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Punjab and Haryana High Court Rules and Orders

Volume-5

Chapter-1

Judicial Business

Part A

Civil Cases

1. Presentation and reception of appeals etc.

(a) All appeals, petitions, applications for review or revision, and miscellaneous applications, sought to be presented shall be presented personally by litigants or their Advocates at the counter in the filing section of this Court between the hours of 10:00 A.M. to 4:00 P.M. on every working day. Petitions sent through post for taking some judicial action shall not be entertained by the High Court:

Provided that appeals, petitions, applications for review or revision, written statements, affidavits or other documents of prisoners or detenus, received through the Officer-in-charge of the prison, shall be entertained by this Court:

Provided further that such appeals etc. not sent through the Officer-in-charge of the prison may be entertained by this Court if there is a note at the foot that the Officer-in-charge of the prison refused to receive and forward the same:

Provided further that applications etc. presented by the prisoners or detenus before the Administrative Judge at the time of jail inspection may be entertained by this Court where according to the Administrative Judge, the same require taking some judicial action:

Provided also that petitions in the nature of writs of habeas corpus received by post may be entertained by this Court.

However, written statements, affidavits, replications, other documents etc., not accompanied by any miscellaneous application, shall be presented in the concerned branch.

(b) Instructions regarding modalities of presenting and dealing with the cases issued from time to time under orders of Hon'ble the Chief Justice shall be followed.

(c). During the summer vacation, Baisakhi break, Dussehra/Diwali break, winter break or any other break of four or more holidays, the time for presentation of all appeals etc. shall be from 10:00A.M. to 1:00 P.M. or such other timings as the Chief Justice or the Senior Judge sitting during the vacation/break may fix and notify.

(d) On presentation of any appeal, petition, application etc., the concerned official at the counter shall affix stamp of the date of filing/re-filing. Preliminary particulars of the case shall then be entered in the computer software which will assign diary number and generate a receipt of filing to be given to the person presenting the case. After scrutiny, if the case is passed without any objection, it shall be registered and assigned case number and list of such cases shall be uploaded on the internet alongwith date of hearing. If there is any objection to the case, it shall not be registered. The information regarding objection shall be uploaded on the internet so that the concerned party/Advocate may take back the case for re-filing after removing the objection. The same procedure shall be followed on re-filing of the case.

2. Language and paper to be used.

Every petition, memorandum of appeal, application, written statement, affidavit, annexures to writ petitions etc. shall be in English language on superior

quality A4 size paper having 70 GSM with printing on only one side of the paper, preferably with font Thorndale, font size 14 in double space with margins 1.25” on top, 0.75” on bottom, 1.75” on left side and 0.75” on the right side, unless a printed format is prescribed for the purpose by the High Court. It shall be headed “In the High Court of Punjab and Haryana at Chandigarh” and signed by the appellant, petitioner or applicant or by his Advocate on his behalf. No memorandum, application etc. or copy thereof will be entertained unless it is legible.

However annexures to writ petitions may be filed as photocopies which are legible and properly spaced with proper font size and shall be attested by the Advocate to be true copy:

Provided that an appeal etc. written on a plain paper sent by a prisoner or a detenu through the Officer-in-charge of the prison may be entertained:

Provided further that an appeal etc. written on a plain paper sent by the prisoner or detenu not through Officer-in-charge of the prison may be entertained if there is a note at the foot that the Officer-in-charge of the prison refused to receive and forward the same.

3. Documents to accompany memorandum of appeal.

Every memorandum of appeal shall be accompanied by copies of the judgment and decree appealed from. In the case of second appeal, the memorandum shall also be accompanied by copies of the judgment and decree of the Court of first instance unless the High Court dispenses therewith.

In all cases which are within the competence of Division Bench or a Bench of three Judges, duplicate or triplicate copies of the paper book, as the case may be, shall be furnished by the appellant/petitioner /applicant both in civil and criminal cases.

4. **Caveat.**

Every Caveat filed under sub-section (1) of Section 148-A of the Code of Civil Procedure shall be given a distinct number by the Registry.

5. **Provision of law to be specified.**

Every memorandum of appeal, petition or application shall specify the provision of law i.e. the enactment and the section/article thereof under which the appeal, petition or application lies. The Registrar (Judicial) is authorised to refuse to receive any memorandum of appeal, petition or application which does not comply with this rule.

6. **Indexing of the paper book.**

All Civil Appeals, Civil Revisions and Main Miscellaneous applications shall be page-marked and indexed in the following sequence:-

1. Miscellaneous Application(s) along with affidavit(s).
2. Grounds of Appeal/Revision with prescribed opening sheet/Main Miscellaneous Application, also 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. Copy of order/judgment and decree of Trial Court where necessary.
5. Copy of order/judgment and decree if any of the Lower Appellate Court where necessary.
6. Grounds of appeal before the Lower Appellate Court.
7. Additional documents, if any. Certified or photostat copy/copies attested to be true copies of the originals either by the party or his counsel, or

where such documents happened to be in a language other than English, their translations in English certified by the counsel to be correct, if such documents are part of the record of the Lower Courts/Tribunal.

Note:- The party or his counsel will give a certificate below the grounds of revision/appeal/main application that the documents annexed are part of the Lower Courts' records. However, if any other documents which are not part of the Lower Courts' records are to be presented, a miscellaneous application to seek specific permission for presenting the said documents under relevant provision of law (e.g. additional evidence in appeal under Order XLI Rule 27 of the Code of Civil Procedure) shall also be filed.

7. **Tax appeals**

Tax Appeals (Income Tax, Wealth Tax and Gift Tax) would be in the following format:-

1. List of Events.
2. Memorandum of Appeal containing full description of the parties, provision of law under which appeal has been filed, statement of facts, grounds of challenge, substantial question of law involved and the tax-affected.
3. Affidavit regarding limitation.
4. Annexures:
 - (i) Order of Assessing Officer.
 - (ii) Order of Commissioner (Appeals).
 - (iii) Order of Tax Tribunal.
 - (iv) Copies of other documents/orders relied upon by or before the Tribunal.
 - (v) Any other order/document to be relied upon by the appellant.

8. **Letters Patent Appeals.**

(i) 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 Bench hearing the appeal, in its discretion, for good cause shown, grants further time for the presentation. In view of Section 12 of the Limitation Act, 1963, the appellant is entitled to exclude the time requisite for obtaining a copy of the judgment appealed from.

(ii) The appeal will consist of two computer printed copies of the following:-

(a) Memorandum of appeal; and

(b) Judgment appealed from.

The appeal shall be page marked and indexed, as far as may be, in accordance with Rule 6 hereinbefore.

(iii) Along with the file of the appeal, the office shall also place the original file, which was before the Single Judge from whose judgment the appeal is preferred, before the Division Bench at the time of hearing of the appeal.

9. **Particular ground to be specified in petition for revision.**

A revision petition to the High Court to exercise the powers conferred by Section 44 of the Punjab Courts Act, 1918, Section 115 of the Code of Civil Procedure or Article 227 of the Constitution of India shall specify the particular ground on which interference 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 illegally or with material irregularity, the particular illegality/illegalities or irregularity/irregularities complained of shall be similarly set out.

10. Documents to accompany such petition.

Every such petition shall be accompanied by a copy of the order or judgment and decree in respect of which such petition is made and shall be stamped as required by law.

In the case of petition for revision of order or judgment and decree of an Appellate Court, a copy of the order or judgment and decree of the Court of the first instance shall also be filed.

11. Petition for revision of order/decrece of Small Cause Court.

A petition to exercise the powers conferred by Section 25 of the Provincial Small Cause Courts Act, 1887, shall specify in what particular, the order or judgment and decree of the Small Cause Court is not according to law.

12. Amendment.

(i) The Reader/Superintendent so appointed may return for amendment and re-filing within a time to be specified by him, not exceeding 10 days at a time, and 40 days in the aggregate, any memorandum of appeal, revision petition or other petition not drawn up in the manner prescribed by these rules or any other rules or being not in conformity therewith.

(ii) If the memorandum of appeal or petition is not amended and re-filed within the time allowed under sub-rule (1), it shall be listed for orders before the Court.

13. Application for review to contain certificate of sufficient grounds.

Every application for review of a judgment or order 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 aforesaid manner the grounds already taken or any amended grounds.

14. Court-fees.

No petition, memorandum of appeal, application 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.

15. Taxing Officer

The Chief Justice has been pleased to declare that the Registrar General of the High Court shall be the Taxing Officer within the meaning of Section 5 of the Court-fees Act.

16. Improperly stamped documents.

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 Limitation Act, 1963 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 Court fees.

17. Power to impound documents not duly stamped.

The Registrar (Judicial) is authorised to examine and impound under Section 33(2)(b) of the Indian Stamp Act, 1899, any instrument not duly stamped.

18. Records of Lower Courts.

The Lower Courts' 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, unless the Court orders otherwise:

Provided that where proceedings in the case are pending before the Lower Court, the records shall be sent for only where the High Court so directs:

Provided further that the Lower Courts' records shall be returned, if not required by the High Court, before the date fixed in the Lower Court in the pending proceedings so that the said proceedings are not stalled because of records.

Part B

Criminal Cases

19. Presentation of appeals and petitions for revision in criminal cases.

All appeals, petitions for revision under Sections 397 and 401 of the Code of Criminal Procedure 1973 and other petitions in criminal cases connected with the judicial business of the Court shall be presented and dealt with, as far as may be, in the manner prescribed in Rule 1 hereinabove.

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

20. Language and paper to be used.

Rule 2 hereinbefore shall, as far as may be, also apply to criminal appeals, revision petitions, etc. in the matter of language and paper to be used.

21. Indexing of the paper book.

All criminal cases filed shall be page-numbered and indexed in the following sequence:

- (a) Miscellaneous Applications, if any;
- (b) Grounds of Appeal/Revision filed in the High Court;
- (c) Copy of Lower Appellate/Revisional Court judgment, if any;
- (d) Copy of grounds of Appeal/Revision before the Lower Appellate/Revisional Court.
- (e) Copy of trial Court judgment; and
- (f) Additional documents, if any. Certified or Photostat copy/copies attested to be true copies of the originals either by the appellant/petitioner or his counsel, or where such documents happen to be in a language other than English, their translations in English certified by the counsel to be correct, if such documents are part of the record of the Lower Courts/Tribunal.

Note: The appellant/petitioner or his counsel will give a certificate below the grounds of appeal/revision that the documents annexed are part of the Lower Courts' Records. However, if any other documents which are not part of the Lower Courts' records are to be presented, a miscellaneous application to seek

specific permission for presenting the said documents under relevant provision of law (e.g. additional evidence in appeal under Section 391 of the Code of Criminal Procedure) shall also be filed.

22. Averment in revision petition.

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 Registrar (Judicial) unless the same contains an averment supported by an affidavit of the petitioner that he has not filed any such revision petition before the Sessions Judge. The petitioner shall also state whether to his knowledge similar petition for revision has or has not been made by any other person to the Sessions Judge and if made, shall state the status/result thereof.

23. Copies of 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 petition is made.

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

24. Averment in bail application.

In every application for bail presented to the High Court, the petitioner shall state whether similar application has or has not been made previously to the High Court or the Supreme Court, and if made, shall state the status/result thereof and also state in the title itself of the present bail application if it is first or second or third or so on bail application. An application which does not contain this information shall be returned for resubmission with the necessary information.

This provision shall also apply to every application filed under sub-section (1) or sub-section (2) of Section 389 of the Code of Criminal Procedure, 1973.

25. Transfer application.

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 that an application for transfer of the case was made to the Sessions Judge and was rejected by him. The averment shall be supported by an affidavit or attested copy of order of the Sessions Judge.

26. Copies of transfer petitions and bail applications to be supplied to Advocate-General.

A copy, complete in all respects (with all its annexures etc.), of every petition for transfer and of every bail application relating to criminal cases pending in Lower Courts shall, before it is filed, be supplied to the Advocate-General to enable him to appear, if desired, on behalf of the Government. The petitioner shall state in the transfer petition/bail application whether a copy has been supplied in accordance with this rule and if not supplied, the reasons for not supplying the same shall also be stated.

27. Procedure for notifying dates of hearing of petitions.

Notice of the first date of hearing of petitions shall not be given individually to the petitioner or his counsel but the Cause List shall be uploaded on the internet, also giving the name(s) of the Hon'ble Judge(s) by whom the petition will be heard.

28. Service of notice in transfer petitions and bail applications.

In petitions for transfer of cases under Section 407 of the Code of Criminal Procedure and in bail applications filed in the High Court, notice to the State

Government/official respondents shall be served on the Advocate General whereas notice to private respondent shall be served through Chief Judicial Magistrate who shall, without fail, return the notice to the High Court well in time before the date of hearing.

29. Submission of reports by Lower Courts.

If comments, report or explanation is called for by the High Court from the Presiding Officer concerned with regard to allegations contained in the petition for transfer or affidavit, the Presiding Officer shall submit the comments, report or explanation through proper channel to the High Court well in time before the date of hearing. Copy of the transfer petition or affidavit will accompany the High Court letter seeking such comments, report or explanation from the Presiding Officer.

30. Record of summary trials.

In revision petition under Section 397 of the Code of Criminal Procedure, against the order of a Magistrate, in a case tried summarily and in which there are no records except entries in the Register of Summary Trials, certified copies of the relevant entries in the Register shall be called for, instead of the original Register.

31. Copies of applications for Special Leave to Appeal.

Copies, along with 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 passed in cases instituted upon complaints shall be supplied to the Advocate General by the petitioners and a certificate to that effect shall be obtained from him before filing them in the High Court.

Part C

Appeals by indigent persons

32. Appeals by indigent persons

A memorandum of appeal purporting to be on behalf of an indigent person shall not be received unless it is accompanied by an application for leave to appeal as an indigent person, nor shall an application for leave to appeal as an indigent person shall be received unless it is accompanied by a memorandum of appeal. The application should be in conformity with the provisions of Order XXXIII of the Code of Civil Procedure.

33. Who can present

Such application and memorandum shall be presented by the applicant (or any one of the several applicants) in person unless exempted from appearing in Court under Section 132 or Section 133 of the Code of Civil Procedure or any other provision of law. In the latter case, the application and memorandum can be presented by an authorized agent who can answer all material questions relating to the application, and who may be examined in the same manner as the party represented by him might have been examined, had such party appeared in person. Every such application, if presented by an agent, shall state on the face thereof that the applicant is exempted from appearance in Court, along with the provision of law under which so exempted. The application shall not be received unless it contains such statement.

34. Petition not duly presented

When such application or memorandum of appeal is one that is not in accordance with the foregoing directions, the Registrar (Judicial) 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 D

Tax Appeals

35. Tax appeals

(i) Appeals under Section 260A of the Income Tax Act, 1961, Section 27A of the Wealth Tax Act, 1957 and under the Gift Tax Act, 1958 shall be numbered as “Tax Appeal (IT/WT/GT)”.

(ii) Unless specially assigned, such appeals, including applications, notices of motion, etc. arising therefrom, shall, on being numbered, be placed for hearing and/or admission before the Division Bench dealing with tax references under the aforesaid Acts.

(iii) Memorandum of appeal in such appeal should be in conformity with the requirements of the aforesaid provisions of law as well as of Rule 7 hereinbefore.

(iv) If, while deciding the appeal, the Tribunal has followed any of its earlier order(s) either in the case of the assessee itself in respect of any other assessment year or in the case of any other assessee, such order(s) should also be annexed to the memorandum of appeal.

Part E

Applications under Order XXII of the Code of Civil Procedure

36. Procedure to make respondent the legal representative of a deceased party.

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, although a party to such decree or order, had

died before the date of such decree or order or has died thereafter, 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 thereunder or thereon, the party so desiring to appeal may present to the High Court a memorandum of appeal with the name of such legal representative mentioned therein as such as that of a respondent, if the appellant, 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 the High Court may, by an order, allow in its discretion a reasonable time in that behalf for the presentation of such affidavit, if it appears that the applicant could not by the exercise of due diligence have procured such affidavit in time for presentation along with memorandum of appeal.

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

Whenever by a decree or order which is 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
- (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 of such decree or order; or

(d) a person whose interest arose, whether before or after the date of such decree or order, by reason of any creation, alienation 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 a memorandum of appeal from such decree or order, he may name himself therein as an appellant, if 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 the High Court may, by an order, allow in its discretion a reasonable time in that behalf for the presentation of such an affidavit, if it appears 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.

38. Amendment of memorandum of parties.

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 Rule 26 of the Code of Civil Procedure, for the first time comes to know 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 was presented to the High Court, such appellant or party so interested as aforesaid may, but subject to the law of limitation, apply for an order that the memorandum be amended by substituting for the person, who has so died as aforesaid, his legal representative, if the applicant, along with such application, except as hereinafter provided, presents 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 always that the High Court may, by an order, allow in its discretion a reasonable time in that behalf for the presentation of such affidavit, if it appears that the applicant could not by the exercise of due diligence have procured such affidavit in time for presentation along with the application.

39. Application to bring on record legal representative of a party.

Every application to bring on record the legal representative of a deceased party as a party in place of the deceased shall, in addition to any particulars required by law, also state the date of the death or the approximate date of the death if the exact date is not known, of the deceased party. Every such application as well as every application under Order XXII Rule 10 of the Code of Civil Procedure, to make the applicant 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.

40. Presentation of application

Every application under the rules of this Part or under Order XXII of the Code of Civil Procedure shall be presented and dealt with, as far as may be, in the manner prescribed in Rule 1 hereinabove.

41. Return of application

The Reader/Superintendent concerned shall examine the application, and, if it does not satisfy the requirement of the Code of Civil Procedure or of these rules in that behalf, may return it to the person presenting it, for amendment and re-filing

within a time to be specified on such application under his signature, or may refer the application to Hon'ble Judge for orders.

42. If application not presented before the date of hearing

Any such application may be presented to the Bench 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 in the filing section of this Court 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 in the filing section.

43. Amendment of memo of parties by registry.

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 the High Court, the Superintendent of the branch shall amend the record (memo of parties) of the proceedings in the High Court in conformity with such order.

44. Form of amendment.

(i) Every person admitted on record as the legal representative of a deceased party, who had died before filing of the case in the High Court, shall be described by his own name and description and also adding as “the legal representative of A.B., deceased party”; and similarly in the case of an insolvent party.

(ii) If a party dies during the pendency of the case in the High Court and his legal representative is admitted on record, against the name and description of the deceased party in the memo of parties shall be added “since deceased and represented by (mentioning the name and description of the legal representative

along with his relationship with the deceased party)’; and similarly in the case of an insolvent party.

45. Order on application.

(i) Every application under Order XXII of the Code of Civil Procedure, in original suit, when presented in the filing section of the High Court, shall, subject to Rule 41 of these rules, ordinarily be laid for orders before the Bench before whom the suit is pending.

(ii) Every application under Order XXII of the Code of Civil Procedure in any other case shall be laid before the concerned Bench for orders.

46. Rules to apply to other proceedings.

The foregoing rules in this Part 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-F

The representation of minors and persons of unsound mind.

47. Appointment of next friend or guardian.

Whenever in any suit or appeal, a Bench sees cause to appoint a next friend of a minor plaintiff or appellant or a guardian of a minor defendant or respondent, and an order to that effect is passed, the Superintendent of the branch shall amend the memorandum of parties’ names in the suit or appeal accordingly.

48. Office to note fact of minority.

In every appeal presented in the filing section in which it appears from the memorandum of appeal or the copies of the judgments filed therewith, that any appellant or respondent is a minor, the Superintendent of the branch shall make a note on such memorandum of appeal for the information and orders of the Bench exercising jurisdiction in the appeal.

49. Application for appointment of guardian.

If for a minor, who is respondent in an appeal, guardian had been appointed by any Lower Court, such minor respondent may be sued through such guardian subject to order, if any, that may be passed by the High Court. However, if for a minor, who is respondent in an appeal, guardian had not been appointed by any Lower Court, the memorandum of appeal shall be accompanied by a miscellaneous application, supported by affidavit, for appointment of guardian of such minor for the appeal in accordance with Order XXXII Rule 3 of the Code of Civil Procedure. Notice of such application shall be issued to the proposed guardian(s) and the Bench hearing the appeal shall pass specific order for appointment of appropriate guardian for such minor respondent for the appeal.

50. Rules to apply to other proceedings.

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

51. Rules to apply to persons of unsound mind.

The foregoing rules of this Part relating to the representation of minors shall apply, *mutatis mutandis*, to the representation of persons adjudged, before or

during the pendency of the case, to be of unsound mind under any law for the time being in force.

52. Savings

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

53. A single Judge may pass orders.

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

Part G

The making and filing of affidavits in the High Court.

54. 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-11 of Volume IV of the 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.

55. 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. Such affidavit shall ordinarily be presented with the memorandum of appeal, cross-objection,

application or petition.

56. 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 Bench, to be struck out or amended summarily, unless leave be granted to present an affidavit in support thereof.

57. Counter-affidavits.

Facts asserted by a party showing cause against any appeal, cross-objection, 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 Bench be presented at the hearing.

58. 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, unless otherwise ordered by the Bench.

59. 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 or delete parties or to substitute representatives of parties;
- (c) applications to re-admit an appeal or application which has been dismissed for default or to re-hear an appeal or application 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) applications for security of costs; and
- (g) applications for leave to appeal as an indigent person.

60. Presentation of affidavits

Affidavits intended to be used in any proceedings before the High Court may be presented in the filing section up to 12 noon of a working day preceding the date of hearing. Concerned official shall thereupon file them with the proceeding after noting thereon the date of presentation.

61. Copy to opposite party.

No affidavit shall ordinarily be received by the Registry in any appeal, application or other proceedings unless a copy thereof has been served upon the other party or his Advocate:

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

62. Officers appointed to attest affidavits

Under the provisions of Section 139, Clause (b) of the Code of Civil Procedure, the following Officers have been appointed ex officio by the High Court to administer the oath to the deponent in the case of any affidavit under the said Code:-

1. The Registrar General
2. The Registrar
3. The Secretary to the Chief Justice.

Part H

Processes issued by the High Court.

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 High Court in exercise of its jurisdiction:-

63. Amount of process-fee

A fee of ₹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 three days in motion cases and within seven days in admitted matters from the date of order along with copies as per number of respondents. In case the office is closed on 3rd or 7th day, as the case may be, 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. In appropriate case, the Court may ask for additional fee to the extent of ₹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. Where the appellant or petitioner in the case is not represented by counsel, previous notice of the date so fixed will be given to him by registered post.

64. Receipt for the process-fee.

As soon as the process-fee is paid, a receipt in the form given below 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. No process shall be prepared or issued until the proper fee for the service thereof has been paid, where necessary. In cases including writ petitions under Article 226 of the Constitution of India, where any ex parte stay order, injunction

or direction is granted by the Court in favour of a party with notice to the other side, notice thereof shall also not be issued until the process-fee has been paid, where required.

Form
Punjab and Haryana High Court at Chandigarh
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).

65. Proforma Party

Where there are more than one respondent/defendant, the appellant/applicant/plaintiff or his Advocate shall clearly mention the name of proforma 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 ordinarily be effected upon such party unless the Court orders to the contrary.

Part I
Nomenclatures of different types of cases.

66. Nomenclatures.

The nomenclatures mentioned below shall be employed for different types of cases being filed in the High Court:

High Court of Punjab & Haryana, Chandigarh

Case Type Master Report

ABBREVIATED FORM	NATURE OF PROCEEDING
ARB	ARBITRATION ACT CASE (w.e.f. 15/10/03)
CA	CIVIL APPEAL/COMPANY APPLICATION
CACP	CONTEMPT APPEALS
CAPP	COMPANY APPEAL
CCEC	CUSTOM CENTRAL EXCISE CASE

CCES	CCES
CEA	CENTRAL EXCEISE APPEAL (WEF 10-11-2003)
CEC	CENTRAL EXCISE CASE
CEGC	CENTRAL EXCISE GOLD CASE
CESR	CENTRAL EXCISE AND SALT REFERENCE
CLAIM	CLAIMS
CM	CIVIL MISC
CMA	COMPANY MISC. APPLICATION
CMM	HMA CASES U/S 24
CO	CIVIL ORIGINAL
COA	Company Application
COCP	CIVIL ORIGINAL COONTEMPT PETITION
CP	COMPANY PETITIONS
CR	CIVIL REVISION
CRA	CRIMINAL APPEAL
CRA-AD	CRIMINAL APPEAL ACQUITAL DB
CRA-AS	CRIMINAL APPEAL ACQUITAL SB
CRA-D	CRIMINAL APPEAL DB
CRA-S	CRIMINAL APPEAL SB
CRACP	CRIM APPEAL CONTEMP PETITION
CREF	CIVIL REFERENCE
CRM	CRIMINAL MISCELLANEOUS PETITION
CRM-A	AGAINST ACQUITALS
CRM-M	CRIMINAL MAIN
CRM-W	CRM IN CRWP
CROCP	CRIMINAL OROGINAL CONTEMPT PETITION
CRR	CRIMINAL REVISION
CRR(F)	CRIMINAL REVISION (Family Court)
CRREF	CRIMINAL REFERENCE
CRWP	CRIMINAL WRIT PETITION
CS	CIVIL SUIT
CS-OS	CIVIL SUIT-ORIGINAL SIDE
CUSAP	CUSTOM APPEAL (WEF 17/7/2004)
CWP	CIVIL WRIT PETITION
DP	DIVORCE PETITION
EA	EXECUTION APPL.
EDC	ESTATE DUTY CASE
EDREF	ESTATE DUTY REFERENCE
EFA	EXECUTION FIRST APPEAL
EP	ELECTION PETITIONS
ESA	EXECUTION SECOND APPEAL
FAO	FIRST APPEAL ORDER
FAO(FC)	FAO (FAMILY COURT)
FAO-C	FAO (CUS AND MTC)
FAO-M	FIRST APPEAL ORDER-MATRIMONIAL
GCR	GOLD CONTROL REFERENCE
GSTR	GENRAL SALES TAX REFERENCE
GTA	GIFT TAX APPEAL
GTC	GIFT TAX CASE
GTR	GIFT TAX REFERENCE
GVATR	GENERAL VAT REFERENCES

INTTA	INTEREST TAX APPEAL
IOIN	Interim Order in
ITA	INCOME TAX APPEAL
ITC	INCOME TAX CASES
ITR	INCOME TAX REFERENCE
LPA	LATTER PATENT APPEALS
LR	Liquidator Report
MATRF	MATROMONIAL REFERENCE
MRC	MURDER REFERENCE CASE
O&M	ORIGINAL & MISCELLANEOUS
OLR	Official Liquidator Report
PBT	PROBATE
PVR	PB VAT REVISION
RA	REVIEW APPL
RA-CA	REVIEW IN COMPANY APPEAL
RA-CP	REVIEW IN COMPANY PETITION.
RA-CR	REVIEW IN CR
RA-CW	REVIEW IN CWP
RA-LP	REVIEW IN LPA
RA-RF	REVIEW APPLICATION IN RFA
RA-RS	REVIEW IN RSA
RCRWP	REVIEW IN CRCWP
RFA	REGULAR FIRST APPEAL
RP	Recrimination Petition
RSA	REGULAR SECOND APPEAL
SA	SERVICE APPEAL
SAO	SECOND APPEAL ORDER
SDR	STATE DUTY REFERENCE
STA	Service Tax Appeal
STC	SALES TAX CASES
STR	SALE TAX REFERENCE
TA	TRANSFER APPLICATION
TC	TAKENUP CASES
TCRM	TRANSFER CRIMINAL PETITION
UVA	UT VAT APPEAL
UVR	UT VAT REVISION
VATAP	VAT APPEAL
VATCASE	VALUE ADDED TAX CASE
VATREF	VAT REFERENCE
WTA	WEALTH TAX APPEAL
WTC	WEALTH TAX CASES
WTR	WEALTH TAX REFERENCE
XOBJ	CROSS OBJECTION
XOBJC	CROSS OBJECTION IN CR
XOBJL	CROSS OBJECTIN LPA
XOBJR	CROSS OBJECTION IN RFA
XOBJS	CROSS OBJECTION IN RSA

Part J

Quality and Size of Paper, Font and its Size etc., for Judgments/Orders of the High Court.

67. Original judgments/orders of the High Court shall be printed on only one side of superior quality 80 GSM, A4 size paper with font Thorndale, font size 14 in double space with margins 1.25” on top, 0.75” on bottom, 1.75” on left side and 0.75” on the right side.

Chapter 2

Public Interest Litigation Rules

1. (i) These rules may be called the Punjab and Haryana High Court 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. (Approved by the Full Court on 02.7.2010).
2. No Public Interest Litigation shall be entertained by the Registry unless the petitioner has specifically disclosed his credentials e.g. means of his livelihood, what public interest he has been espousing, the work done by him in that behalf, the particulars of any earlier Public Interest Litigation preferred by him and the Court orders passed thereon, etc., and his direct or indirect personal motive or interest, if any, involved in the case, 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/cost to the person/institution who may be forced to contest the litigation, which is ultimately found to be vexatious, frivolous or malafide.
6. Ordinarily, the Public Interest Litigation may be entertained on any subject of public importance, such as:
 - (a) Bounded Labour matters.
 - (b) Neglected Children.
 - (c) Petitions from riot victims.

- (d) Petitions complaining violation of human rights including harassment or torture of women, children or persons belonging to weaker sections by others or by the police.
- (e) Petitions pertaining to environmental pollution, disturbance of ecological balance, forest and wild life.

The aforesaid list is illustrative and not exhaustive.

7. The Registry shall be entitled to verify the antecedents of a person, society or association who invokes the jurisdiction of the High Court on the cause of public interest. Whenever 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:
 - (a) petitions sent by prisoners and detenues;
 - (b) petitions complaining violation of human rights;
 - (c) petitions seeking a writ in the nature of habeas corpus;
 - (d) petitions with a cause of such nature that it may require suo motu proceedings by this Court in 'public interest';
 - (e) petitions by financially 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 Public Interest Litigations initiated by the High Court shall be put up before the Chief Justice for listing the same before an appropriate Bench as per roster within three days.

Chapter-3

Jurisdiction

Part A

Practice of the High Court in the hearing of cases

1. Hours of business.

(i) The Court will sit daily, except on authorized holidays, for the transaction of judicial business between the hours of 10:00 A.M. and 4:00 P.M. with luncheon break of 45 minutes between 1:00 P.M. and 1:45 P.M.:

Provided that the timings of the sittings of the Court for the transaction of judicial business may be changed during summer vacation and other breaks of four or more holidays as the Chief Justice or the Senior Judge sitting during the vacation/break may fix and notify.

(ii) No fresh case will ordinarily be taken up for hearing after 4:00 P.M., but the hearing of a part heard case may be continued so long as the Court hearing it may deem necessary.

2. Roster of Benches.

The Judges will sit singly or in Benches of two or more in accordance with a roster to be prepared from time to time by the Registrar (Judicial) with the approval of Hon'ble the Chief Justice. For hearing cases in which proceedings in the Lower Court have been stayed or stand stayed in consequence of the record being sent for by the High Court for disposal of such cases, a separate Bench or Benches may be provided for in the roster.

3. Distribution of work

(i) Newly instituted cases for preliminary hearing shall be distributed by computer software as per roster. However, bail applications will be distributed as

per roster by the Chief Justice or the Judge nominated by him. However, subsequent bail applications in the same case shall be listed before the Bench to which the earlier bail application was assigned. No change in the aforesaid distribution will be made without authorization and initials of the Registrar (Judicial) in the case of distribution made by computer software and without authorization of the Chief Justice or the Judge nominated by him in the case of bail applications. The system of distribution of work may be changed by the Chief Justice.

(ii) As per aforesaid distribution, cause list of urgent cases will be generated by computerized system on the evening of the working day preceding the date of hearing whereas cause list of ordinary motion cases will be so generated at least three (two) days before the date of hearing. The cause list of urgent as well as ordinary cases shall, on being generated, be uploaded on the High Court website. A copy of the cause list will be supplied to the Judges' Readers who will bring to the notice of the Judges and the Registrar (Judicial) any alterations that appear unauthorized. Ordinary and urgent cases shall be set down for hearing before Single and Division Benches in accordance with the distribution made under sub-rule (i).

4. Priority cases

Following categories of cases will be heard on priority:-

- (a) Remanded cases.
- (b) Cases of handicapped persons
- (c) Cases of crime against women.

(d) Cases in which proceedings pending in the Lower Court have been stayed or stand stayed in consequence of the record being sent for by the High Court for the disposal of such cases.

(e) Cases of Senior Citizens.

5. **Duty of party/counsel to attend.**

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

Provided that intimation of the date fixed in a regular (an admitted) case will be sent by registered post to such party as is not represented by counsel.

6. **Listing of urgent cases**

Urgent cases presented upto 12 noon shall be listed for hearing on the next working day whereas those presented after 12 noon shall be listed on the 3rd working day. However, if any urgent case is to be got listed on the same day, or even if presented after 12 noon, on the next working day, request for the same may be made before the concerned Bench by way of duly filled in Mentioning Slip in the form given below and if the request is allowed, the Officer of the Bench shall send the paper-book along with Mentioning Slip signed by him, to the counter in the filing section.

Punjab & Haryana High Court

Mentioning Slip

1. Category of case :
2. Title of the case :
3. Name & Signature of the Counsel making mention :
4. Reasons for Urgency :

5. Date & time of mentioning :

Allowed for listing today/next working day by order of the Bench.

Signature_____

Name of Bench Secretary/Special Secretary

Court Room No. _____

7. **Registrar to sign complaints**

Under Section 340(3)(a) of the Code of Criminal Procedure, the Registrar General is appointed to sign complaints to be made on behalf of the High Court under sub-section (1) or sub-section (2) of Section 340 of the said Code.

Part B

Jurisdiction of a Single Judge and of Benches of the Court

8. **Classes of cases to be heard ordinarily by Single Bench.**

Subject to the provisions hereinafter contained in this Part, 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 the Code of Civil

Procedure or under any Central or State Act, unless otherwise provided in the Code or Act.

(a) 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:

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

(b) Explanation:—Appeals against the decree or order passed under the Hindu Marriage Act, 1955 and under the Guardians and Wards Act, 1890 shall be heard and disposed of by a bench of two Judges or more.

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

Explanation.—Nothing in sub-rules 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 XLI, 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 as an indigent person;

(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 for revision, and an application for revision 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 subsection(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 XLVI 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) (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 that 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;
- (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 and Haryana and Union Territory Chandigarh;
- (x) the matters challenging the action of the Financial Institutions under the State Financial Corporations Act, 1951 and the Recovery of Debts due to Banks and Financial Institutions Act, 1993 and the 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.

(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 Divorce Act, the Indian Succession Act, the Guardians and Wards Act or the Banking Companies Act, 1949;

(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;
- (b) 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;
- (c) an appeal under Section 378 of the Code from an order of acquittal:

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;

- (d) 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;
- (e) 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; and
- (f) 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);
- (ii) an application for grant of special leave to appeal under sub-clause (b);
- (iii) an appeal under Section 378 referred to in sub-clause(c); and
- (iv) an appeal against the conviction wherein the sentence of more than 10 years' imprisonment or death referred to in the sub-clause (f) has been awarded,

shall be before a Bench of two Judges:

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).

Exception

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 (xviii) and (xx), to a Division Bench of two Judges.

9. Other cases to be heard by a Bench of two Judges

Save as provided by any law or by the rules in this Part or by special order of the Chief Justice, all other classes of cases shall ordinarily be heard and disposed of by a Bench of two Judges.

10. Jurisdiction of a vacation Judge sitting singly.

Except in a case which the law requires to be heard by a Bench of two or more Judges, a Single Judge while sitting in the long vacation/break as a vacation Judge may, if two Judges are not available to hear a case which is required by rules in this Part to be heard by a Division Bench, exercise the original/appellate jurisdiction vested in the Court in any such case requiring immediate hearing.

11. Hearing of review applications

In cases not provided for by Order XLVII Rule 5 of the Code of Civil Procedure, an application for a review of a decree or order shall be heard by a Bench consisting of as many Judge(s) as the Bench the review of whose decree or order is applied for.

12. Constitution of Full Bench

(i) 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. The Chief Justice shall nominate the Judges constituting a Full Bench.

(ii) 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 case, referred to a Full Bench of three Judges, shall be constituted by four or more Judges according to such determination.

13. Judge or Judges who refer a case shall ordinarily sit on the Bench.

The Judge or Judges of a Bench by whom any question or case is referred to a larger Bench shall ordinarily be members of the larger Bench to be constituted to consider such question or case.

Chapter-4
Procedure in Criminal Cases
Part-A
Original Criminal Cases

1. Recording of evidence.

In original trials, in case of additional evidence in appeal or revision, and in any other criminal proceedings in the High Court, as the examination of each witness proceeds, the evidence shall be taken down in English on dictation of the Judge or the presiding Judge in shorthand or on computer by an Officer of the Court or other person specially appointed for that purpose. The evidence shall ordinarily be recorded in narrative form.

The transcript of the shorthand or the computer printout of the evidence shall be corrected and signed by the Judge or the Presiding Judge and shall then be placed on the record.

2. Warrants

(i) 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.

(ii) 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.

(iii) A warrant for the execution of any such sentence shall be signed by the Judge or the Presiding Judge of the Bench passing the sentence, or if this be not practicable, by the Chief Justice.

3. Forwarding of accused and warrant to Jail.

When the sentence passed upon an accused person is of death or of imprisonment, 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.

4. Amended warrants.

Whenever, either by reason of the commutation or alteration of any sentence as aforesaid or otherwise, an amended warrant becomes necessary, such warrant shall conform, so far as may be, to Form No.41 in the Second Schedule to the Code of Criminal Procedure, 1973, and shall be signed in the manner prescribed in Rule 2.

5. Order of detention in safe custody.

An order under Section 335 of the Code of Criminal Procedure, ordering detention in safe custody of an accused person acquitted on the ground of incapacity due to unsoundness of mind, 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.

6. Form of warrant for levy of fines.

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 421 of the Code of Criminal Procedure, the warrant shall conform, so far as may be, to Form No.43 in the Second Schedule to the said Code and may be signed by the Registrar General of the High Court.

7. Warrants/orders to be sealed.

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

Part-B

Procedure in Murder Reference Cases

8. Paper-books to be sent by Sessions Court.

If a case is referred to the High Court for confirmation of death sentence, the Sessions Court referring the case shall send the original record and four copies of paper-book in accordance with Rule 10 of Chapter-25 of the High Court Rules and Orders, Volume-III. If any document is in vernacular, translation thereof in English shall be included in the paper-book. The paper-book shall consist of the following documents:

- (i) Opening sheet of Sessions record.
- (ii) Notes and orders of the Session Court.
- (iii) Charge-sheet framed by the Session Court.
- (iv) Plea of the accused.
- (v) Reports of the Chemical Examiner and the Serologist, if any.
- (vi) First Information Report.
- (vii) Inquest Report.
- (viii) Material documentary evidence, if any.
- (ix) Record of evidence in Court of Session.
- (x) Statements and confessions recorded under Section 164 of the Code of Criminal Procedure.

(xi) Examination of the accused in Sessions Court under Section 313 of the Code of Criminal Procedure.

(xii) Judgments of Sessions Court.

9. Checking of the paper-books.

On receipt of the record and the paper-books from the Sessions Court, the Deputy Registrar shall verify that the paper-books contain all the documents mentioned in the preceding rule and that each paper-book contains a certificate prescribed by sub-rule (ii) of Rule 4 of Chapter-26 of the High Court Rules and Orders, Volume-III.

The copies (including translation) of the record of Sessions Court received in any appeal or murder reference in the High Court shall be compared with the original record and if necessary corrected in the High Court by the officials of this Court appointed for the purpose, before being placed before the Bench concerned. The officials responsible for comparison and correction of the copies/translation of record shall attest the same to be true and correct according to the original.

10. Defence counsel at Government expense.

If there be no counsel to represent the accused in any criminal case in the High Court, a counsel shall be engaged for him at Government expense by the High Court Legal Services Committee in accordance with rules/instructions of the subject.

11. Early hearing of murder reference.

The hearing of the murder reference should ordinarily take place within about three months from the date of receipt of records in the High Court.

12. Information of decision to accused.

Immediately on the sentence of death being confirmed or not confirmed, as the case may be, by the High Court, the Registrar (Judicial) 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. At the same time, the Registrar (Judicial) shall inform the Sessions Judge/Additional Sessions Judge concerned and return the original records to him together with attested copy of the High Court's judgment/order, for taking steps under Section 413 of the Code of Criminal Procedure.

If the death sentence is confirmed by the High Court, copy of the High Court judgment shall also be promptly forwarded by the Registrar (Judicial) to the State Government.

Part-C

Subsistence and Travelling Allowance to Complainants and Witnesses attending trials before the High Court.

(Note: Existing Part-C of Chapter-4 of the High Court Rules and Orders, Volume V contains rules framed by the Punjab Government under the provision of old Code of Criminal Procedure, 1898 corresponding to Section 312 of the Code of Criminal Procedure, 1973 regulating the payment of substantive and travelling allowance to complaints and witnesses attending trials before the High Court. These rules are required to be re-framed by the State Governments of Punjab and Haryana and Administration of Union Territory, Chandigarh, in view of the change in circumstances.)

Chapter-5

The Legal Aid to the Indigent Persons (Punjab, Haryana & Chandigarh) 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) Rules, 1981.
- (2). These rules 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) **‘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 unrepresented 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 first part of the list which comprises the names of advocates, if any, willing to appear for unrepresented 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 unrepresented indigent persons at the State expenses or without charging any fee separately for each sub-division of the District(s) in relation to which he exercises jurisdiction, after consultation with the senior-most 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. The list shall be supplied to every Judicial Court in the concerned sub-division.

(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 unrepresented 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.

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

(7) 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 assigned 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 at least seven days to the 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 ₹250/- per day and not more than ₹1500/- 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 ₹1000/- to the ordinary fee allowed by sub-rule (1).

(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:

Provided 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 ₹500/- 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 nature and title of case	Name of the party represented	Duration of hearing	Work done	Signature of the Presiding Officer	Remarks

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.

9. **Appeals by indigent persons.**

These rules shall, so far as may be, also apply to any person filing appeal in District Courts when permitted by Court to file the appeal as an indigent person.

Chapter-6

Rules made by the High Court of Punjab and Haryana Regulating Proceedings under Article 226 of the Constitution.

Writ Jurisdiction (Punjab and Haryana High Court) Rules, 1976

Part I

General

1. Short title, commencement and applicability.

- (1) These rules may be called the Writ Jurisdiction (Punjab and Haryana High Court) 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).

2. Definitions.

- (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) "**Registrar (Judicial)**" shall include such other Registrar or a 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. **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 or its equivalent tribunal shall be styled as "Criminal Writ Petition".

4. **Civil writ petition**

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".

5. **Evidence**

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.

6. **Form of writs etc.**

Every writ, notice, order, warrant or other process shall be signed and dated by the Assistant Registrar (Writ) 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.

Part II

Habeas Corpus

7. Persons entitled to move.

A petition for the issuance of a writ in the 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.

8. Contents of petition and affidavit.

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.

9. Expeditious transmission of petition.

If any 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 Registrar (Judicial) by such authority or person without any avoidable loss of time in a cover bearing the caption "Habeas Corpus Petition" in bold letters.

10. Procedure on receipt of petition.

(1) On receipt of a petition referred to in rule 7 or rule 9, the Registrar (Judicial) shall cause it to be entered in the computer software and after entering the case number on the opening sheet, post the same, as soon as may be, before a

Single Bench for hearing.

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

11. **Preliminary hearing and issue of notice.**

(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) 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 in form Cr.W.P. 1 shall issue 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 issue and at the same time to produce in the Court, the body of the person or persons alleged to be illegally or improperly detained 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 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. Ordinarily the search warrant may be directed to an Officer of the Court (called Warrant Officer) who may be appointed by the Registry as per instructions on the subject issued under the orders of the Chief Justice.

(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.

12. Return.

At least three days before the date fixed for appearance, the respondent shall file a return in the form of affidavit 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 the detention is legal, then all the facts relevant thereto.

13. Advance copy of return.

The return shall be filed in the concerned branch and a copy supplied to the petitioner or his counsel at least three days before the date fixed for appearance, and the matter shall be heard and disposed of, so far as may be possible, on the date fixed, notwithstanding the fact that the return has been filed or not.

14. Counter Affidavit.

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

15. Second petition when not competent.

No second 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 presentation of the earlier petition, or was omitted therefrom for a reason which the Court regards as exceptional and allows to be taken for the ends of justice

16. Justification for second petition.

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

17. Annexures to second petition.

Such second petition shall, wherever possible, be accompanied by a copy of the earlier petition and the order passed by the Court thereon.

Part III

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

18. Index.

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 points of law canvassed in the petition, also mentioning serial numbers of the pages and the paragraphs of the petition, relevant statutes and rules, and any previous case involving the same point.

19. **List of Events.**

After the index, there shall be added list of events containing summary of relevant facts in chronological order alongwith dates.

20. **Contents of Petitions.**

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

- (i) the name, place of residence or business and description sufficient for identification of each person joined as a petitioner or a respondent;
- (ii) a concise statement of relevant facts in chronological order alongwith 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) a statement about any alternative remedy, which was available to the petitioner and whether such remedy was availed of, and if not, the reasons therefor, 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.

(2) 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, to be made after filing of the writ petition shall be made by way of a separate application duly supported by an affidavit.

(3) 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:

Provided that where an interim relief is granted by the Court and the petitioner has not already furnished to the party against whom such petition is filed a copy of such petition alongwith all documents in support of the plea for such interim relief, he shall, forthwith on the date of the grant of such relief or latest by next working day supply copy of the petition alongwith 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.

(4) Every petition shall be supported by a short affidavit duly verified and attested in the manner prescribed in Chapter 11 of Volume IV of the High Court Rules and Orders.

21. Joinder of respondents.

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, although the Court may, for reasons to be recorded, allow addition, deletion or substitution of any party subject to such conditions as to costs or otherwise as it may deem fit to impose.

22. Petition and annexures thereto.

(1) 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 in English certified by counsel to be correct; and

(ii) A computer printed copy of the complete paper-book if the petition is to be heard by a Bench of two Judges.

(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 document; for example, P1, P2, P3.

(3) Every petition and the copies or translations attached thereto shall be computer printed in double space on paper of superior quality having 70GSM and of legal size with appropriate margin, on one side of the paper only.

23. Service of notice on registered address.

Any notice or communication sent by the Registry of the Court under a certificate of posting or registered post to the address of the petitioner or respondent as supplied by him in the petition or written statement shall be deemed

to have been duly served on him, if not represented by a 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 or respondent shall be communicated by him to the Court and thereafter the changed address shall be deemed to have been incorporated in the petition or written statement.

24. Motion hearing.

(1) Motion hearing in every petition, which according to Chapter-3 of this Volume is to be heard by a Bench of two Judges, shall be before a Bench of two Judges, or before a Single Bench when there is no sitting of a Division Bench, and motion hearing of all other petitions shall be before a Single Bench.

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

(3) At any time when the Court is closed, a petition may be presented to and heard by 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 or before 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.

25. Form and service of notice.

(1) Notices of motion and admission of petitions shall be issued in form C.W.P.

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:

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.

26. No notice when respondent attends hearing.

Service of a notice issued under the preceding rule 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.

27. Consequences of non-prosecution.

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 Bench concerned.

28. Written statement or return.

(1) A written statement or a return to the petition answering each paragraph of the petition separately shall be filed in the concerned Branch and a copy delivered to the petitioner or his counsel at least three days before the date fixed for hearing and the matter will be heard and disposed of, so far as may be possible, on the date fixed, notwithstanding the fact that the written statement or return has been filed or not. The written statement or return shall be supported by a short affidavit.

(2) The provisions of Rules 20 and 22 hereinabove and of order VIII of the Code of Civil Procedure, 1908, shall, so far as may be, 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.

29. Difference of opinion.

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.

30. Application of C.P.C.

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.

31. Compliance with judgment.

The Registrar (Judicial) shall issue a copy of the final judgment, requiring any compliance, to the Advocate General and to the Principal Secretary/Secretary of the concerned department and other respondents 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.

32. Writ petitions against orders of Quasi-Judicial Tribunals.

In every Civil Writ Petition instituted against the order of any Quasi-Judicial Tribunal, the petitioner shall be required to file complete pleadings with annexures

which were before the Tribunal. No additional document shall be filed unless permitted by the Court:

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 Central Administrative 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 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 authorized by the petitioner whose affidavit is filed in support of the Writ Petition”.

Part IV

Miscellaneous

33. Costs.

In all proceedings to which these rules apply, the Court may in its discretion make such order as to costs and security as it may consider just and necessary.

34. Power to dispense with rules.

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

35. **Repeal**

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

FORM Cr.W.P.1.

[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 _____

_____Petitioner(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 _____20 _____at 10.00 A.M. (Actual date);

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;

You are further required to file a return in the form of an affidavit at least three days before the said date (with advance copy to the petitioner or his counsel, if practicable), 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 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 _____ 20. _____

By Order Of High Court Of Punjab And Haryana At Chandigarh
(Seal)

(Signature)
Registrar (Judicial)

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 20 _____

_____ 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 _____ 20. ____ (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 and the seal of the Court this_____day of _____20_____.

By Order Of High Court Of Punjab And Haryana At Chandigarh

(Seal)

(Signature)
Registrar (Judicial),

FORM C.W.P. 1

(See Rule 18)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CIVIL WRIT JURISDICTION**

Civil Writ Petition No.....of
.....Petitioner (s)
versus
..... Respondent (s)

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Note-(i) Main law point involved mentioning the page and paragraph of the petition.....
(ii) Relevant statutes and rules.....
(iii) Any previous case involving the same point with brief statement of facts and the point of law involved.

(Signature)

(Name)

Date

Advocate(s) for the Petitioner(s).

FORM C.W.P. 2
(See Rule 25)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT JURISDICTION.

Civil Writ Petition No. ____ of ____

_____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;

You are hereby informed that the said petition has been fixed for hearing on.....day of..... 20..... (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 at least 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____ 20_____

By Order Of High Court Of Punjab And Haryana At Chandigarh

(Seal)

(Signature)
Assistant Registrar (Judicial).

FORM C.W.P. 3

(See Rule 31)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHADIGARH

No...../Writs, dated

To

.....

Subject: - Civil Writ Petition No.....of

..... 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 of20.....

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.)

Chaper-7
Procedure in Civil Cases
Part-A
Original Civil Cases
(a) Evidence

1. Record of examination of parties and evidence of witnesses.

When at the first or at any subsequent hearing of a suit, any party or other person is examined by the Court under Order X Rule 2 of the Code of Civil Procedure, and when any witness deposes, as the examination of the party or other person or the witness proceeds, the substance of the examination of the party or other person or the evidence of the witness shall be taken down in English on dictation of the Judge in shorthand or on computer by an Officer of the Court or other person specially appointed for the purpose. The substance of the examination and the evidence shall ordinarily be recorded in narrative form.

The transcript of the shorthand or the computer printout of the substance of the examination or the evidence shall be corrected and read over and explained to the maker thereof and signed by him and by the Judge and shall then be placed on the record.

2. Conduct of trial by successor Judge.

If the Judge, who has caused the evidence to 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 if it had been recorded in his presence.

(b) Judgments and Orders

3. Oral Judgments.

Judgments may be written by the Judge in English or delivered orally. In the latter case, the judgment shall be dictated by the Judge in the English language in shorthand or on computer to an Officer of the Court in attendance for the purpose. The transcript of the shorthand or the computer printout of the judgment shall be submitted by the Officer to the Judge. It shall be corrected and signed by the Judge and shall be placed on record as the judgment of the Court.

4. Contents of judgment.

The judgment shall contain a concise statement of the case, the point(s) for determination, the decision thereon and the reasons for such decision. When issues have been framed, the finding or decision of the Court upon each issue shall be stated, with the reasons therefor unless the finding upon any one or more of the issues be sufficient for the decision of the suit.

5. Pronouncement of judgment

(i) 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.

(ii) 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.

(iii) 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.

6. Opinion written before delivery of judgment.

When a case has been heard by a Bench of the Court, the written opinions 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.

7. Note of order passed to be kept

When an order is made in Court or in Chambers, a note of its purport shall be made and signed by the Judge or Judges making the order; and if the order disposes of a petition, the reasons for making it shall be stated.

8. Payment of costs to be condition precedent of permission to withdraw a suit.

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 shall otherwise direct.

9. Application of C.P.C.

In all matters for which no provision has been made in these rules, the provisions of the Code of Civil Procedure, 1908 and the Rules framed thereunder by the High Court shall apply.

Part B

Civil Appeals

(a) Judgments and Orders

10. Oral judgments.

Rule 3 of this chapter relating to judgments in original civil cases shall, so far as may be, apply to judgments in civil appeals.

11. Pronouncement of judgments.

Rules 5 hereinbefore relating to pronouncement of judgment in original civil cases shall, so far as may be, apply to pronouncement of judgments in civil appeals.

12. Opinion recorded before delivery of judgment

Rule 6 of this chapter relating to opinions written before delivery of judgment in original cases shall, so far as may be, apply to opinions recorded before delivery of judgments in appeal cases.

13. Reference in case of difference of opinion.

When an appeal is heard by a Bench consisting of two Judges or other even number of Judges, and the Judges composing the Bench differ on any point of law and refer the appeal under Section 98 of Code of Civil Procedure, the Judges so 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(s) the appeal shall be referred. Similarly when the Judges composing a Bench being equally divided in opinion as to the decision on any 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 himself may also be such other Judge or one of such other Judges.

(b) Appellate Decrees

14. Decrees in English

The decree of the High Court shall be drawn up in English, and shall bear the same date as the judgment.

15. Contents of decree

(i) The decree shall contain the number of the appeal, the names and description of the parties, the names of the plaintiff and the 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.

(ii) The decree shall also state the amount of costs incurred in the appeal, and to which parties and in what proportions the same, and the costs incurred in the Courts below, shall be paid and by whom.

(iii) In appeals by indigent persons, the provisions of Order XXXIII, Rules 10, 11 and 11A of the Code of Civil Procedure shall be observed.

The heading of the decree should run –

“Appeal by an indigent person.....”

In the body should be inserted

“The following court-fee costs are recoverable by State Government from.....and shall be a first charge upon the subject matter under Order XXXIII Rule 10 of the Code of Civil Procedure or are recoverable by State Government from the appellant under Rule 11 or from his estate under Rule 11A of Order XXXIII of the Code of Civil Procedure.”

16. No decree under Order XLI, Rule 11

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.

Chapter-8

Rules of Procedure and Guidance in the Matter of Trial of Election Petitions Under Part VI of the Representation of the People Act, 1951

1. Definitions.

In these rules, unless the context otherwise requires:-

- (i) “**Act**” means the Representation of the People Act, 1951, as amended from time to time.
- (ii) “**Advocate incharge**” means the Advocate through whom the petition has been filed, or the Advocate conducting trial of the election petition, 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.
- (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 80A(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 of Punjab and Haryana at Chandigarh.
- (viii) “**Petition**” means an election petition filed under Section 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) “**Registrar**” means the Registrar (Judicial) of the High Court and includes any other Registrar, a Joint Registrar, a Deputy Registrar and any other Officer of the Registry of the Court authorized by the Chief Justice to discharge the functions of the Registrar under this Chapter.

(xi) “**Section**” means a Section of the Act.

(xii) Any other words or phrases used in this Chapter, but not herein defined, shall have the meanings respectively assigned to them in the Act or in the Code of Civil Procedure, 1908, as the case may be.

2. **Important provisions of the Act.**

(**Note:** In the existing rules in Part GG of Chapter-4 of the High Court Rules and Orders, Volume-V, various provisions of the Act have been reproduced or substantially reproduced. However, in our view, only a brief reference to or mention of the relevant sections of the Act, instead of reproducing them, would be sufficient. In fact, entire Part VI (Sections 79 to 122) read with Section 123 (contained in Part VII of the Act defining corrupt practices) is relevant and important and needs to be gone through while trying an election petition).

(i) Section 79(e) defines the territorial jurisdiction of the High Court for election petition.

(ii) According to Sections 80 and 80A(1), no election (to either House of Parliament or to the House or either House of a State Legislature) can be called in question except by an election petition presented in the High Court having territorial jurisdiction.

- (iii) According to Section 80A (2), the Chief Justice shall assign one or more Judges of the High Court for the trial of petitions. The petition shall ordinarily be tried by a Single Judge out of the designated Judges.
- (iv) As per Section 86(3), more petitions than one in respect of the same election shall be tried by the same designated Judge who may try them separately or in one or more groups.
- (v) As per Section 80A(3), a petition may be tried wholly or partly at a place other than the seat of the High Court.
- (vi) Section 81(1) prescribes the limitation period of 45 days from the date of election to challenge the election. Election may be challenged on one or more of the grounds specified in Section 100(1) and Section 101.
- (vii) Section 117 requires deposit of ₹2000/- as security for costs at the time of filing an election petition. Further security may also be called for by the High Court.
- (viii) If security amount is not deposited, it shall result in summary dismissal of the petition as per Section 86(1).
- (ix) Section 82 provides as to who shall be joined as respondents to a petition.
- (x) Section 86(4) provides for addition of any candidate as a respondent on his application subject to any order as to security for costs, which shall be condition precedent as per Section 118.
- (xi) Section 112 provides for abatement of a petition on the death of a sole or surviving petitioner and also for substitution of any eligible person as petitioner on such death.

(xii) Section 116 provides for substitution of respondent on the death of or notice by sole contesting respondent.

(xiii) Section 83 provides for contents and signing and verification of the petition.

(xiv) Section 86(5) provides for amendment or amplification of particulars of any corrupt practice alleged in the petition but not introduction of particulars of a new corrupt practice.

(xv) Section 87(1) stipulates trial of petition in accordance with the procedure for trial of suits under the Code of Civil Procedure. Proviso thereto gives discretion to the High Court to refuse to examine any witness on the grounds specified therein.

(xvi) Section 87(2) makes the provisions of the Indian Evidence Act, 1872 applicable to the trial of a petition.

(xvii) Section 93 provides that no document shall be inadmissible in evidence at the trial of a petition on the ground of being not duly stamped or registered.

(xviii) Section 94 protects the secrecy of voting.

(xix) Section 95 requires the witness to answer even incriminating questions, with provision for certificate of indemnity.

(xx) Section 96 provides for payment of reasonable expenses to the witnesses.

(xxi) Section 84 provides for the relief that may be claimed in a petition.

(xxii) Section 97 confers right on the returned candidate or any other party to give evidence for recrimination subject to the conditions specified therein.

(xxiii) Section 86(6) provides for day-to-day trial of the petition as far as practicable.

(xxiv) Section 86(7) provides for expeditious trial of the petition with endeavour to conclude it within six months from the date of presentation.

(xxv) Section 119 makes provision for costs.

(xxvi) Section 103 provides for communication of final decision and orders of the High Court to the Speaker or Chairman of the House concerned and to the Election Commission.

3. Place of Trial

Petitions shall normally be tried at the place of the seat of the High Court. The designated Judge may, however, in his discretion and in consultation with the Chief Justice, direct that in the interests 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 seat of the High Court.

4. Security from added respondent

No person shall be entitled to be joined as a respondent under Section 86(4) 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 ₹2000/- (two thousand rupees) only as security for costs.

5. Contents and presentation of petition

(i) A petition may be presented either in person or through an Advocate incharge, for calling in question any election of one or more of the grounds specified in Section 100(1) and Section 101 by any candidate at such election or any elector.

(ii) The petition shall contain matters specified in Clauses (a) and (b) of Section 83(1), besides the relief claimed in the petition. It shall be signed by the petitioner

and verified in the manner laid down in Order VI, Rule 15 of the Code of Civil Procedure, for the verification of pleadings.

(iii) The petition will be presented to the Registrar within office hours on any working day and his receipt in Form A appended to these rules, 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 appear before the Registrar for removal of formal defects, if any.

(iv) Any document other than the election petition itself, but connected with the petition which is not filed with the petition, may be filed either with the Registrar or in the Election Branch with a list of documents in Form B appended to these rules, under the dated signatures of the party filing the document or his Advocate.

(v) 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 PM on every working day on which any such petition, application, document or paper is received 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 in Form C appended to these rules. 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.

6. Papers accompanying the petition

Every petition shall be accompanied by:-

- (a) Where the petitioner alleges any corrupt practice in the petition, by an affidavit in the prescribed form, duly sworn before competent judicial authority or an Oath Commissioner under his seal or stamp, in support of the allegation of such corrupt practice and the particulars thereof. In the verification of the affidavit, 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 later class of averments, the petitioner shall further specify the source of his information.
- (b) Any schedules or Annexures to the petition shall also be signed by the petitioner and verified in the same manner as the petition.
- (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.
- (d) A list of any other documents on which the petitioner relies in support of his claim, in Form D appended to these rules, and where any such document is not in possession or power of the petitioner, he shall, if possible, state in whose possession or power it is.
- (e) The original receipt for the deposit of security for costs.
- (f) A cloth-lined strong envelope of the size of not less than 10" x 15" for keeping documents.
- (g) Twice as many copies of the election petition as there are respondents in the petition. Every such copy shall be attested by the petitioner under his own signature to be true copy of the petition.

(h) As many pre-paid Registered Acknowledgement Due Postal Covers as there are respondents mentioned in the petition, with the addresses of all those respondents being inscribed either in type or in computer print 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 petition and its Annexures and Schedules.

(i) 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 may 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 at the said address 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 also be deemed to be due service of the same on the petitioner.

7. General requirements regarding petitions.

(a) All petitions shall be on superior quality A4 size paper having 70 GSM with printing on only one side of the paper, preferably with font Thorndale, font size 14

in double space with margins 1.25” on top, 0.75” on bottom, 1.75” on left side and 0.75” on the right side.

(b) All copies of the petition shall be similarly prepared or shall be Photostat copies of the original petition, 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 clearly typed, printed or computer printed index will be put up at the top of the petition showing the serial number of the document, its date, if any, particulars and the page or pages on which it occurs in the papers filed by the petitioner or the Advocate incharge and shall be signed and dated by the petitioner or such Advocate.

(f) The petitions and their Annexures and Schedules shall be in English language. Any original document or copy of any 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.

8. 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 defects or the omissions which require rectification. The endorsement would also show separately if the security for costs has been deposited by the petitioner before the filing of the petition, and if the petition has been 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 endorsement to that effect.

(c) 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 issued under rule 5 (iii). 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 re-filed by the petitioner or the Advocate incharge within the time so specified.

(d) It shall be the duty of the petitioner or the Advocate incharge 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.

(e) A list of all the petitions, which are not in conformity with the mandatory provisions of Section 81 or Section 82 or Section 117, shall be uploaded on the High Court website under the head ‘Election Petitions’ and a copy of such list shall be sent to the Secretary of the High Court Bar Association before 3.30 PM 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 Act or the rules. Such date of hearing shall also be communicated to the petitioner or the Advocate incharge on the date specified in the receipt issued under Rule 5(iii).

9. 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; or (ii) which have been filed incomplete or in any other way not complying with the Act or 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 incharge or which has been specified in the list prepared and uploaded on the High Court website and sent to the High Court Bar Association before 3.30 p.m. on the preceding day, or which has been notified to an un-represented petitioner by registered post.

(b) If the petition does comply with the provisions of Sections 81, 82 and 117, but does not comply with any of the other provisions of the Act or the rules or requirements of 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 have been duly complied with and that there has been substantial compliance with the other provisions/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(s).

10. Issue of notice.

In all cases covered by Rule 9(d) and where the petition on scrutiny by the Registrar is found to be in order, the Registry shall issue notice of the petition in Form E appended to these 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 through the Civil Judge (Senior Division) 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 Civil Judge or Civil Court to effect service on the respondent shall specify that the aforesaid Civil 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 for more than four weeks ahead of the date on which the notices are despatched. The notices shall specify all the requisite particulars in Form E aforesaid. On the date of scrutiny, 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.

11. 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 that any one or more of the respondents in the case appears to be evading service or it is otherwise 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 a newspaper.

12. Appearance etc. in person or by Agent or Advocate.

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 otherwise requires, the recognized 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.

13. Appearance on date of 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.

14. Appearance of respondents before Registrars.

(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 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.

15. Written statement by respondents.

(a) 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 Election Branch of the Court at least three days before the date of hearing, replying to the petition and the allegations of the petitioner para-wise. However, for reasons to be recorded, the designated Judge hearing the petition may allow further time to any respondent to file written statement subject to such conditions as to costs or otherwise as he may deem fit to impose.

- (b) The written statement shall be on superior quality A4 size paper having 70 GSM with printing on only one side of the paper, preferably with font Thorndale, font size 14 in double space with margins 1.25” on top, 0.75” on bottom, 1.75” on left side and 0.75” on the right side and shall be signed and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings.
- (c) A spare copy of the written statement shall be filed in the Election Branch, which shall be attested by the respondent concerned or by his Advocate to be a true copy of the original written statement.
- (d) 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.
- (e) The written-statement shall be accompanied by all documents in the possession or power of the respondent on which he bases his defence, along with list of documents in Form B appended to these rules. Where he relies on other documents in support of his defence, he shall enter such documents in a list in Form D annexed to these rules, and shall file the list alongwith the written statement. A document which ought to be entered in such list, but which has not been so entered, shall not, without the leave of the High Court, be received in evidence on behalf of the respondent at the hearing of the petition.
- (f) The written statement shall also be accompanied by a cloth-lined strong envelope which shall not be smaller in size than 10"x15", for keeping documents.
- (g) The respondent shall, before filing the written statement, serve on the Advocate incharge or on the petitioner himself, if he is not re-presented by an

Advocate, an exact advance copy of the written statement and its enclosures, if any.

16. Trial of petition

(a) On the date for which all the respondents have been served or are deemed to have been served, the High Court shall scrutinize 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.

(b) After pleadings have been filed, the High Court shall require the parties to admit or deny the respective documents filed by the other side by making an endorsement on each document under the signatures of the party concerned or his Advocate as to whether the document is admitted or denied, or how much of a document is admitted or denied. The High Court shall then 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 shall fix a day for the production of such evidence as the petitioner may like to produce. 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.

(c) Within 5 days of the framing of the issues, the parties shall file any other or additional documents which are in their possession or power along with list of documents in Form B appended to these rules, and also file within the same period a list (in Form D appended to these rules) 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.

(d) Sub-rule (b) shall not derogate from the right of the parties to serve on the other side or on his counsel notice of admission or denial of documents or of admission or denial of facts.

(e) Parties may also, with the leave of the Court, serve interrogatories on any other party or his counsel for being replied to in accordance with law.

(f) After conclusion of evidence of petitioner, the Court shall fix a day for the production of such evidence as the respondent may like to produce and shall also fix an intermediary date in the same manner as in the case of petitioner's evidence.

(g) After conclusion of evidence of respondent, the case may be fixed for rebuttal evidence, if any, on issues, if any, onus whereof is on the respondent.

17. Summoning of witnesses.

(i) A party desirous of requiring the attendance of any of his witnesses at the trial of the petition through the process of the High Court shall, within seven days of the date when the case is ordered to be fixed for his evidence, make an application for the purpose to the Registrar. The said application shall contain the names and complete addresses of the said witnesses and a gist of the facts to be proved by each one of them. An advance copy of the said application shall also be delivered by the applicant or his Advocate to the opposite party or his Advocate before it is made to the Registrar.

(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 or examine 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 or tendering 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, deposit 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 Chapter 17 of Volume I of the High Court Rules and Orders.

(iv) Process fee in accordance with the provisions of Chapter 6 of Volume IV of the High Court Rules and Orders and registered A.D. postal covers, pre-paid 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 witness or witnesses shall be, as far as practicable, as prescribed in Chapter 4 of Volume I of the High Court Rules and Orders, 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 an official of the High Court. For the said purpose, the party concerned may be required to pay the expenses of the said official in addition.

(v) The summons to a witness shall be in Form F 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 XVI, Rule 12 of the Code of Civil Procedure.

18. Inherent Powers

The High Court shall have inherent powers to give such other orders or directions in the case 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 petition or to prevent abuse of the process of the Court.

19. Costs.

If the amount of costs has not been fixed by the designated Judge under Clause (b) of Section 99(1), 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' prior notice will be given to all the Advocates of the parties who were represented by counsel.

20. Arrangement of files.

Before the commencement of hearing of a petition and before every adjourned hearing thereafter, the Registrar shall arrange or cause to be arranged the file of the petition into the following six parts:

Part I Orders in the main case.

Part II Pleadings

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 respondent 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
- (d) Other miscellaneous papers.

21. **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.

22. **Copies of evidence, etc.**

On an application moved before hand by any party to a petition, the designated Judge may allow uncertified computer printed copies of the evidence and of all or any of the interlocutory orders to be given to the applicant or his counsel on paying for the same at the rate of ₹2/- per page, to be deposited with the Copying Agency of the High Court. The copies shall be prepared by the official who has taken dictation of the original evidence or orders. 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 5 (iii)

Serial No. _____

Received from Shri _____

Election Petition No. _____ of 20__

_____ Petitioner

versus

_____ Respondent

entered in the register relating to Election Petitions at Serial No.-
_____ this _____ day of _____ 20___. The
petitioner/Shri _____ Advocate, to appear before the Registrar for removal
of formal defects, if any, on _____.

Date and time _____

Registrar,
High Court of Punjab and
Haryana, Chandigarh.

Counterfoil _____

Signature of the petitioner/Shri _____, Advocate in token of having
obtained the receipt.

FORM B

List of documents produced by petitioner/respondent.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Election Petition No. _____ of 20__.

_____ *Petitioner*

Versus

_____ *Respondent.*

List of documents produced on behalf of petitioner/respondent.

The list is filed by _____ this day ____ of __ **20** ____ .

1	2	3	4		5
Serial No.	Description and date, if any, of the document	What the document is intended to prove	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 Advocate to whom the document was returned	

Name and signature of party or Advocate producing the list.

FORM C

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 (v) of Rule 5:

ELECTION BRANCH

RE:

Election Petition No. _____ of **20** ____ .

Date of filing _____

Serial Number in the receipt register _____

Diarist:

Punjab and Haryana High Court,
Chandigarh.

FORM D

List of documents relied upon by the petitioner/respondent.

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

Election Petition No. _____ of 20____.

_____ *Petitioner*

versus

_____ *Respondent.*

This list is filed by _____ this _____ day of **20**_____.

1	2	3	4	5		6
				What became of the document		
Serial No.	Description and date, if any, of the document	What the document is intended to prove	In whose possession or power the document is	If brought on the record, the Exhibit mark put on the document	If rejected, the date of return to the party and signature of party or Advocate to whom the document was returned.	Remarks

Name and signature of party or advocate producing the list.

FORM E

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

NOTICE TO THE RESPONDENT

Election Petition No. _____ of 20____ .

_____ *Petitioner*

versus.

_____ *Respondent.*

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 _____, **20**____, 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 three 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 _____, **20**____.

A copy each of the petition and its annexures and enclosures is enclosed.

By order,
REGISTRAR.

Endorsement No. _____, dated the _____

Forwarded to the Civil Judge (Sr. Division)/ Addl. Civil Judge (Senior Division) _____, 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 _____ **20**____, without fail.

REGISTRAR

FORM F
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Summons To Witness

Election Petition No. _____ of 20 ____ .

_____ *Petitioner*

versus

_____ *Respondent*

To

Shri/Shrimati _____

WHEREAS your attendance is required to give evidence/produce documents 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 _____, 20____ , at 10 O'clock in the forenoon and to bring with you (or send to this Court).

A sum of ₹ _____, 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 _____ 20____.

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 ₹_____ 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.

Chapter-9

Rules for Case Flow Management in High Court

In exercise of the power conferred by Article 225 of the Constitution of India and Part X of the Code of Civil Procedure, 1908 (5 of 1908) and all other powers enabling it in this behalf, the High Court of Punjab and Haryana hereby makes the following Rules:

Punjab and Haryana High Court (Model Case Flow Management in High Court) Rules, 2007

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 and tenders would also be put on the Fast Track. These matters cannot brook delays in disposal.

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.

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 Judges 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. Since 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.

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 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 appeals/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 for it 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:

The Court rules will provide for mode of service of notice 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 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 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 computer printed 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 2 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 on 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 the Code of Civil Procedure may be resorted to by the Appellate Court so that the hearing of the appeal is not unnecessarily delayed. Whenever the Alternate Dispute Resolution (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 endeavour 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:

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, 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 Appeal with a period of six months.

VII. Civil Revision:

A revision petition may be filed under section 115 of the Code of Civil Procedure or 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.

Civil revision petitions against interim orders should not ordinarily be admitted. Notice of such revision petition may be served on counsel for the opposite party in the Lower Court where proceedings are pending. Such revision petitions should normally be disposed of within a period not exceeding six months.

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, cases of 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.

The endeavour 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/High Court Legal Services Committee) immediately after four weeks of completion 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.

IX. Savings:

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.

Chapter-10

Inspection of Records

1. Inspection of decided cases.

The inspection of records of decided cases will be open to all, but allowed only under the orders of the Superintendent of the Inspection Branch.

2. Inspection of pending cases.

Records of pending cases will be open, as of right, to the inspection of parties or their authorized agents or Advocates, or junior counsel of such duly authorized Advocate provided the latter certifies on the application that he has authorized his junior to inspect the record for him:

Provided that an Advocate of the Court may inspect the record of any such case on giving an assurance/memorandum of appearance that he is in communication with one of the parties with a view to being retained in the case:

Provided also that the inspection of a record will not be permitted on the date fixed for hearing (before the hearing takes place) without the special order of the Judge or one of the Judges before whom the case is pending.

The inspection shall be allowed only under the orders of the Superintendent of the Inspection Branch.

3. Access to record.

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 the Chief Justice or a Judge designated by him.

4. Court-fee on applications for inspection.

Applications under Rules 1 and 3 shall be made by petition (on prescribed proforma available on High Court website) duly stamped with a court-fee label of ₹5/-. Other applications for inspection shall be in writing on the prescribed proforma duly stamped with a court-fee label as under:-

- (a) If ordinary inspection is desired, a court-fee label of ₹5/-.
- (b) If urgent inspection is desired, a court-fee label of ₹10/-.

Notes:

(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 a counsel appearing for accused or appellant in cases where the latter is an indigent person or is defended by counsel provided at State expense or counsel provided by any Legal Services Committee/Authority.

(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 for the same record, or
- (b) inspection on the day the application for inspection is made.

5. Contents of application, and when and to whom to be presented.

Application must distinctly specify the record of which inspection is desired and option of applicant to inspect physical or digital record and shall be presented to the Superintendent of the Inspection Branch-

- (a) When ordinary inspection on a day other than the date of hearing is desired, between the hours of 10:00 A.M. and 3:00 P.M; and

- (b) When urgent inspection is desired, between 10:00 A.M. and 11:00 A.M.

6. Manners and hours of inspection.

(i) If record is available in digital format on Document Management System, the applicant shall have the option to have e-inspection of the record on computer or to inspect physical record. If record is not available in digital format, inspection of physical record only can be allowed.

(ii) If e-inspection of record available in digital format on Document Management System is desired, the Superintendent of the Inspection Branch shall allow the said inspection on computer between the hours of 10:00 A.M. and 4:00 P.M., without movement of physical record.

(iii) If inspection of physical record is desired, the Superintendent of Inspection Branch 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, immediately on receipt of the record.

(b) In all other cases, between the hours of 10:00 A.M. and 4:00 P.M.

(iv) If inspection is not done within three days of the receipt of record (either in physical form or in digital form), the application shall be filed with dated endorsement that 'case not inspected' and the physical record shall be returned to the concerned branch.

7. Use of pen and ink and marking not allowed. Use of pencil only allowed.

No mark shall be made on any record or paper inspected. 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 and making of notes in pen and ink is strictly prohibited, but pencil notes and 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 Chief Justice or a Judge nominated by him may think fit.

8. Inspection of records on a single fee.

(i) Except in the case of connected records, inspection of which has been permitted for a single fee, access will be permitted to the record of one case only for a single fee.

(ii) 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.

9. Inspection of police papers prohibited.

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 legal practitioner retained on his behalf.

10. Dealing with applications.

All urgent applications shall be dealt with by the office at once. All ordinary applications shall be dealt with in the ordinary course of business. If ordinary inspection of a pending record is desired on a specified day, the same shall be specified in the application, to be presented at least two working days before the specified day.

11. Inspection of registers free of charge.

In order to trace particulars of a case or document, a party or his counsel may, with the previous permission in writing of the Assistant Registrar (Judicial) and in the presence of a Court official, inspect civil and criminal registers of the Court free of charge.

12. Unattested copies.

Unattested copies of all the documents (including orders/judgments) available in records (whether physical or on Data Management System) in the High Court can be obtained by the eligible persons as mentioned in Rules 1 to 3 of this Chapter and as mentioned in Chapter-11 of this Volume. The rate of fees shall be ₹2/- per page. In case of photostat copies of judgments/orders passed by the Hon'ble Judges of this Court, the signatures of the Hon'ble Judges shall be suitably masked.

Chapter-11

Grant of Copies of Records

1. Persons entitled to copies of records.

(i) A copy of a judicial record may be given in the manner prescribed by these rules to only those persons who are legally entitled to receive it in accordance with these rules.

(ii) A party to a case is entitled, at any stage of the case, to obtain on payment, copies of the record of the case, including exhibits which have been put in and finally accepted by the Court in evidence.

2. Copies to strangers.

A stranger to a case may, after decision of the case, obtain, as of right on payment, copies of the plaint, memorandum of appeal, written statements, affidavits, oral evidence and petitions filed in the case and may, with permission of the Court for sufficient reason shown to the satisfaction of the Court, obtain copies of any such documents before decision of the case.

A stranger to a case may also obtain, as of right on payment, copies of judgments, decrees or final or interim orders, at any time after they have been passed or made.

A stranger to the suit or appeal or petition etc., 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.

3. Mode of application.

(i) Copies of the orders of the Court and documents filed in Court will be supplied on application made to the Court. Every such application shall bear a label of prescribed court-fee.

(ii) Every such application accompanied by initial fee of ₹100/- in case of express and urgent copy and ₹50/- in case of ordinary copy shall be either:-

(a) presented in the Central Copy Branch of this Court in the ordinary course; or

(b) transmitted through post, addressed to the Registrar (Judicial).

Notes:-

(1) The application for obtaining “Express Copy” of the order in Motion cases, after its submission in the Central 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.

(2) The amount of fee can be paid either by cash or through demand draft/postal orders drawn in favour of Registrar, Punjab and Haryana High Court payable at Chandigarh.

(3) The applications filed by the office of Advocate-General shall be governed by these rules.

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, date fixed for hearing, with identity proof of the party/counsel. Identity proof, however, not required if copy of any order only is applied for;

- (c) if the case has been decided, the date of decision;
- (d) where the information referred to in Clauses (b) and (c) is not available to the applicant, such other information as may be sufficient, to enable the case to be identified;
- (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 concerned official shall:-

- (a) 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;

- (b) allot and endorse thereon petition number with date of presentation/receipt and initial the endorsement;

- (c) issue a receipt to the applicant; and

- (d) cause the court-fee thereon to be cancelled according to law.

- (ii) If the application is in proper form with necessary particulars and copy can be granted under the rules, the copy shall be prepared and supplied by the Central Copy Branch, if the record is available on Document System and if not, the application shall be forwarded to the branch concerned for preparation of copy.

- (iii) 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.

6. **Kinds of copies and scale of fees.**

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/Judgment Writer/Private Secretary/Secretary/Special Secretary under the orders of the Presiding Judge when application is made before hand, at the rate of ₹2/- per page, to be deposited with the Copying Agency.

Notes:

- (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).
- (2) The application under heads (i) and (ii) shall be submitted to the office of Registrar (Judicial) or any other officer authorized by him.

7. **Fees for attested copies.**

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 Central Copy Branch on the day the order is passed or on the next working day for obtaining copy of the interim order, stay, bail, direction and order deciding the case

in motion hearing. The charges for such copy shall be at the rate of ₹100/- up to 10 pages and ₹ 10/- per page thereafter.

(ii) **Urgent Copy.** Copies of all orders or documents can be applied as Urgent. The charges for Urgent Copy shall be ₹100/- upto 20 pages and ₹5/- per page thereafter.

(iii) **Ordinary Copy.** The charges for Ordinary Copy shall be ₹50/- upto 10 pages and ₹2/- per page thereafter.

(b) Copies of judgments supplied for purpose of reporting to the reporters of Private Law Journals which undertake to publish only judgments approved for reporting.

₹50/- per copy for each judgment.

(c) Copies of judgments supplied for purpose of reporting to the authorized 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”

₹25/- per copy for each judgment.

(d) Copies of judgments supplied as per note (2) below to an individual or organization for display in electronic media.

(i) The fee shall be ₹20,000/- per annum for reportable judgments of all categories of cases.

(ii) The fee shall be ₹ 7500/- 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 judgments supplied as per note (2) below to an individual or organization for commercial purpose for selling through electronic media

(i) The fee shall be ₹40,000/- per annum for reportable judgments of all categories of cases;

(ii) The fee shall be ₹15,000/- per annum for reportable judgments of a particular category, for commercial use thereof on

website and compact disc.

Notes: (1) 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 on such terms and conditions as may be laid down.

Annexure-A

Application for permission to get copies of Reportable Judgments

1. Name of the Journal / website/
Organization / 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 _____
(of 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 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).

3. 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.
4. The Judgments of the High Court will be used only for the purpose for which the same are being procured.

Dated: _____

Signature _____

Name and capacity/designation of applicant _____

(2) The copies of reportable judgments available on website of the High Court may be downloaded and displayed/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.

(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 ₹300/- per map/ work.

Note:-The above fee shall include the cost of the paper.

(g) Credit of copying fees.

The entire proceeds from copying fees shall be credited to the Treasury under a separate head “0070-Administration of Justice-General Fees, Fines and Forfeiture.”

8. Time of delivery of copies

(i) **Express Copy** shall ordinarily be delivered to the applicant latest by next working day after the receipt of the physical records of the case in the copying sections of respective branches or after the receipt of records on Document Management System (DMS) in Central Copy Branch, though every effort shall be made to deliver the copy on the same day.

(ii) **Urgent Copy** shall ordinarily be delivered to the applicant within two days after the receipt of the physical records of the case in the copying section of the respective branch or after the receipt of records on Document Management System in Central Copy Branch, though in copies of bunch cases, copies may be delivered within three days.

(iii) **Ordinary Copy** shall be delivered to the applicant in the order in which the record (physical or digital) is received by the concerned official.

Note: A copy, if not collected by applicant, shall be kept by the Copying Agency for a period of four months from the date of its preparation. If the copy is not collected within four months, 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, if exceeding ₹500/- in any one application, shall be liable to be recovered as well, through Collector as arrears of land revenue.

9. **Recovery of balance.**

If the actual amount of the charge to be made in respect of a copy exceeds the amount deposited, the balance will be recovered before the copy is delivered.

10. **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

Government, shall be supplied free of charge, provided the application for copy is endorsed by the Head of the Department concerned.

11. 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/Services Committees/Authorities shall be supplied free of charge, provided the application for copy is received from the Chairman or Secretary of such Committee/Authority.

12. 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 imprisonment has been passed or confirmed by the High Court; and
- (b) in any other case, if the High Court so directs.

Chapter-12

Preservation and Destruction of Records

(**Note:** Rules have been framed by the High Court under Section 3 of the Destruction of Records Act, 1917, with the previous approval of the State Government. Consequently, amendment to the rules shall also require previous approval of the State Governments).

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

Part-I – General

1. Destruction of records to be made according to these rules.

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 these rules:

Provided that the Registrar (Judicial) may order, for reasons to be specified, that any particular paper or record of any particular case be preserved beyond such period.

2. Supervision of destruction.

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 Registrar (Judicial), shall be supervised by such officer, hereinafter called the supervising officer, as may be appointed by the Chief Justice for the purpose.

3. Manner of destruction.

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 the periods specified in Rules 10 to 12 of these Rules, by shredding or in such other manner as may be decided by the High Court from time to time so as to render it unlikely that such documents may be used again.

4. Sale of papers destroyed.

After the supervising officer has certified that the destruction has rendered such judicial records, books and papers of no value, the destroyed papers shall be sold as waste, under the orders of the Registrar (Judicial), and the proceeds of the sale shall be credited in the Treasury to Government.

Part-II

Judicial Records

5. Division into Parts ‘A’ and ‘B’.

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.

6. Part A of Civil Judicial Record.

Part A of a civil judicial record 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.

- (2) The index of papers
- (3) The order sheet
- (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, with the Court's orders thereon.
- (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 examinations of Commissioners.
- (10) Affidavits.
- (11) Reports furnished by the Record Department.
- (12) Instruments of withdrawal, compromise/settlement or admission of judgment.
- (13) All documents relating to orders of arrest or attachment before judgment.
- (14) The judgment 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 for default or for the re-hearing of a suit decreed ex parte and all proceedings (including orders) and documents relating thereto.

(18) Applications for review of judgment and all proceedings (including orders) 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 Valkalatnamas (Powers of Attorney) and Memorandums of Appearance.

(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 petition/main miscellaneous application/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 Code of Civil Procedure.

(6) The finding on issues referred to the lower court for trial under Order XLI, Rule 25 of the Code of Civil Procedure.

(7) Security bond for costs or for obtaining order of stay of execution of decree.

- (8) Petitions 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 taken in 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 judgment.
- (14) The order sheet.
- (15) The Court's judgment or other 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 for default, or for the re-hearing of an appeal, application or petition heard ex parte alongwith all proceedings (including orders) and documents relating thereto.
- (18) Application for review of judgment alongwith all proceedings (including orders) and documents relating thereto.
- (19) All Vakalatnamas (Powers of Attorney) and Memorandums of Appearance.
- (20) Copies of judgments/orders of the Courts below.
- (21) Orders of the Supreme Court.

(25) Any application for stay or injunction in Regular Second Appeal.

(c) In Civil Writs

(1) The tablaq or cover containing particulars of the case and brief abstract of orders in English.

(2) The index.

(3) The writ 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 including judgments/orders of the Courts below.

(6) Affidavits except those presented with applications which are rejected.

(7) Depositions of witnesses.

(8) Commissions, proceedings held thereunder and reports and examinations of Commissioners.

(9) The order sheet.

(10) Instruments of withdrawal, compromise/settlement or admission of judgment.

(11) Court's judgment or other final order.

(12) Application for re-admission of writ petition dismissed for default or for the re-hearing of the petition decided ex parte alongwith all proceedings (including orders) and documents relating thereto.

(13) Application for review of judgment alongwith all proceedings (including orders) and documents relating thereto.

- (14) Notice, with report of service, in ex parte cases.
- (15) Petitions for substitution, addition or striking out of names of parties or for substitution of the names of the heirs of a deceased party with final orders thereon.
- (16) All Vakalatnamas (Powers of Attorney) and Memorandums of Appearance.
- (17) Orders of the Supreme Court, if any.

7. Part B of Civil Judicial record.

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

8. Part A of Criminal Judicial record.

Part A of a criminal judicial record shall consist of the following documents, namely:-

(a) In an original trial

- (1) All papers.

(b) In an appeal, reference and revision

- (1) The tablaq or cover 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 this Court on remand.
- (5) Copies of judgments/orders of the Courts below.
- (6) Application to treat an accused as juvenile.

- (7) Instruments of withdrawal or compromise/settlement.
- (8) Original documents filed by the parties.
- (9) The order sheet.
- (10) Judgment and formal order of the Court.
- (11) All Vakalatnamas (Powers of Attorney) and Memorandums of Appearance.

(c) In Criminal Writs

- (1) The tablaq or cover containing particulars of the case and a brief abstract of the orders in English.
- (2) The index
- (3) The writ petition together with schedule annexed thereto.
- (4) The reply or the written statement and pleadings of the parties.
- (5) Police report.
- (6) Instruments of withdrawal or compromise/settlement.
- (7) Original documents filed by the parties.
- (8) The order sheet.
- (9) Judgment or other final order of the Court.
- (10) All Vakalatnamas (Powers of Attorney) and Memorandums of Appearance.

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 including Civil Writs.

- (1) Index
- (2) Civil writ petition/memorandum of appeal/revision petition with copies of judgments/orders of the Courts below/judgment of Single Bench.
- (3) Reply/written statement.
- (4) Replication.
- (5) All interim orders.
- (6) Judgment or other final order and decree of the Court.
- (7) Orders of the Supreme Court in the case, if any.
- (8) Any application for stay or injunction in Regular Second Appeal.
- (9) Review application/cross-objection including application for recall, modification and clarification of judgment/order/decre.
- (10) Compromise/Settlement Deed.
- (11) Unreturned original documents (including vernacular) filed by any party.
- (12) Depositions of witnesses.
- (13) All Vakalatnamas (Powers of Attorney) and Memorandums of Appearance.

In Criminal Cases including Criminal Writs.

- (1) Index.

- (2) Interim orders of the Court.
- (3) Judgment or other final order of the Court.
- (4) Criminal writ petition with affidavit or memorandum of appeal/revision petition with copies of judgments/orders of the Courts below.
- (5) Reply/written statement and replication/counter-affidavit.
- (6) Application to treat an accused as a juvenile
- (7) Compromise/Settlement Deed.
- (8) Unreturned original documents (including vernacular) filed by any party.
- (9) Police reports.
- (10) Warrant of commitment or execution when returned.
- (11) Any other category of application or document as per decision of Hon'ble the Chief Justice.
- (12) Depositions of witnesses.
- (13) All Vakalatnamas (Powers of Attorney) and Memorandums of Appearance.

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 civil/criminal writ petitions shall be preserved permanently in digital/electronic form on Electronic Storage Media with mechanism of retrieval as and when required in terms of the provisions of the Information Technology Act, 2000.

12. Preservation of record for six years.

Subject to the provisions of Rule 10, remaining records of all cases (including Part B) shall be preserved in physical form for six years and then destroyed.

Note: 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.

13. Record of Caveat

Record of Caveat shall be preserved for one year 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.

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 at the time of destruction, under the signature of the supervising officer, in the register/computer software in which the case is entered, and also in the general index pre-fixed to such record.

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.

Part III- Registers.

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.

18. Primary Registers.

- (i) The primary registers are those which have to do directly with cases filed in the 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.

Note: Some of these registers are now being maintained in Digital Form only. However, those registers which were earlier maintained in physical form, shall be preserved for the period specified above.

19. **Subsidiary Registers**

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.

Note: Some of these registers are now being maintained in Digital Form only. However, those registers which were earlier maintained in physical form, shall be preserved for the period specified above.

20. **Statistical Registers.**

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 twelve years:-

Number of register	Name of register	Branch
1.	Average duration of Civil Appeals.	Statistical Clerk
2.	Average duration of Criminal Appeals and Revisions	Ditto
3.	Average duration of Murder References	Ditto
4.	Disposal by a Bench	Ditto
5.	Register of pending Civil Appeals	Ditto
6.	Court-fee realized	Institution Clerk.

21. Periodical Returns.

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

Monthly: Index of judicial correspondence

Quarterly: List 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:-

Monthly: Statements of Civil and Criminal work of District and Sessions Courts
and of District Civil and Criminal Courts.

Annual: Probate statements submitted by District Judges.

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

Budget estimates.

District Civil and Criminal statements.

Manuscript copies of all annual returns received from District Courts.

Notes:

(1) The returns which are received or maintained in digital/electronic form shall be preserved for twelve years on Electronic Storage Media with mechanism of retrieval as and when required in terms of the provisions of the Information Technology Act, 2000.

(2) Correspondence connected with the returns mentioned in this rule will be destroyed at the same time, except such as may be of importance, which will be preserved for another year.

(3) 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.

22. **Correspondence**

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

- (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.

23. **Personal files of Officers.**

Personal files of all Officers and ministerial and menial servants –

- (a) who die while in service, shall be preserved for three years after their death and then destroyed:

Provided that there are no outstanding claims on the part of their heirs, and

- (b) who have retired, shall be preserved until their death or till three years after retirement whichever is later, and then destroyed.

24. **Accounts.**

Bills and vouchers will be preserved for three years and then destroyed. In the case of sub-vouchers for ₹250/- or less, which are not submitted to audit, this period will be 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 permanently in the absence of special order to the contrary.

Note: The main principles which should guide the destruction of accounts records should be that so long as an audit 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.

25. Press declarations.

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, 1867, shall be destroyed after a period of one year from the date on which the press or the periodicals concerned ceased to exist.

26. Letter 'D' to be entered in register against paper destroyed.

When any paper is destroyed, the letter 'D' shall be entered in red ink against the entry in the register (physical and/or digital) in which such paper is registered/entered.

27. Mode of calculating period of preservation.

The period for which a paper is to be preserved under this Part shall be reckoned from the 1st of January following the date which it bears, e.g., papers of 1985, which under these rules have to be retained for one year, will become liable to destruction after the 31st December, 1986.

Chapter 13

Rules Regarding Inspection, Supply of Copies, Protection and Privilege of Documents Relating to the Special Official Receiver, Punjab, Haryana and Chandigarh.

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 Chapter 10 and Chapter 11 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 documents 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.

- Notes. –(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 papers 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 Receivers

I-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 to creditors about dividend.

- (d)(1) Claim petition by a creditor under section 9 of the Provincial Insolvency Act, 1920.
- (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) Notings 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.

Chapter-14

Advocates

Part A

Rules made by the High Court under Section 34(1) of the Advocates Act, 1961.

No.G.S.R.40/C.A./25/61/S.34(1)/70. In exercise of the powers conferred by Section 34(1) of the Advocates Act, 1961 (Act No.25 of 1961) and all other powers enabling it in this behalf, the High Court of Punjab and Haryana, on the provisions of the aforesaid section having come into force w.e.f. 1.6.1969 by virtue of Government of India Notification (S.O.1500) No. F.41(40)/67J, dated the 5th April, 1969, makes the following rules laying down the conditions subject to which an advocate shall be permitted to practise in the High Court and the Courts subordinate thereto:

1. (i) These rules may be called the Advocates' Practising Conditions (Punjab and Haryana High Court) Rules, 1970.

(ii) 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 recognized agent or by some other person duly authorized 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 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. An advocate who is not on the Roll of Advocates of the Bar Council of the State in which the Court is situate, 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 practising in such Court.

4. In cases in which a party is represented by more than one advocate, it shall be necessary for all of them to file appointment(s) whether jointly or separately.

5. The acceptance of an appointment on behalf of a firm or partnership of advocates (hereinafter referred to only as a firm of Advocates) shall be indicated by a partner affixing his own signatures as a partner on behalf of the firm of advocates.

6. An advocate at the time of acceptance of his appointment shall also endorse on it his residential/office address, telephone/cell number, enrolment number and if available, e-mail as well as fax number, which address and other particulars shall be regarded as one for service within the meaning of Rule 5 of Order III of the Code of Civil Procedure, 1908:

Provided that where more than one advocate accepts the appointment, it shall be sufficient for one of them to endorse his address and aforesaid other particulars, which address and other particulars shall be regarded as one for service within the meaning of Rule 5 of Order III of the Code of Civil Procedure, 1908.

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 III 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 or the party 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 proceedings 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 or 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;

(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 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 proceedings for sanctioning prosecution under Chapter XXVI of the Code of Criminal Procedure, 1973, 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 or 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 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) An advocate, who has advised in connection with the institution or defence 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, except by consent of that party, appear or act or plead in such suit, appeal or other proceeding or in an appeal or application for revision arising therefrom or in any matter connected therewith for any person whose interest is in any manner in conflict with that of such party.

(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 cannot disclose to any party information confided to him in his capacity as an advocate by another, without the latter's consent.

10. (a) The appointment of a firm of advocates may be accepted by any partner on behalf of the firm.

(b) No such firm 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 of advocates may contain the names of the persons who were or are members of the firm but of no others.

(d) The words 'and company' shall not be affixed to the name of any such firm.

(e) The names of all the members of the firm of advocates 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 of such change or dissolution.

(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 do so in the name of the firm 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 in which the opposite party is or has been represented by any other partner of the firm or by the firm itself. Provisions of the preceding rule shall apply in this regard.

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.

12. 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 recognized agent of any party within the meaning of Order III of the Code of Civil Procedure, 1908.

13. 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.

14. (1) Advocates appearing before the Courts subordinate to the High Court shall wear the following dress:

(i) **Male Advocates:** White shirt, black coat and grey or white trousers. A black necktie or white bands must be worn with the open neck style coat.

(ii) **Lady Advocates:** White saree with black blouse, or white shirt and white salwar or churidar with or without dupatta white or black, or white shirt and black trousers, white bands and black coat.

The wearing of Barrister's or Advocate's gown shall be optional for the Advocates.

During the period from 16th April to 15th September each year (or any other period specified by the High Court), the wearing of coat by the advocates appearing in subordinate Courts is optional.

(2) Advocates appearing before the High Court shall wear the following dress:

(i) **Male Advocates:** White shirt, black coat, grey or white trousers, Barrister's or Advocate's gown and white bands.

(ii) **Lady Advocates:** White saree with black blouse, or white shirt and white salwar or churidar with or without dupatta white or black, or white shirt and black trousers, Barrister's or Advocate's gown, white bands and black coat.

Gowns need not be worn by the Advocates at any period of time during hot weather as may be fixed by the High Court from time to time.

15. Strike by advocate(s) would be considered interference with the administration of justice and advocate(s) participating in the strike may be barred by the High Court from practising before the High Court and the Courts subordinate to it.

Part B
Procedure for designating Senior Advocates

Rules framed by the High Court of Punjab and Haryana under Section 16(2) of the Advocates Act, 1961.

1. An advocate shall be eligible to be designated as a Senior Advocate, if he or she –

(i) is an advocate enrolled as such with the Bar Council constituted under the Advocates Act, 1961, and is ordinarily practising in the Punjab and Haryana High Court and/or in the Supreme Court for a period of not less than twenty years;

(ii) is a duly assessed income tax payer for at least ten years, and his/her gross professional income is not less than rupees fifteen lacs per annum in the last three years preceding the date of application and rupees ten lacs per annum in five years preceding thereto;

(iii) has been engaged and has appeared in at least 100 different cases (bunch cases to count as one case) in a year for the last five years preceding the date of application in this Court or the Supreme Court, and he/she shall provide a list of such cases:

Provided that in exceptional cases, Hon'ble the Chief Justice may dispense with the compliance of any of the aforesaid conditions.

2. 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 mentions or seek adjournments in any Court.

3. The following procedure shall be followed for designating Senior Advocates:

- (a) two designated Senior Advocates should recommend an Advocate practising in the High Court and/or Supreme Court for designating him as a Senior Advocate;
- (b) any Advocate, who is eligible and desirous and gives his/her consent for being designated as a Senior Advocate, shall provide the requisite information and the requisite undertaking referred to in Rules 1 and 2 above, as and when asked to do so by the High Court;
- (c) upon receipt of his/her consent, the Registry shall verify the information and particulars supplied by the consenting advocate and submit it to the Chief Justice alongwith its report;
- (d) the Chief Justice may, thereafter, direct the placing of the matter in the Judges' meeting;
- (e) after consideration of facts, particulars, undertaking, report and recommendation, the Court may, with the consent of 60% of the Judges, who express their views/consent either in the Judges' meeting or send in sealed envelopes and with the consent (after excluding the neutral views) of not less than 50% of the total number of sitting Judges in the High Court, designate an advocate as a Senior Advocate, keeping in view his/her ability and standing at the Bar or special knowledge or experience in law:

Provided that while calculating the number of consents given by Judges, the fraction of number of consents required will be rounded off in favour of the advocate:

Provided further that:-

- (i) to seek choice, the consent papers shall be sent to the Judges in advance (alongwith biodata of the advocate by e-mail);
- (ii) record of such papers may be destroyed by obtaining the orders of Hon'ble the Chief Justice after the result is notified;
- (iii) the Full Court shall not be required to record reasons for its decision;
- (iv) upon designation of an Advocate as Senior Advocate, he or she shall give an undertaking to do at least 10 cases pro bono in a year as Legal Aid cases;
- (f) the Registry shall notify the result of the proposal to the advocate concerned, and intimation of designating an Advocate as Senior Advocate 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
- (g) the said Advocate shall thereafter be designated as Senior Advocate in all the proceedings of the Court.

4. Where in a Judges' meeting, the proposal of designating an Advocate as a Senior Advocate is rejected, the said Advocate shall not ordinarily be considered for such designation for a period of two years.

5. The High Court by simple majority of Judges present in the Judges' meeting shall withdraw the designation of a Senior Advocate if it is found that he has acted in violation of the undertaking given before or on such designation or has committed professional misconduct or has shown intemperate behaviour in Court or has been found invariably negligent in professional duties or has failed to maintain at least two junior advocates in his office or on any other valid ground.

Note

Existing Part D (The Admission of Pleaders), Part E (Powers and Duties of Pleaders), Part F (The Enrollment of and Renewal of Certificates by Pleaders) and Part G (The Suspension and Dismissal of Pleaders) of Chapter-6 of Volume V of the High Court Rules and Orders are not being revised and incorporated in the proposed revised Volume V of the High Court Rules and Orders because the institution of pleaders is going in oblivion, having been discarded by the Advocates Act, 1961. Hardly any pleader might be in practice in Punjab, Haryana and Chandigarh. However, if any such pleader is still in practice anywhere in Punjab, Haryana or Chandigarh, the existing rules mentioned hereinbefore shall remain applicable to him.

Part C

Filing of Powers of Attorney

1. Powers of Attorney by Advocates.

Rule I of Chapter 27 of Volume I of the High Court Rules and Orders relating to power of attorney in civil cases in subordinate courts and Rule 1 of Chapter 26 of Volume III of the High Court Rules and Orders relating to power of attorney in criminal cases in subordinate Courts shall, so far as may be, apply *mutatis mutandis* to power of attorney in civil cases and in criminal cases respectively in the High Court.

Part D

Fees of Counsel

In exercise of the powers conferred by Clause 27 of the Letters Patent and Section 34(1A) of the Advocates Act, 1961 and all other powers enabling it in this behalf, the High Court of Punjab and Haryana makes the following rules for fixing and regulating by taxation or otherwise the fees payable as costs by any party in respect of the fees of his adversary's Advocate upon proceedings in the High Court:-

1. Suits for recovery of money, property etc.

In suits for recovery of money or of specific property or share therein, whether immoveable or moveable, or for the breach of any contract or for damages:-

- (a) If the amount or value of the money, property, debt or damages decreed does not exceed ₹1,00,000/-, the fee shall be ₹4,000/-;
- (b) If the amount or value exceeds ₹1,00,000/- but does not exceed ₹5,00,000/-, the fee shall be calculated at 4% of the value;
- (c) If the amount or value exceeds ₹5,00,000/-, the fee shall be ₹20,000/- plus 1% of the amount in excess of ₹5,00,000/-, however, that in no case, the amount of fee shall exceed ₹1,00,000/-.

2. Less contested suits etc.

In the case of:-

- (i) Summary suits under Order XXXVII of the Code of Civil Procedure, 1908, where the defendant does not appear or where leave to defend is refused or where a decree is passed on the defendant failing to comply with the

condition on which leave to defend was granted, and appeals against decrees in such suits;

- (ii) Suit, the claim in which is admitted but only time or installment, for payment is asked for;
- (iii) Suit which is got dismissed by a plaintiff for want of prosecution before settlement of issues or recording of any evidence except evidence under rule 2 order X of the Code of Civil Procedure;
- (iv) Suit which is withdrawn before the settlement of issues or recording of any evidence except evidence under Rule 2 of Order X of the Code of Civil Procedure;
- (v) Suit in which judgment is given on admission under Rule 6 of Order XII of the Code of Civil Procedure, 1908, before the settlement of issues or recording of any evidence except evidence under Rule 2 of Order X of the Code of Civil Procedure;
- (vi) Short causes, commercial causes and long causes in which no written statement is filed, and appeals from decrees in such suits;
- (vii) Suits compromised before the settlement of issues or recording of evidence except evidence under Rule 2 of Order X of the Code of Civil Procedure;
- (viii) Any formal party to a suit or appeal e.g., a trustee or estate holder who only appears to submit to the orders of the court and asks for his costs;
- (ix) A suit or appeal which has abated;
- (x) A plaint returned for presentation to the proper Court,

the amount of Advocate's fee to be allowed shall be fixed by the Court disposing of the matter, but shall not exceed half of that payable according to the rate specified in Rule 1:

Provided that the fee shall not be less than ₹2000/-.

3. Other suits.

In suits for injuries to the person, property or character of the plaintiff or to enforce rights where the pecuniary value of such injury or right cannot be exactly defined or the suits which do not admit of being satisfactorily valued, the Court may order the counsel's fee allowed to the plaintiff to be calculated according to

Rule 1 with reference to the amount decreed or such other sum as the Court thinks reasonable with reference to the importance of subject of dispute but the same shall not be less than ₹4,000/- in a contested suit.

4. Miscellaneous Proceedings.

In miscellaneous proceedings including arbitration cases, probate cases etc., the counsel's fee to be allowed by the Court shall not exceed ₹20,000/- if contested and ₹7,500/- if uncontested. The amount of fee shall be fixed by the Court keeping in view all the circumstances of the case and may exceed the aforesaid limits in an appropriate case.

5. Execution proceedings.

In execution proceedings, the Advocate's fee to be allowed in the case of contest shall be $\frac{1}{3}^{\text{rd}}$ of the fee admissible in the suit or original proceedings and in case of uncontested proceedings, shall be $\frac{1}{5}^{\text{th}}$ of the fee admissible in the suit or original proceedings according to Rule 1. Such fee shall be charged in the first execution application only. However, if first execution application is not contested and some subsequent execution application is contested, then difference in the fee for contested and uncontested application shall be allowed in such subsequent contested application.

6. Fee allowed to defendant.

(i) If the suit is dismissed for default, the Court shall allow such fee for counsel of the defendant, not exceeding $\frac{3}{4}^{\text{th}}$ of the fee calculated according to preceding rules, as may be considered reasonable keeping in view the stage of the suit and all other circumstances.

(ii) If the suit is dismissed on merits, counsel's fee to the defendant shall be allowed as calculated according to the preceding rules.

7. Fee if case decreed partially.

If the suit is decreed partly and dismissed partly, the counsel's fee allowed to each party should be fixed with reference to the value of that part of the claim in respect of which he has succeeded and shall be calculated according to the preceding rules.

8. Suits for damages.

If in any suit for damages, the plaintiff succeeds as to the whole of his cause of action but the suit is not decreed for the full amount of damages claimed, the defendant shall not be entitled to any allowance in counsel's fee in respect of the difference between the amount of damages claimed and the amount decreed unless the Court is of the opinion that the amount claimed was unreasonable or excessive and the Court may, for that reason or any other reason to be recorded, direct that a fee shall be allowed to the defendant. Such fee shall be calculated according to the preceding rules with reference to the amount of damages dis-allowed to the plaintiff.

9. Undefended suits.

If a suit remains undefended, the fee shall be calculated at half the sum at which it would have been calculated in case of contested suit.

10. Residuary.

(i) In suits for declaration, injunction etc., value of the suit for purpose of jurisdiction may be determined according to law and counsel's fee calculated

thereon accordingly. However, in cases which do not admit of proper determination of value for purpose of jurisdiction, the Court may allow reasonable amount of fee keeping in view all the circumstances of the case, but it shall not be less than ₹4,000/- in a contested suit.

(ii) In original cases relating to matrimonial cause, land acquisition, claims regarding motor vehicle accident, the Court shall fix reasonable amount of fee which in a contested case shall be not less than ₹4,000/- and more than ₹25,000/-. However, in connected or uncontested case, lesser fee, as deemed reasonable, may be allowed.

(iii) An Advocate who has been engaged by the heirs of a deceased party is not entitled to have fresh fee taxed.

(iv) Where two counsel are required by rules to represent a party, the fees of the assisting counsel shall be equal to $\frac{1}{3}^{\text{rd}}$ of that of the main/senior counsel's fee.

11. Several defendants.

(i) If several defendants having a joint or a common interest succeed on joint defence or on separate defences substantially the same, not more than one fee shall be allowed unless the Court orders otherwise for reasons to be recorded. The Court shall also direct to which of the defendants, it shall be paid or the Court shall apportion it among the defendants in such manner as the Court thinks fit.

(ii) If several defendants, who have separate interest, set up separate distinct defences and succeed thereon, a fee for each of the defendants or set of defendants, who appeared by a separate counsel, may be allowed in respect of his separate interest. Such fee shall be calculated to according to the preceding rules with reference to the value of his separate interest.

12. Review.

(i) The fee to be allowed to the successful party in case of contested review shall not exceed half of the amount allowed by the preceding rules in case of an original decree.

(ii) If the review application is allowed, the fee in respect of review will be irrespective of the fee which may be included in any costs in respect of the original suit, adjudged to the successful party by the judgment in review.

13. Appeals.

The rules relating to fee in original suits shall, so far as may be, apply *mutatis mutandis* to calculation of fee in appeals. Rule 11 will apply in case of several respondents in appeal.

14. Remand cases.

(i) If report from the trial court/Lower Appellate Court is called by the High Court as Appellate Court on some issue(s) (whether original or additional), the High Court may allow such additional fee for the same as it considers to be reasonable but not exceeding half the amount calculated according to the preceding rules, besides full fee for the appeal.

(ii) In appeal preferred against a decree passed on remand, the High Court shall allow such fee to the successful party as it considers reasonable but not exceeding half the amount calculated under the preceding rules for original appeal.

15. Fee Certificate.

(i) No fee of any counsel appearing in civil cases shall be allowed or included in amount of costs unless before the commencement of arguments, a certificate

signed by the counsel regarding the amount of fee paid to him or any other counsel in the case for the same party is filed in the Court.

(ii) However, filing of fee certificate by a District Attorney or other Law Officer receiving fixed monthly salary and not separate fee for a case and who appears on behalf of or under the instructions of State Government or Union of India shall not be required. In other cases, it shall be sufficient to certify that a fee has been fixed by the appropriate authority though may not have been actually paid.

(iii) In the case of counsel appearing on behalf of Municipality, Local Body, Improvement Trust, Public Undertakings/Corporations/Companies/Authorities etc., it shall be sufficient to certify that a fee has been fixed by an appropriate authority although may not have been actually paid. The same procedure may be extended to counsel appearing on behalf of an Official Liquidator appointed by the High Court.

16. Form of Certificate: The fee certificate shall so far as possible be in the following form:

In the High Court of Punjab and Haryana at Chandigarh.

Nature and number of the case _____

A.B. (add description and residence _____)

(Plaintiff or appellant or petitioner).

Versus

C.D. (add description and residence _____)

(Defendant or respondent).

For the purpose of 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 the rules regulating the fees of counsel in the Court, hereby certify that in the above case, the following fees were paid to me as my exclusive fee (or as my fee as well as that of -----

who was/were associated with me in the case) on the dates and by the person or is/are to be persons specified below before the commencement of the argument and that no portion of such fees has been, or has been agreed to be, returned or remitted or appropriated to the use of any other person by me or by any one acting on my behalf or on behalf of who was/were associated with me in the case.
is/are to be

.

<i>Matter</i>	<i>Fee</i>	<i>Date of payment</i>	<i>By whom paid</i>	<i>Address of person who actually made such payment</i>

Signature_____

Date of Signature_____

Address of Advocate_____

17. **Discretion of Court.**

Nothing in these rules effects the discretion of the Court to allow such fee as may appear just, reasonable and equitable in any particular case.

Part E

Clerks of Advocates

1. **Eligibility.**

No person shall be employed by an Advocate as his Clerk unless such person has been a Clerk of an Advocate for three years, or is a qualified petition-writer, or has passed the matriculation or equivalent examination of a recognized University/School Education Board, with English as an elective subject:

Provided that no such person shall be employed or continued 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 of 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 Advocate's Clerk, viz., corruption or some other reason involving dishonesty; or
- (e) if he is an ex-petition-writer, whose licence has been cancelled for corruption or for some other reason involving dishonesty; or
- (f) if he is unfit to be an Advocate's Clerk for any other sufficient reason.

Notes (i) Dismissed employees of Municipality, District Board and Public Corporations/Undertakings shall be regarded as "Dismissed Government Servants" for the purposes of these rules.

(ii) The proviso shall not apply to any person, whose conviction took place more than 10 years before being employed as Clerk of Advocate.

(iii) No illiterate person shall be employed or continued at all as an Advocate's Clerk. This bar shall not apply to a person who has some knowledge of English and of the Court language.

2. Prohibition of trade or business.

A Clerk to an Advocate shall not engage himself in any trade or business without the previous permission, in the case of a Clerk of an Advocate practising in the High Court, of the Chief Justice, and in the case of a Clerk of any other Advocate, of the concerned District Judge. If a Clerk contravenes the provisions of this rule, his name shall be removed from the list maintained by the District Judge/Registrar of High Court.

3. Names of Clerks to be intimated.

The names of the Clerks employed by each Advocate, who is a member of a Bar Association, shall be intimated by him to the Secretary of that Association. An Advocate, who is not a Member of any Bar Association and cannot, under the law/rules, 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.

4. List of Clerks to be sent to Registrar/District Judge.

The Secretary of each Bar Association shall prepare a list of the Clerks employed by the Advocates who are members of the Bar Association, and send it to-

(a) the Registrar of the High Court;

(b) the District Judge, or the senior most Judicial Officer at the place where the Association is, as the case may be;

Such senior most Judicial Officer mentioned above shall transmit the list to the District Judge of the District in which the said Officer is posted.

Such list shall be submitted in the first week of January each year, any changes during the course of the year being intimated separately.

5. Clerks on list only to be recognized.

No Clerk shall be recognized by any Court unless his name is borne on the above list or has been intimated under Rule 3 by the Advocate concerned directly to the Registrar of the High Court or the District Judge, as the case may be, 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.

6. Power of Clerks to deal with the Court staff.

Clerks mentioned in the preceding rule 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.

7. List of Clerks to be circulated to local Courts.

A copy of the list when received and the changes notified shall be supplied to all Courts situated at the station for information.

8. Contents of list.

The list shall contain the following:-

- (a) name and parentage of the Clerk;
- (b) name of the Advocate by whom employed;
- (c) qualifications, i.e., whether

- (i) has passed matriculation or equivalent examination with English as elective subject; or

- (ii) petition-writer; or
- (iii) has three years service with an Advocate;

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; and
- (iv) declared an insolvent, and if declared, whether discharged or undischarged.

9. Only District Judge/Registrar competent to remove name from list.

The Registrar of the High Court, in respect of a Clerk whose name is borne on the list sent by Secretary of the High Court Bar Association under Rule 4, and the District Judge in respect of a Clerk whose name is borne on the list sent by the Secretary of any Bar Association in his District under the said rule (and not a Bar Association) shall have the power to declare a person to be unfit for employment or continuance as an Advocate's Clerk and to remove his name from the list of approved Clerks of Advocates.

10. Appeal.

A Clerk whose name has been removed from the list by the Registrar or a District Judge may appeal to the High Court, which may, if it thinks fit, alter, affirm or reverse the orders passed by the Registrar or the District Judge.

Chapter-15

Procedure in applications to set aside orders passed under Section 95(1) of the Code of Criminal Procedure, 1973.

Rules made by the High Court of Punjab and Haryana in exercise of the powers conferred by Article 225 of the Constitution of India and all other powers enabling it in this behalf, to regulate the procedure in case of applications to set aside orders/declarations of forfeiture passed by the State Government under Section 95(1) of the Code of Criminal Procedure, 1973

1. Application to be signed and verified.

Every application to the High Court under Section 96(1) of the Code of Criminal Procedure, 1973, to set aside a declaration 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.

2. Language, paper and other essentials.

The petition shall be in English language on superior quality A-4 size paper having 70 GSM, with printing on only one side of the paper, preferably with font Thorndale, font size 14 in double space, with margins 1.25” on top, 0.75” on bottom, 1.75” on left side and 0.75” on the right side. The petition shall be divided into paragraphs, numbered consecutively. Dates and sums occurring in the petition shall be expressed in figures in English numerals.

3. Title.

The petition shall be headed : —

“In the High Court of Punjab and Haryana at Chandigarh” and shall be instituted “In the matter of the - (name or description of book, document or newspaper, as the case may be)”.

4. Contents of petition. Exhibits to be annexed.

The petition shall state what the interest of the applicant is in the book, document or newspaper in question in respect of which the declaration of forfeiture has been made. All documents or copies thereof in proof of such interest together with a copy of the declaration of forfeiture under Section 95 of the Code shall be annexed as exhibits to the petition. If any such exhibit or other document, relied on by the applicant and intended to be used in evidence by him, is in vernacular, English translation thereof shall also be annexed with the petition.

5. Ground(s) to be stated.

The petition shall state the ground(s) on which it is sought to set aside the declaration of forfeiture.

6. Presentation of petition and constitution of a Special Bench for the hearing.

The petition with exhibits and other documents annexed thereto and their translations, if any, together with two copies of the said complete paper book shall be presented at the counter in the filing section of this Court. The Registrar (Judicial) will lay the same before Hon'ble the Chief Justice who will then constitute a Special Bench composed of three Hon'ble Judges as required by Section 96(2) of the Code and appoint a day for the hearing and determination of the application.

7. Notice to produce the document on which forfeiture was ordered.

The Registrar (Judicial) 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 matter on which the declaration of forfeiture was based.

8. Evidence by affidavits.

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 the preceding rule, file affidavit(s) on behalf of the State together with supporting documents and English translation of any such document if in vernacular, and supply copies thereof to the other side. The applicant shall, within fifteen days of the receipt of copies of the affidavit(s) and documents, file his affidavit(s) and supporting documents and English translation of any such document if in vernacular, and likewise supply the Advocate-General with copies.

9. Date of hearing to be notified to Government.

Notice in writing of the day appointed for the hearing and determination of the application shall be given by the Registrar (Judicial) to the Chief Secretary to Government of Punjab or Haryana or to the Advisor to the Administrator of Union Territory, Chandigarh, as the case may be, and copy of the complete paper book mentioned in Rule 6 (copy of paper book to be supplied by the applicant) shall accompany such notice.

10. Contents of paper book.

In the absence of a special order, the paper book shall ordinarily contain:-

- (i) the declaration of forfeiture in respect of which the application is made;
- (ii) the application and the affidavit of the applicant;
- (iii) the exhibits and other documents annexed to the application and their English translation, if any;
- (iv) the affidavits filed under Rule 8 and a reprint or copy of such portions of the proscribed/forfeited publication (translated into English, if in vernacular) to be

indicated by the parties within 15 days of the receipt of the notice which will be issued by the Registrar (Judicial) to the applicant, or his counsel, if any, and the Advocate-General;

(v) Documents filed by the State and their English translations, if any.

11. Taxation of costs.

The table of fees 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.

12. Execution of orders.

The provisions of the Code of Civil Procedure and the High Court 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.

Chapter-16

Rules regarding appeals under Section 260-A of the Income Tax Act, 1961.

(Note: Existing rules in Part B of Chapter-7 of the High Court Rules and Orders, Volume-V have been made to regulate proceedings of applications and references under Section 66(2) and Section 66(3) of the Indian Income Tax Act, 1922 (since repealed) (corresponding to Section 256 of the Income Tax Act, 1961). However, no fresh application or reference is to be made under the said provisions. Consequently, the said existing rules are not proposed to be revised or incorporated in the revised volume. However, if any application or reference under the aforesaid provisions is still pending in the High Court, the aforesaid existing rules shall regulate the proceedings thereof. On the other hand, Sections 260A and 260B have been inserted in the Income Tax Act, 1961 making provision for filing of appeals to the High Court. Consequently, the following rules are being framed to regulate the proceedings of such appeals):

1. Requirements of memorandum of appeal

Every appeal from order passed in appeal by the Appellate Tribunal under the Income Tax Act, 1961(in short, the Act) shall be made by way of memorandum of appeal in accordance with the provisions of Chapter-1, High Court Rules and Orders, Volume V, and in conformity with the requirements of Section 260A of the Act and in the manner prescribed by Order XLI, Rule 1 of the Code of Civil Procedure. The substantial question of law allegedly involved in the appeal shall be specifically and precisely stated in the memorandum of appeal.

2. Earlier order if followed to be annexed.

If while deciding the appeal, the Appellate Tribunal has followed any of its earlier order/orders either in the case of the assessee himself in respect of any other

assessment year or in the case of any other assessee, such order/orders should also be annexed to the memorandum of appeal.

3. Court-fee and presentation.

Every memorandum of appeal shall bear the prescribed court-fee and shall be presented at the counter in the filing section of this Court. The appeal shall be numbered as “Tax Appeal (I.T.)”, in short “T.A. (I.T.)”.

4. Hearing and decision of appeal.

On being numbered, the appeal including applications etc., arising therein shall be placed for hearing/admission before a Bench of two Judges as per roster, unless the Chief Justice orders that any such appeal shall be heard by a Bench of more than two Judges. Every such appeal shall be heard and decided in accordance with the provisions of Sections 260A and 260B of the Act.

5. Applicability of rules to other similar appeals.

The rules contained in this Chapter shall, so far as may be and with necessary modifications and adaptations, also apply to appeals of a similar nature under any other Act including any Tax Act of State, the Wealth Tax Act, the Gift Tax Act, the Indian Stamp Act, the Workmen’s Compensation Act, the Central Excise Act, and the Employees State Insurance Act.

Notes

(1) Part C of existing Chapter 7 of the High Court Rules and Orders, Volume V contains the rules made by the Secretary of State in Council for India under the Indian and Colonial Divorce Jurisdiction Act, 1926. The said Act provides for making a decree by the High Court for dissolution of a marriage and making incidental orders, where the parties to the marriage are British subjects domiciled in England or in Scotland. These rules were framed in the year 1927 by Secretary of State (for India) to Government of England. The aforesaid Act was also passed by Parliament of England. These rules are, therefore, not required to be incorporated in the revised Volume V and are proposed to be omitted therefrom.

(2) Part D of existing Chapter 7 of the High Court Rules and Orders, Volume V simply refers to the rules made by the High Court under the Companies Act and under the Banking Companies Act as contained in Chapter 1A and Chapter 1B respectively of Volume II of the High Court Rules and Orders. The same have been dealt with in proposed revised Volume II of the High Court Rules and Orders. Reference thereto is, therefore, not required in Volume V.

(3) Part E of existing Chapter 7 of the High Court Rules and Orders, Volume V contains the rules framed by the High Court in exercise of the powers conferred by Section 110 of the Trade and Merchandise Marks Act, 1958 (in short, the Old Act). The Old Act provided for filing of appeals against the orders of Registrar and also for making applications for rectification of the register, only before the High Court. The Old Act, however, stands repealed by the Trade Marks Act, 1999 (in short, the New Act). Under the New Act, appeals and applications of the aforesaid nature now lie to the Appellate Board and not to the High Court. According to Section 100 of the New Act, even appeals and applications pending in the High Court

under the Old Act stood transferred to the Appellate Board. Consequently, the rules contained in existing Chapter 7E of Volume V of the High Court Rules and Orders are being omitted from the revised Volume V.

(4) Part F of existing Chapter 7 of Volume V of the High Court Rules and Orders contains the rules framed by the High Court relating to cases under the Chartered Accountants Act, 1949. However, in view of substitution of Sections 21 and 22A of the said Act by Amendment Act of 2006, the powers, previously being exercised by the High Court under the aforesaid sections of the said Act, are no longer to be exercised by the High Court. Therefore, these rules are proposed to be omitted. However, any pending reference or appeal, made under the unamended Act, shall be governed by the aforesaid existing rules.

Chapter-17

The Copyright Rules, 1959

In exercise of the powers conferred by Section 73 of the Copyright Act, 1957 and all other powers enabling it in this behalf, the Punjab and Haryana High Court has made the following rules –

1. **Short title.**

These rules may be called the Punjab and Haryana High Court Copyright Rules, 1959.

2. **Definitions**

In these rules, unless there is anything repugnant in the subject or context –

- (i) **'The Act'** means the Copyright Act, 1957 (No.14 of 1957).
- (ii) **'The High Court'** means the High Court of Punjab and Haryana at Chandigarh.
- (iii) **'The Registrar'** means the Registrar of Copyrights and includes the Deputy Registrar of Copyrights appointed under the Act.
- (iv) **'Board'** means the Copyright Board Constituted under the Act.
- (v) **'The Registrar (Judicial)'** means the Registrar (Judicial) of the High Court and includes any Deputy Registrar (Judicial)/Assistant Registrar (Judicial) performing the functions of Registrar (Judicial).

3. **Presentation of appeals.**

Subject to these rules, all appeals from a final decision or order of the Board, other than a decision or order made in appeal under Section 72(1) of the Act or a decision or order under Section 6 of the Act, shall be made to the High Court in

accordance with the provisions of Chapter 1 of this Volume and shall be presented at the counter in the filing section of this Court.

4. Disposal of appeals.

Appeals under Rule 3 shall be heard and disposed of by a Bench of Single Judge.

5. Contents of appeals.

Every memorandum of appeal under Section 72(2) 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 accompanied by a certified copy of the final decision or order appealed from.

6. Court fee

Every memorandum of appeal under Section 72(2) of the Act shall bear prescribed court-fee.

7. Register of appeals.

There shall be kept (in digital or physical form or both) a separate register of appeals from a final decision or order of the Board. All such appeals shall be entered in the said register.

8. Notice.

Notice of appeal shall be issued in the form prescribed for notice in Regular First Appeals, with suitable modification, so as to make it clear that it is an appeal under the Act from a final decision or order of the Board.

9. Contents of paper book.

In all appeals admitted to a hearing, paper books containing the following shall be prepared:

- (i) Index

- (ii) The grounds of appeal to the High Court, in English.
- (iii) Petition of application before the Board.
- (iv) Written statement or petition of objection or reply thereto, as the case may be.
- (v) Deposition of witnesses, if any.
- (vi) Copies of documents exhibited before the Board.
- (vii) Copies of any document rejected by the Board, where its rejection is a ground of appeal or cross objections.
- (viii) Copy of the final decision or order of the Board.
- (ix) Copies of all affidavits and records used by the Board.
- (x) Such other document(s) as the Court may direct to be included.
- (xi) The order of the Bench admitting the appeal.

10. Requisition of record.

The Registrar (Judicial) shall, as soon as an appeal is admitted, request the 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 thereof shall be transmitted.

Upon receiving the record, the 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 (vii) above, which should be included in the paper book of the appeal. In default of their doing so, the paper book shall consist of only the remaining documents specified in Rule 9.

11. Taxation of Costs.

Taxation of costs shall be as in Regular First Appeals in Civil cases.

12. Process fees.

Process fees shall be charged according to Rule 5 of Chapter 6, High Court Rules and Orders, Volume IV.

13. Application of the Code of Civil Procedure and rules and forms of the Court.

In cases not provided for in these rules, the provisions of the Code of Civil Procedure, 1908, and the Rules and Forms of the High Court shall apply *mutatis mutandis* to all proceedings under the Act.

Notes

(1). Part H of existing Chapter-7 of the High Court Rules and Orders, Volume V contains the Contempt of Courts (Punjab and Haryana) Rules, 1974 made by the High Court under Section 23 of the Contempt of Courts Act, 1971. The same rules are also contained in Part B of existing Chapter 8 of the High Court Rules and Orders, Volume III (Corresponding Chapter 11 of the proposed revised Volume III). Consequently, the said rules may be incorporated either in revised Volume III or in revised Volume V, but not in both Volumes.

(2). Part I of existing Chapter 7 of the High Court Rules and Orders, Volume V contains the Estate Duty Rules, 1957 made by the High Court under Section 64 of the Estate Duty Act, 1953. However, Section 5-C was inserted in the said Act by the Estate Duty (Amendment) Act, 1985, stipulating that the Estate Duty Act shall cease to apply to the levy of estate duty in respect of any property (other than agricultural land) which passes on the death of any person on or after the 16th day of March, 1985. In view thereof, fresh cases of reference and application under Section 64 of the said Act (except arising out of the old cases pending before the Authorities) are not to be received/instituted in the High Court. Therefore, the Estate Duty Rules, 1957 are not proposed to be revised and incorporated in revised Volume V of the High Court Rules and Orders. However, any pending reference or application under the Estate Duty Act or any such new case arising out of the old cases pending before the Authorities may be dealt with according to the aforesaid existing rules. Office has informed that no such case is pending in the High Court.

Chapter 18

The Powers of Attorney Rules, 1969

Rules framed by the High Court under Clause (e) of Section 4 of the Powers of Attorney Act, 1882 (Act No. VII of 1882) and fees to be taken under Clauses (a), (b) and (c) of the said section.

1. Short title:

These rules may be called the Powers of Attorney (Punjab and Haryana) Rules, 1969.

2. Presentation of petition:

An application to deposit a Power of Attorney shall be made by a petition signed by the applicant which shall be presented at the counter in the filing section of the High Court or to the Superintendent attached to the Office of the District and Sessions Judge (as the case may be) either by the petitioner in person or through a duly authorized Advocate.

3. Verification of execution of Power of Attorney:

The Power 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 or the Court of District Judge (hereinafter referred to as 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.

4. Receipt to be given :

On an order passed under Rule 3 for deposit of the Power of Attorney in the Court, the Power of Attorney will be placed on the file of instruments deposited under the Powers of Attorney Act, 1882 and a receipt given for it.

5. Payment of Fees:

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:

₹

- (i) For application to deposit Power of Attorney

10/-

- (ii) For filing a Power of Attorney

10/-

- (iii) For application for search

5/-

- (iv) For application for inspection of the document deposited

10/-(v) For a certified copy or for authentication of copy

presented-

- (a) For copying or comparing per folio

2/-

- (b) Sealing

5/-

Chapter-19

Right to Information Rules

In exercise of the powers conferred by sub-section (1) of Section 28 read with Section 2(e)(iii) of the Right to Information Act, 2005 (Act No.22 of 2005) and all other powers enabling him in this behalf, the Chief Justice of Punjab and Haryana High Court hereby makes the following rules, namely:-

1. **Short title and commencement.**

- (i) These rules shall be called the “High Court of Punjab and Haryana (Right to Information) Rules, 2007”.
- (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. **Definitions.**

In these rules, unless the context otherwise requires:

- (a) ‘**Act**’ means the Right to Information Act, 2005 (22 of 2005);
- (b) ‘**Authorized person**’ means Public Information Officer and Assistant Public Information Officer designated as such by the Chief Justice of the High Court;
- (c) ‘**Appellate Authority**’ means the Appellate Authority designated as such by the Chief Justice of the High Court;
- (d) ‘**Form**’ means a form appended to these rules;

- (e) **‘High Court’** means the High Court of Punjab and Haryana;
- (f) **‘Section’** means the section of the Act;
- (g) Words and expressions used but not defined in these Rules, shall have the meanings respectively assigned to them in the Act.

3. **Application for seeking information.**

Any person seeking information under the Act shall make an application to the authorized person on a plain paper or through electronic means in English or Hindi or Punjabi, during office hours on any working day. The applicant shall deposit application fee as per Rule 6 by paying the fee in cash or by adhesive court-fee stamps/demand draft/banker’s cheque/Indian postal orders 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 and shall state in the application the amount of fee paid, the mode of its payment and High Court receipt number and date, if paid in cash, or number and date of demand draft/banker’s cheque/Indian postal orders if paid in that mode.

The application shall contain the name and address of the applicant including e-mail address and telephone number, if any, and complete particulars of the information sought including the period for which information is sought.

On receipt of the application, the authorized person shall acknowledge the receipt of the application in Form “A”.

A person, who makes a request through electronic means, 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, failing which the application shall be treated as dismissed:

Provided that the date of application in such case shall be deemed to be the date of deposit/payment of the entire fee or the balance fee or deficit amount of the fee to the authorized person.

4. Exemption from disclosure of information.

(i) The information which is exempt from disclosure under the provisions of the Act shall not be disclosed.

The question as to which information is exempt from disclosure under the provisions of the Act shall be decided by the Competent Authority or his delegate, whose decision shall be final.

(ii) 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, shall not be disclosed:

Provided that the marks obtained by the candidates in each subject shall be displayed on the website of the High 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. Disposal of application by the authorized person.

(i) Where the request is for information -

(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 shall transfer the application alongwith fee or such part of it as may be appropriate, to that other public authority in Form “B” as soon as practicable, but in no case, later than five days from the date of receipt of the application, and inform the applicant accordingly.

(ii) If the requested information is within the jurisdiction of the authorized person but falls in one or more of the categories of exemption/restriction given in Sections 8 and 9 of the Act and in Rule 4 *ibid*, the authorized person, on being so satisfied, will issue the rejection order in Form “C” as soon as practicable, normally within fifteen days and in any case, not later than thirty days from the date of receipt of the application.

(iii) If the requested information is within the jurisdiction of the authorized person and does not fall in one or more of the categories given in Sections 8 and 9 of the Act and Rule 4 *ibid*, the authorized person, on being so satisfied, shall supply the information falling within his jurisdiction to the applicant in Form “D”. In case the information sought is partly outside the jurisdiction of the authorized person or partly falls in one or more of the categories given in Sections 8 and 9 of the Act and Rule 4 *ibid*, the authorized person shall supply only such information as is permissible under the Act and the Rules 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 any case, not later than five days from the date of receipt of the application.

(iv) The permissible information falling within the jurisdiction of the authorized person shall be supplied as soon as practicable, normally within

fifteen days and in any case, not later than thirty days from the date of receipt of the application. The applicant shall deposit/pay the balance amount of fee, if any, to the authorized person, before collection of the information. A proper acknowledgment shall be obtained from the applicant in token of receipt of the information:

Provided that where the information sought for concerns the life or liberty of a person, the same shall be supplied within forty-eight hours of the receipt of the request.

6. **Charging of fee.**

(i) **The application fee.**

A minimum of rupees ten shall be charged as application fee.

(ii) **The fee for information.**

The authorized person shall charge the fee for supply of information at the following rates:-

Sr. No.	Description of information	Price/fees
(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 on larger size paper; (c) actual cost or price for samples or modles
(C)	Where information is available in electronic form and is to be supplied in electronic form e.g. Floppy, CD etc.	Rupees twenty five per CD/Floppy
(D)	Information relating to tender documents/bids/quotation/Business contract	Rupees one hundred per application.

(iii) 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.

(iv) The fees given above may be varied/enhanced by the competent authority from time to time.

(v) Every page of the information to be supplied shall be duly authenticated and shall bear the seal of the Officer concerned supplying the information.

(vi) During inspection, the applicant shall not be allowed to use pen or ball pen or 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.

(vii) No fee shall, however, be charged from the persons who are of below poverty line as may be determined by the appropriate government.

7. Appeal.

(i) Any person who –

(a) 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,

may prefer an appeal within the prescribed period on a plain paper to the Appellate Authority.

(ii) The appeal shall contain:-

(a) name and address of the appellant including e-mail address and telephone number, if any;

- (b) name and address of the authorized person;
 - (c) date of submission of application under Rule 3 and date of expiry of thirty days therefrom;
 - (d) reasons for appeal (whether response not received within thirty days of submission of the application under Rule 3 or whether aggrieved by the response received). Copy of the reply/response, if any received, shall be attached;
 - (e) grounds for appeal;
 - (f) particulars of the information requested, subject and period thereof.
- (iii) On receipt of the appeal, the Appellate Authority shall acknowledge the receipt of the appeal in Form “E”, and after giving the applicant and the authorized person 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.
- (iv) In case the appeal is allowed, the order of the Appellate Authority shall be complied with by the authorized person within such period, not exceeding thirty days from the date of receipt of the order, as may be ordered by the Appellate Authority.

8. Suo motu publication of information by public authorities.

- (i) The High Court 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/or on its website/internet 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 display on notice board at conspicuous places in the office of the authorized person and the Appellate Authority.

9. Maintenance of records.

(i) The authorized person shall maintain records of all applications received for supply of information and fee charged, for two years and thereafter the said records shall be destroyed.

(ii) The Appellate Authority shall maintain records of all appeals filed before it and fee charged, for two years and thereafter the said records shall be destroyed.

(iii) However, the authorized person or the Appellate Authority shall not destroy record of any case before the disposal of appeal, if any pending, before the higher forum and before audit of records and settlement of audit objections, if any.

Form A
Acknowledgement of Application
[Rule 3]

I.D. No. Dated

- 1. Received an application 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 any 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 applicant shall be intimated stating reason thereof.

- 3. The applicant is advised to contact the undersigned on.....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 website of the High Court from time to time to ascertain the status of his application.

Signature & Stamp of the
Authorized Person
E-mail
Website
Telephone No.

Dated:

Form B

Transfer of application outside the Jurisdiction of the authorized person

[Rule 5(i)]

I.D. 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 ofresident of.....
2. The subject matter of the information/part information requested by the above applicant is related to your Department/Office/Organization/Institution.....which 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,
Authorized Person:
E-mail address:
Website:
Telephone No:

Copy to: The Applicant

Yours faithfully,
Authorized Person:
E-mail address:
Website:
Telephone No:

FORM C
Rejection Order
[Rule 5(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 i.e.....within
thirty days of the receipt of this order.

Yours faithfully,
Authorised Person
E-mail address:
Website:
Telephone No:

FORM D

Form of Supply of information to the applicant
[Rule 5(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.*
or

The following part information is being enclosed.*

- (i)
- (ii)

The remaining information about the other aspects cannot be
supplied due to following reasons:-*

- (i)
- (ii)
- (iii)

3. As per Section 19 of the Right to Information Act, 2005, you may file
an appeal to the Appellate Authority i.e..... within thirty days of the
receipt of this order.*

Yours faithfully,
Authorized Person:
E-mail address:
Website:
Telephone No:

*Strike out if not applicable.

Form E
Acknowledgment of Appeal
[Rule 7(iii)]

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-20

The Designs Rules

In exercise of the powers conferred by Section 36(4) of the Designs Act, 2000 (Act No. 16 of 2000) and all other powers enabling it in this behalf, the High Court of Punjab and Haryana hereby makes the following Rules as to the conduct and procedure of the proceedings before it under that Act:-

1. **Short title and commencement.**

- (i) These rules may be called the Punjab and Haryana High Court Designs Rules, 2015.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**

In these rules, unless there is anything repugnant in the subject or context,-

- (i) “**The Act**” means the Designs Act, 2000.
- (ii) “**High Court**” means the High Court of Punjab and Haryana at Chandigarh.
- (iii) “**Controller**” means the Controller of Designs referred to in Section 3 of the Act.
- (iv) “**Registrar**” means the Registrar (Judicial) of the High Court and includes any person performing the functions of the Registrar (Judicial) for the time being.
- (v) All other words and expressions used herein and not defined but defined in the Act shall have the respective meanings assigned to them in the Act.

3. **Presentation of appeals.**

Subject to these rules, all appeals under Section 36 of the Act from an order of the Controller shall be made to the High Court in accordance with the provisions of Chapter 1 of this Volume. The Memorandum of appeal shall be

presented at the counter in the filing section of this Court in accordance with Chapter 1 of this Volume.

4. Contents of appeal.

Every Memorandum of appeal under Section 36 of the Act shall be drawn up in the manner prescribed by Order XLI, Rule 1 of the Code of Civil Procedure, 1908 and the High Court Rules and Orders, and shall also contain a statement of facts, besides the grounds of appeal. The Memorandum of appeal shall be accompanied by certified copy of the order appealed from.

The Memorandum of appeal and any miscellaneous application etc. shall be in English language on superior quality A4 size paper having 70 GSM with printing on only one side of the paper, preferably with font Thorndale, font size 14 in double space with margins 1.25” on top, 0.75” on bottom, 1.75” on left side and 0.75” on the right side.

5. Court-fee.

Every Memorandum of appeal shall bear Court-fee as per provisions of the Court-fees Act, 1870.

6. Reference by Controller.

The petition/application referred to the High Court by the Controller under Section 19(2)/31(3) of the Act shall be in the form of reference and shall be accompanied by the petition/application including annexures to the same, reply, documents and affidavits, if any, filed by the parties and other record. In the reference, the Controller shall state the reasons for referring the petition/application to the High Court for disposal.

7. Disposal of appeals and references.

Appeals under Rule 3 and references under Rule 6 shall be heard and disposed of by a Single Judge of the High Court.

8. Notice.

(i) Notice of the appeal shall be issued in the form prescribed for notice in Regular First Appeal with suitable modifications, so as to also make it clear that it is an appeal from an order of the Controller under the Act.

(ii) Notice of reference shall also be in the form prescribed for notice in Regular First Appeal with suitable modifications, so as to also make it clear that it is a reference made by the Controller under the Act for the disposal of the petition/application by the High court.

9. Contents of paper-book.

In all appeals admitted to hearing, paper book shall contain the following:-

1. Petition/Application before the Controller.
2. Written Statement/ objections/reply, as the case may be.
3. Rejoinder/replication, if any.
4. Depositions/affidavits of parties/witnesses, if any.
5. Documents exhibited before the Controller.
6. Documents rejected by the Controller, where rejection thereof is a ground of appeal.
7. Copy of the Order of the Controller.
8. Such other documents as the High Court may direct to be included.
9. Grounds of appeal to the High Court.
10. Order of the Bench admitting the appeal.

The paper book shall be properly indexed.

10. Requisition of record.

The Registrar (Judicial) shall, as soon as the appeal is admitted, request the Controller to transmit the record of the case to the High Court along with certified copy of the entry of the register of which cancellation or rectification was sought before the Controller.

11. Procedure in transferred suits.

Procedure for trial of any suit or other proceeding transferred to the High Court for decision under Section 22(4) of the Act shall be as contained in the Code of Civil Procedure, 1908 and in Chapter 7 of this Volume for trial of original civil cases.

12. Taxation of costs.

Taxation of costs shall be as in regular first appeals in civil cases.

13. Application of CPC and Rules and Orders and Forms of the Court.

In matters not provided for in these rules, the provisions of the Code of Civil Procedure, 1908 and the Rules and Orders and the Forms of the High Court shall, so far as may be and with suitable modifications/adaptations where necessary, apply to all the proceedings under the Act before the High Court.

14. Process fee.

Process fee shall be charged according to Rule 63 of Chapter 1 of this Volume.

15. Certification of the order of the High Court.

The order passed by the High Court cancelling the registration of a design or rectifying the register shall be certified to the Controller for compliance. The

Controller shall accordingly cancel the registration of the design or rectify the register, as the case may be, in accordance with that order within 10 days of the receipt thereof and shall intimate the compliance of the order to the High Court within a further period of 10 days.

16. Proceedings under the Patents Act, 1970.

The rules contained in this Chapter shall, so far as may be and with necessary modifications and adaptations, also apply to proceedings of similar nature before the High Court under the Patents Act, 1970.

Chapter-21

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 Courts (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. Form and contents of petition for Certificate to appeal to the Supreme Court.

(a) A petition for certificate 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:-

- (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 date and other particulars of the judgment, decree or final order complained of;
- (iv) the relief sought by such petition.

The petition shall be signed by the petitioner or by his authorized Advocate on his behalf.

(b) Every petition together with its enclosures, if any, shall be accompanied by three computer printed or photostat copies of the same for the use of the Court. The petition shall be in English language on superior quality A4 size paper having 70 GSM with printing on only one side of the paper, preferably with font Thorndale, font size 14 in double space with margins 1.25” on top, 0.75” on bottom, 1.75” on left side and 0.75” on the right side.

(c) Time limit for filing petition for a certificate.

A petition for a certificate required in a Civil case under clause (1) of Article 132 or clause (I) of Article 133 of the Constitution or under Section 109 of the Code of Civil Procedure, 1908 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 petition shall be treated as urgent.

2. Notice to issue on the petitions.

(a) When a petition is made, the Registrar (Judicial) 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.

(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 Registrar (Judicial) shall-

- (i) cause notice of the lodgment of the petition of appeal to be served on the respondent in accordance with law;
- (ii) unless otherwise ordered by the Supreme Court, transmit to the Supreme Court the original record of the case; and
- (iii) as soon as notice as aforesaid is served, to send a certificate in form C as to the date or dates on which the said notice was served.

3. Appeal in Supreme Court.

Where certificate has been given under Clause (1) of Article 132 or Clause (1) of Article 133 or under Article 134-A of the Constitution or under Section 109 of the Code of Civil Procedure, 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. Preparation and despatch of records.

(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 Registrar (Judicial) shall, at the earliest, transmit to the Supreme Court in triplicate the record proper of the appeal with English translation of the vernacular record, one copy of which will be duly authenticated. The relevant rules of the Supreme Court Rules of 1966 shall apply to the preparation and transmission of such record.

(b) Where the record is directed by the Supreme Court to be prepared under the supervision of this Court, the Registrar(Judicial) shall proceed to complete the preparation of the record in accordance with the provisions of the relevant rules of the Supreme Court Rules, 1966 and the rules contained in Schedule 'A' to these rules.

5. Order of a Single Judge sufficient.

For the purpose of these rules, where the orders of the Court are required, the order of one Judge shall be sufficient.

6. Delegation of duty by Registrar (Judicial)

The Registrar (Judicial) may, under the orders of the Court, delegate any of the duties which devolve upon him under these rules, to the Deputy Registrar or Assistant Registrar or other Officer of the Court.

7. Mode of service of notices

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 and the High Court Rules and Orders for the service of notices, or upon an Advocate who has appeared for the party to whom notice is to be given.

(B) Criminal Appeals

8. Time limit for filing application for a certificate.

(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.

(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 application shall be treated as urgent.

9. Preparation and despatch of records.

The record shall be prepared and transmitted to the Supreme Court, as far as possible, in accordance with Rule 4 hereinabove.

10. Rules applicable in Criminal appeals.

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.

FORM A

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, Rule 3)

Civil Miscellaneous Case No._____ of 20__

TITLE

To

.....

Take notice that _____has applied to this Court for a certificate that the above case is 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_____

Registrar (Judicial).

Form B

In the High Court of Punjab and Haryana at Chandigarh

Civil Miscellaneous Case No._____

Petitioner(s)
Appellant(s)

(Plaintiff(s))
(Defendant(s))
Versus
(Plaintiff(s))
(Defendant(s))

Respondent(s)

Claim_____

Petition under Order XLV, Rule 2 of the Code of Civil Procedure (Act V of 1908) for certificate to appeal to the Supreme Court of India from the order of the High Court of Punjab and Haryana at Chandigarh, dated the.....day of.....

On the application of the petitioner(s) above-named it is hereby certified that the case above set forth fulfils in my/our opinion, the requirements of Article 132(1) or Article 133(1) of the Constitution or Section 109 of the Code of Civil Procedure (Act V of 1908), as regards its fitness for appeal to the Supreme Court

Judge(s)

In the High Court of Punjab and Haryana at Chandigarh.

Supreme Court Appeal No..... of.....

versus

..... Respondent.

.....

.....

Dated this day of

Registrar (Judicial),

High Court of Punjab and Haryana, Chandigarh.

[referred to in Rule 4(b)]

Rules as to preparation of record.

I. The record shall be prepared in English language on superior quality A4 size paper having 80 GSM with printing on only one side of the paper, with font

Thorndale, font size 14 in double space with margins 1.25” on top, 0.75” on bottom, 1.75” on left side and 0.75” on the right side.

II. Records shall be arranged in two parts, in the same volume where practicable, viz.

Part I

The pleading and proceedings, English translation of the evidence in vernacular, judgments, decrees etc., of the Courts below, down to the order admitting the Appeal.

Part II

The exhibits and documents (English translation of the vernacular documents)

III. 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.

IV. Part I shall be arranged strictly in chronological order, i.e., in the same order as the Index.

Part II shall be arranged in the most convenient way for the use of the Supreme Court of India, as the circumstances of the case require. The documents shall be arranged as far as suitable in chronological order, mixing Plaintiff's and Defendant's documents together when necessary. Each document shall show its exhibit mark, and whether it is a Plaintiff's or Defendant's document (unless this is clear from the exhibit mark) and in all cases documents relating to the same matter such as—

(a) series of correspondence, or

(b) proceedings in a suit other than the one under appeal shall be kept together.

The order in the Record of the documents in part II will probably be different from the order of the Index and the proper page number of each document shall be inserted in the Index.

In difficult cases, assistance of counsel for the parties may be taken to arrange the Record in proper order.

V. The documents in Part I shall be numbered consecutively. The documents in Part II shall not be numbered, apart from the exhibit mark.

VI. Each document shall have a heading which shall consist of the number of exhibit mark and the description of the document in the Index, without the date.

VII. Each document shall have a heading which shall be repeated at the top of each page over which the document extends viz.:-

Part I

(a) Where the case has been before more than one Court, the short name of the Court shall first appear, where the case has been before only one Court, the name of the Court need not appear.

(b) The heading of the document shall then appear consisting of the number and the description of the document in the Index, with the date, except in the case of oral evidence.

(c) In the case of oral evidence, "Plaintiff's evidence" or "Defendant's evidence" shall appear next to the name of the Court and then the number in the

Index and the witness's name with "examination", "cross-examination", or "re-examination", as the case may be.

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 on the page.

VIII. The parties shall agree to the omission of formal and irrelevant documents, but the description of such documents may appear (both in the Index and in the Record), if desired, with the words "not appended" against it.

A long series of documents, such as accounts, rent rolls, inventories, etc., shall not be appended in full, unless counsel so advises, but the parties shall agree to short extracts being appended as specimens.

A list of documents which have been omitted in the preparation of record shall be prepared and annexed.

IX. 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.

Chapter-22

Administrative Business of High Court

Part A

Rules for Disposal of Executive and Administrative Business

1. Administrative Business.

The Chief Justice shall be in control of the Administrative and executive work of the High Court and its distribution amongst the Judges.

2. Matters to be placed before Judges' meeting.

The matters to be placed before and decided at a meeting of the Judges shall *inter alia* include:-

- (i) All matters involving questions of principle and policy;
- (ii) All matters relating to amendments to be made in existing laws or in the statutory rules of the Court;
- (iii) All matters concerning the High Court as such or all the Judges;
- (iv) All matters on which the opinion of High Court is invited by Government;
- (v) Disciplinary action against the Judicial Officers subordinate to the High Court;
- (vi) The promotion of Subordinate Judicial Officers including members of the Superior Judicial Services of Punjab and Haryana;
- (vii) Annual confidential remarks on the work of Judicial Officers subordinate to the High Court;
- (viii) Postings and Transfers of the members of the Superior Judicial Services of Punjab and Haryana including those to be sent on deputation.

- (ix) Any other matter which may be referred by the Chief Justice or by not less than one-seventh of the sitting Judges of the High Court to a meeting of the Judges.

3. Holding of meetings of Judges and of the Administrative Committee.

The Chief Justice may convene a meeting of the Judges and of the Administrative Committee whenever he may deem it appropriate so to do, after giving due notice to the Judges/members of the Administrative Committee, as the case may be, of the matters to be taken up for consideration.

Judges, being not less than one-seventh of the sitting Judges too may requisition a meeting of the Judges to consider any matter which, in their opinion, deserves such consideration. On such requisition being received, the Chief Justice shall convene a meeting of the Judges to consider the said matter, within three working days of the receipt of the requisition failing which the Judges requisitioning such a meeting shall be at liberty to convene a meeting of the Judges on a date of their choice.

All meetings of the Judges and of the Administrative Committee shall be presided over by the Chief Justice or in his absence, by the Acting Chief Justice or the senior most Judge present at the meeting, as the case may be.

4. Quorum for meetings of Judges and of Administrative Committee.

Quorum for meeting of Judges shall be half the sitting Judges' strength, for the time being.

Quorum for meeting of the Administrative Committee shall be four.

5. Mode of decision in case of difference of opinion.

All matters at the meeting of the Judges and of the Administrative Committee shall be decided in accordance with the opinion of the majority of the

Judges present and in the event of the Judges being equally divided, the Presiding Judge at the meeting shall have a second or casting vote.

6. Administrative Committee.

(1) There shall be an Administrative Committee of the Judges which shall consist of the Chief Justice and next six Senior Judges to deal with such matters as may be delegated to it by the 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 Services (Judicial Branch) including those to be sent on deputation:

Provided that the agenda of the Administrative Committee in this behalf shall be sent to all the Judges. Any Judge who wishes to participate in the deliberations of the Administrative Committee in this regard or in regard to any particular Officer(s) may do so.

(ii) the recording of annual confidential remarks on the work and conduct of the Judicial Officers subordinate to the High Court:

Provided that the annual confidential remarks, recorded by the Administrative Committee on the work and conduct of such Judicial Officers shall be deemed to be final only after they have been placed and approved in Full Court meeting of the Judges.

(iii) Retention in service of the Judicial Officers subordinate to the High Court on attaining the specified age or after completion of specified length of service:

Provided that if retention is not to be allowed, the matter shall be deemed to be final only after the same has been placed and approved in the Full Court

meeting of the Judges:

Provided further that the Agenda of the Administrative Committee in this behalf shall be sent to all the Judges. Any Judge who wishes to participate in the deliberations of the Committee in this regard or in regard to any particular Officer(s) may do so.

(iv) Consideration upon second representation by a Judicial Officer against annual confidential remarks to ascertain whether there is a reasonable ground or not for placing the same before the Full Court meeting of the Judges.

(v) Any other matter which may be referred to the Administrative Committee by the Chief Justice.

7. Record of proceedings of meetings of Judges and of Administrative Committee.

The Registrar General or in his absence, any other Officer authorized by the Chief Justice, shall attend meetings of the Judges and of the Administrative Committee and shall record the proceedings of such meetings.

8. Signatures on proceedings of meetings of Judges and of the Administrative Committee.

As soon as it may be convenient, after the proceedings of a meeting of the Judges or of the Administrative Committee have been recorded and signed by the Registrar General or the other authorized Officer attending the meeting, as the case may be, they shall be signed by the Chief Justice/Presiding Judge and then submitted to and signed by the Judges attending the meeting.

9. Custody of proceedings of meetings of Judges and of the Administrative Committee.

The original proceedings of the meetings of the Judges and of the Administrative Committee shall be kept in the General Record Room in a separate

file and also in digital form and shall not be removed from the Court building except by the Registrar General or any other Officer with the permission of the Chief Justice. Access to the said digital record shall be permissible only to the Registrar General, or with the permission of the Chief Justice, to any other Officer.

10. Administrative business during vacation.

During the vacation or break of four or more days, the administrative and executive work of the High Court may be carried out by the Chief Justice if available or in his absence, the next senior most Judge available or the senior most vacation Judge available who may in his discretion pass such orders as may be necessary:

Provided that any matter decided by the Chief Justice or a Judge under this rule, which would otherwise fall for decision by all the Judges or by the Administrative Committee or by the Chief Justice, shall be referred to all the Judges or the Administrative Committee or the Chief Justice, as the case may be, for confirmation after the vacation/break.

Part B

Procedure for making Rules under Part X of the Code of Civil Procedure.

11. Minutes of the Rule Committee to be placed before Judges' meeting.

After the minutes of a meeting of the Rule Committee constituted under Section 123 of the Code of Civil Procedure, 1908 have been signed by the members of such Committee, the same shall be submitted to the Chief Justice for being placed before a meeting of the Judges.

12. Proposed rules to be published in Official Gazettes inviting objections.

If the Judges decide that the recommendations of the Rule Committee are to

be accepted and a Rule made, amended or deleted, the Registrar General shall cause the same, in the form in which it has been decided by the Judges, to be published in the Official Gazettes of Punjab, Haryana and Chandigarh Administration for inviting objections.

13. Proposed Rules with objections to be laid before Judges' meeting.

On the expiry of the period fixed for objections, the Chief Justice shall again lay the Rule (proposed to be made, amended or deleted), with objections, if any, before a meeting of the Judges.

14. Approval of the Governments to be obtained.

If the Judges decide to make, amend or delete the rule, the Registrar General shall move simultaneously to the Punjab and Haryana Governments and the Central Government (for Courts in Union Territory, Chandigarh) for the approval of the same in the form in which it has been decided by the Judges.

15. Approved rule to be published in Official Gazettes.

When the approval of these Governments has been received, the Registrar General shall cause the rule to be published in the Official Gazettes of Punjab, Haryana and Chandigarh Administration. If the rule has been approved by these Governments in different forms and the High Court has no objection to the changes proposed, the Registrar General shall cause the rule to be published in the Official Gazettes of Punjab, Haryana and Chandigarh Administration in the forms approved by the respective Governments.

16. Approved rule to be inserted in Rules and Orders of the High Court, etc.

After publication in the Official Gazettes, a correction slip (a) to the Rules and Orders of the High Court and (b) to the booklet entitled "Rules made by the Punjab and Haryana High Court under Section 122 of the Code of Civil Pro-

cedure” shall be prepared and issued according to the form approved by the Governments. If the rule has been approved in different forms by the respective Governments, a note to that effect shall be added in the correction slip.

Appendix

Letters Patent constituting the High Court of Judicature at Lahore, dated the 21st March, 1919 (to be reproduced as such in the revised Volume)