OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE, NEW DELHI DISTRICT, PATIALA HOUSE COURTS COMPLEX, NEW DELHI

CIRCULAR

It has been observed that despite issuance of this office Circular No. 1992-2042/RDM/Cash Branch/NDD/PHC/New Delhi dated 18.01.2023, certain discrepancies continue to persist in the payment vouchers submitted by witnesses and Malkhana Moharrars MHC(M). Accordingly, it has become necessary to reiterate and further streamline the existing instructions to ensure strict compliance with the relevant rules.

The payment vouchers, issued to the witnesses and Malkhana Moharrars MHC(M), inter alia still contain the following discrepancies:

1. The payment vouchers do not bear the date of hearing / inquiry / trial in respect of which, it has been issued.

2. Some of the Malkhana Moharrars MHC(M)/ witnesses appearing in more than one court, in the same Court Complex, are making more than one claim for a single day visit for the same destination.

3. The actual expenses claimed by Malkhana Moharrars are not certified by the SHO / Additional SHO of concerned Police Station, in terms of Rule 10, before the same are presented before the Criminal Courts for sanction.

4. Absence of verification of over-writing / cutting, especially in the amount mentioned in the voucher.

Copy of the Delhi Criminal Courts (Payment of Expenses to Complainant and Witnesses) Rules, 2015 is appended herewith as ANNEXURE-A. A specimen proforma for sanction of expenses and diet money to the witnesses is appended herewith as ANNEXURE-B.

All the Ld. Judicial Officers posted in New Delhi District are requested to ensure that:

A. The payment voucher bears the date of hearing / inquiry / trial on which the witness had appeared;

B. Only one payment voucher is issued to a witness who appears in more than one Criminal Court on a single day;

C. Henceforth, the prescribed specimen proforma is used for sanctioning payment to the witnesses;

D. In case of overwriting / cutting of a material part of the voucher, the same is duly verified by signing;

E. The expenses claimed by MHC(M) are duly certified by the concerned SHO / Addl. SHO before being presented for sanction.

This issues with the approval of the undersigned.

HEAD OF OFFICE
NEW DELHI DISTRICT
PHC, NEW DELHI

8295-8352

No. _____/RDM/Cash Branch/NDD/PHC/New Delhi Dated: 23 / 03 / 2026

Copies to:

1. All the Ld. Judicial Officers posted in New Delhi District.
2. The PS to Ld. Principal District & Sessions Judge, New Delhi District.
3. The Branch Incharge, R&I Branch, New Delhi District with directions to upload this circular on LAYERS.
4. The Branch Incharge, Computer Branch, New Delhi District with directions to upload this circular on the website of District Courts, New Delhi District.

HEAD OF OFFICE
NEW DELHI DISTRICT
PHC, NEW DELHI

Produced by the inmates of Central Jail Tihar, New Delhi

TO BE PUBLISHED IN DELHI GAZETTE PART-IV EXTRA-ORDINARY)
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS)
8TH LEVEL, C-WING, DELHI SECRETARIAT, I.P. ESTATE,
NEW DELHI – 110002.

No.F.6/17/09-Judl./ Supt Law/1176-1178 **Dated:-** 4/11/2015

NOTIFICATION

No.F.6/17/09-Judl./: Supt Law/1176-1178 In exercise of the powers conferred by section 312 of the Code of Criminal Procedure, 1973 (2 of 1974) read with Government of India, Ministry of Home Affairs' notification number S.O.183 (E) dated the 20th March, 1974 and in supersession of the Delhi Criminal Courts (Payment of Expenses to Complainant and Witnesses) Rules, 2010 except as respects things done or omitted to be done before such supersession, the Lt. Governor of National Capital Territory of Delhi, is pleased to make the following rules to regulate the payment of expenses paid to complainant and witnesses appearing, for the purpose of any enquiry, trial or other proceedings before a criminal court in the Metropolitan area of Delhi, namely: -

Chapter 1

Preliminary

1. **Short title and commencement : -**

   (i) These rules may be called the "Delhi Criminal Courts (Payment of Expenses to Complainant and Witnesses) Rules, 2015".

   (ii) They shall come into force from the date of their publication in the Official Gazette.

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

   (a) 'Criminal Court' means the Court of Sessions, Court of Chief Metropolitan Magistrate, Additional Chief Metropolitan Magistrate, Metropolitan Magistrate and Special Magistrate.
   (b) 'Code' means the Code of Criminal Procedure, 1973.
   (c) 'District Judge' means the District Judge of a Civil District in Delhi.
   (d) 'Government Servant' means and includes officers/officials in the service of Central Government, National Capital Territory of Delhi or any State Government or any public authority or corporation or autonomous institutions.
   (e) 'Government' means Government of National Capital Territory of Delhi.

GENERAL RECEIPT
07 NOV 2015
8720
Receipt No.....

THE HIGH COURT OF DELHI
(Judicial Receipt Section)
07 NOV 2015
9767
Diary No.....

(f) 'Reasonable expenses' means payment towards compensation of loss of income of the Witness besides his actual travelling expenses and diet money.

(g) Any word or expression used in these rules and not defined herein shall have the same meaning as assigned to it, in the Code of Criminal Procedure, 1973.

Chapter 2

Payment of Expenses

3. **Cases in which Government is to pay the expenses** :- The Government would be liable to pay expenses of Complainants and Witnesses only in the following categories of cases: -

(a) in all cases in which a witness has been compelled by the Presiding Officer of a Criminal Court on his own motion to attend the court under section 311 of the Code;

(b) in all cases where cognizance has been taken by the Police; and

(c) cases in which the prosecution is instituted or carried on by or under the orders or with the sanction of the Government, or of any Judge, Magistrate, or any other public officer.

Explanation: The complainant shall be paid the expenses only when he is summoned as a witness.

4. **Case in which Government is not to pay expenses:** - No Payment shall be made to the witnesses by the Government in all cases other than covered by rule 3, unless the prosecution appears to be in furtherance of the interest of public justice.

Chapter 3

Rate of Payment of Expenses

5. **Category of Witnesses:** - The following category of witnesses is given below: -

Category of Witnesses: -	
(A)	Public witnesses of any class
(B)	Government servants
(C)	Expert witnesses such as Forensics Experts, Doctors, Engineers, Architects, Lawyers etc., who are not in the service of Government.

6. **Rates of reasonable allowances for each category of witnesses:**

(i) for Category (A) – S/he shall be paid a sum equivalent to the minimum wages payable to a skilled worker as notified by Government towards loss of income and actual travelling expenses as per rule 7 and expenses for diet as per rule 9.

Note: - The minimum wages payable to a skilled worker as notified by Government from 1st February of 2011, is Rs.285/-

(ii) for Category (B) – S/he shall be paid actual travelling expenses as per rule 7 and expenses for diet as per rule 9.

(iii) for Category (C) – S/he shall be paid a sum of Rs.500/- towards loss of income and actual travelling expenses as per rule 7 and expenses for diet as per rule 9.

7. **Travel Rates : -**

(A) <u>Outstation Witnesses: -</u>

(i) Travel by train : -

(a) for category (A) - A/C three tier from the place of their residence to Delhi, in addition to the subsequent auto rickshaw charges from the nearest railway station in Delhi to the concerned court complex, as per prevalent rates notified by the Government;

(b) for category (B) - Actual travelling expenses from the place of their office as per their entitlement under the rules governing their nature of service.
Such person will be required to produce a certificate from his/her Head of Department or Competent Authority as to the nature of travelling allowance admissible to him/her; and

(c) for category (C) – A/C two tier fare from their place of residence to Delhi in addition to the subsequent taxi charges from the nearest railway station in Delhi to the concerned court complex.

(ii) Travel by road : -

(a) for category (A) - fare actually paid for travel by road transport / state transport A/C bus, in addition to the subsequent auto rickshaw charges from the nearest bus stand in Delhi to the concerned court complex as per prevalent rates notified by the Government;

(b) for category (B) - actual travelling expenses as per their entitlement under the rules governing their nature of service. Such person is required to produce a certificate of his/her Head of Department or Competent Authority as to the nature of travelling allowance admissible to him/her; and

(c) for category (C) - fare equal to the fare chargeable by a road transport/state transport bus for a A/C deluxe coach, in addition to the subsequent taxi charges from the nearest bus stand to the concerned court complex as per prevalent rates notified by the Government.

(iii) Travel by air : -

(a) for category (A) - no air fare is payable;

(b) for category (B) – actual travelling expenses as per their entitlement under the rules governing their nature of service. Such person is required to produce a certificate of his/her Head of Department or Competent Authority as to the nature of travelling allowance admissible to him/her; and

(c) for category (C) - No air fare is payable.

(B) <u>Local Witnesses: -</u>

(iv) Travel within city: -

(a) for category (A) – Actual auto rickshaw charges as per prevalent rates notified by the Government;

(b) for category (B) – Actual travelling expenses as per their entitlement under rules governing their nature of service. Such person is required to produce a certificate of his/her Head of Department or Competent Authority as to the nature of travelling allowance admissible to him/her; and

(c) for category (C) – Actual travelling expenses as per the rates prescribed by the Transport Department of National Capital Territory of Delhi for motor car / taxies.

Note 1: If a person has not actually travelled by A/C train or by A/C bus, then the actual expenses incurred shall be reimbursed on production of original ticket or a copy thereof.

Note 2: If a witness has travelled by any other mode of transport incurring less expenditure than that of an auto rickshaw / taxi then only the lesser amount shall stand payable to him.

8. Overnight staying rates: -

(a) for category (A)- Rs.750/-per day excepting the first day of appearance of witness in the Court.

(b) for category (B) – (i) Rs. 1,500/- per day for the Gazetted Officers or officers working in the equivalent pay scale excepting the first day of appearance of witness in the Court;

(ii) Rs.750/- per day for other government servants, excepting the first day of appearance of witness in the Court.

(c) for category (C) – Rs. 1,500/- per day excepting the first day of appearance of witness in the Court.

Note: For categories (A), (B) and (C) – This amount should be in addition to the other amount which would have become admissible to them had their evidence was to conclude in a single day and they were not required to overstay.

9. Expenses for diet : - A witness shall be paid expenses for diet at the following rates, irrespective of category s/he falls in:-

(a) If a witness is detained till before lunch or called to appear in the Court only in post lunch session; : Rs.50/-

(b) If a witness is detained for post lunch session provided the witness is called to appear in Court in pre-lunch session. : Rs.100/-

10. Expenses for police witnesses: – The actual expenses claimed by the Malkhana Moharrar, as have been certified by the SHO/Additional SHO of the concerned Police Station, before they are ordered to be reimbursed by the Court.

11. Expenses for retired police officers or other government servants: – Those witnesses, who appear in the Court after their retirement in connection with the work undertaken by them while they were in government service, may be paid expenses in the same manner as if they were still in government service.

12. Expenses for minor/disabled's attendant: – When a minor of a tender age or a disabled person is required to attend the Court as a witness

ANNEXURE-'B'

To

The Cashier,
Patiala House Courts Complex,
New Delhi.

Pay a sum of Rs. _____ (in figures) _____ (in words) to Mr./Ms. _____ _____ who appeared as a witness on _____ (date) in case bearing FIR No. _____ PS. _____ U/s _____ titled as State Vs. _____.

An entry of this voucher has been made at Serial No. _____ dated _____ of the Diet Money Register maintained by this court. The distance from _____ to Patiala House Courts Complex, New Delhi is approximately _____ kilometres (onward and return journey).

The specimen signatures of the claimant are attested below:

Specimen signatures of
the claimant attested

(Signatures of the Presiding Officer)

(Signatures of the Presiding Officer)

STATION HOUSE OFFICER