



# GUJARAT HIGH COURT ADVOCATES' ASSOCIATION

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Date: 28/07/2022

To  
Hon'ble Chief Justice Mr. Aravind Kumar  
High Court of Gujarat  
Ahmedabad

**Subject:** Difficulties experienced by the members of the Bar in providing translation of documents/record of the proceedings that are in Gujarati language.

Respected Sir,

I have been receiving large number of complaints from the members of the Bar about their difficulties in providing translation in English of the documents/record of the proceedings that are in Gujarati, that too within a time bound schedule of three to four weeks. I was given to understand that judicial orders are passed that if the translation in English of the Gujarati documents/record is not supplied in the Registry before a stipulated time limit, the matter shall stand dismissed on that ground without reference to the court. Everyday a large number of matters are being listed before your lordship on a separate board on the ground that in all such matters the parties are required to supply English translation of the documents/record that are in Gujarati. By now, in more than 500 matters such orders have been passed to supply translated copies within

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stipulated time period. Many of such matters are old admitted petitions/appeals and are pending for final hearing. Some of the cases are such that they went in cut off during Covid period and are now being listed on separate board insisting English translations of the documents forming part of the cases. It is a matter of common knowledge the 1st Court presided over by you is overburdened with variety of cases, that even fresh matters (matters yet not admitted) are not even reached most of the time. In this background the members of the Bar of a unanimous view that the insistence of providing translation of documents/record that are in Gujarati in respect of old matters/final hearing matters is wholly unjustified impractical and unwarranted.

On 27/07/2022 I orally drew your attention to the difficulties experienced by members of the Bar in providing English translation in respect of the matters that are not even likely to be taken up in near future. I orally drew your attention to the High Court Rules, Viz. Rules 53, 114 to 120 and 176(ii) of the Gujarat High Court Rules, 1993, wherein the requirement is to provide "official translation" or translation by private translator to be certified to be true by the advocate. Rule 116 which is as such pertaining to the preparation of paper-books and translation for paper-books for appeals clearly provides for advocate's rights to file a note for official translation of documents to be included in the paper-book and also a list of documents which he intends to get privately translated for inclusion in the paper-book. Rule 117 provides for translation charges to be paid by the person concerned for official translation. Rule 117(A) provides for increase in the rates for translation every year. Rule 176 (ii) applicable to petitions under Article 226 and 227 also states that if the court directs, the advocate for the petitioner shall furnish "official translation" or translation certified by him to be true. All relevant Rules of the Gujarat

AP

High Court Rules, 1993 are extracted separately as **Annexure A** to this representation. Thus, going by the overall scheme of the Gujarat High Court Rules, it is very clear that there has to be a facility in the High Court Registry itself for obtaining official translation. Advocates are not experts in carrying out the translation work themselves and hence they will have to depend upon private self-proclaimed translators whose knowledge of language and competence to translate crucial legal documents forming part of High Court proceedings is highly questionable. In such a scenario, an advocate would be incurring heavy risk of facing professional and criminal liability by certifying such translation to be true. It is therefore utmost important that a facility for obtaining official translation is created on urgent basis if the Hon'ble Court is to insist for translation of documents/record in vernacular language into English language. The insistence of the court/Registry to provide translation without creating a corresponding infrastructure to get official translation done at reasonable charges or notifying the list of approved translators is wholly improper and unjustified and needs to be remedied at the earliest.

Apart from the fact that the competence, capability and knowledge of private self-proclaimed translators is doubtful, it is most dangerous to rely upon such privately done translation for the reason we do not know whether the translation is accurate or not. If the work of the private translator provided in the court proceedings is closely examined, it would reveal most startling and sometime most hilarious translations. Be that as it may, there are hardly five-six such private translators available to the members of the Bar who exceed 1500 in numbers (active legal practitioners).

Apart from the paucity of private translators, the charges for translation demanded by such translators



ranges between Rs. 120 to Rs. 150 per page (Double Space A4/Legal Size Paper). One page of Gujarati document is converted into three translated pages in English and thereby translation of one page of Gujarati document in English costs Rs. 400-450. Thus, in every matter if 30 pages of Gujarati documents are to be translated into English, it would cost Rs. 10,000 -12,000 in each case. The matters in which the Hon'ble Court has passed Orders for supplying translation are old matters because of which, the advocate finds it difficult to demand translation charges from the client. I have been told by many lawyers that in some cases they have paid translation charges of Rs. 70,000 to 90,000/- for one matter. Thus, the insistence of providing English translation of Documents/record in vernacular language amounts to impeding excess to justice and results in violation Article 21 of the Constitution of India.

In the past, many Hon'ble Judges from another States have come and they appreciated and understood the difficulties of the lawyers and litigants in providing English translation. Most of the judges would rely upon the other Judge sitting with him on the bench for understanding any documents in vernacular language. One of the Chief Justices had openly expressed his view that why should litigants and lawyers be put to difficulties because he could not understand Gujarati language!

For the first time, large scale resentment and protest has emerged among the members of the Bar, as the registry is mechanically insisting on supplying translation in all the matters to be listed before the First Court. I am finding it difficult to bear this pressure and therefore on 27<sup>th</sup> July, 2022 I conveyed all these problems to you orally. During the discussion you were kind to assure that you will grant ten weeks' time for supplying translation and simultaneously



you also said that you will further examine the issue of translation raised by me sympathetically.

I therefore, humbly request you to create an official translation department and provide a facility of official translators to the advocates and litigants upon payment of reasonable charges or notify a list of approved translators with the approved rates for translation. Every member of the bar is willing to pay whatever reasonable charges fixed by the Hon'ble High Court for translation the documents/record. The reading of Rule 115 and Rule 116 of the Gujarat High Court Rules, 1993, clearly contemplates creation of an official translation department and also the post of senior translator, who in certain circumstances would be able to estimate the translation charges. Alternatively, you may decide on case-to-case basis when matter is listed on board and taken up for hearing whether to insist translation in English or not so as to avoid an impasse.

Looking forward to positive outcome of the issue raised in this representation.

Thanking You,



Asim Pandya

President

Gujarat High Court Advocates' Association

## Annexure A

### Relevant legal provisions of the Gujarat High court Rules 1993

**53. English Translation to be supplied when prescribed accompaniments are not in English.**—When any of the accompaniments to an appeal or application are not in the English language, typed copies of translations of such accompaniments 1[\*\*\*\*] except decrees certified to be true translations by the Advocate or by an authorised translator shall be annexed there with.

**114. Translations and copies of English documents required to be furnished by parties.**—The appellant or the applicant, as the case may be, shall cause to be translated or copies for the paper book if the documents be in English, not only the documents on which he relies in support of his case, but also the documents on which the court below, has relied in holdings against him on those issues on which the finding are challenged by him. Translations or Copies for Paper Books.

**115. Filing of notes for official translation or lists of documents proposed to be privately translated or copied for paper books and supply of such notes or lists to opposite parties.**—Within two months of the notification of the receipt of the record in regular first Appeals, fifteen days in short notice and expedited matter and one month in other cases, the appellant or applicant or his advocate shall file (a) a note for official translation of documents to be included in the paper book and a list of documents which he intends to get privately translated for inclusion in the paper book, and (b) a list of documents in English, copies of which he intends to include in the paper book. Copies of the note and lists shall be furnished forthwith by the appellant or applicant or his advocate to each of the respondents or opponents or his advocate who has put in his appearance. In cases where a respondent or opponent has not put his appearance, the appellant, or applicant, or his advocate shall deposit in the office, sufficient number of copies for being supplied to each such respondent or opponent. The office shall supply copies of the note and lists to the respondents or opponents immediately on their putting in their appearance and the dates on which the copies were supplied to each of them shall be noted on the docket sheet. Within a week of the

AP

receipt of copies of the note and the lists in short notice and expedited matters and within a month in other cases, the respondent or opponent or their advocates shall file similar notes and lists and furnish copies thereof forthwith to the appellant or applicant. In cases where the appellant or applicant or his advocate does not file the note or the list of documents for translation, a respondent or opponent or his advocate desiring to rely on any document at the hearing shall within three months in regular first appeals, one month in short notice and expedited matters and two months in other cases from the date of notification of the receipt of the record or within one month from the date of filing his appearance, whichever is longer, file a note or list of such documents as the case may be. The Registrar may grant time or excuse delay for a period of two months in regular first appeals and ordinary matters and one month in short notice and expedited matters. Where any party does not file the note or the list of documents for translation or for inclusion in the paper book within the time specified above or allowed by the Registrar, no request for official translation shall be granted except by an order of the court. Where the appellant or applicant does not file, the note or list of documents referred to at item Nos. 3 and 4 of rule 113 (i) and item 2 of rule 114 (i) within the time specified above, or allowed by the Registrar the delay shall be dealt with in accordance with the procedure prescribed in Chapter XII.

**116. Parties to state clearly exhibit numbers of documents to be translated officially or portion thereof and deposit of estimated translation charges.**— (i) Notes for official translations shall clearly state the EXHIBIT number and portions of documents the translation of which are required. The portions of the documents required to be the translated shall be initialed. (ii) Where documents included in lists for private translation are not intended to be translated in whole the portion intended to be translated shall be clearly indicated in the list. (iii) Notes for official translation filed by parties in person or advocates who do not personally undertake to pay translation charges shall be referred to the Senior Translator for estimating translation charges including the charges for the requisite number of typed copies of the translations. Such party or advocate shall, within 15 days from the date of the receipt of the intimation regarding the estimated charges from the Senior Translator deposit the estimated charges: Provided that no such deposit shall be required to be made if any advocate in his note for translation personally undertakes to pay the translation charges. (iv) The work of translation shall not be commenced unless deposit is made or an undertaking is given.



**117. Rules of translation charges, official translation by Translators department or Special Translators, payment of Translation charges.**— (i) All official translations shall be charged for at the rate of 1[Rs. 15.00 per page and Rs. 7.50 for half of the page] which shall include the charges for supply of Five typed copies of translation, one original copy and four carbon copies and at the rate of 1[Rs. 1.50 per page] for each extra carbon copy required by the Advocate or a Party concerned: Provided that no such charges shall be payable in criminal appeals and applications by an accused in jail, who is not represented by an Advocate and in the case or memorandum of appeal or cross-objections filed by a party in person. All official translation will be made, whenever possible, by the Translator's office and when that is not possible, by a Special Translator who shall be either a retired Translator of such advocate as may be authorised by the Chief Justice. In case of congestion or work in the Translator's office and likelihood of delay in furnishing of translation, the Registrar may, instead of assigning the translation work to that office, assign it, on payment of the prescribed charges, to the Special Translator appointed by him for the purpose. The Registrar in such cases may further direct that the work of translations shall be completed and the translations with necessary typed copies supplied within the time fixed by him. (ii)(a) The total amount of translation charges payable by any party or his Advocate shall be computed and certified by 'the Senior Translator when the translation is done in the translation Department or by the Superintendent of the Civil, Criminal or Supreme Court Branch as the case may be, when the translation is done by a Special Translator.. (b) The Senior Translator or the Superintendent concerned shall serve an intimation on the party or his Advocate to deposit the translation charges in the Nazir's office within a week of the receipt of the intimation. When the estimated charges of costs of translation have been deposited by the party or his Advocate, shall be given an intimation only for payment of the excess amount, if any, when the total amount of translation charges is in excess of the amount deposited. When the amount of translation charges is less than the amount deposited, the excess amount of the deposit shall be refunded to the party or his Advocate. The party or advocate shall deposit the translation charges of the excess amount payable for translation charges, as the case may be, within one week of the receipt of the intimation. The Registrar may extend time for or condone delay in making the deposit for a period not exceeding 15 days. If the translation charges are not paid within the time prescribed or within the time extended by the Registrar under this rule, the procedure prescribed in Chapter XII shall be followed. (d) The translation charges shall be credited to Government when the translation work is done in the Translation Department and paid to the Special Translator if the translation is done by the Special





Translator. (iii) When any document is officially translated, any order of the Court endorsed thereon shall be typed or got typed by the Translations Department, or the Special Translator as the case may be, on the translations the party concerned being charged for the typing work at the rate of 1[Rs. 2.00 per page].

[117(A). The prescribed rates for the translations and typing shall be increased at the rate of 5% every year, commencing from 1st April of each year.]

**118. Time for filing Private Translation: Supply of copies for use of Court and to Opposite parties.**—Except as otherwise provided in these rules private translations in first appeals shall be filed by the parties within two months of the date on which their respective lists are filed as provided in rule 117 above. In short notice and expedited matters, the translations shall be filed within 15 days, and in other cases within one month, of the aforesaid date. Such private translations shall be signed by the advocate in token of their correctness. Private translations shall not be accepted for inclusion in the paper books after the period prescribed by this rule, without the order of the Registrar who may extend the time for filing such translations or excuse delay for a period of two months, fifteen days and one month respectively in regular first appeals, short notice and expedited matters, and other cases and if not supplied within the time prescribed or extended by the Registrar under this rule, the procedure prescribed in Chapter XII shall be followed. Two type written or printed copies of such translations shall be supplied to the Registrar's office. One type written copy or printed copy shall also be supplied to each party who has put in his appearance or his advocate. Where the advocate appears for more than one party, he will be entitled to receive only one copy of the translations. The advocate at the time of filing translations shall also file therewith a statement signed by him the number of folios of 100 words of the translation supplied by him, costs shall be allowed for the translations at the same rate as that prescribed for official translation. The costs of the translations and their copies shall be included in the bill of costs only if the Advocates concerned have filed necessary statement as regards relies at the time of filing the translations and their copies as required above or within such further time as the Registrar may grant on a written application made to him in that behalf. If no such application is made before the hearing of the appeal, the costs of such translations shall not be shown in the bill of costs unless otherwise directed by the court, at the hearing of the appeal.

**119. Filing of copies of English documents and Supply of the same to opposite parties.**—The last proceeding Rule shall extend



and apply to copies of English documents included or intended to be included in the Paper Books. The cost thereof shall be taxed at the rate of 0.50 ps. per folio of 100 words.

**120. Copies of map or plan to be supplied for translation.—**

Any party applying for official translations of the entries on a map or plan shall furnish to the office at least five copies of tracing made to scale of such map or plan omitting only the entries to be translated.

**176. Accompaniments to writ applications.**

(i) xxx

(ii) If any of the copies referred to in sub-rule (i) are not in English, the advocate who represents the petitioner shall furnish its official translation or translation certified by him to be true, in case the Court directs him to furnish such translation. Where the petitioner appears in person he shall, in such a case, either furnish an official translation or translation supported by his affidavit affirming it to be true.

