

APPENDIX 4

**RULES IN RESPECT OF PETITION WRITERS UNDER
SECTION 555-A, OF THE Cr. P.C.¹**

Notification No. HC XI-18/59/RC, dated 14th August, 1961. - In exercise of the powers conferred by Section 555-A of the Criminal Procedure Code, and with the previous approval of the Governor, the High Court of Assam is pleased to make the following rules which will come into force from the date of the publication in the Assam Gazette:

1. In these rules—

(i) “petition writers” means a person who has been granted a licence by the appropriate authority to act as a petition writer in the Criminal Courts subordinate to Assam High Court;

(ii) “Form” means a form prescribed by, and appended to, these rules

2. The following persons may be permitted to act as petition writers in the criminal courts subordinate to the High Court; that is to say—

(1) Any person who is an Indian citizen and possesses sufficient knowledge of English and of the local language of the district and passes the selection test conducted by the district authorities for the purpose;

In order to qualify a person to present himself for the examination required by the above rule of petition writer—

(a) he must hold a certificate of having read up to matric standard or equivalent thereto in any school or institution of any recognised university;

(b) he must produce a satisfactory certificate of good moral character from the school authorities;

(c) he must be above the age of twenty-one years; and

(2) Any person who has acted at least for 3 (three) years as a registered clerk under a pleader or an Advocate [or a Mukhtar]²

Note — Such person shall be required to produce a satisfactory certificate from the pleader or advocate concerned as the case may be, before the licensing authority along with the application applying for a licence.

(3) The licensing authority shall as occasions require hold examinations in reading, writing and of a knowledge of the Court Fees and Stamp Act and also the procedure of drafting documents and filing the same in different courts and officers. Persons passing the test shall be placed on the enrolled list and be licensed

Note 1 : Published in the Assam Gazette, Part II-B, dated 23.8.1961, page 2916-2920.

Note 2: Inserted vide Correction Slip No.1 by Notification No. HC.XI-18/59/3672/RC.

thereafter. Each District Magistrate shall maintain individual roll of petition writers for the whole district.

3. A petition writer shall, for the purpose of performing the ministerial part of the work of the pleaders or advocates and also of the litigants, have access to any court in connection with a case and shall approach such of its ministerial officer as may in that behalf be designated by the Presiding Officers or Magistrates of such courts but he shall have not access to the office of any court.

4. A petition writer duly licensed shall be allowed access to any criminal courts of the district or to have any dealing with the ministerial officers attached thereto.

5. A petition writer desiring to have access to any ministerial officer referred to in R.3 shall on demand produce his licence.

6. The advocate's clerks while working in the court shall be loyal to and work under the control and guidance of the advocates under whom they hold their licences as under the Advocates Act; and as petition writer or deed writers they can work independently.³

7. The licensing authority shall be the Chief Judicial Magistrate:

Provided that for the purpose of a sub division the Chief Judicial Magistrate may duly authorise the Sub-divisional Judicial Magistrate.⁴

8. Every person who desires to be licensed as a petition writer shall be required to submit a petition on plain paper to the licensing authority and must fulfil the conditions laid down in R.2 above. No person whose handwriting is illegible or bad shall be registered as a petition writer even though he passes the necessary test.

9. The licensing authority on receiving applications may (i) dispose of the same at once by holding the selection test when necessary; or (ii) make such other enquiry as he thinks proper.

10. (i) When the licensing authority is of opinion that the person is a fit and proper person to be licensed as a petition writer he shall enter his name in a register in Form No. (R) 1 (Cr) and issue to him a license in Form No. (M) 1 (Cr). These licenses shall be strictly non transferable and shall be returned at the close of each year for renewal. It is not necessary to issue a fresh one each year. The fact of renewal may be endorsed on the back of the old card.

Note 3: Substituted vide Correction Slip No. 3, Notification No. HC.XI-3/74/7419/RC, dated the 27th February, 1980. The original Rule 6 read as follows:

"6. The whole set of petition writers shall be deemed to be independent class by themselves but for the purpose of the Court's work in co-operation with the lawyers."

Note 4: Substituted vide Correction Slip No. 2, Notification No. HC.XI-3/74/1300/RC, dated 14th February, 1975.

(ii) Every application for yearly renewal shall be made to the licensing authority not later than 1st December and such application shall be made on plain paper enclosing his original licence. The licencing authority shall unless he has reasons for not renewing it cause the necessary entries to be made on the neck of the licence as a token of the renewal by an officer to be authorised by him in this behalf.

(iii) A fine of Re. 1 shall be credited to Government through proper challan for the loss of the original licence which is sought to be renewed.

11. If an application for renewal of licence be made after the date prescribed by R. 10 it shall be accompanied by the explanation of the petition writer in the form of a verified petition showing cause for the delay in applying for the renewal. When, however, such application is made after the expiry of the period for which the licence was last granted it shall be accompanied by an affidavit explaining the delay in applying for renewal and stating that he has not since then worked as the petition writer in any court.

Note — The affidavit shall be executed on an impressed non judicial stamp under Art 4, Schedule 1 to the Indian Stamp Act, 1899.

12. Any licensing authority in the case of petition writer registered by him may for reasons to be recorded in writing and after hearing the petition writer in his defence, order his suspension or removal from the register and the cancellation of his licence, if he is guilty of any fraud or misconduct such as to render him unfit for the exercise of his duties or convicted of any offence involving moral turpitude. Every order of removal shall be communicated to the other licensing authorities of the other districts.

Note — Proceedings taken against the petition writers under this rule shall be deemed to be administrative and not judicial proceedings.

13. Every petition writer shall be entitled to appeal to the Sessions judge in his jurisdiction against any order passed by the licensing authority which impose upon him any penalties specified in R. 12 and R. 18 (ii) or which interprets these rules to his disadvantage.

14.(a) A petition writer shall not, except in the absence of the pleader or advocate for whom he works in connection with a case or suit, pass or hand over to another pleader or advocate any paper concerning that case or suit to be filed in the Court unless such paper bears the signature of the above pleader or advocate.

(b) No petition writer shall be allowed to act on behalf of both the parties in any proceeding or connected proceedings.

15. The courts shall allow the petition writers-

(1) to present applications signed by either the parties or parties' pleaders or advocates, for (a) copies of information, (b) supply of forms, (c) return of documents, (d) repayments of deposits, (e) inspection, (f) all applications of a routine nature;

(2) to take delivery of copies or information;

(3) to tender money, written up forms, summons, etc.

(4) to identify persons verifying affidavits;

(5) to take notes regarding dates of depositions, hearing, etc.

16. Petition writers shall not be allowed to inspect or handle records or make representation to Courts on behalf of the parties.

17. No petition writer shall be allowed to accept fees in excess of the fees prescribed in the schedule below for the different kinds of petitions etc. In cases not covered by the schedule, a petition writer will be entitled to only reasonable fees.

18. (i) Any person who acts as a petition writer without a valid licence granted to him in accordance with the above rules shall be deemed to be liable for prosecution for contravening the above rules.

(ii) The licensing authorities shall be empowered to investigate such cases and after proper investigation, they can impose penalties upon the person or persons found at fault up to a maximum amount of Rs. 100 which, if not paid, shall be a bar to renewal of his licence:

SCHEDULE

Particulars of the petition	Writing charge
1. Complaint petition	Re. 1.00 each
2. All other petitions	Annas 8 each
3. Affidavit, Bail Bond, Security Bond, etc.	Re.1.00 each

APPENDIX

1. Form No. (R) 1 (Criminal)

2. Form No. (R) 2 (Criminal)

3. Form No. (M) 1 (Criminal)

Form No. (R) 1 (Cr)

Register of petition writers in the Court of ...

1. Serial No.

2. Name
3. Father's name
4. Residence
5. Date of Registration
6. Date of removal from this register
7. Remarks

Note — Not more than two or three names should be entered on each page of the register and as each renews his card from year to year, the date of such renewal should be entered on the same page in column 5.

Form No. (R) 2 (Cr)

Name of petition writer Card No.....

1. Serial No.
2. Particulars of the petitions with names of the parties
3. Fees charged (item-wise)
4. Signature of the parties from whom fees accepted
5. Signature of the pleaders/advocates with whom the petition writer works
6. Names of courts in which filed
7. Signature of the accepting officer
8. Remarks

Form No. (M) 1 (Cr)

Form of licence for petition writers in Criminal Courts

LICENCE

[Not transferable]

No.....

This is to authorise .. . son of of village..... Thana
 District..... now residing at to act as the petition writer in the court/
 Courts of the during the year..... Dated.....19.....

Licensing Authority

(To be produced when required and returned for renewal on.....)