

HIGH COURT OF HIMACHAL PRADESH

No.HHC.Rules 22(27)/84-

Dated Shimla the 19th July ,84.

NOTIFICATION

In exercise of the powers vested in them under Section 23 of the State of Himachal Pradesh Act, 1970 read with Section 7 of the Delhi High Court Act, 1966, and all other powers enabling them in this behalf, the Hon'ble the Chief Justice and Judges of the High Court of Himachal Pradesh are pleased to make the following rules in relation to the registration and control of Clerks of Legal Practitioners in the High Court:-

Short title and commencement.

1.(a) These rules shall be called the 'High Court of Himachal Pradesh Clerks of Legal Practitioners (Registration and Control) Rules, 1984'.

(b) They shall come into force immediately on their publication in the official gazette.

Definitions.

2. In these rules unless the context otherwise suggests :-

(a) 'Advocate' means an Advocate entered in any roll under the provisions of the Advocates' Act, 1961 and ordinarily practising in the High Court.

(b) 'Chief Justice' means the Chief Justice of the High Court of Himachal Pradesh.

(c) 'Clerk' means a Clerk registered under the provisions of these rules.

(d) 'Deputy Registrar' means the Deputy Registrar of the High Court of Himachal Pradesh.

(e) 'High Court' means the High Court of Himachal Pradesh.

(f) 'Registrar' means the Registrar of the High Court of Himachal Pradesh and shall include the Registrar (Vigilance).

Appointment and registration.

3.(a) A clerk may be appointed by the Advocate.

(b) A person so appointed shall apply for

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registration to the Registrar in the prescribed form (Annexure 'A') alongwith two pass-port size photographs.

- (c) The Registrar may, after holding an inquiry, if any, register the name of an applicant in the prescribed register (Annexure 'B') with the prior approval of the Hon'ble the Chief Justice and one of the photographs submitted alongwith the application duly attested by the Deputy Registrar shall be affixed on the register in Column No.5.

Compulsory registration and recognition.

- 4.(a) No Advocate shall have a Clerk attached to him to attend to the High Court work unless he is registered under these rules.

- (b) A Clerk who is not duly registered under these rules shall not be permitted by the Registrar to attend to the work of the Advocate in the High Court.

Number of Clerks.

- 5(a) An Advocate may have one or more Clerks, but not more than two Clerks shall be registered.

- (b) A Clerk shall not be registered for more than three Advocates at a time.

Qualifications.

6. No person shall be eligible to be registered as Clerk of an Advocate unless he or she :-

- (a) is a citizen of the Republic of India;
- (b) is above 21 years of age; and
- (c) is a Matriculate/Higher Secondary from a recognised University or a Board of School Education.

Disqualifications.

7. No person who :-
- (a) has been declared a tout; or
- (b) is an undischarged insolvent; or

- (c) is convicted for an offence involving moral turpitude; or
- (d) has been dismissed from any public employment; or
- (e) is an ex-petition writer whose licence has been cancelled for corruption or dishonesty; or
- (f) is holding a public office,

shall be eligible to be registered as Clerk of an Advocate.

Identity Card. 8.(a) A person registered as Clerk of an Advocate under Rule 3(c) above shall carry an Identity Card on his person in the prescribed form (Annexure 'C').

(b) One of the passport size photographs submitted alongwith the application for registration under Rule 3(b) above, duly attested by the Deputy Registrar, shall be affixed on the Identity Card at the appropriate place.

(c) The Identity Card shall be duly countersigned by the Deputy Registrar.

(d) No Clerk shall be recognised by any Court Officer/Official unless he carries on his person the Identity Card.

Authority of
a Clerk.

9. A Clerk may have access to the Registry for discharging the following duties and functions on behalf of the Advocate :-

- (i) To file petitions/appeals/process fee etc.
- (ii) To receive back the appeals/petitions etc. which are under objection;
- (iii) To deposit diet money and decretal amount;
- (iv) To apply for certified copies of judgments and receiving the certified copies;
- (v) To assist the Advocate at the time of inspection of judicial files;

(vi) To perform such other functions and duties on behalf of the Advocate as may from time to time be prescribed by a general or special order by the Registrar with the prior approval of the Hon'ble the Chief Justice.

- Bar on employment. 10. No Clerk of an Advocate shall engage himself in any trade or business without the previous permission of the High Court.
- Authority for Deregistration. 11. The Registrar shall be the authority in the matter of de-registration of Clerks.
- Removal. 12. The name of a Clerk of an Advocate shall be liable to be removed from the register if he is found guilty of misconduct;
- Provided that before taking any action under this rule, the Registrar may hold such inquiry as he may deem fit and shall give a reasonable opportunity to the Clerk to show cause.

Explanation: For the purpose of this Rule "Misconduct" shall include any one or more of the following acts of omission and commission :-

- (a) If he is found guilty of having suppressed any material fact having a bearing on the registration under these rules; or
- (b) If he is found indulging in touting; or
- (c) If he is found having received payment from a litigant on a mis-representation or is found guilty of conduct otherwise unbecoming of a registered Clerk; or
- (d) If he is found to have tampered with any document/petition etc. presented or to be presented in the Registry/Court or the records of the Court whether judicial or administrative; or

- (e) if he is declared an insolvent; or
- (f) if he is convicted of an offence involving moral turpitude; or
- (g) if he is found guilty of improper or indisciplined conduct with any Officer/official of the Court; or
- (h) if he commits a breach of any of the conditions prescribed in these rules.

Information to the Registrar.

13. Whenever a Clerk ceases to be in the employment of an Advocate for any reason whatsoever, such information shall be supplied by the Advocate concerned to the Registrar within 48 hours and, upon receipt of such information, his name shall be removed from the Register in so far as it concerns such Advocate.

Transitory provision.

14. No Clerk, who is already working with an Advocate at the commencement of these rules, shall be permitted to have access to the High Court or the Registry for the purpose of attending to the office work of the Advocate upon expiry of a period of 30 days from the date on which these rules come into force unless he gets himself registered in accordance with these rules within such period.

Residuary powers.

15. Nothing in these rules shall be deemed to affect the powers of the Hon'ble the Chief Justice to make such orders from time to time as he may deem fit in regard to all matters forming part of the subject-matter of these rules and all matters incidental or ancillary thereto not specifically provided for herein or in regard to matters as have not been provided for or have not been sufficiently provided for herein.

Repeal and Savings.

16. Subject to the exception made hereinbelow the rules contained in Chapter 6 Part-J of the Punjab High

Court Rules and Orders, Vol.V, shall stand repealed, so far as they apply to the High Court of Himachal Pradesh, on and with effect from the date these rules come into force.

Exception:- The Clerks already working with Advocate(s) at the commencement of these rules shall continue to be governed by the rules as contained in Chapter VI, Part J, Volume V of the Punjab High Court Rules and Orders till they get themselves registered within the period prescribed in these rules.

BY ORDER OF THE HON'BLE THE CHIEF JUSTICE AND HON'BLE JUDGES.

R. L. Khurana
(R.L.KHURANA)
REGISTRAR

Endt.No.HHC.Rules-22(27)/84- Dated the 19th July, 1984.

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1. The Controller, Printing & Stationery to the Govt. of H.P. for publication in H.P. Rajpatra.
2. The Deputy Registrar-cum-Secretary to the Hon'ble the Chief Justice (with three spare copies).
3. All the Deputy Registrars/Assistant Registrar High Court of H.P.
4. All the Superintendents/Readers/Private Secretaries to the Hon'ble the Chief Justice and Hon'ble Judges.
5. The President, High Court Bar Association, High Court Building, Shimla.
6. The P.A. to the Registrar/Registrar Vigilance High Court of H.P.
7. Librarian/Editor, I.L.R(H.P. Series).
8. The Guard file.

R. L. Khurana
Deputy Registrar (Rules)

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TRANSFER*
29.7.1984.

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Form of Application for Registration.

1. Name :
2. Date of birth:
3. Father's Name:
4. Permanent Address:
5. Address for correspondence:
6. Educational qualifications:
(Attach a certified copy of
Matric/Hr. Secondary
Certificate).
7. Occupation(s) in which engaged
during the last 10 years:
(If applicable)
8. Whether has been a Clerk of a
Legal Practitioner earlier; if
so, the relevant period and
ground for ceasing to be so:
9. Whether has ever been declared a
tout:
10. Whether is an un-discharged
insolvent:
11. Whether is a previous convict for
an offence involving moral
turpitude:
12. Whether has been dismissed
from any public employment:
13. Whether is an ex-petition
writer whose licence has
been cancelled for corruption
or dis-honesty:
14. Whether is holding a public
office:

Date: _____

Signature of the applicant.

Declaration

I solemnly affirm and declare that the above particulars are correct, to the best of my knowledge and nothing material pertaining thereto has been concealed.

Date: _____

Applicant/Deponent.

Certificate of the Advocate.

"Certified that the above applicant who is duly qualified has been employed by me as my Clerk. Certified also that the particulars set out hereinabove by the applicant have been verified and have been found to be correct.

Date: _____

Signature of the Advocate.

Name of the Advocate
(in block letters)
Address of the Advocate.

FORM OF REGISTER.

Annexure 'B'

Sr. No..	Name & address	Date of Registration	Name(s) and address(es) of the Advocate(s) with whom attached.	Photograph to be affixed.	Date of registration.	Remarks.
1.	2.	3.	4.	5.	6.	7.

Identity Card

1. Full Name :
2. Address :
3. Date of Registration :
4. Name(s) of the Advocate(s)
with whom attached :

5. Photograph :

Pass-port size
photograph duly
attested by the
Deputy Registrar.

6. Counter-signatures of the
Deputy Registrar with
date and office stamp :