

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No. 279/UHC/Admin. A /2020

Dated: December 26, 2020.

In exercise of the powers conferred by Article 225 of the Constitution of India and all other powers enabling it in that behalf, the High Court of Uttarakhand, hereby makes the following Rules, for regulating the practice and procedure for Conduct of Proceedings by a Party-in-Person, before the High Court of Uttarakhand, Nainital:

The High Court of Uttarakhand Party-in-Person Rules, 2020

PRELIMINARY

- 1. Short Title:-** These Rules shall be called as ‘**The High Court of Uttarakhand, Party-in-Person Rules, 2020**’.
- 2. Commencement:-** These Rules come into force from the date of their publication in the Official Gazette.
- 3. Definitions:-** In these, Rules, unless the context otherwise requires.
 - (1) “**High Court**” means the High Court of Uttarakhand.
 - (2) “**Party-in-Person Committee**” means the Committee as constituted under Rule 4 by the Hon’ble Chief Justice of Uttarakhand.
 - (3) “**Party-in-Person**” means and includes a person, who intends to file, plead, appear and argue their own case before the High Court and not through an Advocate, and subject to these Rules, may include a next friend in specified circumstances.
- 4. No permission without a certificate:-** No party shall be entitled to file, plead, appear or argue its own case in-person, until and unless a certificate in terms of the provisions of these rules, is issued in favour of such a party or upon a permission granted by the court concerned.
- 5. Composition of Party-in-Person Committee:-** The Party-in-Person Committee shall consists of two Officers of the Registry of the High Court, to be nominated by Hon’ble the Chief Justice of Uttarakhand.
- 6. Presentations of proceedings in-person by parties:-**
 - (a) The presentation of any matter or proceeding by the Party-in-person shall be made by such person personally, before the filing counter of the High Court. The procedure which governs the filing of matters by Advocates shall apply to filing of matters by the party-in-person (except filing of Vakalatnama).
 - (b) Apart from the case papers, a party-in-person is required to submit at least one, photo proof of identity with full address, such as Aadhar Card, Bank Pass Book with Photo, PAN Card, Driving Licence, Passport, Recent Colour Photo Identity Card or Voter Identity Card along with mobile number and e-mail ID.

7. Application for permission to appear in-person:- Whenever a party wishes to appear and argue the case in-person, then along with the main petition, such a party shall also file an application duly attested by an Oath Commissioner or a Notary seeking permission to appear in-person, as prescribed in Form-A. The application shall indicate the reasons as to why such a party cannot or does not want to engage an Advocate and wants to appear and argue in-person. Such a party shall furnish an undertaking, that even after the grant of permission to appear in-person, if the Court appoints an Advocate as an Amicus Curiae for whatever reason, the party-in-person shall accept such an appointment by the Court unconditionally.

8. Preliminary Verification:- Such an application along with the main petition referred in Rule 7 above, shall be verified by the Party-in-Person Committee.

9. Scrutiny of papers filed by party in-person:- The papers presented by the party-in-person in the filing counter, shall be scrutinized by the concerned Scrutiny section within one week thereof. After scrutiny of the papers, the party-in-person shall be required to appear before the Party-in-Person Committee on the specified date and time, which would be intimated through e-mail/sms. The concerned Scrutiny section shall place the petitions/applications or objections and all other relevant papers before the Party-in-Person Committee at-least two days prior to the date fixed. The Party-in-Person Committee *inter alia* shall guide the party-in-person about the mannerisms, language etc. to be used in the Court and the decorum of the Court to be maintained.

10. Proceedings of the Party-in-Person Committee:-

(a) The Party-in-Person Committee shall scrutinize the matter/ proceedings filed by the party-in-person, so as to ensure that the party-in-person has complied with the Rules of the High Court for the time being *in force* and that the party-in-person has not made any objectionable averments/allegations and has not used and undertakes not to use or speak unparliamentary language in the proceedings and matters of a like nature, in the Court or Office.

(b) The Party-in-Person Committee shall interact with the party-in-person and furnish its opinion by way of an office report, as to whether the party-in-person will be able to give necessary assistance to the Court for disposal of the matter or that any Advocate may be appointed as an Amicus Curiae. The Party-in-Person Committee, may direct the party, to delete, amend or modify any part of the pleadings/ averments, which are objectionable. Failure to comply with such directions, shall disentitle the party-in-person from obtaining the required certificate.

(c) If the Party-in-Person Committee is of the opinion, that the party seeking permission to appear in-person is not competent to appear in-person as mentioned above and a Certificate is not issued as per these Rules, the Party-in-Person Committee may refer such a party to the High Court Legal Services Committee for offering legal services.

(d) If such party is not entitled under law to get assistance from the High Court Legal Services Committee, the party may be asked to appoint a lawyer or a *Pro Bono* Advocate may be appointed for the party.

(e) In the event, it is certified that the party is competent to assist the Court in-person, the party-in-person shall give an undertaking, as prescribed in Form-B, for maintaining the decorum of the Court and not to use or express objectionable and unparliamentary language or behaviour during the course of hearing in the Court or in the Court premises or in the further pleadings and shall further undertake that on failure to abide by the undertaking, contempt proceedings may be initiated against such party-in-person and appropriate costs or security deposit condition may be imposed and that such a party-in-person may not be allowed to appear in any further case as a party-in-person for such period as the Court may deem fit. The Court may also dismiss the proceedings initiated by such party-in-person on any such ill-behaviour of the party-in-person or may pass such any order, as it may deem fit.

(f) In case a party, who wishes to defend his matter/ proceedings in-person as respondent/opponent, the Court may direct such a party to appear before the Party-in-Person Committee and it shall ensure, certify and direct him to follow the procedure prescribed in the above referred Rules.

(g) On the compliance of the provisions of these rules, the Party-in-Person Committee shall issue a certificate, as specified in Form 'C', permitting the party (applicant) to argue the case in-person, and subject to such further orders that the court may pass at the stage of such proceedings.

(h) A party, who has been permitted to appear and argue the matter in-person before the Court, shall be intimated about the date fixed in the matter through e-mail/sms, as intimated to the Advocates and particulars of such party-in-person shall be entered by the Registry of the High Court in the list maintained for this purpose.

11. Grant of Certificate in successive petition:- On filing of successive petitions by such a party, to whom, Party-in-Person Committee has examined at an earlier occasion and has found that such a party has been granted a certificate to appear, and there is no other inference by the Court, before which, such a party has earlier appeared as a party-in-person, it may not be necessary for the Party-in-Person Committee to undertake the entire procedure. After scrutinizing the petition filed by such a party-in-person, a certificate to appear as a party-in-person in a successive matter, may be granted, or for reasons to be recorded, the Committee may insist on complying these rules.

12. Rules not to apply for bail, parole, furlough and habeas corpus Petitions:- These Rules shall not apply in the case of applications for bail, temporary/transit bail, parole, furlough and habeas corpus petitions.

13. Discretion of Court to permit a litigant or other person to appear in-person:- Notwithstanding anything contained in these Rules, the concerned Court before which the matter lies, may, in its discretion, permit a party to appear and conduct the proceedings in court, in-person or may direct such a party to appear before the Party-in-Person Committee.

14. Rules not to apply to Pending Matters:- Subject to any direction of the Court, before which, any matter is pending, these rules shall not apply to pending matters in the High Court.

15. Interpretation:- If any question arises relating to the interpretation of any of the provision of these rules, the question shall be referred to the Chief Justice, whose decision thereon shall be final.

By order of Hon'ble the Court,

Sd/-
(Dhananjay Chaturvedi)
Registrar General

Dated: December 26, 2020.

No. 5698/UHC/Admin. A /2020

Copy forwarded for information and necessary action to:

1. Advocate General of the Government of Uttarakhand.
2. President/Secretary, High Court Bar Association, Nainital.
3. Chief Standing Counsel, Government of Uttarakhand, Nainital.
4. Assistant Solicitor General, Government of India, Nainital.
5. Additional Chief Standing Counsel, Government of Uttarakhand, Nainital.
6. Principal Secretary, Legislative, Parliamentary Affairs, Government of Uttarakhand, Dehradun.
7. Secretary Law-cum-L.R., Government of Uttarakhand, Dehradun.
8. All the Registrars of the Court.
9. P.P.S. to Hon'ble the Acting Chief Justice.
10. P.S./ P.A. to Hon'ble Judges of this Court with the request to place the Notification for kind perusal of Hon'ble Judges.
11. All the Joint Registrars of the Court.
12. All the Deputy Registrars of the Court.
13. All the Assistant Registrar/ Section Officers of the Court.
14. Librarian of the Court.
15. Director, Printing & Stationery, Government Press, Roorkee, District Hardwar, for publication of the Notification in the next Gazette of the Uttarakhand.
16. Assistant Registrar High Court of Uttarakhand, Nainital with the direction to upload the same on the website of High Court of Uttarakhand, Nainital.
17. Guard file.

By order

Joint Registrar-I

FORM-A

APPLICATION FOR PERMISSION TO APPEAR IN-PERSON

[See Rule 7]

(To be duly attested by the Oath Commissioner/Notary)

I, Sri/Smt./Mr./Ms.....S/o /D/o /W/o

..... Residing at hereby submits an application under Rule 7 of The High Court of Uttarakhand, Party-In-Person Rules, 2020 to appear as a party-in-person representing myself in the following case. (Give particulars of case)

2. I wish to appear as a party-in-person due to the following reasons: (Submit reasons in brief)

3. In case, the Hon'ble Court appoints an Advocate to act as Amicus Curiae or an Advocate is appointed from the list of *Pro Bono* Advocates or legal-aid is provided through High Court Legal Services Committee on the basis of eligibility as per rules, I accept the same unconditionally.

4. Hence, I may be permitted to appear in-person.

Place:

Signature

Date:

(applicant)

FORM-B

UNDERTAKING

(To be duly attested by the Oath Commissioner/Notary)
[See Rule 10 (e)]

I, Sri/Smt./Mr./Ms....., party-in-person, do hereby solemnly affirm and state on Oath as follows:-

That I shall maintain the dignity and decorum of the Court and shall not use or express objectionable and unparliamentary language or behaviour during the course of hearing in the Court or in the Court premises or in the further pleadings & proceedings.

2. Further, if I fail to abide by the above, the Court may dismiss the proceedings filed by me and may pass such further adverse orders and may proceed against me in accordance with these Rules or any other applicable law.

Place:
Date:

SIGNATURE
PARTY-IN-PERSON

Enclosure: Proof of Identity
Proof of Address

FORM-C
CERTIFICATE
[See Rule 10(g)]

In exercise of the powers conferred by Rule 10 of the High Court of Uttarakhand, Party-in-Person Rules, 2020, the Party-in-Person Committee, hereby grants permission to the (applicant's name) to appear as a party-in-person in Case No..... before the High Court of Uttarakhand, subject to the provisions of the said Rules.

Place:

Date:

COMMITTEE MEMBERS