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For further query

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Supreme Court Rules 1966

The *Supreme Court Rules 1966*, framed under Article 145 of the Indian Constitution, lay down detailed procedures governing the Supreme Court's operations. The rules are divided into several parts, covering various aspects:

1. General Provisions and Definitions:

- Provides definitions of terms used in the rules (e.g., "advocate", "petition", "appeal").
- Covers general procedural requirements, including form and language for petitions and applications.
- Establishes time limits for filing responses, rejoinders, and affidavits.

2. Writ Jurisdiction:

- Defines the procedure for writ petitions under Article 32 of the Constitution, allowing individuals to directly approach the Supreme Court for enforcement of fundamental rights.
- Specifies the documentation, format, and verification requirements for writ petitions.

3. Special Leave Petitions (SLPs):

- Provides rules for filing SLPs under Article 136, allowing the Supreme Court to grant special leave to appeal from judgments, decrees, or orders of any court or tribunal.
- Sets out grounds for SLP admissibility, time limits for filing, and required documents.

4. Appellate Jurisdiction:

- Covers civil and criminal appeals, including procedures for filing, serving notices, and presenting arguments.
- Specifies how appeals from High Courts or other tribunals can be brought to the Supreme Court.
- Includes provisions for time limits, filing fees, and affidavit requirements.

5. Review and Curative Petitions:

- Explains the procedure for filing a review petition under Article 137, which allows the Supreme Court to review its own judgments.
- Curative petitions, a judicially crafted provision, allow for a final review in cases of miscarriage of justice; rules set specific grounds and filing procedures.

6. Rules for Advocates:

- Defines who is eligible to practice in the Supreme Court and prescribes the roles of Senior Advocates and Advocates-on-Record (AoR).
- Only AoRs have the right to file documents in the Supreme Court.

- Sets out ethical and professional standards for advocates appearing before the court.

7. Court Fees and Expenses:

- Provides a comprehensive schedule of fees for filing different types of petitions, applications, and appeals.
- Also lists fees for services like obtaining certified copies and inspecting case files.

8. Miscellaneous Provisions:

- Covers case hearing procedures, including scheduling, adjournments, and case disposal methods.
- Outlines processes for interlocutory applications, interim reliefs, and filing of additional documents.
- Specifies rules for contempt of court proceedings and punishment for contempt.

These rules have been amended to introduce changes, such as *e-filing* and *virtual hearings*, adapting the court's procedures to modern needs and technology.

The **Supreme Court Rules, 1966** were established to govern the procedures and practices followed in the Supreme Court of India. These rules define the responsibilities of advocates, the roles of judges and court officials, and the types of cases the Supreme Court can hear. Here's a detailed breakdown:

1. Advocates and Their Course of Conduct

- **Professional Conduct:** Advocates appearing in the Supreme Court must maintain high standards of professional conduct. They are expected to:
 - Show respect to the court and all participants in a case.
 - Represent their clients truthfully, refraining from misleading the court.
 - Follow the Supreme Court's ethical guidelines, avoiding any conflict of interest.
- **Code of Dress:** Advocates must adhere to a specific dress code, which includes a black coat, white shirt, neckband, and gown. This formal attire reflects the decorum and discipline required by the court.
- **Obligations to Clients:** While advocates owe loyalty to their clients, they are also required to uphold justice. They cannot present false information, withhold evidence, or act in ways that compromise fairness.

2. Role of Single Judge and Registrar

- **Single Judge:**
 - A single judge in the Supreme Court has limited but important roles, especially in procedural or administrative matters. For example, a single judge may:
 - Grant leave to appeal (permission for a case to be heard in the Supreme Court).

- Handle minor applications or preliminary issues, such as deciding procedural questions or granting interim relief.
 - Act on matters like scheduling or initial hearings, although substantial cases are usually handled by a bench of two or more judges.
- **Registrar:**
 - The Registrar oversees the administrative functions of the Supreme Court. Key responsibilities include:
 - Handling the filing and classification of cases. All documents, petitions, and records are submitted through the Registrar's office.
 - Reviewing documents to ensure compliance with Supreme Court requirements and maintaining case files and records.
 - Organizing the court schedule, helping to manage the court's calendar, and ensuring timely hearings.
 - Assisting in administrative matters like communication with advocates and the arrangement of case materials for judges.

3. Types of Petitions Entertained by the Supreme Court

- **Writ Petitions:**
 - Under Article 32 of the Indian Constitution, the Supreme Court has the authority to issue writs for the enforcement of fundamental rights. These writs are a powerful tool for individuals seeking protection against rights violations by the state or other authorities. Types of writs include:
 - **Habeas Corpus:** Orders the release of a person who is unlawfully detained or imprisoned.
 - **Mandamus:** Commands a public official, body, or institution to perform a duty they are legally obligated to do.
 - **Prohibition:** Prevents a lower court or tribunal from exceeding its jurisdiction in a legal matter.
 - **Certiorari:** Allows the Supreme Court to review decisions made by a lower court or tribunal, typically to check for errors in law or jurisdiction.
 - **Quo Warranto:** Challenges the authority of an individual to hold a public office they are not legally entitled to.
- **Special Leave Petition (SLP):**

- Under Article 136, the Supreme Court can grant special leave to appeal from any judgment, order, or sentence of any court or tribunal in India, except military courts. This broad discretionary power allows the Supreme Court to intervene in matters where it deems necessary to provide justice.
- **Election Petitions:**
 - Election petitions are a unique category of cases where the Supreme Court reviews the validity of elections, specifically for members of Parliament and state legislatures. These cases often involve allegations of election fraud, malpractices, or violations of election law under the Representation of the People Act.
- **Appeals:**
 - The Supreme Court hears appeals on a variety of cases, including civil, criminal, and constitutional matters. Appeals can arise from lower courts or High Court decisions, especially if the case involves substantial questions of law or issues of national importance.
- **Public Interest Litigations (PILs):**
 - Though not explicitly covered by the Supreme Court Rules, PILs have become a common practice in the Supreme Court. Through PILs, the court hears cases initiated by citizens or organizations on issues affecting the public interest, such as environmental protection, human rights, and social welfare.

4. Bench Composition and Jurisdiction

- **Bench Composition:** The Supreme Court has flexible bench compositions depending on the complexity and importance of the case.
 - Simple matters or minor procedural cases can be handled by a single judge or a bench of two (division bench).
 - More complex or constitutionally significant cases are usually heard by a larger bench, such as a three-judge bench (full bench) or even a five- or seven-judge bench (constitution bench).
- **Jurisdiction:**
 - **Original Jurisdiction:** The Supreme Court has exclusive original jurisdiction over disputes between states or between the central government and one or more states.
 - **Appellate Jurisdiction:** The Supreme Court can hear appeals on various cases (civil, criminal, and constitutional) when they involve substantial legal questions or have broader implications.
 - **Advisory Jurisdiction:** Under Article 143, the President of India can seek the Supreme Court's opinion on important legal questions. The court provides an advisory opinion, although this is not binding.

Delhi High Court Rules 1967

The *Delhi High Court Rules 1967* govern proceedings in the Delhi High Court. These rules ensure the smooth functioning of the court's various jurisdictions. Key parts include:

1. **Definitions and General Provisions:**

- Defines key terms, similar to the Supreme Court Rules, and explains procedural requirements for petitions and applications.

2. **Jurisdiction:**

- Divided into rules for **Original Jurisdiction**, **Appellate Jurisdiction**, and **Writ Jurisdiction**.
- **Original Jurisdiction:** Covers cases filed directly in the Delhi High Court, such as civil suits over a certain pecuniary threshold and specific high-profile criminal cases.
- **Appellate Jurisdiction:** Outlines procedures for appeals from subordinate courts within Delhi's jurisdiction.
- **Writ Jurisdiction:** Provides rules for petitions under Article 226 and 227 for enforcement of fundamental rights and supervision of lower courts/tribunals.

3. **Procedures for Civil and Criminal Cases:**

- Civil Cases: Outlines the rules for civil filings, from complaints and defenses to appeals, interlocutory applications, and injunctions.
- Criminal Cases: Specifies procedures for filing criminal appeals, bail applications, and other criminal petitions.
- Provides procedural instructions for drafting, serving notices, presenting evidence, and examinations.

4. Filing Procedures:

- Covers the method of filing pleadings, affidavits, applications, and appeals.
- Specifies time limits for different types of petitions and responses, and requirements for verification of affidavits.

5. Court Fees and Costs:

- Details the court fees for various petitions, appeals, applications, and services like certified copies.
- Also specifies rules for calculating costs awarded in judgments and procedures for recovery of these costs.

6. Case Management and Scheduling:

- Lays out methods for listing and scheduling cases.
- Includes provisions for early hearing requests, adjournments, and disposal timelines for cases to manage the court's docket efficiently.

7. Rules for Advocates and Parties:

- Sets forth the standards of conduct for advocates practicing in the Delhi High Court, and qualifications needed for various legal representatives.
- Includes rules about dress code, courtroom behavior, and discipline for advocates.

8. Interim Orders and Reliefs:

- Provides guidelines for seeking interim relief, such as temporary injunctions or stays on lower court judgments during appeals.
- Specifies documentation, evidence requirements, and emergency filing procedures.

9. Contempt of Court and Disciplinary Actions:

- Defines contempt of court and disciplinary action procedures for contemptuous conduct.
- Details the court's authority to take action against individuals or advocates for contemptuous behavior.

10. Miscellaneous Provisions:

- Contains provisions for administrative procedures within the court, such as record-keeping, registry functions, and handling of exhibits.
- Includes rules for the inspection of court records and obtaining certified copies.

- Sets rules for electronic filing, which the Delhi High Court has implemented to modernize its filing system.

Amendments and Technology Adaptations

Both the *Supreme Court Rules 1966* and the *Delhi High Court Rules 1967* have been periodically amended to introduce *electronic filing systems*, *virtual hearings*, and other tech-based improvements to make court procedures faster, more accessible, and transparent.

The **Delhi High Court Rules, 1967** outline the procedural guidelines and responsibilities within the Delhi High Court. These rules cover the conduct of advocates, the powers and responsibilities of judges, and the jurisdiction of the court in both civil and criminal matters. Here's a detailed breakdown:

1. Advocates and Their Course of Conduct

- **Professional Conduct:**
 - Advocates practicing in the Delhi High Court must follow ethical standards similar to those expected in the Supreme Court, upholding honesty, integrity, and respect toward the court.
 - Advocates are expected to be courteous in their interactions with judges, fellow lawyers, and all other court officials.
- **Code of Dress:**
 - The dress code for advocates in the Delhi High Court includes a black coat, white shirt, neckband, and gown. This dress code ensures a uniform and formal appearance, reflecting the dignity and decorum of the court.
- **Client Representation:**
 - Advocates must prioritize their clients' best interests while maintaining a commitment to the justice system. Misleading the court, withholding relevant information, or any form of misconduct is strictly prohibited.
 - Advocates should avoid conflicts of interest and uphold confidentiality with their clients.

2. Role and Power of a Single Judge

- **Single Judge's Role:**
 - A single judge in the Delhi High Court can hear and decide cases of certain types, particularly those involving civil or criminal matters of a lesser complexity.

- Single judges often handle writ petitions, bail applications, and appeals in civil or criminal cases with simpler issues or smaller stakes.
- **Powers of a Single Judge:**
 - A single judge has considerable authority in the High Court to grant interim relief, issue orders, and make determinations on procedural matters.
 - They can also pass judgments on smaller civil or criminal cases, while more complex or significant cases are usually referred to a division bench (two judges) or a full bench (three or more judges).
 - In specific instances, a single judge may refer cases to a larger bench if the matter involves substantial legal questions or conflicting precedents.

3. Civil and Criminal Jurisdiction of the Court

- **Civil Jurisdiction:**
 - The Delhi High Court exercises original, appellate, and revisional jurisdiction in civil matters, depending on the nature and complexity of the case.
 - **Original Jurisdiction:** The High Court has original jurisdiction over civil cases where the monetary value exceeds a specified threshold (currently Rs. 2 crore). This allows it to hear significant cases involving property disputes, contractual issues, intellectual property matters, and more.
 - **Appellate Jurisdiction:** The High Court hears appeals from decisions of subordinate courts (such as district courts) within Delhi. This includes appeals in civil suits and orders issued by these lower courts.
 - **Revisional Jurisdiction:** The High Court has the authority to revise cases where subordinate courts may have committed jurisdictional errors or acted against legal principles.
- **Criminal Jurisdiction:**
 - The Delhi High Court also exercises criminal jurisdiction, which includes original, appellate, and revisional authority.
 - **Original Jurisdiction:** In specific instances, the High Court may directly hear criminal cases, such as in the issuance of writs of habeas corpus or when taking up cases that significantly affect public order or state security.
 - **Appellate Jurisdiction:** The High Court hears appeals from judgments and orders of lower criminal courts within its territorial jurisdiction. This includes appeals in cases involving serious offenses such as murder, assault, and corruption.

- **Revisional Jurisdiction:** The High Court can revise criminal cases to ensure that lower courts adhered to the legal framework. If a lower court's decision is found to be legally flawed, the High Court may intervene and amend the decision.
- **Writ Jurisdiction:**
 - The Delhi High Court has the authority to issue writs under Article 226 of the Indian Constitution for the enforcement of fundamental rights and for other legal remedies. This jurisdiction enables individuals to approach the High Court for protection against rights violations, administrative misconduct, or arbitrary actions by public authorities.
 - Types of writs include habeas corpus, mandamus, prohibition, certiorari, and quo warranto, similar to the writs issued by the Supreme Court.

4. Court Structure and Bench Composition

- **Division Bench:**
 - A division bench, typically consisting of two judges, handles more complex or significant cases, particularly those involving substantial questions of law, conflicting judgments, or appeals requiring in-depth scrutiny.
- **Full Bench:**
 - In specific cases of significant constitutional importance or where there are conflicting legal precedents, a full bench (three or more judges) may be constituted to deliver an authoritative ruling. These larger benches are designed to ensure that complex legal questions are thoroughly examined.

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