

Rules Relating to Payment of Expenses to Witnesses in Civil Courts

RAJASTHAN

India

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Rule

RULES-RELATING-TO-PAYMENT-OF-EXPENSES-TO-WITNESSES-IN-CIVIL-COURTS-1958

- Published on 7 May 1958
- Commenced on 7 May 1958
- [This is the version of this document from 7 May 1958.]
- [Note: The original publication document is not available and this content could not be verified.]

Rules Relating to Payment of Expenses to Witnesses in Civil CourtsPublished vide Notification No. 17/S.R.O. dated 7-5-1958 - Rajasthan Gazette, Ordinary, Part 4-C, dated 12-6-1958, page 424Order 16 Rule 2, Civil Procedure Code, 1908In exercise of the powers conferred under Order XVI Rule 2 (3) of the Civil Procedure Code, 1908, the Rajasthan High Court, with the previous approval of the State Government (vide Law Secretary's letter No. D. 1274/F.4 (23) LJ/B/57, dated 22nd April, 1958) has been pleased to frame the following rules relating to payment of expenses to witnesses in Civil Courts.The rules will come into force from the date of publication in the Gazette.

1. Rates of expenses.

- The following are the authorised rates of diet allowance to be paid to witnesses:- (a) for the ordinary class Rs. $\frac{1}{4}$ - per diet, (b) for witnesses of superior rank, a diet allowance according to the circumstances upto limit of Rs. 3/- per diet.

2.

Diet money shall be paid for the days of actual detention as well as for the time occupied in the journeys to and from the Court. The number of days which should be allowed for the journey to and from will be determined by the officer ordering payment in each case.

3.

In addition to diet allowance, travelling allowance shall be given at the following rates :-(a)When the journey is by road land performed in a hired conveyance or his own conveyance, the actual expenses incurred up to a maximum of four annas a mile or in the case of witnesses of superior rank upto six annas a mile. In towns where licensed hackney carriage play for hire, the actual cost of hiring a vehicle suited to the rank of a witness may be allowed, if in the opinion of the court, the use of a vehicle was necessary.(b)When the journey is performed on foot, road mileage at Re. 1/- per mile.(c)Where the journey is wholly or partly by rail:-(i)generally, railway fare by the lowest class.(ii)for witnesses of higher rank, second or first class railway fare according to circumstances.

4.

A Government servant who is summoned to give evidence in a civil case to which Government is a party, of facts which have come to his knowledge or of matters with which he has had to deal in his public capacity, is entitled to draw travelling allowance as on tour from Government. Accordingly, the courts should not grant to such Government servants expenses which have been deposited in such cases for their travelling and halting or subsistence allowances. The amount should be credited to Government under head "XXI Administration of Justice-Misc. Fees and Fines". In the case of employees of the Central Government or State Railway or any other commercial department of Government however, sums deposited for diet money will be credited in the Treasury to the credit of Government concerned i.e. Central Railway or any other Commercial Department or Government, as the case may be.

5.

When a Government servant is summoned to give evidence at a Court situate not more than 5 miles from his headquarters, and no T.A. is, therefore, admissible for the journey, the Court may, if it considers necessary pay him the actual travelling expenses incurred if such Government servant is not in receipt of permanent T.A.

6.

(1)A Government servant who is summoned to give evidence of facts which came to his knowledge in the discharge of his duties or to produce official documents in a suit in which the Government is not a party, will be paid travelling expenses etc. by the courts at the rate admissible to the Government servants for a journey on tour. In order to enable the courts to assess the amount admissible to him, the Government servant should carry to the Court a certificate duly signed by the Controlling Officer of the Government servant showing the rate of travelling and daily allowance admissible to him for a journey on tour. If the Government servant is his own Controlling Officer, the certificate will be signed by him as such.(2)The party so calling a Government servant shall be required to deposit his salary for the day or days spent by him in evidence and journey. The amount so deposited would be credited to the Government account and would be in addition to the

travelling expenses to be paid to the Government servant by the party.

7.

A Government servant summoned to give evidence in circumstances other than those described in Rules 4, 5 and 6 above is not entitled by reason of his position as a Government servant, to any payments other than those admissible to other witnesses under these rules. If the Court pays him any sum as subsistence allowance or compensation, apart from payment for travelling expenses, he must credit that sum to Government before drawing full pay for the day or days of absence.

8.

In all cases in which a Government servant is summoned to give evidence, the court should give him a certificate in the following Form 'A' specifying the dates on which the officer was required to attend and the amount, if any paid by the court. The certificate will be attached by the officer concerned to any travelling allowance bill which he may submit. A copy of the certificate should be endorsed to the Head of the Department concerned for his information. Form 'A' Certificate of Attendance Court of the at vs..... Case No..... of..... Certified that appeared in this Court as a witness on behalf of in the above case for days from to..... in his official capacity, and that he was not paid any allowance for his attendances (or was paid the under mentioned allowances for his attendance). Dated the..... 19 .. Signature..... Designation.....

1. Railway fare Class..... Rs. nP.
2. Mileage for..... Miles.....
3. Diet allowance for days.....

Total