

NOTIFICATION OF RULES OF HIMACHAL PRADESH OATH COMMISSIONERS (APPOINTMENT & CONTROL) RULES, 2007

1 HIGH COURT OF HIMACHAL PRADESH, SHIMLA No . HHC/Rules/22 (24) 83-11- Dated 24th August, 2015 NOTIFICATION In exercise of the powers conferred by Section 139 (b) of Code of Civil Procedure 1908 read with Section 29 of the Himachal Pradesh Courts Act, 1976 and Section 297 of Code of Criminal Procedure the High Court of Himachal Pradesh makes the following amendments in the Himachal Pradesh Oath Commissioners (Appointment & Control) Rules , 1. 2007:- Short Title Commencement Amendment These Rules shall be Himachal Pradesh Oath (Appointment & Control) 2015) Rules, 2007" called, "The Commissioners (4th Amendment— 2 3 These Rules shall come into force with immediate effect. After definition clause the following clauses 3 (b) (i) and 3 (b) (i) shall be inserted as follows: — 3 (b) (i) "Administrative Tribunal" means "The Himachal Pradesh Administrative Tribunal." 3 (b) (i) "Consumer Commission" means "The H . P . State Consumer Disputes Redressal Commission, Shimla" As a consequence of insertion of new clause 3 (b) (i), the definition clause 3 (d) (i) in the Original Rules shall stand After definition clause 3 (c) in the Original Rules, the following clause shall be inserted and as a consequence thereof , definition clause d (i) in the Original Rules shall stand 2 deleted. (c) (i) "Consumer Forum" means , "District Consumer Disputes Redressal Forum f Shimla or other Consumer Disputes Redressal Fora in the State of H.P . " In the original Rule 3 (d) the words "Registrar (Inspection) " occurring in 3rd line shall stand deleted and substituted I by the words "Registrar (Judicial) , Registrar (Administration) " before the words of "The High Court of Himachal Pradesh" and immediately after the words "the High Court of Himachal Pradesh" the words "the Registrar , Administrative Tribunal" shall be added I After amendment this definition clause 3 (d) shall read as under: 3 (d) Registrar means and includes the Registrar General , Registrar (Rules) , Registrar (Vigilance) , Registrar (Judicial) Registrar (Administration) of the High Court of Himachal Pradesh Registrar , Administrative Tribunal and the Strength Oath of Commissioners at place , Mode each Of 4 5 Appointment Registrar , Consumer Disputes Redressal Commission, Shimla In Original Rule—4 "regarding strength of Oath Commissioners at each place" , after "The High Court" occurring in the words , second line and before words, "Consumer Disputes Redressal Commission" , the words "Administrative Tribunal" shall be inserted. After amendment this Rule shall read as under : The number of Oath Commissioners for the High Court , Administrative Tribunal , Consumer Disputes Redressal Commission , District Consumer Fora in HP as well as at each District, Sub Divisional and Tehsil/ Sub Tehsil Headquarters shall be determined by the High Court from time to time . In Original Rule—5 clauses (i) to (v) shall stand deleted and substituted as under: when a vacancy of Oath Clause— (i) ' Commissioner is likely to occur in the Administrative Tribunal/ Consumer Commission/District Consumer Forum, the 3 shall invite Registrar (s) / President (s) , applications at least 45 days before the expiry of the term of the serving Oath filling up the Commissioner (s) for the Advocates vacancy from amongst in practicing Tribunal/ Consumer Administrative •the Commission/ Consumer Forum on the prescribed form annexed as Appendix-A to these Rules when a vacancy of Oath Clause— (iii) Commissioner is likely to occur within and District jurisdiction, the his Sessions Judge shall invite applications the Sessions Division, in respect of Headquarter direct, while in case of a place other than the. Sessions Division through the Civil Judge Headquarter Division) / Civil Judge (Junior (Senior Division) of the area concerned at least 45 days prior to the expiry of the term (s) of serving Oath Commissioner (s) for filling the vacancy from amongst the advocates of the local Bar in the prescribed annexed as Appendix—A to these Rules. Clause— (i v) ' the District and Sessions the Registrar (s) Administrative Judge , Tribunal/ Consumer Commission/ President (s) , Consumer Forum in shall scrutinize the applications received from desirous candidates and in case an application is found to be not in order, the same shall be returned to the applicant with objections in writing and such applicant may file the application afresh, if he so desires, within the time to be specified by the District and Sessions Judge or Registrar (s) Administrative Tribunal/ Consumer Commission/ President (s) Consumer Forum while returning the application. Clause-- (v) , in case the application (s) are found in order or are so found after objections removal of within the stipulated period, Sessions Judge , Administrative the District and the Registrar, Tribunal/ Consumer Commission/ the President, Consumer Forum, as the case may be shall forward the applications to the Registrar General of the High Court. at

least ten days prior to the expiry of the term of the Oath Commissioner(s) alongwith his recommendations , if with the any, following information relating to the 4 applicant : (h) (c) (d) (f) Standing at the Bar; Caste/ lady/ Schedule Whether Physically Tribe/OBC/ Schedule handicapped; Reputation of the applicant. with integrity and regard to his honesty; Whether he has acted previously as Oath Commissioner, if so, the period thereof? in indulges Whether he malpractice like touting etc. ? General behavior with public. 10 Periodic; 11 Inspecti on of the Regi ters maintair aed by Oath Commiss loner Consignment periodical "regarding Rule-IO Inspection of the registers maintained by the clauses 10 (i) (bath Commissioner" , and 10 (ii)' stand deleted and substituted as under: — clause—10 (i) r inspection of registers of High the Oz ith Commissioner (s) at Tribunal/ Consumer Cc urt (Admini s trative Co. nrni ssion shall be conducted quarterly by the Registrar or his nominee and at tho Consumer Forum by its President and the report shall be placed before Hon' ble tho Chief Justice for perusal and orders . The inspection of the ICiause10 (i i) Reg: .sters of the Oath Commissioners shall the at quarterly conducted be heac Lquarters of the District and Sessions Div .sions by the Civil Judge (Sr . Div i .sion) and at the Sub—Di-visional hea : *quarters by the Civil Judge and if the 2 e are more than one Civil Judges , that 1 by the Senior most Civil Judge . copy of the inspection note shall be sent to • She re spective District and Sessions Judge toy the Inspecting Officer by the Df Che month and the consolidated 10th sta%ement. of the Division shall be sent by the Di-strict and Sessions Judge to the Rogi strac General of the High Court by the 15th of the month following the month of the i nspection . 12 In original Rule 12 (i) after the words "Registrar General of the High Court" and i State "Regis trar , words the before Consumer Disputes Redressal Commission" -5- The words, "Registrar, Administrative Tribunal , shall be inserted. After amendment this clause 12 (i) shall read as under : "When the terms of the an Oath appointment of Commissioner expires and he is not appointed for any other term he/ Ghe shall deposit the register of affidavit with the Registrar General of the läigh Court , Registrar Administrative Tribunal, Registrar , State consumer Dispute Redressal President Commission, Consumer Dispute Redressal Forum, District and Sessions Judge or Senior most Civil Judge in •the Sub-divisional i headquarter (where he was appointed Commissioner) as Oath BY ORDER OF THE HONBLE THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA (VIRENDER SHARMA) REGISTRAR(RULES) Dated 24008.2015 Endst. No. Copy forwarded for information to 1. 2

3. The Registrar, Hon'ble Supreme Court of India New Delhi. The Deputy Private Secretary- to Hontble the Chief Justice, High Court of Himachal Pradesh, Shimla. The Principal Secretary (Home) to the Govt. of Himachal Pradesh, Shimla-2. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. -6- The LR-cum- Principal Secretary (Law) to the Government of Himachal Pradesh, Shimla-2. The President, State Consumer Commission, Shimla-9 The Presidents, District Consumer Fora, Shimla, Mandi and Dharamshala. All the District and Sessions Judges, in Himachal Pradesh with a request to circulate the copy of this notification amongst the Judicial Officers under their control as well as to the Presidents/District Bar Associations and Sub Divisional Bar Associations. The Director, Deputy Director/Joint Director, H.P Judicial Academy, Corzon House, Boileauganj, Shimla-5 The Presiding Officers, Labour Court-cum-Industrial Tribunal, Shimla and Kangra at Dharamshala. The Member Secretary/Administrative Officer, HP State Legal Aid Services Authority, Shimla-09. The Legal Advisor to Hon'ble Lokayukta, Shimla, H.P. The Advocate General, High Court of H.P. Shimla. The Registrar, HP Administrative Tribunal, Shimla-2, w.r.t. his letter dated 19.05.2015. The Accountant General(Audit), H.P. Shimla-3 All the Additional Registrars High Court of Himachal Pradesh, Shimla. The President, HP High Court Bar Association Shimla. The Secretary/Private Secretary/PAs to the Registrar General, Registrar(Vigilance)/ Registrar(Rules) / Registrar(Judicial) / Registrar Admn.) Registrar (Establishment) and Central Project Coordinator High Court of Himachal Pradesh. All the Deputy Registrars/Assistant Registrars/Court Masters/Secretaries/Section Officers/Marriage Counselor/ /PRO/Protocol Officer [Private Secretaries / Chief Librarian High Court of H.P. Shimla. The President/General Secretary, HP High Court Non-Gazetted ployees Association, Shimla. The Technical Director, NIC, High Court of Himachal Pradesh, 21

22. Lb The Section Officer (Computer) for information and uploading the notification in the High Court website as well as on the e- gazette. Guard File. Registrar(Rules)