



# **The Supreme Court Rules, 1966**

*along with*

**REGULATIONS REGARDING  
ADVOCATES-ON-RECORD EXAMINATION**

**RULES TO REGULATE PROCEEDINGS  
FOR CONTEMPT OF THE SUPREME COURT, 1975**

**2010**

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**Published by: Supreme Court of India, New Delhi.**



**A. I. S. Cheema**  
Secretary General  
Supreme Court of India

## PREFACE


In order to regulate the Practice and Procedure to be followed in Supreme Court of India, the Supreme Court Rules, 1950 were framed with the approval of the President of India in exercise of the powers under Article 145(1) of the Constitution of India. The Rules framed in the year 1950 were replaced by the present Rules, which are known as 'Supreme Court Rules, 1966'<sup>1</sup>, w.e.f. 15<sup>th</sup> January, 1966.

The Supreme Court Rules were being published by the Controller of Publications, Government of India but in the year 2006, the Supreme Court for the first time published the Supreme Court Rules on its own for the benefit of the Advocates as well as the general public. The present Rules have so far been amended 39 times and the latest amendment was brought out in the year 2008. Hence, this updated edition with the latest amendments is being published for the benefit of legal fraternity. A Tabulated list of all the amendments till date (in chronological sequence) is also included in this edition to facilitate ready reference.

I am sure that like the previous edition, this edition too will be of immense use to Advocates, the Court officials as also to the general public.

I gratefully acknowledge the efforts made by the Supreme Court Registry in bringing out this updated publication.

New Delhi  
October 28, 2010

  
(A.I.S. Cheema)  
Secretary General

## Supreme Court Rules, 1966 (List of Amendments)

SI No.	Title	G.S.R. No.	Date	Date of Enf.
1	Supreme Court (Amendment) Rules, 1968	410	26.02.1968	26.02.1968
2	Supreme Court (Amendment) Rules, 1969	468	19.02.1969	01.03.1969
3	Supreme Court (Amendment) Rules, 1969	2746	06.12.1969	13.12.1969
4	Supreme Court (Amendment) Rules, 1970	1006	02.07.1970	11.07.1970
5	Supreme Court (Amendment) Rules, 1970	1857	20.10.1970	31.10.1970
6	Supreme Court (Amendment) Rules, 1971	73	07.01.1971	16.01.1971
7	Supreme Court (Amendment) Rules, 1971	705	08.05.1971	01.07.1971
8	Supreme Court (Third Amendment) Rules, 1971	1721	13.11.1971	13.11.1971
9	Supreme Court (Amendment) Rules, 1973	1066	24.09.1973	29.09.1973
10	Supreme Court (Amendment) Rules, 1974	1350	11.12.1974	21.09.1974
11	Supreme Court (Amendment) Rules, 1976	198	04.02.1976	14.02.1976
12	Supreme Court (Amendment) Rules, 1977	1697	07.12.1977	17.12.1977
13	Supreme Court (Amendment) Rules, 1978	387	13.03.1978	18.03.1978
14	Supreme Court (Second Amendment) Rules, 1978	1024	09.08.1978	19.08.1978
15	Supreme Court (Amendment) Rules, 1979	560	12.04.1979	21.04.1979
16	Supreme Court (First Amendment) Rules, 1981	451	05.05.1981	09.05.1981
17	Supreme Court (Second Amendment) Rules, 1981	506	21.05.1981	30.05.1981
18	Supreme Court (First Amendment) Rules, 1982	694	10.08.1982	21.08.1982
19	Supreme Court (Second Amendment) Rules, 1982	994	08.12.1982	25.12.1982
20	Supreme Court (Third Amendment) Rules, 1982	995	08.12.1982	25.12.1982
21	Supreme Court (First Amendment) Rules, 1983	87	15.01.1983	29.01.1983
22	Supreme Court (Amendment) Rules, 1983	322	14.04.1983	23.04.1983
23	Supreme Court (Third Amendment) Rules, 1983	466	22.06.1983	02.07.1983
24	Supreme Court (Fourth Amendment) Rules, 1983	549	30.07.1983	30.07.1983
25	Supreme Court (First Amendment) Rules, 1984	14	03.01.1984	14.01.1984

26	Supreme Court (First Amendment) Rules, 1987	96(E)	16.02.1987	16.02.1987
27	Supreme Court (Second Amendment) Rules, 1987	541	26.06.1987	18.07.1987
28	Supreme Court (Third Amendment) Rules, 1987	821	22.09.1987	07.11.1987
29	Supreme Court (First Amendment) Rules, 1988	607	05.05.1988	30.7.1988
30	Supreme Court (First Amendment) Rules, 1989	182	10.03.1989	25.03.1989
31	Supreme Court (Second Amendment) Rules, 1989	31	06.01.1990	13.01.1990
32	Supreme Court (First Amendment) Rules, 1990	409	03.07.1990	07.07.1990
33	Supreme Court (First Amendment) Rules, 1991	189	15.03.1991	30.03.1991
34	Supreme Court (First Amendment) Rules, 1993	580	17.11.1993	27.11.1993
35	Supreme Court (Amendment) Rules, 1997	407	09.12.1997	20.12.1997
36	Supreme Court (First Amendment) Rules, 1997 and Corrigenda vide G.S.R. 303 dt. 21.07.1997	272	17.06.1997	28.06.1997
37	Supreme Court (First Amendment) Rules, 2000	307	01.08.2000	12.08.2000
38	Supreme Court (Amendment) Rules, 2006	127(E)	22.02.2006	01.03.2006
39	Supreme Court (Amendment) Rules, 2008	623(E)	28.08.2008	29.08.2008

**SUPREME COURT OF INDIA**  
REGULATIONS REGARDING ADVOCATE-ON-RECORD  
EXAMINATION

**(LIST OF AMENDMENTS)**

- 1) G.S.R. 1719, dated 7/11/1967
- 2) G.S.R. 100, dated 13/1/1969
- 3) G.S.R. 325, dated 19/2/1979
- 4) G.S.R. 1482, dated 15/12/1979
- 5) G.S.R. 607, dated 5<sup>th</sup> May, 1988 (w.e.f. 30/7/1988)
- 6) G.S.R. 580, dated 17/11/1993
- 7) G.S.R. 50, dated 4/2/2000

# THE SUPREME COURT RULES, 1966

## CONTENTS

### PART-I

### GENERAL

<b>ORDER</b>		<b>RULES</b>	<b>PAGES</b>
I	Interpretation, etc.	1-4	1-3
II	Offices of the Court : Sittings and Vacation, etc.	1-6	3-4
III	Officers of the Court, etc.	1-8	4-6
IV	Advocates	1-21	6-14
V	Appeals under Section 38 of the Advocates Act, 1961 (25 of 1961)	1-14	14-16
VI	Business in Chambers	1-4	16-22
VII	Constitution of Division Courts & Powers of a Single Judge	1-4	22-24
VIII	Notices of motion	1-7	24-26
IX	Proceedings by or against minors or persons of unsound mind	1-12	26-28
X	Documents	1-9	28-32
XI	Affidavits	1-13	32-34
XII	Inspection, Search, etc.	1-7	34-35
XIII	Judgments, Decrees and Orders	1-10	35-36
XIV	Payment into and out of Court of suitors' funds	1-10	36-38

## PART-II

### APPELLATE JURISDICTION (A) CIVIL APPEALS

<b>ORDER</b>		<b>RULES</b>	<b>PAGES</b>
XV	Appeals on Certificate by High Court	1-42	38-50
XVI	Appeals by Special Leave	1-13	50-56
XVII	Appeals and Applications by Indigent person	1-13	56-58
XVIII	Petitions Generally	1-11	59-61
XIX	Hearing of Appeals	1-4	61-62
XX	Miscellaneous	1-3	62
XX-A	Appeals under section 55 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969)	1-7	62-63
XX-B	Appeals under clause (b) of section 130E of the Customs Act, 1962 (52 of 1962) and section 35L of the Central Excise and Salt Act, 1944 (1 of 1944)	1-2	64
XX-C	Appeals under section 14 of the Terrorist Affected Areas (Special Courts) Act, 1984	1-7	64-65
XX-D	Appeals under section 16 of the Terrorist and Disruptive Activities (Prevention) Act, 1985	1-8	65-66
XX-E	Appeals under section 17 of the Terrorist and Disruptive Activities (Prevention) Act, 1987	1-2	66-67



<b>ORDER</b>		<b>RULES</b>	<b>PAGES</b>
--------------	--	--------------	--------------

XX-F	Appeals under section 23 of the Consumer Protection Act, 1986 (68 of 1986)	1-6	67-68
------	--	-----	-------

### **(B) CRIMINAL APPEALS**

XXI	Special Leave Petitions in Criminal Proceedings and Criminal Appeals	1-29	68-78
-----	--	------	-------

### **PART-III**

### **ORIGINAL JURISDICTION**

XXII	Parties to Suits	1-5	78-79
XXIII	Plaints	1-12	79-80
XXIV	Issue and service of summons	1-8	80-81
XXV	Written Statement, Set-off and Counter-claim	1-10	81-82
XXVI	Pleadings Generally	1-10	82-83
XXVII	Discovery and Inspection	1-7	83-84
XXVIII	Admissions		84
XXIX	Summoning and attendance of witnesses	1-2	84
XXX	Adjournments		85
XXXI	Hearing of the suit	1-4	85
XXXII	Withdrawal and adjustment of Suits	1-2	85
XXXIII	Payment into Court		86
XXXIV	Special Case		86

## PART-IV

<b>ORDER</b>		<b>RULES</b>	<b>PAGES</b>
XXXV	Applications for enforcement of Fundamental Rights (Article 32 of the Constitution)	1-11	86-90
XXXVI	Applications for transfer of Criminal Proceeding under section 406 of the Criminal Procedure Code, 1973 and Section 11 of the Terrorist Affected Areas (Special Courts) Act, 1984	1-4	90-91

## PART-IVA

XXXVI-A	Applications for Transfer under Clause (1) of Article 139A(1) of the Constitution	1-10	91-95
XXXVI-B	Applications for Transfer under Article 139A (2) of the Constitution and section 25 of Code of Civil Procedure, 1908	1-6	95-96

## PART-V

XXXVII	Special Reference under Article 143 of the Constitution	1-5	96-97
--------	---	-----	-------

## PART-VI

XXXVIII	Reference under Article 317(1) of the Constitution	1-4	97
---------	--	-----	----

## PART-VI A

XXXVIII-A	Reference under Section 257 of the Income-Tax Act, 1961	1-13	98-99
-----------	---	------	-------

## PART-VI B

<b>ORDER</b>		<b>RULES</b>	<b>PAGES</b>
XXXVIII-B	Reference under Section 7(2) of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969)	1-10	100-101
XXXVIII-C	Reference under Section 130A of The Customs Act, 1962 (52 of 1962), section 35H of the Central Excise and Salt Act, 1944 (1 of 1944), and section 82C of the Gold (Control) Act, 1968 (45 of 1968)	1	102
XXXVIII-D	Reference under sub-section (2) of section 7 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986)		102

## PART-VII

XXXIX	Election Petitions under Part III of the Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952)	1-36	102-109
-------	--	------	---------

## PART-VIII

XL	Review	1-5	109
----	--------	-----	-----

## PART-IX

XLI	Costs	1-3	110
XLII	Taxation	1-43	110-115

## PART-X MISCELLANEOUS

ORDER		RULES	PAGES
XLIII	Notice of proceedings to the Attorney General for India or Advocate-General of States	1-2	115-116
XLIV	Forms to be used	1-2	116
XLV	Service of Documents	1-8	116-117
XLVI	Commissions	1-8	117-118
XLVII	Power to Dispense and Inherent Powers	1-7	118-119

## PART-XI

XLVIII	Destruction of Records	1-10	120-125
--------	------------------------	------	---------

## PART-XII

XLIX	Appeals and other proceedings Transferred under clause (4) of Article 374 of the Constitution		125
------	---	--	-----

## SCHEDULES

<b>First Schedule</b>	Rules as to Printing of Record	126-128
<b>Second Schedule</b>	Fees payable to Advocates	129-132
<b>Third Schedule</b>	Table of Court Fees	133-137
	<b>Part I</b> Original Jurisdiction	
	<b>Part II</b> Appellate Jurisdiction	
	<b>Part III</b> Miscellaneous	
<b>Fourth Schedule</b>	Fees to Officers of Court	138
<b>Fifth Schedule</b>		139-167

## FORMS

NO. 1	Application for the registration of a clerk (S.C.R., Order IV, rule 12)	139
NO. 2	Form of Summons for an Order in Chambers (S.C.R., Order VI)	140
NO. 3	Notice of Appeal from Registrar (S.C.R., Order VI, rule 3).	141
NO. 4	Notice of Motion (S.C.R., Order VIII, rule 2).	142
NO. 5	Form of Oath by Translator (S.C.R., Order X, rule 4).	143
NO. 6	Application for Production of Record (S.C.R., Order XII, rule 1).	143
NO. 7	Notice to the Respondent of Lodgement of Petition of Appeal (S.C.R., Order XV, rule 11).	144
NO. 8	Memorandum of Appearance in Person (S.C.R., Order XV, rule 12).	145
NO. 9	Memorandum of Appearance through Advocate-on-record (S.C.R., Order XV, rule 12).	146
NO. 9A	Certificate to the Advocate appointed at the cost of the State [S.C.R., Order XXI, rule 8(3), 25 and 25A (1)]	147
NO. 10	Notice to Respondent of Lodging of Appeal (S.C.R., Order XXI, rule 15)	148
NO. 11	Summons for disposal of Suit (S.C.R., Order XXIV, rule 1)	149
NO. 12	Notice of Appearance (S.C.R., Order XXIV, rule 7)	150

NO. 13	Summons for Directions (S.C.R., Order XXIV, rule 8)	150
NO. 14	Notice of payment of money into Court (S.C.R., Order XXXIII, rule 1)	151
NO. 15	Acceptance of sum paid into Court (S.C.R., Order XXXIII, rule 1)	152
NO. 16	Notice to the Attorney-General for India of Reference under Article 143 of the Constitution of India (S.C.R., Order XXXVII)	153
NO. 17	Notice to parties of Reference under Article 143 of the Constitution of India (S.C.R., Order XXXVII)	154
NO. 18	Summons to attend Taxation (S.C.R., Order XLII, rule 11)	155
NO. 19	Affidavit of Service of Summons	156
NO. 20	Affidavit of Service by Post	157
NO. 21	Certificate of Taxation (S.C.R., Order XLII)	158
NO. 22	Notice for Proceedings to Attorney- General for India or Advocate-General of a State (S.C.R., Order XLIII, rule 1)	159
NO. 23	Writ of Commission (S.C.R., Order XLVI)	160
NO. 24	Form of Lodgment Schedule	162
NO. 25	Deposit Repayment order and Voucher (See rule 629 of the Treasury Rules) Revenue Deposits Form T.R. 61	162
NO. 26	Form of Bank Guarantee	164

NO. 27	Form of Petition of Appeal (S.C.R., Order XXA, rule 1)	165
NO. 28	Special Leave Petition [Order XVI, rule 4(1)(a)]	166
	<b>REGULATIONS REGARDING ADVOCATES-ON-RECORD EXAMINATION</b>	168
	<b>RULES TO REGULATE PROCEEDINGS FOR CONTEMPT OF THE SUPREME COURT, 1975</b>	173
<b>Form I</b>	Notice to a person charged with Contempt of Court (see rule 6)	177
<b>Form II</b>	Warrant of Arrest (See rule 11)	178
<b>Form III</b>	Bond and Bail-Bond after arrest under a warrant	179
<b>Form IV</b>	Warrant of commitment for Contempt (See rule 16)	180

# *THE SUPREME COURT RULES, 1966* <sup>1</sup>

In exercise of the powers conferred by Article 145 of the Constitution, and all other powers enabling it in this behalf, the Supreme Court hereby makes, with the approval of the President, the following rules, namely:

## PART I

### GENERAL

#### ORDER I

##### INTERPRETATION, ETC.

1. (1) These rules may be cited as the Supreme Court Rules, 1966.

(2) They shall come into force on such date as the Chief Justice of India may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of these rules:

Provided that proceedings pending in the Supreme Court or any High Court in relation to appeals by virtue of certificates granted under Article 132(1), Article 133(1) or Article 135 of the Constitution shall unless otherwise ordered by this Court, be governed by the rules in force prior to the appointed date, and all steps therein shall continue to be taken in accordance with the said rules.

2. (1) In these rules, unless the context otherwise requires -

[(a) 'advocate' means a person whose name is entered on the roll of advocates prepared and maintained by a State Bar Council under the Advocates Act, 1961 (25 of 1961);]

(b) 'advocate on record' means an advocate who is entitled under these rules to act as well as to plead for a party in the Court;

(c) 'appointed day' means the date on which these rules shall come into force;

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1. Published in the Gazette of India, Extra., dated 15th January, 1966.

2. Subs. by G.S.R. 198, dated 4th February, 1976 (w.e.f. 14-02-1976).



*THE SUPREME COURT RULES, 1966*

- (d) 'Chief Justice' means the Chief Justice of India, and includes a Judge appointed under article 126 of the Constitution to perform the duties of the Chief Justice;
- (e) 'Code' means the Code of Civil Procedure, 1908 (5 of 1908);
- (f) 'Constitution' means the Constitution of India;
- (g) 'Court' and 'this Court' means the Supreme Court of India;
- (h) 'Court appealed from' includes a Tribunal or any other judicial body from which an appeal is preferred to the Court;
- (i) 'High Court' means-
  - (i) as respects anything done before the commencement of the Constitution, a High Court within the meaning of section 219 of the Government of India Act, 1935; and
  - (ii) as respects anything done or to be done after the commencement of the Constitution, a High Court established by or recognised under the Constitution;
- (j) 'Judge' means a Judge of the Court;
- (k) 'judgment' includes decree, order, sentence or determination of any Court, Tribunal, Judge or Judicial Officer;
- (l) 'prescribed' means prescribed by or under these rules;
- (m) 'record' in Part II of these rules means the aggregate of papers relating to an appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before the Court at the hearing of the appeal;
- (n) 'Registrar' and 'Registry' mean respectively the Registrar and Registry of the Court;
- (o) 'respondent' includes an intervener;
- (p) 'the rules' and 'rules of Court' means these rules and include the forms appended to these rules;

*THE SUPREME COURT RULES, 1966*

- (q) 'Senior advocate' means any advocate so designated under sub-section (2) of section 16 of the Advocates Act, 1961 (25 of 1961), and all such advocates whose names were borne on the roll of the senior advocates of the Court immediately before the commencement of Chapter III of the Advocates Act, 1961;
- (r) 'Taxing Officer' means the Officer of the Court whose duty is to tax costs of proceedings in the Court.

(2) The General Clauses Act, 1897 (10 of 1897), shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

3. Where, by these rules or by any order of the Court any step is required to be taken in connection with any cause, appeal, or matter before the Court, that step shall, unless the context otherwise requires, be taken in the Registry.

4. Where any particular number of days is prescribed by these rules, or is fixed by an order of the Court, in computing the same, the day from which the said period is to be reckoned shall be excluded, and, if the last day expires on a day when the Court is closed, that day and any succeeding days on which Court remains closed shall also be excluded.

ORDER II

OFFICES OF THE COURT: SITTINGS AND VACATION, ETC.

1. Except during vacation and on Saturdays and holidays, the offices of the Court, shall, subject to any order by the Chief Justice, be open daily from 10.00 A.M. to 5.00 P.M. but no work unless of an urgent nature, shall be admitted after 4.30 P.M.

<sup>1</sup>[2. The offices of the Court shall, except during vacation, be open on Saturdays from 10.00 to 1.00 P.M. but no work, unless of an urgent nature, shall be admitted after 12 Noon]

<sup>2</sup>[3. Except on the days which are holidays both for the Court and the

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1. Subs. by G.S.R. 96(E), dated 16th February, 1987.

2. Subs. by G.S.R. 1857, dated 20th October, 1970 (w.e.f. 31-10-1970).

*THE SUPREME COURT RULES, 1966*

offices of the Court, the offices of the Court shall be open during summer vacation and Christmas and New Year holidays of the Court at such times as the Chief Justice may direct.]

4. (1) The Court shall sit in two terms annually, the first commencing from the termination of the summer vacation and ending with the day immediately preceding such day in December as the Court may fix for the commencement of the Christmas and New Year holidays and the second commencing from the termination of the Christmas and New Year holidays and ending with the commencement of the summer vacation.

(2) The period of the summer vacation shall not exceed ten weeks.

<sup>1</sup>[(3) The length of the summer vacation of the Court and the number of holidays for the Court and the offices of the Court shall be such as may be fixed by the Chief Justice and notified in the Official Gazette so as not to exceed one hundred and three days (excluding Sundays) not falling in the vacation and during holidays.]

5. The Court shall not ordinarily, sit on Saturdays, nor on any other days notified as Court holidays in the Official Gazette.

6. The Chief Justice may appoint one or more Judges to hear during summer vacation or winter holidays all matters of an urgent nature which under these rules may be heard by a Judge sitting singly, and, whenever necessary, he may likewise appoint a Division Court for the hearing of urgent cases during the vacation which require to be heard by a Bench of Judges.

ORDER III

OFFICERS OF THE COURT, ETC.

1. The Registrar shall have the custody of the records of the Court and shall exercise such other functions as are assigned to him by these Rules.

2. The Chief Justice may assign, and the Registrar may, with the approval of the Chief Justice, delegate, to a Deputy Registrar or Assistant Registrar, any function required by these rules to be exercised by the Registrar.

3. In the absence of the Registrar, the Deputy Registrar may exercise all the functions of the Registrar.

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1. Subs. by G.S.R. 1857, dated 20th October, 1970 (w.e.f. 31-10-1970).

*THE SUPREME COURT RULES, 1966*

4. The official seal to be used in the Court shall be such as the Chief Justice may from time to time direct, and shall be kept in the custody of the Registrar.

5. Subject to any general or special directions given by the Chief Justice, the seal of the Court shall not be affixed to any writ, rule, order, summons or other process save under the authority in writing of the Registrar or Deputy Registrar.

6. The seal of the Court shall not be affixed to any certified copy issued by the Court save under the authority in writing of the Registrar or of a Deputy Registrar or Assistant Registrar.

7. (1) The Registrar shall keep a list of all cases pending before the Court, and shall, at the commencement of each term, prepare and publish on the notice board of the Court a list of all cases ready for hearing in each class separately, to be called the "ready list". The cases in the "ready list" shall be arranged yearwise in each class separately in the order of their registration, and the list shall be added to from time to time as and when fresh cases become ready for hearing.

(2) Out of the "ready list" the Registrar shall publish on the notice board of the Court at the end of each month a list of cases to be heard during the following month. Subject to any general or special directions that may be given by the Chief Justice and subject to the orders of the Court and the other provisions of these rules, the cases listed for hearing in the monthly list in each class shall be in the order in which the cases have been registered. From out of the monthly list, the Registrar shall publish at the end of each week a list of cases to be heard in the following week, as far as possible, in the order in which they appear in the monthly list, subject to the directions of the Chief Justice and of the Court, if any, and out of the weekly list shall publish at the end of each day a daily list of cases to be heard by the Court on the following day.

8. In addition to the powers conferred by other rules, the Registrar shall have the following duties and powers subject to any general or special order of the Chief Justice, namely: -

- (i) to require any plaint, petition of appeal, petition or other proceeding presented to the Court to be amended in accordance with the practice and procedure of the Court or to be represented after such requisition as the Registrar is empowered to make in relation thereto has been complied with;

*THE SUPREME COURT RULES, 1966*

- (ii) to fix the date of hearing of appeals, petitions or other proceedings and issue notices thereof;
- (iii) to settle the index in cases where the record is prepared in the Court;
- (iv) to make an order for change of advocate on record with the consent of the advocate on record;
- (v) to direct any formal amendment of record;
- (vi) to grant leave to inspect and search the records of the Court and order the grant of copies of documents to parties to proceedings; and without interfering or dispensing with any mandatory requirement of these rules;
- (vii) to allow from time to time on a written request any period or periods not exceeding twenty-eight days in aggregate for furnishing information or for doing any other act necessary to bring the plaint, appeal, petition or other proceeding in conformity with the rules and practice of the Court.

ORDER IV

ADVOCATES

1. Subject to the provisions of these rules only those advocates whose names are entered <sup>1</sup>[on the roll of any State Bar Council maintained under the Advocates Act, 1961 (25 of 1961) as amended] shall be entitled to appear and plead before the Court:

Provided that the Court may, if for any special reason it thinks desirable to do so, permit any other person to appear before it in a particular case.

2. (a) The Chief Justice and the Judges may, with the consent of the advocate, designate an advocate as senior advocate if in their opinion by virtue of his ability, <sup>1</sup>[standing at the Bar or special knowledge or experience in law] the said advocate is deserving of such distinction.

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1. Subs. by G.S.R. 198, dated 4th February, 1976(w.e.f. 14-2-1976).

*THE SUPREME COURT RULES, 1966*

- (b) A senior advocate shall not-
  - (i) file a vakalatnama or act in any Court or Tribunal in India;
  - (ii) appear without an advocate on record in the Court or without a junior in any other Court or Tribunal in India;
  - (iii) accept instructions to draw pleadings or affidavits, advise on evidence or do any drafting work of an analogous kind in any Court or Tribunal in India or undertake conveyancing work of any kind whatsoever but this prohibition shall not extend to settling any such matter as aforesaid in consultation with a junior;
  - (iv) accept directly from a client any brief or instructions to appear in any Court or Tribunal in India.

Explanation:

In this Order-

- (i) 'acting' means filing an appearance or any pleadings or applications in any Court or Tribunal in India, or any act (other than pleading) required or authorised by law to be done by a party in such Court or Tribunal either in person or by his recognised agent or by an advocate or attorney on his behalf.
- (ii) 'tribunal' includes any authority or person legally authorised to take evidence and before whom advocates are, by or under any law for the time being in force, entitled to practice.
- (iii) 'junior' means an advocate other than a senior advocate.

(c) Upon an advocate being designated as a senior advocate, the Registrar shall communicate to all the High Courts and the Secretary to the Bar Council of India <sup>1</sup>[and the Secretary of the State Bar Council concerned] the name of the said Advocate and the date on which he was so designated.

3. Every advocate appearing before the Court shall wear such robes and

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1. Ins. by G.S.R. 198, dated 4th February, 1976 (w.e.f. 14-2-1976).

*THE SUPREME COURT RULES, 1966*

costume as may from time to time be directed by the Court.

4. Any advocate not being a senior advocate may, on his fulfilling the conditions laid down in rule 5, be registered in the Court as an advocate on record:

Provided that notwithstanding anything contained in rule 5, any advocate whose name was registered with the Registrar as an advocate on record immediately before the 8th day of September, 1962, shall be registered as an advocate on record.

<sup>1</sup>[5. No advocate shall be qualified to be registered as an advocate on record unless: -

- (i) his name is, and has been borne on the roll of any State Bar Council for a period of not less than <sup>2</sup>[ four ] years on the date of commencement of his training as provided hereinafter:

<sup>3</sup>[Provided however, if any candidate has earlier appeared in any of the Advocates-on-Record Examination he shall continue to be so eligible to sit in any subsequent examination;]

- <sup>4</sup>[(ii) he has undergone training for one year with an advocate on record approved by the Court, and has thereafter passed such tests as may be held by the Court for advocates who apply to be registered as advocates on record particulars whereof shall be notified in the Official Gazette from time to time provided however that-

(a) an attorney shall be exempted from such training and test; and

<sup>5</sup>[(aa) a solicitor on the rolls of the Bombay Incorporated Law Society shall be exempted from such training and test if his/her name is, and has been borne on the roll of State Bar Council for the period

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1. Subs. by G.S.R. 1350, dated 11th December 1974 (w.e.f. 21-9-1974).
  2. Subs. by G.S.R. 607, dated 5th May, 1988 (w.e.f. 30-7-1988) and again Subs. by G.S.R. 580, dated 17th November, 1993 (w.e.f. 27-11-1993).
  3. Subs. by G.S.R. 607, dated 5th May, 1988 (w.e.f. 30-7-1988).
  4. Subs. by G.S.R. 1024, dated 9th August, 1978 (w.e.f. 19-8-1978).
  5. Ins. by G.S.R. 31 dated 6th January, 1990 (w.e.f. 13-1-1990).

*THE SUPREME COURT RULES, 1966*

of not less than seven years on the date of making the application for registration as an advocate-on-record;]

(b) the Chief Justice may, in appropriate cases, grant exemption-

(1) from the requirement of training under this clause in the case of an advocate, whose name is borne on the roll of any State Bar Council and has been borne on such roll for a period of not less than <sup>1</sup>[ten] years:

<sup>2</sup>[Provided however that the amendments made in rule 5(i) and 5(ii) (b) (1) of Order IV, by the Supreme Court (First Amendment) Rules, 1988 shall be applicable to the Advocates who are enrolled with a State Bar Council on or after 30-7-1988 when the aforesaid amendment came into force;] and

(2) from the requirement of clause (i) and from training under this clause in the case of an advocate having special knowledge or experience in law.

(iii) he has an office in Delhi within a radius of 16 kilometers from the Court House and gives an undertaking to employ, within one month of his being registered as advocate on record, a registered clerk; and

(iv) he pays a registration fee of twenty-five rupees.]

<sup>3</sup>[5A. (1) An advocate who has been convicted of an offence involving moral turpitude shall not be eligible, unless the said conviction has been stayed or suspended by any Court, to appear in the tests referred to in clause (ii) of rule 5, on and from the date of such conviction and thereafter for a period of two years with effect from the date he has served out the sentence, or has paid the fine imposed on him, or has served out the sentence and paid the fine imposed on him, as the case may be:

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1. Subs. by G.S.R. 607, dated 5th May, 1988 (w.e.f. 30-7-1988).
  2. Ins. by G.S.R. 182, dated 10th March, 1989 (w.e.f. 25-3-1989).
  3. Ins. by GS.R. 694, dated 10th August, 1982 (w.e.f. 21-8-1982).



*THE SUPREME COURT RULES, 1966*

Provided that the Chief Justice may, if he thinks fit so to do, relax the provisions of this rule in any particular case or cases.

(2) Nothing in clause (i) shall apply to an advocate who has been released on probation of good conduct or after due admonition and no penalty has been imposed thereafter in the manner provided under the provisions of the Probation of Offenders Act, 1958 (20 of 1958) or under section 360 of the Code of Criminal Procedure, 1973 (2 of 1974).]

6. (a) An advocate on record shall, on his filing a memorandum of appearance on behalf of a party accompanied by a vakalatnama duly executed by the party, be entitled-

- (i) to act as well as to plead for the party in the matter and to conduct and prosecute before the Court all proceedings that may be taken in respect of the said matter or any application connected with the same or any decree or order passed therein including proceedings in taxation and applications for review; and
- (ii) to deposit and receive money on behalf of the said party.

(b) No advocate other than an advocate on record shall be entitled to file an appearance or act for a party in the Court.

(c) Every advocate on record shall keep such books of account as may be necessary to show and distinguish in connection with his practice as an advocate on record-

- (i) moneys received from or on account of and the moneys paid to or on account of each of his clients; and
- (ii) the moneys received and the moneys paid on his own account.

(d) Every advocate on record shall, before taxation of the Bill of Costs, file with the Taxing Officer a Certificate showing the amount of fee paid to him or agreed to be paid to him by his client.

7. Where an advocate on record ceases to have an office or a registered clerk or both as required by clause (iii) of rule 5, notice shall issue to such advocate to show cause before the Chamber Judge on a date fixed, why his name should not be struck off the register of advocates on record, and if the

*THE SUPREME COURT RULES, 1966*

Chamber Judge makes such an order, the name of such advocate shall be removed from the register accordingly and the advocate shall thereafter cease to be entitled to act as an advocate on record.

8. Where an advocate on record is suspended or his name is removed from the<sup>1</sup>[State roll] maintained under the Advocates Act, 1961 (25 of 1961), he shall, unless otherwise ordered by the Court, be deemed as from the date of the order of the State Bar Council or the Bar Council of India, as the case may be, to be suspended or removed from the register of advocates on record for the same period as is mentioned in the order of the State Bar Council or the Bar Council of India, as the case may be.

<sup>2</sup>[8A. When, on the complaint of any person or otherwise, the Court is of the opinion that an advocate on record has been guilty of misconduct or of conduct unbecoming of an advocate on record, the Court may make an order removing his name from the register of advocates on record either permanently or for such period as the Court may think fit and the Registrar shall thereupon report the said fact to the Bar Council of India and to State Bar Council concerned:

Provided that the Court shall, before making such order, issue to such advocate on record a summons returnable before the Court or before a Special Bench to be constituted by the Chief Justice, requiring the advocate on record to show cause against the matters alleged in the summons, and the summons shall, if practicable, be served personally upon him with copies of any affidavit or statement before the Court at the time of the issue of the summons.]

9. Any advocate on record may at any time by letter request the Registrar to remove his name from the register of advocates on record, absolutely or subject to his continuing to act as advocate on record in respect of all or any of the pending cases in which he may have filed a vakalatnama, of which he shall file a list. The Registrar shall thereupon remove his name from the register of advocates on record, absolutely or subject as aforesaid.

10. No advocate other than an advocate on record shall appear and plead in any matter unless he is instructed by an advocate on record.

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1. Subs. by G.S.R. 198, dated 4th February, 1976 (w.e.f. 14-2-1976).

2. Ins. by G.S.R. 87, dated 15th January, 1983 (w.e.f. 29-1-1983).

*THE SUPREME COURT RULES, 1966*

11. Every advocate on record shall notify to the Registrar the address of his office in Delhi and every change of such address, and any notice, writ, summons, or other document served on him or his clerk at the address so notified by him shall be deemed to have been properly served.

12. (1) An advocate on record or a firm of advocates may employ one or more clerks to attend the registry for presenting or receiving any papers on behalf of the said advocate or firm of advocates:

Provided that the clerk has been registered with the Registrar on an application in the prescribed form made to the Registrar for the purpose.

Provided further that the said clerk gives an undertaking that he shall attend the Registry regularly.

(2) Notice of every application for the registration of a clerk shall be given to the Secretary, Supreme Court Bar Association, who shall be entitled to bring to the notice of the Registrar within seven days of the receipt of the notice any facts which in his opinion may have a bearing on the suitability of the clerk to be registered.

(3) The Registrar may decline to register any clerk who in his opinion is not sufficiently qualified, or is otherwise unsuitable to be registered as such, and may for reasons to be recorded in writing, remove from the register the name of any clerk after giving him and the employer an opportunity to show cause against such removal. Intimation shall be given to the Secretary, Bar Association, of every order registering a clerk or removing a clerk from the register.

(4) Every clerk shall, upon registration, be given an identity card which he shall produce whenever required, and which he shall surrender when he ceases to be the clerk of the advocate or firm of advocates, for whom he was registered. Where a fresh identity card is required in substitution of one that is lost or damaged, a fee of three rupees shall be levied for the issue of the same.

(5) Every advocate on record shall have a registered clerk. No advocate may employ as his clerk any person who is a tout.

13. (1) The Registrar shall publish lists of persons proved to his satisfaction, by evidence of general repute or otherwise, habitually to act as touts to be known

*THE SUPREME COURT RULES, 1966*

as 'list of touts' and may from time to time, alter and amend such lists. A copy of every list of touts shall be displayed on the notice board of the Court.

Explanation:

In this Order-

- (a) 'tout' means a person who procures, in consideration of any remuneration moving from any advocate or from any person acting on his behalf, the employment of such advocate in any legal business, or who proposes to or procures any advocate, in consideration of any remuneration moving from such advocate or from any person acting on his behalf, the employment of the advocate in such business, or who, for purposes of such procurement, frequents the precincts of the Court.
- (b) the passing of a resolution by the Supreme Court Bar Association or by a High Court Bar Association declaring any person to be a tout shall be evidence of general repute of such person for the purpose of this rule.

(2) No person shall be included in the list of touts unless he has been given an opportunity to show cause against the inclusion of his name in such list. Any person may appeal to the Chamber Judge against the order of the Registrar including his name in such list.

(3) The Registrar may, by general or special order, exclude from the precincts of the Court all such persons whose names are included in the list of touts.

14. No person having an advocate on record shall file a vakalatnama authorising another advocate on record to act for him in the same case save with the consent of the former advocate on record or by leave of the Judge in Chambers, unless the former advocate on record is dead, or is unable by reason of infirmity of mind or body to continue to act.

15. Where a party changes his advocate on record, the new advocate on record shall give notice of the change to all other parties appearing.

16. No advocate on record, may, without the leave of the Court, withdraw

*THE SUPREME COURT RULES, 1966*

from the conduct of any case by reason only of the non-payment of fees by his client.

17. No person having an advocate on record, shall be heard in person save by special leave of the Court.

18. No advocate on record shall authorise any person whatsoever except another advocate on record, to act for him in any case.

19. Every advocate on record shall be personally liable to the Court for the due payment of all fees and charges payable to the Court.

20. Two or more advocates on record may enter into a partnership with each other, and any partner may act in the name of the partnership provided that the partnership is registered with the Registrar. Any change in the composition of the partnership shall be notified to the Registrar.

21. Two or more advocates not being senior advocates or advocates on record, may enter into partnership and subject to the provision contained in rule 10, any one of them may appear in any cause or matter before the Court in the name of the partnership.

ORDER V

APPEALS UNDER SECTION 38 OF THE ADVOCATES ACT, 1961 (25 OF 1961)

1. An appeal from an order made by the Disciplinary Committee of the Bar Council of India under section 36 or section 37 of the Advocates Act, 1961 (25 of 1961) shall be lodged in the Court<sup>1</sup>[by the aggrieved person, or the Attorney General for India, or the Advocate General of the State concerned, as the case may be,] within sixty days from the date on which the order complained of is communicated to aggrieved person:

Provided that in computing the period of sixty days the time requisite for obtaining an authenticated copy of the order sought to be appealed from shall be excluded.

2. The memorandum of appeal shall be in the form of a petition. It shall state succinctly and clearly all the relevant facts leading up to the order complained of,

1. Ins. by G.S.R. 198, dated 4th February, 1976 (w.e.f. 14-2-1976).

*THE SUPREME COURT RULES, 1966*

and shall set forth in brief the objections to the decision appealed from and the grounds relied on in support of the appeal. The petition shall also state the date on which the order complained of was received by the appellant. The allegations of facts contained in the petition which cannot be verified by reference to the duly authenticated copies of the documents accompanying it shall be supported by affidavit of the appellant.

3. The petition shall be divided into paragraphs, numbered consecutively, each paragraph being confined to a distinct portion of the subject and shall be typed or cyclostyled or printed on one side of standard petition paper, demy-foolscape size, or on paper of equally superior quality.

4. The petition shall be made on a court-fee stamp of the value of ten rupees and shall be signed by the appellant, where the appellant appears in person, or by a duly authorised advocate on record on his behalf.

5. The petition of appeal shall be accompanied by :

- (i) an authenticated copy of the decision sought to be appealed from;
- (ii) and atleast seven spare sets of the petition and the papers filed with it.

6. The Registrar after satisfying himself that the petition of appeal is in order, shall endorse thereon the date of presentation, register the same as an appeal and send a copy thereof to the Secretary, Bar Council of India, for record.

7. On the registration of the petition of appeal, the Registrar shall, after notice to the appellant or his advocate on record, if any, post the appeal before the Court for preliminary hearing and for orders as to issue of notice. Upon such hearing, the Court, if satisfied that no *prima facie* case has been made out for its interference, may dismiss the appeal, and, if not so satisfied, direct that notice of the appeal be issued to the Advocate-General of the State concerned or to the Attorney-General for India or to both and to the respondent.

8. Within ten days of the receipt by him of the intimation of admission of appeal under rule 7, the Secretary of the Bar Council of India shall transmit to the Court the entire original record relating to the case and such number of copies of the paper books prepared for the use of the Disciplinary Committee of the Bar Council of India as may be available.

*THE SUPREME COURT RULES, 1966*

9. Within fifteen days of the service of the notice of admission of appeal under rule 7 the Advocate-General of the State or the Attorney-General or the respondent may cause an appearance to be entered either personally or by an advocate on record on his behalf.

10. Where a respondent does not enter appearance within the time limited under rule 9, the appeal shall be set down for hearing *ex-parte* as against him on the expiry of the period of one month from the receipt by him of the notice of the admission of appeal.

11. After the receipt of the original record the Registrar shall with all convenient speed, in consultation with the parties to the appeal, select the documents necessary and relevant for determining the appeal and cause sufficient number of copies of the said record to be typed or cyclostyled or printed at the expense of the appellant.

12. Unless otherwise ordered by the Court, every appeal under this Order shall be made ready and if possible posted for hearing before the Court within four months of the registration thereof.

13. Where the appellant fails to take any steps in the appeal within the time fixed for the purpose by these rules or unduly delays in bringing the appeal to a hearing, the Registrar shall call upon him to explain his default and if no *Explanation* is offered, or if the *Explanation* offered is, in the opinion of the Registrar, insufficient, the Registrar may after notifying all the parties who have entered appearance, place the appeal before the Court for orders on the default, and the Court may dismiss the appeal for want of prosecution or give such directions in the matter as it may think fit and proper.

14. The costs of and incidental to all proceedings in the appeal shall be in the discretion of the Court.

ORDER VI

BUSINESS IN CHAMBERS

1. The powers of the Court in relation to the following matters may be exercised by the Registrar, namely:-

- (1) Applications for discovery and inspection.
- (2) Applications for delivery of interrogatories.

*THE SUPREME COURT RULES, 1966*

- (3) Applications for substituted service, or for dispensing with service of notice of the appeal on any of the respondents to the appeal under rule 10 of Order XV.
- (4) Applications for time to plead, for production of documents, and generally relating to the conduct of cause, appeal or matter save those coming under rule 2 of this Order.
- (5) Applications for leave to take documents out of the custody of the Court.
- (6) Questions arising in connection with the payment of court-fees
- (7) Applications by third parties for return of documents.
- (8) Applications for grant of copies of records to third parties
- (9) Applications for the issue of a certificate regarding any excess court-fee paid under a mistake.
- (10) Applications for requisitioning records from the custody of any Court or other authority.
- (11) Applications for condoning delay in paying deficit court-fees or delay in representation.
- <sup>1</sup>[(12) Applications for condonation of delay in filing statement of case; Provided that where the Registrar does not think fit to excuse the delay, he shall refer the application to the Court for Orders.]
- (13) Applications for appointment and for approval of a translator or interpreter.
- (14) Applications for withdrawal of appeal by an appellant prior to his lodging the petition of appeal.
- (15) Applications for substitution, except where the substitution would involve setting aside an abatement.

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1. Deleted by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983), and Ins. by G.S.R. 407, dated 9th December, 1997 (w.e.f. 20-12-1997).



*THE SUPREME COURT RULES, 1966*

- (16) Applications for production of documents outside Court premises.
- (17) Applications for change or discharge of advocate on record.
- (18) Applications to withdraw suits.
- (19) Applications for payment into Court.
- (20) Applications for payment out of Court of money or security, or interest or dividend on securities.
- (21) Applications for extending returnable dates of warrants.
- (22) Applications to appoint or discharge a next friend or guardian of a minor or a person of unsound mind and direct amendment of the record thereon.
- <sup>1</sup>[(23) Application for refund of security deposit or part thereof, or for payment out of security deposit.]
- <sup>2</sup>[\* \* \*]
- <sup>3</sup>[(25) Applications for consolidation of appeals and writ petitions for purposes hearing, and preparation of record.]
- <sup>4</sup>[(26) Applications for directions regarding preparation of record.]
- <sup>5</sup>[(27) Applications for exemption from filing of certified copies of judgments, decrees, orders, certificates or orders granting certificate:]

Provided that applications for exemption from filing of certified copies

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1. Deleted by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983) and Ins. by G.S.R. 407, dated 9th December, 1997 (w.e.f. 20-12-1997).
  2. Deleted by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983).
  3. Ins. by G.S.R. 387, dated 13th March, 1978 (w.e.f. 18-3-78).
  4. Subs. by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983).
  5. Ins. by G.S.R. 387, dated 13th March, 1978 (w.e.f. 18-3-78) and amended by G.S.R. 1024, dated 9th August, 1978 (w.e.f. 19-8-1978).

*THE SUPREME COURT RULES, 1966*

of judgments or orders accompanying a special leave petition shall be posted before the Court along with the Special Leave Petition.

- <sup>1</sup>[(28) Application for condonation of delay in re-filing, provided the delay does not exceed 90 days from the date of notifying the defects.
- (29) Application for condonation of delay in filing process fee.
- (30) Issue of fresh summons and notices.
- (31) Application for extension of time for filing pleadings, provided that the Registrar shall not grant more than two extensions for the same purpose.
- (32) Application for cancellation of date on the written joint request of the appearing parties, provided the matter has not appeared in the final cause-list, on the date of filing of application.
- (33) Application for amendment of pleadings with the consent of all the appearing parties, or where the other side has not appeared.
- (34) Office Report for renewal of Fixed Deposit Receipts and Bank Guarantees.
- (35) Application for exemption from filing official translation.
- (36) Application for exemption from filing process fee and/or spare copies.
- (37) All uncontested Interlocutory Applications of formal nature.
- (38) Any matter which in accordance with orders or directions issued by the Court, is required to be dealt with by the Registrar.
- (39) Imposing costs on the party in default of compliance of the orders passed by the Registrar.]

2. The powers of the Court in relation to the following matters may be exercised by a Single Judge sitting in Chambers, namely:-

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1. Ins. by G.S.R. 127(E), dated 22nd February, 2006 (w.e.f. 1-3-2006).

*THE SUPREME COURT RULES, 1966*

- (1) Applications by advocate on record for leave to withdraw.
- (2) Applications for leave to compromise or discontinue an appeal [where permission was granted to sue as an indigent person].
- (3) Applications for striking out or adding party or for intervention in a suit, appeal or other proceeding.
- (4) Applications for separate trials of causes of action.
- (5) Applications for separate trials to avoid embarrassment.
- (6) Rejection of plaint.
- (7) Applications for setting down for judgment in default of written statement.
- (8) Applications for better statement of claim or defence.
- (9) Applications for particulars.
- (10) Applications for striking out any matter in a pleading.
- (11) Applications for amendment of pleading and for enlargement of time to amend any pleading.
- (12) Applications to tax bills returned by the Taxing Officer.
- (13) Applications for review of taxation.
- <sup>2</sup>[(14) Applications for enlargement or abridgement of time except applications for condonation of delay in filing Special Leave Petitions.]
- (15) Applications for issue of commissions.

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1. Subs. by G.S.R. 994, dated 8th December, 1982 (w.e.f. 25-12-1982).

2. Subs. by G.S.R. 127(E), dated 22nd February, 2006 (w.e.f. 1-3-2006).

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[\*\*\*]

- (17) Applications for assignment of security Bonds.
- (18) Questions arising in taxation referred by the Taxing Officer.
- (19) Applications for orders against clients for payment of costs.
- (20) Applications for taxation and delivery of bill of costs and for delivery by an advocate of documents and papers.
- (21) Applications for registration of advocates as advocates on record.
- (22) Applications for leave to proceed <sup>2</sup>[as an indigent person.]
- (23) Applications for grant of bail where the petitioner is confined in jail.
- (24) Applications for stay of execution of a sentence or order in criminal proceedings.
- (25) Applications by accused persons in custody for being produced before the Court at the hearing of the appeal.
- (26) Consent applications in interlocutory matters.
- (27) Applications by accused persons for engagement of advocate under rule 25 of Order XXI.
- (28) Fixing the remuneration of a guardian ad litem.

<sup>1</sup>[\*\*\*]

<sup>1</sup>[\*\*\*]

- <sup>3</sup>[(31) Summons for non-prosecution under OrderXV, Rule 30 of Supreme Court Rules.

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1. Deleted by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983).  
2. Subs. by G.S.R. 994, dated 8th December, 1982 (w.e.f. 25-12-1982).  
3. Item 31 omitted by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26.2.1968) and Item 31-38 Ins. by G.S.R. 127(E), dated 22nd February, 2006 (w.e.f. 1-3-2006).

*THE SUPREME COURT RULES, 1966*

- (32) Office Report on default.
- (33) Application for exemption from paying court fee.
- (34) Application for condonation of delay in seeking substitution and application for substitution where it would involve setting aside an abatement.
- (35) Application for condonation of delay in re-filing where the delay exceeds 90 days from the date of notifying the defects.
- (36) Application for refund of security.
- (37) Application for withdrawal of any appeal/petition with the consent of all the appearing parties or where the other side has not appeared.
- (38) Application for exemption from surrendering.]

3. Any person aggrieved by any order made by the Registrar under this Order may, within fifteen days of the making of such order, appeal against it to the Judge in Chambers.

4. The Registrar, may, and if so directed by the Judge in Chambers, shall, at any time adjourn any matter and lay the same before the Judge in Chambers, and the Judge in Chambers may at any time adjourn any matter and lay the same before the Court.

ORDER VII

CONSTITUTION OF DIVISION COURTS AND POWERS OF A  
SINGLE JUDGE

1. Subject to the other provisions of these rules every cause, appeal or matter shall be heard by a Bench consisting of not less than two Judges nominated by the Chief Justice:

<sup>1</sup>[Provided, however, that the following categories of matters may be heard and disposed of finally by a Judge sitting singly nominated by the Chief Justice:

- (1) Special leave petition arising out of the decisions or orders of a single

1. Ins. by G.S.R. 549, dated 30th July, 1983 (w.e.f. 30-7-1983).

*THE SUPREME COURT RULES, 1966*

Judge of a High Court or of a Member of a Tribunal sitting singly.

- (2) Bail applications.
- (3) Applications for substitution other than those falling under rule 1 (15) of Order VI.
- (4) Summons for non-prosecution.
- (5) Applications for exemption from paying Court-fees.
- (6) Applications for extension of time for paying Court-fees or for furnishing undertaking, bank guarantee or security.
- (7) Applications for disposal of an appeal in terms of a compromise petition.
- (8) Applications for withdrawal of special leave petitions, appeals or writ petitions.]

2. Where in the course of the hearing of any cause, appeal or other proceeding, the Bench considers that the matter should be dealt with by a larger Bench, it shall refer the matter to the Chief Justice, who shall thereupon constitute such a Bench for the hearing of it.

3. The Chief Justice may from time to time appoint a Judge to hear and dispose of all applications which may be heard by a Judge in Chambers under these rules.

4. During the vacation, the Vacation Judge sitting singly may, in addition to exercising all the powers <sup>1</sup>[under the proviso to rule 1 and] of a Judge in Chambers under these rules, exercise the powers of the Court in relation to the following matters, namely: -

- (1) Applications for special leave to appeal in urgent cases where interim relief is prayed for subject to the condition that the Vacation Judge shall not decide such a petition if it raises substantial question of law as to the interpretation of the Constitution.

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1. Ins. by G.S.R. 549, dated 30th July, 1983 (w.e.f. 30-7-1983).

*THE SUPREME COURT RULES, 1966*

- (2) Applications for stay of execution of a decree or order or stay of proceedings in civil matters.
- (3) Applications for transfer of cases under <sup>1</sup>[section 406 of the Code of Criminal Procedure, 1973 (2 of 1974)].
- (4) Applications for stay of proceedings in criminal matters.
- (5) Applications under article 32 of the Constitution of an urgent nature which do not involve a substantial question of law as to the interpretation of the Constitution.
- (6) Issue of a rule nisi in urgent applications under article 32 of the Constitution which involve a substantial question of law as to the interpretation of the Constitution.

<sup>2</sup>[\* \* \*]

- <sup>3</sup>[(8) Applications of an urgent nature for transfer of cases under section 25 of the Code of Civil Procedure, 1908 (5 of 1908).
- (9) Issue of notice in applications of an urgent nature under Article 139A (1) of the Constitution; and
- (10) Applications of an urgent nature for transfer of cases under Article 139A(2) of the Constitution.]

ORDER VIII

NOTICES OF MOTION

1. Except where otherwise provided by any statute or prescribed by these rules, all applications which in accordance with these rules cannot be made in Chambers shall be made on motion after notice to the parties affected thereby.

2. Where the delay caused by notice would or might entail serious hardship,

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1. Subs. by G.S.R. 1697, dated 7th December, 1977 (w.e.f. 17-12-1977).
  2. Deleted by G.S.R. 549, dated 30th July, 1983 (w.e.f. 30-7-1983).
  3. Ins. by G.S.R. 451, dated 5th May, 1981 (w.e.f. 9-5-1981).

*THE SUPREME COURT RULES, 1966*

the applicant may pray for an *ad-interim ex-parte* order in the notice of motion, and the Court, if satisfied upon affidavit or otherwise that the delay caused by notice would entail serious hardship may make an order *ex-parte* upon such terms as to costs or otherwise, and subject to such undertaking being given, if any, as the Court may think just, pending orders on the motion after notice to the parties affected thereby.

3. Where an *ex-parte* order is made by the Court, unless the Court has fixed a date for the return of the notice, or otherwise directs, the Registrar, shall fix a date for the return of the notice and the application by notice of motion shall be posted before the Court for final orders on the returnable date.

4. A notice of motion shall be instituted in the suit or matter in which the application is intended to be made and shall state the time and place of application and the nature of the order asked for and shall be addressed to the party or parties intended to be affected by it, unless they have an advocate on record, in which case it will be addressed to the advocate on record, and shall be signed by the Advocate on record of the party moving, or by the party himself where he acts in person.

5. (1) Unless otherwise ordered, the notice of motion together with the affidavit in support thereof shall be served on the opposite party not less than seven days before the day appointed for the motion where such opposite party has entered appearance, and not less than fourteen days before the day appointed for the motion where such party has not entered appearance.

The affidavits in opposition shall be filed in this Registry not later than five days before the day appointed for the hearing and affidavits in reply shall be filed not later than two days before the day of hearing. The affidavits in opposition or reply shall be served on the opposite party or parties and shall not be accepted in the Registry unless they contain an endorsement of service signed by such party or parties.

(2) Leave to serve short notice of motion may be obtained *ex-parte* from the Registrar upon affidavit.

6. Notice shall be given to the other party or parties of all grounds intended to be urged in support of, or in opposition to, any motion.

7. Any interlocutory or miscellaneous application, notwithstanding that it is



*THE SUPREME COURT RULES, 1966*

made in an appeal or other proceeding in which a substantial question of law as to the interpretation of the Constitution is raised, may be heard and decided by a Bench of not less than five Judges.

ORDER IX

PROCEEDINGS BY OR AGAINST MINORS OR PERSONS OF  
UN SOUND MIND

1. Every appeal, petition or other proceeding by a minor shall be instituted or continued in his name by his next friend.

2. A next friend shall not retire without the leave of the Court. The Court may require him to procure a fit person to be put in his place before he is permitted to retire, and may also, if it thinks fit, require him to furnish security for costs already incurred as a condition of his retirement.

3. (1) On the retirement, removal or death of the next friend of a minor, further proceedings shall be stayed until the appointment of a new next friend in his place.

(2) Where the advocate on record of such minor omits, within a reasonable time, to take steps to get a new next friend appointed, any person interested in the minor or in the matter in issue may apply to the Court for the appointment of one, and the Court may appoint such person as it thinks fit as the next friend of such minor.

4. An application for the appointment of new next friend of a minor shall be supported by an affidavit showing that the person proposed is a fit and proper person to be so appointed and has no interest adverse to that of the minor.

5. Where a respondent to an appeal or petition is a minor and is not represented by a guardian, an application shall be made to the Court by the appellant or petitioner as the case may be, or by some person interested in the minor for the appointment of a guardian of such minor; and it shall be supported by an affidavit stating that the proposed guardian has no interest in the matter in question in the appeal or petition adverse to that of the minor. Where a person other than the father or other natural guardian of the minor is proposed as guardian, notice of the application shall be served on the father or other natural guardian of the minor, or on the person with whom the minor resides, not less than fourteen days before the day named in the notice for the hearing of the application. Where there is no other

*THE SUPREME COURT RULES, 1966*

person fit and willing to act as guardian, the Court may appoint an officer of the Court to be guardian.

6. (1) No guardian of a minor shall retire from a suit, appeal or other proceeding without the leave of Court. Where a guardian of a minor fails to do his duty or other sufficient cause is shown for his removal, the Court may remove him from the guardianship of the minor and make such order as to costs as it thinks fit.

(2) Where the guardian of a minor retires, dies or is removed by the Court during the pendency of the suit, appeal or other proceeding, the Court shall appoint a new guardian in his place.

7. When a guardian ad-litem of a minor respondent is appointed, and it is made to appear to the Court that the guardian is not in possession of any, or sufficient funds for the conduct of the appeal or petition on behalf of the respondent, and that the respondent will be prejudiced in his defence thereby, the Court may, in its discretion, from time to time, order the appellant or petitioner, as the case may be, to advance to the guardian of the minor for the purpose of his defence such moneys as the Court may fix, and all moneys so advanced shall form part of the costs of the appellant or petitioner in the appeal or petition, as the case may be. The order shall direct that the guardian do file in Court an account of the moneys so received by him.

8. An application to declare as a major a party to a proceeding described as a minor and to discharge his next friend or guardian shall be supported by an affidavit stating the age of the alleged major and the date on which he attained majority. Notice of the application shall be given to the next friend or guardian and to the alleged major.

9. No next friend or guardian of a minor in an appeal or other proceeding, shall without the leave of the Court, expressly recorded in the proceedings, enter into any agreement or compromise on behalf of a minor with reference to the appeal or proceeding in which he acts as next friend or guardian.

10. An application made to the Court for leave to enter into an agreement or compromise or for the withdrawal of any appeal or other proceedings in pursuance of a compromise on behalf of a minor, shall be supported by an affidavit from the next friend or guardian of the minor stating that the agreement or compromise is for the benefit of the minor, and, where the minor is represented by an Advocate,

*THE SUPREME COURT RULES, 1966*

by a certificate or by a statement at the bar from such advocate to the effect that the agreement or compromise is, in his opinion, for the benefit of the minor. A decree or order made in pursuance of the compromise of an appeal or other proceeding, to which a minor is a party, shall recite the sanction of the Court thereto and shall set out the terms of the compromise.

11. The provisions of this order, so far as they are applicable, shall apply to persons adjudged to be of unsound mind and to persons who, though not so adjudged, are found by the Court of inquiry, by reason of unsoundness of mind or mental infirmity, to be incapable of protecting their interests when suing or being sued.

12. Save as aforesaid, the provisions of Order XXXII of the Code relating to suits so far as applicable, shall apply *mutatis mutandis* to appeals and other proceedings in the Court.

ORDER X

DOCUMENTS

1. The officers of the Court shall not receive any pleading, petition, affidavit or other document, except original exhibits and certified copies of public documents, unless it is fairly and legibly written, type-written or lithographed in double-line spacing, on one side of standard petition paper, demy-foolscapé size, [or of the size of 29.7 cm x 21 cm], or paper which is ordinarily used in the High Courts for the purpose. Copies filed for the use of the Courts shall be neat and legible, and shall be certified to be true copies by the advocate on record, or by the party in person, as the case may be.

2. No document in language other than English shall be used for the purpose of any proceedings before the Court, unless it is accompanied by:

- (a) a translation agreed to by both parties; or
- (b) a translation certified to be true translation by a translator appointed by the Court; or
- (c) the said document is translated by a translator appointed or approved by the Court.

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1. Ins. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[Explanation - The provisions of this rule shall, so far as may be, apply also to a document in English of which a part is in a language other than English.]

3. Every document required to be translated shall be translated by a translator appointed or approved by the Court:

Provided that a translation agreed to by both parties, or certified to be a true translation by the translator appointed or approved by the Court, may be accepted.

4. Every translator shall, before acting, make an oath or affirmation that he will translate correctly and accurately all documents given to him for translation.

5. All complaints, petitions, applications and other documents shall be presented by the plaintiff, petitioner, applicant, appellant, defendant or respondent in person or by his duly authorised agent or by an advocate on record duly appointed by him for the purpose:

Provided that a party, who had been adjudged to be <sup>2</sup>[an indigent person] for the purpose of the proceedings in the courts below, may present the document before the Judicial authority of the place where the said party resides, and the said Judicial authority after attesting the document and endorsing thereon under his seal and signature the date of presentation, shall transmit the same to the Court by registered post, acknowledgement due at the expense of the party concerned. The date of presentation in this Court of the said document shall be deemed to be the date endorsed thereon by the said Judicial authority.

6. (1) All complaints, petitions, appeals or other documents shall be presented at the filing counter and shall, wherever necessary, be accompanied by the documents required under the rules of the Court to be filed along with the said complaint, petition, or appeal.

<sup>3</sup>[Provided that a complaint, petition or appeal not presented at the filing counter by the petitioner or by his duly authorised Advocate-on-Record shall not ordinarily

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1. Ins. by G.S.R. 1006, dated 2nd July, 1970 (w.e.f 11-7-1970).
  2. Subs. by G.S.R. 994, dated 8th December, 1982 (w.e.f. 25-12-1982).
  3. Ins. by G.S.R. 407, dated 9th December, 1997 (w.e.f. 20-12-1997).

*THE SUPREME COURT RULES, 1966*

be accepted, unless as directed by the Chief Justice of India or a Judge nominated by the Chief Justice of India for this purpose.]

(2) On receipt of the document, the officer in-charge of the filing counter shall endorse on the document the date of receipt and enter the particulars of the said document in the register of daily filing and cause it to be sent to the department concerned for examination. If, on a scrutiny the document is found in order, it shall be duly registered and given a serial number of registration.

(3) Where a document is found to be defective, the said document shall, after notice to the party filing the same, be placed before the Registrar. The Registrar may, by an order in writing, decline to receive the document if, in his opinion, the mandatory requirements of the rules are not satisfied. Where, however, the defect noticed is formal, the Registrar may allow the party to rectify the same in his presence; but, in other cases, he may require the party to obtain an order from the Court permitting the party to rectify the same and for this purpose may allow to the party concerned, such time as may be necessary but not exceeding twenty-eight days in aggregate.

(4) Where the party fails to take any steps for the removal of the defect within the time fixed for the same by the Registrar, the Registrar may, for reasons to be recorded in writing, decline to register the document.

(5) Any party aggrieved by any order made by the Registrar under this Rule may, within fifteen days of the making of such order, appeal against it to the Judge in Chambers.

7. The Registrar may on an application by the party interested, order the return of a document filed in a suit, appeal or matter if the person applying therefor delivers in the office a certified copy thereof to be substituted for the original.

8. (1) Except as otherwise provided by these rules or by any law for the time being in force, the Court-fees set out in the Third Schedule to these Rules shall be payable on the documents mentioned therein, and no document chargeable with a fee under the said Schedule shall be received or filed in the Registry unless the fee prescribed has been paid on it. No copy of a document shall be furnished to any person unless the fee prescribed therefor has been paid.

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[Provided, however, that no Court fees or process fee or copying fee shall be chargeable in respect of matters filed in this Court through the Supreme Court Legal Services Committee.]

(2) All fees referred to in sub-rule (1) shall be collected in Court fee stamp sold in Delhi in accordance with the provisions of the Court-Fees Act as in force in the Union Territory of Delhi.

(3) No document chargeable with a Court-fee shall be acted upon in any proceedings in this Court until the stamp thereon has been cancelled.

The officer receiving the document shall forthwith effect such cancellation by punching out the figure head so as to leave the amount designated on the stamp untouched and the part removed by punching shall be burnt or otherwise destroyed.

(4) Whenever a question of the proper amount of the Court-fees payable is raised, the Registrar or the Taxing Officer of the Court shall decide such question before the document or the proceeding is acted upon in the Registry and whenever it is found that due to a bona fide mistake the Court-fee paid is insufficient the Registrar shall call upon the party concerned to make good the deficiency within such time as the Registrar may think reasonable but not exceeding three months in any case.

(5) In case the deficiency in the Court-fee is made good within the time allowed, the date of the institution of the proceeding shall be deemed to be the date on which the proceeding was initially instituted.

(6) The Registrar may in a proper case on an application made by the party issue a certificate regarding any excess Court-fee paid under a mistake.

9. (1) The levy and collection of Court-fees under these rules shall be under the general superintendence of the Registrar of the Court who may be assisted in his supervision by the Assistant Registrars of the Court.

(2) Where at any time during the course of the pendency of a suit, appeal or proceedings, or even after the conclusion of such a proceeding it appears to the

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1. Ins. by G.S.R. 96(E), dated 16th February, 1987 (w.e.f. 16-2-1987) and Subs. by G.S.R 307 dated 1st August, 2000 (w.e.f. 12-8-2000)

*THE SUPREME COURT RULES, 1966*

Registrar or the Taxing Officer that through mistake or inadvertence, a document which ought to be stamped in a certain manner has been received and acted upon without its being stamped or that the Court-fee paid thereon initially was insufficient, the Registrar or the Taxing Officer shall record a declaration to that effect and determine the amount of deficiency in Court fee:

Provided that no such declaration shall be made until the party liable to pay the Court-fee has had an opportunity of being heard.

(3) When a declaration has been recorded under sub-rule (2) and if that relates to a matter pending before the Court the procedure prescribed by sub-rule (3) shall be followed; if it relates to the proceedings which have already been disposed of the Registrar shall, if the deficiency is not made good within three months of the declaration made, forward a requisition for the recovery of the same to the Central Government which shall recover the amount of such Court-fee from the person liable to pay the same as if it were an arrear of land revenue.

ORDER XI

AFFIDAVITS

1. The Court may at any time, for sufficient reason, order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable:

Provided that where it appears to the Court that either party bona fide desires the production of a witness for cross-examination and that such witness can be produced, an order shall not be made authorising the evidence of such witness to be given by affidavit.

2. Upon any application evidence may be given by affidavit; but the Court may, at the instance of either party, order the attendance for cross-examination of the deponent, and such attendance shall be in Court, unless the deponent is exempted from personal appearance in Court or the Court otherwise directs.

3. Every affidavit shall be instituted in the cause, appeal or matter in which it is sworn.

*THE SUPREME COURT RULES, 1966*

4. Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs to be numbered consecutively, and shall state the description, occupation, if any, and the true place of abode of the deponent.

5. Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted, provided that the grounds thereof are stated.

6. An affidavit requiring interpretation to the deponent shall be interpreted by an interpreter nominated or approved by the Court, if made within the State of Delhi, and if made elsewhere, shall be interpreted by a competent person who shall certify that he has correctly interpreted the affidavit to the deponent.

7. Affidavits for the purposes of any cause, appeal or matter before the Court may be sworn before a Notary or any authority mentioned in section 139 of the Code or before the Registrar of this Court, or before a Commissioner generally or specially authorised in that behalf by the Chief Justice.

8. Where the deponent is a pardahnashin lady, she shall be identified by a person to whom she is known and that person shall prove the identification by a separate affidavit.

9. Every exhibit annexed to an affidavit shall be marked with the title and number of the cause, appeal or matter and shall be initialled and dated by the authority before whom it is sworn.

10. No affidavit having any interlineation, alteration or erasure shall be filed in Court unless the interlineation or alteration is initialled, or unless in the case of an erasure the words or figures written on the erasure are rewritten in the margin and initialled, by the authority before whom the affidavit is sworn.

11. The Registrar may refuse to receive an affidavit where in his opinion the interlineations, alterations, or erasures are so numerous as to make it expedient that the affidavit should be rewritten.

12. Where a special time is limited for filing affidavits, no affidavit filed after that time shall be used except by leave of the Court.

13. In this Order, 'affidavit' includes a petition or other document required



*THE SUPREME COURT RULES, 1966*

to be sworn or verified; and 'sworn' includes affirmed. In the verification of petitions, pleadings or other proceedings, statements based on personal knowledge shall be distinguished from statements based on information and belief. In the case of statements based on information, the deponent shall disclose the source of this information.

ORDER XII

INSPECTION, SEARCH, ETC.

1. Subject to the provisions of these rules, a party to any cause, appeal or matter who has appeared shall be allowed to search, inspect or get copies of all pleadings and other documents or records in the case, on payment of the prescribed fees and charges.

2. The Court, on the application of a person who is not a party to the case, appeal or matter, may on good cause shown, allow such person such search or inspection or to obtain such copies as is or are mentioned in the last preceding rule, on payment of the prescribed fees and charges.

3. A search or inspection under rule 1 or rule 2 during the pendency of a cause, appeal or matter, shall be allowed only in the presence of an officer of the Court and after twenty-four hours' notice in writing to the parties who have appeared, and copies of documents shall not be allowed to be taken, but notes of the search or inspection may be made.

4. Copies required under rule 1 or rule 2 may be certified as correct copies by the Registrar, Deputy Registrar, Assistant Registrar, or such other officer as may be authorised in that behalf by the Registrar.

5. An application may be made to the Registrar for the issue urgently of a copy of any judgment, decree or order of the Court or of any proceedings filed in the Court and upon the order being so made, the said copy shall be made ready and issued within seven days of the making of the application or such further time as the Registrar may specify.

6. No record or document filed in any cause, appeal or matter shall, without the leave of the Court, be taken out of the custody of the Court.

7. The Registrar may, in his discretion, permit any record to be sent to any Court, tribunal or other public authority on requisition received from such Court,

Tribunal or authority.

### ORDER XIII

#### JUDGMENTS, DECREES AND ORDERS

1. The Court, after the case has been heard, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their advocates on record, and the decree or order shall be drawn up in accordance therewith.

2. A member of the Court may read a judgment prepared by another member of the Court.

3. Subject to the provisions contained in Order XL of these rules, a judgment pronounced by the Court or by a majority of the Court or by a dissenting Judge in open Court shall not afterwards be altered or added to, save for the purpose of correcting a clerical or arithmetical mistake or an error arising from any accidental slip or omission.

4. Certified copies of the judgment, decree or order shall be furnished to the parties on requisition made for the purpose, and at their expense.

5. Every decree passed or order made by the Court shall be drawn up in the Registry and be signed by the Registrar or Deputy Registrar and sealed with the seal of the Court and shall bear the same date as the judgment in the suit or appeal.

6. The decree passed or order made by the Court in every appeal, and any order for costs in connection with the proceedings therein, shall be transmitted by the Registrar to the Court or Tribunal from which the appeal was brought, and steps for the enforcement of such decree or order shall be taken in that Court or Tribunal in the way prescribed by law.

7. Orders made by the Court in other proceedings shall be transmitted by the Registrar to the judicial or other authority concerned to whom such orders are directed, and any party may apply to the Judge in Chambers that any such order, including an order for payment of costs, be transmitted to any other appropriate Court or other authority for enforcement.

8. In cases of doubt or difficulty with regard to a decree or order made by

*THE SUPREME COURT RULES, 1966*

the Court, the Registrar or the Deputy Registrar shall, before issuing the draft, submit the same to the Court.

9. Where the Registrar or the Deputy Registrar considers it necessary that the draft of any decree or order should be settled in the presence of the parties or where the parties, require it to be settled, in their presence, the Registrar or the Deputy Registrar shall, by notice in writing, appoint a time for settling the same and the parties shall attend the appointment and produce the briefs and such other documents as may be necessary to enable the draft to be settled.

10. Where any party is dissatisfied with the decree or order as settled by the Registrar, the Registrar shall not proceed to complete the decree or order without allowing that party sufficient time to apply by motion to the Court.

ORDER XIV

PAYMENT INTO AND OUT OF COURT OF SUITORS' FUNDS

1. Unless otherwise ordered, all moneys directed to be paid into this Court to the credit of any suit, appeal or other proceeding, shall be paid into the <sup>1</sup> [United Commercial Bank, Supreme Court Compound, New Delhi] (hereinafter referred to as the Bank), into an account entitled 'Government A/c-P-Deposits and Advances-II Deposits Not Bearing Int.-(C) other Deposits A/cs.-Deptl. and Judicial Deposits-Civil Deposits-Civil Court Deposits'.

2. Notwithstanding anything contained in rule 3, rule 4 or rule 5 the Registrar may, in appropriate cases, authorise the acceptance of moneys by demand drafts issued in favour of the Registrar and payable in Delhi or New Delhi by a Scheduled Bank, and direct that the said amount be deposited with the [United Commercial Bank, Supreme Court Compound] as provided by rule 1. On encashment, the date of tender in such cases shall be deemed to be the date on which the demand draft is presented for encashment:

Provided that such tender by demand draft is made a day prior to the due date.

3. Any person ordered to pay money into Court shall present a lodgement schedule in the prescribed form to the Section Officer of the Accounts Section of the Registry for the issue of a challan to enable him to make the payment into the

1. Subs. by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983).

*THE SUPREME COURT RULES, 1966*

Bank. The lodgment schedule shall be accompanied by a copy of the order directing the payment or shall bear a certificate from the Registrar endorsed thereon as to the amount to be paid and the time within which the payment is to be made.

4. On presentation of the lodgment schedule, a challan, in duplicate in the prescribed form, specifying the amount to be paid and the date within which it should be paid, but in no case exceeding ten days from the date of issue of the challan, shall be issued by the Section Officer, Accounts Section, to the party directed to make the payment, who shall thereupon present the same at the Bank and make the payment. The Bank shall, on receiving payment, retain one copy of the Challan and return the other copy, duly signed and dated acknowledging the receipt of the money, to the person making the payment. The Bank shall not accept the payment if the amount is tendered beyond the date mentioned in the challan as the last date for payment.

5. On production of the copy of the challan duly signed and acknowledged by the bank as aforesaid, the person making the payment shall be given credit in the books maintained by the Accounts Section of the Registry for the amount paid into the Bank, and a receipt signed by the Registrar shall be issued to him and the said challan shall be retained in the Section.

6. The Section Officer of the Accounts Section shall keep a register cause-wise of all money, effects and securities of the suitors of the Court, which shall be ordered to be paid or delivered into or out of the Court. The purpose for which the deposit is made and the orders of attachment received, if any, of the funds, shall be duly entered in the register. No money shall be paid out of the funds in Court without an order of the Court.

7. Where a party seeks payment out of any moneys in Court he shall present an application to the Court for an order for payment. The application shall be accompanied by a Certificate of Funds signed by the Registrar showing the amount, if any, standing to the credit of the suit, appeal or other proceeding from which payment out is sought and the claims and attachments, if any, subsisting thereon on the date of the certificate.

8. Upon an order being made for payment out, the party in whose favour the order is made shall apply to the Registrar for payment to him in accordance with the said order. The Registrar shall thereupon issue an order for payment in the prescribed form for the amount to be paid in favour of the party entitled to

*THE SUPREME COURT RULES, 1966*

payment. The payment order shall be endorsed at the same time on the original challan received from the Bank. The payment order together with the challan duly endorsed for payment shall be handed over to the party entitled to payment who shall present the same [to the Pay and Accounts Officer, Supreme Court of India, New Delhi] and obtain payment. Where however the entire amount of the challan or the entire balance remaining unpaid thereunder is not to be paid out to the party, the original challan shall not be handed over to him, but only a copy thereof endorsed for payment shall be given to him for presentation <sup>1</sup>[ to the Pay and Accounts Officer, Supreme Court of India, New Delhi], the original challan being retained in the Accounts Section until the funds are fully paid out.

9. The Section Officer, Accounts Section, shall check and tally the accounts maintained in the Section every month with the monthly statements of receipts and payments to be received from the [Pay and Accounts Officer, Supreme Court of India, New Delhi] and the Registrar shall certify under his signature every month that the accounts have been duly checked and tallied.

10. <sup>1</sup>[Fees relating to the registration of Advocate-on-Record shall be paid into the United Commercial Bank, Supreme Court Compound, New Delhi, to the credit of an account entitled 'XXI-Administration of Justice Receipts of the Supreme Court']

PART II

APPELLATE JURISDICTION

(A) Civil Appeals

ORDER XV

APPEALS ON CERTIFICATE BY HIGH COURT

<sup>2</sup>[1. Where a certificate of the nature referred to in clause (1) of article 132 or clause (1) of article 133 has been given under article 134A of the Constitution or a certificate has been given under article 135 of the Constitution or under any

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1. Subs. by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983).

2. Subs. by G.S.R. 506, dated 21st May, 1981 (w.e.f. 30-5-1981).

*THE SUPREME COURT RULES, 1966*

other provision of law the party concerned shall file a petition of appeal in the Court.]

2. Subject to the provisions of sections 4, 5 and 12 of the Limitation Act, 1963 (36 of 1963), the petition of appeal shall be presented within sixty days from the date of the grant of the certificate of fitness:

<sup>1</sup>[Provided that in computing the said period, the time requisite for obtaining a copy of the certificate and the order granting the said certificate, shall also be excluded.]

3. (1) The petition shall recite succinctly and in chronological order with relevant dates, the principal steps in the proceedings leading up to the appeal from the commencement thereof till the grant of the certificate of leave to appeal to the Court, and shall also state the amount or value of the subject-matter of the suit in the Court of first instance and in the High Court, and the amount or value of the subject-matter in dispute before the Court with particulars showing how the said valuation has been arrived at. Where the appeal is incapable of valuation, it shall be so stated-

- <sup>2</sup>[(2) The petition shall be accompanied by a certified copy of
- (i) judgment and decree or order appealed from;
  - (ii) certificate granted by the High Court; and
  - (iii) the order granting the said certificate.

In cases where according to the practice prevailing in the High Court, the decree or order is not required to be drawn up it shall be so stated upon affidavit. In appeals falling under any of the categories enumerated in rule 5A, 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 and also of the decree of the Court immediately below or such a copy of the order of the Tribunal, Government authority or person, as the case may be shall also be

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1. Ins. by G.S.R. 705, dated 8th May 1971 (w.e.f. 1-7-1971).  
2. Sub. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968) and again Sub. by G.S.R. 705, dated 8th May 1971 (w.e.f. 1-7-1971).

THE SUPREME COURT RULES, 1966

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 at any time between the grant by the High Court of the Certificate for leave to appeal to the Court and the filing of the petition of appeal, and party to the proceeding in the Court below dies, the petition of appeal may be filed by or against the legal representative, as the case may be, of the deceased party, provided that the petition is accompanied by a separate application, duly supported by an affidavit, praying for bringing on record such person as the legal representative of the deceased party and setting out the facts showing him to be the proper person to be entered on the record as such legal representatives.

4. The Registrar, after satisfying himself that the petition of appeal is in order, shall endorse the date of presentation on the petition and register the same as an appeal in the Court.

5. Where a party desires to appeal on grounds which can be raised only with the leave of the Court, it shall lodge along with the petition of appeal a separate petition stating the grounds so proposed to be raised and praying for leave to appeal on those grounds.

<sup>1</sup>{5A. Each of the following categories of appeals, on being registered, shall be put up 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, decree or final order of a High Court summarily dismissing the appeal or the matter, as the case may be before it;

<sup>2</sup>[\*\*\*]

(d) an appeal on a certificate granted by a High Court <sup>3</sup>[under article 134A of the Constitution being a certificate of the nature referred to in clause (1) of article 132 or clause (1) of article 133 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

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1. Ins. by G.S.R. 705, dated 8th May, 1971 (w.e.f. 1-7-1971).
  2. Deleted by G.S.R. 506, dated 21st May, 1981 (w.e.f. 30-5-1981).
  3. Subs. by G.S.R. 506, dated 21st May, 1981 (w.e.f. 30-5-1981).

*THE SUPREME COURT RULES, 1966*

certificate.}

<sup>1</sup>[(e) an appeal under clause (b) of sub-section (1) of section 19 of the Contempt of Courts Act, 1971 (70 of 1971).]

<sup>2</sup>[\*\*\*]

APPEARANCE BY RESPONDENT

<sup>3</sup>[10. As soon as the<sup>4</sup> [petition of appeal has been registered]<sup>5</sup>[and in the case of categories of appeals falling under rule 5A as soon as notice is directed to be issued] the Registrar of the Court shall-

- (i) require the appellant to furnish as many copies of the petition of appeal as may be necessary for record and for service on the respondent; and
- (ii) send to the Registrar of the Court appealed from a copy of the petition of appeal for record in that Court and a copy for service upon the respondent or each respondent]:

Provided that the Registrar of the Court may on an application made for the purpose, dispense with service of the petition of appeal on any respondent who did not appear in the proceedings in the Court appealed from or on his legal representative:

Provided however that no order dispensing with service of notice shall be made in respect of a respondent who is a minor or a lunatic:

Provided further that an order dispensing with service of notice shall not preclude any respondent or his legal representative from appearing to contest the appeal.

11. On receipt from the Court of the copy of the petition of appeal, the Registrar of the Court appealed from shall-

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1. Ins. by G.S.R. 1024, dated 9th August, 1978 (w.e.f. 19-8-1978).
  2. Rules 6 to 9 deleted by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983).
  3. Subs. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).
  4. Subs. by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983).
  5. Subs. by G.S.R. 705, dated 8th May, 1971 (w.e.f. 1-7-1971).



*THE SUPREME COURT RULES, 1966*

- (i) cause notice of the lodgment of the petition of appeal to be served on the respondent personally or in such manner as the Court appealed from may by rules prescribe;
- <sup>1</sup>[(ii) unless otherwise ordered by the Court transmit to the Court at the expense of the appellant the original record of the case, including the record of the Courts below:

Provided that where a transcript is to be prepared in accordance with the proviso to sub-rule (1) of rule 14, no original record shall be transmitted until specifically requisitioned; and]

- (iii) as soon as notice as aforesaid is served, to send a certificate as to the date or dates on which the said notice was served.

12. A respondent shall enter appearance in the Court within thirty days of the service on him of the notice of lodgment of the petition of appeal.

13. The respondent may within the time limited for his appearance deliver to Registrar of the Court and to the appellant a notice in writing consenting to the appeal, and the Court may thereupon make such order on the appeal as the justice of the case may require without requiring the attendance of the person so consenting.

**PREPARATION OF RECORD**

14. (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<sup>1</sup> [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 in 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 15 to 20 shall apply to the preparation and transmission to the Court of the said transcript record:

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1. Subs. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[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 for use in the Court].

<sup>2</sup>[(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 19 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.

15.<sup>2</sup>[(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 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.

16. 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 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.

17. 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

1. Ins. by G.S.R. 189, dated 15th March, 1991 (w.e.f. 30-3-1991).
2. Subs. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).

*THE SUPREME COURT RULES, 1966*

of papers or otherwise the fact that the respondent has objected to the inclusion of the document and that it has been included at the instance of the appellant.

18. 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 therefor, and the question of the costs thereof shall be dealt with by the Court at the time of the determination of the appeal.

19. 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 installments as the Registrar may prescribe.

<sup>1</sup>[20. Where the record has been printed for the purpose of the appeal before the High Court and sufficient number of copies (if it is in English) are available, no fresh printing of the record shall be necessary except of such additional papers as may be required.]

21. 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 cyclostyled under his supervision.

22. 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.

23. Where the appellant fails to make the required deposit, the preparation of the records 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.

24. 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

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1. Subs. by G.S.R. 189, dated 15th March, 1991 (w.e.f. 30-3-1991).

*THE SUPREME COURT RULES, 1966*

record a certificate showing the amount of expenses incurred by the party concerned for the preparation of the record.

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

26. 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 18 or rule 19, 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.

27. Where the record is directed to be prepared under the supervision of the Registrar of the Court appealed from, the provisions contained in rules 15 to 25 shall apply *mutatis mutandis* to the <sup>1</sup>[preparation] thereof.

#### SPECIAL CASE

28. Where the decision of the appeal is likely to turn exclusively on a question of law, any party, with the sanction of the Registrar of the Court, may submit such question of law in the form of a special case, and the Registrar may call the parties before him, and having heard them and examined the record, may report to the Court as to the nature of the proceedings and the record that may be necessary for the discussion of the same. Upon perusing the said report, the Court may give such directions as to the preparation of the record and hearing of the appeal, including directions regarding the time within which or otherwise, the parties shall lodge their respective statements of case:

Provided that nothing herein contained shall in any way prevent this Court from ordering the full discussion of the whole case if the Court shall so think fit.

#### WITHDRAWAL OF APPEAL

29. Where at any stage prior to the hearing of the appeal an appellant desires to withdraw his appeal, he shall present a petition to that effect to the Court. At the hearing of any such petition a respondent who has entered appearance may apply to the Court for his costs.

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1. Subs. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).

NON-PROSECUTION OF APPEALS-CHANGE OF PARTIES

30. If an appellant fails to take any steps in the appeal within the time fixed for the same under these rules, or if no time is specified, it appears to the Registrar of the Court that he is not prosecuting the appeal with due diligence, the Registrar shall call upon him to explain his default and, if no *Explanation* is offered, or if the *Explanation* offered appears to the Registrar to be insufficient, the Registrar may issue a summons calling upon him to show cause before the Court why the appeal should not be dismissed for non-prosecution.

31. The Registrar shall send a copy of the summons mentioned in the last specified rule to every respondent who has entered appearance. The Court may, after hearing the parties, dismiss the appeal for non-prosecution or give such other directions thereon as the justice of the case may require.

32. Where at any time between the filing of the petition of appeal and the hearing of the appeal the record becomes defective by reason of the death or change of status of a party to the appeal, or for any other reason, an application shall be made to the Court, stating who is the proper person to be substituted or entered on the record in place of, or in addition to the party on record.

33. Upon the filing of such an application the Registrar of the Court shall, after notice to the parties concerned, determine who in his opinion is the proper person to be substituted or entered on the record in place of, or in addition to the party on record, and the name of such person shall thereupon be substituted or entered on the record:

Provided that no such order of substitution or revivor shall be made by the Registrar-

- (i) where a question arises as to whether any person is or is not the legal representative of the deceased party, or
- (ii) where a question of setting aside the abatement of the cause is involved;

and in such a case he shall place the matter before the Court for orders:

Provided further that where during the course of the proceedings it appears to the Registrar that it would be convenient for the enquiry that investigation in regard to the person who is to be substituted on record, be made by the Court appealed

*THE SUPREME COURT RULES, 1966*

from or a Court subordinate thereto, the Registrar may place the matter before the Judge in Chambers and the Judge in Chambers may thereupon make an order directing to the Court appealed from to investigate into the matter either itself or cause an enquiry to be made by a Court subordinate to it, after notice to the parties, and submit its report thereon to this Court within such time as may be fixed by the order. On receipt of the report from the Court below the matter shall be posted before the Judge in Chambers again for appropriate orders.

34. Save as aforesaid the provision of Order XXII of the Code relating to abatement shall apply *mutatis mutandis* to appeals and proceedings before the Court.

<sup>1</sup>[35(1) Within forty-five days of the service on him of the notice of authentication of the record, the appellant shall lodge in the Court the statement of his case and serve a copy thereof on the respondent. The respondent shall lodge statement of case within thirty-five days thereafter. In appeals where printing of record is dispensed with, the appellant shall file statement of case within 45 days from the date of order dispensing with the printing of appeal record or from the expiry of period granted by the Court for filing additional papers or record, whichever is later and the respondent shall file statement of case within 35 days either from the date on which the period of 30 days from the date of service of notice of lodgment of petition of appeal expires or from the date of service of statement of case of the appellant, whichever is later.

(2) No party to an appeal shall be entitled to be heard by the Court unless the party has previously lodged statement of case in the appeal :

Provided that where a respondent who has entered appearance, does not desire to lodge a statement of case in the appeal, he may give the Registrar of the Court, notice in writing of his intention not to lodge any case while reserving his right to address the Court on the question of costs only.

36(1) The statement of a case shall consist of two parts as follows :

Part I shall consist of a concise statement of the facts of the case in proper sequence. A list of the dates of the relevant events leading up and concerning the litigation in chronological order and pedigree tables, wherever necessary, shall be given at the end of the part.

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1. Rules 35, 36 and 37 deleted by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983) and Ins. by G.S.R. 407, dated 9th December, 1997 (w.e.f. 20-12-1997).

*THE SUPREME COURT RULES, 1966*

Part II shall set out the contentions of facts and law sought to be urged in support of the claim of the party lodging the statement of case and the authorities in support thereof. Where authorities are cited, reference shall be given to the Official Reports, if available, where text books are cited, the reference shall if possible, be to the latest available editions. Where a statute, regulation, rule, ordinance or bye-law is cited or relied on, so much thereof as may be necessary to the decision of the case shall be set out. At the end of the part shall ordinarily be set out a table of cases cited.

(2) The statement of case shall consist of paragraphs numbered consecutively. Reference shall be given by page and line to the relevant portions of the record in the margin and care shall be taken to avoid, as far as possible, the re-producing in the statement of case of long extracts from the Record. The statement of case shall not travel beyond the limits of the certificate or the special leave, as the case may be, and of such additional grounds, if any, as the Court may allow to be urged on application made for the purpose. The Taxing Officer in taxing the costs of the appeal shall, either of his own motion, or at the instance of the opposite party, enquire into any unnecessary prolixity in the case, and shall disallow the costs occasioned thereby.

37. Two or more respondents may, at their own risk as costs lodge separate statement of cases in the same appeal.]

<sup>1</sup>[38. A respondent who has not entered appearance shall not be entitled to receive any notice relating to the appeal from the Registrar of the Court, nor allowed to lodge a statement of case in the appeal.]

<sup>1</sup>[39. The appeal shall be set down for hearing one month after the expiry of the time prescribed for lodging the statement of case by the respondent. Where a respondent fails to lodge the statement of case within the time prescribed, the appeal shall, subject to the provision contained in the proviso to sub-rule (2) of rule 35 be set down *ex-parte* against respondent in defeat.]

<sup>2</sup>[40. If the printing of record has not been dispensed with, the appellant shall, within two weeks of the receipt of the notice setting down the appeal for hearing, attend at the Registry and obtain eight copies of the record and the statements of

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1. Subs. by G.S.R. 407, dated 9th December, 1997 (w.e.f. 20-12-1997).
  2. Subs. by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983) and again Subs. by G.S.R. 407, dated 9th December, 1997 (w.e.f. 20-12-1997).

*THE SUPREME COURT RULES, 1966*

case to be bound in cloth or in one-fourth leather with paper sides, and six leaves of blank paper shall be kept for the use of the Court. The front cover shall bear a label stating the title and Supreme Court number of the appeal, the contents of the volume and the name and address of the advocates-on-record. The several documents indicated by inducts shall be arranged in the following order:-

- (1) Appellant's Statement of Case;
- (2) Respondent's Statement of Case;
- (3) Record (if in more than one Part, showing the separate Parts by inducts, all Parts being paged at the top of the page);
- (4) Supplemental Record (if any) and the short title and Supreme Court number of appeal shall also be shown on the back.]

41. The appellant shall lodge the bound copies not less than ten clear days before the date fixed for the hearing of the Appeal.

<sup>1</sup>[42. (1) Where the appellant is not represented by an Advocate of his choice, the Court may in a proper case, direct the engagement of an Advocate amicus curiae at the cost of the State. The fee of the Advocate so engaged shall be a lump sum not exceeding Rs. 500/- as may be fixed by the Bench hearing the case, and in an appropriate case, the Bench hearing the case, may for the reasons to be recorded in writing, sanction payment of a lump sum not exceeding Rs. 750/- to the said Advocate.

(2) After the hearing of the appeal, the Registrar or the Deputy Registrar shall issue to the Advocate amicus curiae a certificate in the prescribed form indicating therein the name of the said Advocate engaged at the cost of the State and the amount of fees payable to the said Advocate.

(3) The State concerned shall pay the fees specified in the certificate issued under sub-rule (2) to the Advocate named therein within three months from the date of his presenting before it, his claim for the fees supported by the certificate. If the fees are not paid within the above said period, the Advocate shall be entitled to recover the same from the State concerned by enforcement of the certificate as an order as to costs under the Supreme Court (Decrees and Orders) Enforcement Order, 1954.

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1. Added by G.S.R. 541, dated 26th June, 1987 (w.e.f. 18-7-1987).



*THE SUPREME COURT RULES, 1966*

*Explanation:* - For the purposes of this rule, the term "State" shall include a Union Territory.]

ORDER XVI

APPEALS BY SPECIAL LEAVE

1. Where <sup>1</sup>[certificate of fitness] to appeal to the Court was refused in a case by the High Court, a petition for special leave to appeal to the Court shall, subject to the provisions of sections 4,5,12 and 14 of the Limitation Act, 1963 (36 of 1963) be lodged in the Court within sixty days from the date of the order of refusal and in any other case within ninety days from the date of the Judgment or Order sought to be appealed from:

Provided that where an application for leave to appeal to the High Court from the Judgment of a single Judge of that Court has been made and refused, in computing the period of limitation in that case under this rule, the period from the making of that application and the rejection thereof shall also be excluded.

*Explanation:-* For purposes of this rule, the expression 'order of refusal' means the order refusing to <sup>2</sup>[grant the certificate under article 134A of the Constitution being a certificate of the nature] referred to in article 132 or article 133 of the Constitution on merits and shall not include an order rejecting the application on the ground of limitation or on the ground that such an application is not maintainable.

2. Where the period of limitation is claimed from the date of the refusal of <sup>2</sup>[a certificate under article 134A of the Constitution, being a certificate of the nature referred to in article 132 or article 133 of the Constitution], it shall not be necessary to file the order refusing the certificate, but the petition for special leave shall be accompanied by an affidavit stating the date of the Judgment sought to be appealed from, the date on which the application for a certificate of fitness to appeal to the Court was made to the High Court, the date of the order refusing the certificate, and the ground or grounds on which the certificate was refused and in particular whether the application for the certificate was dismissed as being out of time.

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1. Subs. by G.S.R. 272, dated 17th June, 1997 (w.e.f. 28-6-1997).
  2. Subs. by G.S.R. 506, dated 21st May, 1981 (w.e.f. 30-5-1981).

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[\*\*\*]

<sup>2</sup>4. <sup>3</sup>[(1)] (a) The petition for seeking special leave to appeal (SLP) filed before the Court, under Article 136 of the Constitution shall be in Form No. 28 appended to the rules. No separate application for interim relief need be filed. Interim prayer if any should be incorporated in Form No. 28.

(b) Alongwith the petition, list of dates in chronological order with relevant material facts or events pertaining to each of the dates shall be furnished.

(c) SLPs shall be confined only to the pleadings before the Court/Tribunal whose order is challenged. However, the petitioner may, with due notice to the respondent, and with leave of the Court urge additional grounds, at the time of hearing.

(d) (i) The petitioner may produce copies of such petition/documents which are part of the record in the case before the Court/Tribunal below if and to the extent necessary to answer, the question of law arising for consideration in the petition or to make out the grounds urged in the SLP, as Annexures to the petition-numbering them as Annexure 1, 2, 3 and so on.

(ii) If the petitioner wants to produce any document which was not part of the records in the Court below he shall make a separate application stating the reasons for not producing it in the Court/Tribunal below and the necessity for its production in the Court and seek leave of the Court for producing such additional documents.

(e) Every petition shall be supported by the affidavit of the petitioners or one of the petitioners as the case may be or by any person authorised by the petitioner in which the deponent shall state that the facts stated in the petition are true and the statement of dates and facts furnished along with the SLP are true to his knowledge and/or in formation and belief.

(f) The papers of the SLP shall be arranged in the following order:

(i) List of dates in terms of clause (b) of sub-rule (1).

(ii) Certified copies of the judgment and order against which the leave

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1. Rule 3 omitted by G.S.R. 1024, dated 9th August, 1978 (w.e.f 19-8-1978).
  2. Subs. by G.S.R. 272, dated 17th June, 1997 (w.e.f.28-6-1997).
  3. Rule 4 renumbered as sub-rule (1) thereof by G.S.R. 995, dated 8th December, 1982 (w.e.f. 25-12-1982).

*THE SUPREME COURT RULES, 1966*

to appeal is sought for.

- (iii) The special leave petition in the prescribed Form No. 28.
- (iv) Annexures, if any, filed alongwith the SLP.

(g) If notice is ordered on the special leave petition, the petitioner should take steps to serve the notice on the respondent. Provided in the case of a special leave petition against an interlocutory order, the notice may be served on the advocate appearing for the party in the Court/Tribunal against whose order the leave to appeal is sought for.]

<sup>1</sup>[(2) No petition shall be entertained by the Registry unless it contains a statement as to whether the petitioner had filed any petition for special leave to appeal against the impugned Judgment or order earlier and if so, with what result, duly supported by an affidavit of the petitioner or his *Pairokar* only.

(3) The Court shall, if it finds that the petitioner has not disclosed the fact of filing a similar petition earlier and its dismissal by this Court, dismiss the second petition if it is pending or, if special leave has already been granted therein, revoke the same.]

<sup>2</sup>[(4) The petition shall also contain a statement as to whether the matter was contested in the Court appealed from and if so, the full name and address of all the contesting parties shall be given in the statement of facts in the petition.]

5. The petition shall be accompanied by-

- (i) a certified copy of the Judgment or order appealed from; and
- (ii) an affidavit in support of the statement of facts contained in the petition.

6. No annexures to the petition shall be accepted unless such annexures are certified copies of documents which have formed part of the record of the case in the Court sought to be appealed from; provided that uncertified copies of documents may be accepted as annexures if such copies are affirmed to be true copies upon affidavit.

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1. Ins. by G.S.R. 995, dated 8th December, 1982 (w.e.f. 25-12-1982).  
2. Ins. by G.S.R. 189, dated 15th March, 1991 (w.e.f. 30-3-1991).

*THE SUPREME COURT RULES, 1966*

7. The petitioner shall file at least seven spare sets of the petition and of the accompanying papers.

8. Where any person is sought to be impleaded in the petition as the legal representative of any party to the proceedings in the Court below, the petition shall contain a prayer for bringing on record such person as the legal representative and shall be supported by an affidavit setting out the facts showing him to be the proper person to be entered on the record as such legal representative.

9. Where at any time between the filing of the petition for special leave to appeal and the hearing thereof the record becomes defective by reason of the death or change of status of a party to the appeal or for any other reason, an application shall be made to the Court stating who is the proper person to be substituted or entered on the record in place of or in addition to the party on record. Provisions contained in rule 33 of Order XV shall apply to the hearing of such applications.

10. (1) Unless a caveat as prescribed by rule 2 of Order XVIII has been lodged by the other parties, who appeared in the Court below, petitions for grant of special leave shall be put up for hearing *ex-parte*, but the Court, if it thinks fit, may direct issue of notice to the respondent and adjourn the hearing of the petition:

Provided that where a petition for special leave has been filed beyond the period of limitation prescribed therefor and is accompanied by an application for condonation of delay, the Court shall not condone the delay without notice to the respondent.

(2) A caveator shall not be entitled to costs of the petition, unless the Court otherwise orders.

Where a caveat has been lodged as aforesaid, notice of the hearing of the petition shall be given to the caveator; but a caveator shall not be entitled to costs of the petition, unless the Court otherwise orders.

<sup>1</sup>[(3) Notwithstanding anything contained in sub-rules (1) and (2) above, the Respondents who contested the matter in the Court appealed from shall be informed about the decision on the petition after it is heard *ex-parte*, if the petition stands dismissed.]

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1. Ins. by G.S.R. 189, dated 15th March, 1991 (w.e.f. 30-3-1991).

THE SUPREME COURT RULES, 1966

<sup>1</sup>[10A.(1) <sup>2</sup>{Where the petitioner is not represented by an Advocate of his choice, the Court may in a proper case direct the engagement of an advocate *amicus curiae* at the cost of the State. The fee of the Advocate so engaged shall be such as may, from time to time, be fixed by the Chief Justice of India.}

(2) After the hearing of the petition or the appeal, as the case may be, is over, the Registrar or the Deputy Registrar shall issue to the Advocate *amicus curiae* a certificate in the prescribed form, indicating therein the name of the said Advocate engaged at the cost of the State, and the amount of fees payable to the said Advocate.

(3) The State concerned shall pay the fees specified in the certificate issued under sub-rule (2) to the Advocate named therein within three months from the date of his presenting before it his claim for the fees supported by the certificate. If the fees are not paid within the period above said, the Advocate shall be entitled to recover the same from the State concerned by enforcement of the certificate as an Order as to costs under the Supreme Court (Decrees and Orders) Enforcement Order, 1954.

*Explanation:-* For the purposes of this rule, the term "State" shall include a Union territory.]

11. On the grant of special leave, the petition for special leave shall, subject to the payment of additional Court-fee, if any, be treated as the petition of appeal and it shall be registered and numbered as such. The provisions contained in Order XV shall with necessary modifications and adaptations, be applicable to appeals by special leave and further steps in the appeal shall be taken in accordance with the provisions therefor:

<sup>3</sup> [Provided that if the respondent had been served with the notice in the Special Leave Petition or had filed caveat or had taken notice, no further notice is required after the lodging of the appeal.]

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1. Added by G.S.R. 541, dated 26<sup>th</sup> June, 1987 (w.e.f. 18-7-1987).

2. Subs. by G.S.R. 623 (E), dated 28<sup>th</sup> August, 2008 (w.e.f. 29-8-2008).

3. Ins. by G.S.R. 272, dated 17<sup>th</sup> June, 1997 (w.e.f. 28-6-1997).

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[11A. The record of the appeal arising out of the petition for special leave 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 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, the provisions contained in Order XV relating to preparation of record shall with necessary modification and adaptation apply.]

<sup>2</sup>[12. While granting special leave in all matters in which the Bench granting special leave is of the opinion that the matter is capable of being disposed of within a short time, say within an hour or two, it will indicate accordingly. The office shall maintain a separate register of such matters to enable the Chief Justice to constitute a Bench for the disposal of such matters.]

<sup>3</sup>13. <sup>4</sup>[(1) Respondent to whom a notice in a Special Leave Petition is issued or who had filed a caveat shall be entitled to oppose the grant of leave or interim orders, without filing any written objections. He shall also be at liberty to file his objections within 30 days from the date of receipt of notice or not later than 2 weeks before the date appointed for hearing, whichever be earlier, but shall do so only by setting out the grounds in opposition to the questions of law or grounds set out in the SLP and may produce such pleadings and documents filed before the Court/Tribunal against whose order the SLP is filed and shall also set out the grounds for not granting interim order or for vacating interim order if already granted.]

(2) No separate application for vacating interim order need be filed. The respondent shall, however, be at liberty to file application for vacating stay separately before or after filing objections.

(3) (a) Where any statement of objection is filed by the respondent, it shall be supported by an affidavit of the party or any person authorised by him verifying to the correctness of the statements made therein and also to the effect that annexures

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1. Added by G.S.R 189, dated 15th March, 1991 (w.e.f. 30-3-1991).
  2. Ins. by G.S.R. 387, dated 13th March, 1978(w.e.f. 18-3-1978).
  3. Ins. by G.S.R. 272, dated 17th June, 1997 (w.e.f. 28-6-1997).
  4. Subs. by G.S.R. 127 (E), dated 22nd February, 2006 (w.e.f. 1-3-2006).

*THE SUPREME COURT RULES, 1966*

produced are the true copies of the originals which formed part of record in the Court below.

(b) If respondent wants to produce any document which was not part of the record in the Court below, he shall file an application seeking permission of the Court to produce such documents setting out the reason as to why it was not produced in the Court below as also the necessity of producing it before the Court.

(4) The respondent may, if considered necessary, file additional list of dates with material facts in addition to those furnished by the petitioners if he considers that the list of dates and facts by the petitioner is inaccurate or incomplete.}

ORDER XVII

<sup>1</sup> [APPEALS AND APPLICATIONS BY INDIGENT PERSON]

1. An application for leave to proceed as <sup>1</sup>[an indigent person] shall be made on a petition. It shall be accompanied by:

- (a) a copy of the petition of appeal and the documents referred to in rule 3 of Order XV, or of the petition for special leave and the documents mentioned in rule 5 of Order XVI, as the case may be, and
- (b) an affidavit from the petitioner disclosing all the property to which he is entitled and the value thereof other than his necessary wearing apparel and his interest in the subject-matter of the intended appeal and stating that he is unable to provide security or surety for the cost of respondent and pay Court fees.

2. The Registrar shall, on satisfying himself that the petition is in order, direct that the petition shall be <sup>2</sup>[registered] and set down for hearing before the Chamber Judge on a date to be fixed for the purpose.

3. The application shall be posted before the Judge in Chambers who may himself inquire into the <sup>1</sup>[indigency] of the petitioner after notice to the other parties in the case and to the Attorney-General, or make an order directing the High Court either by itself or by a Court subordinate to the High Court, to investigate the

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1. Subs. by G.S.R. 994, dated 8th December, 1982 (w.e.f. 25-12-1982).

2. Subs. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26.2.1968).

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[indigency] after notice to the parties interested and submit a report thereon within such time as may be fixed by the order. On receipt of the report, the petition shall again be posted before the Judge in Chambers for further orders:

Provided that, if the applicant was allowed to sue or appeal as <sup>1</sup>[an indigent person] in the Court from whose decree the appeal is preferred, no further inquiry in respect of his <sup>1</sup>[indigency] shall be necessary, unless this Court sees cause to direct such inquiry.

4. In granting or refusing leave to appeal as <sup>1</sup>[an indigent person], the Court shall ordinarily follow the principles set out in sub-rule (2) of rule 1 of Order XLIV of the Code.

5. Where a petitioner obtains leave of the Court to appeal as [an indigent person] he shall not be required to pay Court fees <sup>2</sup>[on the documents filed in the case or fees payable for service of process. He shall, however, be required to pay fees for obtaining copies of any documents or orders].

6. The Judge in Chambers may assign an advocate on record to assist <sup>1</sup>[an indigent person] in the case, unless the <sup>1</sup>[indigent person] has made his own arrangement for his representation. Such assignment shall ordinarily be from a panel of advocates willing to assist <sup>1</sup>[indigent persons] and chosen by the Judge in Chambers. It shall however be open to the Judge in Chambers in his discretion to assign an advocate outside the panel in any particular case.

7. (a) No fees shall be payable by <sup>1</sup>[an indigent person] to his advocate, nor shall any such fees be allowed on taxation against the other party except by an order of Court. The advocate may however receive from the <sup>1</sup>[indigent person] money for out of pocket expenses, if any, properly incurred in the case.

(b) It shall be open to the Court, if it thinks fit, to award costs against the adverse party or out of the property decreed to <sup>1</sup>[an indigent person] and direct payment of such costs to the advocate for the <sup>1</sup>[indigent person].

(c) Save as aforesaid no person shall take or agree to take or seek to obtain from <sup>1</sup>[an indigent person] any fee, profit or reward for the conduct of his case, and any person who takes, agrees to take or seeks to obtain, any such fee, profit

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1. Subs. by G.S.R. 994, dated 8th December, 1982 (w.e.f. 25-12-1982).

2. Subs. by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983).



*THE SUPREME COURT RULES, 1966*

or reward, shall be guilty of Contempt of Court.

(d) Soon after <sup>1</sup> [an appeal by an indigent person] has been heard and disposed of, the advocate for the <sup>1</sup> [indigent person] shall file in the Registry a statement of account showing what moneys, if any, were received by him in the case on any account from the <sup>1</sup> [indigent person] or from any person on his behalf and the expenditure incurred. If no moneys had been received, a statement shall be filed to that effect. The Taxing Officer may, where he thinks it necessary, place the statement filed before the Judge in Chambers for his perusal and orders.

8. Where the appellant succeeds in the appeal, the Registrar shall calculate the amount of Court-fees which would have been paid by the appellant if he had not been permitted to appeal as <sup>1</sup> [an indigent person] and incorporate it in the decree or order of the Court; such amount shall be recoverable by the Government of India from any party ordered by the Court to pay the same, and shall be the first charge on the subject-matter of the appeal.

9. Where the appellant fails in the appeal or <sup>1</sup> [the permission granted to him to sue as an indigent person has been withdrawn], the Court may order the appellant to pay the Court-fees which would have been paid by him if he had not been permitted to appeal as <sup>1</sup> [an indigent person].

10. The Central Government shall have the right at any time to apply to the Court to make an order for the payment of Court-fees under rule 8 or rule 9.

11. All matters arising between the Central Government and any party to the appeal under the three preceding rules shall be deemed to be questions arising between the parties to the appeal.

12. In every <sup>1</sup> [appeal by an indigent person] the Registrar shall, after the disposal thereof, send to the Attorney-General for India a memorandum of the court-fees payable by the <sup>1</sup> [indigent person].

13. No appeal or other proceeding begun, carried on or defended by <sup>1</sup> [an indigent person] shall be compromised or discontinued without the leave of the Court.

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1. Subs. by G.S.R. 994, dated 8th December, 1982 (w.e.f. 25-12-1982).

*THE SUPREME COURT RULES, 1966*

ORDER XVIII

PETITIONS GENERALLY

1. Every petition shall consist of paragraphs numbered consecutively and shall be fairly and legibly written, type-written, lithographed or printed on one side of standard petition paper, demy-foolscape size,<sup>1</sup> or of the size of 29.7 cm x 21 cm. ] or on paper ordinarily used in High Courts for transcribing petitions, with quarter margin, and endorsed with the name of the Court appealed from, the full title and Supreme Court number of the appeal or matter to which the petition relates and the name and address of the advocate on record of the petitioner or of the petitioner where the petitioner appears in person. The petitioner shall file along with his petition such number of copies thereof as may be required for the use of the Court.

2. Where a petition is expected to be lodged, or has been lodged, which does not relate to any pending appeal of which the record has been registered in the Registry of the Court, any person claiming a right to appear before the Court on the hearing of such petition may lodge a caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar notice of the lodging of the petition, if at the time of the lodging of the caveat such petition has not yet been lodged, and, if and when the petition has been lodged, to require the petitioner to serve him with copy of the petition and to furnish him, at his own expense, with copies of any papers lodged by the petitioner in support of his petition. The caveator shall forthwith, after lodging his caveat, give notice thereof to the petitioner, if the petition has been lodged.

3. Where a petition is lodged in the matter of any pending appeal of which the record has been registered in the Registry of the Court, the petitioner shall serve any party who has entered an appearance in the appeal, with a copy of such petition and the party so served shall thereupon be entitled to require the petitioner to furnish him at his own expense, with copies of any papers lodged by the petitioner in support of his petition.

4. A petition other than memorandum of appeal containing allegations of fact which cannot be verified by reference to the record in the Court shall be supported by an affidavit.

<sup>2</sup>5. The Registrar may refuse to receive a petition on the ground that it discloses no reasonable cause or is frivolous or contains scandalous matter but the petitioner

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1. Ins. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).
  2. Subs. by G.S.R. 407, dated 9th December, 1997 (w.e.f. 20-12-1997).

*THE SUPREME COURT RULES, 1966*

may appeal by way of motion, from such refusal to the Court.]

6. As soon as all necessary documents are lodged, the petition shall be set down for hearing.

7. Subject to the provisions of rule 8, the Registrar shall, as soon as the Court has appointed a day for the hearing of a petition, notify the day appointed on the notice board of the Court.

8. Where the prayer of a petition is consented to in writing by the opposite party, or where a petition is of a formal and non-contentious character, the Court may, if it thinks fit, make an order thereon, without requiring the attendance of the parties, but the Registrar shall, with all convenient speed, after the Court has made its order, notify the parties that the order has been made and of the date and nature of such order.

9. A petitioner who desires to withdraw his petition shall give notice in writing to that effect to the Registrar. Where the petition is opposed the opponent shall, subject to any agreement between the parties to the contrary, be entitled to apply to the Court for his costs, but where the petition is unopposed, or where, in the case of an opposed petition, the parties have come to an agreement as to the costs of the petition, the petition may, if the Court thinks fit, be disposed of in the same way *mutatis mutandis* as a consent petition under the provisions of rule 8.

10. Where a petitioner unduly delays the bringing of a petition to a hearing, the Registrar shall call upon him to explain the delay, and if no Explanation is offered, or if the Explanation offered is, in the opinion of the Registrar, insufficient, the Registrar may, after notifying all parties, who have entered appearance, place the petition before the Court for such directions as the Court may think fit to give thereon.

<sup>1</sup>[10 A. (1) Where the petitioner is not represented by an Advocate of his choice, in any petition including a writ petition, civil or criminal, or any other cause, the Court may in proper case direct the engagement of an Advocate *amicus curiae* at the cost of the State. The fee of the Advocate so engaged shall be Rs. 250 upto the admission stage and a lump sum not exceeding Rs. 500 for the final hearing of the case as may be fixed by the Bench hearing the case, and in an appropriate case, the Bench hearing the case may, for the reasons to be recorded in writing, sanction payment of a lump sum not exceeding Rs. 750 to the said Advocate.

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1. Ins. by G.S.R. 541, dated 26th June, 1987 (w.e.f. 18-7-1987)

*THE SUPREME COURT RULES, 1966*

(2) After the hearing of the petition is over, the Registrar or Deputy Registrar shall issue to the Advocate *amicus curiae* a certificate in the prescribed form, indicating therein the name of the Advocate engaged at the cost of the State, and the amount of fees payable to the said Advocate.

(3) The State concerned shall pay the fees specified in the certificate issued under sub-rule (2) to the Advocate named therein within three months from the date of his presenting before it his claim for the fees supported by the certificate. If the fees are not paid within the period abovesaid, the Advocate shall be entitled to recover the same from the State concerned by enforcement of the certificate as an Order as to costs under the Supreme Court (Decrees and Orders) Enforcement Order, 1954.

*Explanation:-* For the purpose of this rule, the term 'State' shall include a Union Territory.]

11. At the hearing of a petition not more than one advocate shall be heard on one side.

ORDER XIX

HEARING OF APPEALS

1. Subject to the directions of the Court, at the hearing of an appeal not more than two advocates shall be heard on one side.

<sup>1</sup>[2. No party shall, without the leave of the Court, rely at the hearing on any ground not specified in the statement of the case filed by him.]

3. Where the Court, after hearing an appeal, decides to reserve its Judgment thereon, the Registrar shall notify the parties through their advocates on record of the day appointed by the Court for the delivery of the Judgment.

4. (a) An appellant whose appeal has been dismissed for default of appearance 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 such application to the respondent who has entered appearance in the appeal, restore the appeal if good and sufficient cause is shown, putting the appellant on terms as to costs or otherwise as it thinks fit, or pass such other order as the circumstances of the case and the

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1. Rule 2 deleted by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983) and Ins. by G.S.R.407, dated 9th December, 1997 (w.e.f. 20-12-1997).

*THE SUPREME COURT RULES, 1966*

ends of justice may require.

(b) Where an appeal is heard *ex-parte* and Judgment is pronounced against the respondent, he may apply to the Court to re-hear the appeal, and if he satisfies the Court that the appeal was set down *ex-parte* against him without notice to him or that he was prevented by sufficient cause from appearing when the appeal was called on for hearing the Court may re-hear the appeal on such terms as to costs or otherwise as it thinks fit to impose upon him.

ORDER XX

MISCELLANEOUS

1. The filing of an appeal shall not prevent execution of the decree or order appealed against but the Court, may, subject to such terms and conditions as it may think fit to impose, order a stay of execution of the decree or order, or order a stay of proceedings, in any case under appeal to the Court.

2. A party to an appeal who appears in person shall furnish the Registrar with an address for service and all documents left at that address, or sent by registered post to that address, shall be deemed to have been duly served.

<sup>1</sup>[3. In cases where intervention is allowed by the Court, the intervener or interveners may file written submissions prior to the hearing of the matter shall but not be entitled to address any oral arguments, unless otherwise directed by the Court.]

<sup>2</sup>[ORDER XX-A

APPEALS UNDER SECTION 55 OF THE MONOPOLIES AND  
RESTRICTIVE TRADE PRACTICES ACT, 1969 (54 OF 1969)

1. The petition of appeal shall recite succinctly and clearly all the relevant facts leading up to the order appealed from, and shall set forth in brief the objections to the order appealed from and the grounds relied on in support of the appeal. The petition shall also state the date of the order appealed from as well as the date on which it was received by the appellant.

2. The petition of appeal shall be accompanied by-

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1. Ins. by G.S.R. 14, dated 3rd January, 1984 (w.e.f. 14-1-1984).
  2. Ins. by G.S.R. 73, dated 7th January, 1971 (w.e.f. 16-1-1971).

*THE SUPREME COURT RULES, 1966*

- (i) an authenticated copy of the order appealed from; and
- (ii) at least seven spare sets of the petition and the papers filed with it.

3. After the appeal is registered, it shall be put up 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.

4. Within ten days of the receipt by it of the notice, the Central Government or the Commission, as the case may be, shall transmit to the Court the entire original record relating to the order appealed from.

PREPARATION OF RECORD

<sup>1</sup>[5. After the receipt of the original record, the Registrar shall, with all convenient speed in consultation with the parties to the appeal, select the documents necessary and relevant for determining the appeal and cause sufficient number of copies of the said record to be typed or cyclostyled [(+) (if it is less than 100 pages)] or printed at the expense of the appellant.]

6. (1) The record of the appeal shall be printed in accordance with the rules contained in the First Schedule to these rules.

(2) Save as otherwise provided by the rules contained in this Order the provisions of Order XV relating to the printing and preparation of record in civil appeals shall, as far as may be, apply to the printing and preparation of records in appeals under the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969).

7. Save as otherwise provided by the rules contained in this Order, the provisions of other Orders shall apply so far as may be, to appeals under section 55 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969)]

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1. Subs. by G.S.R. 189, dated 15th March, 1991 (w.e.f. 30-3-1991).

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[ORDER XX-B

APPEALS UNDER CLAUSE (B) OF SECTION 130E OF THE  
CUSTOMS ACT, 1962 (52 OF 1962) AND SECTION 35L OF THE  
CENTRAL EXCISE AND SALT ACT, 1944 (1 OF 1944)

1. The petition of appeal shall, subject to the provisions of sections 4, 5, and 12 of the Limitation Act, 1963 (36 of 1963) be presented within sixty days from the date of the order sought to be appealed against or within sixty days from the date on which the order sought to be appealed against is communicated to the appellant, whichever is later:

Provided that in computing the said period, the time requisite for obtaining a copy of such order shall be excluded.

2. Rules 1 to 7 of Order XX-A of the rules relating to appeals under section 55 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) shall, with necessary modifications and adaptations, apply to appeals under this order.]

<sup>2</sup>[ORDER XX-C

APPEALS UNDER SECTION 14 OF THE TERRORIST AFFECTED  
AREAS(SPECIAL COURTS) ACT, 1984

1. The petition of Appeal shall, subject to the provisions of sections 4, 5 and 12 of the Limitation Act, 1963 (36 of 1963), be presented within a period of thirty days from the date of Judgment, sentence or order appealed from:

Provided that in computing the said period, the time requisite for obtaining a copy of the said Judgment, sentence or order, shall be excluded:

Provided further that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within the period of thirty days.

2. The petition of appeal shall be registered and numbered as soon as it is found to be in order and the Registry shall immediately thereafter issue notice of lodgment of petition of appeal to the respondents with a copy to the Standing Counsel

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1. Ins. by G.S.R. 322, dated 14th April, 1983 (w.e.f. 23-4-1983).

2. Ins. by G.S.R. 96(E), dated 16th February, 1987 (w.e.f. 16-2-1987).

*THE SUPREME COURT RULES, 1966*

of the State concerned.

3. The notice of lodgment of petition of appeal shall specify the date fixed for hearing the appeal which shall be two weeks from the date of lodgment of the petition of appeal.

4. The Registry shall, immediately on the issue of the notice of lodgment of petition of appeal, ask the Special Court concerned to transmit to this Court within ten days the entire original record relating to the appeal.

5. The appeal shall be listed before the Court for final hearing at the top of the daily list on the date fixed irrespective of whether the State has entered appearance or not and whether the record has been received or not from the Special Court concerned.

6. The appeal shall be heard on the paper books filed by the Counsel. The original records shall be placed before the Court at the hearing of the appeal.

7. Save as otherwise provided by the rules contained in this Order, the provisions of Order XXI relating to Criminal Appeals shall, as far as may be, apply to appeals filed under section 14 of the Terrorist Affected Areas (Special Courts) Act, 1984.]

<sup>1</sup>[ORDER XX-D

APPEALS UNDER SECTION 16 OF THE TERRORIST AND  
DISRUPTIVE ACTIVITIES (PREVENTION) ACT, 1985

1. The petition of appeal shall, subject to the provisions of sections 4, 5 and 12 of the Limitation Act, 1963 (36 of 1963), be presented within a period of thirty days from the date of the Judgment, sentence or order appealed from:

Provided that in computing the said period, the time requisite for obtaining a copy of the said Judgment, sentence or order, shall be excluded:

Provided further that the Court may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within the period of thirty days.

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1. Ins. by G.S.R. 541, dated 26th June, 1987 (w.e.f. 18-7-1987).



*THE SUPREME COURT RULES, 1966*

2. The petition of appeal shall be registered and numbered as soon as it is found to be in order and the Registrar shall immediately thereafter issue the notice of lodgment of the petition of appeal to the respondents with a copy to the Standing Counsel for the State concerned.

3. The notice of lodgment of petition of appeal shall specify the date fixed for the hearing of the appeal which shall be two weeks from the date of lodgment of the petition of appeal.

4. The Registrar shall, immediately on the issue of the notice of lodgment of petition of appeal, ask the Designated Court concerned to transmit to this Court within ten days the entire original record relating to the appeal.

<sup>1</sup>[5. The paper books shall be prepared by the State concerned and filed within thirty days from the settlement of index and the appeal shall be heard on the paper books filed by the State Government. The original record shall be placed before the Court at the hearing of the appeal].

6. The appeal shall be listed before the Court for final hearing at the top of the daily list on the date fixed irrespective of whether the State has entered appearance or not and whether the record has been received or not from the Designated Court concerned.

7. Save as otherwise provided by the rules contained in this Order, the provisions of Order XXI relating to the Criminal Appeals shall, as far as may be, apply to the appeals filed under this Order.

8. The Court shall hear and dispose of, under section 17(3) of the Act, read with the provisions of sections 366 to 371 and 392 of the Code of Criminal Procedure, 1973, a case submitted by a Designated Court for confirmation of the sentence of death awarded by such Designated Court.]

<sup>2</sup>[ORDER XX-E

APPEALS UNDER SECTION 17 OF THE TERRORIST AND  
DISRUPTIVE ACTIVITIES (PREVENTION) ACT, 1987

1. Rules 1 to 7 of the Order XX-D of the Rules, relating to the appeals under

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1. Subs. by G.S.R. 821, dated 22nd September, 1987(w.e.f. 7-11-1987).
  2. Ins. by G.S.R. 821, dated 22nd September, 1987 (w.e.f. 7-11-1987).

*THE SUPREME COURT RULES, 1966*

the Terrorist and Disruptive Activities (Prevention) Act, 1985, shall, with the necessary modifications and adaptations, apply to the appeals under this order.

2. The Court shall hear and dispose of, under section 18(6) of the Terrorist and Disruptive Activities (Prevention) Act, 1987, read with the provisions of sections 366 to 371 and 392 of the Code of Criminal Procedure, 1973, a case submitted by a Designated Court for confirmation of the sentence of death awarded by such Designated Court.]

<sup>1</sup>[ORDER XX-F

APPEALS UNDER SECTION 23 OF THE CONSUMER PROTECTION  
ACT, 1986 (68 OF 1986)

1. The petition of appeal from an order made by the National Consumer Disputes Redressal Commission (hereinafter referred to as 'The National Commission') under sub- clause (i) of clause (a) of section 21 of the Consumer Protection Act, 1986 (68 of 1986), shall, subject to the provisions of sections 4, 5 and 12 of the Limitation Act, 1963 (36 of 1963), be presented by an aggrieved person within thirty days from the date of the order sought to be appealed against:

Provided that for computing the said period, the time requisite for obtaining a copy of such order shall be excluded.

2. The petition of appeal shall recite succinctly and clearly all the relevant facts leading up to the order appealed from, and shall set forth in brief the objections to the order appealed from and the grounds relied on in support of the appeal. The petition shall also state the date of the order appealed from as well as the date on which it was received by the appellant.

3. The petition of appeal shall be accompanied by: -

(i) an authenticated copy of the order appealed from; and

(ii) at least seven spare sets of the petition and the papers filed with it.

4. After the appeal is registered, it shall be put up for hearing *ex-parte* before the Court which may either dismiss it summarily or direct issue of notice

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1. Ins. by G.S.R. 409, dated 3rd July, 1990 (w.e.f. 7-7-1990).

*THE SUPREME COURT RULES, 1966*

to all necessary parties or may make such orders as the circumstances of the case may require.

5. A fixed Court fee of Rs. 250/- shall be payable on the petition of appeal under this order.

6. Save as otherwise provided by the rules contained in this order, the provisions of other orders shall apply so far as may be, to appeals under section 23 of the Consumer Protection Act, 1986 (68 of 1986).]

(B) CRIMINAL APPEALS

ORDER XXI

SPECIAL LEAVE PETITIONS IN CRIMINAL PROCEEDINGS AND  
CRIMINAL APPEALS

SPECIAL LEAVE PETITIONS

1. (1) Where leave to appeal to the Court was refused in a case by the High Court, a petition for special leave to appeal shall, subject to the provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (36 of 1963), be lodged in the Court within sixty days from the date of order of refusal and <sup>1</sup>[in any other case not involving sentence of death, within ninety days from the date of Judgment or order sought to be appealed from and in a case involving sentence of death within sixty days from the date of Judgment or order sought to be appealed from]:

Provided that where an application for leave to appeal to the High Court from the Judgment of a single Judge of that Court has been made and refused, in computing the period of limitation in that case under this rule, the period from the making of that application and the rejection thereof shall also be excluded.

Explanation:- For purposes of this rule, the expression 'order of refusal' means an order refusing to grant <sup>2</sup>[the certificate under article 134A of the Constitution, being a certificate of the nature] referred to in article 132 or article 134, as the case may be, of the Constitution on merits and shall not include an order rejecting the application on the ground of limitation or on the ground that such an application is not maintainable.

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1. Subs. by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983).
  2. Subs. by G.S.R. 506, dated 21st May, 1981 (w.e.f. 30-5-1981).

THE SUPREME COURT RULES, 1966

(2) Where the period of limitation is claimed from the date of refusal of a certificate, it shall not be necessary to file the order refusing a certificate, but the petition for special leave shall be accompanied by an affidavit stating the date of the Judgment sought to be appealed from, the date on which the application for a certificate was made to the High Court, the date of the order refusing the certificate and the ground or grounds on which the certificate was refused and in particular whether the application for a certificate was dismissed as being out of time.

<sup>1</sup>[\*\*\*]

3. <sup>2</sup> [(1)] The petition shall state succinctly and clearly all such facts as may be necessary to enable the Court to determine whether special leave to appeal ought to be granted and shall be signed by the advocate on record for the petitioner unless the petitioner appears in person. The petition shall also state whether the petitioner has moved the High Court concerned for leave to appeal against its decision, and if so, with what result.

(2) No petition shall be entertained by the Registry unless it contains a statement as to whether the petitioner had filed any petition for special leave to appeal against the impugned Judgment or order earlier, and if so, with what result, duly supported by an affidavit of the petitioner or his *paikar* only.

(3) The Court shall, if it finds that the petitioner has not disclosed the fact of filing a similar petition earlier and its dismissal by this Court, dismiss the second petition if it is pending or if special leave has already been granted therein, revoke the same.

<sup>3</sup>[(4) SLPs shall be confined only to the pleadings before the Court/Tribunal whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents or grounds shall be stated or relied upon without express prior permission of the Court obtained on an application made for this purpose.]

4. The petition shall be accompanied by-

1. Rule 2 omitted by G.S.R. 1024, dated 9th August, 1978 (w.e.f. 19-8-1978).
2. Rule 3 renumbered as sub-rule (1) thereof by G.S.R. 995, dated 8th December, 1982 (w.e.f. 25-12-1982)
3. Added by G.S.R. 272, dated 17th June, 1997 (w.e.f. 28-6-1997). [In the G.S.R. 272, item 6, it should be sub-clause (4) instead of sub-clause (5) as sub-clause (4) does not exist. Ed.]

*THE SUPREME COURT RULES, 1966*

- (1) a certified copy of the Judgment or order appealed from; and
- (2) an affidavit in support of the statement of facts contained in the petition.

5. (1) No annexures to the petition shall be accepted unless such annexures are certified copies of documents which have formed part of the record in the Court or Tribunal sought to be appealed from provided that uncertified copies of documents may be accepted as annexures if such copies are affirmed to be true copies upon affidavit.

(2) The High Court or the Tribunal concerned shall, on application by a petitioner intending to apply for special leave, grant him free of cost a certified copy of the Judgment or order sought to be appealed from.

6. Where the petitioner has been sentenced to a term of imprisonment, the petition shall state whether the petitioner has surrendered. Where the petitioner has not surrendered to the sentence, the petition shall not be posted for hearing unless the Court, on a written application for the purpose, orders to the contrary. <sup>1</sup> [Where the petition 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.]

7. Unless a caveat as prescribed by rule 2 of Order XVIII has been lodged by the other parties who appeared in the Court below, petitions for grant of special leave shall be put up for hearing *ex-parte*, but the Court, if it thinks fit, may direct issue of notice to the respondent and adjourn the hearing of the petition.

<sup>2</sup>[7A. The Respondent shall be at liberty to file his objections within 30 days from the date of receipt of notice or not later than 2 weeks before the date appointed for hearing, whichever be earlier.]

8. (1) If the petitioner is in jail and is not represented by an advocate on record, he may present his petition for special leave to appeal together with the certified copy of the Judgment and 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 this Court. Upon receipt of the said petition, the Registrar of the Court shall,

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1. Subs. by G.S.R. 541, dated 26th June, 1987 (w.e.f. 18-7-1987).

2. Ins. by G.S.R. 127(E) dated 22nd February, 2006 (w.e.f. 1.3.2006).

*THE SUPREME COURT RULES, 1966*

whenever necessary call, from the proper officer of the Court or the Tribunal appealed from, the relevant documents for determination of the petition for special leave to appeal.

<sup>1</sup>[(2) As soon as all necessary documents are available the Registrar shall, assign an Advocate from a panel of *amicus curiae* and thereafter place the petition and complete documents for hearing before the Court. The fee of the advocate so engaged shall be such, as may, from time to time, be fixed by the Chief Justice of India.]

<sup>2</sup>[(3) After the hearing of the petition or the appeal, as the case may be, is over, the Registrar or the Deputy Registrar shall issue to the Advocate *amicus curiae* a certificate in the prescribed form indicating therein the name of the said Advocate engaged at the cost of the State concerned and the amount of fees payable to the said advocate.

(4) The State concerned shall pay the fees specified in the certificate issued under sub-rule (3) to the Advocate named therein within three months from the date of his presenting before it his claim for the fees supported by the certificate. If the fees are not paid within the period above-said, the Advocate shall be entitled to recover the same from the State concerned by enforcement of the certificate as an order as to costs under the Supreme Court (Decrees and Orders) Enforcement Order, 1954.

*Explanation : - For the purposes of this rule, the term "State" shall include a Union Territory.]*

9. On the granting of the special leave, the petition for special leave shall be treated as the petition of appeal and shall be registered and numbered as such.

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1. Subs. by G.S.R. 623 (E), dated 28th August, 2008 (w.e.f. 29-8-2008)

2. Added by G.S.R. 541, dated 26th June, 1987 (w.e.f. 18-7-1987)

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[9A. While granting special leave, in all matters in which the Bench granting special leave is of the opinion that the matter is capable of being disposed of within a short time, say, within an hour or two, it will indicate accordingly. The office shall maintain a separate register of such matters to enable the Chief Justice to constitute a Bench for the disposal of such matters.]

10. Upon an order being made granting special leave to appeal, the Registrar shall transmit to the Court appealed from, a certified copy of the order together with a certified copy of the petition for special leave, and the affidavit, if any, filed in support thereof.

11. On receipt of the said order, the Court appealed from shall give notice of the order to the respondent and require the parties to take all necessary steps to have the record of the case transmitted to the Court in accordance with the directions contained in the order granting special leave. The Registrar of the Court appealed from shall certify to the Registrar of the Court that the respondent has received notice of the order of the Court granting special leave to appeal.

**CRIMINAL APPEALS**

12.<sup>2</sup>[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(l)(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.

13. (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 till its conclusion in the High Court.

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1. Ins. by G.S.R. 387, dated 13th March, 1978 (w.e.f. 18-3-1978).
  2. Subs. by G.S.R. 506, dated 21st May, 1981 (w.e.f. 30-5-1981).

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[(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 15, 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.]

<sup>2</sup>[13A. Where the appellant has been sentenced to a term of imprisonment, the petition of appeal shall state whether the appellant has surrendered. Where the appellant has not surrendered to the sentence, the appeal shall not be registered, unless the Court, on a written application for the purpose, orders to the contrary. Where the petition of appeal is accompanied by such an application, the application shall first be posted for hearing before the Court for orders.]

14. Where the appellant is in jail, he may present his petition of appeal and the documents mentioned in rule 13 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.

<sup>1</sup>[15. (1) The petition of appeal shall be registered and numbered as soon as it is <sup>3</sup>[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 <sup>4</sup>[under article 134A of the Constitution being a certificate of the nature referred to in clause (1) of article

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1. Subs. by G.S.R. 705, dated 8th May, 1971 (w.e.f. 1-7-1971).
  2. Ins. by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983).
  3. Subs. by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983).
  4. Subs. by G.S.R. 506, dated 21st May, 1981 (w.e.f. 30-5-1981).



*THE SUPREME COURT RULES, 1966*

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.

<sup>1</sup>[\*\*\*]

<sup>2</sup>[(e) 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 467B of the Code of Criminal Procedure, 1898 to the respondent.]

16. The respondent may enter appearance in the Court <sup>3</sup> [within thirty days of the service of the notice of lodgment] of the petition of appeal on him.

#### PREPARATION OF THE RECORD

<sup>3</sup>{17. 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 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.

<sup>4</sup>[17A. 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

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1. Clauses (c) and (d) deleted by G.S.R. 506, dated 21st May, 1981 (w.e.f. 30-5-1981).
  2. Ins. by G.S.R. 1024, dated 9th August, 1978 (w.e.f. 19-8-1978) and amended by G.S.R. 96(E), dated 16th February, 1987 (w.e.f. 16-2-1987).
  3. Subs. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).
  4. Added by G.S.R. 189, dated 15th March, 1991 (w.e.f. 30-3-1991).

*THE SUPREME COURT RULES, 1966*

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 XV relating to preparation of record shall, with necessary modification and adaptation apply.]

18. (1) Save as otherwise provided for in the rules, the provisions contained in Order XV 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

<sup>1</sup>[(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:-* 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 :-* Printing for the purpose of this rule includes cyclostyling and typing and printed record includes cyclostyled or typed record.

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1. Amended by G.S.R. 189, dated 15th March, 1991 (w.e.f. 30-3-1991).

*THE SUPREME COURT RULES, 1966*

(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 have 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.

19. 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.

20. 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.

21. (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.

22. 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

*THE SUPREME COURT RULES, 1966*

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.}

## **HEARING OF THE APPEAL**

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

24. Unless otherwise ordered by the Court the appeal shall be set down for hearing thirty days after the expiry of the time prescribed for entering appearance by the respondent.

25.<sup>1</sup>[Where the accused person is not represented by an Advocate on Record of his choice, the Court may, in a proper case direct the engagement of an Advocate at the cost of the Government. The fee of the advocate so engaged shall be such as may, from time to time, be fixed by the Chief Justice of India.]

<sup>2</sup>[25A. (1) After the hearing of the appeal, the Registrar or the Deputy Registrar shall issue to the Advocate appointed at the cost of the State a certificate in the prescribed form indicating therein the name of the said Advocate and the amount of fees payable to the said Advocate.

(2) The State concerned shall pay the fees specified in the certificate issued under sub-rule (1) to the Advocate named therein within three months from the date of his presenting before it his claim for the fee supported by the said certificate. If the fees are not paid within the period abovesaid, the Advocate shall be entitled to recover the same from the State concerned by the enforcement of the certificate as an Order as to costs under the Supreme Court (Decrees and Orders) Enforcement Order, 1954.

*Explanation:-* For the purposes of this rule, the term "State" shall include a Union Territory.]

26. (1) Due notice shall be given to the accused, where he is not represented, of the date fixed for the hearing of the appeal. The accused person may, if he so wishes present his case by submitting his arguments in writing

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1. Subs. by G.S.R. 623 (E), dated 28<sup>th</sup> August, 2008 (w.e.f. 29-8-2008).

2. Subs. by G.S.R. 541, dated 26<sup>th</sup> June, 1987 (w.e.f. 18-7-1987).

*THE SUPREME COURT RULES, 1966*

and the same shall be considered at the hearing of the appeal.

(2) It shall not be necessary for an accused person in custody to be produced before the Court at the hearing unless the Court thinks fit in the interest of justice to direct him to be produced to enable him to argue his case or for other reasons.

27. Pending the disposal of any appeal under these rules the Court may order that the execution of the sentence or order appealed against be stayed on such terms as the Court may think fit.

28. After the appeal has been disposed of, the Registrar shall, with the utmost expedition, send a copy of the Court's judgment or order to the High Court or Tribunal concerned.

29. In criminal proceedings, no security for costs shall be required to be deposited, and no Court-fee, process fee, or search fee shall be charged, and an accused person shall not be required to pay copying charges except for copies other than the first.

PART III

ORIGINAL JURISDICTION

ORDER XXII

PARTIES TO SUITS

1. Two or more plaintiffs may join in one suit in whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist.

2. Two or more defendants may be joined in one suit against whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist.

3. (1) The Court may at any such stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any plaintiff or defendant improperly joined be struck out, and that the name of any plaintiff or defendant who ought to have been joined, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

*THE SUPREME COURT RULES, 1966*

(2) No person shall be added as a plaintiff without his consent.

4. Where it appears to the Court that any cause of action joined in one suit cannot conveniently be tried or disposed of together the Court may order separate trials or make such other order as may be expedient.

5. Where it appears to the Court that any joinder of plaintiffs or defendants may embarrass or delay the trial of the suit, the Court may order separate trials or make such order as may be expedient.

ORDER XXIII

PLAINTS

1. Every suit shall be instituted by the presentation of a plaint.

2. A plaint shall be presented to the Registrar, and all plaints shall be registered and numbered by him according to the order in which they are presented.

3. Every plaint shall comply with the rules contained in Order XXVI of these rules so far as they are applicable.

4. A plaint shall contain the following particulars:-

- (a) the names of the plaintiff and of the defendant;
- (b) the facts constituting the cause of action and when it arose;
- (c) the facts showing that the Court has jurisdiction;
- (d) the declaration or relief which the plaintiff claims.

5. The plaintiff shall endorse on the plaint, or annex hereto a list of the documents (if any) which he has produced along with it and the Registrar shall sign the list if on examination he finds it to be correct.

6. The plaint shall be rejected:-

- (a) where it does not disclose a cause of action.
- (b) where the suit appears from the statement in the plaint to be barred by any law.

*THE SUPREME COURT RULES, 1966*

7. Where a plaint is rejected the Court shall record an order to that effect with the reasons for the order.

8. The rejection of the plaint shall not of itself preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

9. Where a plaintiff sues upon a document in his possession or power, he shall produce it to the Registrar when the plaint is presented and shall at the same time deliver the document or a copy thereof to be filed with the plaint.

10. Where the plaintiff relies on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

11. Where any such document is not in the possession or power of the plaintiff, he shall, if possible, state in whose possession or power it is.

12. A document which ought to be produced in Court by the plaintiff when the plaint is presented or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not without the leave of the Court, be received in evidence at the hearing of the suit.

ORDER XXIV

ISSUE AND SERVICE OF SUMMONS

1. When a suit has been duly instituted a summons shall be issued to the defendant to appear and answer the claim.

2. Every summons shall be signed by the Registrar, and shall be sealed with the seal of the Court.

3. Every summons shall be accompanied by a copy of the plaint.

4. The summons shall be served by being sent by registered post to the Attorney-General for India or the Advocate-General for the State, as the case may be, or to an advocate on record of the defendant empowered to accept service.

5. There shall be endorsed on every summons a notice requiring the defendant to enter an appearance within twenty-eight days after the summons has been served.

6. A defendant shall enter the appearance by filing in the Registry a

*THE SUPREME COURT RULES, 1966*

memorandum in writing containing the name and place of business of his advocate on record if any, and in default of appearance being entered within the time mentioned in the summons, or as hereinafter provided, the suit may be heard *ex-parte*.

7. The defendant shall forthwith give notice of his having entered an appearance to the plaintiff.

8. The plaintiff shall within fourteen days after the defendant has entered an appearance take out a summons for directions returnable before the Judge in Chambers, and the Judge shall on the hearing of the summons give such direction with respect to pleadings, interrogatories, the admission of documents and facts, the discovery, inspection and production of documents and such other interlocutory matters as he may think expedient.

ORDER XXV

WRITTEN STATEMENT, SET-OFF AND COUNTER-CLAIM

1. It shall not be sufficient for a defendant in his written statement to deny generally the facts alleged by the plaintiff but he shall deal specifically with each allegation of fact of which he does not admit the truth, except damage.

2. Where a defendant denies an allegation of fact he shall not do so evasively but shall answer the point of substance.

3. Each allegation of fact in the plaint, if not denied specifically or by necessary implication, or not expressly stated to be not admitted in the pleading of the defendant, shall be taken to be admitted, but the Court may in its discretion require any fact so admitted to be proved otherwise than by such admission.

4. Where the defendant claims to set-off against a demand by the plaintiff any ascertained sum of money, he may in his written statement, but not afterwards without the leave of the Court, state the grounds of his claim and the particulars of the debt sought to be set-off.

5. The written statement containing the particulars mentioned in rule 4 of this order shall have the same effect as a plaint in a cross suit so as to enable the Court to pronounce a final judgment in respect both of the original claim and of set-off.

6. The rules relating to a written statement by a defendant shall apply to a



*THE SUPREME COURT RULES, 1966*

written statement by a plaintiff in answer to a claim of set-off.

7. No pleading subsequent to the written statement of a defendant other than by way of defence to a set-off shall be presented except by the leave of the Court and upon such terms as the Court may think fit, but the Court may at any time require a written statement or additional written statement from any of the parties and may fix a time for presenting the same.

8. Where any party from whom a written statement is so required fails to present the same within the time fixed by the Court, the Court may pronounce judgment against him or make such orders in relation to the suit as it thinks fit.

9. The defendant, in addition to his right of pleading a set-off may set up by way of counter-claim against the claims of the plaintiff any right or claim in respect of a cause of action accruing to him either before or after the filing of the suit but before he has delivered his defence and before the time limited for delivering his defence has expired whether that counter-claim sounds in damages or not, and the counter-claim shall have the same effect as a cross-suit, so as to enable the Court to pronounce a final judgment in the same suit, both on the original claim and on the counter-claim.

10. The Court may if in its opinion the counter-claim cannot be disposed of in the pending suit or ought not to be allowed, refuse permission to the defendant to avail himself thereof, and require him to file a separate suit.

ORDER XXVI

PLEADINGS GENERALLY

1. In this Order 'pleading' means plaint or written statement.

2. Every pleading shall contain, and contain only, a statement in a concise form of the material facts on which the party pleading relies, but not the evidence by which those facts are to be proved, nor any argumentative matter, and shall be divided into paragraphs numbered consecutively.

3. Dates, sums and numbers shall be expressed in figures.

4. A further and better statement of the nature of the claim or defence, or further and better particulars of any matter stated in any pleading may in all cases be ordered, upon such terms as to costs and otherwise, as may be just.

*THE SUPREME COURT RULES, 1966*

5. Wherever the contents of any document are material, it shall be sufficient to state the effect thereof as briefly as possible, without setting out the whole or any part thereof, unless the precise words of the document or any part thereof are material.

6. Every pleading shall be signed by an advocate on record on behalf of the Attorney-General for India or by an advocate on record on behalf of the Advocate-General for the State, as the case may be.

7. The Court may at any stage of the proceeding order to be struck out or amended any matter in any pleading which may be unnecessary or scandalous or which may tend to prejudice or embarrass or delay the trial of the suit, or which contravenes any of the provisions of this Order.

8. The Court may, at any stage of the proceedings, allow either party to amend his pleading in such manner and on such terms as may be just, but only such amendments shall be made as may be necessary for the purpose of determining the real question in controversy between the parties.

9. If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order, or if no time is thereby limited then within fourteen days from the date of the order, he shall not be permitted to amend after the expiration of such limited time or of such fourteen days, as the case may be unless the time is extended by the Court.

10. Amendments of pleadings made only for the purpose of rectifying a clerical error may be made on an order of the Registrar without notice, but unless otherwise ordered a copy of the order shall be served on all other parties.

ORDER XXVII

DISCOVERY AND INSPECTION

1. Order XI of the First Schedule to the Code except rules 5 and 23 of that order, shall apply with respect to discovery and inspection in suits instituted before the Court.

2. Where the Court has made an order allowing one party to deliver interrogatories to the other, those interrogatories shall be answered by such persons as the Court may direct.

3. No application for leave to deliver interrogatories shall be made by the

*THE SUPREME COURT RULES, 1966*

defendant until after he has filed his written statement.

4. After an order has been made for the delivery of interrogatories one set of the interrogatories, as allowed, shall be annexed and served with the order upon the person to be interrogated.

5. The Court may, for sufficient reason, allow any affidavit to be sworn, on behalf of the party from whom discovery, production or inspection is sought, by any person competent to make the same.

6. Where any document is ordered to be deposited in Court a copy of the order and a schedule of the document shall be left in the Registry at the time when the deposit is made.

7. When the purpose for which any documents have been deposited in Court is satisfied, the party by whom they were deposited may, pending the suit, have them delivered out to him, if he has the consent in writing of the other party, or an order of the Court.

ORDER XXVIII

ADMISSIONS

Order XII in the First Schedule to the Code with respect to admissions shall apply in suits instituted before the Court.

ORDER XXIX

SUMMONING AND ATTENDANCE OF WITNESSES

1. The provisions of sections 28 and 32 of the Code shall apply to summons to give evidence or to produce documents under these rules.

2. Order XVI in the First Schedule to the Code with respect to the summoning and attendance of witnesses shall apply, with the exception of the proviso to sub-rule (3) of rule 10, and the words '(a) within the local limits of the Court's ordinary original jurisdiction, or (b) without such limits but' in rule 19.

*THE SUPREME COURT RULES, 1966*

ORDER XXX

ADJOURNMENTS

In suits instituted before the Court, Order XVII in the First Schedule to the Code with respect to adjournments shall, apply, with the substitution in rule 2 of the words 'in such manner as it thinks just' for the words 'in one of the modes directed in that behalf by Order IX or make such other order as it thinks fit'.

ORDER XXXI

HEARING OF THE SUIT

1. Rules 1, 2, 3, 16, 17 and 18 of Order XVIII in the First Schedule to the Code with respect to the hearing of suits and examination of witnesses shall apply in suits instituted before the Court.

2. Witnesses in attendance shall be examined orally in open Court and their evidence taken down in shorthand in the form of question and answer by such officers of the Court as may be appointed for the purpose.

3. The transcript of the shorthand note shall be signed by the officer recording the note and shall be deemed the deposition of the witness and shall form part of the record.

4. The party to any suit or matter in which the evidence has been taken in shorthand, and the witness whose evidence has been taken, shall be entitled upon payment of the prescribed fee to be furnished with a certified copy of the manuscript.

ORDER XXXII

WITHDRAWAL AND ADJUSTMENT OF SUITS

1. Rules 1, 2 and 3 of Order XXXIII in the First Schedule to the code with respect to the withdrawal and adjustment of suits shall apply in suits instituted before the Court.

2. No new suit shall be brought in respect of the same subject-matter until the terms or conditions, if any, imposed by the order permitting the withdrawal of a previous suit or giving leave to bring a new suit have been complied with.

*THE SUPREME COURT RULES, 1966*

ORDER XXXIII

PAYMENT INTO COURT

Order XXXIV in the First Schedule to the Code with respect to payment into Court shall apply in suits instituted before the Court.

ORDER XXXIV

SPECIAL CASE

Rules 1, 2 and 5 of Order XXXVI in the First Schedule to the Code with respect to procedure by way of special case shall apply in suits instituted before the Court, except the words- 'which would have jurisdiction to entertain a suit the amount or value of the subject-matter of which is the same as the amount or value of the subject-matter of the agreement' in sub-rule (1) of rule 3, the words 'claiming to be interested as plaintiff or plaintiffs' to the end of sub-rule (2) of rule 3; and the words 'and upon the judgment so pronounced a decree shall follow' in sub-rule (2) of rule 5.

PART IV

ORDER XXXV

APPLICATIONS FOR ENFORCEMENT OF FUNDAMENTAL  
RIGHTS(ARTICLE 32 OF THE CONSTITUTION)

1. (1) Every petition under article 32 of the Constitution shall be in writing and shall be heard by a Division Court of not less than five Judges provided that a petition which does not raise a substantial question of law as to the interpretation of the Constitution may be heard and decided by a Division Court of less than five Judges, and, during vacation, by the Vacation Judge sitting singly.

(2) All interlocutory and miscellaneous applications connected with a petition under article 32 of the Constitution, may be heard and decided by a Division Court of less than five Judges, and, during vacation, by the Vacation Judge sitting singly, notwithstanding that in the petition a substantial question of law as to the interpretation of the Constitution is raised.

2. No Court-fees shall be payable on petitions for habeas corpus or other

*THE SUPREME COURT RULES, 1966*

petitions under Article 32 of the Constitution arising out of criminal proceedings, or in proceedings connected with such petitions.

HABEAS CORPUS

3. A petition for a writ of habeas corpus shall be accompanied by an affidavit by the person restrained stating that the petition is made at his instance and setting out the nature and circumstances of the restraint;

Provided that where the person restrained is unable owing to the restraint to make the affidavit, the petition shall be accompanied by an affidavit to the like effect made by some other person acquainted with the facts, which shall state the reason why the person restrained is unable to make the affidavit.

The petition shall state whether the petitioner has moved the High Court concerned for similar relief and if so, with what result.

4. The petition shall be posted before the Court for preliminary hearing, and if the Court is of the opinion that a prima facie case for granting the petition is made out, rule nisi shall issue calling upon the person or persons against whom the order is sought, to appear on a day to be named therein to show cause why such order should not be made and at the same time to produce in Court the body of the person or persons alleged to be illegally or improperly detained then and there to be dealt with according to law.

5. On the return day of such rule or any day to which the hearing thereof may be adjourned, if no cause is shown or if cause is shown and disallowed, the Court shall pass an order that the person or persons improperly detained shall be set at liberty. If cause is shown and allowed, the rule shall be discharged. The order for release made by the Court, shall be a sufficient warrant to any gaoler, public official, or other person for the release of the person under restraint.

6. In disposing of any rule, the Court may in its discretion make such order for costs as it may consider just.

*THE SUPREME COURT RULES, 1966*

MANDAMUS, PROHIBITION, CERTIORARI, QUO-WARRANTO  
AND OTHER DIRECTIONS OR ORDERS

7. A petition for a direction, or order, or writ including writs in the nature of mandamus, prohibition, quo-warranto or certiorari shall set out the name and description of the petitioner, the nature of the fundamental right infringed the relief, sought and the grounds on which it is sought and shall be accompanied by an affidavit verifying the facts relied on and at least<sup>1</sup> [seven] copies of the petition and affidavit shall be lodged in the Registry. The petition shall also state whether the petitioner has moved the High Court concerned for similar relief and, if so, with what result.

8. The petition shall be posted before the Court for preliminary hearing and orders as to the issue of notice to the respondent. Upon the hearing, the Court, if satisfied that no fundamental right guaranteed by the Constitution has been infringed or that the petition is otherwise untenable, shall dismiss the petition and if not so satisfied, shall direct a rule nisi to issue to the respondent calling upon him to show cause why the order sought should not be made, and shall adjourn the hearing for the respondent to appear and be heard.

<sup>2</sup>[8A. If the Court, on preliminary hearing, orders issue of show cause notice to the Respondent, he shall be entitled to file his objections within 30 days from the date of receipt of such notice or not later than 2 weeks before the date appointed for hearing, whichever be earlier.]

9. Upon making the order for a rule nisi, the Court may, if it thinks fit, grant such ad-interim relief to the petitioner as the justice of the case may require, upon such terms if any as it may consider just and proper.

<sup>3</sup>[10. (1) Unless the Court otherwise orders, the rule nisi together with a copy of the petition and of the affidavit in support thereof shall be served on the respondent not less than twenty-one days before the returnable date. The rule shall be served on all persons directly affected and on such other persons as the Court may direct.

(2) Affidavits in opposition shall be filed in the Registry not later than four days before the returnable date and affidavits in reply shall be filed within two days of the service of the affidavit in opposition.

(3) Within four weeks of the filing of the pleadings, the petitioner shall file written

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1. Sub. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).
  2. Ins. by G.S.R. 127(E) dated 22nd February, 2006 (w.e.f. 1-3-2006).
  3. Sub. by G.S.R. 1066, dated 24th September, 1973 (w.e.f. 29-9-1973).

*THE SUPREME COURT RULES, 1966*

brief prepared in the following manner, namely:-

- (a) At the outset, the brief shall contain a short summary of the pleading essential for the decision of the points in issue. This shall ordinarily not exceed two pages;
- (b) Thereafter, the petitioner shall formulate propositions of fact and law that are proposed to be advanced at the hearing citing under each of those propositions, authorities including text books, statutory provisions, regulations, ordinances or bye-laws or orders that are desired to be relied upon. In the case of decisions, reference shall be given to official reports, if available. In the case of text books reference shall, if possible, be given to the latest edition. Where any statute, regulation, rule or ordinance or bye-law is cited or relied upon, so much thereof as may be necessary for the decision of the points in issue shall be set out.

(4) Within four weeks of the service of the petitioner's written brief on him, the contesting respondent shall file his written brief setting out briefly the grounds on the basis of which he is opposing each of the propositions formulated by the petitioner. Under each of those grounds he shall cite such authorities as he may seek to rely in the same manner as the petitioner is required to do under sub-rule (3). In his written brief, the respondent may raise objections as to the maintainability or sustainability of either the petition as a whole or any relief claimed therein in the form of propositions, supported by authorities in the manner mentioned earlier.

(5) Within one week of the receipt of the brief filed by the respondent, the petitioner may submit his reply brief which shall be concise and to the point in respect of the points raised in the respondent's brief.

(6) Copies of affidavits and briefs required to be filed under this rule shall be served on the opposite party or parties and the affidavits or brief shall not be accepted in the Registry, unless they contain an endorsement of service signed by such party or parties. Every party to the proceeding shall supply to any other party on demand and on payment of the proper charges, copies of any affidavit or brief filed by him. At least seven copies of affidavits and briefs shall be lodged in the Registry.

(7) If the Court considers any of the propositions formulated or grounds taken by any of the parties in the written briefs filed as being irrelevant or frivolous the Court may award against such party or parties such costs as the Court may



THE SUPREME COURT RULES, 1966

consider fit.

(8) At the hearing of rule *nisi*, except with the special permission of the Court, no party shall be allowed to advance any proposition or urge any ground not taken in the written briefs, nor shall be allowed to rely on any authorities (including provisions of statute, rule, bye-law, regulation or order) other than those mentioned in the briefs, unless such authorities or provisions have been published or made after the written briefs were filed into Court.

(9) At the hearing the rule *nisi*, if the Court is of the opinion that an opportunity be given to the parties to establish their respective cases by leading further evidence, the Court may take such evidence or cause such evidence to be taken in such manner as it may deem fit and proper.

(10) No party to a petition under this rule shall be entitled to be heard by the Court unless he has previously lodged his written brief in the petition.]

11. The provisions contained in rules <sup>1</sup>[1 to 10] respectively of Order XVIII relating to petitions shall, so far as may be applicable, apply to petitions under this Court.

ORDER XXXVI

APPLICATIONS FOR TRANSFER OF CRIMINAL PROCEEDING  
UNDER <sup>2</sup>[SECTION 406 OF THE CRIMINAL PROCEDURE CODE,  
1973]<sup>3</sup>[AND SECTION 11 OF THE TERRORIST AFFECTED AREAS  
(SPECIAL COURTS) ACT, 1984]

1. Every petition for transfer under <sup>2</sup>[section 406 of the Code of Criminal Procedure, 1973] <sup>3</sup>[or under section 11 of the Terrorist Affected Areas (Special Courts) Act, 1984] shall be in writing. It shall set out concisely in separate paragraphs the facts and particulars of the case, the relief sought and the grounds therefor and shall be supported by an affidavit or affirmation.

2. The petition shall be posted before the Court for preliminary hearing and

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1. Substituted by G.S.R. 407 dated 9th December, 1997 (w.e.f. 20-12-1997).
  2. Amended by G.S.R. 1697, dated 7th December, 1977 (w.e.f. 17-12-1977).
  3. Added by G.S.R. 96 (E), dated 16th February, 1987 (w.e.f. 16-2-1987).

THE SUPREME COURT RULES, 1966

orders as to issue of notice. Upon the hearing the Court, if satisfied that no *prima facie* case for transfer has been made out or that the petition is otherwise not tenable, shall dismiss the petition; and if upon such hearing the Court is satisfied that a *prima facie* case for granting the petition is made out, it shall direct that notice be issued to the respondent to show cause why the order sought for should not be made; <sup>1</sup>[such notice shall be given to the accused person where he is not the applicant, to the respondent State and to such other parties interested as the Court may think fit to direct.]

3. The notice shall be served not less than twenty-one days before the date fixed for the final hearing of the petition. Affidavits in opposition shall be filed in the Registry not later than four days before the date appointed for hearing and the affidavit in reply shall be filed not later than 2 p.m. preceding the day of the hearing of the petition. Copies of affidavits in opposition and in reply shall be served on the opposite party or parties and the affidavits shall not be accepted in the Registry unless they contain an endorsement of service signed by such party or parties.

4. Where the petition is dismissed the Court, if it is of opinion that the application was frivolous or vexatious, may order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one thousand rupees as it may consider proper in the circumstances of the case.

PART IVA

<sup>2</sup>[ORDER XXXVIA

APPLICATIONS FOR TRANSFER UNDER CLAUSE (1) OF ARTICLE  
139A (1) OF THE CONSTITUTION

1. Every application under Article 139A (1) of the Constitution shall be in writing. It shall set out concisely in separate paragraphs, the facts and particulars of the cases, pending before the Supreme Court and one or more High Courts or as the case may be, before two or more High Courts, the names and addresses of the parties, the questions of law involved and a statement that the same or substantially the same questions of law are involved in all the cases and that such questions are

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1. Amended by G.S.R. 387, dated 13th March, 1978 (w.e.f. 18-3-1978).
  2. Ins. by G.S.R. 1024, dated 9th August, 1978 (w.e.f. 19-8-1978).

*THE SUPREME COURT RULES, 1966*

substantial questions of general importance. <sup>1</sup>[In the case of an application made by the Attorney-General no affidavit shall be necessary in support thereof but it shall be accompanied by a certificate of the advocate on record to the effect that such questions are substantial questions of general importance in terms of clause (1) of article 139A of the Constitution, and in the case of an application made by a party to a case it shall be accompanied by an affidavit in support thereof and also by a certificate as aforesaid.] The petition shall be made on a Court-fee stamp of the value of rupees ten.

2. The application shall be posted before the Court for preliminary hearing and orders as to issue of notice. If upon such hearing, the Court is satisfied that a *prima facie* case for granting the application is made out, it shall direct that notice be issued to the parties in the case concerned to show cause why the cases be not withdrawn. A copy of the order shall be transmitted to the High Courts concerned which shall report within four weeks the stages at which the concerned cases stand in the High Courts.

3. The notice shall be served through the High Court not less than six weeks before the date fixed for the final hearing of the application. Affidavits by the parties shall be filed in the Registry not later than two weeks before the date appointed for hearing and the affidavit in reply by the Attorney-General shall be filed not later than two days preceding the day of the hearing of the application. Copies of affidavits shall be served on the parties and the Attorney-General and the affidavits shall not be accepted in the Registry unless they contain an endorsement of service.

4. After hearing the Attorney-General and the parties, if the Court is satisfied that a case for granting the application has been made out, it shall require the High Court to transfer the case to this Court for its decision after it is ripe for hearing. The order will be transmitted to the High Court with utmost expedition.

<sup>2</sup>[5.(1) On transfer, the case shall be registered in the Court as Transferred Case.

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1. Subs. by G.S.R. 506, dated 21st May, 1981 (w.e.f. 30-5-1981).

2. Subs. by G.S.R. 821, dated 22nd September, 1987 (w.e.f. 7-11-1987).

*THE SUPREME COURT RULES, 1966*

(2) The Registrar of the High Court shall have the record of the transferred case prepared and printed in accordance with the First Schedule to the Rules and transmit, within six months from the date of the order of the transfer, twenty copies of the said printed record, one copy of which shall be duly authenticated by him.

(3) Where the Court has ordered the transfer of the case at the instance of a party, the record abovesaid shall be prepared at the cost of such party.

(4) Where the Court has directed the transfer of the case upon the application by the Union of India or the State Government, the record abovesaid shall be prepared at the cost of the Government of India or the State concerned, as the case may be.

(5) Where the Court has directed the transfer of a case on its own motion, the record shall be prepared in accordance with the rules of the High Court or subject to the directions of the Court, if any, regarding the cost thereof:

Provided, however, that where the record has been printed for the purpose of the case before the High Court and sufficient number of copies of the said printed record are available, the same shall be sent to the Court and no fresh printing of the record shall be necessary, except, however, such additional papers as may be required.

(6) The Registrar of the High Court shall give notice to the parties to the transferred case regarding the transmission of the printed record to the Court simultaneously with such transmission of the printed record.

(7) Where in a case, the Court directs that the original record be sent for and the case record, prepared in the Court, the record shall be prepared under the supervision of the Registrar of the Court, and in accordance with the provisions of rules 15 to 18 of Order XV and the First Schedule to the Rules, the cost of the preparation of the record being borne as per the sub-rules (3), (4) and (5) of rule 5 of this Order, and as soon as the index of the record is settled, the Registrar of the Court shall cause an estimate of the cost of the preparation of the record to be prepared and served upon the party who is to bear the cost as per the sub-rule abovesaid and require the said party to deposit the said amount of cost within 30 days of the service of the estimate. The said party may deposit the amount of estimate in lump sum or in such installments as the Registrar may prescribe.]

6. The parties shall enter appearance in this Court in the Transferred Cases within 30 days of the service on them of such notice of transmission of the record

*THE SUPREME COURT RULES, 1966*

unless they have already entered their appearance at an earlier stage.

7. Within sixty days of the receipt of the said notice regarding the dispatch of the record to this Court, the petitioner/appellant/plaintiff shall file his written brief prepared in the following manner, namely:

- (1) At the outset the brief shall contain a short summary of the facts essential for the decision of the questions in issue.
- (2) Thereafter, it shall contain propositions of law that are proposed to be advanced at the hearing, citing under each of those propositions, authorities including text books, statutory provisions, regulations, rules or Ordinances or bye-laws or orders that are desired to be relied upon. In the case of decisions, reference shall be given to official reports, if available. In the case of text books reference shall, if possible, be given to the latest edition. Where any statute, Regulation, Rule or Ordinance or bye-law is cited or relied upon so much thereof as may be necessary for the decision of the questions in issue shall be set out. A list of the dates of the relevant events leading upto and concerning the litigation, in chronological order shall also be given at the end of the brief.
- (3) Within four weeks of the service of the written brief, the respondent/defendant shall file his written brief setting out briefly the grounds on the basis of which he is opposing each of the propositions of the Petitioner/Appellant/Plaintiff. Under each of those grounds, he shall cite such authorities as he may seek to rely on in the same manner as is required under sub-rule (2).
- (4) Copies of the briefs shall be served by such parties on the Attorney-General for India, and the Advocate-General for the State, where necessary, and he may file his written brief within four weeks of such service.
- (5) Within one week of the receipt of the brief filed by the respondent/defendant/Attorney-General/Advocate-General, the petitioner/Appellant/plaintiff may submit his reply brief which shall be concise and to the point.
- (6) Copies of the briefs required to be filed shall be served on the opposite party or parties and briefs shall not be accepted in the

*THE SUPREME COURT RULES, 1966*

Registry unless they contain an endorsement of service signed by such party or parties. Every party to the proceeding shall supply to any other party, on demand and on payment of the proper charges, copies of any briefs filed by him. At least fifteen copies of the written briefs shall be lodged in the Registry.

- (7) At the hearing of the reference, except with the special permission of the Court, no party shall be allowed to advance any proposition or urge any ground not taken in the written briefs nor shall he be allowed to rely on any authorities (including provisions of statute, Ordinance, rule, bye-law, regulation or order) other than those mentioned in the briefs unless such authorities or provisions have been published or made after the written briefs were filed in Court.
- (8) No party to the Transferred Case shall be entitled to be heard by the Court unless he has previously lodged his written brief.

8. The Transferred Cases shall thereafter be listed for final hearing before the Court.

9. The Court may pass such orders as to costs as it may deem proper.

10. Save as otherwise provided by the rules contained in this Order, the provisions of other Orders shall, so far as may be, apply to a Transferred Case under this Order.]

<sup>1</sup>[ORDER XXXVIB

APPLICATIONS FOR TRANSFER UNDER ARTICLE 139A(2) OF  
THE CONSTITUTION AND SECTION 25 OF THE CODE OF CIVIL  
PROCEDURE, 1908

1. Every petition under article 139A(2) of the Constitution or section 25 of the Code of Civil Procedure, 1908, shall be in writing. It shall state succinctly and clearly all relevant facts and particulars of the case, the name of the High Court or other Civil Court in which the case is pending and the grounds on which the transfer is sought. The petition shall be supported by an affidavit.

2. The petition shall be made on a Court-fee stamp of the value of rupees ten.

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1. Ins. by G.S.R. 1024, dated 9th August, 1978 (w.e.f. 19-8-1978).

*THE SUPREME COURT RULES, 1966*

3. The petition shall be posted before the Court for preliminary hearing and orders as to issue of notice. Upon such hearing the Court, if satisfied that no *prima facie* case for transfer has been made out, shall dismiss the petition and if upon such hearing the Court is satisfied that a *prima facie* case for granting the petition is made out, it shall direct that notice be issued to the parties in the case concerned to show cause why the case be not transferred. A copy of the Order shall be transmitted to the High Court concerned.

4. The notice shall be served not less than four weeks before the date fixed for the final hearing of the petition. Affidavits in opposition shall be filed in the Registry not later than one week before the date appointed for hearing and the affidavit in reply shall be filed not later than two days preceding the day of the hearing of the petition. Copies of affidavits in opposition and in reply shall be served on the opposite party or parties and the affidavits shall not be accepted in the Registry unless they contain an endorsement of service signed by such party or parties.

5. The petition shall thereafter be listed for final hearing before the Court.

6. Save as otherwise provided by the rules contained in this Order the provisions of other orders (including Order XLIII) shall, so far as may be, apply to petition under this Order.]

PART V

ORDER XXXVII

SPECIAL REFERENCE UNDER ARTICLE 143 OF THE  
CONSTITUTION

1. On the receipt by the Registrar of the Order of the President referring a question of law or fact to the Court under article 143 of the Constitution the Registrar shall give notice to the Attorney-General for India to appear before the Court on a day specified in the notice to take the directions of the Court as to the parties who shall be served with notice of such reference, and the Court may, if it considers it desirable, order that notice of such reference, shall be served upon such parties as may be named in the order.

2. Subject to the directions of the Court the notice shall require all such parties served therewith as desired to be heard at the hearing of the reference to attend

*THE SUPREME COURT RULES, 1966*

before the Court on the day fixed by the order to take the directions of the Court with respect to statements of facts and arguments and with respect, to the date of the hearing.

3. Subject to the provisions of this Order, on a reference under article 143 of the Constitution, the Court shall follow as nearly as may be the same procedure as is followed in proceedings before the Court in the exercise of its original jurisdiction, but with such variations as may appear to the Court to be appropriate and as the Court may direct.

4. After the hearing of the reference under article 143 of the Constitution the Registrar shall transmit to the President the report of the Court thereon.

5. The Court may make such order as it thinks fit as to the costs of all parties served with notice under these rules and appearing at the hearing of the reference under article 143 of the Constitution.

PART VI

ORDER XXXVIII

REFERENCE UNDER ARTICLE 317(1) OF THE CONSTITUTION

1. On receipt by the Registrar of the order of the President referring to the Court a case for inquiry under article 317(1) of the Constitution, the Registrar shall give notice to the Chairman or Member of the Public Service Commission concerned and to the Attorney-General for India or the Advocate-General of the particular State to appear before the Court on a day specified in the notice to take the directions of the Court in the matter of the inquiry. A copy of the charges preferred against him shall be furnished to the respondent along with the notice.

2. The Court may summon such witnesses as it considers necessary.

3. After the hearing of the reference under article 317(1) of the Constitution, the Registrar shall transmit to the President the Report of the Court.

4. No Court-fees or process fees shall be payable in connection with any reference dealt with by the Court under this Order.



*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[PART VIA

ORDER XXXVIII-A

REFERENCE UNDER SECTION 257 OF THE INCOME-TAX ACT,  
1961

1. A reference under section 257 of the Income-tax Act, 1961, shall be forwarded to the Registrar of the Supreme Court.

2. On receipt of such reference, the reference shall be numbered as "Tax Reference Case No. ....of 19 ". No Court-fee shall be payable on such reference.

3. The reference shall be in the form of a statement of case containing numbered paragraphs setting out all relevant facts and proceedings, which have a bearing on the question or questions raised in chronological order with relevant dates. It shall contain an account of the conflict in the decisions of the High Courts which necessitate the Reference.

4. The Income Tax Appellate Tribunal shall, together with the reference through the President, submit the following documents:-

- (i) A copy of the order of the Income Tax Officer;
- (ii) Memorandum of appeal to the Appellate Assistant Commissioner;
- (iii) A copy of the order of the Appellate Assistant Commissioner;
- (iv) Memorandum of appeal to the Appellate Tribunal;
- (v) A copy of the order of the Income Tax Appellate Tribunal under section 254 of the Income-tax Act, 1961;
- (vi) A copy of the application for reference under section 256 of the Income-Tax Act, 1961;
- (vii) Such other documents, as in the opinion of the Income Tax Appellate Tribunal, may be required by the Supreme Court at the hearing of the reference.

5. The Income Tax Appellate Tribunal shall together with the reference prepare

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1. Ins. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).

*THE SUPREME COURT RULES, 1966*

and transmit through its President at the expense of the party who moved the application under section 256 of the Income-tax Act, 1961, along with the order of Reference, three copies of the transcript in English of the documents mentioned in rule 4, one of which shall be duly authenticated.

6. When the Income Tax Appellate Tribunal refers a case to the Supreme Court and transmits the transcript record of the said reference, it shall give notice of that fact to the parties, calling upon them to take such steps in the Supreme Court as may be necessary for bringing the reference to a final hearing and certify to the Registrar of the Court, the date or dates of service of notice.

7. The parties to the reference under section 256 of the Income Tax Act, 1961, shall, within 30 days of the service of the notice referred to in rule 6, enter appearance in this Court and take further steps for bringing the reference to a final hearing.

8. Upon receipt from the Income Tax Appellate Tribunal of the English transcript of the record as aforesaid, the Registrar of the Court shall require the party, who moved the application under section 256 of the Income Tax Act, 1961, to deposit the charges for printing the said record within such time as he may prescribe, but not exceeding 30 days and with all convenient speed arrange for preparation thereof.

9. The rules contained in Order XV, shall apply mutatis mutandis to such References with regard to the preparation of record and authentication thereof.

10. Upon the receipt of the reference along with the documents mentioned in rule 4, the Registrar shall lay the matter before the Chief Justice of India who shall appoint a bench of not less than three judges to hear the reference.

11. Unless otherwise ordered by the Court, costs shall be taxed by the Taxing Officer under the provisions of Second Schedule to these rules as may be applicable.

12. A copy of the order made by the Court hearing the reference, shall be sent forthwith to the Income Tax Appellate Tribunal under the Seal of the Court and the signature of the Registrar.

13. Save as otherwise provided by the rules contained in this Order, the provisions of other rules (including the rules relating to appearance of Advocates, but excluding rules 7, 35, 36 and 37 of Order XV) shall so far as may be, apply to references under section 257 of the Income-tax Act, 1961.]

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[PART VIB

ORDER XXXVIII-B

REFERENCE UNDER SECTION 7(2) OF THE MONOPOLIES AND  
RESTRICTIVE TRADE PRACTICES ACT, 1969 (54 OF 1969)

1. A reference under sub-section (2) of section 7 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) shall be forwarded to the Registrar of the Supreme Court.

2. (1) The reference shall contain inter alia all the relevant facts of the case, definite charges against the member and the statement of grounds on which each such charge is based.

(2) The Central Government shall together with the reference transmit seven copies thereof and eight copies of transcript in English of the documents relating to the grounds on which the removal of the member is sought, one of which shall be duly authenticated.

3. On receipt of such reference, it shall be registered in the Register maintained for the purpose and numbered as "Reference No. ....of 19 .....under Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969)". No Court-fee shall be payable on such reference.

4. (1) As soon as the reference is registered and numbered the Registrar shall give notice to the member concerned calling upon him within four weeks from the date of service of notice on him to put in a written statement of his defence together with seven copies thereof and to state whether he desires to be heard in person. A copy of the documents mentioned in rule 2 shall be enclosed with the notice.

(2) Notice stating the date fixed for filing written statement by the member shall be given to the Attorney-General for India and the Central Government.

5. (1) After the written statement is received from the member or if no such written statement is received within the time allowed, the Court shall fix a date for the inquiry.

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1. Ins. by G.S.R. 73, dated 7th January, 1971 (w.e.f. 16-1-1971).

*THE SUPREME COURT RULES, 1966*

(2) If the member does not appear on the date fixed for inquiry, the Court may proceed with the inquiry in the absence of the member.

(3) At the inquiry, the oral and documentary evidence as the case may be, in support of the grounds on which the removal of the member is sought, shall be exhibited. The member shall be entitled to cross-examine the witnesses.

(4) The evidence for the defence shall then be exhibited and the witnesses examined who shall be liable to cross examination by the prosecution.

(5) The provisions of Order XXXI shall, as far as may be, apply to the recording of evidence.

6. The member shall have a right to be defended by a legal practitioner of his choice.

7. Every witness who is summoned to give evidence or to produce a document or thing before the Court shall be paid travelling and daily allowances at such rates as the Court may fix.

8. (1) After the close of the inquiry, the Court shall make an order at once or on such other day as may be fixed by it.

(2) The Court may pass such orders as to costs as it may deem proper.

9. After the order of the Court has been announced, the Registrar shall send a copy thereof to the Central Government.

10. Save as otherwise provided by the rules contained in this order, the provisions of other Orders shall, so far as may be, apply to references under sub-section (2) of section 7 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969).]

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[ORDER XXXVIII-C

REFERENCE UNDER SECTION 130A OF THE CUSTOMS ACT, 1962  
(52 OF 1962), SECTION 35H OF THE CENTRAL EXCISES AND  
SALT ACT, 1944 (1 OF 1944), AND SECTION 82C OF THE GOLD  
(CONTROL) ACT, 1968 (45 OF 1968)

1. Rules 1 to 13 of Order XXXVIII-A of the rules relating to 'Reference under section 257 of the Income Tax Act, 1961, shall, with necessary modifications and adaptations, apply to reference under this Order'.]

<sup>2</sup>[ORDER XXXVIII-D

REFERENCE UNDER SUB-SECTION (2) OF SECTION 7 OF THE  
SICK INDUSTRIAL COMPANIES (SPECIAL PROVISIONS) ACT,  
1985 (1 OF 1986)

Rule 1 to 10 of Order XXXVIII-B of the Rules relating to "Reference under Section 7(2) of the Monopolies and Restrictive Trade Practices Act, 1969 shall, with necessary modifications and adaptations, apply to reference under this order".]

PART VII

ORDER XXXIX

ELECTION PETITIONS UNDER PART III OF THE PRESIDENTIAL  
AND VICE-PRESIDENTIAL ELECTIONS ACT, 1952 (31 OF 1952)

1. In this Order, unless the context or subject-matter otherwise requires:-

- (a) 'the Act' means the Presidential and Vice-Presidential Elections Act, 1952;
- (b) the words defined in sections 2 and 13 of the Act shall have the respective meanings assigned to them by those sections.

2. An application calling in question an election shall only be by a petition made and presented in accordance with the provisions of this Order.

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- 1. Ins. by G.S.R. 322, dated 14th April, 1983 (w.e.f. 23-4-1983).
  - 2. Ins. by G.S.R. 307, dated 1st August, 2000 (w.e.f. 12.8.2000).

*THE SUPREME COURT RULES, 1966*

3. The petition shall be made on a Court-fee stamp of the value of rupees two hundred and fifty and shall be signed by the petitioner, or all the petitioners, if there are more than one, or by a duly authorised advocate on record of the Court, on his or their behalf.

4. The petition shall be divided into paragraphs, numbered consecutively, each paragraph being confined to a distinct portion of the subject, and shall be printed or typed legibly on one side of standard petition-paper, demy-foolscap size,<sup>1</sup> [or of the size of 29.7 c.m. x 21 c.m.] or on paper of equally superior quality.

5. The petition shall state the right of the petitioner under the Act to petition the Court and briefly set forth the facts and grounds relied on by him to sustain the relief or reliefs claimed by him.

6. The allegations of fact contained in the petition shall be verified by an affidavit to be made personally by the petitioner or by one of the petitioners, if more than one:

Provided that where the petitioner is unable to make such affidavit by reason of absence, illness or other sufficient cause it may with the sanction of the Judge in Chambers to be given at the time of the presentation of the petition, be made by any person duly authorised by the petitioner and competent to make the same.

<sup>2</sup>[7. A petition calling in question an election may be presented on one or more of the grounds specified in sub-section (1) of section 18 and section 19 of the Act, by any candidate at such election, or

- (i) in the case of Presidential election, by twenty or more electors joined together as petitioners;
- (ii) in the case of Vice-Presidential election, by twenty or more electors joined together as petitioners.]

<sup>3</sup>[7A. Every petition calling in question an election shall bear a certificate from an Advocate designated as Senior Advocate to the effect that the petition discloses one or more substantial questions for challenging the election of the President or the Vice-President as the case may be.]

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1. Ins. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).

2. Subs. by G.S.R. 1350, dated 11th December, 1974 (w.e.f.21-12-1974).

3. Ins. by G.S.R. 407, dated 9th December, 1997 (w.e.f. 20-12-1997).

*THE SUPREME COURT RULES, 1966*

8. Where the petitioner claims a declaration under clause (a) of section 16 of the Act, he shall implead the returned candidate as the respondent, and where he claims a declaration under clause (b) of the said section, he shall implead as respondents all candidates, other than himself, duly nominated at the election.

9. The petition may be presented at any time after the date of publication of the declaration containing the name of the returned candidate at the election under Section 12 of the Act, but not later than thirty days from the date of such publication.

10. The presentation of the petition shall be made by delivering it to the Registrar of the Court in his Chambers in the Court House, unless it is presented before the Judge in Chambers under rule 6.

11. The petitioner shall also lodge, along with the petition, at least twelve copies of the petition and of all documents which accompany it.

<sup>1</sup>[12. Upon the presentation of the petition, the petitioner, shall deposit a sum of Rupees Twenty thousand in cash/by bank draft with the Registrar or officer nominated by him as Security for the payment of all costs that may become payable by the petitioner.]

<sup>2</sup>[12A. The petitioner presenting a petition shall be represented by an advocate and in case it is so necessary the Court may direct that legal aid be provided to the petitioner.]

<sup>2</sup>[13. Upon presentation of a petition the same shall be posted before a bench of the Court consisting of five Judges for preliminary hearing and orders for service of the petition and advertisement thereof as the Court may think proper and also appoint a time for hearing of the petition. Upon preliminary hearing, the Court, if satisfied, that the petition does not deserve regular hearing as contemplated in Rule 20 of this Order may dismiss the petition or pass any appropriate order as the Court may deem fit.]

14. Unless otherwise ordered, the notice of the presentation of the petition, accompanied by a copy of the petition, shall within five days of the presentation thereof or within such further time as the Court may allow, be served by the petitioner or his advocate on record on the respondent or respondents, the

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1. Rule 12 deleted by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983) and Ins. by G.S.R. 407, dated 9th December, 1997 (w.e.f. 20-12-1997).
  2. Ins. & Subs. by G.S.R. 407 dated 9th December, 1997 (w.e.f. 20-12-1997).

*THE SUPREME COURT RULES, 1966*

Secretary to the Election Commission, the Returning Officer and the Attorney-General for India. Such service shall be effected personally or by registered post, as the Court or Registrar may direct. Immediately after such service the petitioner or his advocate on record shall file with the Registrar an affidavit of the time and manner of such service.

15. Unless dispensed with by the Judge in Chambers or the Registrar, as the case may be, notice of the presentation of the petition shall be published in the Official Gazette and also advertised in newspapers at the expense of the petitioner or petitioners, fourteen clear days before the date appointed for the hearing thereof in such manner as the Court or the Registrar may direct.

16. Every elector shall on payment of the usual fees, be entitled within twenty-four hours after such payment, to be furnished by the petitioner or his advocate on record with a copy of the petition and of the affidavit in verification thereof and shall also be entitled upon payment of the prescribed fees to obtain copies from the Court.

17. A person on whom the notice of the presentation of the petition has been served or any other candidate or an elector who intends to appear on the hearing of the petition shall leave with, or send by registered post to, the petitioner or his advocate on record, notice of such intention signed by him or his advocate on record, if any. Such notice shall be served or if sent by registered post, shall be posted in time to reach the addressee not later than two clear days before the day appointed for the hearing of the petition. No person who has failed to comply with this rule shall be allowed to appear on the hearing of the petition without the leave of the Court.

18. An affidavit intended to be used by a person other than the petitioner either in support of the petition or in opposition to the same shall be filed not less than five days before the date fixed for the hearing thereof and notice of the filing thereof shall be given to the petitioner or his advocate on record on the day on which the affidavit is filed. If any person fails to comply with this rule the affidavit, unless the Court otherwise directs, shall not be used at the hearing of the petition.

19. An affidavit intended to be used in reply to an affidavit filed in opposition to, or in support of the petition shall be filed not less than two days before the date fixed for the hearing of the petition. Notice of such filing shall be given forthwith to the person by whom the affidavit in opposition to, or in support of the petition, as the case may be, was filed or to his advocate on record.



*THE SUPREME COURT RULES, 1966*

20. Every petition calling in question an election shall be posted before and be heard and disposed of by a Bench of the Court consisting of not less than five Judges.

21. The petition shall not be withdrawn, save with the leave of the Court to be obtained upon application made for the purpose by notice of motion.

22. Where there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners given in writing.

23. An application for leave to withdraw a petition which has been advertised in accordance with the provisions of rule 15 shall not be heard at any time before the date fixed in the advertisement for the hearing of the petition.

24. No application for withdrawal shall be granted if in the opinion of the Court such application has been induced by any extraneous or improper bargain or consideration.

25. When a petitioner applies for leave to withdraw his petition or asks that it be dismissed or that the hearing thereof be adjourned without mentioning sufficient cause or fails to appear in support thereof or if appearing does not apply for an order in terms thereof or if for any other sufficient reason the Court thinks so to do, the Court may, upon such terms as it thinks just, make an order permitting the petitioner to withdraw or striking off the petitioner from the petition and may, upon such terms as it thinks just, substitute as petitioner any other candidate or any other elector or body of electors who in its opinion would have a right to present a petition and is desirous of prosecuting the petition already admitted.

26. If no order for substitution of a new petitioner or petitioners be made by the Court under the rules but the Court only permits the withdrawal of the petition, or strikes off the petitioner or petitioners from the petition, notice of the order of withdrawal of the petition or striking off the petitioner or petitioners shall be published by the Registrar in the Official Gazette and in the newspapers in which the original petition had been advertised under rule 15 and the Court may, on the application made within fourteen days of the publication of such notice in the Official Gazette by any other candidate or <sup>1</sup>[in the case of Presidential election, another twenty electors, and in the case of Vice- Presidential election another ten electors who might himself or themselves have been a petitioner or petitioners make an order upon such

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1. Ins. by G.S.R. 1350 dated 11th December, 1974 (w.e.f. 21-12-1974).

*THE SUPREME COURT RULES, 1966*

terms as it thinks fit, substituting such petitioner or] petitioners in place of the petitioner or petitioners withdrawing or not appearing at the hearing or not proceeding with the petition. If no such application is made within the time aforesaid or, if made, the Court does not think fit to grant the same, the original petition shall stand dismissed.

27. Where the Court allows a candidate or any elector or body of electors to be substituted as petitioner or petitioners under rule 25 or rule 26, the Court shall appoint a date for the hearing of the petition and such substituted petitioner or petitioners shall within seven days from the making of the order file a clean copy of the petition with such consequential amendments as may be necessary by reason of the order of substitution therein and shall also file an affidavit verifying such amendments. The amended petition shall be treated as the petition for calling in question the election.

<sup>1</sup>[28. Upon hearing the application for withdrawal or at the time of making an order for substitution, the Court may, if it thinks fit, by order direct that the amount deposited by the original petitioner or petitioners as security from the costs of the respondent be applied in payment of the costs incurred by him up to the date of the substitution of the new petitioner or petitioners, so far as it may be necessary, and the balance. If any, shall be refunded to the original petitioner or petitioners within seven days from the date of the order of substitution or such further time as the Court may allow.]

<sup>1</sup>[29. Unless otherwise ordered by the Court, the substituted petitioner or petitioners shall deposit with the Registrar a sum of Rupees Twenty thousand as and by way of security for the costs of the respondents.]

30. An election petition shall abate by the death of a sole petitioner or in case of several petitioners on the death of the survivor of them:

Provided that there shall be no abatement after the hearing of the petition has been concluded.

<sup>1</sup>[31. The abatement of a petition shall not affect the liability of the amount deposited by the petitioner as security for costs or the estate of the petitioner or petitioners for the payment of costs previously incurred.]

32. On the abatement of a petition under rule 30, notice of such abatement

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1. Rule 28, 29 and 31 deleted by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983) and Ins. by G.S.R. 407, dated 9th December, 1997 (w.e.f. 20-12-1997).

*THE SUPREME COURT RULES, 1966*

having taken place shall be published by the Registrar in the Official Gazette and the newspapers in which the original petition had been advertised and the Court may on the application made within fourteen days of the publication of such notice in the Official Gazette by any other candidate or body of electors who might have been a petitioner or petitioners as the case may be make an order, upon such terms as it thinks fit, substituting him or them in the place of the original petitioner or petitioners and the procedure prescribed in rule 27 and the provisions of rule 29 shall apply in relation to the substituted petitioner or petitioners.

33. If before the conclusion of the hearing of an election petition any contesting respondent dies or gives notice that he does not intend to oppose the petition and there is no other respondent who is opposing the petition, the Registrar shall cause a notice of such facts to be published in the Official Gazette and the newspapers in which the original petition had been advertised and any candidate or <sup>1</sup>[in the case of Presidential election, twenty electors, and in the case of Vice-Presidential election, ten electors who might have been a petitioner] or petitioners may, within fourteen days after such publication, apply to be substituted in the place of the respondent dying or not proceeding with his opposition to oppose the petition and the Court may make such order upon such terms as it thinks fit.

34. Subject to the provisions of this Order or any special order or directions of the Court, the procedure on an election petition shall follow, as nearly as may be, the procedure in proceedings before the Court in the exercise of its original jurisdiction.

35. At the conclusion of the hearing of the election petition, the Court shall make an order at once or on some future day of which due notice shall be given by the Registrar to all persons who appeared at the hearing of the petition.

<sup>1</sup>[35A. Soon after the conclusion of the hearing of the petition, the Registrar shall submit a statement to the Court showing the Court-fees and other expenses incurred by each party to the petition and the total number of days of hearing of the petition.

35B. At the time of passing the final order under rule 35, the Court shall also make an order fixing the total amount of costs payable and shall further direct by and to whom the said costs shall be paid.]

36. After the order of the Court has been announced, the Registrar shall send

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1. Ins. by G.S.R. 1350, dated 11th December, 1974 (w.e.f. 21-12-1974).

*THE SUPREME COURT RULES, 1966*

a copy thereof to the Central Government for publication in the Official Gazette.

PART VIII

ORDER XL

REVIEW

1. The Court may review its judgment or order, but no application for review will be entertained in a civil proceeding except on the ground mentioned in Order XLVII, rule I of the Code, and in a criminal proceeding except on the ground of an error apparent on the face of the record.

<sup>1</sup>[2. An application for review shall be by a petition, and shall be filed within thirty days from the date of the judgment or order sought to be reviewed. It shall set out clearly the grounds for review.]

<sup>2</sup>{3. <sup>3</sup>[ Unless otherwise ordered by the Court] an application for review shall be disposed of by circulation without any oral arguments, but the petitioner may supplement his petition by additional written arguments. The Court may either dismiss the petition or direct notice to the opposite party. An application for review shall as far as practicable be circulated to the same Judge or Bench of Judges that delivered the judgment or order sought to be reviewed.}

4. Where on an application for review the Court reverses or modifies its former decision in the case on the ground of mistake of law or fact, the Court, may, if it thinks fit in the interests of justice to do so, direct the refund to the petitioner of the court-fee paid on the application in whole or in part, as it may think fit.

<sup>2</sup>[5. Where an application for review of any judgment and order has been made and disposed of, no further application for review shall be entertained in the same matter.]

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1. Amended by G.S.R. 387, dated 13th March, 1978 (w.e.f. 18-3-1978).
  2. Subs. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968) and again Subs. and Ins. by G.S.R. 387, dated 13th March, 1978 (w.e.f. 18-3-1978).
  3. Added by G.S.R. 1024, dated 9th August, 1978 (w.e.f. 19-8-1978).

*THE SUPREME COURT RULES, 1966*

PART IX

ORDER XLI

COSTS

1. Subject to the provisions of any Statute or of these rules, the costs of and incidental to all proceedings, shall be in the discretion of the Court. Unless the Court otherwise orders an intervener shall not be entitled to costs.

2. Where it appears that the hearing of any suit or matter cannot conveniently proceed by reason of the advocate on record of any party having neglected to attend personally or by some proper person on his behalf, or having omitted to deliver any paper necessary for the use of the Court which are in his possession and which according to the practice ought to have been delivered, the advocate on record shall personally pay to all or any of the parties such costs as the Court may think fit to award.

3. Where in any proceeding, costs are awarded to any party, the Court may direct the payment of a sum in gross in lieu of taxed costs and may further direct by and to whom the said sum shall be paid.

ORDER XLII

TAXATION

1. The Registrar, or such other officer as the Chief Justice may appoint for the purpose, shall be the Taxing Officer of the Court.

2. The Taxing Officer shall allow all such costs, charges and expenses as appear to him to have been necessary or proper for the attainment of justice or for defending the rights of any party, and shall not allow any costs, charges and expenses which appear to him to have been incurred or increased unnecessarily or through negligence or mistake.

3. Where in the opinion of the Taxing Officer a fee ought to be allowed for any matter not provided for in these rules or a question arises in taxation on which he considers it necessary to obtain the directions of the Chamber Judge, the Taxing Officer may refer such matter to the Chamber Judge for orders.

4. Where the Taxing Officer is of opinion that any costs have been injuriously or unnecessarily occasioned by the negligence or improper conduct of any advocate

*THE SUPREME COURT RULES, 1966*

on record, he shall not allow any charge for the same without the leave of the Court.

5. The Taxing Officer shall without delay bring to the notice of the Chamber Judge any wrong charge which appears to him to have been wilfully made in any bill of costs.

6. Every bill of costs lodged for taxation between party and party shall contain a certificate from the advocate lodging the same that the fee paid to him by his client or agreed to be paid to him is not less than the amount of fee claimed by him in the bill.

7. Every bill of costs shall be properly dated throughout and shall show in a column for the purpose the money paid out of pocket.

8. Every bill of costs shall be certified by the signature of the advocate on record in the case.

9. The fee for taxation and registration of every bill of costs shall be paid in Court-fee stamps when the bill is lodged for taxation.

10. Every bill of costs shall, wherever possible, be accompanied by vouchers, and every item of disbursement and the cause thereof shall be distinctly specified, and no payment out of pockets shall be allowed except on production of the necessary voucher, or in the case of advocate's fee, without the signature of the advocate that the fee has been paid, or agreed to be paid.

11. Within eight weeks from the date of the judgment or order awarding costs, or within such further time not exceeding four weeks as the Taxing Officer may for good cause allow, the party to whom the costs have been awarded shall lodge in the Registry the bill of costs and vouchers. He shall also serve on the opposite party a copy of the bill of costs and file in the Registry proof of such service. The Taxing Officer shall fix a date for the taxation of the bill and shall notify the parties of the date fixed.

12. A bill of costs presented out of time shall be returned to the party and the Taxing Officer shall not receive or tax the same except by order of the Chamber Judge.

13. Except as otherwise provided in these rules or by any law for the time being in force, the fees set out in the Second and Fourth Schedules to these rules may be allowed to advocates and officers of Court respectively.

*THE SUPREME COURT RULES, 1966*

14. No retaining fee to an advocate shall be allowed on taxation as between party and party.

15. Where an advocate appears for different parties in the same suit, appeal or matter only one set of fees shall be allowed unless the Court otherwise orders.

16. Where two or more appeals arising out of a single proceeding are heard together and costs are awarded in both or all of them, only one set of advocate's fee shall be allowed for the hearing, unless the Court or the Chamber Judge otherwise directs.

17. In defended appeals, suits and references under article 143 and 317 (1) of the Constitution, the first day's hearing fee shall be allowed in full, for the first four and a half hours of the hearing or part thereof, in accordance with the Schedule subject to the provisions contained in rules 19 and 20.

<sup>1</sup>[18. No refresher shall be allowed unless the hearing has lasted for more than two days i.e. nine hours, and the Taxing Officer shall have discretion to reduce the refresher or to allow a refresher having regard to the duration of the hearing after the first nine hours.

Provided that when a matter is adjourned without any arguments on merits, no fee shall be charged for that day.]

19. Where the hearing of a part-heard case is held up on account of the Court being occupied with any miscellaneous matters, the time taken in the hearing of such miscellaneous matters shall be taken into consideration by the Taxing Officer for the purposes of a refresher.

20. In cases involving less than twenty thousand rupees in value the Taxing Officer shall have discretion to reduce the fees, including the first day's hearing fee and the 'acting fee' suitably according to the nature of the case.

21. Where an appeal is compromised prior to its being set down for hearing the fees to be allowed to advocate under item 1 of Part I of the Schedule II shall be half the amounts specified therein subject to the terms of the compromise.

22. The fees provided in items 3 to 8 of Part I of the Second Schedule shall be subject to reduction in the discretion of the Taxing Officer according to the nature of the case.

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1. Subs. by G.S.R. 409, dated 3rd July, 1990 (w.e.f. 7-7-1990).

RULES RELATING TO ADVOCATES AND CLIENT TAXATION

23. Where a dispute arises between the advocate on record and his client as to the fees and charges payable to the advocate, either party may apply to the Chamber Judge for an order to have the bill taxed and, on an order for taxation being made, the Taxing Officer may proceed to tax the bill. The application when made by the advocate, shall be accompanied by a copy of the bill sought to be taxed:

Provided that where the client has expressed his consent in writing to the taxation of costs between himself and his advocate on record in any proceeding, the advocate may present his bill of costs in that proceeding for taxation without an order of the Chamber Judge, and the Taxing Officer shall thereupon proceed to tax the bill.

24. In every case of taxation between advocate and his client, the client shall be duly summoned by the Taxing Officer to attend the taxation, and the summons shall be served on the client at least two weeks prior to the date fixed for taxation.

25. Subject to any agreement in writing to the contrary, the rules regulating the taxation of costs between party and party shall be applicable as far as may be to taxation between advocate and client.

26. No agreement between the advocate on record and his client to pay fees higher than those prescribed in the Second Schedule shall be recognised unless the same has been recorded in writing and is signed by the client and has been filed before the commencement of the hearing.

*Explanation* :- For the purpose of this rule “agreement in writing” shall include the correspondence between the advocate on record and his client from which such an intention may be gathered.

27. Where the Taxing Officer is of the opinion that any such agreement filed as aforesaid is unfair or unreasonable, he may place the matter before the Chamber Judge <sup>1</sup>[for orders] and the Judge may make such order as he may think just, and the taxation shall proceed in accordance with such order:

Provided that where fees are payable by the client personally or out of a fund belonging entirely to him, any fees actually paid by the advocate on record to the senior or other advocate in excess of the fees prescribed in the Schedule shall not be called in question if the payment of such fee is duly authorised by the client.

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1. Subs. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).



*THE SUPREME COURT RULES, 1966*

28. Where the amount of a bill of costs between advocate and client is reduced by 1/6th or more, the advocate's fee for attending taxation shall be disallowed.

29. An advocate whose bill against his client has been taxed may apply to the Chamber Judge for an order against his client or his legal representative for payment of the sum allowed on taxation or such sum thereof as may remain due to him. The order so made may be transmitted for execution to such Court as the Chamber Judge may direct.

REVIEW OF TAXATION AND MISCELLANEOUS PROVISIONS

30. Any party who is dissatisfied with the allowance or disallowance by the Taxing Officer of the whole or any part of the items in a bill of costs may apply to the Taxing Officer to review the taxation in respect thereof.

31. An application for review shall be made within three weeks and a copy of the application shall be served on the opposite party.

32. Objections in writing specifying concisely the items or parts of the bill objected to and the grounds for the objections shall be served with the notice on the other party, and a copy thereof shall at the same time be carried in before the Taxing Officer.

33. Objections which were not taken in at the time of the taxation shall not be taken in at the stage of review, unless allowed by the Taxing Officer.

34. Upon application to review his order, the Taxing Officer shall reconsider his taxation upon the objections carried in and may, where he thinks fit, receive further evidence in respect thereof, and shall state in a certificate the grounds of his decision thereon and any special facts or circumstances relating thereto.

35. Any party dissatisfied with the decision of the Taxing Officer on review may, not later than seven days from the date of the decision, or within such further time as the Taxing Officer or the Chamber Judge may allow, apply to the Chamber Judge for an order to review the decision of the Taxing Officer and the Chamber Judge may thereupon make such order as may seem just.

36. No evidence shall be received by the Chamber Judge upon the review of the Taxing Officer's decision which was not before the Taxing Officer when he taxed the bill or reviewed his taxation unless the Chamber Judge otherwise directs.

37. The certificate of the Taxing Officer by whom any bill has been taxed shall

*THE SUPREME COURT RULES, 1966*

unless it is set aside or altered by the Chamber Judge, be final as to the amount of the costs covered thereby.

38. The allowance to be made to witnesses per diem shall be such as the Taxing Officer may think reasonable having regard to the profession or status of the witness.

39. Witnesses residing more than five miles from the place where the Court sits shall be allowed travelling expenses according to the sums reasonably and actually paid by them and shall also be allowed such sums for subsistence money and carriage hire as the Taxing Officer, having regard to the daily allowances under rule 38, considers reasonable.

40. Every person summoned to give evidence shall have tendered to him with the summons a reasonable sum for his travelling expenses (if any) and for the first day's attendance and shall, if obliged to attend for more than one day, be entitled, before giving his evidence, to claim from the party by whom he has been summoned the appropriate allowances and expenses for each additional day that he may be required to attend.

41. Witnesses who have not been paid such reasonable sums for their expenses as the Court allows by its rules may apply to the Court at any time in person to enforce the payment of such sum as may be awarded to them.

42. For the purposes of these rules, a folio shall be deemed to consist of two hundred words; seven figures shall be counted as one word; and more than half a folio shall be reckoned as a folio.

43. Where the costs of any proceeding which terminated prior to the 26th of January, 1954, have to be taxed, such costs shall be taxed in accordance with the taxation rules which were in force prior to the said date.

PART X

MISCELLANEOUS

ORDER XLIII

NOTICE OF PROCEEDINGS TO THE ATTORNEY-GENERAL FOR  
INDIA OR ADVOCATE-GENERAL OF STATES

1. The Court may direct notice of any proceedings to be given to the Attorney-General for India or to the Advocate-General of any State, and the Attorney-General

*THE SUPREME COURT RULES, 1966*

for India, or the Advocate-General to whom such notice is given may appear and take such part in the proceedings as he may be advised.

2. The Attorney-General for India or the Advocate-General of any State may apply to be heard in any proceedings before the Court, and the Court may, if in its opinion the justice of the case so requires, permit the Attorney-General for India or the Advocate-General so applying to appear and be heard, subject to such terms as to costs or otherwise as the Court may think fit.

ORDER XLIV

FORMS TO BE USED

1. Every writ, summons, orders, warrant or other mandatory process shall bear the attestation of the Chief Justice, and shall be signed by the Registrar with the day and the year of signing, and shall be sealed with the seal of the Court.

2. The forms set out in the Fifth Schedule to these rules, or forms substantially to the like effect with such variations as the circumstances of each case may require, shall be used in all cases where those forms are appropriate.

ORDER XLV

SERVICE OF DOCUMENTS

1. Except where otherwise provided by any Statute or prescribed by these rules, all notices, orders or other documents required to be given to or served on, any person shall be served by the Registry in the manner provided by the Code for the service of a summons.

<sup>1</sup>[2. Service of any notice, order or other document on the Advocate-on-record of any party shall be deemed sufficient service on the party whom he represents and may be effected by delivering it to the Advocate-on-record or by leaving it with a clerk in his employ at his office.]

3. Service of any notice, order or other document upon a person who resides at a place within the territory of India may ordinarily be effected by posting a copy of the document required to be served in a pre-paid envelope registered for acknowledgement addressed to the party or personally at the place where he ordinarily resides and through the District Judge concerned:

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1. Subs. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).

*THE SUPREME COURT RULES, 1966*

Provided that the Registrar may direct in a particular case or class of cases, that the service shall be effected in the manner provided by the Code for the service of summons.

4. A document served by post shall be deemed to be served at the time at which it would be delivered in the ordinary course of post.

5. Except where the notice or process has been served through Registry, the party required to effect the service shall file an affidavit of service, along with such proof thereof as may be available stating the manner in which the service has been effected.

6. Where the notice, order or other document has been served through another Court, the service may be proved by the deposition or affidavit of the serving officer made before the Court through which the service was effected.

7. Service effected after Court hours shall for the purpose of computing any period of time subsequent to that service be deemed to have been effected on the following day.

<sup>1</sup>[8. If service of any notice, order or document has not been completed within six months from the date of issue of notice, the matter shall be reported to the Court for direction after notice to the Advocates-on-record for the parties. The Court may thereupon dismiss the matter for non-prosecution or give such direction in the matter as it deems fit.]

ORDER XLVI

COMMISSIONS

1. Order XXVI in the First Schedule to the Code with respect to commissions shall apply except rules 13, 14, 19, 20, 21 and 22 thereof.

2. An application for the issue of a commission may be made by summons in Chambers after notice to all parties who have appeared or *ex-parte* where there has been no appearance.

3. The Commissioner shall, if the advocate or other person examining a witness so desires, record a question disallowed by the Commissioner and the answer thereto, but the same shall not be admitted as evidence until the Court before which

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1. Ins. by G.S.R. 387, dated 13th March 1978 (w.e.f. 18-3-1978).

*THE SUPREME COURT RULES, 1966*

the deposition is put in evidence shall so direct.

4. The Court may, when the commission is not one for examination on interrogatories, order that the Commissioner shall have all the powers of a Court under Chapter X of the Indian Evidence Act, 1872 (1 of 1872), to decide question as to the admissibility of evidence and to disallow any question put to a witness.

5. Unless otherwise ordered, the party at whose instance the commission is ordered to issue, shall lodge in the Court, copies of the pleadings in the case within twenty-four hours of the making of the order and those copies shall be annexed to the commission when issued.

6. Any party aggrieved by the decision of the Commissioner refusing to admit evidence or allow a question to be put may apply to the Court to set aside the decision and for direction to the Commissioner to admit the evidence or to allow the question but no such application shall be entertained if made later than seven days after the examination of the witness has been closed.

7. After the deposition of any witness has been taken down and before it is signed by him, it shall be read over and where necessary, translated to the witness, and shall be signed by him and left with the Commissioner who shall subscribe his name and the date of the examination.

8. Commissions shall be made returnable within such time as the Court may direct.

ORDER XLVII

POWER TO DISPENSE AND INHERENT POWERS

1. The Court may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these rules, and may give such directions in matters of practice and procedure as it may consider just and expedient.

2. An application to be excused from compliance with the requirements of any of the rules shall be addressed, in the first instance, to the Registrar, who shall take instructions of the Judge in Chambers thereon and communicate the same to the parties, but, if, in the opinion of the Registrar, it is desirable that the application should be dealt with in open Court, he may direct the applicant to serve the other party with a notice of motion returnable before the Court.

3. The Court may enlarge or abridge any time appointed by these rules or

*THE SUPREME COURT RULES, 1966*

fixed by any order enlarging time, for doing any act or taking any proceeding, upon such terms (if any) as the justice of the case may require, and any enlargement may be ordered, although the application therefor is not made until after the expiration of the time appointed or allowed.

4. The Court may at any time, either of its own motion or on the application of any party, make such orders as may be necessary or reasonable in respect of any of the matters mentioned in rule 8 of Order XXIV of these rules, may issue summons to persons whose attendance is required either to give evidence or to produce documents, or order any fact to be proved by affidavit.

5. Where there are two or more appeals arising out of the same matter, the Court may at any time either on its own motion or on the application of any party, order that the appeals be consolidated <sup>1</sup>[\* \* \*].

Unless otherwise ordered by this Court the liability of the parties to pay separate Court-fees shall not be affected by any order for consolidation.

6. Nothing in these rules shall be deemed to limit or otherwise affect the inherent powers of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

<sup>2</sup>[7. At any time before or as soon 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.]

- 
1. Deleted by G.S.R. 466, dated 22nd June, 1983 (w.e.f 2-7-1983).
  2. Ins. by G.S.R. 387, dated 13th March, 1978 (w.e.f. 18-3-1978)

**PART XI**  
**ORDER XLVIII**  
**DESTRUCTION OF RECORDS**

1. There shall be an index of the records in every case in the form prescribed below -

Index of Papers

in

Civil Appeal No. \_\_\_\_\_ of \_\_\_\_\_

(or Criminal Appeal No. \_\_\_\_\_ or Petition No. \_\_\_\_\_

or Suit No. \_\_\_\_\_ )

Cause Title

Serial No.	Date of filing the paper in the record	Description of paper	No. of the part to which it belongs	Remarks

<sup>1</sup>[2.The record in each case shall be divided into two parts, Part I to be preserved permanently in physical, digitized, scanned, microfilmed or such other form as may be decided by the Chief Justice of India and Part II to be preserved for the period as hereinafter provided.]

3. Each paper as and when it is filed in the record shall be numbered and entered in the Index and classified in such manner as the Registrar may direct under the appropriate Part to which it belongs.

1. Subs by G.S.R. 623 (E), dated 28<sup>th</sup> August, 2008 (w.e.f. 29-8-2008)

*THE SUPREME COURT RULES, 1966*

4. The period for which any particular record is to be preserved shall be reckoned from the date of the final decree or order in the proceeding to which the record belongs, and in case an application for a review is filed against the decree or order, from the date of the final decree or order made on review. In the case of registers, the period shall be reckoned from the date of the last entry in the register.

<sup>1</sup>[4A. All papers forming the record relating to admission matters including petitions for preliminary hearing, objections, rejoinder and documents (except original documents), if any, and such like matters may not be retained in the Registry beyond one year of their disposal. Only the index of the documents filed, original documents and the order disposing of the petitions may be preserved permanently and the rest of the papers discarded and destroyed in the manner indicated in the Rule 7 supra.]

5. The Registrar may direct that any paper assigned to Part II be transferred to Part I for being preserved permanently.

6. Records which do not fall under Part I or Part II as classified below shall be referred to the Registrar who shall decide the part under which they should be included.

<sup>2</sup>[7. When any record is ripe for destruction, it shall be effectively shredded and the shredded strips may be disposed of as waste and the sale proceeds shall be credited to the Central Government.]

<sup>3</sup>[\* \* \*]

9. As soon as a record is destroyed, a note shall be made in the Index against the record showing that it has been destroyed and the date of destruction.

- 
1. Subs. by G.S.R. 623 (E), dated 28<sup>th</sup> August, 2008 (w.e.f. 29-8-2008).
  2. Subs. by G.S.R. 409, dated 3rd July, 1990 (w.e.f. 7-7-1990).
  3. Rule 8 deleted by G.S.R. 409, dated 3rd July, 1990 (w.e.f. 7-7-1990).



**PART I**

The following papers shall be included under Part I (to be preserved permanently) :-

1. Index.

2. Judgment

3. Decree or Order

<sup>1</sup>[\*\*\*]

5. Pleadings (Plaint, written statement, set off and counter claim).

<sup>1</sup>[\*\*\*]

7. <sup>2</sup> [Petition of appeal, reply in petition of appeal and rejoinder to the reply, with such annexures as are original documents.]

8. <sup>3</sup> [Statement of Case.]

9. <sup>2</sup> [Original petitions including admitted Special Leave Petitions and Article 32 petitions, objection/reply to the notice and rejoinder to the reply, with such annexures as are original documents.]

<sup>1</sup>[\*\*\*]

12. Reference received under article 143.

13. Reference received under article 317(1).

14. Memorandum of compromise, award of arbitrators, which results in a decree.

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1. Item 4, 6, 10 and 11 deleted by G.S.R. 409, dated 3rd July, 1990 (w.e.f. 7-7-1990).

2. Item 7 and 9, Subs. by G.S.R. 623 (E), dated 28<sup>th</sup> August, 2008 (w.e.f. 29-8-2008).

3. Item 8, deleted by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983) and Ins. by G.S.R. 407, dated 9<sup>th</sup> December, 1997 (w.e.f. 20-12-1997)

*THE SUPREME COURT RULES, 1966*

15. <sup>1</sup>[Original documents.]
16. <sup>1</sup>[Papers of historical, sociological, scientific or archival value and such other papers, as in the opinion of the Court or the Registrar should be permanently preserved.]

REGISTERS

<sup>2</sup>[\*\*\*]

2. Registers of Suits, Civil and Criminal appeals petitions under article 32, special leave petitions, special references and miscellaneous petitions.

<sup>3</sup>[\*\*\*]

4. Rolls of advocates and enrolment files.

- 
1. Item 15 & 16 Subs. by G.S.R. 623 (E), dated 28<sup>th</sup> August, 2008 (w.e.f. 29-8-2008)
  2. Item 1 transposed as Item 13 in part II by G.S.R. 409, dated 3<sup>rd</sup> July, 1990 (w.e.f. 7-7-1990)
  3. Item 3 deleted by G.S.R. 409, dated 3<sup>rd</sup> July, 1990 (w.e.f. 7-7-1990)

*THE SUPREME COURT RULES, 1966*

**PART II**

The following papers shall be included in Part II and shall be destroyed after the period indicated below:-

- |  |                         |
|--|-------------------------|
| 1. Appearance, power of attorney and Vakalatnama.  | <sup>1</sup> [One year] |
| 2. Affidavits.   | <sup>1</sup> [One year] |
| 3. Taxation files including bills of costs.  | <sup>1</sup> [One year] |
| 4. Register of bills of costs.   | <sup>1</sup> [One year] |
| 5. Despatch register.  | <sup>1</sup> [One year] |
| <sup>2</sup> [6. Applications for condonation of delay and such other formal applications  | <sup>1</sup> [One year] |
| 7. Correspondence in cases.  | <sup>1</sup> [One year] |
| 8. <sup>3</sup> ["Unclaimed documents other than original documents"]  | <sup>1</sup> [One year] |
| 9. Office notes in the case files.   | <sup>1</sup> [One year] |
| 10. Copies of summons and notices.   | <sup>1</sup> [One year] |
| 11. Copying register.]   | <sup>1</sup> [One year] |
| <sup>2</sup> [12. Surplus copies of printed records, and of pleading and petitions.]   | <sup>1</sup> [One year] |
| <sup>4</sup> [13. Minutes Book of the Judge to be destroyed by burning on the laying down of office by the Judge unless the Judge desires to retain them in his personal custody.] | <sup>1</sup> [One year] |

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1. Subs. by G.S.R. 409, dated 3rd July, 1990 (w.e.f. 7-7-1990)

2. Item 7 to 12 renumbered as Item 6 to 11 and Item 12 added by G.S.R. 995, dated 8<sup>th</sup> December, 1982 (w.e.f. 25-12-1982).

3. Item 8 Subs. by G.S.R. 623 (E), dated 28<sup>th</sup> August, 2008 (w.e.f. 29-8-2008).

4. Ins. by G.S.R. 409, dated 3rd July, 1990 (w.e.f. 7-7-1990).

*THE SUPREME COURT RULES, 1966*

**<sup>1</sup>[PART III**

Destruction of records shall be done in accordance with the provisions of Rule 7 infra.]

**PART XII**

**ORDER XLIX**

**APPEALS AND OTHER PROCEEDINGS TRANSFERRED UNDER  
CLAUSE (4) OF ARTICLE 374 OF THE CONSTITUTION**

The rules contained in the foregoing Orders shall apply, so far as may be, to all appeals and other proceedings, transferred to the Court under clause (4) of article 374 of the Constitution and pending in it in respect of all stages subsequent to the transfer.

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1. Ins. by G.S.R. 409, dated 3rd July, 1990 (w.e.f. 7-7-1990)

*THE SUPREME COURT RULES, 1966*

SCHEDULES

FIRST SCHEDULE

Rules as to Printing of Record

1. The record in appeals to the 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 about 11 inches in height and 8 1/2 inches in width <sup>1</sup>[or 29.7 cm. 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 notes. Every tenth line shall be numbered in the margin.

4. Records shall be arranged in two parts in the same volume, where practicable, viz. -

Part I- The pleadings and proceedings, the transcript of the evidence of the witnesses, the judgments, decrees, etc., of the Courts below, down to the orders 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 Court, as the circumstances of the case require. The documents shall be printed as far as suitable in chronological order, mixing plaintiff's and defendant's documents together when necessary. Each document shall show its exhibit mark, and whether it is a

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1. Ins. by G.S.R. 410, dated 26th February, 1968 (w.e.f. 26-2-1968).

*THE SUPREME COURT RULES, 1966*

plaintiff's or defendant's document (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 will be responsible for arranging the record in proper order for the 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 heading which shall be repeated at the top of 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 heading of the document shall then appear consisting of the number and the description of the documents in the Index, 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 next to the name of the court and then the number in the Index and the witness's name, with 'examination', 'cross-examination' or 're-examination', as the case may be.

*THE SUPREME COURT RULES, 1966*

PART II

The word 'Exhibit' shall first appear and next to it the exhibit mark and the description of the document in the Index with the date.

Sufficient space shall be left after the heading to distinguish it from the rest of the matter printed on the page.

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 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 advises, but the parties shall agree to short extracts being printed as specimens.

11. In case 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.

THE SUPREME COURT RULES, 1966

<sup>1</sup> SECOND SCHEDULE

Fees payable to Advocates

PART I

Sl. No.		Fee on brief not exceeding (Rs.)	Refresher not exceeding (Rs.)
1.	Defended appeals, suits of reference under Article 143 or Article 317(1) of the Constitution or defended petitions under Article 32 of the Constitution	Leading counsel Associate Advocate, if any Advocate-on-record for instructing	2400/- 600/-
2.	Undefended appeals.	One fee	1400/- Norefresher
3.	Petitions for special leave (or appeals on a certificate heard <i>ex parte</i> ).	Leading Counsel Advocate-on-record when not pleading but only instructing	800/- 400/- No refresher
4.	Undefended petitions under Article 32 of the Constitution.	Leading Counsel Advocate-on-record when not pleading but only instructing	1500/- 800/- 750/- 400/-

1. Subs. by G.S.R. 409, dated 3rd July, 1990 (w.e.f. 7-7-1990)



*THE SUPREME COURT RULES, 1966*

Sl. No.	Fee on brief not exceeding (Rs.)		Refresher not exceeding (Rs.)
5.	Notices of motion other than petitions under Article 32 of the Constitution when opposed.	Leading counsel Advocate-on-record	1500/- per appearance 800/- per appearance No refresher
6.	Petitions in courts for review.	Leading counsel Advocate-on-Record	1500/- 1000/- No refresher
7.	Opposed applications for investigations in Chambers	One fee	1000/-
8.	Unopposed motions and Chamber applications and review applications in taxation.	One fee	500/-
9.	Attending taxation or hearing judgment.	One fee	250/-
10.	Attending settlement of Index and for taking other steps for preparation of the record.	One fee	500/-

*THE SUPREME COURT RULES, 1966*

**PART II**

	Not exceeding Rs.
1. To junior Advocate for drafting petitions for special leave and petitions under Article 32 of the Constitution inclusive of the affidavits in support of the petition.	1200/-
To the senior for settling petitions for special leave and petitions under Article 32 of the Constitution inclusive of the affidavits in support of the petition.	1000/-
2. To junior Advocate for drafting other petitions or affidavits (other than formal petitions like petitions for excusing delay and affidavits in them and affidavits of service.) or written briefs	550/-
To Senior Advocate for settling other petitions or affidavits (other than formal petitions like petitions for excusing delay and affidavits in them and affidavits of service)	750/-
<sup>1</sup> 3. To Junior Advocates for drawing statement of case in appeals, pleadings in suit or special case.	1200/-
To Senior Advocate for settling statement of case in appeals, pleadings in suit or special case in consultation with Junior, if allowed.	1800/-]
4. Acting Fees-	Rs. 2000/- but not less than Rs. 1200/- as the Taxing Officer may in his discretion allow, having regard to the nature and duration of the 'Acting' work involved in the case.
In undefended petitions under Article 32 of the Constitution.	1000/-

Actual postal and telegraph charges where necessary to be allowed in the discretion of the Taxing officer.

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1. Subs. by G.S.R. 407, dated 9th December, 1997 (w.e.f. 20-12-1997).

*THE SUPREME COURT RULES, 1966*

PART III

1. Preparing copies of documents (other than tabulated statements and accounts) whether written or typed (6 copies)	Rs. 10/-	}	Rs. 10/- type or actual charges
2. Cyclostyling (per page 10 copies)	Rs. 5/-		
3. Preparing copies of tabulated statements and accounts per folio	Rs. 20/-		
4. Preparing lithographed or printed copies per folio for each copy.	Rs. 12/-		
5. Preparing photographed copies.	—		Actual charges
6. Making transcript or copying papers for the press where necessary for preparing paper book, including examination, per folio.	Rs. 12/-	—	
7. Printing of paper book.	—		Actual cost at a reasonable rate to be allowed by the Taxing Officer
8. Examining proofs, per folio.	Rs. 5/-		

THE SUPREME COURT RULES, 1966

THIRD SCHEDULE

TABLE OF COURT FEES

PART I

ORIGINAL JURISDICTION

	Rs.
1. Filing and registering plaint	250.00
2. Filing and registering written statement	50.00
3. Filing and registering set-off or counter-claim	50.00
4. Reply to a counter-claim	50.00
5. Examining and comparing document with the original, for each folio.	0.50
6. Reducing into writing or, where taken down in shorthand, transcribing the deposition of witnesses, for each folio.	0.62
7. Typed copies of transcript of depositions of witnesses for any Party-	
First copy, per folio.	0.50
Carbon copies, per folio.	0.12
8. Petitions under article 32 of the Constitution other than petitions for <i>habeas corpus</i> and petitions arising out of criminal proceedings.	50.00

PART II

APPELLATE JURISDICTION

1. Petition for special leave to appeal	250.00
<sup>1</sup> [1(a) Consolidated process fee for intimating contesting respondents.	10.00

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1. Ins. by G.S.R. 189, dated 15th March, 1991 (w.e.f. 30-3-1991).

*THE SUPREME COURT RULES, 1966*

- |                  |   |   |
|------------------|---|---|
| 2.               | Lodging and registering petition of appeal-Where the amount of value of the subject-matter in dispute is Rs. 20,000 or below that sum.  | 250.00  |
|                  | For every Rs. 1,000 in excess of Rs. 20,000   | 5.00  |
|                  |   | for every thousand rupees or part thereof.            |
|                  | In case where it is not possible to estimate at a money value the subject-matter in dispute<br>Provided-  | 250.00  |
|                  | (1) that the maximum fee payable in any case shall not exceed Rs. 2,000 and<br>(2) that where an appeal is brought by special leave granted by the court credit shall be given to the appellant for the amount of court-fee paid by him on the petition for special leave to appeal.] |   |
| <sup>1</sup> [3. | Lodging of statement of case of caveat.]  | 20.00   |
| 4.               | Application for review of judgment or order of Court  | The same fee as was paid on the original proceedings. |
| <sup>2</sup> [5. | Petition of Appeal under Consumer Protection Act, 1986  | 250.00  |

PART III

MISCELLANEOUS

- |    |   |             |
|----|---|-------------|
| 1. | Entering in register of suits, appeals or matters, names of representatives of a deceased party or of a substituted or added party. | Rs.<br>2.00 |
|----|---|-------------|

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1. Subs. by G.S.R. 407, dated 9th December, 1997 (w.e.f. 20-12-1997).

2. Ins. by G.S.R. 409, dated 3rd July, 1990 (w.e.f. 7-7-1990).

*THE SUPREME COURT RULES, 1966*

<sup>1</sup> [2.	Summons or notice to defendant or his representatives or a respondent to a petition or to a memorandum of appeal, for each person.]	<sup>2</sup> [10.00]
3.	Entering appearance	5.00
4.	Amending appearance	5.00
5.	<i>Vakalatnama</i>	3.00
6.	Filing fee for every document for which a fee is not specially provided including documents annexed thereto as exhibits if any, or produced with plaint for use in evidence, each document	2.00
7.	Every application to the court not specially provided for	10.00
8.	Every application to the court by notice of motion where an <i>ad interim ex parte</i> order is prayed for	20.00
9.	Every application to a Judge in Chambers, the Registrar or Taxing Officer not specially provided for	5.00
10.	Every requisition to draw up an order including fee for filing the order	5.00
<sup>1</sup> [11.	Warrant, Writ, summons or other process not specially provided for, for each person]	<sup>2</sup> [10.00]
12.	Every certificate or report of a Judge in Chambers or of Registrar on an investigation	10.00
13.	Every other certificate for which a fee is not specially provided	3.00
14.	Commission to examine witnesses or other commission	10.00
15.	Production by an officer of the court in any other court or before a Commissioner of records of any suit, matter or appeal, exclusive of traveling expenses	10.00
16.	For production of records by post, exclusive of postage, registration and insurance fees	5.00

- 
1. Ins. by G.S.R. 387, dated 13th March, 1978 (w.e.f. 18-3-1978).
  2. Subs. by G.S.R. 466, dated 26th June 1983 (w.e.f. 2-7-1983) and again Subs. by G.S.R. 189, dated 15th March, 1991 (w.e.f. 30-3-1991).

*THE SUPREME COURT RULES, 1966*

17.	For every attendance on parties or their advocates inspecting books and papers in court.	5.00
18.	For enquiry into sufficiency of security	8.00
19.	For every search or examination of records	3.00
20.	Every affidavit affirmed or sworn	2.00
21.	For every oath or affirmation administered to witness	3.00
22.	Every exemplification of decree or other documents in addition to the folio and other charges	10.00
23.	Every requisition for duplicate or other copy of any document	1.00
24.	For duplicate and other copies of any document, folio less requisition fee paid	1[1.00]
25.	For amending pleadings or other proceedings under order of the Court per folio	2.00
26.	Upon all moneys or securities paid to the Registrar or deposited with him	A commission of 1 per cent and 2½ per cent on interest drawn on invested money.
27.	Every requisition for translation	1.00
28.	Every written translation, per folio, less requisition fee paid	2.00
29.	Checking and certifying a translation made by a translator other than an officer of the Court per folio	1.00
30.	Summons by Taxing Officer	3.00
31.	Certificate by Taxing Officer	2.00
32.	Taxing each bill, not exceeding 10 folios	10.00
33.	For every other folio	1.00
34.	Registering every bill of costs	1.00
35.	Special certificate of allowance where required.	8.00

1. Subs. by G.S.R. 387, dated 13th March, 1978 (w.e.f. 18-3-1978).

*THE SUPREME COURT RULES, 1966*

36.	Certificate on review of taxation	10.00
37.	For every certificate of funds in Court	8.00
38.	Requisition to prepare an estimate of the charges for preparation of record	10.00
39.	Preparing copies, making transcript or keeping papers for the press for preparing paper book including examination thereof, to be deposited in cash initially and thereafter to be converted into Court-fees	0.50 per page
40.	Examining proofs from the press	0.25 per page
1[41.	Cyclostyling record for 20 copies or less	4.00 per page of metric size
	For every additional 5 copies or less	0.80 per page of metric size]
42.	Printing the record	Actual charges to be ascertained according to the prevailing rates (to be deposited in cash)
43.	Preparing photograph copies or copies of maps	Actual charges (to be deposited in cash).
44.	Certification of the record.	Rs. 0.25 per page or part thereof to be deposited in cash and thereafter to be converted into Court-fees.
45.	Registering a clerk of an advocate or a firm of advocates	5.00
46.	Requisition for issue of an identity card in substitution of one that is lost or damaged	3.00

N.B.-In the case of references under article 143 of Constitution such of the above fees as may be appropriate shall be charged.

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1. Subs. by G.S.R. 466, dated 22nd June, 1983 (w.e.f. 2-7-1983).



*THE SUPREME COURT RULES, 1966*

FOURTH SCHEDULE  
Fees to Officers of Court

	Rs.
1. Fees of interpreter for explaining at the House of a party or any place other than the Court House, pleadings and other documents except affidavits or affirmations where not exceeding 20 folios	8.00
Where over 20 folios, for every 10 folios or part thereof	2.50
2. Fees of Registrar for taking bonds and of Commissioners for taking affidavits or affirmations at the house of a party or any place other than the Court House:	
For the first affidavit, oath or affirmation or bond, where within the limits of the Union Territory of Delhi.	16.00
For the first affidavit, oath or affirmation or bond, where beyond such limits	24.00
For every affidavit, oath or affirmation or bond, taken at the same time and place after the first, in the same suit, appeal, or matter	8.00
3. Fees of Commissioners, for receiving affidavit, oaths or affirmations at the Court House, for every affidavit, oath or affirmation	2.00
4. Fees of interpreter for explaining bonds, affidavit, of petitions, at the house of a party or any place other than the Court House.	Half the fees allowed to Registrar or Commissioner.

*THE SUPREME COURT RULES, 1966*

FIFTH SCHEDULE  
FORMS  
NO. 1

Application for the registration of a clerk  
(S.C.R., Order IV, rule 12)  
IN THE SUPREME COURT OF INDIA

1. Name of advocate/firm of advocates on whose behalf the clerk is to be registered.
2. Particulars of the clerk to be registered :
  - (i) Full name (In capitals) :
  - (ii) Father's name :
  - (iii) Age and date of birth :
  - (iv) Place of birth and nationality :
  - (v) Educational qualifications :
  - (vi) Particulars of previous employment, if any :

I, ..... (clerk above-named), do hereby affirm that the particulars relating to me given above are true.

.....  
(Signature of Clerk)

3. Whether the advocate/firm of advocates has a clerk already registered in his/its employ, and whether the clerk sought to be registered is in lieu of or in addition to the clerk already registered.
4. Whether the clerk sought to be registered is already registered as a clerk of any other advocate and if so, the name of such other advocate.

I, ..... (advocate) certify that the particulars given above are true to the best of my information and belief and that I am not aware of any facts which would render undesirable the registration of the said ..... (name) as a clerk.

.....  
(Signature of advocate/  
partner of firm of advocates)

Dated .....

To

The Registrar,  
Supreme Court.

THE SUPREME COURT RULES, 1966

NO. 2

Form of Summons for an Order in Chambers  
(S.C.R., Order VI)  
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

\_\_\_\_\_  
[Original Jurisdiction]  
Appeal

Case No..... of ..... 19.....

[A.B.]

[Appellant]

-----  
[State of A.B.]

-----  
[Plaintiff]

Vs.

[C.D.]

[Respondent]

-----  
[State of C.D.]

-----  
[Defendant]

Let all parties concerned attend before ..... in Chambers at the Court House (New Delhi) on the ..... day of ....., at ..... o'clock in the forenoon on the hearing of an application on the part of the above-named plaintiff (or appellant, defendant, respondent as the case may be) for an order that (here state the precise object of the application).

Dated this the ..... day of ..... 19.....

[Take notice that this summons will be attended by counsel for the applicant]

(Signed).....

Advocate on record for the plaintiff

This summons was taken out by ..... Advocate on record for the plaintiff.

To

.....  
Advocate on record for the defendant.

THE SUPREME COURT RULES, 1966

NO. 3

Notice of Appeal from Registrar  
(S.C.R., Order VI, rule 3)  
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

\_\_\_\_\_  
[Original Jurisdiction]  
Appeal  
\_\_\_\_\_

Case No.....of .....19.....

[A.B.]  
-----  
[State of A.B.]

[Appellant]  
-----  
[Plaintiff]

Vs.

[C.D.]  
-----  
[State of C.D.]

[Respondent]  
-----  
[Defendant]

Take notice that the above-named plaintiff (or appellant, respondent, defendant as the case may be) intends to appeal against the decision of the Registrar, given on the .....day of..... (ordering or refusing to order) that

And further take notice that you are required to attend before the Judge in Chambers at the Court House (New Delhi) on the..... day of ....., 19..... at ..... o'clock in the forenoon on the hearing of an application by the said plaintiff (or appellant, respondent, defendant as the case may be) for an order that (here state the order sought to be obtained).

(Signed).....  
Advocate on record for the plaintiff

To

Advocate on record for the defendant.

THE SUPREME COURT RULES, 1966

[NO. 4]  
Notice of Motion  
(S.C.R., Order VIII, rule 2)  
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]  
.....

[Original Jurisdiction]

Civil /Criminal Misc.Petition No..... of ..... 19.....

[Appeal]  
.....

Case No. of 19.

[A.B.]

[Petitioner]  
-----

[State of A.B.]

[Plaintiff]

[Appellant]

Vs.

[C.D.]

[Respondent]  
-----

[State of C.D.]

[Defendant]

Take notice that the Court will be moved on the..... day of ..... 19  
..... at 10-30 o'clock in the forenoon, or so soon thereafter as counsel can be  
heard, by Mr..... counsel for the above-named plaintiff (or defendant,  
petitioner, appellant, respondent as the case may be), that (or for an order that, or  
for ) (here state the precise object of the motion).

A copy of the application is enclosed herewith.

\* Take further notice that meanwhile this Court has been pleased to pass the  
following order, (here quote the interim order of the Court).

Dated this the ..... day of ..... 19.....

.....  
Advocate on record for the  
Petitioner / Appellant / Plaintiff.  
Address: .....

To

Advocate on record for the  
Opposite party/respondent/defendant

\*Wherever applicable

1. Subs. by G.S.R. 1350, dated 11th December 1974 (w.e.f. 21-9-1974).

THE SUPREME COURT RULES, 1966

NO. 5

Form of Oath by Translator  
(S.C.R., Order X, rule 4)

IN THE SUPREME COURT OF INDIA

In the matter of ....., a translator.

I, ....., solemnly affirm and say that I will translate correctly and accurately all documents given to me for translation.

Dated this the ..... day of ..... 19.....

Before me.

.....

Registrar

NO. 6

Application for Production of Record  
(S.C.R., Order XII, rule 1)

IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

-----  
[Original Jurisdiction]

Appeal

Case No..... of .....19.....

[A.B.]

[Appellant]

-----  
[State of A.B.]

-----  
[Plaintiff]

Vs.

[C.D.]

[Respondent]

-----  
[State of C.D.]

-----  
[Defendant]

To

The Registrar,  
Supreme Court of India

Sir,

Please produce the records of the within mentioned case before .....  
no.(here insert the number and title of the case of which the records are required.)

Dated this the .....day of ..... 19.....

.....  
(Signature)

*THE SUPREME COURT RULES, 1966*

NO. 7

Notice to the Respondent of Lodgement of Petition of Appeal  
(S.C.R., Order XV, rule 11)  
IN THE SUPREME COURT OF INDIA  
Civil Appellate Jurisdiction

Civil Appeal No..... of ..... 19.....  
(Appeal from the judgment and decree / order of the High Court of Judicature  
at ..... (full particulars to be given.....).

(A.B.) (Appellant)

Vs.

(C.D.) (Respondent)

To

Through Shri.....  
Advocate-on-record,  
Supreme Court of India,  
New Delhi.

OR

(give the address of the respondent if no appearance of an advocate-on-record has been entered).

TAKE NOTICE that the Appellant above-named has on ..... filed in the Registry of the Supreme Court a petition of appeal (copy enclosed) from the judgment and decree/order of the High Court of Judicature at ..... and the said petition has been registered in Supreme Court as Civil Appeal No..... of 19....., and that as required by rule 6 of Order XV of the Supreme Court Rules, 1966, the appellant has deposited with the Registrar of the Court requisite security for the cost of the respondent.

Notice is hereby given to you that if you wish to contest the appeal you may appear within thirty days of the receipt of this notice before this Court either personally or by an advocate-on-record of the Court appointed by you in that behalf, and take such part in the proceeding as you may be advised.

Take further notice that in default of your appearance within the time prescribed the appeal will be proceeded with and determined in your absence and no further notice in relation thereto shall be given to you.

Dated this the ..... day of ..... 19.....

.....

Assistant Registrar

*THE SUPREME COURT RULES, 1966*

Address for service on the Appellant :

(If the appeal has been filed through an advocate-on-record, the address of the advocate-on-record should be given.

OR

If the party is appearing in person then a local address should be given).

NOTE :—

Where the record of the appeal is required to be prepared under the supervision of the Registrar of the Court appealed from, the notice shall also state this fact and shall in relation to the preparation of the record, also require the respondent to take steps before the Court appealed from (vide rule 14 of Order XV, of the Supreme Court Rules, 1966).

NO. 8  
Memorandum of Appearance in Person  
(S.C.R., Order XV, rule 12)  
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

Appeal No..... of ..... 19.....

(A.B.)

(Appellant)

Vs.

(C.D.)

(Respondent)

To

The Registrar,

Please enter an appearance for the respondent above-named in this appeal.

Dated this the ..... day of ..... 19.....

(Signature).....

Address for Service.



*THE SUPREME COURT RULES, 1966*

NO. 9

Memorandum of Appearance through Advocate-on-record  
(S.C.R., Order XV, rule 12)  
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

\_\_\_\_\_

[Original Jurisdiction]

Appeal No.....of ..... 19.....

Case

[A.B.]

[Appellant]

-----

-----

[State of A.B.]

[Plaintiff]

Vs.

[C.D.]

[Respondent]

-----

-----

[State of C.D.]

[Defendant]

To

The Registrar,

Please enter an appearance for the above-named Respondent (or the defendant) in this appeal/case.

Dated this the ..... day of ..... 19.....

(Signed).....

Advocate on record for the Respondent.

*THE SUPREME COURT RULES, 1966*

[NO. 9A

Certificate to the Advocate appointed at the cost of State  
[S.C.R., Order XXI, rule 8(3), 25 and 25A (1)]  
IN THE SUPREME COURT OF INDIA  
Criminal Appellate Jurisdiction

Petition for Special leave to Appeal (Criminal) No.....of.....19.....  
Criminal Appeal No..... of 19.....

Petitioner(s)  
Appellant(s)

Vs.

The State of

Respondent(s)

CERTIFICATE

Certified that Shri ..... Advocate was engaged at the cost of the State in above Petition / Appeal which was heard on ..... and that Rs..... only [Rupees (in words)..... only] are payable to him as his fees by the State of .....

.....  
Registrar/  
Deputy Registrar

Note : - Strike out whichever is not applicable.]

---

1. Ins. by G.S.R. 2746, dated 6th December, 1969 (w.e.f. 13-12-1969).

*THE SUPREME COURT RULES, 1966*

NO. 10

Notice to Respondent of Lodging of Appeal  
(S.C.R., Order XXI, rule 15)  
IN THE SUPREME COURT OF INDIA

(Appellate Jurisdiction)

Criminal Appeal No..... of ..... 19.....

Appeal from the judgment (order, sentence or decision) of the High Court  
of Judicature at ..... Court or Tribunal.

[A.B.]

[Appellant]

Vs.

[The State]

[Respondent]

To

The Attorney-General for India and /or  
The Advocate-General concerned

Take notice that an appeal from the judgment (order, sentence or decision)  
High Court of Judicature.

of the ..... at  
of court

dated the ....., in case No.....

(here give number of Case in High Court, or Judicial Commissioner's Court)  
was presented by the above-named appellant on the ..... day of  
..... 19..... and has been registered in this Court as Criminal Appeal  
No..... of ..... 19.....

Dated this the ..... day of ..... 19.....

.....  
Registrar

THE SUPREME COURT RULES, 1966

NO. 11  
Summons for disposal of Suit  
(S.C.R., Order XXIV, rule 1)  
IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

Case No. \_\_\_\_\_ of 19 \_\_\_\_\_  
[State of A.B.] \_\_\_\_\_ [Plaintiff]  
Vs.  
[C.D.] \_\_\_\_\_ [Defendant]

To

WHEREAS the above-named plaintiff has instituted a suit in the Court against you claiming..... you are hereby required to cause an appearance to be entered for you in the Registry of the Court within twenty-eight days from the service upon you of this summons, exclusive of the day of such service; and you are summoned to appear before this Court by an Advocate on record of the Court to answer the plaintiff's claim on the day the case is set down for hearing upon which date you must be prepared to produce all your witnesses and all documents in your possession or power upon which you intend to rely in support of your case.

And you are hereby required to take notice that in default of your causing an appearance to be so entered, the suit will be liable to be heard and determined in your absence.

Witness ..... Chief Justice of India,\*  
the..... day of..... in the year one thousand nine hundred  
and.....

Advocate or record

\* At the Supreme Court, New Delhi

Address :.....

.....

Registrar

*THE SUPREME COURT RULES, 1966*

NO. 12  
Notice of Appearance  
(S.C.R., Order XXIV, rule 7)  
IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

Case No.....of 19.....

[State of A.B.]

[Plaintiff]

Vs.

[State of C.D.]

[Defendant]

To

(The plaintiff or his Advocate on record)

Take notice that appearance has been entered for the above-named defendant in this case.

Dated this the..... day of.....19.....

(Signed).....  
Advocate on record for the defendant

NO. 13  
Summons for Directions  
(S.C.R., Order XXIV, rule 8)  
IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

Case No.....of 19.....

[State of A.B.]

[Plaintiff]

Vs.

[State of C.D.]

[Defendant]

Let all parties concerned attend,..... in Chambers at the Court House (New Delhi) on the ..... day of .....19....., at ....o'clock in the forenoon on the hearing of an application by the plaintiff for directions in this action as follows :- (The applicant should specifically state what he applies for, and strike out what he does not apply for.)

*THE SUPREME COURT RULES, 1966*

Pleadings	(Here state the direction required, as thus:
Particulars	That the plaintiff may be at liberty to amend
Admission of document and facts	his statement of claim by (State amendments
Discovery	proposed); and generally as he may be
Interrogatories	advised)
Inspection and production of documents	
Inspection of real or personal property	
Commissions	
Examination of witnesses	
Place of trial	
Mode of trial	

Dated this the.....day of .....19.....

.....  
Registrar

This summons was taken out by

Advocate-on-record for the plaintiff.

To

.....  
Advocate-on-record for the defendant.

NO.14  
Notice of payment of money into Court  
(S.C.R., Order XXXIII, rule 1)  
IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

Case No.....of 19.....

[State of A.B.]

[Plaintiff]

Vs.

[State of C.D.]

[Defendant]

Take notice that the defendant has paid into Court Rs.....and say that (Rs.....part of) that sum is enough to satisfy the plaintiff's claim (for .....and Rs.....the other part of that sum is enough to satisfy the plaintiff's

*THE SUPREME COURT RULES, 1966*

claim for.....) and admits (but denies) liability therefor.

Dated this the.....day of.....19.....

(Signed) .....  
Advocate-on-record for the defendant  
Address

To

.....  
Advocate-on-record for the plaintiff,  
Address.

NO. 15  
Acceptance of sum paid into Court  
(S.C.R., Order XXXIII, rule 1)  
IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

Case No.....of 19.....

[State of A.B.]

[Plaintiff]

Vs.

[State of C.D.]

[Defendant]

The Plaintiff accepts the sum of Rs.....paid by the defendant into Court in satisfaction of the claim in respect of which it was paid in (and abandons his other claims in this action).

Dated this the .....day of .....19.....

(Signed) .....  
Advocate-on-record for the Plaintiff  
Address

To

.....  
Advocate-on-record for the defendant,  
Address.

*THE SUPREME COURT RULES, 1966*

NO. 16

Notice to the Attorney-General for India of Reference under Article 143  
of the Constitution of India  
(S.C.R., Order XXXVII)  
IN THE SUPREME COURT OF INDIA

Reference No.....of 19.....

In the matter of a Reference under article 143 of the Constitution of India.

To

The Attorney-General for India.

WHEREAS under article 143 of the Constitution of India, the President has referred the following question(s) of law (or fact) for consideration and report to this Court:-

(Here set out the question or questions referred.)

Take notice that you are hereby required to appear before this Court on the.....day of.....19....., at ..... o'clock in the forenoon to take the directions of the Court in the matter.

Witness....., Chief Justice of India, the.....day of.....in the year one thousand nine hundred and .....

.....  
Registrar



*THE SUPREME COURT RULES, 1966*

NO. 17

Notice to parties of Reference under Article 143 of the  
Constitution of India  
(S.C.R., Order XXXVII)  
IN THE SUPREME COURT OF INDIA

Reference No. ....of 19.....

In the matter of (here state the subject matter under reference)  
and

In the matter of a Reference under article 143 of the Constitution of India.

To

.....  
(Name of parties)

WHEREAS under article 143 of the Constitution of India, the President has referred the following question(s) of law (or fact) for consideration and report to this Court:-

(Here set out the question or questions referred.)

Take notice that you are hereby required if you desire to be heard to cause an appearance to be entered for you in the Registry of this Court on or before the.....day of.....19....., and to attend on the said day at ..... o'clock in the forenoon before the Court by an advocate of the Court to take the directions of the Court with respect to the statements of facts and arguments and with respect to the date of the hearing.

Witness....., Chief Justice of India, the.....day of.....in  
the year one thousand nine hundred and .....

.....  
Registrar

THE SUPREME COURT RULES, 1966

NO. 18

Summons to attend Taxation  
(S.C.R., Order XLII, rule 11)  
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

\_\_\_\_\_  
[Original Jurisdiction]

Appeal No.....of 19.....  
Case

(A.B.)

(Appellant)

\_\_\_\_\_  
(State of A.B.)

\_\_\_\_\_  
(Plaintiff)

Vs.

(C.D.)

(Respondent)

\_\_\_\_\_  
(State of C.D.)

\_\_\_\_\_  
(Defendant)

Bill No. ....of 19..... (Here state the names of the parties to the bill.)

WHEREAS Mr. E.F., advocate-on-record for the appellant (or as the case may be) has lodged a bill of costs (copy appended hereto) for taxation as between [party and party and also as between ] advocate-on-record and client, notice is hereby given that the Taxing Officer of the Court will proceed to tax the said bill on the .....day of..... 19..... at .....o'clock in the forenoon (afternoon) when you may attend the Taxing Officer in his Chambers at the Court House and contest the said bill or any items therein.

Dated this the.....day of..... 19.....

Taxing Officer

THE SUPREME COURT RULES, 1966

NO. 19  
Affidavit of Service of Summons  
(S.C.R. Order XLII, rule 14)  
IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

Appeal No.....of 19.....

-----  
Case

(A.B.)

-----  
(State of A.B.)

(Appellant)

-----  
(Plaintiff)

Vs.

(C.D.)

-----  
(State of C.D.)

(Respondent)

-----  
(Defendant)

I, .....of.....Advocate-on-record for the above-named....., make oath/solemnly affirm and say as follows :-

I, did on the.....day of.....19....., serve Mr..... advocate-on-record for the above named.....in this action [or appeal] with a true copy of the summons now produced and shown to me marked A, by leaving it before four o'clock in the afternoon at the [office or dwelling house] of the said.....situate.....being the address for service in this action [or appeal] [with his clerk or his servant or as may be there] of by post-envelope addressed to the said.....at .....,being the address for service in this action [or appeal].

Sworn at.....this .....day of.....19.....

Before me.

This affidavit is filed on behalf of the

THE SUPREME COURT RULES, 1966

NO. 20  
Affidavit of Service by Post  
(S.C.R., Order XLII, Rule 14)  
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

\_\_\_\_\_  
[Original Jurisdiction]

Appeal No.....of 19.....

-----  
Case

(A.B.)

-----  
(State of A.B.)

(Appellant)

-----  
(Plaintiff)

Vs.

(C.D.)

-----  
(State of C.D.)

(Respondent)

-----  
(Defendant)

I,....., Advocate-on-record for the above-named, ..... make oath/solemnly affirm and say as follows :-

I did serve the advocate-on-record for the above-named..... in this action [or appeal] [or the above-named.....if he has appeared in person] with the summons [or notice or other documents] now produced and shown to me marked A, by posting it on the .....day of .....19.....at (name of post office) a true copy of the said summons (or as may be) in a pre-paid envelope registered for acknowledgement addressed to the said advocate on record [or respondent or as may be] at ....., which is his address for service.

The postal acknowledgement is attached hereto.

Sworn at.....this..... day of.....19.....

Before me.

This affidavit is filed on behalf of the

*THE SUPREME COURT RULES, 1966*

NO. 21  
Certificate of Taxation  
(S.C.R., Order XLII)  
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]  
[Original Jurisdiction]

Appeal No.....of 19.....

-----  
Case

(A.B.)

-----  
(State of A.B.)

(Appellant)

-----  
(Plaintiff)

Vs.

(C.D.)

-----  
(State of C.D.)

(Respondent)

-----  
(Defendant)

Bill No. ....of 19.....(Here state the names of  
the parties to the bill)

I do hereby certify that I have taxed the above bill of costs, lodged in this  
Court by Mr. E.F. Advocate on record for appellant [or as the case may be] and  
do allow, as between party and party the sum of [amount in figures and words].

Dated this the.....day of.....19.....

Taxing Officer

THE SUPREME COURT RULES, 1966

NO. 22  
Notice of Proceedings to Attorney-General for India or  
Advocate-General of a State  
(S.C.R., Order XLIII, rule 1)  
IN THE SUPREME COURT OF INDIA

[Appellate Jurisdiction]

-----  
[Original Jurisdiction]

Appeal No.....of 19.....

-----  
Case

[A.B.]

[Appellant]

-----  
[State of A.B.]

-----  
[Plaintiff]

Vs.

[C.D.]

[Respondent]

-----  
[State of C.D.]

-----  
[Defendant]

To

The Attorney-General for India  
or  
Advocate-General of a State.

Take notice that the above-named appeal/case has been filed in this Court [and is fixed for hearing on the.....day of.....19....., and shall be taken up for hearing by the Court on that day, at ..... o'clock in the forenoon or so soon thereafter as may be convenient to the Court] [and shall be fixed for hearing on a suitable date of which due notice will be given to you.]

As the appeal/case raises [an] important question[s] [here state briefly the question(s) involved] notice is hereby given to you so that you may appear and take such part in the proceedings before this Court as you may be advised.

Dated this the.....day of.....19.....

.....  
Registrar

*THE SUPREME COURT RULES, 1966*

NO. 23

Writ of Commission  
(S.C.R., Order XLVI)

IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

Case No.....of 19.....

[State of A.B.]

[Plaintiff]

Vs.

[State of C.D.]

[Defendant]

To

The Commissioner appointed to examine the undermentioned witnesses on behalf of

I,....., hereby appoint you and give you full power and authority to swear or affirm and diligently to examine on.....interrogatories and viva voce.....as shall be produced before you as .....witness(es)..... on behalf of the said.....in a certain Case No.....of..... now pending in the Supreme Court (wherein ) and I further command you that you do at certain days and places to be appointed by you for that purpose of which reasonable notice shall be given to all parties cause the said witness(es) to come before you and then and there examine and cross-examine such witness(es) either upon oath or solemn affirmation which we hereby give you full power and authority to administer to such witness(es) in the form firstly specified at the foot hereof, and that you do take such examination and reduce the same into writing on paper; and when you shall have so taken the same you are to send the same before the (returnable date as given in the order for the issue of this commission) to the Registrar of the said Supreme Court closed up under your Seal together with such documents as shall be spoken to and marked exhibits and this writ.

And I further empower you to appoint if necessary, a competent interpreter to interpret such of the proceedings under this commission as you may deem necessary to have interpreted from or into the English language. And I further command you that the interpreter employed in interpreting the depositions of the said witness(es) to be examined by virtue of this writ shall, before he be permitted to act as such interpreter as aforesaid, take the oath or affirmation lastly specified at the foot hereof which I hereby give you power and authority to administer to such interpreter. And I do lastly order that parties to this suit do appear before you in person or by their pleaders.

*THE SUPREME COURT RULES, 1966*

Witness....., Chief Justice of India at the Supreme Court, New Delhi, the .....day of ..... in the year one thousand nine hundred and ..... Advocate-on-record for .....  
[Names of witnesses to be examined]

.....  
Registrar

NOTE 1- The Commissioner shall not be bound to execute this commission unless such a sum as he thinks reasonable be deposited with him for the expenses of executing the same and also of summoning the witnesses and defraying their travelling and other expenses.

NOTE 2- After the deposition of any witness has been taken down and before it is signed by him, it shall be distinctly read over, and, where necessary, translated to the witness in order that mistakes or omissions may be rectified or supplied. The deposition shall be signed by the witness and left with the Commissioner who shall subscribe his name and date of the examination.

Form of the oath or affirmation to be administered to the witness

I swear in the presence of Almighty God [or solemnly affirm] that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

So help me God.

Form of the oath or affirmation to be administered to the interpreter

I swear in the presence of Almighty God [or solemnly affirm] that I understand and speak the ..... and English language, and that I will well and truly and faithfully interpret, translate and explain to the witness to be produced before the Commissioner, all questions and answers and all such matters as the Commissioner may require me to interpret and explain.

So help me God.

N.B. The Words “so help me God” are to be omitted when an affirmation is administered.

The execution of this commission appears by the Schedule hereunto annexed.



THE SUPREME COURT RULES, 1966

NO. 24

Form of Lodgment Schedule  
IN THE SUPREME COURT OF INDIA

Suit/Appeal/Petition No.....of.....  
.....Plaintiff(s) / Appellant(s) / Petitioner(s)  
Versus  
.....Defendant(s)/Respondents(s)

Date of Order	Amount	Party on whose behalf and the purpose for which the payment is made	Remarks
---------------	--------	---	---------

Dated.....

Issue Challan  
Time for payment till.....

.....  
(Signature)  
Advocate for party making  
the Payment

.....  
(Signature)  
Registrar

<sup>1</sup>[NO.25  
SUPREME COURT OF INDIA  
REVENUE DEPOSITS FORM T.R.61  
Deposit Repayment order and Voucher  
(See rule 629 of the Treasury Rules)

To  
The Pay & Accounts Officer  
Supreme Court of India  
NEW DELHI - 110001.

K-Deposits-and-Advances-(B) Deposits-not-bearing-interest-843-Civil  
Deposits-Civil Courts-Deposits-Criminal Courts-Deposits-Supreme Court

1. Subs. by G.S.R. 466, dated 22nd June, 1983 (w.e.f 2-7-1983).

*THE SUPREME COURT RULES, 1966*

Original Number of the Challan : Name of Depositor: Registrar, Supreme Court of India, New Delhi on behalf of the appellant in

Date of Deposit : Amount originally deposited: Rs..... (Rupees.....)

Examined & Entered Received this ..... day of ..... 199..... the sum of Rupees ..... (Rupees .....)

Dated ..... (Pay & Accounts Officer ) ..... being the amount payable on account of ..... out of the said deposit as per orders of the Supreme Court dated..... made in Civil Misc. Petition No..... of 199..... in .....

Pay Rupees.....

CLAIMANT'S SIGNATURE

Pay & Accounts Officer Passed for payment to .....

Dated..... for Rupees.....(Rupees.....) as per order of the Supreme Court dated..... in Civil Misc.Petition No..... of 198..... in

New Delhi

Dated :

DEPUTY REGISTRAR (ADMN.)

Encl : Original Challan

SUPREME COURT OF INDIA

(Under Rupees .....)]

*THE SUPREME COURT RULES, 1966*

NO. 26

Form of Bank Guarantee

In the matter of : .....  
CIVIL APPEAL /PETITION /C.M.P. .... (here give the number of Cause/matter/appeal).

And

In the matter of .....  
..... (Give the name of the parties).

Whereas ..... (Here give the name of the party obtaining the order) .....above-named has filed an Appeal in the Supreme Court against the Judgment and decree/order of the ..... (here describe the Court and the number of the cause ).....

And whereas on a motion made for the purpose on the ..... (here give the date) the Supreme Court of India has in the aforesaid proceedings been pleased to ordainter alia as follows :

(Here quote the relevant terms of the order ).

And whereas (here give the name of the party concerned )..... the respondent (or appellant, as the case may be )..... has requested us ..... (here give the name of the Bank) having its registered office at ..... (here give the registered address of the place of business of the Bank) to guarantee the due payment of the said sum of Rs..... (here give the amount) by the said ..... (here give the name of the Party) in the event of the Supreme Court allowing / modifying / dismissing the said appeal and setting aside the decree or such other lesser amount as the Court may order. We..... (here give the name of the Bank) are hereby held firmly bound unto the Supreme Court of India through the Registrar of the said Court for the payment to it or to the ..... (here give the name of the party concerned) .....on demand and without demur of the said sum ..... (here give the amount) or such other lesser amount as may be ordered by the Supreme Court and require to be paid or refunded by the ..... (here give the name of the party concerned, to the ..... (here give the name of the party to whom the amount is to be paid) as a result of the final disposal of the said ..... (here indicate the appeal, cause or matter) and the guarantee herein contained shall not be affected by any change in the constitution of the Bank and it is HEREBY agreed by and between the parties that this guarantee shall remain in full force and virtue till the disposal of the ..... (here give the number of the case, appeal, cause or matter) to which the aforesaid order of the Court relates and until an order of the Supreme Court is

*THE SUPREME COURT RULES, 1966*

made discharging this guarantee.

IN WITNESS WHEREOF we the .....(here give the name of the Bank) has executed this.

This the ..... day of ..... 19.....

Signed  
For the ..... (here give the name of the Agent of the Bank)

Witness :.....

<sup>1</sup>[NO. 27  
Form of Petition of Appeal  
(S.C.R., Order XXA, rule 1)  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil appeal No..... of 19.....

[Appeal under section 55 of the Monopolies and Restrictive  
Trade Practices Act, 1969 (54 of 1969)]

A.B. Appellant (s)

Vs.

1. The Union of India

2. C.D. Respondent(s)

(Note - The Union of India would be one of the parties in every appeal).

Petition of appeal under rule 1 of Order XXA of the Supreme Court Rules, 1966

To

The Hon'ble the Chief Justice and his Companion Justices of the Supreme Court.

The petition of Appeal of the appellant(s) above-named most respectfully showeth : (Here state all the facts leading up to the order appealed from, the objections to the order appealed from and the grounds relied on in support of the appeal; also state the date of the order appealed from and the date on which it was received by the appellant, etc.)

Prayer.]

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1. Ins. by G.S.R. 73, dated 7th January, 1971 (w.e.f. 16-1-1971).

*THE SUPREME COURT RULES, 1966*

**<sup>1</sup>[NO. 28**  
**IN THE SUPREME COURT OF INDIA**  
**[Order XVI, rule 4(1)(a)]**  
**CIVIL APPELLATE JURISDICTION**  
**SPECIAL LEAVE PETITION**  
**(Under Article 136 of the Constitution of India)**

S.L.P. (Civil) No..... of .....

BETWEEN

Position of parties

In the Court /  
Tribunal from  
whose Order the  
petition arises

In this Court

(A) (Here insert the  
name /names of  
the Petitioner

Petitioner /  
Respondent/  
Appellant

Petitioner

(B)

(C)

AND

(D) (Here insert the  
name/names of  
Respondent

Petitioner/  
Respondent/  
Appellant

Respondent

(E)

(F)

To

Hon'ble the Chief Justice of India and His Companion Judges of the Supreme Court of India.

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1. Ins. by G.S.R. 272, dated 17th June, 1997 (w.e.f. 28-6-1997).

*THE SUPREME COURT RULES, 1966*

The Special Leave Petition of the Petitioner most respectfully showeth:

1. The petitioner / petitioners above named respectfully submits this petition seeking special leave to appeal against the judgment/order of (Here specify the Court / Tribunal against whose order the leave to appeal is sought for together with number of the case, date of the order and nature of the order such as allowing or dismissing the matter or granting or refusing the interim order, etc.)
2. **QUESTIONS OF LAW :**  
The following questions of the law arise for consideration by this Hon'ble Court :  
(Here set out the questions of law arising for consideration precisely)
3. **DECLARATION IN TERMS OF RULE 4(2) :**  
The petitioner states that no other petition seeking leave to appeal has been filed by him against the impugned judgment and order.
4. **DECLARATION IN TERMS OF RULE 6:**  
<sup>1</sup>[ The Annexures produced alongwith the SLP] are true copies of the pleadings/documents which formed part of the records of the case in the Court / Tribunal below against whose order the leave to appeal is sought for in this petition.
5. **FOUNDATIONS :**  
Leave to appeal is sought for on the following grounds.  
(Here specify the grounds precisely and clearly)
6. **FOUNDATIONS FOR INTERIM RELIEF :**  
(Here specify briefly the grounds on which interim relief is sought for)
7. **MAIN PRAYER :**  
(Here set out the main prayer)
8. **INTERIM RELIEF :**  
(Here set out the interim prayer)

Place : Advocate for the petitioner

Date:

Settled by :

(Specify the name of the Advocate in case where the petition is settled by an advocate.)

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1. Corrigendum issued vide G.S.R. 303, dated 21st July, 1997 (w.e.f. 28-06-1997)

*THE SUPREME COURT RULES, 1966*

**<sup>1</sup>REGULATIONS REGARDING  
ADVOCATES-ON-RECORD EXAMINATION**

In pursuance of the provisions contained in sub-rule (i) of rule 5 of Order IV, Supreme Court Rules, 1966, the following Regulations are published for general information.

- (1) The examination shall be held under the general supervision of a Committee of three Judges of the Court to be appointed by the Chief Justice of India and to be designated as the Examination Committee; unless otherwise specifically ordered by the said Committee the examination will be held twice a year preferably in May and December.
- (2) The examination will be held in the Court Building in New Delhi or at such other place as the Committee may direct on a date to be appointed by the Committee and notified in the Gazette of India.
- (3) The examination shall be conducted by a Board of Examiners to be nominated by the Committee, of which Board the Registrar or the Deputy Registrar (Judicial), of the Court will be ex officio Secretary.
- (4) The examination shall be held in the following subjects:

Subject	Syllabus	Books Recommended
1	2	3
(I) Practice & Procedure of the Supreme Court.	(i) Relevant provisions in the Constitution of India relating to the jurisdiction of the Court. (ii) Supreme Court Rules and relevant provisions of Civil Procedure Code, Limitation Act and the General Principles of Court Fees Act.	Constitution of India by D. Basu  <sup>2</sup> [Practice and procedure of the Supreme Court of India by Guru Datta and B.R. Agarwala.]

1. Vide G.S.R. 308, dated 1st March, 1966.
2. Ins. by G.S.R. 100, dated 18th January, 1969.

*THE SUPREME COURT RULES, 1966*

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|--|---|---|
| (II) Drafting in two parts   | (i) Petitions for special leave and statements of case etc.<br>(ii) Decrees & Orders and Writs etc. | (1) Pleadings; by Gilbert Stone and Ramaswami<br>(2) Odgers on Pleadings.   |
| <sup>1</sup> [(III) Elementary Knowledge of Book Keeping & Accounts and Professional Ethics] |   | <sup>1</sup> (1) Elementary Book Keeping by Dalal & Dalal<br><sup>1</sup> (2) Book-Keeping & Accounts by Spicer & Pegler<br><sup>1</sup> (3) Rights, Duties and Obligations of Attorneys in India by H.A.H. Payne<br><sup>1</sup> (4) Cordery's Law Relating to Solicitors<br><sup>1</sup> (5) Profession, Conduct and Advocacy-by K.V. Krishnaswami Aiyar<br><sup>1</sup> (6) Conduct and Etiquette at the Bar-by W.W. Boulton.] |
| <sup>1</sup> [(IV) Leading Cases   |   | A list of leading cases shall be made available to the candidates at least one month before the date of commencement of the Advocates-on-Record Examination.]   |
- (5) (a) Each paper shall carry 100 marks and in order to pass the examination a candidate must obtain a minimum of 50 per cent of the marks in each paper and 60 per cent in the aggregate.
- (b) If the Committee on the recommendation of the Board of Examiners is of

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1. Amended, added and renumbered by G.S.R. 607, dated 5th May, 1988 (w.e.f. 30-7-1988).



*THE SUPREME COURT RULES, 1966*

the opinion that a candidate has not sufficiently prepared himself for the examination they may prescribe a time within which he shall not present himself again for examination.

- (6) (i) No advocate shall be eligible to appear at the examination unless he has received training from an Advocate on Record <sup>1</sup>[of not less than ten years standing] for a continuous period of one year <sup>2</sup>[commencing from the end of the fourth year of date of his enrolment] 'ending with the 30<sup>th</sup> April or 30<sup>th</sup> November, of the year of the examination, as the case may be'. <sup>2</sup>[This will however not prevent the concerned Advocate from receiving training for the entire period of 5 years commencing from the date of his enrolment].

<sup>3</sup>{Provided that the Committee may, in appropriate cases, extend the period beyond the aforesaid dates viz. 30th April and 30th November, and admit an Advocate to an examination subject to the condition that one year's training is completed and the certificate of completion of training <sup>2</sup>[along with a detailed report on his/her work by the concerned Advocate-on-Record] is produced before the commencement of the examination.}

<sup>4</sup>[Explanation-If an Advocate has undergone the training for a continuous period of one year and furnished the necessary certificate about the completion of his training but fails to appear at the next examination for sufficient cause or fails to pass the examination he need not undergo fresh training.]

(ii) Every candidate receiving training from an Advocate-on-Record shall send to the Registrar of the Supreme Court an intimation in writing of the name of the Advocate on Record from whom he is receiving training together with the consent in writing of the Advocate concerned. This intimation shall be sent to the Registrar by the candidate concerned within seven days of the commencement of the training.

(iii) The Registrar shall maintain a separate register in which shall be entered the name of the candidate undergoing training, the name and address of the Advocate-on-Record, the date of intimation and the date of actual commencement of training.

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1. Subs. by G.S.R. 580, dated 17th November, 1993 (w.e.f. 27-11-1993)
  2. Ins. by G.S.R. 580, dated 17th November, 1993 (w.e.f. 27-11-1993)
  3. Ins. by G.S.R. 325 dated 19th February, 1979 (w.e.f. 3.3.1979)
  4. Ins. by G.S.R. 1719, dated 7th November, 1967

*THE SUPREME COURT RULES, 1966*

<sup>1</sup>[(7)] Every Advocate who desires to appear at the examination shall present an application in the prescribed form at least 30 days before the date of such examination. The application shall be accompanied by an examination fee of Rs. 75/- in cash. The fee so paid shall be credited to Government Account as receipts of the Supreme Court.

<sup>2</sup>[\*\*\*]

- (8) The Board of Examiners shall from among its members appoint paper setters and examiners for each paper. After the papers have been set the Board shall submit the same to the Committee. The Committee may moderate or revise the papers in any manner it thinks fit.
- (9) The Board of Examiners shall at the conclusion of the examination and after scrutiny of the answer papers submit the results along with the answer papers for approval to the Committee and the Committee may in its discretion moderate the said results in any manner it thinks fit.
- (10) As soon as the Committee has scrutinized the results and approved the same the Secretary of the Board shall notify the results on the Court's Notice Board. Every candidate who is declared to have passed the said Examination shall be given a certificate to that effect under the hand of the Secretary.
- (11) (i) A candidate, who fails to obtain 50 per cent in one paper only but obtains 40 per cent in that paper and also obtains 60 per cent in the aggregate in the remaining papers, shall be allowed to appear in that paper <sup>3</sup>[at any one subsequent examination] on payment of the full examination fee and he shall be declared to have passed the Advocates-on-Record Examination if the marks obtained by him at the subsequent examination taken with the marks obtained in the remaining papers at the earlier examination are 60 per cent of the aggregate marks in all the papers.
- (ii) A candidate who passes in all the papers at any single examination but fails to obtain 60 per cent of the marks in the aggregate may, with the previous permission of the Examination Committee and on payment of the full examination fee, appear <sup>3</sup>[at any one subsequent examination] in one of the

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1. Renumbered by G.S.R.50, dated 4th February, 2000.  
2. Omitted by G.S.R. 50, dated 4th February, 2000.  
3. Subs. by G.S.R.1482, dated 15th December, 1979.

*THE SUPREME COURT RULES, 1966*

papers only in which he has obtained less than 60 per cent marks and shall be declared to have passed the Advocates-on-Records Examination if the marks obtained by him at the subsequent examination taken with the marks obtained in the remaining papers at the earlier examination are 60 per cent of the aggregate marks in all the papers.

- (12) All expenses on account of the examination shall be incurred by the Registrar as departmental expenditure.
- (13) The scale of remuneration of the Paper Setter and/or Examiner shall be as may be prescribed by the Committee from time to time.
- (14) The Secretary of the Board shall be in charge of the examinations, and he may, with the approval of the Committee appoint any other officer or officers of the Court to assist him in the supervision of the examination.
- (15) (a) Any candidate bringing into the examination room any book, document or printed or written paper whatsoever or communicating in any way with any other candidate in the examination room or using any unfair means whatsoever, or assisting any other candidate in so doing will be liable to be summarily ejected from the examination room, and shall automatically be disqualified from sitting in the said examination.  
  
(b) The Secretary shall forthwith report the name of the candidate found using unfair means and the circumstances pertaining thereto to the Committee. The Committee may disqualify the said candidate from appearing in any subsequent examinations and may direct that the matter be reported to the Court for such further action against the Advocate as the Court may deem proper.
- (16) At the conclusion of each examination the Secretary of the Board shall collect and forward the answer papers to the Examiner in a sealed cover; if the Examiner is residing outside Delhi, the answer papers shall be forwarded to him under registered cover acknowledgement due and insured for Rs. 100/-.

*THE SUPREME COURT RULES, 1966*

**<sup>1</sup>RULES TO REGULATE PROCEEDINGS  
FOR CONTEMPT OF THE SUPREME COURT, 1975**

In exercise of the powers under section 23 of the Contempt of Courts Act, 1971, read with article 145 of the Constitution of India and all other powers enabling it in this behalf, the Supreme Court hereby makes, with the approval of the President, the following rules:

1. (1) These Rules may be called the Rules to Regulate Proceedings for Contempt of the Supreme Court, 1975.

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

**PART I**

2. (1) Where contempt is committed in view or presence or hearing of the Court, the contemner may be punished by the Court before which it is committed either forthwith or on such date as may be appointed by the Court in that behalf.

(2) Pending the determination of the charge, the Court may direct that the contemner shall be detained in such custody as it may specify:

Provided that the contemner may be released on bail on such terms as the Court may direct.

**PART II**

3. In case of contempt other than the contempt referred to in rule 2, the Court may take action: -

(a) suo motu or

(b) on a petition made by Attorney General, or Solicitor General, or

(c) on a petition made by any person, and in the case of a criminal contempt with the consent in writing of the Attorney General or the Solicitor General.

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1. Vide G.S.R. 142, dated 24th January, 1975 (w.e.f. 1-2-1975).

*THE SUPREME COURT RULES, 1966*

4. (a) Every petition under rule 3(b) or (c) shall contain: -(i) the name, description and place of residence of the petitioner or petitioners and of the persons charged;
- (ii) nature of the contempt alleged, and such material facts, including the date or dates of 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 petitioner 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 a 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, and on any documents filed in the proceedings.

5. Every petition under rule 3 (b) and (c) shall be posted before the Court for preliminary hearing and for orders as to issue of notice. Upon such hearing, the Court, if satisfied that no prima facie case has been made out for issue of notice, may dismiss the petition, and, if not so satisfied direct that notice of the petition be issued to the contemner.

6. (1) Notice to the person charged shall be in Form I. The person charged shall, unless otherwise ordered, appear in person before the Court as directed on the date fixed for hearing of the proceeding, and shall continue to remain present during hearing till the proceeding is finally disposed of by order of the Court.

(2) When action is instituted on a petition, a copy of the petition along with the annexures and affidavits shall be served upon the person charged.

7. The person charged may file his reply duly supported by an affidavit or affidavits.

8. No further affidavit or document shall be filed except with the leave of the Court.

9. Unless otherwise ordered by the Court, seven copies of the paper book

*THE SUPREME COURT RULES, 1966*

shall be prepared in the Registry, one for the petitioner, one for the opposite party and the remaining for the use of the Court. The Paper Book in the case shall be prepared at the expense of the Central Government and shall consist of the following documents:-

- (i) Petition and affidavits filed by the petitioner,
- (ii) A copy of, or a statement relating to, the objectionable matter constituting the alleged contempt,
- (iii) Reply and affidavits of the opposite party,
- (iv) Documents filed by the parties,
- (v) Any other documents which the Registrar may deem fit to include.

10. The Court may direct the Attorney General or Solicitor General to appear and assist the Court.

11. (1) The Court may, if it has reason to believe, that the person charged is absconding or is otherwise evading service of notice, or if he fails to appear in person or to continue to remain present in person in pursuance of the notice, direct a warrant bailable or non-bailable for his arrest, addressed to one or more police officers or may order attachment of property. The warrant shall be issued under the signature of the Registrar. The warrant shall be in Form II and shall be executed, as far as may be, in the manner provided for execution of warrants under the Code of Criminal Procedure.

(2) The warrant shall be executed by the officer or officers to whom it is directed, and may also be executed by any other police officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

(3) Where a warrant is to be executed outside the Union Territory of Delhi, the Court may instead of directing such warrant to police officer, forward it to the Magistrate of the District or the Superintendent of Police or Commissioner of Police of the district within which the person charged is believed to be residing. The Magistrate or the police officer to whom the warrant is forwarded shall endorse his name thereon, and cause it to be executed.

(4) Every person who is arrested and detained shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding

*THE SUPREME COURT RULES, 1966*

the time necessary for the journey from the place of arrest to the Court of the Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

12. The Court may, either suo motu, or on motion made for that purpose, order the attendance for cross-examination, of a person whose affidavit has been filed in the matter.

13. The Court may make orders for the purpose of securing the attendance of any person to be examined as a witness and for discovery or production of any document.

14. The Court may pass such orders as it thinks fit including orders as to costs which may be recovered as if the order were a decree of the Court.

15. Save as otherwise provided by the rules contained herein, the provisions of the Supreme Court Rules, 1966, shall, so far as may be, apply to proceedings in relation to proceedings in contempt under this Part.

PART III

16. Where a person charged with contempt is adjudged guilty and is sentenced to suffer imprisonment, a warrant of commitment and detention shall be made out in Form IV under the signature of the Registrar. Every such warrant shall remain in force until it is cancelled by order of the Court or until it is executed. The Superintendent of the Jail shall in pursuance of the order receive the person so adjudged and detain him in custody for the period specified therein, or until further orders.

*THE SUPREME COURT RULES, 1966*

FORM I

Notice to a person charged with contempt of Court

(See rule 6)

IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

Whereas your attendance is necessary to answer a charge of Contempt of Court by (here briefly state nature of the Contempt).

You are hereby required to appear in person (or by Advocate if the Court has so ordered) before this Court at New Delhi on the .....day of....19..... .

You shall attend the Court in person \*on the .....day of....19...., and shall continue to attend the Court on all days thereafter to which the case against you stands adjourned and until final orders are passed on the charge against you.

Herein fail not.

Dated this .....day of .....19.....

(SEAL)

REGISTRAR

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\* to be omitted where the person charged is allowed or ordered to appear by Advocate.



*THE SUPREME COURT RULES, 1966*

FORM II

Warrant of Arrest

(See Rule 11)

IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

To

(Name and designation of the person or persons who is or are to execute the warrant).

Whereas ..... of ..... is charged with committing contempt of this Court, you are hereby directed to arrest the said..... and to produce him before this Court.

Herein fail not.

(If the Court has issued aailable warrant, the following endorsement shall be made on the warrant).

If the said..... shall give bail in the sum of Rs..... with one surety in the sum of Rs..... (or two sureties each in the sum of Rs. ....) to attend before this Court on the .....day of ....., 19....., and to continue so to attend until otherwise directed by this Court, he may be released.

Dated this ..... day of .....19....

(SEAL)

REGISTRAR

*THE SUPREME COURT RULES, 1966*

FORM III

Bond and Bail-Bond After Arrest Under a Warrant

IN THE SUPREME COURT OF INDIA

(Original Jurisdiction)

I,..... (name) of ..... being brought before the District Magistrate of ..... (or as the case may be) under a warrant issued to compel my appearance to answer to the charge of contempt of the Supreme Court do hereby bind myself to attend the Supreme Court on the .....day of.....next, to answer to the said charge, and to continue so to attend, until otherwise directed by the Supreme Court; and, in case of my making default herein, I bind myself to forfeit to Union of India, the sum of rupees.....

Dated this.....day of .....19.....

(SIGNATURE)

I do hereby declare myself surety for the above-named..... of.....that he shall attend before .....in the Supreme Court on the ..... day of .....next, to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the Supreme Court; and, in case of his making default therein, I bind myself to forfeit to Union of India, the sum of rupees.....

Dated this.....day of.....19.....

*THE SUPREME COURT RULES, 1966*

FORM IV

Warrant of commitment for contempt

(See rule 16)

IN THE SUPREME COURT OF INDIA

[Original Jurisdiction]

To the Superintendent (or Keeper) of the jail at.....

Whereas at the Court holden on this day (name and description of the contemner) has been adjudged by the Court guilty of wilful contempt of Court, and he has been sentenced to suffer imprisonment for the period..... (here specify the term) and/or to pay a fine of rupees.....

This is to authorise and require you, the Superintendent (or Keeper) of the said Jail, to receive the said (name of the contemner) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (term of imprisonment) or for such shorter period as may hereafter be fixed by order of this Court and intimated to you. You are directed to return this warrant with an endorsement certifying the manner of its execution.

You are further directed that while the said .....is in your custody, produce the said ..... before the Court, at all times when the Court shall so direct.

Given under my hand and the seal of the Court, this ..... day of ..... 19.....

(SEAL)

REGISTRAR