



HIGH COURT OF HIMACHAL PRADESH, SHIMLA

NOTIFICATION

No.HHC/Rules/Amendment/91-1-2014

Dated 5.01.2017

Hon'ble the Chief Justice & Judges of the High Court of Himachal Pradesh in exercise of the powers vested in them, in this behalf are pleased to make the following amendments in the Rules and Orders of Punjab and Haryana High Court as applicable to the State of Himachal Pradesh:-

<p>In Volume I,</p> <p>Chapter-I</p> <p>PRACTICE IN THE TRIAL OF CIVIL SUITS</p> <p>PART-A General</p> <p>Court hours, holidays and cause lists</p> <p>1. <u>After Paragraph 4, the following Paragraphs 4-A and 4-B shall be added.</u></p> <p><u>Paragraph 4-A</u></p> <p><u>Procedure for filing of fresh cases</u></p> <p>I. In every court, where computerization has been done and necessary infrastructure has been installed, a separate</p>

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room known as Judicial Service Centre (JSC) will be established and official(s) having knowledge of computers with requisite experience, shall be posted there.

- II.** All suits, petitions and applications shall be filed by the party or authorized agent or the duly appointed Advocate, as the case may be at the Judicial Service Centre. The filing of cases either directly or through a petition box put up in such court, shall be discontinued. Where facilities exist, a case may be filed online by posting it on the online filing portal of the Court as per the practice directions or orders issued in this behalf by the High Court.
- III.** The cases shall be filed at counter of the Judicial Service Centre between 10:00 a.m. to 4:00 p.m. on every working day.
- IV.** The filing of complaints, applications and petitions by post is not permissible under law, as such whenever any such complaint, petition or application is received by the office by post it shall be endorsed as 'filed', under the signatures of the Presiding Officer with intimation to the party concerned that no action has been taken on his/her complaint or application or petition as the same has not been properly

presented.

Paragraph 4-B

Scrutiny of cases filed at Judicial Service Centre

- I. The official at the Judicial Service Centre before entering the file in the system, shall ensure that it contains the complete particulars of the parties namely, their addresses alongwith e-mail addresses, if any, mobile/cell number(s) of parties and their Advocate(s), the Vakalatnama duly signed and stamped, the list of documents attached etc.
- II. When the file is prima facie complete in all respects, the official at the Judicial Service Centre, shall enter the names of the sole/all plaintiff(s)/ petitioner(s)/ applicant(s) and the sole/all defendant(s)/ respondent(s), the nature of the case and then assign a case number generated by the computer, to the file. The said number shall be pasted on the plaint/petition/application and documents accompanying it.
- III. In order to facilitate the litigants and the advocates, every court shall prepare a check list of the probable objections and it shall be displayed at the Judicial Service Centre so that a party is able to know in advance, the possible

objections to the filing of the case at the time of scrutiny.

The same check lists should also be available online, on the web site of the court to cater to the needs of the public.

- IV. After entering the necessary particulars in the computer at the Judicial Service Centre, the official shall immediately send the record to the District Judge/Senior-most Civil Judge for further distribution of the cases. He shall also ask the party or the advocate to appear before the said court for obtaining further orders. However, if the court is designated exclusively for the trial of specific cases or class of cases, then the official shall directly send the record to the said court. Simultaneously, he shall give an auto generated receipt to the party, or its authorized agent or the advocate filing the case at the Judicial Service Centre.

2. **After Paragraph 6, the following Paragraphs 6-A & 6-B shall be inserted .**

Paragraph 6-A

Cause list to be on the web site

In all courts where the facility would be available, the cause list shall be made available on the website and only few copies of cause lists for supply to the Bar shall be prepared.

Paragraph 6-B

Display board to be installed

- I. Every court where infrastructure is available shall install its own digital display board and connect it with District Court website in order to provide on line facility of display board of the Courts in the District to the Advocates and the Litigants. Further, every such court shall ensure that the actual number of the case going on is displayed on its website.
- II. Every day, after the order sheets are signed by the Presiding Officer, the Reader shall enter the progress and status of each case figuring in the cause list in the software alongwith next date of hearing.
- III. The District Judge shall make an arrangement for taking up of urgent work of a court, whenever its Presiding Officer, has to proceed on leave.

Chapter-I

Part-B-Reception of Plaints and Applications

1. **After the existing Paragraph 4, the following Paragraph 4-A shall be added.**

Paragraph 4-A
Distribution of Cases

- I. The District Judge or the Senior-most Civil Judge, authorized by him, shall attend to the allocation of work personally.

On allocation of cases, the files shall be sent in the software to the Court concerned after making necessary entries by the Reader of the court.

II. The list of cases allocated to different Courts shall be displayed outside the Judicial Service Centre as well as the notice board of the Court, which allocated the cases.

III. When the court concerned finds the case allocated to it, complete in all respects, it shall order the registration of the case, if the same has not already registered at the Judicial Service Centre. Thereafter the Alhmad shall enter all necessary particulars of that case in a register maintained in the computer software, if such particulars have not already been entered in the Judicial Service Centre. Besides this, the court as a matter of abundant caution, shall also make entries in a register maintained in the physical form, if prescribed by the High Court.

2 After the existing Paragraph-6, the following Paragraph 6-A shall be added.

Paragraph 6-A
Listing of Cases

I. Every Court shall regulate its cases in a proper manner. The cause list of a day should not be too heavy. Normally a court having pendency of one thousand cases or so, should rotate all cases within one month, with two

thousand cases in two months, so on and so forth.

- II. The court shall give priority to disposal of cases of Women, Senior Citizen and Children.

Chapter-I

Part D **Service of Processes**

- 1 **Before the existing Paragraph 1, the following paragraphs shall be added under the head 'General'.**

General

- I. Much of the delay in disposal of civil case is occasioned due to delay of service of defendant(s)/respondent(s). As such the plaintiff/petitioner/applicant shall send an advance copy of the plaint/petition/application along with stay application, if any and copies of documents(s), through registered post or speed post to the defendant(s)/respondent(s) and file an affidavit alongwith plaint/petition/application of having sent so. However, on the registration of the suit/petition/application, the court shall send its own processes for the service of defendant(s)/respondent(s).
- II. The Presiding Officer of the court having control over the process serving agency must supervise its functioning

personally. It shall be imperative for the District Judge to see that the process servers working in his district, are properly trained. Therefore, he should cause to conduct such training courses at regular intervals. The District Judge shall take steps to equip the process servers with GPS and biometric devices. Simultaneously, the court shall also encourage the service of processes through courier service as empanelled by the High Court.

Chapter-I

Part-F-Settlement of issues

- 1 The following provision is to be added as Paragraph-1 whereas the existing Paragraph-1 shall be re-numbered as paragraph 1-A .

Paragraph-1

Out of Court Settlement

When the pleadings and additional pleadings, if any, are complete, every court shall explore the possibility and persuade the parties to go for out of court settlement by way of arbitration, settlement, conciliation or mediation. The court shall keep in mind the provisions contained in Section 89 and Orders X Rules 1-A to 1-C, XXVII Rule 5-B and XXXII-A Rule-3 CPC, which cast a duty upon it to assist the party in arriving at a settlement.

Chapter-I

Part-H

Hearing of suits, Adjournments, examination of witnesses etc.

- 1 In Paragraph-7, after the last line, the following lines shall be added.**

‘Wherever the court considers necessary, it shall record demeanor of the witness(es). The Court shall also ensure that the witnesses are not threatened, intimidated or misled by any one, while giving statement in the court.’

- 2 After Paragraph-14, the following Paragraph-14-A shall be added.**

Paragraph-14-A

Unattested copies to be supplied

‘Wherever possible, the unattested copies of the statements of the witnesses examined by the court shall be supplied to the parties there and then, the day they are examined so that the parties do not seek unnecessary adjournments on the ground of obtaining such copies.’

- 3 The existing Paragraph-16 shall stand deleted and substituted by new Paragraph 16 as under:-**

Paragraph-16

The case to be disposed of within time frame.

Every matter after closure of evidence, shall be taken up for

arguments within a month and no adjournment beyond fifteen days shall be given for the said purpose. The written arguments whenever desired to be filed, shall normally be taken within this period alongwith list of cited cases. The court shall pronounce judgment within one month of the hearing of arguments.

Chapter-I

Part-K-Speedy disposal of cases

- 1 After Paragraph-11, the following Paragraph-11-A shall be inserted.

Paragraph-11-A

Speed Oriented approach should be avoided

The expeditious disposal of cases undoubtedly is expected from the Presiding Officer of the court but the speed oriented approach should not be at the expense of justice. The complicated cases need in depth study and require lot of time and patience of the Judge. In appropriate cases, the High Court may also look into other circumstances like the number of witnesses examined by the Presiding Officer while assessing his overall assessment, in a given year.

Chapter-10**Commissions and letters of request****Part-A-General Instructions**

1. **After Paragraph-6, the following Paragraph -6-A shall be added.**

Paragraph-6-A**No trial within trial**

The appointment of Local Commissioner for inspection of land or property in suit, under the provisions of Order 26 Rule 9 of CPC should normally be ordered, wherever required, after the recording of evidence of the parties, is complete. The objections to the report of Local Commissioner should be called and disposed of at the final stage of the case. The court should avoid trial within trial by hearing first on the objections to the report of Local Commissioner.

Chapter-11**Judgment and Decrees****Part-A-Preparation and Delivery of judgments**

- 1 **After Paragraph-18, the following Paragraph-18-A shall be added.**

Paragraph 18-A**Judgment and orders to be uploaded**

The Presiding Officer of the court shall ensure that the orders and judgments passed by him are uploaded on the National Judicial Grid on daily basis, after digitally signing the same, if official digital signature certificate is available with him.

However, if the judgment is pronounced by dictation in open Court to a short hand writer by the Judge, who has been specifically empowered by the High Court in this behalf, then the transcript of the judgment, after making such correction, as is necessary and signed by the Judge, shall be uploaded on the National Judicial Grid

within reasonable period and in any case not beyond 72 hours from the date of pronouncement of the judgment.

Chapter-12

Execution of Decrees

Part-A-General

- 1 **After the existing Paragraph 7, the following Paragraph-7-A shall be added .**

Paragraph-7-A

Expeditious disposal of execution petitions

The execution petitions/objection applications shall be paid special attention by the executing court and these should normally be decided within six month of institution.

Chapter-14

Appeals and Revisions-Civil

Part-B-General procedure of Appellate Courts

- 1 **After Paragraph-5, the following Paragraph-5-A shall be added.**

Paragraph-5-A

Filing of Appeals at the Judicial Service Centre

(2)

- I. In all courts, where computerization has been done and necessary infrastructure stands installed, the appeal shall be filed by the appellant or his advocate as the case may be, at the Judicial Service Centre of the Court between 10:00 a.m. to 4:00 p.m. on every working day. Subject to availability of such facility an appeal may be filed online by posting on the online filing portal of the Court as per the practice, directions or orders issued in this behalf by the High Court.
- II. The official at the Judicial Service Centre shall ensure that it contains complete particulars of the parties, namely, their addresses along with email addresses, if any, cell numbers as well as of their advocates and the list of the documents attached, if any.
- III. When the appeal filed is prima facie complete in all respects, the official at the Judicial Service Centre shall enter the name of sole/all appellant(s) and the sole/all respondent(s) and then assign a specific case number generated by the computer to it. The said number shall be pasted on the memorandum of appeal and documents annexed with it.
- IV. After entering the necessary particulars in the computer at the Judicial Service Centre, the official shall immediately send the record to the District Judge

for further distribution and also ask the appellant or the advocate to appear before the District Judge for further orders. He shall give an auto generated receipt to the advocate or the appellant regarding filing of the appeal at the Judicial Service Centre.

- V. When the record is complete in all respects, the court shall order the registration of appeal if the registration has not been done at the Judicial Service Centre. Whereupon the Alhmad of the court shall register the appeal by entering necessary particulars of the appeal in a register maintained in the computer software. Besides this, the court as a matter of abundant caution, shall also make entries in a register maintained in the physical form, if prescribed by the High Court.

In Volume-III, Chapter-1 of Rules and Orders of Punjab and Haryana High Court.

Chapter-1

Practice in the trial of Criminal Cases

Part-A

General

1. **After Paragraph-3 "Place of Sitting", the following**

Paragraphs 3-A to 3-C shall be added .

Paragraph-3-A

Filing of cases at the Judicial Service Centre

- I. In all courts where computerization has been done and necessary infrastructure stands installed, there shall be a separate exclusive room known as Judicial Service Centre. Official(s) having requisite knowledge and experience in computers, shall be posted at the Judicial Service Centre.
- II. All cases, namely, the Charge Sheet, Revision Petition, Appeals, complaints etc., shall be filed at the Judicial Service Centre on every working day between 10:00 am to 4:00 pm. The official at the Judicial Service Centre when finds the case complete in all respects, shall enter the preliminary particulars of the case in the computer and assign a case number to it. Thereafter, he will give an auto generated receipt to the party/advocate or the police official presenting the case at the Judicial Service Centre. He shall also paste the case number on all the documents of the case. Where facilities exist, a complaint/appeal/petition may be filed online by posting the same on the online filing portal of the Court as per practice, directions or orders

issued by the High Court from time to time.

- III. After entering the necessary particulars in the computer at the Judicial Service Centre, the official shall immediately send the record to the Sessions Judge/CJM/Senior most ACJM/Judicial Magistrate First Class for further distribution, if such distribution of work has not been already done by the C.J.M. by a general or special order for further distribution and also direct the party/the advocate/the Police Officer to appear before the Sessions Judge / CJM or any other Court, as the case may be, for further orders.

If a particular court has been specifically distributed the work or designated for the trial of cases or class of cases, then the official at the Judicial Service Centre shall directly send the record to that court.

Paragraph-3-B

Scrutiny at the Judicial Service Centre

- I. The scrutiny of cases at the Judicial Service Centre shall be through the check list available on the website or the computer system of the court. Besides this, a copy of check list, shall also be displayed outside the Judicial Service Centre.

- II. The Court must not accept incomplete and illegible police reports. Apart from physical copy, a scanned or soft copy must also be required from the police official filing the Charge Sheet. Besides this, the Court should also ask for typed copies of the hand written documents filed along with Charge Sheet. The Charge Sheet/complaint/petition must contain the complete address, Aadhaar Number, Voter I-Card Number, Passport Number, if any, email addresses of the accused/victim/complainant and the witnesses wherever possible.
- III. The Bail Application shall be accompanied with the copies of the Aadhaar Card, Passport, if any, and the recent photograph of the applicant along with documents in proof of his permanent as well as correspondence addresses. The official at the Judicial Service Centre after entering necessary particulars in the Computer shall send the bail application to the Sessions Judge/CJM/Senior most ACJM/ Judicial Magistrate First Class, if such distribution of work has not been done by the C.J.M. by a general or special order for further distribution and also direct the party/advocate to appear before the court concerned for further orders.

Paragraph-3-C

Registration of cases:-

- I. Once the case is complete in all respects and the court concerned, after taking cognizance decides to proceed further in the matter, then it shall order its registration, if such registration has not been done at the Judicial Service Centre. Whereupon the Ahlmad shall make necessary entries in the Register maintained in the Computer. As a matter of abundant caution, the Ahlmad shall also make entries of the case in a Register maintained in the physical form, if prescribed by the High Court.
- II. As per the provisions of Section 157 of Cr. P.C., a copy of every F.I.R., is required to be sent to the Judicial Magistrate or Special Judge concerned. As such, on the receipt of copy of F.I.R., the presiding officer of the court shall ensure to upload it on the website of the court. However, where the Superintendent of the Police or the officers superior to him is of the opinion that F.I.R. is of such a nature which may cause social disruption, then he may request the court concerned not to post the same on its website till the situation improves. The court may in appropriate cases allow the accused to obtain copy of F.I.R.

2. The existing Paragraph 6 "Speedy Disposal of Cases", shall be deleted and substituted by new Paragraph 6 as

under:-

Paragraph-6
Speedy disposal of cases

- I. The Presiding Officer of the court should give utmost priority to cases in which the accused is in custody. He must keep in mind the provisions of Section 309 of the Code of Criminal Procedure and unnecessary adjournments should be avoided. Every effort shall be made to examine all the witnesses in attendance. The Judicial Magistrate must also go through the provisions of Section 437(6) of Cr.PC and try to conclude trial within the stipulated period of sixty days from the first date fixed for taking evidence so that an accused who is not otherwise entitled for bail, is not able to get bail on account of laxity on the part of the Presiding Officer.
- II. The court must take the case fixed at the stage of framing of notice of accusation/consideration on charges on top priority so that in case, the accused is discharged, he is set at liberty and the accused who is charged, is able to seek remedy against the order of framing charges, before the higher court.
- III. The work should be allocated by the Sessions Judge or the

CJM or any other Judicial Officer having powers to do, as the case may be, keeping in mind the specialization of the judge(s) concerned. The arrangement so made should normally be allowed to continue unless the Sessions Judge or the CJM or any other Judicial Officer having powers in this behalf, as the case may be, feels it necessary to alter the same in the interest of justice.

Chapter-1

Part-B

Initiation of Proceedings

1. **After the existing Paragraph 11 of this chapter, the following Paragraph 11-A shall be added.**

Paragraph 11-A
Right to Legal Aid

The court must keep it in mind that the accused has a right of legal aid from the date of his arrest till culmination of proceedings. Therefore, when the accused is produced before the Court by the Police for remand, or pursuant to the process issued by it (the court), it shall be the duty of the presiding officer to inform him of his right to legal aid. At the same time, the court shall take steps to provide to the unrepresented accused the services of the remand counsel attached to the said court.

Chapter-1**Part-C****(i) Attendance of Accused Persons****1. After the last line of existing Paragraph-3, the following Para shall be added.**

-----“ In a summons case, a summons must be preferred over a warrant and where warrant is required to be issued in view of the peculiarity of the facts of the case, even then aailable warrant must be issued at the first instance. The issuance of Non-ailable warrant in the very first instance should be avoided at all cost unless the court is of the opinion that the accused may deliberately avoid the service of summons. Whenever, aailable or a non-ailable warrant is issued through police, then a copy thereof must be given to the accused at the time of his/her arrest.

2. After the existing Paragraph 4 of this Chapter, the following Paragraph 4-A shall be added.**Paragraph 4-A****Service of summons through Electornic Mode:-**

- I. When the accused/respondent appears before the court for the first time, then he shall file his complete

particulars namely permanent address, current address, email ID, Cell Number and all other addresses on which he can be served, contacted or informed.

- II. To ensure the service of witnesses particularly the police officials, a data base of the official email IDs and Cell Numbers, shall be maintained and used to effect their service by email or SMS wherever required, in addition to the mode of service provided under the Code of Criminal Procedure. As an alternative mode but in addition to the mode of service provided under the Code of Criminal Procedure, the service of witnesses shall also be effected through couriers empanelled by High Court.

3. **The existing Paragraph 5 of this Chapter, shall stand deleted and substituted by new Paragraph 5 as under:**

Paragraph-5

Exemption of Accused from personal Attendance:-

- I. Normally all proceedings in a criminal court, should always be conducted in the presence of accused. However, the court in all cases must not insist the presence of accused on each and every date of the hearing irrespective of its necessity. The court must consider the exemption of accused from personal appearance sympathetically unless the presence of

accused is absolutely necessary at that stage of the case. Presence of extremely old or physically disabled accused persons should not be insisted upon on every date of hearing. His/her presence through counsel should be taken as sufficient unless the case is fixed for the framing of charges or the recording of the statement of the accused in terms of Section 313 of Cr. PC or the court otherwise considers his presence before it necessary.

- II. The presence of accused/applicant at the time of filing of application for anticipatory bail, before the Court, shall be necessary. However, the presence of accused at the time of consideration on anticipatory bail is not required unless the court considers it necessary on the application of the Public Prosecutor or otherwise.
- III. The court shall make an endeavor to examine the witnesses via video conferencing in a court. The deposition of the witness through video conferencing, supplemented by digital transcription authenticated by the witnesses and the presiding officer using digital signatures/ biometric devices shall be preferred, where the court is to record the evidence of forensic experts, medical officers and such other witnesses who cannot

conveniently come to the Court.

(ii) **Attendance of prisoners in Criminal Court**

4. **After the existing Paragraph 5, the following Paragraph 5-A shall be added.**

Paragraph 5-A

Production of Prisoner via Video Linkage

I. The accused who on the orders of the court, is in judicial custody, shall be caused to be produced before the said court. For further remand by the Superintendent of the Jail through Video Conferencing and same shall continue until Charge Sheet/Final Report is filed. However, the court may for reasons to be recorded in writing cause his physical production before it.

II. In appropriate cases, the court may record the evidence of a prisoner confined in a Jail via Video Conferencing supplemented by digital transcription authenticated by the witness and the Presiding Officer of the court by Digital Signatures/biometric devices. And in doing so, the court may pass necessary directions to the Superintendent of the Jail.

Chapter-1

Part-D

(H-Miscellaneous matters)

1. **After Paragraph 27, the following Paragraph 27-A shall be inserted.**

Paragraph 27-A
Plea Bargaining

The concept of plea bargaining in a criminal trial as prevalent abroad, has been introduced in India by inserting Chapter XXI-A in the Code of Criminal Procedure by the amendment Act of 2006. Therefore, the court must take care of these provisions. Further, in the case of strict liability and petty offences, the plea bargaining should be encouraged and the accused must be apprised of the benefits of these legal provisions. The payment of fine in case of Traffic Offences can be made electronically, where these facilities exist in the court. The court must apprise the offender by stipulating the amount of fine in the summons itself, in cases triable summarily.

Chapter 1, Part-H

The judgments

1. **In Chapter 1, Part-H, the following paragraphs shall be added as Paragraph 1 under the head "General" whereas the existing Paragraph 1 shall be renumbered as Paragraph 1-A.**

Paragraph-1**General**

- I. After hearing the prosecution and the defence, the court shall pronounce the judgment forthwith or on any other date but within one month of the hearing of the arguments.
- II. The Presiding Officer of the court shall ensure that orders and judgments passed by him, after digitally signed, if official digital signature certificate has been provided, are uploaded on the National Judicial Data Grid on daily basis.
- III. In case the Presiding Officer fails to pronounce a judgment within the prescribed time frame then the Sessions Judge may, in appropriate circumstances, and for reasons to be recorded in writing, withdraw the case from the Presiding Officer and assign it to some other court for disposal in accordance with law.

2. In the renumbered Paragraph 1-A, the following lines shall be added to Paragraph 1-A (VI).

Paragraph 1 -A (VI)

Intimation of judgment/order to the victim

The proviso added to Section 372 of Cr. PC, confers a right on the victim of an offence to file an appeal against the judgment of the trial court in certain circumstances. Therefore, it shall be imperative upon the trial court to intimate the complainant/victim about the judgment depending upon the facts and circumstances of the case.

3. After the existing Paragraph 9, the following Paragraph 9-A shall be added.

Paragraph 9-A
Quantum of compensation

The award of compensation to the victim or to the accused, as the case may be, is not to be on the discretion of the Presiding Officer of the court but it shall always be in accordance with the scheme formulated by the High Court or directions issued by it in this regard.

Chapter -4

Trial of Riot Cases

After Paragraph 5, the following Paragraph 5-A shall be added.

Paragraph 5-A

Cases should be tried by the same court.

The cross cases arising out of the same incident shall be tried and disposed of simultaneously by the same court by two separate judgments. While deciding each of the cases, the Presiding Officer can rely on the evidence recorded in that particular case only. The evidence recorded in cross-case cannot be looked into nor the court should get influenced by whatever is argued in the cross-case. Each case must be decided on the basis of evidence which has been placed on record in that particular case without being influenced in any manner by the evidence or argument urged in the cross case. Further both the judgments must be pronounced by the same Presiding Officer one after the other.

Chapter-9

Witnesses-Criminal Courts

Part-A

Expenses

After the existing Paragraph 3, the following Paragraph 3-A shall be added.

Paragraph 3-A

Payment of Road and Diet Money into Bank Accounts.

The expenses of the witnesses to attend the court must be paid by directly transferring the money into their bank accounts. And only in exceptional situations, where a witness is in immediate need of the refunding of the expenses, such a refund shall be made in cash but by the order of the Presiding

Officer.

Chapter – 10

Bail and Re-cognizance

After the existing Paragraph 4, the following Paragraph 4-A shall be added.

Paragraph 4-A

E-furnishing of Personal Bond etc.

- I. In appropriate cases and in view of the nature and gravity of the offences involved, the court may dispense with the necessity of taking Surety Bonds from the accused, when it is satisfied that the particulars regarding the proof of identity and the address are complete and correct.
- II. There may be a provision on the web portal of the court, wherein the accused is able to furnish his bail bond, by putting his digital signatures. Where the accused is not able to do so, he may be able to take a print out of theailable warrant and after filling in the details, he shall be entitled to return it in person or through counsel.
- III. *The court may stipulate a condition that in case the bail bonds are forfeited, such forfeited amount shall*

be debited to his Bank Account and credited into an account which is opened in the name of the court for collecting the proceeds from the forfeited bail bonds.

- IV. In appropriate cases, a foreigner, when ordered to be released on bail, may be asked to deposit cash as security for his appearance in the court. The said amount shall be refunded to the accused on the discharge of his personal bond.

Chapter-15

Part-B

Record of evidence in the absence of accused.

The existing Paragraph 2 shall stand deleted and substituted as under:-

Paragraph 2

Section 299 Cr. PC provides that whenever it is proved that an accused has absconded and there is no immediate prospect of arresting him, the statements of the witnesses must be recorded and thereafter the proceedings be adjourned sine-die and treated as closed. The proceedings must be re-opened only when the accused appears or is caused to be produced

at a subsequent stage.

Chapter-24

Sessions cases

Part-A

Commitment

After Paragraph 16, the following Paragraph 16-A, shall be added.

Paragraph 16-A

Supply of copies to accused and commitment of the case

- I. The court must not accept incomplete and illegible charge sheet/final report from the police officials. Apart from the physical copy, a scanned or soft copy must also be filed along with it and it shall also be supplied to the accused by the committing court.
- II. After taking cognizance of the case, the court should not wait for the physical production of the accused before the court for supplying the copies of charge sheet to him. If the accused is duly represented by an advocate, the court may supply the copies of charge sheet to the advocate.
- III. The committing court must ensure that the charge sheet filed by the police contains the complete addresses, Adhaar Number, Voter I-Card Number, email address, Passport Number, if any, of the complainant/victim as well as the

accused and wherever possible, of the witnesses also.

Chapter-25

Appeals and Revisions-Criminal

Part-A

Admission of Petitions

After Paragraph 1, the following Paragraph 1-A shall be added.

Paragraph 1-A

Filing at the Judicial Service Centre

- I. Where computerization work of the court is complete and necessary infrastructure stands installed, the appeal/revision may be filed personally or through an advocate at the counter of the Judicial Service Centre of the District Head Quarters unless it is an appeal or revision of an under trial prisoner sent by post through the Superintendent of the Jail. The official deputed there, shall scrutinize the documents and if found complete in all respects, shall enter necessary particulars in the computer, assign a specific number to the appeal/revision and send the record to the Sessions Judge for further orders after intimating the appellant/petitioner and pasting the case number on the documents. An appeal/revision may be filed online by posting on the on line filing portal of the Court as per practice, directions or orders of the High Court in this behalf.

- II. The appeal/revision received by Post from the Jail Authorities shall be immediately sent to the Judicial Service Centre for making entries and from there, the record shall be transmitted by the official to the Sessions Judge for further orders.
- III. Once the appeal/revision is admitted for hearing, the court shall order its registration and immediately requisition the record of the lower court where the trial or proceedings have finally concluded.

In Volume-IV, Chapter-1 of the Rules and Orders of Punjab and Haryana High Court as applicable to State of Himachal Pradesh.

Chapter -1

Part -B

Pecuniary control

After the existing Paragraph 8, the following Paragraph 8-A shall be added.

Paragraph 8-A

E-deposit of money etc.

- I. The deposit and withdrawal of all sorts of money in the courts shall be through Net-Banking, Debit Cards, Credit Cards and Mobile Banking, as per the instructions and

procedure prescribed by the High Court. The expenses of the witnesses to attend the court, likewise, shall be paid by directly transferring the money into their Bank Accounts and only in exceptional circumstances where a witness is in immediate need of refunding of the expenses, money in cash should be paid but only after obtaining necessary order from the Presiding Officer of the court.

- II. When the accused is convicted and sentenced to fine and/or payment of compensation, then the court may in appropriate circumstances give an option to the convict that instead of depositing the fine/compensation in cash, he may create a lien against his Bank Account to the extent of fine/compensation. In the event of his conviction upheld by the higher courts, then such amount shall be withdrawn from his account and adjusted as per the final order of the court.
- III. This provision of creating lien against a bank account, can also be extended to the compensation cases under the Motor Vehicles Act as well as Land Acquisition Act.

Chapter-1

Part -C

Inspection of Subordinate Courts

After Paragraph 1, the following Paragraph 1-A shall be added.

Paragraph 1-A

Periodical Inspection of the Courts

In order to ensure expeditious disposal of judicial work and to exercise effective supervision over the functioning of the Subordinate courts, there shall invariably be an annual inspection of the Subordinate Courts by the respective District Judges and the High Court. And at the time of inspection of the court, the executive bodies of the local Bar Association shall also be afforded an opportunity of hearing in connection with their grievance, if any, and their views must also be obtained.

Chapter-4**Court Fees and Stamps****Part-B****Description of stamps to be used for denoting fees chargeable under the Court Fees Act.**

After the existing paragraph-1, the following paragraph 1-A shall be added as follows-

E-payment of court fees etc.

- I. Consequent upon the amendment in the H.P. Court Fees Act, the court fees shall be paid electronically through Net-Banking, Debit Card/Credit Card as per the procedure

prescribed by the High Court in this regard.

- II. The High Court may designate advocates as financial agents on the lines of Oath Commissioners who can pay court fees electronically for any person. As soon as the court fee is paid, the financial agent shall immediately issue a receipt with a unique number and a bar code which can be verified at the Judicial Service Centre at the time of filing of the case. After verification, the unique number will get locked eliminating the possibility of its re-use.
- III. The High Court may assign the work of e-Court fee and e-stamping to any specialized agency, after the state government enters into an agreement with such agency as per the terms and conditions to be fixed by the High Court and any litigant can avail the services of such agency on payment of the Court fee or stamp charges through e-mode before any Court.

Chapter-12

Part-B

Affidavits

After Paragraph 1, the following Paragraph 1-A, shall be inserted.

Paragraph 1-A
Pasting of Bar Code

In order to ensure the authenticity and genuineness of affidavits, every Notary Public as well as an Oath Commissioner, shall affix a Bar Code on the affidavit attested by him, if the High Court directs that the Oath Commissioner must have the facility of bar coding.

Chapter-16

Records

Part-A

Preparation of Judicial Records

1-General Directions

- 1. The existing Paragraphs 1 to 6 (a) and 6 (b) & 6(f), shall stand deleted and substituted by new Paragraph 1, and Paragraph 6(d),6(e),6(g),6(h),6(i) shall be renumbered as VI, VII, VIII, IX**

Paragraph 1

Quality of Paper to be used etc.

- I. All pleadings, applications and petitions filed before the civil as well as criminal courts shall be typed/printed on a paper of superior quality having 70 GSM of A-4 size. All the petition writers in state of H.P., shall be required to use it.
- II. All the Judicial forms like Farad Talbanas, list of documents etc., shall be printed on B quality paper of A-4 size.
- III. The deposition of all witnesses, the orders and judgments as well as the decree sheets shall be prepared/computer printed on a paper of superior quality having 70 GSM of A-4 size.
- IV. The judgments and final orders, as the case may be shall be

typed or printed on a computer preferably with font Arial Narrow in font size 12. The typing shall be in double space with margins 2 cm on top and bottom of the page and 3 cm on the left and 1 cm on its right side.

V. A paper of lighter texture shall be used for the forms of processes.

2. **After the existing newly added Paragraph 1, the following Paragraph 1-A shall be added.**

Paragraph 1-A
Digital Record

- i) In every Court where computerization is complete and necessary infrastructure for digitization stands installed, the original judicial record as maintained in the physical form shall also be preserved in the digital form as may be prescribed by the High Court. And the digitized record shall be preserved permanently in the un-editable digitized format.
- ii) The digitized/ electronic record shall have the meaning assigned to it in the Information Technology Act, 2000 as amended from time to time.
- iii) The digitization of the Judicial records and papers including court fees stamps affixed thereto shall be effected by the scanners in the presence of Supervising Officer notified by the District Judge.
- iv) All the original documents after due digitization shall be returned to the parties after giving them three months notice to receive the documents and in case the parties do

not collect the documents within a period of three months, those documents shall be destroyed in accordance with the procedure contained in Paragraph-2 of Rules A-General of Part-E of this Chapter 16 under the general superintendence of the Supervising Officer as notified by the District Judge for that purpose.

v) Notwithstanding anything contained in Paragraphs 7 to 14 of the Rules A-General of Part-E of this Chapter, the entire Judicial Record of every case filed in and disposed of by any Court in the Civil and Sessions Division, shall be digitized and preserved permanently in the digitized unedited format by the said Court and the digitization of the current cases shall be carried out and updated from time to time as may be necessary under the general Superintendence of the Supervising Officer notified by the District Judge.

vi) The official digitizing the Judicial Record shall certify that the entire judicial record of the given case has been digitized. The Supervising Officer/ Record Keeper shall then as soon as possible, give a certificate under his physical and digital signature that the entire judicial record of the given case is available in the uneditable digitized format.

vii) The Judicial Record of the given case which has been digitized, the under mentioned judicial record alone shall be preserved for the period specified in Paragraphs 7 to 14 of the Rules A-General of Part-E of this Chapter, in the physical form.

In Civil Cases

1. Interim orders/final signed judgment of that Court
2. The signed/ certified decree, memo of costs of that Court
3. Unreturned original deeds of title
4. The affirmation/verification part of all the affidavits on record.
5. All order sheets duly signed or initialed by the Judges.
6. Original Power of Attorney(Vakalatnama)
7. Last page of the pleadings in the main matter i.e. plaint, written statement, replication, petition as well as in the applications which bears signatures. Affirmation/verification of the parties/Advocates.
8. Any document or papers which the Court considers of historical, sociological and scientific value, may be ordered to be preserved permanently in the physical form.

In Criminal Cases:

1. Interim/ final judgment of that Court.
2. Unreturned original deeds of title.
3. All order sheets duly signed or initialed by the Judges.
4. Original Power of Attorney (Vakalatnama).
5. Last page of the pleadings,(if any) in the main matter as well as applications which bears signature, affirmation/ verification of the parties/advocates.

6. Any document or papers which the Court considers of historical, sociological and scientific value, may be ordered to be preserved permanently in the physical form.

7. After digitization of the disposed of cases, all the judicial record documents and papers in the physical form except the judicial record mentioned in Paragraph 1-A (vii) above, which are required to be preserved in the physical form for the specified period, shall be destroyed and destruction shall be carried out from time to time as may be necessary in accordance with the provisions of Paragraph-2 of the Rules A-General of Part-E of this chapter under the general Superintendence of the Supervising Officer notified by the District Judge for that purpose or in the mode and manner as may be directed by the High Court by general or special order.

Paragraph-28-A: After the existing Paragraph-28, titled as "D-other papers" of Part-E of Chapter-16, Volume-IV of the Rules and Orders of High Court of Punjab & Haryana as applicable in H.P., the following new Paragraph-28-A shall be added as under:-

- i) Notwithstanding anything contained in Paragraphs 26 to 28, all papers as mentioned in portion titled as "D-other papers" of Part-E of Chapter-16 of Volume-IV shall be digitized and preserved permanently in the digitized form under the general Superintendence of the Supervising Officer(s) as notified by the District Judge for that purpose.
- ii) The Officials digitizing the papers mentioned in portion marked as "D - other papers" of Part-E of Chapter-16 of Volume-IV shall certify that all the papers have been digitized. The Supervising Officer(s) shall then as soon as possible give a certificate under his signature, either in

physical or digital form to the effect that all the above said papers are available in the digitized form.

- iii) All the papers mentioned in portion entitled as “**D-other papers**” of Part-E of Chapter-16 of Volume-IV which have been duly digitized and certified by the Supervising Officer(s) shall be destroyed except those papers which are directed to be preserved in physical form by the High Court by a general or special order. The destruction shall be progressively carried out from time to time in accordance with the provisions of Paragraph-2 of Rule A-General of Part-E of Chapter-16 under the general Superintendence of the Supervising Officer(s) as may be notified by the District Judge for that purpose.

Chapter 17

In the Himachal Pradesh Civil and Criminal Courts (Preparation and Supply of Copies of Record), Rules, 2000.

After the existing Rule 29, the following Rule 29-A, shall be added.

Paragraph 29-A:

Certification of copies downloaded from the website of the court.

- I. The court shall insist for the certified copies only of that judicial record which is not on the website of the court.
- II. The advocate, who is relying upon the order or judgment, shall download it from the official website of the court concerned and certify it under his signatures as per the provisions of Sections 65-A and 65-B of the Evidence Act.
- III. A copy of the order or judgment bearing the requisite

certificate of an advocate referred to above, shall be taken as sufficient for placing it on the record of the case. However, the court may in its discretion and for the reasons to be recorded, require the party to produce on the record of the case, a duly certified copy having been obtained from the Copying Agency of the court.

- IV. The uncertified copies downloaded from the website of the court, however, must bear a time stamp with the address of the documents so downloaded.
- V. Besides the copying agent, the court shall also authorize its Superintendent or the Reader to supply unattested copies to the parties for their private use. However, such copy of judicial record must bear the Bar Code on all its papers, if such facility has been made available in that Court.

Chapter 22

Judicial Buildings

Part-A

Submission of Proposals and Estimates

After the existing Paragraph 2, the following Paragraph 2A shall be inserted .

Paragraph 2A:

Maintenance of Judicial Buildings

- i. It shall be the duty of the Presiding Officer of the court to

ensure that the Judicial Buildings are neat and clean with sufficient plants and flower pots. He shall take special care in providing public service and convenience to the litigants and the advocates. The premises must have facilities of drinking water and toilets.

- ii. There must be appropriate provisions for sitting of litigants, advocates and the witnesses. The Superintendent of the Court shall have such a working place from where he is able to supervise the working of the entire staff under him.

Chapter 23

Reports and Returns

Part-A

General

After Paragraph 3, the following Paragraph 3A shall be added.

Paragraph 3A:

Statements must be accurate

- i) Every Court is required to submit annual civil and criminal statements to the High Court. Therefore, it shall be imperative for the Presiding officer of the Court to see that the accurate statements are submitted to the High Court in the mode and manner as may be directed by the High Court from time to time. As such, the official must carefully go through the instructions before compiling the statements and ensure that the same have been properly complied with.

- ii) The CIS Software of the Court must have a flexible reporting system based on queries as in that case, any sort of information based on the stored data can easily be

collected and sent.

Chapter 24

Registers

Paragraph 14-A: After the existing Paragraph-14 of this chapter, the following Paragraph 14-A shall be added by way of amendment.

- i) Notwithstanding anything contained in Paragraphs 18 to 23, "C-Registers" of, Part-E of Chapter-16, all the registers mentioned in this Chapter shall be digitized and preserved permanently in the digitized form under the general Superintendence of the Supervising Officer(s) as may be notified by the District Judge for that purpose.

- ii) The official digitizing the registers shall certify that the entire register has been digitized. The Supervising Officer shall then as soon as possible give a certificate under his physical and digital signature that the entire register is available in the digitized form.

- iii) The registers mentioned in this chapter which have been duly digitized and certified by the Supervising Officer, shall be destroyed except the register of the current year which shall be preserved in the physical form. The destruction of the registers shall be progressively carried out from time to time in accordance with paragraph -2 of Rules A-General Part-E of Chapter 16 under the General superintendence of the Supervising Officer(s) as may be notified by the District Judge

for that purpose or in the manner and mode as may be directed by the High Court in general or in a particular case.

Amendment in the Appendix:

Part-1

Registers referred to in Paragraph-4

(a) List of Civil Registers

- i) At the bottom of this table showing the existing 34 civil registers, the following note shall be added by way of amendment.

Note- From the date of commencement of these amendments, the maintenance of

I. Civil Registers Number I to XIV, XVI to XX, XXVIII, XXX to XXXII and XXXIV shall be discontinued and henceforth a composite Civil Register of Civil cases as shown in **Annexure-A** to these rules, shall be maintained in those courts where the computerization work is complete and necessary infrastructure stands installed.

II. In those courts where

computerization is complete and necessary infrastructure stands installed, the Civil Register No. XV and B-Register of files taken from the record room for references, as mentioned in the list of miscellaneous Register for either or both Civil and Criminal Courts shall be substituted in new format annexed as **Annexure-C** to these Rules.

III. The Civil Registers No. XXII to XXVII, XXIX and XXXIII, shall be maintained in the existing format prescribed in the High Court Rules and Orders. However, the same can also be discontinued under the general or special orders of the High Court.

(b) **List of Criminal Register**

(i) At the bottom of this table showing the existing 32 Criminal Registers, the following note shall be added by way of amendment:-

Note:-From the date of commencement of these Rule ,
the maintenance of

- I. The existing Criminal Register Nos. I to XI, XIV, XV, XIX, XX and XXII shall be discontinued and replaced by a new composite Criminal Register annexed as **Annexure-B** in those Courts where the computerization work is complete and necessary infrastructure stands installed.
- II. In those Courts where computerization is complete and necessary infrastructure stands installed, the Criminal Registers XVII, XVIII and XXI shall be maintained in the existing format as provided under the High Court Rules and Orders. However, the same can also be discontinued under the general or special orders of the High Court.
- III. The existing Criminal Register No. XVI and B-Register of files taken from the record room for references shall be substituted by a new format annexed as **Annexure-C**. Such register can also be discontinued by

the High Court under the general or special orders of the High Court.

• (c) **List of Miscellaneous Registers for either or both Civil and Criminal Courts.**

- (i) At the bottom of this table showing the existing Miscellaneous Registers for either or both Civil and Criminal Courts, the following note shall be inserted.

Note: From the date of commencement of these Rules, the maintenance of

- I. B-Register of files taken from the record room for references shall be discontinued and substituted by new format annexed as **Annexure-C** to these Paragraphs. However, the High Court under general or special order can direct for discontinuation of such register also.

Chapter 25

Supply of Forms

Part-A

After the existing Paragraph 11, the following Paragraph 11-A shall be inserted:-

Paragraph 11-A

Judicial Forms to be available online

- I. Wherever the computerization of the court is complete and necessary infrastructure stands installed, the court shall ensure that all judicial forms as prescribed in the paragraphs and order of the Punjab and Haryana High Court, as applicable to the State of Himachal Pradesh, are uploaded on its website with provision to fill them online, if such facility is available.
- II. The summons or notices as prescribed under law, shall also contain a stipulation in bold letters that the defendant/respondent/accused may apply to the said court for free legal aid.
- III. In a summons issued to a person accused of a petty offence shall also contain a narration about plea bargaining. Likewise, in civil proceedings, there shall be writing on the summons /notices issued to the defendant/respondent, regarding the alternative disputes resolution mechanism.

BY ORDER

HIGH COURT OF HIMACHAL PRADESH

Endorsment: .

Copy forwarded for information to:

1. The Principal Private Secretary to Hon'ble the Chief Justice, High Court of H. P. , Shimla.
2. The Secretary(ies) to Hon'ble Judges High Court of Himachal Pradesh, Shimla.
3. The Additional Chief Secretary(Home) to the Government of Himachal Pradesh, Shimla -171002.
4. The Advocate General Himachal Pradesh, Shimla.
5. The L.R.-cum-Principal Secretary (Law) to the Government of Himachal Pradesh, Shimla -171002.
6. The Secretary/ Private Secretary/PAs to the Registrar, General/Registrar (Vigilance)/Registrar (Judicial)/Registrar(Rules)/Registrar (Administration) High Court of HP Shimla.
7. All the District & Session Judges in Himachal Pradesh wrt circulate the notification to all judicial officers posted in their divisions.
8. All the Judicials Officers posted on deputations in HP
9. Director HP Judicial Academy Vill. Gandhal, PO. Shakrah, sub-tehsil Dhami, District Shimla 171011 HP
10. The Central Project Coordinator High Court of H.P. Shimla.
11. The Accountant General Audit.
12. All the Presidents District/ Sub Divisions Bar Associations, HP.
13. President HP High Court Bar Association Shimla.
14. Chairman Bar Council of Himachal Pradesh Shimla.
15. The Registrar (Establishment) High Court of HP Shimla
16. All the Additional Registrars of this Hon'ble High Court.
17. All the Deputy Registrars/ Assistant Registrars/ Court Masters/ Private Secretaries/ Section Officers/Chief Librarian/ Public Relation Officer/ Protocol Officer/Estate Officer of the High Court of Himachal Pradesh, Shimla.
18. The Section Officer(Computer) High Court of Himachal Pradesh for conversion into digital form.
19. The Technical Director, NIC of this Registry for updating the High Court website.
20. The Scrutiny Assistant of this Registry with two spare copies.
21. Guard file.

Vineet Sharma
Registrar (Rules)

