4th Saturdays shall be observed as holidays. }

2. The Judges will sit singly or in Benches of two or more in accordance with a roster to be prepared from time to time. The roster will be prepared by the Deputy - Registrar with the approval of the Honourable the Chief Justice.

Roster of
Single and
Division
Benches.

3. Plaints appeals, applications and petitions for a preliminary hearing will be distributed by the Deputy Registrar two days previously. The distribution lists will be initialed by the Deputy Registrar, and no change in them will be made without his authorization and initials. A copy of the list will be supplied to the Judges' Readers and to the Bar room, and the Judges' Readers will bring to the notice of the Judges and the Deputy Registrar any alterations that appear unauthorized.

Distribution
of work to
be made by
the Deputy
Registrar.

4. Ordinary and urgent petitions shall be set down for hearing by the Deputy Registrar before Single and Division Benches in accordance with the roster for the time being prescribed under Rule 2 above.

Hearing of
ordinary
and urgent
petitions.

Weekly and daily lists of civil and criminal cases and their adjustment.

5. (a) A register of civil cases, complete in every respect, will be maintained in the High Court. From this register cases will be taken up according to the order of institution for incorporation in a weekly list of cases to be heard by Division and Single Benches. For the convenience of counsel, a copy of the weekly list of each Bench will be sent to the Bar, seven days before the beginning of every week. When work is likely to run short, the weekly list will be supplemented by the Deputy Registrar. These weekly lists will be open to adjustment by counsel or parties on Fridays. The weekly lists will be broken up into daily lists and the daily lists will be sent to the Bar room at 4.15 p.m., on the day preceding the date of hearing, except the lists for Monday, which will be supplied to the Bar room at 12 noon on the preceding Saturday. Any cases not reached at the close of a day will ordinarily be placed at the top of the lists for the next day and similarly any cases not reached at the close of the last day of the sitting of the Court in a week, will ordinarily be placed at the top of the following week's list.

Note.—A case in which an application for the withdrawal of the case or passing a decree or order in accordance with a compromise arrived at between the parties has been made, be placed in the daily list, after part-heard cases, even though the case may not otherwise be complete.

(b) A separate register of criminal case within the jurisdiction of Division and Single Benches, complete in every respect, will be maintained in the High Court. From this register cases will be taken according to the order of institution for incorporation in weekly lists of cases to be heard by both Division and Single Benches. For the convenience of counsel a copy of the weekly list of each Bench will be sent to the Bar a week before the date of hearing. These weekly lists will be open to adjustment by counsel on Fridays. The weekly list will be broken up into daily list and dealt with as in paragraph 5(a) above.

(c) Full and special bench cases such as Matrimonial Reference, reviews and applications for leave to appeal to the Supreme Court, etc., which cannot conveniently be heard on ordinary Bench days, will be heard on the first Monday in every month or on such other day or days as the Chief Justice may direct in the event of the first Monday being a holiday, or the work being excessive for one day.

Cases to be heard in the order of date of admission.

6. Cases will be set down in the lists in the order or the date of admission except as directed below and will be heard in that order, unless directed otherwise by the court.

Exceptions.

Exceptions.—(A) Postponed cases take priority of all other in Division Bench lists, and in single Bench of all others in their own class.

(B) Remanded cases take priority of all others except postponed cases.

(C) Cases fixed for "actual dates" under the second proviso to rule 8 shall be listed first in the daily lists subject to part-heard cases. Cases fixed by judges for actual dates shall be listed next.

(D) Cases marked "very early", or "early" by order of a Judge or Judges and "commercial causes" shall take priority over ordinary cases.

(E) An appeal or petition against an order of remand of a lower court shall be marked "early" and shall take priority over ordinary cases.

(F) An appeal or petition in connection with which proceedings pending in the lower court are ordered to be stayed or have to be stayed in consequence of the record being sent for by the High Court for the disposal of such appeal or petition, shall be marked "early", shall take priority over ordinary cases and shall be set down for hearing within a period of three months from the date of stay or admission.

7. (i) An application for the postponement of a case shall be presented to the Deputy Registrar and shall not be taken direct to a Judge. Postponement
of cases.

(ii) Cases may be postponed by the Deputy Registrar or, in his absence, under the orders of such other Officer as may be in charge of the Judicial department for the time being

- (a) if, two days before the date of hearing, the record has not been received, or the case is otherwise incomplete ;
- (b) if, before the day of hearing, the death of a party is announced and an adjournment is thereby necessitated ;
- (c) if the lower courts have not complied with a precept or process.

(iii) Except as provided above, no application for the adjournment of a case shall be entertained unless a Bench or Judge, as the case may be, is satisfied that by reason of recent death, sudden illness or domestic bereavement a party cannot be properly represented at the hearing unless such order is made.

(iv) Ordinarily part-heard cases will be proceeded with on the following day or days till they are concluded.

Duty of
Counsel to
attend on the
date of
hearing.

8. Parties and their Advocates are required to attend Court on the day or days for which their cases are set down, and on subsequent days until their cases are disposed of or are postponed:

Provided that intimation of the pacca date fixed in a case will be sent by registered postcard (A.D.) to such parties as are not represented by counsel. Such postcard shall be sent to an address to be given by the party in response to the original notice of appeal calling upon him to furnish an address for service for the purposes of the appeal, or if he fails to give such address within one month of the service of such notice of appeal, to his address as given by the appellant in the memorandum of appeal. The posting of such post-card shall be deemed to be sufficient intimation to the party of the date fixed in the case :

Provided further that in a case in which an Advocate not ordinarily resident in Chandigarh has to appear, the Deputy Registrar may fix an "actual date" if such Advocate puts in a written request for that date to which he himself has obtained the consent of other counsel in the case. Such date shall not be altered except by any order of the Bench concerned, or of the first Division Motion Bench if the case is not listed before a particular Bench.

Disposal of
urgent
petitions.

9. (i) Urgent petitions must ordinarily be presented before 11 a.m., but may, in exceptional cases, be received not later than 3 p.m.

(ii) These petitions will be laid before the Deputy Registrar who shall ordinarily fix them for hearing on the next day. If, however, the Deputy Registrar is satisfied that there is sufficient urgency, he shall mark the petition for hearing on the same day :

Provided that during the summer vacation the time for presentation of all urgent petitions shall be up till 8.30 a.m. but in exceptional cases may be presented not later than 11.00 a.m. on all working days during such period.

PART B.—JURISDICTION OF A SINGLE JUDGE
AND OF BENCHES OF THE COURT.

Cases
ordinarily
to be
heard by
single
Judge.

1. ^[1][Subject to the provisions hereinafter set forth the following classes of cases shall ordinarily be heard and disposed of by a Judge sitting alone :—

- (i) a motion for the admission of First Appeal against decree of subordinate court, Regular First Appeal under the Land Acquisition Act, Regular Second Appeal, First Appeal against orders, First Appeal against order under Central or State Acts, unless otherwise provided in the Act, Execution First Appeals, Execution Second Appeals, Second Appeal against orders, Second Appeal against order under Central or State Acts unless otherwise provided in the Act, Civil Revision Petitions and any other application or petition under Code of Civil Procedure or under any Central or State Act, unless otherwise provided in the Code or Act.]

^[3][(a)] ^[2][*Explanation*:-The preliminary hearing for the admission of Letters Patent Appeals, Civil Appeals (Contempt), Company Appeals, Sales Tax Cases and Gift Tax Cases shall be before a bench of two judges.]

^[3][(b) *Explanation*.— Appeals against the decree or order passed under Hindu Marriage Act, 1955 and under Guardian and Wards Act, 1870 shall be heard and disposed of by a bench of two Judges or more.]

^[4][Provided that the appeals against the orders of the Company Law Board for the purpose of preliminary as well as final hearings shall lie before the Company Judge exercising original jurisdiction of the High Court.]

- (ii) A Regular First appeal irrespective of the value of the subject matter;
- (iii) a second appeal irrespective of the value of the subject matter;
- (iv) an appeal from an order under the Code of Civil Procedure and from an order passed in the execution of a decree;
- (v) a civil appeal, application or reference under any Act of the Central or State Legislature other than the Code of Civil Procedure and other than the Indian Divorce Act, if such appeal, application or reference is not otherwise expressly provided for;

1. Rule 1(i), substituted vide Correction Slip no. 81 Rules/II.D.4, dated 28.3.1984.
 2. Substituted vide Correction Slip no. 118 Rules/II.D.4, dated 31.1.2007.
 3. Inserted vide Correction Slip no. 151 Rules/II.D.4, dated 20.08.2011.
 4. Added vide correction slip No.119 Rules/II.D.4, dated 16.04.2007.

- (vi) an appeal under the Land Acquisition Act irrespective of the value of the subject matter;

Explanation.—Nothing in sub-rule 1 (b), (ii), (iii) and (vi) shall prevent a Judge sitting alone to refer any appeal to a larger Bench with the approval of the Chief Justice.

- (vii) appeal relating to costs only;
- (viii) an application, under section 22 or 23 of the Code of Civil Procedure, for an order determining in which of several Courts having jurisdiction a suit shall be heard, and an application for an order for the transfer of a case from one subordinate court to another;
- (ix) an application under Order I, Rule 8, 10 or 11 read with section 107 of the Code of Civil Procedure;
- (x) an application for an order extending the time for, or directing any particular method of service of notice on a respondent ;
- (xi) an application for the withdrawal of an appeal or application, or for a consent decree or order;
- (xii) a motion to admit an application and an application when admitted, for an order, under Order XXXII, Order XXXIX, Order XL, or Order XLI, Rule 5 or 6 of the Code of Civil Procedure, a motion to admit an application for an order under Order XXII or under Order XLI, Rule 10, and in a case in which the appeal is within the jurisdiction of a Judge sitting alone an application when admitted, for an order under Order XXII or under Order XL, Rule 10 ;
- (xiii) a motion to admit an application, and in a case in which the appeal is within the jurisdiction of a Judge sitting alone, an application when admitted, under Order XLIV , Rule I of the Code of Civil Procedure for permission to appeal in *forma pauperis* ;
- (xiv) an application under Order XLV of the Code of Civil Procedure, other than an application for a certificate under Order XLV, Rule 2 in a case disposed of by a Division Bench ;
- (xv) a motion to admit an application, and an application, when admitted, under section 44 of the Punjab Courts Act or under Section 25 of the Provincial Small Cause Courts Act, 1887, or under the first proviso to sub-section (1) of Section 75 of the Provincial Insolvency Act, 1920 or under Article 227 of the Constitution of India ;

(xvi) any other application-

(a) which under these rules is not expressly required to be made to a Bench of two or more Judges ; or

(b) which is made in any matter within the jurisdiction of a Judge sitting alone and which is not otherwise expressly provided for ;

(xvii) a reference under Order XL VI of the Code of Civil Procedure or under section 99 or section 100 of the Punjab Tenancy Act ;

(xviii) a suit coming before the Court in the exercise of its extraordinary original civil jurisdiction ;

(xix) ^{1.}[(a) Application or petition under Article 226 of the Constitution of India for the issue of any directions, orders or writs in the nature of *mandamus*, *prohibition*, *quo warranto* or *certiorari* or for the enforcement of the fundamental rights conferred by Part III of the Constitution of India or for any other purpose except the hearing of such application or petition in respect of :-

(i) Public Interest Litigation;

(ii) Green matter;

(iii) Petitions against orders of Central Administrative Tribunal;

(iv) Tax Matters;

(v) Petitions challenging Compulsory Acquisition of Land/Immovable Property *including matters in respect of the Change of Land use* ^{2.}*except those challenging valuation of the acquired land or apportionment of compensation*;

(vi) Writ Petitions questioning the vires of any statutory provision;

(vii) Election matters challenging the Election process in relation to Parliament, Legislative Assemblies, Municipalities and Panchayats; disqualification of Members of the Legislative Assembly and Parliament;

(viii) Tender matters;

(ix) Matters in respect of resumption of land/plot or building under the Urban Development Laws of the States of Punjab, Haryana and Chandigarh;

1. Amended vide Correction Slip no. 147 Rules/II.D.4 dated 12.07.2011.

2. Inserted vide Correction Slip no. 195 Rules/II.D.4 dated 06.03.2024.

- (x) The matters challenging the action of the Financial Institutions under the State Financial Corporations Act, 1951 & the Recovery of Debts due to Banks and Financial Institutions Act, 1993 & Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;
- (xi) All Service matters of the Judicial Officers;
- (xii) The Petitions in respect of the rights in Mines and Minerals, Village Common Land and Consolidation of Land Holdings; and
- (xiii) Any other matter with the orders of the Chief Justice.

shall be before a Bench of two Judges.][¹

- (b) A proceeding of a civil nature under a special Act of the Central or State Legislature coming before the Court in the exercise of its original jurisdiction, e.g., under the Indian Trusts Act, 1882, the Companies Act, 1956, the Inventions and Designs Act, the Indian Divorce Act, the Indian Succession Act, the Guardians and Wards Act or the Banking Companies Act, 1949 ;

^{12]}~~(xx)~~ A motion to admit and finally dispose of an appeal or a petition for revision or any other application or reference under the Code of Criminal Procedure or any Central or State Act, unless otherwise provided in the Code or Act other than-

- (a) an appeal or reference or a petition for enhancement of sentence in a case in which a sentence of death or of imprisonment for life has been passed ;
- (aa) an application by the complainant, under section 378(4) of the Code, for the grant of special leave to appeal from an order of acquittal ;
- (b) an appeal under section 378 of the Code from an order of acquittal ;]

^{13]}Provided that such an appeal from an order of acquittal in a case of an offence punishable with imprisonment not exceeding ten years shall be heard finally by a single Judge.]

1. Amended vide Correction Slip no. 147 Rules/II.D.4, dated 12.07.2011.
 2. Substituted vide Correction Slip no. 81 Rules/II.D.4, dated 28.3.1984.
 3. Added vide correction slip no 24 Rules/II.D.4, dated 11.08.1995.

- (c) a case in which notice has issued to a convicted person who has been sentenced to imprisonment for a term of seven years or more to show cause why the sentence should not be enhanced ;
- (d) A case in which notice has issued to a convicted person requiring him to show cause why his conviction should not be altered to one of any offence punishable only with death or imprisonment for life ;
- ^[1][(e) An appeal against the conviction wherein the sentence of more than 10 years imprisonment or death has been awarded.]

Explanation.—Preliminary hearings for admission of-

- (i) a petition for enhancement referred to in sub-clause (a); and
- (ii) an application for grant of special leave to appeal under sub-clause (aa); and
- (iii) an appeal under section 378 referred to in sub-clause (b).
- ^[1][(iv) An appeal against the conviction wherein the sentence of more than 10 years imprisonment or death referred to in the sub-clause (e) has been awarded.] shall be before a Bench of two Judges.

^[2][Provided that an appeal from an order of acquittal in case of offence punishable with imprisonment not exceeding 10 years shall be heard by a Single Bench.]

- (xxi) A case coming before the High Court in the exercise of its ordinary or extraordinary original criminal jurisdiction (including a case under Article 226 of the Constitution of India).

^[3]
[--]

1. Added vide correction slip No. 81 Rules/II.D.4, dated 28.03.1984.
 2. Substituted vide Correction Slip no. 118 Rules/II.D.4, dated 31.1.2007.
 3. Explanation to sub-rule (xxi) deleted vide Correction Slip No. 125 Rules/II.D.4. dated 22.10.2008

Provided that-

- (a) a Judge may, if he thinks fit, refer any matter mentioned in any of the clauses of this rule other than clauses (x), (xviii) or (xx), and with the sanction of the Chief Justice, any matter mentioned in clauses (xvii) and (xx) to a Division Bench of two Judges,
- (b) a Judge before whom any proceeding mentioned in clause (xviii) is pending, may, with the sanction of the Chief Justice, obtain the assistance of any other Judge or Judges for the hearing and determination of such proceeding or of any question or questions arising therein.

^[1][(xxii) the appeals filed before the High Court under :-

- (a) Section 35 of the Foreign Exchange Management Act, 1999;
- (b) Section 42 of the Prevention of Money-laundering Act, 2002 and
- (c) Section 49 of the Prohibition of *Benami* Property Transactions Act, 1988

shall be placed before the Bench of two Judges.]

Bench in cases of misconduct of Advocates.

2. (i) Every case for professional or other misconduct against an Advocate shall be laid before the Honourable the Chief Justice or a Judge nominated in this behalf for an order under section 10(2) of the Indian Bar Councils Act, 1926, as to whether it be rejected summarily or whether an inquiry be held. If an inquiry is ordered, the case shall, after, receipt of the findings of the Tribunal or the District Judge, be heard by a Bench of three Judges.

Bench in cases of misconduct of Pleaders.

(ii) A disciplinary case against a Pleader, under the Legal Practitioners Act, in which the Honourable the Chief Justice or a Judge nominated in this behalf considers that there are grounds for proceeding further shall be heard by a Bench of two Judges.

Bench for review of orders in such cases.

(iii) An application for the review of an order, passed in a case of misconduct against an Advocate or Pleader shall be laid before the Bench which made the order under review :

Provided that if, for any reason, a member of the Bench is unable to sit on the Bench for the reconsideration of its order, the Honourable the Chief Justice may nominate another Judge in his place.

3. Except in a case which the law requires to be heard by a Bench of two or more judges, a single Judge whilst acting in the long vacations as a Vacation Judge/s, may exercise the original and appellate jurisdiction vested in the Court-

Jurisdiction of a Vacation Judge sitting singly.

- (i) in any criminal case other than one mentioned in exceptions (a), (b), (c) and (d) of clause (xx) of Rule 1 ;
- (ii) in any civil matter ;
- (iii) in any matter connected with, relating to or arising out of a writ petition under Article 226 of the Constitution including the preliminary hearing for the admission or disposal of such a petition ; and
- (iv) in any miscellaneous business, which in his opinion requires immediate attention.

4. Save as provided by law or by these rules or by special order of the Chief Justice, all cases shall be heard and disposed of by a Bench of two Judges.

All cases to be disposed of by a bench of two Judges save as provided by law or these rules.

5. ¹[In cases not provided for by Order XLVII, Rule 5, an application for a review of a decree or order shall be heard by a Bench consisting of as many Judges as the Bench the review of whose decree or order is applied for.]

Hearing of review applications.

6. A full Bench shall ordinarily be constituted of three Judges, but may be constituted of more than three Judges in pursuance of an order in writing by the Chief Justice.

Constitution of Full Bench.

7. The Chief Justice shall nominate the Judges constituting a Full Bench.

Judges of full Bench shall be nominated by the Chief Justice.

8. The Judge or Judges of a Bench by whom any question or case is referred shall ordinarily be members of the Division Bench or Full Bench, as the case may be, appointed to consider such question or case.

Judge or Judges who refer a case shall ordinarily sit on the Bench which considers the reference.

9. If a majority of a Full Bench of three Judges so determine, by order in writing at any time before final decision, the Full Bench for the decision of any question or cases referred to a Full Bench of three Judges shall be constituted by four or more Judges according to such direction.

Case when a Full Bench shall consist of 4 or more Judge.

PART C—POWERS DELEGATED TO THE
REGISTRAR FOR THE DISPOSAL OF
CERTAIN JUDICIAL MATTERS

1. In accordance with the powers vested in them by clause 35 of the Letters Patent, the Honourable the Chief Justice and Judges of the Punjab High Court have been pleased to delegate the following functions to the Registrar. These functions shall be performed by the Registrar subject to such general or special orders as may, from time to time, be passed by the Honourable the Chief Justice :—

Powers
delegated to
the Registrar
in civil cases.

- (i) Power to issue notices on an application for Probate or Letters of Administration or for revocation of the same.
- (ii) Power to dispose of all matters relating to the service of notices or other processes, including substituted service, except the power to dispense with service on *pro forma* respondents.
- (iii) Power to receive and dispose of an application under Order XXII, Rules 2, 3, 4 and 10 of the Code of Civil Procedure, and to amend the record, if necessary, except in cases under appeal to the Supreme Court.
- (iv) Power to appoint or discharge a next friend or guardian *ad litem* of a minor or person of unsound mind, except in cases under appeal to the Supreme Court, and to amend the record accordingly.
- (v) Power to receive and dispose of an application for the withdrawal of an appeal or a consent-decree or order.
- (vi) Power to receive and dispose of an application under Order XLI, Rule 10, of the Code of Civil Procedure.
- (vii) Power to receive an application under Order XLV, Rule 15, of the Code of Civil Procedure, and to issue notice thereon.
- (viii) Power to receive an application for substitution of names in an appeal to the Supreme Court, and to issue notice thereon.
- (ix) Power to receive and dispose of an application for the return of a document.

- (x) Power to require any person or party to file an affidavit with respect to any application or matter in respect of which he has power to exercise any discretion or to make any order.
- (xi) Power to call for a further deposit when the deposit already made by the appellant in an appeal to the Supreme Court is not sufficient to defray the cost of preparing the record.
- (xii) Power to order payment of the interest accruing on Government Promissory Notes deposited under Order XLV, Rule 7, of the Code of Civil Procedure, and to order the refund of any unexpended balance under Order XLV, Rule 12.
- (xiii) Power to direct in what newspapers the publication referred to in Order XLV, Rule 9-A of the Code of Civil Procedure, shall be made.
- (xiv) Power to pass orders under the note to Rule 10, Chapter 2-A, Rules and Orders, Volume V.
- (xv) Power to pass orders admitting those persons as advocates and pleaders whose admission does not in any way conflict with any rule or order of the Court. Cases in which the rules and orders of the Court are not fully satisfied should be referred to the Honourable the Chief Justice for orders. No person should be refused admission except by the order of a Judge :
- (xvi) Power to dispose of reference under rule 2 of Chapter 6-F(b), Rules and Orders, Volume V, in cases in which it is considered that the license should be renewed with a formal warning without charging the fees for the period for which the license has been renewed. In any case in which it is considered that full fees for such period should be charged, the matter should be referred to the Honourable the Chief Justice for orders.
- (xvii) Power to grant time for making up deficiency in court-fees in cases referred to him as Taxing Officer under Section 5 of the Court-fees Act, 1870. No application for extension of the time will be refused without the orders of the Court :

Provided that the Registrar may refer any matter under this rule to the Court for orders.

Note—The powers delegated to the Registrar under clauses (i) to (xvi) may also be exercised by the Deputy Registrar subject to general or special orders passed from time to time by the Honourable the Chief Justice.

2. Under the Code of Criminal Procedure, the Registrar has been delegated with the following functions:—

Powers delegated to the Registrar in Criminal cases.

Power to sign complaints under clause (a) of sub-section (3) of section 340 of Criminal Procedure Code.

3. In accordance with the powers vested in them by Clause 35 of the Letters Patent the Honourable the Chief Justice and Judges of the High Court of Punjab and Haryana have been pleased to direct that any person holding the post of Registrar, Joint Registrar or the Deputy Registrar of the High Court may be empowered by name by the Hon'ble the Chief Justice to perform any of the following duties :—

Duties which the Registrar may be empowered by name to perform.

- (a) To decide the question of the necessity for transcribing and printing any documents not specifically applied for by the parties to an appeal to the Supreme Court.
- (b) To enquire into complaints against legal practitioners and to dismiss *in limine* those in which no *prima facie* grounds appeal to him to have been made out, either without or after reference to the Bar Council.
- (c) To issue notice to parties in Criminal References.
- (d) [--]
[Clause (d) of Rule 3 deleted vide Correction slip no.146/Rule/II.D4 dated 01.6.2011].
- (e) To hear appeals from, or petitions for revision of the order of District Judges in cases affecting their establishment or those of the Courts subordinate to them, and to advise the Chief Justice what orders should be passed.

4. The Registrar or the Deputy Registrar shall be deemed to be performing judicial or quasi-judicial functions within the meaning of section 128(2)(i) of the Code of Civil Procedure when exercising powers referred to in Rules 1 to 3 above and their proceedings will be subject to revision by a Single Judge on the motion of the party aggrieved.

5. The Registrar or the Deputy Registrar may exercise all the powers of a Court under Section 152 of the Civil Procedure Code in respect of their own judicial or quasi-judicial orders.

[29]Note.—The duties assigned to the Registrar or the Deputy Registrar in the various chapters of this Volume may be performed by [a gazetted Officer] empowered to do so by the Chief Justice.]

PART D—APPEALS FROM DECREES IN COMMERCIAL CAUSES

1. "Commercial causes" include causes arising out of the ordinary transactions of merchants, bankers and traders, such as those relating to the construction of merchantile documents, export or import of merchandize, affreightment, carriage of goods by land, insurance banking and merchantile documents, export or import of merchandize, merchantile agency, merchantile usage and infringements of trade marks and passing off actions. Suits on ordinary loans and mortgages are not "Commercial causes".

2. The Chief Justice shall, from time to time, nominate one of the Judges of the Court to hear "Commercial causes".

3. (a) All cases under the Companies Act, 1956 and cases affecting the responsibility of a Railway Administration as carriers, will be treated as "Commercial causes".

(b) The Honourable Judges may, however, mark any other case as a "Commercial cause" either at the request of the parties or *suo mote*, if satisfied that the said case is a "commercial cause" as defined in Rule 1.

4. All appeals, which have been marked as "Commercial causes" by order of a Judge under Rule 3, shall be brought to a hearing as early as may be practicable, and shall, as far as possible, be set down before the Judge appointed from time to time by the Chief Justice to hear "Commercial causes", or before a Bench of which such Judge is a member. Such causes shall be given priority on the day of hearing over all other appeals except part-heard appeals and cases frequently postponed.

[1]PART – E

Rules regarding Commercial Courts, Commercial Division & Commercial Appellate Divisions of High Court's Act, 2015.

1. **Definition & meaning:-** Any definition, meaning, expression or the procedure etc., shall be such as mentioned in the 'Commercial Courts, Commercial Division & Commercial Appellate Divisions of High Court's Act, 2015' (for short 'the Act, 2015') and be construed accordingly.
2. **Registration of Cases:-** All cases/ petitions/ appeals filed in the High Court under the provisions of the 'Act, 2015' shall be numbered and entered as per the specially designed *Mozilla software programme* and shall be assigned special categories as mentioned in Chapter 2 of this Volume, in terms of the provisions of Section 17 of the 'Act, 2015'.
3. **Filing Process:-** Filing procedure shall be such as is prevalent in the Chapter-1 of this Volume and as per the general check list codes, category wise available on the website of the High Court, apart from the relevant instructions, issued from time to time.
4. **Requirement of certificate by Pleader/Litigant:-** All the cases shall contain a certificate to the effect that this is a 'Commercial Dispute case' and involves the required minimum specified amount covering pecuniary jurisdiction as per the 'Act, 2015' to be mentioned in the Index of the case.
5. **Jurisdiction of Bench:-** The Pleaders/Litigants may mention in the index on the top with the nomenclature of the case that this case is a “Commercial Division case [original(SB)]” or “Commercial Appellate Division Case (DB)”, as applicable.
6. **Nomenclature:-** Nomenclature of the cases filed under the 'Act, 2015' shall be such as contained in the Part-E of Chapter-2 of this Volume.

[1]. Part 'E' of Chp-3, inserted vide Correction Slip no. 164 Rules/II.D4. dated 06.07.2016.

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CHAPTER 4

Special Procedure

PART I (CRIMINAL)

(A) SPECIAL RULES OF PROCEDURE IN ORIGINAL CRIMINAL CASES

1.

In original trials, in proceedings taken under section 391 of the Code of Criminal Procedure, upon the hearing of an appeal or revision case, and in any other criminal proceedings coming before one or more Judges, the Judge or one of the Judges shall make a memorandum in English of the substance of the evidence of each witness as the examination proceeds:

Provided that, by direction of a Judge, the evidence may be taken down in shorthand by an officer of the court, or other person specially appointed for that purpose.

The transcript of the shorthand shall be corrected and signed by the Judges or one of them and shall then be placed on the record.

Recording evidence.
2.

The evidence shall ordinarily be recorded in narrative form, and shall be signed by the presiding Judge and placed with the record.

Signing evidence
3.

When a sentence of death has been passed upon an accused person convicted at a trial held before the High Court in exercise of its original Criminal Jurisdiction, the Court shall issue a warrant in order to cause such sentence to be carried into effect.

Warrants.
4.

A warrant for the execution of a sentence of death or of imprisonment shall conform, as nearly as may be, to the forms prescribed by the Code of Criminal Procedure.

Form of warrants.
5.

A warrant for the execution of any sentence mentioned in Rule 4 shall be signed by the Judge or

Signing of warrants.

one of the Judges, who passed the sentence, or, if this be not practicable, by the Chief Justice.

Forwarding of
accused and
warrant to jail.

6. (a) Subject to the provision of section 434 of the Code of Criminal Procedure, when the sentence passed upon an accused person is of any of the kinds specified in Rule 4, the Court shall forthwith cause the warrant to be forwarded to the jail in which he is to be confined, and unless the accused person is already confined in such jail shall cause him to be forwarded to such jail with the warrant.

(b) When a question is reserved under section 434 of the Code, the warrant shall be forwarded as soon as practicable after the question is disposed of by the Court.

Amended
warrants.

7. Whenever, either by reason of the commutation or alteration of any such sentence as aforesaid or otherwise, an amended warrant becomes necessary, such warrant shall conform so far as may be, *mutatis mutandis*, to Form No. XXXVI in Schedule V of the Code of Criminal Procedure, and shall be signed in the manner prescribed in Rule 5.

Order of detention
in safe custody of
accused acquitted
on the ground of
lunacy_ form of the
order.

8. An order under section 471 of the Code of Criminal Procedure shall be made in such form as the Judge making the same thinks fit, and shall be signed by the Judge who makes it, and the Court shall forthwith cause the accused person to be forwarded with the order to the place in which he is to be kept in custody.

Form of warrant
for levy of fines.

9. Whenever an offender has been sentenced by the Court in exercise of its Original Criminal Jurisdiction to pay a fine, and the Court directs that a warrant shall be issued under section 386 of the Code of Criminal Procedure, the warrant shall conform, so far as may be *mutatis mutandis*, to Form No. XXXV II in Schedule V of the said Code and may be signed by the Clerk of the State.

Warrants, etc.
to be sealed.

Note.—Under Section 4(e) of the Code of Criminal Procedure (Act V of 1898), the Honourable the Chief Justice has appointed the Registrar of the Court to discharge the functions given by the said Code to the Clerk of the State,—(vide notification No. 173/2151-G., dated the 20th April, 1923).

10. Every warrant, amended warrant and order made and signed under the preceding rule shall, before being issued, be sealed with the seal of the Court.

PART C.—SUBSISTENCE AND TRAVELLING ALLOWANCE TO COMPLAINANTS AND WITNESSES ATTENDING TRIALS BEFORE THE HIGH COURT.

Rule made by the Punjab Government under the powers conferred by Section 312 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) regulating the payment of subsistence and travelling allowance to complainants and witnesses attending trials before the High Court in the exercise of its original Criminal Jurisdiction :—

RULES

1. All disbursement on account of the expenses of complainants and witnesses attending criminal trials before the High Court, will be made by the Committing Magistrate, and will be adjusted by him.

Disbursing
Office.

The Committing Magistrate will determine the class to which each complainants and witness belongs.

In the case of a Cantonment Magistrate committing a case for trial by the High Court, the disbursement of expenses and the payment of advances should be made by the District Magistrate of the district.

2. Except for any special reason in any particular case, complainants and witnesses travelling at the public expense will not be allowed to travel by road and charge accordingly, when the journey can be accomplished more cheaply and expeditiously by rail,

Travelling by
road not
allowed.

3. The Committing Magistrate, when despatching complainants and witnesses to the High Court will instruct them to report themselves to the Registrar of the Court, on their arrival at Chandigarh, and will at the same time report to that officer :—

Committing
Magistrate
to dispatch
witnesses to
HighCourt.

- (a) the name of each complainant and witness;
- (b) the class to which he belongs ;

- (c) the date of his departure to attend at the High Court;
- (d) whether any, and, if so, what advances have been made to such complainants or witness to enable him to reach Chandigarh.

Registrar to inform Committing Magistrate departure of witnesses.

4. When the trial in which the complainant and witnesses have appeared in the High Court is concluded, the Registrar of that Court will intimate to the Committing Magistrate the date of the arrival of the complainants and witnesses at Chandigarh and the date on which it was possible for them to quit the station. The subsistence allowance at Chandigarh will cease as soon after the conclusion of the trial as the means of quitting the station become available.

Payment in advance.

5. The Committing Magistrate may make reasonable advances to complainants and witnesses to enable them to reach Chandigarh; and, when necessary, the Registrar of the High Court will make advances to them at Chandigarh to enable them to return to their homes. Care should be taken in making these advances that a larger sum is not paid to any complainant or witness than he is entitled to receive under these rules, and before making advances to witnesses for the defence, the Committing Magistrate should satisfy himself that such witnesses are material.

Recovery of advances made by Registrar.

6. Advances made by the Registrar of the High Court under the preceding rule will be recovered at once from the Committing Magistrate, who will include the amount of such advances in his bill.

Submission of bill by Committing Magistrate.

7. When all the expenses to 'which complainants and witnesses are entitled under these rules have been paid the Committing Magistrate will submit a bill for the same, supported by the necessary vouchers, to the Registrar of the High Court for countersignature. The Registrar's countersignature will be sufficient authority to support such charges in the Public Accounts.

8. These rules apply *mutatis mutandis* in the case Application of trial held by the High Court elsewhere than at Chandigarh.

Application of rules to trials held elsewhere.

9. In the event of a witness being summoned to attend the High Court in a criminal case, other than a trial before the High Court in exercise of its original criminal jurisdiction, the expenses of such witness will be paid by the Registrar or District Magistrate at such rates as the Court may direct.

Expenses of witnesses in other cases.

Notes.—(1) The Superintendent of the Mental Hospital, being the Government specialist in luna cy, is not entitled to any fee for giving - expert evidence on behalf of Government in the High Court.

Fees of superintendent, Mental Hospital.

(2) The Chemical Examiner or the Assistant Chemical Examiner when summoned give evidence before the High Court shall be entitled to recover the following fee for each appearance :—

Fees of Chemical Examiner.

	Rs.
Chemical Examiner	16
Assistant Chemical Examiner	10

(3) As charges under Rule 7 are debitable to audited contingencies, vouchers for sum above Rs. 25 should accompany the bill sent to the Accountant-General, for audit.

(Punjab Government, Home/Judicial, notification No. 5034-J-56/8467, dated 13th November, 1956).

PART D—RULES OF PROCEDURE IN CASES
UNDER SECTION 366 OF THE CODE OF
CRIMINAL PROCEDURE

Procedure. 1. The rules of procedure to be followed by Sessions Judges in the submission of proceedings to the High Court under section 366 of the Code of Criminal Procedure are continued in Chapter 24-B, Rules and Order, Volume III.

Printing of record. 2. On receipt of the proceedings the Deputy Registrar shall take immediate steps to have the record printed under the rules next following.

Contents of printed record. 3. The printed record in Murder Reference Cases shall consist of the following documents :—

- (1) Opening Sheet of Sessions record.
- (2) Notes and Orders of the Sessions Judge.
- (3) Charge Sheet framed by the Sessions Judge.
- (4) Plea of the accused.
- (5) Reports of the Chemical Examiner and the Serologist, if any.
- (6) First Information Report.
- (7) Inquest Report.
- (8) Material documentary evidence, if any.
- (9) Record of evidence in Court of Session.
- (10) Statements and confessions recorded under section 164 of the Code of Criminal Procedure.
- (11) Examination of the accused in Sessions Court under section 313 of the Code of Criminal Procedure.
- (12) Judgment of Sessions Judge.
- (13) Petition of Appeal.

Copies of the record. 4. Fourteen copies of the Sessions record shall be printed at Government expense with the least possible delay, if there is only one accused, but in case the number of the accused exceeds one, an extra copy shall be printed for each additional accused.

5. In a case where the Sessions Judge certifies that the accused person cannot afford to engage counsel for his defence in the High Court, the Deputy shall take steps to have counsel engaged for his defence at Government expense.

Defence counsel at Government expense.

"6. The hearing of the Murder Reference, in view of the provisions of section 366 of the Code of Criminal Procedure, which lay down that a sentence of death shall not be executed unless it is confirmed by the High Court, shall take place as a rule within about six weeks after the date of receipt of records in the High Court."

Time limit for hearing Murder Reference.

7. Immediately on the sentence of death being confirmed or not confirmed, as the case may be, by the High Court, the Deputy Registrar shall inform the Superintendent of the jail in which the prisoner is confined of the decision and direct him to communicate the same to the prisoner forthwith. The Deputy Registrar shall at the same time inform the Sessions Judge concerned and return the records to him for taking steps under section 473 of the Criminal Procedure Code. Copies of the High Court Judgment shall be sent to that officer later, and as promptly as possible.

Information of decision to accused.

8. The record of every case as prepared for the use of the High Court in which the sentence has been confirmed by the High Court, together with a copy of the High Court judgment and translations of Police Zimnis, shall, as soon as orders have been passed confirming the death sentence, be forwarded to the State Government.

Record to be sent to Government.

CHAPTER 4-DD

(1) The copies of record received under rule 34 of Chapter 24-B and rule 7 of Chapter 25-G of High Court Rules and Orders, Volume III shall again be compared with the original record and if necessary corrected in the High Court by such officials of this Court as may be nominated for the purpose by the Registrar before being placed before a Criminal Bench. The officials responsible for comparison and correction of the copies of record shall attest the same to be true copies of the original.

The Legal Aid to the Indigent Persons (Punjab Haryana & Chandigarh Administration) Rules, 1981

No. G.S.R. 46/C.A. 5/8/R 9-A/Order XXXIII and Const/Art. 227/81.-

In exercise of the powers conferred by sub-rule (2) of rule 9-A of order XXXIII of the Code of Civil Procedure, 1908, as amended, Article 227 of the Constitution of India and all other powers enabling it in this behalf, the High Court of Punjab and Haryana, with previous approval of the State Governments of Punjab and Haryana and the Chandigarh Administration, makes the following rules for regulating the appointments of pleaders to represent indigent persons in Civil suits, namely:-

PART I

1. Short Title and Commencement.- (1) These rules may be called the Legal Aid to the Indigent Persons (Punjab Haryana & Chandigarh Admn.) Rules, 1981.

(2) These rules shall come into force from the date of their publication in the official Gazettes.

2. Definitions. - In these rules, unless the context otherwise requires :-

- (a) 'High Court' means the High Court of Punjab and Haryana at Chandigarh;
- (b) 'Pleader' includes any person whose name is entered on the rolls of the Bar Council of Punjab and Haryana maintained under the 'Advocates' Act, 1961 and the rules framed thereunder;
- (c) 'List' means the list of advocates prepared and maintained by the District Judge separately for each sub-division of the District under these rules, willing to appear for the undefended indigent persons in civil suits at State expenses or free of charge;
- (d) 'Code' means the Code of Civil Procedure, 1908, as amended from time to time.

PART II

3. Assignment of advocates for indigent persons. - (1) Where a person, who is permitted by a Court to sue as an indigent person under sub-rule (3) of rule 7 of Order XXXIII of the Code, is not represented by a pleader, the Presiding Officer of the Court shall, if the circumstances of the case so require, assign a pleader to him from the list.

(2) In any case where it is decided to assign a pleader under sub-rule (1) the Court shall endeavour in the first instance to select a suitable advocate from that part of the list which comprises the names of advocates, if any, willing to appear for undefended indigent persons without charging any fee.

PART III

4. Preparation of List. - (1) The District Judge shall prepare and maintain a list of 5 to 15 suitable advocates willing to appear for the undefended indigent persons at the State expense or without charging any fee separately for each sub-division of the district in relation to which he exercises jurisdiction, after consultation with the seniormost judicial officer for the time being posted at the headquarters of each such sub-division and the President of the Bar Association of that place.

(2) The list to be prepared and maintained under sub-rule (1) shall be in two parts. The first part of the list shall contain the names of suitable advocates who offer themselves to appear for the undefended indigent persons without charging any fee and part two thereof shall have the names of such advocates as are willing to appear for such persons at State expense and are selected for the purpose.

(3) An advocate with a standing of not less than five years at the Bar shall be eligible for being brought on the list under sub-rule (1). The District Judge shall, so far as may be persuade competent senior lawyers to enlist themselves for representing indigent persons without charging any fee.

(4) The District Judge shall revise the list in the month of December in each year.

(5) The District Judge, shall in the month of January in each year, communicate the names of the advocates on the list maintained for each sub-division of his District(s) to the High Court in the following form :-

(1) Name of the Advocate.

(2) Date of birth.

(3) Qualification: University degrees, Distinctions earned in Law (If any)

(4) Date of enrolment at the Bar.

(5) Place of practice.

(6) Length of actual practice.

(7) General reputation and standing at the Bar.

(8) The Registrar shall cause the names on the list for each district to be entered separately in a Register.

(9) The District Judge or the High Court may strike off the name of any advocate from the list without assigning any reason.

PART IV

5. Facilities to advocates select from the list. - (1) Where an advocate is assigned to represent indigent persons at State expense or otherwise, the Court shall allow a period of atleast seven days to be advocate to prepare the brief and shall adjourn the hearing of the case for that purpose.

(2) The Court shall allow, free of cost, inspection of the records of the case by the advocate so assigned.

PART V

6. Scale of fees. - (1) The Ordinary fee payable to an advocate assigned to represent an indigent person at State expense shall not be less than Rs. 50 and not more than Rs. 300 for the entire case, at the discretion of the presiding officer of the Court.

(2) In special cases the District Judge may add any reasonable amount not exceeding Rs. 100 to the ordinary fee allowed by sub-rule (1) with the prior approval of the High Court.

(3) No fee shall be payable for the day on which the case is adjourned without any proceeding being taken by the Court, except at the first hearing of the case:

Providing that if an advocate assigned to represent an indigent person is required to retire at any time after the engagement of an advocate by the indigent person at his own expense, he shall be entitled to get a fee of Rs. 50 as compensation.

7. Maintenance of Diary by Advocates engaged at State expense. - An advocate engaged to represent an indigent person in any Court subordinate to the High Court at State expense shall, at the conclusion of each day of hearing in the case, prepare and submit for counter signatures by the Presiding Officer of the Court a diary containing following details fully set out :--

Date	The name and title of the case	Name of the party represented	Duration of hearing	Work done	Signature of the Presiding Officer	Remarks
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8. Payment of fees.- (1) The District Judge shall be the Controlling Officer for the payment and audit of all fees due to Advocates engaged to represent indigent persons in Courts subordinate to the High Court.

(2) The Advocates shall submit their bills to the District Judge within one month of the disposal of the case by the Court.

¹[Rules regarding Legal Assistance to persons charged with Capital Offences in the High Court].- **Repealed**

²[High Court of Punjab and Haryana Legal Aid to Accused Rules, 1981 inserted vide GSR No.45/Const/Art/225/81 dated 07.05.1981].- **Repealed**

³[The High Court of Punjab and Haryana, Appointment of Amicus Curiae Advocate Rules, 2007 inserted vide Correction Slip no. 121 Rules/II.D4 dated 31.10.2007]. – **Repealed**

1. Repealed vide rule 9 of the High Court of Punjab and Haryana, Legal Aid to Accused Rules, 1981.
2. Repealed vide correction slip No.131/Rules/II.D.4., dated 29.10.2009.
3. Repealed vide correction slip NO.155/Rules/II.D4., dated 21.08.2012.

PART F—RULES MADE BY THE HIGH COURT OF PUNJAB
AND HARYANA REGULATING PROCEEDINGS UNDER
ARTICLE 226 OF THE CONSTITUTION.

PART I—GENERAL

1. (1) These rules may be called the writ Jurisdiction
(Punjab and Haryana) Rules, 1976.

(2) These rules shall come into force on the date
of their publication in the Official Gazette of the Union
Territory of Chandigarh.

(3) These rules shall apply

(a) to all petitions under article 226 of the
Constitution of India; and

(b) so far as may be, to all such petitions
pending on the date mentioned in sub-rule
(2).

Definitions.

2. (1) In these rules, unless the context otherwise
requires:—

(a) "Chief Justice" means the Chief Justice of the
High Court of Punjab and Haryana, and includes
a judge of that Court appointed under Article 223
of the Constitution of India to perform the duties
of the Chief Justice.

(b) "Court" means the High Court of Punjab and
Haryana and includes any Single Bench or
Division Bench of the Court.

(c) "Deputy Registrar (Judicial)" shall include such
other Deputy Registrar or an Assistant Registrar
as may be so designated by the Chief Justice.

(d) "Judge" means a Judge of the Court.

(e) "Pleading" shall mean a petition under Article 226
of the Constitution of India or a Written statement
or a return thereto and shall include such a
replication or rejoinder as may be presented by
leave of the Court.

(2) Unless the context otherwise requires, the Punjab
General Clauses Act, 1898 (1 of 1898), shall apply
for the interpretation of these rules.

3. A petition for the issuance of a Writ in the nature of habeas corpus ^[31][or any petition challenging order of punishment passed in pursuance to any proceedings before a Court Martial] ^[32][or its equivalent tribunal], ^[1][matters pertaining to Protection of Life and Liberty (Protection Matters), Parole, Furlough, Pre-mature release] shall be styled as "Criminal Writ Petition".

Criminal Writ petitions.

4. A petition for the issuance of any other Writ, i.e., a Writ in the nature of Mandamus, prohibition, *quo warranto* or *certiorari* or any other appropriate writ, order or direction, shall be styled as "Civil Writ Petition".

Civil Writ petitions.

5. The Court may, in order to discover or obtain proper proof of relevant facts, examine or direct the examination of any person, whether a party to the proceedings or not, either before it or by a Court Subordinate to it or on commission and may order the production of any document or thing at any time.

Evidence.

6. Every writ, notice, order warrant or other writs process shall be signed and dated by the Deputy Registrar (Judicial) and shall be sealed with the seal of the Court. The forms set out in the schedule to these rules with such variations as circumstances may require, shall be used in all cases where the same are appropriate.

Form of writ etc..

PART II—HABEAS CORPUS

7. A petition for the issuance of a writ in the Persons entitled nature of habeas corpus shall be made by the person arrested or detained or on his behalf by a person acquainted with the facts of the case.

Persons entitled to move.

8. The petition shall contain all relevant facts showing the circumstances and nature of the restraint and whether any previous petition was made by the detenu or on his behalf and in case such a petition was filed its full particulars and result. The petition shall be accompanied by an affidavit in support thereof.

Contents of petition and affidavit.

1. Amended vide Correction Slip No. 184 Rules/II.D.4 dated 25.11.2019.

Expeditious
transmission
of petition.

9. If the detenu desires to make a petition for the issuance of a writ in the nature of habeas corpus he shall be given every lawful facility for the purpose by the authority or the person in whose custody he is held. Such a petition shall be forwarded to the Deputy Registrar (Judicial) by such authority or person without any avoidable loss of time in a cover bearing the caption "Habeas Corpus Petition" in bold letter.

Procedure on
receipt of
petition.

10. (1) On receipt of a petition referred to in rule 7 or rule 9 the Deputy Registrar (Judicial) shall cause it to be entered in the "Register of Criminal Writ Petitions" and after entering the serial number thereof on the opening sheet, post the same, as soon as may be, before a Single Bench.

(2) If such a petition is received or presented at a time when the Court is closed, it shall be laid before the Deputy Registrar (Judicial) who shall enter the same in the said register and place it for hearing as soon as may be, before a Judge of the Court in station.

Preliminary
hearing
and issue
of notices.

11. (1) After reading the petition and hearing the petitioner or his counsel, if present, the Court may dismiss the petition *in limine* if it so thinks fit.

(2) ^[1]If the Court, on the other hand, is of the opinion that a *prima facie* case for granting the petition is made out, a notice, by electronic mode or any other means, in form Cr.W.P. 1 shall be issued calling upon the person or persons against whom writ is sought, to appear on a day to be named therein to show cause why such Writ should not ^[2][be issued] and at the same time to produce in the Court, the body of the persons or person alleged to be illegally or improperly detained ^[2][then] and there to be dealt with according to law. In that case a notice also be issued to the Advocate General of the State concerned ^[2][in form Cr.W.P. 2.]].

(3) The Court, may, at the time of issuing a notice, also issue a search warrant, and the person to whom the warrant is directed may in accordance therewith search for the person said to be confined who if found, shall be immediately brought before the Court, which shall make such order as in the circumstances of the case may seem to be proper.

1. Amended vide Correction Slip No. 178 Rules/II.D4 dated 27.11.2018.
2. Amended vide Correction Slip No. 184 Rules/II.D.4 dated 25.11.2019.

(4) The provisions of sections 38, 70, 72, 74, 77, 78 and 79 of the Code of Criminal Procedure, 1973, shall so far as may be apply to all search warrants issued under sub-rule (3).

(5) If the Court issuing a search warrant under sub-rule (3) has reason to believe that the person to whom the warrant has been directed may not be able to identify the person confined, the Court may order a person named in the warrant to accompany the person to whom the warrant is directed to assist him in the execution of the warrant.

[33]**12.** Three days before the date fixed for appearance, the respondent shall file a return stating whether the detenu is in his custody, whether he arrested him and if so whether the detenu was released before the issuance of the notice and if it is claimed that detention is legal, then all the facts relevant thereto. Such return shall be supported by the affidavit of the respondent.]

Return.

[34]**13.** A copy of the return shall be filed in the office and a copy supplied to the petitioner or his counsel three days before the date fixed for appearance and the matter shall be heard and disposed of on the date fixed, notwithstanding the fact that the return has been filed or not.]

Advance
copy of
return.

14. The petitioner may be permitted to file a counter affidavit to controvert the truth of the statements made in the return. Such counter affidavit shall be filed within such time as the Court may allow, after an advance copy thereof has been served on the respondent or his counsel, if any. Thereafter, the Court may, if it thinks fit record evidence or direct the Court of Sessions or a Judicial Magistrate to take evidence and remit the same within the time fixed by it.

Counter
affidavit.

15. No petition for the issuance of a writ in the nature of habeas corpus shall lie in respect of the detention of a person on a ground on which a similar petition has already been dismissed. However a second petition against the legality of the detention may be filed on the basis of a ground which has arisen after decision of the earlier petition, or was omitted there from for a reason which the Court regards as exceptional and allows to be taken for the ends of justice.

Second
petition
when not
competent
.

Justification
for second
petition.

16. Where a second petition is competent after the dismissal of the first, it shall state explicitly the factor of dismissal and the reason why the new ground sought to be urged in support of the fresh petition could not be taken earlier.

Annexure to
second
petition.

17. Such second petition, the Court may in its discretion make such order as to costs as it may deem just.

Costs.

18. In disposing of any petition, the Court may in its discretion make such order as to costs as it may deem just.

PART III

(Mandamus, Prohibition, Certiorari, Quo-warranto and other directions or orders).

Index.

19. The opening sheet of a petition for the issuance of a writ in the nature of *mandamus*, *prohibition*, *quo warranto* or *certiorari* or any other direction or order shall be the index of the petition and the documents annexed thereto in form C.W.P. 1. It shall be signed by the petitioner or his counsel and shall state the serial numbers of the pages and the paragraphs which contain the points of law canvassed in the petition.

Contents
of petition.

20. (1) Every petition shall consist of paragraphs numbered consecutively and shall contain,—

(i) the name [& age], description sufficient for identification and place of residence or business of each person joined as a petitioner or a respondent;

[Inserted vide Correction Slip No. 165 Rules/II.D4 dated 18.11.2016].

(ii) a concise Statement of relevant facts in chronological order along with dates.

(iii) particulars of the defect in the exercise of jurisdiction or the grounds on which the legality or validity of an order, act or default of the state or other authority is impugned, and any final or interim relief sought;

(iv) in concise and precise form in a separate paragraph immediately following the one in which the grounds are specified, the points of law canvassed in the petition;

(v) ^[36] a statement about any alternative remedy, which was available to the petitioner and whether such remedy was availed of, and if not, the reasons therefore, and if availed with what results;

(vi) a statement whether a similar petition has been made to the Supreme Court or previously in the Court or in any other Court in respect of the same matter, and if made, with what result ; and

(vii) detailed particulars and adequate reasons for the delay, in case the petition is *prima facie* belated.

(viii) ^[37][The prayer for interim relief and for dispensing with the filing of the certified copies of the documents annexed with the petition shall be incorporated in the main petition and no separate application is required to be filed for this purpose. However, the prayer for interim relief, if any, made after filing of the writ petition shall be made by way of a separate application duly supported by an affidavit.]

(2) In a petition where an interim relief is claimed, the petitioner shall ordinarily furnish to the party against whom such petition is filed, copies of such petition and of all documents in support of the plea for such interim relief and the petition shall contain a statement to that effect.

^[38] [Provided that where an interim relief is granted by the Court and the petitioner has not already furnished to the party/parties against whom such petition is filed a copy/copies of such petition along with all documents in support of the plea for such interim relief, he shall, forthwith on the date of the grant of such relief supply copy/copies of the petition along with all documents in support of the plea for such interim relief which shall accompany the stay order to be served, unless the Court directs otherwise.]

^[39] 3. [Every petition shall be supported by a short affidavit duly verified in the manner prescribed under Order 19 Rule 3, of the Code of Civil Procedure, 1908.]

[4. Pleadings shall be verified by the party for and on behalf of his co-parties also, where there are more than one petitioner or respondent, as the case may be, in the manner prescribed in Rule 15 Order 6, CPC.]

[Point no.4 inserted vide correction slip no. 159 Rules/II.D4. dated 16.09.2013].

21. Every person who is likely to be affected in any manner by the results of a petition shall be joined as a respondent thereto. Any petition in which a necessary party is not impleaded shall be liable to be dismissed.

Joinder of
respondents

Petition and
annexures
thereto.

22. (1) Every petition shall be accompanied by-

(i) Such documents on which the petitioner relies or their certified or photo state copies or copies attested either by the petitioner's counsel or sworn to by the petitioner to be true copies of the originals and where such documents happen to be in a language other than English, their translations certified by counsel to be correct; and

(ii) a correct copy meant for the use of the Court, type written (first carbon impression), cyclostyled or printed, of the petition and the annexures thereto.

(2) Every document shall bear an annexure mark on the right hand top corner of its opening sheet. Each annexure mark shall consist of the letter 'P' followed by the serial number of the documents ; for example, P1, P2, P3.

(3) Every petition and the copies of translations attached thereto shall be type written, cyclostyled or printed in double space on one petition paper demi fool scap size with quarter margin.

23. ^[1][Deleted]

Service of
notice.

24. ^[2][Any notice or communication sent by the Registry of the Court to the address or requisite e-details of the petitioner as supplied by him in the petition under a certificate of posting or registered post or by electronic means, shall be deemed to have been duly served on him, where the petition has not been filed through counsel. In all other cases, notice to counsel shall be deemed to be sufficient notice to the party. Any change in the address of the petitioner shall be communicated by him to the Court and thereafter the changed address shall be deemed to have been incorporated in the petition.]

1. Deleted vide Correction Slip no.148 Rules/II.D4 dated 18.08.2011.

2. Amended vide Correction Slip No. 178 Rules/II.D4 dated 27.11.2018.

[41] 25. [(1) “Every petition relating to

Motion
hearing.

- i. Public Interest Litigation,
- ii. Green matters,
- iii. Petitions against orders of Central Administrative Tribunal;
- iv. Tax Matters;
- v. Petitions Challenging Compulsory acquisition of land/Immovable property including matters in respect of the Change of Land Use *except those challenging valuation of the acquired land or apportionment of compensation*;
- vi. Writ Petitions questioning the vires of any statutory provision;
- vii. Election matters challenging the Election process in relation to Parliament, *Legislative Assemblies*, Municipalities and Panchayats; disqualification of members of the legislative assembly and Parliament;
- viii. Tender matters;
- ix. Matters in respect of resumption of land/plot or building under the Urban Development Laws of the States of Punjab, Haryana and Chandigarh;
- x. The matters challenging the action of the Financial Institutions under the State Financial Corporations Act, 1951 & the Recovery of Debts due to Banks and Financial Institutions Act, 1993 & Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;
- xi. All Service matters of the Judicial Officers;
- xii. The Petitions in respect of the rights in Mines and Minerals, Village Common Land and Consolidation of Land Holdings; and
- xiii. Any other matter with the orders of the Chief Justice.

shall be before a Bench of two Judges, and before a Single Bench when there is no sitting of a Division Bench and all other Petitions shall be laid before Single Bench.”

(2) At any time when the Court is closed, a petition may be presented to the senior most judge in station if,—

- (a) interim relief of an urgent nature is prayed for
- (b) irreparable loss is likely to be occasioned to the petitioner in case he waits for the institution of the petition till the Court reopens, and
- (c) the petitioner was unable to present the petition to the court on its last working day for reasons beyond his control.

On such presentation the Judge may pass such orders in relation to the interim relief as he may deem just.

26. (1) Notices of motion and admission of petitions shall be issued in form C.P.W. 2. Any notice so issued shall be made returnable on a date fixed by the Court and, when no such date has been fixed, on a date not less than 21 days from the date of the issue of the notice :

Form of
notice.

"Provided that where an interim relief is granted the notice shall be made returnable within a period of 14 days from the date of the order."

(2) Every notice shall be served, as far as may be, within 7 days of the date of issue.

27. Service of a notice issued under rule 26 shall not be necessary on a respondent who is present before the Court at the motion hearing and whose presence is noted in the order passed by the Motion Bench.

Consequences of non-prosecution.

28. (1) If the petitioner does not furnish the process, fee, postal charges, the required number of copies of the petition and the annexures thereto, or does not comply with any order issued by the Court, the office shall place the case for proper orders before the Registrar.

No notice when respondent attends hearing

(2) If the Registrar is of the opinion that no further opportunity should be granted to the petitioner to comply with any of the requirements mentioned in sub-rule (1), the case shall be laid before a Judge.

Written
statement or
return

[42] **29.** [(1) A written statement or a return to the petition answering each paragraph of the petition separately shall be filed in the office and a copy delivered to the petitioner or his counsel three days before the date fixed for hearing and the matter will be heard and disposed of on the date fixed notwithstanding the fact that the same has been filed or not.]

(2) The provisions of rules 20 and 22 and of order VIII of the Code of Civil Procedure, 1908, shall apply *Mutatis mutandis* to written statements and returns.

(3) Every document accompanying a written statement or return shall bear an annexure mark on the right hand top corner of its opening sheet. Each annexure mark shall consist of the letter 'R' followed by the serial number of the document ; for example R. 1, R. 2, R. 3.

Single bench
to hear
petition unless
otherwise
ordered.

[43] **30.** Single Bench to hear petition unless otherwise ordered-[(1) In the absence of any special instructions of the Chief Justice, the petitions, other than those specified in Rule 25(1) or in Chapter III Part B of the Rules and Orders of Punjab and Haryana High Court Volume-5, after admission, shall be heard by the Single Bench.

Provided, that the Motion Bench may, at the motion hearing itself, dispose of the petition finally if the circumstances of the case so require.

(2) A Single Bench hearing a petition may submit the same to the Chief Justice for disposal by a larger Bench.

Difference of
opinion.

31. In case of a difference of opinion between the Judges constituting a Bench hearing a petition, the points of difference shall be decided in accordance with the procedure laid down in clause 26 of the Letters Patent.

Application
of C.P.C.

32. In all matters for which no provision is made by these rules, the provisions of the Code of Civil Procedure 1908, shall apply *mutatis mutandis*, in so far as they are not inconsistent with these rules.

[33. The Registrar (Judicial) shall issue a copy of the final judgment to the Advocate General and to the Principal Secretary/Secretary of the concerned department by e-mail or such other modes, as directed or considered appropriate by Registrar (Judicial) for necessary action along with the covering letter in Form C.W.P. 3.]

Compliance
with
Judgment.

[Rule 33. substituted vide correction slip no. 132 Rules/II.D4. dated 12.11.2009.]

[33-A. In every Civil Writ petition instituted against the orders of all Quasi-Judicial Tribunals, every petitioner shall be required to file complete pleadings with annexures which were before the Tribunal. No additional document shall be filed unless otherwise permitted by the Court:

Filing of
Civil Writ
Petition
against
orders of all
Quasi-
Judicial
Tribunal(s).

Provided that if the petitioner wants to produce any document which was not part of the records of the Tribunal, he shall move a separate application stating the reasons for not producing it in the Tribunal and the necessity for its production in the Court. The applicant shall seek leave of the Court for producing such additional document:

Provided further that the pleadings in the proceedings before the Tribunal shall be enclosed in a separate paper book as Volume-I and the documents placed before the Tribunal in another paper book as Volume-II.

Note.- It shall be obligatory for the counsel to file the following certificate-I with the writ petition :-

‘Certified that the Writ Petition is confined only to the pleadings before the Tribunal whose order is being challenged and the documents relied upon in those proceedings. No additional facts, documents or grounds have been taken or relied upon in this Writ Petition. It is further certified that the copies of all documents/annexures filed before the Tribunal have also been attached to the Writ Petition. This certificate is given on the basis of the instructions given by the petitioner/person authorised by the petitioner whose affidavit is filed in support of the Writ Petition.’]

[Rule 33-A amended vide correction slip no. 153 Rules/II.D4. dated 08.05.2012.]

PART IV- MISCELLANEOUS

34. The Court may dispense with the requirements of any of these rules in the interest of justice.

Power to
dispense
with rules.

35. The Punjab and Haryana Writ Jurisdiction Rules, 1972 are hereby repealed.

Repeal.

FORM Cr. W.P.I.
[See Rules 11(2), 12 and 13.]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRIMINAL WRIT JURISDICTION

Criminal Writ Petition No. _____ of 19

_____ Petitions(s)
versus
_____ Respondent(s).

NOTICE

To

Whereas a petition under article 226 of the Constitution of India, wherein you have been joined as respondent and of which a copy is enclosed, has been presented to this Court with a prayer for the issuance of a writ in the nature of habeas corpus;

And whereas the said petition has been fixed for hearing on _____ day of _____ 19 _____ at 10.00 A.M. (Actual);

You are hereby required to appear before the Court on the said date and time and to show cause why such writ should not issue and at the same time to produce before the Court the body of _____ who is alleged to be in your custody, then and there to be dealt with according to law;

[¹] You are further required to file a return supported by an affidavit three days before the said date stating whether you arrested him and if so whether he was released before the issuance of notice and if it is claimed that the detention is legal, then all the facts relevant thereto;

And you are further required to supply a copy of the return, if reasonably practicable, to the petitioner or his counsel three days before the date above-mentioned;]

And also take notice that in case of default you shall be answerable for contempt in not obeying the orders of this Court.

Given under my hand and the seal of the Court this _____ day of _____ 19 .

BY ORDER OF HIGH COURT OF PUNJAB AND
HARYANA AT CHANDIGARH

(Seal)

(Signature)

Deputy Registrar (Judicial)

1. Amended vide Correction Slip No. 7 Rules/II.D4 dated 21.12.1984.

FORM Cr. W.P. 2.
[See Rule 11(2)]
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRIMINAL WRIT JURISDICTION

Criminal Writ Petition No. _____ of 19
_____ Petitioner(s).
versus
_____ Respondent(s).

To

The Advocate General,
_____, Chandigarh.

Whereas the petitioner above named has presented a petition under Article 226 of the Constitution of India for the release of the detenu named therein ;

And whereas the said petition, a copy of which is enclosed, has been admitted to a hearing by this Court:

Notice is hereby given to you that the case will be laid before this Court on the _____ day of _____ 19 _____. (Actual date).

Should you consider that the State of _____ should be represented at the hearing in this Court, you may take necessary steps in that behalf.

Given under my hand the seal of the Court
this.....day .. .

BY ORDER OF HIGH COURT OF
PUNJAB AND HARYANA AT
CHANDIGARH

(Seal)

(Signature)
Deputy Registrar (Judicial),

FORM C.W.P. 1

(See Rule 19)

IN THE HIGH COURT OF PUNJAB AND
HARYANA AT CHANDIGARH
CIVIL WRIT JURISDICTION

Civil Writ Petition No.....of 19

.....Petitioner (s)

versus

.....Respondent (s)

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[35] [Note-(i) Main law point involved mentioning the page and paragraph of the petition.
(ii) Relevant statute and rules.
(iii) Any previous case involving the same point with brief statements of facts and the point of law involved.]

(Signature)
(Name)

Date Advocate(s) for the Petitioner(s).

FORM C.W.P. 2
(See Rule 26)IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH CIVIL WRIT JURISDICTION.

Civil Writ Petition No. 19

.....Petitioner (s).

versus

.....Respondent (s)

NOTICE OF MOTION/ADMISSION OF PETITION

To

.....

Whereas a petition under Article 226 of the Constitution of India, wherein you have been joined as respondent and of which a copy is enclosed, has been presented to this Court ;

[45] [You are hereby informed that the said petition has been fixed for hearing on day of 19 (Actual/Tentative) and that if you wish to urge anything in reply to the petition, you may appear in this Court on that date and file your written statement three days before that day either in person or through an Advocate duly instructed;]

Take notice that in default of your appearance on the date aforementioned the case shall be heard and decided in your absence.

Given under my hand and the seal of the Court this day of 19 .

BY ORDER OF HIGH COURT OF PUNJAB
AND HARYANA AT CHANDIGARH

(Seal)

(Signature)
Deputy Registrar (Judicial).

FORM C.P.W. 3

(See Rule 33)

IN THE HIGH COURT OF PUNJAB AND
HARYANA AT CHANDIGARH

No...../Writs, dated
To

.....
Subject . - Civil Writ Petition No.....of 19
.....Petitioner (s)
versus

.....Respondent(s)

I am directed to forward herewith for immediate compliance
a copy of the judgment, dated.....
passed by this Court in the above-noted case.

Given under my hand and the seal of the Court this day of
.....19.

BY ORDER OF HIGH COURT OF PUNJAB
AND HARYANA AT CHANDIGARH

(Seal) (Signature)
[Registrar (Judicial)]
(Notification No. 86 / Rules / XVI A 90 (b) dated the 21st April,
1976.)
[Registrar (Judicial) substituted vide correction slip no. 132 Rules/II.D4. dated 12.11.2009.]

PART GG.-RULES OF PROCEDURE AND GUIDANCE IN THE
MATTER OF TRIAL OF ELECTION PETITIONS
UNDER PART VI OF THE REPRESENTATION OF
THE PEOPLE ACT, 1951, AS AMENDED.

1. *Definitions.*-Unless the context otherwise requires, the following words and expressions, when used in this Chapter, have the meaning assigned to them in these rules -

- (i) "Act" means the Representation of the People Act, 1951, as amended from time to time.
- (ii) "Advocate in charge" means the Advocate through whom the petition has been filed other than the Senior Advocate, if any, instructed by him.
- (iii) "Candidate" means a person, who has been or claims to have been duly nominated as a candidate at any election, and any such person shall be deemed to have been a candidate as from the time when with the election in prospect he began to hold himself out as a prospective candidate.
- (iv) "Chief Justice" means the Chief Justice for the time being and shall include an Acting Chief Justice of the High Court.
- (v) "Designated Judge" means any Judge of the High Court assigned by the Chief Justice under section 80-A(2) of the Act for the purpose of trial of Election Petitions.
- (vi) "Elector" means a person, who was entitled to vote at the election, to which the election petition relates, irrespective of the fact whether he has actually voted at such election or not.
- (vii) "High Court" means the High Court for the States of Punjab and Haryana and the Union Territory of Chandigarh.

(viii) "Petition" means an election petition filed under sections 80 and 81 of the Act.

(ix) "Prescribed" means prescribed under these rules or the rules made under the Act or the Code of Civil Procedure, 1908.

(x) ^[46] [Registrar" means the Registrar of the High Court and includes a Joint Registrar, Deputy Registrar and any other official of the Registry of the Court authorised by the Chief Justice to discharge the functions of the Registrar under this Chapter.]

(xi) Any other words or phrases used in this Chapter, but not herein defined, shall be given the meaning ascribed to them in the Act or in the Code of Civil Procedure, 1908, as the case may be.

Section 79(e)
and section 80.

2. *Jurisdiction.*-No election held within the territories, which are subject to the jurisdiction of the High Court, shall be called in question except by an election petition presented to the High Court in accordance with the provisions of Part VI of the Act.

Section 80-A(2)

3. *Designation of Judges.*-The Chief Justice shall, from time to time, assign one or more Judges of the High Court for the purpose of trial of petitions.

Section 80-A(2)

4. *Benches.*-(a) *The petitions* shall ordinarily be tried by any one of the designated Judges.

Section 86(3).

(b) Where more election petitions than one are presented to the High Court in respect of the same election, all of them shall be referred for trial to the same designated Judge, who may, in his discretion, try them separately or in the one or more groups.

Section
80-A (3).

5. *Place of trial.*-Petitions shall normally be tried at the place where the seat of the High Court is for the time being situated. The designated Judge or Judges, may, however, in his or their discretion, and in consultation with the Chief Justice, direct that

in the interest of justice or for the sake of convenience any election petition shall be tried and/or heard, either wholly or partly, at a place other than the place of the seat of the High Court.

6. *Limitation.*-A petition shall not be filed earlier than the date of election of the returned candidate; and may be filed by any candidate at the election or by any elector within forty-five days from the date of election of the returned candidate or if there are more than one returned candidates at the election and the dates of their election are different, the later of those two dates.

Section 81(1).

7. *Security for costs.*-(a) At the time of presenting an election petition, the petitioner shall deposit in the High Court, in accordance with the rules for making deposits in the said Court, a sum of Rs. 2,000 (Rupees two thousand only) as security for costs of the respondents.

Section
117(1).

(b) During the course of the trial of the petition, the High Court may, at any time, call upon the petitioner to give such further security for costs as it may direct.

Section
117(2).

8. *Parties to a petition.*-A petitioner shall join as respondent to his petition :-

Section 82.

- (a) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed all the returned candidates; and
- (b) any candidate against whom allegations of any corrupt practice are made in the petition.

9. *Added Respondents.*-Any candidate not already a respondent shall, upon application made by

Section
86(4).

him to the High Court within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the High Court, be entitled to be joined as a respondent

Section 118. 10. *Security from added respondent.*-No person shall be entitled to be joined as a respondent under the last preceding rule unless he has given such security for costs as the High Court may direct. In the absence of a specific order in that respect, such a respondent shall be required to deposit a sum of Rs. 1,000 (Rupees one thousand only) as security for costs.

11. Contents of Petition.-(i) A petition may be presented ¹⁴[(containing the age of the petitioner)], either in person or through an Advocate in charge, for calling in question any election on one or more of the grounds specified in sub-section (1) of section 100 and section 101 of the Act by any candidate at such election or any elector, and

Section 83(1). (a) shall contain a concise statement of the material facts on which the petitioner relied, arranged so far as possible in strictly chronological order ;

Section 83(1). (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed and verified by the petitioner in the manner laid down in Order VI, rule 15 of the Code of Civil Procedure, for the verification of pleadings.

(ii) The petition will be presented to the Registrar within office hours on any working day and his receipt showing the date and time of filing of the petition shall be obtained. The receipt shall, also, indicate the date on which the petitioner or his Advocate, if any, must

1. Amended vide Correction Slip No. 165 Rules/II.D4 dated 18.11.2016.

appear before the Registrar for removal of formal defects, if any. The said receipt shall be in Form 'A' appended to these rules.

^[47] [(iii) Any document other than the election petition itself, but connected with the petition which is not filed with the election petition may be filed either with the Registrar or in the Election Branch with an endorsement in Form 'E', appended to these rules, of the date of filing the same made on the first page of such document under the dated signature of the party filing the documents or his Advocate.

“(iv) An inward diary or a receipt register shall be maintained in the Election Branch in which receipt of all petitions, applications, documents and papers connected with election petitions shall be entered on the very day on which those are received in the Branch. The register shall be put up to the Registrar at 4.00 p.m. on every working day and shall be signed by him by mentioning the time and date of his signature so as to close the entries of that particular day. The serial number in the receipt register and the date of filing the document in question in the Election Branch shall be endorsed on the document in the relevant column of a square rubber stamp of the prescribed type. The endorsement on the document shall be signed by the receipt Clerk or Diarist or the Dealing Assistant in the Election Branch, as the case may be.]

12. Papers accompanying the petition.-Every petition shall be accompanied by :-

^[48] [(a) Deleted.]

(b) *Schedules or annexures to the petition referred to in the body of the Petition.*-Such schedules or annexures shall also be signed by the petitioner and verified in the same manner as the petition.

Section 83 (1)

Section 83(2)

- (c) The documents in the possession or power of the petitioner, on which he relies in support of his petition, together with a list thereof in Form 'B' appended to these Rules.
- (cc) A list of any other documents on which the petitioner relies in support of his claim which shall be in Form 'BB' appended to these rules, and where any such, document is not in possession or power any of the petitioner he shall, if possible, state in whose possession or power it is.
- (d) The original receipt for the deposit of security for costs.
- (e) A cloth-lined strong envelope of the size of not less than 14" x 15" for keeping documents;
- (f) twice as many copies of the election petition as there are respondents mentioned in the petition. Every such copy shall be attested by the petitioner under his own signature to be true copy of the petition; and
- (g) as many pre-paid Registered Acknowledgment Due Postal Covers as there are respondents mentioned in the petition, with the addresses of all those respondents being in-scribed either in type or in neat and legible manuscript on the respective covers,

The petitioner or the Advocate incharge should ensure that the postage pre-paid on the covers is enough to cover the requisite postage keeping in view the weight of the copy of the petition and its annexures and schedules, if any, which have to be despatched therein. If necessary, special postal covers may be got prepared for the purpose which should be of such size as may be able to contain conveniently a copy each of the election petition and its annexures and schedules.

- (h) A statement giving an address at which service of notices or other processes may be made on the petitioner. The said address shall be within the local limits of the High Court. Where the petitioner fails to file the said address, his petition shall be liable to be dismissed. Due service of all processes and communications shall be deemed to have been effected on him by properly addressing, pre-paying and posting by registered post, a letter containing the said processes or communications and unless the contrary is proved the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Service of all processes and communications on the counsel for the petitioner, if any, shall be deemed to be due service of the same on the petitioner.

13. *General requirements regarding petitions.*-(a) All petitions shall be clearly typed or Cyclostyled or printed on only one side of foolscap Government (Judicial) paper in double space with at least a quarter margin.

(b) All copies of the petition shall be similarly prepared, but on ordinary paper.

(c) All copies of the petition shall conform to the original, page by page and line by line.

(d) The petition and the copies shall be page-marked legibly and the Annexures and Schedules, if

any, attached to the petition, shall be consecutively page-marked in the same manner.

(e) A cleanly typed, cyclostyled or printed index will be put at the top of the petition showing the serial number of the document, its date, particulars and the page or pages on which it occurs in the papers filed by the petitioner or the Advocate in charge and shall be signed and dated by the Petitioner or such Advocate.

(f) The petitions and their annexures and schedules shall be in the English language. Any original document or any copy of a document, which is not in the said language shall be accompanied by its translation into English, duly certified by the petitioner or the Advocate incharge to be a correct translation of the original or of the copy as the case may be.

(g) The petitioner or the Advocate incharge shall ensure that the petition does not suffer from unnecessary prolixity and does not contain any scandalous or vexatious allegations which are not necessary to be made for deciding the matters really in issue.

14. *Scrutiny of papers.*-(a) The Registrar shall cause the petition and its accompanying documents to be scrutinised under his personal supervision. On the conclusion of such scrutiny, the Registrar shall make an endorsement on the back of the last page of the index to the effect that the papers have been scrutinised and if the same have been found to be in order or not, if the Registrar finds that the papers are not complete or do not, otherwise, comply with the requirements of these rules or the provisions of Part VI of the Act, an endorsement to that effect would be made specifying the defaults or the omissions which require rectification. The endorsement would also show separately if the security for costs referred to above has been deposited by the petitioner before the filing of the petition, and, if the petition has filed within limitation.

(b) on such scrutiny if it is found that the petition does not comply with the requirements of section 81 or section 82 or section 117 of the Act, the Registrar shall make a specific enforcement to that effect.

(e) If some other defect is detected in the petition or it is found that it does not comply with any other rule, the petition will be returned with such endorsement as hereinbefore specified to the petitioner or the Advocate incharge, on the date specified in the receipt under rule 11 (ii). The said endorsement shall specify the time within which the defect or defects mentioned therein shall be removed and the said time shall not exceed seven days in any case. The rectified petition shall be refilled by the petitioner or the Advocate incharge within the time so specified.

[⁴⁹] [(cc) It shall be the duty of the petitioner or the Advocate in charge to bring to the notice of the Registrar the fact of the removal of the defects or any one or more of the defects pointed out by the office on the very day on which the defect or defects are removed. The fact of removal of defect or defects having been brought to the notice of the Registrar shall be endorsed on the petition by the Registrar in his own handwriting under his dated signatures specifying with reference to the serial number of the defects or otherwise the particular defects which have been removed.]

(d) A list of all the petitions, which are not in conformity with the mandatory provisions of sections 81, 82 or 117 of the Act, shall be put on a special notice board meant for notices relating to election petitions and a copy of such list shall be sent to the Secretary of the High Court Bar Association before 3.30 p.m. on the day preceding the date for which these petitions are directed to be placed before any one of the designated judges. The list shall specify the date on which and the name of the designated judge before whom the petition will be placed for necessary directions or orders in respect of non compliance with the rules. Such date of hearing shall also be communicated to the petitioner or the Advocate incharge on the date specified in the receipt under rule 11(ii).

15. *Preliminary hearing of defective petitions.*-(a) All such petitions, (i) which have been *prima facie* found by the Registry as not complying with the provisions of section 81 or section 82 or section 117 of the Act or (ii) which have been filed incomplete or in any other way not complying with these rules and which the petitioners or the advocates incharge may not have taken back or (iii) which may have been re-filed without necessary compliance or (iv) which may have been re-filed after the expiry of the period allowed by the Registry, shall be brought up before any of the designated Judges on a date which has either been noted by the petitioners or the Advocates incharges or which has been specified in the list prepared, notified, and sent to the High Court Bar Association before 3.30 p.m. on the preceding date, or which has been notified to an un-represented petitioner by registered post.

(b) If the petition does comply with the provisions of the aforesaid the sections of the Act, but does not comply with any of the other rules or requirements contained in this Chapter, the High Court may allow the petitioner or the Advocate incharge such further time not exceeding one week to do the needful on such terms as it may deem fit to impose.

(c) All such cases reported by the Registry shall be included at the top of the Daily Cause list of the designated Judge.

(d) If the High Court finds that sections 81, 82 and 117 of the Act have been duly complied with and that there has been substantial compliance with the other rules and it is not necessary to have any other rectification or amendment made in the petition or other papers, the High Court shall order notice of the petition to issue to the respondent or respondents, as the case may be.

16. ¹*[Issue of process.*-In all cases covered by rule 15(d) and where the petition is on scrutiny, found by the Registrar to be in order, the Registry shall issue notice of the petition in Form `C' appended to these]

¹[rules, accompanied by a copy of the petition, together, with copies of the schedules and annexures, if any, to each of the respondents named in the petition under Registered (Acknowledgement Due) postal covers filed by the petitioner as also in the ordinary manner as well as electronically through the Administrative Subordinate Judge or the Senior Subordinate Judge or any other Civil Court of the district or place within whose jurisdiction the respective respondent is stated to reside or carry on business. The endorsement on the notice requiring such Subordinate Judge or Civil Court to effect service on the respondent shall specify that the afore-said subordinate Judge or Court shall make every effort to have service effected immediately and, in any event, to submit a detailed report of service well within time so as to reach the Registry of this Court before the date of scrutiny. The notices shall be for the settlement of issues and shall be issued for an actual date which shall not be more than four weeks ahead of the date of which the notices are despatched. The notices shall be in Form 'B' appended to these rules and shall specify, *inter alia*-

- (a) the date on which the respondents are required to appear in person or by an advocate;
- (b) the date of scrutiny on which the case will be put up before one of the designated Judges with a full and complete report of the office about service of notices; and
- (c) a direction to the effect that the case would be heard *ex parte* if the respondent does not put in appearance in the Registry of the Court and serve notice of having done so on the petitioner or the Advocate incharge before the date of hearing.

17. *Substituted service.*-If on the date fixed for scrutiny the designated Judge, before whom the case is put up, finds from the office report or the report of the process-serving agency or the postal authorities]

¹[that any one or more of the respondents in any particular cases appears to be evading service or it is other-wise not possible to effect personal service on him expeditiously, he may direct substituted service to be effected on such respondent in any of the customary modes including publication in the approved newspaper in the abridged form containing link of website where the details of such notice is available.]

18. *Appearance.*--Any appearance, application or act required or authorised by the Act or these rules to be made or done by a party may be made or done by *the party in person* or by his recognized agent, or by an Advocate, appearing, applying or acting, as the case may be, on his behalf :

Provided that any such appearance shall, if the High Court so directs, be made by the party in person :

Provided further that, unless the context other-wise requires, the recognised agent of a party shall be deemed to be the petitioner or the respondent, as the case may be, for the purposes of these rules.

19. *Scrutiny.*--It shall *be* the duty of the petitioner or the Advocate incharge to appear before the Court on the date of scrutiny and to comply with the order or directions that may be given by the designated Judge at the time of the scrutiny.

20. *Appearance of respondents.*-(a) As soon as possible after the receipt of notice of the petition, each respondent shall enter before the Registrar appearance in writing. The appearance may be entered through an Advocate or in person. In either event the full, complete and detailed address of the respondent shall be entered on the memorandum of appearance. Thereafter, service of any notice or order of the Court or of the Registry shall be deemed to be sufficient if it is either communicated to the Advocate, or, in a case where the respondent is not so represented, sent by ordinary post to such address of the respondent as has been furnished by him.

(b) Immediately after entering appearance, the respondent or his Advocate, as the case may be, shall

serve on the Advocate incharge of the case or on the petitioner, if he is not represented by counsel, a notice of having entered appearance.

(c) ^[50] [Any respondent, who does not admit the correctness of the allegations or of the claim made in the petition, shall file a written-statement in the Registry of the Court at least three days before the date of hearing, replying to the petition and the allegations of the petitioner para-wise.]

(d) The written-statement shall be typed-written or cyclostyled or printed in double space on one side of foolscap judicial paper and shall be signed and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings.

(e) A spare copy of the written-statement shall be filed in the Registry which shall be attested by the respondent, concerned, or by his Advocate to be a true copy of the original written-statement.

(f) The written-statement shall be in English and any documents attached to it or filed by the respondent subsequently shall be either in English or be accompanied by their respective translations into English which should be certified by the respondent concerned or by his Advocate to be true and correct translation of the original documents, in question.

(g) The written-statement shall be accompanied by all documents in the possession or power of the respondent on which he bases his defence. Where he relies on other documents in support of his defence, he shall enter such documents in a list to be added or annexed to the written statement. A document which ought to be entered in the list, referred to above, but which has not been so entered shall not, without the leave of the High Court, be received in evidence on the respondent's behalf at the hearing of the petition.

The documents produced shall be accompanied by a list in Form 'B' appended to these rules.

(h) The written-statement shall, also be accompanied by a cloth-lined strong envelope which shall not be smaller in size ' than 10"-15", for keeping documents.

(i) The respondent shall serve on the Advocate incharge or on the petitioner himself, if he is not represented by an Advocate, an exact copy of the written-statement and its enclosures, if any, at least two days before the date of hearing.

Sections 86(4).
Explanation.

21. *Commencement of trial.*-(a) The trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the High Court and to answer the claim or claims made in the petition.

(b) At the commencement of the trial, or on such adjourned date, for which all the respondents have been served or are deemed to have been served, the High Court shall scrutinise the pleadings of the parties and may, within such time as it may deem fit, permit the petitioner to file a replication in reply generally to any written-statement or direct him to file a better statement or better particulars in respect of any matter brought out in any written-statement.

(c) At the hearing of the petition, after pleadings have been filed, the High Court shall proceed to frame issues arising out of the pleadings of the parties which are necessary for the determination of the matters in controversy between the parties and postpone further hearing of the petition, but shall fix a day for the production of such evidence as the case requires. The Court shall, also, fix an intermediary date to watch the return of the summons of the witnesses. The parties or their counsel shall appear before the Registrar on the said date and obtain necessary orders with regard to re-summoning or otherwise the witnesses who might not have been served by the said date.

(d) within 5 days of the framing of the issues, the parties shall file any or other additional documents,

which are in their possession or power, and, also, file within the same period a list of all the documents which are not in such possession or power of the respective parties, but on which they propose to rely at the trial of the case indicating therein the person in whose possession, power or custody such documents may be available, and the relevancy of such documents.

(e) Within ten days of the date on which the issues are framed, the parties shall admit or deny the respective documents filed by the other side in the Registry of the Court by making an endorsement on each document under the signatures of the party concerned or his Advocate whether the document is admitted or denied, or how much of a document is admitted or denied.

(f) The preceding sub-rule shall not derogate from the right of the parties to serve on the counsel for the other side notice of admission or denial of documents or of admission or denial of facts.

(g) Parties may also, with the leave of the Court, serve interrogatories on the counsel for any other party for being replied to in accordance with law.

22. (i) A party desirous of requiring the attendance of his witnesses at the trial of the petition through the process of the High Court shall, within fifteen days of the settlement of the issues, make an application for the purpose, to the Registrar. The said application shall contain the names of the said witnesses and a gist of the facts to be proved, by each one of them: - A copy of the said application shall, also, be delivered by the party or his Advocate to the Advocate for the opposite party or if the same is not represented by an Advocate to the said party, at the same time it is made to the Registrar:

[51] [Provided that a party entitled to lead evidence in rebuttal may, move an application requiring the attendance of additional witnesses not already summoned, through the process of the High Court, within a period of two days from the date opposite party concludes its evidence.]

(ii) The said application shall be listed for hearing before the designated Judge by the Registrar on the next day of its filing in the Registry of the Court for passing necessary orders for summoning the witnesses provided that the designated Judge may refuse, for reasons to be recorded in writing to summon any witness or witnesses if he is of the opinion that evidence of such a witness or witnesses is not material for the decision of the petition or that the party summoning such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(iii) After the designated Judge has made necessary orders on the said application, the party concerned shall, within a period of three days pay into the High Court such sum of money as is ordered by the Registrar to defray travelling and other expenses for one day's attendance of the witness or witnesses ordered to be summoned. In fixing the said amount regard shall be had to the fees prescribed by the High Court in Appendix I to Chapter 5-C of Volume I of the Rules and Orders of the High Court.

(iv) Process fee in accordance with the provisions of Chapter 5-B of Volume IV of the Rules and Orders of the High Court and registered A.D. postal covers, pre-id and correctly addressed to the witness or witnesses, ordered to be summoned, shall, also, be filed by the party concerned within the aforesaid period of three days. The procedure for the service of the summons on the witnesses shall be, as far as practicable, as prescribed in Chapters 7-A to 7-H of Volume IV of the Rules and Orders of the High Court, as also, by registered post.

On an application of any of the parties to a petition or otherwise, a designated Judge may, also direct summons to be served on a witness through a special bailiff of the High Court. For the said purpose, the party

concerned may be required to pay the expenses of the said bailiff in addition.

(v) The summons to a witness shall be in from 'D' appended to these rules and the witness shall be paid his travelling and other expenses by the Registrar after he has attended the High Court on the date mentioned in the summons.

(vi) Service of a witness by registered post under sub-rule (iv) shall be deemed to be sufficient service for all purposes including those of Order 16, rule 12 of the Code of Civil Procedure.

23. *Amendment.*--The High Court may upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition. Section 86(5).

24. *Procedure.*-(a) Subject to the provisions of the Act and of these rules, every petition shall be tried, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits. Section 87(1).

(b) The High Court shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(c) The provisions of the Indian Evidence Act, 1872, shall, subject to the provisions of the Act and these rules, be deemed to apply in all respects to the trial of an election petition. Section 87(2).

(d) No document shall, however, be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

Section 94.

(e) No witness or other person shall be required to state for whom he has voted at an election.

Section 95(1).

(f) No witness shall be excused from answering any question as to any matter relevant to the points in issue in the trial of a petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose or may tend to expose him to any penalty or forfeiture :

Provided that-

(1) (a) a witness, who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the High Court ; and

(b) an answer given by a witness to a question put by or before the High Court shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence against him in any civil or criminal proceeding.

Section 95(2).

(2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code (45 of 1860), or Part VII of the Act, arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by the Act or any other law.

Section 96.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the High Court to such

person, and shall, unless the High Court otherwise directs, be deemed to be part of the costs.

25. *Relief that may be claimed.*-(a) A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.

Section 84.

(b) (i) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other Party may give evidence to prove that the election of such candidate would have been void, if he had been the returned candidate and a petition had been presented calling in question his election

Section
97(1).

Provided that the returned candidate or such other party as aforesaid, shall not be entitled to give such evidence unless he has, within fourteen days from the date of commencement of the trial, given notice to the High Court of his intention to do so and has also given the security and the further security referred to in sections 117 and 118, respectively, of the Act.

(ii) Every notice referred to in sub-rule (b) (i) above shall be accompanied by the statement and particulars required by section 83 of the Act in the case of an election petition and shall be signed and verified in like manner.

Section
97(2).

26. *Miscellaneous.*-(a) The trial of an election petition shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion, unless the High Court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

Section
86(6).

(b) Every election petition shall be tried as expeditiously as possible and endeavour shall be made

Section
86(7).

to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial.

(c) The High Court may give such other orders or directions in the course of a trial of the petition as may appear to it to be necessary in the interests of justice or for expediting the trial and disposal of the case or to prevent abuse of process of Court.

Section 119.

27. *Costs.*-(a) Costs shall be in the discretion of the High Court :

Provided that where a petition is dismissed under clause (a) of section 98 of the Act, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the High Court shall make an order for costs in favour of the returned candidate.

(b) If the costs have not been fixed by the designated Judge under clause (b) of section 99(1) of the Act, the costs shall be taxed by the Registrar within a week after the conclusion of the trial of the petition at a time of which at least two days' notice will be given to all the Advocates of the parties who were represented by counsel.

Section 103.

28. *Communication of orders of the High Court.*-The Registrar shall, as soon as may be after the conclusion of, the trial of an election petition, intimate the substance of the decision to the Election Commission and the Speaker or Chairman, as the case may be, of the House of Parliament or of the State Legislature concerned and, as soon as may be thereafter, shall send to the Election Commission an authenticated copy of the decision.

29. *Arrangements of files.*-At any time before the commencement of hearing of a petition and before every adjourned hearing thereafter, the Registrar shall arrange the file of each election case into the following six parts :-

Part I--Orders in the main case.

Part II-Pleadings and issues.

Part III-Evidence.

Part IV-Documents filed by the petitioner.

(To be kept in the cover filed by the petitioner.)

Part V-Documents filed by the respondents.

(To be kept in the cover filed by the respondent concerned).

Separate covers of different respondents shall be marked with the Number of the party concerned in the array of respondents.

Part VI---Miscellaneous applications, replies thereto and orders thereon.

Note.-Nathi Be (Part B of the case) will contain the following : -

- (a) Notices ;
- (b) Office notes and correspondence
- (c) Reports of service ; and
- (d) Other miscellaneous papers.

30. *Paging and indexing.*--Each part of the file shall be separately page-marked and indexed by the Office and checked before the case is sent to the designated Judge one day before every hearing.

31. ^[52] [*Copies of evidence, etc.*--On an application moved by any party to a petition, the designated Judge may allow uncertified carbon copies of the evidence *and of all or any of the interlocutory orders* being given to the applicant or his counsel on paying for the same at the rates mentioned in rule 6 (iii) of Chapter 5-B, of Volume V of the High Court Rules & Orders .

The expression "Court Stenographer" used in the said rule 6 (iii) shall for purposes of election petitions be deemed to include any Private Secretary or Judgment Writer of the High Court.

Such copies shall be issued only after the Judge has signed the original record and corrections, if any, have been carried out in the copies.]

FORM 'A'

Receipt to be obtained from the Registrar, under rule 11

(ii) Serial No. _____

Received from Shri _____

Election Petition No.- _____ of 19

Petitioner

versus

Respondent

entered in the register relating to Election Petitions at Serial
No.- _____ this.....day
of _____ 19 ____ .The petitioner/Shri.....
Advocate, to appear before the Registrar for removal of formal
defects, if any, on _____.

Registrar,

High Court of Punjab and
Haryana, Chandigarh.

Counterfoil

Signature of the petitioner/Shri _____,
Advocate in token of having obtained the receipt.

FORM `BB'

List of documents relied upon by the petitioner/respondent.

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

Election Petition No. _____ of 19

.....*Petitioner*

versus

.....*Respondent.*

This list was filed by _____ this _____ day of 19

Signature of Party or Advocate
producing the list.

1	2	3	4	5		5
Serial No.	Description and date, if any of the document	What the document is intended to prove	In whose possession the document is	What became of the document		Remarks
				If brought on the record, the Exhibit mark put on the document	If rejected, date of return to the party and signature of party or pleader to whom the documents was returned	

Signature of party or advocate producing the list.

FORM 'C'

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

NOTICE TO THE RESPONDENT

Election Petition No. _____ of 1967.

_____		<i>Petitioner</i>
	<i>versus.</i>	
_____		<i>Respondent.</i>

To

Shri/Shrimati _____

Whereas Shri/Shrimati _____ has instituted an election petition against you, you are hereby required to appear *in* this Court in person or by an Advocate, duly instructed and able to answer all material questions relating to the petition, on the day of _____, 19 , at 10 O'clock in the fore-noon to answer the petition and to produce on that day-

- (a) all the documents in your possession or power on which you intend to rely in support of your defence, and
- (b) a list of other documents on which you rely and which are not in your possession or power.

Take notice that if you do not appear in the Registry of this Court and serve notice of having done so on the Advocate incharge of the case or on the petitioner himself, if he is not represented by an Advocate, before the aforesaid date and do not serve on the said Advocate or the petitioner an exact copy of the written statement and its enclosures, if any, to be filed by you, at least two days before the aforesaid date, the petition will be heard and determined in your absence.

Also, note that the case will be put up before one of the designated Judges for scrutiny on _____ day of _____, 19__.

A copy each of the petition and its annexures and enclosures is enclosed.

By order,
REGISTRAR

Endorsement No. _____, dated the _____

Forwarded to the Senior Subordinate/Administrative/Subordinate Judge, _____ for effecting service on the respondent/respondents. Service may please be effected immediately and a detailed report marked "IMMEDIATE---ELECTION PETITION" sent to the Superintendent, Election Petitions Branch, High Court of Punjab and Haryana, Chandigarh, so as to reach him before the day of ____, 19__, without fail.

REGISTRAR.

FORM `D'

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SUMMONS TO WITNESS

Election Petition No. _____ of 19 .

_____ *Petitioner*

versus

_____ *Respondent*

To

Shri/Shrimati _____

WHEREAS your attendance is required to _
on behalf of the _____ petitioner/respondent in
the above-noted petition you are hereby required
(personally) to appear before this Court on the _____
day of _____, 19 , at 10 O'clock in the forenoon
and to bring with you (or send to this Court).

A sum of Rs. _____, being your travelling and
other expenses and subsistence allowance for one day,
has been deposited by the _____ petitioner/respondent
in this Court and will be paid to you after you have
attended this Court on the aforesaid day. If you fail to
comply with this Order without lawful

excuse, you will be subject to the consequence of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under my hand and the seal of the Court,
this _____ day of _____, 19 .

By order,

SUPERINTENDENT,
Election Petitions Branch.

Notice.-(1) If *you are* summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

(2) If you are detained beyond the day aforesaid, a sum of Rs. _____ will be tendered to you for each day's attendance beyond the day specified.

By order of the Hon'ble the Chief Justice and Judges.

REGISTRAR.

[53] FORM 'E'

Facsimile of the rubber stamp to be used in the Election Branch for making endorsement on the documents filed in that Branch as required by sub-rule (iii) of Rule 11 :-

ELECTION BRANCH

RE:

Election Petition No. _____ of 19

Date of filing _____

Serial Number in the
receipt register _____

Diarist:
Punjab and Haryana High Court,
Chandigarh.

PART G.-SPECIAL RULES OF PROCEDURE IN ORIGINAL
CIVIL CASES.

(a) Evidence

1. When, at the first or at any subsequent hearing of a suit, any party appearing in person or person in Court, or any person able to answer any material questions relating to the suit by whom such party or his pleader is accompanied, is examined by the Court, the substance of such examination shall be reduced to writing by the Judge and shall form part of the record; the substance of what each witness deposes shall similarly be reduced to writing by the Judge, and shall form part of the record; provided that the Judge may, if he thinks proper direct the substance of the examination or the evidence to be recorded in shorthand by an officer of the Court or other person specially appointed for the purpose. In the latter case, the transcript of the shorthand shall be corrected and signed by the Judge and then placed on the record.

Record of examination of parties and evidence of witnesses.

2. If the Judge who has recorded evidence or caused it be recorded in his presence, under these rules, dies or ceases to be attached to the Court before the conclusion of the suit, the Judge before whom the suit is continued may, if he thinks fit, deal with the evidence so recorded as it if had been recorded by himself or in his presence.

Conduct of trial where the Judge dies before conclusion or ceases to be attached to the Court.

(b) Judgements and Orders

3. Judgements may be written by the Judge in oral Judge-English or delivered orally, and in the latter case a note thereto in writing in the English Language or Shorthand, shall be taken by an officer of the Court in attendance for the purpose. The note so taken shall be written out or typed in full by the officer by whom it was taken, and shall be submitted by him to the Judge for correction. After being corrected by the Judge, where necessary, it shall be filed as the judgment of the Court.

Oral Judgements.

4. The judgment shall contain a concise statement of the case, the point for determination, the decision thereon and the reasons for such decision. When issues have been *framed*, the finding or decision of the

Contents of Judgement.

Court upon each separate issue shall be stated, with the reason therefore unless the finding upon any one or more of the issues be sufficient for the decision of the suit.

Pronounce-
ment of
Judgment.

5. (1) After a case has been heard judgement may be pronounced either at once or on some future date which shall be notified in the Cause List. No other notice to the parties shall be necessary.

(2) Where a case is heard by two or more Judges and judgment is reserved, their judgment or judgments may be pronounced by any one of them. If no such Judge be present such judgment or judgments may be pronounced by any other Judge.

(3) Where a case is heard by a Judge sitting alone and judgment is reserved, his judgment may, in his absence, be pronounced by any other Judge.

Opinion written
before delivery
of Judgment.

6. When a case has been heard by a Bench of the Court, the written opinion of the Judges who heard the case, but who have ceased to be attached to the Court before delivery of judgment, shall, unless delivered by another Judge of the Bench which heard the case, be deemed to be minutes merely and not judgments.

Death of a
party before
delivery of
Judgment.

7. When a party to the suit dies after the last hearing but before delivery of Judgement, the Court may order the Judgment to bear the date of the last hearing.

Filing Memo
of appeal in
case or oral.
Judgment.

8. A memorandum of appeal in a case in which judgement has been delivered orally, shall be received and filed without a copy of the judgment.

Note of order
passed to be
kept.

9. When an order is made in Court or in Chambers a note of its purport shall be made and signed by the Judges or Judges making the order; and if the order disposes of petition, the reasons for making it shall be stated.

Payment of
Costs to be
condition
precedent of
permission
to withdraw a
suit.

10. When a suit is allowed to be withdrawn with leave .to bring a fresh suit, the order shall be drawn up so as to make the payment of the costs of the first suit a condition precedent to the plaintiff bringing a fresh suit unless the Court or the Judge who gave permission shall otherwise direct.

PART H-RULES OF PROCEDURE IN APPEALS
(a) Judgment and Orders

1. Judgments may be written by the Judge in English and delivered orally, and in the latter case a written note thereof in writing in the English language, or short hand, shall be taken by an officer of the Court in attendance for the purpose. The note so taken shall be written out of typed in full by the officer by whom it was taken, and shall be submitted by him to the Judge for correction. After being corrected by the Judge, where necessary, it shall be filed as the Judgment of the Court.

Oral and
written
judgments.

2. (1) After a case has been heard judgment may be pronounced either at once or on some future date which shall be notified in the Cause List. No other notice to the parties shall be necessary.

Pronouncing
judgment.

(2) *Where a case is heard by two or more Judges and judgment is reserved, their judgment or judgments may be pronounced by any one of them. If no such judge be present such judgment or judgments may be pronounced by any other Judge.*

(3) Where a case is heard by a Judge sitting alone and judgment is reserved, his judgment may, in his absence, be pronounced by any other Judge.

3. When an appeal has been heard by a Bench of Court, the written opinions of the Judges who heard the appeal, but have ceased to be attached to the Court before delivery of judgment, shall unless delivered by another Judge of the Bench which heard the appeal, be deemed to be minutes merely and not judgments.

Opinion
recorded
before
delivery of
judgment.

4. When a party to the appeal dies after the last hearing, but before delivery of judgment, the Court may order the judgment to bear the date of the last hearing.

Predating of
judgment
when party
dies.

5. When an appeal is heard by a bench consisting of two judges and the Judges composing the Bench differ on point of law and refer the appeal under section 98 of the Code of Civil Procedure, the Judges so

Reference in
case of
difference of
opinion.

differing shall each record his judgment on the appeal, and the appeal shall thereupon be laid before the Chief Justice, who shall direct to which other Judge or other Judges the appeal shall be referred. Similarly when the Judges composing a Bench being equally divided in opinion as to the decision on a point, state that point for reference to another Judge or Judges under clause 26 of the Letters Patent, the case shall be heard on that point by one or more Judges to be nominated by the Chief Justice. The Chief Justice may be such other Judge or one of such other Judges.

(b) Appellate Decrees

Decreees in English.

Contents of decree.

6. The decree of the High Court shall be drawn up in English, and shall bear the same date as the Judgment.
7. (i) The decree shall contain the number of the appeal, the names and description of the appellant and respondent, the names of the plaintiff and defendant in the suit and the description of the Court from whose decree or order the appeal is preferred, with the date of such decree or order and shall clearly state the relief granted or other determination of the appeal, in such manner as not to render reference to other documents necessary, except the decrees of Courts below, when those decrees are affirmed or varied, but not reversed.

Note.-In all important cases the Deputy Registrar will, if this can be done without undue delay or inconvenience, obtain the signature of counsel to the draft decree,

Decree to mention costs.

Decrees in pauper appeals.

- (ii) The decree shall also state the amount of costs incurred in the appeal, and what parties and in what proportions the same, and the costs incurred in the Courts below, shall be paid.
- (iii) In pauper appeals the provisions of Order XXXIII; Rule 10 of the Code of Civil Procedure shall be observed.

The heading of the decree should run-
"Apeal in forma pauperis by....."

In the body should be inserted-

"The following Court fee costs are recoverable by Government as a first charge upon the subject matter under Order XXXIII, Rule 10 of the Code of Civil Procedure."

8. (I) As soon as a decree has been drawn up, the Deputy Registrar shall cause a notice to be exhibited on the notice board, stating that the decree has been drawn up, and that any party to the decree or any counsel of any party to the decree may, within 3 days, persue the decree and sign it or file with the Deputy Registrar an objection to the decree on the ground that there is in the judgment a clerical error or omission or that the decree is not in accordance with the judgment upon which it is based. Such objection, if any, shall state clearly what is the clerical error or omission alleged or in what respect the decree is not in accordance with the judgment, and shall be signed and dated by the party or by the Advocate filing it.

Objection to
draft of
decrees.

(ii) Should any such objection, as is mentioned in clause (i), be filed on or before the date specified in the notice, the Deputy Registrar shall, on notice to all the parties, put up the appeal or case together with the judgement therein, the draft decree and the objection, for orders before the judge or judges, or one of them, who delivered the judgment, or if such judge or Judges has or have ceased to be a Judge or Judges of the High Court or be absent on leave or furlough, then before such Judge or Judges as the Chief Justice shall appoint for that purpose.

Objection to
be laid
before a
Judge.

(ii) Should no such objection, as is mentioned in clause (i), be filed on or before the date specified in the notice, the Deputy Registrar or such other officer signed as may be incharge of the Judicial Department for the time being having first dated the decree as of the day when the judgement upon which the decree is founded was delivered shall sign the decree and seal it with the seal of the Court.

Case in which
decree may be
signed by the
Registrar.

Above
procedure to
apply to other
final orders.

(iv) The above procedure shall also be observed in respect of final orders in all miscellaneous, revisions, for other cases.

No altera-
tion of the
decree or
order.

Note.---Under no circumstances shall any decree or order passed or made by a Judge or Judges be altered, varied or departed from in any particular in the office, except under an order, in writing, of the Judge or Judges who passed or made such decree or order or except under an order made an appeal from such decree or order or except under an order made in review.

No decree
under
order XLI
Rule 11.

9. No decree shall be drawn up in cases in which the decision of the lower Court is confirmed under Order XLI, Rule 11, of the Code of Civil Procedure.

Procedure
for notice
to parties
when draft
to be
settled in
their pre-
sence.

10. (i) When the draft of any decree or order has been ordered to be settled in the presence of the parties, or when none of the Judges who concurred in the Judgement continues attached to the Court and the Deputy Registrar thinks it necessary that it should be so settled, the Deputy Registrar shall by notice in writing, which shall be accompanied by copies of the draft prepared for approval, appoint a time for settling the same, and the parties or their counsel must attend such appointment and produce before the Deputy Registrar such documents as may be necessary to enable him to settle the draft. The notice will be sent from the Deputy Registrar's office to counsel, if any, of the parties with a receipt book, in which shall be obtained the signature of the person with whom the notice is left.

Mode of
service of
notice.

(ii) The notice shall be served on the parties who have appeared in person by the party who has the carriage of the decree or order. When so served, the original notice with a memorandum endorsed thereon of the service of a copy thereof signed by the party by whom such service was made, must be delivered to the Deputy Registrar who may, if not satisfied that service has been duly made, require such service to be verified by affidavit.

Settlement
of draft in
case
parties fail
to act.

11. If any party fails to attend the Deputy Registrar's appointment for settling the draft of a decree or order, or fails to produce any documents called for by the Deputy Registrar, the Deputy Registrar may proceed to settle such draft in his absence or

without the production of the documents aforesaid, or may mention the matter to the Court.

12. The Deputy Registrar may adjourn any appointment for settling the draft of any decree or order to such time as he may think fit, and the parties who attend the appointment shall be bound to attend the adjourned appointment without further notice.

Adjournment
of settlement
of draft.

13. If any party is dissatisfied with any decree order as settled by the Deputy Registrar and intends to mention the matter to the Court the Deputy Registrar if informed of such intention shall not proceed to complete the decree without allowing such party sufficient time to apply to the Court. The application must be made by motion, or notice to the parties who appeared at the hearing.

Right of party
dissatisfied
with
Registrar's
settlement.

14. When a variation is made by the Court in a draft settled by the Deputy Registrar, such variation shall be embodied in the decree or order, and except when the costs of the application are ordered to be paid, no fresh order need be drawn up.

Variation of
draft settled
by the
Registrar.

**[1]Model Case Flow Management Rules in High Court
Punjab and Haryana High Court Rules, 2007**

In exercise of the power conferred by Article 225 of the Constitution of India, and Chapter X of the Code of Civil Procedure, 1908 (5 of 1908) amended up to date and all other powers enabling, the High Court of Punjab and Haryana hereby makes the following Rules : –

I. DIVISION OF CASES INTO DIFFERENT TRACKS:

1. Writ Petitions.- The High Court shall, at the stage of admission, or at the stage of issuing notice before admission, categorise Writ Petitions other than Writ of *Habeas Corpus*, into three categories depending on the urgency with which the matter should be dealt with : the Fast Track, the Normal Track and the Slow Track. The petitions in the Fast Track shall invariably be disposed of within a period not exceeding six months while the petitions in the Normal Track should not take longer than a year. The petitions in the Slow Track, subject to the pendency of other cases in the Court, should ordinarily be disposed of within a period of two years.

Where an interim order of stay or injunction is granted in respect of liability to pay tax or demolition or eviction from public premises etc. the case shall be put on the Fast Track. Similarly, all matters involving admission to educational institution, tenders would also be put on the Fast Track. These matters cannot brook delays in disposal.

2. Senior officers of the High Court, nominated for the purpose, shall at monthly interval, monitor the stage of each case likely to come up for hearing before each Bench (Division Bench or Single Bench) during that month, which have been allocated to the different tracks. The details shall be placed before the Chief Justice or Committee nominated for that purpose as well as the concerned Judge dealing with the cases.

3. The Judge or Judges referred to in Clause (2) above may shift the case from one track to another, depending upon the complexity, urgency and other circumstances of the case.

4. Where computerization is available, data will be fed into the computer in such a manner that the Court or Judge or Judges, referred to in Clause (2) above will be able to ascertain the position and stage of every case in every track from the computer screen.

[1] Chp.-4 Part I, inserted vide Correction Slip No.122 Rules/II.D.4, Dated 12.03.2008.

5. Whenever the roster changes, the Judge concerned who is dealing with final matters shall keep himself informed about the stage of the cases in various tracks listed before him during every week, with a view to see that the cases are taken up early.

6. **Other Matters.-** The High Court shall also divide Civil Appeals and other matters in the High Court into different tracks on the lines indicated in Sub-clauses (2) to (5) above and the said clauses shall apply, *mutatis mutandis*, to the Civil Appeals filed in the High Court. The High Court shall make a subject-wise division of the appeal/revision applications for allocation into different tracks.

II. WRIT OF HABEAS CORPUS :

Notices in respect of Writ of Habeas Corpus where the person is in custody under orders of a State Government or Central Government shall invariably be issued by the Court at the first listing and shall be made returnable within 48 hours. State Government or Central Government may file a brief return enclosing the relevant documents to justify the detention. The matter shall be listed after notice on the fourth working day after issuance of notice, and the Court shall consider whether a more detailed return to the Writ is necessary, and if so required, shall give further time of a week and three days' time for filing a rejoinder. A Writ of Habeas Corpus shall invariably be disposed of within a period of fifteen days. It shall have preference over and above fast-tracks cases.

III. MODE OF ADVANCE SERVICE :

¹[The Court rules will provide for mode of service of notice by electronic means as well as by other mode on the standing counsel for respondents wherever available, against whom, interim orders are sought. Such advance service shall generally relate to Governments or public sector undertakings who have Standing Counsel.]

IV. FIRST APPEALS TO HIGH COURT :

1. **Service of Notice of Appeal :** First Appeals being appeals on questions of fact and law, Courts are generally inclined to admit the appeal and *it* is only in exceptional cases that the appeal is rejected under Order XLI Rule 11 at the admission stage. In view of the amendment in CPC, a copy of the appeal is required to be filed in

1. Amended vide Correction Slip No. 178 Rules/II.D.4 dated 27.11.2018

the Trial Court. It has been clarified by the Supreme Court that the requirement of filing of appeal in the Trial Court does not mean that the party cannot file the appeal in the Appellate Court (High Court) immediately for obtaining interim orders.

In addition to the process for normal service as per the Code of Civil Procedure, advance notice should simultaneously be given by the counsel for the party who is proposing to file the appeal, to the counsel for the opposite party in the Trial Court itself so as to enable them to inform the parties to appear if they so choose even at the first hearing stage.

2. Printing/Typing of Paper Book : Printing and preparation of paper books by the High Court should be done away with. After service of notice is effected, counsel for both sides should agree on the list of documents and evidence to be printed or typed and the same shall be made ready by the parties within the time to be fixed by the Court. Thereafter, the paper book shall be got ready. It must be ensured that the paper books are ready at least six months in advance before the appeal is taken up for arguments. (Cause lists must specify if paper books have been filed or not).

3. Filing of written submissions and time for oral arguments: The appellants and the respondents shall be required to submit their written submissions, with all relevant pages as per the Court paper book marked therein, within a month of preparation of such paper books, referred to in para 3 above.

Cause list may indicate if written submissions have been filed. If not, the Court must direct that they be filed immediately.

After the written submissions are filed, (with due service of copy of the other side) the matter should be listed before the Registrar or any other officer so appointed/authorized, for the parties to indicate the time that will be taken for arguments in the appeal. Alternatively, such matters may be listed before a Judge in chambers for deciding the time duration and thereafter to fix a date of hearing on a clear date when the requisite extent of time will be available.

In the event that the matter is likely to take a day or more, the High Court may consider having a Caution List/Alternative List to meet eventualities where a case gets adjourned due to unavoidable reasons or does not go on before a Court, and those cases may be listed before a Court where, for one reason or another, the scheduled cases are not taken up for hearing.

4. Court may Explore Possibility of Settlement: At the first hearing of a First Appeal when both parties appear, the Court shall find out if there is a possibility of a settlement. If the parties are agreeable even at that stage for mediation or conciliation, the High Court could make a reference to mediation or conciliation for the said purpose.

If necessary, the process contemplated by Section 89 of CPC may be resorted to by the Appellate Court so that the hearing of the appeal is not unnecessarily delayed. Whenever the ADR process is adopted, the Court should fix a date for a report on the ADR two months from the date of reference.

V. APPEALS TO DIVISION BENCH FROM JUDGMENT OF SINGLE JUDGE OF HIGH COURT [LETTER PATENT APPEALS (LPA) OR SIMILAR APPEALS UNDER HIGH COURTS ACTS] :

An appeal to a Division Bench from judgment of a Single Judge may lie in the following cases:-

- (1) Appeals from interlocutory orders of the Single Judge in original jurisdiction;
- (2) Appeals from final judgments of a Single Judge in Original jurisdiction;
- (3) Other appeals permitted by any law to a Division Bench.

Appeals against interlocutory orders falling under category (1) above should be invariably filed after advance notice to the opposite counsel (who has appeared before the Single Judge) so that both the sides will be represented at the very first hearing of the appeals. If both parties appear at the first hearing, there is no need to serve the opposite side by normal process and at least in some cases, the appeals against interlocutory orders can be disposed of even at the first hearing. If, for any reason, this is not practicable, such appeals against interim orders should be disposed of within a period of a month.

In cases referred to above, necessary documents should be kept ready by the counsel to enable the Court to dispose of the appeal against interlocutory matter at the first hearing itself.

In all appeals against interim orders in the High Court, in writs and civil matters, the Court should endeavor to set down and observe a strict time limit in regard to oral arguments. In case of Original Side Appeals/ LPAs arising out of final orders in a Writ Petition or arising out of civil suits filed in the High Court, a flexible time schedule may be followed.

The practice direction in regard to First Appeal should *mutatis mutandis* apply in respect of LPAs/Original Side Appeals against final judgment of the Single Judge.

Writ Appeals/Letters Patent Appeals arising from orders of the Single Judge in a Writ Petition should be filed with simultaneous service on the counsel for the opposite party who had appeared before the Single Judge or on service of the opposite party.

Writ Appeals against interim orders of the Single Judge should invariably be disposed of early and, at any rate, within a period of thirty days from the first hearing. Before Writ Appeals against final orders in Writ Petitions are heard, brief written submission must be filed by both parties within such time as may be fixed by the Court.

VI. **SECOND APPEALS :**

¹[Even at the stage of admission, the questions of law with a brief synopsis and written submission on each of the propositions should be filed so as to enable the Court to consider whether there is a substantial question of law. Wherever the Court is inclined to entertain the appeal, apart from normal procedure for service as per rules, advance notice shall be given to the counsel, electronically or by other mode, who had appeared in the first Appellate Court. The notice should require the respondents to file their written submissions within a period of eight weeks from service of notice. Efforts should be made to complete the hearing of the Second Appeals within a period of six months.]

VII. **CIVIL REVISION :**

A revision petition may be filed under section 115 of the Code of Civil Procedure under any special statute. The petitions under Article 227 of the Constitution of India are registered as civil revision petitions as well in some cases. The practice direction in regard to LPAs and First Appeals to the High Courts, should *mutatis mutandis* apply in respect of revision petitions.

VIII. **CRIMINAL APPEALS :**

Criminal Appeals should be classified based on offences, sentence and whether the accused are on bail or in jail. Capital punishment cases, rape, sexual offences, dowry death cases should be kept in Track I. Other cases where the accused have not been granted bail and are in jail, should be kept in Track II. Cases which affect a large number of persons such as cases of mass cheating, economic offences, illicit liquor tragedy, food adulteration cases, offences of sensitive nature should be kept in Track III. Offences which are tried by special courts such as POTA, NDPS Act, Prevention of Corruption Act etc. should be kept in Track IV whereas all other offences should be kept in Track V.

1. Amended vide Correction Slip No. 178 Rules/II.D.4 dated 27.11.2018.

The endeavor should be to complete Track I appeals within six months, Track II appeals within nine months, Track III within a year, Track IV and V within fifteen months.

Wherever an appeal is filed by a person in jail, and also when appeals are filed by the State, the complete paper-books including the evidence, should be filed by the State within such period as may be fixed by the Court.

In appeals against acquittals, steps for appointment of *amicus curie* or State Legal Aid counsel in respect of the accused, who do not have a lawyer of their own, should be undertaken by the Registry/(State Legal Services Committee) immediately after completion of four weeks of service of notice. It shall be presumed that in such an event the accused is not in a position to engage counsel, and within two weeks thereafter counsel shall be appointed and shall be furnished all the papers.

¹.**[VIII-A**

The writ petitions, miscellaneous or other petitions in which the High Court has stayed investigations pursuant to the lodging of FIRs or the trials shall be put through track-I and shall be finally disposed of as early as possible and preferably within six months from the date when the respective orders of stay are issued.]

IX. SAVINGS & REPEAL :

Where there is any inconsistency between these rules and the provisions of either the Code of Civil Procedure, 1908 or the Code of Criminal Procedure, 1973 or the High Court Rules and Orders, or any other statute, the provisions of such Codes and statute shall prevail.

1. **Inserted vide Correction Slip No. 156 Rules/II.D.4, Dated 21.11.2012.**

APPENDIX – A

SUMMONS TO APPEAR IN PERSON

(Order V, Rule 3, of the Code of Civil Procedure: Schedule I, Appendix E, Form 3)

In the Court of

Suit No..... of 20.....

Plaintiff

Of.....

Against

Of.....Defendant

To

WHEREAS.....has
instituted a suit against you for.....

You are hereby summoned to appear in this Court in person on the..... day of..... at..... o'clock in this forenoon to answer the claim for set off and further a list of all other documents (whether in your possession or power or not) which are relied upon as evidence in support of your defence or claim for set off, which list shall be added or annexed to the written statement. You are also apprised that the Code of Civil Procedure, 1976 as amended in 2002 prescribes a maximum period of 30 days to file Written Statement.

Take notice that in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

Given under my hand and seal of the Court, this..... day..... of 20...

(Seal)

.....

APPENDIX D
DECREES
(0. 20, RR, 6, 7)

Plaintiff	Amount	Defendant	Amount
1. Stamp for plaint		1. Stamp for counter-claim	
2. Stamp for power		2. Stamp for power	
3. Stamp for petitions and affidavits		3. Stamp for petitions and affidavits	
4. Costs of exhibits including copies made under the Banker's Books Evidence Act, 1891.		4. Costs of exhibits including copies made under the Banker's Books Evidence Act, 1891.	
5. Pleader's fee on Rs.		5. Pleader's fee	
6. S ubsistence and travelling allowance of witnesses (including those of party, if allowed by Judge)		6. S ubsistence and travelling allowance of witnesses (including those of party, if allowed by Judge)	
7. Process fee		7. Process fee	
8. Commissioner's fees		8. Commissioner's fees	
9. Demi-paper		9. Demi-paper	
10. Cost of transmission of records		10. Cost of transmission records	
11. Other costs allowed under the Code and General Rules and Orders: (a) for time spent by the successful party (b) the transportation and lodging if any, other incidental costs @ typing charges and other incidental costs in relation to the litigation.		11. Other costs allowed under the Code and General Rules and Orders.	
12. Total		12. Total	

CHAPTER 5

RECORDS-THEIR INSPECTION, GRANT
OF COPIES AND DESTRUCTION

PART A-THE INSPECTION OF RECORDS

1. The inspection of records of decided cases will be allowed only under the orders of the Deputy Registrar.

Inspection of decided cases.

2. Records of pending cases will be open, as of right, to the inspection of parties or their authorised agents or any Advocate of the Court who is duly authorized to act in the case or junior counsel whether he be an advocate of a pleader of *such duly* authorized advocate provided the latter certifies on the application that he has authorized his junior to inspect the record of any such case on giving an assurance that he is in communication with one of the parties with a view to being retained in it: Provided also that the inspection of a record will not be permitted on the date fixed for hearing without the special order of the judge or one of the judges before whom the case is pending.

Inspection of pending cases by parties of agents.

3. With the exception of the persons above-mentioned no one will be allowed access to the record of a pending case without the special order of a Judge.

Access to record.

4. Applications under Rules 1 and 3 shall be made by petition duly stamped with a court-fee label of Rs. 2. Other applications for inspection shall be in writing on a printed form to which must be affixed a court-fee label of the value prescribed below :

Court-fee on application for inspection.

- (a) If ordinary inspection is desired, a court-fee label of Rs. 2/-.
- (b) If urgent inspection on the date of hearing or on a day other than the date of hearing is desired a court-fee label of Rs. 5.

Note.-(1) No fees should be charged for the inspection of records in Civil and Criminal cases by the Advocate-General or the Public Prosecutor, as such or by a counsel appearing for Government in Civil and Criminal cases or by counsel appearing for accused or appellant in cases where the latter is a pauper or is defended by counsel provided at Government expense.

Note-(2) No fee shall be charged for inspection by parties and counsel in Criminal cases but fees will have to be paid in case of a-

- (a) Second inspection of the same record, or
- (b) Inspection on the day of the application for inspection is made.

Contents of application, and when and to whom to be presented.

5. Application must distinctly specify the record of which inspection is desired and shall be presented to Bar Room Clerk-

- (a) When ordinary inspection on a day other than the date of hearing is desired, between the hours of 10 a.m. and 3p.m. ; and
- (b) When urgent inspection is desired on the date of hearing, between 10 a.m. and 11 a.m.

Hours of inspection

6. The Bar Room Clerk will arrange to procure the record of which inspection is desired, and will allow inspection as follows:-

- (a) Where inspection is desired on the date of hearing the case.
- (b) In all other cases, between the hours of 10a.m. and 4 p.m.

Copying in pen and ink and marking not allowed. Taking of copy and notes in pencil allowed.

7. (i) No mark shall be made on any record or paper inspected, and no servant of any member of the Bar shall be allowed on any account to take notes for his master except in the presence and under the supervision of his master. The copying of any document or portion of the record in pen and ink is strictly prohibited; but pencil copies of a document or portion of the record may be made by counsel or under his supervision and in his presence by his clerk or servant. Any person infringing or attempting to infringe the rule shall be liable to be deprived of the right to inspect records for such period as the Judges may think fit.

Inspection of records on a single fee.

(ii) Except in the case of connected records, inspection of which has been permitted for a single access will be permitted to the record of one case only at a time.

Inspection of records for more than one day.

8. The fee provided in Rule 4 shall entitle the applicant to inspect the record on one day only. If inspection of record is desired on another day, a fresh application shall be required and a fresh fee paid.

Inspection of Police papers prohibited.

9. Police papers received in the Court in connection with any pending criminal case, and translation of such papers shall not be available for inspection, either by the convict or accused or by his agent or by any legal practitioner retained on his behalf.

Ordinary and urgent applications how dealt with.

10. All applications bearing a Court-fee label of Rs. 5 shall be dealt with by the office at once. All ordinary applications shall be dealt within the ordinary course of business.

11. In the case of an application for ordinary inspection of a pending record, the applicant shall not give the Bar-Room Clerk 24 hours notice, in writing in the application, of the day and the time on which it is desired to inspect such record.

Previous notice to office required for ordinary application.

12. When any records are in the custody of the High Court either in connection with an appeal from a conviction or have been received in accordance with the procedure, laid down in paragraph 6(b) of Chapter 25-E, Rules and Orders, Volume III, the Registrar of the High Court, on being informed by the Government that an appeal against acquittal is contemplated shall hand over the required record to the Advocate-General on demand during such period as they not required for the purposes of the appeal.

Inspection by Advocate-General of certain records for purposes of filing appeal against acquittal.

13. In order to trace particulars of a suit or document, counsel may, with the previous permission writing of the Deputy Registrar and in the presence of a court official, inspect Civil and Criminal registers of the Court on behalf of parties, free of charge.

Inspection of registers free of charge.

^[54]**14.** Unattested photostat copies of the permissible documents can be obtained by the eligible persons as mentioned in Rule 2 of this Chapter and as mentioned in Chapter 5-B of this Volume.

15. The rate of fees shall be Re.1per page]

^[1]**[Note:-** “Unattested record of permissible documents can be obtained electronically by the eligible persons as mentioned in Rule 2 of this Chapter and as mentioned in Chapter 5-B of this Volume subject to charges as under:-

Rs.100/- upto 500 pages, thereafter Rs.25/-per 500 pages, in cases where any sorted record is applied for then the fee shall be Rs. 10/- per page.”]

^[2]**16. Inspection by the persons with disability.-** Where a person with disability, who is entitled to inspect the record seeks inspection, such person shall be given out of turn preference. If such person is suffering from visual impairment, then he/she shall be provided with the relevant document after converting the same into sound/braille format by the office free of cost.]

1. Note below Rule 15 is added vide Correction Slip No.171 Rules/II.D4 dated 21.02.2018.
2. Rule 16 inserted vide Correction Slip No.198 Rules/II.D.4 dated 21.09.2024.

PART B- THE GRANT OF COPIES AND TRANSLATION OF RECORDS***A – Persons entitled to copies*****1. Copy to be granted to person entitled.-**

- (i) A copy or translation of a judicial record may be granted in the manner prescribed by these rules to any person who is legally entitled to receive it.
- (ii) ^[1][A party to a case may apply for attested copy of Judgment/Order passed by High Court in a decided case with the copying agency in any District Court in the States of Punjab, Haryana and Chandigarh in the manner prescribed in Rule 7 (ii) of Chapter 17 of the Rules and Orders of Punjab and Haryana High Court, Volume-IV and Sr. No. 9 of the Schedule appended thereto.
- (iii) A party to a case can also apply online for attested copy Judgment/Order passed by High Court in a decided case through Common Service Centres (CSCs) of the concerned area and the attested copy shall be dispatched to the applicant from the High Court through post, on payment.]

2. Party entitled to copies of records and exhibits.-

- (i) A party to a suit or appeal is entitled, at any stage of the suit or appeal, to obtain on payment copies of the record of the suit or appeal, including exhibits which have been put in and finally accepted by the Court in evidence.

Note. A party who has been ordered to file a written statement is not entitled to inspect or take a copy of a written statement filed by another party, until he has first filed his own.

- (ii) **Grant of certain copies to strangers.-** A stranger to the suit or appeal may, after decree, obtain as of right on payment copies of the plaint, memorandum of appeal, written statements, affidavits and petitions filed in the suit or appeal; and may, for sufficient reason shown to the satisfaction of the court, obtain copies of any such documents before decree.
- (iii) **Grant of certain copies to stranger.-** A stranger to the suit or appeal may also obtain as of right, on payment copies of judgments, decrees or orders, at any time after they have been passed or made.

^[2][Provided that in clause (ii) and (iii), a stranger has no right to obtain copies of any judgments/orders or proceedings/documents in cases pertaining to matrimonial matters, The protection of Children from Sexual Offences Act (POCSO Act), sexual offences against women, rape cases and contempt matters.]

1. Inserted vide correction slip no. 179 Rules/II.D4. dated 27.11.2018.

2. proviso inserted vide correction slip no. 177 Rules/II.D4. dated 16.11.2018.

- (iv) **Grant copies of exhibits to strangers.-** A stranger to the suit or appeal has no right to obtain copies of exhibits put in evidence, except with the consent of the person by whom they were produced or under the orders of the Court.
- (v) **Grant of translation.-** Any person entitled to obtain a copy of a judicial record may apply for a translation thereof.

¹[2-A. Grant of Copies to advocate(s)/person(s) suffering from visual impairment:- Copies to advocate(s)/person(s) suffering from visual impairment, as per the entitlement specified in Rules 1 and 2 above, shall be granted in braille format, if so requested.]

²[B – Applications for copies and translation of record

3. Mode of application.-

- (i) Copies of the orders of the Court, documents filed in court and for translation of judicial record of the High Court will be supplied on application made to the Court.

Note.- Every such application shall bear a Court-fee label of two rupees,-vide Schedule-II, Article I, Court-fees Act, 1870 (as amended by Punjab Act no. 145 of 1958).

- (ii) Every such application accompanied by requisite fee in terms of Rule 7 shall be either-
 - (i) presented in the Copy Branch of this Court in the ordinary course ; or
 - (ii) transmitted through post addressed to the Registrar (Judicial).

Note1.- The application for obtaining “Express Copy” of the order in Motion Cases, after its submission in the copy branch and deposit of necessary fee, shall be submitted by the applicant or his agent to the Court Secretary/Reader of the Court, when the file is still in the Court.

Note 2.-The amount of fee in terms of Rule 7 can be paid either by cash or through demand draft drawn in favour of Registrar, Punjab and Haryana High Court payable at Chandigarh.

Note 3.- The applications filed by the Office of Advocate General Punjab and Advocate General, Haryana Shall be governed by these Rules.

³[Note 4.- The balance charges of certified copies and the postal charges incurred for supply of certified copies by post shall be recoverable from the applicant by the Postman. The copies will be dispatched by Value Payable Parcel or Value Payable Letter, depending upon the weight of the parcel/letter and number of pages. If the total number of pages of the copies are upto fifteen, the same shall be sent by Value Payable Letter otherwise the same will be sent through Value Payable Parcel.]

4. Contents of application:- Every application for a copy of order/document shall contain the following particulars, namely:-

- (a) Case number with category;
- (b) if the case is pending, the date fixed for hearing;
- (c) if the case has been decided, the date of decision;
- (d) where the information referred to in clause (b) and (c) is not available to the applicant, such other information as may be sufficient, to enable the case to be identified;

1. Rule 2-A inserted vide Correction Slip No. 198 Rules/II.D.4 dated 21.09.2024.

2. Rules 3 to 13 of Chp-5, Part-B are amended vide correction slip no. 154 Rules/II.D4. dated 13.07.2012.

3. Note 4 inserted vide Correction Slip No. 199 Rules/II.D.4 dated 23.09.2024.

- (e) the nature of the document, a copy of which is applied for;
- (f) applicant to specify whether order applied for is regarding stay, bail, interim order in Urgent, Motion case or the case decided at motion hearing;
- (g) the name, signature and full postal address of applicant.

5. Procedure for dealing with the application:-

- (i) Upon the presentation or receipt by post of an application for a copy, the official shall-
 - (i) allot petition number with date of presentation ;
 - (ii) initial the endorsement ;
 - (iii) cause the application to be registered as hereinafter provided ; and
 - (iv) enter the particulars of the application in the concerned register and/or in the software for the supply of the copies of the High Court; and
 - (v) issue a receipt to the applicant;
 - (vi) cause the Court-fee thereon to be cancelled according to law.
- (ii) Order if the application is in order.-If the application is in proper form with particulars and copy can be granted under the rules, the same shall be forwarded to the branch concerned, for preparation of copy.
- (iii) Order if the application is not in order.-If the application is not in proper form or is the one which may not properly be granted under the rules, an objection will be recorded thereon specifying the requirements to be complied with and directing its return to the applicant or refusing the application forfeiting the charges deposited.

C – Description of Copies

6. Kinds of copies and scale of fees and Court fee.- Copies supplied are of three kinds, namely—

- (i) Attested copies (supplied in either English or Vernacular), for private use on payment of prescribed Court Fee.
- (ii) Attested copies (supplied in either English or vernacular), for general use on payment of prescribed Court Fee.
- (iii) Unattested copies of depositions prepared by the Court stenographer under the orders of the Presiding Judge when application is made before hand @ Rs.2/- per page, to be deposited with the Copying Agency.

Note.—(1) All applications shall be treated to be one applied for private use falling under head(i) unless specified by the applicant to be under head (ii).

Note.—(2) The application under head (i) and (ii) shall be submitted to the office of Registrar(Judicial) or any other officer authorized by him.

7. **Consolidated fees shall be charged for attested copies according to the following scales:-**

- (a) (i) **Express Copy:-** An Application for Express Copy shall be filed in Copy Branch on the day the order is passed or on the next working day for obtaining copy of an Interim order, stay, bail, direction and order deciding the case in motion hearing. The charges for such copy shall be at the rate of Rs. 100/- up to 10 pages and Rs. 10/- per page thereafter.
- (ii) **Urgent copy:-** Copies of all other orders or documents can be applied as urgent. The charges for Urgent Copy shall be Rs. 100/- up to 20 pages and Rs. 5/- per page thereafter.
- (iii) **Ordinary Copy:-** The charges for Ordinary Copy shall be Rs. 50/- up to 10 pages and Rs. 2/- per page thereafter.

(b) Copies of judgment supplied for purpose of reporting to the reporters of Private Law Journals which undertake to publish only judgments approved for reporting	Rs.50.00 per copy for the each judgment
(c) Copies of judgments supplied for purpose of reporting to the authorized representatives of news papers which give an undertaking that copies so supplied will be only for, reporting such copies to be stamped "for reporting only"	Rs.25/- per copy for the each judgment.
(d) Copies of judgment supplied to an individual or organization for display in electronic media.	(i) The fee shall be Rs. 20,000/- per annum for reportable judgments of all categories of cases. (ii) The fee shall be Rs. 7,500/- per year for all reportable judgments of a particular category, if the same are required for the purpose of display in electronic media/website only.
(e) Copies of judgment supplied to an individual or organization for commercial purpose for selling through electronic media	¹ [(i) The fee shall be Rs. 40,000/- per annum for reportable judgments of all categories of cases; (ii) The fee shall be Rs. 15,000/- per annum for reportable judgments of a particular category, for commercial use thereof on website and compact disc.]

Note.- Copies of reportable judgments may be supplied to an individual or organization under express permission in writing of the Registrar (Judicial) to be applied in the following proforma as per Annexure 'A', on payment of prescribed fee and on such terms and Conditions as may be laid down.

¹[**Note (ii).**- The copies of reportable judgments available on website of the High Court may be downloaded and printed by the licensed publishers free of cost as condition of license. If any reportable judgment is not available on website of this Court, the same shall be supplied through e-mail from the Library Section of the High Court on the request of publisher.]

1. Amended & Note (ii) added vide correction slip no. 162 Rules/II.D4. dated 31.03.2015.

Annexure ‘A’

Application for permission to get copies of Reportable Judgments

1. Name of the Journal / website/ Organisation / Publisher	—	
2. Name of the Owner / Authorised Person of Journal / website / organization / Publisher	—	— —
3. Complete Address (Registered Office / Head Office) & Telephone Number	—	— _____
4. Address for correspondence & Telephone Number		_____ _____
5. Purpose	Display on website only Display on website as well as commercial use on compact discs	
6. Category of cases of which Judgments are required	All / or _____	
7. Mode of payment of fee (cash or bank draft)	No. _____ Dated _____ (or cash receipt / bank draft)	

I/We undertake that:-

- 1. I/We will publish/display only reportable judgments of the High Court.
- 2. I/We will make our own arrangements to collect copies of the judgments.
- 3. I/We will give free access to such judgments to all the sitting Hon’ble Judges, Library as well as Officers of this Court (number of such Officers shall not exceed 10).
- 4. I/We will put up a disclaimer on the website or the compact disc that the same is not owned by the Punjab and Haryana High Court and the High Court is not connected in any way with such display or publication and shall not be liable for any inaccuracy therein or any incorrect information.
- 5. The Judgments of the High Court will be used for the purpose for which the same are being procured.

Name and Address of the
Owner/Authorised Agent/
Person of the organization

Dated: _____

- (f) **Copying fee for maps etc.-** For field maps, boundary maps, tabular work and similar work, copy shall be supplied at a consolidated fee of Rs. 300/- per map as Urgent Copy.

Note:- The above fee shall include the cost of the paper.

- (g) **Credit of copying fees.-** The entire proceeds from sale of copies shall be credited to the Treasury under a separate detailed head "XXI- Administration of Justice-General Fees, Fines and Forfeiture."

(h) **Search Fee.-**

- (i) A search fee of Rs. 50/- will be charged under the orders of the Registrar (Judicial) or any other authorized officer by him in cases in which an unreasonable amount of trouble has been caused in finding the original records.

- (ii) In such cases the search fee payable shall be certified by the Judicial Record Keeper to the Copying Agent, who will receive it from the applicant and pay into the Treasury to the credit of head "XXI- Administration of Justice- General Fees, Fines and Forfeiture."

8. **Copies of translations.-** Copies of translation of records which have already been translated, or of records originally translated free of charge, will be supplied under the rules applicable to ordinary copies. Copies of translation of records which have not been translated already or of records not ordinarily translated free of charge, will be supplied under the rules applicable to translations.

9. **Time of delivery of copies:-**

- (i) Express copy shall be ordinarily delivered to the applicant next working day after the records of the case is received in the copying sections of respective branches though every effort shall be made to deliver the copy on the same day if it is applied before 12.00 hours.
- (ii) Urgent Copy shall be ordinarily delivered to the applicant within five days after the records of the case is received in the copying section of the respective branch.
- (iii) Ordinary copy shall be delivered to the applicant in the order in which the fee required under these rules is deposited.

Note:- A copy shall be kept by the Copying Agency for a period of one year from the date of its preparation. If copies are not collected within one year, the information shall be displayed on the website of the High Court. If within fifteen days of such notice, the copy is not collected, the copy prepared shall be liable to destruction and the amount deposited forfeited. The balance charges in terms of the Rules shall be liable to be recovered as well.

10. **Recovery of balance:-** If the actual amount of the charge to be made in respect of a copy of order/document exceeds the amount deposited, the balance will be recovered before the copy is delivered.

11. **Copies required by public officers.-** Copies of records required for public purposes by the public officers as defined in Section 2(17) of the Code of Civil Procedure, 1908, of the Central or State Government in India, shall be supplied free of charge, provided the application for copy is endorsed by the Head of the Department concerned.

Note.- For the purpose of this rule the District Attorney will be deemed to be the Head of Department when copies of orders passed by Civil, Criminal and Revenue Courts are required by the Prosecuting Agency for the purpose of Appeals and Revisions etc. or submission to the Legal Remembrancer to Government, Punjab, under the Law Departmental Manual.

"Provided that for purposes of copies of orders, Judgments and decrees of Civil and Criminal Courts, other than copies of orders and Judgments of Executive Magistrates, the Assistant District Attorney will also be deemed to be the Head of the Department."

12. **Copies required by Legal Aid Committees.-** Copies of records required by the Supreme Court Legal Aid Committee, High Court Legal Aid Committees and other Legal Aid Committees constituted by the State Governments/Union Territories, shall be supplied free of charge, provided the application for copy is received from the Chairman or Secretary of such Committee.

13. **Copies to the accused persons.-** Copies of judgments of the High Court in criminal cases shall, on application made in this behalf by the accused person, be supplied free of cost: -

- (a) in every case in which a sentence of death or life has been passed or confirmed by the High Court;
- (b) in every case where the accused person wishes to file an application for special leave to appeal to the Supreme Court in *forma-pauperis*; and
- (c) In any other case if the High Court so directs.】

PART D.—RULES REGARDING INSPECTION, SUPPLY
OF COPIES, PROTECTION AND PRIVILEGE
OF DOCUMENTS RELATING TO THE SPECIAL
OFFICIAL RECEIVER, PUNJAB AND DELHI
STATES.

1. The records of the Special Receiver have been classified under the following four heads :—

I. Insolvency Court Judicial Records.

II. High Court Executive Records.

III. Official Records of the Special Official Receiver.

IV. Other papers not falling in any of the above categories.

The details of first three Heads are given in the Appendix to this Chapter.

2. The rules for inspection and copies given in Chapters 5-A and 5-B of this volume shall apply to the records falling under Head I.

3. No hard and fast rules have been framed for inspection and copies of records falling under Head II. Each case shall be decided on its own merits under the order of the Judge for the time being in charge of liquidation work in the High Court and, in his absence, the Administration Judge.

4. Copies of final orders of the Special Official Receiver which form part of his official records, other than judicial records, falling under Head III, may be granted by him:

Provided that no copies of document shall be supplied to any person, not entitled to them by law, between whom and Government there is any likelihood of litigation, except with the previous sanction

of the Judge in charge of liquidation work in the High Court and, in his absence, the Administration Judge.

Note.—(i) Official letters are privileged documents to copies of which no person has any claim whatever. Should it be desirable to grant a copy of a letter, or an extract of a letter, received by the Special Official Receiver from a superior officer, reference shall in every case be made to the superior officer for permission.

(ii) The refusal of the Special Official Receiver to supply copies shall be subject to revision by the Judge in charge of liquidation work and, in his absence, the Administration Judge.

5. Inspection of official records of the Special Receiver falling under head III shall be allowed only under his orders. The order of the Special Official Receiver refusing inspection shall be subject to revision by the Judge in charge of liquidation work and in his absence, the administration Judge.

6. The rules for inspection and supply of copies of the Official Records of the Special Official Receiver (Rules 4 and 5 above) shall also apply to the inspection and supply of copies of paper falling under head IV.

7. In examining the question of claiming protection and privilege for documents relating to the office of the Special Official Receiver, he shall be guided by the provisions of the Indian Evidence Act. In case of any doubt the Special Official Receiver shall take the orders of the Judge in charge of liquidation work and in his absence the Administration Judge.

APPENDIX (Referred in rule 1)

CLASSIFICATION LIST OF RECORDS OF THE
SPECIAL OFFICIAL RECEIVERSI—*Insolvency Court Judicial Records*

- (a) (1) Order of transfer of insolvency proceedings to the High Court.
- (2) Order of the Honourable Insolvency Judge with regard to a claim.
- (3) Declaration of dividend with Schedule.
- (b) (1) Monthly schedule of expenditure as approved by the Judge.
- (2) Audit objection upon which judicial decision has been given.
- (3) Any objection as to expenses of counsel engaged by the Special Official Receiver when determined judicially.
- (c) (1) Applications of a creditor for notice to others.
- (2) Application of adjournment.
- (3) Directions obtained from the Judge.
- (4) Orders regarding transfer of property including the recommendation made by Special Official Receiver on which such orders are passed and the applications of private persons from which such orders arise.
- (5) Order of notice of creditors about dividend.
- (d) (1) Claim petition by a creditor under section 80 of the Provincial Insolvency Act.
- (2) Power of attorney in favour of counsel on behalf of the creditor.
- (3) Letter from a petitioning creditor to the Official Receiver.
- (4) Account and copies of documents in proof of claim.
- (5) Written statement on behalf of an insolvent.
- (6) Written statement on behalf of an objecting creditor.

- (7) Affidavit in a claim petition.
- (8) Documents showing security filed in connection with a claim.
- (9) Original deed included in claim petition.
- (10) Copy of judicial order filed by the claimant.
- (11) Pronote filed by a creditor.
- (12) Proceedings before the Special Official Receiver with respect to proof of claims.

II—*High Court Executive Records*

- (1) Leave application.
- (2) Order regarding staff.
- (3) Applications from members of the staff.
- (4) Audit reports with comments of the Special Official Receiver, if any.

III—*Official Records of the Special Official Receiver*

- (1) Noting by the office upon the audit reports.
- (2) Documents relating to expenses of counsel engaged by the special Official Receiver to conduct cases.
- (3) Correspondence with purchasers.
- (4) Notice (other than a statutory notice issued to creditors) by the Special Official Receiver, including advertisements relating to transfers of property.
- (5) Inspection slip.
- (6) Letter to counsel regarding pending suits and reply.
- (7) Correspondence with the Assistant to Special Official Receiver regarding rent collection.
- (8) Certified copies of judgments and decrees.
- (9) Notice received from Court.
- (10) Notice of demand of property tax.
- (11) Correspondence regarding repairs and estimates thereof.
- (12) Correspondence regarding House tax and Municipal tax.
- (13) Policies of fire insurance.

**PART B—RULES MADE BY THE HIGH COURT OF PUNJAB
AND HARYANA UNDER SECTION 34(1) OF THE
ADVOCATES' ACT, 1961.**

1. In these rules unless there is anything repugnant in the subject or context the word 'advocate' shall include a partnership or a firm of advocates.

2. Save as otherwise provided for in any law for the time being in force, no advocate shall be entitled to appear, plead or act for any person in any Court in any proceeding unless the advocate files an appointment in writing signed by such person or his recognised agent or by some other person duly authorised by or under a power of attorney to make such appointment and signed by the Advocate in token of its acceptance or the advocate files a memorandum of appearance in the form prescribed by the High Court :

Provided that where an advocate has already filed an appointment in any proceeding, it shall be sufficient for another advocate, who is engaged to appear in the proceedings merely for the purposes of pleading, to file a memorandum of appearance or to declare before the Court that he appears on instructions from the advocate who has already filed his appointment in the proceedings:

Provided further that nothing herein contained shall apply to an advocate who has been requested by the Court to assist the Court *amicus curie* in any case or a proceeding or who has been appointed at the expense of the State to defend an accused person in a criminal proceeding.

Explanation.— A separate appointment or a memorandum of appearance shall be filed in each of the several connected proceedings, notwithstanding that the same advocate is retained for the party in all the party connected proceedings.

3. ^[1]**[Advocate who is not on the Roll of Advocates:-**
An advocate who is not on the Roll of Advocates or the Bar Council of the State in which the Court is situated, shall

not appear, act or plead in such Court, unless he files an appointment along with an advocate who is on the Roll of such State Bar Council and who is ordinarily practicing in such Court.

In cases in which a party is represented by more than one advocate, it shall be necessary for all of them to file a joint appointment or for each of them to file a separate one.^[1]

^[2]**3-A.** (i) Unless the Court grants leave, an Advocate who is not on the roll of Advocates in the Punjab and Haryana High Court shall not be allowed to appear, act or plead in the Punjab and Haryana High Court as the case might be unless he/she files appointment along with an Advocate who is on such roll of Punjab and Haryana High Court.

(ii) The High Court shall prepare a roll of Advocates who ordinarily practice in the Punjab and Haryana High Court.

(iii) The roll of Advocates shall bear in regard to each advocate entered, his full name, father's name, passport size coloured photograph, enrollment number, date of enrollment, e-mail I.D., complete postal address both of residence and office which shall be in Chandigarh or District Mohali or District Panchkula, as the case may be.

(iv) The rolls shall be prepared and revised periodically in the manner and under the authority as may be prescribed by the Chief Justice.

(v) ^[3]The Advocates, desirous of practicing in the High Court of Punjab and Haryana, are required to apply for inclusion of their names in the list of Roll of Advocates as per 'proforma' appended at the end of this Chapter, alongwith necessary requisites as prescribed by the High Court from time to time.]

(vi) This Rule 3-A shall come into force after notification by the Chief Justice on completion of compilation of the roll of advocate.]

4. In cases in which a party is represented by more than one advocate, it shall be necessary for all of them to file a joint appointment or for each of them to file a separate one.

5. The acceptance of an appointment on behalf of a firm or partnership of advocates shall be indicated by a partner affixing his own signature as a partner on behalf of the firm or partnership -of advocates.

6. ^[4]An Advocate at the time acceptance of his appointment/engagement shall also record his residential/office address, telephone/cell number, enrolment number and if available, e-mail as well as fax number on the Vakalatnama/Memo of Appearance/Written Authorization, which shall be address for service within the meaning of the Rule 5 of Order 3 of Code of Civil Procedure, 1908.

Provided that where more than one Advocate accepts the appointment/engagement, it shall be sufficient for one of them to record his address.

1. Rule 3 substituted vide Correction Slip No. 181Rules/II.D4. dated 25.02.2019.

2. Rule 3-A inserted vide Correction Slip No. 181Rules/II.D4. dated 25.02.2019.

3. Rule 3-A(v)- inserted vide Correction Slip No. 187Rules/II.D4. dated 12.01.2021.

4. Rule 6 amended vide Correction Slip No. 172/Rules/II.D4. dated 15.03.2018.

Provided further that every Vakalatnama/Memo of Appearance/Written Authorization shall be affixed with the requisite Advocate Welfare Fund Stamp. In case of urgency, if the Advocate Welfare Fund Stamp is not available, the filing will be accepted subject to the undertaking furnished by the counsel that the requisite stamp will be affixed. The matter shall be listed before the Court only after compliance of the undertaking unless otherwise ordered by the Court. In the case of respondent also where the counsel files Vakalatnama/Memo of Appearance/Written Authorization, it shall be affixed with the requisite Advocate Welfare Fund Stamp, and in case of urgency, if the Advocate Welfare Fund Stamp is not available, the same will be accepted subject to the undertaking as above.]

7. Where an advocate appointed by a party in any of the proceedings is prevented by reasonable cause from appearing and conducting the proceedings at any hearing he may instruct another advocate to appear for him at that hearing

8. (1) In civil cases, the appointment of an advocate unless otherwise limited, shall be deemed to be in force to the extent provided in that behalf by rule 4 of Order 3 of the Code of Civil Procedure, 1908.

(2) In Criminal cases, the appointment of an advocate unless otherwise limited, shall be deemed to be in force until determined with the leave of the Court by writing signed by the party or the advocate, as the case may be, and filed in Court or the advocate dies, or until all proceedings in the case are ended so far as regards the party.

(3) For the purposes of sub-rule (2) a case shall be deemed to mean every kind of enquiry, trial or proceeding before a Criminal Court whether instituted on a police report or otherwise than on a police report, and further-

- (i) an application for bail or reduction, enhancement or cancellation of bail in the case;
- (ii) an application for transfer of the case from one Court to another;
- (iii) an application for stay of the case pending disposal of a civil proceeding in respect of the same transaction out of which the case arises;
- (iv) an application for suspension, postponement or stay of the execution of the order or sentence passed in the case;
- (v) an application for the return, restoration or restitution of the property as per the order of disposal of property passed in the case;
- (vi) an application for leave to appeal against an order of acquittal passed in the case;

- (vii) any appeal or application for revision against any order or sentence passed in the case;
- (viii) a reference arising out of the case;
- (ix) an application for review of an order or sentence passed in the case or in an appeal, reference or revision arising out of the case;
- (x) an application for making concurrent sentences awarded in the case or in an appeal, reference, revision or review arising out of the case;
- (xi) an application relating to or incidental to or arising in or out of any appeal, reference, revision or review arising in or out of the case (including an application for leave to appeal to the Supreme Court);
- (xii) any application or act for obtaining copies of documents or for the return of articles or documents produced or filed in any case or in any of the proceedings mentioned hereinbefore;
- (xiii) any application or act for obtaining the withdrawal of the refund or payment of or out of the moneys paid or deposited in the Court in connection with the case or any of the proceedings mentioned hereinbefore (including moneys paid or deposited for covering the costs of the preparation and the printing of the Transcript Record of Appeal to the Supreme Court);
- (xiv) any application for the refund of or out of the moneys paid or recovered as fine or for the return, restitution or restoration of the property forfeited or confiscated in the case or in any appeal, reference, revision or review arising out of the case as per final orders passed in that behalf;
- (xv) any application for expunging remarks or observations on the records of or made in the judgment in the case or any appeal, reference, revision or review arising out of the case, and
- (xvi) any application or proceeding for sanctioning prosecution under Chapter XXXV of the Code of Criminal Procedure, 1898, or any appeal or revision arising from and out of any order passed in such an application or proceeding,

shall be deemed to be proceedings in the case :

Provided that where the venue of the case of the proceedings is shifted from one Court (Subordinate or otherwise) to another, the Advocate filing the appointment referred to in sub-rules (1) and (2) above in the former Court shall not be bound to appear, act or plead in the latter court, unless he files or he has already filed a memorandum signed by him in the latter Court that he has instructions from his client to appear, act and plead in that Court.

9. (1) Except when specially authorised by the Court or by consent of the party, an advocate, who has advised in connection with the institution of a suit, appeal, or other proceeding or has drawn up pleadings in connection with such matter, or has during the progress of any suit, appeal, or other proceeding appeared, acted or pleaded for a party, shall not, unless he first gives the party whom he has advised or for whom he has drawn up pleadings, appeared, acted or pleaded an opportunity of engaging his services, appear or act or plead in such suit, appeal or other proceeding or in an appeal or application for revision arising there from or in any matter connected therewith for any person whose interest is in any manner in conflict with that of such party :

Provided that the consent of the party may be presumed if he engages another advocate to appear, act or plead for him in such suit, appeal or other proceeding without offering an engagement to the advocate whose services were originally engaged by him or on his behalf.

(2) Where it appears on the face of the record that the appearance of an advocate in any proceeding for any party is prejudicial to the interest of the other party on account of the reasons mentioned in sub-rule (1) above. the Court may refuse to permit the appearance to be filed or cancel such appearance if it has already been filed, after giving the said advocate an opportunity of being heard.

(3) An advocate who disclosed to any party information confined to him in his capacity as an advocate by another party without the latter's consent shall not be protected merely by reason of his being permitted to appear, act or plead for the said party.

10. (a) The appointment of a firm or partnership of advocates may be accepted by any partner on behalf of the firm.

(b) No such firm or partnership shall be entitled to appear, act or plead in any Court unless all the partners thereof are entitled to appear, act or plead in such Court.

(c) The name of the firm or partnership may contain the names of the persons who were or are members of the partnership but of no others.

(d) The words 'and Company' shall not be affixed to the name of any such partnership or firm.

(e) The names of all the members of the firm shall be recorded with the Registrar of the High Court and/ or the District Judge, as the case may be, and the State Bar Council, and the names of all the partners shall also be set out in professional communication issued by the partners or the firm.

(f) The firm of advocates shall notify to the Registrar of the High Court and/or the District Judge as the case may be, and the State Bar Council, any change in the composition of the firm or the fact of its dissolution as soon as may be from the date on which such change occurs or its dissolution takes place.

(g) Every partner of the firm of advocates shall be bound to disclose the names of all the partners of the firm whenever called upon to do so by the Registrar of the High Court, the District Judge, the State Bar Council, any Court or any party for or against whom the firm or any partner thereof has filed the appointment or memorandum of appearance.

(h) In every case where a partner, of a firm of advocates signs any document or writing on behalf of the firm he shall so in the name of the partnership and shall authenticate the same by affixing his own signature as partner.

(i) Neither the firm of advocates nor any partner thereof shall advise a party or appear, act or plead on behalf of a party in any matter or proceeding where the opposite party is represented by any other partner of the firm or by the firm itself.

11. No advocate shall be permitted to file an appointment or memorandum of appearance in any proceeding in which another advocate is already on record for the same party save with the consent of the former advocate on record or the leave of the Court, unless the former advocate has ceased to practise or has by reason of infirmity of mind or body or otherwise become unable to continue to act.

^{169]}**11-A.** Notwithstanding anything hereinbefore contained, when an Advocate, having practice of 10 years or more to his credit, is appointed to appear, plead or act for any party or person in any Court in any Civil Suit or appeal where the value of the subject matter of the suit or appeal is Rs. 25,000 or above or in any Criminal case or appeal involving the charge of commission of an offence punishable with death or imprisonment for life, then such an Advocate shall not be entitled to appear, plead or act for any such party or person unless he is accompanied by an Advocate having practice of less than ten years.]

12. An advocate may correct any clerical error in any proceedings with the previous permission of the Registrar or an officer of the Court specially empowered in this behalf by the Court obtaining on a memorandum stating the correction desired.

13. No advocate who has been debarred or suspended or whose name has been struck off the Roll of advocates shall be permitted to act as a recognised agent of any party within the meanings of order 3 of the Code of Civil Procedure, 1908.

14. No advocate who has been found guilty of contempt of court shall be permitted to appear, act or plead in any court unless he has purged himself of contempt.

15. Advocates appearing before the Court shall wear the following dress :—

(1) Advocates other than lady advocates

- (a) Black buttoned-up coat (Chapkan, achkan or sherwani), Barrister's or Advocate's gown and bands, or
- (b) Black open collar coat, white shirt, white collar, stiff or soft, with Barrister's or Advocate's gown or bands.
- ^[70](2) (a) Black full or half sleeve jacket or blouse, white collar stiff or soft, with white bands and Advocate's Gowns.
- (b) Sarees or long skirts (white or black or any mellow or subdued colour without any print or design) or Flare (White, black or black striped or grey) or Punjabi dress (Churidar Kurta or Salwar-Kurta with or without dupatta) white or black.]

^[71] [Provided that the wearing of Barrister's or Advocate's gown and bands shall not be necessary for Advocates appearing in Courts subordinate to the High Court :]

Provided further that the advocates appearing in the Courts of District Judges, Additional District Judges, Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges may wear black tie in place of bands.

^[72] ["Provided further that gowns need not be worn at any period of time during hot weather as may be fixed by the High Court from time to time".]

^[73]**1.[16.** Strike by advocate/advocates would be considered interference with the administration of justice and advocate(s) participating in the strike may be barred from practising before the High Court and the Courts subordinate to it.]

PROFORMA
(see Rule 3-A)

Form Sr. No. _____ (For office use)

**Application for registration on the Roll of Advocates [Part-A]
practicing in the High Court of Punjab and Haryana-20_____.**

1. Full Name of the Advocate :
(In capital letters)
2. Father's/Husband's Name :
3. Year of passing L.L.B :
(Please attach attested copy of L.L.B Final year result/Degree)
4. Enrollment number :

Affix the self-
attested colour
photograph
with band

Year : State :
(Please attach attested copy of registration certificate)

5. Date of Enrollment :
6. Complete postal address of Chandigarh/Mohali/Panchkula: (Please attach proof)
 - (a) Residence :
 - (b) Office :
 - (c) Chamber in the High Court :

7. Telephone Numbers

- (a) Office :
- (b) Residence :
- (c) Mobile :

8. E-mail ID :

Undertaking:

I declare that I am practicing in this Hon'ble High Court and that I have not made any application anywhere else for listing my name on the Rolls of Advocates except in this High Court. I further declare that all the information mentioned above is correct to my personal knowledge and that changes, if any, occurring therein, in the future, will be intimated, without delay, to the Registrar General.

Date:

Signature of the Applicant

Note:

1. A certificate from the Bar Association/Advocate's Association, Punjab and Haryana High Court, Chandigarh, to the effect that the applicant is ordinarily practicing in the High Court of Punjab and Haryana, Chandigarh shall be attached with the application form. In case the applicant is not a member of any of these associations, a certificate of the Registrar General, High court of Punjab and Haryana to the effect that the applicant is ordinarily practicing before High Court of Punjab and Haryana, be attached with the application form.
2. Please attach your two recent passport size coloured photos with band. One self-attested photograph is to be pasted on the application itself while the second photo to be unattested.
3. The advocates who had passed their qualifying (L.L.B.) Examination in the year 2009-10 and thereafter, will be provisionally enrolled unless they pass All India Bar Exam (AIBE) within 2 years from the date of enrollment in the Bar Council of Punjab and Haryana, Chandigarh and submit the **Certificate of Practice (COP)**, issued by Bar Council of India and in default of submitting the same, their names will be automatically struck off from the Roll of Advocates. **(As per clarification issued by Bar Council of India, New Delhi, the Advocates whose L.L.B results have been declared on or after 01.07.2010, are mandatorily required to pass All India Bar Exam.**
4. The advocates who had graduated in the academic year 2009-10 (L.L.B.) results declared on or after 01.07.2010 and onwards, having completed two years of enrollment with Bar Council of Punjab and Haryana, Chandigarh will be enrolled on Roll of Advocates only after they furnish the **Certificate of Practice (COP)**, issued by Bar Council of India.

PART C— Procedure for enrollment of Senior Advocate.

RULES FRAMED BY THE HIGH COURT OF PUNJAB AND
HARYANA UNDER SECTION 16(2) OF THE ADVOCATES ACT,
1961.

[Rules modified by way of substitution, as per norms/guidelines laid down by Hon'ble Supreme Court of India in Writ Petition(Civil) No. 454 of 2015 (Under Article 32 of the Constitution of India) titled as Ms. Indira Jaising Vs. Supreme Court of India and others]

1. An Advocate shall be eligible to be designated as a Senior Advocate, if he or she is an Advocate, duly registered with a Bar Council constituted under the Advocates Act, 1961 and is ordinarily practicing in the Punjab and Haryana High Court or in a court subordinate to it ²[or a tribunal located within its territorial jurisdiction] for a period of not less than 10 years;
2. All matters relating to designation of senior advocates shall be dealt with by a Permanent Committee to be known as "Committee for Designation of Senior Advocates";
3. The Permanent Committee will be headed by the Chief Justice and consist of two senior-most Judges. The Advocate General of Punjab and Haryana will be [ex officio members] of the Permanent Committee. The above five Members of the Permanent Committee will nominate another Member of the Bar to be the sixth Member of the Permanent Committee;
4. The said Committee shall be assisted by Registrar (Rules) of this Court and his/her office shall work as its permanent Secretariat.
- ²[4-A. The permanent secretariat shall initiate the process for designation of Senior Advocates at least once every year by inviting applications from eligible advocates by publishing notice on the official website of this High Court.]
5. All applications including written proposals by the Judges will be submitted to the Secretariat. On receipt of such applications or proposals from Judges, the Secretariat will compile the relevant data and information with regard to the reputation, conduct, integrity of the Advocate(s) concerned including his/her professional involvement/participation in pro bono work; reported and unreported judgments in which the Advocate(s) concerned had appeared; the number of such judgments for the last five years ²[and synopses submitted by the Advocate(s)].

1. Chapter-6 Part-C substituted vide Correction Slip no. 173 Rules/II.D4. dated 15.03.2018.

2. Amended vide Correction Slip no. 193 Rules/II.D4. dated 06.03.2024.

- 6. The source(s) from which information/data will be sought and collected by the Secretariat will be as decided by the Permanent Committee.
- 7. The Secretariat will publish the proposal of designation of a particular Advocate on the official website of this Court inviting the views and suggestions of other stakeholders in the proposed designation;
- 8. After the data-base in terms of the above is compiled and all such information as may be specifically directed by the Permanent Committee to be obtained in respect of any particular candidate is collected, the Secretariat shall put up the case before the Permanent Committee for scrutiny;

[1]&[2] 9. The Permanent Committee will examine each case in the light of the data provided by the Secretariat of the Permanent Committee; interview the concerned Advocate; and make its overall assessment on the basis of a point-based format or weighted criteria indicated below:

Sr. No.	Matter	Points
1.	Number of years of practice of the ApplicantAdvocate from the date of enrolment. [10 points for 10 years of practice and 1 point each for every additional year of practice, subject to a maximum of 20 points]	20 points
2.	Judgments reported and unreported (excluding orders that do not lay down any principle of law) which indicate the legal formulations advanced by the Advocate concerned in the course of the proceedings of the case; pro bono work done by the applicant Advocate concerned; domain expertise of the applicant Advocate in a particular field and in various branches of law such as Constitutional Law, Inter-State Water Disputes, Criminal Law, Arbitration Law, Corporate Law, Family Law, Human Rights, Public Interest Litigation, International Law, Law relating to women. The applicant-advocate(s) shall submit five of their best synopses.	50 points
3.	Test of Personality and Suitability on the basis of interview/interaction.	25 points
4.	Publication of books/academic articles, experience of teaching assignment in the field of law, guest lectures delivered in law schools/professional institutions connected with law.	05 points

1. Insertion made in Rule 9 below serial no. 3 as serial no. 4 vide Correction Slip no. 174 Rules/II.D4. dated 07.04.2018.

2. Substitution made in Rule 9, in serial No. 1, 2 and 4 vide Correction Slip no. 193 Rules/II.D4. dated 06.03.2024.

- ¹[9-A. The Permanent Committee may short-list the number of candidates to be selected for interview.]
10. All the names that are listed before the Permanent Committee/cleared by the Permanent Committee shall be placed before the Full Court for approval.
 11. Voting by secret ballot will not normally be resorted to by the Full Court except when unavoidable with reasons in writing. In the event of resort to secret ballot, decisions will be carried by a majority of the Judges who have chosen to exercise their preference/choice.
 12. The Advocate under consideration shall be called upon to file an undertaking, that after being so designated, he/she will not draft or sign pleadings in any Court, shall in all cases be assisted by another Advocate, shall not directly give consultation to any litigant, and shall not make any mention or seek an adjournment in any Court.
 13. Upon designation of an Advocate as Senior Advocate, he or she shall give an undertaking to appear and argue gratis at least ten cases pro-bono in a year as Legal Aid cases.
 14. The registry shall notify the result of the proposal to the Advocate concerned, and intimation shall also be sent to the High Court Bar Association, Bar Council of Punjab and Haryana, Bar Council of India and Registrar, Supreme Court of India.
 15. The said Advocate shall thereafter be designated as Senior Advocate in all the proceedings of the Court.
 16. The Chief Justice may *suo-motu* or on the written proposal/s by the Judge/s submitted as per Rule 5 above, subject to approval of Full Court, confer the honour to an Advocate by designating him or her as Senior Advocate.
 17. In the event a Senior Advocate is found guilty of conduct which according to the Full Court disentitles the Senior Advocate concerned to continue to be worthy of the designation, the Full Court may review its decision and recall the same.
 18. The High Court by simple majority shall withdraw the designation of a Senior Advocate, in case, it is found that he has acted in violation of the undertaking given before such designation; has committed professional misconduct; has shown intemperate behaviour in Court; has been found invariably negligent in discharge of professional duties; has failed to maintain at least two junior advocates in his office or on any other valid ground.
 19. All the cases that have not been favourably considered by the Full Court may be reviewed/reconsidered after expiry of a period of two years by following the manner indicated above, as if the proposal is being considered afresh;

1. Rule 9-A inserted vide Correction Slip no. 193 Rules/II.D4. dated 06.03.2024.

PART D—THE ADMISSION OF PLEADERS

1. The following persons may be admitted as pleaders:—

- (i) Persons who have graduated in the Faculty of Arts or of Science or of Commerce or of Agriculture and have also in the case of University of the Punjab either passed the L.L.M. examination or the LL.B. examination under the old Regulations, or the LL.B. Final examination under the new Regulations, which come into force with the Law examination of 1951, or have obtained the degree of Master of Laws or Bachelor of Laws at one of the other recognised universities in India or the United Kingdom ; provided that any person applying on or after 1st May, 1939, whose qualification is that of LL.B. under the revised regulations extending the LL.B. course from 2 to 3 years at the Universities of the Punjab or Delhi, shall produce a certificate that he has attended 75 per cent of the course of lectures, on Legal Ethics ; and also those who have passed the Bachelor of Civil Laws Examination of Delhi University ; provided further that any person applying on or after the 1st May, 1947, whose qualification is that of LL.B. under the revised regulations reducing the L.L.B. course from three to two years at the University of Delhi, shall further be required to pass the certificate of Proficiency Examination in Law of that University after undergoing a regular course of study for one year at that University ;
- (ii) Advocates, Vakils, Attorney and Pleaders of any other High Court in India whose names are still borne on the Roll of such court:

Provided that every person applying for admission who does not hold the degree of Master of Laws or Bachelor of Laws of the University of the Punjab or University of Delhi or Bachelor of Civil Laws of Delhi University or the degree of Master of Laws or Bachelor

of Laws at one of the recognised Universities in the United Kingdom, shall have previously passed an examination held by the University of the Punjab or the University of Delhi or the University of Aligarh or the University of Benaras in the Punjab Customary Laws, Punjab Land Revenue Act, Punjab Tenancy Act and Punjab Pre-emption Act and shall have practised as a pleader for not less than 3 years anywhere in India. These conditions, however, shall not apply to those law graduates of the recognised universities of India who have passed the LL.B., final examination of the Punjab University or the Certificate or Proficiency Examination in Law of Delhi University after undergoing a regular course of study for one year at the Punjab University Law College or the Delhi University, as the case may be:

Provided further that the High Court may, in a special case exempt a candidate from the operation of the condition with regard to the passing of examination in the Punjab Customary Laws, Punjab Land Revenue Act, Punjab Tenancy Act and Punjab Pre-emption Act, laid down in proviso 1 :

Provided further that in the case of a displaced Pleader of the Chief Court of Sind, Judicial Commissioner's Court of North-West Frontier Province and Baluchistan and the High Court of Bahawalpur State, who has practised as such in his province or area for six months, this rule shall have effect as if the preceding two provisos were omitted and the said Pleader shall be admitted as a Pleader of this Court if he possesses the qualifications specified in clause (i) or (ii) of this rule.

Admission of insolvents, dismissed Government servants and discharged insolvents.

Note.—No such person shall however, be admitted as a Pleader

- (a) if he has been declared insolvent: or
- (b) if he been dismissed from the service of Government unless he can show that his dismissal was not due to conduct showing him unfit to be admitted as a Pleader.

Discharged insolvents will be admitted if their insolvency was due to misfortune or circumstances beyond their control.

1-A. (1) Notwithstanding anything contained in these rules all persons who were admitted as Pleaders

in the erstwhile Pepsu High Court on or before the 31st October, 1956, shall be deemed to have been admitted as Pleaders of the Punjab High Court with effect from the 1st November, 1956.

(2) For purposes of seniority, a Pepsu Pleader shall be deemed to have been admitted as a Pleader of this Court on the date of his admission as a Pleader in Pepsu High Court or in any of the covenanting States if earlier.

2. Application to be admitted as a Pleader under the provisions of the Legal Practitioners' Act, 1879, shall be by petition to the High Court stamped under clause (b) (iii) of Article (1), Schedule II of the Indian Court Fees Act, 1870, as amended by Punjab Act No. XXVI of 1949. The application which must be dated and signed by the applicant shall state :

Mode of
applying and
particulars
to be stated
in
application.

- (a) the age of applicant ;
- (b) the nature of the qualification under Rule 1 in respect of which the application is made ;
- (c) the year in which he graduated ;
- (d) the year or years in which he passed the Law Examination (s) mentioned in rule 1 ;
- (e) whether or not he holds any appointment under Government, and if so, the nature of the appointment held ;
- (f) whether he has been convicted by a Criminal Court or dismissed from Government service ;
- (g) that it is his intention to practise within the jurisdiction of the High Court ;
- (h) the district which he proposes to make his ordinary place of business ;
- (i) whether he has been declared insolvent

- (j) whether he is a discharged insolvent, and if so, he should give further particulars to show that his insolvency was due to misfortune or circumstances beyond his control.

Documents
to
accompany
application.

The petition shall be accompanied by evidence of the qualifications required, and by the fee fixed, by the rules for the time being in force. The applicant must produce a certificate from the Principal of Law College (which may in suitable cases be dispensed with) and another certificate from a person of standing and respectability (not a member of the Law College Staff) that he is suitable in every way for admission as a Pleader. If the applicant holds any appointment under Government or carries on any trade or business at the time of his application, the fact shall be stated in the petition.

The application shall also be accompanied by a written undertaking that-

- (i) he will within six months of his enrolment as a Pleader apply for membership of a Bar Association, and if admitted, continue to be a member ;
- (ii) he will abide by the High Court rules regulating the appointment of clerks by legal practitioners and make a declaration from time to time in the following form of his clerk's qualifications or disqualifications :—
 - (1) name ;
 - (2) father's name ;
 - (3) qualification, i.e., whether a Matriculate, qualified petition-writer, or legal practitioner's clerk in service without break from a date prior to the date of the issue of the orders, viz.. 20th November, 1936;
 - (4) disqualifications, i.e., whether he was ever declared a tout, convicted of an offence

involving moral turpitude, or dismissed from Government service, the date of conviction or dismissal being given.

3. The petition shall be presented by the applicant in person or by an Advocate practising in the High Court and if it be granted, the Registrar shall give to the applicant a certificate in the Form annexed to these rules on the applicant's furnishing the requisite stamp paper and a declaration in writing stating the Civil and Criminal Courts and the Revenue Courts and Offices which he desires to be specified therein. The Registrar shall notify the admission in the *Punjab Government Gazette* :

Mode of
presenting
application-
grant of
certificate.

Provided that if the certificate be not taken out in the year in which the applicant is admitted, it shall not be issued without a special order of the Court.

1. A fee of ten rupees shall be payable by every person admitted by the High Court to be a Pleader under the foregoing rules.

Fees for
admission.

FORM OF PLEADER'S CERTIFICATE

Pursuant to "The Legal Practitioners' Act, 1879" as amended by the "Legal Practitioners' Act, 1884," I hereby certify that_____

ordinary place of business is at_____ has been duly admitted by the Punjab High Court as a Pleader on the_____ and is entitled to practise as such, subject to the provisions of the Act above recited and to the rules made thereunder, during the current calendar year in the Courts and Offices specified below, that is to say : —

Civil Courts

The District Court and all Civil Courts of subordinate jurisdiction.

Criminal Courts

The Court of Session and all Criminal Courts of Subordinate Jurisdiction.

Revenue Offices

All Revenue Courts and Offices subordinate to the Court and Office of the Financial Commissioner.

Given under my hand and the seal of the Court, this_____ day of 19 .

Registrar.

N.B.—This license is liable to be revoked at any time during the said period on the grounds specified in sections 12 and 13 of the Act, and *inter alia* participation on the part of the holder in any seditious or disloyal movements will be considered reasonable causes for such revocation

PART E.—POWERS AND DUTIES OF PLEADERS.

1. A Pleader holding a certificate written upon Courts in stamped paper of the value of twenty-five rupees shall be competent to appear, plead and act in all Courts, Civil and Criminal, subordinate to the High Court and in all Revenue Courts and Offices subordinate to the Financial Commissioner, subject to rules as regards enrolment in Part F.

Courts in which a pleader can practice.

2. When a Pleader accepts any appointment under Government, or in a limited liability, or other Company, or engages in any regular trade or business, he shall forthwith give notice thereof to the High Court and the Chief Justice and Judges may suspend his certificate or pass such orders as they may think fit.

Notice to be given on taking up employment or engaging in trade or business.

Explanation.—Ministers of the Government, the Speaker and Deputy Speaker of the Legislative Assembly, Parliamentary Secretaries and Parliamentary Private Secretaries are excluded from the operation of this rule.

3. Except with the special leave of the Court concerned, no Pleader shall in his own name, or in the name or names of any other person or persons, purchase any property or any share or interest in any property sold in execution of a decree or order in any suit, appeal or other proceeding in which he was in any way professionally engaged.

Not to buy property in cases in which engaged.

4. Where any Pleader receives any money from his client, he must furnish him with a statement of accounts, with receipts, where these can be obtained for all sums of money above Rs. 5 disbursed on his behalf.

Shall furnish account of his client of money received.

A Pleader shall be responsible for seeing that receipts are furnished to a client for all sums of money received by himself or by his clerk on his behalf.

Procedure to be followed when a Pleader has been expelled by his Bar Association.

5. On receipt of intimation that a pleader has been expelled by his Bar Association from membership, his case should be referred to a single Judge who will decide whether there is any cause for taking action against the lawyer for professional misconduct. If the Judge is of opinion that action for professional misconduct should be taken the case will be dealt with in the same way as other cases of professional misconduct. If he decides that there is no reason to take action for professional misconduct, the lawyer will be allowed to practice although he is not a member of a Bar Association.

6. No pleader shall employ direct means of advertisement, such as describing himself on signboards, telephone directories, books, letters, paper heads or case covers, etc., as an expert or practitioner or consultant in any particular branch of law or putting more than one name plate at his residence and office :

Provided that, on account of the peculiar situation of Simla houses, a Pleader may put up name plates not exceeding three if his residence is separate from the office and not exceeding two if his office and residence are at one and the same place, subject to the condition that name plates are not indicative of advertisement or canvassing.

PART F.—THE ENROLMENT OF AND RENEWAL OF
CERTIFICATES BY PLEADERS(a) *Enrolment*

1. A Pleader is authorised to practise only after enrolment in accordance with the rules in this part, and then only in a Court or Office held within the territorial limits of the jurisdiction of the Court of the District Judge in which he is enrolled.

Can practise on enrolment only within the District.

2. (i) Every application, to be enrolled as a Pleader under the provisions of sections 8 and 9 of the Legal Practitioners' Act, shall be made by petition to the Court in which the applicant desires to be enrolled. The application shall be accompanied by the certificate referred to in section 7 of the Act, and shall be presented by the applicant in person or by an Advocate or Pleader practising in the Court.

Mode of applying for enrolment. Entry in register and on certificate.

(ii) If it appears from the certificate that the applicant is entitled to be enrolled, the Court shall enter his name in a register of Pleaders to be maintained in Form I, and endorse on his certificate memorandum in Form II, annexed to these rules.

Note.--Such applications must be stamped with the proper court-fee stamp under Article (1) (b) (iii) of Schedule II of Court-fees Act, as amended by Punjab Act No. XXVI of 1949.

3. A register of Pleaders in Form I annexed to these rules shall be maintained in the Court of the District and Sessions Judge.

Register of enrolment to be kept by District Judge.

(b) *Renewal of certificates*

1. (i) Every application for the renewal of a certificate shall be made by petition to the District Judge of the district in which the applicant ordinarily practices, at least two weeks before the expiry of the certificate, and shall be accompanied by the expiring certificate and by a declaration in writing stating the applicant's ordinary place of business, and the Civil or Criminal Courts and the Revenue Offices which he desires to be specified therein.

Application for renewal of certificate-Procedure.

In the case of a pleader who is not actually practising at the time of applying for renewal of his license, the application shall be accompanied by-

- (i) a statement to show whether he complied with the provisions of rule 2 of this part ;
- (ii) a declaration to the effect that since he last renewed his license
 - (a) he has not been dismissed from Government service.
 - (b) he has not been declared an insolvent.
 - (c) he has not been convicted by any criminal court.
- (iii) another declaration to the effect that he is not engaged in any trade, business or other profession at the time of submitting his application ; and
- (iv) in case the applicant has been in the service of Government, or a local body, a certificate from the Head of Department to the effect that his character and conduct while in service were good.

Mode of pre-
senting ap-
plication.

(ii) Every such application shall be presented by the applicant in person, or in the event of the applicant being unable to attend in person, by an Advocate or Pleader practising in the Court.

Note.—Such applications do not require to be stamped.

(iii) If at the date of the application the applicant is not resident within the jurisdiction of the High Court the fact shall be stated in the application, and unless the applicant or other person applying on his behalf certifies that the applicant intends to return and to resume practice within the jurisdiction of the High Court during the ensuing year, the certificate shall not be renewed without an order of the High Court.

(iv) On the requisite stamp-paper being supplied, a renewed certificate will be prepared and issued by the District Judge to the applicant, if he attends personally or to the Advocate or Pleader presenting the application. On the renewed certificate will be endorsed the memoranda of enrolment recorded on the expiring certificate, and the endorsement will be authenticated by the renewing officer. When a certificate is renewed by a District Judge, he shall forthwith notify such renewal to the High Court, and cancel and place the superseded certificate on record in his office.

Endorsement on renewal certificate which shall be notified to High Court.

(v) If a Pleader applying for the renewal of his certificate in any District in which he has not been practicing, declares that he has changed his place of sipn business and intends to practise in that district, the District Judge to whom the application is made shall renew the certificate and report at once to the High Court defect of his having done so; information being given at the same time to the District Judge in whose district the Pleader has hitherto been practising with a view to his removing the name of the Pleader from his register.

Procedure where applicant changes his place of business.

2. Every pleader who desires not to renew his certificate shall, before it expires, inform the District Judge of the district in which he ordinarily practises of his intention and the reasons for the same. If no such information is furnished, he shall not be entitled to have it renewed without a further order of the High Court, which may if it thinks fit, require payment of the renewal fees for the entire period during which the certificate has not been renewed.

District Judge to be informed in case renewal not desired.

If the information is furnished at the proper time, informing Consequence the certificate may be renewed on application under the foregoing rules, and on payment of the usual fee.

Consequence of informing in time.

If application for renewal of a lapsed certificate is not made within three years, the name of the person shall, at the expiration of that period, be struck off all the registers in which he is enrolled and the fact intimated to the High Court.

Consequence of non-renewal within three year's.

Cancellation
of certificate

3. (a) If the practice of a Pleader has been suspended and during the period of suspension the Pleader is dismissed from Government service or is convicted of any criminal offence, implying a defect of character which unfits him to be a Pleader the certificate shall be deemed automatically cancelled, unless the High Court, for special reasons sees fit to renew it.

(b) The High Court may, for any other reasonable cause occurring during such suspension, cancel the certificate of the Pleader or direct that the suspension shall continue for such period as may be determined.

(c) The procedure for the decision of cases falling under this rule shall follow, as nearly as may be, the procedure prescribed in Part G of this Chapter for the suspension and dismissal of Pleaders.

I.-Form of *Register*,—*Vide Rule 3 of Part F (a)*

Register of Pleaders and Mukhtars enrolled under the Legal Practitioners' Act, 1879, in the Court of _____
at _____

Name of the pleader	Father's Name	Date of enrolment	Date of application for renewal of Pleader's licence	Period of which the licence is renewed	Date on which licence was renewed	Signature and designation of the authority authenticating renewal	Remarks
1	2	3	4	5	6	7	8

II.-Form of Memorandum of enrolment referred to in Rule 2, Clause (ii) of Part F (a)

Certified that _____, has this day has been enrolled in the Court of the _____ of.....
 as a

(Signed A.B.)

Title as Judge of this Court.

PART G.—THE SUSPENSION AND DISMISSAL OF PLEADERS

Rules made by the Punjab High Court under the powers conferred by clause (b) of section 6 of the Legal Practitioners' Act, 1879 (XVII of 1979) as to the suspension and dismissal of Pleadors.

Insolvency of
a Pleader.

1. (i) A pleader adjudged insolvent shall be liable to suspension until such time as he is discharged whether conditionally or not, or until the order of adjudication is annulled.

Notice.

(ii) Any Court subordinate to the High Court adjudging a pleader to be insolvent shall forthwith send a copy of its order to the Registrar, who shall cause it to be laid with the least possible delay before the Honourable the Chief Justice or an Honourable Judge nominated in this behalf. The Honourable Judge shall fix a date for which notice shall issue to the pleader to appear and show cause why he should not be suspended until such time as he is discharged or the order of adjudication is annulled.

Suspension
until dis-
charge.

(iii) On the date fixed the Honourable Judge shall, after hearing the pleader in person or his counsel, or if he does not appear, although served and is not represented by counsel, in his absence, pass orders suspending the pleader until such time as he is discharged whether conditionally or not, or until the order of adjudication is annulled, unless for good and sufficient reasons to be recorded in writing he considers it necessary not to suspend him.

Note.—The pleader must satisfy the Honourable Judge that his insolvency is not due to any cause which affects his suitability to practise as a legal practitioner.

Conviction
for an
offence.

2. (i) When any criminal court subordinate to the High Court convicts a Pleader of any offence, it shall forthwith report the fact and transmit a copy of its judgment to the High Court.

Complaint in
writing.

(ii) Any person making allegations of professional misconduct under section 13 of the Legal Practitioners' Act against a Pleader shall be required to

submit them in the form of a written complaint and, unless the complainant is a public servant acting in his official capacity, shall be required to support them by an affidavit.

3. (i) An inquiry under section 13 of the Legal Practitioners' Act, 1879, may be ordered by the High Court of its own motion or upon an application for that purpose.

(ii) Such an enquiry into the conduct of a Pleader may be held before the High Court or before any subordinate Court appointed by the High Court to hold it and to report to the High Court.

(iii) A notice about a complaint under section 13 of the Legal Practitioners' Act shall be issued to the Pleader and shall be served upon him at least fifteen days before the day appointed for the consideration of the charge. The pleader may, at this stage, show cause against an enquiry being directed against him, on the ground that the allegations, even, if true, would not constitute a reasonable ground for suspension or dismissal. Inquiry under section 13 of the Legal Practitioners' Act how ordered.

4. When a report and a copy of the judgement under Rule 2(i) or a complaint under rule 2 (ii) or a report from a subordinate court under rule 3 (ii) or a report under section 14 of the Legal Practitioners' Act are received, the Registrar shall cause the papers to be laid, with the least possible delay, before the Honourable the Chief Justice or an Honourable Judge nominated in this behalf. The Honourable Judge may make such preliminary inquiry as he considers necessary, and if he is of the opinion that there is no ground for proceeding further, he may order accordingly.

5. (1) If the Honourable Judge finds that a *prima facie* case is made out for proceeding further against the Pleader he shall pass an order directing that the case be heard by a Bench of Two Honourable Judges and shall call upon the Advocate-General to draw up a statement of charges against the Pleader.

Inquiry under section 13 of the Legal Practitioners' Act how ordered.

Show cause notice.

Preliminary inquiry.

Statement of charges.

Suspension. (ii) When such an order has been passed the Honourable Judge may suspend the Pleader from practice pending the decision of the disciplinary proceedings against him,

Notice to Pleader. (iii) When the Pleader is suspended, the Registrar shall forthwith cause notice of his suspension to be served upon him.

Constitution of Bench Notice. 6. (i) When the statement of charges referred to in Rule 5 has been framed by the Advocate-General and approved by the Honourable Judge ordering the inquiry, the Honourable the Chief Justice shall nominate a Bench of two Honourable Judges to hear the case.

(ii) The Registrar shall thereupon cause a copy of the statement of charges together with a notice of the date of hearing, to be delivered to the Pleader at least 15 days before the date of hearing and shall call upon him to submit on the first date of hearing a written statement in answer to the charges. The person charged shall also be entitled to make an oral statement in answer to the charges.

Procedure for hearing before the Bench. 7. If the Bench is of the opinion that there is no ground for taking disciplinary action against the Pleader it may pass orders accordingly and its decision will be final.

Points of procedure. 8. (i) The Bench shall have powers to decide what, if any, witnesses shall be examined in support of the charges or on behalf of the Pleader and to nominate one of its members to record any evidence which may be adduced.

(ii) The Bench shall also have powers to decide all points of procedure which may arise during the hearing and may direct that all or any of the evidence to be recorded shall be given by affidavit.

Pleader may appear as witness. (iii) In all enquiries under section 13 or section 14 of the Legal Practitioners' Act the person charged may offer himself as a witness on his own behalf, and

may thereupon be sworn or affirmed and examined in the same manner as any other witness : but he shall not be called as a witness or examined upon oath or affirmation except at his own request or with his express consent.

9. The Bench shall after hearing such arguments of both for and against the Pleader as may be offered, come to a decision on the merits of the case and direct what action shall be taken. This decision shall be final.

Decision of Bench.

In the case of dis-agreement the case may be referred to the Honourable the Chief Justice or an Honourable Judge nominated in this behalf whose decision shall be final.

10. If the Bench decides that the charges are not proved it shall pass orders accordingly and the Pleader shall, if he is under suspension, be reinstated.

Reinstatement.

11. The High Court may, either of its own motion or on the application of any person aggrieved, call for the records of any case under section 15 of the Legal Practitioners' Act and revise the proceedings of a subordinate court or Revenue officers

Revision.

Provided that no order of acquittal, passed by a subordinate court or officer under section 14 of the Act, shall be set aside without giving the pleader an opportunity of being heard.

12. The orders of the Bench shall be communicated by the Registrar to the Pleader.

Orders to be communicated to pleader.

13. Any order of suspension or dismissal made or Pleader' confirmed by the High Court may, if sufficient cause appears, be re-considered and cancelled or modified by the Bench which made the order :

Reconsideration of orders.

Provided that if, for any reason, any member of the Bench is unable to sit on the Bench for the reconsideration of its order, the Honourable the Chief Justice may nominate another Honourable Judge in his place.

14. Every order of the High Court by which a pleader is suspended or dismissed or reinstated shall be notified by the Registrar in the Punjab Government Gazette.

Orders to be published in the Gazette.

(High Court Notification No. 230-Genl/XIII-D-3, dated the 13th September, 1956).

**PART H-FILING OF POWERS-OF-ATTORNEY BY
ADVOCATES AND PLEADERS**

Filing of powers
of Attorney by
Legal Practi-
tioners' in High
Court and the
Courts.

(a) In Subordinate Court-

- (i) For Civil cases—see Chapter 16-A, Rule and Orders of the High Court, Volume I.**
- (ii) For criminal cases—see Chapter 25-A, Rules and Orders of the High Court, Volume III.**

(b) In the High Court-

The rules are the same as given at (i) and (ii) of part (a) above except that no person can appear, plead or act on behalf of a suitor in the High Court unless his name is borne on the rolls of the High Court as an Advocate. A private Pleader under section 4 (r) (2) of the Code of Criminal Procedure is also debarred from appearing in the High Court under clauses 7 and 8 of the Letters Patent constituting that Court.

PART I.—FEES OF COUNSEL

Note.—The Honourable the Chief Justice and Judges of the Punjab High Court have been pleased to direct that till such time as fresh rules for fixing and regulating by taxation or otherwise the fee payable as costs by any party in respect of the fees of his adversary's Advocate upon all proceedings in the High Court or in any Court Subordinate thereto, are made under section 16 of the Indian Bar Councils Act, 1926 (XXXVIII of 1926), the existing rules, relating to fees of Counsel, as are contained in Chapter 6-1, High Court Rules and Orders, Volume V. and in Chapter 16-B, of High Court Rules and Orders, Volume I. as the case may be, shall be adopted.

(High Court Notification No. 17 /XIII-F-4, dated the 13th January, 1949),

1. ¹[In suit for the recovery of specific property, or a share of specific property, whether movable or immovable, or for the breach of any contract or for damages:—

Suits for debt, damages and recovery of specific property.

^[75][If the amount of value of the property, debt, damages or decrees does not exceed Rs. 1,00,000 (Rupees one lac) according to the valuation for purpose of appeal to the court, the fee shall be Rs. 4,000 (Rupees four thousand). However, if the value exceeds Rs. 1,00,000 (Rupees one lac) but does not exceed Rs. 5,00,000 (Rupees five lacs), the fee shall be calculated at 4 percent of the value. If the amount of value exceeds Rs. 5,00,000 (Rupees five lacs), the fee shall be calculated at Rs. 20,000 (Rupees twenty thousand) plus 1 percent of the amount in excess of Rs. 5,00,000 (Rupees five lacs), however, that in no case the amount of fee shall exceed Rs. 50,000 (Rupees fifty thousand).]

(b) Deleted.]

2. In suits for injuries to the person or character of the plaintiff, such as suits for assault or defamation property or for injuries to property or to enforce rights where the pecuniary value of such injury or right cannot be exactly defined,—as in suits for interference with a right or light or water, or to enforce a right of pre-emption, or suits for the partition of joint property, where partition is improperly resisted,—if the plaintiff succeeds, the Court may order the fee allowed to the plaintiff to be calculated with reference either to the amount decreed or according to the valuation of the suit or according to such sum not exceeding the valuation, as the Court shall think reasonable and shall fix with reference to the importance of the subject matter in dispute. In any such case, the amount of the fee shall be calculated according to rule 1.

Suits for injuries to person or property or character. Suits for partition and pre-emption and other rights.

When suit
dismissed on
merits or
default.

3. If the suit be dismissed for default or upon the merits, the fee allowed to the defendant shall be calculated according to rule 1 on the whole value of the suit.

When suit partly
dismissed.

4. If the suit shall be decreed for the plaintiff as to part only of the claim, and as to the remainder shall be dismissed, the fee allowed to each party should be fixed with reference to the value of that part of the claim in respect of which he shall succeed, and shall be calculated according to rule 1.

Suits for da-
mages when
full amount
claimed not
decreed.

5. If in any suit for damages, the plaintiff succeeds as to the whole of his cause of action, but fails to recover the full amount of damages claimed, the defendant shall not be entitled to any allowance for counsel in respect of the difference between the amount of damages claimed and the amount recovered, unless the Court shall be of opinion that the amount claimed for damages was unreasonable or excessive and shall, for that or any other cause, direct that a fee be allowed to the defendant.

If specially allowed, the amount of such fee shall be fixed with reference to the amount of damages disallowed to the plaintiff and shall be calculated according to rule 1.

In case of Several
defendants having
separate interest.

6. If several defendants who have a joint or common interest succeed upon a joint defence, or upon separate defences substantially the same, not more than one fee shall be allowed, unless the Court shall otherwise order. If only one fee be allowed, the Court shall direct to which of the defendants it shall be paid or shall apportion it among the several defendants in such manner as the Court shall think fit.

Several
defendants having
separate interest.

7. If several defendants, who have separate interests, set up separate and distinct defences and succeed thereon, a fee for each of the defendants who shall appear by separate counsel may be allowed in respect of his separate interest. Such fee, if allowed, shall be calculated, with reference to the value of the separate interest of such defendants, according to rule 1.

8. ^[76][In any miscellaneous proceedings or for any matter other than that of appearing, acting or pleading. in a suit prior to decree, the fee shall be fixed by the Court with reference to the nature and importance of the proceedings or matter :

Miscellaneous proceedings.

Provided that in no case shall the amount allowed in respect of such fee exceed rupees two thousand or below rupees 500 (five hundred).]

9. If a suit in the High Court, as a Court of original jurisdiction, be undefended, the fee shall be calculated at one-half the sum fixed for a defended suit of the same nature and value.

Half fees in undefended suits.

10. If a review be rejected after summoning the opposite party or if, after the admission of a review, the former judgment be upheld, the fee, if allowed to the successful party in the review, shall be fixed by the Court at an amount which shall not in any case exceed one-half of the amount allowed by these rules in case of an original decree.

When review is rejected.

11. If, after the admission of a review, the former judgment be revised, the fee in respect of the review, if allowed to the party who succeeds in the review, shall not exceed one-half the amount allowed by these rules in case of an original decree. The fee allowed in respect of the review will be irrespective of any fee which may be included in any costs in respect of the original suit which may be adjudged to the successful party by the judgment in review, unless the Court shall otherwise order.

When review is accepted.

12. In appeals, the fee shall be calculated on the same scale as in original suits; and the principles of the above rules as to original suits shall be applied, as nearly as may be, in appeals.

Appeals.

13. When the interest of several appellants is joint, not more than one fee shall be allowed, unless the Court shall otherwise order. If one fee only be allowed, the Court shall direct to which of the appellants it shall be paid or shall apportion it amongst the several appellants in such proportion as it shall think fit.

Where several appellants have joint interest.

14. If several respondents in one appeal appear by separate counsel, in determining whether separate fees shall be allowed, the Court shall be guided by the principles laid down in rules 6 and 7

Several respondents.

Discretion of court to deviate from the scale laid in the rules.

15. ^[77][If, in any instance, the payment of fees according to the preceding rules shall not appear to the Court to be just and equitable the Court may exercise its discretion in allowing such fee as may appear just and equitable :

Fees in case of counsel dealing with dalals and touts.

Provided that in the case of a party represented by any Advocate, Vakil or Attorney (a) who is known or reputed to have any dealing communication or correspondence, directly or indirectly, with a dalal or with any person who frequents any Railway Station, *sarai* or other place as a tout or (b) who is known or reputed to employ in any capacity whatsoever any such person or any person who frequents any Railway Station, *sarai* or other place as a tout, the Court may order that no fee be allowed to such party for such Advocate, Vakil or Attorney or may, in its discretion, allow a fee for the same not exceeding the following sums, that is to say-

- (i) In first appeals from original decrees and in suits before the Court in the exercise of its ordinary or extraordinary original jurisdiction,—Rs.750.
- (ii) In all other cases, the fee allowable under the above rules up to a maximum of Rs.250 :]

Appeals from decrees passed on remand.

Provided also that, if an appeal be preferred against a decree passed on remand, the fee, if any, allowed by the Court to the party succeeding in that appeal, shall not, unless the Court shall otherwise order, be less than one quarter, nor more than one-half of the amount which would be allowed under the rules upon an original hearing, if, by the decree remanding the case, the same party shall have been allowed fees in respect of the former appeal in the suit either absolutely or conditionally upon his succeeding upon the remand :

Fees for trial of issues referred to the lower Court.

Provided also, that if an issue be framed and referred by the Court for trial by a lower Court, the Court may, if it thinks proper, allow to the party who shall succeed in the appeal, such sum as the Court shall consider reasonable not exceeding half the amount which would be allowed under these rules in an original case, for his fee in respect of the trial of the issue in the lower Court, in addition to a fee in respect of the appeal.

16. Notwithstanding anything contained in the rules of the Court and notwithstanding any order of a Judge or Judges, no fee for the appearance of any Advocate, Vakild or Attorney shall, except as in these rules hereinafter provided be allowed on taxation between party and party, or shall be included in any decree or order unless the Taxation Officer is satisfied that the fee was paid to the Advocate, Vakild or Attorney before the hearing and unless the party claiming to have such fee allowed shall, before the hearing, file in the office of the Taxing Officer, a certificate signed by the Advocate, Vakild or Attorney as the case may be, certifying the amount of the fee or fees actually paid by or on behalf of his client to him or to any other Advocate, Vakild or Attorney in whose place he may have appeared :

Certificate of payment of fees to counsel to be put in before fees are allowed by Court.

[78][Provided that in regular first appeals from decrees and cases arising under the Company Law and Indian Succession Act heard before a Division Bench, the taxing officer will allow fees on taxation to a party when at least two counsels have filed certificates of payment of fees on its behalf.]

17. Such certificate shall state-

Contents of certificate.

- (a) the case matter or proceeding in respect of which such fee or fees was or were paid ;
- (b) that date or dates when such fee or fees was or were actually paid to the Advocate, Vakild or Attorney engaged in the case, matter or proceeding either as the exclusive fee or fees of such Advocate, Vakild or Attorney or as the fee or fees of the Adocates, Vakilds or Attorneys associated and to be associated in the case, matter or proceeding in the High Court ;
- (c) the precise amount or amounts which was or were so paid ;
- (d) that no portion of such fee or fees has been returned, and that no agreement for return or remission of the same has been made, by the Advocate, Vakild or Attorney or by any one on his behalf ; and
- (e) the name and address of the person who made such payment :

Provided that when a higher fee than is allowed by the scale is allowed by special order of the Court, a certificate of the payment of the additional fee at any time may be accepted if filed before taxation in lieu of the certificate required by these rules.

Certificate of payment where higher fees above the scale allowed.

Form of
Certificate of
payment of
fees.

18. The certificate mentioned in rule 16 shall, so far possible, be in the following form :

IN THE PUNJAB HIGH COURT

Between_____, and

For the purpose of presentation to the Taxing Officer and having my fee allowed on taxation as against the party or parties who may be liable for costs under the judgment or order of the Court, I, _____ in accordance with rule 17 of the rules regulating the fees of counsel in the Court, hereby certify that in the above _____ the following fees were paid to me as my exclusive fee _____ was associated (or as my fee as well as that of _____ who _____ were to be associated _____ with me in the case) on the dates and by the person or persons specified below, and that no portion of such fees has been returned and that no agreement for such return or remission has been made by me or by any one on my behalf or on behalf of _____ waswho associated with me were in the case.—

Matter	Fee	Date of Payment	By whom paid	Address of person who actually made such payment

Signature

Date of Signature

Address of Advocate, Vakil or Attorney

Filed on the.....day of by.....

Note.--In the certificates of fees filed by the legal practitioner engaged by Government in cases in which the Union of India on a State Government is a party, or in which the actual party is not Government but Government Servants or some other persons whose defence-Government decides to undertake at public expense or in which a Municipal Committee or a Local Body or an improvement Trust is a party, it is sufficient to certify that a fees has been fixed (not paid) by the Legal Remembrancer to Government Punjab, or other appropriate authority as the case may be may. The same procedure may, by a resolution of the Judges in meeting be extended to council appearing on behalf of an Official Liquidator appointed by the High Court.

Matrimonial
cases.

- 19.** ¹[Counsel engaged in matrimonial cases in the High Court, should when filing a certificate required by rule 16, submit a detail of the work done or to be done by them for which they have charged their clients. Only those charges which are necessary to enable the parties to conduct the litigation will be allowed by the Taxing Officer who will bear in mind that the object in giving costs is to indemnify the successful party against the expenses to which he has been put by the unsuccessful party. The maximum fee in a defended matrimonial cause shall be Rs. 25,000 and half that amount in undefended causes, provided that the Judge, who tries the case may allow the full fee in a undefended cause, should the nature of the work done by counsel warrant it.]

Note—For rules regarding fees of counsel in subordinate courts see Parts B and C of Chapter 16 of Volume I.

PART J.—CLERKS OF LEGAL PRACTITIONERS

1. No person shall be employed by a legal practitioner as his clerk unless such person has been a legal practitioner's clerk for three years, or is a qualified petition-writer or has passed the Matriculation examination of a recognised University :

Disqualification.

Provided that no such person shall be employed as a clerk-

- (a) if he has been declared a tout ; or
- (b) if he is an undischarged insolvent ; or
- (c) if he has been convicted for an offence involving moral turpitude ; or
- (d) if he has been dismissed from the service of Government, unless he can show that his dismissal was not due to conduct showing him unfit to be legal practitioner's clerk, viz., corruption or some other reason involving dishonesty ;
- (e) if he is an ex-petition-writer, whose licence has been cancelled for corruption or for some other reasons involving dishonesty ;
- (f) if he is unfit to be a legal practitioner's clerk for any other sufficient reason.

Dismissed Municipal and District Board employees shall be regarded as dismissed "Government Servants" for the purposes of these rules.

Note.—(i) The rule shall apply to all persons engaged after the 20th November, 1936, but not to a person who was a legal practitioner's clerk on or before the 20th November, 1936, and who may be engaged by a legal practitioner after the 20th November, 1936 provided:-

Date when and persons to whom rule will apply.

- (a) that his service subsequent to that date is continuous ;
and
- (b) that his work is satisfactory as certified by his last employer.
- (ii) The proviso shall apply to clerks already in the service of legal practitioners, who have been declared touts at any time, or who were convicted within five years before the 20th November, 1936, for an offence involving moral turpitude.
- (iii) The proviso shall not apply to clerks already in the service of legal practitioners who have been dismissed from the Government service.

Clerks to whom proviso shall apply.

Clerks to whom proviso shall not apply.

- (iv) The proviso shall not apply to clerks already in the service of legal practitioners who have been convicted but whose convictions took place more than five years before the 20th November, 1936.
- (v) The proviso that no person shall be employed as a clerk if he is an undischarged insolvent shall apply to clerks already in the service of legal practitioners.

Employment of undischarged insolvent clerks.

1-A. No deed writer, Sarpanch or Panch shall be employed, at all, as a Legal Practitioner's Clerk. A Clerk to a Legal Practitioner shall not, also engage himself in any trade or business without the previous permission of the High Court. The name of a Clerk shall be removed from the list maintained by the District Judge in case he contravenes the provisions of this rule.

2. No illiterate person shall be employed at all as a legal practitioner's clerk.

Illiterate persons not to be employed.
Definition of literate person.

Note.—A literate person for purposes of this rule will be one who has some knowledge of english or preferably Urdu as being the Court language in the Punjab.

3. Not more than two clerks shall be appointed or retained by any legal practitioner.

Not more than two clerks to be engaged.

Names of clerks to be notified to Secretary, Bar Association.

4. The names of such Clerks shall be communicated by each Legal Practitioner, who is a member of a Bar Association, to the Secretary of that. Association. A legal Practitioner who is not a member of a Bar Association and cannot, under the rules framed by the High Court, be compelled to join a Bar Association shall communicate the names of his Clerks direct to the Registrar of the High Court in case he is practising in the High Court and to the District Judge if he is practising in a subordinate court.

5. The Secretary of a Bar Association shall prepare a list of the Clerks employed by the Legal Practitioners who are members of the Bar Association, and send it to-

List of clerks to be sent to District Judge.

- (a) the Registrar of the High Court,
- (b) the District Judge, or
- (c) the Presiding Officer of the Superior Civil Court sitting at the place where the Association is, as the case may be.

The Presiding Officer of the court mentioned at (c) above shall transmit the list to the District Judge of the District in which the said Court is.

6. Such list shall be submitted in the first week of January each year, any changes during the course of the year being intimated separately.

Date of submission of list.

7. No Clerk shall be recognised by any court unless his name is borne on the above list and he carries on his person an identity-card bearing his photograph duly attested by the Registrar/Deputy Registrar of the High Court or by the District Judge concerned.

8. Clerks mentioned in the list shall be entitled to act on behalf of their masters, but on their responsibility, in all transactions which have to be done before or with the ministerial staff of the court.

Power of clerks to deal with the staff of the court.

9. A copy of the list when received and the changes notified shall be supplied to all courts situated at the station for information.

List of clerks to be circulated to local courts.

10. The list shall be in the following form :

Contents of list.

- (a) name and parentage of the clerk,
- (b) name of the legal practitioner by whom engaged,
- (c) qualifications, i.e., whether (i) Matriculate,
 - (ii) Petition writer,
 - (iii) has three years service with a legal practitioner, with a certificate that the clerk has never been-
 - (i) dismissed from Government service,
 - (ii) convicted of an offence involving moral turpitude,
 - (iii) declared a tout,
 - (iv) declared an insolvent, if so, whether discharged or undischarged.

11. The Registrar of the High Court, in respect of a Clerk whose name is borne on the list received by him under rule 5, and the District Judge in respect of a Clerk whose name is borne on the list received by him under the said rule (and not a Bar Association) shall have the power to declare a person to be unfit for employment as a Legal Practitioner's clerk and to remove his name from the list of approved Clerks to legal Practitioners.

Only District Judge competent to remove name from list.

12. A Clerk whose name has been removed by the Registrar or a District Judge may appeal to the High Court. which may, if it thinks fit, alter or revise the orders passed by the Registrar of the District Judge.

Appeal.

CHAPTER 7

RULES UNDER SPECIAL ACTS

PART A.—RULES MADE BY THE HIGH COURT OF PUNJAB AND HARYANA TO REGULATE THE PROCEDURE IN CASE OF APPLICATIONS TO SET ASIDE ORDERS OF FORFEITURE PASSED BY THE STATE GOVERNMENT UNDER SECTION 95(1) OF THE CODE, IN EXERCISE OF THE POWERS CONFERRED BY ARTICLE 225 OF THE CONSTITUTION AND ALL OTHER POWERS ENABLING IT IN THIS BEHALF.

1. Every application to the High Court, under Section 96(1) of the Code of Criminal Procedure, 1973 to set aside an order of forfeiture under Section 95(1) of the Code, shall be made by the presentation of a petition which shall be signed by the applicant and verified at the foot by the affidavit of the applicant.

Application
to be signed
and verified.

2. The petition shall be written in the English language on foolscap paper or other paper similar to it in size and quality, and divided into paragraphs, numbered-consecutively. Dates and sums occurring the petition shall be expressed in figures.

Language,
paper and
other
essentials.

3. The petition-shall be headed : —

Title.

"In the High Court of Punjab and Haryana at Chandigarh" and shall be instituted "In the matter of the—(name of description of book, document or newspaper as the case may be)".

4. The petition shall state what the interest of the applicant is in the property in respect of which the order of forfeiture has been made and all documents or copies thereof in proof of such interest together with a copy of the notice of forfeiture under Section 95 of the Code of Criminal Procedure, 1973 shall be annexed as exhibits to the petition.

Contents of
petition and
exhibits to
be annexed.

5. The petition shall state the ground or grounds on which it is sought to set aside the order of forfeiture.

Grounds to
be stated.

Deposits of printing charges.	6. The applicant shall, with his petition, attach a receipt for a deposit of Rs. 100 to cover the cost of printing the record.
Translation of vernacular documents.	7. All vernacular documents annexed as exhibits to the petition and all vernacular documents relied on by the applicant and intended to be in evidence, shall be translated into English by an official translator or translators.
Presentation of petition and constitution of a special Branch for the hearing.	8. The petition with exhibits annexed thereto and their translations, if any, together with a copy of such, petition and exhibits with translations shall be presented to the Deputy Registrar, who will lay the same before the Honourable the Chief Justice. The Honourable the Chief Justice will then constitute a Special Bench composed of three Honourable Judges as required by Section 96(2) of the Criminal Procedure Code and appoint a day for the hearing and determination of the application.
Notice to produce the document on which forfeiture was ordered.	9. The Deputy Registrar shall forthwith give notice of the filing of the application to the Advocate-General of the State concerned and shall request him to obtain from Government and to furnish to the Court, as soon as possible, a copy of the particular newspaper, book or other document containing the words signs or visible representations on which the declaration of forfeiture was based.
Evidence by affidavits.	10. Evidence in support of or against the petition shall be in the form of affidavits. The Advocate-General shall, within fifteen days of the receipt of the notice mentioned in Rule 9, file affidavits on behalf of the State and supply copies thereof to the other side. The applicant shall, within fifteen days of the receipt of copies of the affidavits, file his affidavits and likewise supply the Advocate-General with copies.
Date of hearing to be notified to Government.	11. Notice in writing of the day appointed for the hearing and determination of the application shall be given by the Deputy Registrar to the Chief Secretary to Government of the Punjab or Haryana or to the Chief Commissioner of U.T. Chandigarh as the case

may be, and the copy of the petition and exhibits with translations, if any, mentioned in Rule 8 shall accompany such notice.

12. A printed paper-book shall be prepared and completed under the orders of the Deputy Registrar at least one week before the day fixed for hearing and determination of the application.

Printed paper book to be prepared a week before date of hearing.

13. There shall ordinarily be printed 30 copies of the paper-book, but the Deputy Registrar may, when necessary direct a larger number to be printed.

Thirty copies of paper book to be prepared.

14. In the absence of a special order, the printed paper-book shall ordinarily contain :—

Contents of paper-book.

- (1) the declaration of forfeiture in respect of which the application is made ;
- (2) the application and the affidavit of the applicant ;
- (3) the exhibits annexed to the application, or their translation ;
- (4) the affidavits filed under Rule 10 and a reprint of such portions of the prescribed publications (translated into English, if in vernacular in accordance with Rule 7) to be indicated by the parties within 15 days of the receipt of the notice which will be issued by the Deputy Registrar to the applicant, or his counsel, if any, and the Advocate-General.

Note—The cost of printing (1), (2) and (3) will be met by the applicant out of the deposit made under rule 6 and the cost of (4) will be borne by the party concerned.

15. If the deposit required under Rule 6 proves insufficient to cover the cost of the printed paper-book, additional the Deputy Registrar may, by a notice in writing, require that such further deposit, as seems to him necessary, shall be made within one week.

Recovery of additional cost of printing.

Action to be
taken on failure
to deposit
additional cost.

16. If such further deposit be not made within the time specified in the notice, the application shall be placed without notice to the applicant, before a Special Bench composed of three Judges which will either dismiss the application or pass such other orders as may be suitable.

Supply of copies
of paper book to
parties before
date of hearing.

17. The applicant and his counsel and the advocate General shall be entitled to receive copies of the printed record on application to the Deputy Registrar one week before the date fixed for hearing.

Printing charges
to be included in
costs.

18. At the foot of every printed-book shall be noted the amount of the printing and incidental charges and the person from whom levied, and such amount shall be included in the costs of the proceedings unless the court shall otherwise direct.

Refund of
unspent
balance of
deposit.

Should the amount so charged be less than the sum or sums deposited under Rules 6 and 15, the Deputy Registrar shall refund the balance to the applicant.

Taxation of
costs.

19. The table of fees now in force in this Court shall be applicable to all applications under section 96(1) of the Code of Criminal Procedure and proceedings thereon and costs payable in respect of such applications and proceedings shall be taxed, when so directed, by the Taxing Officer of this Court.

Execution of
orders passed.

20. The provisions of the Code of Civil Procedure and the Rules and Orders relating to the execution of decrees shall be applicable to the execution of orders passed by the High Court on applications under Section 96(1) of the Code of Criminal Procedure.

Pursuant to the insertion of Section 260 A in the Income Tax Act, 1961, Section 27A of the Wealth Tax Act, 1957 and application of Section 27A of Wealth Tax Act to the proceedings under the Gift Tax Act, 1958, by the Finance (No. 2) Act, 1998, with effect from 1st October, 1998, the following rules are added.

- (1) Appeals under the above provisions of the Income Tax Act, Wealth-Tax Act and Gift Tax shall be numbered as "Tax Appeal (IT/WT/GT)".
- (2) Unless specially assigned, such appeals, including applications, notices of motion, etc. arising there from shall be placed for admission and/or hearing before the Division Bench dealing with tax references.
- (3) Memorandum of appeal in such appeal should be in conformity with the requirements of the said sections and should be accompanied by a statement of facts and the orders of the Tribunal as also of the lower authorities. Any document on which reliance was placed before the Tribunal should also be annexed.
- (4) If, while deciding the appeal, the Tribunal has followed any of its earlier order/orders either in the case of assessee itself in respect of any other assessment year or in case of any other assessee, such order/orders should also be annexed to the memorandum of appeal.
- (5) On being numbered, such appeals shall be placed for admission.

PART B—RULES REGARDING APPLICATIONS UNDER
SECTION 66 OF THE INDIAN INCOME-TAX
ACT, 1922.

Rules made by the High Court under clause 27 of the Letters Patent to regular proceedings of applications and references under Sections 66(2) and 66(3) of the Indian Income-tax Act, 1922, as amended by the Indian Income-Tax (Amendment) Acts, VII of 1939 and XL of 1940.

1. Every application under section 66(2) of the Indian Income-tax Act as subsequently amended, hereinafter referred to as "The Act" for an order by the High Court requiring the Income-tax Appellate Tribunal to state and refer the case to the High Court shall contain a brief statement of facts and the point or points of law on which a reference is desired. Such application shall be supported by an affidavit by the assessee, or some other person acquainted with the facts and shall be accompanied by a copy of the said application and such documents and copies of such of the orders of the Income-tax Officer and the Income-tax Appellate Tribunal as may be necessary for understanding the point or points of law on which a reference is desired.

The application shall also be accompanied by a certificate from the Income-tax Appellate Tribunal to the effect that the assessee has not withdrawn his application for reference under section 66(1) *ibid* before the said Tribunal.

2. Every application under section 66(3) of the Act made to the High Court for an order requiring the Income-tax Appellate Tribunal to treat the application made before the latter under section 66(1) as made within time shall be accompanied by a copy of the application made to the Tribunal together with a copy of the relevant order of the Tribunal and such other documents as may show that the application made to the Tribunal was within time or should be treated as such.

3. Every application under section 66(2) or section 66(3) of the Act shall be entitled Income-tax Act, 1922, Case No. _____ of _____ 19 .

Name of the assessee

_____, Applicant.

The Commissioner of Income-tax

versus

The Commissioner of Income-tax

_____, Respondent

4. If the Court hearing the application does not reject it *in limine*, a notice shall be issued to the Assessee or the Income-tax Commissioner, as the case may be, to show cause against the application.

5. Counsel presenting an application under section 66(2) or section 66(3) of the Act shall be found to accept service on behalf of his client of any notices issued by the High Court until the case has been finally disposed of or a change of counsel has been notified to the Court.

6. In the event of the Court requiring the Income-tax Appellate Tribunal to state and to refer a case, notice of order containing the question or questions of law on which the case is to be stated and to be referred shall be sent to the Income-tax Appellate Tribunal.

7. All cases stated by the Appellate Tribunal shall as far as possible be divided into paragraphs numbered consecutively and shall concisely state such facts and documents, with copies of the latter annexed, as may be necessary to enable the court to decide the question raised thereby.

8. The party at whose instance a reference has been made shall have the statement of the case, printed and shall file three copies of such prints in the High Court office within two months from the date of the filing of the reference in the High Court.

9. The Court hearing applications under section 66(2) or 66(3) of the Act or deciding cases stated and

referred to under the Act shall be a Bench of two Judges unless the Chief Justice orders that any application or reference shall be heard by a Bench of more than two Judges.

10. At the hearing of such applications and cases the Court and the parties shall be at liberty to refer to the whole of the contents of the documents annexed thereto.

[79] [11. The Rules contained in this Chapter shall, so far as may be and with necessary modifications and adaptations, also apply to proceedings of a similar nature under any other Act including those under :—

- (i) Section 22 of the Punjab General Sales Tax Act, 1948 ;
- (ii) Section 57 or 60 of the Indian Stamp Act, 1899 ;
- (iii) Section 27 of the Workmen's Compensation Act, 1923 ;
- (iv) Section 21 of the Excess Profit Tax Act, 1940 read with Section 66 of the Indian Income Tax Act ;
- (v) Section 19 of the Business Profits Tax Act, 1947, read with Section 66 of the Indian Income Tax Act.
- (vi) Section 130 of the Customs Act, 1962;
- (vii) Section 35 of the Central Excise and Salt Act, 1944;
- (viii) Section 82 of the Gold Control Act, 1958;

By Order of Hon'ble the Chief Justice and Judges.

PART C.—(A) RULES UNDER SECTION 1(4), INDIAN AND COLONIAL DIVORCE JURISDICTION ACT, 1926—MADE BY THE SECRETARY OF STATE IN COUNCIL FOR INDIA WITH THE CONCURRENCE OF THE LORD CHANCELLOR UNDER THE INDIAN AND COLONIAL DIVORCE JURISDICTION ACT, 1926 (16 AND 17 GEO. 5) (AS AMENDED BY THE INDIAN [NON-DOMICILED PARTIES) DIVORCE (AMENDMENT) RULES, 1940, AS PUBLISHED IN GOVERNMENT OF INDIA, HOME DEPARTMENT, NOTIFICATION NO. 106/36, DATED THE 14TH JANUARY, 1941.]

Short title and Commencement

Title and date of enforcement.

1. (1) These Rules may be called the Indian (Non-Domiciled Parties) Divorce Rules, 1927.

(2) They shall come into force on the 27th day of July, 1927.

Appointment of Judges

Chief Justice to submit to Lord Chancellor names of judges proposed for jurisdiction exercising

2. (1) As soon as may be after the coming into force of these Rules the Chief Justice of each of the High Courts referred to in sub-section (1) of section 1 of the Indian and Colonial Divorce Jurisdiction Act, 1926 (hereinafter called "the Act") shall submit to the Lord Chancellor through the Secretary of State for India the names of such number of Judges of the Court (including, if he thinks fit, the name of the Chief Justice himself) not exceeding six, as he may consider necessary for the purpose of exercising jurisdiction under the Act and these Rules.

Names of Judges approved to be published in Gazette.

(2) Upon the approval of the Lord Chancellor to any nomination so submitted being signified to the Chief Justice by the Secretary of State for India, the Chief Justice shall cause the, names so approved to be notified in the official Gazette of State as Judges appointed to exercise jurisdiction under the

Act, and the Judges whose names shall have been notified shall thereupon have power to exercise jurisdiction accordingly.

(3) At any time after the first nominations under these rules have been approved, the Chief Justice may propose the names of a further Judge or Judges to take the place of, or to exercise jurisdiction in addition to, the Judge or Judges for the time being having powers under the Act ; and when such further nominations are approved they shall be notified as aforesaid.

Submission of further names.

3. Every petition under the Act shall be heard by a single Judge nominated and approved as herein before provided, sitting without a jury, and, subject to the provisions of the Indian Limitation Act, an appeal shall lie to a Bench of two other Judges who have been similarly nominated and approved against any decree or order which would be appealable if it had been passed in proceedings under the Indian Divorce Act, 1869, and shall be disposed of accordingly. Each such bench shall be constituted by the Chief Justice as occasion may arise.

Petition to be heard by a single Judge without jury. Appeal to be heard by a Bench.

4. Nothing in these Rules shall be deemed to prevent the exercise of any ultimate right to appeal to his Majesty in Council.

Appeal to his Majesty in Council.

Petition

5. All proceedings under the Act shall be commenced by filing a petition to which shall be attached a certified copy of the certificate of the marriage.

Mode of proceeding.

6.(1) In the body of a petition praying for the dissolution of a marriage shall be stated

Contents of petition and form of relief.

- (i) the place and date of the marriage and the name, status and domicile of the wife before the marriage ;
- (ii) the status of the husband and his domicile at the time of marriage and at the time when the petition is presented, and his

occupation and the place or places of residence of the parties at the time of institution of the suit ;

- (iii) the principal permanent addresses where the parties have cohabited, including the address where they last resided together in India ;
- (iv) whether, there is living issue of the marriage, and, if so, the names and dates of birth of ages of such issue ;
- (v) whether there have been in the Divorce Division of the High Court of Justice in England or in the Court of Session in Scotland or in any Court in India any, and, if so, what previous proceedings with reference to the marriage by or on behalf of either of the parties to the marriage, and the result of such proceedings ;
- (vi) the matrimonial offences alleged or other grounds on which a decree of dissolution is sought set out in separate paragraphs with the times and places and all other relevant particulars ;
- (a) if at the date of institution of a cause of a wife the husband has deserted the wife, and there is reason to believe that he has changed his domicile since the date of the desertion, the domicile of the husband immediately before the desertion, the date when and the circumstances in which the alleged desertion began;
- (b) in the case of a petition for presumption of death and dissolution of the marriage, the last place of co-habitation of the parties, the circumstances in which the parties ceased to co-habit, and the date when and the place where the respondent was last seen or heard of;

- (vii) the claim for damages, if any ;
- (viii) the grounds on which the petitioner claims that in the interest of justice it is desirable that the suit should be determined in India.

(2) The petition shall conclude with a prayer setting out particulars of the relief claimed, including the amount of any claim for damages and any order for custody of children which is sought, and shall be signed by the petitioner.

Verification of petition

7. The statements contained in every petition under these Rules shall be verified by the petitioner or some other competent person in manner required by the Code of Civil Procedure for the time being in force for the verification of plaints, and in case where the petitioner is seeking a decree of dissolution of marriage, the verification shall include a declaration authenticated in like manner that no collusion or connivance exists between the petitioner and the other party to the marriage,' and that neither the petitioner nor, within the knowledge of the petitioner, the other party to the marriage, has instituted proceedings which are still pending for the dissolution of the marriage in England or Scotland.

Mode and contents of verification.

Co-respondents and Interveners

8. In every petition presented by a husband for the dissolution of his marriage on the grounds of adultery the petitioner shall make the alleged adulterers co-respondent in the suits, unless the court shall otherwise direct.

Alleged adulterers of wife to be made co-respondents.

9. Where a husband is charged with adultery with a named person, a certified copy of the pleading containing such charge, shall unless the Court for good cause shown otherwise directs, be served upon the person with whom adultery is alleged to have been committed accompanied by a notice that such person is entitled within the time therein specified, to apply for leave to intervene in the cause.

Where husband charged with adultery with some person, copy of charge with notice to intervene to be sent to that person.

Service of Petitions and Notices

Manner of
service of
petition and
notices.

10. Every petition or notice referred to in these Rules shall be served on the party to be affected thereby, either within or without India, in the manner prescribed by the Code of Civil Procedure for the time being in force for the service of summonses :

Provided that unless the Court for good cause shown otherwise directs, service of all such petitions and notices shall be affected by delivery of the same to the party to be affected thereby, and the Court shall record that it is satisfied that service has been so effected.

Answer and subsequent pleadings

Filling
answers.

11. A respondent or co-respondent, or a woman to whom leave to intervene has been granted under Rule 9 may file in the Court an answer to the petition.

Verification
of answers.

12. (1) Any answer which contains matters other than simple denial of the facts stated in the petition shall be verified in respect of such matter by the respondent or co-respondent as the case may be, in the manner required by these Rules for the verification of petitions, and when the respondent is husband or wife of the petitioner the answer shall contain a declaration that there is not any collusion or connivance between the parties.

Action to be
taken when
the answer of
a husband
alleges adul-
tery and
prays relief.

(2) Where the answer of the husband alleges adultery and prays relief, a certified copy thereof shall be served upon the alleged adulterer, together with a notice to appear in like manner as on a petition. When in such case no relief is claimed the alleged adulterer shall not be made a co-respondent, but a certified copy of the answer shall be served upon him together with a notice as under Rule 9 that he is entitled within the time therein specified to apply for leave to intervene in the suit, and upon such application he may be allowed to intervene, subject to such direction as shall then be given by the Court,

13. (1) If it appears to the Court that proceedings for the dissolution of the marriage have been instituted in England or Scotland before the date on which the petition was filed in India, the Court shall either dismiss the petition or stay further proceedings thereon until the proceedings in England or Scotland have terminated, or until the Court shall otherwise direct.

Action to be taken when proceedings for dissolution of marriage are pending in United Kingdom.

(2) If it appears that such proceedings were instituted after the filing of the petition in India, the Court may proceed, subject to the provisions of the Act, with the trial of the suit.

Showing Cause against a Decree Nisi

14. The State Government of the State in which the principal seat of the Court is situate shall appoint an officer to exercise, within the jurisdiction for the purpose of the Act of the several High Courts referred to in section 1 thereof, the duties assigned to His Majesty's Proctor by sections 181 and 182 of the Supreme Court of Judicature Consideration Act, 1925, and the Officer so appointed shall be notified in the official gazette of the State. Every Proctor so appointed shall in the exercise of his functions, act under the instructions of the Advocate-General for the State.

Proctor to be appointed and notified in the Gazette.

15. (1) If any person during the progress of the proceedings or before the decree nisi is made absolute, gives information to the Proctor of any matter material to the due decision of the case, the Proctor may take such steps as he considers necessary or expedient.

Proctor may intervene on receipt of material information.

(2) If in consequence of any such information or otherwise the Proctor suspects that any parties to the petition are or have been in collusion for the purpose of obtaining a decree contrary to the justice of the case, he may after obtaining the leave of the Court intervene and produce evidence to prove the alleged collusion.

16. (1) When the Proctor desires to show cause against making absolute a decree nisi he shall enter an appearance in the suit in which such decree *nisi* has been pronounced and shall within a time to be fixed by cause the Court file his plea setting forth the grounds upon which he desires to show cause as aforesaid, and a being

Procedure when proctor desires to show cause against a decree *nisi* being made absolute. Proctor to made party.

certified copy of his plea shall be served upon the petitioner or person in whose favour such decree has been pronounced or his advocate. On entering an appearance the Proctor shall be made a party to the proceedings, and shall be entitled to appear in person or by advocate.

(2) Where such plea alleges a petitioner's adultery with any named person a certified copy of the plea shall be served upon each such person omitting such part thereof as contains any allegations in which the person so served is not named.

(3) All subsequent pleading's and proceedings in respect of such plea shall be filed and carried on in the same manner as is hereinbefore directed in respect of an original petition, except as hereinafter provided.

Proctor may apply for rescission of the decree *nisi* if his pleas are not controverted.

(4) If the charges contained in the plea of the Proctor are not denied or if no answer to the plea of the Proctor is filed within the time limited or if an answer is filed and withdrawn or not proceeded with the Proctor may apply forthwith for the rescission of the decree *nisi* and dismissal of the petition.

Costs of proceedings when Proctor intervenes.

17. Where the Proctor intervenes or shows cause against a decree *nisi* in any proceedings for divorce, the Court may make such order as to the payment by other parties to the proceedings of the costs incurred by him in so doing, or as to the payment by him of any costs incurred by any of the said parties by reason of his so doing, as may seem just.

Procedure when any person other than the Proctor desires to show cause against a decree *nisi* being made absolute.

18. Any person other than the Proctor wishing to show cause against making absolute a decree *nisi* shall, if the Court so permits, enter an appearance in the suit in which such decree *nisi* has been pronounced and at the same time file affidavits setting forth the facts upon which he Certified copies of the affidavits shall be served upon the party or the advocate of the party in whose favour the decree *nisi* has been pronounced.

Affidavits and counter affidavits in the above case.

19. The party in the suit in whose favour the decree *nisi* has been pronounced may within a time to be fixed by the Court file affidavits in answer, and the person showing cause against the decree *nisi* being

made absolute may within a further time to be so fixed file affidavits on reply.

20. Every decree for the dissolution of a marriage under the Act shall in the first instance be a decree nisi not to be made absolute until after the expiration of six months from the pronouncing thereof unless the Court *by* general or special order from time to time fixes a shorter time :

Provided that no decree nisi against which an appeal has been filed, including an appeal to His Majesty in Council shall be made absolute until after the decision of the appeal.

21. (1) Application to make absolute a decree Affidavit to *nisi* shall be made to the Court by filing a petition setting forth that application is made for such decree make an absolute, which will thereupon be pronounced in Court at a time appointed for that purpose. In support of such application it must be shown by affidavit tiled with the said petition that no proceedings for the dissolution of the marriage have been instituted and are pending in England or Scotland, and that search has been made in the proper books at the Court up to within six days of the time appointed, and that at such time no person had intervened or obtained leave to intervene in the suit, and that no appearance has been entered nor any affidavits filed on behalf of any person wishing to show cause against the decree *nisi* being made absolute; and in case leave to intervene had been obtained, or appearance entered or affidavits filed on behalf of such person, it must be shown by affidavits what proceedings, if any, have been taken thereon.

Affidavit to accompany petition to make a decree *nisi* absolute.

(2) If more than twelve calendar months have elapsed since the date of the decree *nisi*, an affidavit by the petitioner, giving reasons for the delay, shall be filed.

Alimony, Maintenance and Custody of Children

22. Proceedings relating to alimony, maintenance custody of children and to the payment, application proceedings.

Mode of conducting proceedings.

or settlement of damages assessed by the Court shall be conducted in accordance with the provisions of the Indian Divorce Act, 1969, and of the rules made thereunder :

Provided that in any case where a petition for the dissolution of her marriage is presented by the wife on the grounds of her husband's insanity the relevant provisions of the said Act and Rules shall apply as if for the references to the husbands there were substituted reference to the wife and for the reference to the wife there were substituted reference to the husband, and in any such case and in any case where a petition for the dissolution of his marriage is presented by the husband on the ground of his wife's insanity the Court may order the payments of alimony or maintenance under the said Act to be made to such persons having charge of the respondent as the Court may direct :

Powers dele-
gated to Re-
gistrar under
the Act.

Provided further that when a decree is made for the dissolution of a marriage the parties to which are domiciles in Scotland, the Court shall not make an order for the securing of a gross or annual sum of money :

Provided further that no Court in India shall entertain an application for the modification or discharge of an order for alimony, maintenance or the custody of children, unless the person on whose petition the decree for the dissolution of the marriage was pronounced is at the time the application is made resident in India.

Procedure Generally

General pro-
cedure.

23. Subject to the provisions of these Rules all proceedings under the Act between party and party shall be regulated by the Indian Divorce Act and the rules made thereunder.

Forms.

24. The forms set forth in the Schedule to the Indian Divorce Act, with such variation as the circumstances of each case and these Rules may require, may be used for the respective purposes mentioned in the Schedule.

(b) Powers delegated to the Registrar under The Indian and Colonial Divorce Jurisdiction Act, 1926—

In accordance with the powers vested in them by Article 35 of the Letters Patent, the Honourable the Chief Justice and Judges of the High Court of Punjab at Chandigarh are pleased to delegate to the Registrar the following powers in cases under the Indian and Colonial Divorce Jurisdiction Act, 1926

Power delegated
to Registrar
under the Act.

- (1) Power to tax bill of costs between party and party, subject to an appeal to one of the Judges appointed to exercise jurisdiction under the Act.
- (2) On order by a Judge, power to frame issues before trial.

(High Court notification No. 614/8870-G, dated the 26th December, 1928).

PART D-(A) RULES MADE BY THE HIGH COURT UNDER
THE COMPANIES ACT, CONCERNING THE MODE
OF PROCEEDINGS TO BE HAD FOR WINDING UP
A COMPANY IN THE HIGH COURT.

(See Chapter 1-A of Volume II, High Court Rules and Orders).

(B) RULES MADE BY THE PUNJAB HIGH COURT
UNDER POWERS CONFERRED BY SUB-SECTION
(2) OF SECTION 45-B AND SECTION 45-G OF
THE BANKING COMPANIES ACT, 1949 (NO. X OF
1949), AS AMENDED BY ACT NO. XX OF 1950.

(See Chapter 1-B of Volume II of High Court Rules and Orders).

PART E—RULES UNDER SECTION 110 OF THE TRADE
AND MERCHANDISE MARKS ACT, 1958 (NO.
43 OF 1958).

In exercise of the powers conferred by Section 110 of the Trade and Merchandise Marks Act, 1958 (No. 43 of 1958) the Punjab High Court has made the following rules :—

1. In these Rules :—

(a) The Act means the Trade and Merchandise Marks Act, 1958.

Definitions.

(b) The Registrar means the Registrar of Trade Marks referred to in Section 4 of the Act and includes any officer appointed under Sub-Section (2) of Section 4 of the Act to discharge any of the functions of the Registrar.

(c) "The Deputy Registrar" means the Deputy Registrar (Judicial) of the Punjab High Court and includes any person performing the functions of Deputy Registrar (Judicial) for the time being.

(d) "Judge" means a Judge of the Punjab High Court.

(e) "Court" means Punjab High Court.
2. All applications and appeals under this Act shall be instituted in the matter of the Act and in the matter of the Trade and Merchandise Marks to which they relate.

Title of application.
3. All applications and appeals under the Act shall be made by petition supported by an affidavit and shall be presented to the Deputy Registrar (Judicial).

Mode of application.
4. The Deputy Registrar shall lay the petition before the Judge who may either admit the petition and direct notice thereof to be given to the opposite party or may reject it summarily or make such other order as the circumstances of the case may require.

Disposal of petition.

Service on
Registrar.

5. Notice of all the applications or appeals admitted by the Court shall be sent to the Registrar who shall have a right to appear and be heard and shall appear if so directed by the Court.

Stay of pending suit or proceedings.

6. (a) If any application or appeal is made to the High Court, under the Act and any suit or other proceedings concerning the Trade and Merchandise Marks in question is pending before the High Court or any District Court, the High Court may stay such suit or proceeding until the disposal of the said application or appeal.

Record of the case in Appeal.

(b) In all contested appeals from the decisions of the Registrar the petitioner and the respondent shall furnish to each other, within 2 weeks from the date of the filing of the affidavit in reply, a list of documents forming part of the record of the case before the Registrar on which they rely for the purposes of the hearing of the appeal. The petitioner shall then prepare a duly indexed compilation of the documents relied upon by either side and furnish a copy of the same to the Court and to the opposite party within thirty days of the receipt of the list of documents from the opposite party.

Reference under section 107(2).

7. Where the Registrar makes a Reference to the Court under Section 107 (2) of the Act, he shall give notice of the same to the parties concerned. He shall also supply to the Deputy Registrar the postal address of all persons interested in the reference. After the Reference is received, the Deputy Registrar shall fix a date for the hearing of the same and put it on the list of the Judge on such date for disposal. Fifteen days' notice of the day so fixed shall be given by the Deputy Registrar to the Registrar and to the Parties concerned by sending the notice by registered post.

Procedure for withdrawal of application under section 109 (7).

8. Where under section 109(7) of the Act an applicant becomes entitled and intends to withdraw, his application, he shall give notice of the intention in writing to the Registrar and to the other parties, if any.

to the appeal within one month after the leave referred to in that section has been obtained. He shall also give notice to the Deputy Registrar (Judicial) who shall thereupon forthwith place the appeal on the list for disposal.

9. A defendant in a suit for infringement filed in the High Court may in regard to any registered trade mark in issue counter-claim for the rectification of the register and shall within the time limited for the delivery of the counter claim serve the Registrar with the same, and the Registrar shall be entitled to take such part in the suit as he may think fit without delivering a defence or other pleading.

Counter-claim for notification of Registrar in a suit for infringement

10. A certified copy of every judgment and order made on any application, appeal or reference under the Act shall be sent by the Deputy Registrar to the Registrar.

Copy of Judgment and order to be sent to the Registrar.

11. Unless otherwise provided by these rules, when notice is required to be given to any party by the Act or by these rules, it shall be served on such party in the manner provided for the service of summons in a suit.

Notice how to be given.

12. Affidavits shall be treated as evidence of the facts affirmed in them.

Affidavits as evidence.

13. In cases not provided for in the foregoing Rules, the provisions of the Code of Civil Procedure, 1908 and, the Rules and Forms of the Court, shall apply *mutatis mutandis* to the proceedings under the Act :

Application of the Code of Civil Rules and Forms of the Court.

Provided that it shall not be necessary for the Court to frame issues and the evidence may be taken in the form of affidavits where the Judge so directs.

14. Process Fees shall be charged according to the Table of Fees for the High Court given in Chapter 5-B, applicable. High Court Rules and Orders, Volume IV.

Table of Fees applicable.

15. Applications relating to infringement of trade marks and passing of actions under the Act and all references, appeals, etc., shall be brought to hearing as early as may be practicable.

Disposal of cases.

(High Court Notification dated the 12th January, 1963, published in the Punjab Government Gazette, Legislative Supplement, Part III, dated the 25th January, 1963, and Delhi Gazette, dated 7th February, 1963, Part II, Section I).

PART F—RULES UNDER THE CHARTERED
ACCOUNTANTS ACT, 1949.

The Honourable the Chief Justice and Judges are pleased to make the following rules relating to cases under the Chartered Accountants Act, 1949.

Register of cases.

1. All cases received by the High Court under Section 21 of the Chartered Accountants Act, 1949, shall be numbered and entered in a special register.

Filing of the finding, etc. in the Court.

2. The Council of the Institute of Chartered Accountants of India (hereinafter referred to as the Council) shall file in the office of the Deputy Registrar the finding of the Council along with the report of the Disciplinary Committee and all other relevant papers which were before the Council and the Disciplinary Committee and in particulars the following documents :—

- (a) Complaint or information.
- (b) Written statement of defence.
- (c) Depositions of witnesses together with exhibits.
- (d) Notes of the hearing before the Disciplinary Committee and the Council.

The Council shall furnish to the Deputy Registrar two extra copies of the aforesaid papers.

The Council shall also furnish to the Deputy Registrar, the postal addresses of all persons on whom notices are required to be served under Section 21(2) of the said Act.

Fixing date of hearing.

3. When the finding of the Council and the other papers have been filed in Court, the Deputy Registrar shall fix a date for the hearing of the case and shall forthwith issue notices in the Forms given in Appendix A.

4. Such notices shall be sent by registered post to all persons to whom notices are required to be sent under the provisions of Section 21(2) of the said Act at the addresses supplied by the Council, and shall be served not less than 15 days before the date fixed for hearing of the case.

Service of
Notices.

5. The case shall be heard by a bench consisting of not less than two judges to be nominated by the Chief Justice.

Case to be
heard before
Bench.

6. The Deputy Registrar shall send a certified copy of the final order passed in the case to the Council of the Institute of Chartered Accountants.

Copy of the
final order to
be sent to
the Council.

APPENDIX 'A'
FORM

Notice under
rule 3.

Punjab High Court, Chandigarh

In the matter of the Chartered Accountants Act (Act XXXVIII of 1949) and in the matter of a member of the Institute of Chartered Accountants of India.

,—*Petitioner*

versus

—*Respondent(s)*.

To

- (1) Member of the Institute _____, the respondent above-named.
- (2) Secretary of the Council of the Institute of Chartered Accountants of India.
- (3) Secretary to the Ministry of Finance, Government of India, New Delhi.

Whereas the Council of the Institute of Chartered Accountants of India has filed in this court its finding, dated the 19 , and the Report of the Disciplinary Committee, dated the 19 , in the above case.

Now take notice that the High Court will proceed to hear the said case and pass orders thereon on the day of 19 , at 10 O'Clock in the forenoon when you may appear either in person or by an Advocate and make your submissions to the Court.

Given under my hand and the seal of the Court.

Dated this day of 19 .

Deputy Registrar.

(PART G—THE COPYRIGHT RULES, 1959)

In exercise of the powers conferred by section 73 of the Copyright Act, 1957 (Act No. 14 of 1957), the Punjab High Court has made the following rules-

1. These rules may be called the Copyright Rules, 1959.

Short title.
2. In these Rules unless there is anything repugnant in the subject for context-

Definitions.

(i) 'The Act' means the Copyright Act, 1957 (No. 14 of 1957).

(ii) 'The High Court' means the High Court for the State of Punjab at Chandigarh.

(iii) 'The Registrar' means the Registrar of Copyright and includes the Deputy Registrar of Copyrights appointed under the Act;

(iv) 'Copyright Board' means the Copyright Board appointed under the Act.

(v) 'The Deputy Registrar (Judicial)' means the Deputy Registrar (Judicial) for the High Court of Punjab at Chandigarh and includes the Assistant Registrar in the Circuit Court at Delhi.
3. Subject to these rules, all appeals from a final decision or order of the Copyright Board shall be made to the High Court in accordance with the provisions of Chapter I, High Court Rules and Orders, Volume V.

Presentation of Appeals.
4. Appeals under rule 3 shall be heard and disposed of by a Bench of two Judges.

Disposal of appeals.
5. Every memorandum of appeal under section 72 of the Act shall be drawn up in the manner prescribed by Order XLI, Rule 1 of the Code of Civil Procedure, and shall be presented to the Deputy

Contents of appeals.

Registrar (Judicial) accompanied by a certified copy of the final decision or order appealed from.

Court fee. 6. Every Memo of appeal under section 72 of the Act shall bear a court fee as provided in Art. 11 of Schedule II of the Indian Court Fees Act.

Register of appeal. 7. There shall be kept a separate register of appeals from a final decision or order of the Copyright Board.

Notice. 8. Notice of appeal shall be in the form prescribed for notice issued in Regular First Appeals, with suitable modification, so as to make it clear that it is an appeal from a final decision or order of the Copyright Board.

Contents of paper-book. 9. In all appeals admitted to a hearing printed record shall, unless special orders are given to the contrary, be prepared in accordance with the provisions of Chapter 2-A, High Court Rules and Orders, Volume V, which will apply *mutatis mutandis* save and except that the printed record shall be-

- (i) Petition of application before the Board.
- (ii) Written statement of petition of objection or reply as the case may be.
- (iii) Deposition of witnesses, if any.
- (iv) Copies of documents exhibited before the Board.
- (v) Copies of any documents rejected by the Board, where its rejection is a ground of appeal or cross objections.
- (vi) Copy of the final decision or order of the Copyright Board.
- (vii) Copies of all affidavits and records used by the Board under section 74 of the Act.

- (viii) Such other document or documents as the Court may direct to be included.
- (ix) The grounds of appeal to the High Court in English.
- (x) The order of the Bench admitting the appeal.

10. The paper-book shall have an index. There shall be a printed paper-book, unless the Court otherwise directs.

11. The Deputy Registrar (Judicial) shall as specifying soon as an appeal is admitted, request the Copyright Board to transmit the record of the case to the High Court. Where and in so far as the record consists of an entry in a register kept by the Registrar of Copyrights or the Copyright Board, only a certified copy shall be transmitted.

Specifying documents to be printed.

Upon receiving the record, the Deputy Registrar (Judicial) shall cause notice to be given to the appellant and respondents, or their counsel, if any, to specify within 30 days of the date of receipt of notice the documents mentioned in rule 9-A(V) above, which should be included in the printed record of the appeal. In default of their doing so, the printed record shall consist of the documents specified in Rule 9-A(i) to (iv), (vi), (vii), (viii), (ix) and (x) only.

12. Taxation of costs shall be as in Regular First Appeals in Civil cases.

Taxation costs.

13. In cases not provided for in the foregoing rules the provisions of the Code of Civil Procedure, 1908, and the Rules and Forms of High Court of Punjab at Chandigarh shall apply *mutatis mutandis* to all proceedings under the Act.

Application of the Code of Civil Procedure and rules and forms of the Court.

14. Process fees shall be charged according to the table of fees for the High Court given in Ch. 5-B, High Court Rules and Orders, Volume IV.

Table of fees applicable.

PART H—RULES MADE BY THE HIGH COURT U/S 23 OF
THE CONTEMPT OF COURTS ACT, 1971, FOR
REGULATING PROCEEDING UNDER THE SAID
ACT.

PART I

Short title.

1. These rules may be called the Contempt of Court
(Punjab and Haryana) Rules, 1974.

** (2) They shall come into force on such date as the Chief
Justice may by notification in the Official Gazette, appoint in
this behalf.

Definitions.

2. In these rules, unless there is anything repugnant
in the subject or context,

(a) "Act" means the Contempt of Courts Act, 1971 (No.
70 of 1971);

(b) "section" means a section of the Act;

(c) "High Court" means the High Court of Punjab and
Haryana;

(d) "Judge" means a Judge or an additional Judge of
the Punjab and Haryana High Court or a Judge
appointed thereto under Article 224A of the
Constitution of India;

(e) "Advocate-General" means the Advocate-General for
the State of Punjab or the State of Haryana, as the
case may be;

(f) "Law Officer" means the officer specified under sub-
section (2) of Section 15 of the Act for the Union
Territory of Chandigarh;

(g) "Registrar" means the Registrar of the High Court
and shall include Joint Registrar and such Deputy
Registrar or Assistant Registrar as may, from time
to time, be specified by the Chief Justice:

**These rules have been enforced by the Chief Justice, with
effect from 2nd January, 75 by a separate Notification.

- (h) all other words and expressions used in these rules but not defined therein shall have the meanings respectively assigned to them in the Act.

PART II—COGNIZANCE AND PROCEDURE
A—GENERAL

3. (1) Every petition, reference or motion for taking proceedings under the Act, shall be registered as Civil Original Petition (Contempt) in respect of civil contempts and Criminal Original Petition (Contempt) in respect of criminal contempts.

(2) In proceedings initiated by petition the initiator shall be described as the "petitioner" and the opposite party as the "Respondent" and in other cases the description of the person proceeded against shall be as follows :—

"In re A son of B son of C
 occupation _____ resident of _____."

4. (1) Every petition, motion or reference made under Rule 3 above shall contain in precise language a statement setting forth the facts constituting the contempt of which the person charged is alleged to be guilty and shall specify the date or the dates on which the contempt is alleged to have been committed.

(2) [Every petition shall be accompanied by –

(i) Such documents on which the petitioner relies or their certified or Photostat copies or copies attested either by the petitioner's counsel or sworn to by the petitioner to be true copies of the originals and where such documents happen to be in a language other than English, their translations certified by counsel to be correct; and

(ii) a correct copy meant for the use of the Court neatly typed or printed in double space on legal size paper.]

[Sub-rule (2) of Rule 4, sub-stituted vide correction slip no. 145 Rules/II.D.4. dated 29.04.2011].

(3) Every petition for taking action under the Act shall state the nature of the contempt (civil or criminal), shall be supported by an affidavit, and shall be presented in the manner required by rules contained in Chapter 1 of Part A (a) of Volume V of the Rules and Orders of the High Court.

5. (1) Every reference relating to contempt of a court subordinate to the High Court shall be

scrutinised by the Registrar who shall place the same before the Chief Justice or any other Judge nominated by him in this behalf for obtaining orders, after noting thereon the nature of the contempt.

(2) When any publication, application, letter on intimation received by post or otherwise calls for any action being taken under the Act by the High Court on its own motion, the matter shall be dealt with in the manner prescribed in sub-rule (1). In the case of criminal contempt of a subordinate Court, the Chief Justice or the Judge, as the case may be, may direct that the papers be sent to the Advocate-General of the State in which the subordinate Court is situate or to the Law Officer, if the subordinate Court is situate in the Union Territory of Chandigarh, to move the High Court for taking action under the Act.

^[80]**[6.** (1) Every petition, motion or reference in relation to Civil [-]contempt shall, unless the Chief Justice directs it to be heard by a larger Bench, be laid for motion hearing before a Single Bench.]

^[81] [Explanation omitted]

^[82]**[2.** Every petition, motion or reference in relation to Criminal contempt shall, be laid for motion hearing before a Division Bench.]

^[83]*[Explanation:* Nothing contained in sub-rule (2) shall apply to proceedings initiated by the High Court on its own motion. However, after service of notice on the persons charged, such petitions shall be heard and decided by a Bench of not less than two Judges.]

(3) ¹[Every notice/e-notice issued by the High Court shall be in the form appended to these rules and shall be accompanied by a copy of the motion, petition or reference as the case may be, together with the copies of the affidavits, if any.]

(4) The notice shall be signed and dated by the Registrar and shall be sealed with the seal of the High Court.

(5) Notice of every proceeding under the Act shall be served personally on the person charged, unless the High Court for reasons to be recorded directs otherwise.

^[84] [(6) The High Court may, if satisfied that the person charged is absconding or likely to abscond or is keeping or likely to keep out of the way to avoid service of the notice order the issue of warrant of his arrest in the form appended to these rules which, in the case of criminal contempt, may be in lieu of or in addition to the attachment of his property under sub-sections (3) and (4) of section 17 of the Act. Bailable warrants shall be issued in the form appended to these rules, in terms of the order of High Court.]

(7) Whenever the High Court issues a notice, it may, if it sees reasons so to do, dispense with the personal attendance of the person charged with the contempt and permit him to appear *by* his Pleader, and may, in its discretion, at any stage of the proceedings, direct the personal attendance of such person, and, if necessary enforce such attendance in the manner hereinbefore provided.

7. (1) When any person charged with contempt appears or is brought before the High Court and is prepared, while in custody or at any stage of the proceedings, to give bail, such person shall be released on bail, if a bond for such sum of money as the High Court thinks sufficient is executed with or without sureties conditioned that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the High Court :

Provided further that the High Court may, if it thinks fit, instead of taking bail from such person, discharge him on his executing a bond without sureties for his attendance as aforesaid, or without executing such bond.

(2) Notwithstanding anything contained in sub-rule (1), where a person fails to comply with the conditions of the bail-bond as regards the time and place of attendance, the High Court may refuse to release him on bail, when on a subsequent occasion in the same case he appears before the High Court or is brought in custody and any such refusal shall be without prejudice to the powers of the High Court to

call upon any person bound by such bond to pay the penalty thereof.

(3) The provisions of sections 422 to 448 and 450 of the Code of Criminal Procedure, 1973, shall, so far as may be apply, to all bonds executed under by rule.

B--CRIMINAL CONTEMPTS

8. (1) Any person charged with criminal contempt, other than a contempt referred to in section 14, may file an affidavit in support of his defence on the date fixed for his appearance or any other date fixed by the High Court in that behalf.

(2) If such person pleads guilty to the charge, his plea shall be recorded and the High Court may, in its discretion, either convict him thereon or accept bail for his appearance at such time, as may be appointed, to receive its judgement.

(3) If such person refuses to plead or does not plead, or claims to be tried or the High Court does not convict him on his plea of guilty, it may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary.

C-CIVIL CONTEMPTS

9. In the case of a civil contempt other than a contempt referred to in section 14, the High Court may take action

- (a) on its own motion; or
- (b) on a petition presented by the party aggrieved;
or
- (c) in the case of any civil contempt of a subordinate court, on reference made to it by that Court.

10. (1) In the case of civil contempt, other than a contempt referred to in section 14, the person charged may file his affidavit by way of reply to the

Vol. V charge and shall serve a copy thereof on the petitioner⁶ Ch. 7-H.
on his counsel at least seven days before the date of
hearing.

(2) No further return, affidavit or document shall be filed except with the leave of the High Court.

11. In the case of a civil contempt, the High Court may determine the matter of charge either on affidavits filed or on such further evidence as may be taken by itself or recorded by a subordinate court in pursuance of a direction made by it, and pass such order as the justice of the case requires, having regard to the provisions of sections 12 and 13 of the Act.

PART III—APPEALS

12. Appeals under section 19 of the Act shall be filed in accordance with rules contained in Chapters 1-A(a) and 2-C of Volume V of the Rules and Orders of the High Court in so far as the same may be applicable.

PART IV—MISCELLANEOUS

13. Every person against whom proceedings are initiated under the Act may of right be defended by an Advocate of his choice competent to appear before the High Court.

14. A paper-book consisting of the documents specified in rule 4 shall be filed by the petitioner or the Advocate-General or the Law Officer, as the case may be, in triplicate in a case of criminal contempt and in duplicate in a case of civil contempt. Thereafter, as many copies of the paper-book as there are respondents to whom notice is issued, shall also be furnished along with the process-fee prescribed in rule 16.

15. (1) In a case where any proceedings are taken on a reference by a Subordinate Court or by the High Court on its own motion, the Registry shall prepare the paper-book in triplicate in a case of criminal contempt and in duplicate in a case of civil contempt.

Such paper-book shall consist of the following documents

- (i) Reference or motion.
 - (ii) The objectionable material, if any, alleged to constitute contempt.
 - (iii) Any other document which the Registrar may deem fit to include or which the High Court may require.
- (2) All relevant material brought on the record from time to time shall be included in each paper-book.
- (3) In any such case, the Court may, at any stage, appoint an Advocate for the conduct of the proceedings.

16. . The rules contained in Chapter 1-F of Volume V of the Rules and Orders of the High Court shall, in so far as they may be applicable, govern the processes issued under these rules.

17. . The rules relating to the grant of copies and translation of records contained in Chapter 5-B of Volume V of the Rules and Orders of the High Court shall, in so far as they may be applicable, govern proceedings under the Act.

18. . When any person is summoned by the High Court to appear as a witness in any proceedings under the Act, the expenses of such witness, as determined according to the rules for the time being in force, shall be paid by the Registrar out of the Contingency Fund; provided that the Court may direct any party to such proceedings to pay such expenses.

19. . The High Court may direct any party to a proceeding under the Act to pay the costs thereof as determined by it to any other party thereto.

20. . It shall be the duty of the Registrar to carry out, enforce and execute the orders passed by the High Court in any proceeding under the Act, and in particular, orders imposing fines or awarding costs.

[Notification No. 150/CA70/1971/S.23/74, dated 23rd November, 1974]

ANNEXURE

*Form of Notice**[See Rule 6(3)]*IN THE HIGH COURT OF PUNJAB AND
HARYANA AT CHANDIGARH*Notice*CRIMINAL/CIVIL ORIGINAL SIDE
CRIMINAL/CIVIL ORIGINAL (CONTEMPT)
PETITION No. OF 20Proceedings under the Contempt of Courts
Act, 1971 (Act No. 70 of 1971).

Whereas from the material laid before this Court. it has been made to appear that you are guilty of contempt of court, punishable under section 12 of the Contempt of Courts Act, 1971, the proceedings in the matter will be laid before this Court for the determination of the charge on the _____20_____(Actual).

You are hereby directed to attend this Court at a.m. on the _____ 20____
¹*[in person or through counsel to answer the charge and to file in person]**
_____ *an affidavit*
*an affidavit at least 7 days before the said date*** in support of your defence, if any.

Given under my hand and the seal of the Court,
this _____ day of _____, 20_____.

By Order of the High Court.

SEAL

Registrar,
High Court of Punjab and
Haryana, Chandigarh.

¹*[*Note 1.—The respondents shall be required to appear in person if an express order in this behalf has been passed by the High Court.]*

^{**}*Note 2.—This alternative is to be mentioned only in cases of civil contempt.*

[85] Form of Bailable Warrants

[See Rule 6(6)]

No _____ Judl/dated _____

In the High Court of Punjab and Haryana at Chandigarh
Judicial Department
Civil Original Contempt Petition

Petitioner(s)

Versus

Respondent(s)

To

The Chief Judicial Magistrate,

Whereas the Civil Original Contempt Petition No. _____ of 19 _____ versus _____ came up for hearing on _____ before Hon'ble Mr. Justice _____ and whereas respondent(s) _____ was/were not present on _____ in spite of service and the case has been adjourned to _____ (Actual)

You are hereby directed under rule 6(6) of the Contempt of Courts (Punjab & Haryana) Rules, 1974, to cause the respondent /respondents _____ arrested and produced before this Court on _____ unless he/they furnishes/furnish bond in the sum of Rs. _____ with _____ surety/sureties in the like amount to attend this Court on _____ and to continue so to attend until otherwise direct.

Given under my hand and the seal of this Court today the _____.

Assistant Registrar (Judicial)
for Registrar.

PART 1—RULES UNDER SECTION 64 OF THE ESTATE
DUTY ACT, 1953 (ACT No. 34 OF 1953).

Rules made by the High Court under section 64 of the Estate Duty Act, 1953 (Act No. 34 of 1953), published in Punjab Gazette, Part III, dated 24th January, 1958, as High Court notification No. 7-Misc/XVI-A-114, dated the 11th January, 1958, and as amended by this Court notification No. 317-Misc./XVI-A-114, dated the 5th November, 1959.

RULES

1. These rules shall be called the Estate Duty Rules, 1957, and shall come into force from the date of their publication in the Punjab Gazette.

Short title and
commencement.

2. In these rules, unless the context otherwise require,—

Definition.

(a) "Act" means the Estate Duty Act, 1953, as amended from time to time;

(b) "The court" means the High Court for the State of Punjab;

(c) "Registrar" means the Registrar of the High Court for the State of Punjab and includes the Deputy Registrar and Assistant Registrar, Circuit Bench at Delhi.

3. (a) A reference under section 64(1) of the Act, stating a case for the opinion of the Court shall be registered as an Estate Duty reference.

Registration of
reference.

(b) Every case stated by the Board shall, as far as possible, be divided into paragraphs, numbered consecutively and shall set out the facts of the case, the determination of the Board and the point of law arising therefrom as stated by the party in his application under section 64(1) of the Act and as framed by the Board.

Documents to
accompany
reference.

4. (a) The Board shall, together with the reference submit the following documents :—

- (i) A copy of the order of the Controller;
- (ii) A copy of the memorandum of appeal to the Board ;
- (iii) A copy of the order of the Board ;
- (iv) Copies of such records as in the opinion of the Board may be necessary for the consideration of the reference.

(b) The Board shall also submit ten printed copies of the reference and its enclosures.

Admission
of the refe-
rence.

5. The Registrar shall admit the reference and cause notices to be served on the parties intimating the date of hearing of the case.

Application
under section
64 (2).

6. An application under section 64(2) of the Act for requiring the Board to state a case for the opinion of the High Court shall be registered as an Estate Duty Case. It shall be accompanied by two copies, one of which shall be a certified copy of each of the following documents :

- (i) the order of the Controller ;
- (ii) Memorandum of appeal to the Board ;
- (iii) order of the Board under section 63(3) of the Act ;
- (iv) application to the Board under section 64(1) of the Act ;
- (v) the order of the Board refusing to refer the case ;
- (vi) any other papers or documents which the applicant considers necessary for the disposal of the applications provided that the documents mentioned in clauses (i), (ii) and

(iii) above shall not be necessary in a case falling under section 64(2) (b) of the Act.

7. Such application shall set out in a concise form the material facts giving rise to the alleged question, or questions of law that are required to be stated by the Board.

Contents of the application.

8. (a) The applicant shall, along with the application file a certificate from the Board to the effect that he has not withdrawn his application for reference under section 64(1) before the Board.

Filing of certificate of the Board when application has not been withdrawn.

(b) Where no such certificate is filed, the applicant shall separately apply to the Court for exemption from filing a certificate.

9. The applicant shall, within three weeks of the date of admission of his application file ten printed copies of the documents mentioned in rule 6, for the preparation of paper books for the Judges and the parties unless the Court directs otherwise.

Filing copies of documents accompanying application under section 64(2) of the Act.

10. If the party fails to file the printed copies as required by rule 9 within the period prescribed, the case shall be laid before the court, and the Court may dismiss the case for non-prosecution.

Failure to supply copies.

11. If the Court orders in any case the preparation of paper books in office, the provisions of rule 12, Chapter 8(a) of the High Court Rules and Orders, Volume V, shall apply *mutatis mutandis*.

Preparation of paper-books.

12. An application under sub-section (2) of section 64 of the Act shall be laid in motion before the appropriate Bench, notice of which shall be given to the applicant or his counsel. The Court may either reject the Application summarily or admit it.

Motion hearing of applications.

13. Service of notice contemplated in these rules shall be deemed sufficient, if made on counsel for the party.

Service of notice.

Description
of parties.

14. In references under section 64(1) of the Act and in applications under sub-section (2) of section 64 of the Act, the controller shall be shown as the petitioner or the respondents as the case may be.

Bench
hearing the
cases.

15. All matters, coming before the Court under section 64 of the Act shall be heard by a Division Bench of two Judges, unless the Chief Justice orders that any, particular matter shall be heard by a larger Bench.

16. Judgment or order to be certified to the Board.

A copy of the judgment or order shall be sent to the Board under the seal of the Court and the signature of the Registrar.

17. Where in pursuance of an order made under section 64(2) of the Act, the Board states the case for the opinion of the Court, the same procedure as is prescribed for reference under section 64(1) shall be followed but it shall not be necessary for the Board to submit along with the reference, the documents mentioned in rule 4(a).

PART J—RULES FRAMED UNDER CLAUSE (E) OF SECTION 4 OF POWERS OF ATTORNEY ACT, 1882 (ACT NO. VII OF 1882) AND THE FEES TO BE TAKEN UNDER CLAUSES (A), (B) AND (C) OF THE SAID SECTION.

1. These rules shall be called "The Powers of Attorney' Rules, 1969.

Short title.

2. An application to deposit a power of Attorney shall be made by a petition signed by the applicant which shall be presented to the Deputy Registrar (Judicial) either by the petitioner in person or through an Advocate of the High Court.

Presentation of petition to the Deputy Registrar.

3. The powers of Attorney, the execution whereof shall be verified in accordance with the provision of clause (a) of Section 4 of the Powers of Attorney Act, 1882, shall be annexed to such petition and will be received for deposit, in the High Court of Punjab and Haryana (hereinafter referred to the Court) being satisfied as to its due execution but the court may, before making an order for its deposit, require further evidence of such execution.

Execution of powers of Attorney.

4. On an order passed under rule 3, the power of Attorney will be placed on the file of instruments deposited under the said Act and a receipt given for it.

Receipt given on an order for deposit being made.

5. The following fees shall be paid by means of court fee stamps under clauses (a), (b) and (c) of Section 4 of the Powers of Attorney Act, 1882, namely :—

Payment of fees.

		Rs. P
(i) For application to deposit power of Attorney	...	2.65
(ii) For filing a power of	...	2.00
(iii) Attorney For application for search	...	0.50
(iv) For application for inspection of the document deposited	...	2.00
(v) For a certified copy or for authentication of a copy presented :		
(a) for copying or comparing per folio of 90 words	...	0.50
(b) sealing	...	2.00

^[86] In exercise of powers conferred by sub-section (1) of Section 28 read with Section 2(e)(iii) of the Right to Information Act, 2005 (22 of 2005), the Chief Justice of Punjab and Haryana hereby makes the following rules, namely:-

1.(i) These rules shall be called the “High Court of Punjab and Haryana (Right to Information) Rules, 2007”.

Short title and commencement.

(ii) These rules shall come into force from the date of their publication in the Official Gazette.

(iii) These rules shall be applicable to the High Court of Punjab and Haryana at Chandigarh.

2. (i) In these rules, unless the context otherwise requires:

Definitions.

(a) ‘Act’ means the Right to Information Act, 2005 (22 of 2005);

(b) ‘Appendix’ means the appendix appended to these rules;

(c) ‘Authorized Person’ means Public Information Officer and Assistant Public Information Officer designated as such by the Chief Justice of the High Court;

(d) ‘Appellate Authority’ means designated as such by the Chief Justice of the High Court;

(e) ‘Form’ means a form appended to these rules;

(f) ‘High Court’ means the High Court of Punjab and Haryana;

(g) ‘Section’ means the section of the Act;

(ii) Words and expressions used but not defined in these Rules, shall have the same meanings assigned to them in the Act.

Application
seeking information.

for ^[1]3. Any person seeking information under the Act, shall make an application in Form 'A' or on a plain paper or through electronic medium in English or Hindi or Punjabi, during office hours on any working day and shall deposit application fee as per Rule 7 by paying fee in cash or by adhesive court fee stamps / demand drafts / banker's cheque / Indian postal orders ^[2][or money order] in favour of Registrar / Public Information Officer, Punjab and Haryana High Court, Chandigarh or in any other form so determined by the competent authority from time to time.

No application shall be rejected on the ground that the same has not been made in Form "A".

Provided that a person, who makes a request through electronic form, shall ensure that the requisite fee is deposited with the authorized person, in the manner mentioned above, within seven days of his sending the request through electronic form, failing which, the application shall be treated as dismissed.

Provided further that the date of application in such case shall be deemed to be the date of deposit of the entire fee or the balance fee or deficit amount of the fee to the authorized person.

Exemption from
disclosure of
Information.

^[3] 1. The Information which relates to judicial functions and duties of the Court and matters incidental and ancillary thereto and of confidential nature shall not be disclosed in terms of Section 8(1)(b) of the Act.

Provided that the question as to which information relates to judicial functions, duties of Court and matters incidental and ancillary or of confidentiality shall be decided by the Competent Authority or his delegate, whose decision shall be final.

1. Amended vide Correction slip No. 161 Rules/II.D4 dated 31.03.2014.
2. Inserted vide Correction slip No. 182 Rules/II.D4 dated 18.05.2019.
3. Amended vide Correction slip No. 161 Rules/II.D4 dated 31.03.2014.

(2) Any information affecting the confidentiality of any examination/ selection process conducted by the Punjab and Haryana High Court for any or all categories of posts including that for Punjab/Haryana Civil Services (Judicial Branch) and Punjab/Haryana Superior Judicial Services.

Provided that the marks obtained by the candidates in each subject shall be displayed on the website of the Court after the conclusion of the selection process or at any early date, if decided to be disclosed not affecting the confidentiality and transparency of selection process.

5. ^[1] Deleted.

^[2]**6.** (i) Where the requested information does not fall within the jurisdiction of the authorized person and (a) which is held by another public authority; or (b) the subject matter of which is more closely connected with the functions of another public authority, the authorized person, to whom such application is made, shall transfer the application alongwith fee or such part of it as may be appropriate to that other public authority in Form 'C' as soon as practicable, but, in no case, not later than five days from the date of receipt of the application.]

Disposal of application by the authorized person.

^[3] [Provided that, where the requested information does not fall within the jurisdiction of the authorized person and the authorized person, to whom such application is made, is not aware as to which other authority is the appropriate authority, then the application shall be disposed of by him and the applicant shall be intimated accordingly.]

(ii) ^[4] [If the requested information falls within the authorized person's jurisdiction and also in one or more of the categories of restrictions listed in Sections 8 and 9 of the Act and exemptions detailed in Rule 4 *ibid*, the authorized person, on being satisfied, will issue the rejection order in Form 'D' as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of application.]

1. Rule 5 deleted vide Correction slip No. 158 Rules/II.D4 dated 08.05.2012.

2. Amended vide Correction slip No. 161 Rules/II.D4 dated 31.03.2014.

3. Proviso inserted vide Correction slip no. 180 Rules/II.D4 dated 25.02.2019.

4. Amended vide Correction slip No. 161 Rules/II.D4 dated 31.03.2014.

^[1][(iii) If the requested information falls within the authorized person's jurisdiction, but not in one or more of the categories listed in Sections 8 and 9 of the Act and Rule 4 *ibid*, the authorized person, on being so satisfied, shall supply the information to the applicant in Form 'E', falling within its jurisdiction. In case the information sought is partly outside the jurisdiction of the authorized person or partly falls in the categories listed in Sections 8 and 9 of the Act, the authorized person shall supply only such information as is permissible under the Act and is within his own jurisdiction and shall transfer such part of the application as may be appropriate to that other public authority as soon as practicable, but, in no case, not later than five days from the date of receipt of the application.]

(iv) The information shall be supplied as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of the application on deposit of the balance amount, if any, to the authorized person, before collection of the information. A proper acknowledgement shall be obtained from the applicant in token of receipt of information.

^[2](v) Deleted.

Charging of Fee.

^[3]7. (i) The application fee: A minimum of Rupees ten shall be charged as application fee.

(i-A) The authorized person shall charge the fee for supply of information at the following rates:

Sr. No.	Description of information	Price/fees in rupees
(A)	Where the information is available in the form of a priced publication	On printed price.
(B)	For other than priced publication	(a) Rupees two per page; (b) actual charge or cost price of a copy in larger size paper; (c) actual cost or price for samples or models.
(C)	Where information is available in electronic form and is to be supplied in electronics form e.g. Floppy, CD etc	Rupees twenty five per CD.
(D)	Information relating to tenders documents / bids / quotation / Business contract	Rupees one hundred per application.

1. Amended vide Correction slip No. 161 Rules/II.D4 dated 31.03.2014.

2. Deleted vide Correction slip No. 158 Rules/II.D4 dated 08.05.2012.

3. Amended vide Correction slip No. 161 Rules/II.D4 dated 31.03.2014.

^[1](ii) For inspection of documents or records, no fee for the first hour; and a fee of Rupees five for each subsequent hour (or fraction thereof).

(iii) The fees given above may be varied/enhanced by the competent authority from time to time.

(iv) Every page of information to be supplied shall be duly authenticated and shall bear the seal of the officer concerned supplying the information.

(v) During inspection the applicant shall not be allowed to take the photograph of the record/document. The applicant shall not cause any hindrance to the office work and shall cooperate with the staff and complete the inspection as soon as possible. The Public Information Officer concerned shall have the right to fix the time and date of the inspection according to administrative convenience and his/her decision shall be final.

^[2](vi) Omitted.

8. ^[3](i) Any person-

(a) who fails to get a response from the authorized person within thirty days of submission of an application as per Rule 3; or

(b) is aggrieved by the response received within the prescribed period;

he may prefer an appeal in Form 'F' or on a plain paper to the Appellate Authority.

(ii) On receipt of the appeal, the Appellate Authority shall acknowledge the receipt of appeal and after giving the applicant an opportunity of being heard, shall endeavour to dispose it of within thirty days from the date, on which it is presented and send a copy of the decision to the authorized person concerned.

(iii) In case the appeal is allowed, the information shall be supplied to the applicant by the authorized person within such period as may be ordered by the Appellate Authority.

Appeal

1. Amended vide Correction slip No. 161 Rules/II.D4 dated 31.03.2014.

2. Amended vide Correction slip No. 161 Rules/II.D4 dated 31.03.2014.

3. Amended vide Correction slip No. 161 Rules/II.D4 dated 31.03.2014.

This period shall not exceed thirty days from the date of the receipt of the order.

Penalties

9. (i) Whoever being bound to supply information fails to furnish the information asked for, under the Act, within the time specified or fails to communicate the rejection order, shall be liable to pay a penalty up to fifty rupees per day for the delayed period beyond thirty days subject to a maximum of five hundred rupees per application, filed under rule 3 as may be determined by the appellate authority.

(ii) Where the information supplied is found to be false in any material particular and which the person is bound to supply it knows and has reason to believe it to be false or does not believe it to be true, the person supplying the information shall be liable to pay a penalty of one thousand rupees, to be imposed by the appellate authority.

Suo motu
publication of
information by
public authorities.

10. (i) The public authority shall *suo motu* publish information as per sub-section (1) of Section 4 of the Act by publishing booklets and/or folders and/or pamphlets and update these publications every year as required by sub-section (1) of Section 4 of the Act.

(ii) Such information shall also be made available to the public through information counters, medium of internet and display on notice board at conspicuous places in the office of the Authorised Person and the Appellate Authority.

Maintenance of
Records.

11. (i) The authorized person shall maintain records of all applications received for supply of information and fee charged.

(ii) The appellate authority shall maintain records of all appeals filed before it and fee charged.

FORM A
Form of application for seeking information
(See rule 3)

I.D. No. _____

(For Official use)

To

The authorized person,

1. Name of the Applicant
2. Address
3. Particulars of information sought-
 - (a) Concerned department: High Court
 - (b) Period for which information is sought
 - (c) Other details, if any
4. A Court fee of Rs.....has been affixed on the application.

Place :

Date :

Signature of Applicant

E-mail address, if any:

Telephone No. (Office) :

(Residence) :

Note:

- (i) Please ensure that the Form A is complete in all respect and there is no ambiguity in providing the details of information required.

FORM B
Acknowledgement of Application in Form A

No. Dated

1. Received an application in Form A from Mr./Ms. resident of under Section.....of the Right to Information Act, 2005.
2. The information is proposed to be given normally within fifteen days and in case within thirty days from the date of receipt of application and in case it is found that the information asked for cannot be supplied, the rejection letter shall be issued stating reason thereof.
- ^[1]3. The applicant is advised to contact the undersignedon any working day during office hours.
4. In case the applicant fails to turn up on the scheduled date(s), the undersigned shall not be responsible for delay, if any.
5. The applicant shall have to deposit the balance fee, if any, before collection of information.
6. The applicant may also consult Web-site of the department from time to time to ascertain the status of his application.

Signature & Stamp of the
Authorised Person

E-mail

Web-site

Telephone No.

Dated:

[¹]FORM C**Transfer of application outside the Jurisdiction of the
authorized person***[rule 6(i)]*

No. Dated:
(For Official use)

Ref. No.

Sub:- Request for information (under RTI Act, 2005) from
 Mr./Ms. _____ Received in this Office on
 _____.

Sir/Madam.

1. I am forwarding herewith an application/request for information (under RTI Act, 2005) received from Mr./Ms. _____ Son/Daughter/Wife of _____ resident of _____.
2. The subject matter of the information requested by the above applicant is related to your Department/Office/Organization/ Institution _____ which pertains to or partly pertains to _____.
3. The required information and/or an appropriate reply may be supplied to the applicant, under intimation to the undersigned.

Encl: As above

Yours faithfully,
Authorised Person:
E-mail address:
Web-site:
Telephone No:

Copy to: The Applicant

Yours faithfully,
Authorised Person:
E-mail address:
Web-site:
Telephone No:

FORM D
Rejection Order
[Rule 6(ii)]

No. _____

Dated _____

From

To

Sir/Madam,

Please refer to your application, I.D. No. _____
dated _____ addressed to the undersigned regarding supply of
information on _____

2. The information asked for cannot be supplied due to
following reasons:-

(i)

(ii)

3. As per Section 19 of the Right to Information Act, 2005, you
may file an appeal to the Appellate Authority within thirty
days of the issue of this order.

Yours faithfully,
Authorised Person
E-mail address :
Web-site :
Telephone No. :

FORM E
Form of Supply of information to the applicant
[Rule 6(iii)]

No. _____

Dated _____

From

To

Sir/Madam,

Please refer to your application, I.D. No. _____ dated _____
addressed to the undersigned regarding supply of information on

2. The information asked for is enclosed for reference.*

The following partly information is being enclosed.*

- (i)
- (ii)

The remaining information about the other aspects cannot be
supplied due to following reasons:-*

- (i)
- (ii)
- (iii)

3. The requested information does not fall within the jurisdiction
of the undersigned.*

4. As per Section 19 of the Right to Information Act, 2005, you
may file an appeal to the Appellate Authority within thirty days
of the issue of this order.*

Yours faithfully,
Authorised Person
E-mail address :
Web-site :
Telephone No. :

*Strike out if not applicable.

FORM F
Appeal under Section 19 of the Right to Information Act, 2005
[(Rule 8(i))]

To _____ I.D. No. _____
(For official use)

Appellate Authority
Address:

1. Name of the Applicant
2. Address
3. Particulars of the authorized person
 - (a) Name
 - (b) Address
4. Date of submission of application in Form A
5. Date on which 30 days from submission of Form A is over
6. Reasons for appeal
 - (a) No response received in Form B or C within thirty days of submission of Form A [8(i)(a)].
 - (b) Aggrieved by the response received within prescribed period [8(i)(b)] [copy of the reply received be attached]
 - (c) Grounds for appeal.
7. Last date of filing the appeal. *[See Rule 8(iii)]*
8. Particulars of information:-
 - (i) Information requested
 - (ii) Subject
 - (iii) Period
9. ^[1] Omitted.

Place :
Date :

Signature of Appellant
E-mail address, if any:
Telephone No. (Office) :
(Residence) :

Acknowledgement

I.D. No. _____

Dated _____

Received an Appeal application from Shri/Ms. _____ resident
of _____ under Section 19 of the Right to Information Act, 2005.

Signature of Receipt Clerk
Appellate Authority
Telephone No. :
E-mail address, Web-Site

CHAPTER 8**PART A.—RULES FRAMED BY THE HIGH COURT
REGARDING APPEALS TO THE SUPREME
COURT**

Rules made by the High Court of Punjab and Haryana under article 7 of the High Court (Punjab) Order, 1947, read with Clause 27 of the letters patent constituting the Lahore High Court, and all other powers enabling it in this behalf, regarding appeals to the Supreme Court.

(A) CIVIL APPEALS

1. (a) A petition for leave to appeal to the Supreme Court shall comply with the requirements of Rule 3(1), Order XLV of the Code of Civil Procedure and contain the following particulars:-

Form and contents of petition for leave to appeal to the Supreme Court.

- (i) the name and address of each petitioner ;
- (ii) the name and address of each person whom it is proposed to make a respondent ;
- (iii) the Court in which, and the name of the Judge or Judges by whom the decree, complained of, was made ;
- (iv) the date when such decree was made;
- (v) the value of the subject-matter of the suit in the Court of the first instance ;
- (vi) the value of the subject-matter in dispute in appeal ; and
- (vii) the relief sought by such petition and shall be signed by the petitioner or by some Advocate or Vakil on the rolls of the Court on his behalf.

Explanation.—For purposes of clauses (v) and (vi) it shall be necessary to state how the value of the subject-matter has been arrived at.

(b) Every petition together with its enclosures, if any, shall be accompanied by three typed copies of the same for the use of the Court. The typed matter shall be in double spacing legible and on one side of the Paper.

Time for an application for a certificate in a Civil case under article 132(1) or article 133 (1) of the Constitution

(c) An application for a certificate required in a Civil case under clause (1) of Article 132 or clause (I) of Article 133 of the Constitution shall be filed subject to the provisions of sections 4, 5 and 12 of the Limitation Act, 1963 (Act No. 36 of 1963) within 60 days from the date of the judgment or decree or final order of the High Court.

(d) Such application shall be treated as urgent.

Notice to issue on the applications.

2. (a) When a petition is made, the Deputy Registrar, shall, unless the petition is dismissed at the Preliminary hearing, cause notice thereof to be given to the opposite party in accordance with Order XLV, Rule 3(2) of the Code of Civil Procedure. The notice shall be in form A appended.

¹[Simultaneously, cause notice to be given to the opposite party by electronic means in prescribed form A as stated above.

(b) The certificate, if granted by the Court, shall be in form B appended to these rules.

(c) On receipt from the Supreme Court of the petition of appeal, the Deputy Registrar shall-

- (i) On receipt of the lodgment of the Petition of appeal to be served on the respondent personally ;
- (ii) unless otherwise ordered by the Supreme Court, transmit to the Supreme Court, at the expense of the appellant the original record of the case ; and
- (iii) as soon as notice as aforesaid is served, to send a certificate in form C as the date or dates on which the said notice was served.]

3. Where certificate has been given under clause (1) of article 13 or clause (1) of article 133 or under

article 135 of the Constitution, the party concerned shall take positive steps in the Supreme Court for the filing and prosecution of the appeal as provided in the Supreme Court Rules, 1966.

4. (a) Where the proceedings from which the appeal arises in the Supreme Court were had in the Courts below in a language other than English, the Deputy Registrar, shall within three months or soon thereafter from the date of the service on the respondent of the notice of the petition of appeal, transmit to the Supreme Court in triplicate, a transcript in English of the record Proper of the appeal, one copy of which will be duly authenticated. The provisions contained in rules 15 to 20 of the Supreme Court Rules of 1966 as reproduced in Chapter 8-B of Volume V shall apply to the preparation and transmission of such transcript record.

(b) Where the record is directed by the Supreme Court to be prepared under the supervision of this Court, the Deputy Registrar shall proceed to complete the preparation of the record in accordance with the Provisions of Rules 15 to 25 of the Supreme Court Rules, 1966 reproduced in Chapter 8 B of Volume V of the High Court Rules and Orders, and the rules contained in Schedule 'A'.

5. In case the record for the Supreme Court has to be prepared by the High Court, the Deputy Registrar, shall as soon as the index of the record is settled, require the appellant to deposit within a week a sum of Rs. 16 for drawing up the estimate of the expense to be incurred for the preparation of the record in accordance with the rates prescribed in Schedule B provided that it shall be at the discretion of the Deputy Registrar to dispense with the estimate and to allow the petitioner to deposit such amount on account of expenses as may, under the circumstances of the case be reasonable.

Deposit for drawing up an estimate.

6. As soon as the transcript or printed record is complete, it shall be arranged, as far as possible, in chronological order, and a complete index of all record.

Arrangement and index of printing record.

papers, documents and exhibits in the cause, with a list showing those which have been omitted from the transcript or printed record shall be prepared under the orders of the Deputy Registrar within a period of one month.

Despatch of
Record to the
Supreme
Court.

7. When the Record has been made ready, the Deputy Registrar shall-

- (i) at the expense of the appellant transmit to the Registrar of the Supreme Court such number of copies as the Supreme Court may direct, or in the absence of any special direction in this behalf 20 copies of such record, one of which copies he shall certify to be correct by signing his name on, or initialling every, eighth page thereof and by affixing thereto the seal of the Court :
- (ii) give notice of the despatch of the record to the parties through the Senior Sub-Judge of the District concerned ; and
- (iii) when the Senior Sub-Judge has intimated the service of notice on the parties, send to the Registrar, Supreme Court, a certificate in manuscript in (Form D appended to these rules) as to the date or dates on which the notice or notices under the preceding sub-clause (ii) was or were served.

Extension of
period for
completion
of the record.

8. The periods prescribed in Rules 4 and 5 may for sufficient reasons be extended under orders of the Court.

Duty of Deputy
Registrar to take
action if the
appellant is not
diligent.

9. If an appellant fails to take any interest in the appeal within the time fixed for the same under these rules, or if no time is specified it appears to Deputy Registrar that he is not prosecuting the appeal with due diligence the Deputy Registrar shall report the matter to the Supreme Court.

Order of a
Single Judge
sufficient.

10. For the purpose of these rules, where the orders of the Court are required, the order of one

Judge shall be sufficient. Deputy Registrar may delegate his duties to the Assistant Registrar or other Officer of the Court.

11. The Deputy Registrar may, under the orders of the Court, delegate any of the duties which devolve upon him under these rules, to the Assistant Registrar or other Officer of the Court.

12. ¹[A notice which it is necessary to serve under these rules or under Order XLV of the Code of Civil Procedure, may be served in the manner provided by the Code of Civil Procedure for the service of notices, or upon an Advocate or Vakil who has appeared for the party to whom notice, including service of notice by electronic means, is to be given.]

Mode of
service of
notices.

13. The aforesaid Rules shall apply mutatis mutandis to appeals under Articles 135 of the Constitution under Article

Appeal under
Article 135 of
the
Constitution.

(B) CRIMINAL APPEALS

1 (i) An application for a certificate required in respect of a criminal proceeding under Article 132(1) or for a certificate under Article 134(1) (c) of the Constitution shall be filed subject to the provisions of sections 4, 5 and 12 of the Indian Limitation Act, XXXVI of 1963 within 60 days from the date of judgment or order of the High Court.

Time for an
application for a
certificate under
article 132(1) or
for a certificate
under article
134(1) (c) of the
Constitution.

(ii) Every application under this rule presented by an Advocate shall be signed by him and he shall certify, that the grounds contained therein are good and sufficient grounds for a certificate and the case is a fit one for moving the Supreme Court.

(iii) Such applications shall be treated as urgent.

2. The record of the appeal shall be printed in accordance with the rules contained in schedule A to these rules. The record shall be printed at the expense of the appellant unless otherwise ordered by the Supreme Court. In appeals involving sentence of death and in such other cases in which Supreme

Printing of
record in
Criminal
Appeals.

1. Amended vide Correction Slip No. 178 Rules/II.D.4 dated 27.11.2018.

Court thinks fit to so direct, the record shall be printed at the expense of the Government.

Despatch of
records in
Criminal
Appeals.

3. (1) As soon as the record has been got ready, the Registrar of the Court shall despatch to the Registrar of the Supreme Court not less than fifteen copies, where the appeal raises a question as to the interpretation of the Constitution and not less than 10 copies in other cases.

(2) In all cases involving a sentence of death, where a sufficient number of copies of the printed record of this Court are available, they shall be despatched to the Supreme Court along with such additional records as may be necessary as soon as these are printed and where the record is to be printed afresh for the Supreme Court appeal the printed record shall be made ready and despatched to the Supreme Court within a period of sixty days after the receipt of the intimation from the Registrar of the Supreme Court of the filing of the petition of appeal, or of the order granting special leave to appeal.

4. As soon as the record is ready the Registrar of this Court shall give notice thereof to the parties to the appeal, and where the record is prepared under the supervision of the Registrar of this Court, he shall after service of the notice, send to the Registrar of the Supreme Court a certificate as to the date or dates on which the notice has been served.

Rules applicable
in Criminal
appeals.

5. So far as may be the Rules in this Chapter relating to Civil Appeals shall, with the necessary modifications and adaptations, apply to Criminal Appeals.

List of pending
appeals.

6. A list shall be maintained showing the numbers and dates of all pending Supreme Court Appeals in various stages of preparation and the Deputy Registrar shall examine every quarter all such appeals in arrears and call on appellant who may be responsible for the delay to show cause before the Court why the appeal should not be dismissed for want of prosecution.

7. In printing the record of Criminal Appeals, the procedure laid down in these rules for Civil Appeals shall be followed.

*In the High Court of Punjab and Haryana
at Chandigarh*

*Notice to show cause why a certificate of appeal to the
Supreme Court of India should not be
granted (Order XLV, Rules 3)*

TITLE

To

.....
.....
.....
.....

Take notice thathas applied to
this Court for a certificate that as regards amount of value
and nature the above case fulfils the requirements of section
110 of the Code of Civil Procedure, 1908, or that it is
otherwise fit one for appeal to the Supreme Court of India.

The..... day of.....is
fixed for you to show cause why the Court should not grant
the certificate asked for.

Given under my hand and the seal of the Court
this.....day of.....

Deputy Registrar.

FORM D

*In the High Court of Punjab and Haryana at
Chandigarh.*

Civil Miscellaneous Side No.

Supreme Court Appeal No..... of.....

.....*Appellant*

versus

.....Respondent.

Certified that the..... Judge of.....
has reported that notice issued to the appellant and the
respondent informing them of the despatch of the printed
record of proceedings of the above case to the Registrar of
Supreme Court of India have been served on the parties.

Deputy Registrar,
High Court of Punjab and Haryana,
Chandigarh.

SCHEDULE A
[referred to in rule 4(b)]
Rules as to Printing

I. All records and other proceedings in Appeals or other matters pending before the Supreme Court of India which are required by the above Rules to be printed shall be printed in the form known as *Demy Quarto* on both sides of the paper with single spacing.

II. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and 8½ inches in width.

III. The type to be used in the text shall be pica type, but Long Primer shall be used in printing accounts, tabular matter and notes. Every tenth line shall be numbered in the margin.

IV. Records shall be arranged in two parts in the same volume where practicable viz.—

Part I

The pleading and proceedings, the transcript of the evidence of the witnesses, the Judgments, decrees, etc., of the Courts below. down to the Order admitting the Appeal.

Part II

The exhibits and documents.

V. The Index to Part I shall be in chronological order and shall be placed at the beginning of the Volume.

The Index to Part II shall follow the order of the exhibit mark, and shall be placed immediately after the Index to Part I.

VI. Part I shall be arranged strictly in chronological order, i.e., in the same order as the Index.

	Rs. P.
Chronological index, per 10 entries or part thereof	3.00
Cost of preparation of the transcript records (in duplicate or triplicate) per, 1,000 words or part thereof	5.00

Notes.—(a) Translation including the reading of the translated documents to Examiners.

(b) The above charges are subject to alterations by Order of the Court.

Part II

The word "Exhibit" shall first appear and next to it the Exhibit mark and the description of the document in the index with the date.

Sufficient space shall be left after the heading to distinguish it from the rest of the matter printed on the page.

X. The parties shall agree to the omission of formal and irrelevant documents, but the description of the document may appear (both in the Index and in the Record), if desired, with the words "not printed" against it.

A long series of documents, such as accounts, rent rolls, inventories. etc., shall not be printed in full, unless counsel so advises but the parties shall agree to short extracts being printed as specimens.

XI. In cases where maps are of an inconvenient size or unsuitable in character, the Appellant shall, in agreement with the respondent, prepare maps drawn Properly to scale and of reasonable size showing as far as possible the claims of the respective parties, in different colours.

**PART B.—SUPREME COURT
RULES**

The following rules from the Supreme Court Rules, 1966, are reproduced for facility of reference.

Part II

Appellate Jurisdiction

**(A) Civil Appeals
ORDER XV**

Appeals on certificate by High Court

1. Where a certificate has been given under clause (1) of Article 132 or clause (1) of Article 133 or Article 135 of the Constitution, or under any other provision of law, the party concerned shall file a petition of appeal in the Court.

2. Subject to the provisions of section 4, 5 and 12 of the Limitation Act, 1963 (36 of 1963) the petition of appeal shall be presented within sixty days from the date of the grant of the certificate of fitness.

3. (1) The petition shall recite succinctly and in chronological order with relevant dates, the principal steps in the proceedings leading up to the appeal from the commencement thereof till the grant of the certificate of leave to appeal to the Court, and shall also state the amount or value of the subject-matter of the suit in the court of first instance and in the High Court, and the amount or value of the subject-matter in dispute before the Court with particulars showing how the said valuation has been arrived at. Where the appeal is incapable of valuation, it shall be so stated.

(2) The petition shall be accompanied by a certified copy of the decree or order appealed from. In cases where according to the practice prevailing in the High Court the decree or order is not required to be drawn up, it shall be so stated on affidavit and the petition of appeal in that event shall be accompanied by a certified copy of the Judgement appealed from. It shall not be necessary to file along with the petition of appeal a certified copy of the certificate of fitness granted by the High Court, but the petition shall be supported by an affidavit stating the date on which the application for certificate was made to the High Court, the date of the order granting the said certificate and the provisions of law under which the said certificate has been granted.

(3) Where at any time between the grant by the High Court of the Certificate for leave to appeal to the Court and the filing of the petition of appeal, any party to the proceeding in the Court below dies, the petition of appeal may be filed by or against the legal representative, as the case may be, of the deceased party, provided that the petition is accompanied by a separate application, only supported by an affidavit, praying for bringing on record such person as the legal representative of the deceased party and setting out the facts showing him to be the proper person to be entered on the records as such legal representative.

4. The Registrar, after satisfying himself that the petition of appeal is in order, shall endorse the date of presentation on the petition and register the same as an appeal in the Court.

5. Where a party desires to appeal on grounds which can be raised only with the leave of the Court, it shall lodge along with the petition of appeal a separate petition stating the grounds so proposed to be raised and praying for leave to appeal on those grounds.

6. Within thirty days of the filing of the petition of appeal, the appellant shall deposit in the Court security for the costs of the respondent.

7. The security for the costs of the respondent shall be in the sum of two thousand rupees. That Court may, in appropriate cases, enhance or reduce the amount of security to be deposited.

8. Where an appellant whose appeal has been registered in the Court fails to furnish the security within the time prescribed, or within such further time as the Court may allow, the Registrar shall call upon the appellant to show cause before the Court why the appeal should not be dismissed for non-prosecution.

9. The Court may after hearing the parties who have entered appearance dismiss the appeal for non-prosecution or give such other directions thereon as the justice of the case may require.

Appearance by Respondent

10. As soon as the security for the costs of the respondent has been deposited, the Registrar of the Court shall :—

- (i) require the appellant to furnish as many copies of the petition of appeal as may be necessary for record and for service on the respondent ; and
- (ii) send to the Registrar of the Court appealed from a copy of the petition of appeal for record in that court and a copy for service upon the respondent or each respondent:

Provided that the Registrar of the Court may on an application made for the purpose, dispense with service of the petition of appeal on any respondent who did not appear in the proceedings in the Court appealed from or on his legal representative :

Provided however that no order dispensing with service of notice shall be made in respect of a respondent who is a minor or a lunatic :

Provided further that an order dispensing with service of notice shall not preclude any respondent or his legal representative from appearing to contest the appeal.

11. On receipt from the Court of the copy of the petition of appeal, the Registrar of the Court appealed from shall:—

- (i) cause notice of the lodgment of the petition of appeal to be served on the respondent personally or in such manner as the court appealed from may by rules prescribe ;
- (ii) unless otherwise ordered by the Court, transmit to the Court at the expense of the appellant the original record of the case ; including the record of the Courts below

Provided that where a transcript is to be prepared in accordance with the proviso to sub-rule (1) of rule 14, no original record shall be transmitted until specifically requisitioned ; and

- (iii) as soon as notice as aforesaid is served, to send a certificate as to the date or dates on which the said notice was served.

12. A respondent shall enter appearance in the Court within thirty days of the service on him of the notice of lodgment of the petition of appeal.

13. The respondent may within the time limited for his appearance deliver to the Registrar of the Court and to the appellant a notice in writing consenting to the appeal, and the Court may thereupon make such order on the appeal as the justice of the case may require without requiring the attendance of the person co consenting.

Preparation of Record

14. (1) The record shall be printed in accordance with the rules contained in the First Schedule to these rules and, unless otherwise ordered by the Court, it shall be printed under the supervision of the Registrar of the Court :

Provided that where the proceedings from which the appeal arises were had in courts below in a language other than English, the Registrar of the Court appealed from shall within six months from the date of the service on the respondent of the notice of petition of appeal transmit to the Court in triplicate a transcript in English of the record proper of the appeal to be laid before the Court, one copy of which shall be duly authenticated. The provisions contained in rules 15 to 20 shall apply to the preparation and transmission to the Court of the said transcript record.

(2) Upon receipt from the Court appealed from the English transcript of the record as aforesaid, the Registrar of the Court shall proceed to cause an estimate of the costs of preparing the printed copies of the records to be made and served on the appellant in accordance with the provisions contained in rule 19 and, with all convenient speed, arrange for the preparation thereof.

(3) Unless otherwise ordered by the Court, at least twenty copies of the record shall be prepared.

15. (1) As soon as the original record of the case is received in the Court, the Registrar shall give notice to the parties who have entered appearance of the arrival of the original record and the parties shall, thereafter, be entitled to inspect the record and to extract all necessary particulars therefrom.

(2) The appellant shall within four weeks of the service upon him of the notice referred to in sub-rule (1), file a list of the documents which he proposes to include in the paper book, a copy whereof shall be served on the respondent. The respondent may within three weeks of the service on him of the said list file a list of such additional documents as he considers necessary for the determination of the appeal.

16. After the expiry of the time fixed for the filing of the additional list by the respondent, the Registrar shall fix a day for the settlement of list of documents to be included in the appeal record and shall give notice thereof to the parties who have entered appearance. In settling the lists the Registrar, as well as the parties concerned, shall endeavour to exclude from the record all documents that are not relevant to the subject-matter of the appeal and generally to reduce the bulk of the record as far as practicable.

17. Where the respondent objects to the inclusion of a document on the ground that it is not necessary or is frivolous and the appellant nevertheless insists upon its inclusion, the record as finally printed shall, with a view to subsequent adjustment of cost of and incidental to the printing of the said document, indicate in the index of papers or otherwise the fact that the respondent has objected to the inclusion of the document and that it has been included at the instance of the appellant.

18. Where the appellant objects to the inclusion of a document on the ground that it is not necessary or is frivolous and the respondent nevertheless insists upon its inclusion, the Registrar, if he is of opinion that the document is not relevant, may direct that the said document be printed separately at the expense of the respondent and require the respondent to deposit within such time as he may prescribe, the necessary charges therefore; and the question of the costs thereof shall be dealt with by the Court at the time of the determination of the appeal.

19. As soon as the index of the record is settled, the Registrar concerned shall cause an estimate of the costs of the preparation of the record to be prepared and served on the appellant and to require him to deposit within thirty days of such service the said amount. The appellant may deposit the said amount in lump sum or in such installments as the Registrar may prescribe.

20. Where the record has been printed for the purpose of the appeal before the High Court and sufficient number of copies of the said printed record are available no fresh printing of the record shall be necessary except of such additional papers as may be required.

21. Where an appeal paper book is likely to consist of two hundred or less number of pages, the Registrar may, instead of having it printed, have the record cyclostyled under his supervision.

22. If at any time during the preparation of the record the amount deposited is found insufficient, the Registrar shall call upon the appellant to deposit such further sum as may be necessary within such further time as may be deemed fit but not exceeding twenty-eight days in the aggregate.

23. Where the appellant fails to make the required deposit, the preparation of the record shall be suspended and the Registrar concerned shall not proceed with the preparation thereof without an order in this behalf of the Court and where the record is under preparation in the Court appealed from, of the Court appealed from.

24. When the record has been made ready the Registrar shall certify the same and give notice to the parties of the certification of the record and append to the record a certificate showing the amount of expenses incurred by the party concerned for the preparation of the record.

25. Each party who has entered appearance shall be entitled to three copies of the record for his own use.

26. Subject to any special direction from the Court to the contrary, the costs of, and incidental to, the printing of the record shall form part of the costs of the appeal, but the costs of, and incidental to, the printing of any document objected by one party in accordance with rule 18 or rule 19, shall, if such document is found, on taxation of costs to be unnecessary or irrelevant, be disallowed to, or borne by the party insisting on including the same in the record.

27. Where the record is directed to be prepared under the supervision of the Registrar of the Court appealed from, the provisions contained (in rules 15 to 25 shall apply mutatis mutandis to the preparation thereof.

Special Case

28. Where the decision of the appeal is likely to turn exclusively on a question of law, any party, with the sanction of the Registrar of the Court, may submit such question of law in the form of a special case, and the Registrar may call the parties before him, and having heard them and examined the record, may report to the Court as the nature of the proceedings and the record that may be necessary for the discussion of the same, upon perusing the said report, the Court

may give such directions as to the preparation of the record and hearing of the appeal including directions regarding the time within which or otherwise, the parties shall lodge their respective statements of case :

Provided that nothing herein contained shall in any way prevent this Court from ordering the full discussion of the whole case if the Court shall so think fit.

Withdrawal of Appeal

29. Where at any stage prior to the hearing of the appeal an appellant desires to withdraw his appeal; he shall present a petition to that effect to the Court. At the hearing of any such petition a respondent who has entered appearance may apply to the Court for his costs.

Non-Prosecution of Appeals—Change of Parties

30. If an appellant fails to take any steps in the appeal within the time fixed for the same under these rules, or if no time is specified, it appears to the Registrar of the Court that he is not prosecuting the appeal with due diligence, the Registrar shall call upon him to explain his default and, if no explanation is offered, or if the explanation offered appears to the Registrar to be insufficient, the Registrar may issue a summons calling upon him to show cause before the Court why the appeal should not be dismissed for non-prosecution.

31. The Registrar shall send a copy of the summons mentioned in the last specified rule to every respondent who has entered appearance. The Court may, after hearing the parties, dismiss the appeal for non-prosecution or give such other directions thereon as the justice of the case may require.

32. Where at any time between the filing of the petition of appeal and the hearing of the appeal, the record becomes defective by reason of the death or change of status of a party to the appeal, or for any other reason, an application shall be made to the Court, stating who is the proper person to be substituted or entered on the record in place of, or in addition to the party on record.

33. Upon the filing of such an application the Registrar of the Court shall, after notice to the parties concerned, determine who in his opinion is 'the proper person to be substituted or entered on the record in place of, or in addition to the party on record, and the name of such person shall thereupon be substituted or entered on the record :

Provided that no such order of substitution or revivor shall be made by the Registrar-

- (i) where a question arises as to whether any person is or is not the legal representative of the deceased party, or
- (ii) where a question of setting aside the statement of the cause is involved ;

in such a case he shall place the matter before the Court for orders :

Provided further that where during the course of the proceedings it appears to the Registrar that it would be convenient for the enquiry that investigation in regard to the person who is to be substituted on record, be made by the Court appealed from or a Court subordinate thereto, the Registrar may place the matter before the Judge in Chambers and the Judge in Chambers may thereupon make an order directing the Court appealed from to investigate into the matter either itself or cause an enquiry to be made by a Court subordinate to it, after notice to the parties, and submit its report thereon to this Court within such time as may be fixed by the Order. On receipt of the report from the Court below the matter shall be posted before the Judge in Chambers again for appropriate orders.

34. Save as aforesaid the provisions of Order XXII of the Code relating to abatement shall apply *mutatis mutandis* to appeals and proceedings before the Court.

35. (1) Within sixty days of the service on him of the notice of authentication of the record, the appellant shall lodge in the Court the statement of his case and serve a copy thereof on the respondent. The respondent shall lodge his case within thirty days thereafter.

(2) No party to an appeal shall be entitled to be heard by the Court unless he has previously lodged his case in the appeal :

Provided that where a respondent, who has entered appearance, does not desire to lodge a case in the appeal, he may give the Registrar of the Court not in writing of his intention not to lodge any case while reserving his right to address the Court on the question of costs only.

36. (1) The statement of a case shall consist of two parts as follows :—

Part I shall consist of a concise statement of the facts of the case in proper sequence. A list of the dates of the relevant events leading up and concerning the litigation in chronological order and pedigree tables, wherever necessary, shall be given at the end of the part.

Part II shall set out the contentions of facts and law sought to be urged in support of the claim of the party lodging the case and the authorities in support thereof. Where authorities are cited, reference shall be given to the Official Reports, if available. Where text-books are cited, the reference shall, if possible be to the latest available editions. Where a statute, regulation, rule, ordinance or bye-law is cited or relied on, so much thereof as may be

necessary to the decision of the case shall be set out. At the end of the part shall ordinarily be set out a table of cases cited.

(2) The case shall consist of paragraph numbered consecutively. References shall be given by page and line to the relevant portions of the record in the margin and care shall be taken to avoid, as far as possible, the reproducing in the case of long extracts from the record. The case shall not travel beyond the limits of the certificate or the special leave, as the case may be, and of such additional grounds, if any, as the Court may allow to be urged on application made for the purpose. The Taxing Officer in taxing the costs of the appeal shall, either of his own motion, or at the instance of the opposite party, enquire into any unnecessary prolixity in the case, and shall disallow the costs occasioned thereby.

37. Two or more respondents may, at their own risk as to costs, lodge separate cases in the same appeal.

38. A respondent who has not entered appearance shall not be entitled to receive any notice relating to the appeal from the Registrar of the Court, nor allowed to lodge a statement of case in the appeal.

39. The appeal shall be set down for hearing one month after the expiry of the time prescribed for lodging the statement of cases by the respondent. Where a respondent fails to lodge the statement of case within the time prescribed, the appeal shall, subject to the provision in the proviso to rule 1, be set down *ex-parte* against the respondent in default.

40. As soon as an appeal is set down for hearing the appellant shall attend at the Registry and obtain eight copies of the record and cases to be bound in cloth or in one-fourth leather with paper sides, and six leaves of blank paper shall be inserted before the appellant's case. The front cover shall bear a printed label stating the title and Supreme Court Number of the Appeal, the contents of the Volume and the name and address of the advocates on record. The several documents, indicated by inducts, shall be arranged in the following order :—

- (1) Appellant's case ;
- (2) Respondent's Case ;
- (3) Record (if in more than one Part, showing the separate Parts by inducts, all Parts being paged at the top of the page) ;
- (4) Supplemental Record (if any) and the short title and Supreme Court Number of Appeal shall also be shown on the back.

41. The appellant shall lodge the bound copies not less than ten clear days before the date fixed for the hearing of the Appeal.

ORDER XVI

Appeals by Special Leave

1. Where leave to appeal to the Court was refused in a case by the High Court, a petition for special leave to appeal to the Court shall, subject to the provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (36 of 1963) be lodged in the Court within sixty days from the date of the order of refusal and in any other case within ninety days from the date of the judgment or order sought to be appealed from :

Provided that where an application for leave to appeal to the High Court from the judgment of a single judge of that Court has been made and refused, in computing the period of limitation in that case under this rule, the period from the making of that application and the rejection thereof shall also be excluded.

Explanation.—For purposes of this rule the expression 'order of refusal' means the order refusing to grant the certificate referred under article 132 or article 133 of the Constitution on merits and shall not include an order rejecting the application on the ground of limitation or on the ground that such an application is not maintainable.

2. Where the period of limitation is claimed from the date of the refusal of a certificate under article 132 or article 133 of the Constitution, It shall not be necessary to file the order refusing the certificate but the petition for special leave shall be accompanied by an affidavit stating the date of the judgment sought to be appealed from, the date on which the application for a certificate of fitness to appeal to the Court was made to the High Court, the date of the order refusing the certificate, and the ground or grounds on which the certificate was refused and in particular whether the application for the certificate was dismissed as being out of time.

3. Where an appeal lies to the Court on a certificate issued by the High Court, no application to the Court for special leave to appeal shall be entertained unless the High Court concerned has first been moved and it has refused to grant the certificate.

4. The petition shall state succinctly and clearly all such facts as may be necessary to enable the Court to determine whether special leave to appeal ought to be granted and shall be signed by the advocate on record for the petitioner unless the petitioner appears in person. The petition shall also state whether the petitioner has moved the High Court concerned for leave to appeal against its decision, and if so with what result.

5. The petition shall be accompanied by-

- (i) a certified copy of the judgment and order appealed from ; and
- (ii) an affidavit in support of the statement of facts contained in the petition.

6. No annexures to the petition shall be accepted unless such annexures are certified copies of documents which have formed part of the record of the case in the Court sought to be appealed from; provided that uncertified copies of documents may be accepted as annexures if such copies are affirmed to be true copies upon affidavit.

7. The petitioner shall file at least seven spare sets of the petition and of the accompanying papers.

8. Where any person is sought to be impleaded in the petition as the legal representative of any party to the proceedings in the Court below, the petition shall contain a prayer for bringing on record such person as the legal representative and shall be supported by an affidavit setting out the facts showing him to be the proper person to be entered on the record as such legal representative.

9. Where at any time between the filing of the petition for special leave to appeal and the hearing thereof the record becomes defective by reason of the death or change of status of a party to the appeal or for any other reason, an application shall be made to the Court stating who is the proper person to be substituted or entered on the record in place of or in addition to the party on record. Provisions contained in rule 33 of Order XV shall apply to the hearing of such applications.

10. (1) Unless a caveat as prescribed by rule 2 of Order XVIII has been lodged by the other parties who appeared in the Court below, petitions for grant of special leave shall be put up for hearing *ex parte*, but the Court, if it thinks fit, may direct issue of notice to the respondent and adjourn the hearing of the petition:

Provided that where a petition for special leave has been filed beyond the period of limitation prescribed therefore and is accompanied by an application for condonation of delay, the Court shall not condone the delay without notice to the respondent.

(2) A caveator shall not be entitled to costs of the petition, unless the Court otherwise orders.

Where a caveat has been lodged as aforesaid, notice of the hearing of the petition shall be given to the caveator; but a caveator shall not be entitled to costs of the petition, unless the Court otherwise orders.

11. On the grant of special leave, the petition for special leave shall, subject to the payment of additional Court fee, if any, be treated as the petition of appeal and it shall be registered and numbered as such. The provisions contained in Order XV shall, with necessary modifications and adaptations, be applicable to appeals by special leave and further steps in the appeal shall be taken in accordance with the provisions therefore.

ORDER XVII
Pauper Appeals and Applications

1. An application for leave to proceed as a pauper shall be made on a petition. It shall be accompanied by:—

- (a) a copy of petition of appeal and the documents referred to in rule 3 of Order XV, or of the petition for special leave and the documents mentioned in rule 5 of Order XVI, as the case may be, and
- (b) an affidavit from the petitioner disclosing all the property to which he is entitled and the value thereof other than his necessary wearing apparel and his interest in the subject-matter of the intended appeal and stating that he is unable to provide security or surety for the cost of the respondent and pay Court fees.

2. The Registrar shall, on satisfying himself that the petition is in order, direct that the petition shall be filed and set down for hearing before the Chamber Judge on a date to be fixed for the purpose.

3. The application shall be posted before the Judge in Chambers who may himself inquire into the pauperism of the petitioner after notice to the other parties in the case and to the Attorney-General, or make an order directing the High Court either by itself or by a Court subordinate to the High Court, to investigate the pauperism after notice to the parties interested and submit a report thereon within such time as may be fixed by the order. On receipt of the report, the petition shall again be posted before the Judge in Chambers for further orders :

Provided that, if the applicant was allowed to sue or appeal as a pauper in the court from whose decree the appeal is preferred, no further inquiry in respect of his pauperism shall be necessary, unless this Court sees cause to direct such inquiry.

4. In granting or refusing leave to appeal as a pauper, the Court shall ordinarily follow the principles set out in sub-rule (2) of rule I. or Order XLIV of the Code.

5. Where a petitioner obtains leave of the Court to appeal as a pauper he shall not be required to pay Court- fees or to lodge security for the costs of the respondent.

6. The Judge in Chambers may assign an advocate on record to assist a pauper in the case, unless the pauper has made his own arrangement for his representation. Such assignment shall ordinarily be from a panel of advocates willing to assist paupers and chosen by the Judge in Chambers. It shall however be open to the Judge in Chambers in his discretion to assign an advocate outside the panel in any particular case.

7. (a) No fees shall be payable by a pauper to his advocate, nor shall any such fees be allowed on taxation against the other party except by an order of Court. The advocate may however receive from the pauper money for out of pocket expenses, if any, properly incurred in the case.

(b) It shall be open to the Court, if it thinks fit, to award costs against the adverse party or out of the property decreed to a pauper, and to direct payment of such costs to the advocate for the pauper.

(c) Save as aforesaid, no person shall take or agree to take or seek to obtain from a pauper any fee, profit or reward for the conduct of his case, and any person who takes, agrees to take or seeks to obtain, any such fee, profit or reward, shall be guilty of contempt of Court.

(d) Soon after a pauper appeal has been heard and disposed of, the advocate for the pauper shall file in the Registry a statement of account showing what monies, if any, were received by him in the case on any account from the pauper or from any person on his behalf and the expenditure incurred. If no monies had been received, a statement shall be filed to that effect. The Taxing Officer may, where he thinks it necessary, place the statement filed before the Judge in Chambers for his perusal and orders.

8. Where the appellant succeeds in the appeal, the Registrar shall calculate the amount of court-fees which would have been paid by the appellant if he had not been permitted to appeal as a pauper and incorporate it in the decree or order of the Court; such amount shall be recoverable by the Government of India from any party ordered by the Court to pay the same, and shall be the first charge on the subject-matter of the appeal.

9. Where the appellant fails in the appeal or is dispaupered, the Court may order the appellant to pay the court-fees which would have been paid by him if he had not been permitted to appeal as a pauper.

10. The Central Government shall have the right at any time to apply to the Court to make an order for the payment of Court-fees under rule 8 or rule 9.

11. All matters arising between the Central Government and any party to the appeal under the three preceding rules shall be deemed to be questions arising between the parties to the appeal.

12. In every pauper appeal the Registrar shall, after the disposal thereof, send to the Attorney-General for India a memorandum of the court-fees payable by the pauper.

13. No appeal or other proceeding begun, carried on or defended by a pauper shall be compromised or discontinued without the leave of the Court.

ORDER XVIII
PETITIONS GENERALLY

1. Every petition shall consist of paragraphs numbered consecutively and shall be fairly and legibly written, type-written, lithographed or printed on the side of standard petition paper, demy, fool-scape size, or on paper ordinarily used in High Courts for transcribing petitions, with quarter margin, and endorsed with the name of the Court appealed from, the full title and Supreme Court number of the appeal or matter to which the petition relates and the name and address of the advocate on record of the petitioner or of the petitioner where the petitioner appears in person. The petitioner shall file along with the petition such number of copies thereof as may be required for the use of the Court.

2. Where a petition is expected to be lodged, or has been lodged, which does not relate to any pending appeal of which the record has been registered in the Registry of the Court, any person claiming a right to appear before the Court on the hearing of such petition may lodge a caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar notice of the lodging of the petition, if at the time of the lodging of the caveat such petition has not yet been lodged, and, if and when the petition has been lodged, to require the petitioner to serve him with copy of the petition and to furnish him, at his own expense, with copies of any papers lodged by the petitioner in support of his petition. The caveator shall forthwith, after lodging his caveat, give notice thereof to the petitioner, if the petition has been lodged.

3. Where a petition is lodged in the matter of any pending appeal of which the record has been registered in the Registry of the Court, the petitioner shall serve any party who has entered an appearance in the appeal, with a copy of such petition and the party so served shall thereupon be entitled to require the petitioner to furnish him at his own expense, with copies of any papers lodged by the petitioner in support of his petition.

4. A petition other than memorandum of appeal containing allegations of fact which cannot be verified by reference to the record in the Court shall be supported by an affidavit.

5. The Registrar may refuse to receive a petition other than Petition under Article 32 of the Constitution on the ground that it discloses no reasonable cause or is frivolous, or contains scandalous matter but the petitioner may appeal, by way of motion, from such refusal to the Court.

6. As soon as all necessary documents are lodged, the petition shall be set down for hearing.

7. Subject to the provisions of rule 8, the Registrar shall, as soon as the Court has appointed a day for the hearing of a petition, notify the day appointed on the notice-board of the Court.

8. Where the prayer of a petition is consented to in writing by the opposite party, or where a petition is of a formal and non-contentious character, the Court may, if it thinks fit, make an order thereon, without requiring the attendance of the parties, but the Registrar shall, with all convenient speed, after the Court has made its order, notify the parties that the order has been made and of the date and nature of such order.

9. A petitioner who desires to withdraw his petition shall give notice in writing to that effect to the Registrar. Where the petition is opposed the opponent shall, subject to any agreement between the Parties to the contrary, be entitled to apply to the Court for his costs, but where the petition is unopposed or where in the case of an opposed petition, the parties have come to an agreement as to the costs of the Petition, the petition may, if the Court thinks fit, be disposed of in the same way *mutatis mutandis* as a consent petition under the provisions of rule 8.

10. Where a petitioner unduly delays the bringing of a petition to a hearing, the Registrar shall call upon him to explain the delay, and if no explanation is offered, or if the explanation offered is, in the opinion of the Registrar, insufficient, the Registrar may, after notifying all parties, who have entered appearance place the petition before the Court for such directions as the Court may think fit to give thereon.

11. At the hearing of a petition not more than one advocate shall be heard on one side.

ORDER XIX HEARING OF APPEALS

1. Subject to the directions of the Court, at the hearing of an appeal not more than two advocates shall be heard on one side.

2. No party shall, without the leave of the Court, rely at the hearing on any grounds not specified in the statement of the case filed by him.

3. Where the Court, after hearing an appeal, decides to reserve its judgment thereon, the Registrar shall notify the parties through their advocates on record of the day appointed by the Court for the delivery of the judgment.

4. (a) An appellant, whose appeal has been dismissed for default of appearance may, within thirty days of the order, present a petition praying that the appeal may be restored and the Court may, after giving notice of such application to the respondent who has entered appearance in the appeal, restore the appeal if good and sufficient cause is shown, putting the appellant on terms as to costs or otherwise as it thinks fit, or

pass such other order as the circumstances of the case and the ends of justice may require.

(b) Where an appeal is heard *ex parte* and judgment is pronounced against the respondent, he may apply the Court to re-hear the appeal, and if he satisfies the Court that the appeal was set down *ex parte* against him without notice to him or that he was prevented by sufficient cause from appearing when the appeal was called on for hearing the Court may rehear the appeal on such terms as to costs or otherwise as it thinks fit to impose upon him.

ORDER XX Miscellaneous

1. The filing of an appeal shall not prevent execution of the decree or order appealed against but the Court may subject to such terms and conditions as it may think fit to impose, order a stay of execution of the decree or order, or order a stay of proceedings in any case under appeal to the Court.

2. A party to an appeal who appears in person shall furnish the Registrar with an address for service and all documents left to that address or sent by registered post to that address, shall be deemed to have been duly served.

B--Criminal Appeals ORDER XXI Special Leave Petitions in Criminal Proceedings and Criminal Appeals

SPECIAL LEAVE PETITIONS

1. (1) Where leave to appeal to the Court was refused in a case by the High Court a petition for special leave to appeal shall, subject to the provisions of sections 4, 5, 12 and 14 of the Limitation Act; 1963 (36 of 1963), be lodged in the Court within sixty days from the date of order of refusal and in any other case within ninety days from the date of judgement or order sought to be appealed from :

Provided further that where an application for leave to appeal to the High Court from the judgement of a single Judge of that court has been made and refused, in computing the period of limitation in that case under this rule, the period from the making of that application and the rejection thereof shall also be excluded.

Explanation.—For purposes of this rule the expression 'order of refusal' means an order refusing to grant the certificate referred to in article 132 or article 134, as the case may be, of the Constitution on merits and shall not include an order rejecting the application on the ground of limitation or on the ground that such an application is not maintainable.

(2) Where the period of limitation is claimed from the date of refusal of a certificate, it shall not be necessary to file the order refusing a certificate, but the petition for special leave shall be accompanied by an affidavit stating the date of the judgement sought to be appealed from, the date on which the application for a certificate was made to the High Court, the date of the order refusing the certificate and the ground or grounds, on which the certificate was refused and in Particular whether the application for a certificate was dismissed as being out of time.

2. Where an appeal lies to the Court on a certificate issued by the High Court no application to the Court for special leave to appeal shall be entertained unless the High Court concerned has first been moved and it has refused to grant the certificate.

3. The petition shall state sufficiently and clearly all such facts as may be necessary to enable the Court to determine whether special leave to appeal ought to be granted and shall be signed by the advocate on record for the petitioner unless the petitioner appears in person. The petition shall also state whether the petitioner has moved the High Court concerned for leave to appeal against its decision, and if so, with what result.

4. The petition shall be accompanied by:

(1) a certified copy of the judgment and order appealed from; and

(2) an affidavit in support of the statement of facts contained in the petition.

5. (1) No annexures to the petition shall be accepted unless such annexures are certified copies of documents which have formed part of the record in the court or tribunal sought to be appealed from, provided that uncertified copies of documents may be accepted as annexures if such copies are affirmed to be true copies upon affidavit.

(2) The High Court or the tribunal concerned shall, on application by a petitioner intending to apply for special leave, grant him free of cost a certified copy of the judgment or order sought to be appealed from.

6. Where the petitioner has been sentenced to a term of imprisonment, the petition shall state whether the petitioner has surrendered. Where the petitioner has not surrendered to the sentence, the petition shall not be posted for hearing unless the Court, on a written application for the purpose, orders to the contrary. Where the petition is accompanied by such an application the application and the petition shall be posted together before the Court.

7. Unless a caveat as prescribed by rule 2 Order XVIII has been lodged by the other parties who appeared in the court below, petitions for grant of special leave shall be put up for hearing *ex parte*, but the Court, if it thinks fit, may direct issue of notice to the respondent and adjourn the hearing of petition.

8. (1) If the petitioner is in jail and is not represented by an advocate on record he may present his petition for special leave or appeal together with the certified copy of the judgment and any written argument which he may desire to advance to the officer-in-charge of the jail, who shall forthwith forward the same to the Registrar of this Court. Upon receipt of the said petition, the Registrar of the Court shall, whenever necessary call, from the proper officer of the court or the tribunal appealed from the relevant documents for determination of the petition for special leave to appeal.

(2) As soon as all necessary documents are available the Registrar shall, where the petitioner has been sentenced to death, assign a counsel from a panel of *amicus curiae* and thereafter place the petition and complete documents for hearing before the Court. The fee of the counsel so assigned shall be one hundred rupees or such reasonable fee as may be fixed by the Court hearing the petition.

9. On the granting of the special leave, the petition for special leave shall be treated as the petition of appeal and shall be registered and numbered as such.

10. Upon an order being made granting special leave to appeal, the Registrar shall transmit to the court appealed from, a certified copy of the order together with a certified copy of the petition for special leave, and the affidavit, if any, filed in support thereof.

11. On receipt of the said order, the court appealed from shall give notice of the order to the respondent and require the parties to take all necessary steps to have the record of the case transmitted to the Court in accordance with the directions contained in the order granting special leave. The Registrar of the court appealed from shall certify to the Registrar of the Court that the respondent has received notice of the order of the Court granting special leave to appeal.

CRIMINAL APPEALS

12. Every criminal appeal under article 132(1) (c) of the Constitution shall be lodged in the Court within sixty days from the date of the certificate granted by the High Court, and every appeal under article 134(1) (a) and (b) of the Constitution or under any other provision of law within sixty days from the date of the judgment, final order or sentence appealed from :

Provided that in computing the period, the time requisite for obtaining a copy of the judgment or order appealed from, and, where the appeal is on a certificate, of the certificate, shall be excluded :

Provided further that the Court may, for sufficient cause shown extend the time.

13. (1) The memorandum of appeal shall be in the form of a petition. It shall state succinctly and briefly, and as far as possible, in chronological order, the principal steps in the proceedings from its commencement till its conclusion in the High Court.

(2) Where the appeal lies to the Court as of right, the petition shall be accompanied by a certified copy of the judgement appealed from.

(3) Where the appeal is preferred by a certificate granted by the High Court it shall not be necessary to file along with the petition of appeal a certified copy of the judgment appealed from or of the certificate of fitness granted by the High Court ; but in such case the petition shall be supported by an affidavit stating the date on which the application for certificate was made to the High Court and the date of the order granting the said certificate and the provision of law under which the said certificate is granted.

14. Where the appellant is in jail, he may present his petition of appeal and the documents mentioned in rule 13 including any written argument which he may desire to advance to the officer-in-charge of the jail, who shall forthwith forward the same to the Registrar of the Court.

15. The petition of appeal shall be registered and numbered as soon as it is lodged. On the registration of the appeal the Registrar shall send a copy of the petition of appeal and the accompanying papers, if any, to the High Court or the tribunal concerned, and shall cause notice of the appeal to be given, where the appeal is by a convicted person, to the Attorney-General for India or to the Advocate- General or the Government Advocate of the State concerned or to both as the case may require, and, in cases where the appeal is by the Government, to the accused, and shall also furnish the Attorney-General for India or the Advocate- General or the Government Advocate of the State concerned as the case may be with a copy of the petition of appeal and the accompanying papers, if any.

16. The respondent may enter appearance in the Court within thirty days of the notice of lodgment of the petition of appeal on him.

PREPARATION OF RECORD

17. The record of the appeal shall be printed in accordance with the rules contained in the First Schedule to these rules. It may be printed either under the supervision of the Registrar of this Court, or under the supervision of the Registrar of the Court appealed from. The record shall be printed at the expense of the appellant unless otherwise ordered by the Court. In appeals involving sentence of death and in such other cases in which the Court thinks fit to so direct the record shall be printed at the expense of the State concerned.

18. (1) In the preparation of the record, the provisions contained in Order XV relating to the preparation of the record in Civil Appeals shall, with necessary modifications and adaptations, apply to Criminal Appeals.

(2) In all cases where a sufficient number of copies of the printed record of the court appealed from are available, they shall be dispatched to the Court along with such additional records as may be necessary as soon as these are printed, and where the record is to be printed afresh for the Supreme Court appeal the printed record shall be made ready and dispatched to the Court within a period of sixty days after the receipt of the intimation from the Registrar of the Court of the filing of the petition of appeal, or of the order granting special leave to appeal.

19. Where the appellant fails to take necessary steps to have the printed record prepared and transmitted to the Court with due diligence, the Registrar of the court appealed from shall report the default to the Registrar of the Court and the Registrar of the Court may thereupon issue a summons to the appellant calling upon him to show cause before the Court a time to be specified in the summons why the appeal should not be dismissed. The Court may thereupon dismiss the appeal for non-prosecution or pass such orders as the justice of the case may require.

20. Where an appeal has been dismissed for non-prosecution; the appellant may, within thirty days of the order, present a petition praying that the appeal may be restored and the Court may, after giving notice of the application to the respondent, if he has entered appearance restore the appeal if good and sufficient cause is shown.

21. (1) As soon as the record has been got ready the Registrar of the court appealed from shall dispatch to the Registrar of the Court not less than fifteen copies where the appeal raises a question as to the interpretation of the Constitution, and not less than 10 copies in other cases.

(2) In all cases involving a sentence of death, where a sufficient number of copies of the printed record of the court appealed from are available they shall be dispatched to this

Court along with such additional records as may be necessary as soon as these are printed, and where the record is to be printed afresh for the Supreme Court appeal the printed record shall be made ready and dispatched to this Court within a period of sixty days after the receipt of the intimation from the Registrar of the Court of the filing of the petition of appeal, or of the order granting special leave to appeal.

22. As soon as the record is ready the Registrar concerned shall give notice thereof to the parties to the appeal, and where the record is prepared under the supervision of the Registrar of the Court appealed from the said Registrar shall, after service of the notice, send to the Registrar of this Court a certificate as to the date or dates on which the notice has been served.

HEARING OF THE APPEAL

23. Each party who has entered appearance shall be entitled to two copies of the record for his own use.

24. Unless otherwise ordered by the Court the appeal shall be set down for hearing thirty days after the expiry of the time prescribed for entering appearance by the respondent.

25. Where the accused person is not represented by an Advocate on Record of his choice the Court may, in a proper case, direct the engagement of an Advocate, at the cost of the Government. The fee of the Advocate so engaged shall be two hundred and fifty rupees for the first day of the hearing, with a refresher, where the hearing has lasted for more than 4½ hours, of one hundred and twenty-five rupees for each additional day of the hearing, or such reasonable fee as may be fixed by the Court hearing the appeal.

26. (1) Due notice shall be given to the accused, where he is not represented, of the date fixed for the hearing of the appeal. The accused person may, if he so wishes, present his case by submitting his argument in writing and the same shall be considered at the hearing of the appeal

(2) It shall not be necessary for an accused person in custody to be produced before the Court at the hearing unless the Court thinks fit in the interest of justice to direct him to be produced to enable him to argue his case or for other reasons.

27. Pending the disposal of any appeal under these rules, the Court may order that the execution of the sentence or order appealed against be stayed on such terms as the Court may think fit.

28. After the appeal has been disposed of, the Registrar shall, with the utmost expedition, send a copy of the Court's judgement or order to the High Court or tribunal concerned.

29. In criminal proceedings, no security for costs shall be required to be deposited, and no court fee, process fee, or search fee shall be charged and an accused person shall not be required to pay copying charges except for copies other than the first.

CHAPTER 9
MISCELLANEOUS

PART A—RULES FOR THE DISPOSAL OF EXECUTIVE
AND ADMINISTRATIVE BUSINESS

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| <p>1. [87][The Honourable the Chief Justice shall be in control of the administrative and executive work of the High Court and its distribution amongst the Honourable Judges.</p> | <p>Administrative Business.</p> |
| <p>2. The matters to be placed before and decided at a meeting of the Hon'ble Judges shall <i>inter alia</i> include:</p> <p>(i) All matters involving questions of principle and policy ;</p> <p>(ii) All cases relating to amendments to be made to existing laws or to the statutory rules of the Court;</p> <p>(iii) All matters concerning the High Court as such or all the Honourable Judges ;</p> <p>(iv) All matters on which the opinion of all the Honourable Judges is invited by Government ;</p> <p>(v) Disciplinary action against the members of the Punjab Civil Service and Haryana Civil Service (Judicial Branch) and the Superior Judicial Service of Punjab and Haryana;</p> <p>(vi) The promotion of Subordinate Judicial Officers including members of the Superior Judicial Service of Punjab and Haryana;</p> <p>(vii) Recommendation regarding grant of pension of subordinate Judges and members of the Superior Judicial Service of Punjab and Haryana ;</p> <p>(viii) Annual confidential remarks on the work of District & Sessions judges ;</p> <p>Posting and Transfer of the members of the Superior Judicial Officers of Punjab and Haryana including those to be sent on deputation.</p> <p>(ix) Any other matter which may be referred by the Honourable the Chief Justice or not less than three Hon'ble Judges to a meeting of Hon'ble Judges.</p> | <p>Matters which shall be disposed of at a Judges' meeting.</p> |
| <p>3. The Hon'ble Chief Justice or not less than three Hon'ble Judges may call for a meeting of Hon'ble Judges to consider any matter, which in their opinion, deserves to be placed before such meeting.</p> | <p>Referring a matter to Judges' meetings.</p> |
| <p>4. The Hon'ble the Chief Justice may convene a meeting of Hon'ble Judges whenever he may deem it appropriate so to do, after giving due notice to the Hon'ble Judges of the matters to be taken up for consideration.</p> | <p>Holding of Judges' meetings.</p> |

Any three or more Hon'ble Judges too may requisition a meeting of Hon'ble Judges to consider any matter which in their opinion, deserves such consideration. On such requisition being received, the Hon'ble Chief Justice, shall convene a meeting of the Hon'ble Judges to consider the matter raised, not later than within three working days of the receipt of the requisition failing which, the Hon'ble Judges requisitioning such a meeting shall be at liberty to convene a meeting of the Hon'ble Judges at a date of their choosing.

All meetings of the Hon'ble Judges shall be presided over by the Hon'ble Chief Justice and in his absence by the Hon'ble Acting Chief Justice or the Senior most Hon'ble Judge present at the meeting, as the case may be.

Quorum of
Judges
meetings.

5. Quorum for meeting of Hon'ble Judges shall be half the working Judges strength, for the time being.

Mode of
decision in
case of
difference of
opinion.

6. All matters at the meeting of Hon'ble Judges shall be decided in accordance with the opinion of the majority of the Hon'ble Judges present and voting and in the event of the Hon'ble Judges being equally divided, the Hon'ble Presiding Judge at the meeting shall have a second or casting vote.]

7.^[88] [(1) There shall be an Administrative Committee of Hon'ble Judges which shall consist of the Hon'ble Chief Justice and next six Senior Judges which deal with such matters as may be delegated to it by the Hon'ble Judges at a meeting.

(2) The matters delegated to the Administrative Committee shall *inter alia*, include:-

- (i) the postings and transfers of the members of Punjab and Haryana Civil Service (Judicial Branch) including those to be sent on deputation;
- (ii) The recording of confidential remarks on the work and conduct of members of Punjab and Haryana Civil Service (Judicial Branch) Officers:

Provided, that the annual confidential remarks, recorded by the Administrative Committee on the work and conduct of PCS/HCS (Judicial Branch) Officers shall be deemed to be final only after they have been placed and approved in Full Court meeting of Hon'ble Judges.

- (iii) The issuance of Character Certificate to Superior Judicial Officer for enrollment as Advocate.

- (iv) Retention in service of members of Superior Judicial Service of the States of Punjab and Haryana on attaining the specified age or after completion of specified length of service. However, if retention is not allowed, the matter shall be deemed to be final only after the same has been placed and approved in the Full Court meeting of Hon'ble Judges:

Provided that the Agenda of the Hon'ble Administrative Committee in this behalf be circulated amongst all the Hon'ble Judges. Any Hon'ble Judge who wishes to participate in the deliberations of the Committee in regard to any officer shall be free to do so.*

- (v) Consideration upon second representation by an Officer against annual confidential remarks to ascertain that there is a reasonable ground for placing the same before the Full Court.**

Note.- * Delegated,- *vide* Resolution dated 18th August, 2008 of Full Court.

**Delegated,- *vide* Resolution dated 12th September, 2008 of Full Court.]

Record of proceedings of Judges' meetings.

8. The Registrar or in his absence the Deputy Register, shall attend all Judges' meetings, and shall, record the proceedings at such meetings.

Circulation of proceedings of Judges' meetings.

9. As soon as conveniently may be, after the proceedings of a meeting have been recorded and signed by the Registrar or Deputy Registrar, as the case may be, they shall be signed by the Honourable the Chief Justice and circulated to the Honourable Judges in order of juniority.

Custody of proceedings of Judges' meetings.

10. The original proceedings of the meeting shall be kept in the General Record Room in a separate file and shall not be removed from the Court building except by the Registrar with the sanction of the Honourable the Chief Justice.

Delegation of powers to Registrar or Deputy Registrar.

11. The Honourable the Chief Justice may empower any person holding the post of Registrar, Joint Registrar or Deputy Registrar of the High Court by name, to perform all or any of the duties of a Judge in charge of any branch of the executive and administrative business of the Court.

Administrative business during vacation.

12. During the vacation the administrative and executive work of the High Court may be carried out by the senior Vacation Judge present at the Court, who may in his discretion pass such orders as may be necessary; provided that any matter decided by a Vacation Judge under this Rule, which would otherwise fall for decision by all the Honourable Judges or by the Honourable the Chief Justice shall be referred to all the Honourable Judges or the Honourable the Chief Justice, as the case may be, for confirmation after the vacation.

PART B.—PROCEDURE FOR MAKING RULES UNDER PART
X OF THE CODE OF CIVIL PROCEDURE

Registrar shall order minutes of the Rule Committee to be placed before Judges' meeting.

1. As soon as the minutes of a meeting of a Rule Committee have been signed, the Registrar (who is also the Secretary of the Rule Committee) shall endorse upon them an order that a copy be placed before a meeting of the Judges on a specified date.

Procedure when Registrar omits to pass such an order.

2. In the event of the minutes of the Rule Committee reaching the office without such an endorsement, the attention of the Registrar shall be drawn to the omission forthwith.

Registrar shall cause the Rules framed to be published in Gazettes inviting objections.

3. If the Judges decide that the recommendations are to be accepted and a Rule made, the Registrar shall cause the rule, in the form in which it has been framed by the Judges to be published for objections in the Punjab Gazette and in the Gazette of India (for the Union Territory of Delhi).

Rules with objections shall be laid before Judges' meeting.

4. On the termination of the period fixed for objections, the Registrar shall again lay the Rule, with objections, if any, before a meeting of the Judges.

Sanction of the Punjab and Delhi Governments to be obtained.

5. If the Judges decide to make the rule, the Registrar shall apply simultaneously to the Punjab Government and the Government of India (as the Government for the Union Territory of Delhi) for the approval of the rule in the form in which it has been framed.

Sanctioned rule to be published In Gazettes.

6. When the approval of these Governments has been received, the Registrar shall cause the rule to be published in the Punjab Gazette and in the Gazette of India (for the Union Territory of Delhi). If the rule has been approved by the two Governments in different forms and the High Court has no objection to the changes proposed, the Register shall cause the rule to be published in the Gazettes of Punjab Government and Government of India in the forms approved by the respective Governments.

7. After publication in the Gazette a correction slip (a) to the Rules and Orders of the High Court and (b) to the pamphlet entitled Rules made by the Punjab High Court under section 122 of the Code of Civil Procedure (1956 edition)" shall be prepared and issued according to the form approved by the Punjab Government. If the rule has been approved in a different form for the Union Territory of Delhi, a note to that effect shall be added in the correction slip.

Sanctioned
rule to be
inserted in
Rules and
Orders of the
High Court,
etc.

RULES & ORDERS OF PUNJAB AND HARYANA HIGHCOURT VOLUME V

CHAPTER 1 JUDICIAL BUSINESS

PART A-(a) THE PRESENTATION AND RECEPTION OF APPEALS, PETITIONS AND APPLICATIONS FOR REVIEW AND REVISION ¹[AND SUPPLY OF ADVANCE COPY].

1. To be deposited in petition box during court hours.- All ordinary appeals, petitions and applications for review or revision, written statements, affidavits or other documents, sought to be presented shall be presented by litigants or their Advocates by depositing them in the petition box of the Court outside the room of the Deputy Registrar between the hours of 10 a.m. to 4 p.m. on every day which is not a court holiday. Petitions sent by litigants through post for taking some judicial action shall not be entertained by this court but returned per bearing post:

Provided that appeals, petitions, applications for review or revision, written statements, affidavits or other documents of prisoners or detenus, received through the officer incharge of the prison shall be entertained by this Court.

^[2]
2. [Urgent and transfer applications to be presented personally.- Appeals, applications, etc., accompanied by petition to be treated as urgent, as well as transfer applications, memo of appeal in First Appeals against orders in Matrimonial causes, petitions for Writs and for Habeas Corpus which are *ipso facto* treated as urgent may be presented personally to the Reader to the Deputy Registrar on any working day during court hours. Civil writs, transfer applications in civil cases and First Appeals against orders are not, however, treated as urgent during the period the High Court is closed for the long vacation unless accompanied by a petition to be treated as urgent.]

No appeal, petition or application shall be received unless presented during the court hours from 10 a.m. to 4 p.m.

Provided that during the summer vacation the time for presentation of all ordinary appeals/petitions/applications by litigants or Advocates shall be 7.30 A.M. to 12.00 Noon or such other timings as the Senior Vacation Judge may fix and notify for any such vacation.

^[2&3] **[2.(a)** Every pleading(s) including application(s), annexure(s) etc. in the High Court shall be in English language duly typed on both side of superior quality legal size paper of 80 GSM and above. The font shall be Thorndale or Times New Roman in size 14 with double space. Margins on the top and bottom of the page shall be 1.25 inches and 0.75 inch, respectively. The left side and right side margins shall be 1.25 inches. The numbering shall be on the top middle of each page and will run through both sides of the page.

1. Amended vide Correction Slip No. 176 Rules/II.D4 dated 16.11.2018.

2. Rule 2 substituted vide Correction Slip No. 80 dated 06.04.1984.

3. Rule 2 (a) substituted vide Correction Slip No. 163 Rules/II.D4 dated 04.07.2015 and amended vide Correction Slip No. 175 dated 16.10.2018.

Every pleading(s) including application(s), annexure(s) etc. shall have the heading "In the High Court of Punjab and Haryana at Chandigarh". The same shall be duly signed by the petitioner, appellant or applicant etc. or by an Advocate entitled as of right to practice in the High Court on his/her behalf, as the case may be. The original typed copy shall be filed with such number of copies, as required. Only legible memorandum of appeal or petition or application etc. or copy thereof shall be entertained.

However, legible photo copies of annexures to Writ petitions or other cases may be filed if these are in conformity with the specifications, as above, and are duly attested to be true copy by the Advocate.

Provided that memorandum of appeal, petition, application, affidavit, annexures to writ petitions and other documents, written on a plain paper, sent by a prisoner or a detainee, through the officer incharge of the prison, shall be entertained and the Registry shall place before the Court typed copy of the same in accordance with the specifications as above.

Note:- In order to avoid immediate inconvenience to the stakeholders, the Registry shall accept the filing as per existing unamended rule for two months from the date of coming into force of this amendment or for such period thereafter as may be extended by Hon'ble the Chief Justice.]

[1]2(aa) [The judgments/orders of more than one page shall be duly typed on both side of legal size paper of 80 GSM. The font shall be Thorndale or Times New Roman in size '14' with double space. Margins on the top and bottom of the page shall be 1.25 inches and 0.75 inch, respectively. The left side and right side margins shall be 1.25 inches. The numbering shall be on the top middle of each page and will run through both sides of the page.

Note:- In order to avoid immediate inconvenience, the judgments/orders shall be typed as per existing unamended rule for two months from the date of coming into force of this amendment or for such period thereafter as may be extended by Hon'ble the Chief Justice.]

(b) Every memorandum of appeal shall be accompanied by copies of the decree and judgment as prescribed by Order XLI, Rule 1 of the Civil Procedure Code. In the case of Second Appeals, in addition to the documents prescribed by Order XLI, Rule 1 of the Code, memorandum shall be accompanied by a copy of the judgment of the Court of first instance unless the appellate court dispenses therewith. In all cases which are within the competence of Division Bench motion, duplicate type written copies of memo of appeal or revision and other essential documents shall be furnished by the appellant or applicant, as the case may be, both in Civil and Criminal cases.

[2]1[(c) Every Caveat filed under sub-section (1) of Section 148-A of the Code of Civil Procedure be given a distinct number by the Registry.]

3. Section and enactment to be specified.- Every memorandum of appeal or application shall specify the section of the enactment under which the appeal or application lies. The Deputy Registrar is authorised to refuse to receive any memorandum of appeal or application which does not comply with this rule.

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1. Rule 2 (aa) inserted vide Correction Slip No. 163 Rules/II.D4 dated 04.07.2015 and amended vide Correction Slip No. 175 dated 16.10.2018.
 2. Inserted vide Correction Slip No. 149 Rules/II.D4 dated 19.08.2011.

^[1][3-A. All Civil Appeals/ Civil Revisions/ Main Miscellaneous Applications shall be page-marked and indexed in the following serial :-]

1. Miscellaneous Application alongwith affidavit.
2. ^[2][Grounds of Appeal/Revision on prescribed opening sheet ^{3}{(available on the website of this Court under the heading 'Downloads')} mentioning therein that the party has not filed any similar case in this Court or in Hon'ble the Supreme Court of India, duly supported by an affidavit of the concerned party.]
3. Memo of parties ^[4][including age of the litigant(s)].
4. Trial Court's Judgement and decree where necessary.
5. Copy of Lower Appellate Court Judgement.
6. Decree of Lower Appellate Court and Grounds of Appeal before Lower Appellate Court
7. ^[1][Additional Documents, if any.
8. ^{5}{Part A of the Judicial record shall be kept in two parts. All CMs be tagged in a separate folder with separate page-marking with date-wise filing of miscellaneous applications. All the CMs shall be indexed and their status be shown in the index page. Whereas interim orders passed including on the miscellaneous applications shall be kept in the main file.

The pending and decided applications shall be indexed, decided applications shall be underlined with red pen and date of order be mentioned in index. A copy of order vide which CM has been disposed of be also attached with the respective CM, old flags already put on the CMs be removed and only flags on pending applications shall be fixed. ^{5}

The certified or photostat copies/copies attested to be true copies of the originals either by the applicant/appellant/petitioner's counsel or where such documents happen to be a language other than English, their translations certified by counsel to be correct if such document are part of the record of the Court/Tribunal.]^[1]

^[6][**Note:** The Counsel be permitted to annex true copies/translation of only of those documents which form part of the records in the lower Courts. The Counsel of the petitioner/appellants will also give a certificate below the grounds of revision/appeal that the documents annexed are part of the lower Court records.]

^[7]**[3-B.** Tax Appeals (Income Tax, Wealth Tax and Gift Tax) would be in the following format:-

1. List of Event

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1. Substituted vide Correction Slip No. 144 Rules/II.D4 dated 29.04.2011.
 2. Amended vide Correction Slip No. 158 Rules/II.D4 dated 12.09.2013.
 3. Amended vide Correction Slip No. 167 Rules/II.D4 dated 17.03.2017.
 4. Inserted vide Correction Slip No. 165 Rules/II.D4 dated 18.11.2016.
 5. Inserted vide Correction Slip No. 196 Rules/II.D4 dated 31.05.2024.
 6. Inserted vide Correction Slip No. 106 Rules/XXII.D.4 dated 08.10.1999.
 7. Inserted vide Correction Slip No. 133 Rules/II.D4 dated 10.12.2009.

2. Memorandum of Appeal containing full party names ^{1}{& Age}, provision of law under which appeal has been filed, statement of facts, grounds of challenge, substantial question of law and the tax- affected.
3. Affidavit regarding limitation purpose
4. Annexures:
 - (i) Orders of Assessing Officer
 - (ii) Orders of Commissioner (Appeals)
 - (iii) Order of Tax Tribunal
 - (iv) Copy of other documents/orders relied upon by the Tribunal
 - (v) Any other order to be relied upon by the appellant.]^[7]

^[2]**3-C. Regular Second Appeal (R.S.A.) in Service Law Matters**, in addition to the requirement of Rule 3-A of this Chapter, shall also comply with the following:-

- (i) placing on record [at the appropriate place] a brief synopsis of the case with the list of major dates and events; with the index indicating in bold text the judgment(s) assailed and content thereon in thumb nail form.
- (ii) the applicable rules/relevant provision of law in the index itself;
- (iii) the specific rule/s involved [with photocopy], if in the opinion of the counsel it is fundamental to the understanding of the issue/s in motion hearing or regular hearing;
- (iv) attaching a copy of the plaint/written statement/judgment with the English translation, if the original is in the vernacular;
- (v) list of exhibits they would refer to with brief description;
- (vi) the law point/s involved for determination.]

4. Letters patent appeals- time within which to be filed and documents to be accompany.- No memorandum of appeal preferred under clause 10 of the Letters Patent shall be entertained if presented after the expiration of 30 days from the date of the judgment appealed from, unless the and admitting Bench in its discretion, for good cause shown, grants further time for the presentation. Such memorandum of appeal need not be accompanied by a copy of the judgment appealed from, but a memorandum of appeal for which a certificate is required under clause 10, must contain a declaration to the effect that the Judge, who passed the judgment has certified that the case is a fit one for appeal. The time spent in obtaining the certificate from the Judge (including the date of application and the date on which the Judge passed the order) shall be excluded in computing the period of limitation. Section 12- of the Indian Limitation Act governs an appeal under the Letters Patent and the appellant in such a case is entitled to exclude the "time requisite" for obtaining a copy of the judgment appealed against (whether such copy is filed or not) even though under the Rules of the Court no copy of the judgment is required to be filed with the memorandum of appeal [*Vide* I.L.R. 1941, Lahore 191 (F.B.).]

1. Inserted vide Correction Slip No. 165 Rules/II.D4 dated 18.11.2016.
 2. Inserted vide Correction Slip No. 200 Rules/II.D4 dated 23.09.2024.

^[1]**4-A. Address Proof.-** Every petition/appeal/application for impleadment as party shall be accompanied by copy of such document as may be prescribed from time to time, as proof of identity and address of the petitioner(s)/appellant(s)/ applicant(s) as mentioned in the memo of parties and the affidavit in support thereof shall contain the declaration of such document having been annexed therewith.

Further the memo of parties in every petition/appeal/application for impleadment as party shall contain the mobile number(s) of the petitioner(s)/appellant(s)/applicant(s) as well as the identification number of the document furnished in support of identity and address of the petitioner(s)/appellant(s)/applicant(s).

Provided that in case of petitioner/appellant/applicant being government, an officer of the government acting in discharge of official duties, statutory body, body corporate, institution, organization etc. it shall be sufficient that the office/registered address and the mobile number of the person signing the petition/appeal/application is mentioned.

4-B. Synopsis of the case.- After the index and the Court fee with every case (petition, appeal etc.) to be filed in the High Court a brief synopsis of the case (concise statement of relevant facts) in chronological order with dates, shall be annexed. Reference to document(s) in such synopsis shall specifically mention (in bold letters in the page margin at the relevant place) the annexure number and the relevant page at which such document is annexed.]

5. Amendment.- (1) The Deputy Registrar may return for amendment and re-filing within a time not exceeding 10 days at a time, and 40 days in the aggregate, to be fixed by him any memorandum of appeal for the reason specified in Order XLI, Rule 3, Civil Procedure Code.

(2) If the memorandum of appeal is not amended within the time allowed by the Deputy Registrar under sub-rule (1) it shall be listed for orders before the Court.

6. Particular ground to be specified in petition for revision.- A petition to the High Court to exercise the powers conferred by section 44 of the Punjab Courts Act shall specify the particular ground on which the aid of the High Court is invoked

- (a) If the ground be that the Court which decided the case exercised a jurisdiction not vested in it by law, the petition shall set out clearly the particular exercise of jurisdiction complained of;
- (b) if it be that the Court which decided the case failed to exercise a jurisdiction so vested, the jurisdiction which ought, in the petitioner's opinion, to have, and has not, been exercised shall be clearly set out;
- (c) if it be that the Court acted in the exercise of its jurisdiction with material irregularity, the particular irregularity or irregularities complained of shall be similarly set out.

7. Documents to accompany such petition.- Every such petition shall be stamped as required by law and shall be accompanied by a copy of the decree or order in respect of which such application is made and by a copy of the judgment upon which such decree is founded.

Documents to accompany petitions for decree or order of appellate court.- In the case of petitions for revision of the decree or order of an appellate court, a copy of the judgment or order of the court of the first instance shall also be filed.

8. Petition for revision of Small Cause Court decrees to specify the error in law.- A petition to exercise the powers conferred by section 25 of the Provincial Small Cause Courts Act, 1887, shall specify in what particular the decree or order of the Small Cause Court is not according to law.

9. ^[1][Power to return petition for amendment.- (1) The Deputy Registrar is authorised to return for amendment, within time to be specified in an order to be recorded by him on the petition, not exceeding 10 days at a time, and 40 days in the aggregate, any petition not drawn up in conformity with the foregoing direction or in accordance with any other rules.

(2) If the petition is not amended within the time allowed by the Deputy Registrar under sub-rule (1), it shall be listed for orders before the Court.]

10. Application for review to contain certificate that there are sufficient grounds.- Every application for review of a judgment Application or order of a Division Bench, or of a Single Bench of the High Court presented by an Advocate shall be signed by him and he shall certify that the grounds contained therein are good and sufficient grounds for the review sought. No advocate shall be heard in support of an application for review of any such judgment or order unless and until he has certified in the manner above prescribed the grounds already taken or any amended grounds of application.

11. Court fees.- No petition, memorandum of appeal or other document, which ought to bear a stamp under the Court Fees Act, 1870, shall be received in the Court until it is properly stamped.

12. Taxing Officer.- The Chief Justice has been pleased to declare that the Registrar of the High Court shall be the Taxing Officer within the meaning of section 5 of the Court Fees Act.

13. Improperly stamped document remains invalid unless filed through mistake and time extended for making up deficiency.- Attention is drawn to the provisions of sections 4 and 28 of the Court Fees Act, and it must be understood in connection with section 5 of the Indian Limitation Act that an improperly stamped document even though received, filed or used in the Court remains invalid, unless it is proved to the satisfaction of the Court that it was so filed or used through mistake or inadvertence, and time is extended for making up the deficiency in the Courtfees.

14. Power to impound documents not duly stamped.- The Deputy Registrar is authorised to examine and impound under section 33(2)(b) of the Indian Stamp Act, 1899, any instrument not duly stamped.

^[2][15. Records in appeals against orders to be sent for only on Court's direction.- Unless the Court orders for requisition of original record or a Photostat copy thereof, the records in Civil Revisions, First Appeals from Orders, Second Appeals from Orders, Execution First Appeals and Execution Second Appeals shall on admission be sent for immediately to be transmitted in the shape of scanned copy.

Provided that where proceedings in a case are pending before the lower Court, the original records, if called for, shall be sent a day prior to the actual hearing of the matter and the same shall be returned immediately after the hearing, unless specifically ordered to be retained by the Court.]

[1] Rule 9 substituted vide Correction Slip No. 121 Rules/IL.D4 dated 30.03.1983.

[2] Rule 15 substituted vide Correction Slip No. 197 Rules/IL.D4 dated 31.05.2024.

^[1]**[16. Supply of Advance Copy.-** Where the petition is against the State Government, Central Government, any local or other authority or any of their officers, the petitioner shall serve a copy of the petition together with annexures and the application for interim relief, if any, in advance to the Advocate General's office, advocate authorized to accept service on behalf of the Central Government or any such local or other authority or any of its officers, as the case may be. The advocate who has been so served shall acknowledge receipt of the same by endorsement on the original petition, writing his full name and enrolment number below the signature. Such acknowledgment together with a declaration in following format shall be filed with the petition.

DECLARATION

The Copies, as required by rule 16 of Chapter 1 Part A(a) of the Rules and Orders of Punjab and Haryana High Court, Volume-V, have been served upon (the person upon whom the copies have been served) at (time) on (date) in (place).

Advocate for the Petitioner

On filing such acknowledgement and declaration, name of the advocate, so served, shall be published in the cause list.

No petition shall be accepted in the Filing Centre without such acknowledgement and declaration except where the counsel for a party certifies under his signature that the counsel for the opposite party has refused to sign the acknowledgement.]

^[2]**[17. General.-** In every case(s) where the party is represented by an Advocate with disability or such party with disability is appearing in person, then such Advocate or party shall be:-

- (i) given out of turn priority at the Filing Counter.
- (ii) the Advocates/individuals having disability shall be allowed to use their laptops/Braille Displays in the Court room during the proceedings to enable them to make notes of proceedings and assist the Court in any other appropriate and requisite manner.]

1. Rule 16 inserted vide Correction Slip No. 176 Rules/II.D4 dated 16.11.2018.
2. Rule 17 inserted vide Correction Slip No. 198 Rules/II.D4 dated 21.09.2024.

Chapter 1-A(a)

1. Rule 2 substituted vide Correction Slip No. 80 dated 6-4-1984, prior to substitution the rule reads as under:-

2. Urgent and transfer applications to be presented personally.- [Appeals, applications, etc., accompanied by petition to be treated as urgent, as well as transfer applications, petitions for Writs and for Habeas Corpus which are *ipso facto* treated as urgent may be presented personally to the Reader to the Deputy Registrar on any working day during court hours. Civil writs and transfer applications in civil cases are not, however, treated as urgent during the period the High Court is closed for the long vacation unless accompanied by a petition to be treated as urgent

2. Rule 2(a), after the existing word 'Every' and before the words 'Memorandum of appeal, and every application', the word "Petition" shall be added and after the existing words 'on water marked plain paper' and before the words 'unless a printed form is prescribed for the purpose by the High Court', the words "Or in legible cyclostyled or computer prints" added vide Correction slip no. 103/Rules II.D.4., dated 2nd March 1996 prior to substitution, the rule reads as under

2. (a) Every memorandum of appeal, and every application, written statement, affidavit, annexures to writ petitions, etc., shall be in the English language and shall be typed in double spacing on one side of the paper only on water marked plain paper, unless a printed form is prescribed for the purpose by the High Court. It shall be headed "in the High Court of Punjab at _____ (place)" and signed by the appellant or applicant or by an Advocate entitled as of right to practise in the High Court on his behalf. The original typed copy and not the carbon copy shall be filed in this court. In case any document is required to be filed in duplicate, the duplicate copy shall be the first carbon copy. No memorandum of application or copy thereof will be entertained unless it is legible.

Rule 2(a), further substituted vide Correction Slip No.114 Rules/II.D.4, dated the 23rd April 2004, prior to substitution the rule reads as under:-

2. (a) Every petition memorandum of appeal, and every application, written statement, affidavit, annexures to writ petitions, etc., shall be in the English language and shall be typed in double spacing on one side of the paper only on water marked plain paper, or in legible cyclostyled or computer prints unless a printed form is prescribed for the purpose by the High Court. It shall be headed "in the High Court of Punjab at _____

(place)" and signed by the appellant or applicant or by an Advocate entitled as of right to practise in the High Court on his behalf. The original typed copy and not the carbon copy shall be filed in this court. In case any document is required to be filed in duplicate, the duplicate copy shall be the first carbon copy. No memorandum of application or copy thereof will be entertained unless it is legible.

Provided that a memorandum of appeal, petition, application, affidavit, annexures to writ petitions and other documents, written on a plain paper, sent by a prisoner or a detenu through the officer incharge of the prison, shall be entertained.

3. For rule 3-A, inserted after the existing Rule 3 vide correction slip no.13/Rules/II.D.4, dated 21st December 1989.

3-A. "All Civil Appeals/Civil Revisions/Main Miscellaneous applications shall be paged-marked and indexed in the following serial:-

1. Miscellaneous Application along with affidavit.
2. Grounds of Appeal/Revision on prescribed opening sheet.
3. Memo of parties.
4. Trial Court's Judgment and decree where necessary.
5. Copy of Lower Appellate Court Judgment.
6. Decree of Lower Appellate Court and Grounds of Appeal before Lower Appellate Court
7. Additional documents, if any."

4. The following Note inserted after the existing Rule 3-A vide Correction slip no. 106, Rules/XXII.D.4., dated 8th October 1999 prior to substitution, the rule reads as under:-

Note:- The Counsel be permitted to annex true copies/translation of only of those documents which form part of the records in the lower Courts. The Counsel of the petitioner/appellants will also give a certificate below the grounds of revision/appeal that the documents annexed are part of the lower Court records."

5. Rule 9, substituted, vide Correction slip no. 121 Rules/II.D.4., dated 30th March, 1983, prior to substitution, rule reads as under:-

- Power to return
petition for
amendment.
9. The Deputy Registrar is authorised to return for amendment, within a time to be specified in an order to be recorded by him on the petition, any petition not drawn up in conformity with the foregoing

directions.

Chapter 1-A(b)

6. Rule 1-A added below proviso of Rule 1 vide Correction Slip No. 11 dated 4.8.1987.

7. Rules 4, 8, 13 substituted vide Correction slip no. 16, Rules II.D.4., dated 23rd January, 1990 prior to substitution, the rules read as under:-

4. Copies of all bail applications received in the High Court relating to criminal cases pending in lower courts, when bail has already been refused by the lower court, shall be supplied to the Advocate-General by the Deputy Registrar to enable him to appear, if desired, on behalf of the Government provided that hearing of any particular case by the Judge to whom it is assigned is not delayed by this procedure.

8. A copy of the petition for Transfer shall be supplied to the Advocate-General before it is filed in court. The petition shall state whether a copy has been supplied in accordance with this rule and if a copy has not been supplied the reasons for not supplying the same shall also be stated.

13. Copies of applications presented in the High Court by complainants under section 378(4) of the Code of Criminal Procedure for special leave to appeal against the orders of acquittal shall be supplied to the Advocate-General and a certificate to that effect obtained from him before filing them in the High Court.

Copies of applications filed by complainants for special leave to appeal from orders of acquittal to be supplied to the Advocate-General.

Chapter 1-E

8. Rule 1, substituted vide Correction Slip No.115 Rules/II.D.4, dated 8th February 2005, prior to substitution, the rule reads as under:-

Form and attestation affidavits.

1. Affidavits intended to be presented in the High Court in support of an assertion of any fact shall be drawn up and attested in the manner prescribed in Chapter 12 of Volume IV of High Court Rules and Orders. Such affidavits shall be declared before some court or officer appointed to administer the oath to the deponent.

The affidavit shall be written in a language which the deponent understands. If the affidavit is in a language other than the English language then its translation in English shall also be filed in Court.

9. Rule 7, substituted vide Correction Slip No.7, dated 21st December, 1984, prior to substitution, the rule reads as under:-

7. Affidavits intended to be used in any proceeding before the High Court may be presented, unless otherwise directed, to the Judge or Bench at the time when the proceedings is called on or before such time to the Registrar, or the Deputy Registrar, who shall thereupon file them with the proceeding after noting thereon the date of presentation.

Chapter 1-F

10. Rule 1, substituted vide Correction slip No.129/113 Rules/II.D.4, dated 14th November 2003, prior to substitution rule reads as under:-

A fee of rupees three in Court-fee labels shall subject to rules in Chapter 5-B, Rules and Orders of this Court, Volume IV, be charged for each summon, notice or other process issued by the Court

11. Rule 2 deleted, vide Correction slip No.129/113 Rules/II.D.4, dated 14th November 2003, prior to substitution rule reads as under:-

2. Unless otherwise ordered by a Judge, process-fee shall be paid within a period not exceeding seven ^{Period allowed.} days from the date of the order admitting an appeal or application or of an order for notice or warrant, provided that if the office of the Court is closed on the seventh day, the fee shall be tendered on the next day the office is open. The office shall not be required to give any notice or intimation that such process-fee is payable.

Note 1.—In motions which are admitted the Court Reader will draw the attention of the appellant or petitioner, who appears in person and not through Counsel, to this rule and take his signature under the order of admission in token of communication.

Note 2.—No process-fee shall be accepted unless it is accompanied, by copies of the memo of appeal or concise statement, as the case may be in view of the provisions of Order XII, Rule 14(6), Civil Procedure Code, as amended by this Court.

Note 3.—No fee is charged for issue of processes in Criminal cases in this Court.

12. Rule 7 inserted after rule 6 vide Correction slip no.15, Rules/II.D.4., dated 23rd January, 1990:

7. “Where there are more than one respondent/defendant, the appellant/applicant/plaintiff or his Advocate shall clearly mention the name of such party who was proceeded *ex-parte* or did not context the proceedings in the lower court and service shall not be effected ordinarily upon such party unless the Court orders to be contrary.”

Chapter 1-G

13. Chapter 1-G added by Punjab and Haryana High Court Correction Slip No. 12, Dated 20-5-1988.

Chapter 2-C

14. In Rule 3 for the words “Deputy Registrar” appearing after the words ‘Letters Patent will be received by the’, the words “Registrar Judicial” are substituted. Similarly for the word ‘three’ appearing after the words ‘unless it is accompanied by’, the word “two” is substituted vide Correction Slip No. 129, Rules/II.D.4 Dated 22-10-2009, prior to substitution the Rule reads as under:-

3. No appeal under clause 10 of the Letters Patent will be received by the Deputy Registrar unless it is accompanied by three typed copies of the following:—

Chapter 2-E

Hours of
business.

15. Chapter 2-E added after the existing Chapter 2-D vide correction slip no.107/Rules/II/D.4, dated 08th May 2000.

16. Sub-rule 15-A added after Sub-rule(15) of Rule 3-(A)II, vide correction slip no 116 Rules/II.D.4, dated 13th May 2005.

15-A First Appeal against order under FEMA Act, 1999. First Appeal under section 35 against order of Appellate Tribunal under Foreign Exchange Management Act, 1999.	FAO(Misc.)
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17. Sub-rule 4-A added after Sub-rule(4) of Rule 3-(A)III Taxation Matters, vide correction slip no 130 Rules/II.D.4, dated 22nd October, 2009.

Chapter 3-A

18. In existing Rule 1 after the words “between the hours of 10 a.m. and 4 p.m.”, the words “with Lunch Break of 45 minutes between 1 p.m. to 1.45 p.m.” are added vide Correction slip no.124, Rules/II.D.4. (3-R), dated 1st December, 2008, prior to substitution the Rule reads as under:-

1. The Court will be opened daily, except on authorized holidays, for the transaction of judicial business, between the hours of 10 a.m. and 4 p.m.

Chapter 3-B

19. Rule 1(i), substituted, vide Correction Slip no. 81

Rules/II.D.4, dated 28th March 1984, prior to substitution, rule reads as under:-

(i) a motion for the admission of-

(a) a first appeal from the decree of a subordinate Court; or

(b) a second appeal irrespective of the value of the subject matter ;

20. Explanation added after Sub-rule(i) of Rule 1, vide correction slip No.118 Rules/II.D.4, dated 31st January, 2007

21. Added after explanation of Sub-rule(i) of Rule 1, vide correction slip No.119 Rules/II.D.4, dated 16 April, 2007

Provided that the appeals against the order of the Company Law Board for the purpose of preliminary as well as final hearings shall lie before the Company Judge exercising original jurisdiction of the High Court.

22. Explanation to sub-rule (xix)(a) of Rule 1 is substituted vide Correction Slip No. 125 Rules/II.D.4 Dated 18th December, 2008, prior to substitution the explanation reads as under:-

Explanation.—The preliminary hearing for the admission of such applications and petitions shall be before a Bench of two Judges.

23. Rule 1(xx), substituted, vide Correction Slip no. 81 Rules/II.D.4, dated 28th March 1984, prior to substitution, rule reads as under:-

An appeal, petition or reference under the Code of Criminal Procedure Sup. 1973 other than-

24. Proviso added after clause(b) of Sub-rule(xx) of Rule 1, vide correction slip no 24 Rules/II.D.4, dated 11th August, 1995:-

Provided that such an appeal from an order of acquittal in a case of an offence punishable with imprisonment not exceeding ten years shall be heard finally by a single Judge.”

25. Added in Rule 1(i)(xx) after Sub-clause(d) as Sub-clause(e) , vide correction slip No. 81 Rules/II.D.4, dated 28th March, 1984.

(e) An appeal against the conviction wherein the sentence of more than 10 years imprisonment or death has been awarded.

26. Added as new para (iv) after para (iii) in explanation to rule 1(i)(xx) , vide correction slip No.81 Rules/II.D.4, dated 28th March, 1984.

(iv) An appeal against the conviction wherein the sentence of more than 10 years imprisonment or death referred to in the sub-clause (e) has been awarded.

27. Added after Sub-rule(xx)(e) of Rule 1, vide correction slip No.118 Rules/II.D.4, dated 31st January, 2007

Provided that an appeal from an order of acquittal in case of offence punishable with imprisonment not exceeding 10 years shall be heard by a Single Bench.

28. Explanation after Rule 1 sub-rule(xi) deleted vide Correction Slip No. 125 Rules/II.D.4 Dated 18th December, 2008, prior to substitution the explanation reads as under:-

Explanation:- The preliminary hearing for the admission of a case under Article 226 of the Constitution of India shall be before a Bench of two Judges:

Chapter 3-C

29. Note after Rule 5 substituted vide Correction Slip No. 75 dated 5-1-1983, prior to substitution the note reads as under:-

Note.—The duties assigned to the Deputy Registrar in the various chapters of this Volume shall be performed by the Assistant Registrar in respect of appeals, Petitions and applications etc., filed, in the Circuit Court, at Delhi.

Chapter 4-E

30. The following is added in Part E before Part F, vide Correction Slip No. 121 Rules/II.D.4., Dated 31st October, 2007.

In exercise of powers conferred by Article 225 of the Constitution of India and all other powers enabling in this behalf, Hon'ble the Chief Justice and Judges of the High Court of Punjab and Haryana are pleased to make the following rules, namely:-

- 1. Short title and commencement:-** (i) These rules may be called the High court of Punjab and Haryana, appointment of Amicus Curiae Advocate Rules, 2007.
(ii) They shall come into force from the date of their publication in the official Gazette.
- 2. Definitions:-** In these rules, unless the context otherwise requires:-
 - (a) 'High Court' means the High Court of Punjab and Haryana at Chandigarh.
 - (b) 'Advocate' means a person enrolled under the Advocates' Act 1961, and entitled as of right to practice in the High Court.
 - (c) 'List' means the list of Advocates prepared and maintained by the High Court under these rules, after selection by the Chief Justice himself or any other Judge's to be nominated by him in this behalf, of competent and willing Advocates of the High Court.
 - (d) 'Chief Justice' means the Chief Justice of High Court

of Punjab and Haryana.

- 3. Satisfaction of High Court about the means of accused/ undefended persons:—** When in civil or criminal proceedings before the High Court, the High Court is satisfied that the accused/ respondent has no means to engage a counsel to defend himself, it shall assign an Advocate from the panel to defend the accused/ respondent:

Provided that the High Court may also assign an Advocate, if it thinks fit, even in a case when the accused/respondent has sufficient means to engage an Advocate.

- 4. Preparation of list :—** (i) The High Court shall for the above purpose maintain a list of competent and willing Advocates having not less than 5 years practice at the Bar:

Provided that the Chief Justice may, for any special reason relax the condition of 5 years practice to 3 years with respect to any Advocate.

- (ii) The list shall contain names of 20 to 30 Advocates which shall be revised in the month of December after every two years.

- (iii) The list shall contain the names of suitable Advocates who offer themselves to appear for the undefended/poor persons in civil/ criminal cases without charging any fee from the party.

- 5. Assignment of an Advocate :—** (i) When an Advocate is required, the Registrar (Judicial) shall assign from the list an Advocate to defend the accused/respondent on rotation.

- (ii) The nomination of the Advocate appearing on behalf of the accused/respondent shall be rotation-wise from the list.

- (iii) Where an Advocate is so assigned, the Deputy Registrar (Judicial) shall, at least 15 days, before the case is listed for actual hearing, arrange to furnish to him the paper book, if any, free of cost and shall also allow, free of cost inspection of the case by the Advocate.

6. Scale of Fees :—

- (i) The fee payable to an Advocate, engaged for the defence of an accused/respondent shall be fixed by the Hon'ble Judge(s) who disposed of the case.
- (ii) The fee shall be payable to the assigned Advocate through the concerned Legal Services Authority of the State to which the case relates.
- (iii) If in a case, fee is not fixed by the Hon'ble Judge(s), who disposes of the case, then the fee shall be paid to the Advocate as per rates fixed by the State Legal Services Authority concerned.

Chapter 4-F

31. In Rule 3 the words “or any petition challenging order of punishment passed in pursuance to any proceedings before a Court Martial” added vide correction slip No. 105 Rule/II.D.4 dated 26-9-1996, prior to substitution the rule reads as under:-

Criminal Writ Petitions.- A petition for the issuance of a Writ in the nature of habeas corpus shall be styled as "Criminal Writ Petition

32. In Rule 3 the words “or its equivalent tribunal” added vide correction slip no. 3 Rules/II.D.4 dated 9-1-1997, prior to substitution the rule reads as under:-

Criminal Writ Petitions.- A petition for the issuance of a Writ in the nature of habeas corpus [or any petition challenging order of punishment passed in pursuance to any proceedings before a Court Martial] shall be styled as "Criminal Writ Petition".

33. Rule 12 Substituted vide correction slip No. 7 dated 21-12-1984, prior to substitution the rule reads as under:-

12. On the date fixed for appearance, the respondent shall file a return stating whether the detenu is in his custody, whether he arrested him and if so whether the detenu was released before the issuance of notice, and if it is claimed that the detention is legal, then all the facts relevant thereto. Such return shall be supported by the affidavit of the respondent filling the return.

34. Rule 13 Substituted vide correction slip No. 7 dated 21-12-1984, prior to substitution the rule reads as under:-

13. A copy of the return shall, if reasonably practicable, be supplied by the respondent to the petitioner or his counsel before the date fixed for appearance.

35. In Form C.W.P. 1 of Rule 19, the existing Note substituted vide correction slip no. 78 Rules/II.D.4, dated 23rd July, 1983, prior to substitution rule reads as under:-

(Note :-The points of law canvassed in the petition are contained in pages.....
to.....
and in paragraph.....there to)

In Form C.W.P. 1 of Rule 19, the existing Note (iii) further substituted vide correction slip No. 7 Rules/II.D.4, dated 13th January 1997, prior substitution the rule reads as under:-

Any previous case involving the same point

36. Rule 20, sub-rule (1), clause (V) substituted vide Notification dated 22nd August 1979.

37. Added as clause (viii) after the clause (vii) of Rule 20(1) of Part III, vide correction slip No. 112/Rules/II.D.4, dated the 22nd October, 2003

(viii) The prayer for interim relief and for dispensing with the filing of the certified copies of the documents annexed with the petition shall be incorporated in the main petition and no separate application is required to be filed for this purpose. However, the prayer for interim relief, if any, made after filing of the writ petitions shall be made by way of a separate application duly supported by an affidavit.

38. Proviso added after the Rule 20(2) of Part III, vide correction slip No. 104/Rules/II.D.4, dated the 12th March, 1996.

39. Sub-rule (3) of Rule 20 of Part III, substituted, vide Correction slip No. 112-Rules/II.D.4, Dated 22nd October, 2003 prior substitution the rule read as under:-

3. Every petition shall be signed and verified in the manner prescribed by rules 14 and 15 of Order, VI of the Code of Civil Procedure, 1908.

40. Rule 23, Part III, substituted vide Correction Slip no. 17 Rules. II. D. 4, dated 25th October 1990 prior to substitution, the rule reads as under:-

Supply of
copies to
respondent

23. Within 3 days of the service of a notice of motion or of admission of the petition, the petitioner shall furnish to the Office as many copies of the petition and the annexures thereto as there are respondents to whom the notice is issued or against whom the petition is admitted.

Provided that it shall not be necessary to supply such a copy on admission of the petition for the use of respondent to whom one has already been delivered.

41. Rule 25, sub-rule(1), substituted vide Correction Slip no. 125 18th December 2008, prior to substitution, the rule reads as under:-

- (1) Every petition shall be laid for motion hearing before a Division Bench of two Judges and hearing before a Single Bench when there is no sitting of a Division Bench.

42. Rule 29, sub-rule(1), substituted vide Correction Slip no. 7 dated 21-12-1984, prior to substitution, the rule reads as under:-

29. (1) A written statement or a return to the petition shall answer each paragraph of the petition separately.

43. Rule 30, substituted vide Punjab and Haryana Notification No. GSR-134/Const./Article 225/Amd/78 Dated 27th November, 1978.

44. Rule 33, substituted vide Punjab and Haryana Notification No. GSR-29/Const./Article 225/Amd/79 Dated 2th February, 1979.

45. In Form C.W.P. 2, the existing paragraph substituted vide correction slip no. 7 2st December, 1984, prior to substitution rule reads as under:-

You are hereby informed that the said petition has been fixed for hearing on.....day of.....

19 (Actual/Tentative) and that if you wish to urge any-thing in reply to the petition, you may appear in this Court on that date and file your written statement on or before that day either in person or through an Advocate duly instructed.

Chapter 4-GG

46. Rule 1 sub-rule(x), the words “Joint Registrar” inserted vide Punjab and Haryana High Court Notification No. SO16/CA/5/1908/s.129/74 Dated 8th February, 1974.

47. Rule 11 sub-rule(iii) and (iv), added vide Punjab and Haryana High Court Notification No. SO16/CA/5/1908/s.129/74 Dated 8th February, 1974.

48. Rule 12 (a), deleted vide correction slip No.6-Rules/II.D.4, dated 14th September 1984, prior to deletion the rule reads as under:-

- (a) Where the petitioner alleges any corrupt practice in the petition, by an affidavit, in the prescribed form, duly sworn before a competent judicial authority or an Oath Commissioner under his seal or stamp in support of the allegation of such practice and the particulars thereof. In the verification the petitioner shall separately specify, by reference to the numbered paragraphs of the affidavit, the facts which he verifies of his personal knowledge and those which are verified on information received and believed to be true. In the latter class of averments, the petitioner shall further specify the source of his information.

49. Rule 14 sub-rule(cc) added vide Punjab and Haryana High Court Notification No. SO16/CA/5/1908/s.129/74 Dated 8th February, 1974.

50. Rule 20 sub-rule(c) substituted vide Correction Slip No. 7, dated 21st December, 1984, prior to substitution the Rule reads as under:-

(c) Any respondent, who does not admit the correctness of the allegations or of the claim made in the petition, shall file a written-statement in the Registry of the Court at least two days before the date of hearing, replying to the petition and the allegations of the petitioner para-wise.

51. Proviso added after Rule 22 sub-rule(i) vide Punjab and Haryana High Court Notification No.

SO16/CA/5/1908/s.129/74 Dated 8th February, 1974.

52. Rule 31 substituted vide Punjab and Haryana High Court Notification No. SO16/CA/5/1908/s.129/74 Dated 8th February, 1974.

53. Form E added vide Punjab and Haryana High Court Notification No. SO16/CA/5/1908/s.129/74 Dated 8th February, 1974.

Chapter 5-A

54. Rule 14 and 15 added vide Punjab and Haryana High Court Correction Slip No. 18, Dated 27th February, 1991.

Chapter 5-B

55. Rule 3, sub-rule (iii), substituted, vide Correction slip No. 79-Rules/II.D.4., dated 20th September, 1983 prior to substitution, rule reads as under:-

“(iii) The application for obtaining Express Copy, Urgent Copy and Immediate copy of order in Motion cases shall be made to the Reader of the Court, pronouncing the judgment or order, as the case may be, on a plain paper bearing a Court fee label of forty paise immediately after the Judgment or order is pronounced and the record is still available with him.

Note 1.-The application for obtaining copies under sub-rule (iii) shall be labeled blue in the case of Express copy and red both in the case of Urgent application and Immediate application with the words “Express”, “Urgent”, and “Immediate”, scribed thereon.

Note 2.-The Reader concerned shall send the application to the branch concerned alongwith, the file. The branch will in turn arrange to deliver the file as also the application to the Copy Branch immediately on its receipt the Reader of the Court concerned.

"Note 3-The copying Agency shall, receive the charges due in respect of the copy from the applicant in advance between 12.00 noon to 1.00 p.m. the same day and issue him receipt for the charges received and indicate on the receipt the date when applicant should turn up to obtain the copy.”

56. Rule 7(i) (a) & (b) substituted vide Correction slip No. 108 Rules/II.D.4, dated 10th May 2001, prior substitution the rule reads as under:-

(a) English copy.	Rs.P.
First 200 words or under	 0.50
Every additional 100 words or under	... 0.25
(b) Vernacular copy.	
First 200 words or under	 0.25
Every additional 100 words or under	... 0.12

57. Rule 7(i) (c) & (d) substituted vide correction slip no.72, dated 14.12.1979(refer to Vol. V edition August 1979), prior to substitution the rule reads as under:-

(c) Copies of judgments supplied

for purposes of reporting to the reporters of private Law Journals which undertake to publish only judgments approved for reporting

... 3.00 (per copy)

- (d) Copies of judgments supplied for purposes of reporting to the authorised representatives of newspapers which give an undertaking that copies so supplied will be used only for reporting such copies to be stamped "for reporting only" ... 3.00 (per copy)

58. Rule 7(i) (c) & (d) are renumbered as 7(i)(b) and (c) respectively. Thereafter the Rule 7(i)(d) and (e) are inserted vide Correction Slip no. 128, dated 20 October, 2009.

59. Rule 7, sub-rule (iv), (a) substituted, vide Correction slip No. 79-Rules/II.D.4., dated 20th September, 1983 prior to substitution, rule reads as under:-

“(iv) On application for “Express”, “Urgent”, and “Immediate”, copy i.e., copies to take precedence of other copying work, a uniform extra fee shall be charged in respect of each category as under:-

- (a) Express copies shall be supplied in respect of Judgments/ orders covering not more than ten pages and the charges for such copy shall be Rs. 4 as 'express-fee' and Rs. 2 per page of the material covered in the copy. These charges shall be paid in advance.

Note :-Where the main order has been passed by the judge/s in one case and the same order in single fee of Rs. 4 as “Express-fee” shall be charged in all such cases by treating them as one. The charges of Rs. 2 per page will, however, for the material covered, remain. The charge for the extra copies prepared along with the express copy shall continue to be at the ordinary rates.

Further substituted, vide correction slip No.108 Rules/II.D.4, dated 10th May 2001, prior substitution rule reads as under:-

Express copies shall be supplied in respect of Judgments/ orders covering not more than ten pages and the charges for such copy shall be Rs. 3 as 'express-fee' and Rs. 2 per page of the material covered in the copy. These charges shall be paid in advance.

Note :-Where the main order has been passed by the judge/s in one case and the same order in the other case , a single fee of Rs. 3 as “Express-fee” shall be charged in all such cases by treating them as one. The charges of Rs. 2 per page will, however, for the material covered, remain. The charge for the extra copies prepared along with the express copy shall continue to be at the ordinary rates.”

60. For rule 7, sub-rule (iv)(b), vide correction slip No.108 Rules/II.D.4, dated 10th May 2001, prior substitution rule reads as under:-

Urgent copies shall be supplied at the rate of Rs. 2 as Urgent fee and Re. 1 per page of the material covered.

On vernacular copy the same charges as above

61. For rule 7, sub-rule (iv), (c) vide Correction slip No. 79-Rules/II.D.4., dated 20th September, 1983 prior to substitution, rule reads as under:-

“(c) In motion cases, certified copy of the order passed by the Motion Bench shall be supplied against the ‘Immediate application’ at a fixed rate of Rs. 5 per copy payable in advance. When the main order has been passed by the Hon’ble Judge/s in one case and the same order in the other connected case, the fee of Rs. 5 shall be charged for the copy of main order and Re. 1 for the copy of each other short order.

Note.- For the purposes of (b) above, the extra fee to be charged shall be for each paper copied which can properly be regarded as a separate paper e.g., every deposition of a witness or written statement of a party or order of the Court is a separate paper. In cases of doubt as to whether a paper is separate or not, the Deputy Registrar or Joint Registrar shall decide.”

Further substituted, vide Correction Slip No. 108 Rules/II.D.4, dated 10th May 2001, prior substitution rule reads as under:-

“(c) In motion cases, certified copy of stay and bail orders passed by the Motion Bench shall be supplied against the “Dasti Application” at a fixed rate of Rs.5 per copy in each case payable in advance in the copy branch.”

Further substituted vide correction slip no.110, Rules/II.D.4, dated 30th June 2003

(c) In motion cases, certified copy of stay and bail orders passed by the Motion Bench shall be supplied against the “Dasti Application” at a rate of Rs.5 per page in each case payable in advance in the copy branch.”

62. Rule 7(iv) (d), substituted vide Correction slip No.110, dated 30th June, 2003, prior to substitution the rule reads as under:-

“(d) *Dasti* Copy of order deciding the case in motion hearing shall be supplied against *dasti* application at a rate of Rs.5 per page, subject to a minimum of Rs.25, in each case payable in advance in the Copy Branch. The application for obtaining such copy shall be filed in the Copy Branch on the day the order is passed or on the next working day.”

63. Rule 11(A), inserted after the existing rule 11 vide Correction slip No.10-Rules/II.D.4, dated 12th February, 1986.

63-A. After Rule 12 and before Part C of Chapter 5 of High Court Rules and Orders the proforma added as Annexure ‘A’ vide Correction Slip no. 128, dated 20 October, 2009.

Chapter 5-C

64. In Rule 5 Part (c) , inserted vide Punjab and Haryana High Court Notification No. GSR 152/CA5/1917/S.3/74 Dated 2nd December, 1974.

65. In Rule 5 Part (d) , inserted vide Punjab and Haryana High Court Notification No. GSR 152/CA5/1917/S.3/74 Dated 2nd December, 1974.

66. In Rule 9 the words “Including Civil Writs” inserted after the words “Civil Cases” vide Punjab and Haryana High Court Notification No. GSR 152/CA5/1917/S.3/74 Dated 2nd December, 1974.

67. In Rule 9 the words “Including Criminal Writs” inserted after the words “Criminal Cases” vide Punjab and Haryana High Court Notification No. GSR 152/CA5/1917/S.3/74 Dated 2nd December, 1974

68. Rule 11-A inserted after the existing Rule 11 vide Punjab and Haryana High Court Notification No. GSR 152/CA5/1917/S.3/74 Dated 2nd December, 1974

Chapter 6-B

69. Rule 11-A inserted after the existing Rule 11 vide Punjab and Haryana High Court Notification No. GSR 124/CA25/1961/S.34(1)/74 Dated 5th October, 1974.

70. For rule 15, sub-rule 2 substituted vide Correction Slip no.21 Rules/II.D.4, dated 25th November, 1994, prior to substitution the rule reads as under:-

(2) Lady Advocates

Regional dress of subdued colour or colours with
Barrister's or advocate's gown and bands :

71. In Rule 15(2) in first proviso the words “except the Courts of District Judges, Additional District Judges, Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges” omitted vide Punjab and Haryana High Court Notification No. 316/GS/CA25/1961/S.34(1)/74 Dated 15th November, 1974.

72. Proviso added to Rule 15 after the existing proviso, vide Notification No. G.S.R.61-CA/25/1961/S.34(1), dated 24th July, 1972:-

"Provided further that gowns need not be worn at any period of time during hot weather as may be fixed by the High Court from time to time".

73. Rule 16 added after the existing Rule 15 vide correction slip No.111/Rules/II.D.4, dated the 18th August, 2003.

16. Strike by advocate/advocates would be considered interference with the administration of justice and advocate(s) participating in the strike may be barred from practicing before the High Court and the Courts subordinate to it.”

Chapter 6-C

74. Added below sub-rule (i) of Rule 1, vide correction slip no.19, Rules/II.D.4., dated the 10th April 1991

*“Provided that ordinarily the Chief Justice or any of the Judges of the High Court should not recommend the candidature of any Advocate for being designated as a Senior Advocate.”

Further

For existing Part C of Chapter 6 substituted, vide correction slip no.102 Rules/II.D.4., dated the 2nd February, 1996, prior to substitution the rules reads as under:-

"(1) The name of an advocate for being designated as a Senior Advocate may be sponsored in any of the following ways :—

(i) by the Chief Justice or any of the Judges of the High Court;

*“Provided that ordinarily the Chief Justice or any of the Judges of the High Court should not recommend the candidature of any Advocate for being designated as a Senior Advocate.”

(ii) by any two Senior Advocates;

(iii) by an application made by the Advocate desiring to be designated as such:

Provided that in case of (i) and (ii) above written consent of the Advocate concerned shall accompany the proposal and in all the three cases the Advocate concerned shall append his certificate that he has not applied to any other High Court for being designated as Senior Advocate and that no application of his has been rejected by the High Court within the period of two years Prior to the date of the proposal or application.

(2) The Chief Justice and Judges may by a majority of two thirds of the total number of Judges decide to designate such an Advocate as a Senior Advocate, if in their opinion by virtue of his ability, experience and standing at the Bar he deserves such a distinction.

(3) The advocate to be designated as a Senior Advocate should have minimum standing of 10 years as an Advocate and the proposal may be forwarded to the Registrar, High Court of Punjab and Haryana either personally or by post.

(4) A proposal once rejected shall not ordinarily be renewed for another two years.

(5) The Registrar shall notify the result of the proposal to the Advocate concerned. Where the proposal is accented, intimation shall also be sent to the High Court Bar Association, Bar Council of Punjab and Haryana, Bar Council of India and the Registrar, Supreme Court of India."

Further

For existing rules contained in Chapter 6-C the following is substituted, vide correction slip no.117 Rules/II.D.4., dated the 31st January, 2007.

1. An Advocate shall be eligible to be designated as a Senior Advocate, if he/she-
 - (b) is an Advocate registered as such with the Bar Council of Punjab and Haryana for a period of not less than 15 years;
 - (ii) is an income-tax payee for at least five years before he applies for such designation and produces assessment orders for the aforesaid period;
 - (iii) has appeared in at least 100 cases in the High Court in the preceding year with a certificate by the Registry alongwith a list of the cases unless, in the exceptional cases, Hon'ble the Chief Justice dispenses with compliance of this condition ; and
 - (iv) is willing to file an undertaking that after designation he/she will not draft on file pleadings in any Court, shall in all cases be assisted by another Advocate, shall not direct, give consultation to any litigant and shall not make mentions or seek adjournments in any Court.

Procedure for enrolment as Senior Advocate:

- 2.(a) Any Advocate who is eligible and desirous of being designated as a Senior Advocate shall apply to the Court giving the requisite particulars and undertaking;
- (b) Such application should be recommended by at least two senior Advocates;
- (c) Upon receipt of such application, the Registry shall verify the facts stated therein and submit it to the Chief Justice alongwith report;
- (d) The Chief Justice, if satisfied, shall direct the placing of the application in Judges' meeting alongwith his recommendations;
- (e) After consideration of facts, particulars, undertaking, report and recommendation, the Court may by a majority of 2/3rds of the total number of Judges decide to designate the Advocate as a Senior Advocate, if in their opinion by virtue of this ability, experience and standing, he deserves such distinction.
- (f) After consideration of all facts, particulars, undertaking, report and recommendation, the

- Court may decide to confer such designation upon the Advocate, who shall thereafter be mentioned as Senior Advocate in all the proceedings of the Court;
- (g) The Registrar shall notify the result of the proposal to the Advocate concerned. Where the proposal is accepted, intimation shall also be sent to the High Court Bar Association, Bar Council of Punjab and Haryana, Bar Council of India and Registrar, Supreme Court of India; and
- (h) The proposal once rejected shall not ordinarily be renewed for another two years.

Chapter 6-I

75. For rule 1(a) and (b), substituted vide corrections slip No. 22, Rules/II.D.4. dated the 19th May 1995, prior to substitution the rule reads as under:-

And Rule 1(b) deleted

1. In suits for the recovery of specific property, or a share of specific property, whether movable or immovable, or for the breach of any contract or for damages—

Suits for debt, damages and recovery of specific property.

- (a) if the amount or value of the property, debt or damages decrees shall not exceed rupees five thousand according to the valuation for purposes of appeal to the Court, the fee shall be calculated at seven and a half per cent (7½) on the amount or value decreed, but the Court, may, in any case, otherwise order and fix such percentage as shall appear to be just and equitable;
- (b) If the amount or value decreed shall exceed rupees five thousand, the fee payable shall be calculated at such a percentage as shall appear to the Court to be just and equitable.

76. Rule 8, substituted, vide corrections slip No. 22, Rules/II.D.4. dated the 19th May 1995, prior to substitution the rule reads as under:-

8. In any miscellaneous proceedings or for any matter other than that of appearing, acting or pleading in a suit prior to decree, the fee shall be fixed by the Court with reference to the nature and importance of the proceeding or matter : Provided that in no case shall the amount allowed in respect of such fee exceed rupees seven hundred and fifty.

Miscellaneous proceedings.

77. Rule 15, sub paras (i) and (ii) the figures “Rs.75 and Rs.15” substituted with the figures “Rs.750 and Rs.250”, vide Correction Slip no 22 dated 19.05.1995, prior substitution the rule read as under:-

Discretion of court to deviate from the scale laid in the rules.

15. If, in any instance, the payment of fees

according to the preceding rules shall not appear to the Court to be just and equitable the Court may exercise its discretion in allowing such fee as may appear just and equitable :

Fees in case of counsel dealing with dalals and touts.

Provided that in the case of a party represented by any Advocate, Vakil or Attorney (a) who is known or reputed to have any dealing communication or correspondence, directly or indirectly, with a dalal or with any person who frequents any Railway Station, *sarai* or other place as a tout or (b) who is known or reputed to employ in any capacity whatsoever any such person or any person who frequents any Railway Station. *sarai* or other place as a tout, the Court may order that no fee be allowed to such party for such Advocate, Vakil or Attorney or may, in its discretion, allow a fee for the same not exceeding the following sums, that is to say-

- (i) In first appeals from original decrees and in suits before the Court in the exercise of its ordinary or extraordinary original jurisdiction,—Rs. 75.
- (ii) In all other cases, the fee allowable under the above rules up to a maximum of Rs. 15

78. In Rule 16, proviso added vide Notification No. G.S.R.179-CA/19/cl.(27)/Amd.(1)/63, dated 5th June, 1963:-

“Provided that in regular first appeals from decrees and cases arising under the Company Law and Indian Succession Act heard before a Division Bench the taxing officer will allow fees on taxation to a party when at least two counsels have filed certificates of payment of fees on its behalf.”

CHAPTER 7-B

79. Rule 11 substituted vide Correction Slip No. 74, dated 1st December 1981, prior to substitution the rule reads as under:-

11. The Rules contained in this Chapter shall, so far as may be and with necessary modifications and adaptations, also apply to proceedings of a similar nature under any other Act including those under :—

- (i) Section 22 of the Punjab General Sales Tax Act, 1948 ;
- (ii) Section 57 or 60 of the Indian Stamp Act, 1899 ;
- (iii) Section 27 of the Workmen's Compensation Act, 1923 ;
- (iv) Section 21 of the Excess Profit Tax Act, 1940 read

with Section 66 of the Indian Income Tax Act ;

- (v) Section 19 of the Business Profits Tax Act, 1947,
read with Section 66 of the Indian Income Tax Act.

Chapter 7-H

80. Rule 6(1) substituted by notification No.GSR-169/C.A.70/71,S.23/Amd./79, dated 1.12.1979, prior to substitution rule reads as under:-

6. (1) Every petition, motion or reference in relation to Civil or Criminal contempt shall, unless the Chief Justice directs it to be heard by a larger Bench, be laid for motion hearing before a Division Bench of at least two Judges.

Further

In Rule 6(1) the words ‘or criminal’ shall be omitted vide correction slip no.109 Rules/II.D.4, dated 30th May 2001, prior to omission the rule reads as under:-

6. (1) Every petition, motion or reference in relation to Civil or Criminal contempt shall, unless the Chief Justice directs it to be heard by a larger Bench, be laid for motion hearing before a Division Bench of at least two Judges.

81. Rule 6(1), Explanation below sub-rule(1) omitted vide correction slip No.109 Rules/II.D.4, dated 30th May 2001, prior to omission the rule reads as under:-

Explanation: Nothing contained in the sub-rule shall apply to proceedings initiated by the High Court on its own motion

82. Rule 6 sub-rule 2, substituted vide correction slip No.109, Rules/II.D.4., dated the 30th May 2001, prior to substitution rule reads as under:-

2. Every petition, motion or reference in relation to civil contempt shall unless directed otherwise by the Chief Justice, be laid before a Single Bench.

83. Rule 6 below sub-rule 2 explanation added, vide correction slip No.109, Rules/II.D.4., dated the 30th May 2001, prior to substitution rule reads as under:-

Explanation: Nothing contained in sub-rule (2) shall apply to proceedings initiated by the High Court on its own motion. However, after service of notice on the persons charged, such petitions shall be heard and decided by a Bench of not less than two Judges.’

84. Rule 6 sub-rule (6) substituted, vide Correction Slip No. 8, dated the 21st December 1984, prior to substitution rule reads as under:-

(6) The High Court may, if satisfied that the person charged is absconding or likely to abscond or is keeping or likely to keep out of the way to avoid service of the notice order the issue of warrant of his arrest which, in the case of criminal contempt, may be in lieu

of or in addition to the attachment of his property under sub-sections (3) and (4) of section 17 of the Act. Such warrant may be endorsed in the manner laid down in section 71 of the Code of Criminal Procedure, 1973, in terms of the order of the High Court.

85. Form of Bailable Warrants added after the Form of Notice, vide Correction Slip No. 8, dated the 21st December 1984.

Chapter 7-K

86. Part-K added after Part-J in Chapter 7 vide Correction Slip No. 120 Rules /II.D.4, dated 14th August, 2007

Chapter 9-A

87. Rules 1, 2, 2(v) to 2(ix), 3, 4, 5 and 6 substituted, and Rule 7 shall be inserted then existing Rules 7, 8, 9, 10 and 11 may be renumbered as 8, 9, 10, 11 and 12 respectively, vide Correction Slip No.14 Rules/II.D.4, dated 22nd December 1989.

1. The Honourable the Chief Justice shall be in control of the administrative and executive work of the High Court and its distribution amongst the Honourable Judges.

Adminis-
trative
Business.

2. Notwithstanding anything contained in the preceding Rule, the following matters shall invariably be taken up and disposed of at a meeting of the Honourable Judges : —

Matters which
shall be
disposed of at
a Juidges'
meeting.

(v) The suspension of Subordinate Judges and District and Sessions Judges ;

(vi) The promotion of Subordinate Judges and District and Sessions Judges, in cases where it is proposed to pass over an officer;

(vii) Recommendations for the grant of pensions to Subordinate Judges and District and Sessions Judges, where it is proposed to recommend that the full pension earned be not allowed ;

(viii) Annual confidential remarks on the work of District and Sessions Judges ;

(ix) Any other matter which may be referred by the Honourable the Chief Justice to a meeting of the Honourable Judges.

Referring a
matter to
Judges'
meetings.

3. The Honourable Judge placed in charge of any branch of the executive or administrative business of the court may refer any matter relating to that branch to a meeting of the Honourable Judges.

Holding of
Judges'
meetings.

4. Meetings of all the Honourable Judges shall be called by the Honourable the Chief Justice when there is business for such meetings.

Quorum of
Judges'
meeting.

Quorum of
Judges'
meeting.

5. At all meetings of Honourable Judges three Judges shall form a quorum. The Honourable Judges present at a meeting, if three or more, may dispose of all the business, for the disposal or consideration of which such meeting was called, and such disposal shall be deemed to be a disposal by the Court.

Mode of
decision in
case of dif-
ference of
opinion.

6. In case of difference of opinion at a meeting the decision shall be in accordance with the opinion of the majority of the Honourable Judges present, and in case the Honourable Judges present be equally divided the Honourable the Chief Justice or in his absence the Senior Judge present, shall have a casting vote.

88. For Rule 7, the words “next two Senior Judges” substituted with the words “next four Senior Judges” , vide correction Slip No.20/Rules/II.D.4., dated 30th August 1991.

7. There shall be an Administration Committee of Hon’ble Judges which shall consist of the Hon’ble Chief Justice and **next two Senior Judges** which deal with such matters as may be delegated to it by the Hon’ble Judges at a meeting.

For Rule 7, after clause (ii) the following shall be added as clause (iii), vide correction Slip No.20/Rules/II.D.4., dated 30th August 1991.

- (iii) The issuance of Character Certificate to retired Judicial Officers for enrolment as advocate.

For Rule 7, existing proviso substituted vide correction slip no 37 Rules/II.D.4., dated 4th July 1995

Provided, that such annual confidential remarks shall be deemed to be final only after they have been circulated to and approved by all the Honorable Judges.

Further

Rule 7, substituted vide correction Slip No.127/Rules/II.D.4., dated 26th March, 2009, prior to substitution the Rule reads as under:-

7. There shall be an Administration Committee of Hon’ble Judges which shall consist of the Hon’ble Chief Justice and next four Senior Judges which deal with such matters as may be delegated to it by the Hon’ble Judges at a meeting.

The matters delegated to the Administration Committee shall inure alia include:

- (i) the posting and transfers of the members of Punjab and Haryana Civil Service (Judicial Branch) including those to be sent on deputation.
- (ii) The recording of confidential remarks on the work and conduct of members of Punjab and Haryana Civil Service (Judicial Branch) Officers:
- (iii) The issuance of Character Certificate to retired Judicial Officers for enrolment as advocate.

Provided, that such annual confidential remarks recorded by the Administration Committee on the work and conduct of PCS/HCS (Judicial Branch) Officers shall be deemed to be final only after they have been placed and approved in Full Court meeting of Hon’ble Judges.

[1 & 2] **PART–H–‘VIDEO CONFERENCING RULES’**

“Pursuant to the ‘Model Rules on Video Conferencing (Nyaya Shruti)’ forwarded by the Government of India, the High Court of Punjab and Haryana, hereby, makes the following Rules:-

OBJECT AND REASONS

Whereas, in order to avoid delay in judicial proceedings due to non-availability of parties, advocates, witnesses and accused physically, it is expedient to formalise and enable use of electronic communication and other audio-video electronic means for the purpose of conducting trial, inquiry and proceeding under the Bharatiya Nagarik Suraksha Sanhita, 2023 (No. 46 of 2023).

Whereas, the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) under Section 54, 63, 64, 70, 71, 94, 154, 183, 187, 193, 209, 227, 230, 231, 251, 254, 262, 265, 266, 308, 310, 316, 336, 355, 356, 392 and 530 recognizes use of audio-video electronic means and other forms of electronic communication for different proceedings.

Whereas, Section 530 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) provides that all trials, inquiries and proceedings under this Sanhita, including examination of complainant and witnesses, recording of evidence in inquiries and trials and all appellate proceedings or any other proceeding, may be held in electronic mode, by use of electronic communication or use of audio-video electronic means.

Whereas, there is no restriction on civil courts in using video conferencing facilities in conducting trial.

Whereas, the High Court of Punjab and Haryana and the District Judiciary in the concerned States of Punjab, Haryana and U.T. Chandigarh, have been using video conferencing facilities under the ‘Rules for Video Conferencing for Courts’ for conducting inquiries and trials in civil as well as criminal proceedings.

In exercise of the powers conferred by Articles 225 & 227 of the Constitution of India and all other enabling sections of the Bharatiya Nagarik Suraksha Sanhita, 2023 (No. 46 of 2023), the High Court of Punjab and Haryana makes the ‘The Use of Electronic Communication and Audio-Video Electronic Means Rules’ as under: -

CHAPTER -I
PRELIMINARY

1. Short title, Application and Commencement

- a) These Rules shall be called “The Use of Electronic Communication and Audio-Video Electronic Means Rules, 2026.”

- b) They shall apply to all judicial, departmental and mediation proceedings in pending cases in the High Court of Punjab and Haryana High Court as well as Courts and Tribunals over which the High Court has jurisdiction.
- c) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions

- (i) In these Rules, unless the context otherwise requires, -
 - a) **"Advocate"** means and includes an advocate entered in any roll maintained under the provisions of the Advocates Act, 1961 and shall for the purpose of these rules, include prosecuting officers and government pleaders;
 - b) **"Advocate's remote point"** means a place from where an advocate or advocates may appear through a live link and shall include advocate's chamber or office for video conferencing. It shall not include any public place, open area including corridors, vehicles, waiting area or parking space where decorum of proceedings cannot be ensured;
 - c) **"Commissioner"** means a person appointed as commissioner under the provisions of the Code of Civil Procedure, 1908, Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) or any other law for the time being in force;
 - d) **"Coordinator"** means a person nominated as coordinator under Rule 8;
 - e) **"Court"** includes a physical court and a virtual court or a tribunal.
 - f) **"Court point"** means the courtroom or the place where the court is physically convened, or the place where a commissioner or an inquiry officer holds proceedings pursuant to the directions of the court;
 - g) **"Court room"** means the place or room or enclosed space in which court proceedings are held;
 - h) **"Designated Place"** means any one or more places notified by the State Governments of Punjab, Haryana and U.T. Chandigarh, where the facilities are made available for use of electronic communication or use of audio-video electronic means with courts points and shall include Vulnerable Witness Deposition Centre from where evidence of such witnesses may be recorded;
 - i) **"Designated Video Conferencing Software"** means a software approved by the High Court for the use of video conferencing or other audio-video electronic communication.
 - j) **"High Court"** means the High Court of Punjab and Haryana at Chandigarh.
 - k) **"Live link"** means and includes a live link for audio-video electronic communication or other arrangements whereby a witness, an accused, party, advocate or any other person is required by Court to remain present virtually in the court room by use of electronic communication or use of audio-video electronic means;
 - l) **"Remote Point"** means a place where any person is required to be present or appear through a live link and includes Designated Place, but does not include Advocate's remote point;
 - m) **"Remote User"** means a user participating in court proceedings through video conferencing at a remote point;
 - n) **"Required Person"** includes:
 - i. a person who is to be examined as a witness, complainant or otherwise; or
 - ii. any person including an accused in whose presence certain proceedings are to be recorded or conducted; or

- iii. an advocate or a party in person; or
 - iv. any person including a victim who is required to make submissions before the Court; or
 - v. any other person who is permitted by the Court to appear through video-conferencing or other modes of audio-visual electronic communication device;
- o) **"Rules"** shall mean these rules and any reference to a rule or sub-rule shall be a reference to a rule or sub-rule of these rules;
- (ii) The words and phrases used but not defined herein shall bear the same meaning as assigned to them in the Punjab and Haryana High Court Rules and Orders; Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS); Bharatiya Sakshya Adhiniyam, 2023 (BSA); The Code of Civil Procedure, 1908; Information Technology Act, 2000 (IT Act) and the General Clauses Act, 1897.

3. Construction of references

Unless the context otherwise requires, any reference to Bharatiya Nagarik Suraksha Sanhita, 2023 in these Rules shall include reference to the Code of Criminal Procedure, 1973, and any reference to Bharatiya Sakshya Adhiniyam, 2023, in these rules shall include reference to Indian Evidence Act, 1872 under the corresponding provisions.

CHAPTER-II GENERAL PRINCIPLES

4. General Principles Governing Video Conferencing and other modes of Audio-video electronic communication

Subject to the provisions hereinafter contained, video conferencing and other modes of audio-visual electronic communication may be used at all stages of judicial proceedings and proceedings conducted by the Court, where a person required to be present or appear is not physically present in court room:

- (1) All proceedings conducted by a Court via video conferencing and other modes of audio-visual electronic communication shall be judicial proceedings and all practices, decorum and protocols shall apply to these proceedings;
- (2) All relevant statutory provisions applicable to judicial proceedings including provisions of BNSS, CPC, Contempt of Courts Act, 1971, BSA and IT Act, shall apply to proceedings conducted by video conferencing;
- (3) Subject to maintaining independence, impartiality and credibility of judicial proceedings, and subject to such directions as the High Court may issue, Courts may adopt such technological advances which may become available from time to time;
- (4) Courts shall use only High Court/Government approved and secure video conferencing platforms equipped with end-to-end encryption to protect data and privacy;
- (5) Any unauthorized access, hacking attempts, or security breaches must be reported immediately and addressed in accordance with the law;

- (6) The Rules as applicable to a Court shall *mutatis mutandis* apply to a Commissioner appointed by the Court to record evidence and to an inquiry officer conducting an inquiry;
- (7) Unless expressly permitted by the Court, no person, either at Court Point or at Designated Place or at Remote Point or Advocate's Remote Point, shall record or publish the proceedings or any part thereof, conducted through video conferencing or other modes of audio-visual electronic communication;

5. Identification of person appearing through video conferencing or other modes of audio-visual electronic communication

The person defined in rule 2(i)(n) shall provide an identity proof, as recognized by the Government of India or State Government or Union Territory, to the court point coordinator by electronic communication. In case, identity proof is not readily available, the Court may, upon satisfaction, allow such person to participate in proceedings without production of identity proof. The same must be reflected in the order sheet of the Court.

6. Facilities recommended for Video Conferencing

The following equipments and facilities are recommended for conducting proceedings by video conferencing at the Court Point and the Remote Point:

Computer	Desktop and Laptop
Network and High-Speed internet	Connection (Minimum 50 Mbps)- Internet to ensure seamless video transmission without lag; Connectivity Backup Internet Connection - A secondary connection to prevent disruptions; Dedicated LAN/Wi-Fi Setup- To ensure stable and secure connectivity;
Video Equipment	High-Resolution Cameras (Full HD/4K)- To capture clear video feeds of participants; Adjustable and Multiple Camera Angles- To enable focusing on the judge, lawyers, accused, or witnesses;
Audio Equipment	Noise-Canceling Microphones- To reduce background noise and ensures clear audio transmission; High-Quality Speakers- To provide clear sound output for participants; Echo-Cancellation and Acoustic Treatment – To enhance audio clarity by minimizing reverberation;
Display and Projection equipments	Large Display Screens (LED/Projectors) - For clear visibility of remote participants; Multiple Screen Setup (Optional)- To allow simultaneous viewing of different participants;
Software and Encryption Standards	End-to-End Encrypted Video Conferencing Software - To ensure secure communication; Firewall and VPN Protection –To prevent unauthorized access; Multi-Factor Authentication (MFA) for Users –To ensure identity verification; Secure- Login Credentials for Each Session –To limit access to authorized personnel

Recording and Documentation	Court-Approved Recording Mechanism –For secure documentation of hearings; Transcription Services- Automated/manual transcription of court proceedings; Cloud or Local Storage Options –To secure storage for recorded sessions;
IT Support and Maintenance	On-Site Technical Team - For quick resolution of technical issues; 24/7 Remote IT Support- To provide assistance for troubleshooting; Regular Equipment Maintenance- To ensure uninterrupted functionality
Power Backup	Uninterruptible Power Supply (UPS) System – To prevent power outages from disrupting proceedings; Backup Generators for prolonged power failures, etc.

7. The designated video conferencing software to be procured by the High Court shall facilitate following minimum requirements:

- (1) an online, real-time collaboration software with features like video, voice, screen sharing, document sharing, presentation, recording etc.
- (2) the software shall have a whiteboard for flashing messages and recording meetings or sessions.
- (3) the complete access log of the different users with extended reports, including IP/Device details/Application details, should be provided with each meeting room.
- (4) the platform shall be hosted on an India-based data centre with a 100% Disaster recovery site.
- (5) the software shall offer cross-platform functionality, ensuring seamless operation across various operating systems, including Windows, Linux, macOS, IOS etc., to accommodate diverse technology ecosystems of all participants and guarantee a consistent user experience regardless of the operating system used.
- (6) the platform shall be scalable to multi point connectivity with 500 user logins at a time.
- (7) the platform shall provide private and confidential breakout rooms between multiple users.
- (8) the platform shall be capable of synchronizing and scheduling with cause list of cases by advocates with waiting lobby and automatic pulling according to the cause list.
- (9) the platform shall provide master control facility at Court's end, recording and archiving facility at Court Point, server or cloud.
- (10) the platform must provide audit trail facility of the proceedings and also provision of a firewall.

8. Appointment of Coordinators

- (1) There shall be a Coordinator both at the Court Point and at the designated place from where any required person is to be examined or heard or is directed to remain present. However, the coordinator may be required at the remote point only when a witness or a person accused of an offence is to be examined.
- (2) In all the Courts, one or more persons nominated by the High Court or the Principal District and Sessions Judge/District and Sessions Judge concerned

within whose jurisdiction the respective Court is situated, shall perform the functions of the coordinator(s) at the Court Point/Designated Place.

(3) The Court may appoint any court official as a coordinator at the Court Point.

(4) The coordinator at the designated place may be any of the following:

Sub Rule	Where the Advocate or Required Person is at the following point:-	The remote point Coordinator Shall be:-
8.4.1	Overseas	An official of the relevant Indian Consulate/Indian Embassy /High Commission;
8.4.2	Court of another State or Union Territory of India	Any authorized official nominated by the concerned Principal District & Sessions Judge/District and Sessions Judge;
8.4.3	Mediation Centre or office of District Legal Services Authority (including Taluka Legal Services Committee)	Any authorized person/official nominated by the Chairperson or Secretary of the concerned District Legal Services Authority;
8.4.4	Jail or prison	The concerned Jail Superintendent or Officer-in-charge of the prison; or an official authorized by him;
8.4.5	Hospitals administered by the Central Government, the State Government or local bodies	Medical Superintendent or an official authorized by them or the person in charge of the said hospital;
8.4.6	Observation Home, Special Home, Children's Home, Shelter Home, or any institution referred to as a Child Care Institution and where the Required Person is a child in conflict with law or a child or person who is an inmate of such Child Care Institution.	The Superintendent or Officer-in-charge of that Institution or an official authorized by them;
8.4.7	Women's Rescue Homes, Protection Homes, Shelter Homes, Nari Niketans or any institution referred to as a women's facility (collectively referred to as women's facilities).	The Superintendent or Officer-in-charge of the women's facility or an official authorized by them;
8.4.8	In custody, care or employment of any other government office, organization or institution (collectively referred to as institutional facilities).	The Superintendent or Officer-in-charge of the institutional facility or an official authorized by them;

8.4.9	Forensic Science Lab	The Administrative Officer-in-charge or any other person nominated by the Director/Head of the Laboratory;
8.4.10	In case of any other location	The concerned Court may nominate any public servant or public official of the concerned department to render services as a Coordinator to ensure that the proceedings are conducted in a fair, impartial and independent manner and according to the directions issued by the Court in that behalf.

- (5) When a Required Person is at any of the Remote Points mentioned in Sub Rule 8(4) and video conferencing facilities are not available at any of these places the concerned Court may formally request the Principal District and Sessions Judge/District and Sessions Judge, in whose jurisdiction the Remote Point is situated, to appoint a Coordinator for and to provide a video conferencing facility from proximate and suitable Court premises.
- (6) The Coordinators at both the Court Point and Remote Point shall ensure that the recommended requirements set out in Rule 6 and 7 are complied with, so that the proceedings are conducted seamlessly.
- (7) Notwithstanding the provisions of Clause 8.4.1, where witness examination is to take place in a criminal case of a person located outside the country, the provisions of the BNSS 2023 (Section 110 & Chapter 8) and "Comprehensive Guidelines for investigation abroad and issue of Letters Rogatory (LRs) /Mutual Legal Assistance (MLA) Request and Service of Summons/Notices/Judicial documents in respect of Criminal Matters prevailing at that time" will be followed to the extent they are in conformity with the provisions of the BNSS and BSA.

9. Preparatory arrangements

- (1)The coordinator at the designated place/remote point shall ensure that;
 - (a) the required persons scheduled to appear in a particular proceeding are ready at the remote point/designated place for video conferencing well before the scheduled time;
 - (b) no unauthorized recording device is used;
 - (c) no unauthorized person enters the remote point or designated place when the video conference is in progress;
 - (d) the person being examined is not prompted, tutored, coaxed, induced or coerced in any manner by any person and that the person being examined does not refer to any document, script or device without the permission of the Court concerned during the course of examination.
- (2) Where the witness to be examined through video conferencing or other audio-visual electronic communication requires or if it is otherwise expedient to do so, the Court shall give sufficient notice in advance, setting out the schedule of video conferencing and in appropriate cases may provide the copies of all or any part of the relevant documents in electronic form to the coordinator of the concerned remote point.

- (3) Before the scheduled video conferencing, the Court shall ensure that the coordinator at the designated place or remote point receives in electronic form, copies of all or any part of the documents which may be required for recording of evidence, or for reference of the witness. However, coordinator shall allow such documents in electronic form to be used by the required person only with the permission of the Court.
- (4) Whenever required, the Court shall order the coordinator at the Remote Point or at the Court Point to provide-
 - (a) a translator in case the person to be examined is not conversant with the official language of the court;
 - (b) an expert in sign languages in case the person to be examined is impaired in speech and/or hearing;
 - (c) an interpreter or a special educator, as the case may be, in case a person to be examined is differently abled, either temporarily or permanently;
 - (d) a person for reading of documents in case the person to be examined is visually challenged.

CHAPTER-III PROCEDURE FOR VIDEO CONFERENCING

10. Appearance through video conferencing and other modes of audio-visual electronic communication

- (1) In criminal cases, any party to the proceedings or witness, save and except where proceedings are initiated at the instance of the Court or on request of public prosecutor, may move a request in the form provided in **Schedule-II** for presence and proceedings through video conferencing or other modes of audio-visual electronic communication.

Provided that the Court, as far as possible, may examine public servant or expert through audio-video electronic means:

Provided further that the prosecution while submitting trial programme shall indicate the witnesses who are to be examined through audio-video electronic means and the details of designated place or remote point for examination of such witnesses:

Provided also that the defence while submitting the list of defence witnesses shall indicate the witnesses who are to be examined through audio-video electronic means and the details of designated place or remote point for examination of such witnesses:

Provided further that the decision of the Court with regard to presence of party or examination of the witness through audio-video electronic means at the designated place or remote point shall be final and binding.

- (2) In civil cases, the court may, at its discretion, or on the request of any of the parties in the form provided in **Schedule-II** initiate process for hearing of any case through video conferencing and other modes of audio-visual electronic communication.

Provided that the parties while submitting the list of witnesses shall indicate the witnesses who are to be examined through audio-video electronic means and the details of designated place or remote point for examination of such witnesses:

Provided further that the decision of the Court with regard to presence of party or examination of the witness through audio-video electronic means and the designated place or remote point shall be final and binding.

- (3) While allowing a request for video conferencing the Court may also fix the schedule for hearing through the video conferencing or other modes of audio-visual electronic communication.
- (4) An advocate may appear from advocate's remote point for making submissions or for examination of witnesses present before the Court.
- (5) Where video conferencing proceedings are conducted for making oral submissions, the order may require the advocate or party in person to submit written arguments and precedents, if any, in advance on the official email ID of the concerned Court.

11. Service of processes

- (1) Process issued to a witness who is to be examined through video conferencing, shall mention the date, time and venue of the concerned designated place and shall direct the witness to attend in person along with proof of identity.
- (2) If a person is examined with reference to a particular document then the process to witness shall be accompanied by a copy of such document.
- (3) The existing rules regarding service of summons and the consequences for non-attendance, as provided in CPC and BNSS shall apply with respect to service of summons for proceedings conducted by video conferencing.

12. Examination of persons and witnesses through video conferencing and other modes of audio-visual electronic communication

- (1) The person being examined through video conferencing and other modes of audio-visual electronic communication shall ordinarily be examined during the working hours of the court concerned or at such time as the court may deem fit. The oath will be administered to the person being examined by the Coordinator at the Court Point.
- (2) Where the person being examined is an accused in custody, the court shall provide him adequate opportunity to consult in privacy with his advocate before, during and after the hearing through the video conferencing or other modes of audio-visual electronic communication.
- (3) Subject to the provisions for examination of witnesses contained in the Bharatiya Sakshya Adhiniyam, before the examination of the witness, the documents, if any, sought to be relied upon shall be transmitted by the required person to the witness, so that the witness acquires familiarity with the said documents. The required person will file an acknowledgement with the Court in this behalf.
- (4) If a person is examined with reference to a particular document then the summons to witness must be accompanied by a copy of the document. The original document should be exhibited at the Court Point in accordance with the deposition of the concerned person being examined.
- (5) The Court would be at liberty to record the demeanour of the person being examined.
- (6) The Court will note the objections raised during the deposition of the person being examined and rule on them.
- (7) The Court shall read over and explain the evidence recorded to the witness and obtain the signature of the person being examined on the transcript immediately after the examination is concluded. The signed transcript shall form part of the

record of the judicial proceedings. The signature on the transcript of the person being examined shall be obtained in either of the following ways:-

- (a) If digital signatures are available at both the concerned Court Point and Remote Point, the copy of the transcript digitally signed by the presiding officer at the Court Point shall be sent by the designated video conferencing software on official e-mail of the coordinator at remote point where a printout of the same shall be taken and signed by the person being examined. A scanned copy of the transcript digitally signed by the coordinator at the remote point shall be transmitted by the designated video conferencing software to the official e-mail of the Court Point, where a printout of the same shall be taken and made part of the judicial record.
- (b) If digital signatures are not available, the printout of the transcript shall be signed by the presiding Judge at the Court Point and shall be sent in non-editable scanned format by the designated video conferencing software on official e-mail of the coordinator at remote point where a printout of the same shall be taken and signed by the person examined and countersigned by the coordinator at the remote point. A non-editable scanned format of the transcript so signed shall be sent by the coordinator at the remote point by the designated video conferencing software or official e-mail to the Court Point where a printout of the same shall be taken and made part of the judicial record.

The hard copy of the evidence signed by the witness and the coordinator at the Remote Point shall also be dispatched to the Court Point in both the above cases.

- (8) The court may, at the request of a person to be examined, or on its own motion, taking into account the best interest of the person to be examined, direct appropriate measures to protect the privacy of the person examined bearing in mind aspects such as age, gender, physical condition and recognized customs and practices.
- (9) The coordinator at the designated place shall ensure that no person is present at the remote point, save and except the person being examined and those whose presence is deemed administratively necessary by the coordinator for the proceedings.
- (10) The court may also impose such other conditions as are necessary for effective hearing of cases through video conferencing and other modes of audio-video electronic communication.
- (11) The examination shall, as far as practicable, proceed without interruption or the grant of unnecessary adjournments. However, the Court or the Commissioner as the case may be, will be at liberty to determine whether an adjournment should be granted, and if so, on what terms.
- (12) Evidence of a witness shall be recorded only from the designated place.

Provided that if the Court thinks fit, the required person may be permitted for recording of his evidence or to connect for hearing of cases through video conferencing or other modes of audio-visual electronic communication from the place of his residence and work in the situation(s) hereinafter provided:

- (a) Where a required person is not capable of reaching the Court Point or the designated place due to sickness or physical infirmity, or whose presence at the

remote point cannot be secured without undue delay or expense, the Court may authorize conduct of video conferencing from the place of his residence or work.

(b) Where one of the parties to a petition under Section 13-B of Hindu Marriage Act, 1955 is residing outside India, Court may dispense with the requirement of presence of such party before Indian Consulate/Indian Embassy/High Commission and may permit the recording of statement from any other remote point including the residence of the party subject to satisfaction of Court regarding identity of party and voluntariness of the statement and consent of other party.

- (13) Where the court is of opinion, for the reasons recorded in writing that, evidence of the witness cannot be effectively recorded, it may decline to examine such witness through video conferencing.

13. Exhibiting or showing documents to witness or accused at a remote point

If during the course of examination of a person at a remote point by video conferencing, it is necessary to show a document to the person, the Court may permit the document to be shown in the following manner:

- (a) if the document is at Court Point, by transmitting the document through document visualizer;
- (b) if the document is at Court Point, but document visualizer is not available, by transmitting a copy or image of the document to the remote point electronically through the designated video conferencing software or official e-mail;
- (c) if the document is at the remote point, by transmitting a copy or image of the document to the Court Point electronically through the designated video conferencing software or official e-mail. The hard copy of the document countersigned by the witness and the coordinator at the designated place shall also be dispatched to the Court Point.

14. Ensuring seamless video conferencing

- (1) The coordinator at Court Point shall provide the live link of the hearing through video conferencing or other modes of audio-visual electronic communication.
- (2) If the proceedings are carried out from any place other than a designated place, the coordinator, if any, at such remote point shall ensure compliance of all technical requirements.
- (3) The coordinator at the Court Point shall be in contact with the required person(s) and guide them with regard to the fulfillment of technical and other requirements for executing a successful hearing through video conferencing. Any problem faced by such required person shall be resolved by the coordinator at Court Point.
- (4) The coordinator at the Court Point shall ensure that any document or audio-visual files, emailed by the required person, are duly received at the Court Point and placed on file.
- (5) The Court shall also record its satisfaction as to clarity, sound and connectivity for both Court Users and Remote Users.

15. Remand

The court may, as per the provisions of Section 187 BNSS, authorize detention in judicial custody of any person accused of an offence, by video conferencing or other modes of audio-visual electronic communication:

Provided that if the accused is already in judicial custody, whether of the same Court or some other Court or is undergoing sentence, the Court may further remand him during inquiry or trial under Section 346 (2) of BNSS through video conferencing or other modes of audio-visual electronic communication.

16. Plea bargaining

The Court may also use the modes of audio-visual electronic communication for the purpose of plea bargaining under Chapter XXIII of BNSS.

17. Record of proceedings through audio-visual electronic communication

Wherever any proceeding is carried out by the Court under these rules by taking recourse to the modes of audio-visual electronic communication, the Court shall mention in the order sheet that the hearing has been conducted through video conferencing.

**CHAPTER-IV
GENERAL PROCEDURE**

18. Conduct of Proceedings

- (1) The procedure set out hereinafter in this chapter is without prejudice to the procedure indicated elsewhere in these rules where proceedings are conducted through video conferencing or other modes of audio-visual electronic communication.
- (2) The coordinator at the Court Point shall ensure that video conferencing is conducted only through a designated video conferencing software:
Provided that in the event of a technical fault or for any other sufficient cause, the Court may for reasons to be recorded in writing, permit the use of a software other than the designated video conferencing software for video conferencing in that particular proceeding:
Provided further that nothing contained in these rules shall prevent a Court, after recording its reasons in writing, from using any software other than the designated video conferencing software or other modes of audio visual electronic communication, to facilitate the hearing of cases in electronic mode.
- (3) In case the person to be examined is an accused, the prosecution will confirm the location of the accused at the Remote Point.
- (4) If the accused is in custody and not present at the Court Point, the Court shall order a multi-point video conference between Court Point, the witness and the accused in custody to facilitate recording of the statement of the witness including medical or other experts.

19. Third parties to the case

- (1) Third parties may be allowed to remain present during video conferencing only upon a specific order of the Court. However, they shall be passive participants and shall not be allowed to make any submission without permission of the Court.
- (2) Where, for any reason, a person unconnected with the case is present at the remote point, that person shall be identified by the coordinator at the remote point at the

beginning of the proceedings and the purpose of the presence of that person shall be conveyed to the Court. Such person shall continue to remain present only with the permission of the Court.

20. Costs of Video Conferencing

In the absence of rules prescribed by the concerned Court, the Court may take into consideration the following circumstances while determining and/or apportioning the costs of video conferencing:

- (1) In criminal cases, the expenses of the video conferencing facility including expenses involved in preparing soft copies/certified copies of the Court record and transmitting the same to the Coordinator at the Remote Point, and the fee payable to the translator/interpreter/special educator, as the case may be, as also the fee payable to the Coordinator at the Remote Point, shall be borne by such party as directed by the Court.
- (2) In civil cases, generally, the party making the request for recording evidence through video conferencing shall bear the expenses.
- (3) Besides the above, the Court may also make an order as to expenses as it considers appropriate, taking into account the rules/instructions regarding payment of expenses to the complainant and witnesses, as may be prevalent from time to time.
- (4) It shall be open to the Court to waive the costs as warranted in a given situation.

21. Conduct of Proceedings

- (1) The required persons shall have their presence recorded. However, in case they are desirous that their face or name be masked, information to that effect shall be furnished to the Court Point coordinator prior to the commencement of proceedings for the approval of the court.
- (2) The required persons shall abide by the requirements set out in **Schedule I**.
- (3) The Court Point coordinator shall send the live link on mobile number furnished by the required persons permitted to be virtually present in the Court. Once the proceedings have commenced, no other person shall be permitted to participate in the virtual hearing except with the permission of Court.
- (4) The required persons, after joining the hearing shall remain in the virtual lobby if available, until they are admitted to virtual hearing by the Coordinator at the Court Point.
- (5) Participation in the proceedings through video conferencing shall constitute consent by the required persons to the proceedings being recorded.
- (6) Establishment and disconnection of links between the Court Point and the Remote Point shall be regulated by orders of the Court.
- (7) The court shall satisfy itself that the required person can be seen and heard clearly and can clearly see and hear the court.
- (8) To ensure that video conferencing is conducted seamlessly, the difficulties, if any, experienced in connectivity must be brought to the notice of the Court at the earliest on the mobile number of the Court Point coordinator which has been furnished to the required person before the commencement of the video conferencing. No complaint shall be entertained subsequently.

22. Access to Legal Aid Clinics/Camps/Lok Adalat/Jail Adalats

- (1) In conformity with the provisions of the Legal Services Authorities Act, 1987 and the laws in force, in proceedings related to Legal Aid Clinics, Camps, Lok Adalats or Jail Adalats, any person who at the Remote Point is in Jail or Prison shall be examined by the Chairman/Secretary of the District Legal Service Authority or Members of Lok Adalats before passing any award or orders as per law.
- (2) Such award or order shall have the same force as if it was passed by the regular Lok Adalat or Jail Adalat.
- (3) Copy of the award or order and the record of proceedings shall be sent to the Remote Point.

CHAPTER-V
MISCELLANEOUS

23. Power to Relax

The High Court may, if satisfied that the operation of any Rule is causing undue hardship, by order dispense with or relax the requirements of that Rule to such extent and subject to such conditions, as may be stipulated to deal with the case in a just and equitable manner.

24. Residual Provisions

- (i) Matters concerning which no express provision has been made in these Rules shall be decided by the Court consistent with the principle of furthering the interests of justice.
- (ii) If audio-video electronic communication is sufficient for seamless video-conferencing, the non-availability of any recommended equipments or infrastructure shall not, by itself, render the proceedings invalid.

25. Repeal and Savings

- (i) 'Rules for Video Conferencing for Courts' contained in Chapter 1, Part-H of Punjab and Haryana High Court Rules and Orders, Volume-V, are hereby repealed.
- (ii) Notwithstanding the repeal, provisions of 'Rules for Video Conferencing for Courts' Rules shall apply to: -
 - (a) Actions and proceedings commenced before these rules came into force.
 - (b) All notifications/orders published/issued under the 'Rules for Video Conferencing for Courts' contained in Chapter-1, Part-H of Punjab and Haryana High Court Rules and Orders, Volume-V, to the extent they are not repugnant to these rules, shall be deemed to have been made or issued under these rules.

SCHEDULE I

1. All required persons shall wear sober attire consistent with the dignity of the proceedings. Advocates shall be appropriately dressed in professional attire prescribed under the Advocates Act, 1961. Police officials shall appear in the uniform prescribed for police officials under the relevant statute or orders. The attire for judicial officers and court staff will be as specified in the relevant rules prescribed in that behalf by the High Court. The decision of the Presiding Judge or officer as to the dress code will be final.
2. Proceedings shall be conducted at the appointed date and time. Punctuality shall be scrupulously observed.
3. The case will be called out and appearances shall be recorded on the direction of the Court.
4. Every required person shall adhere to the courtesies and protocol that are followed in a physical Court. Judges will be addressed as "Madam/Sir" or "Your Honour". Officers will be addressed by their designation such as "Bench Officer/Court Master". Advocates will be addressed as "Learned Counsel/Senior Counsel".
5. Required Persons shall keep their microphones muted till they are called upon to make submissions.
6. Remote Users shall ensure that their devices are free from malware.
7. Advocates appearing through video conferencing before a Court/Tribunal shall join from the Advocate's remote point. Advocates shall not be permitted to join from mobile phones or any public place, open area including corridors, vehicles, waiting area or parking space.
8. Remote Users and the Coordinator at the Remote Point shall ensure that the Remote Point is situated in a quiet location, is properly secured and has sufficient internet coverage. Any unwarranted disturbance caused during video conferencing may, if the Presiding Judge, so directs render the proceedings *non-est*.
9. The cell phones of all required persons shall remain switched off or in airplane mode during the proceedings.
10. Required persons should endeavor to look into the camera, remain attentive and not engage in any other activity during the proceedings.
11. Background noise, unnecessary movements, and interruptions must be minimized to maintain the decorum of judicial proceedings.
12. The use of offensive language, disrespectful behavior, or non-compliance with judicial instructions may lead to immediate removal from the session and potential legal consequences.
13. Court now have the discretion to mute or remove any required person violating these conduct rules.

SCHEDULE II

Request Form for Video Conference

- 1. Case Number /CNR Number (if any)
- 2. Cause Title
- 3. Proposed Date of conference (DD/MM/YYYY):_____
- 4. Location of the Court Point(s):_____
- 5. Location of the Remote Point(s):_____
- 6. Names & Designation of the Participants at the Remote Point:_____
- 7. Reasons for Video Conferencing:

In the matter of:

8. Nature of Proceedings:

- Final Hearing ☐
- Motion Hearing ☐
- Others ☐

I have read and understood the provisions of ‘The Use of Electronic Communication and Audio-Video Electronic Means Rules, 2026’ (hyperlink). I undertake to remain bound by the same to the extent applicable to me. I agree to pay video conferencing charges if so directed by the Court.

Signature of the applicant/authorized signatory:

Date:

For use of the Registry/Court Point Coordinator

- A) **Bench assigned:**
- B) **Hearing:**
Held on (DD/MM/YYYY):
Commencement Time:
End time:
Number of hours:
- C) **Costs:**
Overseas transmission charges if any:
To be Incurred by Applicant/Respondent:
To be shared equally:
Waived; as ordered by the Court:
- Signature of the authorized officer:
- Date:

[1.] Chp.-1 Part H, inserted vide Correction Slip No.188 Rules/II.D.4, dated 10.12.2021.

[2.] Chp.-1 Part H, substituted vide Correction Slip No.202 Rules/II.D.4, dated 10.04.2026.