

HIGH COURT OF JHARKHAND(FIRST AMENDMENT)RULES,2001.

In exercise of the powers conferred by Section 29 of the Bihar Reorganisation Act,2000(Act XXX of 2000) and all other powers enabling it in this behalf, the High Court of Jharkhand, hereby, makes the following amendment in the Rules namely :

(i) Short title and commencement -

(1) This may be called as High Court of Jharkhand(First Amendment)Rules,2001.


(2) It shall come into force with retrospective effect from 6th June,2001.

(ii) Amendment in Rule 318(1) of High Court of Jharkhand Rules, 2001.-

The digit '1974' after the word "Rules" in Rule 318(1) of High Court of Jharkhand Rules, 2001, is substituted by digit "2001".

Ranchi.

Dated,13th July,2001.


Chief Justice
Jharkhand High Court,Ranchi.



सत्यमेव जयते

THE JHARKHAND GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No 45

8 Magh, 1927 (S)

Ranchi, Saturday 28th January, 2006

JHARKHAND HIGH COURT, RANCHI

NOTIFICATION

The 19th January, 2006

HIGH COURT OF JHARKHAND (SECOND AMENDMENT) RULES, 2005.

A Rule further to amend the Jharkhand High Court Rules, 2001.

No. 82/R&S--In exercise of the powers conferred by Section 29 of the Bihar Reorganisation Act, 2000 (Act XXX of 2000) and all other powers enabling it in this behalf, the High Court of Jharkhand hereby makes the following amendment in the Rules namely :

CHAPTER I

PRELIMINARY

1. Short title and Commencement.-(1) This may be called as High Court of Jharkhand (Second Amendment) Rules, 2005.

(2) It shall come into force from the date of publication in the Official Gazette.

CHAPTER II

AMENDMENT OF RULES

2. Substitution of new Rule for Rule 24(ii)- For Rule 24(ii) of the Jharkhand High Court Rules, 2001 (hereinafter referred to as the 'Principal Rule'), the following Rule shall be substituted, namely:-

“24(ii).-Present inspection note to the Chief Justice which, in turn, will be placed before the Standing Committee or the Full Court, as the case may be.”

3. Deletion of Rule 30(vi) and (vii).- Rule 30(vi) and (vii) of the Principal Rule be deleted.

4. Substitution of new Rule for Rule 35- For Rule 35 of the Principal Rule, the following Rule shall be substituted, namely:-

“35(1) The following matters may be heard and disposed of by a Single Judge :

- (a) Applications for bail and quashing (matters arising out of section 482 of Cr PC);
- (b) Miscellaneous petitions for transfer of criminal cases;
- (c) Applications for cancellation of bail;
- (d) Criminal Revisions;
- (e) Criminal Appeals against substantive sentence of not more than 10 (ten) years;
- (f) Appeal against judgment of acquittal in which a substantive sentence of less than 10 (ten) years of imprisonment could have been passed;
- (g) A case coming before the Court in the exercise of its ordinary or extra-ordinary original criminal jurisdiction, except the cases under section 15 of the Contempt of Courts Act, 1971;
- (h) Appeal, application or reference under the Code of Criminal Procedure, other than the cases as provided hereunder.

(2) as far as practicable application under Section 482 of the Code of Criminal Procedure and Criminal Revisions shall be listed before the Zonal Judge-in-charge of the Zone in which the Court from out of whose orders the matter arises, is situate. In order to comply with the requirement of this sub-rule, in the cause title of every such petition, the name of the district from where the matter has arisen, shall be mentioned.”

5. Substitution of new Rule for Rule 36- For Rule 36 of the Principal Rule, the following Rule shall be substituted, namely:-

“36. The following matters may be heard and disposed of by a Division Bench :-

- (i) Appeal or reference under the Code of Criminal Procedure in a case in which a sentence of death or of imprisonment for life has been passed;
- (ii) Appeal against judgment of acquittal in which a substantive sentence of 10 (ten) years imprisonment or more could have been passed;
- (iii) Appeal under Section 377 of the Cr PC or a case in which notice has been issued under Section 401 of the Cr PC to an accused to show cause why the sentence should not be enhanced;
- (iv) Appeal, revision or reference in which a substantive sentence of 10 (ten) years imprisonment or more has been passed:

6. Substitution of new Rule for Rule 37(ii)- For Rule 37 (ii) of the Principal Rule, the following Rule shall be substituted, namely:-

“37(ii) Reference under Section 60 of the Indian Stamp Act (II of 1899).”

7. Insertion of note below Rule 48-In the Principal Rule, below Rule 48, the following note shall be inserted, namely:-

“**Note:** An affidavit sworn before a Notary is not an affirmation before an officer appointed by the High Court. High Court will not entertain such an affidavit.”

8. Substitution of new Rule for Rule 49(3)- For Rule 49(3) of the Principal Rule, the following Rule shall be substituted, namely:-

“49 (3). Unless otherwise specifically provided for in the Rules of the Court, a copy of every petition or affidavit with its enclosure, if any, shall be served upon counsel for the other side and the receipt showing service of the same must be filed along with the petition or the affidavit in question, unless otherwise directed by the Court for any sufficient reason.

If the petition or affidavit has to be heard or considered by a Division Bench a clear readable and in order second copy thereof with its enclosure, if any and where the petition is filed in an appeal and has to be heard by the Division Bench a copy of the judgment appealed against shall also be filed for use of the Court.”

9. Substitution of new Rule for Rule 51- For Rule 51 of the Principal Rule, the following Rule shall be substituted, namely:-

“51. When a *Vakalatnama* is given by a party, who can sign his or her name, it must be signed by the party. When the party cannot sign his or her name, the *Vakalatnama* must be endorsed as follows: -

I, A.B. do hereby appoint C.D. Advocate to act for me in the above named cause, in token whereof I have affixed my left thumb impression in the presence of E. F.

X(Left thumb impression)

and I, E.F. do hereby attest the above thumb impression as having been affixed in my presence by A.B. who is known to me.

(Signature)”

10. Substitution of new Rule for Rule 67 (v)- For Rule 67 (v) of the Principal Rule, the following Rule shall be substituted, namely:-

“67(v). Such an Oath Commissioner may charge remuneration of Rs.10.00 or such other amount as may be prescribed for each affidavit and shall keep a register in the form prescribed in sub-rule VIII *infra* in which all affidavits shall be entered. A written receipt for the amount paid shall be given by the Commissioner to the deponent. The receipt shall be in the printed form consisting of a foil and counter foil, the foil being handed over to the person paying the money and the counter foil being kept by the Commissioner for purpose of inspection. The Commissioner will be entitled for an additional fee from a deponent when he is required to attend the deponent’s residence the amount of fee as prescribed in note 3 below sub-rule (3) of Rule 247 of Chapter XXI of the Jharkhand High Court Rules. The aforementioned charges will be in addition to any stamp duly payable on an affidavit under the Indian Stamp Act, 1899 (Schedule I Article IV).”

11. Insertion of new Rule 68(2), 68(3), 68(4)- In the Principal Rule, after Rule 68, the following shall be inserted:-

“68(2). In absence of Registrar any memorandum of appeal or application may be presented before the Additional Registrar If on any Court day both the Registrar and the Additional Registrar are absent, and memorandum of appeal or application which should under these rules be presented to the Registrar or in his absence to the Additional Registrar and might be barred by time, may be presented to the Deputy Registrar or in his absence to the Assistant Registrar who shall certify thereon in writing in his hand that such memorandum of appeal or application was on that day presented to him;

Provided always that no such presentation to the Deputy Registrar or Assistant Registrar shall be of any effect unless such memorandum or application be presented to the Registrar or the Additional Registrar on the next subsequent day on which he is available for such presentation.”

“68(3). No application to the same effect or with the same object as a previous application upon which a Judge has passed any order, other than an order or reference to another Judge or Judges, shall except by way of appeal, be presented to any other Judge or Judges, on behalf of any person on whose behalf such previous application was presented.”

“68(4). The Advocate who files an appeal shall examine the case in the light of Order XXVIIA of the Code of Civil Procedure and certify that in his opinion, a notice to the Attorney-General of India or the Advocate General of the State under the said Order is/is not necessary.”

12. Substitution of new Rule for Rule 76- For Rule 76 of the Principal Rule, the following Rule shall be substituted, namely:-

“Except where the Designated Officer is of the opinion that the stamp report regarding the defects is not correct or that defects can be ignored or that they are not curable, the cases where any defect as specified in Rule 75 is noticed, the filing shall be returned to the person presenting the same with intimation regarding the defects to be re-filed after removing the defect within seven days. Any re-filing after the expiry of seven days from the date of return shall be subject to law of limitation.”

13. Insertion of new Rule 82A- In the Principal Rule, below Rule 82, the following shall be inserted:-

“82A. No interlocutory Application shall be listed unless a copy of such application is served in advance to the Counsel, if any, appearing for the other side.”

14. Insertion of new Rule 96A- In the Principal Rule, below Rule 96, the following shall be inserted:-

“96A. A party to a decree or order desiring to appeal therefrom and to make the legal representative of a party who died between the Conclusion of hearing and pronouncement of Judgment, including 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 has 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.”

15. Substitution of new Rule for Rule 102- For Rule 102 of the Principal Rule, the following Rule shall be substituted, namely:-

102(1). Whenever any suit, appeal, reference or other proceeding has been heard by two or more Judges, and the Judges who heard the same have agreed to a written judgment therein, such written judgment, having first been signed by the Judges concerned may be pronounced by anyone of the Judges in the absence of the other or either of them.

102(2). Whenever any suit, appeal, reference or other proceeding has been heard by two or more Judges, and each of such Judges has written a judgment for himself or has agreed to a judgment written by another Judge and such judgments have been signed by any of the Judge or Judges who have written them, or, in the case of a judgment agreed to by two or more Judges by the Judge or Judges who have agreed, anyone of such Judges may pronounce on behalf of any absent Judge or Judges the Judgment written or agreed to by a such absent Judge or Judges.

102(3). Every judgment delivered and every order passed by the Court shall be recorded by a Personal Assistant to Judge except when the Court delivers a written judgment.

102(4). Every judgment or order recorded by a Personal Assistant to Judge shall be filed by him with the paper-book of the case to which it relates within three days from the delivery of the judgment or passing of the order and at the end of his record he shall enter the dates of the passing of the order or delivery of the judgment and of filing with the record. He shall also initial such record and shall be responsible for its safe custody until he files it with the paper-book in the office.

102(5). When a judgment or order recorded by a Personal Assistant to Judge has been filed, the Court Master shall submit it for signature to the Judge or Judges who delivered or passed it, unless such Judge or Judges otherwise order or have resigned or proceeded on leave, or are absent on account of illness or any other cause.

102(6). When a written judgment has been delivered or when a judgment or order recorded by a Personal Assistant to Judge has been signed by the Judge or Judges, who delivered or passed it, the Court Master shall seal such judgment or order with the seal of the Court.

16. Substitution of new Rule for Rule 107- For Rule 107 of the Principal Rule, the following Rule shall be substituted, namely:-

“107.- When any such objection is made the Joint Registrar shall put up the appeal or the case together with the judgment therein, the draft decree or order and the objection, for orders before 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 are absent on leave or furlough, then before such Judge or Judges as the Chief Justice may appoint for that purpose.”

17. Substitution of new Rule for Rule 139- For Rule 139 of the Principal Rule, the following Rule shall be substituted, namely:-

“139(1). Every memorandum of appeal and every application for revision shall immediately below the title have endorsed on it “*Criminal Revision*” “*Cr.M.P.*”, or “*Criminal Appeal*”, as the case may be, and shall state —

- (a) the name and address of each appellant or applicant;
- (b) the name and address of each person who is proposed to be made respondent,
- (c) the provision of the Code of Criminal Procedure under which the appeal or application is sought to be presented;
- (d) facts of the case in brief;
- (e) ground or grounds numbered serially;
- (f) the case number and date of order or judgment appealed against, and all other particulars of the case including the name of the Presiding Officer of the Court below;
- (g) a certificate should be given in “para-2” of the petitions filed before the High Court stating therein whether the applicant or appellant earlier moved before the Court for same relief;
- (h) relief prayed for.

(2) Every such appeal or application shall be accompanied by certified copy of the Order appealed against and as many spare copies as are required. Provided that the provisions of this Rule, shall not apply to a petition of appeal or an application made by an accused in duress.”

18. Insertion of new Rule 146A- In the Principal Rule, below Rule 146, the following shall be inserted:-

“146A. When a case has been disposed of, the record shall be returned by the Court Master to the concerned Assistant along with a formal order in the prescribed form duly signed by the Judges who shall without waiting for the judgment, send a copy of the same to the Court concerned.”

19. Insertion of new Rule 149A, 149B and 149C- In the Principal Rule, below Rule 149, the following shall be inserted:-

“149A. As soon as the notices have been issued, the Registrar shall cause paper book to be prepared.”

“149B. The paper book shall contain—

- a. the petition of appeal;
- b. the judgment appealed against;
- c. Any other petition or affidavit which may be filed and ordered by the Bench to be considered at the time of hearing of the appeal.”

“149C. Upon receipt of the records, the Registrar shall cause paper-book of the Lower Court record to be prepared.”

“149D. The paper book shall contain—

- (i) First Information Report;
- (ii) Charge;
- (iii) Oral evidence;
- (iv) Dying Declaration, if any;
- (v) Post Mortem Report/Inquest report, if any;
- (vi) Confession, if any;
- (vii) List of Exhibits;
- (viii) Statements of the accused who has made some positive statement;
- (ix) Judgment of the Trial Court;
- (x) Such other document as may be ordered to be included in the paper book by the Court at the time of admission of the appeal or thereafter.”

20. Insertion of new Rule 163(3) and 163(4)- In the Principal Rule, below Rule 163, the following shall be inserted:-

“163(3). The paper book shall contain:

- a. The letter making report;
- b. Order-sheet of the High Court;
- c. A copy of the report;
- d. The explanation of Magistrate, if any.”

“163(4): After the case has been disposed of, a copy of judgment shall be sent to the Court concerned by which the reference was made.”

21. Substitution of new Rule for Rule 164- For Rule 164 of the Principal Rule, the following Rule shall be substituted, namely:-

“(1) No application for grant of anticipatory bail or regular bail under any provision of law shall lie unless a notice in advance has been served upon the Advocate General or some other officer appointed in this behalf at least 24 hours before the time of filing.

(2) Bail Orders passed by the High Court shall be sent directly to the Courts concerned. The amount of bail, number of and nature of sureties, etc., may be ordinarily indicated therein. A copy of the order shall also be forwarded to the Sessions Judge or the Chief Judicial Magistrate as the case may be who shall send the same forthwith to the Magistrate concerned or his successor in office or the Magistrate placed in charge of his duties for necessary action. When there happens to be only one Magistrate such as in any Sub-divisional head-quarters and he is transferred, then in that case it may be sent to the Sub-divisional Judicial Magistrate for compliance of the order.”

22. Insertion of new Rule 164A- In the Principal Rule, below Rule 164(2), the following shall be inserted:-

“K-Custody of Record in Cr. Cases”

“164A(i). Immediately on the receipt, in the office of the Court, of a record in criminal case the Diarist shall examine the condition of the cover and shall make a note thereon and get the record signed and dated by an officer of the Court and shall forthwith deliver such record to the Receiving Assistants who shall at once examine the same and make a note stating that the record is perfect or defective as the case may be and if defective the particular or particulars in which it is defective.

(ii) If on such examination it is ascertained that any paper is missing from the record or is mutilated, or that the record is in any other respect defective, the Receiving Assistant shall forthwith report the fact to the Registrar.

(iii) At the conclusion of any case brought before the Court in the exercise of its ordinary/original Criminal Jurisdiction the entire records of Committing Court, inclusive of such police papers as have been used at the trial and form part of the record shall be consigned to the Criminal Record Room of the Court.

(iv) At the conclusion of the case the Assistant incharge of Disposal Section shall satisfy himself that the entire record has been made over to him by the Court Master and will be held responsible for its subsequent deposit in the Criminal Record Room."

23. Substitution of new Rule for Rule 180- For Rule 180 of the Principal Rule, the following Rule shall be substituted, namely:-

"180.- 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 finding 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."

24. Substitution of new Rule for Rule 200- For Rule 200 of the Principal Rule, the following Rule shall be substituted, namely:-

"200. Every memorandum of appeal and every application for review or revision shall immediately below the title have endorsed on it "First Appeal", "Second Appeal", "Review" or "Revision" as the case may be, and shall state —

- (a) the name and address of each appellant or applicant;
- (b) the name and address of each person whom it is proposed to make a respondent;

Note :- Address in (a) and (b) includes name of Thana and Post Office.

- (c) the Court in which, and the name of the Judge or Munsif by whom the decree or order objected was made;
- (d) the date when and the number of the case in which such decree or order was made;
- (e) the description of the parties to the appeal or application as to whether such parties were plaintiffs, defendants or applicants in the Court of first instance;
- (f) the ground or grounds numbered *seriatim* of objection to the decree, order or judgment;
- (g) the relief sought by such appeal, review or revision;
- (h) the value of the appeal, and in the case of an application for revision, the value of the suit out of which the application arises;

Provided that in every case in which an appeal or cross objection is preferred to this Court and the valuation, for the purposes of Court Fee or the Court Fee paid varies from that of the trial Court, in the case of First Appeals, or from that of either 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 Bench;

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

(ii) in case of Civil Revision under Section 115 CPC and Section 25 of the Provincial Small Cause Court Act, 1887, the applicant shall state whether an application on the same fact and against the same order or judgment had been previously filed before this Court on behalf of all or any of the petitioner and if so with what result."

25. Insertion of new Rule 201A- In the Principal Rule, below Rule 201, the following shall be inserted:-

"201 A(i). A memorandum of appeal 1 [from original decree] or application for revision of an appellate decree or order shall be accompanied by copies of the judgments of both the Lower Courts and if filed by an Advocate shall bear a certificate under his hand that in his opinion each of the grounds taken in the appeal or application is a good ground for appeal or for revision.

A(ii) When an appeal from original decree or application is not accompanied by the necessary copies of judgments the Registrar may allow time for production of the same. If copies are not produced within the time allowed, the appeal or application shall be laid before the Court for orders.

A(iii) Every memorandum of an appeal the ground of which is that there is in fact on the record no evidence or admission to support the decree shall state sufficiently the material finding in support of which there is no evidence or admission on the record.

A(iv) Every memorandum of appeal from an appellate decree on the ground mentioned in the last preceding rule which is presented by an Advocate shall bear a certificate under his hand that he has examined the record and that in his opinion such ground is well founded."

26. Insertion of note below Rule 244(4)-In the Principal Rule, below Rule 244(4), the following note shall be inserted, namely:-

"Note: No fee shall be charged for inspection of pending criminal records."

27. Substitution of new Rule for Sub-clause (iii) of Rule 252- For Sub-clause (iii) of Rule 252 of the Principal Rule, the following Rule shall be substituted, namely:-

"Invariably, all certified copies of orders/judgments shall be prepared through computer but certified copies for exhibited documents, reports etc. shall be prepared through photocopiers only. In such cases, where technically, it is not possible or for any other reasons, it is either not feasible or not practicable or not desirable, copies shall be prepared through means other than computer either by photocopier or type written method or otherwise, but only with the prior written permission of the Officer Incharge, Copying Department."

28. Insertion of note below Rule 254-In the Principal Rule, below Rule 254, the following note shall be inserted, namely:-

"Note: This rule shall not apply in case of applications for certified copies of orders/judgments. In case of applications for certified copies of orders/judgments, urgent coping fees shall be payable and the certified copies of orders/judgments shall be given to the litigants within 24 hours from the date of orders/judgments become ready."

29. Deletion of Rule 256- Rule 256 of the Principal Rule be deleted.

30. Substitution of new Rule for Rule 265- For Rule 265 of the Principal Rule, the following Rule shall be substituted, namely:-

“Every application for the payment of money out of Court shall be in writing and signed by the party claiming in his own right or in his capacity as personal legal representative or as guardian to be entitled to the money or by his recognized agent for the purpose:

Provided that where the application is for payment of a sum exceeding Rs.50, the application shall also be signed by an Advocate duly authorized in that behalf.”

31. Insertion of new Rule 313A, 313B, 313C, 313D, 313E and 313F- In the Principal Rule, below Rule 313, the following shall be inserted:-

“**313 A(1).** The Process-fee stamp for the issue of notice to the defendant, the respondent, or other person to be served with notice shall be filed before an officer of the Court appointed for the purpose, within ten days from the date of the admission of the suit, appeal or other application or, the time as may be prescribed by the Court.

(2) There shall be filed together with the Process-fee the requisite number of the prescribed printed forms of such notice, duly filled up, the date of appearance and the date of the notice being left blank.

(3) The information entered in the forms shall be filled up in a bold, clear and easily legible handwriting.

(4) The parties filing the forms will be held responsible for the accuracy of the information entered therein.

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

(6) The requisite number of printed forms of notice will be supplied to the parties or their Advocates free of cost on application to the forms clerk. Other forms will not be accepted unless they are in the prescribed form and the quality of the paper and printing is as good as that of the forms supplied by the office of the Court.

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

“**313(B).** If the Process-fee for the issue of the notice, or the notice forms duly filled up, be not filed as provided in the last preceding rule, the suit, appeal or application shall be placed before the Registrar who may, in his discretion, either grant further time for filing the Process-fee or the notice forms, or direct that on the date fixed the suit, appeal or application be placed before a Bench for orders.

313(C). No process-fee for the issue of notice of any suit, appeal or application, nor notice form shall, except under the order of the Registrar, be received after the expiry of the ten days allowed by Rule 313A or the time as may be allowed by the Court.

313(D). If the process-fee be paid and the notice form duly filled up be filed within ten days or within the extended time allowed by Rule 313B, the notice in the forms shall at once issue on the defendant, respondent, or other person to be served with notice.

313(E). When in an appeal or other proceeding the Court orders a notice to show cause to issue, 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 to whom the notice is to issue 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.

313(F). In every case in which the Court orders a notice to issue under the last preceding rule, the party at whose instance such order is made shall file along with the process-fee as many typed copies of the application and affidavit as there are persons to be served.”

32. Substitution of new Rule for Rule 323- For Rule 323 of the Principal Rule, the following Rule shall be substituted, namely:-

“**323.** Every election petition shall, immediately below the title, have endorsed on it “Election Petition” and shall, in addition to the grounds and date or dates specified in Section 81 and the contents required by Section 83 or any other section of the Act dealing with the presentation of such petitions, state —

- (a) the name and complete address of the petitioner;
- (b) the name and complete address with postal address of each person impleaded as respondents; and
- (c) the relief claimed.”

33. Substitution of new Rule for Rule 335- For Rule 335 of the Principal Rule, the following Rule shall be substituted, namely:-

“**335(i).** The evidence of each witness examined shall be taken down and recorded in English. It shall be in narrative form and not in question answer form except when so requested specifically by any party with respect to any particular question or answer for a specific requirement.

- (ii) The statement shall be typed and signed by the witnesses and the Judge.”

34. Substitution of new Rule for Rule 340- For Rule 340 of the Principal Rule, the following Rule shall be substituted, namely:-

“**340.** As soon as election petition is dismissed by the High Court under sub-section (1) of Section 86, or the same has been finally disposed of on merits as provided for under Sections 98 and 99, or the High Court passes an order under sub-section (1) of Section 116-B, the office shall intimate the order of the decision of the High Court to (i) the Commission and (ii) the Speaker or the Chairman, as the case may be, of the Houses of Parliament or of the State Legislature concern; and thereafter, as soon as possible, it shall also forward to the Commission an authenticated copy of the judgment and the formal order of the Court. The office shall also report the Commission when an election petition is allowed to be withdrawn under Section 111 after orders are passed in that behalf by the High Court. Where an election petition abates and no attempt has been made for substituting another person for continuing the said petition as provided under Section 116 and the Court passes a final order treating the petition as abated, the office shall also report to the Commission.”

35. Substitution of new Rule for Rule 341- For Rule 341 of the Principal Rule, the following Rule shall be substituted, namely:-

“**341.** An Advocate intending to act for a party shall file a *Vakalatnama* signed by his client. He shall also give his office address where all notices, processes etc. may be served on him, if necessary. Such service will be regarded as proper service on the party.”

36. Substitution of new Rule for Rule 389- For Rule 389 of the Principal Rule, the following Rule shall be substituted, namely:-

“**389(i).** Every petition for initiating a proceeding for civil contempt within the meaning of the Act shall be registered as Civil Miscellaneous Petition (CMP) whereas petitions for initiating proceedings for criminal contempt shall be registered as Original Criminal Miscellaneous Petitions (Or. Cr. M.P.).

- (ii) In every such petition the State of Jharkhand shall be made a respondent.
- (iii) Every such petition shall contain—

- (a) Name, description and place of residence or complete official address with designation of the petitioners and of person or persons charged;
- (b) 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 proper determination of the case;
- (c) If a petition has previously been made by him on the same facts, the petitioner shall give the details of the petition previously made and shall also indicate the result thereof;
- (iv) The petition shall be supported by an affidavit;
- (v) Where the petitioner relies upon a document or documents in his possession or power, he shall file such document or documents or true copies thereof with the petition.
- (vi) No court-fee shall be payable on the petition, and on any document filed in the proceeding."

Ranchi
The 19th January 2006

By order of the Court,

R.R. Prasad
Registrar General.

HIGH COURT OF JHARKHAND (THIRD AMENDMENT) RULES, 2006.

A Rule further to amend the Jharkhand High Court Rules, 2001

In exercise of the powers conferred by Section 29 of the Bihar Reorganisation Act, 2000 (Act XXX of 2000) and all other powers enabling it in this behalf, the High Court of Jharkhand hereby makes the following amendment in the Rules namely :

CHAPTER I

PRELIMINARY

1. Short title and Commencement.-(1) This may be called as High Court of Jharkhand (Third Amendment) Rules, 2006.

(2) It shall come into force from the date of publication in the Official Gazette.

CHAPTER II

AMENDMENT OF RULES

2. Insertion of new Rule 24 A:- In the High Court of Jharkhand Rules, 2001, after Rule 24, the following shall be inserted, namely.-

24A. First three senior most Judges of the Court including the Chief Justice may.-(i) inspect any Civil Court of the State at any time;

(ii) present inspection note which, in turn, will be placed before the Standing Committee or the Full Court, as the case may be;

(iii) examine the periodical returns and statement furnished by the Subordinate Courts;

(iv) examine inspection notes of Districts and Subordinate Courts which will be placed before them in all the administrative matters relating to court building and residence etc.

(v) do any other work as may be deemed fit in the interest of efficient administration of Civil Courts.

JHARKHAND HIGH COURT, RANCHI

NOTIFICATION

The 14th August, 2006

HIGH COURT OF JHARKHAND (FOURTH AMENDMENT) RULES, 2006

A Rule further to amend the Jharkhand High Court Rules, 2001

No. 639 / R&S - In exercise of the powers conferred by Section 29 of the Bihar Reorganisation Act, 2000 (Act XXX of 2000) and all other powers enabling it in this behalf, the High Court of Jharkhand hereby makes the following amendment in the Rules namely:

CHAPTER I

Preliminary

1. Short title and Commencement: (i) This may be called as High Court of Jharkhand (fourth amendment) Rules, 2006.
(ii) It shall come into force from the date of publication in the Official Gazette.

CHAPTER II

AMENDMENT OF RULES

2. Substitution of new Rule 26 in place of existing rule, since deleted, under " Chapter V- Officers of the Registry of the Court and their functions:- For Rule 26 of the Jharkhand High Court Rules, 2001 (hereinafter referred to as the 'Principal Rule', the following Rule shall be substituted, namely:-

"26. (a) The following Officer will constitute the Registry of the Court:-

1. Registrar General;
2. Registrar (Vigilance and Inspection);
3. Registrar (Administration);
4. Registrar (Establishment);
5. Joint Registrar (Vigilance)- (Earlier known as Principal Secretary to the Chief Justice);
6. Joint Registrar (Judicial);
7. Joint Registrar (Establishment);
8. Joint Registrar (List & Computer);
9. Joint Registrar[S] (Administration);
10. Deputy Registrar [S];
11. Assistant Registrar[S]

(b) The Chief Justice may, from time to time, add, vary or change the composition of the Registry or the nomenclature of the Officers."

Dated: 14th Day of August, 2006
Ranchi, Jharkhand.

By Order of the Court,

B. K. Singh
14.8.06
Registrar General



सत्यमेव जयते

**THE
JHARKHAND GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 35

15 Paush 1932 (s)

Ranchi, Wednesday the 5th January, 2011

JHARKHAND HIGH COURT, RANCHI

NOTIFICATION

The 23rd December, 2010

No. 09/2010 (R&S)--In exercise of the powers conferred by Section 29 of the Bihar Reorganisation Act, 2000 (Act XXX of 2000) and all other powers enabling in this behalf, the High Court of Jharkhand, by way of amendment in the "High Court of Jharkhand Rules, 2001" hereby deletes the **Rule 34 (3) (d)** contained in **Chapter VI, Part II** and inserts **Sub Rule (xii) of Rule 33** which reads as follows:-

(xii) Miscellaneous Appeals arising out of an award passed under the Motor Vehicles Act, 1988 or the Workmens' Compensation Act, 1923.

Aforesaid amendment shall take effect from the date of its publication in the Official Gazette of Jharkhand.

By order of the Court,
H.C. Mishra,
Registrar General.

Printed & Published by the Superintendent of Jharkhand Government Press, Doranda, Ranchi.

Jharkhand Gazette (Extraordinary) 35--300+25.