

HIGH COURT OF DELHI: NEW DELHI
NOTIFICATION

No. 456/Rules/DHC

Dated: 16.12.2009

In exercise of the powers conferred by Section 7 of the Delhi High Court Act, 1966 (Act 26 of 1966) and all other powers enabling it in this behalf, the High Court of Delhi, hereby inserts following new Part A(c) in Chapter 1 of High Court Rules & Orders, Volume V, pertaining to Jail Petitions:-

Part A (c)

JAIL PETITIONS

1. Filing of a Jail Petition etc.:

(a) If a person in Jail is not represented by an advocate, he or she can submit his or her petition including an appeal, a revision or an application of any kind, supported with documents and certified copy of the impugned judgment or order(s), and written arguments, if any, to the Officer-in-Charge of the Jail where he or she is lodged. The Officer-in-Charge of the Jail shall forward the same on the same day or the next day to the Legal Aid & Counseling Centre (herein after called "Centre") of Delhi Legal Services Authority, at Court Complex, Tihar Jail, Delhi or any other office or centre designated by Legal Services Authority for scrutiny. The "Centre" shall, without any undue delay, in any case not later than 48 hours, forward it to the Delhi High Court Legal Services Committee (herein after called "Committee"). The "Committee" shall there upon cause the same to be urgently filed in the Court after appointing an advocate for conducting his or her case and serving the copies of same on the respondents mentioned herein.

(b) In case, the petition, appeal, revision or application is filed, after the expiry of the period of limitation, the same shall be accompanied by an application for condonation of delay, stating the reasons thereof.

(c) In case, the petition, appeal, revision or application is filed without the certified copies of the impugned judgment or order(s), the same shall be accompanied by an application for seeking exemption from filing the same.

(d) In every petition, appeal, revision or application filed, it shall be stated that no such petition, appeal, revision or application, as the case may be, had been previously filed before this Court or any other Court on the same subject matter. In case, any such petition, appeal, revision or application had been filed before this Court or any other Court, the details of the same shall be given.

(e) Where the petition, appeal, revision or application is to be heard by a Division Bench of this Court, the same shall be filed in duplicate, each set duly signed by the petitioner, appellant or the applicant, filing the same.

(f) (i) In case, the Officer-in-Charge of the Jail receives a hand written petition, appeal, revision or application, in English, he shall get the same typed and forward it to “Centre” for scrutiny, along with such hand written petition, appeal, revision or the application for being forwarded to the “Committee”.

(ii) Where such petition, appeal, revision or application or any document or impugned judgment or order is in a language, other than English, whether hand written or not, the same shall be accompanied by a typed copy of English translation of the same.

2. Processing of Jail Petition etc. :

(a) Every petition, appeal, revision or application received from Jail shall be received and processed by the Registry in the same manner as any other similar urgent petition, appeal, revision or application received and processed by the Registry except hereinafter provided in this rule and list before the Court on the next working day of its filing or removal of objections, if any.

(b) The objections, if any, found after the scrutiny of any petition, appeal, revision or application received from Jail through the “Committee”, shall be immediately returned to the “Committee” for being refiled after removing the objections.

(c) If for any reason, there is no advocate appointed to conduct the case of such a person or such a person has refused to accept the Legal Aid, the matter shall be placed before the Court and the Court may proceed to appoint an Amicus Curie, for assisting the Court on behalf of such a person.

(d) If the petition, appeal, revision or an application or any document, judgment or order(s), not in English, is received unaccompanied by its English translation, the same shall not be returned by the Registry but the Registry shall itself get it translated.

(e) Where a petition, appeal, revision or application has been returned to the “Committee”, after scrutiny for removing the defects and such defects have not been removed within the time prescribed, the same shall be brought to the notice of the Secretary of the “Committee”, by the Registry.

(f) If the petition, appeal, revision or application is refiled after the expiry of the prescribed period, the matter shall be placed before Court by the Registry soon after it is filed for further directions with its report.

(g) In the list of the Court where any petition, appeal, revision or application received from Jail is directed to be listed, the name of the Advocate appearing on behalf of the “Committee”, shall be shown along with the acronym “DHCLSC”.

3. Communication of Order/Judgment:

(a) In all cases where a person is in custody, the order/judgment passed by the court, in addition to the usual mode of communication, shall also be sent a digitally signed order/judgment through e-mail at designated e-mail address of the Jail Superintendent, Tihar Jail and a copy thereof shall also be forwarded to the Delhi High court Legal Services Committee through e-mail at its designated e-mail address.

(b) In case of an order of acquittal passed by the Court or a person being admitted to bail, the Jail Superintendent of the concerned Jail shall be required to send a compliance report to the Court of concerned Judge through Registry of High Court. In case, however, no such compliance is received within a period of one month from the date of passing of such order, the Registry of High Court shall place the file of the case before the Court, without any delay.

NOTE: THIS AMENDMENT SHALL COME INTO FORCE FROM THE DATE OF ITS PUBLICATION IN THE GAZETTE.

BY ORDER OF THE COURT
Sd/-
(RAKESH KAPOOR)
REGISTRAR GENERAL