

**THE HIGH COURT OF KARNATAKA
(CONDUCT OF PROCEEDINGS BY PARTY-
IN-PERSON) RULES, 2018**

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HIGH COURT OF KARNATAKA, BENGALURU
NOTIFICATION
HCLC No. 73/2017, DATED 24.10.2019

**RULES FOR PRESENTATION AND CONDUCT OF PROCEEDINGS
IN-PERSON BY PARTIES**

(First published in the Karnataka Gazette, Part-IV-A dated 25.06.2020)

In exercise of powers conferred by Section 19 of Mysore High Court Act (1 of 1884), the High Court of Karnataka hereby makes the following Rules for regulating the practice and Procedure for Conduct of Proceedings by Party-in-person, in the High Court of Karnataka.

PRELIMINARY

1. **Short Title:-** These Rules shall be called as 'The High Court of Karnataka (Conduct of Proceedings by Party-In-Person) Rules, 2018'.
2. **Commencement:-** These Rules shall come into force on and from the date of their publication in the Official Gazette.
3. **Definitions:-** In these Rules, unless the context otherwise requires:
 - (1) "High Court" means the High Court of Karnataka
 - (2) "Party-in-Person Committee" means the Committee as is constituted by Hon'ble the Chief Justice.
 - (3) "Party-in-Person" means and includes a person, who intends to plead, appear and argue his or her own case before the High Court, not through an Advocate subject to these Rules may include a next friend in specified circumstances.
4. **Presentation of proceedings in-person by parties:-** The presentation of any matter or proceedings by the person not represented by an Advocate shall be made by such person personally in filing counter of the High Court. The Procedure which governs the filing of matters by Advocates shall apply to filing of matters by parties-in-person (except filing of Vakalath).
(Apart from case papers a party-in-person is required to submit at least one proof of identity with full address, such as Aadhar Card, Ration Card, Bank Pass Book with Photo, PAN Card, Driving Licence, Passport, Recent Colour Photo Identity Card or Voter Identity Card along with mobile number and e-mail ID).
5. **Application for permission to appear in person:-** Whenever a party wants to appear and argue the case in person, he/she shall first file an application, ¹[in Form-A]¹ duly attested by Oath Commissioner or Notary along with the proceedings seeking permission to appear in-person. The application shall indicate reasons as to why he/she cannot or does not want to engage an Advocate and wants to appear and argue in-person with an Undertaking that

1. Inserted by Notification HCLC No. 73/2017 dated 23.08.2022 w.e.f. 24.08.2022

if Court appoints for better assistance of the Court and for proper adjudication of the case an Advocate as *Amicus Curiae* or one from the Panel Advocates of High Court Legal Services Committee, the party will accept such an appointment unconditionally.

6. **Preliminary Verification:-** Such application along with the main petition referred in Rule 5 above shall be verified by the Party-in-Person Committee.
7. **Scrutiny of papers filed by party-in-person:-** The papers presented by the party-in-person in the filing counter as per stipulated office timings shall be scrutinized by the concerned Scrutiny Branches within one week thereof. After scrutiny of the papers presented by the party-in-person, he/she shall be required to appear before the Party-in-Person Committee on the specified date and time. The concerned Scrutiny Branch shall place the petitions/ applications or objections and all other relevant papers before the Party-in-Person Committee accordingly. The Party-in-Person Committee inter alia shall guide him/her about the mannerisms and the language to be used in the Court and the decorum of the Court to be maintained.

The aforesaid procedure shall also be applicable to any interlocutory applications filed by party-in-person subsequent to the filing of main proceedings viz. Petition, Appeal, Revision Petition etc.,

8. **Issue of certificate by Party-in-Person Committee:-**
 - (a) The Party-in-Person Committee shall scrutinize the matter/ proceedings filed by party-in-person so as to ensure that the party-in-person has complied with the requirements of the High Court of Karnataka Act and Rules, 1959 and the Writ Proceedings Rules, 1977 and that the party-in-person has not made any objectionable averments/allegations and has not used and undertakes not to use or speak unparliamentary language in the proceedings and the matter of like nature, in the Court or Office.
 - (b) The Party-in-Person Committee shall interact with the party-in-person and give opinion by way of office report whether party-in-person will be able to give necessary assistance to the Court for disposal of the matter or any Advocate may be appointed as *Amicus Curiae* and party-in-person shall furnish Undertaking in the prescribed proforma annexed to these Rules as Annexure.
 - (c) If the Party-in-Person Committee is of the opinion that the party-in-person is not competent to appear in-person as mentioned above and the Certificate is not issued as per the Rules referred above, the Party-in-Person Committee may refer the Party-in-Person to the High Court Legal Services Committee for offering legal services.
 - (d) If the Party-in-Person is not entitled under law to get assistance of High Court Legal Services Committee, he/she may be asked to appoint a lawyer to represent his/her case;

- (e) In the event, it is certified that the party-in-person is competent to assist the Court in-person, the party-in-person shall give an Undertaking ¹[in Form-B]¹ that he/she shall maintain decorum of the Court and shall not use or express objectionable and unparliamentary language or behaviour during the course of hearing in the Court or in the Court premises or in the further pleadings and shall further undertake that if he/she fails to abide by the undertaking, contempt proceedings may be initiated against him/her and appropriate costs or security deposit condition may be imposed on him/her and he/she shall not be allowed to appear in any case as party-in-person for such period as the Court may deem fit. The Court may also dismiss the proceedings initiated by such Party-in-Person on any of such ill-behaviour of the Party-in-Person.

1. Inserted by Notification HCLC No. 73/2017 dated 23.08.2022 w.e.f. 24.08.2022

- (f) In case a party, who wishes to defend his matter/proceedings in person as respondent/opponent, the Court may direct such party to appear before the above Party-in-Person Committee and it shall ensure, certify and direct him to follow the procedures prescribed in the above referred Rules.
- (g) It is only when such application of Party-in-Person upon Certificate for appearance given by the Party-in-Person Committee is allowed by the Court, the Party-in-Person shall be permitted to appear, argue the case in-person subject to such further orders which the Court may pass at any stage of such proceedings.
9. **Rules not to apply for bail, parole, furlough and habeas corpus Petitions:-** These Rules shall not apply in the cases of applications for bail, temporary/transit bail, parole, furlough and habeas corpus petitions.
10. **Discretion of Court to permit a litigant or other person to appear in-person:-** Notwithstanding anything contained in these Rules, the concerned Court before which the matter lies, may, in its discretion, permit to appear and conduct the proceedings in court.
11. **Rules to Apply to Pending Matters and Further Proceedings in same Case:-**
- (1) These Rules shall also apply to the pending matters in High Court in which party is appearing in-person and may be resumed and taken up for hearing by the Court after such Party-in-Person undergoes the procedure prescribed by the aforesaid Rules.
- (2) At the discretion of the Court, by an order of the Court, these Rules shall be made applicable to the Party-in-Person, in the appellate or revisional proceedings before the Court.

FORM-A

APPLICATION FOR PERMISSION TO APPEAR IN PERSON

[See Rule 5]

(To be duly Attested by Oath Commissioner/Notary)

I, Sri./Smt.party-in-person, is willing to accept an advocate appointed by the Court/Party-in-Person Committee/intend to argue my case in-person, in case No. as petitioner/respondent

Hence, I may be permitted to appear in person.

Place:

SIGNATURE

Date:

(Party-in-Person)

FORM-B

UNDERTAKING

¹[See clause (e) of Rule 8]

(To be duly Attested by Oath Commissioner/Notary)]¹

1. Sri/Smt....., party-in-person, do hereby undertake to appear in-person or defend the matter as a party-in-person. That I shall maintain the decorum of the Court and shall not use or express objectionable and unparliamentary language or behaviour during the course of hearing in the Court or in the Court premises or in the further pleadings.
2. Further, if I fail to abide by the above, the Court may dismiss the proceedings filed by me and may pass such further adverse order and may proceed in accordance with the Rules in this Chapter or any other law.

Place:

SIGNATURE

Date:

PARTY-IN-PERSON

Enclosure : Proof of Identity
Proof of Address

1. Substituted by Notification HCLC No. 73/2017 dated 23.08.2022 w.e.f. 24.08.2022

FORM-C
CERTIFICATE

[See Rule 8]

It is hereby certified that Sri./Smt..... party-in-person, appeared before the Party-in-Person Committee and after scrutinizing the matter/proceedings filed by the party-in-person, the Party-in-Person Committee interacted with the Party-in-Person. The Party-in-Person Committee is of the opinion that the Party-in-Person will be able to give appropriate assistance to the Court for disposal of the matter and has filed an Undertaking that any Advocate may be appointed as an *Amicus Curiea* by the Court if considered appropriate.

Place:

Date:

COMMITTEE MEMBERS

BY ORDER OF THE HIGH COURT

Sd/-

(RAJENDRA BADAMIKAR)

REGISTRAR GENERAL