

**HIGH COURT OF MANIPUR
AT IMPHAL**

NOTIFICATION
Imphal, 7th February, 2019

No.HCM/P-65/2019-Estt(I)/1450: In exercise of the power conferred by Article 225 of the Constitution of India, the High Court of Manipur makes “High Court of Manipur Rules-2019”. The Rules have been approved by Full Court Resolution dated 1st February, 2019. It shall come into force from the day it is notified in the State Gazette.

By Order,

A.GUNESHWAR SHARMA
Registrar General,
High Court of Manipur

PART – I

General Rules

CHAPTER 1

BUSINESS NOT OF A JUDICIAL CHARACTER

The Administrative Committee

1. There shall be a Standing Committee consisting of the Chief Justice and such other Judge or Judges appointed from time to time by the Chief Justice, which shall be called the Administrative Committee.
2. When there is business adequate for discussion by all the Judges of the High Court, a Full Court Meeting will take place with all the Judges available at this Court to discuss the agendas to be placed before the Full Court and adopt necessary resolutions.
3. The Administrative Committee shall be charged with the control and direction of the Subordinate Courts, so far as such control and direction are exercised otherwise than judicially.
4. The Administrative Committee shall have power, without reference to the other Judges, generally –
 - (a) to dispose of all correspondence with its own department, urgent in its nature and not of general importance;
 - (b) to make a recommendation for appointment of District and Sessions Judges, Special Judges, Additional District and Sessions Judges, Assistant District and Sessions Judges, Civil Judges and Judicial Magistrates and for their promotion, degradation, suspension or dismissal;
 - (c) to issue Circulars, Orders and General Letters to the District Courts; and
 - (d) to dispose of any matter which might ordinarily have been dealt with by the Judge in charge of the Administrative Department, and which he may have referred to the Committee for their opinion.
5. For one or more district(s) in the State under the Jurisdiction of the High Court, there shall be a Judge-in-charge to be nominated by the Chief Justice.

The duties and responsibility of such Portfolio Judge shall be as follows :

- (a) to inspect all Courts at least once in a calendar year. In case, however, the concerned portfolio Judge(s) is unable to inspect any Court, the same may be entrusted to any other Judge by the Chief Justice;
- (b) all administrative matters including transfer and posting of officers shall be routed through the Portfolio Judge of the concerned district, and

- (c) all administrative problems of the district shall be attended to by the Portfolio Judge concerned.

Judge-in-charge, Administrative Department

6. One or more Judges, being members of the Administrative Committee, as may be nominated by the Chief Justice, shall have executive charge of the administrative business of the Court. The Chief Justice may distribute the administrative business among them and regulate the same.

Powers of the Judge in the Administrative Department

7. Orders on all correspondence and on all returns and statements (not being returns to precepts and judicial orders for explanations called for by particular Judges or Benches) shall ordinarily be passed under his powers, as hereinafter specified by the Judge in the Administrative Department (or by the Registrar General under his superintendence):

Provided that the sessions statement which is required from each Sessions Judge at the close of every session shall be substituted for the order of the Judge of the Division Court sitting for the disposal of the criminal business or such other Judges as the Chief Justice may direct. This statement will, however, be dealt with by such Judges from the Judicial point of view only, and when returned by them will be laid before the Judge in the Administrative Department, whenever any orders are required on any administrative questions (including delays in commitment) in connection with the statement.

8. The Judge in the Administrative Department is empowered to pass orders on the following matters, namely:

- (a) matters arising out of the revision of all periodical returns and statements furnished by the Subordinate Civil Courts, Criminal Courts, Special Courts and also statements of the Courts of Sessions in the matter provided in the proviso to Rule 7 above;
- (b) the posting of, and the grant of leave to, persons belonging to the Manipur Judicial Service ;
- (c) recommendations to Government for the appointment of Assistant Sessions Judges and for the investiture of Civil Judges Senior Division with extraordinary powers, e.g. powers under the Indian Succession Act (XXXIX of 1925), the Land Acquisition Act etc.;
- (d) all other correspondences not relating to matters Judicial or to orders of other Judges, unless there be, as to any subject, an express rule to the contrary, or unless the importance of the subject may render it, in his opinion, fit to be laid before a larger number of Judges.

Special Committee

9. A Special Committee consisting of not less than three members may be appointed by the Judge at a meeting of the Full Court, or by the Chief Justice, at any time, to consider and report to the Full Court upon any matter which may be referred to it.

10. Such a Committee shall have power, without reference to the Judges generally, to enter upon and conduct any correspondence which the members may consider desirable, in order to enable them to prepare their report.

Contemplated Legislation

11. Bills at the Legislative Department of the Central Government and of the State Government forwarded to the High Court for its opinion, proposals for the amendment of the law, and generally all matters connected with the development of the law, shall ordinarily be referred in the first instance to Special Committee appointed under R.9 consisting of not less than three members.

General

12. The Registrar General is in administrative control of the offices of the Court, and the officers in immediate charge of such offices are responsible to the Registrar General and he is to the Chief Justice for their efficient administration. Matters in relation with all the departments and establishments shall be submitted to the Registrar General through the Registrar (Judicial).

13. The office rooms of the Court are not open to the public. Information regarding cases shall only be obtained upon filing an application in the form prescribed in Chapter XV. Advocates may, however, get access to any Gazetted Officer of the Court during office hours on official business. They or their assistants shall also have free access to the proper officials for purposes mentioned in the Schedule appended to this Chapter.

14. It shall be the duty of the Registrar General to submit all papers relating to any matter to the Committee.

15. When the Administrative Committee has acted under R.3 of this Chapter, the relevant papers shall be laid on the tables and these shall be circulated to all the Judges and as soon, after each meeting, as possible, there shall follow a notice in which shall be stated the matters which have been laid before the Committee and the manner in which they have been disposed of.

16. When a Special Committee is appointed under R.9 of this Chapter, a notice shall be circulated to all the Judges informing them of the appointment of the names of the members, and of the matters which have been referred to it.

When any matters are pending before such Special Committee, notices shall be circulated fortnightly to all the Judges stating what matters are pending.

If Special Committee enters upon and conducts any correspondence under R.8 of these rules, the relevant papers shall be laid on the table for the information of the Full Court.

17. It shall be competent to any Judge to require that any matter within the cognizance of any Committee shall be referred to the Full Court.

18. On the following matters all the Judges shall be consulted:

- (a) Proposed changes in the law where the proposition emanates from the Government, or, in other cases, where a Committee or any Judge of the Court considers that action is called for.

- (b) The Annual Administrative Report submitted to Government when passed by the Judges of the Administrative Committee.
 - (c) Rules which, when published, will have the force of law.
 - (d) Subjects connected with the relations between the Supreme Court and the High Court.
 - (e) All appointments which by law are made by the High Court and which are not otherwise expressly provided for by the rules in this Chapter.
- 19.** Any individual Judge shall be at liberty to record a separate minute upon any matter that comes before the Court for discussion.
- 20.** With the notice of a meeting of the Administrative Committee of the Full Court, there shall ordinarily be distributed a list setting out the matters for discussion.
- 21.** Except for some special reason, the papers relating to any matter for discussion at a meeting of the Full Court shall be circulated to all the Judges before the day of the meeting.
- 22.** The proceedings of all meetings of the Full Court and of the Administrative Committee shall be recorded in books to be kept for that purpose by the Registrar General, and shall be at all times open to inspection, when called for by any of the Judges.

SCHEDULE

[See Rule 13]

- (1) Obtaining an official report from the Stamp Reporter under R.12 of Chapter IV.
- (2) Presenting memoranda of appeals, memoranda of objections under Order XLI, R. 22 and R.26, Civil Procedure Code in accordance with R. 14, Chapter IV, and getting the Court fee stamps attached to such memoranda cancelled by the Filing Assistant.
- (3) Having Court-fee stamps affixed to miscellaneous applications intended to be presented to the Court or to the Registrar General, or application for copies, information or inspection cancelled by the Filing Assistant and entered in the Filing Register.
- (4) Transacting business connected with the deposit and withdrawal of money, etc. with the Accountant of the Court.
- (5) Filing applications for leave to appeal to the Supreme Court of India after the cancellation of the Court-fees stamps attached to such applications and entry in the Filing Register.
- (6) Filing applications for copies and folios with the Superintendent of the Copying Section, and appearing before him when required to do so.
- (7) Inspecting records in the Inspection Room and in the presence of the Inspection Assistant.

- (8) Filing applications with the Bench Assistants and appearing before them to settle draft decrees.
- (9) Filing applications for information and inspection of records with the officers empowered to deal with these matters.
- (10) Filing miscellaneous documents not referred to above with the Court-fee Assistant for cancellation to the Court-fee stamps (if any) attached to such documents, and for distribution to the sections concerned.
- (11) Receiving manuscripts, receiving and filing proofs of Paper Books and filing paper books.
- (12) Translating documents for purpose of Paper Books (only such Advocates and their clerks as referred to in R. 37 of Chapter VIII of these rules).
- (13) Translating documents in relation to Second Appeals, Second Miscellaneous Appeals, Revision cases and Reference (only such advocates and their clerks as are referred to R. 37 of Chapter VIII of these rules.)
- (14) Obtaining prescribed forms from the Forms Assistant.
- (15) Having oaths and affirmations administered before a Commissioner of Affidavits.
- (16) Getting affidavits explained to declarants by Translators of the Court.
- (17) Paying any other costs.

CHAPTER – II

CONSTITUTION OF THE BENCHES AND POWERS OF THE BENCHES AND OF THE REGISTRAR GENERAL

- 1.** A Division Court for the hearing of appeals from the decrees or orders of the Subordinate Civil Courts shall consist of two or more Judges as the Chief Justice may think fit.
 - (i) Provided that it shall be competent for one Judge to hear appeals and applications in all matters specified in the sub-joined Schedule except where such appeals, applications or matters involve a substantial question of law as to the interpretation of the Constitution of India. He may, however, send back any particular case he thinks fit to be disposed of by two Judges;
 - (ii) Provided further that when or where no Division Court is sitting or available, it shall be competent for a single Judge to pass any interlocutory orders in any appeals, applications or matters preferable immediately before appropriate division bench available;
 - (iii) Provided also that on the requisition of any Division Court, or whenever he thinks fit, the Chief Justice may appoint a special Division Court, consisting of three Judges, for the hearing of

any particular appeal, or any particular question of law arising in an appeal, or of any other matter.

**SCHEDULE [Referred to in Proviso (1) above]
(Civil Work)**

- (1) All miscellaneous appeals against orders/awards under the Motor Accident Claims, Workmen Compensation Act, Land Acquisition Act, Testamentary cases, Succession Certificates, Rent Control matters, Arbitration Awards and Special Jurisdiction cases irrespective of the valuation may be heard by Single Judge;
- (2) All regular First Appeals and Second Appeals, valuation of which is up to Rs. 10,00,000/- (Rupees ten lakhs only) may be heard by a Single Judge;
- (3) All Regular First Appeals, valuation of which exceeds Rs. 10,00,000/- (Rupees Ten Lakhs only) may be heard by Division Bench.
- (4) All second appeals including hearing under Order XLI, R.11 of the Civil Procedure Code may be heard by a Division Bench.
- (5) All Civil Revisions may be heard by a Single Judge.
- (6) Admission of appeal or cross-objection after time may be heard by a Single Judge.
- (7)
 - (i) All appeals from appellate orders arising out of the execution of the decree and all applications relating thereof.
 - (ii) All appeals from original orders made by the lower Appellate Courts in appeals and all applications relating thereto.
 - (iii) All appeals against orders made in insolvency proceedings and all applications relating thereto may be heard by a Single Judge.
- (8) All applications not being applications for leave to appeal to the Supreme Court and matter pertaining to rules relating to second and miscellaneous appeals may be heard by a single Judge.
- (9) All interlocutory matters including stay and application for condonation of delay, bail and substitution petitions in civil, criminal and other proceedings may be heard by a Single Judge.
- (10) Appeal from judgment and order, not being an interlocutory order, passed by District Judge shall lie before a Division Bench in respect of the following matters:
 - (a) a suit or proceeding between the parties to a marriage for a decree of nullity of marriage (declaring the marriage to be null and void or, as the case may be, annulling the marriage) or restitution of conjugal rights or judicial separation or dissolution of marriage;
 - (b) a suit or proceeding for a declaration as to the validity of a marriage or as to the matrimonial status of any person;

- (c) a suit or proceeding between the parties to a marriage with respect to the property of the parties or of either of them;
- (d) a suit or proceeding for an order or injunction in circumstances arising out of a marital relationship;
- (e) a suit or proceeding for a declaration as to the legitimacy of any person;
- (f) a suit or proceeding for maintenance;
- (g) a suit or proceeding in relation to the guardianship of the person or the custody of, or access to, any minor.

**APPLICATION AGAINST ORDERS OF THE REGISTRAR GENERAL PASSED
UNDER THESE RULES ARE TO BE MADE TO A DIVISION BENCH**

1. A Judge of a Division Bench or Full Bench of the Court may deliver a judgment or order prepared by another Judge of the same Bench after the other Judge or Judges express his or their agreement to the judgment by signing it and authorising the Single Judge to pronounce the judgment on his or their behalf.

2. One Judge of a Division Bench or Full Bench may alone deliver a judgment of the Division Bench or Full Bench provided the same is agreed to, and signed by the other member or members of the Bench and is authorised to be pronounced by any one member of the Bench.

3. In addition to the powers conferred upon him by other rules the Registrar General shall have the following duties and powers in relation to civil and criminal matters:

- (1) to receive a writ appeal from the judgment of a Division Court, and to issue notices as soon as the appeal is registered;
- (2) to receive an appeal from the judgment of a Judge sitting singly, and to post it for hearing;
- (3) to receive an appeal from an original or appellate decree or order of a Subordinate Civil Court, and direct it to be posted for hearing under Order XLI, R.11 of the Civil Procedure Code;
- (4) to dispose of all matters relating to Court-fees (other than appeals the subject matter of which is the amount of Court-fee payable) and to the service of notices or other processes;

Provided that where a returnable date has been fixed by the Bench and in which there has been default in paying the processing fee within the time allowed, then the matter shall be laid before the Bench.

- (5) to dispose of all matters relating – (i) to the substitution of the heirs of parties provided no question of limitation arises, (ii) to the representation of minor parties when there is no dispute as to guardianship, and (iii) applications under Order XXII, R.10, Civil Procedure Code to record an assignment, creation or devolution of an interest during the pendency of an appeal; provided that such assignment, creation or devolution is not disputed;

(6) to dispose of all matters relating to the appointment, removal or discharge of next friends or guardians ad litem, of minors or persons of unsound mind;

Provided that a next friend or a guardian ad litem, as the case may be, shall not be removed, except on a written and stamped application supported by an affidavit and on notice to the person sought to be removed, and also with notice to such party or parties as the Registrar General in his discretion directs;

(7) to require a memorandum of appeal, petition, application or other proceedings, presented to the Court or to the Registrar General to be amended in accordance with the procedure or practice of the Court;

(8) to call for records from Subordinate Courts;

(9) to dispose of requisitions by Subordinate Courts for records and documents.

(10) to receive and dispose of an application for the return of a document;

(11) to require any person or party to file an affidavit with respect to any application or matter in respect of which he has the power to exercise any discretion or to make any order;

(12) to stop at his discretion the issue of all or any papers to any person who has failed to pay any fee or charges due to the Court:

(13) to dispose of all applications for copies of records whether presented by parties or persons who are not parties to the proceedings to which such records relate;

(14) to decide the question of the necessity for transcribing and printing any accounts, not specifically applied for by the parties to the Supreme Court.

(15) to call for a further deposit where the deposit already made by the Appellant in an appeal to the Supreme Court is not sufficient to defray the cost of preparing the record and to fix the time within which such further deposit shall be made ;

(16) to order payment of the interest accruing on Government promissory notes deposited under Order XLV, R.7, Civil Procedure Code, and to order the refund of any unexpected balance under Order XLV, R.12 of the code;

(17) to dispose of all reports relating to the preparation of Paper books, and to hear all applications in any of the above matters:

Provided that the Chief Justice may delegate the powers of the Registrar General under Chapter II to any of the Registrars of the High Court.

(18) to deal with and hear applications to dispense with more than one copy of the judgment, under Order XLI, R.1 of the Civil Procedure Code and Chapters III and IV, Rules 3 and 70 respectively of these rules, and direct analogous hearing of appeals;

(19) to deal with an application to the effect that a case be placed on the Daily Cause List for a particular day or days;

Provided that where a case is on the Daily List of a particular Bench which is sitting, for any application for its removal from that list shall be made to the Court and not to the Registrar General.

When, however, an application has to be made to remove a case from the Daily List of a Bench which is not sitting on the day when the application has to be made or from the 'BlankList' on a day when that list is not being taken such applications shall be made to the Registrar General;

- (20) to deal with all matters relating to the service, non-service and defect of service of the Court's notices in criminal cases;
- (21) to deal with all matters relating to the substitution of legal heirs of deceased parties in all criminal cases wherein such substitution may be necessary;
- (22) to deal with all defects in vakalatnamas in criminal cases;
- (23) to deal with applications for copies in criminal cases, where such copies are not ordinarily granted without the permission of the Court;
- (24) to deal with, and dispose of, all petitions of appeals in criminal cases wherein appeals may not be preferred to this Court;
- (25) the Registrar General may record an order of the abatement of all appeals and applications after the expiry of the statutory period; provided that he shall not be entitled to entertain applications of parties for the revival or abatement of any appeal or other proceedings;
- (26) to deal with and pass orders on matters referred to in Order XLI, R.14(3) of the Code of Civil Procedure;

Provided that nothing in R.2 shall be deemed to authorise the Registrar General to make an order of dismissal of an appeal for default or for any reason or to determine disputed question of representation under Order XXII, R.5, Civil Procedure Code, or to pass final orders on contested applications for the appointment and removal of next friends and guardian ad litem or on contested applications under Order XXII, R.10, Civil Procedure Code. He may refer any such matter to the Court for orders.

- (27) under the testamentary and intestate jurisdiction of the High Court, the Registrar General shall have power –
 - (a) to receive an application for probate or letters of administration or for revocation of the same and to issue notices thereon;
 - (b) to receive an inventory of the property, credits and debts of the deceased to which the executor or administrator is entitled, or on account of the estate showing the assets and the application or disposal thereof;
 - (c) to require an executor or administrator to exhibit an inventory or account under Section 317 of the Indian Succession Act;
 - (d) to grant an extension of time for filing an inventory or account;

- (e) to place on record an inventory or account, when in order;
- (f) to send a copy of an inventory or account filed before him to the competent Revenue Authority;
- (g) to issue necessary notices in connection with matters mentioned in Cls. (b) and (c) and other miscellaneous steps connected with the progress of a case subject to such orders as the Courts may pass from time to time including receiving of affidavits and granting of time for filing the same.

5. Applications entertainable by the Registrar General shall be presented to him and not to the Bench.

All such applications shall be made as computerized print out copy on legal size paper or A-4 size paper.

6. In the absence of the Registrar General or whenever the Chief Justice so directs, his (Registrar General's) powers and duties including the powers which he is authorised to delegate may be performed by a Judge or by any of the Registrar or Joint Registrar or any other officer of the Court.

7. A Division Court for the hearing of an appeal from the judgment of a Judge sitting singly who has decided an appeal shall consist of two judges, other than the judge from whose judgment the appeal is preferred.

8. References from a Subordinate Civil Court shall be heard by a Division Court.

9. A Division Court for the hearing of cases of appeal, reference or revision in respect of the sentence or order of any Criminal Court shall consist of two or more Judges in all matters where sentence for life/death has been awarded to be heard by the Division Bench including appeals and revisions against acquittal arising out of cases tried under Section 302 IPC;

Provided also that such Judge may refer any particular case he thinks fit to a Division Court;

Provided further that it shall be competent for a single Judge to pass any interlocutory order in any appeal or any other matter preferable before a Division Bench unless otherwise ordered by a Division Bench.

10. Notwithstanding anything in these rules, the powers conferred on a single Judge may be exercised by a Division Court when or where no single Judge is available to constitute a single Bench.

11.(1) Any proceeding is taken in the High Court, either suo moto or on the report from a subordinate Court, against any Advocate, shall, subject to any direction by the Chief Justice, be heard by a Division Bench of the High Court and such Division Bench shall also have power to call for any record and to pass orders thereon.

(2) A Counsel for the State may, at the discretion of the Judges of the Bench, be desired to appear in or to conduct any such proceeding taken before them.

12. A Full Bench appointed for any of the purposes mentioned in these rules shall consist of three or more Judges as the Chief Justice may direct.

13. The business of the Supreme Court Section of the High Court shall be laid before a Division Court.

14.(1) All cases transferred to the High Court by Subordinate Courts under Art. 228 of the Constitution of India shall, after service of notice to the parties, be laid before a Division Court for a determination whether such cases involve a substantial question of law as to the interpretation of the Constitution.

All applications under the said Article for transferring such cases to the High Court shall also be moved before a Division Bench.

(2) If the Court is satisfied that the case so transferred involves a substantial question of law, the case shall be laid before such Bench as the Chief Justice may direct. The Bench so constituted shall thereupon, after service of notices on the parties, proceed to determine, in the first instance, whether the point of law can be decided without entering into questions of fact. If in the opinion of the Bench the question of law involved in the case be decided without disposing of the whole case, then it will give its decision on such point after such hearing as it may consider necessary and thereafter the records of the lower Court, together with the opinion of the Bench, shall be transmitted back to the lower Court for disposing of the case, in accordance with law.

(3) If the Bench appointed by the Chief Justice is of the opinion that the question of law as to the interpretation of the Constitution of India cannot be decided without hearing the whole case, then it will send back the record to the Chief Justice with its opinion and the case will thereafter be heard by a single Judge to be nominated by the Chief Justice and the procedure laid down by the Code of Civil Procedure and the Criminal Procedure Code for the hearing of cases transferred from districts to the High Court for disposal will be followed.

15. Every petition under order XLV, R.2, Civil Procedure Code, in respect of any decree passed by this Court in its appellate jurisdiction in the case of an appeal from the original jurisdiction, shall be presented to the Division Court but every such petition may be heard by a Division Court consisting of two Judges.

16. (a) the time within which a decree of a District Court may not, under Section 17 of the Indian Divorce Act, be confirmed shall be six months from the pronouncing thereof.

(b) Rules 4 and 5 of the Order 46, Civil Procedure Code, shall apply to references under Section 9 of the Indian Divorce Act, and the practice and procedure for setting down of such references for hearing shall be the same as obtained in the case of references made under Section 113 and Order 46 of the said Code; provided always that every such reference shall be laid before the Chief Justice for his direction as to the Bench by whom it shall be heard.

NOTIFICATION
(The High Court of Manipur)

Notification No. ...

Memo No..... dated.....

Dated: Imphal, the.....

Sl. No.	Bench	Matters	Code Nos.
1.	Division Bench	Writ Appeal Public Interest Litigation Habeas Corpus Petition Custodial Death Matter Appeal against the order of CAT Taken up matters including the cases in respect of service matter of Judicial Officer, employees of the High Court and Subordinate Courts and any such matters as may be specifically directed to be listed. Writ Petition to Army and Police action Contempt Petition (Crl.) Arbitration Appeal (D/B matters)	- 10237 - 10194 - 10190, 10191, 10193 - 10192 - 10186 - 10201
2.	Division Bench – II	Criminal Appeals to be taken up by Division Bench Death Reference cases Confirmation of decree of divorce Civil Appeals (D/B matters) Appeals under Companies Act Tax Reference cases to be taken up By Division Bench Income Tax Appeal Any such matter as may be especially directed to be listed	 - 10285 - 10286 - 10236
3.	Civil Bench – I	First Appeal (S/B matter) Second Appeal (S/B matter) Civil Revision Matrimonial Appeal MAC Appeal Testamentary cases Appeal from Railway Claims Tribunal Transfer Petition (C) Arbitration Appeal (S/B matter) WP(C) relating to service of teacher of Schools WP(C) relating to academic matter WP(C) relating to academic institution WP(C) relating to Tax matters	- 10220-10229 - 10230-10234 - 10240-10246 - 10220 - 10223 - 10205 - 10224 - 10001-10020 - 10081-10090 - 10091-10100 - 10101-10120
4.	Civil Bench – II	WP(C) relating to State Govt. employees WP(C) relating to service in Local	- 10021-10040

	Bodies, Banks, PSU etc.	- 10041-10060
	WP(C) relating to service of Defence Personnel and Armed Forces	
	WP(C) under Labour & Industrial Law etc.	- 10121-10132
	WP(C) relating to Settlement by State	
	Govt. etc.	- 10140-10150
	WP(C) relating to Land matters	- 10151-10160
	Residuary Writ Petitions except	- 10161-10189
	Police /Army action	(except 10186)
5.	Criminal Single Bench	Motion, Admission, Order and Hearing of bail applications Criminal Appeals Criminal Revisions Criminal Petitions Transfer Petitions (Crl.) All other Criminal Single Bench matters

9. In case of urgent Division Bench matters, Mention shall have to be made before the concerned Court and in case of Single Bench matters, Mention shall have to be made before the respective Bench at 10.30 a.m. with proper case No. or Filing Serial No. For listing or taking up the matter. In case of Mention of Criminal Single Bench matters and if more than one Benches take up Criminal matters, then Mention shall be made before the Hon'ble Senior Judge takes up Criminal matters. A supplementary Case List shall be prepared and published at 2.00 p.m. for all Mention matters of the day.

Part II Procedure and Practice

CHAPTER – III

GENERAL RULES FOR APPLICATIONS AND AFFIDAVITS.

APPLICATION

1. Applications to the High Court shall be in the English language.

Note - In the sub-joined Schedule will be found a list specifying applications, verified or unverified, on which Court-fee stamps of Rs. 4 are necessary.

SCHEDULE

Applications relating to the following matters should bear a Court-fee Stamp of Rs. 4 :

Subject	Details	Under what rule	Whether affidavit necessary
Court fees	1. Refund of Court fees paid in excess.	Section 13, Court fees Act, R.2(4) Chapter II, of these Rules	Affidavit not necessary
	2. Time to put in requisite Court fee and refilling of Memo of Appeal after the period of limitation.	Clauses (3), (4) and (5) of R. 18, Chapter IV of these rules.	Do
Minors	3. Substitution of parties (including minors)	Order XXII, Rr. 3(1) and 4(1) Civil Procedure Code and R. 2 (5), Chapter II of these rules.	Do
	4. Appointment of	Order XXXII, R.3(2), guardians ad litem Civil Procedure Code and R.2(6) Chapter II of these Rules.	Do
	5. Amendment of Memo of Appeal on a minor attaining majority.	Rules 26 and 28 Chapter IV of these rules.	Affidavit necessary except in case of an application by appellant when based on affidavit already filed by respondent.
	6. Cancellation of Deputy Registrar's appointment as guardian ad litem.	Order XXXII, R.11, Civil Procedure Code and R.2(6), Chapter 11, read with R.29, Chapter IV of these rules.	Affidavit necessary
Notice	7. Substituted service	Order V, R. 20, Civil Procedure Code and R. 2(4) Chapter II of these rules.	Do
Paper book	8. Relaxation of R. 48 (a) of Chapter IX of these rules.	Rule 8, Chapter VIII of these rules	Do
Supreme Court of India	9. Transmission of orders of Supreme Court of India to Lower Courts for execution and for preparation of a certificate of costs.	Rule 14, Chapter V of these rules read with Article I of Schedule II of the Court-fees Act	Affidavit not necessary
	10. Acceptance of securities other than cash or Government securities	Rule 40, Chapter V of these rules	Affidavit necessary
	11. Refund of securities	Article 1 of Schedule II of the Court-fees Act.	Affidavit not necessary
	12. Conversion of securities from one form into another	Note to R. 40, Chapter V of these rules.	Do
	13. Exclusion from or inclusion in transcript record to Supreme Court of papers	Rule 29(iii)(f) Chapter V of these rules	Do
	14. Return of documents during pendency of an appeal	Rule 2(10), Chapter II of these rules Order XIII, R.9, Civil Procedure Code Rules 19 and 20, Chapter III of these rules	Do Affidavit not necessary
	15. Requisition for records from lower courts relating to cases other than the appeals pending in the court.		
	16. Return of exhibits to	Rule 33(1), Chapter III of these rules	Ditto (if the document to be returned is an original)

	affidavits or verified petition.		document)
General	17. Exemption from production of more than one copy of the judgment in analogous appeal and from payment of a separate set of estimating fee for applications for leave to appeal to Supreme Court of India filed by the same party against the same judgment of this Court.	Order XII, R.1(i) (1), Civil Procedure Code, R.3, Chapter IV, R.2(18), Chapter II, and R.7 Chapter V of these rules	Affidavit not necessary
	18. Cancellation of vakalatnama	Rule 68, Chapter IV of these rules	Affidavit necessary unless Advocate who accepted the vakalatnama signifies his willingness to retire from a case.
	19. Amendment of memorandum of appeal consequent on the death of a party including a party whose heirs are already on record	Order XXII, Rr. 3 and 4, Civil Procedure Code, and R.25, Chapter IV, read with R.2(7) Chapter II of these rules.	Affidavit necessary

2. In every application presented to the High Court there should be stated, immediately after the cause title, the section and statute under which the application is made, the date of the order complained of and the value of the subject matter of the suit out of which the application arises.

3. Every application which involves the issue of a rule or notices on the lower Court or opposite party shall be accompanied by the number of copies of the application and its enclosures for service on the lower Court and /or the opposite party;

Provided that if the petitioner so desires, the copies referred to in this rule may be filed at the time of putting in the fee for the services of notice under R.12 of this Chapter.

4. Every application for revision shall be produced before the Commissioner of Affidavits, who shall satisfy himself that the application is sufficiently stamped and its accompanied by an affidavit and complies with the provisions of Rule 2A above, and shall certify accordingly.

5. Every application to the High Court relating to an appeal pending before the Court shall be filed with the Bench Assistant concerned at least 24 hours before the sitting of the Court before which it is proposed to move the application or of the Registrar General if the application is entertainable by him. Such applications shall be listed for hearing on the next motion day. No such application which has not been duly listed will be entertained by the Court or the Registrar General unless, in the special circumstances of the case, the Court or the Registrar otherwise directs.

6. Every application to the High Court, if founded on any statement of fact, shall set out the material facts, matters and circumstances on which the applicant relies.

7. When an application is made to the Court or to the Registrar General in any matter in which any previous application was made to the Court or to the Registrar General to the same effect, or with the same object, or with a similar object, the fact of such application having been made and the order passed thereon shall be clearly stated in the application.

8. Every such application shall be computerised hard copy on A4 size paper containing not exceeding thirty lines in each full page. The application shall be divided into paragraphs and numbered consecutively and only one side of the paper shall be used.

9. The facts stated in such application shall be verified by the solemn affirmation of the applicant or by an affidavit to be annexed to the application.

10. Every application shall be signed with the full name and dated either by the applicant or declarant of his Advocate.

11. It will not be necessary to set out in the application or in the affidavit any document which is part of a record present in the High Court, nor will it be necessary to produce any affidavit of any facts found by the High Court or any of the lower Courts in the course of the suitor proceeding out of which the appeal arises; provided that such finding has not been reversed on appeal; but the application shall state shortly all facts upon which it is intended to rely, and shall give the number, letter, title or other description of all documents on the record present in the High Court, to which it is intended to refer.

12. In the case of an application relating to a matter which is or has been before the High Court, the High Court file together with the application shall be placed before the Court or the Registrar General at the time of the hearing of the application. When the applicant desires that any documents in a record present in the High Court other than those contained in the High Court file shall be produced at the hearing in order that they may be referred to by the Court, he shall at the time of filing the application give notice to produce them to the Bench Assistant concerned, unless by a special order of the Court or the Registrar, documents will not be produced from the record room or the office during the sitting of the Court.

13. In all cases in which service of notice on the opposite party is necessary when such notice has not been duly served, the hearing of the application (except in cases of urgency), shall be postponed unless the parties entitled to notice are present and willing to proceed at once. In all cases, the parties opposing the application shall be at liberty to apply for a postponement in order to answer the affidavits or for any other good and special cause.

14. The fee for the issue of notice on the opposite party shall be paid into Court within seven days from the date of granting of the application and shall be accompanied by the necessary number of copies of the application and enclosures required for services on the lower Court and the opposite party if such copies were not filed along with the application:

Provided that no order shall be passed to receive such fee when tendered out of the time, except upon an application with a Court fee of Rs. 4 setting forth the reasons for condoning delay ;

Provided further that subject to any other orders of the Court in cases in which the Court fixes a returnable date, the fee for the issue of notice shall be paid into Court by the end of the day following that on which the application is granted and shall be accompanied by copies of the petition and its enclosure referred to in this rule.

15. Any party opposing the grant of an application, or showing cause against, a rule, who may desire to bring before the court any facts not contained in, or admitted by, the application or affidavit of the opposite party, shall do so by an affidavit containing, in the form of a narrative, the material facts on which he relies.

16. No affidavit in the answer shall ordinarily be read which has not been filed with the proper officer of the Court 24 hours before the sitting of the Court or the Registrar General on the date fixed for the hearing of the application.

17. No affidavit shall ordinarily be read at the hearing of any appeal, application or other proceedings unless a copy thereof has been served upon the other party or his Advocate 24 hours before such hearing:

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

18. Every application for stay of execution under Order XLI, R.5, Civil Procedure Code, shall specifically state that it is made under that rule, and it shall be accompanied by an affidavit stating specifically the facts upon which the application is based; the date of the decree or order the stay of execution of which is desired; the date, the order, if any, for execution or sale; the date, if any, fixed for the sale; and the facts necessary to enable the Court to be satisfied with the matters mentioned in Order XLI, R.5, sub-Cl. (3) of the Code.

19. Every application for security under Order XLI, R.6 or 10, shall state specifically under which rule it is made, and shall be accompanied by an affidavit stating specifically the facts upon which the application is based.

20. Every application for the re-admission or restoration of an appeal or application, dismissed for default of appearance, shall be accompanied by an affidavit stating the circumstances in which such default was made, and whether or not the party whose appeal or application was dismissed had, previously to such dismissal, engaged an advocate to conduct the appeal or application.

21. Every application for an order to a Subordinate Court to forward any record, document or paper shall state –

- (a) the Court in which such record, document or paper is ;
- (b) the record in which such document or paper is ;
- (c) the date of the document or paper ;
- (d) such other information as may be necessary for the purpose of identifying such records, document or paper.

22. Every such application shall bear the Court-fee stamps leviable under Art. 1(d)(ii) of Schedule II of the Court-fees Act, 1870, and shall be accompanied by a certificate signed by an advocate that in his opinion such record, document or paper is requisite and material for supporting or opposing the appeal or other proceedings;

Provided that an application for calling for a record or what was already made a part of a record of the case which has given rise to the proceedings in this Court in connection with which the application is made need not bear a stamp.

- (a) Application for exemption from filing a certified copy of impugned order may be filed, provided the concerned counsel authenticates and signs a true copy of the impugned order with an undertaking to file the certified copy.

AFFIDAVIT

- 23.** Every affidavit to be used in a Court of Justice shall be entitled "In the Court of at " (name of such Court).
- 24.** If there be a cause in Court, the affidavit in support of, or in opposition to, an application respecting it shall also be entitled in the cause.
- 25.** If there be no cause in Court, the affidavit shall be entitled "In the matter of the petitioner of ".
- 26.** Every affidavit containing any statement of fact shall be divided into paragraphs, and every paragraph shall be numbered consecutively and, as nearly as may be, shall be confined to a distinct portion of the subject.
- 27.** Every person, other than a plaintiff or defendant in a suit in which the application is made, making any affidavit, shall be described in such a manner as will serve to identify him clearly, that is to say by the statement of his full name, the name of his father, his profession or trade, and the place of his residence.
- 28.** When the declarant in any affidavit speaks about any fact within his own knowledge, he shall do so directly and positively using the words "I affirm (or make an oath) and say."
- 29.** When the particular fact is not within the declarant's own knowledge but is stated from information obtained from others, the declarant shall use the expression "I am informed", and if such be the case, should add "and verily believe it to be true" and he must also state the source from which he received such information. When the statement rests on facts disclosed in documents or copies of documents procured from any Court of Justice or other sources, the deponent shall state the source from which they were procured, and his information or belief as to the truth of the facts disclosed in such documents. Copies of documents (other than those on the record of the case) to which it is intended that reference should be made at the time of hearing shall be annexed to the affidavit and shall be marked as an exhibit and shall bear the certificate of the Commissioner before whom the affidavit is made.
- 30.** Every person making an affidavit, if not personally known to the Magistrate, or any Notary appointed under the Notaries Act, 1952 or any officer or other person whom the High Court appoints in this behalf or any Officer appointed by any other Court which the State Government has generally or specially empowered in this behalf, shall be identified to such authorities by some persons known to him, and the said authorities shall satisfy at the foot of the application or the affidavit, as the case may be, the name and description of the person by whom the identification is made as well as the time and place of the identification and of the making of the affidavit. Every pardanashin woman verifying an application or making an affidavit in the manner specified in the preceding rules and every such application or affidavit shall be

accompanied by the affidavit of identification of such woman made at the time by the person who identified her.

31. If any person making an affidavit is ignorant of the language in which it is written, or appear to the Magistrate or any Notary appointed under the Notaries Act, 1952 or an Officer or other person whom the High Court appoints in this behalf, or any Officer appointed by any other Court which the State Government has generally or specially empowered in this behalf, to be illiterate, or does not fully understand the contents of the affidavit, the said authority shall cause the affidavit to be read and explained to him/her in a language which both he/she and the said authority understand, either doing so himself, or causing another person to do so in his presence. When an affidavit is read and explained as herein provided, the said authority shall certify in writing at the foot of the affidavit that it has been so read and explained and that the declarant seemed perfect to understand the same at the time of making the affidavit.

OATH

I swear that this declaration of mine is true, that it conceals nothing, and that no part of it is false, so help me God.

AFFIRMATION

32. The Magistrate or any Notary appointed under the Notaries Act, 1952 or any Officer or other person whom the High Court appoints in this behalf or any Officer appointed by any other Court which the State Government has generally or specially empowered in this behalf, who is competent to administer oaths or affirmations and also to interpret affidavits filed under this Chapter, the following form of affirmation should be used :

"Solemnly affirmed before me this day. I certify that I read over and explained the contents to the declarant and that the declarant seemed perfect to understand them."

33. Fees – No fee is allowed for taking affidavits or affirmations in the Courthouse, but fees are allowed to Commissioners for taking such affidavits or affirmations elsewhere.

34. (i) No document being an exhibit to an affidavit or verified petition or forming the materials for any application shall be given back unless the document be an original document in which case it may be taken back on an order of the Registrar, a certified copy of the original document being retained in the life.

(ii) When any such document is itself a certified copy it shall not be returned; Provided that the Registrar may, in exceptional cases, and upon an application supported by an affidavit setting out the grounds upon which the return is asked for, order the return thereof upon conditions as he thinks fit.

**CHAPTER IV
GENERAL RULES OF PROCEDURE**

1. The provisions of Chapter III shall apply, as far as may be, to every memorandum of appeal, to every memorandum of objection under Order XLI, R.22 or 26 Civil Procedure Code, and to every application for revision.

2. Where a particular period has been prescribed by these rules for the doing of anything and the action to be taken is such that the advocate of the party is required to work in the offices of the Court, the prescribed period shall be reckoned exclusively of the day or days on which the offices of the Court are closed.

3. Every memorandum of appeal and of cross-objection shall be drawn up in the manner prescribed by Order XLI, R.1, Civil Procedure Code. Every such memorandum of appeal and cross-objection and every application for revision shall, immediately below the title, have endorsed on it "First Appeal", "Second Appeal", "Appeal from Order", or "Revision", as the case may be, and shall state –

(a) the name and full postal address of each appellant or applicant ;

(b) the name of each person whom it is proposed to make a respondent or opposite party ;

(c) the Court and (i) in the case of first appeal the name of the Judge by whom the decree or order referred to was made (ii) in the case of second appeal the name of the presiding officers of the lower Appellate Court as well as that of the Court of the first instance ;

(d) the date on which, and the number and year of the suit proceeding in which, such decree or order was made ;

(e) the ground or grounds numbered serially of objection to the decree or judgment appealed from, without any argument or narrative;

(f) the value of the appeal : Provided that in every case in which an appeal or cross-objection is preferred to this Court and the valuation, for the purpose of Court-fees or the Court-fee paid, varies from that of the Trial Court or the lower Appellate Court. In the case of second appeals, the advocate shall, at the time of filing the appeal, add below the valuation in the Memorandum of appeal, a short explanatory note setting forth the reasons for the variation giving, if necessary, reference to the certified copies of the judgment and decree, and mentioning the relevant pages thereof, which are filed with the memorandum of appeal. Any omission to file this note shall be forthwith reported to the Registrar General, who may direct that the note be filed within a specified period according to the circumstances of each case or direct that the matter be laid before a Division Bench ;

(g) in the case of an appeal, whether the suit in which the appeal is made has already been placed before the Court on appeal.

Note - It is desirable that a separate line should be allowed to the name of each party to an appeal.

4. Where more than one appeal is preferred from a judgment governing more than one case; the Registrar may on an application made in that behalf dispense with the filing of more than one copy of the judgment and direct analogous hearing of the appeals.

5. In the case of –

(1) appeals from orders of the Lower Appellate Court remanding case of retrials; and

(2) appeals from the orders of the lower Courts made on remand by the High Court,

There shall be added at the foot of every memorandum of appeal a note to the following effect :

“Note – This appeal is from an order of the lower Appellate Court, direct ... remanding the case for re-trial under section.....Civil Procedure Code ;

OR

This appeal is from an order of the lower Appellate Court (or the Court of the first instance, as the case may be) made on remand by the High Court, in Appeal No. of dated the.....in which this appellant was appellant or respondent (as the case may be)

6. In the event of any omission on the part of the advocate to append to the memorandum of appeal a note in the terms required by R.4, it shall be the duty of the Registrar General to bring such omission to the notice of the Division Court before which the appeal is pending.

7. (1) A memorandum of appeal to High Court against the decree or order passed in appeal by any Court subordinate to it shall be accompanied by (i) certified copy of the judgment and decree or order appealed from ; (ii) typed copies of the judgments of the trial court and appellate court below ; and (iii) typed copies of the pleadings with English translation, if necessary.

Provided that in case of urgency the memo of appeal may be filed with the leave of the court without the typed copy of the pleadings. But the typed copies of the pleadings shall be filed within the time as may be granted by the court.

(2) If a memorandum of appeal is filed by an Advocate of the High Court, it shall bear a certificate under his hand at the foot of the memo of appeal in the following form :

"I, A.B. advocate of the above nameddo hereby certify that, in my judgment, the ground (or if there be several, each of the grounds) of appeal in the above petition presented by me on behalf of the said is a good ground of the second appeal.

Dated, the day of.....”

Provided that in the case of an appeal against a decree or order passed after remand by this Court, copies of judgment or decree of the lower Courts passed before the case was remanded need not be furnished.

8. Every party who files an appeal in person shall insert in his memorandum of appeal, or otherwise given in writing to the Deputy Registrar, an address at which notices and other processes in the appeal may be served upon him; and any notice or other process sent to such address by registered letter shall be presumed to have been served upon the party.

9. No memorandum of appeal from an appellate decree or from original or appellate order presented in person by any party to the appeal shall be registered without an order of a Single Bench before which the party presenting the appeal shall appear in person.

10. In the case of an application for revision, the application shall be accompanied by certified copies of each of the following documents:

(i) the judgment, decree or order to which the application relates ;

(ii) if the judgment, decree or order to which the application relates was a judgment, decree or order delivered by a Court sitting in appeal, the copies of the judgment, decree or order of the Court of first instance;

Except in application to be heard by a single Judge together with the application shall be filed duplicate typewritten copies of the application and the judgments or orders filed with such application.

11. (1) When a memorandum of appeal is not in proper form and/or is not accompanied by the necessary copies of papers, the Registrar General may allow time within which such memorandum must be amended, and/or the necessary papers filed, or may lay the same before the Division Court for order.

(2) If a memorandum of appeal is presented for admission without copies of the judgment and decree or order appealed from it shall forthwith be returned to the advocate party presenting it. If such copies are filed after the period of limitation has expired the memorandum shall be presented directly to the Division Court.

In case of an appeal from an appellate decree or order, the copies of the judgment and decree or order of the Court of first instance shall be filed along with the memorandum of appeal. If such copies are not so filed, the appeal shall not be placed on the monthly list for hearing under Order XLI, R.11 of the Civil Procedure Code, until they are filed.

12. If in a memorandum of appeal the ground is taken that there is in fact on the record no evidence or admission to support the decree, such memorandum shall state sufficiently the material finding in support of which there is no evidence or admission on the record.⁵

13. Every memorandum of appeal (other than a memorandum of appeal from an appellate decree filed by a party to the appeal in person) or memorandum of objection under Order XLI, R.22 or 86, Civil Procedure Code, shall be presented in the High Court to the Deputy Registrar or such other officer as the Registrar General may appoint for the purpose by the appellant in person, or by his recognised agent, or by an Advocate appointed under the provisions of Order III, R.4, Civil Procedure Code, or by some person appointed in writing by such advocate to present the same. The date of presentation to the Deputy Registrar or such other officer as the Registrar General may appoint as provided for in paragraph one shall be deemed to be the date of presentation for the purpose of limitation.

14. Except as provided in R.14 of this Chapter, no memorandum of appeal, no memorandum of objection under Order XLI, R.22 or 26, Civil Procedure Code, no application for review, and no application for leave to appeal in forma pauperis shall be presented for admission unless the same bears an office report as to limitation of time; and, when a stamp is required, as to the sufficiency or otherwise of the stamp; or, in the case of a stamp of which the sufficiency cannot

be ascertained, the report as to the sufficiency of the stamp will be made on the receipt of the record or after further inquiry. Such report shall ordinarily be endorsed on the memorandum or application and returned by the stamp reporter before 4 p.m. on the date on which such memorandum or application was made over to the stamp reporter for examination.

If the report of the stamp reporter on the memorandum of appeal or cross-objection is that the prescribed period of limitation has expired such memorandum shall be sent to the Registrar General or such other officer as the Registrar General may appoint to ascertain limitation period finally and if he finds so, shall be returned to the party filing it, to file separate application along with memorandum of appeal praying to condone the delay or to grant leave to file the appeal in forma pauperis. On filing such memorandum of appeal with a separate application, the Stamp Reporter section shall register the application only as Misc. Case against the filing serial No. of the memorandum of appeal and place it before the Court. The memorandum of appeal etc. shall not be registered unless the applications to condone the delay or grant of leave are allowed by the Court who may present the same to the Court.

In cases in which it may not be possible for the stamp reporter to return the memorandum of appeal or application on the day on which such memorandum or application was made over to him for examination, the time taken by the stamp reporter in preparing his report shall be excluded from the prescribed period of limitation.

15. The Superintendent of the concerned Section will examine the memorandum of all appeals within 7 days from the date of their presentation. And in course of his examination, if he finds any defects in memorandum of appeals, he will mention the defects in the checklist and will return such defective cases to the parties concerned or the concerned Advocates to cure the defects within 7(seven) days from the date of scrutiny by the Stamp Reporter. A list of such defective cases shall be prepared and published on all working days at 4.00 p.m. under the signature of Registrar General or such other officer as the Registrar General may appoint and display it immediately in the Notice Board of the Stamp Report Section. A copy of such list shall also be placed in the Notice Board of the High Court Bar Association on the same day.

16. On the first day on which the High Court re-opens after the annual long vacation a memorandum of appeal or objection under Order XLI, R.22 or 26, may be presented to the Deputy Registrar or such other officer as the Registrar General may appoint for the purpose, and an application for leave to the appeal in forma pauperis may be presented to the Division Court, without the official report, as required by the preceding rule;

Provided that all memorandum of appeal or objection as aforesaid which are presented for admission on the re-opening date after the High Court's annual vacation shall be dealt within accordance with the provision of R.18 of this Chapter after the stamp reporter has recorded his report.

17. Application for review and memorandum of appeals from appellate decrees or from original or appellate orders filed by the parties to the appeal in person shall be presented directly to the Court concerned after the report prescribed in R.13 above has been obtained.

Application for revision shall be presented to the Court with the certificate from the Commissioner of affidavit prescribed by R.2-A of Chapter III and shall exhibit the particulars required by R.2 of that Chapter.

18. Applications for leave to appeal in *forma pauperis* shall be presented with the report of the stamp reporter in open Court to the Court concerned in accordance with the provisions of Order XLIV, Civil Procedure Code.

19. The officer to whom the memorandum is presented under R.12 of this Chapter shall endorse on every such memorandum the date of the presentation and shall send the same to the stamp reporter, the stamp reporter, if the memorandum is not barred by limitation and is sufficiently stamped and complies with the provisions of these rules, shall record a report to that effect and shall, after the officer-in-charge of the Judicial Department has scrutinized the memorandum and has satisfied himself that the stamps have been properly punched and defaced under the rules and that there are no obvious defects –

(a) in the case of an appeal from an original decree, a cause is to be registered and posted for hearing before a Single or a Division Bench, as the case may be, under Order XLI, R.11 of the Civil Procedure Code;

(b) in the case of an appeal from an appellate decree, an appeal from an order and an appeal under the Workmen's Compensation Act cause it to be registered and posted before a Single Bench for hearing under Order XLI, R.11 of the Civil Procedure Code;

(c) in the case of a memorandum of objection under Order XLI, R.22 or 26, Civil Procedure Code, admit it and cause it to be registered.

20. (1) If there is a reasonable doubt as to the amount of Court-fee leviable on any memorandum of appeal which an advocate or a party desires to present, he shall apply to the Registrar General, as Taxing Officer, for his decision as to the Court-fee payable, and the Registrar General shall pass an order accordingly and fix a period within which the requisite Court-fee must be paid. If the requisite fee is paid within the period fixed, the case shall be laid before the Court for order.

(2) If the stamp reporter, on a memorandum being presented to him, finds that it has been insufficiently stamped, he shall make a note thereon as regards the deficiency and shall return it, with as little delay as possible, to the advocate or the party presenting it. If the advocate or the party refile it having supplied the deficit Court-fee, within the proscribed period of limitation the stamp reporter shall record a note to that effect on the memorandum which shall then be admitted.

(3) The advocate or the party to whom a memorandum is returned under Cl. (2) may apply to the Registrar General for time to put in the requisite Court-fee. On such application being made, the Registrar General, if he is satisfied that insufficiency of the Court-fee is payable, may fix a period within which the additional Court-fee must be paid. In other cases or when the requisite fee is not paid within the period fixed the Registrar General shall lay the matter before the Division Court for order.

(4) If a memorandum which has been returned under Cl.(2) and for the filing of which no time under Cl. (3) has been fixed is re-filed, sufficiently stamped, after the period of limitation has expired, it shall be presented directly to the Registrar General and the latter may pass an order for the admission thereof or lay it before the Division Court for orders accordingly as, in his opinion, a case as to mistake or referred to in Cl.

(3) has been made out or not.

(5) An application made under Cl. (3) or a memorandum of appeal refiled under Cl. (4) must be accompanied by an affidavit explaining the insufficiency unless the insufficiency is due to a mistake which is apparent on the face of the papers filed.

21. The stamp reporter or the Bench Assistants, as the case may be, must see that S.30 of the Court-fee Act is strictly complied with and that no document requiring any Court-fee stamp is filed or acted upon in any proceeding either before the Court or in its offices until the stamp has been effectively cancelled.

22. In any case, in which a memorandum has been returned for amendment under the orders of the Registrar General, it shall be the duty of the Deputy Registrar to attest the amendment by his signature.

23. If a memorandum bears a note that a report as to the sufficiency of the stamp will be made on the receipt of the record, the Deputy Registrar or such other officer as the Registrar General may appoint shall note thereon the date of presentation and shall retain it pending the receipt of the report.

24. Every memorandum retained under the provisions of R.23 shall immediately after the receipt of the record, be examined by the stamp reporter, who shall endorse on it his report as to the sufficiency of the stamp and shall thereupon proceed in the manner provided in R. 17 and R.18 above.

25. Whenever the stamp reporter finds that a document which ought to bear a stamp under the Court-fee Act, 1870 has been through mistake or inadvertence, received, filed or used in the Court without being properly stamped, he shall report the fact to the advocate who presented such document. Such advocate shall at once initial the report and shall within one week thereafter, or within such further time as the taxing officer may allow, note on it whether he accepts or disputes the accuracy thereof. If such note is not made within such time, it should not be open to such advocate to dispute the accuracy of the report. The Registrar General of the High Court shall be the Taxing Officer under the Court-fee Act and as per provisions of the High Court Rules.

26. If a memorandum which has been dealt with under R.18 above, is duly stamped or amended under R.20 within the time fixed by the Registrar General or the Court, as the case may be, the Court will admit it and the same will be registered. If such memorandum is not duly stamped or amended within the time allowed, the Court may reject such memorandum or pass such other order relating thereto which it may consider proper.

27. An application supported by an affidavit shall be filed for an order for amendment of the memorandum of an appeal consequent on the death of a party including a party whose heirs are already on the record.

28. If a respondent who was described as minor in the decree to be appealed from has attained majority before the appeal is preferred, and the appellant impleads him as major in the memorandum of appeal the same shall be accompanied by an affidavit stating the said fact.

29. Where the Deputy Registrar is appointed guardian ad litem of minor respondents under Order XXXII, R.4(1) Civil Procedure Code, the appellant, at whose instance such appointment is made, shall within 21 days deposit with the Accountant of the Court the sum of Rs. 100, as

the case may be, and shall within the same time file in Court an indemnity bond in favour of the Deputy Registrar.

30. If a respondent, who was described as a minor in the memorandum of appeal, appears as a major he shall, when making such appearance, file an affidavit stating the fact that he has attained majority together with the date when he did so. On such affidavit being filed, the appellant, unless he disputes the fact of the respondent attaining majority, shall file a memorandum of appeal, and thereupon the memorandum of appeal shall be amended accordingly. If no such affidavit is filed by such respondent, he shall be precluded from appearing as major and the appellant shall be required to put in the costs, etc. for the appointment of the Deputy Registrar as guardian ad litem of the said respondent :

Provided that it shall be open to the appellant to ask for such amendment on making an application supported by an affidavit for the purpose.

31. Where in an appeal or other proceeding the natural guardian of a minor respondent or opposite party, upon being duly served with notice, does not appear in due time and the Deputy Registrar is appointed guardian ad litem the natural guardian shall be allowed to appear unless he files an application supported by an affidavit making out sufficient ground for the removal of the Deputy Registrar as required by R.11 of Order XXXII of the Civil Procedure Code. Notice of such application shall be duly served by applicant upon the Deputy Registrar and if an order is made removing the Deputy Registrar it shall be made subject to the payment by the natural guardian of any cost that the Deputy Registrar may have incurred as guardian ad litem in respect of affidavit of advocates' fee, etc.

32. On any Court day on which no Bench is or has been sitting any memorandum of appeal or application which might be barred by time, and which is entertainable only by a Bench, may be presented to the Deputy Registrar or, in his absence from Court on the day, to an Assistant Registrar who shall certify thereon that such application was on that day presented to him: Provided always that no such presentation to the Deputy Registrar or an Assistant Registrar shall be of any effect unless such application be presented to a Bench on the next subsequent day on which a bench is sitting.

33. (i) When an appeal from an original decree or an appeal under the Workmen's Compensation Act or an application for revision has been admitted and registered, or, in the case of appeals from appellate decree and appeals from orders other than an order under the Workmen's Compensation Act, when the Court has passed an order to the effect that the appeal will be heard, it shall be the duty of the Deputy Registrar to send a notice [see Form No. 1 (Civil), Appendix I], immediately to the Court from whose decision the appeal is preferred, or the application is made, and to call for the transmission, ordinarily within seven days, of the record and all material papers :

Provided that in every appeal from an interlocutory order made in a suit and coming under order XLIII, R.1, Cls. (q), (r) and (s), Civil Procedure Code, the connected records should be sent for only if specifically ordered by the Court.

So also, in civil revisions, records should not be called for unless expressly ordered by the Court.

(ii)(a) Whenever any documents in the custody of the Parliament and State Assembly or any committees thereof, a retired Chief Justice and a Judge of the High Court are

required to be produced in a Court of law, the party to the legal proceedings shall make an application to the Court stating precisely the documents required and the purpose for which they are required and the date by which they are required. It is also to be specifically stated in each case whether only a certified copy of the document is required or an officer of the Lok Sabha or the Rajya Sabha or the State Assembly or the committee should produce it before the Court. On such application being filed by the party concerned, the Court after due scrutiny of the same shall proceed to take steps to move the Lok Sabha or the Rajya Sabha or the State Assembly or the committee as the case may be with a letter of request in Form No. 1-B(Civil) for producing of the document in question.

(b) Whenever an officer or member of the Parliament or the State Assembly, a retired Chief Justice and a Judge of the High Court is required to be examined as a witness in a Court of law, the party to the legal proceeding shall make an application to the Court in this behalf and the Court after due scrutiny of the same shall proceed to take steps to move the Parliament or the State Assembly as the case may be with a letter of request in Form No. 1-C (Civil) for the production of the witness concerned.

(c) Whenever the Presiding Officer of a House of Parliament, or of a State Legislature, or the Chairman of a Committee thereof is required to produce a document or to appear in a Court either as a party or as a witness in a case, a polite letter may be issued in specimen Form No. 1-D (Civil) to him instead of the usual formal notice or summons.

34. When the record and material papers are called for under the preceding rule, the Deputy Registrar shall draw the attention of the lower Court relating to the transmission of cumbrous and bulky exhibits and shall call for them, if any, as have been directed by the Court or the Registrar General.

Note – Parties or their advocates desiring bulky exhibits to be called for in cases other than appeals from original decrees may apply to the Registrar General before a case has appeared in the Daily Cause List, and to the Court thereafter, for an order under this rule, setting forth sufficient grounds in support of the application; such application when made to the Registrar General need not be stamped or verified but should comply with R.6 of Chapter III of these rules.

35. (i) When calling for the record of a contested or uncontested suit or case for probate or letters of administration or for revocation of the same, the attention of the District Judge or the concerned competent authority shall be drawn.

(ii) Before a 'Will' is called for in connection with any appeal or case pending in this Court at the instance of a party, such party shall deposit with the Accountant of the Court with challans in the prescribed form, a sum, to be assessed by the office, sufficient to cover all the necessary expenses for transmission and re-transmission thereof by registered post with acknowledgment due and the requisition calling for 'Will' shall contain a certificate that such sum has been deposited.

(iii) Upon receipt of a 'Will', the Deputy Registrar shall take all necessary precautions for the safe custody and preservation of the 'Will' until the same is returned by registered post with acknowledgment due to the District Judge or District Delegate from whom it was received.

36. Whenever it shall be impossible for the Lower Court to comply with the requisition within the time stated such Court shall report the reason of its inability and shall ask for such further time as may be necessary.

37. The fee for the issue of the notice to the respondent under Order XLI, R.14, Civil Procedure Code, shall be paid into Court by the appellant.

(a) In the case of appeals from original decrees and appeals under the Workmen's Compensation Act, within two weeks of the date of registration of the appeals, notice whereof shall be given by being entered in a list in Form No. 11 (Civil) Appendix I which will be displayed outside the Appeal Section concerned and a copy will be sent to the Bar Association's Library. This shall constitute sufficient notice of the date of the registration of the appeal.

(b) In the case of Appeals from Appellate Decree and Appeals from Orders, other than those which are dismissed at the preliminary hearing under Order XLI, R.11, Civil Procedure Code and other than appeals under the Workmen's Compensation Act, within 30 days of the date on which the Court passes an order admitting the appeal.

Note – Process fee required for the issue of the notice on substituted parties shall be filed within a fortnight from the date of substitution and the processing fee for the issue of a fresh notice shall be filed within one week from the date of the order directing the issue of such notice. In either case, notice form duly filled in shall accompany the processing fee.

38. The fee for the issue of notice under Order XLI, R.22(3) if necessary, shall be paid, together with the necessary copies of cross objection, within one week from the date of the registration of the memorandum of cross-objection, notice whereof shall be given in the manner prescribed in R. 33(a) above.

39. The appellant, within a week from the date of admission of appeal, will file the required number of copies of the memorandum of appeal with the necessary process fees.

40. (1) Whenever it is necessary under the rules to issue a notice to a respondent under Order XLI, R. 14, Civil Procedure Code, the appellant shall simultaneously with the filing of the fee for the issue of such notice, file printed forms of such notices, duly filled up in the prescribed Form No. 2(Civil) Appendix I, the date of appearance and the date of the notice being left blank.

(2) The information entered in the forms must be filled up in the Vernacular or in English in a bold, clear and easily legible handwriting.

(3) The date fixed for appearance will be inserted in the form and the notice will be dated and signed by an officer of the Court.

(4) The necessary number of the printed forms of notice in the prescribed form will be supplied to the appellants, or their advocates, free of cost on application to the Forms Assistant.

(5) The Registrar may, in his discretion, direct in any particular case that the forms of notice be entirely filled up in the office of the Court.

41. If the fee for the issue of the notice to the respondent be not paid into Court in the manner provided by R. 33 or the deposit required under R. 34 be not made within the time allowed by that rule; or if the notice forms, duly filled up be not filed as provided in the last preceding rule, the appeal shall be placed before the Registrar who may, in his discretion, either grant further time for making such payment, or deposit or filing the notice forms, or direct the appeal to be placed before the Court for orders.

42. If the processing fee be paid and the notice forms be filed within the period prescribed by Rr. 33 and 35 or within the further period allowed by the Registrar of the Court the notice in the prescribed form shall at once be issued on the respondent.

43. If such respondent resides within the jurisdiction of the Court from whose decree or order the appeal is preferred, the notice to such respondent shall be sent to the Presiding Officer of such Court together with the proceeding of the High Court calling for the record.

44. Notice served on respondents or opposite parties residing in any district other than that from which the appeal, application, etc. comes, shall be sent by the Deputy Registrar to the proper Court in the district in which such notice is to be served. If, however, the opposite party or any of the parties to be served, resides in the same district but outside the jurisdiction of the Court from which the appeal, application, etc. comes, the notice shall be sent for service to the Court within whose jurisdiction the party resides, if known; if not known then to the Court from which the appeal or application comes, directing the latter to forward it to the proper Court within the jurisdiction of which the notice is to be served. The Court which serves any notice shall in every case make its return of service or of the failure of service (as the case may be), direct to the High Court.

45. Where the jurisdiction within which a party resides is not known, the notice in respect of such party shall be accompanied by a duplicate copy for the purpose of return of service.

46. On receipt of the proceedings of the High Court and transmitting the notices of appeal or application, the Lower Court shall cause their service without the payment of any further fee and without any further action by the appellant :

Provided that the appellant or applicant or someone employed by him may, in any particular case if he so desires, accompany the serving officer for the purpose of facilitating the service of the process.

47. The time allowed for service of the notice shall be specified therein by the Deputy Registrar not exceeding 21 days and shall commence from the date on which it is despatched, which shall, in general, be the day on which the processing fee is deposited and the notice forms are filed.

48. The lower Court shall issue all notices immediately on receipt thereof and their returns of service shall, in every instance, insert (a) date of receipt of the notice; (b) date of delivery to the serving officer; and (c) date of receiving it back from him.

49. It shall be the duty of the lower Court to cause the notice to be served in sufficient time before the date fixed, and, if such service be impracticable, to state, when returning it to the High Court, the reasons thereof. The lower Court shall satisfy itself that a valid service has been made, or that there has been a failure of service, and shall certify such opinion with the reasons in case of failure of service. The certificate shall be accompanied by the return of service, or of

failure to serve the notice, and declaration or the serving officer specifying the fact and mode of service or the reasons for non-service.

50. The date to be fixed for the hearing of the appeal shall be the 21st day after the date on which the time for the service of notices expires; provided that if such day be a Sunday or holiday, the first open day following shall be the date fixed for the hearing.

51. In an appeal in which more than one respondent is to be served with the notice under Order XLI, R.14, Civil Procedure Code, the Deputy Registrar, in fixing the time for the hearing of the appeal shall fix the 21st day after the day fixed for the service of the notice of appeal on the respondent for whom the longest period is allowed under the following rule.

52. When in an appeal or other proceeding the Court orders a notice to show cause to be issued, such notice shall ordinarily be issued to all parties to such appeal or other proceeding and to any person whom it is proposed to make a party. If the person whom the notice is to be issued is a minor, a person of unsound mind, or other disqualified person, it shall also be issued to the guardian or next friend of such person.

53. In every case in which an appeal has been admitted, the Registrar General shall cause paper books to be prepared in accordance with the provisions of Chapter IX.

54. As soon as the paper book has been prepared in accordance with the provisions of Chapter IX, and the appeal is otherwise ready for hearing it shall be entered in the general warning list and notice thereof shall be published in the manner proscribed in R.57 of Chapter VIII of this rule :

Provided that unless there is a special order to the contrary, no appeal shall be entered in the weekly cause list until the expiry of seven days from its entry in the general warning list of appeals ready for hearing.

55. From the weekly cause list the Deputy Registrar, subject to any special orders passed by the Judges or by the Registrar General, shall at the end of every week cause to be prepared and posted on the notice board of the Court the list of cases to be taken up by each Bench during the ensuing week. The list shall be called "Weekly Hearing Cause List" and a copy of the same shall be submitted to all the Judges :

Provided that a daily cause list shall be caused to be prepared and posted on the notice board of the Court containing a list of cases to be taken up on the following day whenever so directed.

56. Subject to any other orders of the Chief Justice, returnable cases, if otherwise ready, shall be set down for hearing in the weekly hearing cause list or the daily cause list, on the returnable date. If not ready, these shall be listed in the daily list for orders on the returnable date.

57. The daily cause list for the days on which the Registrar General sits shall include a list of the cases which will be taken up by him.

58. If on the date fixed for the hearing of any appeal, application or other matter, it appears that the required notices have been served, and the matter is otherwise ready for hearing, the matter may be disposed of; if not disposed of, it shall come on for disposal in the ordinary

course, and no notice of any date fixed for hearing shall be given other than its inclusion in the daily cause list, or the weekly hearing cause lists.

59. At the time of final hearing of a Second Appeal the appellant shall submit in writing signed by him or his advocate the following :

- (1) A very brief summary of the plaintiff's case as is material for the purpose of deciding the questions of law that will be urged by him.
- (2) The appellant will give very briefly the defendant's case with reference to the questions of law to be urged.
- (3) Findings of facts of the Court below on which the question of law urged depend –
 - (a) (Concurring)
 - (b) do
 - (c) do
- (4) The precise grounds of law that will be urged –
 - (a)
 - (b)
 - (c)
- (5) The authorities that may be cited.

60. A case which is part-heard, shall, unless otherwise ordered by a bench, be placed first in the daily cause list or the weekly hearing cause list for the day on which the Bench which has partly heard such case sits next for the disposal of that class of business.

61. Subject to R. 52, a case which is especially fixed for a particular day before a particular Bench shall be placed at the head of the list for that day.

62. The cases in the daily cause list or the weekly hearing cause list shall, unless the Bench otherwise directs, be called on and disposed of in their order on the list.

63. Appeals from order shall have precedence over other appeals in preparation for hearing and shall, when ready, be put up for hearing as soon as possible.

64. When an order has been made under Order XLI, R.23 or R.25, Civil Procedure Code, the Deputy Registrar shall make a note of the same in a register to be kept for the purpose, and he shall bring in the notice of the Registrar General any case in which the Subordinate Court has not made a return to the order of remand within four months, or within such time as may have been specially ordered.

65. On receipt of the finding of a lower Court in a case referred under Order XLI, R. 25, Civil Procedure Code, the Deputy Registrar shall notify to the advocate of the parties that any objection to such finding must be filed within one week from the date of the service of the notice.

66. Whenever by an order of a Division Court, the decree or order of a lower Court is modified or reversed or costs are fixed in any special sum not specified in the judgment, as soon

as the decree or order has been drawn up, it will be the duty of the Bench Assistant concerned to cause a notice to be issued to the advocates concerned or to the parties; if acting in person, stating that such decree or order has been drawn up and that it may be perused by any party or his advocate within one week from the date of the issue of the notice.

67. When such notice has been issued, any party or his advocate may, before the expiry of the time prescribed in R.58, peruse the decree and either sign it or state his objection to the Judge or Judges, or one of them who delivered the judgment, or if such Judge or Judges has or have ceased to be a Judge or Judges of the Court, or be absent on leave or furlough then before such Judge or Judges as the Chief Justice may appoint for that purpose.

68. (1) Should no objection be filed on or before the date specified in the notice, the Registrar General or when so authorised the Registrar or the Deputy Registrar having first dated the decree as of the day when the judgment was delivered, shall sign it and seal it with the seal of the Court.

(2) In drawing decrees of this Court dismissing with costs appeal by minors, the Bench Assistant should be careful to make the next friend of the minor liable for such costs, unless the Court otherwise orders.

(3) In case where a minor is a respondent and the decree of the Court below is reversed or altered, it shall be the duty of the Bench Assistant to call the attention of the Division Court to that fact, in order that special direction may be given as to the payment of costs.

69. A copy of the judgment and of the decree passed by the High Court, disposing of an appeal shall be certified by the Deputy Registrar and forwarded by him to the Court which passed the decree appealed from, in the manner prescribed by Order XLI, R.37, Civil Procedure Code.

70. Every decree and order made by the High Court shall be drawn up in the English language.

71. Except when the Registrar General otherwise directs, the records of the lower Court shall be sent down as soon as possible after the case has been disposed of.

72. No advocate shall receive instructions from any person other than an advocate of the Court, or the party himself, or a person holding a general power to attorney from him, or his servant or relation specially authorised in writing in that behalf. Where there are more parties than one, and they appear by separate Vakalatnamas, the Vakalatnama of one may be received from any other similarly authorised, but if they appear by one and same Vakalatnama, it may be received from any one of them or from a person duly authorised by any one of them, without special authority from the others. When any Vakalatnama is filed by an advocate he shall endorse on the back of it the name of the person from whom it is received and if such person is not the client himself, the advocate or attorney shall state the nature of the authority, with date, of that person.

73. When an advocate retained to appear for any party to an appeal is prevented by sickness or engagement in another Court, for any other sufficient cause, from appearing and conducting the case of the client, he may appoint another advocate to appear in his place, so that his client may not be unrepresented at the hearing, but such advocate shall not so appear unless he shall

have first obtained the special permission of the Division Court, or the Registrar General as the case may be.

74. In any case in which the party employing an advocate, or his agent, after the notice, fails to pay the amount of the estimated costs for preparing brief necessary to enable the advocate to conduct the case properly, the advocate or advocates, after notice to such party or his agent, or by leave of the Court, may withdraw from the case.

75. An advocate may also, for any other sufficient cause, or after such notice to his client as may enable him to appoint another advocate by leave of the Court, but not otherwise and on such terms as the Court may order as to refunding any fees he may have received, withdraw from the further conduct of the case.

76. A party desiring to cancel a Vakalatnama filed by him in any appeal or other proceedings in this Court must file a duly stamped and verified application for the orders of the Court unless the advocate who accepted the Vakalatnama signified his willingness to retire from the case, in which case the application need not be verified.

77. The Deputy Registrar shall endorse the date of reception on all Vakalatnamas in all cases in the High Court in its appellate jurisdiction.

78. The Deputy Registrar shall bring to the notice of the Registrar General any wilful neglect on the part of any advocate attached to the High Court to attend at his office.

79. In every civil matter in which the Court directs an order to be issued immediately, the Bench Assistant shall at once draw up the order in the prescribed form [*see* Form No. 3 (Civil) Appendix I] and after obtaining the signature of the Judges thereto, send it forthwith to the Deputy Registrar or the officer in charge of the Judicial Department, as the case may be, for issue without waiting for the formal order, or the judgment to be signed. The Deputy Registrar or the officer-in-charge of the Judicial Department shall issue the order upon payment of such fee as may be chargeable;

Provided that if it is not possible to obtain the signature or signatures of the Judge or Judges on the day on which the order is passed, the matter should be brought immediately to the notice of the Registrar General. If one Judge of a Bench has signed the order, the substance of it shall be communicated to the lower Court immediately with a note that the copy of the order proper will follow.

80. The stamp reporter shall bring to the notice of the Deputy Registrar any irregularity committed by the lower Courts in the preparation and endorsement of certified copies of the decrees of their Courts, and the Deputy Registrar shall submit his report of such irregularity to the Registrar General.

81. Requisitions made under Order XIII, R.10, Civil Procedure Code, for the production of records of cases pertaining to, and in the custody of other High Courts or Courts subordinate to such other High Courts should be addressed to such High Courts.

82. A party to a decree or order desiring to appeal therefrom and to make the legal representative of a party who has died after the date of such decree or order, a respondent may, if such legal representative has not been made a party to any subsequent proceeding under such decree or order enter his name as a respondent in the memorandum of appeal if he presents

therewith an application for leave to make such legal representative a respondent to the appeal and also an affidavit stating such facts as may be necessary in support of his application.

83. A party to a decree or order desiring to appeal therefrom and to make the legal representative of a party who died before the decree or order was made, a respondent may, if such legal representative has not been made a party to any subsequent proceedings under such decree or order, enter his name as a respondent in the memorandum of appeal if he presents therewith an affidavit showing that he did not know before the decree or order was made that such party had died or that he had no reasonable opportunity of informing the Court before such decree or order was made that such party was dead and stating such other facts as may be necessary in support of his application.

84. Whenever by a decree or order which is applicable 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 was in the possession of a trustee, executor, 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 subsequent to the date thereof, or

(d) a person whose interest arose after the date of such decree or order by reason of any creation or devolution of interest by, through or from any part 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 appeal therefrom, he may name himself in the memorandum of appeal as an appellant if along with such memorandum of appeal he presents an application for leave to make himself an appellant and an affidavit stating such facts as may be necessary in support of his application.

85. Whenever after a memorandum of appeal has been presented to the Court any appellant or party interested in the maintenance of an objection under Order XLI, R.22 to 26 ascertains that any party named in the memorandum of appeal had died before the appeal was presented he may apply for an order that the memorandum of appeal be amended by substituting for the person who is dead his legal representative, if along with his application he files an affidavit showing that the application is made with all reasonable diligence after the fact of the death of such person first came to his knowledge or to the knowledge of his agent, if any, acting on his behalf in the litigation.

86. The Registrar General may allow a reasonable time for the presentation of the affidavit required by R. 74, 75, 76 or 77 if it appears to him that the applicant could not, by the exercise of due diligence, have procured such affidavit in time for present action along with his application.

87. Rules 74 to 78 shall, as far as may be, apply to Writ appeals in the applications for review or revision and to an application under Art. 228 of the Constitution and the cases transferred thereunder.

88. At any time before or as soon as after the commencement of arguments at the final hearing of a case as may be feasible, the Court will ascertain from the Counsel of each party to

be heard, the time which the Counsel's arguments on the matter are likely to take. The Court may then fix the time for the arguments of each party or each Counsel. The Counsel may be permitted to supplement the oral arguments by written submission, but will not be allowed to exceed the time so fixed unless the Court itself considers it necessary, or desires that he should do so on any matter requiring further elucidation by oral arguments.

CHAPTER IV-A

RULES GOVERNING APPLICATIONS FOR DIRECTIONS, ORDERS OR WRITS (OTHER THAN IN THE NATURE OF HABEAS CORPUS) UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

1. An application for a direction or order or writ under Article 226 of the Constitution of India, other than a writ of habeas corpus, shall be drawn up in the form contained in the schedule to this Chapter and shall be accompanied by an affidavit verifying the facts relied upon.

Separate applications should be filed for each individual where interests are not identical even if there is one common order covering several cases and the facts of each case should be separately supported by affidavit.

Provided that more than one such individual can jointly file a single writ petition on each of them paying court fee payable on such application.¹

In all other respects, the procedure relating to the revision application shall apply to such applications.

All applications under Article 226/227 of the Constitution of India intended to be moved before this Court, the following paragraph should invariably be incorporated in every application :

“That the humble petitioner has no other adequate and alternative remedy and the remedy sought for will be complete and adequate.”

The Filing Section should verify and satisfy as to the inclusion of the above paragraph in all the applications filed by the learned advocates.

2. In all Civil Rules, one additional set of an authenticated petition with annexures and affidavits, if any, shall be filed by the party concerned.

3. (1) Every such application shall be made and heard before the Single Bench except where the Chief Justice otherwise directs :

Provided that such application falling within any one or more of the following categories shall be heard by a Division Bench except where the Chief Justice otherwise directs :

- (a) Public Interest Litigation;
- (b) Habeas Corpus Application;

- (c) Application relating to externment or deportation;
 - (d) Any application which a Single Judge may refer to the Chief Justice for placing it before the Division Bench having regard to the importance or complexity of the case.
 - (e) Writ petition in which constitutional validity of any Act, Rules or any provisions thereof have been challenged.
- (2) An appeal from the Judgment and Order of a Single Judge disposing of an application shall lie to the Division Bench if preferred within thirty days of the date of such Judgment and Order. The Division Bench may condone the delay in filing an appeal if good and sufficient cause is shown :
 - (3) The appeal shall be in form No. 3A in Appendix I.
 - (4) In case of Writ Appeals, along with the memorandum of Appeal, the certified copy of the judgment, may at the option of the parties be submitted from which the Writ Appeal has arisen, must be included.

4. Unless the Court sees no sufficient cause to admit the application and rejects it, notice of the application shall be served on all persons directly affected by the application and, where the application relates to any proceedings in or before a Court and the object is either to compel the Court or an officer thereof to do any act in relation to such proceedings or to quash them or any order made therein, notice shall also be served on such Court or Officer as well as the other parties to the proceedings and where any objection is taken with respect to the conduct of the Judge, also on the Judge.

5. (i) Notice on Government Servants, instead of being sent back to the Court with the report that the office is no longer at the given address, the same should be redirected to the new station of posting to the official concerned.

(ii) While dismissing a Writ Petition in limine, one word order "dismissed" should be avoided.

6. (i) If at the hearing of the application the Court is of opinion that any person who ought to have been so served, the Court may order that notice may also be served on such person and adjourn the hearing upon such terms, if any, as the Court may direct.

Every notice under this or the next preceding rule shall be accompanied by copies of the application and the affidavit.

(ii) Counter affidavit in such matters shall be filed with the proper office of the Court by the opposite party within 14 days from the date of service of notice and any affidavit in reply should be filed by the applicant within 7 days from the date of service of the counter affidavit on him by the opposite party, failing which such affidavit shall not be considered in evidence unless one is filed with the special leave of the Court :

Provided that in returnable cases, subject to any special orders of the Court, counter- affidavit shall be filed at least four days prior to the returnable date and the petitioner shall file his replication, if any, within two days thereafter.

7. The Court may, before issuing notice of the application, impose upon the applicant such terms as to costs or the giving of security as it may think fit.
8. At the hearing of the application, any person who desires to be heard in opposition to the application and appears to the Court to be a proper person to be heard, may be heard notwithstanding that he has not been served with notice under R. 3 or R. 4.
9. At the time of final hearing of an application under Art. 226 of the Constitution of India, the counsel of the petitioner shall submit in writing the following :
 - (1) A list of dates with concise particulars in chronological sequence showing also the date of the impugned order with asterisk mentioning the particular Annexure ;
 - (2) Specific ground that may be urged before the Court ;
 - (3) Relevant provision of law that may be relied upon; and
 - (4) The authorities that may be cited.
10. In any petition under these rules, the petitioner shall state whether any other remedy for the redress he is seeking has been provided for by or under any other law for the time being in force.
11. Where an interim order whether by way of an injunction or stay or in any other manner is made without –
 - (i) furnishing to the party against whom it is made copy of the petition and all documents in support of the plea for such interim order; and
 - (ii) giving such party an opportunity of being heard the party affected may make an application to the High Court for vacation of such interim order.
12. Copies of the application and all documents in support of the plea for vacation shall be furnished to the party in whose favour such an order has been made or the counsel of such party.
13. The application shall be disposed of by the High Court within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later or where the High Court is closed on the last day of that period before the expiry of the next day afterwards on which the High Court is open.
14. If the application is not disposed of as stated in Rule 13, the interim order shall, on the expiry of that period or, as the case may be, on the expiry of the said next day, stand vacated. However, appropriate interim order may be passed on a fresh application filed by the concerned party.
15. An application under these rules shall be made by an advocate or by the party personally.
16. Where an application has been rejected, it shall not be competent for the applicant to make a second application on the same facts without the leave of the Court.

17. All questions arising for determination under these rules shall be decided ordinarily upon affidavits, but the Court may direct that such question, as it may consider necessary, be decided on such other evidence as it may deem fit. Where the Court orders that certain matters in controversy between the parties shall be decided on such evidence, the procedure prescribed in the Code of Civil Procedure, 1908 for the trial of suits shall, so far as applicable, be followed.

18. In disposing of an application under these rules, the Court may make such orders as to costs as it may consider just.

**RULES GOVERNING REALISATION OF COSTS AWARDED
IN WRIT PETITIONS, OTHER THAN THE WRITS IN THE NATURE OF
HABEAS CORPUS**

19. Any party to a proceeding under Art. 226 of the Constitution of India desiring to obtain execution of the order relating to cost awarded in such proceedings shall apply to the Court by a stamped petition.

20. The Court, thereupon, shall direct the party against whom the costs are awarded to deposit the amount in Court within such time as it deems fit, and upon his failure to deposit the amount within the prescribed period, the Court shall order issue of a certificate for the recovery of costs and may also include the costs of the proceedings before it.

21. The certificate shall be issued under the signature of the Deputy Registrar and seal of the Court and shall be executable as a decree of the Civil Court.

22. The certificate shall be executable by the District Judge of the Division in which the party from whom the costs are to be recovered actually resides or carries on business or work for gain or has some property.

23. The Court to which the certificate is issued shall execute it as a decree received on transfer for execution from another Court.

24. The form of the certificate shall be as prescribed in rules (Form of certificate attached).

25. In the absence of any special direction in the judgment, such costs shall be deposited in, and withdrawn from, the Accounts Department of this Court in the same manner as in the case of paper-book costs.

FORM

IN THE HIGH COURT OF MANIPUR
Certificate of non-satisfaction of costs
(Rule 24, Chapter IV-A)

Whereas the petitioner/respondent in the above case has applied to the Court for recovery of costs amounting to Rs..... from respondent/petitioner and the latter has failed to deposit the amount of Rs..... payable to the petitioner/respondent;

And whereas a Bench of the Court consisting of the Hon'ble Mr. Justice and the Hon'ble Mr. Justicehas ordered an issue of a certificate.

It is hereby certified that the petitioner/respondent is entitled to recover the amount of Rs. from the respondent/petitioner.

Given under my hand and the seal of the High Court of Manipur at Imphal this day, the 20.....

Seal

By order of the High Court

Deputy Registrar

Forwarded to the District Judge at for necessary action.

SCHEDULE (Form of Application)
[See Rule 1]

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

Revisional Jurisdiction

To..... Hon'ble the Chief Justice and his Companion Judges of the High Court of Manipur.

Here should be stated definitely the nature of the remedy sought, i.e., whether a direction, an order or a writ, whether mandamus, prohibition, quo warranto or certiorari. Here should be inserted as briefly as possible the rights whose	In the matter of an application for
of the right of infringement is alleged. To be omitted if the Conferred by Part	For the enforcement of particular right or
the application is for purpose other than the infringement of the right conferred by Part III. Here specify the particulars or the nature of the impugned order/notice dated.....e.g. an order of reversal/dismissal/suspension/demotion etc. (Annexure ...)	III of the Constitution of India
Names and particulars of parties	And in the matter of

Then should follow a statement, divided into paragraph, setting out the facts chronologically which have given rise to the cause of action and then the prayer showing the nature of the order sought and against whom it is sought.

Note – At the time of hearing, the counsels for the parties will submit a list of dates, issue raised, points to be urged, likely time to be taken, and the case law to be exchanged to the Court at least one day in advance.

CHAPTER IV-B

RULES FOR APPLICATIONS UNDER ARTICLE 227 (1) OF THE CONSTITUTION OF INDIA

1. (a) An application under Art. 227(i) of the Constitution of India shall comply, as far as may be, with the provisions of Chapter III, IV and IV-A of the Rules of the High Court and shall also state clearly –
 - (i) the name, description and place of residence of each applicant and of the non-applicant;
 - (ii) the name of the Court and Judge by whom the decree or order objected to was passed; and if the decree or order was passed in appeal, the name of the original court and of the Judge presiding over it;
 - (iii) the date or dates of the decrees or orders of the lower Courts;
 - (iv) the nature of the relief and the direction or order sought from the Courts;
 - (v) the grounds on which the relief is sought and also such material facts as may be necessary for the proper determination of the case;
 - (vi) where a previous application has been made on the same facts, the applicant shall give all details thereof and shall also indicate the decision thereon.

(b) the application shall be accompanied by the order of the decision (if any) complained of and an affidavit verifying the facts relied on.
2. Such applications shall be registered as Civil Revision Petition (C.R.P. Art. 227)
3. Such petition shall be heard by a Single Bench. However, the presiding Judge of the Single Bench may refer the matter to a Division Bench if the matter involves a substantial question of law or if he thinks that it is just expedient to be disposed of by a larger Bench.
4. The application shall be laid before the appropriate Bench as early as possible for motion hearing of which notice shall be given to the applicant or his agent or counsel.
5. (a) No records of a case proceeding in possession of any Court over which superintendence is claimed shall be requisitioned unless ordered by the Court either of its own motion or upon an application made by any of the parties to the application.

(b) Every application made under R.6(a) shall (unless the Court otherwise directs) be supported by an affidavit showing how the record is material to the case in which the application is made, and that the applicant cannot without reasonable delay or expenses obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires, or that the production of the original is necessary for the interest of justice.
6. (a) All questions of fact arising for determination under this Part shall be decided ordinarily upon affidavit, but the Court may direct that such other evidence be taken as it may deem fit.

(b) Where the Court orders that certain matters in controversy between the parties shall be decided on oral evidence, it may either itself record the evidence or may direct any Court of a Commissioner appointed for the purpose to record it in accordance with the procedure prescribed by law.

7. The Court, while granting any interim relief or stay, may impose such terms and conditions including deposit of costs as it thinks fit.
8. The Court may, in its discretion either before the non-applicant is called upon to appear and answer or afterwards on the application of the non-applicant, demand from the applicant security in cash for the costs of the application.
9. In the absence of any special direction in the judgment, such security shall be deposited in, and withdrawn to, the accounts department of this Court in the same manner as in the case of the paper book costs.
10. At the conclusion of each case, the Court shall pass such orders for the refund or disposal of the security in deposit as it may consider necessary. When the Court fails to make an order, the party claiming to be entitled to the refund or payment shall make a stamped application for the purpose and it shall be laid before the Court for orders in motion.

CHAPTER V

APPEALS TO THE SUPREME COURT

CIVIL APPEALS

1. The provisions of Chapter V shall apply, so far as may be, to all applications made to this Court in connection with appeals to the Supreme Court.
2. (i) Where a certificate is not prayed for by a party at the time of disposal of an appeal or any proceeding, a petition for leave to appeal to the Supreme Court shall be prescribed in Form No. 1 of the Schedule to these rules, and shall specify in the heading, the names of the actual parties to the appeal at the time of the presentation of the petition tracing their relation to the original parties where they have been placed on the record as representative-in-interest.

(ii) Full particulars of addresses of the parties must be furnished within seven days of the filing of the petition.

(iii) A petition for leave to appeal to the Supreme Court under Art. 132(1) and 133 shall be made in this Court within sixty days from the date of the judgment, decree or order appealed from.
3. Notice of the application for leave to appeal to Supreme Court shall be given by the applicant or his advocate by delivering to the proper person (ordinarily the advocate for the appearing opposite party) a copy of the petition together with a notice, in the following form :

“Please take notice that this application will be filed with the proper officer of the Court and that you are required to attend and show cause against the applications, at the hearing if you desire to do so.”

4. Every petition for leave to appeal to the Supreme Court shall be presented to the stamp reporter. Such petition shall be accompanied by –

(i) Certified copies of the judgment and decree complained of.

Note - A petition presented without a copy of the decree appealed from shall forthwith be returned to the advocate or party presenting it, who shall refile it with the copy wanted within the period of limitation and in case it is refiled after the period of limitation, it should be accepted by office and forthwith laid before the Court for orders, with a note as to limitation.

(ii) Notice of the application under Rule 3 duly served on the proper person.

(iii) Forms of notices to all respondents duly filled up in the manner prescribed by R. 21.

(iv) Court fee of Rs. 16 for drawing up an estimate of the expenses of preparing and forwarding to the Registrar of the Supreme Court the record of the case in addition to the usual fee of Rs. 4 leviable on the petition.

(v) The fee for the issue of the notice (of the application for leave to appeal) to all the respondents who did not enter an appearance in the High Court at the hearing of the appeal.

5. If the stamp reporter finds that the petition is barred by limitation, he shall forthwith lay the same before the Court for orders with a note as to limitation. If it is filed within the prescribed period for limitation he shall lay before the Registrar General with a report whether it has been filed in accordance with the rules of the High Court and whether the stamps filed therewith are sufficient.

6. Upon receipt of such petition with the stamp reporter's report, the Registrar General shall, in case the petition is not in proper form or is not accompanied by the requisite Court fee stamps, fix a period within which the petition may be amended or lay the same before the Court for orders. If such petition is sufficiently stamped and complies with the provisions of the rules, he shall, upon receipt of such petition, direct notice to be served on the opposite party to show cause why the certificate should not be granted.

7. Where more than one such application is made by the same party at the same time relating to decree or final orders in pursuance of the same judgment and only one record is required to be printed, the Registrar General may order that only one Court-fee of Rs. 16 be paid, or that one certified copy of the judgment be accepted or may refer the matter to the Court for orders.

8. When a certificate has been obtained by the party at the time of disposal of an appeal or any proceeding he shall file an application containing the grounds of his appeal for an order of the registration of the appeal and preparation of the record together with a Court fee stamp of Rs. 16 for drawing up an estimate for the preparation of the record.

Note – The requisite fee for the issue of notice to the respondents, written up forms of notices, and certified copies of decree and judgment complained of need not be filed.

9. On receipt of an order from the Supreme Court granting special leave to appeal, the Officer-in-charge shall lay it before the Division Court for an order for registration and preparation of the record.

10. The rules in this Chapter shall apply, so far as they may be applicable, to all appeals registered under the foregoing R.8 and R.9.

11. All applications by or on behalf of, an infant or a person of unsound mind, shall be made in the name of the infant or person of unsound mind by the person whose name is on the record as his next friend or guardian; and whenever any application has been consented to or opposed by, an infant or person of unsound mind, the infant or person of unsound mind shall in like manner be presented by the person who appears in the record as his next friend or guardian.

12. In case there is no next friend or guardian in the record, a separate application for appointment of next friend or guardian must be made.

13. Matters relating to –

- (i) service of notices or other processes;
- (ii) substitution of parties and appointment or discharge of next friends or guardian ad litem of minors or persons of unsound mind, before the admission of an appeal;
- (iii) preparation of paper books;
- (iv) return of documents; and
- (v) matters not expressly to be laid before the Division Court for orders shall be dealt with and disposed of by the Registrar General.

14. Application for an order –

- (i) to transmit orders of the Supreme Court for execution to the lower Courts, where no special directions are required;
- (ii) to transmit securities to the District Courts for investigation as to their sufficiency; and
- (iii) for a refund of surplus deposits made for the purpose of preparing translations, manuscripts, etc. may in ordinary circumstances be made to, and disposed of, by the Registrar General without notice to the opposite party other than inclusion in the daily cause list.

15. In all other applications regarding matters connected with appeals to the Supreme Court, including petition for leave to appeal, notice in the form and manner prescribed by R.3 of the Chapter is necessary in addition to any other notice herein prescribed.

16. Matters connected with appeals to the Supreme Court, other than those with which the Registrar General is authorised to deal, shall ordinarily be heard at such time as the Division Court appointed to deal with such matters shall fix.

17. All applications which have been duly filed will be set down in a list in the order in which they are received. The cases in the list will be called on peremptorily in their turn, and if by fault of the applicant the application cannot be proceeded with, it will be liable to be dismissed.

18. As soon as the Registrar General has directed notice to be served under R.6 of this Chapter, the Officer-in-charge shall forthwith proceed to issue notice of the application for leave to appeal to all the respondents who did not appear at the hearing of the appeal before the High Court. He shall also serve notices of the application for leave to appeal on the advocate for the respondents who appeared at the hearing before the High Court, but in case such advocates refuse to accept service, the notice shall be served directly on the respondent concerned.

19. A notice which is necessary to be served under these rules (other than notice under R. 3 of this Chapter) or under Order XLV, R.3 or R.8, Civil Procedure Code, may be served in the manner provided by the Code for the service of notices, or, unless the Court or the Registrar General otherwise directs, upon any advocate, who appeared for the party to whom notice is to be given in the appeal to the Court, unless the Vakalatnama of such advocate has been cancelled with the sanction of the Court. If there is no advocate upon whom notice can be served, then, unless the Registrar General otherwise directs, the notice must be served upon the party through the proper Court in the direction in which such notice is to be served, on paying the usual fee. The fee for the issue of the notice must be paid into Court at the time of filing the application. Such payment is to be made by a stamp affixed to the notice intended to be served.

20. Nothing in these rules requiring any notice to be served on, or given to opposite party or respondent shall be deemed to require any notice to be served on, or given to the legal representative of any deceased opposite party or deceased respondent in a case when such opposite party or respondent did not appear either at the hearing in the High Court or at any proceeding subsequent to the decree of the High Court.

Provided that notices under sub-R.(2) of R.3 and R.8 of Order XLV Civil Procedure Code, shall be given by affixing the same in some conspicuous place in the Courthouse of the Judge of a district in which the original suit was brought and by publication in such newspapers as the Court may direct.

Notice under the proviso to this rule may be issued in the manner prescribed to the legal representatives of the deceased respondent or opposite party in question without specifying such legal representative by name.

21. (1) With the fee for the issue of the notice, the applicant shall also file printed forms of such notice duly filled up in the prescribed form [see Form No. S.C. 1, Appendix I], the date of appearance and the date of the notice being left blank.

(2) The information entered in the form must be filled up in the vernacular or in English in a bold, clear and easily legible handwriting.

(3) The date fixed for the hearing of an application will be inserted in the form and the notice will be dated before it is signed by the Assistant Registrar.

- (4) The necessary number of printed forms of notice in the prescribed form will be supplied to the applicants or their advocates free of cost, or application to the Forms Assistant.
- (5) The Registrar General may, in his discretion direct in any particular case that the forms of notice be entirely filled up in the office of the Court.
22. As soon as it shall appear that the notices of the application for leave to appeal have been duly served on all the respondents, the Officer-in-charge shall lay the application for leave to appeal before the Division Court for orders under Order XLV, R.3(1), Civil Procedure Code.
23. On the receipt of a report from the Court of first instance under Order XLV, R.5, Civil Procedure Code, as to the amount or value of the subject matter of the suit and of the proposed appeal, notice shall forthwith be given to the applicant and to the appearing respondents, and any party objecting to the report shall within seven days from the date of the notice, file his objections, if any, and also serve a copy thereof on the other side. The case shall thereupon be laid before the Court for orders without delay.
24. Immediately after the grant of the certificate on petitions presented under R.4 above and after registration of appeal as provided for in R.8 and R.9 *ibid*, the Officer-in-charge shall call for the transmission, ordinarily within seven days, of the record and all material papers.
25. The advocate for the parties shall be notified of the arrival of such record as soon as it is received in the office of the Court.
26. Whenever it shall be impossible for the lower Court to comply with the requisition within the time stated, such Court shall, report the reason of its inability, and shall ask for such further time as may be necessary.
27. (i) Immediately after the grant of a certificate for leave to appeal, or after registration of an appeal, as contemplated in R.8 and R.9 of this Chapter, the Officer-in-charge shall prepare and serve on the applicant an estimate with reference to –
- (a) Parts I and II of the paper book used in the appeal to the High Court; and
 - (b) the papers required to be added under R.31 (*infra*), excluding item (7) of the later rule. The amount due on such estimate shall be deposited within the time limited by Order XLV, R.7 of the Code of Civil Procedure.
- (ii) If the application is from the judgment of the High Court in an appeal other than an appeal from an original decree or other, the applicant shall deposit a lump sum of Rs. 200/- within the time limited by Order XLV, R.7, on account of the cost of the preparation of complete Parts I and II of the paper book. The estimate in such cases will be prepared and served as soon as possible after the receipt of the record and the filing of lists by the parties, but the said deposit of Rs. 200/- shall be made within the prescribed time irrespective of the service of estimates.
28. Thirty-five copies of the paper book shall be prepared in accordance with the provisions of this Chapter on the appeal being finally admitted.

29. (i) If the applicant desires to include in Parts I and II of the paper book used at the hearing of the appeal in the High Court any papers on which the decision of the appeal to the Supreme Court depends, which have not already been included in the paper books, or to exclude therefrom any papers the ground that they are irrelevant to the subject matter of the appeal to the Supreme Court, he shall, within one week from the date of service upon him of the notice under R. 25, apply to the Registrar General for an order accordingly and file with his application a complete list of the papers to be included in, or excluded from the printed paper book, and he shall at the same time, serve copies of the application and list on the appearing respondents.
- (ii) Within one week from the date of the receipt by them of copies of the application and list mentioned in Cl. (i), the appearing respondents shall, if they so desire, file a similar application and list and simultaneously serve copies thereof on the appellant.
- (iii) (a) In the case of appeal from the judgment of the High Court in an appeal other than an appeal from an original decree or order, the appellant shall file, a complete list of the papers which he wishes to include in Parts I and II of the paper book within two weeks of the service of notice under R. 25, and shall simultaneously serve a copy thereof on the appearing respondents, who shall thereupon prepare and file their lists within one week of the receipt of the appellants' list and simultaneously serve copies thereof on the appellant.
- (b) If any party considers that any paper, or portion thereof, should be included in, or omitted from, the lists, he may within one week from the receipt of a copy of the list of the other side and after giving notice to the other side of his intended application, apply to the Registrar for an order that such paper, or portion thereof, should be inserted in the paper book, or to be omitted therefrom.
- (iv) It shall be competent to the Registrar General to pass any orders with reference to the said applications, as he may consider proper. Any cost incurred on this account shall be borne in such manner as the Registrar General may direct :

Provided that if the Registrar General is unable to arrive at any conclusion as to whether a document should be included or not, and as to which party should bear the cost of inclusion of any document, he may make a note, which will form part of the paper book, to that effect. Such application shall bear a certificate, under the hand of advocate presenting them to the effect that the inclusion of the papers specified in their respective list is necessary in order to arrive at a proper decision of the appeal, or that the papers are irrelevant and should be excluded from the printed record required for the Supreme Court.

- (v) Where an order is passed under Cl. (iv) for exclusion in an application under Cl. (i) the excluded portion or portions shall be indicated by 7 asterisks, where a portion or portions of a paper are excluded, and a footnote shall be made by the Editor giving reference to the order of the Registrar General. Where a paper or papers are excluded in entirety, a list of the paper or papers excluded shall be made and shall form part of the transcript record to the Supreme Court. The order or orders passed by the Registrar General under Cl. (iv) shall also form a part of such transcript record.

30. Paper books shall be prepared in accordance with the provisions of the First Schedule to the Supreme Court Rules, 1950. All documents omitted from the transcript shall be enumerated in a typewritten list to be transmitted with the record.

Note - Supreme Court Rules regarding preparation of Record in Civil Appeals are printed in Appendix I.

31. The following documents shall be added to the papers of Part I of the paper books which have already been printed –

- (1) the proceedings in the High Court;
- (2) the judgment and decree of the High Court;
- (3) the petition in the case of appeal under R. 8 and R.9 of this Chapter;
- (4) the application for leave to appeal, affidavits, etc.
- (5) the grounds of appeal;
- (6) the order granting certificate;
- (7) the certificate granting leave;
- (8) the order admitting the appeals;
- (9) the proceedings of the High Court or the Supreme Court connected with the order of admission of appeal to the Supreme Court;
- (10) Registrar's certificate of service of notice of admission of appeal; and
- (11) any document not already included in Part I, on which the decision of the appeal depends.

The additional documents should be printed strictly in chronological order and should be paged at the foot of each page in continuation of the previous paging of Part I, and shall contain brief marginal notes.

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

32. Whenever the decision of the appeal is likely to turn exclusively on question of law, the appellant may, with the sanction of the High Court print such parts only of the record as may be necessary for the discussion of the same.

33. In Part I of the transcript record to the Supreme Court, the names of all the parties must be shown in full in the following documents :

- (a) the plaint;

- (b) the lower Court's decree;
- (c) the memorandum of appeal to the High Court;
- (d) the decree of the High Court;
- (e) the application for leave to the Supreme Court;
- (f) the application for registration of the appeal filed under R.8 of this Chapter;
- (g) the proceedings of the High Court connected with the order of admission of appeal to the Supreme Court; and
- (h) the High Court's order of admission of the appeal to the Supreme Court.

The recital of the names in full should be avoided in the following documents:

- (a) the High Court's judgment or in the cause title;
- (b) the order granting certificate;
- (c) the Registrar General's certificate of service of notice of admission of appeal and of despatch of the transcript record.

34. The following charges shall be payable in respect of the matters specified.

(a) Cost of estimate (payable by the appellant in Court-fee stamps)		Rs. 16
(b) Estimating charge per 10,000 words (payable by the respondents in respect of his papers)		50
(c) Estimating charge for maps	12 ^{1/2} per cent of the cost of tracing.	
(d) Estimating charge for Photographs	12 ^{1/2} per cent of the cost of producing the negative.	
(e) Translation of vernacular portion of record per 150 vernacular words, three figures being counted as one word.		50
(f) Examining translations per 300 vernacular words, three figures being counted as one word.		50
(g) Copying English portion of record	The rate specified in Chapter XII, R.7.	
(h) Editing the paper book, per page	5 Rupees.	
(i) Lithographing, drawing or tracing maps (where necessary)	Actual costs.	
(j) Printing fee for 35 copies ordinary <u>matter</u> , with marginal notes.	Rs.200.	

Tabular matter	Rs.100.	
(k) Certifying one copy of the printed record for every 8 printed or manuscript page or part thereof		10
(l) Binding the paper book per copy		100
(m) Preparation of Index for every 16 papers or that thereof		50
(n) Taxing the paper book cost.	2 Rupees for every printed and 1 Rupee for every typed page of the paper book.	
(o) Cost of transmission (including R. 5 to the Court keeper for supervising the packing and despatch of printed record and Rs. 2 to dufttry for packing)	Estimated amount.	

N.B. Government materials and service postage stamps shall be issued for packing and despatch of the printed record, but the cost of packing materials and stamps so used shall be certified by the Court-keeper and credited to Government from the deposit made by the party.

Note 1 - The above rates are liable to alteration.

Note 2 - Each item of cost in the preparation of the paper-book at the rates specified above should be calculated to the nearest rupees (fraction below half a rupee being omitted and half a rupee or over being reckoned as one rupee.)

35. The estimate shall include the matters referred to in the preceding rule and be framed in accordance with the charges above specified. An appellant to the Supreme Court shall be required to pay the expenses actually incurred in connection with the preparation of the estimate, whether the appeal be admitted or not.

36. The appellant may, at the next sitting of the Registrar General, object to such estimate, but such objection is not to delay the making of the deposit.

37. If it subsequently appears that the amount which either party has been required to deposit is sufficient to defray the cost of preparing, notice shall be given thereof to such party. It shall be competent to the Registrar General to pass any orders regarding the payment of such additional amount as he may consider proper.

38. All documents, including evidence of witnesses which are to be included in the transcript for the Supreme Court, if not originally in English, shall be translated into that language.

39. The appellant shall furnish security for the costs of the respondent within the period prescribed by Order XLV, R.7, Civil Procedure Code.

40. The security for costs of the respondents required by Order XLV, R.7 of the Civil Procedure Code, shall ordinarily consist of cash or Government securities to the value of Rs. 2,500/- in each appeal:

Provided that in analogous cases, the Court may reduce such security for each successive appeal after the first to any smaller amount, or may direct that a consolidated security not exceeding Rs. 5000/- be furnished for the entire group of analogous appeals :

Provided further that the Court at the time of granting the certificate may, after hearing any opposite party who appears, order on the ground of special hardship that some other form of security may be furnished; but no such order shall be passed unless the opposite party has been served by the appellant with notice, seven clear days before the date of hearing, setting forth the nature of the security proposed to be furnished. No adjournment shall, however, be granted to an opposite party to contest the nature of such security.

Note - Security deposited in cash may be subsequently converted into Government securities and vice versa, under the orders of the Registrar General to be obtained on a written application.

41. When, under special circumstances of the case, the Court allows immovable property to be accepted as security, the party finding the security shall file a mortgage bond, duly registered, together with a specification of the title to the property. Such bond shall be filed within the time limited by Order XLV, R.7 of the Code of Civil Procedure. When such bond has been filed, the Registrar General shall refer the matter to be tested by the Judge of the district or the District Magistrate in which the immovable property offered as security is situated.

42. Immediately upon the arrival of any report as to the sufficiency of any security, the Officer-in-charge shall issue, a notice in the prescribed form to the parties concerned specifying the nature of the case. All parties desirous of an objective to the report shall, within six days from the date of the notice, file their objection, if any, and serve a copy of the same upon the other parties to the appeal. All such objections will be disposed of at the next sitting by one of the Division Courts after the arrival of the report.

43. If the security tendered be found insufficient by the Division Court, the appellant shall, within six weeks of the date of such finding deposit Rs. 4,000/- in cash, or Government securities to the extent of Rs. 4,000/- (market value), or to such amount as will bring up the value of the security to Rs. 4,000/-.

44. In case the last day for making the deposit or giving the security under Order XLV, R.7, R.10 and R.14, Civil Procedure Code, shall fall on a day on which the Court is closed, the deposit may be made, or the security be given, upon the first day on which the Court re-opens.

45. When the security has been furnished and the deposit made in accordance with these rules, the Officer-in-charge shall lay the application before the Court for orders as to the admission of the appeal.

46. After the admission of the appeal, the transcript of the record will be prepared for transmission to the Supreme Court.

47. In all cases on the admission of an appeal to the Supreme Court, notice of such admission shall, at the cost of the appellant, be given by this Court to all the contesting respondents, and the Registrar General of this Court shall transmit to the Registrar, Supreme Court, with the transcript record of the case, or soon thereafter as practicable a certificate that notice has been served on all the contesting respondents.

Forms for issue of such notice of admission and the costs of service thereof shall be put in by the appellant to the Supreme Court, within a fortnight from the date of the admission of the appeal.

48. After the despatch by this Court to the Supreme Court of the transcript record in an appeal to the Supreme Court, duly admitted by this Court, or by an order of the Supreme Court giving special leave to appeal as aforesaid, notice of such despatch shall, also at the cost of the appellant, be given by this Court to the appellant and all the respondents, whether they have entered appearance or not, and the Registrar of this Court shall, as soon as practicable thereafter, transmit to the Registrar of the Supreme Court, a certificate as to the date or dates on which such notice has been given to the appellant and all the respondents.

Notice forms for issue of such notice of despatch, and the cost for service thereof shall be put in by the appellant to the Supreme Court within a fortnight from the receipt of notice that the transcript record is ready for despatch.

49. (a) When a party, who has been successful in an appeal to the Supreme Court, applies for a certificate of the costs incurred in the appeal in this Court, the Deputy Registrar shall, upon production of the order of the Supreme Court of the payment of such costs, prepare such certificate and place it on the record of the Supreme Court appeal.

(b) A copy of the certificate will then be taken by the party in the usual way.

50. The Registrar General shall periodically and at short intervals place in the Court's list all appeal which are in arrears and shall call on the appellants to show cause before the Court why the appeals should not be dismissed for want of prosecution.

51. The supplemental record dealing with substitution and representation of heirs of deceased parties shall be transmitted to the Supreme Court. If the paper book has already been printed the supplemental record shall be in manuscript.

52. The rules will apply mutatis mutandis to appeals preferred under Art.135 of the Constitution.

CRIMINAL APPEALS

53. On receipt of the copy of petition of appeal under R. 6, Order XXI of the Supreme Court Rules, the Registrar shall proceed to have 25 copies of the record printed.

54. In printing the record of Criminal Appeals, the procedure laid down in these rules for Civil Appeals shall be followed.

Note - Extracts from Supreme Court Rules, 2013, relating to Criminal Appeals are printed in Appendix II.

**LEAVE TO APPEAL TO THE SUPREME COURT
IN CASES INVOLVING DEATH SENTENCES AND CRIMINAL PROCEEDINGS
UNDER ARTS. 132(1), 134(i)(c) OF THE CONSTITUTION OF INDIA**

55. A petition for leave to appeal to the Supreme Court in cases involving death sentences should be made orally at the time of delivery of judgment.

Provided that under exceptional circumstances such applications may be lodged in the Court within sixty days from the date of the judgment :

Provided also that the Court may for sufficient cause shown, extend the time.

In computing the period, the time requisite for obtaining a copy of judgment or order sought to be appealed from shall be excluded.

56. Where the petitioner is in jail, he may present his petition together with the accompanying documents to the Officer-in-charge of the jail who shall forthwith forward the same to the Registrar General.

57. As soon as practicable, the Registrar General shall place the petition and the accompanying documents so received before the Court and the Court may, on perusal of the papers, reject the petition summarily without bearing the petitioner in person if it considers that there are no sufficient grounds for granting the leave to appeal to the Supreme Court.

Provided that where the petitioner is represented by a counsel of his choice or by an *amicus curiae* assigned to him by the Court, the Court shall not dismiss the petition without hearing the counsel or *amicus curiae* as the case may be.

58. All applications in criminal proceedings under Arts. 132(1) and 134(i)(c) of the Constitution shall be lodged in this Court within sixty days from the date of judgment or order appealed from where a certificate is not prayed for by a party at the time of disposal of an appeal or any proceeding :

Provided that in computing the period, the time requisite for obtaining a copy of the judgment or order sought to be appealed from shall be excluded :

Provided further that the Court may for sufficient reasons extend the time.

APPENDIX – I

CIVIL APPEALS

ORDER – XIX

(The Supreme Court Rules, 2013)

RULES AS TO PREPARATION OF RECORD

11(1). The record shall be printed in accordance with the rules contained in the First Schedule to these rules and, unless otherwise ordered by the Court, it shall be printed under the supervision of the Registrar of the Court:

Provided that where the proceedings from which the appeal arises were had in Courts below in a language other than English, the Registrar of the Court appealed from shall within six months from the date of the service on the respondent of the notice of petition of appeal transmit to the Court in triplicate a transcript of English of the record proper of the appeal to be laid before the Court, one copy of which shall be duly authenticated. The provisions contained in rules 12 to 17 shall apply to the preparation and transmission to the Court of the said transcript record:

Provided further that where the records are printed for the purpose of the appeal before the High Court and the said record be in English, the High Court shall prepare 10 extra copies in addition to the number of copies required by the High Court to use in the Court.

(2) Upon receipt from the Court appealed from of the English transcript of the record as aforesaid, the Registrar of the Court shall proceed to cause an estimate of the costs of preparing the printed copies of the records to be made and served on the appellant in accordance with the provisions contained in rule 16 and with all convenient speed arrange for the preparation thereof.

(3) Unless otherwise ordered by the Court, at least twenty copies of the record shall be prepared.

12. (1) As soon as the original record of the case is received in the Court, the Registrar shall give notice to the parties who have entered the appearance of the arrival of the original record and the parties shall thereafter be entitled to inspect the record and to extract all necessary particulars therefrom.

(2) The appellant shall within four weeks of the service upon him of the notice referred to in sub-rule (1), file a list of the documents which he proposes to include in the paper book, a copy whereof shall be served on the respondent. The respondent may within three weeks of the service on him of the said list, file a list of such additional documents as he considers necessary for the determination of the appeal.

13. After the expiry of the time fixed for the filing of the additional list by the respondent, the Registrar shall fix a day for the settlement of list of documents to be included in the appeal record and shall give notice thereof to the parties who have entered an appearance. In settling the lists the Registrar, as well as the parties concerned, shall endeavour to exclude from the record all documents that are not relevant to the subject-matter of the appeal and generally to reduce the bulk of the record as far as practicable.

14. Where the respondent objects to the inclusion of a document on the ground that it is not necessary or is irrelevant and the appellant nevertheless insists upon its inclusion, the record as finally printed shall, with a view to subsequent adjustment of cost of and incidental to the printing of the said document, indicate in the index of papers or otherwise the fact that the respondent has objected to the inclusion of the document and that it has been included in the instance of the appellant.

15. Where the appellant objects to the inclusion of a document on the ground that it is not necessary or is irrelevant and the respondent nevertheless insists upon its inclusion, the Registrar, if he is of opinion that the document is not relevant, may direct that the said document be printed separately at the expense of the respondent and require the respondent to deposit within such time as he may prescribe, the necessary charges therefore, and the question of the costs thereof shall be dealt with by the Court at the time of the determination of the appeal.

16. As soon as the index of the records is settled, the Registrar concerned shall cause an estimate of the costs of the preparation of the record to be prepared and served on the appellant and require him to deposit within thirty days of such service the said amount. The appellant may deposit the said amount in lump sum or in such instalments as the Registrar may prescribe.

17. Where the record has been printed for the purpose of the appeal before the High Court and a sufficient number of copies (if it is in English) are available, no fresh printing of the record shall be necessary except such additional papers as may be required.

18. Where an appeal paper book is likely to consist of two hundred or less number of pages, the Registrar may, instead of having it printed, have the record photocopied under his supervision.

19. If at any time during the preparation of the record the amount deposited is found insufficient, the Registrar shall call upon the appellant to deposit such further sum as may be necessary within such further time as may be deemed fit but not exceeding twenty-eight days in the aggregate.

20. Where the appellant fails to make the required deposit, the preparation of the record shall be suspended and the Registrar concerned shall not proceed with the preparation thereof without an order in this behalf of the Court and where the record is under preparation in the Court appealed from, of the Court appealed from.

21. When the record has been made ready the Registrar shall certify the same and give notice to the parties of the certification of the record and append to the record a certificate showing the amount of expenses incurred by the party concerned for the preparation of the record.

22. Each party who has entered appearance shall be entitled to three copies of the record for his own use.

23. Subject to any special direction from the Court to the contrary, the costs of, and incidental to, the printing of the record shall form part of the costs of the appeal, but the costs of, and incidental to, the printing of any document objected to by one party in accordance with rule 15 or rule 16, shall, if such document is found, on taxation of costs, to be unnecessary or irrelevant, be disallowed to, or borne by the party insisting on including the same in the record.

24. Where the record is directed to be prepared under the supervision of the Registrar of the Court appealed from, the provisions contained in rules 12 to 22 shall apply *mutatis mutandis* to the preparation thereof.

**FIRST SCHEDULE
RULES AS TO PRINTING OF RECORD**

(The Supreme Court Rules, 2013)

1. The record in appeals to the Supreme Court shall be printed in the form known as Demy Quarto on both sides of the paper with single spacing.
2. The size of the paper used shall be such that the sheet, when folded and trimmed will be 11 inches in height and 8^{1/2} inches in width or 29.7cm.in height and 21 cm. in width.
3. The type to be used in the text shall be pica type, but “ long primer” shall be used in printing accounts, tabular matter and notices. The number of lines in each page pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.
4. Record shall be arranged in two parts in the same volume, where practicable, viz. –

Part I. The pleading and proceedings, the transcript of the evidence of the witness, the judgments, decrees etc. of the Courts below, down the order admitting the appeal.

Part II. The exhibits and documents.

5. 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.

6. 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, as the circumstances of the cases required. The documents shall be printed as far as suitable in chronological order, mixing plaintiff's and exhibit mark, and whether it is a plaintiff's or defendant's documents (unless this is clear from the exhibit mark) and in all cases documents relating to the same matter such as –

(a) 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 printed index.

The parties shall be responsible for arranging the record in proper order for the Supreme Court, and in difficult cases counsel may be asked to settle it.

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

8. 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.

9. Each document shall have a marginal note which shall be repeated on 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 marginal note of the document shall then appear consisting of the number of the description of the documents in the index, with the date except in the case of oral evidence.

(c) In the case of the oral evidence, “Plaintiff’s evidence” or “Defendant’s evidence” shall appear beneath the name of the Court, and then the marginal note consisting of 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 “Exhibits” shall first appear.

The marginal note of the exhibit shall then appear consisting of the exhibit mark and the description of the document in the index with the date.

10. The parties shall agree to the omission of formal and irrelevant documents, but the description of the document, may appear (both in the index and in the record), if desired with the words “not printed” against it.

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

11. 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.

**APPENDIX – II
CRIMINAL APPEALS**

ORDER – XXI

(Supreme Court Rules, 2013)

1. Every criminal appeal in which a certificate of the nature referred to in clause (1) of article 132 or sub-clause (c) of clause (1) of article 134 has been granted under article 134A of the Constitution shall be lodged in the Court within sixty days from the date of the certificate granted by the High Court, and every appeal under article 134(1)(a) and (b) of the Constitution or under any other provision of law within sixty days from the date of the Judgment, final order or sentence appealed from:

Provided that in computing the period, the time requisite for obtaining a copy of the Judgment or order appealed from, and where the appeal is on a certificate, of the certificate, and the order granting the certificate shall be excluded:

Provided further that the Court may, for sufficient cause shown extend the time.

2. (1) The memorandum of appeal shall be in the form of a petition. It shall state succinctly and briefly, and as far as possible, in chronological order, the principal steps in the proceedings from its commencement until its conclusion in the High Court.

(2) The petition of appeal shall be accompanied by a certified copy of the judgment or order appealed from and in the case of an appeal on a certificate also of the certificate granted by the High Court, and of the order granting the said certificate. In appeals falling under any of the categories enumerated in sub-rule (1) of rule 5, however, in addition to the documents mentioned above, a certified copy (or uncertified copy if such copy is affirmed to be true copy upon affidavit) of the Judgment or order of the Court immediately below shall also be filed before the appeal is listed for hearing *ex-parte*. At least seven copies of the aforesaid documents shall be filed in the Registry.

3. Where the appellant has been sentenced to a term of imprisonment, the petition of appeal shall state whether the appellant has surrendered and if he has surrendered then the appellant shall, by way of proof of such surrender, file the certified copy of the order of the Court in which he has surrendered or a certificate of the competent officer of the Jail in which he is undergoing the sentence. A mere attestation of the signatures on the *Vakalatnama* from the Jail authorities shall not be considered as sufficient proof of surrender. Where the appellant has not surrendered to the sentence, the petition of appeal shall not be accepted by the Registry unless it is accompanied by an application for seeking exemption from surrendering. Where the petition of appeal is accompanied by an application for exemption from surrendering, that application alone shall be posted for hearing/orders before the Court in the first instance.

4. Where the appellant is in jail, he may present his petition of appeal and the documents mentioned in rule 2 including any written argument which he may desire to advance to the officer-in-charge of the jail, who shall forthwith forward the same to the Registrar of the Court.

5. (1) The petition of appeal shall be registered and numbered as soon as it is found to be in order. Each of the following categories of appeals, on being registered, shall be put for hearing *ex-parte* before the Court, which may either dismiss it summarily or direct issue of

notice to all necessary parties, or may make such orders, as the circumstances of the case may require, namely:

- (a) an appeal from any Judgment, final order or sentence in a criminal proceeding of a High Court summarily dismissing the appeal or the matter, as the case may be, before it;
- (b) an appeal on a certificate granted by the High Court under article 134A of the Constitution being a certificate of the nature referred to in clause (1) of article 132 or sub-clause (c) of clause (1) of article 134 of the Constitution or under any other provision of law if the High Court has not recorded the reasons or the grounds for granting the certificate.
- (c) an appeal under clause (b) of sub-section (1) of section 19 of the Contempt of Courts Act, 1971 (70 of 1971).

(2) On the registration of the appeal and in the appeals falling under sub-rule (1) as soon as notice is directed to be issued, the Registrar shall send a copy of the petition of appeal and the accompanying papers, if any, to the High Court or the Tribunal concerned; and shall cause notice of the appeal to be given, where the appeal is by a convicted person to the Attorney-General for India or to the Advocate General or the Government Advocate of the State concerned, or to both as the case may require, and in cases where the appeal is by the Government to the accused and in cases under section 341(1) of the Code of Criminal Procedure, 1973 to the respondent.

6. The respondent may enter an appearance in the Court within thirty days of the service of the notice of lodgement of the petition of appeal on him.

PREPARATION OF THE RECORD

7. The record of the appeal shall be printed in accordance with the rules contained in the First Schedule to these rules, and unless otherwise directed by the Court, it shall be printed under the supervision of the Registrar of this Court and at the expense of the appellant. In appeals involving a sentence of death and in other cases in which the Court thinks fit so to direct, the record shall be printed at the expense of the State concerned.

8. The record of appeal arising out of the petition for special leave to appeal shall normally consist of the petition of appeal and the paper book of the Court below, if available plus such additional documents that the parties may file from the record of the case, if the printed record of the Court below be not available. In that event, no fresh printing of the record shall be necessary, and the original record will be called for, from the Court below for reference of the Court;

Provided, however, that where the records are printed for the purpose of the appeal before the High Court, the High Court shall prepare 10 extra copies in addition to the number of copies required by the High Court for use in the Court, if the said record be in English;

Provided further that where in a particular case the Court feels that fresh printing of record is necessary, a specific order to that effect shall be made by the Court at the time of

granting special leave to appeal, and the provisions contained in Order XIX relating to preparation of record shall, with necessary modification and adaptation apply.

9. (1) Save as otherwise provided for in the rules, the provisions contained in Order XIX relating to the printing and preparation of the record in civil appeals shall with necessary modifications and adaptations, apply to the printing and preparation of records in Criminal Appeals.

(2) In all cases where the record has been printed for the purposes of the appeal before the High Court or other proceedings all available copies of the printed record except one, if the record be in English, shall be dispatched to this Court along with the entire original record including the records of the Court below. One of such copies shall be duly authenticated by the Registrar of the Court appealed from.

(3) If a minimum number of 5 copies of the said printed record is available, no fresh printing of the record shall be necessary except of such additional papers as may be required.

Explanation I. – For the purposes of this rule the original record shall not include judgments of the High Court and the Courts below, but only duly authenticated copies thereof.

Explanation II. – Printing for the purpose of this rule includes photocopying and typing and printed record include photocopied or typed record.

(4) Two copies of the High Court paper book if available for dispatch to this Court shall be treated as transcript record for the purpose of printing in this Court. In that event, only such of the additional documents as the parties choose to include for the hearing of the appeal in this Court shall be typed in duplicate and transmitted to this Court along with the High Court paper books, one copy of each of which shall be duly authenticated.

(5) For the purpose of transcript record proper of the appeal, to be laid before this Court, such of the documents in vernacular as having already been translated for the purpose of the High Court appeal and which are included in the High Court appeal paper book need not be translated again.

10. Where the appellant fails to take necessary steps to have the record prepared and transmitted to the Court with due diligence, the Registrar of the Court appealed from shall report the default to the Registrar of this Court and the Registrar of this Court may thereupon issue a summons to the appellant calling upon him to show cause before the Court on a date to be specified in the summons why the appeal should not be dismissed. The Court may thereupon dismiss the appeal for non-prosecution or pass such orders as the justice of the case may require.

11. Where an appeal has been dismissed for non-prosecution, the appellant may, within thirty days of the order, present a petition praying that the appeal may be restored and the Court may, after giving notice of the application to the respondent, if he has entered appearance, restore the appeal if good and sufficient cause is shown.

12. (1) In the event of the Court ordering the printing of the record under the supervision of the Registrar of the Court appealed from, he shall dispatch to the Registrar of this Court unless otherwise directed by this Court, not less than 15 copies where the appeal raises a question as to the interpretation of the Constitution and not less than 10 copies in other cases. In

the event of the Record being printed in this Court, the Registrar will fix the number of copies to be printed for the use of this Court.

(2) In all cases involving a sentence of death, the printed record shall be made ready and dispatched to this Court within a period of 60 days after the receipt of the intimation from the Registrar of this Court of the filing of the petition of appeal or of the order granting special leave to appeal.

13. As soon as the record is ready the Registrar concerned shall give notice thereof to the parties to the appeal, and where the record is prepared under the supervision of the Registrar of the Court appealed from, the said Registrar shall after service of the notice, send to the Registrar of this Court a certificate as to the date or dates on which the notice has been served.

**SCHEDULE
FORM NO. – 1**

**PETITION FOR LEAVE TO APPEAL
UNDER ORDER XLV, RULE 3 OF THE CIVIL PROCEDURE CODE.**

IN THE HIGH COURT OF MANIPUR(CIVIL JURISDICTION)

Appeal No. of ...
Suit of ...
..... Appellant

Versus

..... Respondent

To

The Honourable Chief Justice and other Justices of the
Honourable Court

The petition of
Showeth –

1. That this suit was filed by, the plaintiff in the Court of the Judge, and prayed (here set out a concise statement of the plaint in suit and give an amount for the value of the subject – matter).
2. That the said suit came on for hearing before the Judge of on day of and the said Judge on the..... day of passed the decree (or order).
3. That (here insert name of appellant) feeling himself aggrieved by the said decree (or order) filed a memorandum of appeal against the same on the day of ...
4. That the said appeal came on for argument before the Court of Appeal consisting of the Honourable and the Honourable .. on theday of and their Lordships on the day of passed the decree (or order).
5. That your petitioner feeling himself aggrieved by the said decree (or order) is desirous of appealing to the Supreme Court from the same on the grounds following (there state the grounds and number them consecutively as (i), (ii), (iii) etc.).
6. That the amount or value of the subject-matter of the suit in the Court of first instance and of the matter in dispute on appeal to the Supreme Court is Rs. 20,000/- and upwards [or: “that the decree or order from which an appeal is sought to the Supreme Court involves, a claimor question respecting properly of the amount or value of Rs. 20,000/- and upwards”]. If the Appellate Court affirmed the decree or order of the Court below, add[and that the appeal herein involves a substantial question of law].

CHAPTER – VI
REFERENCE TO A FULL BENCH

1. Whenever one Division Court shall differ from any other Division Court upon a point of law or usage having the force of law, the case shall be referred for decision by a Full Bench.
2. If the question arises in an appeal from an appellate decree, the Court referring the case shall state the point or points upon which they differ from the decision of a former Division Court and shall refer the appeal for the final decision of a full Bench.
3. If the question arises in an appeal from an original decree, the questions of law shall alone be referred, and the Full Bench shall return the case with an expression of its opinion on the points of law for final adjudication by the Division Court which referred it and in case of necessity in consequence of the absence of any or either of the referring Judges, for the ultimate decision of another Division Court.
4. If the question arises in any matter coming before a Division Court in the exercise of its civil revisional jurisdiction, the point or points shall be stated as provided in R.2, and the matter shall be referred for the final decision of a Full Bench.
5. If the question arises in any case coming before a Division Court as a Court of criminal appeal, reference or revision, the Court referring the case shall state the point or points on which they differ from the decision of a former Division Court and shall refer the case to a Full Bench for such orders as to such Bench may deem fit.

In making the reference, the referring Judges may recommend to the Chief Justice, where they so think fit, that a Full Bench of five Judges be constituted.

6. Every decision of a Full Bench shall be treated as binding on all Division Courts, and Judges sitting singly, upon the point of law or usage having the force of law determined by the Full Bench, unless it be subsequently reversed by a Bench, specially constituted, consisting of such number of Judges as in each such case as shall have been fixed by the Chief Justice, or unless a contrary rule be laid down by the Supreme Court.

CHAPTER – VII
WRIT APPEAL/INTRA COURT APPEAL.

1. The provisions of Chapter III and IV shall apply, so far as may be, to every writ Appeal.
2. Every Writ appeal to the High Court shall be presented to the Registrar General or such other officer as the Registrar General may appoint, within thirty days from the date of the judgment appealed from, provided that any appeal filed beyond 30 days shall be accompanied by application for condonation of delay.
3. The memorandum of appeal shall be drawn up in accordance with the provisions of Order XLI, R.1, Civil Procedure Code, and shall be subscribed by an advocate of the Court. It shall be accompanied by a copy of the judgment appealed from. It shall be the duty of the officer to whom the memorandum is presented under R. 2 above to endorse thereon the date of presentation and send the same to the stamp reporter who shall satisfy himself that it is in order and within time and that there is a declaration by the Judge who passed the judgment that the case is a fit one for appeal except in the case of an appeal from the judgment of a single judge

passed in a first appeal including the First Miscellaneous Appeal when no such declaration will be necessary.

4. The fee for the issue of notice to the respondents within one week from the date on which notice is issued to the respondents, shall be paid into Court by the appellant –

(a) in the case of an appeal from the judgment of a Judge sitting singly – within 21 days of the date on which the appeal is registered;

5. The appellant at the time of paying the fee prescribed in the preceding rule shall also file printed forms of notices duly filled up in the manner provided under Chapter IV rule 37.

6. Separate registers shall be opened for the entry of such appeals in the following form :

FORM

No. of the Appeal to the High Court and the date on which it is filed

No. of the original appeal to the High Court, date of the judgments of the Division Court or of the Judges sitting singly, appealed from, and name or names of the presiding Judge or Judges.

Appellant

Respondent

Advocate for appellant

Advocate for respondent

Particulars of suit

Date of issue of notice for service on the respondent

Date on which the appeal is heard and date of judgment of the Court

Nature of the order passed

Remarks

7. If the appeal is in order and is within time, the officer to whom the appeal was presented shall cause it to be registered. If the appeal is not in proper form, he shall proceed in the manner provided by Chapter IV R.11(1).

8. If the process-fee be paid and the notice forms be filed within the period prescribed by Rr. 4 and 5, the Officer-in-Charge of the Judicial Department shall issue the notice of appeal in the prescribed form for service on the respondent, and shall cause the notice to be served on the advocate or any one of the advocates who may have appeared for the respondent in the appeal in which the judgment was given. In any case, in which the respondent may not have entered an appearance in the appeal in which the judgment was given, the notice shall be served in the mode provided by R's. 38 to 46 of Chapter IV for the service of notice in ordinary appeals.

9. In every Writ appeal, copies of the memorandum of appeal and of the judgment or judgments shall be typed, and four copies shall be prepared for use at the hearing.

10. No charge shall be levied from the parties on account of the preparation of these copies.

11. The paper books prepared for use at the hearing of the original appeal shall be used at the hearing of the appeal.

CHAPTER VII-A

SPECIAL PROVISIONS RELATING TO PROCEDURE IN ELECTION PETITIONS UNDER THE REPRESENTATION OF PEOPLES ACT, 1951 (AS AMENDED BY ACT NO. XLVII OF 1966)

1. An election petition under S. 80-A of the Representation of Peoples Act may be presented duly verified in the form prescribed under Ss. 82 and 83 of the said Act before the stamp reporter of this Court with a Court fee of Rs. 6.00 affixed thereon, within 45 days from the date of election of the returned candidate, or if there are more than one returned candidates at the election and the dates of their election are different, the latter of those two dates. Every such petition shall be accompanied by –

- (a) as many copies thereof as there are respondents mentioned in the petition together with one extra copy, all the copies being fully attested by the petitioner under his own signature to be a true copy of the petition and as many envelopes as there are respondents bearing requisite postage stamps to enable service to be effected by registered post with acknowledgement due;
- (b) as many printed forms of notices, duly filled in, as there are respondents;
- (c) an affidavit in support of the contest of the petition as prescribed in R.83(9c) of the aforesaid Act where necessary, and
- (d) a challan showing the deposit of Rs. 2,000/- (Rupees two thousand) into the State Bank of India, High Court of Manipur Branch in favour of the Registrar General of the Court, as security for the costs of the petition.

Note (I) - The petition shall be legibly typewritten or printed in the English language, on durable full-scape paper or other paper similar to it in size and quality, bookwise, on one side of the paper, with not more than 20 or less than 18 lines, of about 10 words in each line on each page and with an inner margin of about an inch and a quarter –wide.

Note (II) - Any petition which is presented out of time and without any of the above-mentioned requisites duly satisfied shall forthwith be returned by the stamp reporter for refilling.

2. As soon as possible, the petition or petitions which is or are in time and in form shall be laid before the Judge or Judges assigned by the Hon'ble Chief Justice from time to time for the trial of election petitions under sub-S. (2) of S.80-A of the Representation of Peoples Act, 1951 for registration and other orders so that such petitions can be tried as expeditiously as possible in the manner laid down in R.86(7) of the aforesaid Act.

3. As soon as the petition is registered, the notices in the prescribed form shall at once be issued on the respondent or respondents by registered post with acknowledgement due.

4. If the postal acknowledgement has been received duly signed by the addressee or the envelope has been returned with the endorsement "refused" the respondent shall be deemed to have been duly served. In all other cases, it shall be the duty of the petitioner to apply forthwith for service under Order 5, R.20 of the Code of Civil Procedure.

Note - Under S.87 of the representation of Peoples Act, 1951 as amended, and any rule made thereunder, every election petition shall be tried by the High Court, as nearly as may be, in accordance with the procedure applicable under the C.P.C., 1908 to the trial of suits :

Provided that the High Court shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

The provisions of the Indian Evidence Act, 1872, shall, subject to the provisions of the Representation of Peoples Act, 1951, as amended from time to time, be deemed to apply in all respects to the trial of an election petition.

5. The Chief Justice in his discretion may, in the interests of justice or convenience, authorise the trial of an election petition wholly or partly, at a place other than the place of the seat of the High Court.

6. When more than one election petitions are presented to the High Court in respect of the same election (constituency) all of them shall be referred for trial to the same Judge, who may in his discretion, try them separately or in one or more groups as analogous.

7. The Registrar General of this Court shall, as soon as may be, after the conclusion of the trial of an election petition, intimate the substance of the decision or order of the High Court under Ss. 98 and 99 of the said Act to the Election Commission and the Speaker or the Chairman, as the case may be, of the House of Parliament or the State Legislature concerned and as soon as may be thereafter, shall send to the Election Commission an authenticated copy of the decision.

8. As regards costs and security for costs, Ss. 177 and 122 of the aforesaid Act as amended from time to time will apply mutatis mutandis.

9. A petition for stay of operation of the order of the High Court under S. 98 or 99 of the aforesaid Act may be moved before the Judge of the High Court taking up election petitions, provided no appeal to the Supreme Court is filed or petition for stay is moved in that Court, in the meantime.

10. All interlocutory petitions should bear a Court fee stamp of Rs. 6.00 thereon and may be filed before the Judge with the permission of his Lordship.

CHAPTER – VIII. PREPARATION OF PAPER BOOKS

PART – I GENERAL

1. The printing of paper books shall be in accordance with the following directions :
 - (a) the paper books shall be printed in the form known as demy quarto, i.e. 54 cms (or 9 inches) in length and 42 cms (or 7 inches) in width ;

- (b) the size of the paper used shall be such that the sheet, when folded and trimmed will be 11 inches long and 8^{1/2} inches wide;
 - (c) the type to be used in the text shall be pica types but long primer shall be used in printing accounts, tabular matter and notes ;
 - (d) the number of lines in each page of pica type shall be 47, or thereabouts, and every tenth line will be numbered in the margin i.e. the tenth line will be numbered 10, and the second tenth line 20, and so on.
2. "Editing the paper book" includes –
- (i) collecting and arranging the papers required for inclusion in the paper book;
 - (ii) examining and comparing proofs, or when several copies of a typed paper book are prepared, examining and comparing such copies (other than the first copy) with the originals or authenticated copies of English paper or translations where the rules provide for translations;
 - (iii) the preparation of title pages and indexes;
 - (iv) the general supervision necessary to ensure the accuracy of the record and compliance with the provisions of the rules with regard to the preparation of paper books.

Note - The repetition of unnecessary titles in the document should be avoided and formal portions of documents omitted.

3. Every paper book shall have attached to it a flyleaf in the prescribed Form No. P.B. (Civil) [See Appendix I,] and giving the particulars required by R. 37.

4. In an appeal from original order which is to be heard under order XLI, R.11. Code of Civil Procedure, no paper book shall be prepared unless and until an order for the service of notice on the respondent has been made.

5. There shall be inserted at the end of one copy of the paper book prepared in every case, a statement in form No. 6 (Civil), Appendix I in which shall be specified each item of the cost incurred in its preparation by the appellant and the respondent, respectively. A copy of the statement shall be served on the party himself by registered post with acknowledgement due, the cost for the same being included in the estimate and deducted from the initial deposit.

6. In the case of appeals, other than appeals from appellate decrees, any surplus remaining after deducting the costs actually incurred by each party from the amount deposited into the Imphal West Treasury may be refunded upon request to the party by whom the deposit was made, or to the advocate entitled to act for such party.

7. The cost incurred in the preparation of the paper books shall be costs in the appeal, unless as to the whole or any portion thereof the Court which hears the appeal shall otherwise direct.

8. No order shall be passed exempting any appellant or respondent from the operation of the whole or any part of the rules of this Chapter, or no special order shall be made as to any matter with which these rules are concerned except upon application setting forth sufficient grounds. The registrar may in his discretion dispense with a written application.

An application for enlargement of time for the doing of any act required to be done under these rules shall ordinarily be made before the expiry of the prescribed time.

9. When these rules direct or allow any act to be done by or any notice to be given to an appellant or respondent, such act may be done by, or such notice given to the advocate.

9A. In all second appeals, all appeals from original orders, all appeals from appellate orders and all appeals from orders of remand under Order XLI, R. 23 of the Code of Civil Procedure, there shall be filed, at the time of filing of the appeals, second copies of the memorandum of appeals and of the judgments and orders of lower Courts (in the case of second appeals and appeals from appellate and remand orders, copies of the judgments or orders of both the lower Courts) for the use of the second Judge of the Bench taking such appeals and the same shall be returned to the appellant's advocate after the appeal is heard under Order XLI, R. 11 of the Code of Civil Procedure. These second copies shall be plain uncertified copies.

PART – II
APPEALS FROM ORIGINAL DECREES
A- GENERAL

10. On receipt of the record from the lower Court, it shall be the duty of the Registrar to see that the paper book in an appeal from an original decree for the use of the High Court at its hearing is prepared in accordance with the directions given in the following rules :

Provided that the Court may, for sufficient cause shown, pass any special order regarding the preparation of the paper book.

11. Part I of the paper book shall contain the following papers :

- (1) The plaint;
- (2) Written statement of parties interested in the appeal;
- (3) Examination of parties or their agents, etc.
- (4) Issue framed (if any);
- (5) The judgment and the decree or order from which the appeal is preferred exclusive of schedules and annexures;
- (6) Memorandum of appeal;
- (7) A chronological index;

- (8) In appeals under Section 17 of the Arbitration Act, 1940(if still pending), the award in accordance with which the decree appealed from was passed or in the application for setting aside an arbitral award under section 34 of the Arbitration and Conciliation Act,1996, the award.

In this Part shall also be included the following papers when their inclusions are necessary for the purpose of the appeal :

- (a) order sheet ;
- (b) schedules (if any) and annexures;
- (c) report to Commissioners (if any) with maps, depositions etc. Annexed
- (d) deposition of witnesses for the plaintiff and defendant ;
- (e) any other paper, other than an exhibit, on which the decision of the appeal depends.

Part I shall also contain an index which shall be drawn up in accordance with the provisions of R.43.

Part II of the paper book shall consist of exhibits.

Note – (1) No finding or conclusion in the decision appealed from will be permitted to be challenged at the hearing of the appeal unless the material on which such challenge is based is included in the paper book.

(2) Whenever a map prepared by a settlement or survey authority and issued in printed form is necessary for inclusion in a paper book, such map being an exhibit in the case, it shall not be necessary to reprint and reproduce such map. It will be sufficient if the requisite number of copies of the map are filed by the party concerned if such copies can be purchased from the Government or other agents selling the same. Such copies, when filed, shall be taken as forming part of the paper book. If in any case any lines, symbols or marks have been drawn, inserted or made in the map by any Survey Commissioner appointed by the lower Court, or by any witness or party or by the Court itself. Such lines, symbols or marks being drawn, inserted or made under the authority of the presiding Judge, those lines, symbols or marks shall be reproduced on the copies of the map filed by the party or parties in the appeal.

(3) Complete deposition of all witnesses shall be included if deposition of any of them is considered necessary for the purpose of the appeal.

12. Upon receipt of the records the Officer-in-charge of the judicial department shall serve a notice on the appellant requiring him to prepare and deliver to such officer a list of all papers (other than those mentioned in the first paragraph of R. 11 above) upon which the decision of the appeal depends and which the appellant desires to be included in Parts I and II of the paper book at his expense. This list shall be called “The Appellant’s List” and shall be divided into two parts. Part I shall contain papers other than exhibits and Part II shall contain the exhibits.

13. Such list shall be in Form No. 7 (Civil), Appendix I.

Printed copies of the form of this list will be supplied to the parties or the advocates entitled to act for them free of cost, on application to the Forms Assistant.

14. There shall be entered in such list all documents on which the decision of the appeal depends :

Provided that if it is necessary only to print a portion of any particular document for the decision of the appeal the relevant portion shall be specified which may be done by surrounding the portion in pencil :

Provided also that ordinarily a long series of documents, such as accounts, rent-rolls, etc. shall not be printed in full but the parties or their legal agents shall agree to short extracts being printed if necessary, in tabular form.

15. In Part II of this list the exhibits should retain their original numbers with the proper page numbers attached, the documents should be arranged, as far as suitable, in chronological order, mixing plaintiff's and defendant's documents together when necessary, but in all cases documents relating to the same series, or to the same subject (e.g. a series of correspondence, or proceedings in a suit other than the one under appeal) should be kept together. A correct and full description of such documents must be given.

The appellant shall within three weeks after service of the notice required by R. 12, deliver to the Officer-in-Charge of the judicial department his complete list prepared in connection with the above rules.

16. On receipt of the list of the papers to be included in Part I and II of the paper books at the expenses of the appeal, the Officer-in-Charge of the judicial department shall cause to be prepared estimates to the cost of the preparation of Parts I and II of the paper book.

17. As soon as the list is delivered to the Officer-in-Charge of the judicial department by the appellant, the former shall, if the respondent enters an appearance on or before the date mentioned in the notice under Order XLI, R.14, Civil Procedure Code, give notice of such delivery to such respondent. If the respondent fails to enter appearance on, or before the date mentioned in the notice under Order XLI, R. 14 and if it shall appear that the said notice has been duly served on such respondent, he shall not without the leave of the Registrar, obtain upon an application (unstamped) filed simultaneously with the vakalatnama explain the delay in appearing and ask for notice of the appellant's list, be entitled to file a list of papers for insertion in the paper book under R.20.

18. Every respondent, who has entered an appearance, shall be entitled to inspect the appellant's list and, at his own expense, to obtain a copy of the whole or of any portion thereof.

19. Every such respondent shall, within three weeks after service upon him of the notice deliver to the Officer-in-Charge of the judicial department a list in duplicate in Form No. 8(Civil), of Appendix I of the papers, other than those inserted in the appellant's list and relevant to the subject matter of the appeal, to which such respondent desires that reference shall be made by the Court at the hearing of the appeal and which shall be inserted in the paper book at such respondent's expense. Such list shall be termed "The Respondents' List" and shall be divided into two parts like the appellant's list.

20. The advocates for the appellant and the respondent shall, at the time of filing their respective lists, enter in such lists the names and correct address (with the post office) of the parties and in whose behalf the lists are filed by them.

21. The Officer-in-charge of the judicial department shall within fourteen days after the delivery by the appellant and the respondent of their lists, respectively, make and deliver to the advocate for such appellant and to the advocate for such respondent separate estimates of the cost of preparing their portions of the paper book in Form Nos. 9(Civil) and 10 (Civil), of Appendix I, copies of the estimate along with the intimation of the date of service of the estimate upon the advocate concerned and shall be served on the parties (appellant and respondent) themselves by registered post with acknowledgment due the cost for the same being included in the estimate and deducted from the initial deposit.

Every estimate for the cost of the preparation of the paper book shall include the cost of transcribing and printing etc. of the documents necessary to be included in the paper book. No revision of the lists filed by the advocate of either party shall be allowed after the estimates have been prepared and served on the respective advocates, except under the orders of the Registrar to be obtained on an application with notice to the other side. The application for revision shall be a verified one but, if the revision is agreed to by the opposite party such application for revision need not be verified.

22. The appellant and respondent respectively shall deposit into the Treasury office, Imphal West, after having the challan duly passed by the Editor and Accountant, the amount due on the estimates served under R. 23 within the periods specified hereunder:

(a) The amount due for estimating, translating and examining translations, after (in the case of the appellant) deducting the amount of the initial deposit made under R. 34, Chapter IV, within four weeks of the service of the estimates upon the advocate for such appellant and respondent respectively.

(b) The whole of the remainder within four weeks of the deposit of the amount.

23. If the respondent considers that any paper or portion of a paper which ought to have been inserted in the appellants' list under the provisions of R. 14 has been omitted therefrom in violation of these provisions, he may, at the time of filing the respondent's list as prescribed in R.20 and after giving notice to the appellant of the intended application, apply to the Registrar for an order that such paper or portion of a paper be inserted in the paper book of the case at the cost of the appellant.

Provided that if any such application by a respondent is disallowed by the Registrar, such respondent, shall be at liberty, at that time to pay for the inclusion of the papers mentioned in his application, in his list (that is the respondent's list) at his own cost.

24. If one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included and the Registrar allows the documents to be included, the order book and list shall clearly indicate the fact that, and the party by whom the inclusion of the document was objected to.

25. The Registrar as well as the parties and their legal agents shall endeavour to exclude from the paper book all documents (more particularly such as are merely formal) that are not relevant to the subject matter of the appeal and generally, to reduce the bulk of the paper book,

as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of heading and other merely formal parts of the documents.

Note 1 - Ordinarily a long series of documents, such as accounts, rent-rolls, inventories, etc. should not be printed in full; but the parties or their legal agents should agree to short extracts being printed as specimens.

Note 2 - Documents produced before the Court of first instance, but not admitted in evidence, shall not be included an application (unstamped) with notice to the opposite party. An advocate desiring to refer to any such document at the hearing of the appeal before the High Court shall, at any time before the hearing, serve on the advocate for the opposite party, a type-written copy or a type-written copy of the translation, as the case may be, of any such document to which he desires that reference should be made, and shall also provide two such type-written copies of the translation for the use of the Court. If he fails to do so he shall not refer to such document at the hearing and no adjournment of the appeal will be granted on this account unless the Court otherwise directs.

26. The appellant's and respondent's list shall each bear a certificate under the hand of the advocate for such appellant or respondent in the following form :

"1. A.B., advocate for do hereby certify that I have carefully examined this list with reference to the provisions of R.25, Chapter VIII of these rules, and declare that in my judgment, it is necessary to include in the paper book of the appeal every document or portion of a document, included in the list in order to arrive at proper decision of the appeal."

26A. In case in which any paper or papers which are to be included in the paper book as prescribed under this Chapter have been omitted from the list, the office shall give notice to the advocate concerned to the effect that unless the list is amended within seven days from the receipt of such notice or an order for the exclusion of such paper or papers is obtained upon an application before the expiry of that period, the paper or papers will be included in list under the aforesaid rules and the office shall proceed to include them on the expiry of the said period if no action is taken by the advocate.

27. If the respondent does not enter an appearance or does not deliver the list directed by, and within the time prescribed by R. 21, and if no order be made under R.23 the paper book shall be prepared in accordance with the appellant's list.

28. When two or more appellants or respondents have the same interest in the appeal, one set of the list only shall be required from all such appellant or respondents, appellants or respondents having a separate interest shall deliver separate sets of list. In such cases the principle of R. 32 shall apply.

29. If any of the papers, which must be inserted in the appellant's list or in the respondent's list, was previously printed in a former paper book, the fact of its having been so printed must be stated in the list in which such paper is inserted. Such papers shall not be printed unless the Registrar otherwise directs :

Provided that the party who refers to papers in previous paper book but who has not paid for the preparation of such previous paper book, shall pay charges fixed for the sale of paper books from the record department if he requires a copy for his own use, and shall supply copy at his cost to the other side unless the other side has paid for such previous paper book in which even

the copy supplied to him shall not be charged for. If either party contributed to the cost of the previous paper book, copies required for use of the Court shall not be charged for, otherwise, the party referring to papers in such paper book shall pay for the copies required for the use of the Court.

30. No paper in the record of the case, which is not inserted in the appellant's or respondent's list or ordered to be included in the paper book R. 23 and printed in the paper book of the case or in a previous paper book, shall be referred to at the hearing of the appeal without the special leave of the Court. But this rule shall not preclude the Court from referring to any paper to which it considers a reference necessary for the ends of justice.

31. If it subsequently appears that the amount deposited by either party to the appeal is insufficient to defray the cost of preparing his portion of the paper book, or a supplementary paper book after remand, the Officer-in-Charge of the Judicial Department shall estimate the additional amount required and shall give notice thereof to such party. Such additional amount shall be deposited by such party into the Imphal West Treasury after having the challan duly passed by the Editor and Accountant within two weeks after service upon him of such notice. No work in the matter of the preparation of the paper book which is likely to cost more than the sum deposited should ordinarily be undertaken until such additional deposit has been made, unless the Registrar shall otherwise direct.

32. When separate appeals have been preferred by a different person against the same decree, complete lists of the document which the parties wish to include in the paper book shall be delivered by the parties to each appeal. The common matter shall appear in one paper book only, the other paper books containing a reference to the pages of the paper book in which such common matters appear. In such cases, the Officer-in-Charge of the judicial department shall, subject to the order of the Registrar, apportion between the parties concerned the cost of preparation in respect of matter common to all or any of the parties. The estimates for the cost of the preparation of the Parts I and II of the paper books in such cases shall be served on the parties until such apportionment has been made. This rule shall also apply when two or more separate appeals are preferred in analogous cases.

Nothing in this rule shall be construed as authorising the printing of exhibits or documents relating to the same series or to the same subject in a manner contrary to the provisions of R. 15 of this Chapter.

33. If the appellant fails to deliver his list of papers in accordance with R.16, or if the appellant or respondent fails to make the deposit or additional deposit required by R. 22 and R.31, respectively, the Officer-in-charge of the judicial department shall lay the matter before the Registrar, who may, in case of default by the appellant, cause the appeal to be set down for hearing; and the court may, unless satisfied that there was reasonable ground for the default, direct the appeal to be dismissed for want of prosecution or may pass such other order as may seem proper in the circumstances of the case.

34. (a) The translation of vernacular papers is to be done by the Court's translators and the examination of translation is to be done by another translator of the Court who has not translated the papers of that particular case.

(b) Paper books are to be printed in the press approved by the Registrar.

(c) On the paper books being filed, they shall be taxed and it will be the duty of the Taxing Officer to see that they have been prepared in accordance with these rules.

d) When the Taxing Officer is satisfied that the paper book has been properly prepared, he shall certify accordingly, and upon such certificate being granted but not before the balance of the amount due as per final account on being deposited he shall send the printed paper books to the section concerned. The Registrar may, in any proper case, pay the printer's fees to the printer after the receipt of printed paper books, if certified to have been received in proper order.

35. It shall be the duty of the Editor to report through the Superintendent, Judicial to the Registrar any case in which the translation has been carelessly, negligently or imperfectly done, and it shall be the duty of the Editor to report to the Registrar any case in which the preparation of any other portion of the paper book has been carelessly, negligently or imperfectly done.

The Registrar, if he thinks fit, will report any such matter to the Court, who may take necessary action.

36. When a case is ready for hearing the Officer-in-Charge of the judicial department shall furnish the advocate engaged on either side with the copies to which they are entitled under R.44 or R.48. The issue of the paper books to the advocates will be noticed to them that the case is ready for hearing.

37. The enforcement on every paper book prepared for the use of the High Court at the hearing of the appeal shall furnish the following information :

- (a) The number of the case;
- (b) The name of the Judge of the Court below ;
- (c) The name of the parties and their advocates;
- (d) The date of institution of the suit;
- (e) The date of the lower Court's judgment;
- (f) The date on which the appeal was filed;
- (g) The date on which the appeal was decided; and
- (h) The date on which the decree was signed.

38. In appeals in which the respondent shall not have appointed an advocate up to the date of the preparation of the paper book an Appendix containing the deposition of the serving officer and the return and the remarks of the lower Court as to the service shall be added to the paper book either in transcript or translation, accordingly as they may be in English or in the vernacular.

The Officer-in-Charge of the judicial department shall have an additional estimate prepared and served on the advocate for the appellant. The amount thereof shall be deposited into the Imphal West Treasury within a fortnight of the date of service.

39. The supplementary paper book after the receipt of finding of a lower Court in a case referred under Order XLI, R.25 and R.27, Civil Procedure Code, shall be governed by the rules of this Chapter.

40. Notwithstanding anything contained in these rules, the Registrar may, upon application made to him, direct that, in appeals below R. 5,000/- in value in which if Parts I and II of the paper book were printed, the total number of pages contained in the paper book would be 25 or less, 6 or 12 typewritten copies of the paper book according to necessity, shall be prepared at the cost of the parties. In such cases, the appellant and the respondent, if the latter enters an appearance, shall be entitled to have free of charge, as many copies of the paper book, not exceeding four on either side, as they may have advocates engaged in the appeal. In any case, they shall each be entitled to two copies. Additional copies over and above those which may be supplied to the parties free of charge under this rule shall be charged for.

B – APPEALS FROM ORIGINAL DECREE VALUED UNDER Rs. 20,000/-

41. Paper books in all appeals from original decree valued under Rs. 20,000/- including translation of vernacular papers and examination of translation will be prepared entirely on Court's office and paper books of all such appeals will be printed in the press approved by the Registrar General.

42. The estimate for the preparation of the paper book in such appeals shall state separately the cost of translating, editing, printing etc. at the following rates :

- (a) Estimating at 10,000 words per 50 rupees;
- (a-1) Estimating charge for maps – 12^{1/2} per cent of the cost of tracing the same;
- (a-2) Estimating charge for photographs – 12^{1/2} per cent of the cost of producing the negative;
- (a-3) The rate of tracing maps etc. in a civil paper book is Rs.10 per sheet;
- (b) Translating at 150 vernacular words per Rs. 50;
- (c) Examining translations at 300 vernacular words per Rs.100, three figures being counted as one word;
- (d) Copying at the rates specified on Chapter XII;
- (e) Editing the paper book at ten 5 Rupees a page.
- (f) Lithographing, 'Photostating' drawing or tracing maps (where necessary) at the actual cost
- (g) Printing fee for 19 copies (ordinary matter with marginal notes) is Rupees 100.
- (h) Taxing the paper book costs at 2 Rupees.

Note 1 - The above rates are liable to alteration.

- Note 2 - The charges for editing printed paper book includes the charge of indexing the same.
- Note 3 - If the document is to be translated in any language other than the Manipuri vernacular, the rates prescribed by R.6 in Chapter XII will apply.
- Note 4 - Each item of cost in the preparation of the paper book at the rates specified above should be calculated to the nearest Rupee (fraction below half of a Rupee being omitted and half of a Rupee or over being reckoned as one Rupee.).

The entire cost estimated as above shall be deposited into the Treasury office, Imphal West and from such deposit, the Court's office will keep the undertaking advocate supplied with funds to carry on the work of the preparation of the paper book. When the paper book is finally prepared the cost shall be taxed under the direction of the Registrar.

43. The paper books for the use of the High Court in such appeals shall be printed and edited in accordance with the following directions :

- (i) The printed paper books shall consist of two parts in the same volume, where practicable, viz. Part I and II. Part I shall contain the record of the proceedings in the lower Court and shall include all the papers mentioned in R.12. These should be printed strictly in chronological order, that is, in the same order as the index. Part II shall contain the exhibit and documents relevant to the subject matter of the appeal which should be arranged in the manner prescribed in R. 16, each document to show its exhibit mark and whether it is a plaintiff's or defendant's document (unless this is clear from the exhibit mark). Each part should be paged at the foot of each page. The heading to each document should consist of the number of exhibit mark and the description of the document in the index with the date, and the corresponding English date must be given if the document bears any other date.
- (ii) The Index of Part I shall be in chronological order and shall be placed at the beginning of the volume. Part II shall have an index arranged in order of the exhibit marks. This Index should be placed immediately after the Index to Part I. The documents in Part I should be numbered consecutively, while those in Part II should not be numbered apart from the exhibit mark. The Index should contain a correct and full description of each document and reference to the pages in the printed paper book. Whenever any document included in Part I or II of the paper book is dated according to Indian era, the corresponding English date of such document must be entered in the Index.
- (iii) All papers which are not in English shall be translated into that language. Such translation and the original English papers shall be arranged and printed in Parts I and II in the order prescribed by the first sub-clause of this rule.
- (iv) Maps forming part of a paper book shall be included in the index but shall not be bound up with the other papers in the paper book. Such maps shall be drawn or printed on durable paper and they shall form a separate packet with a separate list.

Translations of vernacular phrases or figures that form part of a map must be submitted on a correct tracing of the map in question.

(v) Each document shall have a marginal note which is to be repeated on each page over which the document extends, viz., -

- (a) The short name of the Court shall first appear.
- (b) The marginal note of the document shall then appear consisting of the number and description of the document in the Indices 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 beneath the name of the Court and then the marginal note consisting of the number in the indices and the witness’s name with “examination”, “cross-examination” or “re-examination” as the case may be.

44. Nineteen copies of the printed paper books shall ordinarily be prepared by the Court's office, and filed in the office of the Court. On the application of either party, the Registrar may direct a large number to be printed. In any case, 5 copies shall be retained for use in the High Court. The service of paper books on the parts under R. 36 will be regulated as follows :

To the appellants. Three copies or one copy for the use of each advocate who has appeared, whoever is more;

To the respondent. One copy only for the use of the advocate or all the advocates, who has, or have, appeared for each set of respondents;

Subject to a maximum of seven copies, on either side if 19 copies have been printed :

Provided that if on the above basis less than 14 copies have been distributed between both sides, additional copies up to that number may be supplied for use at the hearing on application to the Officer-in-Charge of the Judicial Department, but the latter should, if possible, retain copies for such of the respondents who may still enter appearance in the appeal.

C – APPEALS FROM ORIGINAL DECREE VALUED AT RS. 20,000 OR OVER

45. Paper books in all appeals valued at Rs. 20,000 or over shall be prepared entirely in the Court’s Office.

46. The estimate for the preparation of the paper books in such appeals shall be prepared in accordance with the particulars in R. 45 above.

47. Paper books for the use of the High Court in such appeals shall be printed and edited in accordance with the direction in R. 43 above.

48. (a) There shall ordinarily be printed and filed in the Court’s Office 19 copies of the paper books.

Provided that the Registrar may, when necessary, direct a larger number of paper books to be printed.

(b) Of the 19 bound copies, 5 copies shall be retained for the use of the Court and the remaining 14 copies distributed to the appellant and the respondent proportionately.

D - ANALOGOUS APPEALS FROM ORIGINAL DECREES AND ORDERS, SOME VALUED UNDER, AND SOME AT OR OVER RS. 20,000

49. In analogous appeals from original decrees and orders some of which are valued below and some at Rs. 20,000 or above, all the appeals should be treated as appeals valued at Rs. 20,000 or above, for the purpose of the preparation of the paper books, unless on a verified petition duly filed, the advocate for any party obtains orders of the Registrar General for relaxing the rule in any particular case.

**PART III
RULES FOR THE PREPARATION OF PAPER BOOKS
IN APPEALS FROM APPELLATE DECREES AND ORDERS**

50. Paper books in appeals from appellate decrees and orders shall consist of the following papers :

(1) The plaint.

Note - Lengthy schedules and descriptions of boundaries appended to plaints may ordinarily be omitted.

(2) The written statement.

Note - When there are several sets of defendants in a suit, the written statements of defendants not parties to the second appeals either as appellants or respondents may be omitted.

(3) Any further pleadings by way of reply or otherwise.

(4) The judgment of the Court of first instance.

(5) The judgment of the lower Appellate Court.

(6) Any judgment or orders of remand passed in the case either by the lower Appellate Court in appeal or by the High Court in second appeal.

(7) The memorandum of second appeal, the memorandum of cross-objection, if any.

(8) A front leaf containing the number of the cause, names of the Judges or the Courts below, names of the parties and of their advocates, date of the judgment of the lower Appellate Court, date on which the second appeal was filed, date of service of notice upon the respondents and the date on which the cause was ready for hearing.

51. No papers shall be referred to at the hearing except with the leave of the Court, unless they have been included in the paper book under the preceding rule or unless copies thereof, neatly typed on the foolscap paper, have been supplied to the opposite party and the Court, to clear days before the date of hearing.

52. (i) The appellant shall within twenty-one days from the date of admission of appeal under Order XLI, R.11, Civil Procedure Code, deposit the sum of Rs. 250 in full payment of the cost of the preparation of the paper book.

(ii) Each respondent or set of respondents shall, at the time of entering appearance deposit the sum of Rs. 50 for a copy of the paper book.

(iii) In appeals from appellate decrees or orders in which there is an order of remand passed by the lower Court in appeal or by the High court in second appeal and in which the previous judgments(original and appellate)have to be included in the paper book,the charge to the appellant will be Rs.100 and the respondent Rs.50.

(iv) In the case of batches of analogous appeals the deposit to be made by the appellant shall be Rs.100 for the first appeal the charge for the analogous appeals beingRs. 20 per appeal, up to four such appeals, and Rs.10 for every such appeal in excess of four.

In such cases, the respondent on entering appearing shall deposit Rs. 50 for the first appeal, and half the charge prescribed for the appellant in respect of the analogous appeals.

The principle of this rule will apply to each set of respondent who enters an appearance through separate advocates.

(v) Where analogous appeals have been presented in separate batches each batch of such appeals presented by the same appellant, or by the same advocate representing different appellants, shall be considered as a separate batch of analogous appeal and costof preparation of the paper books shall be deposited for each batch of such appealsseparately calculated according to the provisions of R. 52.

(vi) In case of single appeals presented by different advocates, or appeals in person,such cost shall be deposited as provided in this rule for each separate appeal; notwithstanding that such appeals may be analogous to others.

53. (i) No work in the matter of the preparation of the paper books shall be undertaken until the deposit required, under the provisions of R. 52 has been made by the appellant,unless the Registrar General shall otherwise direct.

(ii) If any case is, on the application of the appellant or respondent, fixed by the Court for hearing before the appeal is placed on the General Warning List, no refund of the deposit mentioned above will be allowed if the work of preparation of the paper book has commenced, on the ground that paper books were not ready at the hearing of the appeal.

54. (i) Upon the appellant depositing the cost of the paper books in accordance with R. 52 above six type-written copies of the paper book shall be prepared in Court's office

in accordance with R.50 above. Two of these six copies will be for the use of the Court, two for the appellant, one for the respondent or set of respondents who first enters an appearance and one spare. As other respondents, or set of respondents, enter an appearance through advocates and make the prescribed deposit, they will receive a copy of the paper book.

(ii) The appellant shall supply a copy of the paper book to the advocate for the officer of the Court appointed guardian ad litem for a minor respondent out of the two copies supplied to him as aforesaid or by purchasing an additional copy at the rate of Rs. 50. He will also supply an additional copy or additional copies to the Court, should the case be heard by a Bench consisting of more than two Judges.

55. In case of the appellant failing to make the necessary deposit under R.52, the matter shall be laid before the Registrar General who may at once cause the appeal to be laid down before the Division Bench for orders. If the appellant fails to satisfy the Court as to the delay, the appeal may be dismissed for want of prosecution or the Court may pass such other orders as it may deem proper.

56. Additional paper books over and above those, which may be supplied to the parties under R.51, shall be charged for at the rate of Rs. 50 per copy.

57. When a case is ready for hearing it shall be included in General Warning List in Form No. 12 (Civil) Appendix I, a copy of which shall be displayed on the notice board of the appeal section concerned, and a copy sent to the High Court Bar Association's Library for information. This shall be considered as sufficient notice to the advocate concerned that the case is ready for hearing.

PART IV APPEAL FROM ORIGINAL ORDER

58. The rules for the preparation of paper books in appeals from original decrees valued under Rs. 20,000 or valued at Rs. 20,000 or more, shall apply respectively, to every first appeal from an order of the like value (including an order under Section 47, Civil Procedure Code), passed by a subordinate Court not being an Order under Order XLI, R.23 of the same code, with the following modifications :

(A) The Part I of the paper book shall contain the following papers :

- (a) The relevant portions of the order sheet;
- (b) The application or proceeding on which the order appealed from was passed;
- (c) The petition, if any, filed an answer;
- (d) The order appealed from;
- (e) The memorandum of appeal;
- (f) In case falling under Cls. (ii), (iii) and (iv) of Section 39(1) of the Arbitration Act, 1940, the award in respect of which the order appealed from was made, in cases falling under Cls. (iv) and (v) *ibid* the arbitration agreement in

respect of which the order appealed from was passed or in case of falling under section 34 of the Arbitration and Conciliation Act, 1996, the award in respect of which the order appealed from was made along with the arbitration agreement in respect of which the order appealed from was passed.

In this Part shall also be included the following papers when their inclusion is necessary for the purpose of the appeal; provided that the Registrar General may, upon application being made to him, direct that any paper or part of a paper shall not be included in this Part:

(a) The evidence, oral or documentary, which may have been taken or put in with reference to the application or proceeding and which is necessary for the decision of the appeal.

(b) Any other papers to which reference may be necessary for the decision of the appeal.

(B) That the appellant's list shall be delivered to the Officer-in-Charge of the Judicial Department within one week after the service of the notice of the arrival of the record.

(C) That the respondent's list shall be delivered to the Officer-in-Charge of the Judicial Department within one week of the service upon him of notice of the filing of the appellants' list.

Computerised print out version.

59. In appeals from remand order under Order XLI, R.23, Civil Procedure Code, the paper books shall be prepared and supplied to the parties in accordance with the rules relating to the preparation of paper books in appeals from original decrees.

The paper books of all appeals from the original order valued at less than Rs.20,000/- shall be a computerised version made in the office. The parties shall bear their respective costs.

PART V FULL BENCH REFERENCE

60. No charge shall be levied from the parties for the preparation of paper books in Full Bench reference cases.

61. In every case, six copies of the referring judgment shall be typed in a computer. The additional number of copies, if any, of the paper book in the appeal which will be required for the hearing of the reference will be determined by the Registrar General upon a report from the office as to the number already available.

62. Parties will not be entitled to any free copies of the referring judgment. Copies may, however, be purchased by the parties or their advocates (including copies for the advocates or for the Deputy Registrar in the case of minor respondents) at the rate of one rupee per page subject to a maximum charge of rupees one hundred for each case. If additional copies of printed paper book in the appeal are required by the parties for the Full Bench reference they shall be

purchased at the above rate, the maximum of rupees one hundred being applicable to each volume of such paper book.

PART VI
APPEALS UNDER THE WORKMEN'S COMPENSATION (VIII OF 1923) AND
UNDER THE INDIAN SUCCESSION ACT (XXXIX OF 1925)

63. The preparation of paper books in appeals under the Workmen's Compensation Act (VIII of 1923) and under the Indian Succession Act (XXXIX of 1925) shall be governed by the following rules :

64. (a) On receipt of the record from the lower Court, the Officer-in-Charge of the Judicial Department shall serve a notice on the advocate for the appellant informing him of the arrival of the record and calling upon him to prepare and file within seven days of the service of such notice, a list of the papers which he considers to be necessary for the decision of the appeal;

Provided however that the following papers shall be included as the nature of the case requires :

- (1) The application for grant of probate or letter of administration or succession certificate or award.
- (2) Objection, if any;
- (3) Depositions;
- (4) Order or award appealed against;
- (5) Decree, if any;
- (6) Memorandum of appeal in Part I; and
- (7) The will and codicil, if any, exhibited, with Sub-Registrar's endorsements thereon if it is registered or medical certificate of injury, if any, in Part II of the paper book in appeals under the Indian Succession Act (XXXIX of 1925), and Workmen's Compensation Act (VIII of 1923) as the case may be.

(b) If the respondent enters an appearance within the time allowed for such appearance, the Officer-in-Charge of the Judicial Department shall serve a notice calling upon him to inspect the list filed by the appellant and state within seven days of such service whether he wishes any other papers to be included in the paper book of the case;

Provided that the Registrar may, for good and sufficient reason, extend the time allowed under the foregoing sub-rules by such periods, not exceeding seven days as to him may seem proper.

65. If the respondent considers that any paper or portion of a paper which ought to have been inserted in the appellants' list has been omitted therefrom, he may, within the period of seven days and after giving notice to the appellant of his intended application, apply to the Registrar for an order that such paper or portion of a paper be inserted in the paper book of the case:

Provided that if any such application by a respondent is disallowed by the Registrar, such respondent shall be at liberty at that time to pray for the inclusion of the papers mentioned in his application in a paper book to be prepared by him at his own cost:

Provided also that if the respondent has entered appearance out of time he shall not be permitted to pray for the inclusion in, or exclusion from, the appellants' list of any papers whatsoever if such application be not made before the actual preparation of the paper book has commenced.

66. If one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon it being included and the Registrar allows the document to be included, the order book and list shall clearly indicate the fact that, and the party by whom, the inclusion of the document was objected to.

67. The Registrar as well as the parties and their legal agents shall endeavour to exclude from the paper book all documents (more particularly such as are merely formal) that are not relevant to the subject matter of the appeal, and generally, to reduce the bulk of the paper book, as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of heading and other merely formal parts of documents.

Note 1 - Ordinarily a long series of documents, such as accounts rent rolls, inventories etc. should not be printed in full; but the parties or their legal agents should agree to short extracts being printed as specimens.

Note 2 - Documents produced before the Court of first instance, but not admitted in evidence, shall not be included in the paper book except under the orders of the Registrar obtained upon an application (unstamped) with notice to the opposite party. An advocate desiring to refer to any such document at the hearing of the appeal before the High Court shall, at any time before the hearing serve on the advocate for the opposite party a typewritten copy, or a typewritten copy of the translation, as the case may be, of any such document to which he desires that reference should be made, and shall also provide two such typewritten copies or typewritten copies of the translation for the use of the Court. If he fails to do so, he shall not refer to such document at the hearing and no adjournment of the appeal will be granted on this account unless the Court otherwise directs.

68. As soon as the list of papers to be included in the paper book has been settled in accordance with the foregoing rules, the Officer-in-Charge for the appellant shall call upon him to prepare paper books by way of computer typing in accordance with such list, serve a copy thereof on each of the appearing respondents and file two copies for the use of the Court before the expiry of 30 days from the date of such notice, accompanied by a certificate that copies have been served on all the appearing respondents.

69. If the respondent has been allowed to prepare a separate paper book at his own cost, he shall be called upon to serve the appellant a copy of such paper book and to file two copies for the use of the Court within the time allowed to the appellant as aforesaid.

70. Every paper book, whether prepared by the appellant or the respondent, shall contain at the end of it a cost sheet, save that no charge shall be made for 'estimating' and 'taxing'.

71. As soon as the requirements of the preceding rules have been complied with and the appeal is otherwise ready for hearing, the Officer-in-Charge of the Judicial Department shall

include the case on the General Warning List in Form No. 12 (Civil), Appendix I a copy of which shall be displayed in the manner prescribed in R.57 of this Chapter. This will be considered sufficient notice to the advocate concerned that the issue is ready for hearing. Where, however, any part has not entered an appearance through an advocate such notice shall be served upon him by registered post.

PART VII
APPEAL UNDER THE HINDU MARRIAGE ACT (XXV OF 1955)

72. Appeals under the Hindu Marriage Act, 1955 will be classified as First Appeals (Divorce or Dissolution of Marriage).

73. The following paper shall be included in Part I of the paper book :

- (1) Complaint or petition
- (2) A written statement or objection petition, if any
- (3) Issues framed in the lower Courts
- (4) The judgment and decree of the Lower Court from which the appeal is preferred.
- (5) Memorandum of appeal.

In this Part shall also be included in the following papers when their inclusion is necessary for the purpose of appeal:

- (a) Order sheet:
- (b) Deposition of witnesses for the plaintiff and the defendant; and
- (c) Any other paper, other than an exhibit.

Part II of the paper book shall consist of exhibits.

74. The provisions of R.65 to R.71 of Chapter X, Part VI, shall apply *mutatis mutandis* for the preparation of paper books in appeals under the Hindu Marriage Act (XXV of 1955).

PART VIII
RULES UNDER THE INCOME TAX ACT, 1961

1. Reference to be presented to Registrar – All references under Section 256 of the Income Tax Act, 1961 shall be presented to the Registrar.

2. The statement of the case shall be in the form of numbered paragraphs, setting out all the relevant facts and proceedings in their chronological order, next the contentions of the parties in relation to the question or questions referred, next the findings of fact and law of the Appellate Tribunal thereon, and lastly the question or questions of law arising therefrom and referred. It must not contain any discussion of questions asked to be referred, but not referred.

3. The statement of the case shall be accompanied by, as annexures thereto, copies of all documents necessary to enable the Court to decide the question or questions raised and referred thereby.

4. Preparation of paper book – The paper book in respect of a reference shall be prepared by the party at whose instance the reference has been made.

5. The Appellate Tribunal, when submitting a statement of case to the court, shall forthwith give notice thereof to the party at whose instance the reference has been made and direct him to take the necessary steps for the preparation and filing of paper book in accordance with the rules of the Court. The Tribunal shall furnish such party with certified copies of the statement of the case and the annexures thereto, as also of the orders of the Income Tax Officers, the Appellate Assistant Commissioner and the Tribunal, if the latter or any them be required by him.

6. Unless the Court otherwise directs, there shall be printed fifteen copies of the paper book. Six copies shall be filed in Court within three months (or such further time as the Registrar may allow) of the receipt of the statement of the case by the Court and two of them shall be bound with strong cardboard. Along with the copies of the paper book shall be filed six printed copies of the document or documents, if any, not printed and not include in the paper book under the liberty conferred by R.14 hereinafter following.

7. One of the copies of the paper book filed in Court, other than the two copies bound with cardboard, shall contain a certificate signed by the attorney or advocate for the party responsible for the preparation of the paper book that the copies printed therein are true copies of certified copies furnished to him of the original documents on record.

8. Unless otherwise ordered, the paper book shall, as regards form, size, typography and arrangement, thereof, be prepared and printed in accordance with the directions contained in Cls. (a) to (d) of R. 1 of Chapter VIII of the rules of the High Court of Manipur.

9. The paper book shall contain an index, placed before any other document, in the following form :

Serial No.	Description of papers	Date of the document	Page of the paper book
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10. It shall not be necessary to have the index settled, but the party, at whose instance the reference has been made, shall within a fortnight of the receipt of the notice of the submission of the case or such further time as the Registrar may allow, prepare the index and serve on the respondent a copy thereof.

11. If any document required to be launched in the paper book be not in the English language, only an English translation thereof shall be printed and included and such translation shall be made by a sworn translator appointed by the Court for the purpose in accordance with the rules of the High Court.

12. (a) The paper book shall contain copies of the statement of the case and the annexures thereto but the following documents, whether or not they are included among the annexures, shall always be printed and included :

- (i) Order of the Appellate Tribunal under Section 254 of the Act;

- (ii) Order or orders of the Appellate Assistant Commissioner under Section 251;
- (iii) Order or orders of the Income Tax Officer ;
- (iv) Application for a reference under sub-section (1) of Section 256 of the Act; and
- (v) The respondent's reply thereto.

(b) Where the reference has been made in pursuance of a direction under Section 256(2) of the Act, the order made under the section and the judgment delivered, if any, shall also be included.

13. If either of the parties to a reference desires to include, or have included, in the paper book any document or documents other than those included among the annexures to the statement of the case and those specified under heads (i) to (v) of the preceding sub-rule, he shall make an application of the Court on that behalf within one week of the wending of a copy of the index to the respondent or of the receipt thereof by the respondent where he is the applicant, with notice thereof to the other party, and such document or documents shall or shall not be printed according to as the Court may direct and where a document is directed to be included on application by the respondent, the initial cost of such inclusion shall be in the discretion of the Court.

14. If a document or documents required to be included, in the paper book be such that the same cannot be conveniently included, e.g., the memorandum and the articles of association of a company or a balance sheet or a profit and loss account but a sufficient number thereof are available in print, such document or documents need not be printed and included, provided the necessary number can be and are supplied for the use of the Court and also for the use of the Commissioner of Income-tax where he is the respondent and, in such case, a note to the above effect shall be included in the index to the paper book. Where the reference has been made at the instance of the Commissioner of Income Tax, he will be at liberty to omit such document or documents from the paper book, if he can supply the necessary number for the use of the Court and he shall not be required to supply copies of any such document or documents to the respondent.

15. The party at whose instance a reference has been made shall, after filing the paper books and printed copies of the further documents, if any, required to be filed under R.6 thereof, forthwith give notice thereof to the respondent and shall, along with such notice, serve him with four copies of the paper book, free of cost and, where the party responsible for the preparation of the paper book is the assessee also with four printed copies of the document or documents, if any, not included in the paper book by virtue of the provisions of R.14 free of cost if the respondent requires further copies of the paper book, he shall be entitled to have them only on payment of proportionate charges of preparing the paper books and only if further copies are available.

16. The cost of preparation of the paper book shall be cost in the reference.

17. Appointment of Bench to hear - Upon the paper books being filed the Registrar shall lay the matter before the Chief Justice who shall appoint a Bench under Section 259 of the said Act to hear the reference and shall fix a day for the hearing.

18. Notice of the day fixed for the hearing shall be given by the Registrar to the Commissioner or to the advocate or attorney acting for him, as the case may be. The Registrar shall cause such notice to be served on all parties to the reference.

19. Every application made under sub-section (2) of Section 256 of the said Act shall be presented to the Registrar, who shall submit the same to the Chief Justice or to the Bench appointed by the general or special order of the Chief Justice for the purpose of fixing the date for a hearing. The Registrar shall intimate to the applicant or to the advocate acting for him the date so fixed and the Bench before which the same shall be made.

20. Whenever a rule is issued by the High Court on an application made under sub-section (2) of Section 256 of the Act, the rule together with a copy of the petition or affidavits in respect of such application, shall be served upon the Commissioner or the assessee as the case may be and also upon the Appellate Tribunal. The Commissioner or the Appellate Tribunal shall be at liberty to show cause by means of a letter addressed to the Registrar.

An application under sub-section (2) of Section 256 of the Act filed by an assessee shall be accompanied by a certificate from the Income Tax Appellate Tribunal to the effect that the assessee has not withdrawn his application for reference under section 256(1) before the said Tribunal.

21. Before filing an application under section 256(2) a copy thereof should be served on the standing counsel representing the Department, if any, or on the assessee. The Court may then on hearing the application either reject the same or require the Appellate Tribunal to state the case and to refer to the Court.

22. Costs in all income tax matters are within the discretion of the Court, and will be paid by such party or parties as the Court may order. Unless otherwise ordered, they will be taxed according to the scale prescribed by the rules and practice of the Court. Costs incidental to a reference will be taxed in the same manner as of a hearing of an appeal from a decree passed in exercise of its original jurisdiction. If costs are ordered to be paid by the Commissioner to the assessee and a reference made under sub-section (2) of Section 256 of the said Act, the taxing officer shall, in addition, to allow the assessee any fees paid by him under the said sub-section (2) on the application for the reference.

The cost of an advocate appearing and acting, or of the advocate both pleading and acting shall ordinarily be taxed according to the rules and practice of the Court. In case where no detailed bill is filed, or in which the taxing officer finds it difficult to apply the scale laid under the rules, he may allow such lump sum in lieu of taxed costs as may appear to him to be fair and reasonable.

An advocate both pleading and acting shall be entitled to fees for appearing as such advocate only and not to any fees that would have been payable to him for acting and instructing another advocate.

23. The rules contained in this chapter shall, so far as may be and with necessary modifications and adaptations, also apply to proceedings of a similar nature under any other Act including those under –

1. Section 21 of the Excess Profits Tax Act, 1940.

2. Section 19 of the Business Profits Tax Act, 1947.
3. Section 64(1) of the Estate Duty Act, 1953.
4. Section 27 of the Wealth Tax Act, 1957.
5. Section 25 of the Expenditure Tax Act, 1957.
6. Section 26 of the Gift Tax Act of 1958.
7. Section 27 of the Workmen's Compensation Act, 1923.
8. Section 57 or 60 of the Indian Stamp Act, 1899.

Provided that where a reference may, under the law, be made by the Court or Authority making the reference without an application by a party, the paper book shall be prepared under the direction and supervision of the Registrar.

PART VIII-A
RULES UNDER THE CUSTOMS ACT, 1962 (ACT 52 OF 1962),
THE CENTRAL EXCISES AND SALT ACT, 1944 (ACT OF 1944) AND
THE GOLD (CONTROL) ACT, 1968 (ACT 44 OF 1968)

1. The rules under the Income Tax Act, 1961, contained in Part VIII of the High Court of Manipur Rules shall so far as may be and with necessary modifications and adaptation, also apply to the provisions relating to reference to High Courts against the decisions of the Appellate Tribunal under the Customs Act, 1962 (Act 52 of 1962), the Central Excises and Salt Act, 1944 (Act I of 1944) and the Gold (Control) Act, 1968 (Act 44 of 1968).

Provided that where a reference may, under the aforesaid Acts, be made by the Tribunal making the reference without an application by a party, the paper book shall be prepared under the direction and supervision of the Registrar.

CHAPTER – IX

APPLICATIONS FOR REVIEW OF JUDGMENT

1. The provisions of Chapter III shall apply, so far as may be, to every application for review.
2. Every application for review of the judgment shall set forth plainly and concisely the grounds on which a review is sought, and shall contain a certificate by an advocate of the Court similar, mutatis mutandis, to that prescribed in appeals from an appellate decree (See Chapter IV rule 6).

3. When the application for review proceeds on the ground of a discovery of fresh evidence, certified copies of the documents, if any, relied upon, shall be annexed to the application, together with an affidavit setting forth the circumstances under which such discovery has been made.

4. Every application for review of the judgment shall be presented to the stamp reporter, who will certify thereon whether the petition is in due form, within time, and properly stamped, or that it is irregular, and shall return the petition with such certificate.

5. Within seven days of the return of the application by the stamp reporter, the applicant, either in person or by an advocate, shall present the application by way of motion in open Court to the Division Court of whose judgment a review is sought, or, if the Judges who may be then attached to the Court and present.

6. If an application for review of a judgment cannot be heard in the manner provided in Order XLVII, R.5, Civil Procedure Code, such application shall be presented by the applicant or his advocate with the certificate of the stamp reporter as required by R.4, to the Chief Justice, who shall provide for the hearing of the application.

7. If notice is issued to the other side, the applicant for review shall, before hearing, file a duplicate typed copy of the application, together with two typed copies of each of the following documents :

- (i) The judgment or order complained of, and decree, if necessary.
- (ii) Any affidavit filed with the application.
- (iii) Any affidavit in reply.
- (iv) When the application proceeds on the ground of a discovery of fresh evidence, the documents, if any, relied upon together with an affidavit setting forth the circumstance under which such discovery has been made.

CHAPTER – X

CRIMINAL BUSINESS

A – GENERAL

1. The rules in Chapter III shall apply, as far as possible, to applications made under this Chapter.

2. A copy of every notice issued on admitting an appeal under chapter XXIX of the Code of Criminal procedure, also copies of notices issued on receipt of references under section 395 of the Code of Criminal Procedure and in all other classes of criminal cases (except revisional cases) in which the Court directs the issue of notice, shall be sent to the Government Advocate.

3. On the last working day of every week, the Registrar shall cause to be prepared and posted on the notice board a list of the cases which are likely to be ready for hearing during the following week. This list shall be called the “Weekly Cause List” and shall contain the case in which the paper books are ready or likely to be ready during the following week.
4. From this list, the Registrar shall cause to be prepared every day a list of cases for hearing on the following day and shall cause them to be entered in the Daily Cause List.
5. The Registrar shall cause to be prepared and pasted every morning on the notice board outside the Court where the senior Judge of the Bench taking undefended criminal cases sits, a typewritten copy of the list of such cases as are ready for hearing.
6. In every case –
 - (i) in which an accused person is ordered by the High Court to be released (whether from jail or from bail) or to surrender his bail to serve out the sentence of imprisonment imposed upon him on being convicted by the High Court on reference or on appeal by the State Government or on the dismissal of an appeal made by him; or
 - (ii) in which the capital sentence is confirmed, modified, set aside or passed on the accused person, by the High Court, the necessary order shall be sent down to the Lower Court, in Form No. 5 (Criminal) Appendix II without waiting for the judgment to be signed.
7. In cases in which an accused person makes an application to the High Court for the transfer of his case from one Court to another, the accused person, or the Advocate acting on his behalf, shall file with the application a duplicate copy of the notice given to the Government Advocate and such notice must bear the signature of a responsible officer in the office, acknowledging receipt of the notice and noting the time of receipt.

B – CASES INVOLVING CAPITAL SENTENCES

8. (i) On receipt of reference under Section 395 of the Criminal Procedure Code in which the accused is charged with the offence of murder, or on the admission of an appeal under Section 378 of the Criminal Procedure Code against the acquittal of an accused on a charge of murder, the Registrar shall at once give notice [see Form Nos. 1 (Criminal), 2 (Criminal), 3 (Criminal), 4 (Criminal) and 6 (Criminal), Appendix II,] to the prisoner or the accused through the District Magistrate of the date fixed for hearing such matter.
- (ii) (a) Whenever any document in the custody of the Parliament or a State Assembly or any Committee thereof are required to be produced in a Court of Law, the party to the legal proceedings shall make an application to the Court stating precisely the documents required, the purpose for which they are required and the date by which they are required. It is also to be specifically stated in each case whether only a certified copy of the document is required or an officer of the Lok Sabha or the State Assembly should produce it before the Court. On such an application being filed by the party concerned, the Court after due scrutiny of the same shall proceed to take steps to move the Lok Sabha or the State Assembly, as the case may be, with a letter of the request in Form No. 3-A (Criminal) for production of the document in question.

(b) Whenever an officer or member of the Parliament or a State Assembly is required to be examined as a witness in a Court of Law, the party to the legal proceedings shall make an application to the Court in this behalf and the Court after due scrutiny of the same shall proceed to take steps to move the Parliament or the State Assembly, as the case may be, with a letter of request in Form No. 3.

(c) Whenever the presiding officer of a House of Parliament or of a State Legislature or the Chairman of a Committee thereof is required to produce a document or to appear in a Court either as a party or as a witness in the case, a polite letter may be issued in specimen Form No. 3-A or 3-B (Criminal) to him instead of the usual formal notice or summons.

9. If the record is in order, the Registrar shall at once cause the record of the Sessions Court to be printed without delay for the use of the Court at the hearing :

Provided that in all appeals under chapter XXIX of the Criminal Procedure Code and in all references under section 395 of the same Code the paper books shall be made in computer typing.

10. The paper book shall contain the following papers :

- (a) The first information, if any;
- (b) The Charge;
- (c) A statement under Section 164, if any;
- (d) Examination under Sections 281 and 313, if any;
- (e) The commitment order;
- (f) Post-mortem report, Chemical Examiner's report, Inquest Report(if any), map (if any);
- (g) The record of evidence in the Court of Sessions, with any further examination under Section 313, if any;
- (h) Assessors' opinion, if any;
- (i) The judgment of the Sessions Judge;
- (j) Exhibits (if any);
- (k) Petition of appeal (if any), and
- (l) The letter of reference in the case of a reference.

11. Ordinarily, eleven copies of the paper-book shall be printed and immediately on receipt of the paper-books the Registrar shall cause two copies to be sent to the Government Advocate.

11A. If spare copies of the printed paper books are available, any of the parties, other than the accused, may apply for the copy and it may be sold at the rate of one rupee per page, subject to a maximum charge of Rs. 100 per volume.

12. In any case in which a sentence of death has been confirmed or passed by the Court, one copy of the printed paper book of the case, together with one copy of the judgment of the Court shall be forwarded in each instance to the Government of Manipur, immediately after the issue of the warrant confirming the sentence.

C – APPEALS

13. A criminal appeal, other than a jail appeal, shall be presented to the Registrar.

14. The Registrar shall endorse on such petition of appeal the date of presentation, and if the petition of appeal is not barred by limitation, is sufficiently stamped and is otherwise in order, he shall cause it to be registered and laid before the Bench without delay.

15. If the Registrar finds that an appeal is barred by limitation, he shall forthwith lay the same before the Court for orders. If he finds that the memorandum of appeal is insufficiently stamped, or is not in proper order, he shall call upon the matter being laid before him –

(a) in the case of a memorandum which is insufficiently stamped, fix a period within which the additional fee required may be paid; provided that the period of limitation has not expired; or if such period has expired, by that time the memorandum shall be laid before the Court for orders;

(b) In the case of a memorandum which is not in proper form, fix a period within which such memorandum must be amended or lay the same before the Court for orders.

16. (i) When an appeal has been admitted, the Registrar shall send for the records, fix a date for hearing and cause notices to be issued in the prescribed form [see For Nos. 3 and 4 (Criminal) Appendix II].

(ii)(a) Whenever any documents in the custody of the Parliament or a State Assembly or any Committee thereof are required to be produced in a Court of Law, the party to the legal proceedings shall make an application to the Court stating precisely the documents required, the purpose for which they are required and the date by which they are required. It is also to be specifically stated in each case whether only a certified copy of the document is required or an officer of the Lok Sabha or the State Assembly should produce it before the Court. On such an application being filed by the party concerned the Court after due scrutiny of the same shall proceed to take steps to move the Lok Sabha or the State Assembly, as the case may be, with a letter of request in Form No. 3-A (Criminal) for production of the document in question.

(ii)(b) Whenever an officer or a member of the Parliament or a State Assembly is required to be examined as a witness in a Court of Law, the party to the legal proceedings shall make an application to the Court in this behalf and the Court after due scrutiny of the same shall proceed to take steps to move the Parliament or the State Assembly as the case may be with a letter of request in Form No. 3-B (Criminal) for production of the witness concerned.

(ii)(c) Whenever the Presiding Officer of a House of the Parliament or of a State Legislature or the Chairman of a Committee thereof is required to produce a document or to appear in a Court either as a party or as a witness in a case, a polite letter may be issued in specimen Form No. 3-A or 3-B (Criminal) to him instead of the usual formal notice or summons.

17. In every case in which notice has been issued on the appellant that an appeal will be heard, the Registrar shall, on receipt of the record from the Lower Court, prepare by the same impression four typed copies of the record of the proceedings of the Court, whose sentence or order is under appeal, the first two copies being retained for the use of the Court at the hearing, the third copy for the Government Advocate and the fourth for supply, free of cost, to the Advocate appearing for the first accused where there are more than one accused persons.

Exception - Unless otherwise ordered, no copies need be made of the records :

- (1) in cases where no pleaders appear;
- (2) in cases in which pleaders appear, where the appeal is admitted on a question of sentence only.
- (3) in other cases or classes of cases where the Hon'ble Chief Justice thinks fit to dispense with the preparation of the paper books.

Provided that no paper book needs to be prepared in Criminal Appeals required to be heard by the Single Judge unless otherwise directed by the Single Judge.

18. Jail appeals may be received by post. In the case of such appeals, the Registrar shall cause a translation of the petition of appeal to be prepared if necessary and shall submit it to the Bench for orders.

19. If a jail appeal is admitted, it shall be dealt with in the manner prescribed for appeals which are filed in the Court.

D – REVISION AND REFERENCE

20. Cases (other than those mentioned in the preceding rules) may be taken up in the following ways :

- (a) upon a report by a Magistrate or Sessions Judge;
- (b) upon a petition presented to a Bench;
- (c) upon an order by a Judge on perusal of a sessions statement.

21. Every report with a record received from a magistrate or Sessions Judge shall be examined to see if it complies with the instructions of the High Court to Magistrates and Sessions Judges and is in proper form.

22. If such report complies with the instructions and is in proper form, the Registrar shall place the case before the Division Court.

23. Unless otherwise ordered, no copies need be made of the records:
- (i) in case where no pleaders appear;
 - (ii) in case where pleaders appear;
 - (a) where a rule is granted, or reference is made on a question of sentence or jurisdiction only;
 - (b) where a rule or reference is confirmed to matters appearing in a judgment.
24. The provisions of Part C of this Chapter shall apply as far as possible to applications for revision.

PAPER-BOOKS

25. In case of a reference under Section 395, Criminal Procedure Code, the record shall be placed before the Registrar who shall select the paper to be included in the paper book. The list of the selected paper shall be shown to the advocate of the parties who may apply for adding any other papers.
26. The paper book in a criminal appeal shall consist of –
- (a) the first information, if any;
 - (b) the charge;
 - (c) statement under Section 164, if any;
 - (d) examination under Section 281 and 313, if any;
 - (e) the commitment order;
 - (f) post-mortem report, Chemical Examiner's Reports, Inquest Report (if any), map (if any);
 - (g) the record of evidence in the Court of Sessions, with any further examination under Section 313, if any;
 - (h) Assessor's opinions, if any;
 - (i) the judgment of the Sessions Judge;
 - (j) exhibits (if any); and
 - (k) petition of appeal (if any).
27. The paper book in criminal revision shall consist of –
- (i) the judgments of the Lower Courts.
 - (ii) the petition of revision.

28. An application in the nature of revision, reference or habeas corpus, if received by post, shall be put up as soon as possible after the receipt thereof before the Division Bench, or as the case may be, before the Vacation Judge.

Provided that any such application from a person detained in jail shall not be entertained unless received through the Superintendent of the Jail in which he detained.

29. In any case, in which the Court has directed a person in custody, to be brought either before the Court or to be removed from one custody to another, a warrant shall be prepared and signed by the Registrar General, and sealed on it with the seal of the Court.

Such warrant shall be forwarded by the Registrar General to the officer-in-charge of the Jail or otherwise as the Court may direct. The warrant shall be made to return to the Court with necessary endorsement on it regarding execution or non-execution of the warrant.

30. When an application is made in the Court for an appropriate order requiring production of a person in custody before a Court-martial or a Commission, the application shall be addressed to the Registrar General stating the reason for which the Court-martial has been assembled or the Commission has been constituted and the authority under which such Court-martial or Commission has acted along with the purpose requiring production of the person concerned. It shall be the duty of the Registrar General to submit the application to, as soon as possible, after the receipt thereof, and to obtain the appropriate order or direction thereon of, the Judges presiding over the Division Bench of this Court taking criminal cases.

31. Where the Court is of the opinion on receipt of a petition and after hearing the parties that a prima facie case for issuing the writ in the nature of habeas corpus is made out, the Court may issue a writ calling upon the person or persons against whom the order or direction is sought to appear on a day to be mentioned therein to show cause why such order should not be made and may at the same time direct such person or persons 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 in accordance with law.

32. In habeas corpus matters the Government Advocate shall be notified even when such matters are placed before the Court for a preliminary hearing.

33. On any day to which the hearing thereof may be adjourned, where no cause is shown, or where a cause is shown and disallowed, the Court shall pass an order that the person or person improperly detained shall be at liberty or delivered to the person entitled to him or their custody. Where the cause is allowed the rule shall be discharged.

34. In disposing of any such rule the Court may in its discretion make an order for the payment by one side of the order of the costs of the rule.

35. The forms of warrants Nos. 21 to 25 (Criminal), of Appendix II, shall be followed.

PART III

FEES AND COSTS

CHAPTER – XI

A – PROCESS FEES

1. The fees in the following schedule framed by the High Court under Section 20 the Court-fees Act, 1870, shall be charged for serving and executing processes issued by the High Court in its appellate jurisdiction.

Fees chargeable in the High Court Appellate Jurisdiction⁺ :
(+ Eight annas equivalent to one rupee)

	Proper fees Rs.
Article I – In every case in which personal or substituted service of any process on parties to the cause, or any persons who are not parties, is required where not more than four persons are to be served with the same document, one fee.	5
When such persons are more than four in number, then the fee above mentioned and an additional fee of 2 rupees for every such person in excess of four :	
Notwithstanding anything contained in the proviso to this Article, no prayer for reduction of the fee prescribed and determined by the High Court shall be considered unless it is made within the time laid down for the deposit of the fees for the issue of notice and sufficiently early to obtain an order before that time expires. No prayer for the acceptance of one process free for the service of notice both in an appeal and a connected rule, or in two or more analogous appeals, shall be considered unless written notices both in that appeal and in the connected rule or in the two or more analogous appeals are filed at the time the prayer is made and can be served simultaneously.	
Article 2. For the execution of a warrant of arrest of a person	5
Article 3. For service or execution of any process issued by the Court, not specified in any proceeding article.	5

Note:- Additional costs may be demanded to meet the costs of service of summons, process, etc. outside India.

2. Notwithstanding R.1, no fee shall be chargeable serving or executing –

(i) any process, such as a notice, rule, summons, or warrant of arrest which may be issued by any Court on its own motion, solely for the purpose of taking cognizance of and punishing any act done or words spoken in contempt of its authority of or taking action under Sections 195 and 476 of the Criminal Procedure Code, 1973.

(ii) any person issued a second time in consequence of an adjournment made otherwise than at the instance of a party or an intervener;

(iii) any copy of summons, notice, order, proclamation or other processes, posted in a Courthouse or in the office of the Collector;

(iv) any order intimating postponement of sale, withdrawal of attachment or directing restoration of attached property to the person in whose custody it was or its replacement where it was found at the time of seizure;

(v) any order directing an officer-in-charge of a jail to detain or to release a person committed to his custody.

3. The fees hereinbefore provided, except those mentioned in the next rule, shall be payable in advance at the time when the petition for service or execution is presented, and shall be paid by means of stamps affixed to the petition in addition to the stamps necessary for its own validity.

4. (i) In the localities which are considered as not normally accessible due to lack of communication system, the peon who has been assigned to execute the process shall be paid reasonable sum by the Court executing such process from its permanent advance.

(ii) The permanent advance mentioned in this rule is the special permanent advance sanctioned by the Local Government for the purpose of the rules.

B-OTHER FEES

5. The following fees shall be charged on every application made in respect of the following matters, and such fees shall be paid by means of Court-fee stamps affixed to such application:

For every search in the offices, record room, books or registers of the Court, including searches consequent on applications for inspection, for information, for copies of documents, and for return of documents, or on applications made by parties for records or documents under Order XIII, R.10, Civil Procedure Code:

.....Forty rupees

Provided that no searching-fee shall be charged in respect of application by parties to an appeal or other proceedings for inspection, information, copies or return of the documents filed by parties to an appeal or other proceedings if the records of such appeal or proceeding have not been deposited in the record room. On such application for a copy of any document or record in the High Court, whether the copy applied for is the copy of a single document or more documents than one.

.....Twenty rupees

Provided that this does not authorise an applicant to ask in a single application for copies of more than one paper, if required, in more than one cases. There must be a separate application, and, therefore, a separate stamp, for each case.

For swearing or affirming every affidavit, whether intended to be used in the High Court, either in its original jurisdiction or its appellate jurisdiction, or in any other Court, except the Insolvency Court.

... Eighty rupees.

For inspection of records (exclusive of any searching-fee leviable under this rule) –

- (i) If the application is by a party to the appeal or other proceedings

..... Forty rupees.

- (ii) If the application is not by a party to the appeal or other proceedings.

..... Two hundred rupees.

Provided that no fee shall be levied from parties to appeals or other proceedings in the Court, or their advocates, for inspecting the records of such appeal or proceedings if the records relating thereto have not been deposited in the record room of the Court.

6. Except as otherwise specially provided in these rules, the following transaction fee shall be charged in cases where a party to any suit or appeal, or his advocate, or when a Lower Court requires a document to be translated by a salaried translator of the Court.

One rupee for every 3 words for documents written in a language other than Hindi and Manipuri and for every 5 words for other documents (three figures being counted as one word) subject to a minimum charge of Rs. 20.

C – COSTS

7. The following scale of costs shall ordinarily be allowed to the successful party in appeals to the High Court in its appellate jurisdiction.

SECOND APPEALS

Paper book cost to successful party irrespective of value of appeal:-

- (i) If the appellant –

a) Rupees 14 (Rs. 16 in appeals in which there was any order of remand passed by the Lower Appellate Court and in which the previous judgments (original and appellate) have been included in the Paper-book) for each independent appeal; and

(b) in analogous appeals Rs. 14 or Rs. 16, as the case may be, for the first appeal, Rs. 2 per appeal up to four such appeals and Rs. 1 for every appeal in excess of four, the additional charge for an analogous appeal not exceeding Rs.16 in any case.

- (ii) If the respondent –

(a) Rupees 7 (Rupees 8 in appeals in which there was an order of remand passed by the Lower Appellate Court and in which the previous judgments (original and appellate) have been included in the paper book) for each independent appeal, and

(b) in analogous appeals Rs. 10 or Rs. 20, as the case may be, for the first appeal and half the charges prescribed for the appellant in respect of analogous appeals, the additional charge not exceeding Rs. 10 in any case.

		Rs.	a.p.
	<i>Not exceeding Rs. 500</i>		
Drawing ground of appeal	--	20	0 0
Hearing fee	--	100	0 0
	<i>Exceeding Rs. 500 but not exceeding Rs. 1,000</i>		
Drawing grounds of appeal	--	20	0 0
Hearing fee	--	100	0 0
	<i>Exceeding Rs. 1,000 but not exceeding Rs. 2,000</i>		
Drawing ground of appeal	--	40	0 0
Hearing fee	--	100	0 0
	<i>Exceeding Rs. 2,000</i>		
Drawing ground of appeal	--	40	0 0
Hearing fee	--	100	0 0
APPEALS FROM ORIGINAL DECREES			
	<i>Not exceeding Rs. 5,000</i>		
Drawing ground of appeal	--	40	0 0
Hearing fee	--	100	0 0
	<i>Exceeding Rs. 5,000 but not exceeding Rs. 10,000</i>		
Drawing ground of appeal	--	85	0 0
Hearing fee	--	340	0 0
	<i>Exceeding Rs. 10,000 but not exceeding Rs. 20,000</i>		
Drawing ground of appeal	--	150	0 0
Hearing fee	--	500	0 0
	<i>Exceeding Rs. 20,000 but not exceeding Rs. 50,000</i>		
Drawing ground of appeal	--	150	0 0
Hearing fee	--	700	0 0
	<i>Exceeding Rs. 50,000 but not exceeding Rs. 75,000</i>		
Drawing ground of appeal	--	200	0 0
Hearing fee	--	850	0 0
	<i>Exceeding Rs. 75,000 but not exceeding 1,00,000</i>		
Drawing ground of appeal	--	170	0 0
Hearing fee	--	1,050	0 0
	<i>Exceeding Rs. 1,00,000</i>		
Drawing ground of appeal	--	300	0 0
Hearing fee	--	1,700	0 0

APPEALS FROM ORDERS

Not exceeding Rs. 5,000

Same scales as in Second Appeal

Exceeding Rs. 5,000 but not exceeding Rs. 10,000

Drawing ground of appeal	--	40	0 0
Hearing fee	--	200	0 0

Exceeding Rs. 10,000

Drawing ground of appeal	--	40	0 0
Hearing fee	--	200	0 0

REVISION CASES

Not exceeding Rs. 2,000

Drawing ground of appeal	--	20	0 0
Hearing fee	--	50	0 0

Exceeding Rs. 2,000

Drawing petition fee	--	20	0 0
Hearing fee	--	50	0 0

WRIT APPEALS / INTRA COURT APPEALS

The same costs as were allowed in a previous hearing.

REVIEWS

(Where notice is given and opposite party appears)

The same costs as were allowed upon the hearing in second and miscellaneous appeals. In appeals from original decrees the costs to be fixed by the Court.

APPLICATIONS

(Where notice is given and opposite party appears).

To be fixed by the Judge or Judges who hear the application.

GENERAL RULES

When there are several parties to an appeal, review, or application, one set of costs will generally be awarded, unless the Court, upon the application of the parties, shall otherwise order.

8. In cases where on appeal to the High Court from an original or appellate decree an order to remand is passed, the Court-fee paid on the Memorandum of Appeal shall ordinarily be treated as costs in the appeal. But where an order of remand is made on any of the grounds mentioned in the first Schedule, Order XLI, R. 23 of the Civil Procedure Code, for a second decision by the Lower Court, this Court shall, on the verbal application of either party made at the time of making the order for remand, make an order authorising the appellant to receive from the Collector the full or proportionate amount, as the case may be, of the fee paid on the Memorandum of Appeal as provided in Section 13 of the Court-fees Act VII of 1870.

Any such application for refund not made at the time of the passing of the order of remand, but made on a subsequent date, may be entertained if made to the Court on a petition for amendment of the order of remand with the proper stamp.

9. Where in a Civil Rule, an order of costs has been passed such costs shall be paid within sixty days from the date of the order unless otherwise directed by the Court; and on failure to pay the costs within such time the order shall be executable.

PART IV

MISCELLANEOUS

CHAPTER – XII COPIES

1. A plaintiff or a defendant who has appeared to the suit is entitled, at any stage of the suit, to obtain a copy of the record of the suit, including exhibits which have been put in and finally accepted by the Court as evidence.

2. A stranger to a suit may, after decree, obtain as of course, a copy of the plaint, written statement, affidavits, and petitions filed in the suit, and may, for sufficient reason shown to the satisfaction of the Registrar, obtain a copy of any such document before decree.

3. A stranger to a suit may also obtain, as of course, a copy of any judgment, decree, or order at any time after it has been passed or made.

4. A stranger to a suit has no right to obtain a copy of exhibits admitted in evidence, except with the consent of the person by whom they were produced or his successor-in-interest. He may obtain copies of other documents in which he has an interest, including depositions for bonafide use in the Courts and case maps, at any time after they have been proved.

5. Every advocate engaged, in any case, shall be entitled to obtain from the Court's office a copy of the whole or any part of the proceedings and evidence in the case on depositing the estimated cost of such copy.

6. Every such copy shall be examined and certified as correct before it is issued from the Court.

7. Copies, whether certified or uncertified shall be prepared at the following rates :

(a)	English	Rs.	
	Not exceeding 150 words	5	00
	Exceeding 150 words, but not exceeding 300 words	10	00
	For every additional 150 words or less	5	00
(b)	Vernacular		
	Not exceeding 200 words	10	00
	Exceeding 200 words, but not exceeding 400 words	15	00
	For every additional 200 words or less	10	00

This charge shall be levied as follows :

- a) Vernacular
Not exceeding 200 words
- By means of an impressed stamp- paper of 1 rupee.

Exceeding 200 words, but not exceeding 400 words	By means of two impressed stamp-paper of 1 rupee.
For every additional 200 words or less	By means of an impressed stamp-paper of 1 rupee.
(b) Typed copies	
Not exceeding 150 words	By means of an impressed stamp-paper of 1 rupee.
Exceeding 150 words	By means of an impressed stamp-paper of 1 rupee.
Exceeding 150 words, but not exceeding 300 words	By means of an impressed stamp-paper of 1 rupee with an affixed thereto.
Exceeding 300 words but not exceeding 450 words	By means of an impressed stamp-paper of 1 rupee with an adhesive stamp of 1 rupee affixed thereto.
Exceeding 450 words	By means of an additional impressed stamp-paper or paper of 1 rupee with an adhesive stamp of 1 rupee or 2 rupees, as the case may be, affixed thereto if necessary according to the number of words to be typed.

Note - (1) If the document to be copied is written in Persian or any language other than English or the Vernacular language of the State, a special rate may be fixed by the Registrar.

(2) In case of non-availability of impressed stamp papers of 1 rupee, cartridge papers with adhesive stamps of twenty-five paise will be deemed as sufficient compliance for purposes of this rule, in place of impressed paper of 1 rupee.

(3) In case of Photostat/Xerox copy of any page consisting of more than 150 words, cost of two folios and where the words are not exceeding 150 words, cost of one folio may be realised.

8. A folio shall consist of 150 English words or 200 Vernacular words, 3 figures counting as one word.

9. In addition to the foregoing charges a searching fee of Re. 1 shall be charged on each application for copy if the record of the case has been deposited in the record room:

Provided that one searching fee shall be charged for any number of copies taken from the same record and included in the same application.

10. Copies of decrees, judgments or other papers required for bona fide Government purpose will be supplied to Government Officers on payment of the usual charge for copying, no searching fee being levied and no charge being made for examination.

11. Copies of judgment convicting Government Officers of criminal offences, as well as copies of judgments of acquittal and orders of discharges, will be supplied on plain paper free of charge on the application of the Head of the Department concerned.

12. Copies of any judgments, civil or criminal, passed by the High Court in its appellate jurisdiction, may be supplied to the Press on formal application being made, after payment of the usual searching fee and copying charges and under the same conditions and restrictions as those under which copies of judgments in civil appeals are supplied to the parties.

13. The editors of Law Reports, Law Journals and public bodies, as may be approved by the Chief Justice from time to time, may be allowed to make copies of judgments free of charge; provided that the copies are made by their own agents, using their own type-writers and stationary and that such copying work is done in the presence of the Superintendent of the copying section; and, provided further that applications for such copies are made within twenty- one days of the disposal of the case:

Provided that nothing containing in this rule shall affect or limit the power of the Court to withdraw or modify, at any time, any privilege or concession, granted under these rules or otherwise, without any reason being given for such withdrawal or modification.

14. Notwithstanding anything contained in R. 13, copies of judgments may also be supplied to approve law journals and other public bodies, either at concessional rate or rates or free of charge as the Chief Justice may, by order determine on their applying for the same in the prescribed form and after paying the prescribed fee.

Provided that the Chief Justice may, by order, dispense with the application and the fee in appropriate cases.

15. In the case of certified copies, the fee will be as follows :

For copies of Judgment/Order/Document Rs. 100/- (Rupees one hundred) each.

The above-mentioned amounts will be deposited by the applicant before the Superintendent of the copying section and the Superintendent will issue a receipt thereof.

Provided that no carbon copy shall be certified as a true copy.

Certified copies will be supplied either in the form of Xerox copies or Computer Prints or Typed copies according to convenience of the copying section.

16. Uncertified copies may be converted into certified copies after comparison with the originals upon the application of the person to whom they have been granted and upon filing with such application the necessary Court-fee stamps required by law.

17. When an applicant requires his copies before the expiry of three days, an extra fee of Rs. 40 (if the copies exceed four folios 2 rupees for each folio) shall be charged on all copies so furnished, to be levied from him by a Court-fee stamp, which should be affixed to the application for the copy and then be entered in the Registrar for the Court-fee stamps.

18. Re. 1 of the Rs. 10 per folio charges for copies shall be credited to Government on account of the salary of examiners etc. the remaining Rs. 5 will represent the earnings of the typists whose accounts shall be made up monthly and the amounts due paid to them.

Note: The copyist or typist is paid by the folio; he will, therefore, be paid according to the number of folios copied whether such copies are subsequently taken out or not.

19. In the case of maps and plans, the charge shall be fixed by the Deputy Registrar with reference to the difficulty of intricacy of the work to be done. Two-thirds of the amount will be paid to the mappist and will include the cost of materials, and the remainder will be certified to Government on account of examination fee.

20. Ordinary applications for copies shall be made to the Superintendent of the copying section on any Court day between the hours of 11 a.m. and 3.30 p.m. and between the hours of 11 a.m. and 1 p.m. on Saturday.

Applications bearing the expedition fee shall be made at any time during office hours.

21. Applications for copies shall be made in the prescribed form [(see Form No. 13 (Civil), of Appendix I)], copies of which will be supplied at one rupee per sheet.

22. The preparation of the copy will not be commenced until the applicant has supplied in full the Court-fee stamps and the necessary number of folios which will be not notified in the course and in the manner prescribed by these rules.

23. In the event of an application for a copy being refused, an endorsement to the effect shall be made on the application form which shall then be returned to the applicant.

24. On orders being passed granting an application for a copy, the Superintendent of Copying Section shall at once, or during the same day, but not later than the following day ascertain the amount of Court-fee stamps payable for the copy applied for and the number of folios required for its preparation.

25. The number of folios required should be carefully calculated so as to obviate the necessity for obtaining additional folios from the applicant.

26. If owing to an insufficient or incorrect description, the document cannot be traced, the application should be endorsed and submitted at once to the Deputy Registrar or other officers of the Court for orders.

27. On receipt of the estimate as to the number of folios required, the Superintendent of the copying section shall enter the amount of Court-fee stamps and other charges in the middle column of the application, and shall notify the amount in the prescribed register [see Form No. 14 (Civil), Appendix I], not later than the following next day.

28. If the stamps and folios are not filed within three days of the notification in the prescribed Register, the application shall be rejected by the Deputy Registrar or other Officer of the Court, but in genuine cases, the Registrar may condone delays in the filing of requisites.

29. When the stamps and folios are filed, a note to that effect and the date shall be entered in place provided in the application for the purpose and the applicant shall be required to sign this

entry. The date on which the copy will be ready shall also be noted in the appropriate column of the application form and a corresponding entry shall be made by the Superintendent of the copying section in the counterfoil of the application. The applicant shall retain the counterfoil and it shall be his duty to attend on the date fixed for the purpose of receiving the copy.

30. If and when it is ascertained that extra Court-fees or extra folios for copies are required, the amount of such Court-fees or folios should be immediately notified in the prescribed register [see Form No. 14 (Civil) Appendix I], and shall be put in within seven days on such notification.

31. When the applicant complies with R.28, a note should be made to the reverse of the counterfoil showing the date and number of extra folios and the date and number and the value of the extra Court-fees filed. This note shall be signed both by the applicant and by the Superintendent of the copying section.

32. Every copy must bear the signature of the copyist making it and the date on which the copy was completed. It must also bear the signature of the assistant who examined the copy and the date on which such copy was examined.

33. In ordinary circumstances, a copy shall be furnished not later than 1 p.m. on the fifth day after the necessary Court-fee stamps and folios have been put in.

34. On receipt of the original application, the Superintendent of the copying section shall attach to it the copy and all unused folios. On the applicant's appearance with the counterfoils, the Superintendent of the copying section shall make over to him the copy and unused folios, taking his receipt in the counterfoil of the application which he will retain in his custody.

35. Should the applicant, in any case, fail to appear to claim either the copy or the unused folios before the last day of the month succeeding that on which the copy was ready for delivery or should he fail to put in the extra Court-fees or extra folios within the period prescribed in R.28, such copy and unused folios shall be destroyed.

36. In any case in which a copy is refused, or cannot be granted the folios supplied by the applicant shall be returned to him when he is so informed.

37. A certified copy shall bear the seal of the Court and shall be "certified to be a true copy" and be signed in full by an Officer authorised to do so by the Registrar. The Certifying Officer shall append to his signature the words "authorised under Section 76, Act, 1 of 1872".

Note - Uncertified copies shall only be marked as "examined", and initialled by the examiner.

38. When a copy of a decree, judgment or order is granted, the following particulars shall be recorded on the back of the copy itself, and in the form given below :

- (i) Date of application for copy
- (ii) Date of notifying the requisite number of folios and stamps
- (iii) Date of delivery of the requisite folios and stamps
- (iv) Date on which the copy was ready for delivery

(v) Date of making over the copy of the applicant.

39. A copy of any judgment of this Court, when required by any other High Court, may be supplied free of cost.

40. In case of an urgent application for certified copy of Judgment or order, Xerox/Photostat copy of the same duly certified by an officer authorised to do so by the Registrar may be supplied to the applicant.

CHAPTER XIII

LEGAL PRACTITIONERS ADMISSION OF ADVOCATES IN THE HIGH COURT

The following rule has been framed pursuant to Section 16 of the Advocates Act, 1961 in relation with admission and enrolment of advocates and further in view of section 34 of the said Act thereby empowering the High Court to make rules laying down the conditions subject to which an advocate shall be permitted to practice in the High Court and the Courts subordinate thereto etc.

1.(i) There shall be only one class of persons entitled to practice the profession of law, namely, Advocates.

(ii) Every advocate whose name is entered in the roll of advocates maintained by the Bar Council of Manipur and who is not otherwise disqualified from engaging in legal practice shall be entitled the right to practice in the High Court of Manipur, in all the Courts and before the Tribunals subordinate to such High court and before any authority or persons within the State of Manipur.

(III) The Chief Justice may in special cases allow enrolment of any Barrister or eminent advocates practising in the Supreme Court of India and any of the High Court in India in the roll of advocates maintained by the Bar Council of Manipur without the above conditions being made fulfilled.

ADMISSION AND ENROLMENT OF ADVOCATES

(Section 16 of the Advocates Act, 1961).

Section 16. Senior and other advocates.-

(1) There shall be two classes of advocates, namely, senior advocates and other advocates.

(2) An advocate may, with his consent, be designated as a senior advocate if the Supreme Court or a High Court is of opinion that by virtue of his ability [standing at the Bar or special knowledge or experience in law] he is deserving of such distinction.

(3) Senior advocates shall, in the matter of their practice, be subject to such restrictions as the Bar Council of India may, in the interest of the legal profession, prescribe.

(4) An advocate of the Supreme Court who was a senior advocate of that Court immediately before the appointed day shall, for the purposes of this section, be deemed to be a senior advocate: [provided that where any such senior advocate makes an application before the 31stDecember,1965 to the Bar Council maintaining the roll in which his name has been entered thathe does not desire to continue as a senior advocate, the Bar Council may grant the applicationand the roll shall be altered accordingly.]

Section 17. State Bar Councils to maintain the roll of advocates.-

(To be incorporated).....

CONDUCT OF ADVOCATES.

(Chapter V/Section 35,36,36A,36B,37,38,39,40,41,42,42A,43,44 of the Advocates Act,1961 need to be incorporated).

SPECIAL PROVISION RELATING TO CERTAIN DISCIPLINARY PROCEEDINGS

(Section 58 B.)----- (To be incorporated).

RULES REGARDING DRESS OF THE ADVOCATES

Advocates appearing in the Supreme Court, High Court, Subordinate Courts, and Tribunals or authorities shall wear the following as part of their dress which shall be sober and dignified.

(1) Advocates other than lady advocates –

- (a) a black buttoned-up coat, chapkan, achkan, black sherwani and white bands with Advocate's Gowns, or
- (b) a black open breast coat, white shirt, white collar, stiff and white bands with Advocate's Gowns.

In either case long trousers (white, black or black striped or grey) or Dhoti.

(2) Lady Advocates

- (a) Black and full or half sleeves jacket or blouse, white collar stiff or soft and white bands with Advocate's Gowns;
- (b) Sarees, or phanek (plain or mapan naiba) with chadar or salwar kameez (white) or long skirts (white or black) or leggings with kurti (white) or Flares or long trousers (white, black or black striped or grey), white shirtand white bands with Advocate's Gowns :

Provided further that the rule relating to the Dress of a Lady Advocate shall have been complied with if the jacket, blouse, phanek or saree and leggings, as the case may be, is of any mellow or subdued colour without any print or design;

Provided that the wearing of Advocate's Gowns may be optional except when appearing in the Supreme Court or in a High Court;

Provided further that in Courts other than the Supreme Court, High Court, District Court, Sessions Court or City Civil Court a black tie may be worn instead of bands.

PRECEDENCE BETWEEN BARRISTERS AND ADVOCATES

2. The order of precedence between Barristers and Advocates shall be the following :
 - (i) Barristers shall take precedence inter se from the date of their respective calls to the Bar in England, Scotland or Ireland.
 - (ii) Advocates shall take precedence inter se from the date of their respective admissions in this Court.
 - (ii) A Barrister shall be entitled precedence over an advocate only if the former has been called to the Bar in England, Scotland or Ireland before the latter was admitted as an advocate.
 - (iii)

APPENDIX— I

SECTION 2 OF THE ADVOCATES ACT, 1961.

1. In this rule unless the context otherwise requires,-
 - (a) "advocate" means an advocate entered in any roll under the provisions of this Act;
 - (b) "appointed day", in relation to any provision of this Act, means the day on which that provision comes into force;
 - [(c) omitted]
 - (d) "Bar Council" means a Bar Council constituted under this Act;
 - (e) "Bar Council of India" means the Bar Council constituted under section 4 for the territories to which this Act extends;
 - [(f) omitted]
 - (g) "High Court", except in sub-section (1) and sub-section (1A) of section 34 and in section 42 and 43, does not include a Court of the Judicial Commissioner, and, in relation to a State Bar Council, means,-
 - (i) in the case of a Bar Council constituted for a State and one or more Union territories, the High court for the State;
 - (ii) in the case of the Bar Council constituted for Delhi, the High Court of Delhi;
 - (h) "law graduate" means a person who has obtained a bachelor's degree in law from any University established by law in India;
 - (i) "legal practitioner" means an advocate or vakil of any High Court, a pleader, mukhtar or revenue agent;

- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "roll" means a roll of advocates prepared and maintained under this Act;
- (l) "State" does not include a Union territory;
- (m) "State Bar Council" means a Bar Council constituted under section 3;
- (n) "State roll" means a roll of advocates prepared and maintained by a State Bar Council under section 17.

[2. Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir or in the Union territory of Goa, Daman and Diu, shall, in relation to that State or that territory, be construed as a reference to the corresponding law, if any, in force in that State or that territory, as the case may be.]

APPENDIX- II

GUIDELINES REGARDING DESIGNATING AN ADVOCATE AS SENIOR ADVOCATE UNDER THE PROVISIONS OF SECTION 16 OF THE ADVOCATE ACT, 1961

1. The High Court may designate an Advocate as Senior Advocate, if in its opinion by virtue of his ability, standing at the Bar or special knowledge or experience in law, the said Advocate is deserving of such distinction.
2. Such designation as Senior Advocate shall be considered on the written proposal made by –
 - (i) the Chief Justice of the High Court of Manipur; or
 - (ii) any sitting Judge of the High Court of Manipur; or
 - (iii) the Advocate General of the State of Manipur provided he himself is a Senior Advocate; or
 - (iv) two existing Senior Advocates of the High Court of Manipur.
3. No person shall be eligible to be designated as Senior Advocate unless –
 - (a) he has completed the age of 35 years;
 - (b) has a minimum of 10 years standing as an Advocate of which 5 years of practice should be in any Court within the jurisdiction of the High Court of Manipur.
 - (c) is a permanent resident of the State of Manipur.
 - (d) has the income of not less than 5 lakh per annum.

Provided that such a person is liable to be taxed under the Income Tax Act, and in case of those who are not liable to pay tax as a statement to the extent of income shall be furnished.

Provided further that the High Court for the reasons to be recorded in writing, may grant an exemption to any individual member from the above requirements regarding income;

4. While calculating the aforesaid standing of 10 years, the period spent by a Judicial Officer during his service career shall be taken into consideration.
5. The proposal shall be in the form prescribed.
6. Consent of the concerned Advocate :

So far clauses (i) and (ii) of R. 2 are concerned, a proposal may be initiated after ascertaining the inclination of the Advocate concerned. So far clauses (iii) and (iv) of Rule 2 are concerned, prior consent of the Advocate concerned shall be appended to along with the proposal.

7. Immediately on receipt of the proposal, the same shall be entered in a register maintained in the Registry.

8. Consideration of the proposal by the High Court :

(a) The proposal for designation of an advocate as a senior advocate shall be considered at a meeting of the Full Court [except in cases mentioned in Rule 8(c)]. It shall be accepted only if in such meeting not less than two-thirds of the total number of the Judges present are in favour of accepting the proposal.

(b) A proposal once rejected, shall not be considered again for designation as a senior advocate, unless two years have expired since the date of such consideration.

9. The designation of senior advocate shall be liable to be cancelled after due notice in the event of it being found that his name has been removed from the roll of advocates maintained by the Bar Council of Manipur under section 35(3)(d) of the Advocates Act, 1961.

10. Upon an advocate being designated as senior advocate, or on cancellation of such designation, the Registrar General shall communicate the same to the Supreme Court of India, all the High Courts in India, the Secretary to the Bar Council of India, the Advocate General of Manipur and all other States in India, all the Districts & Sessions Judges subordinate to the High Court of Manipur and to the Advocate concerned.

11. A record of all such decisions shall be maintained in the Registry of the High Court.

12. On notification of these guidelines, the earlier/previous Rules will stand repealed.

FORM OF PROPOSAL FOR DESIGNATION AS SENIOR ADVOCATE

1. Name of the Advocate :
2. Permanent Address :
3. Educational Qualification :
4. Date of birth :
5. Date of enrolment as advocate..... :
and where enrolled.
6. Number in the Roll of advocates :
maintained by the State Bar Council
and date thereof.
7. Is the advocate under proposal..... :
an assessee under the Income Tax Act
in respect of his professional income.
If so, give details of the income assessed
for the last three years and
permanent Income Tax A/C number
8. Other information (optional), :
if any, including legal aid work,
publication of books, journals,
participation in seminar/conference,
association with any faculty of law etc.

Date: SIGNATURE OF THE ADVOCATE.

I hereby express and give my consent to be designated as a senior advocate by the High Court of Manipur.

Dated: this day of

SIGNATURE OF THE ADVOCATE CONCERNED

By order,
Sd/-
REGISTRAR GENERAL
HIGH COURT OF MANIPUR.

APPENDIX- III

RESTRICTIONS ON SENIOR ADVOCATES

Senior Advocate shall, in the matter of their practice of the profession of law mentioned in Section 34 of the Act, be subject to the following restrictions :

- (a) A Senior Advocate shall not file a Vakalatnama or act in any Court, or Tribunal or before any person or other authority mentioned in Section 30 of the Act.
- (b) (i) A senior advocate shall not appear without an advocate on record in the Supreme Court, or without an advocate of the State Roll in any Court, or Tribunal or before any person or other authorities.

(ii) Where a senior advocate has been engaged prior to the coming into force of the rules in this Chapter, he shall not continue thereafter unless an advocate of the State Roll is engaged along with him; Provided that a senior advocate may continue to appear without an advocate of the State Roll in cases in which he had been briefed to appear for the prosecution or the defence in a criminal case if he was briefed before he is designated as senior advocate or before coming into operation of the rules in this chapter as the case may be.
- (c) He shall not accept instructions to draft pleading or affidavit, advice on evidence or to do any drafting work of an analogous kind in any Court, or Tribunal or before any person or other authority or undertake conveyancing work of any kind whatsoever. This restriction, however, shall not extend settling any such matter as aforesaid in consultation with an advocate of the State Roll.
- (cc) A senior advocate shall, however, be free to make concessions or give an undertaking in the course of arguments on behalf of his clients on instructions from the junior advocates.
- (d) He shall not accept directly from a client any brief of instructions to appear in any Court, or Tribunal, or before any person or other authority.
- (e) A senior advocate who had acted as an advocate (junior in a case, shall not after he has been designated as a senior advocate) advice on grounds of appeal in a Court of appeal or in the Supreme Court, except with an advocate as aforementioned.
- (f) A senior advocate may in recognition of the services rendered by an advocate of the State Roll appearing in any matter pay him a fee which he considers reasonable.

CHAPTER XIV

RECORDS

PRESERVATION AND DESTRUCTION OF CIVIL AND CRIMINAL RECORDS

1. Every record, unless otherwise provided, shall consist of two parts to be styled, respectively, Parts I and II. These two parts shall be maintained separately in stiff covers in the prescribed forms, the cover provided for Part I being coloured white and that for Part II being coloured blue [see form Nos. 15 and 15-A (Civil) and 7 to 20 (Criminal) Appendices I and II] respectively.
2. Part I shall be preserved forever, and Part II for three years, after the expiry of which it shall be destroyed.
3. The distribution of the papers to be appropriate parts (Parts I and II) of the record shall in all cases be made in the office before the record is deposited in the Record Room.
4. The period of three years mentioned in R. 2 above shall be calculated from the date of final decree or order which, in cases of appeal to the Supreme Court will be that of the decree or order of that Court.
5. All copies of paper books (both bound and unbound) in excess of the number to be preserved permanently in Part I of the High Court records as directed in these rules, shall be kept separate from the records to which they relate and be destroyed on the expiry of the periods prescribed for their preservation as under –

(i) Bound copies – All surplus copies of these in Civil appeals and Death Reference Cases shall be preserved for three years from the date of the decree or order of the High Court or in cases appealed to the Supreme Court as many copies of the paper books as may be available, shall be preserved for three years from the date of final decree or order of that Court for sale or use in any subsequent appeal, or for any other purpose authorised by the Registrar during the period.

(ii) Unbound copies – All such copies as may have been printed for use in the case of an appeal to the Supreme Court shall be preserved for two years from the date of final decree or order of the High Court.

Note - In the case of an appeal to the High Court against preliminary decree the unbound copies shall be preserved for five years, provided that at the time of filing his list under R. 12, Chapter VIII, the appellant records in writing on such list that the appeal is against a preliminary decree and asks that such unbound copies be preserved for this longer period.

(iii) Destruction of the surplus copies of bound and unbound copies of paper books shall, as provided in sub-R.(i) and R.(ii) of this rule, be duly undertaken without any reference to litigants or advocates concerned, provided, however, that where such litigants apply to the Registrar through their advocates for the return of such copies, they may be returned to such advocates; provided that the application for return is made at least one calendar month before the expiry of the period prescribed for their preservation. No notice to take back such copies will be issued from the High Court.

6. If copies of printed paper books are available and parties desire to purchase them they shall be supplied with copies at the rate of Rs.10 per volume. Typewritten paper books of second appeals will be charged for at the rate prescribed at R. 56, Chapter VIII and paper books in criminal cases will be charged at the rate prescribed in R.11-A, Chapter X.

CIVIL RECORDS

7. Part I of all civil records shall contain the following papers :

- (i) the order books
- (ii) the memorandum of appeal
- (iii) the copies of the judgment and decree filed with the memorandum of appeal and not inserted in the paper book of the case;
- (iv) the memorandum of cross-objection (if any);
- (v) vakalatnamas;
- (vi) applications for substitution, addition or removal of parties, and the affidavits filed therewith;
- (vii) award or arbitrators or petitions of compromise, if gen effect to in the decree, also in the case of minors or lunatics, the order of the Court sanctioning the compromise;
- (ix) copy of the finding of the Lower Court upon remand, if any;
- (x) final judgment of the High Court;
- (xi) decree;
- (xii) applications for the return of documents when they have been rejected or on which special orders have been passed;
- (xiii) paper books, two copies, when printed, and one copy when not printed;
- (xiv) any paper the preservation of which may be directed by the Presiding Judge or Judges or by the Registrar;
- (xv) orders of the Court other than recorded on the order sheets; and
- (xvi) applications for review, and orders relating to such applications.

Part II shall contain all other papers.

Note (i) - Certified copies of the judgment and decree of the High Court filed with the applications for leave to appeal to the Supreme Court shall be kept in Part II.

Note (ii) - Copies of the judgment and decree filed with the memorandum of appeal which, or the translation of which, have been inserted in the paper book, may, with the permission of the Registrar, be returned to the party after the disposal of the appeal.

Note (iii) - Exhibited documents or any other paper not received with the Lower Court's record but filed in the High Court under Special orders should be deposited in the record room but returned to the parties after the disposal of the case in which they were filed. If they are not taken back before the despatch of Lower Court's record, they should be sent to the Lower Court along with its record together with a copy of the order under which such papers were filed and with instructions to that Court to return the same when returning other documents to the parties.

Note (iv) - Papers which are to be preserved under the rules of this Chapter shall be repaired, where necessary, at the expenses of the Court; but documents which are filed by the parties in the High Court are filed in the Lower Court and transmitted to the High Court and which are ultimately returned to them after the disposal of the case in which they are filed shall be repaired, if and when necessary, at the expenses of the party filing such documents. An estimate of the cost of repairs shall be prepared and served on the advocate for the party and the amount due under the estimate shall be deposited with the accountant of the Court within seven days from the date of service. All cases of default as regards the deposit shall be reported to the Registrar.

8. Rule 7 shall also apply mutatis mutandis, to the records of all Civil Revision cases and references.

CRIMINAL RECORDS

9. Part I of the record in a criminal appeal, revision cases, references and miscellaneous cases shall contain the following papers:

- (i) the order books;
- (ii) the judgment of the High Court;
- (iii) the memorandum of appeal (or petition for revision or letter of reference);
- (iv) vakalatnamas;
- (v) applications for the return of documents when they have been rejected or on which special orders have been passed;
- (vi) the judgment of the Lower Court;
- (vii) paper books; two copies when printed and one copy when one printed;
- (viii) any paper the preparation of which may be directed by the presiding Judge or Judges or by the Registrar; and
- (ix) orders of the Court other than those recorded on the paper sheets.

Part II shall contain all other papers.

Note (i) - Certified copies of orders of judgment in criminal cases filed with an application for revision or memoranda or appeal which have been inserted in the paper books of such cases, may, with the permission of the Registrar, be turned to the parties filing them after the disposal of cases.

Note (ii) - Sub-rule (vii) above will not apply to cases instituted prior to 16th November, 1920, the number of copies, if any, already with the record being deemed sufficient.

10. Applications for bail and suspension of sentence and orders thereon which are treated as miscellaneous cases shall be preserved for three years from the date of the order.

REQUISITION FOR RECORDS UNDER ORDER XIII, RULE 10, CIVIL PROCEDURE CODE

11. (a) Ordinarily certified copies are to be filed in respect of original papers, civil or criminal requisitioned at the instance of the parties, under Order XIII, R. 10, Civil Procedure Code, from Part I of a High Court record. Such certified copies shall be returned with the original documents called for when the requisition is complied with. Certified copies may, however, be dispensed with in respect of (1) items (vi) and (xii) of Rs. 7 of this chapter, (2) item (v) of Rs. 9 *ibid*, and (3) provided the papers, have been printed in the paper book of the case-item (ii) and (iv) of Rs. 7 and item (iii) of R. 9 *Ibid*.

(b) In regard to papers of Part II of both Civil and Criminal Records, no certified copy need be demanded except under the order of the Registrar.

CHAPTER XV

INSPECTION AND INFORMATION

1. No records of any case shall be removed from the Court building, except under an order in writing of a Judge, the Registrar General, or the Registrar, or the Deputy Registrar.

Provided that if any of the Judges, the Registrar General, the Registrar or other Gazetted Officer of the High Court requires a record at his private residence, he may take charge of it.

2. Inspection of records shall only be allowed upon application being made in the form prescribed for the purpose [(see Form No. 16) (civil), Appendix I], which will be obtainable from the forms Assistant at Rs.5 per copy.

3. Every application for inspection shall specify the record or paper of which inspection is desired and the name of the person or persons by whom the inspection will be made, and shall be accompanied where necessary, by the fee prescribed in Chapter XI of these rules.

4. No record or paper of any department shall be inspected by any person other than a Judge or an officer of the Court, except upon an order in writing of a Judge, the Registrar General, Registrar or other Gazetted Officer;

Provided that a party appearing in person in an appeal or other proceedings, or an Advocate duly authorised by a party to a case, may, upon filing an application in the prescribed form; inspect a record in the Inspection Room without a formal order in writing obtained under this rule.

5. A stranger to an appeal or other proceedings shall not be entitled as to right to inspect any record or document. He may, however, apply for an order to inspect such record or document; provided that he shall not be allowed to inspect exhibits put in evidence, except with the consent of the person by whom they were produced or his successor in interest. Every such application shall be in writing in the prescribed form (see R. 2 above) , shall specify the papers which it is desired to inspect ,shall clearly state the reason for the inspection and shall be accompanied by the fee prescribed in the Chapter XII of these rules.

6. Every application for inspection shall be made between the hours of 10.45 a.m. to 3.30 p.m. on a Court day and between the hours of 11 a.m. and 1 p.m. on Saturdays.

7. Inspection shall be allowed only in the Inspection Room and between the hours of 10.45 a.m. and 4 p.m. on Court days and between the hours of 11 a.m. and 1 p.m. on Saturdays. The inspection may be made on any working day or days but be completed within 10 days from the date of receipt of the record in the Inspection Room.

Note (i) - Requisition for the record shall be made by the Inspection Assistant on the day the application is filed and recorded and shall, except for special reasons to be stated in writing be made available in the Inspection Room by the following day and in any case not later than the third day from the date of the application. If the requisition is not complied with within three days the matter shall be submitted with an explanation to the Officer-in-Charge for orders.

Note (ii) - The rule shall not apply to pending criminal cases inspection of which will be allowed in the criminal section Inspection Room.

8. Every order by which inspection is allowed shall state the name of the person who may make such inspection.

9. Immediately upon receipt of an application for inspection the Inspection Assistant shall send a requisition to the Superintendent of the Section in which the record of paper mentioned in the application is, and the latter upon being satisfied that the application is in order and that the person named therein is entitled under R. 4, or has been allowed inspection under R. 5 shall make over such record or paper to the Inspection Assistant by 10.45 a.m. on the dated note in the requisition.

10. (a) No person inspecting a record or paper shall make any mark on, or in any respect mutilate any record or paper which is being inspected.

(b) He may make short notes but shall on no account be allowed to make a copy of translation of any paper on the record or to compare a copy or translation already made.

Note 1 -The words “short notes” in this rule mean such brief notes or memoranda with respect to the date and nature of the documents, names of parties, etc., as may be necessary to identify the document or record in case, a copy is required or a list of papers for inclusion in the paper book of an appeal is to be filed.

Note 2 - A notice in terms of this rule and Note 1 shall be hung up in a prominent place in the Inspection Room and a breach of the rule should be forthwith reported to the Gazetted Officer-in-Charge.

11. Only officers of the Court and person authorised to inspect either under R. 4 or R. 5 above shall be allowed into the Inspection Room.

Provided that parties or their agents may accompany the advocate, but the number of such persons shall not exceed two.

12. No one other than a Judge, the Registrar General, the Registrar, or the Deputy Registrar, shall be allowed to inspect any register of the Court of the Officer, except on an order in writing of the Registrar General or such other officer as may be authorised by him on his behalf, and in the presence of the officer whose duty it is to keep such register.

13. In no case should the Inspection Assistant retain any records in the Inspection Room for more than 10 days from the date of receipt of the record in the Inspection Room.

14. Application for information shall be made to the Registrar or such other officer of the Court as the Registrar may depute for the purpose on any Court day between the hours of 11 a.m. and 4.30 p.m. and between the hours of 11 a.m. and 1 p.m. on Saturdays.

15. Applications for information shall be made in the prescribed form (see Form No. 17 (civil) Appendix I,) copies of which will be supplied at Rs.5 per sheet.

16. An applicant for information will submit his application with the necessary particulars as shown in the Form No. 19 (Civil) Appendix I. The officer receiving the application shall, if the information is available to fill in the information both in the upper and lower halves of the form in their proper places. If the information is not immediately available, he shall state in the appropriate place the date on which the applicant should call for the information and shall make over the lower portion of the form to the Applicant. Upon the applicant calling for the information on the date stated he shall supply the information in the appropriate place, an acknowledgement for the same being obtained on the upper portion of the form which shall be preserved in the office for the period prescribed from time to time.

Note - Searching fees shall be levied on applications for information as in the case of applications for copies (see chapter XI). An application will not be considered as complete till the searching fee, as necessary under the rules, has been paid.

17. Information shall ordinarily be supplied on the next open day after application.

Note (i) - Information requiring anything but short answers shall not be given. If any extract from the record or the substance of any order or decrees or other document is desired, the proper course is to be applied for a copy.

Note (ii) - Defective applications and applications in which the information asked for cannot for any reason be given shall be rejected subject to the orders of the Registrar.

CHAPTER XVI

DEPOSIT AND PAYMENT OF MONEY

1. All money required to be paid or deposited under these rules other than paper book's costs shall be paid to the Accountant of the Court with a challan in Form No. 18-A (Civil), Appendix I.
2. The money due for the costs to be incurred in preparing paper books in appeal cases should be deposited in the Local Treasury or in the local Bank by the advocate of the party concerned with a challan in form No.18 (Civil), Appendix I.
3. The challan, before it is tendered at the Treasury or the Bank, must be placed in the box provided for the purpose at the counter in the Accounts Department. If the challan is found to be in order, it shall be numbered serially and entered in the challan Register and then signed by the Challan Assistant and the Accountant.
4. All challans tendered shall be made ready for delivery to the advocates or parties concerned so as to enable them to deposit the money in the Treasury or the Bank on the day on which the challan is issued. If the party concerned fails to tender the challan at the Treasury or the Bank on the day of issue, a fresh challan must be taken out on the following day, unless the time within which the deposit should be made under the rules of the Court has expired, in which case the money will not be accepted without an order of the competent authority:

Provided that if for sufficient cause beyond his control, as to which he shall satisfy the Registrar by a proper application setting out the cause, an advocate or party is prevented from tendering money under R. 1 and R. 2 by the hours fixed, and the deposit, if made on the following day, would be out of time, the Registrar may direct the money to be received by an officer of the Court and such acceptance shall be deemed to a valid deposit on the day on which it is accepted. The money so accepted shall, if the deposit is under R. 2 of this Chapter be remitted to the local Treasury or Local Bank by the Court's office on the following day with a challan duly held in and tendered by the advocate or the party when depositing the money.
5. The time by which deposits must be made under R. 1 and challan must be placed in the box in the Accounts Department under R. 3, shall be fixed from time to time by the Registrar having regard to the Courts' office hours and those observed by the Treasury or the Bank.
6. On receipt of the advice of payment from the Treasury or the Bank, the fact that a deposit has been made should be communicated to the Appeal Section concerned.
7. Money received in connection with the sale of paper books, of cause lists and the forms must be forwarded by the Accountant to the Treasury or Bank, together with a challan, for credit to Government as soon as the total amount reaches Rs. 300.
8. No money should be paid out of Court, except under an order of a Judge, the Registrar General, the Registrar or the Deputy Registrar.
9. Any surplus remaining after deducting the costs actually incurred in connection with the preparation of paper books from the amount deposited with the request, to the party concerned by whom the deposit was made, or to the advocate of such party.

10. Applications for a refund [see Form No. 19(civil), Appendix I] shall be signed by the party concerned or by his advocate.

11. No such application shall be presented unless it bears upon it a certificate in writing, dated and signed by the Accountant of the Court, that there is no stop-order in force affecting such money, or any part thereof, and stating the precise amount for the payment of which out of Court an order may be made.

12. Every application for the payment of money out of Court shall state –

- (a) the name of the advocate making the application or the description and address of the applicant claiming to be entitled to the money (if the application is made by the party in person);
- (b) the capacity in which such applicant claims to be entitled to the money;
- (c) the cause, appeal, matter or proceeding in which or the date of the order under which, the money to which the application relates was paid into Court;
- (d) the precise amount for the payment of which an order is applied for.

13. Every application for the payment of money shall be presented by the applicant claiming to be entitled to receive such money, or by an advocate acting on behalf of the applicant. In all cases in which the application is not presented by an applicant, it must be signed by the advocate claiming to be entitled to receive such money.

14. If an application for refund appears to be defective, a Judge or the Registrar General may make such order thereon as he considers proper or refuse to make an order thereon or order that notice to show cause shall be issued to any person or any persons concerned in such application.

15. No payment shall be made under an order made under R. 13 except upon a repayment order signed by the Registrar General.

16. When an application is made for the refund of Government promissory notes deposited as security in an appeal to the Supreme Court, the applicant shall deposit with the accountant a withdrawal fee of 1 rupee per cent.

APPENDIX – A

**RULES RELATING TO CASES UNDER THE CHARTER ACCOUNTS ACT, 1949
(ACT XXXVIII OF 1949)**

1. **Register of cases** - All cases received under by the High Court under Section 21 of the Chartered Accountants Act, 1949, shall be numbered and entered in a special register.

2. **Filing of finding, etc. in Court** - The Council of the Institute of Chartered Accountants of India (hereinafter referred to as the Council) shall file in the office of the Registrar of the Court the finding of the Council along with the report of the Disciplinary Commissioner and all other relevant papers which were before the Council and the Disciplinary Committee and in particular the following documents:

- (a) Complaint or information.
- (b) Written statement of defence.
- (c) Depositions of witnesses together with exhibits.
- (d) Notes of the hearing before the Disciplinary Committee and the Council.

The Council shall furnish to the Registrar of the Court two extra copies of the aforesaid papers.

The Council shall also furnish to the Registrar of the Court the postal address of all persons on whom notices are required to be served under Section 21(2) of the said Act.

3. **Fixing date of hearing** - When the finding of the Council and other papers have been filed in Court, the Registrar of the Court shall fix a date for the hearing of the case and shall forthwith issue notices.

4. **Service of notices** - Such notices shall be sent by registered post to all persons to whom notices are required to be sent under the provisions of Section 21(2) of the said Act at the address supplied by the Council and shall be served not less than 15 days before the date fixed for hearing of the case.

5. **Cases to be heard before a Bench** - The case shall be heard by a Bench consisting of not less than two Honourable Judges to be nominated by the Honourable the Chief Justice.

6. **Copy of final order to be sent to Council** - The Registrar of the Court shall send a certified copy of the final order passed in the case to the Council of the Institute of Chartered Accountants.

FORM OF NOTICE UNDER RULE 3

In the matter of
The Chartered Accountants Act of (XXXVIII of (1949)
And
In the matter of
Member of the Institute of Chartered Accountants of India
..... Petitioner

-versus-

..... Respondent

To,

- (1) Member of the Institute the respondent, above named
- (2) Secretary of the Council of the Institute of Chartered Accountant of India.
- (3) Secretary to the Ministry of Finance, Union of Government, New Delhi.

Whereas the Council of the Institute of Chartered Accountants of India has filed in this Court its finding dated the, and the report of the Disciplinary Committee dated the , in the above case;

Now take notice that the honourable Court will proceed to hear the said case and pass orders thereon on the day of..... , at 11 o'clock in the forenoon when you may appear either in person or by an advocate and make your submission to the Court.

Dated: this day of

APPENDIX – B

**RULES UNDER THE BANKING COMPANIES ACT, 1949 (ACT X OF 1949),
AS AMENDED BY THE BANKING COMPANIES ACT, 1953**

1. **General headings** - Application under Part III or Part III-A of the Banking Companies Act, 1949 (hereinafter in this Appendix referred to as “the Act”), shall be instituted in the matter of the Act and in the matter of the Banking Company and where necessary in the matter of the Act under which the banking company has been ordered to be wound up.

2. **Presentation and hearing of petitions under Part III or Part III-A of the Act –**

An application under any of the Sections of Part III or Part III-A of the Act shall be made by petition which shall be signed and verified in the same manner as a plaint. The petition shall be supported by an affidavit and shall be presented to the Judge taking Company winding up matters or to such other Judge as the Chief Justice may direct. The Judge shall hear the said application and pass such orders and give such directions as he deems proper, including directions for notice of the petition being given to such person or persons as may seem to him likely to be affected by the proceedings.

3. **Notice of petition** - Where a notice is directed to be given to any party, it shall be served together with a copy of the petition and the petition shall not be heard until fourteen days after the service of the notice, unless the Judge otherwise directs.

4. **Applications in winding up to be by petition** - Application for the determination of all questions of priorities and all other questions whatsoever whether of law or fact, which may relate to or arise in the course of the winding up of the Banking Company, shall be made by petition. The petition shall contain a statement of facts relied on and the nature of the relief asked for. The petition shall be signed and verified in the same manner as a plaint.

5. **Notice of petition** - Petition mentioned in the last preceding rule shall be presented to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judges as the Chief Justice may direct. The Judge shall direct notice of the petition to be given to the respondent or such person or persons as may seem to him likely to be affected by the proceedings. Such notice shall be served together with a copy of the petition and the petition shall not be heard until fourteen days after service of the notice, unless the Judge otherwise directs.

6. **Affidavit in answer** - An answer to the petition mentioned in R. 4 shall be made by filing an affidavit and a copy thereof shall be furnished to the petitioner or his advocate at least two clear days before the returnable date of notice.

7. **Direction for hearing of the petition** - On the date fixed for the hearing of the petition, the Court may proceed to hear the petition or give such directions as it may think proper as to the discovery and inspection, examination or witnesses in Court or in chamber, taking of evidence by affidavit or otherwise and generally for the speedy determination of the petition.

8. **Transfer of Suit and proceedings of the High Court** - When the Office Liquidator or the liquidator appointed by the Court submits to the Court a report under Section 45-C(2) of the Act, he shall apply to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judge as the Chief Justice may direct, for directions as to the parties to whom notice may be given and the date and time for holding an inquiry whether or not the suits and proceedings mentioned in the report should be transferred to the High Court. The notice shall contain particulars of the suit or proceedings in which the party may be concerned and require him to appear and show cause why it should not be transferred to the High Court. The notice shall be served fourteen days before the date appointed for holding the inquiry.

9. **Affidavit in reply** - Any party desiring to oppose the transfer of the suit or proceeding to the High Court shall file an affidavit and furnish a copy thereof to the official liquidator or the liquidators appointed by the Court or his advocate, at least two clear days before the returnable date of the notice.

10. **List of debtors** - When the official liquidator or liquidators appointed by the Court file in the Court list of debtors under Section 45 - D(2) of the Act, he shall obtain an appointment from the Judge for the time being dealing with the proceeding for the winding up of the Banking Company or from such other Judge as the Chief Justice may direct, to settle the same shall give notice in writing of such appointment to every person mentioned in such list. The notice shall contain such of the particulars mentioned in the list of debtors as are applicable to such person. In case any variation or addition to such list is made by the Official Liquidator or the Liquidators appointed by the Court, a similar notice in writing shall be given to every person

to whom such variation or addition applies. All such notice shall be served four weeks before the date appointed to settle such list, variation or addition.

11. **Service of notice** - Service of notice upon the debtors shall be affected by sending the notice through the post by a registered letter or if the Judge so directs under a certificate of posting. The notice shall be addressed to the party to his last known address or place of above and such notice shall be considered as served at the time the same ought to be delivered in due course of delivery by Post Office and notwithstanding the same may be returned by the Post Office.

12. **Affidavit in reply** - If the debtor desires to show cause against the inclusion of his name in the list of debtors, he shall file an affidavit and furnish a copy thereof to the Official Liquidator or the Liquidators appointed by the Court or his advocates at least seven clear days before the settlement of the list.

13. **Settlement of the list of debtors** -

(1) On the date fixed for settlement of the list of debtors, the Court may settle the list or such part thereof as it may think proper. If the Court is of opinion that it is not immediately possible to adjudicate upon any particular debt mentioned in the list, it may give such directions as it may think proper as to discovery and inspection, examination of witness in Court or in Chambers, taking of evidence by affidavit or otherwise and generally for the speedy adjudication of the debt. The Court may in a special case refer to the Official Liquidator or the Liquidators appointed by the Court to a regular suit.

(2) The certificate under Section 45 – D(6) shall be in form No. 1 attached to the Appendix.

14. **Official Liquidator or Liquidators appointed by the Court to report if he contests claims of depositors** - If the Official Liquidator or the Liquidators appointed by the Court desires to contest a claim shown in the books of the Company as due to a depositor on the ground that there is reason for doubting the correctness of any particular entry in the books, he shall make a report to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judge as the Chief Justice may direct stating his reason for doubting the correctness of such entry; and if upon such report the Court is satisfied that there is prima facie reason for doubting the correctness of the entry, the Judge may cause notice to the depositor concerned to come in and prove his claim.

15. **Register of suits in winding up matters** - Suits in respect of claims made by or against any Banking Company in liquidation including claims by or against any of its Branches in India shall be entered in a separate register to be maintained by the office and shall be treated as expedited suits. If such suits have been filed before the date of the order for winding up, the Official Liquidator or Liquidators appointed by the Court shall furnish to the office a list of such suits.

16. **Hearing of suits and matters** - All suits referred to in the preceding rule and all matters and proceedings connected with the suits shall be heard by the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or by such other Judge as the Chief Justice may direct.

17. **Procedure in such suits** - Where the suit is filed as a summary suit, the procedure prescribed for summary suits shall be followed. In all other cases, the suit shall be filed alongwith the cause and the following procedure shall be followed:

Within ten days of the service of the writ of summons or such longer period as the Judge may direct on the application of the plaintiff on that behalf, the plaintiff shall take out a summons for directions and the Judge shall give such directions as he may think proper as to filing the written statement and counterclaim, if any, or points of defence, discovery, inspection, examination of witnesses in Court or in Chambers, taking of evidence by affidavit or otherwise and generally for the speedy determination of the suit.

18. **Application for inspection of records** - The Reserve Bank of India may apply to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judges as the Chief Justice may direct, for permission to inspect the records of the Banking Company, and such permission may be granted by the Judge in his discretion.

19. **Appeals** - Rules relating to appeals contained in the rules of this Court shall apply mutatis mutandis to appeal under sub-section (1) of Section 45 of the Act.

20. **Presentation of complaints and issue of process** - Proceedings under Section 45 – J of the Act shall commence with a complaint being presented by the Official Liquidator or the Liquidators appointed by the Court to such Judge as the Chief Justice may direct. On presentation of the complaint the Judge may issue a summons or a bailable or non-bailable warrant against the accused and shall fix a date for the trial, or may, if he thinks fit, postpone the issue of process for compelling the attendance of the person complained against and may direct an inquiry or investigation to be made by the police or by such other person as he thinks fit, or may dismiss the complaint as he may in his direction think fit.

21. **All complaints shall be filed in the filing section and all processes shall issue from the office.**

22. **What offences to be tried summarily** - Offences punishable under the Indian Companies Act, 1913(Act VII of 1913), or under the Banking Companies Act, 1949 (Act X of 1949) with imprisonment for a term which does not exceed two years or with fine which does not exceed one thousand rupees may be tried in a summary way.

An offence triable under Section 45-J(2) of the Act jointly with the offences mentioned in this rule may also be tried summarily: provided that it is punishable with imprisonment for a term which does not exceed two years or with fine which does not exceed one thousand rupees.

23. **Procedure in summary trials** –

(1) Where an offence triable under Section 45-J(1) is tried summarily, the procedure provided in the Code of Criminal Procedure for the trial summons cases shall so far as it is not inconsistent with the provisions of the Act be applicable. Where, however, the offence to be tried summarily under Section 45-J(1) is tried jointly with an offence under Section 45-J(2) the procedure provided in the Code of Criminal Procedure for the trial of warrant cases shall be applicable; provided that it shall not be necessary to adjourn the case under Section 25(1) of the Code of Criminal Procedure before requiring the accused

to enter upon his defence or inquiring of him whether he wishes to further cross-examine any witness whose evidence has been taken.

(2) **Procedure in non-summary trials** - Where the offences triable under Section 45-J are not tried summarily, the procedure provided in Code of Criminal Procedure for the trial of warrant cases shall, so far as it is not inconsistent with the provisions of the Act, be applicable.

24. **Bail** - The Court may at any time grant bail to the accused on such terms as it thinks proper.

25. **Accused person to be competent witness** - Any person against whom a complaint is filed by the Official Liquidator or the Liquidators appointed by the Court under his Appendix shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial.

Provided that –

- (a) he shall not be called or examined as a witness except with his consent,
- (b) his failure to give evidence shall not be made the subject of any comment by the prosecution or give rise to any presumption against himself or any person charged together with him at the same trial,
- (c) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he was committed or been convicted of any offence other than with which he is charged, or is of bad character, unless –
 - (i) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence with which he is charged, or
 - (ii) he has personally or by his advocate asked questions of any witness for the prosecution with a view to establishing his own good character, or has given evidence of his good character or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or of any witness for the prosecution, or
 - (iii) he has given evidence against any other person charged with the same offence.

26. **Compounding of offence** - All offences triable under this Appendix may be compounded with the leave of the Court.

27. **Appeal against conviction** -

- (a) Any person convicted on a trial held by the High Court in the exercise of its jurisdiction under Section 45-J of the Act may appeal to the High Court.
 - (i) against the conviction on any ground of appeal which involves a matter of law only,

(ii) with the leave of the Appellate Court or upon the certificate of the Judge who tried the case that it is a fit case for appeal, against the conviction on any ground of appeal which involves a matter of fact only, or a matter of mixed law and fact, or any other ground which appears to the Appellate Court to be a sufficient ground of appeal; and

(iii) with the leave of the Appellate Court, against the sentence passed unless the sentence is one fixed by law.

(b) **Appeal against acquittal** - The Official Liquidator or the Liquidators appointed by the Court may appeal to the High Court against any order of acquittal on any ground of appeal which involves a matter of law only.

28. **Period of limitation** - An appeal under the last preceding rule shall be filed within 30 days from the date of the order appealed from. Section 5 of the Indian Limitation Act shall apply to appeals under this Appendix.

29. **Application to the trial Judge for a certificate** - An application to the Judge who tried the case for a certificate that it is a fit case for appeal may be made either orally at the end of the trial or by petition by giving the grounds on which such certificate is sought and showing that the period of limitation for the appeal has not expired.

30. **Appeals shall be filed in the filing section.**

31. **Memorandum of appeal** - The memorandum of appeal shall be made in the form of a petition in writing, giving the grounds of objection numbered consecutively, and the grounds upon which the leave, if any, of the Appellate Court, is sought. It shall also show that the appeal is within time, and shall be accompanied by a certified copy of the judgment and the sentence or order of the Court and also of the certificate of the Judge who tried the case that it is a fit case for appeal, when such certificate has been given.

32. **Procedure of appeal** - On presentation of an appeal, the date of such presentation shall be marked thereon, and it shall be accepted if within time, and placed on a Register of Appeals to be kept for the purpose. When an appeal appears to the Stamp Reporter to be beyond time, it shall be returned to the party or his advocate, unless the party or his advocate applied for it to be placed before the Court for orders.

33. **Admission of appeals** - Applications referred to in the preceding rule, together with the memoranda of appeals in question, and appeal which have been accepted being within time shall be placed for admission before a Division Bench constituted by the Chief Justice and composed of less than two Judges being Judges other than the Judge by which the original trial was held.

34. **Application for notes of appeals** - Applications for bail shall ordinarily be made to the Appellate Court at the time of admission.

35. **Application for bail in evidence** - Upon admission of an appeal, the appellant shall apply with due diligence for a certified copy of the notes of evidence and of the requisite documentary exhibits, and shall pay the usual charges, unless the Registrar in his discretion thinks fit to dispense with such payment in whole or in part. Certified copies of the notes of

evidence or of the documentary exhibits shall not be supplied before admission of an appeal except with the leave of the trial Judge.

36. **Paper books to be prepared by the appellant** - Appeal paper books shall be prepared by the appellant and shall not be printed except where such printing is directed by the Appellate Court.

37. **Contents of paper books** - The appeal paper book shall contain the following paper arranged in two parts in the same volume where practicable in the following orders :

PART – I

- (1) Complaint
- (2) Charge or charges against the accused in the Trial Court
- (3) Notes of evidence including statement of the accused.
- (4) Judgment including sentence or order.
- (5) Certificate of the Judge who tried the case, if any.
- (6) Order of the Appellate Court granting leave, if any.
- (7) Memorandum of appeal.
- (8) Order admitting the appeal.
- (9) Such other papers as may be deemed necessary by the Registrar.

PART – II

38. **Filing of paper books** - Within six weeks of the admission of an appeal, where the time has been extended by the Court, the appellant shall file one or more copies of the appeal paper book as may be required by the Registrar in his office and shall also furnish two copies of the respondent.

39. **Hearing of appeals** - After the appeal paper books have been filed, the appeal shall be set down for hearing and final disposal before a Division Bench constituted by the Chief Justice and composed of not less than 2 Judges, being Judge other than the Judge by whom the original trial was held.

40. **Procedure on default of filing of Paper Books** - Where the appellant, after admission of an appeal, does not diligently prosecute the appeal and does not file copies of the Appeal Paper Book as required, the appeal shall be placed before the Appellate Court for orders. The Appellate Court may dismiss the appeal or pass such order as it may think fit.

41. **Code of Civil Procedure and Code of Criminal Procedure to apply** - The provisions of the Code of Civil Procedure and of the Code of Criminal Procedure unless inconsistent with the rules in this Appendix, shall apply respectively to civil and criminal proceedings under this Appendix.

42. **Remuneration of the official liquidator or the liquidators appointed by the Court** - Unless otherwise ordered by the Judge the official liquidator or liquidators appointed by the Court, shall charge fees according to the following scale:

- (a) In the High Court, upon the total assets except as provided in Cl. (b) including production of calls on contributors, realised or brought to credit and not being money received and spent on carrying on the business:

			Rs.	per cent
On the first	..	..	10,000 or fraction thereof	4
On the next	..	..	15,000 or fraction thereof	2 ^{1/2}
On the next	..	..	25,000 or fraction thereof	2
On the next	..	..	50,000 or fraction thereof	1 ^{3/4}
On any sum above	..	..	1,00,000	3/4

(b) On rents recovered 4

(c) In the Courts subordinate to the High Court, upon the total assets, except as provided in Cl.

(d) including of calls on contributors, realised or brought to credit and not being money received and spent on carrying on the business :

			Rs.	per cent
On the first	..	..	10,000 or fraction thereof	4
On the next	..	..	15,000 do	2
On the next	..	..	25,000 or fraction thereof	1 ^{1/2}
On the next	..	..	50,000 do	1 ^{1/4}
On the next	..	..	1,00,000	1/2

(d) On rents recovered 3

(e) When the Official Liquidator or the Liquidators appointed by the Court collect(s) or realise property for debenture holders or other secured creditors, the same rate as under proviso (a) to Sub-R. (1) above to be paid out of the proceeds of such calls for property.

(f) When the Official Liquidator or the Liquidators appointed by the Court acts as trustee under a scheme of arrangement, such remuneration not exceeding the rate under proviso (a) to sub-R. (1) above, as the Court shall allow.

(g) When the Official Liquidator or the Liquidators appointed by the Court perform any special duties not provided for above, such amount as the Court on the application of the official liquidator or the liquidators appointed by the Court may consider reasonable will be allowed as remuneration.

This will apply mutatis mutandis to the proceedings under the Banking Companies Act.

(h) The official liquidator or the liquidators appointed by the Court shall, unless otherwise ordered by the Judge, charge the companies under his management a sum which in his discretion he considered sufficient to cover the expenses of his office and this he shall do with due regard to the value of the assets in each matter and the labour and trouble involved in its management.

43. Inspection of record by the Reserve Bank of India -

(a) The Reserve Bank of India, may on application to the Registrar inspect the records relating to any proceedings. Such inspection shall be made before the Deputy Registrar of the Court.

(b) No Court-fee shall be charged on an application under this rule.

44. No money shall be paid out of banking account except under cheques or orders signed by the official liquidator or the liquidators appointed by the Court and countersigned by the Registrar; provided that the Judge may dispense with such countersignature.

In the case of a Court Liquidator, no such countersignature by the Registrar shall be necessary.

45. **Pending proceedings** - The rules in this Appendix shall not in any way affect any proceedings commenced before these rules came into force and to which these rules would have applied if the rules had been in force. Such proceedings shall be dealt with in such manner as the Judge dealing with the winding up of the company may direct.

PUBLIC EXAMINATION UNDER SECTION 45 – G OF THE ACT

46. The report of the liquidator pursuant to Section 45 – G of the Act shall state the names of the persons intended to be examined and the opinion required by the section and shall state in a narrative form the facts and matters which the liquidator desires to bring to the notice of the Court upon which such opinions are based.

47. The liquidator shall submit the report to the Judge and shall obtain an appointment from the Judge for consideration thereof and shall give not less than 14 days' notice to every person mentioned in the report who is intended to be examined. The notice shall be informed No. 2 and shall be accompanied by a copy of the report and shall be sent by registered post.

48. Every person served with the notice under R. 47 may show cause by an affidavit which shall be filed not less than three days before the date fixed for the consideration of the report and notice of the filing thereof shall be given to the liquidator forthwith.

49. Where the Judge makes an order under Section 45 – G directing any person to be publicly examined and attend the trial he shall fix a date for such examination.

50. The substance of the order made under the preceding rule shall be advertised seven clear days before the date appointed for examination in such newspaper or newspapers as the Judge may direct and by passing on the notice board of the Court House. The advertisement shall be in Form No. 3.

51. The Judge may from time to time adjourn the public examination.

52. The Judge may if he thinks either by the order of the examination or by any subsequent order give directions as to the specific matters on which any person is to be examined.

53. The Judge may order that the evidence be taken down in the shorthand and may nominate a person to take down such evidence.

54. The deposition of the person examined shall after being read over and signed by him be filed and kept with the records. The liquidator, the person examined and any creditor or contributory of the Banking Company shall be entitled to obtain a copy from the Court on payment of the usual fees.

PUBLIC EXAMINATION UNDER SECTION 45 – L

55. The provisions of R. 46 to 54 shall, as may be, apply to public examination under Section 45 – L of the Act. The functions of the liquidator under the said rules shall be exercised by such person as the Judge may direct.

The following new rules shall be inserted after R. 55 of the Rules under the Banking Companies Amendment Act, 1953 :

56. Court fees -

(1) A Court fee of Rs. 100 shall be levied in all original petitions under R. 2 of this Chapter.

(2) The Court fee payable on a counterclaim, or set off, shall be as follows:

	Rs.
(a) where the amount does not exceed Rs. 2,500	5
(b) where the amount exceeds Rs. 2,500 but does exceed Rs. 10,000	10
(c) where the amount exceeds Rs. 10,000	20

(3) On every appeal from an order, decree, or decision passed under the provisions of Section 45 – B of the Act, a Court fee of Rs. 100 shall be paid.

FORM NO. 1

[Rule 13 (2)]

IN THE HIGH COURT OF MANIPUR.

Certificate as to Settlement of List of Debtors

(Title)

The debts which have been allowed are set forth in the Schedule A hereto and (with the interest thereon and costs mentioned in the Schedule – A) are due to the creditors by the debtors therein named recoverable in the way stated in column 5 of the Schedule.

In case of secured debts, particulars of the securities with estimated value will be entered in Schedule – B.

SCHEDULE – A

Sl.No.	Name & address of creditors	Name & address of debtors	Amount due with interest	Mode of payment
1	2	3	4	5

SCHEDULE – B

Description of the securities -

Dated: the day of 20...

Signature of the Judge

FORM NO. 2

[Rule 47]

Notice to the persons to be examined under Section 45 – G of the Act
(Title)

To,

.....

Whereas the official liquidator of the above named Banking Company has submitted a report under Section 45-G of the Banking Companies Act, 1949, for consideration of this Court;³

And whereas this Court has fixed the day of 20 , at 11 a.m. in the forenoon for consideration of the said report;

Now this is to give notice to you to show cause; if any, why you should not be publicly examined under the said Section;

Also, take notice that such cause is to be shown by filing an affidavit in this Court not less than three days before the said date fixed for consideration of the said report and that notice of the filing of such affidavit is to be forthwith given to the said official liquidator at the addressed stated below.

Dated: this day of 20.....

Name and address of the official liquidator

Registrar

FORM NO. 3

[Rule 50]

Notice of day appointed for examination under Section 45 – G of the Act
(Title)

Notice is hereby given that on, the day of20, at 11 a.m. in the forenoon at the High Court House at Imphal has been fixed as the time and place for the examination of the persons named below under Section 45 – G of the Banking Companies Act, 1949. Any creditor or contributory of above named Banking Company may also take part in the said examination either personally or by any person entitled to appear before this Court.

Dated: this day of 20

Name and designation of the person to be examined.

Registrar.

APPENDIX – C

**RULES UNDER THE BANKERS' BOOKS EVIDENCE ACT, 1891
(XVII OF 1891)**

1. An application for an order under the Bankers' Books Evidence Act shall be made ex-parte upon petition and a Judge of the Court may direct that the notice of application shall be served on the bank or banks named in the application. The petition shall set out the particulars of the entries of which it is desired to obtain copies (or if this is impossible, the year or years in which such entries will appear) and the materiality of such entries.
2. All applications shall be made in sufficient time to allow three clear days' notice required by Section 6(2) of the said Act, and all applications made in sufficient time shall state the reasons therefor.
3. The party who has obtained an order of the Court shall serve it upon the bank or banks affected, and at the same time shall pay to the bank or banks, the searching fee of which the amount shall be stated in the order.
4. Upon service of the order, the bank or banks shall forthwith make a search of the documents and shall thereafter inform the party who has obtained the order the amount to be paid to the bank or banks for copies of the entries to be made in terms of the order.
5. Thereupon the party concerned shall pay to the bank or banks, as the case may be, the amount so stated and the fee for the certificate. The bank or banks shall, upon receipt of the amount, prepare and deliver to the party the copies of the relevant entries together with the certificate under Section 6 of the Act.
6. The bank or the banks shall be entitled to charge for the supply of the certified copies of the entries from its books on the following scales :

Searching fee: for each year or part of a year
in respect of which the search is made - Rs. 5

Copies:	for each bank folio * or part thereof	-	Rs. 5
Certificate:	for the certificate under Section 6 of the Act	-	Rs. 5

Provided that the Court may in particular cases make such orders as to costs as may seem appropriate to it or him under Section 7 of the Act.

7. Copying fees for all documents other than the entries in the Accounts Books shall be paid for at the rate prescribed by the Rules of this Court.

** A bank folio for this purpose is a page of the bank's books of not less than 40 and not more than 50 lines.*

APPENDIX – D

RULES UNDER THE COPYRIGHT ACT, 1957, (ACT XIV OF 1957)

1. Definitions – In these rules unless there is anything repugnant in the subject or context.
 - (i) “Act” means the Copyright Act, 1957 (Act XIV of 1957).
 - (ii) “Registrar of Copyright” includes the “Deputy Registrar of Copyrights” to whom any particular function of the registrar of copyrights may be assigned in pursuance of Section 10(2) of the Act;
 - (iii) “Board” means the “Copyright Board” constituted under Section 11(1) of the Act;
 - (iv) “Court” means the High Court of Manipur at Imphal, Manipur;
 - (v) “Registrar” and “Deputy Registrar” mean, respectively the Registrar and Deputy Registrar of the High Court of Manipur;
 - (vi) “Section” means a section of the Act.
2. All appeals under Section 72(2) shall be registered and styled as Miscellaneous appeal...
3.
 - (i) Every appeal under Section 72(2) shall be made in the form of a memorandum signed by the appellant or his advocates and shall be accompanied by a certified copy of the decision or order appealed from and shall set forth the grounds of objection concisely and under distinct heads. The memorandum and its annexures shall be filed duplicate with a complex index of the papers filed.
 - (ii) Every memorandum of appeal shall be presented to the stamp reporter of the Court, who shall certify thereon whether the appeal is in proper form, within time and properly stamped, or that it is irregular and shall return the memorandum of appeal with such certificate. Subsequent to the certificate of the stamp reporter, the formal presentation must be made to the Registrar. The date of presentation to the Registrar shall be deemed to be the date of filing of such appeal for the purposes of limitation.

4. Every appeal shall, soon after it is registered be posted for orders before a Division Bench as to issue of notice to the respondents. This Court may order direct notice to be issued and pass such interim order as it may deem necessary or reject the appeal.

5. (a) The service of notice to the respondent or respondents shall ordinarily be effected through registered post. An acknowledgement purporting to be signed by the respondent or the agent or an endorsement by a postal employee that the respondent or the agent refused to take the delivery may be deemed by the Court to be prima facie proof of service. The appellant shall file as many typed copies of the memorandum of the appeal as there may be parties to be served and also the requisite number of postal envelopes bearing adequate postal stamps to enable service to be effected on the respondent or respondents by registered post with due acknowledgement.

(b) The notice of appeal shall be served on all respondents effected and on such other persons as the Court may direct :

Provided that on the hearing of any such appeal, any person who desires to be heard in opposition and appears to the Court to be a proper person to be heard, shall be heard notwithstanding that he had not been served with the notice of the appeal and shall be liable to costs in the discretion of the Court if so desired.

(c) Notice meant for the board shall be served on the Registrar of copyrights in the manner provided in Cl. (A) of this rule. The Board shall have the right to appear in the appeal through the Registrar of copyrights.

6. If the appellant does not remove the defect, if any, in the memorandum of appeal or, if he does not file the requisites within a time to be fixed by the Registrar the appeal shall be laid before the Court for such orders as may be deemed fit.

7. When the appeal under Section 72(2) has been admitted, the Registrar shall send for the record and on receipt thereof shall take steps for the preparation of paper books, so far as may be, in accordance with the rules of the Court regarding the preparation of paper books in appeals from original orders.

8. Appeal under Section 72(2) shall be heard by a Bench of not less than two Judges.

9. When an appeal under Section 72(2) has been preferred, the Court may, on such terms and conditions, as it thinks fit, stay further proceedings in any matter relating to the copyright concerned before the Board till the disposal of the appeal.

10. Save as provided in the Act and these rules, the provisions of the Code of Civil Procedure and the rules of the Court shall apply mutatis mutandis to such appeals.

The Court may in such appeals impose such terms as to costs as it thinks fit and also at its discretion may award a special hearing fee at the time of the disposal of the appeal by way of cost over and above other costs.

11. A certified copy of the decision or order of the Court shall be sent to the Registrar of copyrights for information and compliance of the directions given therein.

APPENDIX – I

FORMS (CIVIL)

[Note: only those Forms which are specifically mentioned in the rule have been incorporated in this Appendix]

**FORM NO. 1
(Civil)**

[Rule 33(i) Chapter IV]

Notice of Lower Court under Order 41, R.13, Civil Procedure Code

THE HIGH COURT OF MANIPUR
Civil Appellate Jurisdiction

Appeal From No. of 20--
Filed on 20-- No. of 20--
Of the Court of the

..... Appellant

-Versus-

..... Respondent

Whereas the above-mentioned appeal has been referred to this Court against the.....of the Court of the in the above mentioned..... and whereas the necessary process fee has been paid by the appellant, and whereas the day of 20-..... has been fixed for the hearing of the said appeal in this Court;

It is ordered that notice of the said appeal to issue out of, and under the seal of this Court directed to the above named respondent requiringto appear therein :

And it is further ordered that the said notice be forwarded to the for service to the said respondent and the saiddo submit to this Court his return of service thereof without delay ;

And it is further ordered that the said.....do, within one week from the receipt by him of his order, transmit to this Court the record connected with the case.

Case this day of in the year one thousand nine hundred and

Deputy Registrar

FORM NO. 1-B
(Civil)

[Rule 33 (ii) (a), Chapter IV]

To,
The Speaker of the House of People,
Parliament House, New Delhi

The Chairman of the Council of States,
Parliament House, New Delhi

The Speaker, Legislative Assembly,
Manipur at Imphal.

Dated :

Subject - Description of the case. Sir,

In the above proceeding, the appellant/respondent proposes to rely upon the documents specified in the Annexure which are in the custody of the House of the People/Council of States/Legislative Assembly. I request you to move the House, if you have no objection, to grant leave for the production of documents in the High Court and, if such leave is granted, to arrange to send the documents/certified copies of the documents so as to reach the court on or before by registered post (A.D.)/Speed post or through an officer in the Secretariat of the House.

Registrar, High Court of Manipur

ANNEXURE
Document to be specified here

FORM NO. 1-C
(Civil)

[Rule 33 (ii)(b), Chapter IV]

To,
The Speaker of the House of People,
Parliament House, New Delhi

The Chairman of the Council of States,
Parliament House, New Delhi

The Speaker, Legislative Assembly,
Manipur at Imphal.

Dated :.....

Subject - Description of the case.

Sir,

In the above proceeding, the appellant/respondent proposes to examinean officer in the Secretariat of the House of the People, Council of States/Legislative Assembly as a witness in regard to matters specified in the Annexure. I request you to move the House, if you have no objection to grant leave for examination of the said officer in the High Court, and, if such leave is granted, to direct, the officer to appear in Court at 10 a.m. on

Yours faithfully,
Registrar, High Court of Manipur.

ANNEXURE
(Matters of evidence to be specified here)

FORM NO.1-D
(CIVIL)
(Rule 33(ii)(c) Chapter IV)

To,

The Speaker of the House of People,
Parliament House, New Delhi.

The Chairman of the Council Of States,
Parliament House, New Delhi.

The Speaker, Legislative Assembly,
Manipur at Imphal.

Dated:-----

Subject: - Description of the case. Sir,

In the above proceeding, the appellant/respondent proposes to rely upon the documents specified in the annexure which are in the custody of the House of the People/Council of States/Legislative Assembly. I request you to move the House of the people/Council of States/Legislative Assembly, if you have no objection, to grant leave for the production of the documents in the High Court and, if such leave is granted, to arrange to send the documents so as to reach the Court on or before---- by registered A.D./Speed post or through an officer of the House/ I request for your appearance in the High court either as a party or a witness in connection with the above referred case on---

Registrar
High Court of Manipur.

FORM NO. 2
(Civil)

[Rule 40 (1), Chapter IV]

Notice to respondent of the day fixed for the appearance in appeal

[Order 41, Rule 14, Code of Civil Procedure]

IN THE HIGH COURT OF MANIPUR

Appeal fromNo. of 20-- valued at Rs.

Appeal from the of the Court of the ofdated the 20.....

.... Appellant

-versus-

.... Respondent

To,

Take notice that an appeal from the of the of in this case has been presented by.....advocate for the above-mentioned appellant, and registered in this Court; and that the day of20-has been fixed for the entering of appearance. The appeal will be heard as soon thereafter as the business of the Court may permit, but no notice of such further date shall be given except the inclusion of the appeal in the daily cause list.

If no appearance is made on your behalf, by yourself, your advocate, or by someone authorised by law to act for you in this appeal on the date of appearance mentioned above or before such later date on which the appeal may be heard, the appeal will be heard and decided ex-parte in your absence.

Signed and sealed by order of the Court this..... 20--.

Deputy Registrar

FORM NO. 2A

NOTICE FOR SERVICE ON RESPONDENT NO(S):.....
CIVIL RULE/MISC CASE/REVIEW APPLICATION/WRIT APPEAL NO. OF 20--.....

THE HIGH COURT OF MANIPUR

(Civil Jurisdiction)

In the matter of :

AND

In the matter of :

..... **Petitioner/Appellant**

-versus-

..... **Respondent(s)/Opp. Party**

To,

TAKE NOTICE that a writ petition/Misc petition/Review Application/Writ Appeal, a copy whereof along with a copy of the order passed by this Court thereon are annexed hereto and has been filed by the above-named petitioner/appellant and that you are hereby called upon to appear and show cause as directed in the aforesaid order within 14 days of service of this notice. The matter will be heard soon thereafter as the business of the Court may permit, but no notice of such further date shall be given.

If no appearance is made by yourself or by your advocate or by someone authorised by law to act on your behalf on the date of appearance/hearing, the matter will be heard and decided ex-parte in your absence.

Signed and sealed by order of the Court on this the day of20--.

This rule is made returnable by :

Deputy. Registrar
The High Court of Manipur.

FORM NO. 3

(Civil)
[Rule 71, Chapter IV]
IN THE HIGH COURT OF MANIPUR

Civil Appellate and Revisional Jurisdiction

Civil No. of 20

..... Appellants/Petitioners

-versus-

..... Respondents/Opp. Party

We direct that..... formal order follows.

(Sd)

(Sd)

Dated: the 20 Judges
Memo No.

Copy forwarded to offor information and necessary action.

By order of the High Court
Deputy Registrar
Assistant Registrar

High Court :
Civil Appellate Jurisdiction
The 20

FORM NO. 3A
(Civil)
[Rule 3, Chapter IV-A]

IN THE HIGH COURT OF MANIPUR

WRIT APPEAL NO. OF

..... Appellants
Rank in Writ Petition

-versus-

..... Petitioners
Rank in Writ Petition

In Civil Rule No. of

..... Petitioners
In Writ Petition

-versus-

..... Respondent
In Writ Petition

Writ Appeal presented against judgment and order dated
..... of learned Single Judge in Civil Rule No..... of
.....

Para 1: Facts of the case.

Para 2: Contentions of the petitioner before the Single Judge.

Para 3: Contentions of respondent (Opp. Party) before Single Judge.

Para 4: Points which arose for decision before Single Judge.

Para 5: Conclusions and decisions of Single Judge.

Para 6: Grounds on which the conclusions and decisions of Single Judge are
challenged.

Para 7: Relief sought in appeal. State if conclusions and decisions of Single Judge
are to be set aside wholly or in part or in what manner and to what extent.

I, Advocate for the appellant do hereby certify that the grounds set forth above are good
grounds of appeal and I undertake to rely on the same at the time of hearing.

List of papers

(Advocate)

1.	List of dates	-	1
2.	Chronology of events with synopsis	-	1
3.	Memorandum of Appeal	-	1
4.	Certified copy of the Judgment	-	1
5.	Authenticated copy of the Civil Rule/ Writ Petition with relevant annexures	-	1
6.	Copy of the affidavit-in-opposition	-	1
7.	Counter - Affidavits	-	1
8.	Other relevant paper filed by the party in the relevant Civil Rule/Writ Petition	-	1
9.	Vakalatnama	-	1
10.	Extra copy of Memorandum of Appeal and the documents mentioned in Sl. NO. 3 to 8	-	1

FORM NO. 4
(Civil)

[Rule 8, Chapter VII]
NOTICE FORM

WRIT APPEAL/INTRA COURT APPEAL

IN THE HIGH COURT OF MANIPUR

Civil Appellate Jurisdiction

NOTICE

Writ Appeal No of 20--

In
Appeal from.....

..... Appellant

-versus-

..... Respondent

To,

Take notice that the above-mentioned writ appeal has been filed in this Court on behalf of the above mentioned appellant by his advocate from the Judgment(and decree) of the Hon'ble Mr. Justice.....sitting singly, delivered in the above mentioned case dated the of 20 that it has been set down for hearing on the..... day 20.....and that it will be heard on that date or as soon thereafter as the business of the Court will permit.

Dated: this the day of 20

Deputy Registrar

FORM NO. 5
(Civil)

[Rule 8, Chapter VII]
NOTICE FORM

WRIT APPEAL/INTRA COURT APPEAL.

IN THE HIGH COURT OF MANIPUR

Civil Appellate Jurisdiction

NOTICE

Appeal No. of 20 arising from difference of opinion in Appeal
from Decree No. of 20

..... Appellant

-versus-

..... Respondent

To,

Take notice that the above-mentioned writ appeal arising from difference of opinion between the Hon'ble Mr. Justice and the Hon'ble Mr. Justicehas been filed in this Court on behalf of the above mentioned by his advocate on the day of 19..... that it has been set down for hearing on the day of 19 and that it will be heard on that date or as soon thereafter as the business of the Court will permit.

Dated: this day of 20.....

Deputy Registrar

FORM NO. 6
(Civil)

[Rule 5, Chapter IX]
NOTICE FORM

WRIT APPEAL/INTRA COURT APPEAL

IN THE HIGH COURT OF MANIPUR

*Detailed statement of costs incurred in preparation of the paper book
IN*

Appeal From Original Decree/Order No. of 20.....
Valued at Rs.

..... Appellant

-versus-

..... Respondent

Items of cost incurred by the Appellant/Respondent		Costs claimed Rs. a.p.	Costs passed by the taxing Officer Rs.a.p.
1.	Estimating words at 10,000 per rupee		
2.	Estimating maps/photos at 12 ^{1/2} per cent of the cost of tracing/of producing the negative		
3.	Postal cost for service of estimate and final account by registered post		
4.	Copying words at 1,200 words per rupee		
5.	Examining words of manuscripts at 1200 words per rupee		
6.	Translating ... words at 150 vernacular words per Re. 1-4-0, three figures being counted as one word.		
7.	Examining translations ... words at 300 vernacular words per Re. 1-4-0, three figures counted as one word		
8.	Editing.....pages at ten annas per page if the paper book is printed, and at five annas per page if a typed paper book is prepared		
9.	Editing maps at ten annas for each half foolscap sheet at.....sheets		
10.	Taxing pages at one anna per page		
11.	Printing 19 or preparing 12 typewritten copies of the paper book (actual charge) pages at Rs. 2 per page		
12.	Tracing maps at one rupee for each foolscap sheets sheets		
13.	Lithographing maps at eight annas for each foolscap sheet.....sheets		
14.	Cost of photos (actual charge).....		
Total			
Grand total			

Rupees

Court Editor,

Dated: the 20

Deputy Registrar

NOTICE

To,

Mr.

Advocate for the Appellant/Respondent

Total amount deposited by the appellant/respondent Rs. a. p.

Further amount to be deposited by your client in the above case within two weeks after service of this notice

Surplus amount available for refund to your client in the above case and will be paid upon application duly made to the Registrar ...

High Court of Manipur, Imphal.

The 20

Ledger – Keeper

Accountant

FORM NO. 7
(Civil)

[Rule 13, Chapter VIII]

IN THE HIGH COURT OF MANIPUR.

Appellant’s list.
PART – I

Paper other than exhibits and those included in the first paragraph of R. 11/58, Chapter VIII, of the Rules of the High Court, upon which the decision of the appeal depends and which the appellant desires to have included in part I of the paper book at his expenses.

Appeal from Original Decree/Order No. of 20.....

..... Appellant

-versus-

..... Respondent

Under R.16/58, Chapter VIII of the Rules, the list should be filed by the appellant within three weeks/one week after service of the notice required by R. 12, Chapter VIII.

Sl. No.	Number on the record	Description and date of paper	Whether the whole or remarks portion and in case of a portion what portion to be inserted in the paper book

PART –II

(The list of exhibits to be inserted in Part II of the paper book at the expense of the appellant)

The list of exhibits should follow the order of the exhibit mark. A correct and full description of such documents must be given.

Sl. No.	Exhibit mark on the record	Description and date of document	Whether the whole or a portion and in case of a portion what portion to be inserted in the paper book	Remarks

I,..... advocate for the appellant, do hereby certify that I have examined this list with reference to the provisions of Rs. 25, Chapter VIII of the rules of the High Court, Appellate side, and declare that in my judgment it is necessary to include in the paper book of this appeal every document or portion of a document included in this list of order to arrive at a proper decision of the appeal.

The 20

Signature of advocate
for the appellant

Particulars required under R. 20-A, Chapter VIII of these Rules

Name

Address (with Post Office)

FORM NO. 8
(Civil)

[Rule 19, Chapter VIII]

IN THE HIGH COURT OF MANIPUR

Respondent's list
PART – I

Paper other than those inserted in the appellant's list, which is relevant to the subject matter of the appeal, and to which the respondent desires that reference shall be made by the Court at the hearing of the appeal.

Appeal from Original Decree/Order No. of 20

..... Appellant

-versus-

..... Respondent

Under R. 19/58, Chapter IX of the rules of the High Court, this list should be filed by the respondent within three weeks/one week after service of the notice required by R. 18, Chapter IX, and should contain the papers to be included, at the cost of such respondent, in the paper book of the above appeal.

Sl. No.	Number on the record	Description and date of paper	Whether the whole or a portion and in case of a portion what portion to be inserted in the paper book	Remarks

PART – II

(The list of exhibits to be inserted in Part II of the paper book at the expense of the Respondent)

(The list of exhibits should follow the order of the exhibit mark. A correct and full description of such documents must be given).

Sl. No.	Exhibit mark on the record	Description and date of document	Whether the whole or a portion and in case of a portion what portion to be inserted in the paper book	Remarks

I, advocate for the respondent do hereby certify that I have examined this list with reference to the provisions of R. 25, Chapter IX of the Rules of the High Court, and declare that

in my judgment it is necessary to include in the paper book of this appeal every document or portion of a document included in this list in order to arrive at a proper decision of the appeal.

Dated: 20

Signature of advocate of the respondent

Particulars required under R. 20-A, Chapter IX of these Rules.

Name :

Address (with Post Office)

FORM NO. 9
(Civil)

[Rule 21, Chapter VIII]

APPEAL FROM ORIGINAL DECREE/ORDER NO.OF 20

..... Appellant

-versus-

..... Respondent

Appeal valued at Rs.

Estimate of cost for translating and printing, etc. the papers to be included in Parts I and II of the paper book of the above appeal, i.e., the papers included in paragraph I of R. 11/58, Chapter IX of the Rules of the High Court, and the papers as per list filed on behalf of the appellant.

	Rs. a.p.	Rs.a.p.
Estimating words at 10,000 per rupee		
Estimating maps/photos at 12 ^{1/2} per cent of the cost of tracing/of producing the negative		
For translating words at 150 vernacular words per rupee and annas for (three figures being counted as one word)		
For examining words at 30 vernacular words		
Translations: per rupee and annas four (three figures beings counted as one wors)		
For service of estimate and final account by Registered Post.		

Total :

Already deposited :

Balance :

For copyingwords at 1,200 words per rupee

For examining.....words of manuscript at 1,200 words per rupee

For editing.....pages of the paper book at 10 annas
a page if it is printed and at 5 annas a page if it is typed

For lithographing maps at Rs. 2.25 per foolscap

For editing maps sheets at 10 annas for each half foolscap sheet.

For printing 19 copies of the paper book pages at
the rate of Rs. 2-0-0 a page

For cost of photos (actual charge)

For taxing.....pages of the paper book at one anna a page

Total

Grand total.....

Already deposited

Balance

Notes :

- (1) The above rates are liable to alteration.
- (2) The charge for editing includes the charge for indexing if the paper book is printed, and that of stationery if the paper book is typewritten.
- (3) If the document to be translated is in any language other than the vernaculars of Bengal and Assam, a special rate may be fixed by the Registrar.
- (4) Each item of cost of the nearest anna (fraction below half an anna being omitted and half an anna or over being reckoned as one anna).

The amount due for estimating, translating and examining translation [after deducting the amount of the initial deposit made, if any] shall be deposited with the Advocate of the Court within four weeks of the service of the estimate upon the advocate for such appellant, and the whole of the remainder within eight weeks of the service of the estimate upon the said advocate, such deposit being made in the manner prescribed in the R.1 to R.4 of Chapter XVI of the said Rules.

High Court of Manipur :

The of

To

Date of Service

Assistant Registrar
Advocate of the Appellant
Signature of advocate for the appellant

FORM NO. 10
(Civil)

[Rule 21, Chapter VIII]

APPEAL FROM ORIGINAL DECREE/ORDRE NO. OF 20.....

..... Appellant

-versus-

..... Respondent

Estimate of cost of translating and printing etc. the papers to be included in Parts I and II of the Paper book as per list filed on behalf of the respondent.

	Rs. a.p.	Rs. a.p.
For estimating .. words at 10,000 words per rupee		
For estimating ... maps/photos at 12 ^{1/2} per cent of the cost of trading/producing the negative		
For translating.....words at 150 vernacular words per rupee and annas four (three figures being counted as one word)		
For estimating words at 300 vernacular words per rupee and annas four (three figures being counted as one word)		
For service of estimate and final account by registered post		
	Total	
For copying.....words at 1,200 words per rupee		
For examining.....words of manuscript at 1,200 words per rupee		
For editing.....pages of the paper book at 10 annas a page if it is printed and at 5 annas a page if it is typed		
For lithographing maps at Rs. 1-4-0 per foolscap		
For tracing maps sheets at Rs. 4-0 per foolscap		
For editing maps sheets at 10 annas for each half foolscap sheet		
For printing nineteen copies of the paper book.. pages at the rate of Rs. 2.00 a page		
For cost of photos (actual charge) or taxing pages of the paper book at one anna a page		

Grand total

Notes -

- (1) The above rates are liable to alteration.
- (2) The charge for editing includes the charge for indexing if the paper books are printed, and that of stationery if the paper book is typewritten.
- (3) If the document to be translated is in any language other than the vernaculars of Bengal and Assam, a special rate may be fixed by the Registrar.
- (4) Each item of cost in the preparation of the paper book at the rates specified above is calculated to the nearest anna (fraction below half an anna being omitted and half an anna or over reckoned as one anna.)

Under R.22, Chapter IX of the Rules of the High Court, the amount due for estimating, translating and examining translations [after deducting the amount of the initial deposit made under R.1.34(I), Chapter V], the remainder shall be deposited with the Accountant within eight weeks of the service of the estimate upon the advocate, such deposit being made in the manner prescribed in R.1 to R.4, Chapter XVII of the said Rules (reproduced below):

High Court of Manipur :

The 20.....
To

Assistant Registrar

Advocate for the respondent
Signature of advocate for the respondent

FORM NO. 11
(Civil)
[Rule 37, Chapter IV]

The following First/Second Appeals from Orders/Decrees/Cross Objection have been registered on

Sl. No.	Appeal No. and year	Name of the appellant/cross objector	Name of appellant's/cross objector's advocate

High Court of Manipur, Imphal
The 20.....

Superintendent of F.A./S.A. section

FORM NO. 12

(Civil)
[Rules, 57, 71, Chapter VIII]

General Warning List

The following appeals are ready for hearing and will be transferred to the weekly cause list on the expiration of fourteen/seven days from the date of the list.

Sl. No.	No and year of appeal	Advocate for appellant	Advocate for respondent	Remarks

Imphal
The

Superintendent

FORM NO. 13
(Civil)
[Rule 18, Chapter XII]

Forms of application for copy

Space for searching fee

Two annas Court-fee stamp
on application

Space for expedition fee

IN THE HIGH COURT OF MANIPUR

Appellate Jurisdiction

Serial No.

Application for Copy
Urgent
Ordinary

*..... No. of 20.....

..... Appellant/Petitioner
-versus-
..... Respondent/Opp. Party

Description of document of which a copy is wanted, with date when necessary	Application is made by .....the undersigned for certified/uncertified copy marginally noted document <u>from</u> the High Court/Lower Court file in the above case which was disposed of/is still pending on .....the following steps and stamp sheet are filed.
---	--

Date 20

Signature of applicant

Office report	Estimate of cost	Estimated stamps etc.
The copy will cover .....sheets	(excluding stamps and stamp sheet filed) is Rs.a.p.	Modified on Estimated stamps etc., supplied on
Searching fee required is not	Stamp sheets at 1 rupee Court fee stamps at 2 rupee	Applicant's signature... Copy will be ready on ... Record received on copy actually ready on copy delivered
Superintendent	Extra stamp for urgency searching fee in stamps	

Total:.....

Superintendent,
Copying Section

Serial No.

Received copy on 20.....with unused stamps and stamp sheets.

Received an application for copy valued at Rs. annasbearing the above number.

Estimated stamps and stamp sheets valued at Rs. annas supplied on 19..... to attend for copy on 20

Dated: 20.....

Applicant
Superintendent

Note - The application will not be considered as complete until stamps and costs have been supplied in full, which must be done within seven days of the date of estimate. All enquiries and complaints shall be accompanied by this counterfoil. It will have to be given up when the copy is delivered.

P.B. 13
(Civil)
[Rule 3, Chapter VIII]
IN THE HIGH COURT OF MANIPUR

Appeal from Original Decree/Orders

No. of 20.....

From a decision of.....

... ..
... ..

Esq.
Judge

Dated: the 20.....

..... Appellant
-versus-
..... Respondent

For appellant – Mr.
For respondent – Mr.
Date of institution of suit
Date of Lower Court’s judgment
Date on which the appeal was presented
Date on which the appeal was decided ...
Date on which the decree was signed...

The
The
The
The
The

Translated by
Translation examined
Edited by
Proof examined by

Party

FORM NO. 14

(Civil)

[Rules 27 and 30 Chapter XII]

Register of information to applicants as to stamps and folios necessary for copies applied for

.....
To be supplied within 7 days
.....

Rs. a.p.

- Date of entry in this Register
- Serial number of application
- Case Number
- Name of applicant
- Number of impressed stamp sheets at 1 rupee
- Number of adhesive stamps at 1 rupee
- Fee for authentication
- Searching fee
- Expedition fee
- Remarks

FORM NO. 15

(Civil)

[Rule 1, Chapter XIV]

IN THE HIGH COURT OF MANIPUR

(Civil Appellate Jurisdiction)

Title Page

PART - I

(This file must be preserved forever)

Appeal from No. of 20.....

Appellant

-versus-

..... Respondent

Date of decision of High Court

Date of decision of Supreme Court

FORM NO. 15-A
(Civil)
[Rule 1, Chapter XV]
IN THE HIGH COURT OF MANIPUR

(Civil Appellate Jurisdiction)

Title Page

PART – II

(This file must be destroyed at the end of 3 years)

The above period shall be calculated from the date of the final decree or other, which, in cases appealed to the Supreme Court will be that of the decree or order of the Supreme Court.

Appeal from No. of 20.....

..... Appellant

-versus-

..... Respondent

Date of decision of High Court

Date of decision of Supreme Court

FORM NO. 16
(Civil)
[Rule 2, Chapter XV]
IN THE HIGH COURT OF MANIPUR

(Civil Appellate Jurisdiction)

1. Serial No. And the date of application...
2. Date when requisition for the record made by the Inspection Assistant [same date as in the item (1) above]
3. Date of receipt of record by Inspection Assistant [3 days from the date mentioned in item (2) above].....

<p>Searching fee Re. 1 in Court-fee vide R. 5, Chapter XII Rule 5, second proviso, Chapter XII of these Rules</p>	<p>Inspection fee Re. 1 or Rs. 5 as the case stamp may be vide R.5, Chapter XII</p> <p>Provided that no fee shall be levied from parties to appeals or other proceedings in the Court, or their advocates, for inspecting the records of such appeals or proceedings if the records relating thereto have not been deposited in the record room of the Court.</p>
---	---

Application for inspection of the record in the undermentioned Pending/Disposed case.

Description of case	Number	Year	Description of the papers of which inspection is required	Name of person or persons who will inspect the record (not exceeding three) including the Inspecting Advocate

The 20

Signature of the Advocate
for

Note - If the applicant is a stranger to a party appearing in person in a case, he must say so in the application.

..... Section

Please supply the record.

Superintendent
.....

FORM NO. 17
(Civil)

[Rules 15 and 16, Chapter XV]
Application for information

[Rules 15 and 16, Chapter XV]
Application for information

Serial no.

* Re: Appeal

Rule
Revision

Space for searching fee
No. of 20...

District
Province

- *Nature of Information required
*The 20.....

Signature of Applicant

- Date when the applicant will call for the information :
- Office report regarding information :
The 20.....

Signature of Officer
supplying information

- Information received on :
The 20

Signature of applicant

To be perforated

*Re Appeal No. of 20
Rule District
Revision Province

5. Date by which information is to be ready

6. Information:..... supplied on

*To be filled in by the applicant.

Signature of Office supplying
the information

Note - A searching fee will be charged on all applications, if the information required will necessitate a search in the record room of the record of the appeal or proceedings from which the information can be obtained.

FORM NO. 18
(Civil)
[Rule 2, Chapter XVI]

To
The Registrar, High Court of Manipur, Imphal.
Challan No. Dated Imphal, the day of 20.....

Sir,
I beg to tender this challan for depositing the undernoted amount for credit of the account of which the details are noted below :

No. of appeal: F.A. M.A.(F), S.A. M.A.(S), S.C.A. Rule ... of 19...
Name of person on whose behalf the money is tendered
Particulars of deposit
Amount tendered (in words)Rs. a.p.
Advocate for Appellant/Respondent

PERSONA LEDGER ACCOUNT
High Court, Appellate Jurisdiction

Challan No. Theday of 20

To
Local Treasury
State Bank of India
No. of Appeal: F.A.M.A.(F), S.A. M.A. (S), S.C.A. Rule of 20.....
Rs.

Please receive from advocate for appellant/respondent on account of the sum of rupees. for credit of the Accountant General, Manipur, with account of the Registrar, Appellate Jurisdiction, High Court if tendered to you, today under the head

Accountant

RECEIPT

Local Treasury/State Bank of India
Challan No. Imphal of 20.....

No. of Appeal: F.A.M.A. (F), S.A. M.A. (S), S.C.A. Rule of 20.....
Rs.

Received from advocate for the appellant/respondent the sum of rupeesas per High Court Challan No..... 20 for credit of the Accountant General, with the account of the Registrar, Appellate Jurisdiction, High Court.

Treasury Officer/Superintendent

FORM NO. 18-A
(Civil)
[Rule 1, Chapter XVI]

Original Challan			Duplicate Challan			Receipt Challan		
Account No.			Account No.			Account No.		
Treasury of High Court, Appellate Side Dated 20.....			Treasury of High Court, Appellate Side Dated 20...			Treasury of High Court, Appellate Side Dated ....20		
By whom brought	On what account	Amount Rs. a.p.	By whom brought	On what account	Amount Rs. a.p.	By whom brought	On what account	Amount Rs. a.p.
Total Rupees (in figures) Total Rupees (in words)			Total Rupees (in figures) Total Rupees (in words)			Total Rupees (in figures) Total Rupees (in words)		
Cashier			Cashier			Cashier		
Examined and entered	Accountant		Examined and entered	Accountant		Examined and entered	Accountant	

FORM NO. 19
(Civil)
[Rule 10, Chapter XVI]

To

The Registrar, High Court of Manipur, Imphal
Rs. Appeal No. of 20

..... Appellant

-versus-

..... Respondent

Sir,

Please allow withdrawing the sum of Rs being the surplus amount on account of the cost of preparation of paper book in the above appeal deposited on behalf of the appellants/respondents.

I am authorised by the vakalatanama filed by me to withdraw the money.

Yours faithfully,
Advocate for the Appellant/Respondent

The 20.....

Appeal No. of 20.....

Shri..... advocate for the appellants/respondents, is authorised by Vakalatnama filed by him to withdraw money from this Court on behalf of the appellants/respondents mentioned in his application.

Superintendent section

Certified that a sum of Rs. (Rupees annaspies) only is due for refund to the appellants/respondents in the above appeal and there is no stop order in force affecting the refund.

Accountant

Refund the sum of Rs. annas pies..... only to the appellants/respondents through his/their advocate.

Registrar

FORM NO. S.C.1
(Rule 21, Chapter V)
Notice for grant of Certificate
Notice under O. XLV, R, 3(2), C.P.C.

No.....S.C.A.

IN THE HIGH COURT OF MANIPUR

Application for leave to appeal to the Supreme Court

No. of 20

(Appeal from Decree No. 20.....)

..... Petitioners to the Supreme Court

-versus-

..... Opposite party

To

The above named Opposite Party,

Take notice that the above-named petitioners to the Supreme Court have applied to this Court for a certificate that, as regards amount or value and nature, the above case fulfils the requirements of Section 110 of the Code of Civil Procedure, 1908, or that is otherwise a fit one for appeal to the Supreme Court.

The day of 20..... is fixed for you to show cause why the Court should not grant the certificate asked for.

Give under my hand and the seal of the Court this day of 20

Deputy Registrar

APPENDIX – 2

FORMS (CRIMINAL)

[Only those Forms which are specifically mentioned in the rules have been incorporated in this Appendix]

FORM NO. 1
(Criminal)

[Rule 8, Chapter X]

No. Cr.

From

The Registrar of the High Court of Manipur.

To

The Magistrate of the District of

Dated Imphal the 20

Sir,

High Court (Criminal) The State –versus- Accused charged under section of the Indian Penal Code	I am directed to inform you that the case noted in the margin has been fixed for hearing on the 19 or as soon thereafter as the business of the Court will permit, and to request that you will give notice accordingly to the accused/prisoner, intimating to me hereon that you have done so.
--	---

2. The material exhibits of the case, if any, need not be sent until called for by the Court.

Yours faithfully,

Registrar

Memo No. Cr.

Copy-forward to the Government Advocate, Manipur, for his information.

High Court
Criminal Section
The 20.....

By order of the High Court

Registrar

FORM NO. 2
(Criminal)
[Rule 8(i), Chapter X]

No. Cr.

From
The Registrar of High Court of Manipur, Imphal.

To
The Magistrate of the District of

Dated, Imphal, the 20

(Death Reference No. and Appeal No. of 20.....)

Sir,

HIGH COURT (Criminal)	The Sessions Judge of.....having referred to this Court for confirmation under Section 374 of the Code of Criminal Procedure, the proceedings of this Court, dated the of 20, convicting son of.....of murder and sentencing to death under Section 302 of the Indian Penal Code, I am to <u>make the</u> request that you will inform the prisoner that the reference has been set down for hearing on the of 20 or as soon thereafter as the business of the Court will permit and along with which the appeal which has been/may be preferred by will also be heard and disposed of.
--------------------------	---

2. You are also requested to intimate to me hereon that notice has been served as directed.

Yours faithfully,

Registrar

Memo No.

Copy-forward to the Government Advocate, Manipur, for his information.

High Court
Criminal Section
The 20

Registrar

FORM NO. 3
(Criminal)
[Rule 8(i), Chapter X]

No. Cr

From
The Registrar of the High Court of Manipur, Imphal.

To
The District Magistrate ofEsqr.
Advocate for Appellant(s)
Dated, Imphal 20
(Appeal No. of 20.....)

Sir,

High Court (Criminal) Present : The Hon'ble Mr. Justice... The Hon'ble Mr. Justice...	I am directed to forward herewith a copy of the Court's order, dated the and to inform you (request you to take notice) that the case marginally *noted is set down for hearing on the day of 20, or as soon thereafter as the business of the Court will permit (and <u>to make the</u> request that you will give notice thereof to the appellant(s) and report actual service of notice to me before the date fixed for the hearing of the case).
---	--

*Appeal of appellants convicted under S.....
of the I.P.C. and sentenced by the Sessions
Judge of on the 20

Yours faithfully,

Registrar

*Strike out if not required.

Memo No. Cr

Copy, together with a copy of the Court's order, dated the 20.....forwarded to the District Magistrate of.....with the request that pending the hearing of the appeal, he will release the appellant(s) on bail to the satisfaction of the District Magistrate/cause the realisation of the fine to be stayed.

High Court:
Criminal Section

By an order of the High Court

The20
Memo No. Cr

Registrar

Copy forwarded to the Sessions Judge of.....for his information and with a request that he will forward the papers of the case, including the Magistrate's commitment record, at once. Should they not be dispatched so as to reach this office or before the.....and explanation of the delay should be given.

2. The material exhibits of the case, if any, need not be sent until called for by the Court.

High Court	By order of the High Court
Criminal Section	
The 20.....	Registrar
Memo No.	Cr.

Copy, together with a copy of the Court's order, dated the 19forwarded to the Government Advocate, Manipur, for his information.

High Court	By order of the High Court
Criminal Section	
The 20	Registrar

FORM NO. 3-A
(Criminal)
[Rule 8(ii) & 16(ii)(a), Chapter X]

From:

To:
The Speaker of the House of People,
Parliament House, New Delhi

The Chairman of the Council of States,
Parliament House, New Delhi.

The Speaker, Legislative Assembly,
Manipur, Imphal.

Dated the

Subject : (Description of the case)

Sir,

In the above proceeding, the applicant/opposite party proposes to rely upon the documents specified in the Annexure, which are in the custody of the House of People/Council of States/Legislative Assembly. I have to request you to move the House, if you have no objection, to grant leave for the production of the documents in the High Court and, if such leave is granted, to arrange to send the documentary certified copies of the documents so as to reach the Court on or before..... by registered post (A.D) or through an officer in the Secretariat of the House.

Registrar,
High Court of Manipur.

ANNEXURE
(Documents to be specified here)

FORM NO. 3-B
(Criminal)
[Rule 8(ii)(b) & 16(ii)(b), Chapter X]

From:

To:
The Speaker of the House of People,
Parliament House, New Delhi

The Chairman of the Council of States,
Parliament House, New Delhi.

The Speaker, Legislative Assembly,
Manipur, Imphal.

Dated the

Subject : (Description of the case)

Sir

In the above proceeding, the applicant/opposite party proposes to examine.....an officer in the Secretariat of the House of People/Council of States/Legislative Assembly, as a witness in regard to matters specified in the Annexure, I have to request you to move the House, if you have no objection, to grant leave for the examination of the said officer in the High Court, and, if such leave is granted to direct the officer to appear in the Court at 10.00 a.m. on

Yours faithfully,
Registrar,

High Court of Manipur.

ANNEXURE
(Documents to be specified here)

FORM NO. 4

(Criminal)

[Rules 8(i) & 16(i) Chapter X]

No. Cr

From

The Registrar of the High Court of Manipur, Imphal.

To

The Magistrate/Deputy Commissioner
The District of

Dated Imphal, the20

(Appeal No of 20.....)

<p><i>High Court :</i> <i>Criminal</i> <i>Present: The Hon'ble Mr. Justice..... and the</i> <i>Hon'ble Mr. Justice *Appeal of</i> <i>Appellant convicted under Section..... I.P.C.</i> <i>and sentenced by the Sessions Judge of.....on the</i> <i>..... 20</i></p>	<p>I am directed to forward herewith a copy of the Court's order dated the.....and to inform you (request to take notice) that the case marginally* noted is set down for hearing on the day of 19 .....or as soon thereafter as the business of the Court will permit. As the appellant is confined in the Jail, the District Magistrate of..... has been requested to have the notice served <u>upon him</u>.</p>
---	---

Yours faithfully,
Registrar

Memo No..... Cr.

Copy-forward to the District Magistrate of with a request that he will have notice of the date for hearing the appeal served upon the appellant, and intimate (to this notice hereon) that he has done so.

High Court: By order of the High Court
Criminal Section
The 20 Registrar
Memo No. Cr.

Copy-forward to the Sessions Judge of for his information and with arequest that he will forward the papers of the case including the Magistrate's commitment recordat once. Should they not despatched so as to reach this office on or before the.....20 and explanation of the delay should be given.

2. The material exhibits of the case, if any, need not be sent until called for by the Court.

High Court Criminal Section By order of the High Court
Registrar
The20
Memo No. Cr.

Copy, forwarded with a copy of the Court's order, dated the 20 forwarded to the Government Advocate, Manipur, for his information.

High Court Criminal Section By order of the High Court
Registrar
The 20

FORM NO. 5
(Criminal)
[Rule 6(2), Chapter X]
IN THE HIGH COURT OF MANIPUR

Criminal Appellate/Revisional Jurisdiction

Criminal No. of 20
Mr./Messers
For Accused/Petitioners/Appellants
Mr./Messers
For Opposite Party/for the State

(This reference is accepted/rejected.)

We direct that the accused/petitioners/appellants named be at once released and if on bail, the bail bond be cancelled,

Be at once released on bail,

Be called upon to surrender forthwith to his/their bail to serve out the (remainder *of the) sentence imposed upon him/them be informed:

- (1) that he/they has/have been sentenced to death,
- (2) that the sentence of death passed on him/death has been confirmed,
- (3) that the sentence of death passed on him/them has been commuted to transportation for life,
- (4) that the sentence of death passed on him/them has been altered to rigorous imprisonment for years,
- (5) that he has /they have sentenced to
- (6) that the sentence (s) passed on him/them has/have been confirmed,
- (7) that the sentence (s) passed on him/them has/have been altered to ...

Judgement follows :

Dated the20..... Judge Judge

Memo No. Cr.

Copy forwarded to the Sessions Judge/Chief Judicial Magistrate¹ offor information and necessary action, with reference to his letter No. dated the

* The actual date of surrender or release must be reported within a week of the receipt of this.

High Court Criminal Section

By order of the High Court
Registrar

The 20.....

*Strike out if not required.

FORM NO. 6
(Criminal)
[Rule 8(i) Chapter X]

No. Cr.

From
The Registrar of the High Court of Manipur, Imphal.

To
The District Magistrate of
Dated: Imphal, the 20
High Court (Government Appeal No. 120)
Criminal

The Hon'ble Mr. Justice	With reference to the accompanying copy of the petition of appeal, filed on behalf of the Government of Manipur under Section 378 of the Code of Criminal Procedure, in connection with the case noted on the margin, I am directed to forward herewith a copy of the Court's order dated 20 and to inform you that the appeal has been set down for hearing on the 20 or as soon thereafter as the business of the Court will permit, and <u>to make the</u> request that you will give notice thereof to the respondent intimating to me hereon that you have done so.
The Hon'ble Mr. Justice	
The Government of	
Appellant -versus- Respondent	

Convicted to an offence under SectionIPC
by the Magistrate of on the 20.....
and acquitted on appeal by the Sessions Judge
of on the 20.....

Yours faithfully,
Registrar

Memo No. Cr.

Copy forwarded to the Sessions Judge of
for his consideration

High Court, Criminal Section

By order of the High Court
Registrar

The 20.....

Memo No Cr.

Copy, together with a copy of the Court's order, dated the 19..... forwarded to the
Government Advocate, Manipur, for his information.

High Court, Criminal Section

By order of the High Court
Registrar

The 20.....

FORM NO. 7
(Criminal)
[Rule 1, Chapter XIV]
IN THE HIGH COURT OF MANIPUR

(Criminal Appellate Jurisdiction)

Appeal No. of 20

The State

-vs-

..... Appellants

Title Page

PART – I

(This file must be preserved forever)

Date of decision of the High Court

Date of deposit in the record room

FORM NO. 8
(Criminal)
[Rule 1, Chapter XIV]
IN THE HIGH COURT OF MANIPUR

(Criminal Appellate Jurisdiction)

Title Page

PART – II

(This file must be destroyed at the end of three years)

The above period shall be calculated from the date of the final order.

Appeal No. of 20

The State

-vs-

..... Appellant

Date of decision of High Court

Date of deposit in the Record Room

FORM NO. 9
(Criminal)
[Rule 1, Chapter XIV]
IN THE HIGH COURT OF MANIPUR
(Criminal Appellate Jurisdiction)

Revision No. of 20

.....Petitioner
-versus-
..... Opposite Party

Title Page
PART – I
(This file must be preserved forever)

Date of decision of High Court
Date of deposit in the Record Room

FORM NO. 10
(Criminal)
[Rule 1, chapter XIV]
IN THE HIGH COURT OF MANIPUR
(Criminal Appellate Jurisdiction)

Revision No. of 20

.....Petitioner
-versus-
..... Opposite Party

Title Page
PART – II
(This file must be destroyed at the end of 3 years)

The above period shall be calculated from the date of the final order.
Date of decision of High Court
Date of deposit in the Record Room.....

FORM NO. 11
(Criminal)
[Rule 1, Chapter XIV]
IN THE HIGH COURT OF MANIPUR.

(Criminal Appellate Jurisdiction)

Revision No. of 20

.....Petitioner

-versus-

..... Opposite Party

Title Page

PART – I

(This file must be preserved forever)

Date of decision of High Court

Date of deposit in the Record Room.....

FORM NO. 12
(Criminal)
[Rule 1, Chapter XIV]
IN THE HIGH COURT OF MANIPUR

(Criminal Appellate Jurisdiction)

Revision No. of 20

.....Petitioner

-versus-

..... Opposite Party

Title Page

PART – II

(This file must be preserved for 3 years)

The above period shall be calculated from the date of the final order.

Date of decision of High Court

Date of deposit in the Record Room.....

FORM NO. 13
(Criminal)
[Rule 1, Chapter XIV]
IN THE HIGH COURT OF MANIPUR
(Criminal Appellate Jurisdiction)

Revision No. of 20

.....Petitioner

-versus-

..... Opposite Party

Title Page

PART – I

(This file must be preserved forever)

Date of decision of High Court

Date of deposit in the Record Room.....

FORM NO. 14
(Criminal)
[Rule 1, Chapter XIV]
IN THE HIGH COURT OF MANIPUR
(Criminal Appellate Jurisdiction)

Title Page

PART – II

(This file must be destroyed at the end of 3 years)

The above period shall be calculated from the date of the final order.

Misc. Case No. of 20

.....Petitioner

-versus-

..... Opposite Party

Date of decision of High Court

Date of deposit in the Record Room.....

FORM NO. 15
(Criminal)
[Rule 1, Chapter XIV]
IN THE HIGH COURT OF MANIPUR.

(Criminal Appellate Jurisdiction)

Reference under Section....., Code of Criminal Procedure
No. of20

The State
-Versus-
..... Accused

Title Page
PART – I
(This file must be preserved forever)

Date of decision of High Court
Date of deposit in the Record Room.....

FORM NO. 16
(Criminal)
[Rule 1, Chapter XIV]
IN THE HIGH COURT OF MANIPUR

(Criminal Appellate Jurisdiction)

Reference under Section....., Code of Criminal Procedure
No. of20

The State
-Versus-
..... Accused

Title Page
PART – II
(This file must be destroyed at the end of 3 years)

The above period shall be calculated from the date of the final order.
Date of decision of High Court
Date of deposit in the Record Room.....

FORM NO. 17
(Criminal)
[Rule 1, Chapter XIV]
IN THE HIGH COURT OF MANIPUR

(Criminal Appellate Jurisdiction)

Reference under Section....., Code of Criminal Procedure
No. and Appeal No.of 20.....

The State
-Versus-
..... Accused

Title Page
PART – I
(This file must be preserved forever)

Date of decision of High Court
Date of deposit in the Record Room.....

FORM NO. 18
(Criminal)
[Rule 1, Chapter XIV]
IN THE HIGH COURT OF MANIPUR

(Criminal Appellate Jurisdiction)

Reference under Section....., Code of Criminal Procedure
No.and Appeal No. of 20

The State
-Versus-
..... Accused

Title Page
PART – II
(This file must be destroyed at the end of 3 years)

The above period shall be calculated from the date of the final order.
Date of decision of High Court
Date of deposit in the Record Room.....

FORM NO. 19
(Criminal)
[Rule 1, Chapter XIV]
IN THE HIGH COURT OF MANIPUR
(Criminal Appellate Jurisdiction)

Reference under Section....., Code of Criminal Procedure
No. and Appeal No.of 20

..... Complainant
-Versus-
..... Accused

Title Page
PART – I
(This file must be preserved forever)

Date of decision of High Court
Date of deposit in the Record Room.....

FORM NO. 20
(Criminal)
[Rule 1, Chapter XIV]
IN THE GAUHATI HIGH COURT OF MANIPUR
(Criminal Appellate Jurisdiction)

Reference under Section....., Code of Criminal Procedure
No. of 20

..... Complainant
-Versus-
..... Accused

Title Page
PART – II
(This file must be destroyed at the end of 3 years)

The above period shall be calculated from the date of the final order.
Date of decision of High Court
Date of deposit in the Record Room.....

FORM NO. 21
(Criminal)
[Rule 35, Chapter X]
Form of Warrant
IN THE HIGH COURT OF MANIPUR
(Criminal Appellate Jurisdiction)

To
The Officer-in-Charge
Or
To.....

You are hereby required to have the body of..... now a prisoner in your custody (or now in your custody), before the High Court, on its Appellate Side, on the day of next, byof the clock in the forenoon of the same day to be dealt with according to law and you shall then and there abide by such order as shall in that behalf be made by the said Court (if the prisoner is detained in public custody, add) and unless the said shall then andthere, by the said Court, be ordered to be released, you shall, after the said Court shall have dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the said

Dated this day of 20.....

Registrar

FORM NO. 22
(Criminal)
[Rule 35, Chapter X]
Form of Warrant
IN THE HIGH COURT OF MANIPUR
(Criminal Appellate Jurisdiction)

To
The Officer-in-Charge of the (name of asylum), or to..... (name of officer), in charge of B.C. an alleged lunatic.

You are hereby required to have the body of B.C., now a prisoner in the (name of Jail) or now in custody at the (name of Jail), or now in custody at the(name of asylum) or now in your charge, under safe and sure conduct before the High Court, on its Appellate Side, on the day and of next, by..... of the clock in the forenoon of the same day, there to be dealt with according to law, and unless the said B.C. shall then and there, by the said Court, be ordered to be discharged, cause him, after the said Court shall have dispensed with his further attendance, to be conveyed under safe and sure conduct, back to the said Jail (or asylum or other custody).

Deputy Registrar

FORM NO. 23
(Criminal)
[Rule 35, Chapter X]
Form of Warrant
IN THE HIGH COURT OF MANIPUR
(Criminal Appellate Jurisdiction)

To

The Officer-in-Charge of

You are hereby required to have the body ofnow a prisoner in the under safe and sure conduct before the High Court, on its Appellate Jurisdiction, on the day and of next, by of the clock in the forenoon of the same day there to givetestimony in a certain charge or prosecution now pending before the said Court against and after the said shall then and there have given his testimony before the said Court, or the said Court shall have dispensed with his further attendance, cause him to be conveyed, under safe and sure conduct, back to the said

Dated day of 20

Registrar

FORM NO. 24
(Criminal)
[Rule 35, Chapter X]
Form of Warrant
IN THE HIGH COURT OF MANIPUR
(Criminal Appellate Jurisdiction)

To

The Officer-in-Charge

You are hereby required to have the body of now a prisoner in the.....under safe and sure conduct before the officers assembled at a Court-martial (or before the Commissioner)at on the day of next, by of the clock in the forenoon of the same day for the trial of the said), or there to give testimony in certain trial now pending before the said Court-martial, or the said Commissioner against..... of as the case may be), and after the trial of the said or after the said shall then and there have given his testimony before the said Court-martial (or the said Commissioner) or the said Court-martial (orthesaid Commissioner) shall have dispensed with his further attendance, cause him to be conveyed, under safe and sure conduct, back to the said

Dated day of 20

Registrar

FORM NO. 25
(Criminal)
[Rule 35, Chapter X]
Form of Warrant
IN THE HIGH COURT OF MANIPUR
(Criminal Appellate Jurisdiction)

To

The Officer-in-Charge

You are hereby required to have the body of now a prisoner in the to be conveyed, under safe and sure conduct, to the Jail at and on or before theday of made, or if not the Officer-in-Charge of such Jail, to be kept by him there intermediate custody for the purpose of trial before the High Court in the Exercise of Appellate Criminal Jurisdiction at the next sitting to be held at

Dated day of 20.....

Registrar.

APPENDIX -1

**RULES IN RESPECT OF PETITION WRITERS UNDER
SECTION 477(1)(2), OF THE Cr.P.C.1973.**

(To be made with previous approval of the Government of Manipur)

Notification No. HC. – In exercise of the powers conferred by Section 477(1)(2) of the Criminal Procedure Code, and with previous approval of the Governor, the High Court of Manipur is pleased to make the following rules which will come into force from the date of the publication in the Manipur Gazette:

1. In these rules-

(i) “petition writers” means a person who has been granted a licence by the appropriate authority to act as a petition writer in the Criminal Courts subordinate to Manipur High Court;

(ii) “Form” means a form prescribed by, and appended to, these rules

2. The following persons may be permitted to act as petition writers in the criminal courts subordinate to the High Court; that is to say-

(1) Any person who is an Indian citizen and possesses sufficient knowledge of English and of the local language of the district and passes the selection test conducted by the district authorities for the purpose;

In order to qualify a person to present himself for the examination required by the above rule of petition writer-

- (a) he must read up to graduation or equivalent thereto in any institution under any recognized university;
- (b) he must produce a satisfactory certificate of good moral character from the concerned institution;
- (c) he must be above the age of twenty-one years; and

(2) Any person who has acted at least for 3(three) years as a clerk under an Advocate.

Note – Such a person shall be required to produce a satisfactory certificate from the advocate concerned, as the case may be, before the licensing authority along with the application applying for a licence.

(3) The licencing authority shall, as occasions require, hold examinations in reading, writing and of a knowledge of the Court Fees and Stamp Act and also the procedure of drafting documents and filing the same in different courts and officers. Persons passing the test shall be placed on the enrolled list and be licensed thereafter. Each DistrictMagistrate shall maintain individual roll of petition writers for the whole district.

3. A petition writer shall, for the purpose of performing the ministerial part of the work of the advocates and also of the litigants, have access to any court in connection with a case and shall approach such court of its ministerial officer as may in that behalf be designated by the Presiding Officers or Magistrates of such courts but he shall have no access to the office of any court.

4. A petition writer duly licensed shall be allowed access to any criminal courts of the district or to have any dealing with the ministerial officers attached thereto.

5. A petition writer desiring to have access to any ministerial officer referred to in R. 3 shall on demand produce his licence.

6. The petition writer while working in the court shall be loyal to the Advocates underwhom they hold their licences.

7. The licensing authority shall be the Chief Judicial Magistrate under whose jurisdiction the petition writer has to render his service.

8. Every person who desires to be licensed as a petition writer shall be required to submit a petition on plain paper to the licensing authority and must fulfil the conditions laid down in R.2 above. No person whose handwriting is illegible or bad shall be registered as a petition writer even though he passes the necessary test.

9. The licensing authority on receiving applications may (i) dispose of the same at once by holding the selection test when necessary; or (ii) make such other enquiry as he thinks proper.

10. (i) When the licensing authority is of the opinion that the person is a fit and proper person to be licensed as a petition writer he shall enter his name in a register in Form No, (R) 1 (Cr) and issue to him a license in form No. (M) 1(Cr). These licenses shall be strictly non-transferable and shall be returned at the close of each year for renewal. It is not necessary to issue a fresh one each year. The fact of renewal may be endorsed on the back of the old card.

(ii) Every application for yearly renewal shall be made to the licensing authority not later than 1st December and such application shall be made on plain paper enclosing his original licence. The licencing authority shall, unless he has reasons for not renewing it, cause the necessary entries to be made on the back of the licence as a token of the renewal by an officer to be authorised by him in this behalf.

(iii) A fine of Re.50 shall be credited to Government through proper challan for the loss of the original licence which is sought to be renewed.

11. An application for renewal of licence made after the date prescribed by R. 10 shall be accompanied by the explanation of the petition writer in the form of a verified petition showing cause for the delay in applying for the renewal. When, however, such application is made after the expiry of the period for which the licence was last granted, it shall be accompanied by an affidavit explaining the delay in applying for a renewal and stating that he has not since then worked as the petition writer in any court.

Note – The affidavit shall be executed on an impressed non-judicial stamp under Art 4, Schedule 1 to the Indian Stamp Act, 1899.

12. Any licensing authority in the case of petition writer registered by him may, for reasons to be recorded in writing and after hearing the petition writer in his defence, order his suspension or removal from the register and the cancellation of his licence, if he is guilty of any such fraud or misconduct as to render him unfit for the exercise of his duties, or is convicted for any offence involving moral turpitude. Every order of removal shall be communicated to the other licensing authorities of the other districts.

Note - Proceedings taken against the petition writers under this rule shall be deemed to be administrative and not judicial proceedings.

13. Every petition writer shall be entitled to appeal to the Sessions Judge in his jurisdiction against any order passed by the licensing authority which imposes upon him any penalties specified in R. 12 and R. 18(ii) or which interprets these rules to his disadvantage.

14. (a) A petition writer shall not, except in the absence of the advocate for whom he works in connection with a case or suit, pass or hand over to another advocate any paper concerning that case or suit to be filed in the Court unless such paper bears the signature of the above advocate.

(b) No petition writer shall be allowed to act on behalf of the parties in any proceeding or connected proceedings.

15. The Courts shall allow the petition writers –

(1) present applications signed by either the parties or parties' advocates, for (a) copies of information, (b) supply of forms, (c) return of documents, (d) repayments of deposits, (e) inspection, (f) all applications of a routine nature;

(2) to take delivery of copies or information;

(3) to tender money, written up forms, summons, etc.

- (4) to identify persons verifying affidavits;
 - (5) to take notes regarding dates of depositions, hearing, etc.
16. Petition writers shall not be allowed to inspect or handle records or make representation to Courts on behalf of the parties.
17. No petition writer shall be allowed to accept fees in excess of the fees prescribed in the schedule below for the different kinds of petitions. In cases not covered by the schedule, a petition writer will be entitled to only reasonable fees.
18. (i) Any person who acts as a petition writer without a valid licence granted to him in accordance with the above rules shall be deemed to be liable for prosecution for contravening the above rules.
- (ii) The licensing authorities shall be empowered to investigate such cases and after proper investigation, they can impose penalties upon the person or persons found at fault up to a maximum amount of Rs. 100 which, if not paid, shall be a bar to renewal of his licence :

SCHEDULE

Particulars of the petitioner	Writing charge
1. Complaint petition	Rs. 50.00 each
2. All other petitions	Rs.20.00 each
3. Affidavit, Bail Bond, Security Bond etc.	Rs. 10.00 each

APPENDIX

- 1. Form No. (R) 1 (Criminal)
 - 2. Form No. (R) 2 (Criminal)
 - 3. Form No. (M) 1 (Criminal)
 - Form No. (R) 1 (Cr)
- Register of petition writers in the Court of

- 1. Serial No.
- 2. Name
- 3. Father's Name
- 4. Residence
- 5. Date of Registration
- 6. Date of removal from this register
- 7. Remarks

Note - Not more than two or three names should be entered on each page of the register and as each renews his card from year to year, the date of such renewal should be entered on the same page in column 5.

Form No. (R) 2 (Cr)
Name of petition writer Card No.

1. Serial No.
 2. Particulars of the petitions with names of the parties
 3. Fees charted (item-wise)
 4. Signature of the parties from whom fees are accepted
 5. Signature of the pleaders/advocates with whom the petition writer works
 6. Names of Courts in which petitions are filed
 7. Signature of the accepting officer
 8. Remarks
-

Form No. (M) 1 (Cr)
Form of licence for petition writers in Criminal Courts
LICENCE
[Not transferable]

No.

This is to authorise son of of villageThanaDistrict
..... now residing at to act as the petition writer in the Court/Courts of the
..... during the year dated 20

Licensing Authority

(To be produced when required and returned for renewal on))

APPENDIX – 2

**HIGH COURT OF MANIPUR (CONDITIONS OF PRACTICE OF ADVOCATES)
RULES, 2019**

No. HC..... : In exercise of the powers conferred by Section 34(1) of the Advocates Act, 1961 (Act No. 25 of 1961) and all other powers vested in it by law and in supersession of all previous orders, the High Court of Manipur, hereby frames the following Rules laying down the conditions subject to which an Advocate shall be permitted to practice in this High Court and Courts subordinate thereto.

1. These Rules shall be named as The High Court of Manipur (Conditions of Practice of Advocates) Rules, 2019.
2. In these Rules, unless there is anything repugnant in the subject or context, the word Advocate would have the same meaning as assigned by the Advocates Act, 1961.
3. Save as otherwise provided for in any law for the time being in force, no Advocate other than Designated Senior Advocate shall be entitled to appear, plead or act for any person in any

Court in any proceeding unless he/she files an appointment in writing signed by such person or his recognized agent or by some other person duly authorised by or under a power of attorney to make such appointment, and signed by the Advocate in token of acceptance, or unless 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 purpose of pleading, to file a memorandum of appearance or to declare before the Court that he/she appears on instructions from the advocate, who has already filed his appointment in the proceedings:

Provided further that nothing contained in Rule (2) shall apply to an advocate, who has been requested by the Court to assist it as amicus curiae in any case or a proceeding or who has been appointed at the expense of the State to defend an accused person in a criminal proceeding.

Explanation – A separate appointment or a memorandum of appearance shall be filed in each of the several connected proceedings, notwithstanding that the same advocate is retained for the party in all the party connected proceedings.

4. An advocate, who is not on the roll of advocates of the Bar Council of Manipur, 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.

5. In case in which a party is represented by more than one advocate, it shall be necessary for all of them to file a joint appointment or for each of them to file a separate one.

6. The acceptance of an appointment on behalf of a firm or partnership of advocates shall be indicated by a partner affixing his own signature as a partner on behalf of the firm or partnership of advocates.

7. An advocate at the time of acceptance of his appointment shall also endorse on it his/her address, which shall be regarded as one for service within the meaning of Rule 5 of Order 3 of the Code of Civil Procedure, 1908 (as amended).

8. 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/her at that hearing.

9. (1) In civil cases, the appointment of an advocate unless otherwise limited, shall be deemed to be in force to the extent provided in that behalf by Rule 4 of Order 3 of the Code of Civil Procedure, 1908 (as amended).

(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 parties or the advocate, as the case may be, and filed in Court or on the demise of the advocate or until all proceedings in the case end so far as regards the party.

(3) For the purpose of sub-rule (2), a case shall be deemed to mean every kind of inquiry, 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 for alteration/modification of the conditions thereof for 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 the 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 a case or in an application, reference, revision or review arising out of the case;
- (x) an application for making concurrent sentences awarded in the case or in 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) an 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 hereinabove;
- (xiii) an application or act for obtaining the withdrawal of the refund or payment of or out of the moneys paid or deposited in the Court in connection with the case or any of the proceedings mentioned herein before (including money paid or deposited for covering the costs of the preparation and the printing of the Transcript Record of appeal to the Supreme Court).
- (xiv) an application for the refund of or out of the money paid or recovered as fine or the return, restitution or restoration of the property forfeited or confiscated in the case or in any appeal, reference, revision or review arising out of the case as per final orders passed in that regard;
- (xv) an 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) an application or proceeding for sanctioning prosecution or any appeal or revision arising from and out of 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-Rule (1) and (2) above in the former Court shall not be bound to appear, act or plead in the later Court, unless he files or he has already filed a memorandum signed by him in the later Court that he has instructions from his client to appear, act and plead in that Court.

10. (1) Except when specially authorised by the Court or by the consent of the party, an advocate, who has advised in connection with the institution of a suit, appeal, or other proceeding or has drawn up pleadings in connection with such matter, or has, during the progress of any suit, appeal, or other proceeding, appeared, acted or pleaded for a party, shall not, unless he first gives the party whom he has advised or for whom he has drawn up pleadings, appeared, acted or pleaded an opportunity of engaging his services, appear or act or plead in such suit, appeal or other proceedings 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 :

Provided that the consent of the party may be presumed if he engaged another advocate to appear, act or plead for him in such suit, appeal or other proceedings without offering an engagement to the advocate whose services were originally availed by him or on his behalf.

(2) Where it appears on the face of the record that the appearance of an advocate in any proceeding for any party is prejudicial to the interest of the other party on account of the reasons mentioned in Sub-Rule (1) above, the Court may refuse to permit the appearance to be filed or cancel such appearance if it has already been filed, after giving the said advocate an opportunity of being heard.

(3) An advocate, who discloses to any party any information confined, in his capacity as an advocate, and supplied by another, to him without the latter's consent, shall not be protected merely by reason of his being permitted to appear, act or plead for the said party.

11. (a) The appointment by a firm or partnership of advocates may be accepted by any partner on behalf of the firm.
- (b) No such firm or partnership shall be entitled to appear, act or plead in any Court unless all the partners thereof are entitled to appear, act or plead in such Court.
- (c) The name of the firm or partnership may contain the names of the persons who were or are members of the partnership but not of others.
- (d) The names of all the members of the firm shall be recorded with the Registrar of the High Court and/or the District Judge, as the case may be, and the State Bar Council and the names of all the partners shall also be set out in the professional communications issued by the partners of the firm.

(e) The firm of advocates shall notify to the Registrar General of the High Court and/or the District Judge, as the case may be, and the State Bar Council, any change in the composition of the firm or the fact of its dissolution as soon as may be from the date on which such change occurs or its dissolution takes place.

(f) 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 General 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.

(g) In every case where a partner of a firm of advocates signs any document or hires on behalf of the firm, he shall do so in the name of the partnership and shall authenticate the same by affixing his own signature as a partner.

(h) Neither the firm of advocates nor any partner thereof shall advise a party to appear, act or plead on behalf of a party in any matter or proceedings where the opposite party is represented by any other partner of the firm or by the firm itself.

12. No advocate shall be permitted to file an appointment or memorandum of appearance in any proceedings 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.

13. An advocate may correct any clerical error in any proceedings with the previous permission of the Registrar General or an officer of the Court specially empowered in this behalf by the Court obtained on a memorandum stating the correction desired.

14. 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 3 of the Code of the Civil Procedure (as amended).

15. 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 the contempt.

16. Advocates appearing before the Court shall wear the following dress :

(1) Advocates other than the lady advocates –

(a) Black buttoned-up coat (Chapkan, achkan or sherwani), Barristers or advocates gown and bands.

(b) Black open collar coat, white shirt, white collar, stiff or soft, with Barristers gown and bands.

(2) Lady Advocates –

(a) Black full or half sleeve jacket, or blouse, white collar stiff or soft, with white bands and advocates gowns.

(b) Sarees or Long skirts or Traditional Community Dress (white or black or any mellow or subdued colour without any print or design)/Phanek mapan naiba or Flare or Trouser (white, black or black striped or grey) or Churidar Kurtee or Salwar Kurtee/leggings with or without dupatta white or black.

Provided that the wearing of Barristers/Advocates gown and bands shall not be compulsory for advocates appearing in Courts subordinate to the High Court.

Provided further that the advocates appearing in the Courts subordinate to the High Court may wear black tie.

17. Strike by advocate/advocates may be considered interference with the administration of justice and advocates participating in the strike may be barred from practising before the High Court and the Courts subordinate to it.

By order
Sd/-
Registrar General,
High Court of Manipur.

**APPENDIX – 3
HIGH COURT OF MANIPUR**

**QUALIFICATION FOR APPOINTMENT AS A SPECIAL
JUDICIAL MAGISTRATE RULES**

Notification No.HC - In exercise of the powers conferred under the proviso to sub-Section (1) of Section 13 of the Code of Criminal Procedure, 1973, the High Court is pleased to make the following rules, specifying the qualification or experience in relation to legal affairs which a person shall possess for being eligible to be conferred with the powers of a Judicial Magistrate of the First Class or of the Second Class :

- (i) These rules may be called “Qualification for appointment as a Special Judicial Magistrate Rules.”
- (ii) A person who holds or has held any post under the Government will be eligible for appointment as a Special magistrate if he has the following qualification or experience, namely a degree in law from a recognised university or some experience of Judicial work as a Magistrate, and aged not exceeding sixty-five years:

Provided that an I.A.S officer may be invested with the power of a Magistrate of the First Class or of the Second Class under Section 13 of the Criminal Procedure Code, 1973 without the above requisite being satisfied.

Provided further that the experience of an Executive Magistrate trying cases under Section 107, 145, 133, etc. of the Code of Criminal Procedure for a period of at least one year would be regarded by the High Court as having "some experience of judicial works as a Magistrate.

APPENDIX – 4

CONTEMPT OF COURTS (HIGH COURT OF MANIPUR) RULES, 2019

Notification No. HC. – In exercise of the powers conferred under Arts. 215 and 225 of the Constitution of India, Section 23 of the Contempt of Courts Act, 1971 and all of the powers hereunto enabling, the High Court of Manipur makes the following rules :

PART – I

1. Short title - These rules may be called the Contempt of Courts (Manipur High Court) Rules, 2019.
 - (a) These rules shall extend to the States of Manipur.
 - (b) These rules shall come into force from the date of publication thereof in the Official Gazette of the Government of Manipur.
2. Definitions - In these rules unless there is anything repugnant in the subject or the context –
 - (a) “Act” means the Contempt of Courts Act, 1971 (Act No. 70 of 1971);
 - (b) “Section” means a section of the Act;
 - (c) “High Court” means the High Court of Manipur.
 - (d) “Judge” means a Judge or an Additional Judge of the High Court of Manipur or a Judge appointed thereto under Art. 224 – A of the Constitution of India;
 - (e) “Registrar General” means the Registrar General of the High Court and shall include the Registrar, Joint Registrar and such Deputy Registrar or Assistant Registrar as may from time to time be specified by the Chief Justice;
 - (f) All other words and expressions used in these rules, but not defined herein, shall have the meaning respectively assigned to them in the Act.

PART – II

COGNIZANCE AND PROCEDURE

A – GENERAL

3. (1) Every petition, reference or motion for taking proceedings under the Act shall be registered as a civil original petition (contempt) in respect of civil contempt and criminal original petition (contempt) in respect of criminal contempt.

(2) In proceedings initiated by the respondents, the initiator shall be described as the petitioner and opposite party as the respondent, and in other cases, the description of the persons proceeded against shall be as follows :

“In re A son of occupation resident of.....”

4. (a) Every petition under R. 3 shall contain –
 - (i) the name, description and place of residence of the petitioner or petitioners and of the person or persons charged ;
 - (ii) nature of the contempt alleged and such material facts including the date or dates of the commission of the alleged contempt, as may be necessary for the proper determination of the case;
 - (iii) if a petition has previously been made by him on the same facts, the petitioners shall give the details of the petition previously made and shall also indicate the result thereof.
 - (b) The petition shall be supported by an affidavit.
 - (c) Where the petitioner relies upon the document or documents in his possession or power, he shall file such document or documents or true copies thereof with the petition.
 - (d) No Court fee shall be payable on the petition or on any documents filed in the proceedings.
5. (1) Every reference relating to contempt of court subordinate to the High Court shall be scrutinised by the Registrar General who shall place the same before the Chief Justice or any other Judge nominated by him in this behalf for obtaining orders after noting thereon the nature of the contempt.

(2) When any publication, application, letter of intimation is received by post or otherwise called for any action being taken under the Act by the High Court on its own motion, the matter shall be dealt with in the manner prescribed in sub-Rule (1). In the case of criminal contempt of a subordinate court, the Chief Justice or the Judge, as the case may be, may direct that the papers be sent to the Advocate General of Manipur, to move the High Court for taking action under the Act.
6. (1) Every petition, motion or reference in relation to criminal contempt shall, unless the Chief Justice directs it to be headed by a larger bench, be laid for a motion hearing before a Division Bench of at least two Judges.

(2) Every petition, motion or reference in relation to civil contempt shall, unless directed otherwise by the Chief Justice, be laid before a Single Bench.

(3) Every notice issued by the High Court shall be in the form appended to these rules and shall be accompanied by a copy of the motion, petition or reference, as the case may be, together with the copies of the affidavits, if any.

(4) The notice shall bear the date, the seal of the High Court and shall be issued under the signature of the Registrar General.

(5) Notice of every proceeding under the Act shall be served personally on the person charged, unless the High Court directs otherwise.

(6) The High Court may, if satisfied that the person charged is absconding or likely to abscond or is keeping or likely to keep out of the way to avoid service of the notice, order the issue of warrant of his arrest which, in the case of criminal contempt, may be in lieu of, or in addition to, the attachment of his property under sub-Section (3) and (4) of Section 17 of the Act. Such warrant may be endorsed in the manner laid down in Section 71 of the Code of Criminal Procedure, 1973, in terms of the order of the High Court.

(7) Whenever the High Court issues a notice, it may, if it sees reason so to do, dispense with the personal attendance of the person charged with the contempt and permit him to appear by his pleader, and may, in its discretion, at any stage of the proceedings, direct the personal attendance of such person, and if necessary, enforce such attendance in the manner hereinbefore provided.

7. (1) When any person charged with contempt appears or is brought before the High Court, and is prepared, while in custody or at any stage of the proceedings, to be given bail, such person shall be released on bail, if a bond for such sum of money as the High Court thinks sufficient is executed with or without sureties on condition that the person charged shall attend at the time and place mentioned in the bond and shall continue attending so until otherwise directed by the High Court.

Provided further that the High Court may, if it thinks fit, instead of taking bail from such person discharge him on his executing a bond without sureties for his attendance as aforesaid, or without executing such bond.

(2) Notwithstanding anything contained in sub-Rule (1) where a person fails to comply with the conditions of the bail bond as regards the time and place of attendance, the High Court may refuse to release him on bail, when on a subsequent occasion in the same case he appears before the High Court or is brought in custody and any such refusal shall be without prejudice to the powers of the High Court to call upon any person bound by such bond to pay the penalty thereof.

(3) The provisions of Sections 422 to 448 and 450 of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to all bonds executed under the Rule.

B – CRIMINAL CONTEMPTS

8. (1) Any person charged with criminal contempt referred to in Section 14, may file an affidavit in support of his defence on the date fixed for his appearance or any other date fixed by the High Court in that behalf.

(2) If such person pleads guilty to the charge, his plea shall be recorded and the High Court may, in its discretion, either convict him thereon or accept bail for his appearance at such time as may be appointed to receive its judgment.

(3) If such person refuses to plead or does not plead, or claims to be tried or the High Court does not convict him on his plea of guilty, it may determine the matter of the charge either on the affidavits filed or after taking such further evidence as may be necessary.

C – CIVIL CONTEMPT

9. In the case of a civil contempt other than a contempt referred to in Section 14, the High Court may take action –

- (a) on its own motion; or
- (b) on a petition presented by the party aggrieved; or
- (c) in the case of any civil contempt of a subordinate court on a reference made to it by that court.

10. (1) In a case of civil contempt, other than a contempt referred to in Section 14, the person charged may file his affidavit by way of reply to the charge and shall serve a copy thereof on the petitioner or his counsel at least seven days before the date of hearing.

(2) No further return, affidavit or document shall be filed except with the leave of the High Court.

11. In the case of a civil contempt, the High Court may determine the matter of charge either on affidavits filed or on such further evidence as may be taken by itself or recorded by a subordinate court in pursuance of a direction made by it, and pass such order as the justice of the case requires, having regard to the provision of Sections 12 and 13 of the Act.

PART – III

APPEALS

12. (1) Every appeal filed under the Contempt of Courts Act, 1971, shall be numbered as Contempt Appeal.

(2) Every such appeal shall be posted before a Division Bench for orders as to whether notice shall be issued to the respondent.

(3) The procedure for regulation of such appeal shall be the same as for Writ appeals as in the High Court of Manipur Rules.

PART – IV

MISCELLANEOUS

13. Every person against whom proceedings are initiated under the Act may, as of right, be defended by an advocate of his choice competent to appear before the High Court.
14. A paper book consisting of the documents specified in R. 4 shall be filed by the petitioner or the Advocate-General in triplicate in a case of criminal contempt and in duplicate in a case of civil contempt. Thereafter, as many copies of the paper books as there are respondents to whom notice is issued shall also be furnished along with the processing fee prescribed in R. 16.
15. (1) In a case where any proceedings are taken on a reference by a subordinate court or by the High Court on its own motion, the Registrar General shall prepare the paper book in triplicate in a case of criminal contempt and in duplicate in a case of civil contempt. Such paper book shall consist of the following documents:
 - (i) Reference or motion;
 - (ii) The objectionable material, if any, alleged to constitute contempt,
 - (iii) Any other document which the Registrar may deem fit to include or which the High Court may require.
- (2) All relevant materials brought on the record from time to time shall be included in each paper book.
- (3) In any such case, the Court may, at any stage, appoint an advocate for the conduct of the proceedings.
16. The rules contained in Chapter of the High Court Rules shall, in so far as they may be applicable, govern the processes issued under these rules.
17. The rules relating to the grant of copies and translation of records contained in Chapter XII of the High Court Rules shall, in so far as they may be applicable, govern proceedings under the Act.
18. When any person is summoned by the High Court to appear as a witness in any proceedings under the Act, the expenses of such witness, as determined according to the rules for the time being in force, shall be paid by the Registrar General out of the Contingency Fund; provided that the Court may direct any party to such proceedings to bear expenses.
19. The High Court may direct any party to a proceeding under the Act to pay the costs thereof as determined by it to any other party thereto.
20. It shall be the duty of the Registrar General to carry out, enforce and execute the orders passed by the High Court in any proceedings under the Act, and in particular, orders imposing fines or awarding costs.

ANNEXURE
Form of Notice
[See Rule 6(3)]

CRIMINAL/CIVIL ORIGINAL SIDE

CRIMINAL/CIVIL ORIGINAL (CONTEMPT) Petition No. of 20....

Proceedings under the Contempt of Courts Act, 1971 (Act NO. 70 of 1971)

Whereas from the material laid before this Court, it has been made to appear that you are guilty of contempt of Court, punishable under Section 12 of the Contempt of Courts Act, 1971, the proceeding in the matter will be laid before this Court for the determination of the charge on the 20 (Actual).

You are hereby directed to attend this Court at 10:00 a.m. on the 20.....in person/in person or through counsel to answer the charge and to file an affidavit/an affidavit at least 7 days before the said date in support of your defences if any.

Given under my hand and the seal of the Court, this day of20.....

Registrar General
High Court of Manipur.

APPENDIX – 5

INDIGENT PERSON PLEADER (APPOINTMENT AND FEES) RULES, 2019

Notification No. HC- In exercise of the powers conferred by sub-R. (2) of R. 9-A of Order 33 of the Code of Civil Procedure, 1908, as amended, the High Court of Manipur is pleased to make the following rules for regulating the appointments of pleader to represent indigent persons in civil rules, namely;

1. Short title, extent and commencement -
 - (1) These rules may be called the Indigent Person Pleader (Appointment and Fees) Rules, 2019.
 - (2) These rules shall extend to the States of Manipur.
 - (3) These rules shall come into force from the date of publication thereof in the Official Gazette of the Government of Manipur.
2. Definitions - In these rules, unless the context otherwise requires –
 - (1) “Code” means the Code of Civil Procedure, 1908 as amended from time to time.

- (2) "High Court" means the High Court of Manipur.
- (3) "List" means the list of pleaders prepared and maintained by the District Judge.
- (4) "Pleader" means any person whose name is entered as such in the register maintained by the concerned District Judge and include any person whose name is entered on the rolls of the Bar Council of Manipur under the Advocate's Act, 1961, and the rules framed thereunder.

3. Assignment of a pleader for an indigent person -

- (1) Where a person who is permitted by a Court to sue as an indigent person under sub-R. (3) of Rs. 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) Before doing so, the Court shall endeavour in the first instance to select a suitable pleader from the part of the list which comprises the names of pleaders, if any, willing to appear for undefended indigent persons without charging any fee.

4. Preparation of list -

- (1) The District Judge of the area concerned shall prepare and maintain a list of least 10 (ten) suitable pleaders willing to appear for the undefended indigent person at the State expenses or without charging any fee. This would be done separately for district headquarters and sub-divisional headquarters and in consultation with the President and Secretary of the respective Bar Associations.
- (2) The list to be prepared shall be in two parts. The first part of the list shall contain the names of suitable pleaders who offer themselves to appear for the undefended indigent person without charging any fee. The second part shall contain the names of such pleaders as are willing to appear for the undefended indigent persons at State expenses.
- (3) A pleader with the standing not less than seven (7) years at the bar shall be eligible cancelled by the District Judge for reasons to be recorded.
- (4) The list once prepared shall continue for a period of three years unless earlier cancelled by the District Judge for reasons to be recorded.
- (5) A copy of the list so prepared shall be sent to the High Court as well as to the Government concerned.
- (6) The list shall contain the following details :
 - (a) Name of the pleader;
 - (b) Date of birth;
 - (c) Educational qualification;

- (d) Date of enrolment at the Bar;
- (e) Length of actual practice.

(7) The District Judge or the High Court may strike off the name of any pleader from the list, for reasons to be recorded, and after giving the pleader a reasonable notice in this regard.

5. Facilities to the pleaders selected from the list –

(1) Where a pleader is assigned to represent an indigent person, the Court shall allow a period of at least seven days to the pleader to prepare the brief and shall adjourn the hearing for that purpose.

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

(3) In a case where there are more than one parties, all indigent, and if in the opinion of the court the parties have conflicting defence the court may appoint more than one pleaders for each group of such persons recording reasons therefor.

6. Scale of fees –

(1) A pleader so appointed shall be entitled to such fees as are admissible to a Government Advocate.

(2) In special cases, the District Judge may recommend an amount higher than the scale prescribed for Government Advocates.

(3) The bill of the pleader for conducting the case shall be submitted to the Secretary, Law and Legislative Affairs, Government of Manipur who may be dealing with the subject of legal aid in Manipur.

(4) The bill shall be in triplicate and shall be submitted only after the case has been finally disposed of ;

Provided that if a pleader assigned to represent an indigent person is required to retire at any time before the final disposal of the case, such pleader shall be entitled to such fees as may be finalised by the authority concerned in consultation with the District Judge.

(5) Each bill shall be accompanied by a certificate granted by the Court in which the case was conducted.

(6) Each bill shall contain reference to the order of appointment, the nature of the work done, and the nature of disposal of the case.

(7) The pleader shall submit his bill to the District Judge within one month of the disposal of the case.

7. In those areas of the States and Union Territories named in R.1 where there be no District Judge to exercise jurisdiction, the power conferred on the District Judge by these rules be exercised by the Civil Judge , Senior Division of the area concerned.

(This could be taken care of by defining “District Judge” accordingly).

APPENDIX – 6

THE DEFENCE PLEADER (APPOINTMENT AND FEES) RULES, 2019

No. HC.- In exercise of the power conferred under sub-Section (2) of Section 304, Cr.P.C., 1973, the High Court of Manipur with the previous approval of the Government of Manipur, is pleased to make the following rules:

1. These rules may be called “the Defence Pleader (Appointment and Fees) Rules, 2019.”
 - (a) These rules shall extend to the State of Manipur.
 - (b) These rules shall come into force from the date of publication thereof in the Official Gazette of the Government of Manipur.
2. (1) The Sessions Judge shall prepare a panel of the names of Defence pleaders from amongst the advocates of not less than five years’ standing at the Bar from the District Bar Association for the District in consultation with the President (in his absence, the vice president) and the Secretary of such Bar Association.
 - (2) A copy of the panel of names of defence pleaders so prepared shall be sent to the High Court as well as to the State Government concerned.
 - (3) The panel once constituted shall continue for a period of three years unless earlier cancelled by the Sessions Judge for reasons to be recorded.

Provided that the number of the defence pleaders in the panel so prepared may be increased subsequently by the Sessions Judge, if he finds it necessary, following the same procedure as laid down in sub-R.(1).

3. The Court of Sessions shall assign a pleader from such panel at the expense of the State to defend the accused in a case where the accused is not represented by a pleader and where it appears to the Court that the accused has not sufficient means to engage a pleader.

Provided that the assignment of a defence pleader shall be made at least two weeks ahead of the date of hearing of the case and a complete brief of the case shall be supplied to the defence pleader along with the order of appointment.

4. In a case where there are more than one accused and if, in the opinion of the Court the accused persons have conflicting defence, the Court may appoint more than one defence pleaders for defence of each or each group of such accused persons recording reasons therefor.

5. A defence pleader shall be entitled to such daily fees as may be admissible to a Public Prosecutor of the State of Manipur but not less than Rs. 300.00 per day, or, where the Public Prosecutor is paid a specified monthly remuneration in lieu of daily fees, to such daily fees as may be fixed by the Government which shall not be less than 300.00 per day.
6. All appointments of defence pleaders under R. 3 by any Court of Sessions shall be intimated to the Secretary, Law and Legislative Affairs, Government of Manipur.
7. (1) The bill of the defence pleader for conducting a case shall be submitted to the Legal Remembrancer/Law Secretary of the State Government concerned in triplicate and the Bill shall be submitted only after a case has been finally disposed of.

(2) Each bill shall be accompanied by a certificate granted by the Court in which the relevant case is conducted to the following effect namely:

“Certified that the date and hours as mentioned in the bill bear correctly.”

(3) Besides the above particulars, each bill shall contain a reference to the order of appointment, the nature of work done and the nature of disposal of the case and it shall be duly signed by the pleader concerned.

APPENDIX – 7

RULES TO REGULATE THE PROCEDURE OF ALL PROCEEDINGS UNDER THE TRADE MARKS ACT, 1940

THE HIGH COURT OF MANIPUR

The... of 2019

No. HC. - In exercise of the powers conferred by Article 225 of the Constitution of India, the High Court of Manipur is pleased to make the following rules under Section 77 of the Trade Marks Act, 1940, to regulate the procedure of all proceedings under that Act before it. The rule will come into effect from the date of publication in the Gazette of the Government of Manipur.

1. In these rules –
 - (a) “The Act” means the Trade Marks Act, 1940, as amended from time to time.
 - (b) “Registrar” means the Registrar, Trade Marks.
2. Applications, affidavits and proceedings under the Act shall be described under the title and in the matter of the Act and in the matter of Trade Mark.
3. Every application and petition of appeal under the Act shall be drawn up in the manner prescribed by the Rules for other applications and appeals and shall be presented to the Registrar of the High Court.
4. The petition of appeal shall be registered if it is found to satisfy the requirements and posted in the first instance for admission before a Bench consisting of not less than two Judges.

The Bench so constituted may admit or reject the petition of appeal or may make such orders as the circumstance of the case may require.

5. If the appeal is admitted a date shall be fixed for hearing the notice thereof shall be given to the opposite party with a copy of the memorandum of appeal which should be furnished by the appellant within a week from the date of the order of admitting the appeal or within such further date as may be granted by the Court.

6. All applicants to the Court under the Act whether by way of appeal or otherwise shall be served on the Registrar who shall have a right to appeal and he heard and shall also appear if the Court so directs.

7. Where any application or appeal is made to the High Court under the Act, while a suit or other proceedings concerning the Trade Mark is pending before any District Court, the High Court may stay such suit or proceeding until the disposal of the said application or appeal.

8. Where the Registrar makes a reference to the High Court under Section 72(b) of the Act, he shall give notice of that fact to the party concerned. On receipt of such a reference, the Registrar of the High Court shall fix a date and post the case to that date for hearing and disposal before a Bench consisting of not less than two Judges. The parties concerned shall be given atleast seven days clear notice of the date fixed for hearing.

9. Where under Section 76(2) of the Act, an applicant becomes entitled and intends to withdraw his application or appeal he shall give notice thereof in writing to the Registrar and to the other party, if any, to the appeal or application within one month after the leave referred to in that Section has been obtained. He shall also give notice to the Registrar of the High Court who shall thereupon place the appeal before a Bench consisting of not less than two Judges for disposal.

10. Where in a proceeding under the Act, involving the question of the validity of the registration of Trade Mark, the High Court decides in favour of the proprietor of the Trade Mark it may direct the Registrar to issue a certificate to that effect.

11. Where the High Court in a proceeding under the Act orders the rectification of register, a certified copy of every such order which shall be furnished by the party in whose favour the order is made at his own costs, within fourteen days from the date of such order, shall be sent by the Registrar of the High Court to the Registrar who shall rectify the register accordingly.

12. In all proceedings under the Act, the costs thereof and incidental to such proceedings and also costs of hearing before the Registrar shall, save otherwise provided in the Act, be in the discretion of the Court.

13. In cases not provided for in the foregoing rules, the provisions of the Civil Procedure Code and the Rules and Forms of this Court shall apply with necessary changes in points of detail to all proceedings under the Act.

APPENDIX – 8

RULES UNDER THE TESTAMENTARY AND INTESTATE JURISDICTION

No.HC. - In exercise of the powers conferred by the Article 225 of the Constitution of India, the High Court of Manipur is pleased to make the following rules under the Intestate and Testamentary jurisdiction of the High Court. The rules will take effect from the date of publication in the Official Gazette of the Government of Manipur.

1. Non contentious business shall include the business of obtaining probate and letters of Administration (with or without the will annexed, and whether general, special or limited) where there is no contention as to the right thereto, including the passing of probates and letters of administration through the Court in contentious cases where the contest is terminated, and all ex-parte business to be taken in the Court in matters of testacy, and not being proceeding in any suit, and also the business of lodging caveats against the grant of probate or letters of administration.
2. The word “will” in this Chapter include a “codicil”.
3. The Registrar shall give notice of all applications for probate or letters of administration to the Chief Controlling Revenue Authority.
4. (1) Every application for probate or for letters of administration with or without the will annexed shall be accompanied by –
 - (a) A certificate of the Registrar as to duty having been paid (Form No. 1) or a certificate of Taxing Officer that no duty is payable (Form No. 2, 2-A and 3).
 - (b) A certificate of the Registrar that no intimation has been received by this Court from any other High Court or any District Court, of any grant of probate or letters of administration of the property and credits of the deceased with effect throughout India.
- (2) Every application for a certificate under Section 372 of the Indian Succession Act shall be accompanied by a certificate of the Registrar that the fee payable under Section 379 of the said Act has been paid.
- (3) Except in a case where the Administrator-General is the applicant with every application for grant of probate or letters of administration there shall be filed an affidavit of valuation in the form set forth in Schedule – III of the Court Fees Act, 1870.
- (4) In a case where a caveat has been filed prior to the presentation of the application for grant of probate or letters of administration, or where the applicant, on the presentation of such an application, prays in the first instance for the issue of a citation the payment of the ad valorem fee payable on the valuation may be postponed till any caveat filed has been disposed of.
- (5) In all cases where the payment of the ad valorem fee has been postponed under the proceeding rule the applicant shall, before applying for an order or decree for the issue of the grant to him, produce to the Judge or Court, as the case may be a certificate

of the Registrar or Taxing Officer, showing that the ad valorem fee has been paid, or is not payable, as the case may be, as required by clause (3) of this Rule.

5. The Judge may, in cases where he deems it necessary require proof, in addition to the usual statement required to be made in the petition, or the identity of the deceased or of the party applying for the grant.

6. No person, who renounces probate of a will or letters of administration of the property of a deceased person in one character, shall, without the leave of the Judge, take out representation to the same deceased in another character.

7. In all application by a creditor for letters of administration, it shall be stated particularly how the debt arose and whether the applicant has any and what security for the debt.

8. Where a will contains a reference to any paper, memorandum, or other documents of such a nature as to raise a question whether it ought not to form constituent part of the will, such paper, memorandum or other documents should be produced with a view to ascertain whether it is entitled to probate, and where not produced, its non-production must be accounted for. No paper, memorandum or other documents can form part of a will unless it was in existence at the time when the will was executed.

9. On an application for letters of administration, unless otherwise ordered, a citation shall be issued to all persons having a right to take the grant prior or equal to that of the applicant, unless such persons have signified their consent to the application.

10. Where letters of administration are applied for by a creditor, a special citation shall be issued to the widow, if any and to the next of kin provided they shall be resident within the jurisdiction or have any known agent or agents resident within the jurisdiction, and to the Administrator General, Manipur and a general citation shall be issued to all persons claiming to have any interest in the estate of the deceased.

11. Where letters of administration of the estate of a deceased woman of the town are applied for, a special citation, shall be issued to the State of Manipur. Where properties in States other than Manipur are disclosed in the affidavit of Assets, a special citation shall be issued to the Legal Remembrancer/Secretary(Law), Manipur or to the Legal Remembrancers / Secretaries (Law) of the States where the property or properties may be situated.

12. All citations shall, unless otherwise ordered direct the persons cited to show cause on the fourth day from the date of service where the parties to be cited reside within the town of Imphal or on such day certain as the Judge shall direct whether they reside outside Imphal, and where they cannot be served in the manner provided for service of process, may be served by the insertion as an advertisement in such local newspaper as may be directed, of a notice in form No. 5.

13. All grants of probate or letters of administration (with or without the will annexed) other than grants under the Administrator-General's Act shall, unless otherwise ordered be drawn up by the Registrar, with effect within the State of Assam.

14. In all cases under the Indian Succession Act, in which it is sought to obtain a grant of probate or letters of administration (with or without the will annexed) to have effect throughout India, or under the Administrator General's Act, with effect throughout any or all of the States as

defined in or constituted by or under that Act as defined in that Act, such grant must be expressed, asked for and it must be shown where the assets are situated.

15. Every person to whom a grant of letters of administration, other than a grant under section 212 of the Indian Succession Act, is committed shall give a bond to and in the name of the Chief Justice with one or more sufficient sureties to be approved by the Registrar. Such bond shall, in all cases, be prepared in the office of the Registrar, (Forms No. 6 and 7) and shall, unless otherwise ordered by the Court or Judge, be in the amount of the full value of the property for which the grant is to be made.

16. A Guarantee Society, duly approved of by the Full Court may be accepted as surety upon its joining in a bond with the Administrator or Administrators in either Form No. 8 or 9.

17. Where such a Guarantee Society is represented by Agents, the document or documents authorising the latter to act on behalf of the society shall in the first instance be substituted to and approved of by the Full Court and whenever a bond is sent to them for signature, it must be accompanied by a letter in Form No. 10 and the Agents shall sign a reply in Form No. 11.

18. Every such Society shall each year file with the Registrar a copy of the Society's annual balance sheet duly audited, copy of which shall be verified by the affidavit of the Agent or Principal Officer and be submitted by the Registrar to the Full Court.

19. The execution of administration bonds by a person other than a Guarantee Society shall be attested by the Registrar or where executed outside the Court House, by the Registrar or such gazetted officer as may be nominated by the Registrar for that purpose.

20. With every certificate to be sent to a High Court, under the provisions of Section 274 of the Indian Succession Act..... or Section 24 of the Administrator-General's Act, the Registrar shall send a copy of so much of the schedule of the property and credits of the deceased as relates to the estate within the jurisdiction of such Court.

21. A grant under the Indian Succession Act..... with effect within the State of Manipur may be amended, so as to extend its effect throughout India. The application shall be on petition supported by a further affidavit of valuation in the form set out in Schedule III to the Court Fees Act with such variations as the circumstance may be required, and on payment of the probate duty payable in respect thereof, and in case of grant of letters of administration with or without the will annexed, on the petition giving a further bond, the grant may be amended accordingly.

22. Only the grant, and the will, if any shall be copied in the registers. Where the will is in any vernacular or foreign language, the official translation only shall be copied.

23. An exemplification or official copy under the signature of the Registrar and the seal of the Court, of a grant to enter in the register or of a will in respect of which a grant has been issued may be obtained on payment of the prescribed fees.

24. Any person intending to oppose the issuing of a grant of probate or letters of administration must either personally or by his attorney file a caveat in the Registry in Form No. 12. Notice of the filing of the caveat shall be given by the Registrar to the petitioner or his attorney (Form No. 13).

25. Where a caveat is entered after an application has been made for a grant or probate of letters of administration with or without the will be annexed, the affidavit or affidavits in support shall be filed within eight days of the caveat being lodged, notwithstanding the long vacation. Such affidavit shall state the right and interest of the caveator, and the grounds of the objection to the application.

26. Where an application for grant of probate or letters of administration with or without the will be annexed is presented after a caveat has been filed, the Registrar shall forthwith issue notice to the caveator, calling upon him to file his affidavit or affidavits in support of his caveat within eight days from the service of such notice.

27. Where the caveator fails to file any affidavit in support of his caveat in compliance with Rule 25 or in compliance with the notice issued under Rule 26, the caveat may be discharged by an order to be obtained on summons.

28. Upon the affidavit in support of the caveat being filed (notice whereof shall immediately be given by the caveator to the petitioner), the proceedings shall, by order of a Judge upon application by summons be numbered as a suit in which the petitioner for probate or letters of administration shall be the plaintiff, and the caveator shall be the defendant, the petition for probate or letters of administration being registered as and deemed a plaint filed against the caveator, and the affidavit filed by the caveator being treated as his written statement in the suit. The procedure in such suit shall, as nearly as may be, be according to the provisions of the Code of Civil Procedure (Forms No. 14 and 15).

29. The party opposing a will may, with his affidavit, give notice to the party setting up the will that he merely insists upon the will being moved in solemn form of law, and only intends to cross-examine the witnesses produced in support of the will, and he shall thereupon be at liberty to do so, and shall not, in any event, be liable to pay the costs of the other side, unless the Court shall be of opinion that there was no reasonable ground for opposing the will.

30. The Court may on the application of the petitioner by summoning to be caveator before making the order mentioned in Rule 28, direct the trial of an issue as to the caveators' interests. Where, upon the trial of such issue, it appears that the caveator has no interest, the Court shall order the caveat to be discharged, and may order the issue of probate or letters of administration as the case may be.

31. Where the gross value of the estate as shown in the affidavit of valuation does not exceed Rs. 2,000 no Court fees will be charged, provided that the petitioner undertakes to pay to the Government of Manipur or other party entitled thereto, the fees of the Court in case the estate shall thereafter be found to be a greater gross value than Rs. 2,000.

32. It shall be lawful for the Court of the application of the Advocate-General or of any person claiming to be entitled to the fees payable under, an undertaking was given in accordance with Rule 31, to call upon the executor or administrator liable under the undertaking, to pay such fees, and upon the hearing of the application to discharge the same, or to make an order absolute for the payment of such fees together with such order touching the costs the application as it shall seem fit, and every such order shall be enforceable in the same manner as any other order of the Court whereby any party is directed to pay money or costs.

33. In cases not provided for by this Chapter, or by the rules of procedure laid down in the Indian Succession Act..... or the Administrator-General's Act, or the Code of Civil

Procedure, the practice and procedure of the Probate Division of the High Court of Justice in England shall be followed so far as they are applicable and not inconsistent with this chapter and the said acts.

34. The name, true place of abode, description and occupation, if any, of the petitioners, shall be given in the petition and of the caveator in the caveat.

35. The Registrar shall transmit through the State of Manipur to the Central Government in the Home Department, quarterly, true and attested copies of all wills of which probates have been granted, and of all inventories and accounts filed by executors and administrators and a schedule of all letters of administrations granted during the preceding three months.

36. Wherever a grant of probate or letters of administration is made and it appears, either from the application or is otherwise brought to the notice of the Court, or the Registrar, that any revenue-paying estate or share of such estate is included in the estate of the deceased in respect of which the grant is made, the Registrar shall notify the grant to the Collector of the District in which such estate or part of an estate is situated.

37. Nothing in the rules in this chapter shall apply to application or acts to be done by the Administrator-General in so far as they conflict with the provisions of the Administrator-General's Act.

38. The forms to which reference is made in these Rules are in the schedule attached.

SCHEDULE

FORM NO. 1

(Rule 4)

IN THE HIGH COURT OF MANIPUR.

Testamentary and Intestate Jurisdiction in the Goods of deceased

CERTIFICATE OF PAYMENT OF AD VALOREM DUTY

The ad valorem fee payable on the valuation of the property amounting to Rs.....has been paid.

Dated: this day of 20

Registrar

FORM NO. 2

(Rule 4)

IN THE HIGH COURT OF MANIPUR.

Testamentary and Intestate Jurisdiction In the Goods of.....deceased

I do hereby certify that the ad valorem fee prescribed by Schedule I, Clause II of the Court Fees Act, 1870, is not payable in this case, it appears from the affidavit of valuation that the amount or value of the estate does not exceed Rupees (1,000) one thousand.

Dated: this day of 20.....

Taxing Officer

FORM NO. 2-A
(Rule 4)

IN THE HIGH COURT OF MANIPUR
Testamentary and Intestate Jurisdiction In the Goods of deceased
CERTIFICATE THAT NO DUTY IS PAYABLE

I do hereby certify that the ad valorem fee prescribed by Schedule I, Clause II of the Court Fees Act, 1870, is not payable in this case, it appears from the affidavit of valuation that the debts of the deceased exceed the amount of assets.

Dated: this day of 20

Taxing Officer

Attorney

FORM NO. 3
(Rule 4)

IN THE HIGH COURT OF MANIPUR.
Testamentary and Intestate Jurisdiction In the Goods of deceased
CERTIFICATE THAT NO DUTY IS PAYABLE

I do hereby certify that the ad valorem fee prescribed by Schedule I, Clause II of the Court Fees Act, 1870, is not payable in this case, section 19C added to the said Act XIII of 1875 being applicable thereto.

Dated: this day of 20.....

Taxing Officer

Attorney

FORM NO. 4
(Rule 4)

IN THE HIGH COURT OF MANIPUR.
Testamentary and Intestate Jurisdiction In the Goods of deceased
CERTIFICATE OF NO APPLICATION MADE TO ANY OTHER COURT FOR PROBATE OR
LETTERS OF ADMINISTRATION

At the request of Attorney of this Court, I do hereby certify that no intimation has been received by this Court from any other High Court or any District Court of any grant of probate

of any will or letters of Administration of the property and credits of the above named deceased with effect throughout the whole of India.

Dated: this day of 20

Registrar

FORM NO. 5

(Rule 12)

IN THE HIGH COURT OF MANIPUR.
Testamentary and Intestate Jurisdiction

Petition for : Probate/Letters of Administration.
In the Goods of: Deceased/Petitioner

Notice by advertisement of citation - All persons claiming to have any interest in the estate of the above named deceased is hereby cited to come and see the proceedings if they think fit before the grant of

Witness Chief Justice at Imphal aforesaid, the day of in theyear 20

Registrar

Petitioner's Attorney

FORM NO. 6

(Rule 15)

IN THE HIGH COURT OF MANIPUR.
Bond in case of intestacy

Know all men by these presents that we are held and firmly bound unto the Hon'ble (the Chief Justice's name) Chief Justice of the High Court of Manipur at Imphal in Manipur in the sum of Rupees of good and lawful money to be paid, to the said Hon'ble (the Chief Justice's name) or the Chief Justice of the said High Court for the time being for which payment we do hereby bind ourselves and each and every one of us binds himself for the whole our and each and every of our heirs, executors and administrators, unto the said Hon'ble (the Chief Justice's name), his successors, in office or assigns firmly by these presents. Sealed with our seals dated the day of in the year one thousand nine hundred and

The condition of the above written obligation is such that if the above bounded Administrator of the property and credits ofdeceased to make or cause to be made a full and true inventory of all the estate of the said deceased, which has or shall come to the hands, possession, or knowledge of the saidor into the hands or possession of any other person or persons, for and the same to be made to exhibit or cause to be exhibited into the Registry of the said High Court at or before the day of next ensuing or within such further time as the Court may from time to time appoint; and the same estate and all other estates of the said deceased at the time of death, which at any time, shall come to the hands or possession of the said of or any other person or persons for do administer according to law: and further do make or cause to be made a true and just account ofsaid administration at or before the day of which will be in the year one thousand nine hundred and.....or within such further time as the Court may from time to time appoint; and all the rest and residue of the said estate which shall be found remaining upon the said administration account, the same being first examined and allowed of by the said High Court of Judicature, shall deliver and pay unto such person or person respectively as shall be lawfully entitled to such residue. And if it shall hereafter appear that any last will and testament was made by the said deceased, and the executor or executors therein named do exhibit the same into the said Court making request to have it allowed and approved accordingly if the above bounded being thereunto required, do render and deliver the letters of administration to granted (Application of such testament being first had and made) in the said Court, then this obligation to be void and of none effect, else to remain in full force and virtue.

Signed, sealed and delivered at in the presence of

Registrar

FORM NO. 7
(Rule 15)

Know all men by these presents that we are held and firmly bound unto theHon'ble (the Chief Justice's name) Chief Justice of the High Court of Manipur at Imphal in the sum of Rupees..... of good and lawful money to be paid to the honourable (the Chief Justice's name) of the Chief Justice of the High Court of Manipur for the time being for which payment we do hereby bind ourselves, and each and every one of us binds himself for the whole, our and each and every of our heirs, executors, and administrators, unto the said Hon'ble (the Chief Justice' name), his successors in office or assigns firmly by these presents. Sealed without seals dated the day of in the year 20...

The condition of the above-written obligation is such that if the above boundedAdministrator of the property and credits ofdeceased, do make or cause to be made a full and true inventory of all the estate of the said deceased, which has or shall come to the hands, possession or knowledge of..... the said or into the hands or possessions of any other person or persons, for..... and the same so made do exhibit or cause to be exhibited into the Registry of the said High Court, at or before the day of..... next ensuing or within such further time as the Court may from time to time appoint; and the same estate, and all other estate of the said deceased at the time of death, which, at any time after, shall come to the hands or

possessions of the said or of any other person or persons for do administer according to law, and further do make, or cause to be made, a true and just account of said administration at or before the day of which will be in the year one thousand nine hundred and or within such further time as the Court may from time to time appoint; and all the rest and residue of the said estate which shall be found remaining upon the said administration account, the same being first examined and allowed of by the said Court of Judicature, shall deliver and pay unto such person or persons respectively as shall be lawfully entitled to such residue, then his obligation to be void and of none effect, else to remain in full force and virtue.

Signed, sealed and delivered at in the presence of

Registrar

FORM NO. 8
(Rule 16)

Know all men by these presents that I (or we) and we.....Society Limited carrying on business at through (and hereinafter called the society) are held and firmly bound unto the Hon'ble (the Chief Justice's name) Chief Justice of the High Court of Manipur in the sum of Rupees..... of good and lawful money to be paid to the said honourable (the Chief Justice's name) or the Chief Justice of the said High Court for the time being for which payment(or we) the said do hereby bind myself/ourselves and each and every one of us bind himself for the whole of my / our and each and every of my/our heirs, executors and administrators, and we the society for ourselves and our successors, do bind and oblige ourselves for the whole unto the Hon'ble (the Chief Justice's name), his successors in office or assigns firmly by these presents and we the Society do hereby submit ourselves to the Jurisdiction of the said High Court. Sealed with the seal of the said and also with the seal of the said Society, dated the day of in the year20 The condition of the above written obligation is such that if the above bounden.

Administrator of the property and credits of deceased, do make or cause to be made a full and true inventory of all the estate of the said deceased, which has or shall come to the hands possession, or knowledge of him/them the said or into the hands or possession of any other person or persons, for him/them and the same so made do exhibit or cause to be exhibited into the Registry of the said High Court at or before the day of next ensuing or within such further time and the Court may from time to time appoint: and the same estate, and all other the estate of the said deceased at the time of his/her death, which at any time after shall come to the hands or possession of the said or of any other person or person for him/them do administer according to law : and further do make, or cause to be made, a true and just account of his/their said administration at or before the day of which will be in the year one thousand nine hundred and or within such further time as the High Court may from time to time appoint; and all the rest and residue of the said estate which shall be found remaining upon the said administration account, the same being first examined and allowed of by the said High Court shall deliver and pay unto such person or persons respectively as shall be lawfully entitled to residue: and if it shall hereafter appear that any last will and testament was made by

the said deceased, and the executor or executors therein named do exhibit the same in to the said High Court making request to have it allowed and approved accordingly; if the above bounden being thereunto required, do render and deliver the letters of administration to him/them granted (approbation of such testament being first had and made) in the said High Court, then this obligation to be void and of none effect else to remain in full force and virtue.

Signed, sealed and delivered at in the presence of

Registrar

FORM NO. 9
(Rule 16)

Know all men by these presents that I (or we) and we Society Limited carrying on business at through (and hereinafter called the society) and held and firmly bound unto the Hon'ble (the Chief Justice's name) the Chief Justice of the High court of Manipur in the sum of Rs.....of good and lawful money to be paid to the said Hon'ble (the Chief Justice's name) of the Chief Justice of the said High Court for the time being for which payment well and true and by to be made I (or we) the said hereby bind myself/ourselves and each and every one of us binds himself for the whole my/our heirs, executors and administrators, and we the society for ourselves and our successors, do bind and oblige ourselves for the whole unto the Hon'ble(the Chief Justice's name), his successors in office or assigns firmly by these presents and wethe society do hereby submit ourselves to the jurisdiction of the said High Court sealed with the seal of the said and also with the seal of the said society, dated the day of.....in the year 20...

The condition of the above written obligation is such that if the above bounded Administrator of the property and credits of..... deceased, do make or cause to be made a full and true inventory of all the estate of the said deceased, which has or shall come to the hands, possession or knowledge of him/them the said or into the hands or possession of any other persons or persons, for him/them and the same so made to exhibit or cause to be exhibited into the Registry of the said High Court, at or before the day of next ensuing or within such further time as the said High Court may from time to time appoint: and the same estate, and all the other estate of the said deceased at the time of his/her death, which at any time after shall come to the hands to administer according to law: and further to make, or cause to be made a true and just account of his/their said administration at or before the day of which will be in the year 20. or within such further time as the said High Court may from time totime appoint: and all the rest and residue of the said estate which shall be found remaining upon the said administration account, the same being first examined and allowed of by the said High Court, shall deliver and pay unto such person or persons respectively as shall be lawfully entitled to such residue, then this obligation to be void and of none effect, else to remain in full force and virtue.

Signed, sealed and delivered at in the presence of

Yours faithfully,

Registrar

FORM NO.10

(Rule 17)

From,

The Registrar
High Court of Manipur
Dated, Imphal, the of 20

Sir,

Letter to accompany Bond of Guarantee Society.

It is proposed that the Assurance Co. Ltd. should stand surety for the administration in the above estate to the amount of Rs. I send herewith a Bond No. for signature.

I shall feel obliged if you will inform me whether the signatory of the bond or if more than one, then one each of the signatories is the authorised agent of the..... Insurance Company, for the purpose of executing the proposed bond for Rs. as it is only on that assumption that the bond is accepted.

Yours faithfully,

Registrar

FORM NO. 11

(Rule 17)

From,

The Registrar
High Court of Manipur
Imphal, the of 20

Sir,

Reply of Guarantee Society's Agent.

We return herewith the Bond Noand in reply to your enquiry, we have to state that its signature is duly authorised.

Yours faithfully,

FORM NO. 12

(Rule 24)

IN THE HIGH COURT OF MANIPUR AT IMPHAL IN MANIPUR
Testamentary and Intestate Jurisdiction

In the matter of

The petition of late of.....inhabitant deceased, petitioner

(name, address, description and occupation) Caveator.

To,

The Registrar

Sir,

Let nothing be done in the matter of the estate of the above named late ofdeceased, who died at on or about the day of..... without the notice to the above-named caveator.

Dated: this day of 20.....

Yours faithfully,

Attorney for the Caveator

FORM NO. 13

(Rule 24)

IN THE HIGH COURT OF MANIPUR AT IMPHAL
Testamentary and Intestate Jurisdiction

Re-

Deceased

Petitioner

To,

Attorney for the petitioner,
Notice of a Caveat

Take notice that on the day of caveat was filed in any office in the above petition by

High Court of Manipur

Yours faithfully,

Registrar

Registrar's Office

The day of 20

FORM NO. 14

(Rule 28)

IN THE HIGH COURT OF MANIPUR
Testamentary and Intestate Jurisdiction

In the goods ofDeceased.

To,

Attorney for the petitioner forin the above goods.

Sir,

Notice of affidavit in support of caveat. – Please take notice that on the day of an affidavit in support of the caveat in the above goods was filed in the Registrar’s office by me on behalf of (name, description and address of the caveator) the caveator.

Yours faithfully,
(Signature)
Attorney for the Caveator
(Date)

FORM NO. 15

(Rule 28)

IN THE HIGH COURT OF MANIPUR AT IMPHAL
Testamentary and Intestate Jurisdiction
In the Goods of Deceased

Upon reading on the part of of No. in the town of sole executor named in the alleged last will and testament of the deceased above named his petition for probate in the above goods and the exhibits annexed thereto and marked respectively. A. B. and C, (the said Exhibit A, being the alleged original English will) and an affidavit of the said affirmed on the day of and affidavit of affirmed on the day of and an affidavit of affirmed on theday of all filed on the day of and an affidavit of the said affirmed and filed on the day of and, upon reading on filed the day of and upon hearing Mr. advocate for the said and Mr. advocate for the said caveator. It is ordered that this matter be set down as a contentious cause (the said of No.in the town of..... the sole executor named in the said alleged last will and testament of the deceased above named being the plaintiff and of No. in the town being the defendant) and it is further ordered that the said petition for the probate filed on the day of be numbered and registered and be deemed as a plaint filed against the said and the affidavit of the said filed on the day of be deemed as his written statement. And it is further ordered that the costs of and incidental to this application be and the same are hereby reserved.

Witness, etc.
This day of 20.....
Attorney.
Attorney.

Registrar

APPENDIX – 9

THE FAMILY COURTS (HIGH COURT OF MANIPUR) RULES, 2019

In exercise of the powers conferred by Section 21 of the Family Courts Act 1984 (Central Act No. 66 of 1984) and all enabling provisions in that behalf, the High Court of Manipur hereby makes and prescribes the following rules to regulate the proceedings of the Family Courts in the State of Manipur

RULES

1. a) **Short Title:** These rules may be called the High Court of Manipur Family Courts (Court) Rules 2019.
 - b) **Commencement:** These rules shall come into force on such date as the High Court may by notification in the official gazette appoint in this behalf.
 - c) **Application:** These rules shall apply to the Family Courts established in the State of Manipur under Section 3 of the Family Courts Act, 1984.
 2. **Definitions:** In these rules, unless the context otherwise requires
 - (a) ‘Act’ means the Family Courts Act, 1984
 - (b) ‘Centre’ means a counselling centre
 - (c) ‘Counsellor’ means a person referred to in Section 6 of the Act
 - (d) ‘Court’ means the Family Court established under Section 3 of the Act
 - (e) ‘High Court’ means the High Court of Manipur
 - (f) ‘Institution’ means any institution or organisation engaged in social welfare.
 - (g) ‘Petition’ shall include an application under Chapter IX of the Criminal Procedure Code, unless the subject matter or context requires otherwise
 - (g) All other words and expressions used but not defined in these rules and defined in the Act, or in the Code of Civil Procedure 1908 or in the Code of Criminal Procedure, 1973, shall have the meaning respectively assigned to them in the Act, or, as the case may be, in the Code of Civil Procedure, 1908 or in the Code of Criminal Procedure, 1973
- 2. Working hours:**
- (i) The office of the Family Court shall be open daily, except on authorised holidays, for transaction of office work between 10.00 a.m. and 5.00p.m.
 - (ii) The Judges of the Family Court shall ordinarily sit in the Court between 10.30 a.m. - 4.30 p.m. on working days of the Family Court with a recess between 1.00 p.m. - 1.30 p.m.
 - (iii) The Judges may, for expedience, hold proceedings of the Court beyond the working hours as prescribed in sub-rule (ii) above, and even on holidays.

Provided no such proceedings shall be held under sub-rule(iii) except with the consent of the parties to the proceedings.

- (iv) The Family Court shall hold its sitting in open or in camera as determined by it in each case, but shall hold the proceedings in camera if either party so desires.
 - (v) No act of the Family Court shall be invalid by reason of holding or continuing its sitting at any place of its choice or on any holiday or outside normal working hours, when such sitting is informed to the parties in advance.
4. **Place of Sitting:** The Judge of the Family Court may hold sitting at places other than the ordinary place of sitting in consultation with the parties to the proceedings; the provision of the Legal Aid Scheme may be invoked in appropriate cases in the proceedings under the Act.
5. **Institution of Proceedings:**
- (a) All proceedings instituted before a Family Court shall be by way of an application as per Form No.1 appended to these rules which should be duly verified by the petitioner. Interlocutory application in the proceeding to be instituted or already instituted shall be filed in Form No.2 after being duly verified by the applicant. The petition in Form No.1 or the interlocutory application in Form No.2 can be in any language falling in schedule VIII to the Constitution.
 - (b) There shall be no Court fee or any other fee in respect of any petition on any interlocutory application filed before the Family Court.
 - (c) In respect of an application under Section 125 of Cr.P.C. or other applications under Chapter IX of the Criminal Procedure Code, the provisions of that Code shall apply.
 - (d) The application may be filed before Family Court as permitted under any law which also includes provisions contained in the following laws viz.
 - i) Chapter IX of the Criminal Procedure Code 1973 (2 of 1974)
 - ii) Hindu Marriage Act, 1955 (25 of 1955)
 - iii) Maintenance under the Hindu Adoptions and Maintenance Act,1956 (78 of 1956)
 - iv) Guardianship of the person or custody of or access to any minor under the Hindu Minority and Guardianship Act, 1956 (32 of 1956)
 - v) Dowry Prohibition Act, 1961 (28 of 1961) for an order for an injunction in circumstances arising out of the marital relationship
 - vi) Hindu Marriages (Validation of Proceedings) Act, 1960 (19 of 1960)
 - vii) Personal law applicable to Muslims including:

- a) Muslim Personal Law (Shariat) Application Act, 1937 (26 of 1937)
 - b) Dissolution of Muslim Marriages Act, 1939 (8 of 1939)
 - c) Muslim Women (Protection of Rights on Divorce) Act, 1986 (25 of 1986)
 - viii) Parsi Marriage and Divorce Act 1936 (3 of 1936) which can be instituted or taken out before the Parsi District Matrimonial Courts constituted under Sections 18 and 20 of the said Act
 - ix) Indian Christian Marriage Act, 1872 (15 of 1872)
 - x) Indian Divorce Act, 1869 as amended in 2002
 - xi) Special Marriage Act, 1954 (43 of 1954)
 - xii) Child Marriage Restraint Act, 1929 (19 of 1929)
 - xiii) Anand Marriage Act, 1909 (7 of 1909)
 - xiv) Arya Marriage Validation Act, 1937 (19 of 1937)
 - xv) Foreign Marriage Act, 1969 (33 of 1969)
 - xvi) Suits or proceedings relating to Part B States Marriages Validating Act, 1952 (1 of 1952)
 - xvii) Guardians and Wards Act, 1890 (8 of 1890)
6. **Filing of Petition:** A petition or any other application shall be filed with two copies signed by the parties along with as many copies to be sent to all the respondents by an officer designated for this purpose. One copy of such petition or application shall be forwarded by the designated officer of the Family Court to the Counsellor forthwith.
7. **Notice to Respondent:** Notice of the proceeding including interlocutory applications, shall be issued in Form No. 3 appended to these rules along with a copy of the petition or the application as the case may be. In respect of matter under Chapter IX of the Criminal Procedure Code the summons to appear and answer shall be in Form No. 4.
8. **Name and address of the party or of the representative to be stated in every process:** The name and address of a party or of the representative appearing for a party shall be stated in every notice, summons, witness summons, interim application, warrant and every process of the Court issued at the instance of such party or representative.
9. **Notice, Summons, etc. how attested and signed:** All notices, summons, rules, orders, warrants and other mandatory processes shall be sealed with the seal of the Court and shall be signed by the designated officer of the Court.

10. **Returnable date of notice, summons:** Unless otherwise ordered, the notice, summons shall be made returnable three weeks after the date of filing of the petition, if the respondent resides within the local limits of the Court, and five weeks after the date of the filing of the petition, if the respondent resides outside the said limits.
11. **Mode of service of notice, summons**
 - (a) The notice, summons shall be served in the manner prescribed in the Code of Civil Procedure, save and except in proceedings under Chapter IX of the Criminal Procedure Code where the provisions of that Code will apply. Along with the notice, summons, a copy of the petition and exhibits annexed thereto shall be sent.
 - (b) In addition to the normal process of service by the Court, the applicant will be at liberty to serve upon the respondent, the notices, summons of the court along with copy of the petition and exhibits either through person or through other recognisable mode of service including registered post and shall file affidavit of service upon the respondent.
12. **Proof of service of summons:** It has to be shown either by affidavit or application or other evidence that the notices, summons were served upon the respondents.
13. **Substituted service:** In case of failure to serve by normal process, the Court on an oral/written application of the applicant, may direct for serving upon the respondents by substituted mode, i.e. through pasting, publication in the newspaper, etc., and applicant shall file the affidavit stating as to the mode adopted for service of summons.
14. **Copy of petition to be furnished to the respondent:** The applicant shall furnish the complete copy with all exhibits to the respondent who asks for the copy on the ground that he has not received the copy of the petition or that he has not received a complete copy.
15. The provisions under Order 1 of Civil Procedure Code for an addition of a necessary party or a proper party shall be applicable to a proceeding before the Family Court.
16. Proceedings before the Court shall be taken up in the presence of the parties, and a legal practitioner shall be allowed to appear only as amicus curiae if the court finds it necessary in the interest of justice.
17. **Directions on the returnable date:** On the returnable date of the notice, summons, the petition shall be placed for directions before a Judge of the Family Court. On that day, the designated counsellor shall attend the court of the Judge giving directions. The Judge shall, in consultation with the counsellor, direct the parties to attend a specified counsellor for the purpose of counselling. The Judge shall fix a specified date by which the counsellor shall file a memorandum setting out the outcome of the proceedings before him. On that day the court will pass further orders and directions as it deems fit and proper.
18. **Role of the counsellor:** The counsellor appointed to counsel the parties shall fix the time and date of appointment. The parties shall be bound to attend the counsellor on the date and at the time so fixed.

If either of the parties fails to attend the counsellor on the date and time so fixed, the counsellor may fix another date and shall communicate the same to the absentee party by registered post. In case of default by either of the parties on the adjourned date, the counsellor shall submit a report to the court and on receipt of such report, the court may proceed with the matter without prejudice to other powers of the Court to take action against the defaulting parties.

The counsellor entrusted with any petition on appearance of the parties before her/him shall assist and advise the parties regarding the settlement of the subject matter of dispute and shall endeavour to help the parties in arriving at conciliation.

The counsellor may, in discharge of her/his duties, visit the home of either of the parties and interview the relatives, friends and acquaintances of either of the parties;

The counsellor in discharge of her/his duties may also seek such information as she/he deems fit from the employer of either of the parties and such requisition for information shall be made through the Court.

The counsellor may take the assistance of any organisation, institution or agency in discharge of her/his duties.

The counsellor shall submit a report to the court as and when called for to assist the court in deciding the case in hand. The report may, inter alia contain the following points:

- a) Living environment of the parties concerned
- b) Personalities
- c) Relationship
- d) Income and standard of living
- e) Educational status of the parties
- f) Status in society
- g) Counsellor's findings

The counsellor may also supervise the child/children if and when called upon by the court.

19. **Confidentiality of information:** Information gathered by the counsellor or any statement made before the counsellor or any notes or report prepared by the counsellor shall be treated as confidential and the counsellor shall not be called upon to disclose such information, statement, notes or report to any court except with the consent of both the parties.

20. **Efforts for arriving at settlement:**

- (1) Every Family Court shall maintain separate lists of:

- (a) Institutions and organisations engaged in social welfare together with names and addresses of representatives of such institutions or organisations;
- (b) Persons professionally engaged in promoting the welfare of the family with their addresses;
- (c) Persons working in the field of social welfare with their addresses.

Report from institution, organisation etc. (1) A Family Court may call for report as regards efforts made or to be made by the institution, organisation or persons referred to in Section 5 of the Act:

Provided that where efforts for amicable settlement are continuing or are deferred, the Family Court may require the institution, organisation or person to submit before it an interim report.

- 21. When the parties arrive at a settlement before the counsellor relating to the dispute or any part thereof such settlement shall be reduced into writing and shall be signed by the parties and countersigned by the counsellor.

HEARING OF PETITIONS IN COURT

- 22. **Adjournment by the Court:** The petition so fixed shall not be adjourned by the Court unless there are circumstances justifying such adjournment and to meet the ends of justice. The Court shall record its reasons for adjourning a matter.
- 23. **Memorandum of evidence:** The Court shall record only the substance of what the witness deposes and prepare a memorandum accordingly which shall be read and explained to the witness and the memorandum of the said substance recorded by the Court shall be signed by the witness and the presiding officer of the court and shall form part of the record. The evidence taken on affidavit, if any, shall also form part of the record of the court. The Judgment shall contain a concise statement of the case, the point for determination, the decision thereon and the reasons for such decision.
- 24. The Court shall furnish to the parties to the proceedings a copy of the judgement certified to be a true copy free of cost.
- 25. Appeal under Section 19(1) of the Act shall be in the manner of appeals against the original decree or order in civil proceedings, but there shall be no court fee payable for the appeal.
- 26. The rules framed under the Guardians and Wards Act, 1890 by the High Court and published in Official Gazette, Government of Manipur shall be applicable in matters relating to Guardians and Wards Act, 1890 to the extent they are not inconsistent with the provisions of the Act or the Rules framed thereunder.
- 27. **Application for guardianship:** All petitions for guardianship other than applications over which the High Court has jurisdiction, shall be filed before the Family Court.

28. **Contents of the application:** Every petition for guardianship when it is by a person other than the natural parent or natural guardian of the child shall be accompanied by a home study report of the person asking for such guardianship and his/her spouse, if any. Such report shall be prepared by an approved association of social welfare agencies, etc. or a suitably trained social worker, from the list of agencies and/or persons for the purpose of their association with the court, approved by the Government in the rule made under Section 5 of the Act, in consultation with the High Court.
29. In case of a child placed in guardianship, the court may, at any time direct a counsellor attached to the court to supervise the placement of the child and submit a report thereon to the court in such manner as the Court may deem fit.
30. A child study report of the child proposed to be taken in guardianship together with a photograph of the child should also be filed in all petitions for guardianship, as required under Rule 23 of the Rules framed under the Guardian and Wards Act, 1890. Such report shall be in a particular Form prescribed by the court when the child is institutionalised (or court committed). The report shall be countersigned by the petitioner.
31. A proceeding before the Family Court shall not become invalid by reason only of non-compliance with any of the procedural requirements prescribed herein.

INTERIM APPLICATIONS

32. Interim applications: All interim applications to the Court shall be separately numbered as 'Interim Application No. _____'. In Petition No. _____.
33. Interim application while matter is pending before Counsellor: An interim application may be made even while the matter is pending before a counsellor.
34. Report from the counsellor: The Court may ask the counsellor to submit an interim report for the purposes of such an application before deciding an interim application. The Family Court Rules, 2002 relating to reports to be submitted by counsellors, shall mutatis mutandis apply to interim reports also.
35. Officers: The High Court may authorise and empower judge of the Family Court, or if, there be more judges than one in a Family Court, the principal judge of such court, to appoint so many and such clerks and other ministerial officers as may be necessary for the administration of justice and due execution of all powers and authorities exercisable by a Family Court:

Provided that the appointments of officers and ministerial staff shall be subject to any rules or restrictions as may be prescribed or imposed under the Act.
36. The proceedings before the court shall be heard and disposed of as expeditiously as possible, preferably within 3 months, and in achieving this objective the rules or procedure may not be rigidly adhered to.
37. Control of High Court: Every Principal Judge, and judge of Family Court shall be under administrative and disciplinary control of the High Court.

38. Power of High Court to transfer judges, officers, etc. : Without prejudice to the administrative and disciplinary control of the High Court under Rule 12, such court or a judge thereof authorised under general or special order in this behalf by such court, may where it is considered necessary or expedient so to do, transfer any Principal Judge, Additional Judge, Judges, or any officer or Ministerial official of one Family Court to another Family Court in this State or retransfer such Principal Judge, Additional Judge, Judge, officer or ministerial official, as the case may be and every such Principal Judge, Additional Judge or Judge, officer or ministerial official shall comply.
39. Power of High Court to issue directions: For carrying out the purposes of the Act and for ensuring the uniformity of practice to be observed by Family Courts and for expeditious disposal, the High Court may from time to time, supervise and inspect the Family Courts and issue directions/circulars etc. to the Family Courts.
40. Judge not to try a case in which he is interested: No Judge shall hear or decide any case to which he is a party or in which he/she is personally interested.
41. The Family Courts may use such forms and containing such particulars as may be approved by the High Court.
42. Powers to call for information etc. : The High Court may require Family Courts to maintain such registers and records and containing such particulars as may be approved by the High Court.

Appendix-II

MODEL FORMS

FORM NO. 1

IN THE FAMILY COURT OF _____

PETITION NO. _____

Between

Mrs./Mr. _____

W/o or S/o _____

Age _____ Occupation _____

Present address _____

Permanent address/residence _____ petitioner

And

Mrs./Mr. _____

W/o or S/o _____

Age _____ Occupation _____

Present address _____

Permanent address/residence _____ Respondent

Petition under Section _____ for _____

The above named petitioner respectfully submits as under:

1. That the petitioner and respondent are legally married _____

& _____. Their marriage was solemnized on _____ at _____ according to _____ customs. After the marriage both the petitioner and respondent had been living/lived together as husband and wife at _____. Out of the wedlock the couple was blessed with the child aged _____ named _____ and another child aged _____ named _____.

2. The petitioner submits that (give the grievance of the petitioner against the respondent with full particulars)

(a)

(b)

3. This petition is not presented in collusion with the respondent and there is no unnecessary or improper delay in institution of these proceedings.

4. Cause of action for the petition arose on (date) when the marriage of the petitioner with the respondent was performed. It also arose on several occasions when the respondent behaved and committed _____.

5. The petitioner and the respondent both last lived together at _____ (or where the marriage took place (or where the respondent at the time of presentation of the petition resided)) which is within the territorial jurisdiction of this Hon'ble Court.

PRAYER

6. The petitioner therefore prays that this court may be pleased to pass an order directing _____.

Place:

Date:

Petitioner

Verification :

I, _____ Daughter/Son of _____ aged

_____ resident of _____ do hereby declare that the above facts stated in the petition are true and correct to the best of my knowledge, information and belief.

Hence, verified on this the _____ day of the month _____.

Petitioner

FORM NO. 2

IN THE FAMILY COURT OF _____

Interlocutory Application No. _____

In

PETITION NO. _____

Between

Mrs./Mr. _____

W/o or S/o _____

Age _____ Occupation _____
Present address _____
Permanent address/residence _____ petitioner

And

Mrs./Mr. _____
W/o or S/o _____
Age _____ Occupation _____
Present address _____
Permanent address/residence _____ Respondent
Interlocutory Application under Section _____ for _____

The above named petitioner respectfully submits as under :

1. That the petitioner and respondent are legally married _____ & _____. Their marriage was solemnized on _____ at _____ according to _____ customs. After the marriage both the petitioner and respondent had been living/lived together as husband and wife at _____. Out of the wedlock the couple was blessed with the child aged _____ named _____ and another child aged _____ named _____.
2. The petitioner submits that (give the grievance of the petitioner against the respondent with full particulars)
 - (a)
 - (b)

PRAYER

The Petitioner therefore prays that this court may be pleased to pass an order directing _____.

Place:

Date:

Petitioner

Verification:

I, _____ Daughter/Son of _____ aged

_____ resident of _____ do hereby declare that the above facts stated in the petition are true and correct to the best of my knowledge, information and belief.

Hence, verified on this the _____ day of the month _____.

Petitioner

FORM NO. 3

IN THE FAMILY COURT AT _____

Petition No. _____ of _____

Petitioner

versus

Respondent

Whereas the above-named petitioner has instituted a petition against you, as set out in the petition (annexed with the petition & annexure).

And whereas the petition will be placed for directions on _____ day of _____

You are hereby summoned to appear before the Family Court to answer the petitioner's claim on the said _____ day of _____ at _____ O'clock and

Take notice that on the day mentioned before, after hearing parties who appear, directions will be given by the Judge as to the date of hearing before a counsellor of the family court and other matters concerning the petition, and

Take further notice that if you fail to appear before the Judge on the day the petition may be ordered to be set down on Board on the same day or any subsequent day as "undefended" and you will be liable to have a decree or order passed against you.

Witness _____ Judge at _____, aforesaid this _____ day of _____

Sheristadar

FORM NO. 4

IN THE FAMILY COURT OF _____

PETITION NO. _____

Between

Mrs./Mr. _____

W/o or S/o _____

Age _____ Occupation _____

Present address _____

Permanent address/residence _____ petitioner

And

Mrs./Mr. _____

W/o or S/o _____

Age _____ Occupation _____

Present address _____

Permanent address/residence _____ Respondent

Petition for maintenance under Section 125 of Criminal Procedure Code.

The above named petitioner respectfully submits as under :

1. That the petitioner and respondent are legally married _____ & _____ . Their marriage was solemnized on _____ at _____ according to _____ customs. After the marriage both the petitioner and the respondent had been living/lived together as husband and wife at _____. Out of the wedlock the couple was blessed with the child aged _____ named _____ and another child aged _____ named _____.
2. The Petitioner submits that (give the grievance of the petitioner against the respondent with full particulars)
 - (a)
 - (b)

2. Petitioner has no independent resources/limited resources to maintain herself and her minor children. She is presently dependent upon her parents, who have their own expenses and may not be in a position to support the petitioner for long period.
3. That the petitioner on _____ called upon the respondent to provide money for maintenance for herself and her minor children but as yet no amount towards maintenance has been received from the respondent.
5. That the respondent is a person with means and has the following property, monthly income etc.
 - (a)
 - (b)
 - (c)
6. In the circumstances stated above there is no alternative for the petitioner and her minor children but to approach this court for maintenance.

PRAYER

The Petitioner therefore, prays that this court may be pleased to pass an order directing the respondent to pay Rs. _____ towards maintenance of the petitioner and Rs. _____ towards maintenance of the minor children.

Place:

Date:

Petitioner

APPENDIX – 10

THE HINDU MARRIAGE (HIGH COURT OF MANIPUR) RULES, 2019

HIGH COURT OF MANIPUR RULES TO REGULATE THE PROCEDURE UNDER THE HINDU MARRIAGE ACT, 1955

Notification No. HC.

In exercise of the powers conferred by Sections 14 and 21 of the Hindu Marriage Act, 1955 (Act No. XXV of 1955) with all these amendments up to date, the High Court of Manipur is pleased to make the following rules for regulating the proceedings under the said Act.

1. **Short title:** These rules may be called the Hindu Marriage (High Court of Manipur) Rules, 2019.
2. **Commencement:** These Rules shall take effect from the date of their publication in the Manipur Gazette.
3. **Definitions:** Notwithstanding anything contained contrary in the subject or context, in these rules :

- (i) "Act" means the Hindu Marriage Act, 1955 (Central Act No. XXV of 1955) with all its up to date amendments.
- (ii) "Court" means the District Court as mentioned in Section 3(6) of the Act.
- (iii) "Code" means the Civil Procedure Code, 1908 as amended from time to time.
- (iv) "Section" and "sub-section" means section and sub-section of the Act respectively.
- (v) All terms and expressions used in these rules shall carry the same meaning as assigned to them in the Act.

4. Petition :

(i) Every petition under the Act shall be accompanied by either certified extract from Hindu Marriage Register maintained as per Section 8 of the Act where the marriage is registered under the Act, in the absence of the same, an affidavit to the effect that the marriage was solemnised between the spouses under the Hindu rites and rituals.

[(ii) Every petition for divorce on either of the grounds mentioned in clauses (i) and (ii) of sub-section (1-A) of Section 13 of the Act shall be accompanied by certified copy of the decree of judicial separation or for restitution of conjugal rights as the case may be.]².

5. **Initiation of proceedings:** All proceedings under the Act shall be initiated by petition viz.....

- (i) Under Section 9 for restitution of conjugal rights.
- (ii) Under Section 10(1) and 10(2) for Judicial separation and for rescinding a decree for Judicial separation.
- (iii) Under Sections 11 and 12 of the Act for nullifying a marriage.
- (iv) Under Section 13 and Section 13(b) for a decree of divorce and for decree of divorce by mutual consent respectively.
- (v) Under Section 14 for leave to present a petition for divorce before the expiration of any year from the date of marriage.
- (vi) Under Section 26 for making, revoking, suspending or varying orders and provisions previously made with respect to the custody, maintenance and education of minor children belonging to the spouse to the proceeding.

Note - In case of (v) and (vi) the petitions should be supported by an affidavit as per provision of civil procedure code.

6. **Petition by or against a person suffering from mental disorder:** A person suffering from mental disorder in any proceeding under the Act shall be treated in all respect and for purpose as a person of unsound mind as contemplated under Order XXXII of the Code.

7. **Contents of petition:** In addition to the particulars required under Order VII Rule 1 of the Code and Section 20(1) of the Act, every petition for Judicial separation, nullity of marriage and divorce under Sections 9 and 13 of the Act shall contain the following particulars :

- (h) The place and date of marriage
- (ii) Whether the spouses were Hindus by religion at the time of marriage and whether they continue to be so till the date of filing of the petition.
- (iii) the name, status, domicile of the spouses before the marriage/after the marriage and at the time of presenting the petition.
- (iv) The principal permanent address where the parties reside at the time of presenting the petition together with the addresses where they last resided together.
- (v) The name of the children, of the marriage, if any, their sex and their dates of birth or ages.
- (vi) If there was any prior proceeding under the Act between the parties, full particulars thereof.
- (vii) If the relief is sought on the ground of matrimonial offence, or offence on other grounds, the time and place of the acts or facts alleged with sufficient material particularly but not in the evidence by which they are intended to be proved such as
 - (a) for restitution of conjugal rights the date or time from which and the circumstances under, when the other spouse, i.e. the respondent had withdrawn from the society of the petitioner.
 - (b) for decree of nullity of marriage under Sections 12(1)(c) and 12(10)(d) the material particulars and circumstances of force or fraud and the facts with time of discovery of such force or fraud and the facts and where marital intercourse took place or not with the consent of the petitioner after the discovery of such facts.
 - (c) for a decree of judicial separation under Section 10(1) and divorce under Section 13(1)(i) on the ground that the other party had voluntary sexual intercourse with any person other than his or her spouse – the name, occupation and place of intercourse of such person or persons so far they can be ascertained and the specification of such acts of sexual intercourse as far as practicable.
 - (d) (i) for alleged desertion the date and time and the circumstances in which it started. (ii) for cruelty either mental or physical the specific acts or bundle of facts constituting cruelty specifying the place and occasion where and when such acts were committed.
 - (e) for unsoundness of mind or mental disorder-the nature of such mental condition and the time when it began to manifest itself and the curative steps taken with the period of treatment.

- (f) for virulent and incurable from leprosy or venereal diseases in communicable form- when such ailment began to manifest and the nature and the period of curative steps taken.
 - (g) for the relief on the grounds specified in Section 13(1)(vi), the date of renunciation and the particulars of the religious order which the other spouse has entered into.
 - (h) for the relief on the grounds specified in Section 13(1)(vii), the time and the place where the other spouse was last seen or heard of being alive and the steps taken, if any, to ascertain his or her whereabouts.
 - (i) for the relief on the grounds of rape or sodomy or bestiality the occasion, place and the names and address of the persons or the particulars of the beast involved in the commission of such acts. In case of a conviction or criminal proceedings for committing rape or sodomy, the particulars thereof;
 - (j) for relief under Section 13(2)(iii) of the Act, particulars of the decree under Section 18 of the Hindu Adoption and Maintenance Act, 1956 or order under Section 125 of the Criminal Procedure Code, 1973 (corresponding to Section 488 of the Cr.P.C. 1898) together with a further statement supported by affidavit that since the passing of such decree or order, cohabitation between the spouses has not been resumed for one year or upwards;
 - (k) for relief under Section 13(2)(iv) - the date of birth of the wife or the particulars showing the age of the wife at the time of the marriage together with the date or time and the place of repudiation with its mode :
- (viii) The particulars of the property as per mentioned in Section 27 of the Act.
- (ix) The relief of reliefs prayed for.

8. Necessary parties :

(a) In every petition for divorce or judicial separation on the ground that the other spouse/respondents are living in adultery or has committed adultery with any person after the solemnisation of the marriage, the petitioner shall make such adulterer or adulteress a co-respondent. The petitioner may, however, apply to the Court by an application supported by an affidavit for leave to dispense with the joinder of such person as a co-respondent on any of the following grounds:

- (i) that the name of such person is unknown to the petitioner although he made all efforts for discovery;
- (ii) that such person is dead;
- (iii) that the respondent being the wife is leading a life of a prostitute and that the petitioner knows of no person with whom adultery has been committed;

(iv) for any other sufficient reason that the court may deem fit to consider.

(b) In every petition under Section 13(2)(i) of the Act, the petitioner shall make "the other wife" mentioned in the Section a co-respondent.

(c) In every petition under Section 11 of the Act, the petitioner shall make the spouse alleged to be living at the time of marriage as Co-respondent if the relief is sought on contravention of Section 5(1) of the Act.

9. **Affidavit for non-collusion :** Every petition (Excepting petitions under Section 11) shall be accompanied by an affidavit to the effect that it is not presented or prosecuted in collusion with the respondent.

10. **Affidavit for non-condonation :** Where the relief is sought on the ground specified in Section 10(1) or under Section 13(1)(i) of the Act or where the ground is for cruelty, the petition shall be accompanied by an affidavit to the effect that the petitioner has not, in any manner, been accessory to or convicted of the act or acts complained of and that the petitioner has not condoned the act or acts complained of and has not condoned the cruelty.

11. **Affidavit of non-cohabitation :** Every petitioner under Section 13(1-A)(i) of the Act shall be accompanied by an affidavit made by the petitioner that there has been no resumption of cohabitation as between the parties to the marriage for a period of one year or more after the passing of a decree for judicial separation between the parties.

12. **Affidavit of non-restitution of conjugal right :** Every petition under Section 13(1)(ii) of the Act shall be accompanied by an affidavit made by the petitioner to the effect that there has been no restitution of conjugal rights between the parties to the marriage for a period of one year or more after the passing of a decree for conjugal rights between the parties.

13. **Affidavit for mutual consent of divorce :** Every petition filed jointly by the spouses under Section 13B(1) of the Act shall be accompanied by an affidavit sworn jointly by the spouse to the effect that they have been living separately for a period of one year and they have not been able to live together and that they have mutually agreed for dissolution of the marriage.

14. **Verification of the petition:** Every petition under the Act shall be verified in respect of the statements contained in the petition by the petitioner or some other competent person on behalf of the petitioner in the manner required by the Code.

15. **Application for leave under Section 14 of the Act :**

(1) The application for leave shall be filed accompanied by the original petition intended to be filed for divorce under the Act. In support of the application for leave under Section 14 of the Act there shall be filed an affidavit made by the petitioner setting out the particulars of exceptional hardship or exceptional depravity alleged, whether there was any previous application under the said section, whether there are living children of the marriage with particulars of their sex and custody, whether any attempts were made for reconciliation with it, result and any other circumstances which may assist the Court in deciding the question, whether there is a reasonable probability of a reconciliation between the parties.

(2) Notice of the application together with the original petition for divorce shall be served on the respondent who may contest the same by filing an affidavit in opposition.

(3) The leave matter may be decided on the basis of affidavit and counter affidavit. But in exceptional cases, the Court may, if necessary, order a deponent to be cross-examined on his or her affidavit.

(4) When the Court grants leave, the petition for divorce shall be deemed to be filed duly on the date of the said order provided proper Court Fee thereon is paid and other requirements fulfilled within the time allowed by the Court.

16. **Notice:** The Court shall issue notice to the respondent or co-respondent if any, being accompanied by a copy of the petition, requiring, unless the Court otherwise directs, the respondents or co-respondent to file his or her written statement in Court on or before the date fixed in the notice. Every petition and notice under the Act shall be served upon the party intended thereby in the manner provided for summons under Order V of the Code.

Provided that the Court may dispense with such service altogether if it deems necessary or expedient to do so.

17. **Written statement in answers to petition by respondents:** The provisions of Order VIII of the code shall apply mutatis mutandis of the written statement, if any, presented by the respondent in answer to the petition. Where a counterclaim is made in terms of Section 23-A of the Act it shall comply with the Rule applicable to petitions on the like grounds.

18. **Mode of taking evidence:** The witness in all proceedings before the Court where their attendance can be had, shall be examined orally and if any party may after himself or herself as a witness and shall be examined, cross-examined and re-examined like any other witness.

Provided that the parties shall be at liberty to verify the respective cases in whole or in part by affidavit, but the deponent in every such affidavit shall on the application of the opposite party or by direction of the Court be subject to be cross-examined by or on behalf of the opposite party, orally and after such cross-examination may be re-examined by or on behalf of the party by whom such affidavit was filed.

19. **Costs:** Unless otherwise directed by the Court, the cost of petition under the Act shall be the cost as taxed in a suit.

20. **Order as to costs:** The award of costs shall be within the discretion of the Court. Whenever in any petition any alleged adulterer or adulteress has been made a correspondent or any such party have been impleaded as per Section 23-A of the Act and the adultery has been established, the Court may order the correspondent or the party impleaded to pay the whole or any part of the cost of such proceedings:

Provided that the correspondent shall not be ordered to pay the costs :

(i) if the respondent was at the time of adultery living apart from her husband and leading the life of a prostitute.

(ii) if the correspondent has not, at the time of adultery, reason to believe the respondent to be a married person;

(iii) if the allegation of charge of adultery against the person impleaded under Section 23-A of the Act is found to be baseless or not proved, rather, in that case, the person making such allegation shall be asked to pay costs to the party impleaded.

21. **Application for alimony and maintenance :** Every application for maintenance pendente lite permanent alimony and maintenance or for custody, maintenance and education expenses of minor children shall be supported by an affidavit and shall state the average monthly income of the petitioner and the respondent, the source of their income, particulars of other movable and immovable property owned by the spouses jointly and severally, the details of their liability and dependents, if any, with the names and severally, if any, with the names and ages of such dependence.

22. **Supply of certified copy of the decree to the parties:**

(1) In every case where a marriage is dissolved by decree of the divorce; the Court passing the decree shall give a copy thereof free of cost to each of the parties as per Section 23(4) of the Act. The copy so supplied shall be authenticated as “true copy” by the Court passing the decree.

(2) A register shall be maintained in the Court where the particulars of the decree shall be incorporated and signatures of the parties or their advocates or agents shall be obtained and taken of their having received a copy of the decree.

APPENDIX – 11

SPECIAL MARRIAGE ACT RULES, 2019

**RULES TO REGULATE PROCEDURE UNDER THE
SPECIAL MARRIAGE ACT, 1954
(CENTRAL ACT NO. 43 OF 1954)**

Notification No.HC.

In exercise of the powers conferred by Section 41 of the Special Marriage Act, 1954 (Central Act No. 43 of 1954) and all other powers enabling in this behalf, the High Court of Manipur makes the following Rules, to regulate the proceedings under the said Act.

1. **Short title:** These rules may be called the Special Marriage Act Rules, 1988.
2. **Commencement:** These rules shall come into force from the date of their publication in the Gazette.
3. **Definition:** In these rules, unless there is anything repugnant in the subject or context:
 - (i) “Act” means the Special Marriage Act, 1954, as from time to time modified or amended.
 - (ii) “Code” means the Code of Civil Procedure, 1908 as from time to time modified or amended.

- (iii) "Court" means the Court mentioned in Section 2(e) of the Act.
- (iv) "Form" means a form prescribed in the Act or appended to these rules.
- (v) All other terms and expressions used herein but not defined shall have the meaning respectively assigned to them in the Act.

4. **Petitions to be accompanied by a Certificate of marriage :** Every petition made under the Act shall be accompanied by a certified copy of the certificate of marriage entered in the Marriage Certificate Book about the solemnization of the Marriage under the Act, unless the certificate is already on the record or is for sufficient cause, dispensed with by the Court.

5. **Forms of proceeding:** The following proceedings under the Act shall be initiated by petitions :

- (i) under Section 22 for restitution of conjugal rights;
- (ii) under sub-section (1) of Section 23 for judicial separation;
- (iii) under sub-section (2) of Section 23 for rescinding a decree for judicial separation;
- (iv) under sub-section (1) of Section 24 for declaring a marriage null and void;
- (v) under sub-section (2) of Section 24 for declaring the registration of a marriage to be of no effect;
- (vi) under Section 27 for annulment of marriage by a decree of nullity;
- (vii) under Section 27 for divorce;
- (viii) under Section 28 for divorce by mutual consent;
- (ix) under Section 38 for making, revoking, suspending or varying orders and provisions with respect to the custody, maintenance and education of minor children.

6. **Petition by or against a person suffering from mental disorder:** A person suffering from mental disorder will be treated in all respects as a person of unsound mind for the purpose of Order XXXII of the Code.

7. **Contents of petition:** In addition to the particulars required to be given under Order VII Rule I of the Code and Section 32 of the Act, every petition for Judicial separation, nullity of marriage or divorce shall contain the following particulars :

- (a) The place and date of marriage.
- (b) The name, status and domicile of the wife and the husband before the marriage and at the time of filing the petition.
- (c) The address where the parties to the marriage reside at the time of the presentation of the petition and last resided together.
- (d) Where the wife's petition invokes Section 21(2) of the Act, the address at which she has ordinarily resided during the three years immediately preceding the presentation of the petition, and the length of her residence at each address, and the place of residence of the husband.
- (e) The names of the children, if any of the marriage, their sex and their dates of birth or ages.

(f) If prior to the date of the petition there has been any proceeding under the act between the parties of the petition, full particulars thereof.

(g) the matrimonial offence or offences alleged or other grounds upon which therelief is sought, setting out with sufficient particularity the time and places of the acts alleged, and other facts relied upon, but not the evidence by which they are intended to be proved e.g.

:

(i) If the petition is for restitution of conjugal rights, the date on or from which and the circumstances under which the respondent withdrew from the society of the petitioner.

(ii) If the petition is under Section 25(ii) of the Act, whether the petitioner was, at the time of the marriage ignorant of the facts alleged and whether marital intercourse with the consent of the petitioner has taken place since the discovery by the petitioner of the existence of the grounds for a decree.

(iii) If the petition is under Section 25(iii) of the Act, the particulars of coercion or fraud and the circumstances in which coercion or fraud had been practised along with the time when the coercion ceased or the fraud was discovered and whether or not the petitioner has with his or her free consent lived with the other party to the marriage as husband and wife after the coercion had ceased or, as the case may be, the fraud had been discovered;

(iv) If the petitioner is for judicial separation/divorce on the ground of adultery, the name, occupation and place of residence of the adulterer/adulteress or adulterers/adulteresses, as the case may be, so far as they can be ascertained;

(v) If the petition is on the ground of desertion, the date and the circumstances in which it began;

(vi) If the petition is on the ground of cruelty, the specific acts of cruelty and the occasion when and the place where such acts were committed;

(vii) If the petition is on the ground of unsoundness of mind or mental disorder, the time when such unsoundness of mind or mental disorder began to manifest itself and the nature and the period of the curative steps taken;

(viii) If the petition is on the ground of venereal disease in a communicable form or leprosy, when such ailment began to manifest itself and the nature and the period of the curative steps taken;

(ix) If the petition is on the ground specified in clause (h) of Section 27 of the Act, the date and the place where the respondent was last seen or heard of alive and the steps, if any, taken to ascertain his or her whereabouts;

(x) If the petition is founded on the ground of bestiality the occasion when and the place where and the particulars of the beast with whom the husband is guilty of bestiality;

(xi) If the petition is for divorce under Section 27(IA)(ii) of the Act, the particulars of the decree under Section 18 of the Hindu Adoptions and Maintenance Act, 1956 or of order under Section 125 of the Code of Criminal Procedure, 1973 (or under the corresponding Section 488 of the Code of Criminal Procedure, 1898) together with an affidavit that since the passing of such decree or order, cohabitation between the parties had not been resumed for one year or upwards;

(xii) If the petition is under Section 28 of the Act, the date since when the parties have been living separately and whether, or not they have been able to live together and whether the mutual agreement dissolving the marriage is verbal or evidenced by a document in writing.

(h) Every petition under Chapter V or Chapter VI of the Act shall state that there is no collusion between the petitioner and the other party to the marriage.

(i) The claim for damages, if any, with particulars.

(j) The relief or reliefs prayed for.

8. **Affidavit of non-collusion:** Every petition under Chapter V or Chapter VI of the Act shall be accompanied by an affidavit to the effect that it is not presented in collusion with the Respondent. If the petition is founded on the ground specified in clause (a) of sub-Section (1) of Section 27, it will also state that the petitioner has not in any manner been an accessory to connive at the acts or acts of sexual intercourse complained of.

9. **Affidavit of non-condonation :** Where the petition is founded on the ground specified in clause (a) of sub-Section (1) of Section 27 of the Act or where ground of the petition is cruelty, the petition shall be accompanied by an affidavit to the effect that the petitioner has not condoned that act or acts complained of or has not in any manner condoned the cruelty.

10. **Affidavit in the petition on the ground of mutual consent:** Where divorce is sought on the ground of mutual consent, the petition shall be accompanied by an affidavit to the effect that such consent has not been obtained by force, fraud or undue influence.

11. **Affidavit of non-cohabitation :** Every petition under Section 27(2)(1) shall be accompanied by an affidavit made by the petitioner that there has been no resumption of cohabitation as between the parties to the marriage for a period of one year or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties.

12. **Affidavit of non-restitution of conjugal rights :** Every petition under Section 27(2)(ii) shall be accompanied by an affidavit made by the petitioner of the facts that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upwards after the passing of decree for restitution of conjugal rights in the proceeding to which they were parties.

13. **Necessary parties :**

(a) In every petition for divorce/judicial separation on the ground that the respondent has, after the solemnization of the marriage, had voluntary sexual intercourse with any person other than his or her spouse, the petitioner shall make together the alleged adulterer or adulteress as a co-respondent to the petition. The petitioner may, however,

apply to the Court on application supported by an affidavit, for leave to dispense with the joinder of such person as a co-respondent on any of the following grounds :

- (i) That the name of such person is unknown to the petitioner although he/she has made due efforts for discovery;
- (ii) That such person is dead;
- (iii) That the respondent being the wife is leading a life of a prostitute and that the petitioner knows of no person with whom voluntary sexual intercourse has been committed, or
- (iv) Any other reason that the court considers sufficient.

(b) In every petition under Section 24 of the Act on the ground that the condition specified in clause (a) of Section 4 has not been fulfilled, the petitioner shall make the spouse, alleged to be living at the time of marriage, a co-respondent.

14. Application for leave under Section 29 of the Act :

(1) In support of an application for leave under Section 29 of the Act there shall be filed an affidavit by the applicant stating the grounds on which the application is made, particulars of the exceptional hardship or exceptional depravity alleged, whether there has been any previous application under the said section, whether there are any living children of the marriage, and if so, the names and dates of birth or ages of such children, their sex, where and with whom they are residing, whether any, and if so, what attempts have been made and any circumstances which may assist the Court to determine whether there is a reasonable probability of reconciliation between the parties.

(2) Notice of the application shall be given to the respondent who may contest the same by filing an affidavit in opposition.

(3) In exceptional circumstances, the Court may, if necessary, order a deponent to be cross-examined on his or her affidavit.

(4) The application shall be accompanied by the petition intended to be filed.

(5) When the Court grants leave, the petition shall be deemed to have been duly filed on the date of the said order provided Court fee thereon is paid within the time allowed by the Court.

15. Notices: The Court shall issue notice in Form "A" accompanied with a copy of petition to the respondent and the co-respondent if any. The notice shall be required unless the Court otherwise directs, the respondent or co-respondent to file his or her written statement in Court on or before the date fixed in the notice.

16. Counterclaim: Where a counterclaim is made in terms of Section 23-A it shall comply with the Rules applicable to petitions on the like grounds.

17. Damages and costs against co-respondent :

(1) Whenever in any petition presented by a husband, the person alleged to have committed adultery has been made a co-respondent and the charge of adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings:

Provided that the co-respondent shall not be ordered to pay the petitioners costs:

(a) if the respondent was, at the time of adultery living apart from her husband and was leading the life of a prostitute, or

(b) if the co-respondent had not, at the time of voluntary sexual intercourse, reason to believe the respondent to be a married woman.

(2) The award of costs shall be in the discretion of the Court and the Court shall make an order of the same while passing decree.

(3) Whereas damages are claimed, the Court shall assess the same and direct in what manner the damages if any, awarded shall be paid or applied.

(4) The Court may assess damages and make an order for payment thereof or of costs notwithstanding that the respondent or the co-respondent or both of them have remained ex-parte.

18. Application for alimony and maintenance : Every application for maintenance pendente lite, permanent alimony and maintenance or for custody, maintenance and education expenses of minor children shall be supported by an affidavit and shall state the average monthly income of the petitioner and the respondent, the sources of their income, particulars of other movable and immovable property owned by them jointly or severally, the details of their liabilities, if any along with the number of their dependents if any, and the names and ages of such dependents.

19. Supply of certified copy of the decree of the parties :

(1) In every case where a marriage is dissolved by a decree or divorce, the Court passing the decree shall give a copy thereof free of cost to each of the parties. The copy so supplied shall be authenticated as "True Copy" by the Court passing the decree.

(2) The Court shall maintain a Register where the particulars of the decree shall be incorporated and signatures of the parties or their advocates or agents shall be obtained in token of their having received a true copy of the decree.

20. Forms: The forms given in the Appendix to these rules with such variations as the circumstances of each case may require, shall be used.

FORM "A"

Notice

In the District Court at

Matrimonial and Divorce Jurisdiction.

Case No

Date of Institution

..... Petitioner

-vs-

.....Respondent

Co-respondent

To,

.....
.....

Whereas has presented a petition application against you forunder Section of the Special Marriage Act, 1954 (No. 43 of 1954). (A copy of the said petition/application is sent herewith), you are hereby summoned to appear in this Court on the at 10.00 O'Clock in the forenoon to answer the duly instructed and be able to answer all material questions relating to the case, or who shall be accompanied by some other person able to answer all such questions or by an advocate similarly instructed or accompanied and you are directed to produce on that day all documents upon which you intend to rely in support of your defence. You should file an answer to the petition/application on the date mentioned above.

You are further informed that in default of your appearance on the day and in the manner above mentioned the petition/application will be heard and determined in your absence.

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

Date

By order
District Judge
At

FORM "B"

In the District Court at

..... Petitioner

-vs-

.....Respondent

Petition for restitution of conjugal rights under Section 22 of the Special Marriage Act, 1954 (Act of 1954).

The petitioner prays as follows :

1. A marriage was solemnized/registered between the parties, under Chapter II/III of the Act by Marriage Officer of on at

A certified copy of the certificate of the marriage is attached with the petition.

2. The status and place of residence of the parties to the marriage and before the marriage at the time of filing the petition were as follows :

	Husband		Wife	
	Status <u>Age</u>	Place of residence	Status <u>Age</u>	Place of residence
(i) Before marriage				
(ii) At the time of filing the petition				

(Whether a party is a Hindu by religion or not is a part of his for her status).

3. (In this paragraph state the names of the children, if any, of the marriage together with their sex, date of birth or ages).

4. The respondent has without reasonable excuse withdrawn from the society of the petitioner with effect from (the circumstances under which the respondent withdrew from the society of the petitioner be stated).

5. The petition is not presented in collusion with the respondent.

6. There has not been any unnecessary or improper delay in filing the petition.

7. There is no other legal ground why relief should not be granted.

8. There have not been any previous proceeding with regard to the marriage by or on behalf of any party.

Or

There have been the following previous proceeding with regard to the marriage by or on behalf of the parties.

Sl.No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of the Court	Results

9. The marriage was solemnized at the parties last resided together at.....The parties are now residing at(within the local limits of the ordinary original jurisdiction of this Court.)

10. The petitioner submits that this Hon'ble Court has jurisdiction to try and entertain this petition.

11. The petitioner prays for a decree for restitution of conjugal rights against the respondent.

Sd/-
Petitioner

VERIFICATION

The above-named petitioner states on solemn affirmation that paras 1 to of the petition are true to the petitioner's knowledge and paras to are true to the petitioner's information received and believed to be true by him/her.

Verified at.....(place).

Dated

Sd/-
Petitioner

FORM "C"

In the District Court at

..... Petitioner

-vs-

.....Respondent

Petition for judicial separation under Section 23 of the Special Marriage Act, 1954 (No. 43 of 1954)

The petitioner prays as follows :

1. The petitioner is the husband/wife of the respondent. The marriage between the parties was solemnized under/registered under, Chapter II/III of the Act by the Marriage Officer of at on A certified copy of the certificate of marriage is attached with this petition.
2. The status and place of residence of the parties to the marriage and at the time of filing the petition were as follows :

	Husband		Wife	
	Status	Age	Status	Age
(i) Before marriage				
(ii) At the time of filing the petition				

3. (In this paragraph state the names of the children, if any, of the marriage together with their sex, dates of birth or ages).

4. The respondent has (any or more of the grounds available for judicial separation may be pleaded here. The matrimonial offence charged should be set in separate paragraphs with times and places of their alleged commission. The facts on which the claim to relief is found should be stated in accordance with the rules and as distinctly as the nature of the case permits).
5. The petition is not presented in collusion with the respondent.
6. There is no other legal ground why the relief should not be granted.
7. There have not been any previous proceedings with regard to the marriage by or on behalf of any party.

Or

There have been the following previous proceedings with regard to the marriage by or on behalf of the parties.

Sl.No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of the Court	Results

8. The marriage was solemnized at the parties last resided together at.....The parties are now residing at.....(within the local limits of the ordinary original jurisdiction of this Court).
9. The petitioner submits that this Hon'ble Court has jurisdiction of conjugal rights against the respondent.
10. The petitioner, therefore, prays for a decree for restitution of conjugal rights against the respondent.

Sd/-
Petitioner

VERIFICATION

The above-named petitioner states on solemn affirmation that paras 1 to of the petition are true to the petitioner's knowledge and paras to are true to the petitioner's information received and believed to be true by him/her.

Verified at.....(place).
Dated

Sd/-
Petitioner

FORM "C/D"

In the District Court at

..... Petitioner

-vs-

.....Respondent

*Petition for decree of nullity of Marriage under Section 24(1) of the Special Marriage Act, 1954
(No. 43 of 1954)*

The petitioner prays as follows :

1. The petitioner is the husband/wife of the respondent.

The marriage between the parties as solemnized/ registered under chapter II/III of the Act by the Marriage Officer of at on A certified copy of the certificate of marriage is attached with this petition.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows :

	Husband		Wife	
	Status	Age	Place of residence	Place of residence
(i) Before marriage				
(ii) At the time of filing the petition				

3. (Where the ground of petition is adultery) the petitioner has not in any manner been accessory to or connived at or condoned the adultery.

4. (Where the ground of petition is cruelty). The petitioner has not in any manner condoned the cruelty.

5. There has not been any unnecessary or improper delay in filing the petition.

6. The petition is not presented in collusion with the respondent.

7. There is no other legal ground why the relief should not be granted.

8. There have not been any previous proceedings with regard to the marriage by or on behalf of the parties.

Or

There have been the following previous proceedings with regard to the marriage by or on behalf of the parties :

Sl.No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of the Court	Results

9. The marriage was solemnized at The parties last resided together at
The parties are now residing at (within the local limits of the ordinary original jurisdiction of this Court).

10. The petitioner submits that this Hon'ble Court has jurisdiction to entertain this petition.

11. The petitioner, therefore, prays for a decree for judicial separation against the respondent.

Sd/-
Petitioner

VERIFICATION

The above-named petitioner states on solemn affirmation that paras of the petition are true to the petitioner's information received and believed to be true by him/her.

Verified at.....(place).
Dated

Sd/-
Petitioner

Or

3. (In this paragraph state the names of the children, if any, of the marriage together with their sexes, dates of birth or ages.)

4. (State here one or more of the grounds of which a decree nullity is sought. Fact on which the claim to relief is founded should be stated in compliance with the Rules and as distinctly as the nature of the case permits).

5. There have not been any previous proceedings with regard to the marriage by or on behalf of any party.

Or

There have been the following previous proceedings with regard to the marriage by or on behalf of the parties:

Sl.No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of the Court	Results

6. There has not been any unnecessary or improper delay in filing this petition.

7. The petition is not presented in collusion with the respondent.

- 8. There is no other legal ground why the relief sought should not be granted.
- 9. The marriage was solemnized at.....the parties are resident of/parties last resided together at

Or

(Whether the petition is by a wife domiciled in the territories of India except for the State of Jammu and Kashmir). The petitioner, is resident within the territories of India except for the State of Jammu and Kashmir and has been ordinarily resident therein for a period of three years immediately preceding the presentation of this petition and the respondent is not resident in the said territories.

- 10. The petitioner submits that this Hon'ble Court has jurisdiction to entertain this petition.
- 11. The petitioner, therefore, prays that the marriage solemnized between the parties under the Act being null and void may be so declared by the Court by a decree of nullity.

Sd/-
Petitioner

VERIFICATION

The above-named petitioner states on solemn affirmation that paras 1 to of the petition are true to the petitioner's knowledge and paras to are true to the petitioner's information received and believed to be true by him/her.

Verified at.....(place).
Dated

Sd/-
Petitioner

FORM "E"

In the District Court at

..... Petitioner

-vs-

.....Respondent

Petition under Section 24(2) of the Special Marriage Act, 1954 (No. 43 of 1954) for having the registration of a marriage under Chapter III of the Act declared to be of no effect.

The petitioner prays as follows :

- 1. The petitioner is the husband/wife of Respondent. The marriage between the parties was registered under Chapter III of the Act by the Marriage Officer of at on.....

and it may be deemed to be marriage solemnized under the Act by virtue of the provisions of Section 18. A certified copy of the certificate of marriage is attached with this petition.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows :

	Husband		Wife			
	Status	Age	Place of residence	Status	Age	Place of residence
(i) Before marriage						
(ii) At the time of filing the petition						

3. (In this paragraph state the name of the children, if any, of the marriage together with their sex, date of birth or ages).

4. (State here one or more of the statutory grounds on which relief is sought. Facts on which the claim to relief is founded should be stated as distinctly as the nature of the case permits).

5. There have not been previous proceedings with regard to the marriage by or on behalf of the parties.

Sl.No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of the Court	Results

6. There has not been any unnecessary or improper delay in filing this petition.

7. The petition is not presented in collusion with the respondent.

8. There is no other legal ground why the relief should not be granted.

9. The marriage was solemnized at The parties last resided together atThe parties are now residing at.....(within the local limits of the ordinary original jurisdiction of this Court).

10. The petitioner submits that this Hon'ble Court has jurisdiction to entertain this petition.

11. The petitioner, therefore, prays that the registration of the said marriage under Chapter

III of the Act may be decided by Court to be of no effect.

Sd/-
Petitioner

VERIFICATION

The above-named petitioner states on solemn affirmation that paras 1 to of the petition are true to the petitioner's knowledge and paras to are true to the petitioner's information received and believed to be true by him/her.

Verified at.....(place).
Dated

Sd/-
Petitioner

FORM "F"

In the District Court at

..... Petitioner

-vs-

.....Respondent

Petition for the annulment of a marriage under Section 25 of Special Marriage Act, 1954 (No. 1954).

The petitioner prays as follows :

1. The petitioner is the husband/wife of the respondent. The marriage between the parties was solemnized under Chapter II/registered under Chapter III of the Act by the Marriage Officer of at on A certified copy of the certificate of marriage is attached to this petition.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows :

	Husband		Wife	
	Status	Age	Status	Age
(i) Before marriage		Place of residence	Place of residence	
(ii) At the time of filing the petition				

3. (In this paragraph state the names of the children, if any, of the marriage together with their sex, dates of birth or ages).

4. (State here one or more of the statutory grounds on which the relief is sought.

Facts on which the claim to relief is founded should be stated as distinctly as the nature of the case permits).

5. There have not been any previous proceedings with regard to the marriage by or on behalf of the parties.

Or

There have been the following previous proceeding with regard to the marriage by or on behalf of any party:

Sl.No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of the Court	Results

6. There is no other legal ground why the relief should not be granted.

7. The marriage was solemnized at The parties reside at The parties last resided together at

Or

(Where the petition is by a wife domiciled in the territories of India except the State of Jammu and Kashmir). The petitioner is resident within the territories of India, except the State of Jammu and Kashmir and has been ordinarily resident therein for a period of three years immediately proceeding the presentation of this petition and the respondent is not resident in the said territories.

8. The petitioner submits that this Hon'ble Court has jurisdiction to entertain this petition.

9. The petitioner, therefore, prays that the marriage between the parties being voidable may be annulled by the Court by a decree of nullity.

Sd/-
Petitioner

VERIFICATION

The above-named petitioner states on solemn affirmation that paras 1 to of the petition are true to the petitioner's knowledge and paras to are true to the petitioner's information received and believed to be true by him/her.

Verified at.....(place).
Dated

Sd/-
Petitioner

FORM "G"

In the District Court at

..... Petitioner

-vs-

.....Respondent

*Petition for divorce under Section 27 of the Special Marriage Act, 1954
(No. 43 of 1954).*

The petitioner prays as follows :

1. The petitioner is the Husband/Wife of the respondent. The marriage between the parties was solemnized under registered under the Chapter II of the Act by the Marriage Officer of chapter II at on A certified copy of the certificate of marriage is attached.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows :

	Husband		Wife			
	Status	Age	Place of residence	Status	Age	Place of residence
(i) Before marriage						
(ii) At the time of filing the petition						

3. (In this paragraph state the names of the children, if any, of the marriage together with the sex, dates of birth or ages.)

4. (The respondent has one or more of grounds specified in Section 27 of the Act may be pleaded. The facts on which the claim to relief is founded should be.....in accordance with the Rules and as distinctly as the nature of the case permits.)

5. (Where the ground of petition is adultery), the petitioner has not in any manner been accessory to or convicted at or condoned the adultery.

6. (Where the ground of petition is cruelty. The petitioner has not in any manner condoned the cruelty).

7. The petition is not presented in collusion with the respondent.

8. There has not been any unnecessary or improper delay in instituting the proceeding.

9. There have not been previous proceedings with regard to the marriage by or on behalf of any party.

Or

There have been the following previous proceedings with regard to the marriage by or on behalf of the parties :

Sl.No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of the Court	Results

10. (In petition by husband for divorce on the ground of adultery where damages are claimed against the co-respondent, grounds on which the claim to damages is founded should be fully and clearly stated, the amount claimed and the mode of assessment should be specified.)

11. There is no other ground why relief should be granted.

12. The marriage was solemnized at The husband and wife reside at..... The husband and wife last resided together at.....(within the local limits of the jurisdiction of this Court).

Or

(Where the petition is by a wife domiciled in the territories of India except the State of Jammu and Kashmir). The petitioner resident within the territories of India except for the State of Jammu and Kashmir and has been ordinarily resident therein for a period of three years immediately preceding the presentation of this petition and the respondent is not resident in the said territories. (Give particulars according to the Rule).

13. The petitioner submits that this Hon'ble Court has jurisdiction to entertain the petition.

14. The petitioner, therefore, prays that he may be granted a decree of divorce against the respondent and (to be scored out if unnecessary) may further be granted a decree for recovery of Rs as damages against the adulterer co-respondent.

Sd/-
Petitioner

VERIFICATION

The above-named petitioner states on solemn affirmation that paras 1 to of the petition are true to the petitioner's knowledge and paras to are true to the petitioner's information received and believed to be true by him/her.

Verified at.....(place).

Dated

Sd/-
Petitioner

FORM "H"

In the District Court at
(Husband)
(Wife)

..... Petitioner

Petition for divorce by mutual consent under Section 28 of the Special Marriage Act, 1954 (No. 43 of 1954).

The petitioners pray together as follows :

1. A marriage between the petitioners was solemnized under chapter II/registered under Chapter III by the Marriage Officer of at on A certified copy of the certificate of marriage is attached to this petition.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows :

	Husband		Wife	
	Status Age	Place of residence	Status Age	Place of residence
(i) Before marriage				
(ii) At the time of filing the petition				

3. (In this paragraph state the names of the children, if any, of the marriage together with their sex, dates of birth or ages.)

4. The petitioners have been living separately for a period of one year or more and have not been able to live together and the petitioner has mutually agreed that the marriage should be dissolved.

5. The consent of either party has not been obtained by force, fraud or undue influence.

6. There is no collusion between the petitioners.

7. There have been the following previous proceedings with regard to the marriage by or on behalf of any party:

Or

There have been the following previous proceedings with regard to the marriage by or on behalf of the parties:

Sl.No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of the Court	Results

- 8. There has not been any unnecessary or improper delay in filing this petition.
- 9. There is no other legal ground why the relief should not be granted.
- 10. The marriage was solemnized at The petitioner resides at.....The petitioners resided together at
- 11. The petitioners submit that this Hon’ble Court has jurisdiction to entertain this petition.

The petitioner, therefore, prays for decree declaring the marriage to be dissolved with effect from the date of decree.

Sd/..... (Husband)
 Sd/..... (Wife)
 Petitioners

VERIFICATION

The above-named petitioner states on solemn affirmation that paras 1 to of the petition are true to the petitioner's knowledge and paras to are true to the petitioner's information received and believed to be true by them.

Verified at.....(place).
 Dated

Sd/..... (Husband)
 Sd/..... (Wife)
 Petitioners

FORM “I”

In the District Court at

..... Applicant

-vs-

.....Respondent

Application under Section 29 of the Special Marriage Act, 1954(No. 43 of 1954) praying that a petition for divorce may be allowed to be presented within one year of the date of entering the certificate of marriage in the Marriage Certificate Book.

The applicant prays as under :

- 1. The applicant is the husband/wife of the respondent. The marriage between the parties was solemnized under Chapter II/registered under Chapter III of the Act by the Marriage Officer

of at on and a certificate of marriage was entered in the Marriage Certificate Book on A certified copy of the certificate of marriage is attached with this application.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the application were as follows :

	Husband		Wife		
	Status	Age	Status	Age	Place of residence
(i) Before marriage					
(ii) At the time of filing the petition					

3. (In this paragraph state the names of the children, if any of the marriage together with their sexes, dates of birth or ages.)

4. There is a case of exceptional hardship to the petitioner, exceptional depravity on the part of the respondent as the (state here in accordance with the Rules and as distinctly as the exceptional hardship or depravity, as the case, maybe).

5. There have not been any previous proceedings with regard to the marriage by or on behalf of any party.

Or

There have been the previous following proceedings with regard to the marriage by or on behalf of the party:

Sl.No.	Name of parties	Nature of proceedings with the section of the Act	Number and year of the case	Name and location of the Court	Results

6. The marriage solemnized at parties reside at The parties last resided together at

(Where the application is by a wife domiciled in the territories in India except the State of Jammu and Kashmir). The applicant is resident within the territories of India excluding the State of Jammu and Kashmir and has been ordinarily resident therein for a period of three years immediately preceding the presentation of this application and the respondent is not in the said territories.

7. The applicant, therefore, submits that the Hon'ble Court has jurisdiction to entertain this application.

8. The applicant, therefore, prays that he/she may be allowed to present a petition for divorce within one year of the date of entering the certificate of marriage in the Marriage Certificate Book.

Sd/-
Applicant

VERIFICATION

The above-named petitioner states on solemn affirmation that paras 1 to of the petition are true to the petitioner's knowledge and paras to are true to the petitioner's information received and believed to be true by him/her.

Verified at.....(place).
Dated

Sd/-
Applicant

FORM "J"

In the District Court at

..... Applicant
-vs-
..... Respondent

Application for alimony pendente lite under Section 36 of the Special Marriage Act, 1954 (No. 43 of 1954) The applicant prays as under :

1. A proceeding under Chapter V/VI of the Act is pending in this Court between the parties, (Give the number and title of the case, date of hearing etc.)
2. The applicant owns no other movable or immovable property and has no other income except, (Give full particulars of the applicant's property and income tax).
3. The applicant has no independent income sufficient for her support and for the necessary expenses of the proceedings.
4. The respondent has sources of income and own property mentioned below (Give full particulars about respondents' income and property etc.)
5. The only person dependent upon the respondent is the applicant herself or the applicant and
6. The respondent has not made any provision for the applicant's maintenance.

7. The applicants submit that having regard to the respondents' own income and his property and having regard to the facts that the applicant has no independent income sufficient for her support and the necessary expenses of the proceeding, a sum of Rs.....per week/month as and by way of her support during the proceedings.

Sd/-
Applicants

VERIFICATION

The above-named petitioner states on solemn affirmation that paras 1 to of the petition are true to the petitioner's knowledge and paras to are true to the petitioner's information received and believed to be true by him/her.

Verified at.....(place).
Dated

Sd/-
Applicant

FORM "J"

In the District Court at

..... Appellant
-vs-
..... Respondent

Application for permanent alimony and maintenance under Section 37 of the Special Marriage Act, 1954 (No. 43 of 1954)

The applicant prays as under :

1. A proceeding between the parties under Chapter V, VI of the Act is pending in the Court (Give particulars like, has been decided by Section of the Act, number and title of the case, date of decree or hearing).
2. The applicant owns no other movable or immovable property and has no other source of income except (Give full details of applicants' income and property etc.).
3. The applicant has no sufficient income for her maintenance and support.
4. The respondent has a source of income and owns property mentioned below. (Give full particulars about respondents' income and property etc.).
5. The only person dependent upon the respondent is the applicant herself or the applicant and

6. The respondent has not made any provision for the applicant's maintenance and support.
7. The applicant has not conducted herself in any manner which would disentitle her from receiving maintenance and support from the respondent.

The applicant prays that having regard to the income of the parties and their conduct, the respondent may be ordered to secure to the applicant for her maintenance and support until her death gross sum of Rs.

Monthly
Periodical

And support (score out if unnecessary) the said sum should be made a charge on the respondent's property.

Sd/-
Applicant

VERIFICATION

The above-named petitioner states on solemn affirmation that paras 1 to of the petition are true to the petitioner's knowledge and paras to are true to the petitioner's information received and believed to be true by him/her.

Verified at.....(place).
Dated

APPENDIX – 12

RULES REGARDING CAVEATS

1. Every caveat to be lodged under Section 148A of the C.P.C. shall be drawn up in the manner prescribed in Form "A" annexed herewith and filed in "The filing section of the High Court of Manipur at Imphal" and shall be filed in the same Form to the Registrar of the High Court and in his absence to the Officer-in-Charge of the filing section.
2. All caveats shall be accompanied by Postal Receipt of service of notice of the caveat by registered post with A.D. on the person by whom the application has been made or expected to be made, in respect of which the caveat is being lodged under Section 148A, sub-Section (1).

Provided that in a case where Caveat is lodged in pending proceeding, instituted through an advocate, the Caveator shall also annex, to his caveat a receipt showing service of such caveat by the said learned advocate.

3. Every caveat shall contain the following particulars :
 - (a) Name and full postal address of the person lodging the caveat.

- (b) Name of the applicant in respect of whose application the caveat is intended to be lodged and the full postal address of such applicant;
- (c) The Court by which the decree or order referred to in the caveat was passed together with the number and the year of the suit or proceeding in which the decree or order was passed.
- (d) Particulars of the proceeding of the High Court, in case the caveat is being lodged in a pending proceeding with reference to which the caveat is being lodged.
- (e) Value of the suit or proceeding.
- (f)
 - (i) A statement that the notice of the caveat had been served on the person by whom the application in respect of which the caveat is being lodged or is expected to be made.
 - (ii) Every caveat shall bear requisite court fee stamp.
 - (iii) Every caveat shall be signed and dated either by the person lodging the caveat or his advocate.
 - (iv) When a caveat is being lodged through an Advocate, a vakalatnama executed by the Caveator and accepted by the said advocate shall be annexed to the Caveat and such a Valakalatnama will remain in force for the purpose of appearance on behalf of the Caveator in the proceeding instituted and in all matters arising therefrom or connected therewith.

4. When a caveat is not in proper form or is otherwise defective, the Registrar may allow the defects to be removed within such time as the Registrar may direct.

5. (i) All caveats in respect of applications expected to be made in any proceeding to be instituted shall be entered in the appropriate register to be maintained and the said register shall contain the following particulars :

- (a) Serial Number
- (b) Date
- (c) Name of Caveator with address
- (d) The name of the applicant with address
- (e) Member and nature of the proceeding to be instated
- (f) Valuation of the proceeding
- (g) Number and year of the suit or other proceedings in which the order or decree has been passed and with relation to which the application is expected to be made.
- (h) The Court which passed the decree or order.

(ii) All caveator in respect of applications made or expected to be made in any proceeding pending shall forthwith be incorporated in the records of that proceeding and the fact of the lodging of such caveat shall be recorded in the order sheet under the date and signature of the Superintendent of that Department dealing with the said proceeding.

6. A caveat shall form part of the proceeding in connection with which the same is lodged. The caveat in respect of which no application is filed within the time prescribed by sub-sec 5 of Section 148A of the Code be deposited in the filing section and be preserved for one year. Immediately on presumption of a caveat, it shall form part of the preceding and on the covering page of Part I file A of the High Court there should be a seal with an appropriate signature. The attention of the Court might be drawn from the impression that a caveat has been filed in the proceedings. Such seal and signature should be there in the second Judge's copy as well.
7. No caveat shall be entered in the Register unless the application is accompanied by a self-addressed envelope with requisite postal stamp for registration and other costs required to be deposited by the Registrar for service of notice upon the caveat u/s 148A (3) of the C.P.C.
8. A court fee of Rs. 20/- or court fee prescribed by The Legal Court Fee Act shall be affixed on every caveat, every caveat shall be entered in the register of caveats maintained for the purpose and examined by the stamp reporter of the High Court. If he finds the caveat complies with the requirement, he shall make an endorsement on the caveat examined and may be registered. If he finds that the caveat does not comply with the requirements, he shall place the matter immediately before the Registrar as the case may be for necessary orders.
9. A caveat returned for non-compliance with the provision of the Rules or provision of section 148A of the Code may be presented afresh if rectified within the time granted by the Registrar as the case may be.
10. An affidavit shall state the rights and interest of the caveator and the grounds of objection to the application.
11. Immediately upon entry in the Registrar of caveats, the stamp reporter shall place the register before the Registrar as the case may be for necessary orders. After lodgement of a caveat the caveator or the person by whom the caveat has been lodged, who shall also be referred to as "the caveator" shall cause due notice of the caveat, to be served in accordance with the provisions of Section 148A, if any.
12. After a caveat has been lodged u/s 148A(1), if any application, suit/appeal is filed in respect of which the caveat has been filed, the Court shall serve a notice of the application/suit/appeal to the Caveator provided the caveator has deposited the requisite cost and expenses for such service of notice upon him.
13. The address for service on the caveator must be within a radius of five miles from the courthouse. The Caveator shall expressly state the person on whom the caveat should be served. If the caveator is found absent, a person or his agent appointed for the purpose is also not found at the residence indicated in the application, a notice shall be served in any conspicuous place of the residence indicated by the applicant. However, if the caveator authorises his lawyer to accept the notice, service on his lawyer will be sufficient service of notice for the purpose of Section 148.

FORM –I

IN THE HIGH COURT OF MANIPUR

(Civi//Criminal appeal/Revisional/Original Jurisdiction)

In the matter of :

An application (set out the particulars)

An appeal from (set out the particulars)

-And-

In the matter of :

Name of the Caveator

Plaintiff/Defendant/Appellant/Respondent/Petitioner/Opposite Party

In the proceeding in the Court below or authority below.

To,

The Registrar
High Court of Manipur.

Sir,

Under Section 148A of the C.P.C. I am lodging a caveat in respect of an application/appeal/revision which is expected to be made/has been made in a proceeding instituted/about to be instituted in this High Court, let no order be made on such application except on notice to me. I am furnishing the necessary particulars hereunder.

Yours faithfully,

PARTICULARS

- A. Name and full postal address of the person lodging the caveat.
- B. Name of the applicant in respect of whose application, the caveat is intended to be lodged and the full postal address of such applicant.
- C. The Court by which the decree or order referred to in the caveat was passed together with the number and year of the suit or preceding in which the decree or order was passed.
- D. Particulars of the proceedings of the High Court in case the caveat being lodged is pending.
- E. Value of suit or proceeding.
- F. A statement as to how the notice of the caveat has been served on the person by whom the application in respect of which the caveat is being lodged has been ordered is expected to be made.
- G. Name and address of the advocates appearing on behalf of the caveator on whom due service shall be deemed to be proper service on the caveator or such address of the caveator or his agent for service on the caveator within a radius of five miles from the courthouse.

APPENDIX – 13.

THE HIGH COURT OF MANIPUR LEGAL AID RULES, 2019

PART –I

In exercise of the powers conferred by Article 225 of the Constitution of India and all other powers enabling it in this behalf, the High Court of Manipur makes the following Rules with the prior approval of the Government of Manipur in so far as they relate to payment of Fees to advocate appearing for the undefended accused in the proceedings before the High Court, namely :

1. Short title and commencement :

- (1) These rules may be called the High Court of Manipur Legal Aid Rules, 2019.
- (2) They shall come into force from the date of their publication in the Official Gazette of Manipur.

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

- (a) "Advocate" means a person enrolled under the Advocates Act, 1961, and entitled as of the right to practice in the High Court.
- (b) "Code" means the Code of Criminal Procedure, 1973, as amended from time to time.
- (c) "High Court" means the High Court of Manipur.
- (d) "List" means the list of Advocates prepared and maintained by the High Court under these rules.

PART – II

3. Report regarding means of the accused :

- (1) When a sentence of death is referred by a Sessions Judge to the High Court for confirmation under the provisions of Section 366 of the Code of Criminal Procedure, 1973, the Sessions Judge shall submit a report to the High Court as to whether the accused persons were represented by a counsel in a Court, and whether the accused has sufficient means to engage an advocate for his defence in the High Court.
- (2) When an accused person has been called upon by the High Court to show cause why a lesser sentence should not be enhanced to a sentence of death or imprisonment for life, the concerned District Magistrate, on receipt of the notice for service upon the person called upon to show cause, shall submit a report to the High Court as to whether the accused has sufficient means to engage an Advocate.
- (3) When the case of an accused charged with the commission of an offence punishable with death or imprisonment for life, as the case may be, is withdrawn by the High Court for trial before itself from any Court subordinate to it under Section 407 of

the Code, the Court from which such case is withdrawn shall submit a report to the High Court whether the accused was represented before it or has sufficient means to engage a counsel for his defence in the High Court.

(4) When an appeal against the acquittal from a charge of an offence punishable with death or imprisonment for life is admitted by the High Court, the District Magistrate, on receipt of a notice to that behalf, shall report whether the accused has sufficient means to engage a counsel for his defence in the High Court.

4. Satisfaction of High Court about the means of accused for assignment of an advocate : If the High Court is satisfied on the report of the Sessions Judge or Secretary, High Court Legal Services Committee or the Presiding Judge of any Subordinate Criminal Court, as the case may be, or otherwise it shall assign an Advocate to defend the accused at Government expenses.

Provided that the High Court may also assign an Advocate, if it thinks fit, in every case when the accused is unrepresented irrespective of the fact whether the accused has sufficient means to engage an Advocate or not.

5. Preparation of list :

(1) The High Court, shall for the above purposes, maintain a list of competent and willing Advocates having not less than seven years' practice at the Bar; provided that the Chief Justice may, for any special reason relax the condition of seven years' practice to four years with respect to any Advocate.

(2) The list shall contain the names of 30 to 40 Advocates, which shall be revised in the month of December every year.

6. Assignment of an advocate :

(1) When an Advocate is required, the Chief Justice or any other Judge to be nominated by him in this behalf, shall assign from the list an Advocate to defend the accused.

(2) Where an Advocate is so assigned the Deputy Registrar (Judicial), shall at least 15 days, before the case is listed for actual hearing, arrange to furnish to him the paper book, if any, free of cost and shall also allow, free of cost, inspection of the records of the case by the advocate.

PART - III

7. Scale of Fees :

(1) The ordinary fee payable to an Advocate, engaged for the defence of an accused in the High Court under these rules, shall be Rs. 100/- per day and if the hearing lasts more than a day, a fee not exceeding Rs. 500/- for the entire case, whichever is less, according to as the Judge or Judges, as the case may be, hearing the case may decide in each case.

(2) In a special case, the Judge who disposed of the case may add to the ordinary fee allowed by sub-rule (1) additional fee not exceeding Rs. 500/-.

(3) In any case in which the fee authorised in sub-rule (2) above is manifestly inadequate, the Chief Justice may, on the recommendation of the Judge or the Judges, as the case may be, grant a special bonus which shall not be more than Rs..... per case including the ordinary fee.

(4) No fee shall be payable when a case is adjourned without any proceedings being taken by the Court, except at the first hearing of the case;

Provided that if an Advocate has already been assigned for the defence of an accused and he is required to retire before the commencement of the hearing owing to the engagement of an Advocate by the accused himself, he will be entitled to get one day's fee as compensation.

8. Payment of fees :

(1) All the matters including payment of fees shall be regulated and decided by the rules framed by the High Court Legal Services Committee in consultation with the Manipur State Legal Services Authority.

(2) The Advocate so engaged shall submit his/ her bills within one month of the final disposal of the case to the Secretary Law, Government of Manipur, along with a certificate signed by the Deputy Registrar(Judicial) of the High Court.

(3) The certificate to be accompanied along with the bill as required by sub-rule (2) above, shall contain the details of the total amount of fees allowed to the advocate in each case.

APPENDIX – 14

THE HIGH COURT OF MANIPUR SUPERINTENDENCE OF TRIBUNALS RULES, 2019

In exercise of the powers conferred under Clause (1) of Article 227 of the Constitution of India, the High Court of Manipur makes the following Rules.

1. **Title:** These Rules be called 'The Manipur High Court Superintendence Of Tribunals Rules, 2019'.

2. These Rules shall come into force on

3. **Definitions:** In these Rules, unless the context otherwise requires:

(i) Portfolio Judge means, a Judge of the High Court placed in charge of the administration of the Courts in the Revenue District in which a Tribunal is located or specially designated to be in charge of the administration of any Tribunal or Tribunals.

(ii) 'High Court' means the High Court of Manipur.

(iii) 'Tribunal' means Tribunals which are included in the Schedule attached hereto and all other Tribunals over which the High Court of Manipur has the power of superintendence under Article 227 of the Constitution of India, irrespective of their nomenclature, which may from time to time be included in the Schedule.

(iv) 'Year' for the purpose of these Rules shall be the English Calendar Year.

4. Tribunals to submit returns to every Tribunal shall submit to the High Court returns in such forms as may be prescribed and submit such other particulars, as may be required, in relation to its function, as may be called for by the High Court.

5. **Norms for disposal:** For the purpose of efficient and speedy disposal of cases by the Tribunals, the High Court may from time to time notify the quantum of work to be turned out by a Tribunal and review the work turned out by the Tribunal periodically and issue necessary instructions to ensure compliance with the prescribed norms.

6. Inspection by the Portfolio Judge :

(1) There shall be periodical inspection of the Tribunal by the Portfolio Judge who may, for efficient discharge of the functions of the Tribunals give such instructions or directions as are considered necessary and the means shall be complied with.

The Chief Justice may inspect any Tribunal, at any time for the purpose of ensuring efficient discharge of its functions.

SCHEDULE

1. Labour Court
2. Industrial Tribunals
3. Motor Accident Claims Tribunals
4. State Transport Appellate Tribunals
5. Revenue Tribunal
6. State Administrative Tribunal.
7. Customary Courts and Courts constituted under laws made under the Sixth Schedule to the Constitution and Courts constituted under special local laws within the jurisdiction of the High Court of Manipur.

FORM – I

Monthly Statement

STATEMENT SHOWING THE INSTITUTION, DISPOSAL & PENDING OF ALL KINDS OF CASES IN THE OF THE FOR THE MONTH OF 20

Sl. No.	Nature of cases	Pending at the beginning of the month	Instituted during the month	Total for disposal	Disposed off during the month (No. of considered judgment produced in brackets)	Pending at the end of the month	Years in which case pending belongs	Average time consumed for disposal of cases	Special reason if any, for late disposal of any particular case	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM – II

ANNUAL STATEMENT REGARDING PENDENCY OF CASES

CASES PENDING AT THE END OF THE YEAR				
Less than one year old	Over one year old	Over three years old	Over five years old	Over ten years old
1	2	3	4	5
Place :				
Date :				
Signature and destination of the Presiding Officer				

APPENDIX – 15

APPOINTMENT OF ARBITRATOR BY THE CHIEF JUSTICE OF THE HIGH COURT OF MANIPUR SCHEME, 2019

THE HIGH COURT OF MANIPUR AT IMPHAL

In exercise of the powers conferred on the Chief Justice of the High Court of Manipur under sub-Section (10) of Section 11 of the Arbitration and Conciliation Act, 1996, I hereby make the following scheme :

1. **Short title:** This scheme may be called the Appointment of Arbitrators by the Chief Justice of the High Court of Manipur Scheme, 2019.

2. **Submission of request:** The request to the Chief Justice under sub-Section(4) or sub-Section (5) of sub-Section (4) of Section 11 shall be made in writing and shall be accompanied by

- (a) the original arbitration or a duly certified copy thereof;
- (b) the names and addresses of the parties to the arbitration agreement;
- (c) the names and addresses of the arbitrators, if any, already appointed;
- (d) the name and address of the person or institution, if any, to whom or which any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreed upon by them;
- (e) the qualifications required, if any, of the arbitrators by the agreement of the parties;
- (f) a brief written statement describing the general nature of the dispute and the points at issue;
- (g) the relief or remedy sought; and
- (h) an affidavit, supported by the relevant documents, to the effect that the condition to be satisfied under sub-section (4) or sub-section (5) or sub-section (6) of Section 11, as the case may be, before making the request to the Chief Justice, has been satisfied.

3. **Authority to deal with the request:** Upon receipt of a request under paragraph 2, the Chief Justice may either deal with the matter entrusted to him or designate any other person or institution for that purpose.

4. **Forwarding of request to designated person or institution:** Where the Chief Justice designates any person or institution under paragraph 3, he shall have the request along with the documents mentioned in paragraph 2 forwarded forthwith to such person or institution and also have a notice sent to the parties to the arbitration agreement.

5. **Seeking further information:** The Chief Justice or the person or the institution designated by him under paragraph 3 may seek further information or clarification from the party making the request under this scheme

6. **Rejection of request:** Where the request made by any party under paragraph 2 is not in accordance with the provisions of this Scheme, the Chief Justice or the person or the institution designated by him may reject it.

7. **Notice to affected persons :** Subject to the provisions of paragraph 6, the Chief Justice or the person or the institution designated by him shall direct that a notice of the request be given to all the parties to the arbitration agreement and such other person or persons as may seem to him or is likely to be affected by such request, to show cause, within the time specified in the notice, why the appointment of the arbitrator or the measure proposed to be taken should not be made or taken and such notice shall be accompanied by copies of all documents referred to in paragraph 2 or, as the case may be, by information or clarification, if any, sought under paragraph 5.

8. **Withdrawal of authority :** If the Chief Justice, on receipt of a complaint from either party to the arbitration agreement or otherwise, is of the opinion that the person or institution designated by him under paragraph 3 has neglected or refused to act or is incapable of acting, he may withdraw the authority given by him to such person or institution and may either deal with the request himself or designate another person or institution for that purpose.

9. **Intimation of action taken on request:** The appointment made or measure taken by the Chief Justice or any person or institution designated by him in pursuance of the request under paragraph 1 shall be communicated in writing to –

- (a) the parties to the arbitration agreement;
- (b) the arbitrators, if any, already appointed by the parties to the arbitration agreement;
- (c) the person or the institution referred to in paragraph 2(d);
- (d) the arbitrator appointed in pursuance of the request.

10. **Requests and communications to be sent to Registrar:** All requests under this scheme and communications relating thereto which are addressed to the Chief Justice shall be presented to the Registrar of this Court, who shall remain a separate Register of such requests and communications.

11. **Delivery and receipt of written communications:** The provisions of sub-Section (1) and (2) of Section 3 of the Arbitration and Conciliation Ordinance, 1996 shall, so far as may be, apply to all written communications received or sent under this Scheme.

12. **Costs for processing requests:** The party making a request under this Scheme shall, on receipt of notice of demand from –

- (a) the Registrar of the Court, where the Chief Justice makes the appointment of an arbitrator or takes the necessary measure, or
- (b) the designated person or the institution, as the case may be, where such person or institution makes an appointment of the arbitrator or takes the necessary measure;

Pay an amount of Rs. 100 at the initial stage and any further amount required in accordance with the terms of such notice towards the costs involved in processing the request.

13. **Interpretation:** If any question arises with reference to the interpretation of any of the provisions of this Scheme, the question shall be referred to the Chief Justice, whose decisions shall be final.

14. **Power to amend the Scheme:** The Chief Justice may, from time to time, amend by way of addition or variation any provision of this Scheme.

NOTIFICATION

No. HC.

Hon'ble the Chief Justice of the High Court of Manipur is pleased to confer on the following Hon'ble Judges and District Judges the power to appoint Arbitrators under the provision of sub-Sections (4) to (10) of Section 11 of the Arbitration and Conciliation Act, 1996.

1. Disputes involving Rs. 5.0 lakhs or above
 - (i) For the principal seat – Hon'ble the Chief Justice.
 - (ii) For the outlying benches – The senior most Judges at the station.
2. [Deleted]¹

By order etc.
Sd/-
Registrar (Judicial)

APPENDIX – 16

ALTERNATIVE DISPUTE RESOLUTION (HIGH COURT OF MANIPUR) RULES, 2019

In exercise of the powers conferred by the Article 225 of the Constitution of India, Part X of the Code of Civil Procedure, 1908 (5 of 1908) and clause (d) of sub-Section (2) of Section 89 of the said Code, the High Court of Manipur is pleased to make the following Rules :

1. **Title:** These Rules shall be called the Alternative Dispute Resolution (High Court of Manipur) Rules, 2019.
2. **Procedure for directing parties to opt for alternative modes of settlements :**
 - (a) The Court shall, after recording admissions and denials at the first hearing of the suit under Rule 1 of Order X, and where it appears to the Court that there exist elements of settlement which may be acceptable to the parties, formulate the terms of the settlement and give them to the parties for their observations under sub-Section (1) of Section 89, and the parties shall submit to the Court their responses within thirty days of the first hearing.
 - (b) At the next hearing, which shall be not later than thirty days of the receipt of responses, the Court may reformulate the terms of a possible settlement and shall direct the parties to opt for one of the modes of settlement of disputes outside the Court as specified in clauses (a) to (d) of sub-Section (1) of Section 89 read with Rule 1A of Order X, in the manner stated hereunder:

Provided that the Court, in the exercise of such power, shall not refer any dispute to arbitration or to judicial settlement by a person or institution without the written consent of all the parties to the suit.

3. Persons authorised to take decision for the Union of India, State Government and others :

(1) For the purpose of Rule 2, the Union of India, the Government of a State or Union Territory, all local authorities, all Public Sector Undertakings, all statutory corporations or all public authorities shall nominate a person or persons or groups of persons who are authorised to take a final decision as to the mode of Alternative Dispute Resolution which it opposes to opt for in the event of direction by the Court under Section 89 and such nomination shall be communicated to the High Court within a period of three months from the date of the commencement of these Rules and the High Court shall notify all the Subordinate Courts in this behalf as soon as such nomination is received from such Government or authorities.

(2) Where such person or persons or groups of persons have not been nominated as aforesaid, such party as referred to in clause (1) shall, if it is a plaintiff, file along with the plaint, or if it is a defendant, file along with or before the filing of the written statement, a memo into the Court, nominating a person or persons or groups of persons who is or are authorised to take a final decision as to the mode of alternative dispute resolution, which the party prefers to adopt in the event of the Court directing the party to opt for one or other mode of Alternative Dispute Resolution.

4. Court to give guidance to parties while giving the direction to opt :

a) Before directing the parties to exercise option under clause (b) of the Rule 2, the Court shall give such guidance as it deems fit to the parties, by drawing their attention to the relevant factors which parties will have to take into account, before they exercise their options as to the particular mode of settlement, namely :

(i) that it will be the advantage of the parties, so far as time and expenses are concerned, to opt for one or other of these modes of settlement referred to in Section 89 rather than seek a trial on the disputes arising in the suit;

(ii) that, where there is no relationship between the parties which requires to be preserved, it may be in the interest of the parties to seek reference of the matter to arbitration as envisaged in clause (a) of sub-Section (1) of Section 89;

(iii) that, where there is a relationship between the parties which requires to be preserved, it may be in the interest of the parties to seek reference of the matter to conciliation or mediation, as envisaged in clauses (b) or (d) of sub-Section (1) of Section 89;

Explanation – Disputes arising in matrimonial, maintenance and child custody matters shall, among others, be treated as cases where a relationship between the parties has to be preserved;

(iv) that, where parties are interested in a final settlement which may lead to a compromise, it will be in the interest of the parties to seek reference of the matter to Lok Adalat or to judicial settlement as envisaged in clause (c) of sub-Section (1) of Section 89;

(v) the difference between different modes of settlement, namely, arbitration, conciliation, mediation and judicial settlement are explained below :

Settlement by ‘Arbitration’ means the process by which an arbitrator appointed by parties or by the Court, as the case may be, adjudicates the disputes between the parties to the suit and passes an award by the application of the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996), in so far as they refer to arbitration.

Settlement by ‘Conciliation’ means the process by which a conciliator who is appointed by parties or by the Court, as the case may be, conciliates the disputes between the parties to the suit by the application of the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996), in so far as they relate to conciliation, and in particular, in exercise of his powers under Sections 67 and 73 of that Act, by making proposals for a settlement of the dispute and by formulating or reformulating the terms of a possible settlement; and has a role greater than that of a mediator.

Settlement by “Mediation” means the process by which a mediator appointed by parties or by the Court, as the case may be, mediates the dispute between the parties to the suit by the application of the provisions of the Mediation Rules, 2019 in Part II, and in particular, by facilitating discussion between the parties directly, by facilitating communication with each other through the mediator, or by assisting parties in identifying issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise and generating options in an attempt to solve the dispute, and emphasizing that it is the parties’ own responsibility to make decisions which affect them.

Settlement in ‘Lok Adalat’ means settlement in Lok Adalat as contemplated by the Legal Services Authorities Act, 1987.

“Judicial settlement” means a final settlement by way of compromise entered into before a suitable institution or person to which, or to whom, the Court has referred the dispute, and in which the institution or the person is deemed to be the Lok Adalat under the provisions of the Legal Service Authorities Act, 1987 (39 of 1987) and where after such reference, the provisions of the said Act apply as if the dispute was referred to a Lok Adalat under the provisions of that Act.

5. Provisions for reference by the court to the different modes of settlement:

(a) Where all parties to the suit decide to exercise their option and to agree for settlement by arbitration, they shall apply to the Court, within thirty days of the direction of the Court under clause (b) of Rule 2 and the Court shall, within thirty days of the said application, refer the matter to arbitration and thereafter the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) which are applicable after the stage of making of the reference to arbitration under that Act, shall apply as if the proceedings were referred for settlement by way of arbitration under the provisions of that Act.

(b) Where all the parties to the suit decide to exercise their option and to agree for settlement by the Lok Adalat or where one of the parties applies for reference to Lok

Adalat, the procedure envisaged under the Legal Services Authorities Act, 1987 and, in particular, under Section 20 of that Act, shall apply.

(c) Where all the parties to the suit decide to exercise their option and to agree for judicial settlement, they shall apply to the Court within thirty days of the direction under clause (b) of Rule 2 and then the Court shall, within thirty days of the application, refer the matter to a suitable institution or person and such institution or person shall be deemed to be a Lok Adalat and thereafter the provisions of the Legal Services Authorities Act, 1987 (39 of 1987) which are applicable after the stage of making of the reference to Lok Adalat under that Act, shall apply as if the proceedings were referred for settlement under the provisions of that Act.

(d) Where none of the parties is willing to agree to opt for, or agree to refer the dispute to, arbitration, Lok Adalat or Judicial settlement, within thirty days of the direction of the Court under clause (b) Rule 2, they shall consider if they could agree with reference to conciliation or mediation, within the same period.

(e) (i) Where all the parties opt for, and agree on, conciliation, they shall apply to the Court, within thirty days of the direction under clause (b) of Rule 2 and the Court, within thirty days of the application, refer the matter to conciliation and thereafter the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) which are applicable after the stage of making of the reference to conciliation under that Act, shall apply, as if the proceedings were referred for settlement by way of conciliation under the provisions of that Act.

(ii) Where all the parties opt for, and agree on, mediation, they shall apply to the Court, within thirty days of the direction under clause (b) of Rule 2 and the Court shall, within thirty days of the application, refer the matter to mediation and then the Mediation Rules, 2003 in Part II shall apply.

(f) (i) Where under clause (d), all the parties are not able to opt for, and agree on, conciliation or mediation, one or more parties may apply to the Court within thirty days of the direction under clause (b) of Rule 2, seeking settlement through conciliation or mediation, as the case may be, and in that event, the Court shall, within a further period of thirty days, issue notice to the other parties to respond to the application, and

(ii) In case all the parties agree on conciliation, the Court shall refer the matter to conciliation and thereafter, the provisions of the Arbitration and Conciliation Act, 1996 which are applicable after the stage of making of the reference to the conciliation under that Act, shall apply;

(iii) In case all the parties agree on mediation, the Court shall refer the matter to mediation in accordance with the Civil Procedure Mediation (High Court of Manipur) Rules, 2019.

(iv) In case all the parties do not agree and where it appears to the Court that there exist elements of a settlement which may be acceptable to the parties and that there is a relationship between the parties which has to be preserved, the Court shall refer the matter to conciliation or mediation, as the case may be. In case the dispute is referred to conciliation, the provisions of the Arbitration and

Conciliation Act, 1996 which are applicable after the stage of making of the reference to Conciliation under that Act, shall apply and in case the dispute is referred to mediation, the provisions of the Civil Procedure Mediation (High Court of Manipur) Rules, 2019, shall apply.

- (g) (i) Where none of the parties applies for reference either to arbitration, or Lok Adalat, or Judicial settlement, or conciliation or mediation, within thirty days of the direction under clause (b) of Rule 2, the Court shall, within a further period of thirty days, issue notices to the parties or their representatives fixing the matter for hearing on the question of making a reference either to conciliation or mediation.

(ii) After hearing the parties or their representatives on the day so fixed the Court shall, if there exist elements of a settlement which may be acceptable to the parties and there is a relationship between the parties which has to be preserved, refer the matter to conciliation or mediation. In case the dispute is referred to conciliation, the provisions of the Arbitration and Conciliation Act, 1996 which are applicable after the stage of making of the reference to conciliation under that Act, shall apply and in case the dispute is referred to mediation, the provisions of the Civil Procedure Mediation (High Court of Manipur) Rules, 2019, shall apply.

- (h) (i) No next friend or guardian for the suit shall, without the leave of the Court, expressly recorded in the proceedings of the Court, opt for any one of the modes of alternative dispute resolution, nor shall enter into any settlement on behalf of a minor or person under disability with reference to the suit in which he acts as next friend or guardian.

(ii) Where an application is made to the Court for leave to enter into a settlement initiated in the alternative dispute resolution proceedings on behalf of a minor or other person under disability and such minor or other person under disability is represented by counsel or pleader, the counsel or pleader shall file a certificate along with the said application to the effect that the settlement is, in his opinion, for the benefit of the minor or other person under disability. The decree of the court based on the settlement to which the minor or other person under disability is a party, shall refer to the sanction of the Court thereto and shall set out the terms of the settlement.

6. Referral to the Court and appearance before the Court upon failure of an attempt to settle disputes by conciliation or judicial settlement or mediation :

- (1) Where a suit has been referred for settlement by way of conciliation, mediation or judicial settlement and has not been settled or where it is felt that it would not be proper in the interests of justice to proceed further with the matter, the suit shall be referred back again to the Court with a direction to the parties to appear before the Court on a specific date.

- (2) Upon the reference of the matter back to the Court under sub-Rule (1) or under sub-Section (5) of Section 20 of the Legal Services Authority Act, 1987, the Court shall proceed with the suit in accordance with law.

7. Training in alternative methods of resolution of disputes, and preparation of manual :

(a) The High Court shall take steps to have training courses conducted in places where the High Court and the District Courts or Courts of equal status are located, by requesting bodies recognized by the High Court or the Universities imparting legal education or retired faculty members or other persons who according to the High Court are well versed in the techniques of alternative methods of resolution of disputes, and to conduct training courses for lawyers and judicial officers.

(b) (i) The High Court shall nominate a committee of judges, faculty members including retired persons belonging to the above categories, senior members of the Bar, other members of the Bar specially qualified in the techniques of alternative dispute resolution, for the purpose referred to in clause (a) and for the purpose of preparing a detailed manual of procedure for alternative dispute resolution to be used by the Courts in the State as well as by the arbitrators, or authority or person in the case of judicial settlement or conciliators or mediators.

(ii) The said manual shall describe the various methods of alternative dispute resolution, the manner in which any one of the said methods is to be opted, taking into account the suitability of any particular method for any particular type of dispute, and shall specifically deal with the role of the above persons in disputes which are commercial or domestic in nature or which relate to matrimonial, maintenance and child custody matter.

(c) The High Court and the District Courts shall periodically conduct seminars and workshops on the subject of alternative dispute resolution procedures throughout the State or States where the High Court has jurisdiction with a view to bring awareness of such procedures and imparting training to lawyers and judicial officers.

(d) Persons who have experience in the matter of alternative dispute resolution procedures, and, in particular, with regard to conciliation and mediation, shall be given reference in the matter of empanelment for purposes of conciliation or mediation.

8. Applicability to other proceedings : The provisions of these Rules may be applied to proceedings before the Courts, including Family Courts constituted under the Family Courts Act (66 of 1984), while dealing with matrimonial, maintenance and child custody disputes, wherever necessary, in addition to the rules framed under the Family Courts Act (66 of 1984).

By order,
Registrar General,
High Court of Manipur.

APPENDIX – 17

CIVIL PROCEDURE MEDIATION (HIGH COURT OF MANIPUR) RULES 2019

In exercise of the powers conferred by the Article 225 of the Constitution of India, Part X of the Code of Civil Procedure, 1908 (5 of 1908) and all other powers enabling it, the High Court of Manipur is pleased to make the following Rules :

1. **Title:** These rules shall be called the Civil Procedure Mediation (High Court of Manipur) Rules, 2019.

2. Appointment of mediator :

(a) Parties to a suit may all agree on the name of the sole mediator for mediating between them.

(b) Where, there are two sets of parties and they are unable to agree on a sole mediator, each set of parties shall nominate a mediator.

(c) Where parties agree on a sole mediator under clause (a) or where parties nominate more than one mediator under clause (b), the mediator need not necessarily be from the panel of mediators referred to in Rule 3, nor need to bear the qualifications referred to in Rule 4, but should not be a person who suffers from the disqualifications referred to in Rule 5.

(d) Where there are more than two sets of parties having diverse interests, each set shall nominate a person on its behalf and the said nominees shall select the sole mediator and failing unanimity in that behalf, the Court shall appoint a sole mediator.

3. Panel of mediators :

(a) The High Court shall, for the purpose of appointing mediators between parties in suits filed on its original side, prepare a panel of mediators and publish the same on its Notice Board, within thirty days of the coming into force of these Rules, with copy to the Bar Association attached to the original side of the High Court.

(b) (i) The Courts of the District and Sessions Judge in each District or Courts of equal status shall, for the purpose of appointing mediators to mediate between parties in suits filed on their original side, prepare a panel of mediators, within a period of sixty days of the commencement of these Rules, after obtaining the approval of the High Court to the names included in the panel, and shall publish the same on their respective Notice Board.

(ii) Copies of the said panels referred to in sub-clause (i) shall be forwarded to all the Courts of equivalent jurisdiction or Courts subordinate to the Court referred to in sub-clause (i) and to the Bar Associations attached to each of the Courts.

(c) The consent of the persons whose names are included in the panel shall be obtained before empanelling them.

(d) The panel of names shall contain a detailed annexure giving details of the qualifications of the mediators and their professional or technical experience in different fields.

4. **Qualifications of persons to be empanelled under Rule 3:** The following persons shall be treated as qualified and eligible for being enlisted in the panel of mediators under Rule 3, namely :

- (a) (i) Retired Judges of the Supreme Court of India,
(ii) Retired Judges of the High Court,
(iii) Retired District and Sessions Judge or retired Judges of the City Civil Court or Courts of equivalent status;
- (b) Legal practitioners with at least fifteen years' standing at the Bar at the level of the Supreme Court or the High Court or the District Courts or Court of equivalent status;
- (c) Experts or other professionals with at least fifteen years' standing or retired senior bureaucrats or retired senior executives.
- (d) Institutions which are themselves experts in mediation and have been recognized as such by the High Court, provided the names of its members are approved by the High Court initially or whenever there is a change in the membership.

5. **Disqualifications of persons:** The following persons shall be deemed to be disqualified for being empanelled as mediators:

- (i) any person who has been adjudged as insolvent or is declared unsound mind,
- (ii) any person against whom criminal charges involving moral turpitude are framed by a criminal court and are pending,
- (iii) any person who has been convicted by a criminal court for any offence involving moral turpitude,
- (iv) any person against whom disciplinary proceedings or charges relating to moral turpitude have been initiated by the appropriate disciplinary authority which is pending or has resulted in a punishment,
- (v) any person who is interested or connected with the subject matter of the dispute or is related to any one of the parties or to those who represent them, unless such objection is waived by all the parties in writing.
- (vi) any legal practitioner who has appeared or is appearing for any of the parties in the suit or in any other suit or proceedings,
- (vii) such other categories of person as may be notified by the High Court.

6. **Venue for conducting mediation:** The mediator shall conduct the mediation at one or other of the following places:

- (i) Venue of the Lok Adalat or permanent Lok Adalat,

- (ii) Any place identified by the District Judge within the Court precincts for the purpose of conducting mediation,
- (iii) Any place identified by the Bar Association or State Bar Council for the purpose of mediation, within the premises of the Bar Association or State Bar Court, as the case may be,
- (iv) Any other place as may be agreed upon by the parties subject to the approval of the Court.

7. **Preference:** The Court shall, while nominating any person from the panel of mediators referred to in Rule 3, consider his suitability for resolving the particular class of dispute involved in the suit and shall give preference to those who have proven record of successful mediation or who have special qualification or experience in mediation.

8. Duty of mediator to disclose certain facts :

- (a) When a person is approached in connection with his possible appointment as a mediator, the person shall disclose in writing to the parties, any circumstances which are likely to give rise to a justifiable doubt as to his independence or impartiality.
- (b) Every mediator shall, from the time of his appointment and throughout the continuance of the mediation proceedings, without delay, disclose to the parties in writing, about the existence of any of the circumstances referred to in clause (a).

9. **Cancellation of appointment :** Upon information furnished by the mediator under Rule 8 or upon any other information received from the parties or other person, if the Court, in which the suit is filed, is satisfied, after conducting such inquiry as it deems fit, and after giving a hearing to the mediator, that the said information has raised a justifiable doubt as to the mediator's independence or impartiality, it shall cancel the appointment by a reasoned order and replace him by another mediator.

10. **Removal or deletion from panel:** A person whose name is placed in the panel referred to in Rule 3 may be removed or his name may be deleted from the said panel, by the Court which empanelled him, if :

- (i) he resigns or withdraws his name from the panel for any reason,
- (ii) he is declared insolvent or is declared unsound mind,
- (iii) he is a person against whom criminal charges involving moral turpitude are framed by a criminal court and are pending,
- (iv) he is a person who has been convicted by a criminal court for any offence involving moral turpitude,
- (v) he is a person against whom disciplinary proceedings on charges relating to moral turpitude have been initiated by an appropriate disciplinary authority which are pending or have resulted in a punishment,
- (vi) he exhibits or displays conduct, during the continuance of the mediation proceedings, which is unbecoming of a mediator,

(vii) the Court which empanelled him, upon receipt of information, is satisfied, after conducting such inquiry as it deems fit, and is of the view, that it is not possible or desirable to continue with the name of that person in the panel, provided that, before removing or deleting his name, under clause (vi) and (vii), the Court shall hear the mediator whose name is proposed to be removed or deleted from the panel and shall pass a reasoned order.

11. Procedure of mediation :

(a) The parties may agree on the procedure to be followed by the mediator in the conduct of the mediation proceedings.

(b) Where the parties do not agree on any particular procedure to be followed by the mediator, the mediator shall follow the procedure hereinafter mentioned, namely:

(i) he shall fix, in consultation with the parties, a time schedule, the dates and the time of each mediation sessions, where all parties have to be present;

(ii) he shall hold the mediation conference in accordance with the provisions of Rule 6;

(iii) he may conduct joint or separate meetings with the parties;

(iv) each party shall, ten days before a session, provide to the mediator a brief memorandum setting forth the issues, which according to it, need to be resolved, and its position in respect to those issues and all information reasonably required for the mediator to understand the issue; such memoranda shall also be mutually exchanged between the parties;

(v) each party shall furnish to the mediator, copies of pleadings or documents or such other information as may be required by him in connection with the issues to be resolved.

Provided that where the mediator is of the opinion that he should look into any original document, the Court may permit him to look into the original document before such officer of the Court and on such date and at such time as the Court may fix;

(vi) each party shall furnish to the mediator such other information as may be required by him in connection with the issue to be resolved.

(c) Where there is more than one mediator, the mediator nominated by each party shall first confer with the party that nominated him and shall thereafter interact with the other mediators, with a view to resolve the disputes.

12. Mediator not bound by Evidence Act, 1872 or Code of Civil Procedure, 1908: The mediator shall not be bound by the Code of Civil Procedure, 1908 or the Evidence Act, 1872, but shall be guided by the principles of fairness and justice, and have regard to the rights and obligations of the parties, usages of trade, if any, and the nature of the dispute.

13. Non-attendance of parties at sessions or meetings on due dates :

(a) The parties shall be present personally or may be represented by their counsel or power of attorney holders at the meetings or sessions notified by the mediator.

(b) If a party fails to attend a session or a meeting notified by the mediator, other parties or the mediator can apply to the Court in which the suit is filed, to issue appropriate directions to that party to attend before the mediator, and if the court finds that a party is absenting himself before the mediator without sufficient reason, the Court may take action against the said party by imposition of costs.

(c) The parties not resident in India may be represented by their counsel or power of attorney holders at the sessions or meetings.

14. Administrative assistance: In order to facilitate the conduct of mediation proceedings, the parties, or the mediator with the consent of the parties, may arrange for administrative assistance by a suitable institution or person.

15. Offer of settlement by parties :

(a) Any party to the suit may, without prejudice, offer a settlement to the other party at any stage of the proceedings, with notice to the mediator.

(b) Any party to the suit may make a with prejudice offer, to the other party at any stage of the proceedings, with notice to the mediator.

16. Role of mediator : The mediator shall attempt to facilitate voluntary resolution of the dispute by the parties, and communicate the view of each party to the other, assist them in identifying issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise and generating options in an attempt to solve the dispute, and emphasizing that it is the responsibility of the parties to take decision which affects them, he shall not impose any term of settlement on the parties.

17. Parties along responsible for taking decision: The parties must understand that the mediator only facilitates in arriving at a decision to resolve disputes and that he will not and can not import any settlement, nor does the mediator give any warranty that the mediation will result in a settlement. The mediator shall not impose any decision on the parties.

18. Time limit for completion of mediation : On the expiry of sixty days from the date fixed for the first appearance of the parties before the mediator, the mediation shall stand terminated, unless the Court, which referred the matter, either suo motu, or upon request by the mediator or any of the parties, and upon hearing all the parties, is of the view that extension of time is necessary or may be useful; but such extension shall not be beyond a further period of thirty days.

19. Parties to act in good faith: While no one can be compelled to commit to settling his case in advance of mediation, all parties shall commit to participating in the proceedings in good faith with the intention to settle the dispute, if possible.

20. Confidentiality, disclosure and inadmissibility of information :

(1) When a mediator receives confidential information concerning the dispute from any party, he shall disclose the substance of that information to the other party, if permitted in writing by the first party.

(2) When a party gives information to the mediator subject to a specific condition that it be kept confidential, the mediator shall not disclose that information to the other party, nor shall the mediator voluntarily divulge any information regarding the documents or what is conveyed to him orally as to what transpired during the mediation.

(3) Receipt or perusal, or preparation of records, reports or other documents by the mediator, or receipt of information orally by the mediator while serving in that capacity, shall be confidential and the mediator shall not be compelled to divulge information regarding the documents, nor in regard to the oral information, nor as to what transpired during the mediation.

(4) Parties shall maintain confidentiality in respect of events that transpired during mediation and shall not rely on or introduce the said information in any other proceeding as to :

- (a) views expressed by a party in the course of the mediation proceedings;
- (b) documents obtained during the mediation which were expressly required to be treated as confidential or other notes, drafts or information given by parties or mediators;
- (c) proposal made or views expressed by the mediator;
- (d) admission made by a party in the course of mediation proceedings;
- (e) the fact that a party had or had not indicated willingness to accept a proposal

(5) There shall be no stenographic or audio or video record of the mediation proceedings.

21. **Privacy:** Mediation sessions and meetings are private; only the concerned parties or their counsel of attorney holders can attend. Other persons may attend only with the permission of the parties or with the consent of the mediator.

22. **Immunity :** No mediator shall be held liable for anything bona fide done or omitted to be done by him during the mediation proceedings for civil or criminal action, nor shall be summoned by any party to the suit to appear in a Court of law to testify in regard to information received by him or action taken by him or in respect of drafts or records prepared by him or shown to him during the mediation proceedings.

23. Communication between a mediator and the Court :

(a) In order to preserve the confidence of parties in the Court and the neutrality of the mediator, there shall be no communication between the mediator and the Court, except as stated in clauses (b) and (c) of this Rule.

(b) If any communication between the mediator and the Court is necessary, it shall be in writing and copies of the same shall be given to the parties or their counsel or power of attorney holders.

(c) Communication between the mediator and the Court shall be limited to communication by the mediator:

- (i) with the Court about the failure of party to attend;
- (ii) with the Court with the consent of the parties;
- (iii) regarding his assessment that the case is not suited for settlement through mediation;
- (iv) that the parties have settled the dispute or disputes.

24. Settlement Agreement :

(1) Where an agreement is reached between the parties in regard to all the issues in the suit or some of the issues, the same shall be reduced to writing and signed by the parties or their power of attorney holders. If any counsel has represented the parties, they shall attest the signature of their respective clients.

(2) The agreement of the parties so signed and attested shall be submitted to the mediator who shall, with a covering letter signed by him, forward the same to the Court in which the suit is pending.

(3) Where no agreement is arrived at between the parties, before the time limit stated in Rule 1`8 or where, the mediator is of the view that no settlement is possible, he shall report the same to the said Court in writing.

25. Court to fix a date for recording settlement and passing decree :

(1) Within seven days of the receipt of any settlement, the court shall issue notice to the parties fixing a day for recording the settlement, such date not being beyond a further period of fourteen days from the date of receipt of settlement, and the Court shall before the settlement, if it is not collusive.

(2) The Court shall then pass a decree in accordance with the settlement so recorded, if the settlement disposes of all the issues in the suit.

(3) If the settlement disposes of only certain issues arising in the suit, the Court shall record the settlement on the date fixed for recording the settlement and (i) if the issues are severable from other issues and if a decree could be passed to the extent of the settlement covered by those issues, the Court may pass a decree straightway in accordance with the settlement on those issues without waiting for a decision of the Court on the other issues which are not settled ; (ii) if the issues are not severable, the Court shall wait for a decision of the Court on the other issues which are not settled.

26. Fee of mediator and costs :

(1) At the time of referring the disputes to mediation, the Court shall, after consulting the mediator and the parties, fix the fee of the mediator.

- (2) As far as possible a consolidated sum may be fixed rather than for each session or meeting.
- (3) Where there are two mediators as in clause (b) of Rule 2, the Court shall fix the fee payable to the mediators, which shall be shared equally by the two sets of parties.
- (4) The expenses of the mediation including the fee of the mediator, costs of administrative assistance, and other ancillary expenses concerned, shall be borne equally by the various contesting parties or as may be otherwise directed by the Court.
- (5) Each party shall bear the costs for production of witnesses of his side including experts, or for production of documents.
- (6) The mediator may, before the commencement of mediation, direct the parties to deposit equal sums, tentatively, to the extent of 40% of the probable costs of the mediation, as referred to in clauses (1), (3) and (4). The remaining 60% shall be deposited with the mediator, after the conclusion of mediation. For the amount of account shall be filed by the mediator in the Court.
- (7) The expense of mediation including fee, if not paid by the parties, the Court shall, on the application of the mediator or parties, direct the concerned parties to pay, and if they do not pay, the Court shall recover the said amount as if there was a decree for the said amount.
- (8) Where a party is entitled to legal aid under Section 12 of the Legal Services Authority Act, 1987, the amount of fee payable to the mediator and costs shall be paid by the concerned Legal Services Authority under that Act.

27. **Ethics to be followed by mediator:** The mediator shall :

- (1) follow and observe these Rules strictly and with the diligence;
- (2) not carry on any activity or conduct which could reasonably be considered as conduct unbecoming of a mediator;
- (3) uphold the integrity and fairness of the mediation process;
- (4) ensure that the parties involved in the mediation are fairly informed and have an adequate understanding of the procedural aspects of the process;
- (5) satisfy himself/herself that he/she is qualified to undertake and complete the assignment in a professional manner;
- (6) disclose any interest or relationship which is likely to affect impartiality or which might seem to be an appearance of partiality or bias;
- (7) avoid, while communicating with the parties, any impropriety or appearance of impropriety;

- (8) be faithful to the relationship of trust and confidentiality imposed in the office of mediator;
 - (9) conduct all proceedings related to the resolution of a dispute, in accordance with the applicable law;
 - (10) recognize that mediation is based on principles of self-determination by the parties and that mediation process relies upon the ability of parties to reach a voluntary, undisclosed agreement;
 - (11) maintain the reasonable expectations of the parties as to confidentiality;
 - (12) refrain from promises or guarantees of results.
28. **Transitory provisions :** Until a panel of arbitrators, if prepared by the High Court and District Court, the Courts referred to in Rule 3, may nominate mediator of their choice if the mediator belongs to the various classes of persons referred to in Rule 4 and is duly qualified and is not disqualified, taking into account the suitability of the mediator for resolving the particular dispute.

By order,

Registrar General
High Court of Manipur.

APPENDIX – 18

TRIAL COURTS AND FIRST APPELLATE SUBORDINATE COURTS (UNDER THE HIGH COURT OF MANIPUR) CASE MANAGEMENT RULES, 2019

In exercise of the power conferred by Article 225 of the Constitution of India, Part X of the Code of Civil Procedure 1908, (5 of 1908) and all other powers enabling the High Court of Manipur hereby makes the following the Rules, in regard to case flow management in the Subordinate Courts:

Model Case Management Rules for Trial Courts and First Appellate Subordinate Courts:

- I. Division of Civil Suits and Appeals into Tracks.
- II. Original Suits.
 1. Fixation of time limits while issuing notice.
 2. Service of summons/notice and completion of pleadings.
 3. Calling of cases (Call of parties and their counsel respectively).
 4. Procedure on the grant of interim orders.

5. Referral to Alternative Dispute Resolution.
6. Procedure on the failure of Alternative Dispute Resolution.
7. Referral to Commissioner for recording of evidence.
8. Costs.
9. Proceedings for Perjury.
10. Adjournments.
11. Miscellaneous Applications.

III. First Appeals to Subordinate Courts.

1. Service of Notice of Appeal.
2. Essential Documents to be filed with the Memorandum of Appeal.
3. Fixation of time limits in interlocutory matters.
4. Steps for completion of all formalities (Call Work Hajri).
5. Procedure on grant of interim-orders.
6. Filing of Written Submissions.
7. Costs.

IV. Applications/Petition under Special Acts.

V. Criminal Trials in and Criminal Appeals to Subordinate Courts.

- (a) Criminal Trials.
- (b) Criminal Appeals.

VI. Notice under Section 80 of Code of Civil Procedure.

VII. Note.

I. DIVISION OF CIVIL SUITS AND APPEALS INTO TRACKS :

1. Based on the nature of dispute, the quantum of evidence to be recorded and the time likely to be taken for the completion of suit, the suits shall be channelled into different tracks. Track 1 may include suits for maintenance, divorce and child custody and visitation rights, grant of letters of administration and succession certificate and simple suits for rent or for eviction (upon notice under Section 106 of Transfer of Property Act.) Track 2 may consist of money suits and suits based solely on negotiable instruments. Track 3 may include suits concerning partition and property disputes, trademarks, copyrights and other intellectual property matters. Track 4 may

relate to other matters. All efforts shall be taken to complete the suits in track 1 within a period of 9 months, track 2 within 12 months and suits in tracks 3 and 4 within 24 months.

This categorization is illustrative and it will be for the High Court to make appropriate categorization. It will be for the Judge concerned to make an appropriate assessment as to which track any case can be assigned.

2. Once in a month, the registry/administrative staff of each Court will prepare a report as to the stage and progress of cases that are proposed to be listed in next month and place the report before the Court. When the matters are listed on each day, the Judge concerned may take such decision as he may deem fit in the presence of counsel/parties in regard to each case for removing any obstacle in service of summons, completion of pleadings etc. with a view to making the case ready for disposal.

3. The Judge referred to in clause (2) above, may shift a case from one track to another, depending upon the complexity and other circumstances of the case.

4. Where computerization is available, the monthly data will be fed into the computer in such a manner that the Judge referred to in clause (2) above, will also be able to ascertain the position that the stage of every case in every track from the computer screen. Over a period, all cases pending in his Court will be covered. Where computerization is not available, the monitoring must be done manually.

5. The Judge referred in clause (2) above, shall monitor and control the flow or progress of every case, either from the computer or from the register or data placed before him in the above manner or in some other manner he may innovate.

II. ORIGINAL SUIT

1. Fixation of time limits while issuing notice :

(a) Wherever notice is issued in a suit, the notice should indicate that the Code prescribes a maximum of 30 days for filing written statement (which for special reasons may be extended up to 90 days), and, therefore, the defendants may prepare the written statement expeditiously, and that the matter will be listed for that purpose on the expiry of eight weeks from the date of issue of notice (so that it can be a definite date). After the written statement is filed, the replication (if any, proposed and permitted), should be filed within six weeks of receipt of the written statement. If there is more than one defendant, each one of the defendants should comply with this requirement within the time limit.

(b) The notice referred to in clause (a) shall be accompanied by a complete copy of the plaint and all its annexure/enclosures and copies of the interlocutory applications, if any.

(c) If interlocutory applications are filed along with the plaint, and if an ex-parte interim order is not passed and the Court is desirous of hearing the respondent, it may, while sending the notice along with the plaint, fix an earlier date for the hearing of the application (than the date for filing written statement) depending upon the urgency of the interim relief.

2. Service of summon/notice and completion of pleadings :

(a) Summons may be served as indicated in clause (3) of Rule 9 of Order V.

(b) In the case of service of summon by the plaintiff or a courier where a return is filed that the defendant has refused notice, the return will be accompanied by an undertaking that the plaintiff or the courier, as the case may be, is aware that if the return is found to be false, he can be punished for perjury or summarily dealt with for contempt of Court for abuse of the provisions of the Code. Where the plaintiff comes forward with a return of refusal, the provisions of Order 9A, Rule (4) will be followed by re-issue of summons through Court.

(c) If it has not been possible to effect service of summons under Rule 9 of Order V, the provisions of Rule 17 of Order V shall apply and the plaintiff shall, within 7 days from the date of inability to serve the summons, request the Court to permit substituted service. The dates for filing the written statement and replication, if any, shall accordingly stand extended.

3. Calling of Cases : The present practice of the Court master or Bench Clerk calling all the cases listed on a particular day at the beginning of the day in order to confirm whether counsel are ready, whether parties are present or whether various steps in the suit or proceeding have been taken, is consuming a lot of time of the Court, sometimes almost two hours of the best part of the day when the Judge is fresh. After such work, the Court is left with very limited time to deal with cases listed before it. Formal listing should be first before a nominated senior officer of the registry, one or two days before the listing in Court. He may give dates in routine matters for compliance with earlier orders of Court. Cases will be listed before Court only where an order of the Court is necessary or where an order prescribing the consequences of a default or where a peremptory order or an order as to costs is required to be passed on the judicial side. Cases which have to be adjourned as a matter of routine for taking steps in the suit or proceeding should not be unnecessarily listed before Court. Where parties/counsel are not attending before the Court Officer or are defiant or negligent, their cases may be placed before the Court.

Listing of cases on any day before a Court should be based on reasonable estimate of time and number of cases that can be disposed of by the Court in a particular day. The Courts shall, therefore, dispense with the practice of calling all the cases listed adjourned to any particular day. Cases will be first listed before a nominated senior officer of the Court, nominated for the purpose.

4. Procedure on the grant of interim order :

(a) If an interim order is granted at the first hearing by the Court, the defendants would have the option of moving appropriate applications for vacating the interim order even before the returnable date indicated in the notice and if such an application is filed, it shall be listed as soon as possible even before the returnable date.

(b) If the Court passes an ad-interim ex-parte order in an interlocutory application, and the reply by the defendants is filed, and if, thereafter, the plaintiff fails to rejoin (if any), without good reason for the delay, the Court has to consider whether the stay or interim order passed by the Court should be vacated and shall list the case with that purpose. This is meant to prevent parties from taking adjournment with a view to having undue benefit of the ad-interim orders. The plaintiff may, if he so chooses, also waive his right to file a rejoinder. A communication of option by the plaintiff not to file a

rejoinder made to the registry will be deemed to be the completion of pleadings in the interlocutory application.

5. **Referral to Alternative Dispute Resolution :** (In the hearing before the Court, after completion of pleadings, a time limit for discovery and inspection, and admission and denials, of documents shall be fixed, preferably restricted to 4 weeks each).

After the completion of admission and denial of documents by the parties, the suit shall be listed before the Court (for examination of parties under Order X of the Civil Procedure Code. A joint statement of admitted facts shall be filed before the said date).

After the completion of admission and denial of documents by the parties, the suit shall be listed before the Court (for examination of parties under Order X of the Civil Procedure Code. A joint statement of admitted facts shall be filed before the said date). The Court shall, thereafter, follow the procedure prescribed under the Alternative Dispute Resolution and Mediation Rules, 2002.

6. **Procedure on the failure of Alternative Dispute Resolution:** On the filing of report by the Mediator under the Mediation Rules that efforts at Mediation have failed or a report by the Conciliator under the provisions of the Arbitration and Conciliation Act, 1996, or a report of no settlement in the Lok Adalat under the provisions of the Legal Services Authority Act, 1987 the suit shall be listed before the registry within a period of 14 days. At the said hearing before the registry, all the parties shall submit the draft issues proposed by them. The suit shall be listed before the Court within 14 days thereafter for the framing of issues.

When the suit is listed after failure of the attempts at conciliation, arbitration or Lok Adalat, the Judge may merely inquire whether it is still possible for the parties to resolve the dispute. This should invariably be done by the Judge at the first hearing when the matter comes back on the failure of conciliation, mediation or Lok Adalat.

If the parties are not keen about settlement, the Court shall frame the issues and direct the plaintiff to start examining his witnesses. The procedure of each witness filing his examination-in-chief and being examined in cross or re-examination will continue, one after the other. After completion of evidence on the plaintiffs' side, the defendants shall lead evidence likewise, witness after witness, the chief-examined or re-examined. The parties shall keep the affidavit in chief-examination ready whenever the witness examination is taken up. As far as possible, evidence must be taken up day by day as stated in clause (a) of proviso to Rule 2 of Order XVII. The parties shall also indicate the likely duration for the evidence to be completed, and for the arguments to be thereafter heard. The Judge shall ascertain the availability of time of the Court and will list the matter for trial on a date when the trial can go on from day to day and conclude the evidence. The possibility of further negotiation and settlement should be kept open and if such a settlement takes place, it should be open to the parties to move the registry for getting the matter listed at an earlier date for disposal.

7. **Referral to Commissioner for recording of evidence :**

(a) The High Court shall conduct an examination on the subjects of the Code of Civil Procedure and Evidence Act. Only those advocates who have passed an examination conducted by the High Court on the subjects of Code of Civil Procedure and Evidence Act, shall be appointed as Commissioners for recording evidence. They shall be ranked according to the marks secured by them.

(b) It is not necessary that in every case the Court should appoint a Commissioner for recording evidence. Only if the recording of evidence is likely to take a long time, or there are any other special grounds, the Court should consider appointing a Commissioner for recording the evidence. The Court should direct that the matter be listed for arguments fifteen days after the Commissioner files his report with the evidence.

The Court may initially fix a specific period for the completion of the recording of the evidence by the Commissioner and direct the matter to be listed on the date of expiry of the period, so that the Court may know whether the parties are co-operating with the Commissioner and whether the recording of evidence is getting unnecessarily prolonged.

(c) Commissioners should file an undertaking in Court upon their appointment that they will keep the records handed over to them and those that may be filed before them, safe and shall not allow any party to inspect them in the absence of the opposite party/counsel. If there is delay of more than one month in the dates fixed for recording evidence, it is advisable for them to return the file to the Court and take it back on the date of the adjourned date.

8. **Costs :** So far as awarding of costs at the time of judgment is concerned, awarding of costs must be treated generally as mandatory in as much as the liberal attitude of the Courts in directing the parties to bear their own costs had led parties to file a number of frivolous cases in the Courts or to raise frivolous and unnecessary issues. Costs should invariably follow the event. Where a party succeeds ultimately on one issue or point but loses on a number of their issues or points, which were unnecessarily raised, costs must be appropriately apportioned. Special reasons must be assigned if costs are not being awarded. Costs should be assessed according to rules in force. If any of the parties has unreasonably protracted the proceedings, the Judge should consider exercising discretion to impose exemplary costs after taking into account the expense incurred for the purpose of attendance on the adjourned dates.

9. **Proceedings of Perjury :** If the Trial Judge, while delivering the judgment, is of the view that any of the parties or witnesses has willfully and deliberately uttered blatant falsehoods, he shall consider (at least in some grave cases) whether it is a fit case where prosecution should be initiated for perjury and order prosecution accordingly.

10. **Adjournments:** The amendments to the code have restricted the number of adjournments to three in the course of hearing of the suit, on reasonable cause being shown. When a suit is listed before a Court and any party seeks an adjournment, the Court shall have to verify whether the party is seeking adjournment due to circumstances beyond the control of the party, as required by clause (b) of proviso to Rule 2 of Order XVII. The Court shall impose costs as specified in Rule 2 of Order XVII.

11. **Miscellaneous Applications:** The proceedings in a suit shall not be stayed merely because of the filing of Miscellaneous Application in the course of suit unless the Court in its discretion expressly thinks it necessary to stay the proceedings in the suit.

III. FIRST APPEALS TO SUBORDINATE COURTS :

1. **Service of Notice of Appeal:** First Appeals being appeals on the question of fact and law, Courts are generally inclined to admit the appeal and it is only in exceptional cases that the appeal is rejected at the admission stage under Rule 11 of Order XLI. In view of the amended CPC, a copy of the memorandum of Appeal is required to be filed in the Subordinate Court. It has been clarified by the Supreme Court that the requirement of filing a copy of appeal memorandum of appeal in the Subordinate Court does not mean that appeal memorandum cannot be filed in the Appellate Court immediately for obtaining interim orders.

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 who appeared in the Subordinate Court so as to enable the respondents to appear if they so choose, even at the first hearing stage.

2. **Essential Documents to be filed with the Memorandum of Appeal:** The Appeal shall, as far as possible, be filed, along with the appeal, copies of essential documents marked in the suit, for the purpose of enabling the Appellate Court to understand the points raised or for purpose of passing an interim order.

3. **Fixation of time limits in interlocutory matters:** Whenever notice is issued by the Appellate Court in interlocutory matters, the notice should indicate the date by which the reply should be filed. The rejoinder, if any, should be filed within four weeks of receipt of the reply. If there are more parties than one, who are respondents, each one of the Respondents should comply with this requirement, within the time limit and the rejoinder may be filed within four weeks from the receipt of the last reply.

4. **Steps for completion of all formalities:** The appeal shall be listed before the registry for completion of all formalities necessary before the appeal is taken up for final hearing. The procedure indicated above of listing the case before a senior officer of the Appellate Court registry for giving dates in routine matters must be followed to reduce the call work and only where judicial orders are necessary, such cases should be listed before the Court.

5. **Procedure on grant of interim order :** If an interim order is granted at the first hearing by the Court, the respondents would have the option of moving appropriate applications for vacating the interim order even before the returnable date indicated in the notice and if such an application is filed, it shall be listed as soon as possible even before the returnable date.

If the Court passes an ad-interim ex-parte order, and if the reply is filed by the respondents and if, without good reason, the appellant fails to file the rejoinder, Court shall consider whether it is a fit case for vacating the stay or interim order and list the case for that purpose. This is intended to see that those who have obtained ad-interim orders do not procrastinate in filing replies. The appellant may also waive his right to file the rejoinder. Such choice shall be conveyed to the registry on or before the date fixed for the filing of rejoinder. Such communication of option by the applicant to the registry will be deemed to be completion of pleadings.

6. **Filing of written submissions:** Both the appellants and the respondents shall be required to submit their written submissions two weeks before the commencement of the arguments in the appeal. The cause list should indicate if written submissions have been filed or not. Wherever they have not been filed, the Court must insist on their being filed within a particular period to be fixed by the Court and each party must serve a copy thereof on the

opposite side before the date of commencement of arguments. There is no question of parties filing replies to each other's written submissions.

The Court may consider having a Caution List/Alternative List to take care of eventualities when a case does not go on before a Court, and those cases may be listed before a Court where, for any reason, the scheduled cases are not taken up for hearing.

7. **Costs:** Awarding of costs must be treated generally as mandatory in as much as it is the liberal attitude of the Courts in not awarding costs that had led to frivolous points being raised in appeals or frivolous appeals being filed in the Courts. Costs should invariably follow the event and reasons must be assigned by the appellate Court for not awarding costs. If any of the parties have unreasonably protected the proceedings, the Judge shall have the discretion to impose exemplary costs after taking into account the costs that may have been imposed at the time of adjournments.

IV. APPLICATION/PETITION UNDER SPECIAL ACTS

This chapter deals with applications/petitions filed under Special Acts like the Industrial Disputes Act, Hindu Marriage Act, Indian Succession Act etc.

The practice direction in regard to Original Suits should *mutatis mutandis* apply in respect of such applications/petitions.

V. CRIMINAL TRIALS AND CRIMINAL APPEALS TO SUBORDINATE COURTS :

(a) Criminal Trials :

1. Criminal Trials should be classified based on offence, sentence, and whether the accused is on bail or in jail. Capital punishment, rape and cases involving sexual offences or dowry death should be kept in Track I. Other cases whether the accused is not granted bail and is 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 and food adulteration cases, etc. should be kept in Track III. Offences, which are tried by special courts such as POTA, TADA, NDPS, Prevention of Corruption Act etc., should be kept in Track IV. All other offences should be kept in Track V.

The endeavour should be made to complete Track I cases within a period of nine months, Track II and Track III cases within twelve months and Track IV within fifteen months.

2. The High Court may classify criminal appeals pending before it into different tracks on the same lines mentioned above.

(b) Criminal Appeals :

1. Whenever an appeal is filed by a person in jail, and also when appeals are filed by the State, as far as possible, the memorandum of appeal may be accompanied by important documents, if any, having a bearing on the question of bail.

2. In respect of appeals filed against acquittals, steps for appointment of amicus curiae of State Legal Aid Counsel in respect of the accused who do not have a lawyer of their own should be undertaken by the registry/State Legal Services Authority immediately after completion of four

weeks of service of notice. It shall be presumed that in such event the accused is not in a position to appoint counsel.

3. 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 subordinate Court, so as to enable the other party to appear if it so chooses even at the first hearing stage.

VI. NOTICE ISSUED UNDER SECTION 80 OF CODE OF CIVIL PROCEDURE :

Every public authority shall appoint an officer responsible to take appropriate action on a notice issued under Section 80 of the Code of Civil Procedure. Every such officer finds that the concerned officer, on receipt of the notice, failed to take necessary action or was negligent in taking the necessary steps. The Court shall hold such officer responsible and recommend appropriate disciplinary action against him by the concerned authority.

VII. NOTE :

Whenever 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 Courts Act or any other Statute, the provisions of such Codes and statute, the provisions of such Codes and Statute shall prevail.

By order,

Registrar General
High Court of Manipur.

APPENDIX – 19.

HIGH COURT OF MANIPUR CASE MANAGEMENT RULES, 2019

In exercise of the powers 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, the High Court of Manipur hereby makes the following Rules :

I. CASE FLOW MANAGEMENT IN THE HIGH COURT.

- I. Division of cases into tracks.**
- II. Writ of Habeas Corpus.**
- III. Mode of advance service.**
- IV. First Appeals to High Court.**
- V. Appeals to Division Bench.**
- VI. Second Appeals.**
- VII. Civil Revisions.**
- VIII. Note.**

I. DIVISION OF CASES INTO DIFFERENT TRACKS :

1. **Writ petition :** The High Court shall, at the stage of admission or 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 the liability to tax or demolition or eviction from public premises etc. such a matter shall be put on the Fast Track. Similarly, all matters involving tenders would also be put on the Fast Track. These matters cannot brook delay in disposal.

2. Senior Officers of the High Court, nominated for the purpose, shall at intervals of every month, monitor the stage of each case likely to come up for hearing before each Bench (Division Bench or Single Judge) during that month which has been allocated to the different tracks. The details shall be placed before the Chief Justice or Committee nominated for that purpose as well as the concerned Judge dealing with the cases.

3. The Judge or Judges referred to in clause (2) above may shift the case from one track to another, depending upon the complexity (urgency) and other circumstance of the case.

4. Where computerization is available, data will be fed into the computer in such a manner that the Court or Judge or Judges, referred to in clause (2) above will be able to ascertain the position and stage of every case in every track from the computer screen.

5. Whenever the roster changes, the Judge concerned who is dealing with the final matters shall keep himself informed about the stage of the case in various tracks listed before him during every week, with a view to seeing that the cases are taken up early.

6. **Other matters:** The High Court shall also divide civil appeals and other matters in the High Court into different tracks on the lines indicated in sub-clauses (2) to (5) above and the said clauses shall apply, mutatis mutandis, to the civil appeals filed in the High Court. The High Court shall make a subject wise division of the appeals/revision application for allocation into different tracks. (Division of criminal petitions and appeals into different tracks is dealt with separately under the heading criminal petitions and appeals.)

II. WRIT OF HABEAS CORPUS :

Notices in respect of Writ of Habeas Corpus where the person is in custody under order 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 on the fourth working day after issuance of notice, and the Court shall consider whether a more detailed a week and three days time for filing a rejoinder. A writ of habeas corpus shall invariably be disposed of within a period of fifteen days. It shall have preference over and above Fast Track 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 that 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 amended 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 an 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. **Filing of Documents:** The appellant shall, on the appeal being admitted, file all the essential papers within such period as may be fixed by the High Court for the purpose of enabling the High Court to understand the scope of the dispute and for the purpose of passing interlocutory orders.

3. **Printing or typing of paper book:** Printing and preparation of paper books by the High Court should be done away with. After service of notice is effected, counsel for both sides should agree on the list of documents and evidence to be printed or typed and the same shall be made ready by the parties within the time to be fixed by the Court. Thereafter the paper book shall be ready. It must be assured that the paper books are ready at least six months in advance before the appeal is taken up for arguments. (Cause list must specify if paper books have been filed or not).

4. **Filing of written submissions and time for oral arguments:** Both the appellants and the respondents shall be required to submit their written submissions with all the relevant pages as per the Court paper bookmarked therein within a month of preparation of such paper books, referred to in para 3 above.

Cause list may indicate if written submissions have been filed. If not, the Court must direct that they be filed immediately.

After the written submissions are filed, (with due service of copy to the other side) the matter should be listed before the Registrar/Master 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 chamber 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 case may be listed before a Court where, for one reason or another, the scheduled cases are not taken up for hearing.

5. **Court may explore possibility of settlement:** At the first hearing of a First Appeal when both parties appear, the Court shall find out if there is a possibility of a settlement. If the parties are agreeable even at that stage for mediation or conciliation, the High Court could make a reference to mediation or conciliation for the said purpose.

If necessary, the process contemplated by Section 89 of CPC may be resorted to by the Appellate Court so, however, that the hearing of the appeal is not unnecessarily delayed. Whichever is the ADR process 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, WRIT APPEALS OR SIMILAR APPEALS :

An appeal to a Division Bench from judgment of a Single Judge may lie in the following cases :

1. Appeals from interlocutory order of the Single Judge in original jurisdiction matters including writs;
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 are 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 the case of Original Side appeals /Writ appeals 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 Writ appeals/Original Side appeals against final judgments of the Single Judge.

Writ 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 service on the opposite party.

Writ appeals against interim orders of the Single Judge should invariably be disposed of early and, at any time, within a period of thirty days from the first hearing. Before writ appeals against final orders in writ petitions are heard, brief written submissions 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 submissions 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 appeal letter Court. The notice should require the respondents to file their written submissions within a period of eight weeks from the service of notice. Efforts should be made to complete the hearing of the second appeals within a period of six months.

VII. CIVIL REVISION :

A revision petition may be filed under Section 115 of the Code or under any special statute. In some High Courts, petitions under Article 227 of the Constitution of India are registered as civil revision petitions. The practice direction in regard to Writ Appeals and First Appeals to the High Courts, should mutatis mutandis apply in respect of revision petitions.

VIII. CRIMINAL APPEALS :

Criminal appeals should be classified based on offence, sentence and whether the accused is on bail or in jail. Capital punishment cases, rape, sexual offences, dowry death cases should be kept in Track I. Other cases where the accused is not granted bail and is 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, TADA, NDPS, Prevention of Corruption Act, etc., should be kept in the Track IV. All other offences should be kept in Track V.

The endeavour should be to complete track I cases within a period of six months, Track II cases within nine months, Track III within a year, Track IV and Track 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 curiae or State Legal Aid Counsel in respect of the accused who do not have a lawyer of their own should be undertaken by the Registry/State Legal Services Authority immediately after completion of four weeks of service of the notice. It shall be presumed that in such an event, the accused is not in a position to appoint a counsel, and within two weeks thereafter a counsel shall be appointed and shall be furnished to all the parties.

IX. NOTE :

Whether 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 Act, or any other statute, the provisions of such cases and statute shall prevail.

By order,

Registrar General
High Court of Manipur.

APPENDIX – 20

THE HIGH COURT OF MANIPUR (RIGHT TO INFORMATION) RULES, 2019

In exercise of the power conferred by sub-Section (1) of Section 28 read with Section 2(e)(iii) of the Right to Information Act, 2005, the Hon'ble Chief Justice, High Court of Manipur, is hereby pleased to frame the following Rules :

1. Short title, commencement and application :

- (i) These Rules shall be called the High Court of Manipur (Right to Information) Rules, 2019.
- (ii) It shall come into force from the date of its publication in the Official Gazette.
- (iii) These rules shall be applicable to the High Court of Manipur, and all the subordinate courts under the control of the High Court of Manipur.

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

- (a) "Act" means the Right to Information Act, 2005 (No. 22 of 2005).
- (b) "Applicant" means the person making request for any information under the Act and the instant Rule.
- (c) "Appellate Authority" means the authority designated as such by the Chief Justice of the High Court.
- (d) "Authorised" person means Public Information Officer(s) and Assistant Public Information Officer(s) designated as such by the Chief Justice of the High Court as enumerated in Appendix – I.
- (e) "Chief Justice" means the Chief Justice of the High Court of Manipur.
- (f) "Form" means the form appended to these Rules.
- (g) "High Court" means the High Court of Manipur.
- (h) "Registrar General" means the Registrar General of the High Court of Manipur.
- (i) "Section" means a section of the Act.
- (j) Words and expressions used but not defined in these Rules shall have the same meaning as assigned to them in the Act.

3. Application for seeking information :

- (a) Any person seeking information under the Act shall file an application from 11.00 A.M. to 1.00 P.M. on a Court working day to the authorised person in Form A and deposit application fee as per Rule 9 with the authorised person.
- (b) Every application shall be made for one particular item of information only.

(c) The authorized person shall duly acknowledge the receipt of the application as provided in Form B.

(d) The information requested for shall be sufficiently specified in the application to lead to its identification without any difficulty, ambiguity or doubt.

(e) If the applicant is illiterate and is unable to present the application in writing in Form A, the authorized person shall help him to that extent and shall get the application produced in writing.

Provided that a person who makes a request through electronic form shall ensure that the requisite fee is deposited in the manner provided in Rule 9 with the authorized person within 7 (seven) days of his sending the request through the electronic form, failing which his application shall be treated as rejected.

4. Disposal of an application by the authorized person :

(i) On receipt of application along with requisite fee, the authorized person shall enter the particulars in a register maintained as per Rule 10(i).

(ii) If the requested information does not fall within the jurisdiction of the authorized person, he/she shall order return of the application to the applicant in Form C as soon as practicable, preferably within 15 (fifteen) days, and in any case not later than 30 (thirty) days, from the date of receipt of the application, advising the applicant, wherever possible, about the authority concerned to whom the application should be made. The application fee deposited in such cases shall not be refunded.

(iii) If the requested information falls within the authorized person's jurisdiction but pertains to any one or more of the categories enumerated in Section 8 and 9 of the Act, the authorized person, on being so satisfied, will issue the rejection order in Form D as soon as practicable, preferably within 15 days and in any case not later than 30 days from the date of receipt of the application. The application fee deposited shall not be refunded.

(iv) If the requested information falls within the authorized person's jurisdiction but not in one or more of the categories enumerated in Section 8 and 9 of the Act, the authorized person, on being so satisfied, shall supply the information falling within its jurisdiction to the applicant in Form E. In case the information sought is partly beyond the jurisdiction of the authorized person or partly relates to the categories listed in Section 8 and 9 of the Act, the authorized person, shall supply only such information as is permissible under the Act and is within his/her own jurisdiction and reject the remaining part citing reasons therefor.

(v) In so far as decision(s), which are taken administratively or quasi-judicially, information, therefore, shall be available only to the affected persons.

(vi) The information shall be supplied as soon as practicable, preferably within 15 days and in any case not later than 30 days from the date of receipt of application. However, the date of the application/request shall be deemed to be the date of deposit of the entire fee or the balance fee or deficit amount of the fee to the authorized persons as the case may be. Provided where the information sought for, concerns the life or liberty of a person, the decision/information, as the case may be, as contemplated in clauses (i)

to (iv) would be communicated/provided within forty-eight hours of the receipt of the request.

(vii) A proper acknowledgement shall be obtained by the authorized person from the applicant in token of receipt of information.

5. **Exemption from disclosure of information:** Any information specified under Section 8 of the Act shall be disclosed and made available and in particular the following information shall not be disclosed:

(a) That, which is not in the public domain or does not relate to juridical functions and duties of the Court and matters incidental and ancillary thereto.

(b) That, which has been expressly forbidden to be published by the Court or the disclosure whereof may constitute Contempt of Court; or any information which involves commercial confidence, trade secrets or intellectual property, the disclosure whereof, would harm the competitive position of a third party, unless the Chief Justice is satisfied that larger public interest warrants the disclosure of such information;

(c) That, which would impede the process of investigation or apprehension or prosecution of offenders; or information which relates to any public activity or interest, or which causes unwarranted invasion of the privacy of the individual unless the Public Information Officer or the Assistant Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.

(d) That, affecting the confidentiality of any examination conducted by the High Court of Manipur or administration of the affairs thereof. The question of confidentiality shall be decided by the Chief Justice whose decision shall be final.

(e) That can be obtained under the provisions of the High Court of Manipur Rules 2019 in the case of the High Court and High Court of Manipur Civil/Criminal Rules in the case of the subordinate Criminal /Civil Courts. Such information may be obtained by adhering to the prescribed procedure and payment of fees prescribed in the High Court of Manipur Rules, 2019, and High Court of Manipur Civil/Criminal Rules as the case may be.

6. Information which is to be furnished and access to record shall be subject to the restrictions and prohibitions contained in the rules/regulations in force, inter alia regarding preservation and destruction of records from time to time which may have been framed, notified or implemented by the High Court.

7. Appeal :

(i) Any person.

(a) Who fails to get a response in Form C or Form D from the authorized person within 30 days of submission/receipt of Form A, as above or

(b) Is aggrieved by the response received within the prescribed period, may prefer an appeal in Form F to the Appellate Authority with a fee as per Rule 9 with the

Appellate Authority within thirty days from the date of the response or the date of expiry of the prescribed period for response as the case may be.

(ii) On submission of the appeal along with required fee, the Appellate Authority shall acknowledge the receipt thereof, and after according the appellant an opportunity of being heard, shall endeavour to dispose it of within thirty days from the date on which it is presented and transmit a copy of the decision to the authorized person concerned.

(iii) In case the appeal is allowed, the information as determined shall be transmitted to the applicant by the authorized person within such period as ordered by the Appellate Authority. This period shall not exceed thirty days from the date of disposal of the appeal.

8. Penalties :

(i) Whoever being bound to supply information fails to furnish the same, if asked for under the Act within the time specified, or fails to communicate the rejection order within the period prescribed, shall be liable to pay a penalty up to Rs. 50/- per day for the delayed period beyond 30 days subject to maximum of Rs. 500/- per application filed under Rule 3 or as may be determined by the Appellate Authority.

(ii) Where the information supplied is found to be false in any material particular and the person bound to supply it knows or has reason to believe it to be false, or if he does not believe it to be true, he shall be liable to pay a penalty up to Rs. 1,000/- which may be imposed by the Appellate Authority.

9. Rates of fee :

(i) The authorized person shall charge the fee at the following rates, namely :

A. Application Fee	
(i) For information not relating to Rule 4 (iv) above	Rs. 100.00 per application
(ii) For information other than (i) above	Rs. 10.00 per application
(iii) Where the information is available in the form of a priced publication	Price so fixed
(iv) For other than priced publication	Rs. 5.00 per page, Rs. 10.00 per page, if urgent
B. For Appeal	Rs. 50.00 per appeal

(ii) The fee so charged shall be payable by cash/demand draft/pay order and received by the authorized person and shall deposit in the bank at the end of the day or on subsequent working day.

(iii) The demand draft for pay order shall be in favour of Registrar General, High Court of Manipur, payable at Imphal for the High court of Manipur and for subordinate Courts, in favour of District & Sessions Judge of the concerned district and for Family Court/Designated Court/Labour Court/Industrial Tribunal, in favour of the concerned Judge/Presiding Officer payable at the respective district headquarter/station.

FORM – A
Form of application for seeking information
(See Rule 3)

To

The authorized person

.....

ID No.

.....

(for official use)

.....

1. Name of the applicant :

2. Address :

3. Particulars of information :

(a) Name of the concerned department:

(b) Details of information required:

(c) Period for which information asked for:

(d) Other details:

4. I state that the information sought does not fall within the restrictions contained in Section 8 of the Act and to the best of my knowledge, it pertains to your office.

5. A fee of Rs. has been deposited in the office of the authorized person through cash/demand draft/pay order vide No. dated

Place :

Signature of applicant with

Date :

E-mail add. if any

Tel. No (Office)

..... (Residence)

Note : (1) Reasonable assistance can be provided by authorized person in filing up of Form A.

(2) Please ensure that the Form A is complete in all respect and there is no ambiguity in providing the details of information required.

FORM – B

Acknowledgement of Application in Form A
[Rule 3(c)]

I.D. No.
Dated

1. Received an application in Form A from Shri/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 rejection letter shall be issued stating reason thereof.
3. The applicant is advised to contact the undersigned on from 11.00 A.M. and 1.00 P.M.
4. In case the applicant fails to turn up on scheduled date(s), the authorized person shall not be responsible for delay, if any.
5. The applicant shall have to deposit the balance fee, if any, with the authorized person before collection of the information.
6. The applicant may also consult the website of the department from time to time to ascertain the status of his application.

Date:

Signature and stamp of
Authorised person,

E-mail :

Website:

Telephone No.

FORM – C

Outside the jurisdiction of the authorised person
[Rule 4(ii)]

No.
Date

To
Sir/Madam,

1. Please refer to your application I.D. No. dated..... addressed to the undersigned regarding supply of information on
2. The requested information does not fall within the jurisdiction of this authorised person and therefore, your application is being returned herewith.
3. You are requested to apply to the concerned authorized person.

Yours faithfully,

Authorised person,
E-mail:
Website:
Telephone No. :

FORM – D
Rejection order
[Rule 4(iii)]

No.
Date

To
Sir/Madam,

1. 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 the following reasons:
 - (i)
 - (ii)
3. As per section 19 of the Right to Information Act, 2005, you may file an appeal to the appellate authority within thirty days of the issue of this order.

Yours faithfully,

Authorised person,
E-mail :
Website :
Telephone No. :

FORM – E
Form of supply of information to the applicant
[Rule 4(iv)]

No.
Date

To,
Sir/Madam,

1. Please refer to your application I.D.No. dated addressed to the undersigned regarding supply of information on

2. The information asked for is enclosed for reference. The following partly information is being enclosed.

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

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

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

3. The requested information does not fall within the jurisdiction of this authorised person.

4. As per section 19 of the Right to Information Act, 2005, you may file an appeal to the Appellate Authority within thirty days of the issue of this order*.

Yours faithfully,

Authorised person,
E-mail:
Website:
Telephone No. :

*Strike out if not applicable.

FORM – F

Appeal under Section 19 of the Right to Information Act, 2005
[Rule 7]

I.D. No.
Dated.....
(For Official use)

To,
The Appellate Authority
Address

1. Name of the applicant :
2. Address :
3. Particular of the authorised person
 - (a) Name :
 - (b) Address :
4. Date of submission of application in Form A.
5. Date on which 30 days from submission of Form A is over:
6. Reasons for Appeal :
 - (a) No response received in Form B or C within thirty days of submission of Form A
 - (b) Aggrieved by the response received with prescribed period (copy of the reply receipt the attached)
 - (c) Grounds for appeal
7. Last date for filling the appeal [See Rule 8]
8. Particulars of information
 - (i) Information requested
 - (ii) Subject
 - (iii) Period
9. A fee of Rs. 50.00 for appeal has been deposited with the authority vide Receipt No. dated

Date: Signature of the Appellant

E-mail Address, if any
Telephone No.

Acknowledgement

I.D. No.

Date

Received an application from Shri/Ms. Resident of
..... under Section 19 of the
Right to Information Act, 2005.

Signature of the Receipt Clerk,
Appellate authority
Telephone No.
E-mail
Website

By order,
Sd/-
Registrar General
High Court of Manipur.

APPENDIX – 21

CLASSIFICATION OF BENCHES

THE HIGH COURT OF MANIPUR AT IMPHAL

Order of the Hon'ble Chief Justice, Date :

The Hon'ble Chief Justice has been pleased to direct –

(1) From.....onwards in the High Court of Manipur, Civil Rule (Motions, Admissions, Orders, Hearing) will be divided between two Single Benches to be called Civil Rules – Bench A and Civil Rules – Bench B.

(2) The distribution of work between Bench A and Bench B will be on the basis of subject matter of the Civil Rules. The subject matter is tentatively divided as follows :

BENCH A: Service matters relating to State Governments, State Public Sector Institutions and Corporations, Foreigners, Tribunal, Army and Para Military Forces, Co- operative Societies, Liquor Mahals, Markets and Forests, Tax Central Excise and Miscellaneous (all matters not allotted to Bench B).

BENCH B: Service matters relating to Central Government, Central Public Sector Institutions and Corporations, IMDT, Banks, Local Bodies, School, Colleges and Universities, Land Settlement and other revenue matters, Railways, Posts and Telegraphs, ONGC, Workmen's compensation, Fisheries, Industrial Disputes Act, decisions of Tribunal.

(3) Ordinarily there is likely be only one Division Bench, that is, Hon'ble Chief Justice's Bench, Motions, Admissions, Orders, Hearing of Writ Appeals, Habeas Corpus Mattes, Division Bench

Civil Rules, Tax References, Division Bench Civil and Criminal Appeals, and all cases referred to Division Bench will be in this Bench.

(4) There should be an indication at the top of first page of all Civil Rule Petitions the Bench and subject matter, for example, Bench – A State Government Service, Bench A- Markets, Bench B- Central Government Service, Bench B- Railways.

APPENDIX – 22

CATEGORY OF CASES THE HIGH COURT OF MANIPUR AT IMPHAL.

CIRCULAR

Hon'ble the Chief Justice has been pleased to order that with effect from, the learned advocate filing any case shall be on the first page of the petition and shall write in bold letters the category of the cases and the category code as circulated herewith.

CATEGORY CODES OF JUDICIAL CASES

Nomenclature	Category Code	Category of Case
<u>WRIT PETITIONS RELATING TO SERVICE OF TEACHER OF PROVINCIALISED SCHOOLS</u>		
W.P.(C)	10001	- Adhoc appointment
W.P.(C)	10002	- Regularisation of ad-hoc appointment
W.P.(C)	10003	- Selection and appointment
W.P.(C)	10004	- Appointment in retired teachers' quota
W.P.(C)	10005	- Appointment on compassionate ground
W.P.(C)	10006	- Appointment of family members of victim of extremist violence
W.P.(C)	10007	- Regular appointment of honorary teacher
W.P.(C)	10008	- Salary and allowances
W.P.(C)	10009	- Seniority
W.P.(C)	10010	- Promotion
W.P.(C)	10011	- Transfer
W.P.(C)	10012	- Suspension
W.P.(C)	10013	- Disciplinary and enquiry proceedings
W.P.(C)	10014	- Minor Punishment
W.P.(C)	10015	- Major Punishment
W.P.(C)	10016	- Date of Birth
W.P.(C)	10017	- Retirement Benefits
W.P.(C)	10018	- Orders passed by the Director
W.P.(C)	10019	- Orders passed by any other educational authority
W.P.(C)	10020111	- Other service matters

WRIT PETITION RELATING TO STATE GOVT. EMPLOYEES

W.P.(C)	10021	-	Ad hoc appointment
W.P.(C)	10022	-	Regularisation of ad hoc appointment
W.P.(C)	10023	-	Selection and appointment
W.P.(C)	10024	-	Appointment on compassionate ground
W.P.(C)	10025	-	Appointment of family members of victim of Extremist violence
W.P.(C)	10026	-	Salary and allowances
W.P.(C)	10027	-	Seniority
W.P.(C)	10028	-	Promotion
W.P.(C)	10029	-	Reservation of vacancies
W.P.(C)	10030	-	Transfer
W.P.(C)	10031	-	Suspension
W.P.(C)	10032	-	Disciplinary and enquiry proceedings
W.P.(C)	10033	-	Minor Punishment
W.P.(C)	10034	-	Major Punishment
W.P.(C)	10035	-	Compulsory retirement
W.P.(C)	10036	-	Order of the Appellate or Revisional Authority
W.P.(C)	10037	-	Order of the Administrative or Service Tribunal
W.P.(C)	10038	-	Date of Birth
W.P.(C)	10039	-	Retirement benefits
W.P.(C)	10040	-	Other service matters

WRIT PETITIONS RELATING TO SERVICE IN LOCAL BODIES, BANKS, STATE AND
CENTRAL PUBLIC SECTOR UNDERTAKINGS, STATUTORY BODIES AND UNIVERSITIES
AND INSTITUTIONS

W.P.(C)	10041	-	Ad hoc appointment
W.P.(C)	10042	-	Regularisation of ad-hoc appointment
W.P.(C)	10043	-	Selection and appointment
W.P.(C)	10044	-	Appointment on compassionate ground
W.P.(C)	10045	-	Appointment of family members of victim of Extremist violence
W.P.(C)	10046	-	Salary and allowances
W.P.(C)	10047	-	Seniority
W.P.(C)	10048	-	Promotion
W.P.(C)	10049	-	Reservation of vacancies
W.P.(C)	10050	-	Transfer
W.P.(C)	10051	-	Suspension
W.P.(C)	10052	-	Disciplinary and enquiry proceeding
W.P.(C)	10053	-	Minor Punishment
W.P.(C)	10054	-	Major punishment
W.P.(C)	10055	-	Compulsory retirement
W.P.(C)	10056	-	Order of the Industrial/Labour Tribunal
W.P.(C)	10057	-	Order of the Appellate or Revisional Authority
W.P.(C)	10058	-	Date of Birth
W.P.(C)	10059	-	Retirement benefits
W.P.(C)	10060	-	Other service matters

WRIT PETITION RELATING TO SERVICE OF DEFENCE PERSONNEL AND ARMED FORCES

W.P.(C)	10061	-	Ad hoc appointment
W.P.(C)	10062	-	Regularisation of ad-hoc appointment
W.P.(C)	10063	-	Selection and appointment
W.P.(C)	10064	-	Appointment on compassionate ground

W.P.(C)	10065	-	Service benefits
W.P.(C)	10066	-	Salary and allowances
W.P.(C)	10067	-	Seniority
W.P.(C)	10068	-	Promotion
W.P.(C)	10069	-	Reservation of vacancies
W.P.(C)	10070	-	Transfer
W.P.(C)	10071	-	Suspension
W.P.(C)	10072	-	Disciplinary and enquiry proceeding
W.P.(C)	10073	-	Minor Punishment
W.P.(C)	10074	-	Major punishment
W.P.(C)	10075	-	Compulsory retirement
W.P.(C)	10076	-	Order of the appellate or revisional authority
W.P.(C)	10077	-	Court-martial
W.P.(C)	10078	-	Date of Birth
W.P.(C)	10079	-	Retirement benefits
W.P.(C)	10080	-	Other service matters

WRIT PETITION RELATING TO ACADEMIC MATTERS

W.P.(C)	10081	-	Admissions in MBBS or BDS Course in Medial and Dental Colleges
W.P.(C)	10082	-	Admissions in post graduate degree and diploma course in medical colleges
W.P.(C)	10083	-	Admissions in Engineering Colleges
W.P.(C)	10084	-	Admissions in other Institutions
W.P.(C)	10085	-	Withholding and cancellation of results
W.P.(C)	10086	-	Evaluation and totalling of marks in examination
W.P.(C)	10087	-	Malpractice at the time of examination
W.P.(C)	10088	-	Examination centre
W.P.(C)	10089	-	Expulsion of students from academic institutions
W.P.(C)	10090	-	Other academic disputes

OTHER WRIT PETITIONS RELATING TO ACADEMIC INSTITUTIONS

W.P.(C)	10091	-	Governing Body of Aided Colleges
W.P.(C)	10092	-	Governing Body of other Colleges
W.P.(C)	10093	-	Managing Committee of Aided Schools
W.P.(C)	10094	-	Managing Committee of other schools
W.P.(C)	10095	-	Permission for and recognition of schools and Colleges
W.P.(C)	10096	-	School administration.
W.P.(C)	10097	-	Grants in Aid to Schools
W.P.(C)	10098	-	Affairs in relation to staff of schools
W.P.(C)	10099	-	Orders passed by authorities in relation to Management of Schools and Colleges
W.P.(C)	10100	-	Other disputes relating to the management of academic Institutions

WRIT PETITIONS RELATING TO TAX MATTERS

W.P.(C)	10101	-	Sales Tax
W.P.(C)	10102	-	Agricultural Income Tax
W.P.(C)	10103	-	Income Tax
W.P.(C)	10104	-	Central Excise
W.P.(C)	10105	-	Motor Vehicle Tax

W.P.(C)	10106	-	Wealth Tax
W.P.(C)	10107	-	Gift Tax
W.P.(C)	10108	-	Estate Duty
W.P.(C)	10109	-	Purchase Tax
W.P.(C)	10110	-	Municipal Tax
W.P.(C)	10111	-	Custom Duty
W.P.(C)	10112	-	Professional Duty
W.P.(C)	10113	-	Entertainment Tax
W.P.(C)	10114	-	Octroi
W.P.(C)	10115	-	Licence Fee
W.P.(C)	10116	-	Penalty
W.P.(C)	10117	-	Confiscation
W.P.(C)	10118	-	Seizure
W.P.(C)	10119	-	Check Gate
W.P.(C)	10120	-	Other Tax matters
W.P.(C)	10121	-	Industrial Disputes Act, 1947
W.P.(C)	10122	-	Trade Union Act, 1926
W.P.(C)	10123	-	Workmen Compensation Act, 1923
W.P.(C)	10124	-	Employees State Insurance Act, 1948
W.P.(C)	10125	-	Factories Act, 1946
W.P.(C)	10126	-	Employees Provident Funds and Misc. Provision Act, 1952
W.P.(C)	10127	-	Payment of Gratuity Act, 1952
W.P.(C)	10128	-	Payment of Bonus Act, 1965
W.P.(C)	10129	-	Payment of Wages Act, 1936
W.P.(C)	10130	-	Plantation Labour Act, 1951
W.P.(C)	10131	-	Contract Labour (Regularisation Payment) Act, 1970
W.P.(C)	10132	-	Labour and Industrial Cases

WRIT PETITION RELATING TO SETTLEMENT MADE BY THE STATE GOVERNMENT AND
OTHER AUTHORITIES

W.P.(C)	10140	-	Settlement of Fishery by the State Government
W.P.(C)	10141	-	Settlement of Fishery by the Districts Fisheries Development Corporation
W.P.(C)	10142	-	Settlement of Country Liquor Shop
W.P.(C)	10143	-	Settlement of Foreign Liquor Shop
W.P.(C)	10144	-	Settlement of Markets
W.P.(C)	10145	-	Settlement of Sand Mahal
W.P.(C)	10146	-	Settlement of Quarry
W.P.(C)	10147	-	Settlement of Forest Produce
W.P.(C)	10148	-	Other Settlements
W.P.(C)	10149	-	Orders passed by the Board of Revenue/ Commissioner (Revenue) in Appeal.
W.P.(C)	10150	-	Orders passed by the Government in appeals

WRIT PETITIONS RELATING TO LAND MATTERS

W.P.(C)	10151	-	Acquisition of land
W.P.(C)	10152	-	Requisition of land
W.P.(C)	10153	-	Settlement of land
W.P.(C)	10154	-	Eviction from land
W.P.(C)	10155	-	Orders passed under the Urban Land (Ceiling Regulation Act, 1976)

W.P.(C)	10156	-	Orders for demolition of unauthorised constitution on Land
W.P.(C)	10157	-	Sale of land by member of Schedule Tribe
W.P.(C)	10158	-	Issue of Patta in respect of land
W.P.(C)	10159	-	Orders passed by the Board of Revenue in land Matters
W.P.(C)	10160	-	Other land matters

OTHER WRIT PETITIONS

W.P.(C)	10161	-	Recovery of land revenue
W.P.(C)	10162	-	Recovery of other dues under the Public Demand Recovery Act
W.P.(C)	10163	-	Electricity Disputes
W.P.(C)	10164	-	Requisition of vehicles
W.P.(C)	10165	-	Payment of bills in respect of requisitioned vehicles
W.P.(C)	10166	-	Permit of vehicle
W.P.(C)	10167	-	Payment of Road Tax
W.P.(C)	10168	-	No confidence motion passed by Panchayat
W.P.(C)	10169	-	Other cases under the Panchayat Act
W.P.(C)	10170	-	Election of Municipal Boards/Corporation
W.P.(C)	10171	-	Election of members of Panchayat
W.P.(C)	10172	-	Election of office bearers of Co-operative Societies
W.P.(C)	10173	-	Annual General Meeting of Co-operative societies
W.P.(C)	10174	-	Order passed by the authorities under the Co-operative Societies Act.
W.P.(C)	10175	-	Order under the Essential Commodities Act
W.P.(C)	10176	-	Order of the Foreigners Tribunal/Illegal Migrant (D) Tribunal
W.P.(C)	10177	-	Transit passes for Forest Produce
W.P.(C)	10178	-	Telephone Disputes
W.P.(C)	10179	-	Disputes against the Railways
W.P.(C)	10180	-	Award of contracts by the State or its instrumentality
W.P.(C)	10181	-	Subsidy matters
W.P.(C)	10182	-	Dissolution of Autonomous Council and Local Bodies
W.P.(C)	10183	-	Compensation
W.P.(C)	10184	-	Licenses and Permissions
W.P.(C)	10185	-	Electoral Roll and Voters' List
W.P.(C)	10186	-	Army and Police Action
W.P.(C)	10187	-	Eviction from House
W.P.(C)	10188	-	Challenge to order passed by District and State Government Authorities
W.P.(C)	10189	-	Other Civil Rules

WRIT PETITIONS BEFORE THE DIVISION BENCH

W.P.(C)	10190	-	Habeas Corpus - Non-production of a person before the Magistrate after arrest
W.P.(C)	10191	-	Detention under the Prevention Detention Law
W.P.(C)	10192	-	Death after detention in custody
W.P.(C)	10193	-	Other habeas corpus petitions
W.P.(C)	10194	-	Public Interest Litigation

ORIGINAL JURISDICTION CASES

COP (C)	10200	-	Contempt Petition (Civil)
<u>CRL.OP(C)</u>	10201	-	Contempt petition (Criminal)
COP(C)			
C.PTN.	10203	-	Company Petition
C.APPLN.	10204	-	Company Application
TS	10205	-	Testamentary cases
EP	10206	-	Election Petitions relating to election of members of Legislative Assembly
EP	10207	-	Election Petitions relating to election of members of Lok Sabha
EP	10208	-	Election Petitions relating to election of members of Rajya Sabha
EC	10209	-	Execution cases in succession matters etc.
C&C	10210	-	Chartered Accountants Cases
CC	10211	-	Original Cases relating to liquidation of banks

FIRST APPEALS

FA	10220	-	Family Court Appeals
MA(F)	10221	-	Appeals under Order 43 rule 1 CPC relating to temporary injunction
MA(F)	10222	-	Other appeals under Order 43 Rule 1 CPC
FA	10223	-	Appeals from motor accident claims tribunal
MA(F)	10224	-	Appeals from Railway Claims tribunal
MA(F)	10225	-	Appeals under the Workmen Compensation Act, 1923

FA/SA
CREVN

MA(F)	10227	-	Appeals under the Employees State Insurance Act, 1946
FA	10228	-	Appeals against Original Decrees.
FA/MA(F)	10229	-	Other First Appeals

SECOND APPEALS

SA	10230	-	Second Appeals arising out of suits for title and/or Injunction
SA	10231	-	Second Appeals arising out of suits for specific performance of contract
SA	10232	-	Second Appeals arising out of suits in respect of service matters
SA	10233	-	Second Appeals arising out of suits in respect of other Matters
MA(S)	10234	-	Second Appeals against orders MA(S)

SPECIAL APPEALS TO DIVISION BENCH

W.A./ICA.	10235	-	Writ Appeals/Intra Court Appeals.
CA	10236	-	Appeals under the Companies Act, 1956
WA	10237	-	Writ Appeals under the High Court of Manipur Rules
DB	10238	-	Contempt Appeal.

CIVIL REVISIONS

C.REVN	10240	-	Civil Revision against orders passed by Civil Court in Suits
C.REVN	10241	-	Civil Revision against appellate decree under the Local Rent Control Act
C.REVN	10242	-	Civil Revision against orders in cases filed under Section 6 of the Specific Relief Act.
C.REVN	10243	-	Civil Revision against orders passed in execution Cases
C.REVN	10244	-	Civil Revision under Article 227 of the Constitution
C.REVN.	10245	-	Civil Revision for transfer of suit under Section 24 of the CPC
C.REVN	10246	-	Other Civil Revisions.
C.REVN	10247	-	Arbitration Cases

CRIMINAL APPEALS

CRL.A	10250	-	Appeals against conviction for offences under IPC
CRL.A	10251	-	Appeals against acquittal.
CRL.A	10252	-	Appeal against conviction under the NDPS Act.
CRL.A	10253	-	Appeals against conviction under other Acts
CRL.A(H)	10254	-	Criminal Appeals (Hills)
CRL.A(J)	10255	-	Criminal Appeals (Jail)

CRIMINAL REVISION AND OTHER CASES

CRIMC	10259	-	Criminal Reference (Hills)
CRL.REVN.	10260	-	Criminal Revisions against acquittal.
CRL.REVN	10261	-	Criminal Revision orders passed in trial cases
CRL.REVN	10262	-	Criminal Revision in respect of orders passed in cases other than trial cases
CRL.REVN	10263	-	Criminal Revision for quashing of criminal proceedings and charges
MCIN CRL.OA	10264	-	Cancellation of bail
CRL.REVN	10265	-	Other Criminal Revisions
CRL.O.APPN	10266	-	Bail application under Section 439 Cr.P.C.
CRL.O.APPN	10267	-	Anticipatory Bail application under Section 438 Cr.P.C

MC IN CRL	10268	-	Other Criminal Misc. Cases under Section 482 Cr.P.C.
CRL.REF	10269	-	Application for transfer of Criminal cases
CRL.REVN.(H)	10270	-	Criminal Revision (Hill)

TAX REFERENCE CASES

IT (REF)	10271	-	Reference under Section 256(1) of the Income Tax Act, 1961
CR(M)	10272	-	Application under Section 256
WT(REF)	10273	-	Reference under Section 27(1) of the Wealth Tax Act, 1981
CR(M)	10274	-	Reference under Section 27(3) of the Wealth Tax Act, 1957
GT(REF)	10275	-	Under Section 26(1) of the Gift Tax Act, 1958
ED(REF)	10277	-	Reference under Section 64(1) of the Estate Duty, 1953
CR(M)	10278	-	Applications under Section 64(3) of the Estate Duty 1953
ST(REF)	10279	-	References under Local Sales Tax Laws to the High Court
CR(M)	10280	-	Applications to the High Court for reference in Sales Tax matters
ATR(REF)	10281	-	Reference under the Agricultural Income Tax Act to the High Court
CR(M)	10282	-	Applications to the High Court for reference under AIT Law

CONFIRMATION OF SENTENCES AND DECREES

CRL.D REF	10285	-	Confirmation of death sentences.
DS	10286	-	Confirmation of decree of divorce

APPLICATION RELATING TO THE APPEALS BEFORE SUPREME COURT

SCA	10290	-	Application for certificate of Appeal before Supreme Court in civil cases
SCA	10291	-	Application for certificate of Appeal before Supreme Court in criminal cases
SLP	10292	-	Application for leave to appeal to Supreme Court in Civil cases
CAVT	10294	-	Caveat
CR	10295	-	Review Applications in Civil Rule
RA	10296	-	Review Application in First Appeal
RA	10298	-	Review Applications in Civil Revisions
RA	10299	-	Review Applications in other cases.

APPENDIX – 23

LIST OF CASE TYPES (OLD AND NEW)

1.	CR	Civil Rule
2.	COP(C)	Civil Original Petition (Contempt)
3.	COMPET	Company Petition
4.	COMAPL	Company Appeal
5.	COB(MFA)	Cross Objection in Misc. First Appeal
6.	COB(FA)	Cross Objection in First Appeal
7.	CC(CIV)	Contempt of Court (Civil)
8.	CR(HC)	Civil Rule (Habeas Corpus)
9.	CR(LAB)	Civil Rule Labour
10.	CR(LAN)	Civil Rule (Land)
11.	CR(OTH)	Civil Rule (Other)
12.	CR(SEER)	Civil Rule (Service)
13.	CREF	Civil Reference
14.	CREV	Civil Revision
15.	CREV(H)	Civil Revision (Hills)
16.	EDREF	Estate Duty Reference
17.	EF	Election Petition
18.	FA	First Appeal
19.	[B(T)]	First Appeal
20.	GCA	Government Criminal Appeal
21.	GTRF	Gift Tax Reference
22.	TTREF	Income Tax Reference
23.	LPA	Letters Patent Appeal
24.	MAF	Miscellaneous Appeal (First)
25.	MAF(T)	Miscellaneous Appeal First (Tender)
26.	MC(CR)	Misc. Case of Civil Rule
27.	MC(CREV)	Misc. Case of Civil Revision
28.	MC(MAF)	Misc. Case of Misc. Appeal (First)
29.	MC(EP)	Misc. Case of Election Petition
30.	MC(SA)	Misc. Case in Second Appeal
31.	OTA	Other Tax Application
32.	RA(CR)	Review Application in Civil Rule
33.	RA(FA)	Review Application in First Appeal
34.	COJO	Correction of Judgment/Order
35.	RA(MFA)	Review Application in Misc. First Appeal
36.	REP	Recrimination Case in Election Petition
37.	RLPA	Review in Letters Patent Appeal
38.	RSA	Review in Second Appeal
39.	SA	Second Appeal
40.	SA(T)	Second Appeal (Tender)
41.	STREF	Sales Tax Reference
42.	MA(LAB)	Writ Appeal (Labour)
43.	MA(LAN)	Writ Appeal (Land)
44.	WA(SER)	Writ Appeal (Service)
45.	WA(OTH)	Writ Appeal (Others)
46.	WTREF	Wealth Tax Reference
47.	CAPL	Contempt Appeal

48.	CAV	Caveat
49.	AB	Anticipatory Bail
50.	CR(CC)	Criminal contempt of Court
51.	CR(MC)	Criminal Misc. Case
52.	CRAPL	Criminal Appeal
53.	CROP(C)	Criminal Original Petition (Contempt)
54.	CRREF	Criminal Reference
55.	CRREF(H)	Criminal Reference (Hills)
56.	CRREV	Criminal Revision
57.	BA	Bail Application
58.	CRDREF	Criminal Death Reference
59.	MC	Miscellaneous Case
60.	FA(D)	First Appeal (Divorce)
61.	WA	Writ Appeal
62.	CROA	Criminal Original Petition
63.	CROP	Criminal Original Petition
64.	WA(T)	Writ Appeal Tender
65.	MA(S)	. Appeal (Second)
66.	RAT	Review Application (Tender)
67.	RPT	Review Petition (Tender)
68.	CP	Condonation Petition
69.	CROA(C)	Criminal Original Application Contempt
70.	RA	Review Application
71.	MC(F)	Miscellaneous Case (First)
72.	DS	Divorce Suit
73.	MC(CRREV)	Misc. Case in Criminal Revision
74.	HC(WA)	Misc. Case in Writ Appeal
75.	CRREVAP	Criminal Review Application
76.	MC(CRAPL)	Misc. Case in Original Appeal
77.	TS	Testamentary Suit
78.	MC(CREV)	Misc. Case (CREV)
79.	MC (FA)	Misc. Case (First Appeal)
80.	CRAPPL	Cross-Appeal
81.	COB(T)	Cross Objection (Tender)
82.	MC(COP)	Misc. Case (COP)
83.	CEREF	Central Excise Reference
84.	SCA	Supreme Court Appeal
85.	MC(RA)	Misc. Case (R.A)
86.	MAS(T)	Misc. Appeal Second (Tender)
87.	LPA(T)	Misc. Appeal Second (Tender)
88.	ITREF(A)	Agri IT Reference
89.	OC	Original Case
90.	OC	Original Case
91.	MC(EP)	Misc. Case (Election Petition)
92.	OJ	Original Jurisdiction
93.	PIL	Public Interest Litigation
94.	CONTAPP	Contempt Appeal
95.	CS	Civil Suit
96.	RFA	First Appeal from Judgment & Order in suit
97.	CO	Cross Objection in First Appeal
98.	FAO	First Appeal from Order

99.	RSA	Second Appeal from Judgment & Decree
100.	SAO	Appeal from Appeal Order
101.	LPA/Sp.A	Letters Patent Appeal or Special Appeal before Division Bench against a judgment in civil proceeding
102.	CRP	Revision Petition
103.	Review Pet.	Review Petition
104.	C.Ref.	Reference
105.	Ex.P.	Execution Petition
106.	Ex.FA	Execution First Appeal
107.	Ex. SA	Execution Second Appeal
108.	IA	Interlocutory Applications in Pending Suits/Appeal
109.	CM Appl.	Miscellaneous Applications, e.g. Leave to sue as Indigent person, restoration
110.	Tr.P.(C)	Transfer Petition under Section 24 C.P.C.
111.	WP(C)	Writ Petition under 226 and 227 of the Constitution
112.	WA	Appeal before Division Bench against judgment and order of Single Bench
113.	SCLP	Petition for Leave to Appeal to Supreme Court
114.	Co. Pet.	Original Petition
115.	Co.Appl.	Application in Pending Proceeding
116.	Co. Case	Matters transferred under Section 446(3)
117.	Co. App.	Appeals against Judgment/Orders in Company Petitions.
118.	Bkg.P.	Proceedings under Banking Regulations Act.
119.	Mat. Cas.	Suits/Petitions
120.	Mat. Ref.	References
121.	Mat.App.	Appeals
122.	RP (FAM CT)	Revision under Section 19 of the Family Courts Act.
123.	Test. Cas.	Testamentary Cases e.g. Probate or Leers of Administration etc.
124.	Intest. Cas.	Intestate cases, e.g., Succession Certificate, etc.
125.	Gua. P.	Petitions under Guardianship and Wards Act.
126.	LA. Ref.	Reference
127.	LA. App.	Appeals
128.	PCE	Principal Suit/Petition
129.	RCPA	First Appeal
130.	RCSA	Second Appeal
131.	RECRv.	Revision
132.	MAC	Motor Accident Claims
133.	MACApp.	Motor Accident Appeal
134.	El. Pet.	Election Petitions
135.	El. App.	Appeals from Judgments in Election Petition
136.	IP(M)	Main Petition
137.	IP(Appl.)	Application submitted after adjudication
138.	Arb.P.	Petition under Indian Arbitration Act
139.	Arb. A.	Appeals under Indian Arbitration Act
140.	Insurance Ref.	Reference under Insurance Act.
141.	Insurance App.	Appeals under Insurance Act
142.	Cont. Cas(C)	Contempt of Court Cases relating to Civil Contempt
143.	Cont. App.(C)	Appeal against orders in Civil Contempt matters
144.	MFA(Name of Act)	First Appeal against judgments in Special jurisdiction cases.
145.	MSA	Second Appeal from judgments in miscellaneous cases.

146. SP.JC (name of Act) Special Jurisdiction cases assigned to High Courts e.g. Trust Act, Patents Act etc.
147. ITR Reference under Section 256(2)
148. ITA Application under Section 256(2)
149. GTR/WTR/EDR Reference to High Court
150. GTA/WTA/EDA Application for direction to make a reference
151. Cus. Ref. Reference under Customs Act.
152. CE.Ref. Reference under Central Excise Act.
153. ST.Ref. Reference
154. ST.Appl. Application for direction to make a reference
155. ST. Rev. Revision
156. OTR Other Tax Reference Cases
157. OTC Other Tax Cases
158. OT. Appl. Other Tax Application
159. CS(OS) Civil Suits
160. FA(OS) First Appeal for judgments in Original Suits
161. Ex. Appl.(OS) Execution Application
162. MS.(S.J.C.S. Miscellaneous Summons e.g. summons for judgments, chamber, summons etc.
- and so on)
163. N.M. Notice of Motion
164. Adml. S. Admiralty Suits
165. CrI.Tr. Original Trial
166. CrI. A. Appeal against Judgment/Sentence
167. Death Sentence Ref. Confirmation case under Section 336 Cr.P.C.
168. CrI. Rev.P. Revision
169. CrI. Ref. Reference
170. CrI. M.C. Application under Section 482 Cr.P.C.
171. Bail Appln. Bail Application
172. CrI.M.Appl. Other Miscellaneous Application
173. W.P.(CrI) Petition under Article 226 for Writ and Habeas Corpus and other relief.
174. Cont. Cas(CrI.) Proceeding relating to Criminal Contempt
175. Cont. Appl. (CrI.) Appeal against Orders in Criminal Contempt matters.
176. CrI. L.P. Application for leave to appeal under Section 378 Cr.P.C. or under the
177. Tr.P.(CrI.) Transfer Petition for transferring a Criminal Proceedings.
178. CAVT. Caveat.

APPENDIX – 24

UNIFORM NOMENCLATURE OF CASES

(A)

CIVIL PROCEEDING

ORDINARY CIVIL PROCEEDINGS
[SUBORDINATE COURTS OR HIGH COURT (APPELLATE SIDE)]

<u>Abbreviation</u>	<u>Nature of Proceeding</u>
01. CS	Civil Suit
	<u>First Appeal</u>
02. RFA	First Appeal from Judgment & Decree suit
03. CO	Cross Objection in First Appeal
04. FAO	First Appeal from Orders
	<u>Second Appeal</u>
05. RSA	Second Appeal from Judgment & Decree
06. SAO	Appeal from Appellate Order
07. LPA/Sp.A	Letters Patent Appeal or Special Appeal before Division Bench against a judgment in civil proceedings
08. CRP	Revision Petition
09. Review Petn.	Review Petition
10. C.Ref.	Reference
11. Ex.P.	Execution Petition
12. Ex. FA.	Execution First Appeal
13. Ex.SA	Execution Second Appeal
14. IA.	Interlocutory Applications in Pending Suits/Appeals
15. CM Appl.	Miscellaneous Applications, e.g. Leave to sue as indigent person, restoration
16. Tr.P(C)	Transfer Petition under Section 24 C.P.C.
	II. OTHER CIVIL PROCEEDINGS
17. WP(C)	Writ Petition under 226 and 227 of the Constitution
18. WA	Appeal before Division Bench against judgment or order of Single Bench in a writ petition.
19. SCLP	Petition for Leave to Appeal to Supreme Court
	<u>Proceedings under Companies Act</u>
20. Co.Pet.	Original Petition
21. Co. Appl.	Application in Pending Proceedings
22. Co. Case.	Mattes transferred under Section 446(3)
23. Co.App.	Appeals against Judgment/Orders in Company Petitions
24. Bkg. P.	Proceedings under Banking Regulation Act.

Matrimonial cases

- 25. Mat. Cas Suits/Petitions
- 26. Mat. Ref. References
- 27. Mat.App. Appeals
- 28. RP(FAM. CT) Revision under Section 19 of the Family Courts Act

Testamentary and Intestate Cases

- 29. Test. Cas. Testamentary Cases e.g. Probate or Leers of Administration etc.
- 30. Intest. Cas. Intestate case, e.g. Succession Certificates, etc.
- 31. Gua. P. Petitions under Guardianship and Wards Act.

Land Acquisition Act

- 32. LA. Ref. Reference
- 33. LA. App. Appeals

Rent Control Matters

- 34. PCE Principal Suit/Petition
- 35. RCFA First Appeal
- 36. RCSA Second Appeal
- 37. RECRev. Revision
- 38. MAC Motor Accident Claims
- 39. MAC App. Motor Accident Appeal
- 40. El.Pet. Election Petitions
- 41. El. App. Appeals from judgments in Election Petition

Proceeding under Insolvency Act

- 42. IP(M) Main Petition
- 43. IP(Appl.) Application submitted after adjudication
- 44. Arb. P. Petition under Indian Arbitration Act
- 45. Arb. A. Appeal under Indian Arbitration Act
- 46. Insurance Ref. Reference under Insurance Act
- 47. Insurance App. Appeals under Insurance Act
- 48. Cont. Cas(C) Contempt of Court cases relating to Civil Contempt
- 49. Cont. App(C) Appeals against order in Civil Contempt
- 50. MFA (Name of Act) – First Appeal against judgments in Special jurisdiction cases.
- 51. MSA Second Appeal from judgments in miscellaneous cases.
- 52. SP. JC (Name of Act) – Special jurisdiction cases assigned to High Courts e.g. Trust Act, Patents Act etc.

III. TAXATION MATTERS

- 53. ITR Reference under Section 256(1)
- 54. ITA Application under Section 256(2)

Gift Tax Act/Wealth Tax Act/Estate Duty Act

- 55. GTR/WTR/EDR Reference to High Court
- 56. GTA/WTA/EDA Application for direction to make a reference
- 57. Cus. Ref. Reference under Customs Act.
- 58. CE.Ref. Reference under Central Excise Act.

Sales Tax Act

- | | | |
|-----|-----------|---|
| 59. | ST. Ref. | Reference |
| 60. | ST. Appl. | Application for direction to make a reference |
| 61. | ST. Rev. | Revision |
| 62. | OTR | Other Tax Reference Cases |
| 63. | OTC | Other Tax Cases |
| 64. | OT. Appl. | Other Tax Application |

IV CIVIL ORIGINAL JURISDICTION OF THE HIGH COURT.

- | | | |
|-----|-----------------------|---|
| 65. | CS(OS) | Civil Suits |
| 66. | FA(OS) | First Appeal for judgment in Original Suits |
| 67. | Ex. Appl. (OS) | Execution Application |
| 68. | MS (SJCS) and so on) | Miscellaneous Summons e.g. Summons for Judgments, chamber, summons etc. |
| 69. | N.M. | Notice of Motion |
| 70. | Adml. S. | Admiralty Suits |

(B) CRIMINAL PROCEEDINGS

- | | | |
|-----|---------------------|---|
| 71. | CrI. Tr. | Original Trial |
| 72. | CrI. A. | Appeal against Judgment / Sentence |
| 73. | Death Sentence Ref. | Confirmation case under Section 336 Cr.P.C. |
| 74. | CrI. Rev. P. | Revision |
| 75. | CrI. Ref. | Reference |
| 76. | CrI. M.C. | Application under Section 482 Cr.P.C. |
| 77. | Bail Appln. | Bail Application |
| 78. | CrI. M. Appl. | Other Miscellaneous Application |
| 79. | W.P.(CrI) | Petition under Article 226 for Writ and Habeas Corpus and other relief |
| 80. | Cont. Cas(CrI.) | Proceedings relating to Criminal Contempt |
| 81. | Cont. App. (CrI). | Appeals against order in Criminal Contempt matters. |
| 82. | CrI. L.P. | Application for leave to appeal under Section 378 Cr.P.C. or under the relevant corresponding proceeding. |
| 83. | Tr.P.(CrI.) | Transfer Petition for transferring a Criminal Proceeding. |
| 84. | CAVT. | Caveat. |

APPENDIX – 25

**GUIDELINES OF SUPREME COURT OF INDIA FOR
PUBLIC INTEREST LITIGATION**

**Guidelines to be followed for entertaining letters/petitions received in this Court as Public
Interest Litigation**

Notification dated 1-12-1988

No petition involving individual/personal matter shall be entertained as a PIL matter except as indicated hereinafter.

Letters/petitions falling under the following categories alone will originally be entertained as Public Interest Litigation:-

1. Bonded Labour matters.
2. Neglected children.
3. Non-payment of minimum wages to workers and exploitation of casual workers and complaints of violation of Labour Law (except in individual cases).
4. Petitions from jails complaining harassment, for premature release and seeking release after having completed 14 years in jail, death in jail, released on personal bond, speedy trial as a right.
5. Petitions against police for refusing to register a case, harassment by police and death in police custody.
6. Petitions against atrocities on women, in particular, harassment of bride, bride-burning, rape, murder, kidnapping etc.
7. Petitions complaining of harassment or torture of villagers by co-villagers or by police from persons belonging to Schedule Castes and Schedule Tribes and economically backward classes.
8. Petitions pertaining to environment pollution, disturbances of ecological balance, drugs and food adulteration, maintenance of heritage and culture, antiques, forest and wildlife and other matters of public importance.
9. Petitions from plot-victims.
10. Family pension.

All letters/petitions received in PIL cell will first be screened in the Cell and only such petitions are covered by the above-mentioned categories will be placed before Judge to be nominated by the Hon'ble Chief Justice of India for directions after which the case will be listed before the Bench concerned. To begin with, only one Hon'ble Judge may be assigned this work, and the member may be increased to two or three later depending on the workload.

Cases falling under the following categories will not be entertained as public interest litigation and these may be returned to the petitioners or filed in the PIL Cell, as the case may be :

- (1) Landlord-Tenant matters.
- (2) Service matter and those pertaining to pension and Gratuity.
- (3) Complaints against Central/State Government Departments and local Bodies except those relating to item Nos. (1) to (10) above.
- (4) Admission to medical and other educational institution.
- (5) Petitions for early hearing of cases pending in High Courts and Subordinate Courts.

In regard to the petitions concerning maintenance of the wife, children and parents, the petitioner may be asked to file petition under Sec. 125 Cr.P.C. or a suit in the Court of competent Jurisdiction and for that purpose to approach the nearest Legal Aid Committee for legal aid and advice.

New Delhi
December 1, 1988

[Note by Chief Justice: In the High Court, Registrar (Judl) may perform the function of the Cell Nomination of a Judge may or may not be made at the discretion of the Chief Justice].

APPENDIX – 26.

GUIDELINES FOR LISTING OF CASES IN THE HIGH COURT OF MANIPUR.

The High Court of Manipur is pleased to adopt the following guidelines for listing of cases in the High Court which will come into force from the date of enforcement of the High court of Manipur Rules, 2019.

LISTING OF CASES, PRIORITISATION OF THE STAGES OF CASES, CLEARANCE OF BACKLOG, NOTICE OF MOTION AND NOTICE FOR MENTIONING.

1. (I) Writ Petition(cril),Cril.Death Reference, Bail matters, Part Heard matters and PIL cases shall be listed at the top of the daily cause list in order to each category of stage.

(II) In general, the prioritisation of stages of cases in listing shall be as follows:

- (a) Motion;
- (b) Admission;
- (c) Order;
- (d) Hearing.

(III) Any case to be listed for delivery of Judgment/order shall be listed on the top of the Cause List above the motion stage.

2. (I) Cases listed for a particular day will be automatically published in the chronological order in each column of that stage, in which the oldest case shall be on the top and the latest case shall be on the bottom.

(II) Prioritization shall be done purely on chronological precedence alone, the oldest case on the top and the latest case on the bottom. Cases which have been pending for more than 5 years shall be listed on priority basis and emphasis shall be given on clubbing of similar cases and disposing of such cases together.

(III) The High Court shall issue instructions in the Subordinate Courts to set a target date by which cases pending for more than 5 years are to be disposed of.

(IV) Old cases which have not been listed for a long period as dates were not fixed or left over as such cases were not taken up due to adjournment or paucity of time or due to any other reason shall be listed whenever there are fewer cases on any date or upon instruction of the High Court to put up the case for listing or on the instruction made by any of the concerned parties or by counsel representing any of the parties.

(V) Listing of different matters shall be made based on the different guidelines provided in the different orders, notifications and Rules.

3. Prior notice shall be necessary for mentioning matters either through oral or written application.

4. Appearance may be submitted to the Court Master in advance before 10:30 a.m. of the day.

MOTION MATTERS.

1. All Motion, Admission, Misc. Cases, stay matters and other order matters are to be listed thrice in a week, i.e. Monday, Wednesday and Friday.

2. For interim prayer or stay sought in the written petition itself, no separate Misc. Case is required. However, Court fee, if any, for such interim relief is to be paid.

3. All matters/cases filed till 12 noon of Friday/Saturday (if the Saturday is a working day) are to be listed on the next day, i.e. Monday and cases filed thereafter till 12 noon of Tuesday are to be listed on Wednesday and likewise, cases filed after 12 noon of Wednesday till 12 noon of Thursday shall be listed on Friday.

4. (a) An application under Article 226(3) of the Constitution, Misc. Cases are to be listed positively within the time frame provided above giving them due propriety. In the event of non-listing of such case within 7 days of filing, the concerned Advocate praying for vacation/Advocate, who has received notice of such application, may bring it to the notice of the Registry, which shall immediately list such application for hearing before the appropriate Bench.

5. For fixation of cases, there would be an upper ceiling of 100 cases per Bench. Excess cases, if any, are to be listed on the next Motion day. While listing the cases on Motion day, the following process shall be followed in seriatim :

- (i) Fixed cases for motion hearing, admission and misc. Cases.
- (ii) Newly filed cases.
- (iii) Fixed order cases subject to the total ceiling, as stated above

6. In cases where Notice of motion is issued, a Returnable date is to be fixed and the case along with connected Misc. Case, if any, is to be listed on that date. If the Bench, which issued the Notice, is available, the matter should be listed before the same Bench, as far as practicable, otherwise, it may be listed before any other Bench. Misc. Cases/Stay Vacation /Restoration application should be, as far as practicable, be listed before the same Bench.

7. Matters passed over/adjourned on the request of the parties shall not generally come up in the cause list again within a period of one week from the date on which it was passed over. It shall be listed before the same Bench as far as practicable, which granted adjournment.

8. All Bail applications, where Notice to Public Prosecutor is issued or case diary has been called, be listed for bail hearing and not for orders.

9. If analogous matters are pending, mention to be made, either in the filing slip or by separate memo, giving the required information so that analogous matters can be disposed off in one hearing before the same Bench.

10. On Motion days, no case for hearing shall be listed. However, any matter so fixed for hearing, shall be listed on the next hearing day. Similarly, no motion, order, admission matters shall be listed on hearing days and instead shall be listed on the next motion day.

11. During transition period, registry may list cases to maintain continuity and avoid inconvenience.

12. Analogous cases and cases under the same category code, be listed before one Bench, as far as possible.

13. A calendar be prepared and made available before every Bench indicating Motion days for fixing returnable date.

14. In certain cases, where Court has directed for listing of the case within 2/4 days, and the records could not be made available to Bench Section in time, the Court Master shall send a slip in the prescribed form (Annexure – 2) to the Bench Section.

15. In motion matters, there will be no classification of Bench, such as Bench No. 1, 2 and 3, etc. There shall be a Division Bench, Criminal Bench and Civil Bench. The Criminal cases are to be listed before the Criminal Bench. If there are two Criminal Benches, all Criminal cases shall be proportionately listed before the two benches. The motion matters relating to civil benches shall be proportionately listed amongst all the available Single Benches as per direction or instruction of the Hon'ble Chief Justice.

The Registry will ensure that cases belonging to one/similar category are shown/listed before the same Bench.

16. On Motion days, after the motions are over and if time permits, the Court may take up Hearing matters.

17. All applications for condonation of delay will be listed along with the case filed before the concerned Court without calling for the records, ordered otherwise.

18. In the case of urgent matters, Mention is to be made before the Hon'ble the Chief Justice or nominated Judge for listing or taking up the cases as Unlisted on a Motion or hearing day. A time may be fixed for receiving such a request and also for taking up such unlisted cases. Guidelines regarding mention are enclosed herewith as Annexure – 3.

19. The officers of the Registry taking up lawazima matters are delegated with powers of accepting service reports, except under Order V Rule 9(5) of the Code of Civil Procedure and shall pass Administrative Orders that a case is complete for listing the same for hearing in its own turn. Cases should not be generally fixed for orders before Bench, except where Judicial Order is required. On or before the returnable date, if no steps have been taken or if the services are not complete otherwise, the concerned section shall refer the matter to the lawazima Court for necessary direction.

20. All complaints regarding non-listing, delay in listing etc. are to be mentioned before Registrar General, who shall attend to them promptly. In cases where the complaint is made in writing by the Advocate concerned, the result of that enquiry shall be informed by way of notice in writing once a week and preferably on every Monday under the signature of the concerned Asstt. Registrar.

HEARING MATTERS

21. There will be classification of Benches, as per Annexure – I.

22. A monthly/bimonthly hearing list shall be prepared. The list is to be prepared Bench-wise, with a ceiling of 100 cases per Bench.

23. The Group/Analogous matters shall be treated as One Case for the purpose of listing and as far as practicable the Group/Analogous cases should be listed before the same Bench.

24. Tuesday and Thursday shall be the hearing days. On other days, i.e. on Motion days, after the Motion list is exhausted, if time permits, hearing matters be taken up.

25. The hearing list shall be updated at the end of every week. Cases which were disposed of during the week, shall be taken out of the list and, if required, fresh cases are to be included so that sufficient number of cases are available for hearing.

26. The learned advocate/court mater/bench Asstt. may, while the main case is disposed of by the Court, bring to the notice of the Court, if any Misc. Case is pending in respect of the said matter.

27. In case of part-heard/tied up cases, a Judge-wise list shall be published along with the main hearing list. The fixed part-heard cases should be shown specifically with the date.

28. There shall be a Terminal list of maximum 509 cases to be published every month and whenever an additional bench is available, the matters included in the terminal list, shall be taken up by the said Bench. The terminal list may be updated from time to time. The terminal

list shall generally contain old pending cases. Cases listed in the terminal list may also be listed in the regular hearing list.

29. A calendar be prepared and made available before every bench indicating the hearing days.

The Court Master/Bench Assistant shall instantly bring to the notice of the Hon'ble Court, if any, the case is fixed/posted on a date not meant for hearing.

30. In the hearing list, the case shall be listed in the chronological order, i.e. the old cases shall get the priority. In cases, where there is a direction of the Court to fix a matter for hearing on a particular day, the cause list should reflect the word 'fixed' indicating the date. The case would, however, be listed in chronological order.

31. A supplementary list may be published, if need arises.

32. The offices of the Registry, taking up lawazima mattes are delegated with powers of accepting Service Reports, except under Order V Rule 5 of the Code of Civil Procedure and shall pass administrative orders that a case is complete for listing the same for hearing in its own turn. Cases should not be generally listed for orders before Bench, except where judicial order is required.

33. All complaints regarding non-listing, delay in listing etc. are to be mentioned before Registrar General, who shall attend to them promptly.

34. If analogous matters are pending, mention to be made either in the filing slip or by separate memo giving the required information so that analogous matters can be disposed of in hearing before the same bench.

35. During transition period, Registry may list cases to maintain continuity and avoid inconvenience.

36. The name of the Judge, taking up of the particular List/Bench, shall be notified in the cause list from time to time.

37. List of all cases, which come up for hearing after service of notice, receipt of records, exchange or pleadings etc. shall be placed before the Chief Justice or nominated Judge for obtaining an order for listing for hearing without production of the individual records.

38. At the time of filing of a case, the learned advocate shall submit a synopsis of the case in the appropriate model format (enclosed herewith as Annexure – 4) along with list of dates, question of law and cases relied on, reference of analogous and covered cases, if any.

By order,
Sd/-
Registrar General
High Court of Manipur, Imphal

ANNEXURE -1

- | | | | |
|----|-------------------|-----|---|
| 1. | Division Bench | | Motion, Admission, order and hearing of all Division Bench matters including cases in respect of service matter of Judicial Officer. |
| 2. | Civil Bench No. 1 | S/B | First Appeal (below the value of Rs. 2 lacs) Special appeal, Civil Revision, Matrimonial Appeal (Single Bench matters, MAC appeal (below the value of Rs. 2 lacs), Misc. First Appeal, appeal from Railway Claims Tribunal.

1. Writ petitions relating to academic Institutions (code No. 10091 to 10100)

2. Writ petitions relating to land matters (Code No. 10151 to 10160)

S/B 3. Writ petitions under Labour and Industrial Law (Code No. 10121 to 10132).
4. Writ petitions relating to service of defence personnel and Armed Forces (Code No. 10061 to 10080).
5. Writ petitions relating to service of a teacher of Government School (Code No. 10001 to 10020).
6. Writ petitions relating to service in local bodies, banks and public sector (Code No. 10041 to 10060). |
| 4. | Civil Bench No. 2 | S/B | 1. Writ petitions relating to academic matters (code No. 10081 to 10090).
2. Writ petitions relating to tax matters (Code NO. 10101 to 10120).
3. COP (C) – 10200.
4. Writ petitions relating to State Govt. Employees (Code No. 10021 to 10150).

S/B
5. Writ petitions relating to settlement by the State Govt. (Code No. 10140 to 10150).
6. Other writ petitions (Code No. 10161 to 10189). |
| 6. | Criminal Bench | S/B | Motion, Admission, Orders and Hearing of Bail Applications, Criminal Appeals, Criminal Revisions etc. and CRL OP (C) 10201 CRL OP (C) 101202. |

ANNEXURE – 2

SUPERINTENDENT, BENCH SECTION

Code No. Item No.
..... of Cause list dated

As per order of the Court, the matter has been directed to be listed on
..... for

COURT MASTER

ANNEXURE – 3

GUIDELINES REGARDING MENTION

1. Mention or respect of Division Bench matters shall be made before the Division Bench. If more than one Division Benches are sitting at the same time, mention shall be made before the Senior Division Bench.
2. Mention in respect of Criminal matters shall be made before the Criminal Bench. If more than one Benches taking up Criminal matters are sitting at the same time, mention shall be made before the Hon'ble Senior Judge taking up Criminal Bench.
3. In respect of matters relating to Civil Bench, mention shall be made before the Hon'ble Senior Judge taking up Civil Bench.
4. The mention/request shall be taken up at 10.30 A.M. before the Hon'ble Chief Justice.
5. For taking up the unlisted matter on mention or hearing day, if business of the Court permits, be fixed at 3.30 P.M. or as per convenience of the Court.

ANNEXURE – 4

MODEL FORMAT OF SYNOPSIS OF CASES

- (a) This is an appeal under Order 43 Rule 1 CPC relating to temporary injunction. The appeal is valued at Rs.
- (b) This is an appeal under Section 173 of the Motor Vehicles Act against Judgement and Order dated passed by Shri learned Member of MAC Tribunal.

- (c) This is an application under Section 226 of the Constitution of India for issue of writ in the nature of Mandamus and/or Certiorari and /or Habeas Corpus, etc. or any other appropriate writ order or direction.
- (d) This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail.
- (e) This is an appeal under Order 43 Rule (1) CPC against order dated passed by learned Civil Judge (Sr. Division) in Misc. Case No. arising out of title Suit No. granting temporary injunction under Order 43 Rule 1 under Section 151 of CPC.
- (f) This is a writ appeal under High Court of Manipur Rules against the judgment and order dated of the learned Single Judge Hon'ble Mr. Justice in W.P.(C) No.
- (g) This is an application under Section 397/401/482 of the Code of Criminal Procedure read with Article 227 of the Constitution of India against judgment and order dated passed by learned dismissing the appeal and upholding the order of conviction under section IPL sentencing to undergo R.I./S.I. for
- (h) This is an appeal under Section 378 and 382 of the Code of Criminal Procedure against judgment and order dated passed by the learned.....in connection with case no.
- (i) This is an application under Section 150 read with Section 151 of the CPC against order dated passed by learned in..... dismissing the appeal without condoning the delay.

APPENDIX – 27

HIGH COURT OF MANIPUR (PUBLIC INTEREST LITIGATION RULES, 2019)

No. HC. : In exercise of powers, conferred by Article 225 of the Constitution of India and all other powers enabling it and in accordance with the order dated 18.01.2010 of the Supreme Court in Civil Appeal No. 1134-1135/2002 titled “State of Uttaranchal Vs. Shri Balwant Singh Chaufla”, the High Court of Manipur hereby makes the following Rules, with respect to practice and procedure for the exercise of Jurisdiction under Article 226 of the Constitution of India pertaining to Public Interest Litigation.

Part – I
PRELIMINARY

1. **Short title:** These rules may be called the “High Court of Manipur” (Public Interest Litigation) Rules, 2019.”
2. **Commencement:** These rules shall come into force from the date of its publication in the Official Gazette.
3. **Definition:** In these rules, unless the context otherwise requires :
 - (a) ‘High Court’ means the High Court of Manipur.
 - (b) “Letter Petition” means an informal written communication, addressed to the High Court or the Hon’ble Chief Justice or any Hon’ble Judge of the High Court.
 - (c) “Public Interest Litigation” means a writ petition under Article 226 of the Constitution of India, instituted pro bono publico for enforcement of public interest or general interest as distinguished from individual interest, in which the public or a class of a community have some interest by which their legal rights or liabilities are affected and also includes a legal action initiated by the Court for the purpose aforesaid or a letter petition which may be entertained as Public Interest Litigation under these rules.
 - (d) ‘Public Interest Litigation Cell’ means a cell created by the Chief Justice for processing Letter petitions to be placed before the Public Interest Litigation Committee.
 - (e) “Public Interest Litigation Committee” means the Committee consisting of two sitting Judges nominated by the Chief Justice.
 - (f) “State” means the State as defined under Article 12 of the Constitution of India.
 - (g) “Deputy Registrar” means an officer appointed by the Chief Justice to the post of Deputy Registrar under the High Court of Manipur Services (Appointment, Constitution of Service and Conduct) Rules, 2019.

Part – II
LETTER PETITION

4. **Public Interest Litigation Cell:** The Chief Justice shall by an order constitute a Public Interest Litigation Cell for the High Court which will be headed by an officer, not below the rank of Deputy Registrar.
5. **Duty of the Public Interest Litigation Cell:** Letter petition shall be processed by the Public Interest Litigation Cell for being placed before the Public Interest Litigation Committee.
6. **Public Interest Litigation Committee:** The Chief Justice shall by an order constitute a Committee for the High Court, consisting of two Sitting Judges of the High Court as Members.

7. Without prejudice to the powers of the Chief Justice to mark any matter to any Bench for hearing, the Chief Justice shall constitute a Public Interest Litigation Bench which, subject to any directions to the contrary, shall hear all matters of Public Interest Litigation.

8. **Guidelines for screening Letter Petitions:** Letter Petitions raising or alluding to matters of Public Interest Litigation shall be entertained as Letter Petitions and unless directed by the Public Interest Litigation Committee, Letter Petitions under the following categories shall not be entertained as Public Interest Litigation.

- (i) Landlord-Tenant disputes,
- (ii) Service matters and those pertaining to pension and gratuity,
- (iii) Personal disputes between individuals,
- (iv) Disputes relating to contractual or statutory liabilities,
- (v) Matrimonial Disputes.

9. **Processing, screening and listing of Letter Petitions as Public Interest Litigations before the Public Interest Litigation Committee :**

(a) All Letter Petitions received in the Public Interest Litigations Cell, shall first be processed in the Public Interest Litigation Cell.

However, neither any anonymous Letter Petition nor any such petition from which the identity of the letter petitioner cannot be established or ascertained shall be entertained.

(b) Public Interest Litigation Committee shall take such action, it may consider necessary, on the letter petitions presented before it.

(c) Once a letter petition is approved by the Public Interest Litigation Committee to be entertained as a Public Interest Litigation Petition, the same shall be placed before the Public Interest Litigation Bench unless otherwise directed by the Chief Justice.

(d) The Public Interest Litigation Cell, then shall prepare a gist of the letter petition and the points of public concern, raised in the letter petition, the replies, if any, received from any department, addresses of the Government Departments / Officials, who may be considered as the necessary or appropriate / proper parties for the decision of the petition, and send it for listing.

Part – III

FILING OF PUBLIC INTEREST LITIGATIONS

10. **Instruction for filing Public Interest Litigation :**

(i) A writ petition intended to be a public interest litigation shall contain :

(a) An inscription immediately below the number of the writ petition in the title, namely “In the Matter of a Public Interest Litigation”.

(b) A specific averment, in para 1 of the writ petition, to the effect that the writ petitioner has no personal interest in the litigation and that the petition is not

guided by self-gain or for gain of any other person/institution/body and that there is no motive other than of public interest litigation in filing the writ petition.

(c) A specific averment, in para 2 of the writ petition, as to the source of knowledge of the facts alleged in the writ petition and the further inquiries/investigation made to determine the veracity of the same.

(d) A specific averment, in para 3 of the writ petition, specifying the class of persons for whose benefit the petition has been filed and as to how such persons are incapable of accessing the Court themselves.

(e) A specific averment, in para 4 of the writ petition, of the persons/bodies/institutions that are likely to be affected by the order(s), sought in the writ petition and which/who shall be impleaded as respondents and a further averment that to the knowledge of the petitioner, no other persons/bodies/institutions are likely to be affected by the orders sought in the writ petition.

(f) A specific averment, in para 5 of the writ petition, of the background of the petitioner with qualifications so far as it may be material to show the competence of the petitioner to espouse the cause. If the petitioner is an organisation, the names and address of its office bearers and the nature of its activities shall also be stated. An averment shall also be made that the petitioner has the means to pay the cost, if any, imposed by the Court and on the undertaking to the Court in that respect.

(g) In para 6 of the writ petition, details of the representation(s) made to the authorities concerned for remedial actions and replies, if any, received thereto shall be set out precisely.

(h) If the petitioner has previously filed interest litigation or preferred Letter Petitions, the details thereof would be set out in a tabular form giving the number of the writ petition, the status and outcome thereof.

(i) Pleadings in brief into paragraphs setting forth the cause which has given rise to the filing of the writ petition shall be pleaded followed by the grounds in support of the prayer, followed by the prayer clause in the last paragraph giving the precise prayer which the petitioner wants to be granted by the Court.

Provided that if the petitioner is unable to provide information for any of the matters provided above, there shall be a specific averment as to the reason why the said information is not being provided.

(j) Averments made in the petition shall be supported by an affidavit, verified, by solemn affirmation, by the petitioner, disclosing the statements which are true to his knowledge or true to his knowledge derived from information disclosing the source of information and true to his knowledge derived from record.

(ii) Every Public Interest Litigation shall be accompanied by an affidavit as per Proforma 'A' annexed to these rules.

11. notwithstanding anything contained in these rules, relating to the procedure for filing and entertaining any petition in the nature of Public Interest Litigation, the High Court may suo moto decide to treat any matter or issues as Public Interest Litigation, without insisting on adherence to the said procedure.

Part – IV

12. **Inherent power of the court not affected :** Nothing in these Rules shall be deemed to limit or otherwise affect the inherent power of the Court to make such order(s) may be necessary for the ends of Justice or to prevent abuse of the process of the Court, including the power to impose exemplary costs and / or to debar a petitioner or an Advocate from filing Public Interest Litigation if found to be indulging in frivolous or motivated litigation.

AFFIDAVIT

I agedyears, s/o R/oby profession do hereby solemnly affirm and declare as under.

1. That I am the petitioner above named Or I amof the petitioner above named. The petitioner is a society/company having its registered office at and I have vided resolution passed in the Meeting of the Board of Directors/ General Body/Executive Committee of the petitioner and been authorised to institute and sign this petition.

2. I have filed the present petition as a Public Interest Litigation.

3. I have gone through the High Court of Manipur (Public Interest Litigation) Rules, 2019 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.

4. I/Petitioner have/has no personal interest in the litigation and neither myself nor anything in whom I am/petitioner is interested would in any manner benefit from the relief sought in the present litigation save as a member of the General Public. This petition is not guided by self- gain or gain of any person, institution, body and there is no motive other than of public interestin filing this petition.

5. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/materials which were available and which were relevant for this Court to entertain the present petition.

6. I further confirm that I have not concealed in the present petition any data/material/information which may enable this Court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.

By order,

Sd/-
REGISTRAR GENERAL
HIGH COURT OF MANIPUR.

APPENDIX – 28

HIGH COURT OF MANIPUR (WITNESS PROTECTION SCHEME, 2019)

No. HC. : In exercise of powers, conferred by Article 225 of the Constitution of India and all other powers enabling it and in accordance with the order dated 5th December, 2019 of the Supreme Court in Writ Petition (Criminal) no. 156 of 2016 titled “Mahender Chawla & Ors. Vs. Union of India & Ors.”, the High Court of Manipur hereby makes the following Rules, with respect of practice and procedure for the exercise of Jurisdiction under Article 226 of the Constitution of India pertaining to Witness Protection Scheme, 2019.

1. SHORT TITLE AND COMMENCEMENT:

- (a) The Scheme shall be called “**Witness Protection Scheme, 2019**”
- (b) It shall come into force from the date of Notification.

Part I

2. DEFINITIONS:

- (a) “**Code**” means the Code of Criminal Procedure, 1973 (2 of 1974);
- (b) “**Concealment of Identity of Witness**” means and includes any condition prohibiting publication or revealing, in any manner, directly or indirectly, of the name, address and other particulars which may lead to the identification of the witness during investigation, trial and post-trial stage;
- (c) “**Competent Authority**” means a Standing Committee in each District chaired by District and Sessions Judge with Head of the Police in the District as Member and Head of the Prosecution in the District as its Member Secretary.
- (d) “**Family Member**” includes parents/guardian, spouse, live-in partner, siblings, children, grandchildren of the witness;
- (e) “**Form**” means “Witness Protection Application Form” appended to this Scheme;
- (f) “**In Camera Proceedings**” means proceedings wherein the Competent Authority/Court allows only those persons who are necessary to be present while hearing and deciding the witness protection application or deposing in the court;
- (g) “**Live Link**” means and includes a live video link or other such arrangement whereby a witness, while not being physically present in the courtroom for deposing in the matter or interacting with the Competent Authority;

(h) **“Witness Protection Measures”** means measures spelt out in Clause 7, Part-III, Part-IV and Part V of the Scheme.

(i) **"Offence"** means those offences which are punishable with death or life imprisonment or an imprisonment up to seven years and above and also offences punishable under Section 354, 354A, 354B, 354C, 354D and 509 of IPC.

(j) **"Threat Analysis Report"** means a detailed report prepared and submitted by the Head of the Police in the District investigating the case with regard to the seriousness and credibility of the threat perception to the witness or his family members. It shall contain specific details about the nature of threats by the witness or his family to their life, reputation or property apart from analyzing the extent, or persons making the threat, have the intent, motive and resources to implement the threats.

It shall also categorize the threat perception apart from suggesting the specific witness protection measures which deserve to be taken in the matter;

(k) **“Witness”** means any person, who possess information or document about any offence;

(l) **“Witness Protection Application”** means an application moved by the witness in the prescribed form before a Competent Authority for seeking Witness Protection Order. It can be moved by the witness, his family member, his duly engaged counsel or IO/SHO/SDPO/Prison SP concerned and the same shall preferably be got forwarded through the Prosecutor concerned;

(m) **“Witness Protection Fund”** means the fund created for bearing the expenses incurred during the implementation of Witness Protection Order passed by the Competent Authority under this scheme;

(n) **“Witness Protection Order”** means an order passed by the Competent Authority detailing the witness protection measures to be taken;

(o) **“Witness Protection Cell”** means a dedicated Cell of the State/UT Police or Central Police Agencies assigned the duty to implement the Witness Protection Order.

Part II

3. CATEGORIES OF WITNESS AS PER THREAT PERCEPTION:

Category ‘A’ : Where the threat extends to life of the witness or his family members, during investigation/trial or thereafter.

Category ‘B’ : Where the threat extends to the safety, reputation or property of the witness or his family members, during the investigation/trial or thereafter.

Category 'C' : Where the threat is moderate and extends to harassment or intimidation of the witness or his family members, reputation or property, during the investigation/trial or thereafter.

4. STATE WITNESS PROTECTION FUND:

- (a) There shall be a Fund, namely, the Witness Protection Fund from which the expenses incurred during the implementation of the Witness Protection Order passed by the Competent Authority and other related expenditure, shall be met.
- (b) The Witness Protection Fund shall comprise of the following:-
 - i. Budgetary allocation made in the Annual Budget by the State Government;
 - ii. Receipt of amount of costs imposed/ordered to be deposited by the Courts/Tribunals in the Witness Protection Fund;
 - iii. Donations/contributions from Charitable Institutions/ Organizations and individuals permitted by Central/State Governments.
 - iv. Funds contributed under Corporate Social Responsibility.
- (c) The said Fund shall be operated by the Department/Ministry of Home under the State/UT Government.

5. FILING OF APPLICATION BEFORE COMPETENT AUTHORITY:

The application for seeking protection order under this scheme can be filed in the prescribed form before the Competent Authority of the concerned District where the offence is committed, through its Member Secretary along with supporting documents, if any.

6. PROCEDURE FOR PROCESSING THE APPLICATION:

- (a) As and when an application is received by the Member Secretary of the Competent Authority, in the prescribed form, it shall forthwith pass an order for calling for the Threat Analysis Report from the ACP/DSP in-charge of the concerned Police Sub-Division.
- (b) Depending upon the urgency in the matter owing to imminent threat, the Competent Authority can pass orders for interim protection of the witness or his family members during the pendency of the application.
- (c) The Threat Analysis Report shall be prepared expeditiously while maintaining full confidentiality and it shall reach the Competent Authority within five working days of receipt of the order.
- (d) The Threat Analysis Report shall categorize the threat perception and also include suggestive protection measures for providing adequate protection to the witness or his family.

(e) While processing the application for witness protection, the Competent Authority shall also interact preferably in person and if not possible through electronic means with the witness and/or his familymembers/employers or any other person deemed fit so as to ascertain the witness protection needs of the witness.

(f) All the hearings on Witness Protection Application shall be held *in-camera* by the Competent Authority while maintaining full confidentiality.

(g) An application shall be disposed of within five working days of receipt of Threat Analysis Report from the Police authorities.

(h) The Witness Protection Order passed by the Competent Authority shall be implemented by the Witness Protection Cell of the State/UT or the Trial Court, as the case may be. Overall responsibility of implementation of all Witness Protection Orders passed by the Competent Authority shall lie on the Head of the Police in the State/UT.

However, the Witness Protection Order passed by the Competent Authority for change of identity and/or relocation shall be implemented by the Department of Home of the concerned State/UT.

(i) Upon passing of a Witness Protection Order, the Witness Protection Cell shall file a monthly follow-up report before the Competent Authority.

(j) In case, the Competent Authority finds that there is a need to revise the Witness Protection Order or an application is moved in this regard, and upon completion of trial, a fresh Threat Analysis Report shall be called from the ACP/DSP in charge of the concerned Police Sub-Division.

7. TYPES OF PROTECTION MEASURES:

The witness protection measures ordered shall be proportionate to the threat and shall be for a specific duration not exceeding three months at a time. They may include:

(a) Ensuring that witness and accused do not come face to face during investigation or trial;

(b) Monitoring of mail and telephone calls;

(c) Arrangement with the telephone company to change the witness' telephone number or assign him or her an unlisted telephone number;

- (d) Installation of security devices in the witness's home such as security doors, CCTV, alarms, fencing etc;
- (e) Concealment of identity of the witness by referring to him/her with the changed name or alphabet;
- (f) Emergency contact persons for the witness;(g) Close protection, regular patrolling around the witness's house;
- (h) Temporary change of residence to a relative's house or a nearby town;
- (i) Escort to and from the Court and provision of Government vehicle or a State funded conveyance for the date of hearing;
- (j) Holding of *in-camera* trials;
- (k) Allowing a support person to remain present during recording of statement and deposition;
- (l) Usage of specially designed vulnerable witness Court rooms which have special arrangements like live video links, one way mirrors and screens apart from separate passages for witnesses and accused, with option to modify the image of face of the witness and to modify the audio feed of the witness' voice, so that he/she is not identifiable;
- (m) Ensuring expeditious recording of deposition during trial on day to day basis without adjournments;
- (n) Awarding time to time periodical financial aids/grants to the witness from Witness Protection Fund for the purpose of re- location, sustenance or starting a new vocation/profession, if desired;
- (o) Any other form of protection measures considered necessary.

8. MONITORING AND REVIEW:

Once the protection order is passed, the Competent Authority would monitor its implementation and can review the same in terms of follow-up reports received in the matter. However, the Competent Authority shall review the Witness Protection Order on a quarterly basis based on the monthly follow-up report submitted by the Witness Protection Cell.

Part III

9. PROTECTION OF IDENTITY :-

During the course of investigation or trial of any offence, an application for seeking identity protection can be filed in the prescribed form before the Competent Authority through its Member Secretary.

Upon receipt of the application, the Member Secretary of the Competent Authority shall call for the Threat Analysis Report. The Competent Authority shall examine the witness or his family members or any other person it deems fit to ascertain whether there is a necessity to pass an identity protection order.

During the course of hearing of the application, the identity of the witness shall not be revealed to any other person, which is likely to lead to the witness' identification. The Competent Authority can thereafter, dispose of the application as per material available on record.

Once, an order for protection of identity of witness is passed by the Competent Authority, it shall be the responsibility of Witness Protection Cell to ensure that identity of such witness/his or her family members including name/parentage/occupation/address/ digital footprints are fully protected.

As long as identity of any witness is protected under an order of the Competent Authority, the Witness Protection Cell shall provide details of persons who can be contacted by the witness in case of emergency.

Part IV

10. CHANGE OF IDENTITY:-

In appropriate cases, where there is a request from the witness for change of identity and based on the Threat Analysis Report, a decision can be taken for conferring a new identity to the witness by the Competent Authority.

Conferring new identities includes new name/profession/ parentage and providing supporting documents acceptable by the Government Agencies. The new identities should not deprive the witness from existing educational/ professional/property rights.

Part V

11. RELOCATION OF WITNESS:

In appropriate cases, where there is a request from the witness for relocation and based on the Threat Analysis Report, a decision can be taken for relocation of the witness by the Competent Authority.

The Competent Authority may pass an order for witness relocation to a safer place within the State/UT or territory of the Indian Union keeping in view the safety, welfare and wellbeing of the witness. The expenses shall be borne by the Witness Protection Fund.

Part VI

12. WITNESSES TO BE APPRISED OF THE SCHEME:

Every state shall give wide publicity to this Scheme. The IO and the Court shall inform witnesses about the existence of "Witness Protection Scheme" and its salient features.

13. CONFIDENTIALITY AND PRESERVATION OF RECORDS:

All stakeholders including the Police, the Prosecution Department, Court Staff, Lawyers from both sides shall maintain full confidentiality and shall ensure that under no circumstance, any record, document or information in relation to the proceedings under this scheme shall be shared with any person in any manner except with the Trial Court/Appellate Court and that too, on a written order.

All the records pertaining to proceedings under this scheme shall be preserved till such time the related trial or appeal thereof is pending before a Court of Law. After one year of disposal of the last Court proceedings, the hard copy of the records can be weeded out by the Competent Authority after preserving the scanned soft copies of the same.

14. RECOVERY OF EXPENSES:

In case the witness has lodged a false complaint, the Home Department of the concerned Government can initiate proceedings for recovery of the expenditure incurred from the Witness Protection Fund.

15. REVIEW:

In case the witness or the police authorities are aggrieved by the decisions of the Competent Authority, a review application may be filed within 15 days of passing of the orders by the Competent Authority.

Witness Protection Scheme, 2019
 Witness Protection Application
 under
 Witness Protection Scheme, 2019

Before, _____ (To be filed in duplicate) The
 Competent Authority, District.....

Application for:

1. Witness Protection
2. Witness Identity Protection
3. New Identity
4. Witness Relocation

1.	Particulars of the Witness (Fill in Capital): 1) Name 2) Age 3) Gender (Male/Female/Other) 4) Father's/Mother's Name 5) Residential Address 6) Name and other details of family members of the witness who are receiving or perceiving threats 7) Contact details (Mobile/e-mail)	----- ----- ----- ----- ----- ----- ----- ----- -----
2.	Particulars of Criminal matter: 1) FIR No. 2) Under Section 3) Police Station	----- ----- -----

	4) District 5) D.D. No. (in case FIR not yet registered) 6) Cr.Case No. (in case of private complaint)	----- ----- -----
3.	Particulars of the Accused (if available/known): 1) Name 2) Address 3) Phone No. 4) Email id	----- ----- ----- -----
4.	Name & other particulars of the person giving/suspected of giving threats	----- ----- -----
5.	Nature of threat perception. Please give brief details of threat received in the matter with specific date, place, mode and words used	----- ----- ----- -----
6.	Type of witness protection measures prayed by/for the witness	----- ----- -----
7.	Details of Interim / urgent Witness Protection needs, if required	----- ----- -----

- Applicant/witness can use extra sheets for giving additional information.

(Full Name with signature)

Date:

Place:.....

UNDERTAKING

1. I undertake that I shall fully cooperate with the Competent Authority and the Department of Home of the State and Witness Protection Cell.

2. I certify that the information provided by me in this application is true and correct to my best knowledge and belief.

3. I understand that in case, information given by me in this application is found to be false, the Competent Authority under the scheme reserves the right to recover the expenses incurred on me from out of the Witness Protection Fund.

(Full Name with signature)

Date:

Place:.....

APPENDIX –29

High Court of Manipur (Judges' Guest House Rule, 2019)

The High Court of Manipur is pleased to adopt the following rules for the use and occupation of the Judges' Guest House of the High Court of Manipur at Imphal.

- | | |
|--|--|
| Title | 1. This rule may be called the High Court of Manipur Judges' Guest House Rules, 2014. |
| Commencement | 2. This rule shall come into force with immediate effect. |
| Dignitaries entitled to use and occupy | 3. (a) Sitting Judges of the Supreme Court and all the High Courts may be accommodated in the Guest House subject to availability and in the order of priority;

(b) Guests of sitting Judges of the High Court of Manipur may be accommodated in the Guest House subject to availability and in the order of priority. |
| Priority for allocation | 4. Priority for allocation of the Guest House shall be in the following order :

a) Sitting Judges of the Supreme Court
b) Chief Justices of all High Courts
c) Sitting Judges of all High Courts
d) Guest of Registry officers
e) Any other person/persons as may be permitted by the Chief Justice of the High Court of Manipur. |

Charges	5.	All the guests availing accommodation facility in the Guest House of the High Court shall be required to pay a sum of Rs. 200 (Rupees two hundred) only per day towards utility charges, unless they are official guests of the High Court of Manipur.
Allotment	6.	Allotment of the Guest House shall be for a maximum period of 3 (three) days which may be extended at the discretion of the Hon'ble Chief Justice.
Fooding	7.	The guests shall be required to pay for their food and other items to be prepared in the Guest House or brought from markets/hotels unless they are official guests of the High Court of Manipur.
Power of Chief Justice	8.	Hon'ble the Chief Justice of the High Court of Manipur reserves the right to refuse the request for accommodation in the Guest House.

APPENDIX –30

Gender Sensitisation & Sexual Harassment of Women at the High Court of Manipur at Imphal (Prevention, Prohibition and Redressal) Regulation, 2014

No. HCM/S-85/2014-RG/10824 : In exercise of the powers conferred by sub-section (2) of Clause 1 of “**Gender Sensitisation & Sexual Harassment of Women at the High Court of Manipur at Imphal (Prevention, Prohibition and Redressal) Regulation, 2014**” the Chief Justice, High Court of Manipur has been pleased to appoint the date of publication of the Regulations in the Official Gazette, as the date on which provisions of the said Regulations shall come into force.

WHEREAS gender discrimination and sexual harassment results in violation of the fundamental right of a woman to equality under Articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under Article 21 of the Constitution of India and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment under Article 19(1)(g) of the Constitution of India;

AND WHEREAS sensitization against discrimination on basis of gender and the protection against sexual harassment and the right to work with dignity are universally-recognized human rights by international conventions and instruments such as Convention on the Elimination of All Forms of Discrimination Against Women, which has been ratified on the 25th June, 1993 by the Government of India;

AND WHEREAS it is expedient to make provisions for giving effect to the Constitution of India and the said Convention for protection of women against sexual harassment at the High Court of Manipur precincts;

AND WHEREAS it is necessary to provide for gender sensitization in working environment and protection against sexual harassment of women at the High Court of Manipur precincts and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto;

AND WHEREAS according to the decision in Vishaka vs. State of Rajasthan rendered by the Supreme Court in its judgment dated 13 August 1997, in Writ Petition (Crl.) No. 666-70/92 it is necessary to provide for the protection of women.

AND WHEREAS in the judgment of the Supreme, Court in MedhaKotwal Lele vs. Union of India & Others, rendered by the Supreme Court on 19th October 2012 reported in (2013) 1 SCC 297, the necessity of protecting women from any form of indecency, indignity and disrespect in all places (in their homes as well as outside), is emphasized and it has been directed to provide new initiatives of education and advancement of women and girls in all spheres of life and the further directions given in the said judgment including the directions with regard to the need to give instructions/circulars by all statutory bodies such as the Bar Council of India, Bar Associations and State Bar Councils, and the liberty granted in the said judgment to approach the respective courts and the directions to the courts to effectively consider the grievances raised in this regard.

AND WHEREAS Hon'ble Supreme Court of India in its order dated 17.07.2013 passed in Writ Petition (Civil) No. 162 of 2013 titled Ms. **Binu Tamta and Anr. -vs- High Court of Delhi and Ors.** directed as follows :

“We, accordingly, approve of and accept the aforesaid Regulations and direct the Supreme Court in its administrative jurisdiction to take note of the same and to arrange that the same are promulgated and given wide publicity. Copies of the same be sent to the different High Courts in the different States, so that they too may formulate their own Regulations in the same manner, in order to contain harassment of women in Court premises. The High Court may also ensure that the same are implemented at the District level as well”.

AND WHEREAS following upon and in conformity with the above direction Hon'ble the Chief Justice of the High Court of Manipur entrusted the Committee for Complaints against Sexual Harassment of the High Court

of Manipur to draft the Regulations for the High Court of Manipur and the Committee accordingly drafted “**The Gender Sensitisation & Sexual Harassment of Women at the High Court of Manipur at Imphal (Prevention, Prohibition and Redressal) Regulations, 2014**” and the High Court of Manipur having been pleased to approve the same on 17.07.2014 has authorized the issuance of the same and order the enforcement of the Regulations.

AND WHEREAS now these Regulations are being published as a comprehensive code for prevention of sexual harassment of women within the precincts of the High Court of Manipur and for redressal of any complaint that may be lodged in the High Court.

The High Court of Manipur hereby makes the following Regulations:-

CHAPTER I PRELIMINARY

1. Short title, extent and commencement -

- (1) These Regulations may be called “The Gender Sensitization & Sexual Harassment of Women at the High Court of Manipur (Prevention, Prohibition and Redressal) Regulations, 2014”.
- (2) They shall come into force on such date as the Chief Justice of the High Court of Manipur may, by notification in the official Gazette, appoint.

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

- (a) "aggrieved woman" means, in relation to the High Court of Manipur, any female, of any age, whether employed or not, who is subjected to any act of sexual harassment by any person in the High Court of Manipur precincts;
- (b) "appropriate Authority" means in relation to the High Court of Manipur, the sitting Chief Justice of the High Court of Manipur;
- (c) "Chairperson" means the Chairperson of the High Court of Manipur Gender Sensitization and Internal Complaints Committee (GSICC);
- (d) "Chief Justice" in context of the present Regulations means the sitting Chief Justice of the High Court of Manipur;

- (e) "habitual Respondent" is a person against whom a previous complaint of sexual harassment has been received by the GSICC on earlier occasion, irrespective of whether the matter was resolved with or without an inquiry and except where the Respondent has been exonerated in the previous complaint;
- (f) "GSICC" means the High Court of Manipur Gender Sensitisation and Internal Complaints Committee constituted under Regulation 4;
- (g) "Internal Sub-Committee" means the Sub-committee set up under Regulation 9;
- (h) "Member" means a Member of the GSICC;
- (i) "Prescribed" means prescribed by the present Regulations;
- (j) "Respondent" means a person against whom the aggrieved woman has made a Complaint under the present Regulations and who is employed in any capacity and who pursues a career or business in the precincts of the High Court of Manipur;
- (k) "Sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-
 - (i) physical contact and advances;
 - (ii) a demand or request for sexual favours;
 - (iii) making sexually coloured remarks;
 - (iv) showing or exhibiting pornography and/or sexually explicit material by any means;
 - (v) sending undesirable, sexually coloured oral or written messages, text messages, e-mail messages, or any such messages by electronic, manual or other means;
 - (vi) stalking or consistently following the aggrieved woman in the High Court of Manipur precincts and outside;
 - (vii) voyeurism including overt or tacit observation by the Respondent by any means of the aggrieved woman in her private moments;

- (viii) any conduct whereby the Respondent takes advantage of his position and subjects the aggrieved woman to any form of sexual harassment and seeks sexual favours specially while holding out career advancements whether explicitly or implicitly, as an incentive or a natural result of submitting to the insinuations/demands of the Respondent;
- (ix) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- (x) implied or explicit promise of preferential treatment in her career or profession;
- (xi) implied or explicit threat of detrimental treatment in her career or profession;
- (xii) implied or explicit threat about her present or future career or profession;
- (xiii) Interferes with her work or creating an intimidating or offensive or hostile work environment for her; or
- (xiv) any treatment having a sexual colour or content likely to affect her emotional and/or physical health or safety.
- (l) "High Court of Manipur precincts" means the whole premises of the High Court of Manipur including the Court Block, open grounds, parking, Chamber Blocks, libraries, canteens, bar-rooms, health centers and/or any other part of the premises under the control of the Hon'ble Chief Justice of the High Court of Manipur;
- (m) "Volunteer" means lawyers or other persons enlisted by the GSICC without any remuneration basis for carrying out the objects and purpose of these Regulations.

2. Prevention of sexual harassment - No woman shall be subjected to sexual harassment at the High Court of Manipur precincts.

CHAPTER II

COMPOSITION & CONSTITUTION OF GENDER SENSITISATION & INTERNAL COMPLAINTS COMMITTEE

- 4. Constitution of the Gender Sensitization & Internal Complaints Committee** - (1) The High Court of Manipur GSICC is constituted herein to fulfill a very important public function of sensitizing the public to gender issues and to address any complaints made with regard to sexual harassment at the High Court of Manipur precincts.
- (2) The Chief Justice shall, by an order in writing, constitute a Committee to be known as the "High Court Gender Sensitisation and Internal Complaints Committee" (GSICC) which shall consist of not less than 7 members and not more than 13 members and shall include the following as far as practicable:-
- (a) one or two Judges of the High Court of Manipur in terms of the judgment in the case of Vishaka (supra), one of whom shall be the Chairperson of the Committee, to be nominated by the Chief Justice;
 - (b) one or two senior members of the High Court Bars to be nominated by the Hon'ble Chief Justice of the High Court of Manipur, one of whom being a woman;
 - (c) one or two members to be elected by General Ballot of the High Court Bars Association who shall be a registered member of the High Court Bar Association out of whom at least one shall be a woman;
 - (d) one or two members to be elected by General Ballot of the High Court Employees' Association out of whom at least one shall be a woman;
 - (e) at least one and at the most two outside members to be nominated by the Chief Justice from amongst the persons who are associated with the Social Welfare Department or non-government organization having experience in the field of social justice, women empowerment, and/or gender justice, out of whom at least one member shall be a woman;
 - (f) one woman officer in the service of the High Court of Manipur not below the rank of a Superintendent to be

nominated by the Hon'ble Chief Justice, who shall function as the Member Secretary of the GSICC; and

- (g) any other member that the Chief Justice may deem fit to nominate.
- (h) one woman office bearer of the High Court of Manipur Employees Association.

Provided that it shall be ensured that the majority of the members of GSICC shall be woman members.

The outside Members appointed under Clause 4(2)(e) shall be paid such fees or allowances from the allocated funds for holding the proceedings of the GSICC as may be prescribed.

Where the Chairperson or any Member of the GSICC-

- (a) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her;
- (b) fails to constitute an Internal Sub-Committee to inquire into a particular Complaint;
- (c) fails to take action under Regulation 11;
- (d) contravenes or attempts to contravene or abets contravention of other provisions of these Regulations or any notifications/orders issued thereunder; or
- (e) in the opinion of the Chief Justice has so abused his/her position as to render his/her continuance in office prejudicial to the exercise of functions of the GSICC;

such Chairperson or Member, as the case may be, shall stand removed forthwith from the GSICC by a written order of the Chief Justice and the vacancy so created shall be filled by fresh nomination/election in accordance with the provisions of these Regulations.

5. Term of Gender Sensitization & Internal Complaints Committee members-

The term of each member of the GSICC shall be for two years, subject to the member being re-elected/re-nominated for a maximum period of two terms, and a member who has been removed under Regulation 4(5) shall not be eligible for re-nomination or re-election.

6. Meetings of the Gender Sensitisation & Internal Complaints Committee-

(1) The GSICC shall meet at least once in four months in a calendar year.

(2) Members shall be intimated of meetings and agenda in writing and/or by electronic communication by the Member Secretary.

(3) Minutes of all meetings shall be recorded, confirmed and adopted. The Member Secretary shall circulate the minutes of a meeting and the Resolutions so passed to all Members of the GSICC within 7 days of the holding of the meeting or the passing of the Resolution.

(4) The Ordinary Meeting shall be called by the Chairperson with minimum seven days' notice to all members.

Provided that any member of the GSICC may, at any time, request the Chairperson to call an Emergency Meeting with a notice of Forty-Eight hours.

Provided further that the Chairperson may convene an emergency meeting with twenty-four hours' notice.

(5) The quorum for all Meetings shall be one-third of the members of the GSICC. In the event the quorum is not completed for any meeting, an adjourned meeting shall be held within the next 10 days following, for which no quorum shall be required.

(6) All motions shall be carried by a simple majority of those present and voting at all meetings, except where it is specifically provided for.

(7) Whenever a Complaint is received or a Report of the Internal Subcommittee is submitted, the Member-Secretary shall within a period of 7 days request the Chairperson to call either an Ordinary or Emergency Meeting to take action on the same, and the Chairperson shall call a meeting for this purpose not later than 15 days from the date of the Complaint or the Report.

(8) If a Member does not attend three consecutive meetings he/she shall be liable to removal forthwith by the Chief Justice, and the vacancy so created shall be filled in accordance with Regulation.

7. Functions of the Gender Sensitization & Internal Complaints Committee-

(1) The GSICC shall be responsible for framing a Policy from time to time and its implementation with regard to gender sensitization and prevention and redressal of Sexual Harassment in the High Court of Manipur.

(2) Gender Sensitization and Orientation: The GSICC shall take the following steps with regard to gender sensitization and orientation:-

- (i) Prominent publicity of the Policy on gender sensitization and prevention and redressal of Sexual Harassment of the High Court of Manipur precincts such as the Court Building, Bar, Bank, Post Office, Library, Health Centre, Canteen and Premise of the High Court etc.
- (ii) Organization of programmes for the gender sensitization of the High Court of Manipur community through workshops, seminars, posters, film shows, debates, displays, etc.
- (iii) Submission of an Annual Report by December 31st every year to the Chief Justice which shall be made public, outlining the activities undertaken by it and charting out a blueprint for the activities/steps to be taken up in the following year along with necessary budget allowances required by it. The GSICC shall include in its Annual Report the number of cases filed, if any, and their disposal under these Regulations in the annual report.
- (iv) Enlisting of the help of NGO's, associations, volunteers, lawyers, lawyer's bodies, or the concerned legal services authorities to carry out these programmes.
- (v) Enlisting and activating of an adequately representative team of volunteers and ensuring the widespread publicity of the contact details (both official and personal) of all its members and volunteers. The services of such volunteers shall be available at all times to any aggrieved woman or any person in need of consultation or guidance. Volunteers will also assist in the gender sensitization, crisis mediation and crises management duties of GSICC, but shall not participate in the task of formal redressal of complaints under these Regulations and Procedures.
- (vi) Organizing and training members and volunteers to equip

them to handle sexual harassment cases including legal and medical aspects of aid.

(3) Crisis Management and Mediation - The GSICC shall ensure that there is quick and responsive crisis management, counselling and mediation available to all aggrieved women expeditiously which shall include the following activities:-

- (i) Assistance in the mediation of crises arising out of incidents of sexual harassment at the High Court of Manipur precincts.
- (ii) No mediation shall conclude without approval of the GSICC, and the mediated settlement shall be effected and be enforceable only upon it being duly approved by the GSICC which shall satisfy itself that the said mediation settlement is voluntary, fair, unbiased, and free from any extraneous consideration or influence.
- (iii) The GSICC will coordinate with the High Court of Manipur security services to devise ways and means by which a system of prevention of and crisis management that is both gender-sensitive as well as prompt and effective is put in place. It will maintain regular contact through the Member Secretary with the High Court of Manipur security services to ensure that in crisis arising out of incidents of sexual harassment, GSICC members, and/or the volunteers identified by it, shall be intimated of such incidents without delay.

(4) Complaint Redressal- The GSICC shall ensure that every complaint of an aggrieved woman is adequately dealt with in accordance with the established procedure and with complete sensitivity. The GSICC shall have the power to inquire into and pass orders against the Respondent/deviant/delinquent in a complaint made in relation to any form of sexual harassment in the entire precincts of the Hon'ble High Court of Manipur.

CHAPTER III

COMPLAINT & INQUIRY INTO COMPLAINT

8. Complaint of Sexual Harassment-

- (1) Any aggrieved woman may make a complaint in writing of sexual harassment at the High Court of Manipur precincts to the

GSICC through the Member Secretary in accordance with the form and procedure so notified by it.

Provided that where the aggrieved woman is unable to make such a complaint in writing due to any reason, the Member of the GSICC or volunteer, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or for any other reason, her legal heir or such other person directly concerned with her interests may make a complaint under this Regulation.

9. Inquiry into complaint -

(1) On receiving a complaint and upon being satisfied with regard to the genuineness of the Complaint, the GSICC shall constitute an Internal Sub-Committee to conduct a fact finding inquiry, which shall comprise of three members of the GSICC itself, or such other persons as to be so nominated by the GSICC in its meeting, with majority members being women, and at least one person being an outside member.

(2) The Internal Sub-Committee shall conduct an inquiry and shall hear and duly record the statements of the aggrieved woman, the Respondent, and any other person, who, in the opinion of the Committee, is necessary to be examined subject to the provisions of Regulation 13(2), and thereafter it shall prepare a Report and enclose therein the complete proceedings of the Inquiry.

(3) The fact-finding inquiry into a Complaint shall be conducted and completed as far as possible within 90 days of the constitution of the Internal Sub-Committee.

Provided that the validity of any inquiry shall not be called into question upon the inquiry not being completed within the stipulated period due to reasons beyond the control of the Internal Sub-Committee.

10. Inquiry Report -

(1) On the completion of an inquiry under these Regulations, the Internal Sub-Committee shall provide the Inquiry Report of its findings along with the complete record of the Inquiry proceedings including the pleadings and all the material on record to the GSICC within a period of ten days from the date of completion of the inquiry and such Report shall also be made available to the concerned parties.

(2) Where the Internal Sub-Committee arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the GSICC that no action is required to be taken in the matter.

(3) Where the Internal Sub-Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the GSICC to take appropriate action for gender discrimination and/or sexual harassment.

(4) Upon consideration of the material on record and the Inquiry Report of the Internal Sub-Committee, if more than two-thirds of the members of the GSICC differ from the conclusion of the Internal Sub-Committee, the GSICC shall, after hearing the aggrieved woman and Respondent in person, record its reasons to so differ and take consequent action accordingly.

(5) The GSICC shall pass orders, either accepting or, rejecting the Inquiry Report of the Internal Sub-Committee and thereafter pass consequent orders that may be appropriate and necessary for putting an end to the sexual harassment and take all steps to secure justice to the victim of sexual harassment within 45 working days of submission of the Inquiry Report of the Internal Sub-Committee, excluding the period of holidays, and/or vacation of the High Court.

Provided that the validity of the orders of the GSICC shall not be called into question upon the same not being passed within the stipulated time.

Orders on Inquiry Report -

(1) Subject to Regulation 9(1) above, the GSICC shall have the power to pass the following orders to secure justice to the victim of sexual harassment:

- (a) admonition;
- (b) admonition with publication of such admonition in the Court precincts including cause lists and High Court of Manipur Website;
- (c) prohibition from harassing the victim in any manner including, but not limited to, prohibition from communicating with her in any manner such as phones, messages, electronic means, physical or other means for a specified period; and

(d) subject to Regulation 11(2), pass all orders, directions, and/or direct taking steps necessary for putting an end to the sexual harassment of the aggrieved woman.

(2) The GSICC will also have the power to recommend to the Chief Justice to pass orders against the Respondent including, but not limited, to the following:

(a) debarment of entry into the High Court of Manipur precincts for a specified period extending upto a maximum period of one year; and

(b) in appropriate cases, to recommend filing of a criminal complaint and/or a disciplinary complaint before the concerned disciplinary authority governing the Respondent (including the concerned Bar Council) for taking appropriate action, and the Chief Justice may pass orders thereon subject to Regulation 12.

(3) The GSICC shall pass orders on the Inquiry Report and/or shall make recommendations to the Chief Justice within fortyfive working days of the submission of the Inquiry Report, excluding the period of vacation of the High Court of Manipur and communicate the same to the parties forthwith.

(4) The GSICC and the Internal Sub-Committee shall have the jurisdiction to inquire into a complaint and take any action thereon notwithstanding that any criminal complaint or any other complaint under any other law (including a disciplinary proceeding under the Advocates Act, 1961) may have been filed with respect to the same complaint/actions.

(5) The orders of the Chief Justice and the GSICC shall be final and binding on the parties.

12. **Representation -**

(1) Any person aggrieved by the order passed (or not passed) by the GSICC under Regulation 11 (1), or recommendation made by the GSICC to the Chief Justice under Regulation 11(2), or non- implementation of such orders or action may make a representation to the Chief Justice who shall have the power to set aside or modify the orders passed or the recommendation made as the Chief Justice may deem fit, and also have the power to issue such orders or directions that may be necessary to secure complete justice to the victim of sexual harassment. The representation under Regulation 12(1) shall be

preferred within a period of ninety days of communication of the order or recommendation.

13. Restraint Order-

- (1) On the receipt of a Complaint and during the pendency of an Inquiry, on a written request made by the aggrieved woman, the GSICC, if it considers it fit and proper, may recommend specific interim measures to be taken in a signed decision to the Chief Justice of the High Court of Manipur, who on receipt thereof, may pass such interim orders that may be required for the personal safety and for safeguarding the dignity of the aggrieved woman, and both the aggrieved woman and the Respondent shall be bound by the same.
- (2) Upon disobedience, defiance or violation of the order passed under clause (1) above by the Respondent, the GSICC shall close and/or strike off the defence of the Respondent and pass final orders under Regulation 10(5) and Regulation II.

**CHAPTER IV
POWERS & DUTIES**

14. Powers of GSICC & Internal Sub-Committee –

- (1) The GSICC shall have the power to issue circulars/notifications prescribing its procedure and for the purpose of carrying out and implementing the provisions of the present Regulations in their spirit and intent.
- (2) The GSICC shall have the power to pass any orders to be able to carry out the objectives and mandate of the present Regulations including directing any party or person to take any suitable action.
- (3) For the purpose of making an inquiry, the GSICC and the Internal Sub-Committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely :
 - (a) summoning and enforcing the attendance of any person and examining him on oath ;
 - (b) requiring the discovery and production of documents; and
 - (c) any other matter which may be prescribed.

(4) The GSICC by Resolution to be passed by two-thirds majority may remove any member of the Internal Sub-Committee and appoint a new member in his/her place, only if it is of the view that such a member has acted prejudicially to the principles of natural-justice, fair play and has acted with bias in the conduct of the Inquiry.

(5) The GSICC shall at all times have supervisory powers over the Internal Sub-Committee and it may issue directions to the Internal sub-committee from time to time in accordance with the provisions of the present Regulations.

15. **Duties** - The GSICC in coordination with and with the assistance of the office of the High Court of Manipur shall-

- (a) take measures to provide a safe working environment at the High Court of Manipur precincts;
- (b) display at any conspicuous place in the High Court of Manipur precincts and on its web-site, the penal consequences of sexual harassments and the order constituting the Internal Committee under the present Regulations;
- (c) display at any conspicuous place in the High Court of Manipur and on its web-site, the status and outcome of complaints of sexual harassment;
- (d) organize workshops and awareness programmes at regular intervals for sensitizing the persons carrying out work at the High Court of Manipur precincts with the provisions of the present Regulations and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;
- (e) provide necessary facilities to the Internal Sub-Committee for dealing with the complaint and conducting an inquiry;
- (f) assist in securing the attendance of respondent and witnesses before the Internal Sub-Committee;
- (g) obtain such information for the Internal sub-Committee as it may require having regard to the complaint;
- (h) cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the Respondent and/or the perpetrator;

- (i) monitor the timely submission of reports by the Internal Sub-Committee; and
- (j) take any other action and/or measures to ensure an effective and meaningful implementation of the present Regulations.

CHAPTER V MISCELLANEOUS

16. Confidentiality -

(1) The contents of the complaint made under the present Regulations, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to the inquiry proceedings, recommendations of the GSICC and the action taken by the GSICC shall be confidential and shall not be published, communicated or made known to the public, press and media in any manner except upon the- aggrieved woman submitting a specific request to do so in writing and upon the GSICC acceding to the said request.

(2) Upon the Respondent being found guilty, information may be disseminated regarding the justice secured to any victim of sexual harassment under these Regulations without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

17. **Protection of action taken in good faith** - No suit, prosecution or other legal proceedings shall lie against the Chief Justice, GSICC and the Internal Sub-Committee or its members in respect of anything which is done or intended to be done in good faith in pursuance of these Regulations, and the circulars/orders/notifications issued thereunder.

18. **Allocation of funds** - The Chief Justice may, subject to the availability of financial and other resources, allocate and provide suitable funds as may be prescribed:-

- (a) for the effective implementation of the present Regulations ;
- (b) for development of relevant information, education, communication and training materials, for organization of awareness programmes, and for advancement of the understanding of the public of the provisions of these Regulations; or

- (c) for organizing orientation and training programmes for the members of the GSICC, Internal Sub-Committees, volunteers, counselors etc.

19. Regulations not in derogation of any other law -

- (1) The provisions of these Regulations shall be in addition to and not in derogation of the provisions of any other law for the time being in force.
- (2) The provisions of the present Regulations shall not bar any Court from taking cognizance of any offence punishable under any other enactment or law.

APPENDIX –31
High Court of Manipur (Accounts Rules), 2014

No. 1/12/2014-FX(DFPR) In exercise of the powers conferred under Article 166 clause (3) of the Constitution, the State Government hereby makes addition to the Delegation of Financial Rules, 1995 as follows in respect of funds provided under Major Head 2014, Sub Major-00, Minor-102 and funds provided for the Manipur Judicial Academy under Grant No. 26 subject to the condition that the delegation provided for here-under is not further sub-delegated.

Sl. No.	Nature of powers	To whom power is delegated	Extent of powers	General conditions, if any
1	i) Approval of new Scheme/Project/Work	Chief Justice	Full power	Subject to budget provision and approval of Work Advisory Board to be constituted by the High Court.
	ii) Financial sanction to new Scheme	Registrar General	Full power	Subject to budget provision and approval of Chief Justice.
2	Sanction to continuing Scheme/ongoing works	Registrar General	Full power	Subject to budget provision and approval of Chief Justice.
3	To accord Administrative Approval to Plans and Estimates for Civil works to be carried out by PWD/ any other State Government Agency/ Undertaking	-do-	Full power	Subject to budget provision and approval of Chief Justice. The estimates should include deductible levies such as VAT, Agency Charges (for plan works) and labour cess etc. in terms of Finance Department O.M. issued from time to time.

4	To accord Administrative Approval to Plans and expenditure sanction on works to be departmentally executed through contractor.			
	(a) Original Works or New works	Registrar General	Upto Rs. 2,00,000/-	Subject to budget provision.
		Registrar General	Rs. 2,00,001/- above	Subject to (i) budget provision, (ii) plan & estimates framed and scrutinised by competent PWD authorities /any other State Govt. Agency/ Undertaking (iii) following all codal and tender formalities (iv) approval of Chief Justice (v) there shall be no splitting of sanctions.
	(b) Petty construction and renovation works	Registrar General	Upto Rs.2,00,000/-	Subject to budget provision.
		Registrar General	Rs. 2,00,001/- to Rs. 10,00,000/-	Subject to (i) budget provision, (ii) plan & estimates framed and scrutinised by competent PWD authorities/any other State Govt. Agency/ Undertaking (iii) following all codal and tender formalities (iv) approval of Chief Justice. (v) there shall be no splitting of sanctions, (vi) approval of Work Advisory Board.

5	Sanction deputation of Officer/ personnel, of High Court for attending approved course of Training or Instruction/Conference/Seminar/Workshop and expenditure thereof.	Registrar General	Full power	Subject to budget provision and approval of Chief Justice for a course not exceeding six months within the country provided the course is in conformity with approved guideline. The period of deputation shall be treated as on duty and the person deputed will be entitled to pay & allowances, TA/DA including other allowances as prescribed under FRSR. NO deputation vacancies shall be filled up. For sanctioning deputation outside the country, approval of the Screening Committee on bonafide Foreign Travel of the State Government shall be obtained and subject to obtaining political clearance and travelling on official/ diplomatic passport.
6	To sanction expenditure on organizing course/workshop within and outside the country	Registrar General	Full Power	Subject to availability of fund and approval of Chief Justice.
7	To sanction for payments of TA/DA & Medical reimbursement of retired Judges, Officers and Staff of Registry.	Registrar General	Full Power	Subject to budget provision and approval of the State Medical Board.
8	To sanction for payment of remuneration/fees to Standing Counsel/Lawyers.	Registrar General	Full Power	Subject to budget provision and in conformity with the rates prescribed in Rules/Orders of the High Court.
9	To sanction write-off of irrecoverable value of stores including furniture, public money lost by fraud, theft or negligence of individuals or other cases.	Registrar General	Full Power	Subject to strict adherence to the procedures laid down in GFR and approval of Chief Justice. Provisions of Manipur Public Servant Personal Liability Act, 2006 shall apply.

ii. Purchase of furniture or replacement of old ones.	Registrar General	Rs.1,00,000/-	Subject to budget provision and approval of Chief Justice following the procedures laid down in GFR and other codal formalities.
		Rs.1,00,001/- above.	Subject to Approval of Economy Board (to be constituted by the High Court) in addition to the above.
iii. Purchase of Books, Manuals, periodicals, Online Law Software, magazines, Newspapers, Maps, etc.	Registrar General	Rs.1,00,000/-	Subject to budget provision and approval of Chief Justice.
		Rs.1,00,000/- above	Subject to Approval of Economy Board (to be constituted by the High Court) in addition to the above.
iv. Cost of repairs including cost of spare parts of items specified under item (i) above.	Registrar General	Upto Rs. 50,000/-	Subject to budget provision.
		Rs.50,001/- above	Subject to Approval of Economy Board (to be constituted by the High Court) in addition to the above.
v. Purchase of <u>consumables</u> , software peripheral, etc.	Registrar General	Upto Rs. 50,000/-	Subject to budget provision.
		Rs.50,001/- above	Subject to Approval of Economy Board (to be constituted by the High Court) in addition to the above.
vi. Local Purchase of stationeries.	Registrar General	Upto Rs. 50,000/-	Subject to budget provision and purchase to be made at approved rates from approved firms of High Court.
		Rs. 50,001/- above	Subject to budget provision and approval of Chief Justice and purchase to be made at approved rates from approved firms of High Court.
vii. Cost of repairs and maintenance of departmental vehicles including purchase of tyres/ tubes/ batteries and accessories including fixtures and fittings.	Registrar General	Full Power	Subject to budget provision and maintenance of log book and also within the maximum limit prescribed by the High Court.

	viii. Expenditure on P.O.L. bills, hiring charge of vehicles.	Registrar General	Full Power	Subject to budget provision. Monthly ceiling limit of POL consumption to be fixed for various Officers of the High Court. Hiring charges shall be at the rates fixed by the State Transport Department.
	ix. Printing and binding in local printing presses/Firms.	Registrar General	Upto Rs.1,00,000/-	Subject to budget provision.
			Rs.1,00,001/- above.	Subject to budget provision and approval of Chief Justice/Admn. Judge/ Purchase Committee constituted by High Court following GFR codal formalities.
	x. Cost of Advertisement, etc.	Registrar General	Upto Rs. 1,00,000/-	Subject to budget provision.
			Rs. 1,00,001/- Above	Subject to budget provision and approval of Chief Justice.

	xi. Sanction of expenditure on beautification of High Court.	Registrar General	Upto Rs. 1,00,000/-	Subject to budget provision and approval of Chief Justice.
			Above Rs.1,00,001/-	Subject to budget provision and approval of Work Advisory Board and approval of the Chief Justice.
	xii. Electric, gas and other charges.	Registrar General	Full Power	Subject to budget provision and approval of Chief Justice.
	xiii. Re-imburement of charges for utilisation of cell Phone/data card and landline telephone bill.	Registrar General	Full Power	Subject to budget provision and entitlement as per Rules/Orders framed/issued by the High Court.
12	Wages of <u>personnel</u> hired to meet contingency requirement.	Registrar General	Full Power	Subject to budget provision and prescribed minimum wages.
13	Sanction Dress Allowance /Conveyance Expenses to Private Secretaries.	Registrar General	Full Power	Subject to budget provision and entitlement as per Rules/Orders framed /issued by the High Court.

14	Sanction expenditure on supply of liveries to Grade-IV employees etc.	Registrar General	Full Power	Subject to Budget provision and as per Rules/Order of the High Court.
15	Sanction to expenditure on tour expenses of Chief Justice.	Registrar General	Full Power	Subject to Budget provision.
16	Sanction expenditure on entertainment and hospitality of VIP hosted by Chief Justice	Registrar General	Full Power	Subject to Budget provision.
17	Sanction expenditure on furnishing of residences of Chief Justice and Judges.	Registrar General	Full Power	Subject to budget provision and as provided in Act & Rules governing the service conditions of High Court Judges issued by the Ministry of Law and Justice.
18	Sanction reimbursement for medical expenses of Chief Justice, Judges of High Court & family members.	Registrar General	Full Power	Subject to budget provision and as provided in the Act & Rules governing the service conditions of High Court Judges issued by the Ministry of Law and Justice.
19	Acceptance of Tenders.	Chief Justice	Full Power	Subject to recommendation of Tender Committee to be constituted by the Chief Justice and following of prescribed procedures for tender. Open and e-tender procedures to be followed in terms of O.M. issued by High Court from time to time.
20	Purchase of office vehicles	Registrar General	Full Power	Subject to budget provision and prior approval of Economy Board constituted by High Court.
21	Sanction of miscellaneous expenditure in any individual case or object for which no scale or limit to its power of sanction is prescribed:			
	Recurring (in any single case)	Registrar General	Rs. 10,000/-	Subject to budget provision.
			Above Rs. 10,001/-	Subject to budget provision and approval of Chief Justice.
	Non-recurring (in any single case)	Registrar	Rs. 50,000/-	Subject to budget provision.

		General	Above Rs. 50,001/-	Subject to budget provision and approval of Chief Justice.
22	Discretionary Grant by Chief Justice (in any single case).	Registrar General	Upto Rs. 10,00,000/-	Subject to budget provision and relevant Rules to be framed by High Court.
23	Imprest Money.	Registrar General	Upto Rs.1,00,000/-	Subject to budget provision and compliance to provisions in the GFR & Civil Accounts Manual.

APPENDIX –32

High Court Of Manipur (Appointment, Duties And Conditions Of Service Of Court Managers) Rules, 2019

In exercise of the powers conferred by Article 229(1) and (2) of the Constitution of India and all other powers enabling him, Hon'ble The Chief Justice of the High court of Manipur is pleased to make the following Rules for regulating the recruitment, duties and conditions of service of Court Managers in the State of Manipur.

1. Short title and commencement—

(i) The Rules may be called as the High Court of Manipur (Appointment, Duties and Conditions of Services of Court Managers) Rules ,2019 and applicable to the holders of regular/temporary post of Court Manager created and sanctioned by the Government of Manipur.

(ii) The Rules hereby made shall be deemed to have come into force with effect from the date of its notification.

2. Definitions—

In these Rules, unless the context otherwise requires:-

- (a) “Government” means the Government of Manipur;
- (b) “High Court” means the High Court of Manipur;
- (c) “Appointing Authority” means Hon'ble The Chief Justice of the High Court of Manipur;
- (d) “Court Manager” means a person appointed under these Rules;

(e) “District Courts” means the Subordinate Civil, Criminal and Special Courts including the Revenue, Motor Accident Claims and Co-operative Tribunals in various judicial districts in the State of Manipur under the jurisdiction of the High Court of Manipur;

(f) “District and Sessions Judge” means a Judicial officer who holds the post of the District and Sessions Judge in a District Court;

(g) “Judicial District” means the territorial area over which a District Court exercises jurisdiction;

(h) “Registrar General” means the incumbent in the post of Registrar General in the High Court of Manipur;

(i) “Selection Committee” means the Committee constituted by Hon’ble The Chief Justice for selection to the post of Court Manager.

3. Appointment of Court Managers—

(i) There shall be Court Managers for the High Court of Manipur and the courts in the Judicial Districts under the jurisdiction of the High Court of Manipur.

(ii) Appointment to the posts of Court Manager shall be made by direct recruitment, conducted by the High Court of Manipur, in the manner as provided hereunder.

(iii) The appointment shall be on regular basis and during the terms of appointment, the Court Manager will not be entitled to take up any other employment.

(iv) The service of the Court Manager shall be in the category of gazetted post (class – II) of the High Court of Manipur Service Rules and the same Rules shall apply to the Court Managers.

4. Qualification—

No person shall be eligible for appointment to the post of Court Manager by direct recruitment, unless he possesses the following qualifications:

- (i) A full time Master’s degree in Business Administration (MBA) or equivalent degree from a recognized University.
- (ii) Two years’ working experience in general management
- (iii) Excellent communication skills
- (iv) He/She should possess knowledge of the State official language i.e. Manipuri

- (v) Desirable: Proven experience in the field of Information Technology

5. Disqualification for appointment—

A person shall not be eligible for appointment to be a Court Manager:

- a) If he /she is not a citizen of India
- b) If he/she has more than one living spouse
- c) If he/she has been convicted in a criminal case and
- d) If he/she directly or indirectly influences the “Selection Committee” for a favour to him/her in the process of recruitment.

6. Conditions relating to suitability, fitness and character—

No person recommended for selection by the Selection Committee shall be appointed:-

- (i) Unless the appointing authority is satisfied that he is of good morality or character and is in all respects suitable for appointment to the service;
- (ii) Unless he is certified by the Medical Board or Authority that he is medically fit to discharge the duties of the post for which he is selected.

7. Age limit—

A person who has not attained 25 years and crossed 35 years of age on the date of notification for selection process shall not be eligible for appointment as Court Manager. However, in case of Other Backward Class (OBC) candidate, the upper age limit is relaxable by 3 years and in case of Schedule Caste (SC)/Schedule Tribe (ST) candidate, the upper age limit is relaxable by 5 years.

8. Recruitment—

The process of recruitment to the post of Court manager shall be conducted in the following manner:

(A) Written examination: A written examination shall be conducted by the High Court in accordance with the following syllabus:-

1. English	-100 marks	
(Grammar, Reading Comprehension, Essay, Drafting Note)		
2. Quantitative Aptitude	- 20 marks	} 100 marks
Reasoning	- 20 marks	
General Awareness	- 40 marks	
Data Interpretation	- 20 marks	
3. General Management	- 100 marks	
<hr/>		
Total =	300 marks	

(B) Group Discussion and Personal Interview/Viva-voce— Keeping in view of the performance made by the candidates in the written examination held in this regard, a list of candidates in appropriate number and in order of merit shall be recommended and issue notification inviting them to appear in the Group Discussion and Personal Interview. The Group Discussion and Personal Interview shall have a total of 50 marks.

(C) The Selection Committee shall prepare a merit list of candidates eligible for appointment on the basis of cumulative grade value obtained by them in the Written Examination and Group Discussion/Personal Interview, Viva-voce examination and recommend the names of such candidates to Hon'ble the Chief Justice for approval. On receipt of the approval, the Registrar General will issue notification of the selectlist for appointment to the posts of Court Manager.

9. Pay and allowance—

As per norms fixed by the Finance Department, Government of Manipur, the scale of pay of a Court Manager is Rs. 9300-34800+ Rs.4600 [considering qualification and nature of duty] which shall be subject to revision from time to time.

10. Functions and responsibilities—

A. Duties in general:

(i) A Court Manager who has been appointed for rendering service in the High Court of Manipur or on his being posted in the High Court of Manipur shall work under the administrative control of the Registrar General.

(ii) A Court Manager who has been appointed for rendering service in the District Courts in Manipur or on his being posted in a Judicial District shall work under the administrative control of the concerned District and Sessions Judge.

(iii) A Court Manager shall maintain professional secrecy and shall not divulge any confidential information which may come to his knowledge to anyone under any circumstances. Breach of this condition shall make him liable to be removed from the service.

B. Implementation of policies and standard norms:

(i) A Court Manager shall ensure to promote implementation of policies as well as try to achieve excellent performance standards in the Courts in the lines of directions made by the Supreme Court of India, the High Court of Manipur and other competent Judicial Authorities which may include directives on timeliness, efficiency, quality of Court performance, infrastructure, human resource, access to justice and e-Court system, etc.

(ii) He shall make evaluations of such implementations; identify deficiencies and deviations and formulate steps required to achieve the standard norms.

C. Planning:

A Court Manager needs to prepare and update annually a Five-Year Court wise Court Development Plan (CDP) under the supervision of the immediate controlling officer and in consultation with other stakeholders (including representatives from the Bar, Ministerial Staff, Executive agencies supporting judicial functions such as prosecutors/police/process serving agencies and Court users) and monitor the implementation of the CDP and report to superior authority.

D. Information and Statistics:

A Court Manager shall ensure that statistics on all aspects of the functioning of the Court are complied with and reported accurately and promptly in accordance with systems established by the High Court of Manipur.

E. Court Management:

A Court Manager shall ensure that the processes and procedure of the Court (including for filing, certified copies, scheduling, conduct of adjudication, access to information and documents and grievance redressal) are fully complied with the policies and standard established by the High Court of Manipur for Court Management and that they safeguard quality, ensure efficiency and timeliness, and minimize costs to litigants and to the State; and enhance access to justice.

F. Case Management:

A Court Manager shall ensure that case management systems are fully complied with the policies and standards established by the High Court of Manipur for case management and they address the legitimate needs of each individual litigant in terms of quality, efficiency and timeliness, costs to litigants and to the State.

G. Responsiveness management: Access to Justice; Legal Aid and User Friendliness:

A Court Manager shall ensure that the Court meets the standards established by the High court on access to justice, Legal Aid and A.D.R. methods and user friendliness.

H. Quality Management :

A Court Manager shall ensure that all directions issued by the High court of Manipur from time to time are complied with.

I. Human Resource Management :

A Court Manager shall ensure that Human Resource Management of Ministerial Staff in the Court complies with the Human Resource Management standards established by the High Court of Manipur.

J. Core Systems Management :

A Court Manager shall ensure that the Core systems of the Court are established and function effectively (documentation management; utilities management; infrastructure and facilities management; financial systems management i.e. audits, accounts and payments etc.).

K. Information Technology (IT) Systems Management:

A Court Manager shall ensure that IT Systems of the Court comply with the standards established by the High Court of Manipur and are fully functional. He/She is also responsible for implementation and managing requirements under e-Courts Project which includes data entry initiation as well as managing the service roll out under e- Courts projects.

L. Financial/Budget Management:

A Court Manager shall ensure the preparation of budget, supervising the proper utilization of the financial/budget allocations received for different purposes from the State Government as well as Central Government.

11. Training –

Every person appointed to the post of Court Manager shall undergo training, as may be, prescribed by the High court of Manipur.

12. Transfer—

The post of Court Manager shall be transferable between the High Court of Manipur and any of the Judicial Districts in the State of Manipur. The appointing authority shall have the prerogative to transfer a Court Manager at any time.

13. Lien –

The holders of the post of Court Manager cannot claim lien over any of the post in the High court of Manipur and Courts in the Districts of Manipur.

14. Reservation –

Reservation shall be as per the existing Rule made in the High court of Manipur Service Rules.

15. Residuary provision—

Any other matter which is not specially explained herein shall be within the absolute discretion of Hon'ble the Chief Justice.

16. Repeal and Savings—

The High Court of Manipur Service (Conditions of Service and Recruitment of Court Manager) Rules, 2014 is hereby repealed.

Notwithstanding such repeal any appointment made ,order issued, action taken or anything whatsoever done under the Rules so repealed shall be deemed to have been made, issued ,taken or done under the corresponding provisions of these rules.

APPENDIX –33
THE HIGH COURT OF MANIPUR IT CADRE SERVICE
(APPOINTMENT & CONDITIONS OF SERVICE) RULES, 2018

No. - In exercise of the powers conferred under Article 229 (1) and (2) of the Constitution of India, the Chief Justice is hereby pleased to make the following rules regulating the appointment and other conditions of service of the various posts of the IT Cadre in the High Court of Manipur at Imphal namely,

Short title and Commencement

1. (1) These rules may be called the High Court of Manipur, IT Cadre Service Rules, 2018.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Definition

2. In these rules, unless there is any thing repugnant in the subject or context, -
 - (a) “Appointing Authority” means the Chief Justice or such other Judge or Officer of the High Court as the Chief Justice may direct;
 - (b) “Board” means the Selection Board constituted under rule 13;
 - (c) “Constitution” means the Constitution of India;
 - (d) “Chief Justice” means Chief Justice of the High Court of Manipur;
 - (e) “District Court” means the Courts in the Districts of the State of Manipur within the jurisdiction of the High Court of Manipur;
 - (f) “District Sessions Judge” means a Judicial Officer who holds the post of the District and Sessions Judge in a District Court;

- (g) "Governor" means the Governor of Manipur;
 - (h) "Government" means Government of Manipur;
 - (i) "High Court" means High Court of Manipur;
 - (j) "IT" means Information Technology;
 - (k) "Member" means the member of the IT Cadre of the High Court of Manipur;
 - (l) "Registrar General" means Registrar General in the High Court of Manipur;
 - (m) "Selection Committee" means the Committee constituted under rule 14;
 - (n) "Schedule" means Schedule appended to these rules;
 - (o) "Select list" means the list recommended by the Board and Selection Committee for recruitment to a cadre both by direct recruitment and promotion as referred in rule 6 and 12;
 - (p) "State" means the State of Manipur;
 - (q) "Service" means The High Court of Manipur IT Cadre Service;
 - (r) "Year" means the Calendar year i.e. from January to December of the respective year.
- Class and Cadre 3. (1) The Service shall consist of the following classes and Cadres: -
- (i) System Analyst (Gazetted)
 - (ii) Computer Programmer (Gazetted)
 - (iii) Systems Officer (Non-Gazetted)
 - (iv) Systems Assistant (Non-Gazetted)
- Strength of Service 4. (1) The strength of the Service and the number of posts therein shall be such as may be determined by the Chief Justice with approval of the Governor. The

cadre strength of each cadre of the service on the date of commencement of these rules is mentioned in the Schedule I.

Method of recruitment 5. (1) Recruitment to the service shall be made in the manner prescribed hereinafter: -

(i) Method of recruitment is listed in the table below:

Category No.	Name of the Post	Mode of Appointment
1.	System Analyst	<p>(i) By Promotion from eligible, qualified and willing candidates from Category-2 viz., Computer Programmer.</p> <p>(ii) If no eligible, qualified and willing candidates are available in the feeder category viz., Category-2, Computer Programmer, then by promotion from eligible, qualified and willing candidates from Category-3, viz., Systems Officer/Assistant Programmer, provided they got three years of experience as Systems Officer/Assistant Programmer.</p> <p>(iii) If no eligible, qualified and willing candidates are available in the feeder category viz., Category-3, Systems Officer/Assistant Programmer, then by promotion from eligible, qualified and willing candidates from Category-4, viz., Systems Assistant, provided they got five years of experience as Systems Assistant.</p> <p>(iv) In case, no requisite number of candidates are available for promotion as mentioned in clauses (i), (ii) and (iii) above, then, by direct recruitment, for such number of unfilled vacancies.</p>
2.	Computer Programmer	<p>(i) By Promotion from eligible, qualified and willing candidates from Category-3 viz., Systems Officer/Assistant Programmer.</p> <p>(ii) If no eligible, qualified and willing candidates are available in the feeder category viz., Category-3, Systems Officer/Assistant Programmer, then by promotion from eligible, qualified and willing candidates from Category-4, viz., Systems Assistant, provided they got three years of experience as Systems Assistant.</p> <p>(iii) In case, no requisite number of candidates are available for promotion as mentioned in clause (i) and (ii) above, then, by direct recruitment, for such number of unfilled vacancies.</p>
3.	Systems Officer / Assistant	<p>(i) By Promotion from eligible, qualified and willing candidates from Category-4 viz., Systems Assistant.</p>

	Programmer	(ii) In case, no candidate is available for promotion as mentioned in clause (i) above, then, by direct recruitment, for such number of unfilled vacancies.
4.	Systems Assistant	On Merit, By Direct Recruitment

- (ii) The existing Systems Officers and Systems Assistants, who were earlier recruited on contractual basis by following the procedure adopted for recruiting permanent employee, as per guidelines laid down in the National Policy and Action Plan for implementation of ICT in the India Judiciary as prepared by the Committee Supreme Court of India, New Delhi (1st August, 2005) and who has completed 2(two)years of service may be absorbed in the posts they are holding subject to their continued utility and suitability and shall be entitled to the pay and allowances and other facilities as admissible to the posts of Systems Assistant and Systems Officer recruited under these rules.
- (iii) The exercise for absorption of the existing Systems Officers and Systems Assistants mentioned in sub-rule (ii) shall be for one time only.
- (iv) After absorption of the existing Systems Assistants and Systems Officers in their respective cadres as mentioned in rule 3, the remaining vacant posts in each cadre shall be filled up by direct recruitment following the procedure prescribed under rule 6 which shall be followed in the process of first recruitment only. The vacancies which shall arise in due course of time in the respective cadres mentioned in rule 3 shall be filled up following the provision described under sub-rule (1) clause (i) of these rules.

Direct recruitment 6. Direct recruitment shall be made based on recommendations made by the Board in accordance with the procedure hereinafter provided: -

- (a) Before the end of each year (i.e. in the month of December) the Appointing Authority shall make assessment regarding the likely number of vacancies to be filled by direct recruitment during the next year and shall intimate the same to the Board together with details about reservation for candidates belonging to Scheduled Caste, Scheduled Tribes or any other category as laid down by the Government.

- (b) The Appointing Authority shall simultaneously request the Board to recommend a list of candidates for direct recruitment, in order of preference.
- (c) The Board shall prepare a list of all candidates who shall qualify in order of merit in accordance with the aggregate marks obtained by each candidate in the Test/Interview as mentioned in Scheduled-III. If two or more candidates obtain equal marks, the Board shall arrange them in order of their relevant merit which shall be determined in accordance with the general suitability of the candidates to the service.
- (d) The Board shall furnish to the Appointing Authority the list of candidates recommended by it in order of preference, found suitable for direct recruitment showing the marks obtained in examination/written test and interview. The number of candidates in such a list shall be equal to the number of vacancies notified.
- (e) In this regard the Board shall simultaneously publish the list in the Manipur Gazette and/or at such other places the Board may consider proper.
- (f) The list shall remain valid for one year from the date of final result. The Chief Justice shall have the power to extend the validity of the list for a period which by any way cannot extend more than one year.
- (g) The decision of the Board as to the eligibility or otherwise of a candidate for admission to the written and viva voice examination shall be final.

- Age
7. A candidate for direct recruitment to the service shall not be less than 21 years and more than 38 years of age on the first day of the year of recruitment. The upper age limit for candidates belonging to Scheduled Caste and Scheduled Tribes or any other category of the State of Manipur is relaxable as per the general rules for the time being in force. Provided that departmental candidates shall be given relaxation in maximum age limit.
- Academic
8. The academic qualification of a candidate for direct Qualification recruitment to the post of Systems Assistant, Systems Officer, Computer Programmer and System Analyst shall be as shown in Schedule-II.

- Physical Fitness 9. A candidate for direct recruitment shall be –
- (1) of sound health, both mentally and physically and free from any organic defect or bodily infirmity likely to interfere with the efficient performance of his duties, and
 - (2) required to undergo medical examination before appointment to the service.
- Character 10. A candidate for direct recruitment shall produce to the Appointing Authority certificates of good character from: -
- (a) two respectable persons, who are well acquainted with (but not related to) the candidate.
- Recruitment By Promotion 11. Appointment by promotion in the cadre shall be made in the manner provided hereinafter: -
- (1) Promotion to any of the category of posts shall be made on grounds of merit and suitability, seniority being considered only where merit and suitability are approximately equal.
 - (2) No personnel shall be considered for promotion unless he/she satisfactorily completes his / her period of probation in the category of post in which he/she has been first appointed / absorbed.
- General Procedure Promotion 12. (1) Before the end of each year the Appointing Authority of shall make an assessment of the likely number of vacancies to be filled up by promotion in the next year in each cadre and intimate the same to the Selection Committee together with details, -
- (a) information about the number of vacancies.
 - (b) list of staff in order of seniority, eligible for promotion (separate list for promotion to different cadres shall be furnished) indicating the cadre to which the case of promotion is to be considered.
 - (c) character rolls and personal files of the member listed.

(d) details about reservation.

(e) any other documents and information as may be considered necessary by the Appointing Authority or required by the Selection Committee.

(2) The Appointing Authority shall simultaneously request the Selection Committee to recommend within one month a list of candidates found suitable for promotion in order of preference, in respect of promotion to each of the cadre in which recruitment is to be made by promotion.

(3) The select list shall remain valid for twelve calendar months from the date of recommendation by the Board.

(4) The inclusion of candidates' names in select list shall confer no right to promotion unless the Appointing Authority is satisfied after such inquiry as may be considered necessary that a candidate is suitable for promotion.

(5) The selection shall be in accordance with the lists finally approved by the Appointing Authority.

(6) In view of limited posts and in order to avoid stagnation, next higher Pay Scale/Pay grade as applicable may be granted to the members of the Service after completion of 10 years, 20 years, 30 years of satisfactory Service.

Selection Board	13	<p>The Board, as referred to in rule 6 shall consist of the following: -</p> <p>I. Chief Justice of High Court of Manipur; - Chairman.</p> <p>II. One Judge of High Court of Manipur - Member</p> <p>III. Registrar General of High Court of Manipur - Member Secretary</p> <p>IV. One Technical Expert to be nominated by the Chief Justice. - Member</p>
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- Selection Committee. 14. The Selection Committee for promotion to the posts of Systems Officer shall consist of the following: -
- I. Chief Justice of High Court of Manipur; - Chairman
 - II. One Judge of High Court of Manipur; - Member
 - III. Registrar General of High Court of Manipur - Member Secretary.
- Disqualification 15 No Person shall be eligible for appointment to the Service: -
- a) Unless he is a citizen of India, and
 - b) If he has more than one wife living or in case of a female candidate who has married a person who has his wife living:
- Provided that the Chief Justice may, if he is satisfied that there is special grounds for doing so, exempt any person from the operation of this clause.
- Reservation 16. In all cases of appointment under these rules there shall be reservation as per policy of State Govt. of Manipur
- Seniority 17. (1) The Seniority of a member in a cadre appointed by direct recruitment or by promotion shall be determined according to the order of preference in the respective list.
- (2) If a member fails to join the appointment within the initial 15 days of receipt of the order or within extended period but joins later, his seniority shall be determined in accordance with the date of Joining.
- (3) A member of the service appointed by way of promotion shall be senior to a member appointed by direct recruitment in that cadre in the same year.
- (4) The persons who are absorbed to the posts of Systems Assistant and Systems Officer under rule 5 their seniority shall be determined as per their position in the select list prepared during the absorption process by the Selection Board and shall be senior to the persons recruited directly later.

- Gradation List 18. Gradation list shall be prepared containing the name of all members of the service cadre-wise in order of seniority and such other particulars as date of birth, date of appointment etc.
- Pay and allowances 19. All appointment in the service shall be made in the time scale of pay as may be determined by the Chief Justice from time to time with the approval of the Governor. The time scale of pay of the posts as on the date of commencement of these rules are as shown in the Schedule-I.
- Probation and Confirmation 20. (1) Every person selected by direct recruitment shall be on probation for a term of 1(one) year and those promoted to the higher grade, shall be on officiation for a term of 1(one) *year* and their services shall be evaluated and assessed prior to confirmation by the Appointing Authority: Provided that the period of probation may for good and sufficient reason be extended by the Appointing Authority for any specified period, in any case not exceeding a period of three years.
- (2) A probationer shall be liable to be discharged from the service or in the case of person appointed to the service on promotion or by selection to be reverted to the post held substantively or held in the officiating capacity Immediately before his promotion or selection as the case may be, -
- (a) if his service is not satisfactory during his probation or
- (b) If any Information relating to his nationality, age, health, character or antecedents the Appointing Authority Is satisfied the probationer is ineligible or otherwise unfit for being a member of the service.
- (3) After a probationer completes his period of probation to the satisfaction of Appointing Authority he shall be confirmed in permanent post in the relevant cadre in the service.
- Duties and Responsibilities 21. The duties and responsibilities of the members of the service shall be as indicated in Schedule-IV.

- Transfer 22. (I) The post of Systems Officer and Systems Assistant shall be transferable throughout the State of Manipur.
- (II) Appointing Authority shall have the prerogative to transfer Systems Officer and Systems Assistant from one place to another at any time in public interest.
- Disciplinary Authority 23. The Registrar General shall be the Disciplinary Authority for the members of the service in High Court of Manipur, subject to the control of the Hon'ble Chief Justice. The District and Sessions Judge of the concerned district shall be the Disciplinary Authority for the members of the service working in the sub-ordinate courts in the state of Manipur, subject to the control of the Hon'ble Chief Justice.
- Tenure 24. All appointment to the posts of System Analyst, Computer Programmer, Systems Officer and Systems Assistant shall be permanent.
- Retirement 25. Except as otherwise provided in these rules, every employee working under the High Court shall retire from service on the afternoon of the last day of the month in which he attains the age of 60 years:
- Provided that all employees whose date of birth is 1st day of a month, shall retire from service on the afternoon of the last day of the preceding month on attaining the age of 60 years: Provided Further that in case State Government takes a policy decision on changing the age of superannuation, same shall be applicable to all the member of the Service.
- Retirement in Public 26. The Selection Committee shall review the career progress and performance Interest of the member of the service after completion of 20 years and 25 years of service. If the committee considers that in public interest any such should retire from service, he shall be compulsorily retired by giving him a notice of not less than 3 months in writing or 3(three) months pay and allowance in lieu thereof:
- Provided that nothing in the above shall be considered as preventing consideration for compulsory retirement of any member of the service at any time other than those mentioned

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| Code of Conduct | 27. There shall be roles & responsibility for all members of the service enumerated in Schedule-IV and they shall strictly adhere to it. Any dereliction on the part of the member of the service shall be treated as misconduct and may call for initiation of disciplinary proceeding against the delinquent employee. The Code of Conduct enumerated in the Schedule V is not exhaustive, but only illustrative and High Court may, from time to time make such modifications/additions as may be considered appropriate. |
| Mode of such manner as the Employment | 28. (1) The member of the service shall be employed in Appointing Authority may decide.

(2) The manner of the service may be posted in any district of the State of Manipur and can be transferred from one district to other district in the interest of public service. |
| Other conditions of | 29. Except as provided in these rules, all matters relating to pay and Service allowances, leave, pension, discipline and other conditions of service shall be regulated by the general rules or orders of the Chief Justice of the High Court for the time being in force. |
| Relaxation | 30. Where the Chief Justice is satisfied that the operation of any of these rules, causes undue hardship in any particular case, it may, dispense with or relax that rule to such extent and subject to such conditions as it may consider necessary dealing with the case in a just and equitable manner: |
| Interpretation these rules, the | 31. If any question arises relating to the interpretation of decision of the Chief Justice of High Court shall be final. |
| Repeal and Savings | 32. The rules corresponding to these rules and in force immediately before commencement of these rules are hereby repealed:
Provided that all orders made or action taken under the rules so repealed or under any general orders ancillary thereto, shall be deemed to have been validly made or taken under the corresponding provisions of these rules. |

Schedule-I
Scale of Pay

For the High Court of Manipur at Imphal and Sub-Ordinate Courts in Manipur

Name of Post	No. of post	Pay Scale and Grade Pay	Classification
System Analyst	1	Rs. 12,000 – 40,000/- Grade Pay Rs. 5,900/- (PB4 GHC Scale)	Group A (Gazetted)
Computer Programmer	1	Rs. 8,000 – 35,000/- Grade Pay Rs. 5,100/- (PB3 GHC Scale)	Group A (Gazetted)
Systems Officer	11	Rs. 9,300 - 34,800/- Grade Pay Rs. 4,200 (PB2)	Group-B (Non Gazetted)
Systems Assistant	11	Rs. 5,200 - 20,200/- Grade Pay Rs. 2,400/-(PB1)	Group-C (Non-Gazetted)
Total	24		

Schedule-II
Essential Qualification

1	System Analyst	MCA with 2 years experience or BE/B.Tech(Computer Science) with 2 years experience or M.Sc., PGDCA with 3 years experience or M.E/M.Tech(Computer Science) Preference will be given to those having sound knowledge and sufficient experience in Software Development LifeCycle (SDLC), Software Testing LifeCycle, Networking domain and Court related works.
2	Computer Programmer	MCA or BE/B.Tech.(Computer Science) or BE/B.Tech.(any branch) with 1 year experience in computer programming or M.Sc. with DCA or M.Sc. with 1 year experience in programming. Preference will be given to those having sound knowledge and sufficient experience in court related works using software developments tools like ORACLE, SQL Server, Visual Basic, Java, ASP, Crystal Report including network and database administration.
1	Systems Officer	(I)ME/M.TECH in Computer Science/ Computer Engineering/Information Technology from a recognized

		<p>Institution. OR (II) MCA or B.E. B. Tech. In Computer Science/Computer Engineering/Information Technology or M.Sc.(IT/Computer Science) from a recognized Institution or equivalent grade and with at least 1 year experience In the relevant field from a reputed organisation /institution OR (III) BCA or B.Sc (Computer Science) from arecognized university or B.Sc. In Physics/ Maths/ Statistics/Operations Research/ Computer Science with either Post Graduate Diploma in Computer Science/ Computer Applications from a Govt. of recognizedUniversity/ Institution and with at least 3 years relevant working experience from a reputed Institution/Organization.</p>
3	Systems Assistant.	<p>(i) MCA or B.E./B.Tech. In Computer Science/Computer Engineering/Information Technology or M.Sc.(IT/Computer Science) from a recognized Institution or equivalent grade OR B.C.A. from a recognized Institution with at least 1(one) year working experience from a reputed Institution/organization OR</p> <p>(ii) Any graduate with 1 year Post Graduate Diploma in Computer Science / Applications from a recognized Institution and with at least 1(one) year working experience from a reputed Institution/organization OR</p> <p>(iii) Any graduate with Diploma holders or its equivalent from Polytechnic in Computer Science/ Application/ Engineering or Electronics & Telecommunications from a recognized Institution and with at least 2(two) years working experience from a reputed institution/organization</p>

Schedule-III

Scheme and Syllabus for the Examination

1. System Analyst and Computer Programmer (Total marks: 250)

1.1 Preliminary Examination(Screening Test): 100 Marks

Duration: 2 Hours

Syllabus:

- i) Information Technology / Computer related Topics

- ii) English Language
- iii) General Knowledge
- iv) Numerical & Mental Ability
- v) Analytical & Reasoning Skills

1.2 Computer Aided Test 100 Marks

Syllabus:

- i) Programming (Java/JSP)
- ii) Programming (PHP with MySQL)
- iii) Programming (Visual Basic)
- iv) Configuring the networking components
- v) Troubleshooting on Operating System of Linux (Suse, Ubuntu)
- vi) Troubleshooting on Operating System of Windows

1.3 VIVA-VOCE (Oral Interview) 50 Marks

2. Systems Officer and Systems Assistant (Total marks: 200)

Written Examination: Total marks – 140

Section	Subjects	Syllabus	Marks
I	English	This Section will test the proficiency in English language and will be of the 12 th Standard	20
II	Quantitative aptitude & Reasoning	This section will test the speed, reasoning, intelligence and accuracy of the candidate	30
III	General Knowledge & Current Affairs	This section will test the general intelligence along with matters of national & international Affairs	20
IV	Professional Knowledge	This section will test the information Technology skills viz Computer Programming, Computer Networks, Computer Hardware, DBMS related knowledge of the candidate. Troubleshooting on Operating System of Linux (Suse, Ubuntu, Windows). Configuring the networking components	70

Practical Examination: Total Marks - 30

I	Practical	30
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Viva Voce: Total Marks - 30

I	Viva Voce	30
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Schedule-IV
Duties and responsibilities

1. System Analyst:

1. System Analyst shall report to the Registrar (IT)/ (Central Project Co-ordinator) High Court of Manipur for the day to day activities.
2. To assist Registrar (IT)/ (Central Project Co-ordinator) High Court of Manipur and Assistant Registrar (e-Courts), High Court of Manipur in e-Courts Project related activities, as and when required.
3. To interact with the Computer Programmer, Systems Officer and Systems Assistants deployed in High Court and Subordinate Courts for compilation of various reports as directed by the Hon'ble e-Committee, Supreme Court of India.
4. To monitor National Judicial Data Grid Portal and generation of reports as and when directed by the Registrar (IT) / (Central Project Co-ordinator) High Court of Manipur.
5. To Monitor District Court Websites for regular updation of content in the website.
6. To assist the High Court in ICT System administration and management.
7. Installation of computers and IT peripherals delivered to High Court and also responsible for proper functioning of the same.
8. To maintain and upkeep of ICT infrastructure such as hardware, LAN, UPS, VC equipment, KIOSKS, Bio-metric machine, etc., with the concerned service providers.
9. To monitor and manage the video conferencing facility of the High Court of Manipur.

10. Responsible for maintaining and implementation of the Case Information System (CIS) running in the High Court, regular backup of the databases etc., training of court staff with various modules and facilities of CIS in Subordinate Courts.
11. Ownership of problem resolution for addressing the complaints of District & Subordinate Courts for smooth operation of ICT infrastructure.
12. Assistance to Hon'ble Judges for effective utilization of I.T Resources.
13. To keep a close eye on innovation and responsible for suggesting new technology as per the requirement.
14. To conduct periodical review of the entire setup to make sure that all legal procedures are being followed in all the steps and submit the reports to the Registrar (IT)/(Central Project Co-ordinator).
15. To provide all necessary help and guidance to the Systems Officers and Systems Assistants posted in the Subordinate Judiciary in resolving any problems that may arise in ICT related works in the district concerned. If required System Analyst may also visit the district concerned to sort out any problem after taking proper approval from the Registrar (IT)/(Central Project Co-ordinator).
16. Giving training to Court Staff for effective utilization of I.T Resources.
17. Such other technical support duties to be assigned by the Registrar (IT)/ (Central Project Co-ordinator) from time to time.

2. Computer Programmer:

1. Programmer shall report to the Registrar (IT) (Central Project Co-ordinator) High Court Manipur for the day to day activities.
2. To assist Registrar (IT) (Central Project Co-ordinator) High Court of Manipur and Assistant Registrar (e-Courts), High Court of Manipur in e-Courts Project related activities.
3. To Monitor High Court Website for regular updation of content in the website.
4. To assist the High Court in ICT System administration and management.

5. To develop software tools and packages for the High Court and Subordinate Judiciary related projects in the areas of JAVA, PHP and DBMS etc.
6. Installation and maintenance of Operating System, office tools, customized application, etc.
7. To keep a close eye on innovation and responsible for suggesting new technology as per the requirement.
8. To provide all necessary help and guidance to the Systems Officer and Systems Assistant posted in the High Court in resolving any problems that may arise in ICT related works.
9. To install computers and IT peripherals delivered to High Court and also responsible for proper functioning of the same.
10. To maintain and upkeep of ICT infrastructure such as hardware, LAN, UPS, VC equipment, KIOSKS, Bio-metric machine, etc., with the concerned service providers.
11. Giving training to Court Staff for effective utilization of I.T Resources.
12. Such other technical support duties to be assigned by the Registrar (IT)/ (Central Project Co-ordinator), High Court, Manipur from time to time.

3. Systems Officer: The Systems Officer posted in the High Court, apart from the code and conduct mentioned in Schedule-V, will have the following duties namely,

- (i) He will report to Central Project Coordinator, e-Court Project of High Court and in absence of Central Project Coordinator to the System Analyst for his day to day activities.
- (ii) He will assist the Central Project Coordinator, System Analyst & Computer Programmer in performance of his/her duties and/or discharge the same independently as and when required.
- (iii) He shall train Court Staff in using ICT equipment and use of various software tools to be used by High Court from time to time.
- (iv) He shall regularly update skills and should be equipped with various software tools used by High Court.

- (v) To Monitor High Court Website for regular updation of content in the website.
- (vi) He shall be responsible for the maintenance and upkeep of ICT infrastructure such as hardware, LAN, UPS, etc. with the concerned service providers.
- (vii) He shall monitor and manage the video-conferencing facility.
- (viii) He shall be responsible for maintenance and implementation of the Case Information System (CIS) running in the High Court, regular backup of the software and database etc., training of court staff with various modules and facilities of CIS.
- (ix) He may be assigned duties in districts and sub-divisional courts if situation so arises by the High Court.
- (x) He shall perform such other technical activities and support duties as may be assigned by the High Court from time to time.

4. Systems Assistant: The Systems Assistant posted in the High Court, apart from the code and conduct mentioned in Schedule-V, will have the following duties; namely

- (i) He shall be responsible for the maintenance and upkeep of ICT infrastructure such as hardware, LAN, UPS, etc. with the concerned service providers.
- (ii) He shall monitor and manage the video-conferencing facility.
- (iii) He may be assigned duties in districts and sub-divisional courts by the High Court, if situation so demands.
- (iv) He shall assist System Analyst, Computer Programmer and Systems Officer (High Court) in their work.
- (v) He shall install computers, software, printers, scanner etc. delivered to each Court.
- (vi) He shall perform such other duties as may be assigned by the High Court and System Analyst/Computer Programmer/Systems Officer.

5. Systems Officer: The Systems Officer posted in the district, apart from the duties and responsibilities mentioned in Schedule-V, will have the following duties, namely, -

- (i) He shall report to the District & Sessions Judge of the concerned District where he/she is posted.
- (ii) He shall have to regularly verify online data and physical data (i.e., cases available and cases shown in the system) so as to generate adequate and accurate reports (Cause list, Disposal Register, Type of cases, Stage of a case, Quarterly & Monthly Statements, Pending Case Statements etc.)
- (iii) Systems Officer shall assist the District and Sub-divisional level ICT activities in system administration and management.
- (iv) He shall be responsible for maintenance and implementation of the Case Information System (CIS) running in the various courts in the district, regular backup of the software and database etc., training of court staff with various modules and facilities of CIS.
- (v) He shall manage ICT infrastructures such as computers, scanners, printers information KIOSKS, LAN, VC equipment, internet connectivity, communication equipment such as switches, routers, modems, WIFI etc. in district and sub divisional level court complexes in the district where posted.
- (vi) He will maintain proper inventory and records of all ICT equipment's in the District Courts and sub-divisional Courts in the judicial district in which he/she is posted.
- (vii) He shall interact with vendors for maintaining and supporting the equipment.
- (viii) He shall be responsible for installation and maintenance of Operating Systems, Office Tools, customized applications.
- (ix) He shall assist in training of the Judicial Officers and court staff.
- (x) He shall maintain and update the District Judiciary website along with performing data transfer to National Judicial Data Grid.
- (xi) He shall develop customized applications as required by Court from time to time in the district.
- (xii) He shall perform such other technical activities and support duties as assigned by the High Court or District Court from time to time.

6. Systems Assistant: The Systems Assistant posted in the district, apart from the duties and responsibilities mentioned in Schedule-V, will have the following duties, namely, -

- (i) He shall be responsible for the maintenance and upkeep of ICT infrastructure such as hardware, LAN, UPS, etc. with the concerned service providers.
- (ii) He shall monitor and manage the video-conferencing facility through which the District Courts in the State of Manipur will be connected to the various District Jails.
- (iii) He may be assigned duties in districts and sub divisional courts by the High Court, if situation so demands.
- (iv) He shall assist Systems Officer in their work.
- (v) He shall install computers, software, printers, scanner etc. delivered to each Court.
- (vi) He shall assist in training of the Judicial Officers and court staff.
- (vii) He shall perform such other duties as may be assigned by the High Court and Systems Officer.

Schedule-V Code and Conduct

All member of the service shall hold highly visible positions of public trust. They must conduct their business in a manner that favourably reflects the ideals consistent with the fundamental values of our judicial system. These values include: fairness, accessibility, effectiveness, responsiveness and independence. The actions of the employees at all times should demonstrate highest degree of integrity and must uphold and increase the public trust and confidence in the Judicial system.

Abuse of Position:

- i) a member of service will not use or attempt to use his position to secure unwarranted privileges for himself or others.
- ii) he shall not solicit or accept, or appear to solicit or accept, any gift, favour, or anything of value based upon any material understanding that the official actions, decisions of any court employee would be influenced.

- iii) he shall not discriminate against or otherwise give special treatment or anything of value to any person, whether or not for compensation, or permit family, social or other relationships to influence or appear to influence his official conduct or judgment.
- iv) he will use the resources, property, and funds under his official control judiciously and solely in accordance with prescribed legal and court operating procedures.

Conflict of Interest:

- i) A member of service shall avoid conflicts of interest and the appearance of conflicts of interest in the performance of his duties.
- ii) When he feels that a conflict of interest may arise, the System Analyst/Computer Programmer/System Officer/Systems Assistant should promptly inform his or her Appointing Authority. The Appointing Authority, after determining that a conflict or the appearance of a conflict of Interest exists, should take appropriate steps to restrict the Systems Officer/Systems Assistant's performance of official duties in such matter so as to avoid a conflict or the appearance of a conflict of interest. A System Analyst/ Computer Programmer/System Officer/Systems Assistant should observe the restrictions imposed by his or her Appointing Authority in this regard.

Confidentiality:

- i) A member of the service shall not disclose to any unauthorized person any confidential information acquired in the course of his/her court employment.
- ii) He shall avoid any activity which would reflect adversely on his/her position or the position of the Institution.

Financial Activities:

- i) A member of the service should refrain from outside financial and business dealings that tend to detract from the dignity of the Court, interfere with the proper performance of official duties, exploit the position, or associate him/her in a substantial financial manner with lawyers or other persons likely to come before him/her or the court or office he/she serves.

- ii) He should not solicit or accept a gift from anyone seeking official action from or doing business with the court or other entity or from anyone whose interests may be substantially affected by the performance or non-performance of official duties.
- iii) He shall disclose the statement of his assets and liability every year.

Sexual Harassment:

The guidelines of Hon'ble Supreme Court in connection with Vishaka's case or any law or regulation that may come into effect shall be strictly followed and any act of sexual harassment shall be treated as misconduct.

Punctuality and Discipline:

- i) All members of service shall attend court in time and shall not leave office before office hours without intimating the authority.
- ii) Any unauthorized absence from duty by a will be treated as misconduct.
- iii) All member of service shall carry an identity card which shall be visible to public.

APPENDIX –34
High Court of Manipur (Video Conferencing Rules), 2019

Guidelines for the Conduct of Court Proceedings between Courts and Remote Sites

Introduction

Video conference facilities enabling audio and visual communication between persons at different locations have now been installed in:

- High Court of Manipur

- All the District Courts of Manipur, i.e. Lamphel Court Complex, Cheirap Court Complex, Thoubal, Bishnupur, Churachandpur, Ukhrul, Senapati (including Moreh, Jiribam Court Complex and MACT/Revenue Tribunal at Lamphel).
- Prisons in Manipur i.e. Imphal Central Jail, Manipur Central Jail, Sajiwa.

Video-conferencing facilities provide Courts in Delhi with the capacity to receive evidence and submissions from witnesses or persons involved in Court proceedings in circumstances where it would be expensive, inconvenient or otherwise not desirable for a person to attend a Court in person. An over-riding factor is that the use of video-conferencing in any particular case must be consistent with furthering the interests of justice and should cause minimal disadvantage to the parties. However, it is for the Court to decide whether evidence should be recorded by video-conferencing. Even with the advancement of technology, there is a milliseconds delay between video picture seen and sounds being heard. Allowances appropriate to this time gap need to be made to avoid one participant talking over another. Microphones set up at the bench, the bar table and at the witness box are highly sensitive. Persons during a video conferencing should assume from the time the video conference is activated until the same is disconnected that microphones are 'live' and as such, all remarks are audible to the Court.

1. General

1.1 In these guidelines, reference to the 'court point' means the Courtroom or other place where the Court is sitting or the place where Commissioner appointed by the Court to record the evidence by video conference is sitting and the 'remote point' is the place where person to be examined via video conference is located, for example, a prison.

1.2 Person to be examined includes a person whose deposition or statement is required to be recorded or in whose presence certain proceedings are to be recorded.

1.3 Wherever possible, proceedings by way of video conference shall be conducted as judicial proceedings and the same courtesies and protocols will be observed. All relevant statutory provisions applicable to judicial proceedings including the provisions of the Information Technology Act, 2000 and the Indian Evidence Act, 1872 shall apply to the recording of evidence by video conference.

1.4 Video conferencing facilities can be used in all matters including remands, bail applications and in civil 3.2 In the High Court, Central Project Co-ordinator (CPC) shall be the Co-ordinator at the court point and criminal trials where a witness is located intrastate, interstate, or overseas.

1.5 The guidelines applicable to a Court will *mutatis mutandis* apply to a Local Commissioner appointed by the Court to record the evidence.

2. Appearance by video conference

A Court may either suo moto or on application of a party or a witness, direct by reasoned order that any person shall appear before it or give evidence or make a submission to the Court through video conference.

3. Preparatory arrangements for video conference

3.1 There shall be Co-ordinators both at the court point as well as at the remote point.

3.2 In the High Court, Central Project Co-ordinator (CPC) shall be the Co-ordinator at the court point.

3.3 In the District Courts, official-in-charge of the Video Conferencing Facility nominated by the District judge shall be the Co-ordinator at the court point.

3.4 The Co-ordinator at the remote point may be any of the following:-

Where the person to be examined is overseas, the Court may specify the coordinator out of the following:-

(a) the official of Consulate/Embassy of India,

(b) duly certified Notary Public/ Oath Commissioner,

(ii) Where the person to be examined is in another State/U.T, a Judicial Magistrate or any other responsible official as may be deputed by the District Judge concerned or Sub-Divisional Magistrate or any other responsible official as may be deputed by the District Collector concerned,

(iii) Where the person to be examined is in custody, the concerned Jail Superintendent or any other responsible official deputed by him,

(iv) Where the person to be examined is in a hospital, public or private, whether run by the Central Government, the State Government, local bodies or any other person, the Medical Superintendent or In-charge of the said hospital or any other responsible official deputed by him,

(v) Where the person to be examined is a juvenile or a child who is an inmate of an Observation Home/Special Home/Children's Home/ Shelter Home, the Superintendent/Officer In-charge of that home or any other responsible official deputed by him,

(vi) Where the person to be examined is in Nirmal Chhaya, the Superintendent/Officer In-Charge of the Nirmal Chhaya or any other responsible official deputed by him,

(vii) Wherever co-ordinator is to be appointed at the remote point under Clause

3.4 sub-Clause (ii), (iii), (iv), (v) & (vi), the Court concerned will make formal request through District Judge concerned to the official concerned.

(viii) In the case of any other person, as may be ordered by the Court.

3.5 The Co-ordinators at both the points shall ensure that the minimum requirements as mentioned in the Guideline No.4 are in position at court point and remote point and shall conduct a test between both the points well in advance, to resolve any technical problem so that the proceedings are conducted without interruption.

3.6 It shall be ensured by the Co-ordinator at the remote point that:-

(i) the person to be examined or heard is available and ready at the room earmarked for the video conference at least 30 minutes before the scheduled time.

(ii) no other recording device is permitted except the one installed in the video conferencing room.

(iii) entry into the video conference room is regulated.

3.7 It shall be ensured by the co-ordinator at the court point that the co-ordinator at the remote point has certified copies or the soft copies of all or any part of court record in a sealed cover directed by the Court sufficiently in advance of the scheduled video conference.

3.8 The Court shall order the co-ordinator at the remote point or at the court point, wherever it is more convenient, to provide:-

(i) a translator in case the person to be examined is not conversant with Court language;

(ii) an expert in sign languages in case the person to be examined is speech and/or hearing impaired;

(iii) for reading of documents in case the person to be examined is visually challenged;

(iv) an interpreter or special educator, as the case may be, in case the person to be examined is temporarily or permanently, mentally or physically disabled.

4. Minimum requisites for video conference

(i) A desktop or laptop with internet connectivity and printer

(ii) Device ensuring uninterrupted power supply

(iii) Video Camera

- (iv) Microphones and speakers
- (v) Display unit
- (vi) Document visualizer
- (vii) Comfortable sitting arrangements ensuring privacy
- (viii) Adequate lighting
- (ix) Insulations as far as possible/proper acoustics
- (x) Digital signatures for the co-ordinators at the court point and at the remote point

5. Cost of video conferencing

5.1 In criminal cases, the expenses of the video conference facility including expenses of preparing soft copies/certified copies of the Court record for sending to the co-ordinator at the remote point and fee payable to the translator/interpreter/special educator, as the case may be, and to the co-ordinator at the remote point shall be borne by such party as the Court directs taking into account the Manipur Criminal Courts (Payment of Expenses to Complainant and Witnesses) Rules, 2015.

5.2 In civil cases, as a general rule, the party making the request for recording evidence by video conference shall bear the expenses.

5.3 In other cases, the court may make an order as to expenses as it considers appropriate taking into account rules/instructions regarding payment of expenses to complainant and witnesses as may be prevalent from time to time.

6. Procedures generally

6.1 The identity of the person to be examined shall be confirmed by the court with the assistance of the co-ordinator at remote point at the time of recording of the evidence.

6.2 In civil cases, party requesting for recording statement of the person to be examined by video conferencing shall confirm to the Court location of the person, his willingness to be examined by video conferencing, place and facility of such video conferencing.

6.3 In criminal cases, where the person to be examined is a prosecution witness or court witness, the prosecution and where person to be examined is a defence witness, the defence counsel will confirm to the Court his location, willingness to be examined by video conferencing, place and facility of such video conferencing.

6.4 In case person to be examined is an accused, prosecution will confirm his location at remote point.

6.5 Video conference shall ordinarily take place during the court hours. However, the Court may pass suitable directions with regard to timings of the video conferencing as the circumstances may dictate.

6.6 The record of proceedings including transcription of statement shall be prepared at the court point under supervision of the Court and accordingly authenticated. The soli copy of transcript digitally signed by the co-ordinator at the court point shall be sent by e-mail through NIC or any other Indian service provider to the remote point where printout of the same will be taken and signed by the deponent. Scanned copy of the statement digitally signed by co-ordinator at the remote point would be sent by e-mail to the court point. The hard copy would also be sent subsequently by the co-ordinator at the remote point to the court point by courier/mail.

6.7 The Court may, at the request of a person to be examined, or on its own motion, taking into account the best interests of the person to be examined, direct appropriate measures to protect his privacy keeping in mind his age, gender and physical condition.

6.8 Where a party or a lawyer requests that in the course Of video-conferencing some privileged communication may have to take place, Court will pass appropriate directions in that regard.

6.9 The audio-visual shall be recorded at the court point. An encrypted, master copy with hash value shall be retained in the Court as part of the record. Another copy shall also be stored at any other safe location for backup in the event of any emergency. Transcript of the evidence recorded by the Court shall be given to the parties as per applicable rules. A party may be allowed to view the master copy of the audio video recording retained in the Court on application which shall be decided by the Court consistent with furthering the interests of justice.

6.10 The co-ordinator at the remote point shall be paid such amount as honorarium as may be decided by the Court in consultation with the parties.

6.11 In case any party or his/her authorized person is desirous of being physically present at the remote point at the time of recording of the evidence, it shall be open for such party to make arrangements at party's own costs including for appearance/representation at the remote point subject to orders to the contrary by the Court.

7. Putting documents to a person at remote point

If in the course of examination of a person at remote point by video conference, it is necessary to put a document to him, and the Court may permit the document to be put in the following manner:-

(a) if the document is at the court point, by transmitting a copy of it to the remote point electronically including through a document visualizer and the copy so transmitted being then put to the person,

(b) if the document is at the remote point, by putting it to the person and transmitting a copy of it to the court point electronically including through a document visualizer, the hard copy would also be sent subsequently to the court point by courier/mail.

8 Persons unconnected with the case

8.1 Third parties may be allowed to be present during video conferencing subject to orders to the contrary, if any, by the Court.

8.2 Where, for any reason, a person unconnected with the case is present at the remote point, then that person shall be identified by the coordinator at the remote point at the start of the proceedings; and the purpose for his being present, explained to the Court.

9. Conduct of proceedings

9.1 Establishment and disconnection of links between the court point and the remote point would be regulated by orders of the Court.

9.2 The Court shall satisfy itself that the person to be examined at the remote point can be seen and heard clearly, and similarly that the person to be examined at the remote point can clearly see and hear the Court.

10. Cameras

10.1. The Court shall at all times have the ability to control the camera view at remote point so that there is an unobstructed view of all the persons present in the room.

10.2 The Court shall have a clear image of each deponent to the extent possible so that the demeanour of such person may be observed.

11. Residuary Clause

Such matters with respect to which no express provision has been made in these guidelines shall be decided by the Court consistent with furthering the interests of justice.