

## PART B.-RULES

*Rules made by the High Court under the powers conferred by section 46-A as inserted by Act IV of 1919 in the Punjab Courts Act 1918, declaring what persons shall be permitted to practise as petition-writers in the Courts and Offices in the Punjab, regulating the conduct of persons so practising, and determining the authority by which breaches of rules shall be tried.)*

## RULES

## A.—Definitions 1.

## 1. In these rules—

<sup>[48]</sup> [‘Petition’ means a document, written “including type-written” for the purpose of being presented to a Court or a Judicial or Revenue Officer, as such, and includes a plaint and memorandum of appeal.]

Definitions

To practice as a Petition-writer' means to write petitions, as defined above, for hire, and includes the writing of a single petition for hire,

A Petition-writer is said to practice in a Court when he writes petitions for the purpose of being presented to that Court.

<sup>[49]</sup> [*Explanation:-* In these rules the words “write” or “written” wherever occurring shall be deemed to include “type written”.]

‘Court subordinate to the High Court’ means any Civil Court (including a Court of Small Causes) and any Criminal Court other than the High Court.

‘Revenue Officers means and includes any person having authority as Revenue Officer under the Punjab Land Revenue Act, 1887, or the Punjab Tenancy Act, 1887.

‘Revenue Office’ means the office of a Revenue Officer;

‘Revenue Court’ means and includes any Revenue Officer exercising the jurisdiction described in section 77 of the Punjab Tenancy Act, 1887;

Revenue Officers invested with jurisdiction under Chapter XI of the Punjab Land Revenue Act, 1887, shall be deemed to be subordinate Civil Courts or Revenue Courts according as they are under the control of the High Court or of the Financial Commissioners.

*B.—Licensing of Petition Writers*

Practice as a  
petition-writer.

1. No person shall practise as a Petition-writer in the Punjab unless he has been duly licensed under these rules:

—  
Provided.—

- (1) that any person licensed under any rule hitherto in force shall be deemed to have been licensed under these rules;
- (2) that these rules shall not apply to any Advocate, Pleader, or Mukhtar, in respect of a petition, written for presentation to a Court in which he is qualified to practice, whether such petition be written by himself or his clerk or on his behalf;

Provided that in the latter case it be signed by the employer.

Writing of  
petition

2. No petition shall be received by a Court or an officer of a court unless it is written by the party or his recognised agent, or by a legal practitioner, or by a petition-writer, except in the case of an application filed by an accused person in custody, provided the name and status of the person writing the document appears on it. A legal practitioner's clerk may write such petition on behalf of his master provided that it is signed by the latter.

*Note.*—The directions contained in this rule do not apply to Panchayat Courts under the "Gram Panchayat Act".

License.

3. No person shall be licensed as a Petition-writer while he is in the service of Government or of a Legal Practitioner, nor shall any person be so licensed within six months of his quitting the service of a Legal Practitioner.

*Note.*—*Service* with a District Board is quasi Government Service.

Grades.

4.(i) Petition-writers in the Punjab are of two grades that is to say.—

- (a) Petition-writers of the first grade, who may practise petition-writing in the High Court and all courts Subordinate thereto and in the Court and office of the Financial Commissioners and all Revenue Courts and offices under the control of the Financial Commissioners;
- (b) Petition-writers of the second grade, who may practise petition-writing on the original side of the Courts of only District Magistrate, Collectors and District Judges and in Criminal,

Civil or Revenue Courts and Offices of  
equal or inferior jurisdiction.

*Note.*—It has been decided that with effect from the 6th May, 1910, no person be licensed as a petition writer of *the* first grade.

(ii) The number of licenses of each grade shall be in accordance with the combined scale fixed by the High Court from time to time for each district.

Number of  
licenses for  
such grade.

5.(i) No person shall be licensed to practice as a petition-writer unless he has qualified in an examination prescribed by the rules in force before 20th November, 1936, which has been held or arranged to be held before that date.

Examination.

(ii) The above rule may be relaxed by the High court in special cases, where local circumstances make it desirable to do so.

(iii) The license shall be in form A annexed to these rules, and will be granted by the District Judge concerned with the previous sanction of the High Court in each case.

Form and  
grant of  
license.

5.A fee of Rs. 5 shall be charged for each licence on enrolment provided that this fee will be reduced to half for licences granted on or after the 1st of March in each year. Such licences will be valid only up to the 31st day of August, in each year and will be renewable between the 1st and 31st days of August on payment of a renewal fee of Rs. 5. Fees will, in all cases, be payable in court-fee stamps.

Fees and  
renewal of  
license.

7. A licence granted to a Petition-writer under these rules, authorizes him to practise, subject to these rules, according to its tenor, and continues in force until,—

Conditions on  
which licence  
remains in force.

(1) its operation is suspended by an order made under rule 8 or the petition-writer enters the service of Government or of a Legal Practitioner;

(2) the Petition-writer is suspended or dismissed by competent authority.

8. (i) Every licensed Petition-writer shall, between the first and thirty first days of August of each year, produce, or if he ordinarily practises in a Subordinate Court, forward through that Court, his licence for the inspection of the Court under which it is held. A note of such production, with the date, will be entered on the licence. If a Petition-writer fails to comply with this rule or pay the renewal fee.

Production and  
suspension.

referred to in rule 6 above, his name will be posted in a conspicuous place of the Court-house of the highest Court in which he ordinarily practises, with an order that the operation of his licence is suspended, and that he will be liable to penalties if found practising whilst such order of suspension is in force.

When order of suspension may be withdrawn.

(ii) If the Petitioner-producer produces his licence for inspection at any time before the thirty first day of August of the following year, the order of suspension may be withdrawn subject to a charge of rupees five;

Provided, that the charge shall not be made if it be shown to the satisfaction of the Court that the failure to produce the licence within the time appointed was due to unavoidable causes, and that the licence shall not be restored without the previous sanction of the High Court.

Transfer of place of business.

9. No licensed petitioner-producer shall transfer his place of business from any one to any other district in the Punjab except with the previous sanction of the High Court, subject to there being a vacancy in the district to which transfer is desired. But it shall be within the discretion of the District Judge to transfer any Petitioner-producer from any one place to any other within the boundaries of any of the districts under his charge.

Licence lost or damaged.

9. If a licensed petitioner-producer loses the licence granted to him under these rules, he may apply to the Court under which it was held for a duplicate licence. The application shall be made in writing, and shall be presented by the applicant in person. The Court to which it is made, if satisfied that the former licence has been lost, shall upon payment by the applicant of rupees five, cause a fresh licence to be issued in the same form and bearing the same date as the lost licence, and shall cause the words "Duplicate licence" to be engraved thereon, with the date of issue, and shall sign such engraving. Every matter required to be noted upon the licence by rules 8, 10, 27 (ii), 30 (ii) or 34, shall be noted on the back of the duplicate licence under the signature of the Court granting it.

*Note.* —If a licence becomes damaged it may be replaced in the manner here provided in the case of the licence being lost.

#### C.—*Conduct of Petitioner Writers*

Registers of petitions to be kept.

11. Every Petitioner-producer licensed under the foregoing rules shall keep only one register for each calendar year in the Form B annexed to these rules and shall enter

therein every petition written by him. Blank spaces shall not be left by a petition-writer in his register. Should one occur, the petition-writer shall forthwith have it cancelled by the Presiding Officer of a Court nearest to his ordinary place of business. Before the close of each year, or immediately thereafter, the register shall be inspected by the Administrative Subordinate Judge, where there is one for the district, otherwise by the Senior Subordinate Judge of the district, who shall also see that blank spaces, if any, have already been cancelled as provided in the preceding sentence.

12. Every licensed petition-writer shall at his own expense, provide himself with an official seal, to be made under the direction of the Court which licenses him on which shall be engraved, in the Urdu Character, his name and the year in which he was licensed. Seal
13. Every licensed petition-writer in writing petitions shall confine himself to expressing in plain and simple language, such as the petitioner can understand, and in a concise and proper form, the statements and objects of the petitioner and shall not introduce any argument or quotation from a Law Report or other Law Book, or refer to any decision not brought to his notice by the petitioner. Manner of drafting petitions.
14. Every licensed petition-writer shall record, at the foot of every petition written by him, other than a petition of a merely formal character, a declaration, under his signature, that, to the best of his knowledge and belief, the petition expresses the true meaning of the petitioner, and that its contents have been fully explained to the petitioner. Declaration to be made on the petition by petition-writer.
12. Every licensed petition-writer shall sign and seal with his official seal, every petition written by him, and shall enter on it the number which it bears in his register, and the fee which has been charged for writing it. Petition writer to sign and seal the petition and make certain endorsements.
16. A licensed petition-writer shall not dictate a petition to, or cause a petition to be written by, a person who is not a licensed petition-writer nor shall he employ any person who is not a licensed petition-writer to write petitions for him. Employments of other persons to write petitions.

Provided that a petition writer may employ typists for the purpose of typing petitions drafted by him and that the petitions so typed shall be scrutinized, verified and signed by the petition-writer concerned; such typists shall not

draft petitions themselves but shall only carry out on the typewriter the directions of the petition-writer.

Court may order a petition writer to rewrite a petition.

17. Every licensed petition-writer shall rewrite at his own cost any petition written by himself, when required to do so by order of competent authority.

Writing unnecessary petitions.

18. A licensed petition-writer shall not instigate any person to cause to be written by himself or by any other licensed Petition-writer, any petition which he knows to be unnecessary.

Fees for writing petitions.

17.<sup>[50]</sup>(i) No petition-writer shall charge fees for writing petitions in excess of those shown in the Schedule hereto annexed, a copy of which shall be exhibited at a conspicuous place in every District Court. A copy of the Schedule shall, also be exhibited conspicuously by each petition-writer at the place where he carries on his business. The actual amount charged for each petition shall be entered in the proper column of his register. He shall issue a receipt for the amount received by him and, also, mention the said amount at the foot of the petition written by him.]

Provided that he enters correctly the actual amount agreed upon on the petition and in the proper column of his register.

Prohibition to share the profits of litigation or to contribute funds for this purpose.

(ii) A licensed petition-writer shall not take payment for his services by an interest in the result of any litigation in connection with which he is employed, nor shall he find or contribute towards the funds requisite for carrying on any litigation in which he is not personally interested.

Shall not act as recognized agent.

19. A licensed Petition-writer shall not act as a recognized agent in any case in a Civil Court or in a Revenue Court or office except a case in which he is himself a party, or in a Criminal Court, subject to the same exception.

Surrender of licence.

21. Every licensed petition-writer.—

(1) the operation of whose license is suspended under rule 8.

(2) who enters the service of Government, or of a Legal Practitioner, or

(3) who is suspended or dismissed under these rules, shall forthwith surrender his license to the Court under which it was held.

Striking off name from register.

22. Every petition-writer who gives up practising for over three years shall have his name struck off the register.

*Note*.—A petition writer whose name has been removed after three years' absence will be at liberty to apply for the restoration of his licence provided that there is a vacancy on the prescribed scale. He shall however, be treated in this respect on the same footing, as a fresh applicant,

23. No licensed Petition-writer shall practise,—

- (1) contrary to the terms of his Licence;
- (2) In any panchayat of which he is a member or Sarpanch.
- (3) in any Court or office in which he has been forbidden to practise, while such prohibition is in force.
- (3) after his licence has been or should have been surrendered under these rules; or
- (5) while under suspension.

Rules as to  
practice.

24. No licensed Petition-writer shall engage in any business or trade without the previous permission in writing of the High Court.

Engagement in  
trade or business.

24.-A. When a petition-writer has been adjudged an insolvent, his licence to practise as such shall automatically be suspended till the date of his discharge whether conditional or full or till the order of adjudication is annulled.

*D.—Procedure in dealing with breaches of rules and  
Pena lit ies*

24.<sup>151</sup>[deleted]

24. Any Judicial or Revenue Officer or Court may order a licensed petition-writer to re-write any petition written by him which contravenes rule 13, or is illegible, obscure, or prolix, or contains any irrelevant matter, or misquotation, or is, from any other cause, in the opinion of such officer or court, informal or otherwise objectionable. An order passed under this rule shall not be open to revision by any Officer or Court other than the Officer or Court which made the order.

Reduction of  
fees charged.  
Order to re-write  
a petition.

24.(i) The Presiding Officer of any Court, other than the High Court, or of any Revenue Officer may, for any sufficient cause to be recorded in writing under his signature, prohibit, any Petition-writer from practising in his Court or Office, pending a reference, where the prohibition is issued by the Financial Commissioner, to the High Court; and in any other case, to the District Judge.

Order prohibit-  
ing practice.



(ii) Every order of prohibition passed under this rule shall be communicated to the Court under which the Petition-writer affected holds his licence and such Court shall forthwith endorse the substance and date of the order on the license under his own signature.

Failure to obey orders.

28. Any person who practises as a Petition-writer contrary to the provisions of rule 2 or who fails to obey the orders of a competent authority passed under rule 17 <sup>[52]</sup>[deleted] shall be liable to a penalty not exceeding rupees fifty.

Punishment for violation of rules.

29. Any licensed Petition-writer who acts in violation of any of the rules numbered 7, 9, 11, 12; 14, 15, 16, 18, 19, 20, 21 and 24 shall be liable to be suspended, dismissed or reduced.

30. (i) Any licensed Petition-writer who,—

Punishment for inefficiency, misconduct etc.

(1) habitually writes petitions contrary to rule 3 or containing irrelevant matter, or which are informal or otherwise objectionable, or

(1) in the course of his business as a Petition-writer uses disrespectful, insulting or abusive language, or

(2) is found to be incapable of efficiently discharging the functions of a Petition-writer, or

(3) by reason of any fraudulent or improper conduct in the discharge of his duty as a Petition-writer is found to be unfit to practise as such, or

(4) is convicted of a criminal offence, shall be liable to be suspended or dismissed or reduced in addition to any punishment to which he may be liable under any other rule or enactment for the time being in force.

Authority competent to impose penalty.

31. Any breach of rules or other misconduct punishable under these rules shall be cognizable by the District Judge under whom the Petition-writer concerned holds his licence;

Provided that a breach of rule 2 shall be cognizable by the District Judge of the district in which the alleged breach occurred.

Inquiry and trial.

32. Subject to the provisions of rule 31, the District Judge may take cognizance of any breach of rules or other misconduct punishable under these rules either of his own motion, or on the report or complaint of any other Court or person and may, after such inquiry as he may consider



necessary, impose on the person charged any penalty prescribed by these rules :

Provided that no order shall be passed against any person unless he is given a reasonable opportunity of defending himself.

33. Every order passed against a Petition-writer (including any warning given in lieu of penalty) shall be recorded on the back of his licence by the Court under which he holds his licence. Every such order passed by any Court other than the Court under which the Petition-writer holds his licence shall be communicated to such Court for being so recorded.

All orders passed to be endorsed on licence.

33. Notwithstanding anything hereinafter contained, the High Court may, for any sufficient cause, to be recorded in writing, and after such inquiry as it thinks fit.—

Punishment which High Court may inflict.

(1) dismiss any licensed Petition-writer, or suspend him from practice for a specified period; and

(2) in the case of a licensed Petition-writer of the first grade.—

(a) suspend him from practice in the High Court for a specified period, or

(b) reduce him to the second grade:

Provided, that no order shall be made under this rule unless the person charged shall have had an opportunity of defending himself.

35. No appeal shall lie from any order passed by any Court or Officer under any of the preceding rules; but the High Court, as regards orders passed by any District Judge, may in its discretion revise any such order, and in place thereof pass such order as it thinks fit. No. Petition-writer who has been suspended or dismissed for misconduct can claim to be heard through counsel

Appeal. Engagement of counsel.

35. The High Court may, at any time, for sufficient reason, grant a new licence to any licensed Petition-writer who has been dismissed or direct that any licence of which the operation has been suspended by an order under rules 8, 30 or 33 or by the Petition-writer entering the service of Government or a Legal Practitioner, be restored to him.

High Court may grant a new licence or restore a suspended licence.

37. Nothing in the foregoing rules shall be deemed to limit or restrict the exercise by the High Court of its general powers of superintendence and control.

High Court's power of control.

SCHEDULE OF RULES, THE BREACH OF WHICH RENDERS THE OFFENDERS  
LIABLE TO PENALTY UNDER SECTION 46-A, OF THE PUNJAB COURTS ACT,  
1918

*A.—Unlicensed Persons*

	RULE
Practising as a Petition-writer without a Licence ... ..	2
<i>*B.—Liceneed Petition-writer.</i>	
Practising in a higher grade than that for which licensed ... ..	
4 Omitting to maintain prescribed register or to produce it when required or failing to have blank spaces cancelled. ...	
11 Omitting to provide seal ... ..	
12	
Omitting to record declaration on petition	
14	
Omitting to sign, seal or give other parti- culars required on a petition... ..	15
Omitting to make true entry on petition or in register ... ..	15
Causing petition to be written by unlicensed Person ... ..	16
Instigating the writing of unnecessary petitions	18
Omitting to enter correctly the actual amount of remuneration agreed upon on the petition and in the register. Taking payment by an interest in the result of litigation ... ..	19
Acting as recognized agent for any party...	20
Omitting to surrender license ... ..	20
Practising while under suspension or while licence is surrendered ... ..	23
Engaging in business or trade without the permission of the District Judge ...	
24	
Omitting to comply with an order made under Rule ... ..	26
Disregarding prohibition from practice, pending reference ... ..	
27	
Violation of rule of habitual writing of irrele- vant or informal or otherwise objectionable petitions ... ..	
30	
Fraudulent or improper conduct in discharge of duty ... ..	30
Participation in seditious or disloyal movement or other cases of misconduct ... ..	34

FORM A

FORM OF LICENCE FOR A PETITION-WRITER  
(Rule 5)

In the Court of the.....Judge of  
the.....

Certified that..... son of.....  
resident of....., has this day been licensed  
as a petition-writer of the.....grade,  
and is hereby permitted to practise as such in the  
manner prescribed by Rule 4, clause.....of  
the rules relating to petition-writers in the Punjab, and  
subject to the provisions of the said rules till the 31st  
day of August, 19 .

Give under my hand and the seal of this Court,  
this.....day of.....19 ,  
at.....

.....  
.....  
Judge

*Note.*—Petition-writers are reminded that participation by them in any  
seditious or disloyal movement will be regarded as sufficient cause for  
dismissal, suspension or reduction in grade under rule 34 of the rules by  
the Hon'ble Judges under Section 46-A of the Punjab Courts Act.

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Ch. 17-B.

Date of the renewal of the  
licence.

Renewing OFFICER

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