

CHAPTER XXXII

OFFICE OF THE CHIEF TRANSLATOR AND INTERPRETER

611. Translator's office to be in two parts and to be supervised by Prothonotary and Senior Master and Registrar - The Office of the Chief Translator and Interpreter shall, as far as possible, be divided into two parts, the one containing the names of those employed in work for the Original side, and the other of those employed in work for the Appellate Side. The Prothonotary and Senior Master will supervise the one, and the Registrar the other, and all complaints shall be made to, and will be inquired into, by those Officers, respectively.

612. Oath or affirmation to Translator and Interpreter- Every Translator and Interpreter including a Special Translator and Interpreter shall before his admission to office make an oath or solemn affirmation that he will translate and interpret correctly and accurately all documents given to him for translation or interpretation and that he will well and truly interpret and explain all questions put to witnesses and the evidence given by them.

613. Registers of work – Registers shall be kept showing the work that is received (per folio of ninety words), the date of receipt, the date of completion, the number of folios done by each member of the office and the amount of fees paid.

614. Return of work – A Return showing the work done by the several members of each division shall be forwarded monthly to the officer supervising such division.

615. Unofficial Translation of Interpretation prohibited - No Translator and Interpreter shall translate or interpret any document, whether relating to High Court matter or not, unless it is officially accepted by the office of the Chief Translator and Interpreter for translator or interpretation.

616. Interpretation of documents of blind persons – When a pleading, affidavit or any other document is required to be interpreted to a blind person, the Interpreter shall read and interpret the pleading, affidavit or document to the blind person in the presence of an Officer authorised to administer oaths. The said Officer shall certify at the foot of the pleading, affidavit or document that the pleading, affidavit or document was read and

interpreted in his presence to the party concerned, that the said party seemed perfectly to understand it and that he subscribed his signature or mark to the document in question in the presence of the officer. No such pleading, affidavit or document shall be used in evidence in the absence of such certificate, unless the Court is otherwise satisfied that the document in question was read and interpreted to and appeared to be perfectly understood by the party concerned.

617. Interpretation of documents of deaf and dumb persons –

When a pleading, affidavit or any other document is required to be interpreted to a deaf and dumb person who is able to read, write and understand any particular language, it shall be lodged for translation into the language known to such person. The said person shall be asked to read the translation and then sign the translation and the pleading, the affidavit or the document in token of his having understood and approved its contents. The translation shall remain in the office of the Chief Translator and Interpreter and shall be produced in Court, if required. In such cases, the Chief Translator and Interpreter shall recover the translation charges and not the interpretation charges.

618. Interpretation out of office hours – In cases –

- (a) Where a document is required to be interpreted out of office hours (whether in the Court Houses or outside the Court House), or
- (b) Where the attendance of an interpreter is required to interpret evidence at a *de-bene-esse* examination or at an examination on commission out of office hours, (whether in the Court House or outside the Court House),

a written application stating the place at which the interpreter is required to attend and the purpose for which he is required shall be made to the Chief Translator. The application shall be accompanied by a deposit of the interpretation charges and the fee for the interpreter's attendance in cases where it is payable under the Table of Fees. On receipt of such application the Chief Translator shall, unless he sees any reason to the contrary direct an interpreter to attend. As far as practicable the Chief Translator shall require the interpreters to attend in rotation.

619. Rule 618 to apply to Special Interpreters - Rule 618 shall apply, with any necessary modifications, to Special Interpreters appointed under Rule 629.

620. When documents sent for translation – A party to a suit or matter shall, as soon as possible, send to the Chief Translator’s office for translation into English any document not in the English language on which he intends to rely at the hearing of the suit or matter. If he fails to do so or sends the same so late that the translation is not ready when the case is called on, the Judge may not allow the said document to be tendered in evidence and may proceed with the hearing of the suit or matter, or he may adjourn the hearing of the suit or matter and pass such order as to the costs of the adjournment and of the translation as he may deem fit.

621. Deposit to cover fees – When a party in person or an Advocate lodges a document for translation or lodges an official translation of a process of the Court for the purpose of preparing certified copies of the translation, he shall deposit with the Chief Translator and Interpreter a sum sufficient to cover the fees for such translation or certified copies.

622. Procedure when reader’s assistance is required – A Translator, who requires the assistance of a reader to read a document before translating it, may, with the permission of the Chief Translator and Interpreter, call upon the party concerned to provide a reader to read the document. The document shall be transcribed at the dictation of the reader by a clerk of the Chief Translator’s office. The said clerk shall sign the transcript. The reader shall also subscribe his signature to the transcript and shall make an affidavit that he knows the language of the document and that he has truly and correctly and to the best of his ability read the document. The transcript shall remain in the Office of the Chief Translator and Interpreter and inspection thereof shall be given to the opposite party on application by such party. The transcript shall be produced in Court, if required.

The Translator shall make an endorsement at the foot of the translation, stating that the document was read over to him and giving the name, address and occupation of the person by whom the document was read.

If the party fails to provide a reader as required, the Chief Translator and Interpreter may return the document untranslated.

623. Translation from dictation of reader when inadmissible in evidence – No translation of any document translated by the Translator from the dictation of a reader shall be read in evidence at the trial of any defended cause, unless before such trial notice shall have been given to the opposite party or his Advocate on record, in order to enable such party to attend the Chief Translator's Office and verify the correctness of the transcript.

624. If transcript is incorrect costs of fresh translation – If the transcript is found to be incorrect, and a fresh translation is rendered necessary, all costs of an incidental to such fresh translation shall be borne by the party filing the document.

625. Inspection of documents lodged in Chief Translator's Office - A party to a suit or matter shall be entitled to take inspection of a book or document lodged by the opposite party in the Chief Translator's Office after obtaining the consent in writing of the opposite party and on payment of a fee of rupee one per day.

626. Translation of document in possession of the other side – Where translation of a document in the possession of one party is required by the other party for the hearing of the suit, the former, on a request made in writing by the latter, shall immediately send the original to the Chief Translator's Office for translation, or allow the latter to take copies thereof, and after examination of such copies, without any delay certify them to be correct copies. Translations of such certified copies shall be admissible at the hearing. In dealing with the costs of the suit, the Judge shall have regard to any failure to comply with the provisions of this rule.

627. Copy of translation to be furnished to the other side – An Advocate on record who shall obtain a translation of any document to be used for the purposes of a suit or matter shall, if required, furnish a copy of such translation to the opposite party or his Advocate on payment of half the ordinary translation charges.

628. Intimation of change of Advocate to be given to the office - After an Advocate on record sends a document for translation to the Chief Translator's Office, if there is a change of Advocate, the Chief Translator's

Office shall be informed at once by such Advocate of such change, and of the name of the new Advocate, or the address of the client if he thereafter appears person.

629. Special Translators and Interpreters – Translation of documents which are written in any language other than Marathi, Gujarati, Hindi, or Urdu and interpretation of documents in the English Language into any language other than the aforesaid languages shall be done by Special Translators and Interpreters appointed by the Chief Justice. Applications for such translation or interpretation shall be made to the Chief Translator and Interpreter who will assign the work to the Special Translators and Interpreters.

630. Translations when admissible - Documents which are not in the English language shall not be accepted in evidence unless officially translated or translated, at the instance of the Chief Translator, by a special translator, or by any retired translator of the High Court with the sanction of the Chief Justice. Unofficial translations may be accepted subject of official translation if good and satisfactory reason is given why the document was not lodged in the office of the Chief Translator and Interpreter in time for translation.

Notwithstanding anything contained in the above paragraph:-

- (1) The Court may allow unofficial translations of documents to be put in at the hearing and dispense with official translation, provided that the translations are agreed to by all the parties appearing in the suit or matter;
- (2) Acknowledgments of service by Registered Post bearing a signature in Gujarati or Devnagari script, when annexed to an affidavit of service, need not be translated.

631. Translation may be ordered by Court – The Court or the Judge in Chambers may at any time require a party to the suit or matter to produce and leave in the Chief Translator's Office any document not in the English language in his possession for the purpose of being officially translated, and may order that the translation when made shall be filed with the proceedings in the suit.

632. Sanction for immediate translation – The Prothonotary and Senior Master, on good cause being shown, may sanction the immediate translation of any documents on payment of double the usual fee.

633. Translator's office to translate documents put in subject to translation - The Chief Translator's office shall, on the request in writing and at the cost of any party to the proceedings or his Advocate on record, translate any document which may, or so much of any document as may, have been admitted in evidence subject to official translation thereof.

¹**634. Sanction for translation or interpretation of document not relating to High Court matters during or after Office hours** - Documents not relating to suits or matters in the High court may be accepted by the Chief Translator and Interpreter for official translation or interpretation either during or after office hours on payment of charges prescribed in the Table of Fees with the previous sanction in writing of the Prothonotary and Senior Master and subject or such special or general orders of the Honourable the Chief Justice that may be passed from time to time.

1. Rule 634 was substituted by G.N.No.G/Amend/6368, dated 20-8-1992, Pub. in M. G. G. Pt. IV-Ka,p.717.

The Prothonotary and Senior Master may give written sanction provided he is satisfied that such work will not result in delaying the regular work of the office of the Chief Translator and Interpreter, High Court, Bombay

²**635. Deleted** –

2. Rule 635 was deleted by G.N.No.G/Amend/6368, dated 20-8-1992, Pub. in M. G. G. Pt. IV-Ka,p.717.
