

High Court of Himachal Pradesh Petition Writers (Grant of Licence and Conduct) Rules, 1989

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001

No. HHC/Admn.16/18/74-4449

Dated 22.03.1999

NOTIFICATION

In exercise of the powers conferred by section 25 of the Himachal Pradesh Courts Act, 1976 (Act No. 23 of 1976) read with section 477 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Hon'ble High Court of Himachal Pradesh with the previous approval of the State Govt., is pleased to make the following rules, regarding the grant of licence and conduct of Petition Writers in Himachal Pradesh:-

PART-I GENERAL

Short Title, extent and commencement	1	<p>(i) These rules shall be called the High Court of Himachal Pradesh Petition Writers (Grant of Licence and Conduct) Rules, 1989.</p> <p>(ii) These rules shall apply to the Petition writers practicing in all the Courts including the Gram Panchayats in Himachal Pradesh.</p> <p>(iii) They shall come into force on their publication in the official Gazette.</p>
Definitions	2	<p>In these rules, unless otherwise suggested by the context,</p> <p>(a) 'Chief Justice' means the Chief Justice of the High Court of Himachal Pradesh.</p> <p>(b) 'Court' means any Civil, Criminal or Revenue court including a Gram Panchayat.</p> <p>(c) 'District Judge' means the District and Sessions Judge of a District as defined in section 2(a) of Himachal Pradesh Courts Act, 1976.</p> <p>(d) 'High Court' means the High Court of Himachal Pradesh.</p>

		<p>(e) 'Petition' means a document written for the purpose of being presented in a Court and includes pleading and memorandum of appeal.</p> <p>(f) 'Registrar' means the Registrar of the High Court and shall also include the Registrar (Vigilance).</p> <p>(g) The words 'Revenue Officer', 'Revenue Office' and 'Revenue Court' used in these rules shall have the same meaning as assigned to these words in the Tenancy Laws of the State of Himachal Pradesh for the time being in force.</p> <p>(h) 'To practice as a Petition Writer' means to write petitions, as defined above, for hire, and includes the writing of a single petition for hire.</p>
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PART-II LICENSING OF PETITION WRITERS

Practice as a Petition Writer	3	<p>No person shall practice as a Petition writer in Himachal Pradesh unless he has been duly licensed under these rules.</p> <p>Provided that these rules shall not apply to any Advocate or pleader in respect of a Petition written for presentation to a Court in which he is qualified to practice, whether such petition be written by himself or his Clerk or on his behalf, provided that in the latter case it is signed by the employer.</p>
Writing of Petition	4	<p>No petition shall be received by a Court of an Officer of a Court unless it is written by the party or his recognized agent, or by a legal practitioner (except in the case of Panchayat) or by a Petition Writer, except in the case of an</p>

		application filed by an accused person in custody provided the name and status of the person writing the document appears on it. A legal practitioner's Clerk may write such petition on behalf of his master provided that it is signed by the latter.
Number of Licenses	5	The number of licenses granted under these Rules shall be in accordance with the scale fixed by the District Judge, from time to time, according to the volume of work at a particular place.
Examination compulsory	6	No person shall be licensed to practice as a Petition Writer unless he has qualified the examination prescribed under these rules.
Licensing of Retired Court officials	7	Notwithstanding anything contained in Rule 4 above, the High Court may license any person as a Petition Writer, under these rules, if a person so licensed has held in the High Court or any other Court subordinate to it, any post by virtue of which he may be considered to have acquired sufficient experience in petition writing and legal procedure.
Qualifications	8	No person shall be licensed as a Petition Writer under these rules unless he: <ul style="list-style-type: none"> (i) is a permanent resident of the district where he wants to practice; (ii) has passed at least the matriculation or the Higher Secondary Examination or equivalent examination of any recognized University or any recognized Board of School education. (iii) has attained the age of 21 years on the date on which he is licensed.

Disqualifications	9	No person shall be licensed to practice as a Petition Writer if he:- <ul style="list-style-type: none"> (i) is a Government servant or a quasi-Government servant or is engaged in any remunerative profession or trade, or (ii) is in service of any legal practitioner as a licensed Clerk nor any person be so licensed within six months of his quitting the service of the legal practitioner; or (iii) has been declared as a tout, or (iv) has been convicted for a Criminal offence involving Moral turpitude; or (v) has been removed from the Government or quasi Government service or from the service of a Local body on grounds of misconduct.
Notification of vacancies	10	The District Judge shall notify the number of vacancies of petition writers to be filed with the name of the station where such vacancies exist by affixation of a notice to this effect on the notice board of his Court and such other place(s) which he may consider appropriate and shall prescribe the date within which such applications should read his office.
Application for admission to the examination	11	A person desirous of being registered as a licensed petition writer shall apply in the prescribed form (Annexure 'A') to the District Judge of the District in which he wants to practice as a Petition Writer for being admitted to the examination to qualify himself for being licensed as a Petition Writer, and the application shall be accompanied by the following documents:-

			<ul style="list-style-type: none"> (i) two latest passport size photographs duly attested by the Magistrate First Class or a Gazetted Officer. (ii) Certificate of the University or Board regarding academic qualification ; (iii) Date of birth Certificate. (iv) Character certificate from the Principal or Headmaster of the School-last attended or a Gazetted Officer of the Government of Himachal Pradesh. (v) Certificate of bonafide residence in the District concerned. (vi) A certificate of good conduct from his last employer with the date when he left his employment, if any. (vii) A declaration that the applicant has never been convicted of a criminal offence or removed from Government, quasi-Government or local body service.
Processing of Application	of	12	The District Judge shall scrutinize the applications and if he is satisfied that the candidate is duly qualified for being admitted to the examination shall cause the applications to be entered in the Register in prescribed form (Annexure 'B').
Notifying examination date	of	13	The date of examination shall be notified by the District Judge 15 days before the date fixed for holding the examinations to each such applicant whose applications have been found to be in order by registered post and it shall also be displayed on the notice board of his Court.
Procedure and Syllabus	and	14	The candidate shall be examined in the subjects detailed below or such subjects as the

		<p>High Court may, from time to time, notify to the District Judge.</p> <p>(i) Drafting of plaints, written statements and applications etc. in accordance with the provision of C.P.C. with special reference to the following Acts:-</p> <ol style="list-style-type: none"> (1) Transfer of Property Act. (2) Indian Registration Act. (3) Court Fee Act. (4) Stamp Act. (5) Limitation Act. (6) Himachal Pradesh Land Revenue Act. (7) Himachal Pradesh Tenancy and Land Reforms Act. <p>(ii) Drafting complaints in criminal matters, affidavits, bail applications etc.</p>
Question Paper	15	The District Judge will set one question paper to test the practical knowledge of the candidates in drafting pleadings and applications etc. and the paper will be of such duration and such marks as he may, from time to time, determine.
Holding of examination	16	<p>(a) The examination will be held at the place notified by the District Judge and shall be conducted in such manner as he may from time to time prescribe.</p> <p>(b) The examiner shall be appointed by the District Judge, if necessary.</p> <p>(c) The result of test and the marks obtained by the candidates shall be duly tabulated in the register maintained by the District Judge under Rule 12 above.</p> <p>(d) The result of the successful candidate shall be communicated by the District</p>

		Judge by registered post in prescribed form (Annexure 'C') at the address given in the application for correspondence.
		(e) The list of successful candidates shall maintain by the District Judge strictly in accordance with the merit.

PART-III GRANT, RENEWAL, SUSPENSION OF LICENCE

Grant of License	17	<p>(a) A successful candidate shall make an application to the District Judge for the grant of license in the prescribed form (Annexure 'D').</p> <p>(b) The District Judge, after verifying the application(s) from the register of applications for examination, shall grant licenses in the prescribed form (Annexure 'E') in accordance with the merit list maintained under Rule 16(a) above.</p> <p>Note:</p> <ul style="list-style-type: none"> (i) If the number of successful candidates for grant of licenses is more than the number of existing vacancies, the licenses will be granted in order of merit. (ii) If two or more candidates have the same merit in the list of successful candidates the senior in age shall have the first preference in obtaining the license.
License and Renewal fee- Register of Petition Writers	18	A fee of Rs. 5/- shall be charged for each license on enrolment. Such license shall remain valid only upto 30 th day of December in each year and will be renewed between the 1 st and 31 st of December, on payment of renewal fee of Rs.5/-. Fee in all cases will be payable in

		Court-fee stamps. Licenses Issued shall be entered in the Register to be maintained by the office of the District Judge in prescribed form (Annexure 'F').
Condition on which the license remains in force	19	<p>A license granted to a petition writer under these rules will authorize him to practice as such during its currency, until-</p> <ul style="list-style-type: none"> (i) its operation is suspended by an order made under Rule 20 or 23 below or upon surrender of license; or (ii) license is revoked or cancelled under Rule 35.
Production and suspension	20	<p>Every licensed petition writer shall, between the first and thirty first day of July of each year, produce or if he ordinarily practices in a Subordinate Court, forward through that Court, his license, for the inspection of the District Judge. A note of such production and inspection with the date will be entered on the license. If a petition writer fails to comply with this rule, his name will be posted on the Notice Board of the court in which he ordinarily practices, with an order that the operation of his license is suspended, and that he will be liable to penalties if found practicing whilst such order of suspension is in force.</p> <p>Provided that if the petition writer produces his license for inspection at any time within one month after the expiry of the due date and if it be shown to the satisfaction of the District Judge that the failure to produce the license within the appointed time was due to unavoidable cause, the order of suspension may be withdrawn subject to a charge of late</p>

		fee of Rs. 5/-.
Transfer of place of business	21	<p>No licensed petition writer shall change his place of business either within or outside the district for which license is granted save and except with the previous approval and sanction of the District Judge and subject to vacancy being certified to be in existence by the concerned District Judge at the place or district to which the transfer has been sought.</p> <p>Provided that it shall be within the discretion of the District Judge to transfer any petition writer from one place to another within the Sessions Division for reasons to be recorded.</p>
License lost or damaged	22	<p>If a licensed petition writer loses the license granted to him under these rules, he may apply to the District Judge concerned for a duplicate license. The application shall be made in writing supported by an affidavit and shall be presented by the applicant in person. The District Judge, if satisfied that the original license has been lost, shall on payment of requisite fee as provided in Rule 18 by the applicant, cause a duplicate license to be issued in the same form and bearing the same date and number as the lost license and shall cause the words "DUPLICATE LICENSE" to be en faced thereon within the date of issue and shall sign such en face ment.</p> <p>Note: If a license is damaged due to any reason, it may be replaced in the manner heretofore provided in the case of the license being lost. However, the damaged license shall be surrendered to the District Judge along with the application for duplicate license.</p>

PART-IV CONDUCT OF PETITION WRITER

Register to be maintained by petition writer.	23	<p>(i) Every petition writer licensed under the foregoing rules shall keep only one register for each calendar year in the prescribed form (Annexure 'G') and shall enter therein every petition written by him. Blank spaces shall not be left by a petition writer in his register. Should one occur, the petition writer shall forthwith have it cancelled by the Presiding Officer of a Court nearest to his ordinary place of business. Before the close of each year the register shall be inspected by the Principal Judicial Officer and in his absence by the Revenue Officer at the place for which the license is held. The register shall be inspected by the Senior Sub Judge at the District Headquarters.</p> <p>(ii) Every petition writer working at the District Headquarters shall personally deposit, and the petition writers working outside the District Headquarters shall send their registers through the Subordinate Judge of the area for being deposited, in the record room of the District Judge concerned within one month after the expiry of the calendar year. In case a petition writer fails to deposit the register in the record room of the District Judge within one month of the expiry of the calendar year, he shall have his license suspended and in case of the register not being deposited within the next three months after the expiry of the one month, referred to hereinfore, the</p>
Deposit of Registers		

		<p>license shall be cancelled.</p> <p>Provided that no action under this sub-rule shall be taken without affording an opportunity to the petition writer to show cause.</p>
Petition Writer's Seal	24	<p>Every licensed petition writer shall at his own expense provide himself with an official seal carrying the details given below and such seal shall be put by him on each document written by him.</p> <p>(i) Name of the petition writer</p> <p>(ii) License number</p> <p>(iii) Date</p> <p>(iv) Fees charged</p>
Manner of drafting petition	25	<p>Every licensed petition writer in writing petitions shall confine himself to expressing in plain and simple language, such as the petitioner can understand and in a concise and proper form, the statements and objects of the petitioner and shall not incorporate any argument or quotation from a law Report/Book or refer to any decision not desired by the petitioner to be so incorporated.</p>
Declaration to be made on the petition by the petition writer	26	<p>Every licensed petition writer shall record, at the foot of every petition written by him, a declaration under his signature, that to the best of his knowledge and belief, the petition expresses the true meaning of the petitioner and that its contents have been fully explained to the petitioner.</p>
Signatures, Seal etc.	27	<p>Every licensed petition writer shall sign and put his official seal on every petition written by him and shall enter on it the serial number of the register and the fee charged for writing it.</p>

Bar on employment of other persons to write petitions	28	No licensed petition writer shall dictate petition to, or cause a petition to be written by, a person who is not a licensed petition writer.
Writing unnecessary petitions	29	A licensed petition writer shall not instigate any person to cause to be written by himself or by any other licensed petition writer any petition which he knows to be unnecessary.
Fee to be charged	30	No licensed petition writer shall charge fees at more than the rates fixed in the schedule prescribed for the purpose in these rules.
Prohibition to share the profits of litigation or to contribute funds for this purpose	31	No licensed petition writer shall charge payment from a petitioner on successful conclusion of a litigation in connection with which he was employed.
Mukhtiarnama	32	A licensed petition writer shall not accept any MUKHRTIARNAMA, whether General or Special, for the conduct of any civil, criminal or revenue case, other than a case in which he himself or his near relation is a party. EXPLANATION: "Near Relation shall mean a son, daughter, wife, father, mother, brother or sister of the Petition Writer."
Surrender of License	33	Every licensed Petition Writer - (i) who resigns; or (ii) who enters Government service or the service of legal practitioner; or . (iii) whose license has been suspended, revoked or cancelled under these rules, shall, forthwith and not later than within a week from the date the order of suspension/cancellation and/or revocation is served upon him,

		surrender his license to the Court of District Judge.
Strucking off the name	34	Every petition writer who gives up practicing as such for over two years shall have his name struck off the register without any notice to him.
Revocation/ Cancellation of a License	35	<p>A license issued under these rules shall be liable to be revoked or cancelled by the District Judge if the petition writer:-</p> <ul style="list-style-type: none"> (i) is habitually irregular in attending the Court or generally remains absent during Court hours; or (ii) has remained absent from his headquarters for more than a week without sufficient cause; or (iii) has been declared tout; or (iv) has been found guilty of abetment or participation in any illegal transaction or unfair dealings; or (v) has been found guilty of disobedience of any lawful order; or (vi) has participated in any seditious or disloyal movement; or (vii) has been found guilty of conduct unbecoming of petition Writer; or (viii) is found to have tampered with any court record; or (ix) habitually writes petitions contrary to rule 25 containing irrelevant matter, or which are informal or otherwise objectionable; or (x) uses disrespectful insulting or abusive language in the course of his business as petition writer; or (xi) is found to be unfit to practice as a

		<p>petition writer by reason of any fraudulent or improper conduct in the discharge of his duties; or</p> <p>(xii) is convicted of a criminal offence involving moral turpitude; or</p> <p>(xiii) is found to have charged excessive amount for writing Petitions; or</p> <p>(xiv) is found to have acted in violation of any these rules.</p> <p>Provided that no Order of revocation or cancellation shall be passed before affording an opportunity to the petition writer to show cause.</p>
Entry in Court/ Office	36	No petition writer shall, without the permission of Presiding Officer of the Court, enter the Court or its office in which he is practising.
Liability to action under the rules	37	A person who practices as a petition writer without obtaining a License under these rules or while the license is suspended or has not been renewed shall be liable for being proceeded against the accordance with these rules.
Order to re-write a petition	38	A Court may order a licensed petition writer to re-write at his own cost any petition written by him in contravention of Rule 25 or which is illegible, obscure, prolix, or contains any irrelevant matters or mis-quotation or is due to any other cause objectionable and may record note on the license to this effect.
Order prohibiting practice	39	<p>A District Judge may for any sufficient cause to be recorded in writing, under his signatures, prohibit any petition writer from practicing as such.</p> <p>Every order of prohibition passed under this</p>

		rule shall be communicated to the Court other than the Court of District Judge, where the petition writer had been practicing and such court shall forthwith endorse the substance and date of the order on the license under its own signature and seal.
Failure to obey orders	40	Any person who practices as a petition writer contrary to the provisions of these Rules or who fails to obey orders of competent authority passed under Rule 38 above, shall be liable to a penalty not exceeding Rs. 50/- which may be imposed by the District Judge. In case a person fails to pay the penalty or any part thereof, which may be imposed under this rule, the same shall be recoverable as arrears of land revenue through the Collector of the District concerned from the immovable property, or both, of the defaulter in accordance with law governing recovery of land revenue from time to time.
Authority competent to impose penalty	41	Any breach of rules or other misconduct punishable under these rules shall be cognizable by the District Judge under whom the petition writer concerned holds his license.
Inquiry and trial	42	Subject to the provisions of Rule 41 the District Judge may take cognizance of any breach of rules or other misconduct punishable under these rules either on his own motion, or on the report or complaint of any other court or person and may after such inquiry as he may consider necessary, impose on the person charged any penalty prescribed by these rules; Provided that no order under this rule

		shall be passed against any person unless he is given an opportunity to show cause.
All orders passed to be endorsed on license	43	Every order passed against a petition writer (including any warning given in lieu of penalty) shall be recorded on the back of his license by the District Judge and the Register (Annexure 'F').
Appeal	44	<p>An appeal shall lie against any order passed under these rules to the Chief Justice who may pass such orders as he deems fit in this behalf.</p> <p>Provided that the petition of appeal shall be submitted to the Registrar by the aggrieved petition writer through the District Judge concerned within a period of 30 days from the date of the impugned order. The District Judge shall submit the same to the Registrar within 30 days of receipt of the petition by him along with his own comments and the records pertaining to the impugned order.</p>
Bar to engage a counsel	45	No petition writer shall be permitted to engage a counsel to defend himself in any proceeding under these rules
Residuary Powers	46	Nothing in these rules shall be deemed to affect the powers of the Hon'ble Chief Justice to make such orders from time to time as he may deem fit in regard to all matters forming part of the subject matter of these rules and all matters incidental or ancillary thereto not specifically provided for herein or in regard to matter as have not been provided for or have not been sufficiently provided for herein.
Relaxation powers	47	The Chief Justice may relax any of the

		provisions of these rules at any time if he is of the opinion that such provisions work undue hardship to any one governed by these rules.
Repeal and savings	48	<p>Subject to the provision made herein below the rules contained in Chapter 17-B of the Punjab High Court Rules and Orders, Volume-1 and in Notification No. J-79-57/48, dated January 18, 1949 of the Judicial Commissioner, Himachal Pradesh shall stand repealed so far as they apply to the High Court of Himachal Pradesh on and with effect from the date these rules come into force.</p> <p>Provided that the Petition Writers already practicing as such in Himachal Pradesh under the existing rules and orders shall be deemed to have been licensed under these rules and shall be governed in future by the present rules.</p> <p>Provided further that the Petition Writers already practicing as such shall apply to the District Judge in accordance with these rules within a period of 30 days from the date of their publication in the official Gazette to be enrolled as such under these rules in relaxation of Rule 6.</p>
		<p>BY ORDER OF THE COURT</p> <p>REGISTRAR GENERAL</p>

SCHEDULE

S. No.	Nature of document	Rate of fee
1	2	3
1.	Pleadings or memorandum of appeal in money suits	₹ 10/- for the first 3 pages or less number of pages and ₹ 2/- per additional page
2.	Pleadings, memorandum of appeal in land and unclassified suits	₹ 10/- for the first 3 pages or less number of pages and ₹ 2/- per additional page
3.	Miscellaneous applications	₹ 4/-
4.	Criminal complaints	₹ 6/-
5.	Affidavits	₹ 3/-
6.	Application and bail bonds including affidavits	₹ 3/-
7.	Appeal or revision from the order of Magistrate	₹ 6/-
8.	Appeal or revision from the order of a Revenue Officer	₹ 6/-

NOTE:-

- (i) The above schedule is not exhaustive and is meant only as a guide to petition writers. For those cases not covered by this Schedule, the rates may be fixed by the District Judges from time to time.
- (ii) The charges for additional copies of pleadings, applications, petitions and documents etc. shall be ₹ 1/- per page.

ANNEXURE 'B'

FORM OF REGISTER FOR PETITION WRITERS' EXAMINATION

Year _____ Date of Examination _____ District _____

1.	Serial No.	
2.	Name, parentage and residential address of the candidate	
3.	Date of Birth	
4.	Qualification	
5.	Address of the candidate for correspondence	
6.	Whether appeared at the written test or not? -Yes/No	
7.	Whether qualified or failed?	
8.	Position obtained, if qualified	
9.	Date on which application for licence was received	
10.	Place of Business	
11.	Date on which licence, if any, was granted	
12.	Remarks	

ANNEXURE 'C'

FORM OF RESULT CARD

Roll No. _____

To

Shri _____

1. This is to inform you that you have been declared successful in the petition writer's examination held in _____ obtaining _____ marks and secured _____ position.
2. You are required to apply for the grant of a Licence, against the notified vacancy in the enclosed form within one month failing which your name will be liable to be deleted from the list of successful candidates.
3. It is further clarified that qualifying the test will not entitle you to the grant of licence and the right to be considered for the grant of licence will be subject to vacancy.

OR

You have failed in the examination

DISTRICT JUDGE

Note:- The roll number of the candidate shall be the S. No. allotted to him in Register Annexure 'B'.

ANNEXURE 'D'

**FORM OF APPLICATION FOR ISSUE OF LICENCE TO PRACTISE AS A
PETITION WRITER**

REGISTERED

To

The District Judge,

Sir,

I qualified the Examination held for Licensing of Petition Writers at _____ in the month of _____ (Year) obtaining _____ position under Roll No. _____. An attested copy of the Result card is attached. A fee of ₹ 5/- in Court fee stamp(s) has/have been affixed by me on the application. It is requested that the Licence to practise as Petition Writer with a place of business at _____ may kindly be issued in my favour.

Yours faithfully,

Name:

Address of the
applicant

Date:

ANNEXURE 'E'

FORM OF LICENCE

In the court of

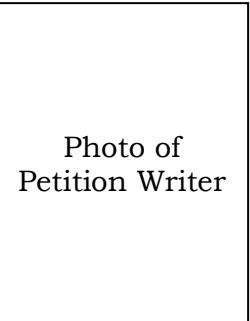


Photo of
Petition Writer

Certified that Sh. _____ son of
Sh. _____ resident of _____
whose photograph is affixed above, has, this day been licensed as Petition
Writer in _____ district with his place of business at
_____ and is hereby permitted to practice as such
in the manner prescribed by the Rules relating to Petition Writer's Licensing
and Conduct Rules, 1984, in Himachal Pradesh and subject to provisions of
the said Rules, till the 31st day of December, 19_____.

(SEAL)

DISTRICT JUDGE

ANNEXURE 'F'

(Register of Licensed Petition Writers to be maintained by the District Judge)

Note: One or more pages to be set apart for each Petition Writer.

Page No. of the Register

1.	Number of License	
2.	Name of Petition Writer	
3.	S. No. in the Register of Examination	
4.	Place of Business	
5.	Date of grant of Licence	
6.	Date of number of the sanction order	
7.	Date of each Inspection	
8.	Date of grant of duplicate licence, if any	
9.	Date and authority of every transfer of the place of business	
10.	A copy of every endorsement made on the Licence under Rule 25	
11.	Date and nature of penalty imposed under the Rules	
12.	Date on which licence ceases or suspended with reason	
13.	Date of restoration of Licence	

ANNEXURE 'G'**FORM OF REGISTER TO BE MAINTAINED BY THE PETITION WRITER**

S. No.	Date on which petition was written	Name, parentage, residence of the person at whose instance the petition was written	Description of the petition	Brief extracts of contents of petition	Value of court fee labels affixed to the petition	Fee charged for writing petition	Name & Description of the Court where petition is to be presented	Signature or thumb impression of the person employing	Signature of the Petition Writer	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.