

The Punjab Courts Act, 1918

PUNJAB

India

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Act 6 of 1918

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The Punjab Courts Act, 1918 Punjab Act 6 of 1918 Received the assent of the Lieutenant-Governor of the Punjab on the 30th May 1918, and that of the Governor-General on the 12th June, 1918, and was first published in the Punjab Gazette of the 12th July, 1918. An Act to validate all things done under the Punjab Courts Act, 1914 as amended by Punjab Act IV of 1914, to repeal the said Acts or so much of them as may be valid and to enact a law relating to Courts in Punjab, which is free from the defect described in the preamble. Whereas, it appears that the Punjab Courts Act, 1914, as assented to by Lieutenant-Governor on 15th January, 1914 and by Governor General on 27th April, 1914, and as published in the Punjab Gazette on 22nd May, 1914, included a clause, namely, clause (b) of sub-section (1) of section 39 which had not been passed by the Legislative Council of the Lieutenant-Governor and whereas doubts have arisen as to the validity of things done under the said Act, and the amending Act, Punjab Act IV of 1914 : And whereas it is expedient to validate all things done under the said Acts, to repeal the said Acts or so much of them as may be valid, and to enact a law relating to Courts in Punjab, which is free from the defect above described, it is hereby enacted as follows :-

Part I – 1. Short title and extent.

(1) This Act may be called the Punjab Courts Act, 1918. (2) It extends to [Punjab.] [Substituted by Adaptation of Laws Order, 1950.]

2. Definitions.

- In this Act -the expression "the Punjab Courts Act, 1914" means what was published as the Punjab Courts Act, 1914, in Part V of the Punjab Gazette, dated 22nd May, 1914; and the expression "Punjab Act IV of 1914" means what was published as Punjab Act IV of 1914, in Part V of the Punjab Gazette, dated 20th November, 1914.

3. Enactment of provisions relating to Courts in the Punjab.

(1)(a)The provisions contained in Part II of this Act are hereby enacted and shall be deemed to have had effect on and from the first day of August, 1914.(b)The Punjab Courts Act, 1914, and Punjab Act, IV of 1914, or so much of them as may be valid, are repealed on and from the first day of August, 1914.(2)Validation of acts done. - All things done under the Punjab Courts Act 1914, as amended by Punjab Act IV of 1914, shall be deemed to be in every way as valid as if the Punjab Courts Act, 1914, as amended by Punjab Act IV of 1914, had been of full force and effect on and from the first day of August, 1914 :Provisos. - Provided, firstly, that any appeal which may have been decided by the Chief Court in the exercise of jurisdiction purporting to be exercised under section 39 (1) (b) of the Punjab Courts Act, 1914, shall be deemed to have been validly decided and shall not be called in question by reason of anything contained in this Act;And, secondly, that any appeal which before the commencement of this Act has been presented to the Chief Court under section 39 (1) (b) of the Punjab Courts Act, 1914, and which should not have been so presented if the said sub-section had run as set out in section 39 of Part II of this Act shall if it has not been decided be transferred by the said Court for disposal to the District Court having jurisdiction;And thirdly, that any appeal which would have laid to the Chief Court under section 39 (1) (b) of the Punjab Courts Act, 1914, but which lies to the District Court under the provisions of this Act and which if presented to the Chief Court at the commencement of this Act would be within time, shall be deemed to be presented within time if presented to the District Court within sixty days from the commencement of this Act.

Part II – Chapter I

Preliminary

1. [-] [Repealed by Punjab Act 4 of 1919, Section 2 (1).].

2. Repeal. - The enactment specified in the Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. Definitions. - In this Part, unless there is something repugnant in the subject or context, -

(1)"Shall cause" means a suit of the nature cognizable by a Court of Small Causes under the Provincial Small Cause Courts Act, 1887 (IX of 1887);(2)"Land-suit" means a suit relating to land as defined in section 4 (1) of the Punjab Tenancy Act, 1887, (XVI of 1887), or to any right or interest in such land;(3)"Unclassed suit" means a suit which is neither a small cause nor a land suit; and(4)"Value" used with reference to a suit means the amount or value of the subject-matter of the suit.

Chapter II

4. to 17. Repealed by Punjab Act 4 of 1919, Section 2 (1).[-].

Chapter III

The Subordinate Civil CourtsClasses of Courts[18. Classes of Courts. - Besides the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887, and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts, namely :-(1)The Court of District Judge;(2)The Court of Additional District Judge;(3)The Court of Civil Judge (Senior Division); and(4)The Court of Civil Judge (Junior Division).]

19. Civil districts. - (1) For the purposes of this Part the [State] [Substituted for the words 'Provincial' by the Adaptation of Laws Order, 1950.] Government shall divide the territories under its administration into civil districts.

(2)The [State] Government may alter the limits or the number of these districts.

20. District Judges. - The [State] [Substituted for the words 'Provincial' by the Adaptation of Laws Order, 1950.] Government shall appoint as many persons as it thinks necessary to be District Judges, and shall post one such person to each district as District Judge of that District :

Provided that the same person may, if the [State] Government thinks fit, be appointed to be District Judge of two or more districts.[21. Additional District Judges. - (1) The State Government, in consultation with the High Court, may also appoint Additional District Judges to exercise jurisdiction in one or more courts of the District Judges.(2)Additional District Judges shall have jurisdiction to deal with and dispose of such cases only as the High Court, by general or special order, may direct them to deal with and dispose of or as the District Judge of the District may make over to them for being dealt with and disposed of] [Substituted Punjab Act 25 of 1964, section 3.]:Provided that the cases pending with the Additional District Judges immediately before the 28th day of June, 1963, shall be deemed to be cases so directed to be dealt with or disposed of by the High Court or so made over to them by the District Judge of the District as the case may be.(3)While dealing with and disposing of the cases referred to in sub- section (2), an Additional District Judge shall be deemed to be the Court of the District Judge.[21A. Assignment of functions of District Judge to Additional District Judge.] [Section 21-A inserted by Punjab Act 17 of 1968, Section 2.] - The High Court or the District Judge may assign to an Additional District Judge any of the functions of the District Judge, including the functions of receiving and registering cases and appeals, which but for such assignment of functions could be instituted in the Court of the District Judge, and in the discharge of those functions the Additional District Judge shall, notwithstanding anything contained

in the Act, exercise the same powers as the District Judge.

22. [] [Substituted by Punjab Act 9 of 1922, Section 4. For rules under sub-section (2), see notification No. 24019, dated 16th October, 1923, Punjab Gazette, 1923, Part I, page 794, No. 7460, dated 11th March, 1924, Punjab Gazette, 1924, Part I, page 233 and No. 6158, dated 9th March, 1925, Punjab Gazette, 1925, Part I, page 152.] [Civil Judges (Senior Division) and Civil Judges (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.]. - (1) The [State] Government may after consultation with the High Court fix the number of [Civil Judges (Senior Division) and Civil Judges (Junior Division)] to be appointed [-] [The words 'and when there is a vacancy in that number may, subject to the rules, if any, made under sub-section (2) appoint such person as is nominated by the High Court to the said vacancy' were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.].

(2)[The High Court may confer on any Judicial Magistrate the powers of such class] [Added by Punjab Act 25 of 1964, Section 2 and the Schedule. The original sub-section (2) which ran as follows :- 'The Local Government may, after consultation with the High Court, make rules as to the qualifications of persons to be appointed Subordinate Judges' was omitted by the Government of India (Adaptation of Indian Laws), Order, 1937.] of [Civil Judges (Senior Division) and Civil Judges (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] as it may deem fit to be exercised by the Judicial Magistrate within such local area as the High Court may define.

23. [Repealed by Section 5 of Punjab Act IX of 1922]

24. District Court to be principal Civil Court of original jurisdiction. - The Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the District.

25. Original jurisdiction of District Judges in suits. - Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value.

26. Pecuniary limits of jurisdiction of [Civil Judges (Senior Division) and Civil Judges (Junior Division)] [The words 'or grade' omitted by Punjab Act 9 of 1922.]. - The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Haryana Act 16 of 1995.], [-] [The

words 'or Munsif' were omitted by Punjab Act 9 of 1922, Section 6(2).] shall [-] [The words 'in the case of a Subordinate Judge' were omitted by Punjab Act 9 of 1922, Section 6(2).] be determined [-] [The words 'by Local Government and, in the case of a Munsif' were omitted by Section 6(2) of Punjab Act 9 of 1922, Section 6(2).] by the [High Court] [Substituted for the words 'Chief Court' by Punjab Act 4 of 1919, Section 2(5).] either by including him in a class [-] [Substituted by Punjab Act 16 of 1995.] or otherwise as it thinks fit.

[-] [Proviso omitted by Punjab Act 9 of 1922.].

27. Local limits of jurisdiction. - (1) The local limits of the jurisdiction of a [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] shall be such as the [High Court] [Substituted for the words 'Chief Court' by Punjab Act 4 of 1919, Section 2(5).] may define.

[-] [Sub-section (2) and the proviso thereto were repealed by Punjab Act 9 of 1922, Section 6(3).](2)When the [High Court] [Substituted for the words 'Local Government' by Punjab Act 9 of 1922, Section 7.] posts a [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] [-] [Sub-section (2) omitted and sub-section (3) renumbered as sub-section (2) and the words 'or the High Court posts a Munsif' were omitted by Punjab Act 9 of 1922, Section 7(2) and (3).] to a district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

28. Special Judges and Benches. - [(1)] [Substituted by Punjab Act 9 of 1922, Section 8.]The [State] [Substituted by Punjab Act 9 of 1922, Section 8.'] Government may after consultation with the High Court appoint any person to be an Honorary [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.], and the High Court may confer on such Judge all or any of the powers conferrable under this Act on a [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] with respect to particular classes of suits or with respect to suits or with respect to suits generally in any local area.

(2)The [State] Government may direct any uneven number of persons invested with powers of the same description and exercisable within the same local area under this section to sit together as a bench; those powers shall, while the direction remains in force, be exercised by the bench so constituted, and not otherwise.(3)The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.(4)Persons on whom

powers are conferred under this section and the benches constituted under this section shall be deemed, for the purposes of this Part, to be [Civil Judges (Senior Division) and Civil Judges (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.].

29. Power to invest [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] with Small Cause Court jurisdiction. - The [High Court] [Substituted for the words 'Local Government' by Punjab Act 9 of 1922, Section 9.] may, by notification in the Official Gazette, confer, within such local limits as it thinks fit upon any [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] [-] [The words 'or a Munsif', and 'in the case of Subordinate Judge or two hundred and fifty rupees in the case of a Munsif,' omitted by *ibid.*] the jurisdiction of a Judge of a Court of Small Causes under the Provincial Small Cause Courts Act 1887, for the trial of suits, cognizable by such Courts up to such value not exceeding [two thousand rupees] [Substituted for the words 'five hundred rupees' by Punjab Act 35 of 1963, Section 4.], [-] [The words 'or a Munsif', and 'in the case of Subordinate Judge or two hundred and fifty rupees in the case of a Munsif,' omitted by *ibid.*] as it thinks fit, and may withdraw any jurisdiction so conferred.

30. Exercise by [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] of jurisdiction of District Court incertain proceedings. - (1) The [High Court] [Substituted for the words 'Chief Court' by Punjab Act 4 of 1919, Section 2(5).] may by general or special order authorise any [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] to take cognizance of, or any District Judge to transfer to a [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] under his control, any of the proceedings next hereinafter mentioned or any class of those proceedings specified in such order.

(2)The proceedings referred to in sub-section (1) are the following, namely :-(a)Proceedings under the Indian Succession Act, 1865 [(X of 1865)] [See now the Indian Succession Act, 1925 (39 of 1925).], and the Probate and Administration Act, 1881[(V of 1881)] [See now the Indian Succession Act, 1925 (39 of 1925).], which cannot be disposed of by the District Judge.(b)[-] [Clause (b) was omitted by Punjab Act 4 of 1926, Section 7.](3)The District Judge may withdraw any such proceedings taken cognizance of by or transferred to a [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] and may either himself dispose of them or transfer them to a Court under his control competent to dispose of them.(4)Proceedings

taken cognizance of by or transferred to a [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] as the case may be under this section shall be disposed of by him, subject to the rules applicable to like proceedings when disposed of by the District Judge.

31. Place of sitting of Court. - (1) The [High Court] [Substituted for the words 'Local Government' by Punjab Act 9 of 1922, Section 10.] may fix the place or places at which any Court under this Part is to be held.

(2)The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.(3)Except as may be otherwise provided by any order under this section, a Court under this Part may be held at any place within the local limits of its jurisdiction.

32. [Section 32 was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.]

33. Control of Courts. - Subject to the general superintendence and control of the [(High Court), the District Judge shall have control over all the Civil Courts under this Part within the local limits of his jurisdiction.] [Substituted for the words 'Chief Court' by Punjab Act 4 of 1919, Section 2(5).]

34. Power to distribute business. - Notwithstanding anything contained in the Code of Civil Procedure, every District Judge may by written order direct that any civil business cognizable by his Court and the Courts under his control shall be distributed among such Courts in such manner as he thinks fit :

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its jurisdiction.

35. [Section 35 was omitted by the Government India (Adaptation of Indian Laws) Order, 1937.]

36. Power to fine ministerial officers. - (1) A District Court or any Court under the control of District Court may fine, in an amount not exceeding one month's salary, any ministerial officer of the Court for misconduct or neglect in the performance of his duties.

(2)The District Court may, on appeal or otherwise, reverse or modify any order made under sub-section (1) by any Court under its control, any may of its own motion fine up to the amount of one month's salary any ministerial officer of any Court under its control.

37. Delegation of District Judge's powers. - A District Court may, with the previous sanction of the [High Court] [Substituted for the words 'Local Government' by Punjab Act 9 of 1922, Section 12.] delegate to any Substituted for the words 'Local Government' by Punjab Act 9 of 1922, section 12.[Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted for the words 'Local Government' by Punjab Act 9 of 1922, section 12.] in the district, the power conferred on a District Court by sections 33, [and 34] [Substituted for the figures and word '34 and 35 by the Government of India (Adaptation of Indian Laws) Order, 1937.], of this Part and section 24 of the Code of Civil Procedure [V of 1908] to be exercised by the [Civil Judge (Senior Division) and Civil Judge (Junior Division)] in any specified portion of the districts, subject to the control of the District Court.

Chapter IV

Appellate and Revisional Jurisdiction in Civil Cases

38. Appeal from District Judges or Additional Judges. - (1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of a District Judges or [High Court] [Substituted for the words 'Additional Judge' by Punjab Act 35 of 1963, section 4.]> [Additional District Judge] exercising original jurisdiction shall lie to the <a title = [Substituted by Punjab Act 16 of 1995.].

(2)An appeal shall not lie to the [Additional District Judge] [Substituted for the words 'Chief Court' by Act 4 of 1919, section 2 (5).> [High Court] from a decree or order of an <a title = [Substituted by Punjab Act 16 of 1995.].

39. [Appeals from Civil Judge (Senior Division) and Civil Judge (Junior Division). - [Substituted by Punjab Act 29 of 2006.] (1) Save as aforesaid, an appeal from a decree or order of a Civil Judge (Senior Division) and Civil Judge (Junior Division), shall lie to the District Judge, irrespective of the value of the original suit.

(2)Subject to the provisions of sub-section (3), an appeal to the Court of District Judge shall be heard by the District Judge or the Additional District Judge.(3)An Additional District Judge shall hear only such appeals, as the High Court may, be general or special order direct, or as the District Judge of the District may entrust to him.(4)All appeals from a decree or order of a Civil Judge

(Senior Division) and Civil Judge (Junior Division) pending in the High Court, irrespective of the value of the original suit, shall be transferred to the District Judge exercising ordinary territorial jurisdiction.(5)The High Court May, be notification, direct that appeals lying to the District Judge from all or any of the decrees or orders passed in any original suit by an Civil Judge (Senior Division) or Civil Judge (Junior Division), shall be preferred to such other Civil Judge (Senior Division) or Civil Judge (Junior Division), as may be specified in the notification, and the appeals shall thereupon, be preferred accordingly, and the court of such other Civil Judge (Senior Division) and Civil Judge (Junior Division), shall be deemed to be a District Court for the Purpose of the appeals so preferred.]

40. Power to transfer to a [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] appeals from other [Civil Judges (Senior Division) and Civil Judges (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.]. - (1) A District Judge may transfer any appeals pending before him from the decrees or orders of[[Civil Judges (Senior Division) and Civil Judges (Junior Division)] [Substituted for the word 'Munsifs' by Section 15 of Punjab Act 9 of 1922.]] to any[other] [Inserted by Punjab Act 9 of 1922, Section 15.] [Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.] under his administrative control competent to dispose of them.

(2)The District Judge may withdraw any appeal so transferred, and either hear and dispose of it himself or transfer it to a Court under his administrative control competent to dispose of it.(3)Appeals transferred under this section shall be disposed of subject to the rules applicable to like appeals when disposed of by the District Judge.(4)The powers conferred by this section shall be exercised subject to such general or special orders as may from time to time be issued in this behalf by the[High Court] [Substituted for the words 'Chief Court' by Punjab Act 4 of 1919, Section 2(5).].

41. Second appeals. - (1) An appeal shall lie to the [High Court] [substituted for the words 'Chief Court' by Punjab Act 4 of 1919, section 2 (5).] from every decree passed in appeal by any Court subordinate to the [High Court] [substituted for the words 'Chief Court' by Punjab Act 4 of 1919, section 2 (5).] on any of the following grounds, namely :-

(a)the decision being contrary to law or to some custom or usage having the force of law;(b)the decision having failed to determine some material issue of law or custom or usage having the force of law;(c)a substantial error or defect in the procedure provided by the Code of Civil Procedure, 1908, (V of 1908) or by any other law for the time being in force which may possibly have produced error or defect in the decision of the case upon the merits.[Explanation. - A question relating to the existence of validity of a custom or usage shall be deemed to be a question of law within the meaning of this section] [Inserted by Punjab Act 6 of 1941, section 2 (a).].(2)An appeal may lie under this

section from an appellate decree passed ex- parte.(3)[Sub-section 3 omitted by Punjab Act 6 of 1941, section 2 (b).]

42. Second appeal on no other grounds. - (1) No second appeal shall lie except on grounds mentioned in section 41.

(2)No second appeal in certain suits. - No second appeal shall lie in any suit of nature cognizable by Courts of Small Causes when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees.

43. [Omitted by Punjab Act 4 of 1919, section 2 (4)]

44. Revision. - The [High Court] [Substituted for the words 'Chief Court' by Punjab Act 4 of 1919, section 2 (5).] may call for the record of any case which has been decided by any Court subordinate to it and in which no appeal lies thereto and if such subordinate Court appears -

(a)to have exercised a jurisdiction not vested in it by law; or(b)to have failed to exercise a jurisdiction so vested; or(c)to have acted in the exercise of its jurisdiction illegally or with material irregularity :the [High Court] [Substituted for the words 'Chief Court' by Punjab Act 4 of 1919, section 2 (5).] may make such order in the case as it thinks fit.

44A. Period of limitation. - (1) The period of limitation for an appeal under section 41 of this Part shall be ninety days from the date of the decree appealed against.

(2)In computing this period and in all respects not herein specified the limitation of an appeal under the said section shall be deemed to be governed by the provisions of the Indian Limitation Act, 1908.

Chapter V

Supplemental Provisions[45. Mode of conferring powers. - Except as otherwise provided by this part, any powers that may conferred by the High Court on any person under this part may be conferred on such person either by name or by virtue of office.] [Substituted by Punjab Act 9 of 1922, section 16.]

46. Continuance of Powers of officers. - Whenever any person holding an office in the service of Government who has been invested with any powers under this Part throughout any local area is transferred or posted at any subsequent time to an equal or higher office of the same nature within a like local area, he shall, unless the [High Court] [Substituted by Punjab Act 9 of

1922, section 17, for 'Local Government'.], otherwise directs or has otherwise directed, exercise the same powers in the local area to which he is so transferred or posted.

[46A. Provisions regarding petition-writers. - The High Court may from time to time make rules consistent with this Act and any other enactment for the time being in force [Added by Punjab Act 4 of 1919, section 2 (6).] :-(a)declaring what persons shall be permitted to act as petition- writers in the Courts subordinate thereto;(b)regulating the issue of licences to such persons, the conduct of business by them, and the scale of fees to be charged by them; and(c)determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed.

47. Control of list of holidays. - [(1) Subject to such general orders as may be made by the [State] [Substituted by Punjab Act 4 of 1919, section 2 (7).] Government the High Court shall prepare a list of days to be observed in each year as holidays in the Civil Courts subordinate thereto.

(2)Every such list shall be published in the Official Gazette.

47A. [Provision regarding pending proceedings. - All suits, appeals, revisions, applications, reviews, executions and other proceedings whatsoever whether Civil or Criminal pending in the Chief Court of the Punjab shall be continued and concluded in the High Court of Judicature at Lahore as if the same had been had in such High Court; and the High Court of Judicature at Lahore shall have the same jurisdiction in relation to all such suits, appeals, revisions, reviews, executions, applications and other proceedings as if the same had been commenced and continued in such High Court.] [Added by Punjab Act 4 of 1919, section 2 (8).]

48. [Repealed by Punjab Act 4 of 1919, section 2(4).]

49. Amendment of the Punjab Land Revenue Act, Punjab Tenancy Act and the Indian Court-fee Act. - (a) In section 117(2) of the Punjab Land Revenue Act, 1887, in clause (c), "[Civil Judge (Senior Division) and Civil Judge (Junior Division)] [Substituted by Act 16 of 1995 dated 26.10.1995.]" shall be substituted for "District Judge" an in clauses (d) and (e) "District Court" shall be substituted for "Divisional Court".

(b)In section 99 (1) of the Punjab Tenancy Act, 1887 "District Judge" shall be substituted for "Divisional Court".(c)In section 7 (v) (b) of the Indian Court-fee Act, 1870, for the word "five" shall be substituted the word "ten".

50. Amendment of definition of District Judge in Punjab General Clauses Act, 1898. - For the definition of "District Judge", in section 2 (15) of the Punjab General Clauses Act, 1898, the following shall be substituted :-

"District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction but shall not include the [High Court] [Substituted for the words 'Chief Court' by Punjab Act 4 of 1919, section 2 (5).] in the exercise of its ordinary or extraordinary original civil jurisdiction.

51. [Reference in existing enactments to Chief Court. [Added by Punjab Act 4 of 1919, section 2 (9).] - In every enactment now in force, and in every appointment, order, rule, bye-law, notification or form made or issued thereunder all references to the Chief Court of the Punjab shall be construed when necessary as referring to the High Courtt of Judicature at Lahore [until the fifteenth day of August, 1947], [from that date and before the comnecement of the Constitution, as referring to the High Court of East Punjab, and after the commencement of the Constitution as referring to the High Court of Punjab] [Substituted for the words 'and thereafter, as referring to the High Court of East Punjab' [vide the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948] by the Adaptation of Laws (Third Amendment) Order, 1951.] [until the thirty-first day of October, 1966 and thereafter as referring to the High Court of Punjab and Haryana.] [Added by Punjab Adaptation of Laws (State and Concurrent Subjects) Order, 1968.]

The Schedule(See Section 2 of this Part)

1 Year	2 No.	3 Subject or short title	4 Extent of repeal
Acts of the Governor-General in Council			
1884	XVIII	The Punjab Courts Acts	The Whole
1888	XIII	Ditto	Do
1895	XIX	Ditto	Do
1899	XXV	Ditto	Do
Acts of the Lieutenant-Governor of the Punjab in Council			
1909	I	Punjab Courts Amendment Act	The whole
1912	I	Ditto	Do
1913	VI	Ditto	Do

Rules Framed Under Section 46-A[Rules made by the High Court under the powers conferred by Section 46-A as inserted by Act IV of 1919 in the Punjab Courts Act, 1918, declaring what persons shall be permitted to practise as petition writers in Courts and officers in the Punjab, Regulating the conduct of persons so practising, and determining the authority by which breaches of Rules shall be tried.] [Published in the Rules and Orders of the Punjab High Court, Volume I, Chapter 17-B.]A. Definitions

1. Definitions. - In these rules -

'Petition' means a document, written for the purpose of being presented to a Court or a Judicial or Revenue Officer, as such, and includes a plaint and memorandum of appeal.'To practice as a Petition writer' means to write petitions, as defined above, for hire and includes the writing of a single petition for hire.A Petition-writer is said to practice in a Court when he writes petitions for the purpose of being presented to that Court.'Court subordinate to the High Court' means any Civil Court (including a Court of Small Causes) and any Criminal Court other than the High Court.'Revenue Officer' means and includes any person having authority as Revenue Officer under the Punjab Land Revenue Act, 1887, or the Punjab Tenancy Act, 1887.'Revenue Office' means the office of Revenue Officer.'Revenue Court' means and includes any Revenue Officer, exercising the jurisdiction described in section 77 of the Punjab Tenancy Act, 1887.'Revenue Officers invested with jurisdiction under' Chapter XI of the Punjab Land Revenue Act, 1887, shall be deemed to be subordinate Civil Courts or Revenue Courts according as they are under the control of the High Court or of the Financial Commissioners.B. Licensing of Petition-writers

1. Practice as a petition-writer. - No person shall practice as a Petition- writer in the Punjab unless he has been duly licensed under these rules :

Provided, -(1)that any person licensed under any rule hereto in force shall be deemed to have been licensed under these rules;(2)that these rules shall not apply to any Advocate, Pleader or Mukhtiar in respect of a petition written, for presentation to a Court in which he is qualified to practice, whether such petition be written by himself or his clerk or on his behalf;Provided that in the latter case it is signed by the employer.

2. Writing of petition. - No petition shall be received by a Court unless it is written by the party or his recognised agent, or by a legal practitioner or by a petition-writer except in the case of an application filed by an accused person in custody, provided the name and status of the person writing the document appears on it. A legal practitioner's clerk may write such petition on behalf of his master provided it is signed by the latter.

Note - The directions contained in this rule do not apply to Panchayat Courts under the Gram Panchayat Act.

3. Licence. - No person shall be licensed as a Petition-writer while he is in the service of Government or of a legal practitioner, nor shall any person be so licensed within six months of his quitting the service of a legal practitioner.

Note - Service with a District Board is quasi-Government Service.

4. Grades. - (i) Petition-writers in the Punjab are of two grades, that is to say, -

(a) Petition-writers of the first grade, who may practice petition- writing in the High Court and all Courts subordinate thereto and in the Court and Office of the Financial Commissioners and all Revenue Courts and offices under the control of the Financial Commissioners; (b) Petition-writers of the second grade, who may practice petition- writing on the original side of the Court of only District Magistrate, Collectors and District Judges and in Criminal, Civil or Revenue Courts and offices of equal or inferior jurisdiction. Note - It has been decided that with effect from the 6th May, 1910, no person be licensed as a petition-writer of the first grade. (ii) The number of licenses of each grade. - The number of licences of each grade shall be in accordance with the combined scale fixed by the High Court from time to time for each district.

5. Examination. - No person shall be licensed to practice as a petition- writer unless he has qualified in an examination prescribed by the rules in force before the 20th November, 1936, which has been held or arranged to be held before that date.

(ii) The above rule may be relaxed by the High Court in special cases, where local circumstances make it desirable to do so. (iii) Form and grant of licence. - The licence shall be in Form A annexed to these rules, and will be granted by the District Judge concerned with the previous sanction of the High Court in each case.

6. Fee for renewal of licence. - A fee of Rs. 5 shall be charged for each licence on enrolment provided that this fee will be reduced to half for licence granted on or after the first of March in each year. Such licences will be valid only upto the 31st day of August in each year and will be renewed between the 1st and 31st days of August on payment of a renewal fee of Rs. 5. Fees will, in all cases, be payable in court-fee stamps.

7. Condition on which licence remains in force. - A licence granted to a Petition-writer under these rules authorises him to practice subject to these rules, according to its tenure, and conditions in force until, -

(1)its operation is suspended by an order made under rule 8 or the petition-writer enters the service of Government or of a legal practitioner; or(2)the Petition-writer is suspended or dismissed by competent authority.

8. Production and suspension. - (i) Every licensed Petition-writer shall, between the first and 31st day of August of each year, produce, or, if he ordinarily practices in a Subordinate Court, forward through that Court, his license for the inspection of the Court under which is it is held. A notice of such production, with the date, will be entered on the licence. If a Petition-writer fails to comply with this rule or pay the renewal fee referred to in Rule 6 above, his name will be posted in a conspicuous place of the Court-house of the highest Court in which he ordinarily practices, with an order that the operation of his licence is suspended, and that he will be liable to penalties if found practising while such order of suspension is in force.

(ii)When order of suspension may be withdrawn. - If the Petition-writer produces his licence for inspection at any time before the 31st day of August of the following year, the order of suspension may be withdrawn subject to a charge of rupees five:Provided that the charge shall not be made if it be shown to the satisfaction of the Court that the failure to produce the licence within the time appointed was due to unavoidable causes, and that the licence shall not be restored without the previous sanction of the High Court.

9. Transfer of place of business. - No licensed Petition-writer shall transfer his place of business from any one to any other district in the Punjab except with the previous sanction of the High Court, subject to there being a vacancy in the district to which transfer is desired. But it shall be within the discretion of the District Judge to transfer any Petition-writer from any one place to any other within the boundaries of any of the districts under his charge.

10. Licence lost or damaged. - If a licensed Petition-writer loses the licence granted to him under these rules, he may apply to the Court under which it was held for a duplicate licence. The application shall be made in writing, and shall be presented by the applicant in person. The Court to which it is made, if satisfied that the former licence has been lost, shall upon payment by the applicant of rupees five, cause a fresh licence to be issued in the same Form and bearing the same date as the lost licence, and shall cause the word "Duplicate licence" to be effaced thereon, with the date of issue, and shall sign such effacement. Every matter required to be noted upon the licence by

Rules 8, 10, 27(ii), 30(ii) or 34, shall be noted on the back of the duplicate licence under the signature of the Court granting it.

Note. - If a licence becomes damaged, it may be replaced in the manner herein provided in the case of the licence being lost.C. Conduct of Petition-writers

11. Registers of Petitions to be kept. - Every Petition-writer licensed under the foregoing rules shall keep only one register for each calendar year in the Form B annexed to these rules and shall enter therein every petition written by him. Blank spaces shall not be left by a petition-writer in his register. Should one occur, the petition-writer shall forthwith have it cancelled by the Presiding Officer of a Court nearest to his ordinary place of business. Before the close of each year, or immediately thereafter, the register shall be inspected by the Administrative Subordinate Judge, where there is one for the district, otherwise by the Senior Subordinate Judge of the district, who shall also see that blank spaces, if any, have already been cancelled as provided in the preceding sentence.

12. Seal. - Every licensed petition-writer shall, at his own expense, provide himself with an official seal, to be made under the direction of the Court which licenses him on which shall be engraved in the Urdu character, his name and the year in which he was licensed.

13. Manner of drafting Petitions. - Every licensed Petition-writer in writing petitions shall confine himself to expressing in plain and simple language, such as the petitioner can understand, and in concise and proper form, the statements and objects of the petitioner and shall not introduce any argument or quotations from a Law Report or other Law Book, or refer to any decision not brought to his notice by the petitioner.

14. Declaration to be made on the Petition by the petition-writer. - Every licensed petition-writer shall record, at the foot of every petition written by him, other than a petition of merely formal character, a declaration, under his signature, that, to the best of his knowledge and belief, the petition expresses the true meaning of the petitioner, and that its contents have been fully explained to the petitioner.

15. Petition-writer to sign and seal the petition and make certain endorsements. - Every licensed petition-writer shall sign and seal with his official seal, every petition written by him, and shall enter on it the number which it bears in this register, and the fee which has been charged for writing it.

16. Employment of other person to write petitions. - A licensed petition-writer shall not dictate a petition to, or cause a petition to be written by, a person who is not a licensed petition-writer nor shall he employ any person who is not a licensed petition-writer to write petitions for him:

Provided that a petition-writer may employ typists for the purpose of typing petitions drafted by him and that the petitions so typed shall be scrutinized, verified and signed by the petition-writer concerned; such typists shall not draft petitions themselves but shall only carry out on the typewriter the directions of the petition-writer.

17. Court may order a petition-writer to re-write a petition. - Every licensed petition-writer shall re-write at his own cost any petition written by himself, when required to do so by order of competent authority.

18. Writing unnecessary petitions. - A licensed petition-writer shall not instigate any person to cause to be written by himself or by any other licensed petition-writer, any petition which he knows to be unnecessary.

19. Fee Charged. - (i) Subject to the provisions of Rule 25, every licensed petition-writer may make his own terms with his employer as to the remuneration to be paid for his services:

Provided that he enters correctly the actual amount agreed upon on the petition and in the proper column of his register.(ii)Prohibition to share the profits of litigation or to contribute funds for this purpose. - A licensed petition-writer shall not take payment for his services by an interest in the result of any litigation in connection with which he is employed, nor shall he find or contribute towards the funds requisite for carrying on any litigation in which he is not personally interested.

20. Shall not act as recognized agent. - A licensed petition-writer shall not act as a recognised agent in any case in a Civil Court or in a Revenue Court or office except a case in which he is himself to party or in a Criminal Court, subject to the same exception.

21. Surrender of licence. - Every licensed petition-writer,

(1)the operation of whose licence is suspended under rule 8,(2)who enters the service of Government, or of a legal practitioner, or(3)who is suspended or dismissed under these rules, shall forthwith surrender his licence to the Court under which it was held.

22. Striking off name from register. - Every petition-writer who gives up practising for over three years shall have his name struck off the register.

Note - A petition-writer whose name has been removed after three years absence will be at liberty to apply for the restoration of his licence provided that there is a vacancy on the prescribed scale. He shall, however, be treated in this respect on the same footing as a fresh applicant.

23. Rules as to practice. - No licensed petition-writer shall practice,

(1)contrary to the term of licence;(2)in any Panchayat of which he is a member or Sarpanch;(3)in any Court or office in which he has been forbidden to practice, while such prohibition is in force;(4)after his licence has been or should have been surrendered under these rules; or(5)while under suspension.

24. Engagement in trade or business. - No licensed petition-writer shall engage in any business or trade without the previous permission in writing of the High Court.

24A. When a petition-writer has been adjudged an insolvent, his licence to practice as such shall automatically be suspended till the date of his discharge, whether conditional or in full, or till the order of adjudication is annulled.

D. Procedure in dealing with breaches of rules and Penalties

25. Reduction of fees charged. - Any Judicial or Revenue Officer or Court, who upon the representation of any person employing a petition-writer, after hearing such petition-writer, if he desires to be heard, finds that the fee charged for writing a petition presented to his office or Court was excessive, may, by order in writing, reduce the same to such sum as appears to be under the circumstances, reasonable and proper, and may require the petition-writer to refund the amount received in excess of such sum. An order passed under this rule shall not be revised, except by the Officer or Court, who made it.

26. Order to re-write a petition. - Any Judicial or Revenue Officer or Court may order a licensed petition-writer to re-write any petition written by him which contravenes rule 13, or is illegible, obscure or prolix, or contains any irrelevant matter, or misquotation or is, from any other cause, in the opinion of such Officer or Court, informal or otherwise objectionable. An order passed under this rule shall not be open to revision by any Officer or Court other than the Officer or Court which made the order.

27. Order prohibiting practice. - (i) The Presiding Officer of any Court, other than the High Court, or of any Revenue Officer may, for sufficient cause to be recorded in writing under his signature, prohibit any petition-writer from practising in his Court or Office, pending a reference, where the prohibition is issued by the Financial Commissioner, to the High Court; and in any other case, to the District Judge.

(ii) Every order of prohibition passed under this rule shall be communicated to the Court under which the petition-writer affected holds his licence and such Court shall forthwith endorse the substance and date of the order on the licence under his own signature.

28. Failure to obey order. - Any person who practices as petition-writer contrary to the provisions of rule 2 or who fails to obey the orders of a competent authority passed under rule 17 and rule 25 shall be liable to a penalty not exceeding rupees fifty.

29. Punishment for violation of rules. - Any licensed petition-writer who acts in violation of the rules numbered 7, 9, 11, 12, 14, 15, 16, 18, 19, 20, 21 and 24 shall be liable to be suspended, dismissed or reduced.

30. Punishment for inefficiency, misconduct, etc. - Any licensed petition-writer who,

(1) habitually writes petitions contrary to rule 3 or containing irrelevant matter, or which are informal or otherwise objectionable, or (2) in the course of his business as a petition-writer uses disrespectful, insulting or abusive language, or (3) is found to be incapable of efficiently discharging the functions of a petition-writer, or (4) by reason of any fraudulent or improper conduct in the discharge of his duty as a petition-writer is found to be unfit to practice as such; or (5) is convicted of a criminal offence, shall be liable to be suspended or dismissed or reduced in addition to any punishment to which he may be liable under any other rule or enactment for the time being in force.

31. Authority competent to impose penalty. - Any breach of rules or other misconduct punishable under these rules shall be cognizable by the District Judge under whom the petition-writer concerned holds his licence :

Provided that a breach of rule 2 shall be cognizable by the District Judge of the district in which the alleged breach occurred.

32. Inquiry and trial. - Subject to the provisions of rule 31, the District Judge may take cognizance of any breach of rules or other misconduct punishable under these rules either of his own motion or on the report or complaint of any other Court or person and may, after such inquiry as he may consider necessary, impose on the person charged any penalty prescribed by these rules :

Provided that no order shall be passed against any person unless he is given a reasonable opportunity of defending himself.

33. All orders passed to be endorsed on licence. - Every order passed against a petition-writer (including any warning given in lieu of penalty) shall be recorded on the back of his licence by the Court under which he holds the licence. Every such order passed by any Court other than the Court under which the petition-writer holds his licence shall be communicated to such Court for being so recorded.

34. Punishment which High Court may inflict. - Notwithstanding anything hereinafter contained, the High Court may, for any sufficient cause to be recorded in writing, and after such inquiry as it thinks fit, -

(1)dismiss any licensed petition-writer, or suspend him from practice for a specified period; and(2)in the case of a licensed petition-writer of the first grade, -(a)suspend him from practice in the High Court for a specified period, or(b)reduce him to the second grade :Provided that no order shall be made under this rule unless the person charged shall have an opportunity of defending himself.

35. Appeal Engagement of counsel. - No appeal shall lie from any order passed by any Court or Officer under any of the preceding rules; but the High Court, as regards order passed by any District Judge, may in its discretion revise any such order, and in place thereof pass such order as it thinks fit. No petition-writer who has been suspended or dismissed for misconduct can

claim to be heard through counsel.

36. High Court may grant a new licence or restore a suspended licence. - The High Court may, at any time, for sufficient reason, grant a new licence to any licensed petition-writer who has been dismissed or direct that any licence of which the operation has been suspended by an order under rules 30 and 33 or by the petition-writer entering the service of Government or a legal practitioner, be restored to him.

37. High Court's power of control. - Nothing in the foregoing rules shall be deemed to limit or restrict the exercise by the High Court of its general power of superintendence and control.

Form A(Rule 5)Form of Licence For A Petition-WriterIn the Court of the

Judge of the _____ Certified that

son of _____ resident of _____ has
this day been licensed as a petition-writer of the _____ grade, and is hereby
permitted _____ to practice as such in the manner prescribed by rule 4, clause
_____ of the rules relating to petition-writers in the Punjab and subject to the
provisions of the said rules till the 31st day of August, 19_____. Given under my hand and the seal
of this Court, this _____ day of _____, 19_____, at
_____.

JudgeNote - Petition-writers are reminded that participation
by them in any seditious or disloyal movement will be regarded as sufficient cause for dismissal,
suspension or reduction in grade under rule 34 of the rules made by the High Court under section
46-A of the Punjab Courts Act.

Date of renewal of the licence Renewing Officer

Form B(Rule 11)Register to be maintained by every licensed petition-writer

1	2	3	4	5	6	7	8	9	10
Serial number of petition	Date on which petition was written	Name, parentage, caste and residence of the person at whose instance the petition was written	Description of petition	Brief abstract of contents of petition	Value of court-fee labels affixed to the petition	Fee charged for writing the petition	Remarks	Signature of petition-writer	Signature or thumb impression of the petitioner