

# GAUHATI HIGH COURT RULES

## RULES OF THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, MIZORAM,  
TRIPURA AND ARUNACHAL PRADESH)<sup>1</sup>

The 12th April, 1954

**No.HC. XI-3/53/1444-G** — In exercise of the powers conferred by Article 225 of the Constitution of India read with Article 6 of the Assam High Court Order, 1948, The Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura) is pleased to make the following Rules regarding “Business not of a Judicial Character”, “Records”, “Inspection and Information” and “Deposit and payment of Money” in the Appellate Side Rules of the said High Court. The Rules will take effect from the date of their publication in the Gazette.

### PART I

#### General Rules

#### CHAPTER I<sup>2</sup>

#### BUSINESS NOT OF A JUDICIAL CHARACTER

#### The Administrative Committee

1. There shall be a Standing Committee consisting of the Chief Justice and such other Judge or Judges appointed from time to time by the Chief Justice, which shall be called the Administrative Committee.<sup>3</sup>

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*Note 1:* Cause title — The cause title of these rules initially read as “Rules of the High Court of Judicature in Assam at Gauhati”. Vide Correction Slip No. 54, Notification No. HC XI-4/65-70/443/RC, dated the 17th January, 1972, wherever the words “the High Court of Assam and Nagaland”, or “the High Court of Judicature in Assam” appeared in these rules, those are substituted by the words “the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura)” on and from the appointed day under the North Eastern Areas (Re-organisation) Act) 1971.

*Note 2:* Chapter I — In this Chapter wherever the word “English” occurred, it was substituted by suitable noun or adjective viz. “administration” or “administrative”, vide Notification No. HC.XI-4/65/1731(A)R.C. dated the 19th February, 1970, Correction Slip No. 38. This amendment was also earlier effected vide Correction Slip No. 36 dated the 19th September 1967 but this Correction Slip was cancelled vide Correction Slip No. 37 dated the 26th November 1968. Now the fresh amendment is vide Correction Slip No. 38.

*Note 3:* Rule 1 — Vide Correction Slip No. 38, Notification No. HC-XI-4/65/1731 (A) R.C. dated the 19th February, 1970, wherever the word “English” occurred it was substituted by the suitable noun or adjective, viz. “administration” or “administrative”. This rule was substituted by the same notification, but the only change was substitution of the word “or” between the words “Chief Justice” and “such other” by the word “and”.

This amendment and substitution was also earlier effected vide Correction Slip No. 36 dated the 19th September, 1967, but this Correction Slip was cancelled vide Correction Slip No. 37 and now the fresh amendment vide Correction Slip No. 38.

1A. The Full Court Meeting will sit with the Judges available at the principal seat of this Court:

Provided that normally Full Court Meetings should be held when all the Judges are available at the principal seat of this Court.<sup>4</sup>

2. The Administrative Committee shall be charged with the control and direction of the Subordinate Courts, so far as such control and direction are exercised otherwise than judicially.<sup>5</sup>

3. The Administrative Committee shall have power, without reference to the Judges, generally —

(a) to dispose of all correspondence with its own department, urgent in its nature and not of general importance;

(b) to make recommendation for appointment of District and Sessions Judges, Assistant District and Sessions Judges, Munsiff and Judicial Magistrates and for their promotion, degradation, suspension or dismissal;<sup>6</sup>

(c) to issue Circulars, Orders and General Letter to the Mufassal Courts; and

(d) to dispose of any matter which might ordinarily have been dealt with by the Judge in charge of the Administrative Department, and which he may have referred to the Committee for their opinion.

3A.<sup>7</sup> For every district in all the States under the Jurisdiction of the High Court, there shall be a Judge-in-charge to be nominated by the Chief Justice. The Chief Justice may, however, nominate one Judge for more than one district or for the entire State.

The duties and responsibility of such Portfolio Judge<sup>8</sup> shall be as follows:

(a) to inspect all Courts including the Courts of Executive Magistrate and District Council at least once in a calendar year. In case, however, the concerned

*Note 4:* Rule 1(a) was inserted vide Correction Slip No. 78.

*Note 5:* Rule 2. — The word “administrative” occurring in this rule was substituted for the word “English” vide Correction Slip No. 38, dated the 19th February, 1970.

*Note 6:* Rule 3 - In this Rule, Cl. (b) was substituted vide Correction Slip No. 54, dated the 17th January 1972, Notification No. HC. XI/4-65-75/443/R.C. having come into force from the date of publication in Assam Gazette (dated the 18th January, 1972). Before substitution, R. 3(b) read as follows :

“(b) to make recommendation for the appointment of Subordinate Judges and for the promotion, degradation or suspension of Subordinate Judges and Munsiffs.”

*Note 7:* Rule 3-A added vide Correction Slip No. 103 dated 7.9.89.

*Note 8:* The words “Administrative Judge of the Judgeship” was substituted for the

Portfolio Judge(s) is unable to inspect any Court, the same may be entrusted to any other Judge by the Chief Justice;

(b) all administrative matters including transfer and posting of officers shall be routed through the Portfolio Judge of the concerned district, and

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

#### **Judge-in-charge, Administrative Department.**

4. One or more Judges, being members of the Administrative Committee, as may be nominated by the Chief Justice, shall have executive charge of the administrative business of the Court. Chief Justice may distribute the administrative business among them and regulate the same.<sup>9</sup>

#### **Powers of the Judge in the Administrative Department**

5.<sup>10</sup> Orders on all correspondence and on all returns and statements (not being returns to precepts and judicial orders for explanations called for by particular Judges or Benches) shall ordinarily be passed under his powers, as hereinafter specified by the Judge in the Administrative Department (or by the Registrar under his superintendence):

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

6.<sup>11</sup> The Judge in the Administrative Department is empowered to pass orders on the following matters namely:

(a) matters arising out of the revision of all periodical returns and statements furnished by the Subordinate Civil and Criminal Courts and also sessions statements in the matter provided in the proviso to R. 5 above;

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words "Portfolio Judge" vide Notification No. HC-06/96(Pt)/3132 dated 13.06.2005. Again vide Notification No. HC.XI-08/2006/1237/Rc dated 13.10.2006, the words "Portfolio Judge" have been re-introduced.

*Note 9:* Rule 4 was substituted vide 1st Amendment Rules, 1993.

*Note 10, 11:* The word "administrative" occurring in Rules 5 and 6 was substituted for the word "English" vide Correction Slip No. 38, dated the 19th February, 1970.

(b) the posting of and the grant of leave to, persons belonging to the Subordinate Civil Judicial Service;<sup>12</sup>

(c) recommendations to Government for the appointment of Assistant Sessions Judges and for the investiture of Subordinate Judges and Munsiffs with extraordinary powers, e.g. powers under the Indian Succession Act (XXXIX of 1925), the Land Acquisition Act etc.;

(d) Applications and routine references connected with the admission and enrolment of pleaders and Mukhtars under Act XVIII of 1879 (1);

(e) all other correspondences not relating to matters Judicial or to orders of other Judges, unless there be, as to any subject an express rule to the contrary, or unless the importance of the subject may render it in his opinion, fit to be laid before a greater number of Judges.

### **Special Committee**

7. A Special Committee may be appointed by the Judge at a meeting of the Full Court, or by the Chief Justice, at any time, to consider and report to the Full Court upon any matter which may be referred to it.

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

### **Contemplated Legislation**

9. Bills at the Legislative Department of the Central Government and of the State Government forwarded to the High Court for opinion, proposals for the amendment of the law, and generally all matters connected with the development of the law, shall ordinarily be referred in the first instance to Special Committees appointed under R. 7 consisting of not less than three members.

### **General**

10. The Registrar is in administrative control of the offices of the Court, and the officers in immediate charge of such offices are responsible to the Registrar and he to the Chief Justice for their efficient administration. Matters affecting all departments and establishment questions in particular, shall be submitted to the Registrar through the Deputy Registrar.

11. The office rooms of the Court are not open to the public. Information regarding cases shall only be obtained upon filing an application in the form

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*Note 12:* Sub-R.(b) of Rule 6— the words “and promotion” occurring between the words “the posting” and “of”, were deleted vide Correction Slip No. 14.

prescribed in Chapter XVI. Advocates may however interview any Gazetted Officer of the Court during office hours on official business. They or their clerks shall also have free access to the proper officials for purposes mentioned in the Schedule appended to this Chapter.

12. It shall be the duty of the Registrar to submit all papers relating to any matter to the Committee, if any, appointed to deal with it.

13(1) When the Administrative Committee has acted under R. 3 of this Chapter, the relevant papers shall be laid on the tables and these shall be circulated to all the Judges as soon after each meeting as possible, a notice in which shall be stated the matters which have been laid before the Committee and the manner in which they have been disposed of.

(2) When a Special Committee is appointed under R.7 of this Chapter, a notice shall be circulated to all the Judges informing them of the appointment of the names of the members, and of the matters which have been referred to it.

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

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

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

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

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

(b) The Administrative Report yearly submitted to Government, when passed by the Judges of the Administrative Committee.

(c) Rules which, when published, will have the force of law.

(d) Subjects connected with the relations between the Supreme Court and the High Court.

(e) All appointments which by law are made by the High Court and which are not otherwise expressly provided for by the rules in this Chapter.

(f) [deleted]<sup>13</sup>

16. Any individual Judge shall be at liberty to record a separate minute upon

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*Note 13:* Rule 15 — In this Rule Cl. (f) was deleted vide Correction Slip No. 54 Notification No. H.C. XI-4/65-70/443 R.C. dated 17th January, 1972, The deleted Cl. (f) read as follows :

any matter that comes before the Court for discussion.

17. With the notice of a meeting of the Administrative Committee of the Full Court, there shall ordinarily be distributed a list setting out the matters for discussion.

18. Except for some special reason, the papers relating to any matter for discussion at a meeting of the Full Court shall be circulated to all the Judges before the day of the meeting.

19. The proceedings of all meetings of the Full Court and of the Administrative Committee shall be recorded in books to be kept for that purpose by the Registrar, and shall be at all times open to inspection, when called for by any of the Judges.<sup>14</sup>

### SCHEDULE<sup>15</sup>

[See Rule 11]

(1) Obtaining an official report from the stamp Reporter under R. 12 of Chapter V.

(2) Presenting memoranda of appeals, memoranda of objections under Order XLI, Rr. 22 and 26, Civil Procedure Code in accordance with R. 14, Chapter V, and getting the Court fee stamps attached to such memoranda cancelled by the Filing Assistant.

(3) Having Court-fee stamps affixed to miscellaneous applications intended to be presented to the Court or to the Registrar, or application for copies, information or inspection cancelled by the Filing Assistant and entered in the Filing Register.

(4) Transacting business connected with the deposit and withdrawal of money, etc. with the Accountant of the Court.

(5) Filing applications for leave to appeal to the Supreme Court of India after cancellation of the Court-fee stamps attached to such applications and entry in

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“(f) All recommendations for the dismissal from office of Judicial Officers.”

*Note 14:* Rule 19. — The word “Administrative” (occurring in this rule) was substituted for the word “English” vide Correction Slip No. 38, dated 19th February, 1970.

*Note 15:* Schedule — Reference has been made to Order XLI, Rr. 22 and 26 of the Code of Civil Procedure in Cl. (2) of the Schedule. By C.P.C. Amendment Act, 1976, in sub.R. (1) thereof for the words “on any of the grounds decided against him in the Court below but take any cross-objection” the words “but may also state that the finding against him in the Court below in respect of any issue ought to have been in his favour ; and may also take any cross-objection” have been substituted and an Explanation has been added empowering the respondent to file cross-objection in respect to a finding adverse to him notwithstanding that the ultimate decision is wholly or partly in his favour.

the Filing Register.

(6) Filing applications for copies and folios with the Superintendent of the Copying Section, and appearing before him when required to do so.

(7) Inspecting records in the Inspection Room and in the presence of the Inspection Assistant.

(8) Filing applications with the Bench Assistants and appearing before them to settle draft decrees.

(9) Filing applications for information and inspection of records with the officers empowered to deal with these matters.

(10) Filing miscellaneous documents not referred to above with the Court-fee Assistant for cancellation of the Court-fee stamps (if any) attached to such documents, and for distribution to the sections concerned.

(11) Receiving manuscripts, receiving and filing proofs of Paper-books and filing-paper books.

(12) Translating documents for purposes of Paper Books (only such Advocates and their clerks as referred to in R. 37 of Chapter IX of these rules).

(13) Translating documents in relation to Second Appeals, Second Miscellaneous Appeals, Revision cases and reference (only such advocates and their clerks as are referred to in R. 37 of Chapter IX of these rules).

(14) Obtaining prescribed forms from the Forms Assistant.

(15) Having oaths and affirmations administered before a Commissioner of Affidavits.

(16) Getting affidavits explained to declarants by Translators of the Court.

(17) Paying Talabana and other costs.

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