

The Orissa Professional Typists for the Civil and Criminal Courts (Registration) Rules, 1981

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Rule

THE-ORISSA-PROFESSIONAL-TYPISTS-FOR-THE-CIVIL-AND-CRIMINAL COURTS (REGISTRATION) RULES, 1981

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The Orissa Professional Typists for the Civil and Criminal Courts (Registration) Rules, 1981 Published vide Notification No. 865-R, dated 28th November, 1981 Notification No. 865-R, dated 28th November, 1981. - In exercise of the powers conferred by Clauses (2) and (3) of Article 227 of the Constitution of India, the High Court with the prior approval of the Governor, hereby make the following rules, namely :

1. Short title and commencement.

(1) These rules may be called the Orissa Professional Typists for the Civil and Criminal Courts (Registration) Rules, 1981. (2) They shall come into force on the date of their publication in the Orissa Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires-(a) "Civil Court" means the Civil Court established under the provisions of the Bengal, Agra and Assam Civil Courts Act, 1887; (b) "Criminal Court" means the Criminal Court established under the provisions of the Code of Criminal Procedure, 1973; (c) "Form" means a Form appended to these rules; (d) "Professional Typist" means a typist who engages himself, in general, to carry on Court business in the premises of Civil or Criminal Courts for typing out plaints, written statements, petitions, affidavits and such other matters as may be filed in the said Courts; (e) "Registering Authority" means the District and Sessions Judge of the Judgeship and Sessions Division within whose jurisdiction the Professional

Typist desires to work.

3. Qualifications.

- No person shall be registered as a professional typist unless he-(i)possesses a certificate from a recognised Institute that he is a qualified typist;(ii)is of respectable character and produces certificates of good character from at least two legal practitioner of the Civil and Criminal Court where he proposes to work as a Professional Typist;(iii)has a clear working knowledge in English so as to type out correctly and legibly; and(iv)has knowledge of the Court language of the Civil or Criminal Court, as the case may be.

4.

A Professional Typist shall not be below eighteen and over sixty years of age.

5. Certificate of typing.

- No Civil and Criminal Court shall accept a plaint, written statement, petition, affidavit or such other matter unless it bears a certificate of having been typed by a-(i)registered typist;(ii)registered clerk of a legal practitioner engaged by the party in the suit, case or legal proceedings;(iii)legal practitioner engaged by the party in the suit, case or legal proceeding;Provided that any certificate, licence or order granted to a Professional Typist by the District and Sessions Judge having jurisdiction and in force immediately before the commencement of these rules shall be deemed to continue in force for the period allowed under the provisions of these rules.

6.

A person shall be disqualified for being registered Professional Typist and for continuance as such if he-(i)has been convicted by a Criminal Court of any offence involving moral turpitude; or(ii)has been adjudged by a competent Court to be of unsound mind or is a deaf mute, a leprosy or tuberculosis patient; or(iii)is an undischarged insolvent; or(iv)is a paid employee in any office, institution or under any person either whole-time or part-time; or(v)has been found guilty of misconduct.

7. Application for registration and registration fee.

(1)Every application for registration as a Professional Typist shall be made to the Registering Authority in Form I.(2)Every such application shall be accompanied with certificates of character of at least two legal practitioners and a treasury chalan showing deposit of registration fee as may be fixed by the High Court from time to time by notification in the Orissa Gazette.

8. Registration.

- On receipt of the application referred to in Sub-rule (1) of Rule 7, the Registering Authority may-(i)dispose of the application at once if he is satisfied that the applicant is fit to be registered as a Professional Typist; or(ii)refer the application to the President of the local Bar Association for his opinion as the fitness of the applicant for being registered as Professional Typist; or(iii)make such other enquiry as he deems necessary for disposing of the application.

9. Registration and licence.

(1)When the Registering Authority is satisfied that the applicant is a fit person to be registered as a Professional Typist, he shall enter his name in the register to be maintained in Form II and grant a licence to the Professional Typist in Form III.(2)The licence granted to a Professional Typist shall be non-transferable and shall remain valid till the end of the calendar year in which it is granted and may be renewed thereafter from time to time.

10. Application for renewal and payment of fee.

(1)Application for renewal of licence shall be made to the Registering Authority thirty days prior to the close of the calendar year.(2)Every such application for renewal of licence shall be accompanied with a treasury challan showing deposit of the renewal fee as may be fixed by the High Court from time to time by notification in the Orissa Gazette.(3)Renewal of licence shall not ordinarily be refused. If renewal is refused on any ground the reason therefor shall be recorded by the Registering Authority and communicated to the Professional Typist.

11. Duplicate licence on payment of fee.

- If the licence is lost, destroyed or defaced a duplicate thereof may be obtained from the Registering Authority on application made therefor, accompanied with a treasury challan showing deposit of the required fee as may, by notification, be fixed by the High Court, from time to time for that purpose.

12. Suspension or cancellation of licence.

(1)The Registering Authority, may, on an application presented before him by any aggrieved person or on any information coming to his notice otherwise as to any misconduct on the part of a Professional Typist, suspend or cancel the licence of the Professional Typist:Provided that no such suspension or cancellation of the licence shall be made unless an enquiry by the Registering Authority into the alleged misconduct is made and the Professional Typist is given a reasonable opportunity of being heard in the matter.(2)The punishment imposed on a Professional Typist shall be recorded in the register maintained under Sub-rule (1) of Rule 9.

13. Surrender of licence.

(1)On cancellation or suspension of the licence, the Professional Typist shall surrender his licence to the Registering Authority.(2)On expiry of the period of suspension the licence shall be returned to him with an endorsement of the period of suspension.(3)In the case of a cancellation of the licence, an endorsement to that effect shall be made on it and name of the Professional Typist shall be struck off the Register.

14. Misconduct.

- The following acts and omissions shall be deemed to be misconducts on the part of a Professional Typist, namely :(i)violation of any of the conditions of these rules;(ii)violation of the conditions of licence;(iii)acceptance of paid employment otherwise;(iv)persistent absence from the Court premises during Court hours;(v)participation in any illegal transaction or unfair dealing;(vi)disobedience of order passed by the Registering Authority or the Presiding Officer of a Court;(vii)working for any litigant in a suit, case or other proceedings;(viii)such other grounds as the Registering Authority or the Presiding Officer of the Court considers sufficient for misconduct.

15. Bar for fresh registration on cancellation of licence.

- If a licence is cancelled on the ground of misconduct the Professional Typist shall not be eligible to make an application for registration as a Professional Typist for a period of two years from the date of removal of his name from the register :Provided that the registering authority may in his discretion refuse to grant a licence in consideration of the gravity of the misconduct after recording reasons therefor.

16.

(1)A Professional Typist, against whom an order refusing renewal, suspension or cancellation of licence has been passed by the Registering Authority, may file an appeal against such order to the Registrar of the High Court within a period of thirty days from the date of communication thereof.(2)The Registrar may call for the records the Registering Authority and may after hearing the party either confirm or modify or set aside the order passed by the Registering Authority or may pass such other order as he deems proper.

17. Typing charges.

- The scale of typing charges to which a Professional Typist is entitled shall be such as the High Court may, by notification, fix from time to time in that behalf.Form I[See Rule 7 (1)]Application for Registration as a Professional Typist before the District and Sessions Judge

- 1. Name and address of the applicant in block letters.....**
- 2. Father's name of the applicant.....**
- 3. Permanent address.....**
- 4. Present address.....**
- 5. Educational qualification.....**
- 6. Description of certificate of knowledge in type-writing.....**
- 7. Particulars as to the knowledge of language including Court language.....**
- 8. Date of birth and age on the date of application with certificate of age.....**
- 9. Past experience as typist, if any.....**
- 10. Name of the station and Court within the premises of which he intends to work as Professional Typist.....**
- 11. Number and date of treasury chalan showing the deposit towards registration fee.....**
- 12. Particulars of registration as a Professional. Typist in any other Judgeship or Sessions Division and reason for making fresh application.....**
- 13. Certificate to the effect that he will abide by the professional conduct as may be prescribed regulating work as a Professional Typist in the Court premises.....**
- 14. Names of the two legal Practitioners as referees.....**
- 15. Particulars of documents enclosed to the application.....**

Signature.....Date.....Form II[See Rule 9 (1)]Register of Professional Typist

Name

Serial No.		Father's name	Permanent address	Present address	Date of birth	Name of the station of the Court where he wouldwork	
1	2	3	4	5	6	7	
Licence No. and date of issue	Renewal of the licence	Educational qualification	Qualification of type-writing	If punished for misconduct, if so, when particulars to be stated		Cancellation or cessation of the licence	Remarks
8	9	10	11	12		13	14

Form III[See Rule 9 (1)]Licence for Professional Typist Licence No..... Date of issue.....Shri/Shrimati..... son/daughter of..... is hereby authorised to sit in the premises of Civil or Criminal Court at.....in the Judgeship and Sessions Division of.....to type out plaints, written statement, petitions, affidavits and such other matters as are required to be filed in suits, cases and proceedings, subject to the following conditions, namely:

- 1. He shall attend the Court regularly and be available within Court hours;**
- 2. He shall charge remuneration at the prescribed scale, a copy of which he shall keep exhibited in a conspicuous place near the place where he sits;**
- 3. He shall sign on each page of the paper typed out by him;**
- 4. He shall type legibly on double space keeping margin of 1½" on the left side, 1" on the right side, 1½" at the top as well as at the bottom;**
- 5. At the bottom he should clearly mention his name and licence number;**
- 6. He shall initial on each cutting or erasure on the typed paper;**
- 7. He shall not keep any copy of the plaint, written statement petition, affidavit and other such materials;**
- 8. He shall not work directly or indirectly for any legal practitioner or any person involved in a suit, case or other proceeding^ in a Court;**
- 9. He shall not solicit work for himself;**

- 10. He shall not make over copies of complaints, written statements, affidavits or other typed materials to any person other than the person for whom he has typed the same;**
- 11. He shall not engage any other typist for typing out the complaints, written statements, affidavits and other materials for which he has been entrusted;**
- 12. Any other conditions as the Registering Authority deems fit to impose.**