

PART C- INSPECTION OF JUDICIAL RECORDS

Rules made by the High Court under Article 227 of the constitution of India, regulating the procedure in Courts subordinate to High Court , in cases where any person is entitled to inspect a record of any such Court, and prescribing the fee payable by such persons for inspection.

RULES

1. Records of decided cases shall be open to the inspection of the public , subject to the general control of the head of the office.

Inspection of
decided cases.

The District Judge for the records of his own Court, the Deputy Commissioner for the records of all District Courts , and the Judge of a Court of small causes for the records of such Court, shall be deemed to be the head of the office.

2. Records of pending cases shall be open to the inspection of the parties or their pleaders or agents alone, subject to the general control of the Judge of the Court in which the case is pending. Inspection by petition-writers is absolutely forbidden; and Legal Practitioners' Clerks may only inspect records when the Legal Practitioner concerned is present.

Inspection of
pending cases.

[1] Provided that a stranger to a civil or criminal case may, for sufficient reasons shown to the satisfaction of the Court inspect record of such pending case (s) before the final order is passed.

Inspection shall not be allowed on the day fixed for the hearing of the case without the special permission of the presiding Judge, and then only if the urgent fee is paid (vide Rule 5 below), except in challan cases which may be inspected at ordinary fees even on the date of hearing.

[1] Inserted vide Correction Slip No. 139 Rules/II.D.4, dated 13-8-2007

[1]2-A. Whenever any written request is received through the Committee for Implementing Legal Aid Scheme constituted by the Government of India or any other Legal Aid Committee constituted by the State Government of Punjab, Haryana and Union Territory of Chandigarh, by the District and Sessions Judge, the records of the pending cases, in any Court, may be allowed to be inspected by the person(s), so authorized by him.

3. The inspection of records shall be made at such time, in such place, and in the presence of such official as the head of the office, in the case of records of decided cases, and the presiding Judge, in the case of records of pending cases, may direct; if the record is not inspected on the date fixed by the proper officer it shall be restored and a fresh application must be submitted before the record can again be taken out for inspection:

Provided that records of cases, to which Government is a party, may be inspected by the Advocate-General or the Assistant Legal Remembrancer of the Punjab at the office of the Deputy Registrar of the High Court. The Deputy Registrar will, on the application of the Advocate-General, call for the records of any case required from the District in which such, case is pending, or is on record, and will cause the records to be returned in due course after inspection.

4. Application for inspection of records shall be made in writing and shall distinctly specify the record which it is desired to inspect, and shall bear, if inspection is required of the records of a decided civil case, one rupee Court-fee stamp and, if inspection is required of the records of a decided case other than a civil case, two rupees Court-fee stamp, being the amount of the fee charged for search.

[1] Added vide Correction Slip No. 78 Rules/II.D.4, dated 7-2-1987

Punjab Government Revenue Department Memo. No. 4426-E-53/1834, dated the 4th April, 1953.

4-A. When any person inspecting the record of a case desires to continue inspection of the same record on the following day, he may give notice of his intention to the official in whose presence inspection is made; and in such case no fresh application need be made in writing; provided that the inspection is continued from day-to-day. This will not affect the fees payable under Rule 5.

Day today
inspection.

[1]5. The inspection fee for each day or part of the day shall be Rs. 2 for ordinary and Rs.3 for urgent inspections, i.e. on the date of hearing. Urgent fee is, however, not to be recovered when inspection is carried out after the hearing is over even though it be done on the date of hearing. Inspection of challan cases should, however, be allowed at ordinary fees even before the case is heard on the date of hearing.

Inspection fees,
amount and mode
of payment.

The fee provided above shall entitle the applicant to inspect the record on one day only. If inspection of the record is desired on another day, a fresh application is required and a fresh fee paid.

Note I.- These rules do not authorise a court to charge a fee when a record is sent for and inspected by a Court of first instance on the application of a party, under the provisions of Order XIII, Rule 10, of the Code of Civil Procedure, 1908. But every application made under Order XIII, Rule 10, must (unless the court otherwise directs) be supported by an affidavit of the applicant or his pleader, showing that the production of the record is necessary.

No fees when a
record is sent for
under Order 13,
Rule 10, C.P.C.

Note II.-No fee should be charged for the inspection of records in Civil and Criminal cases by the Advocate-General or Public Prosecutor as such or by any counsel appearing for Government in such cases or by counsel appearing for accused who is a pauper or is defended by counsel provided' at Government expense.

[1] Substituted vide Correction Slip No. G.S.R. 127/Const./ART./227/78 dated 21-11-1978.

[1] Note III.-In pending civil cases, where a serving Indian soldier is either a party to the proceedings or is materially concerned in the outcome of the proceedings, no fee shall be charged under these rules when a record is inspected on behalf of such a soldier by counsel engaged by District Soldier's Boards which have been approved by the High Court.

Note IV.-No fee shall be charged for the inspection of insolvency proceedings made by the Receiver, as provided in rule 6 of Chapter 4-C, High Court Rules and Orders, Volume II.

Inspection of
separate records.

6. A separate application shall be made and a separate fee paid for each record which it is desired to inspect, unless the records are so closely connected that, in the opinion of the head of the office or presiding Judge, they may be regarded as one, in which case one application and one fee will suffice.

7. No mark shall be made on any record or paper inspected, and no servant of any member of the Bar shall be allowed on any account to take notes for his master except in the presence and under the supervision of his master. The copying of any document or portion of the record in pen and ink is strictly prohibited; but pencil copies of a document or portion of the record may be made by counsel or under his supervision and his presence, by his clerk or servant. Any person infringing or attempting to infringe the rule, shall be liable to be deprived of the right to inspect records for such period as the head of the office or Presiding Officer of the Court concerned may think fit.

Fees in Court-fee
stamps.

8. Fees under these rules are realized in Court-fee stamps. All Courts should keep an account of receipts from inspection fee so realized.

Free inspection of
Court registers.

9. In order to trace particulars of a suit or document, Counsel may, with the previous permission in writing of the Presiding officer of the Court concerned and in the presence of a court official, inspect the civil or criminal registers of the Court on behalf of parties, free of charge.

Note.- For inspection of Records by the police, see chapter 11-F of volume III.

[1] Substituted vide Correction Slip No. G.S.R. 127/Const./ART./227/78 dated 21-11-1978.