

Andhra Pradesh High Court Advocates' Clerks (Registration, Discipline and Control) Rules, 2000

ANDHRA PRADESH

India

Andhra Pradesh High Court Advocates' Clerks (Registration, Discipline and Control) Rules, 2000

Rule

ANDHRA-PRADESH-HIGH-COURT-ADVOCATES-CLERKS-REGISTRATION of 2000

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Andhra Pradesh High Court Advocates' Clerks (Registration, Discipline and Control) Rules, 2000Published vide Roc. No. 175-A/SO/2000 Dated 19.12.2000AP06In exercise of the powers conferred under Section 122 of the Code of Civil Procedure, 1908, the High Court of Andhra Pradesh, hereby makes the following Rules relating to Registration, Discipline and Control of Advocates' Clerks in the High Court of Andhra Pradesh.

1. Short title:

- These Rules shall be called the A.P. High Court Advocates' Clerks (Registration, Discipline and Control) Rules, 2000.

2. Commencement:

- These Rules shall come into force on the date as notified in the A.P. Official Gazette.

3. Application:

- These Rules shall apply to all the clerks employed by the Advocates practising in the High Court of Andhra Pradesh.

4. Definition:

- In these Rules unless there is any repugnancy in the context, the expression (a) "Advocate" means and includes all Advocates who are on rolls of Bar Council of A.P. and practising in the High Court of A.P. (b) "Registrar" means Registrar (Judi.) of High Court of A.P. (c) "Registered Clerk" means the Clerk employed by an Advocate and recognised as such by the High Court of A.P.

5. Registration of Advocate Clerks:

- (i) Every person employed as a clerk by an advocate practising in the High Court of A.P. shall apply for registration to the Registrar of the High Court by submitting application in the prescribed form (Annexure-A) and affixing thereon Court fee stamp worth Rs. 10/- and a recently taken stamp size photograph of the applicant duly attested by the Advocate with whom he is employed. Along with the application form two more copies of photographs shall be presented, one for affixing on the Identity Card and the other for affixing in the Register. (ii) The application shall be accompanied by a Certificate of good conduct from two respectable persons of which at least one must be from an advocate of not less than ten years standing in the High Court. (iii) On receipt of such application with its enclosures, the Registrar or any other Officer authorised by him in this regard shall, after scrutiny and such enquiry as deemed necessary, register the name of the applicant in the prescribed Register (Annexure-B) with the prior approval of the Chief Justice and such registration shall confer recognition on the said applicant. (iv) The stamp size photograph of the applicant duly attested by the Asst. Registrar who is authorised in this behalf, shall be affixed in the Register in the prescribed column. (v) The Registry shall maintain the prescribed Register (Annexure-B) noting bio-data of persons registered as recognised clerks of the Advocates in the High Court of A.P. and allot Register numbers in serialim. (vi) Upon such registration, the Identity Card in the prescribed proforma duly signed by the Registrar or any other Officer authorised by him shall be issued to the registered clerk. The Identity Card (Annexure-C) shall contain stamp size photograph of the registered clerk duly attested by the Asst. Registrar who is authorised in this behalf. (vii) Every such registration shall be valid for a period of two years unless the Registration is cancelled earlier for valid reasons. (viii) Every recognised clerk seeking renewal of the Registration shall submit an application to that effect affixing thereon Court fee stamp worth Rs. 10/- at least one month before the expiry of the original period, counter-signed by the Advocate with whom he is continuing employment. (ix) On such application being presented, the Registrar or any other Officer authorised by him may after such enquiry as deemed necessary, grant renewal of the Registration for a further period of two years. (x) In the event of cancellation of Registration or refusal to renew the registration, the Identity Card already issued shall be surrendered by the concerned clerk. (xi) The names of the recognised clerks whose registration has been cancelled or who failed to seek renewal of the Registration or whose application for renewal has been refused shall be struck off the rolls of the prescribed Register. (xii) An Advocate may have one or more clerks but not more than two shall be registered. (xiii) The recognised Clerk shall not be employed with more than two advocates at a time. (xiv) When an applicant is employed by two Advocates, the application for registration or renewal shall be counter-signed by both the Advocates.

6. Qualifications:

- No person shall be eligible to be registered as clerk of an advocate unless he/she is a,--(a)Citizen of India;(b)Above 18 years of age; and(c)Passed X Class or equivalent examination.

7. Disqualifications:

- (i)No person who,--(a)has been declared as a tout; or(b)has been dismissed from any public employment; or(c)is convicted of an offence involving moral turpitude; or(d)is an undischarged insolvent; or(e)is an ex-document writer whose licence has been cancelled; Or(f)is holding a Public Office shall be eligible to be registered as a Clerk of an Advocate.(ii)In the event of any Advocate's clerk incurring disqualification after registration, such registration shall be cancelled and his name struck off the rolls of the prescribed register.

8. Cancellation of Registration for mis-conduct or suspense for a specified period:

- The Registration of an Advocate's Clerk is liable to be cancelled and his name struck off the rolls in the prescribed register if he is found guilty of mis-conduct, and the decision of the Competent Authority shall be final:Provided that before taking any action under these Rules, the Registrar or any other Officer duly authorised by him in this behalf may hold such enquiry as may be deemed fit and shall give reasonable opportunity to the concerned Advocate clerk to show cause;Explanation: - For the purpose of this Rule, 'misconduct' shall include any 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 to have received any payment from a litigant on misrepresentation or is found indulging in acts unbecoming of a registered Advocate 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 record of the Court whether Judicial or Administrative;(e)If he is declared as an insolvent; or(f)If he is convicted of an offence involving moral turpitude; or(g)If he is found indulging in improper or in-disciplined conduct in the Court or Registry;(h)If he violates any of the Standing Orders, Rules, Circular etc., issued by the High Court from time to time which have a bearing on the Advocates' Clerks;(i)If the signatures of Advocates/Parties on the papers/documents filed in the Registry are found to have been forged/tampered;(j)If he commits a breach of any of the conditions prescribed in these Rules.

9. Display of Identity Card while functioning as Advocate Clerk:

-Except the recognised clerk of an Advocate, no other person shall be allowed entry into the Sections of the Registry for the purpose of filing case papers, applications or taking return of the case files, documents or collecting copies of the Orders/Judgments or seeking information about the cases on behalf of the said Advocate.The recognised clerks shall invariably display the Identity Cards while transacting official work on behalf of their employer-Advocates and in the absence of such Identity Cards, they will not be permitted to function as such.

10. Surrender of Identity Card:

- Whenever a registered clerk ceases to be in the employment of an Advocate for any reason, the said fact shall be reported by the Advocate concerned to the Registrar and thereupon, the name of the said Advocate Clerk shall be removed from the Register. On termination, of his employment, the Advocate Clerk shall immediately surrender the Identity Card to the Registry.

11. Transitory Provision:

- No clerk who is already working with an Advocate at the commencement of these Rules shall be permitted to function as such in the High Court of the Registry on expiry of a period of thirty days from the date on which these Rules come into force unless he gets himself registered in accordance with these Rules within the said period.

12. Residuary Powers:

- Nothing in these rules shall be deemed to affect the powers of 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 with regard to matters as have not been provided for or have not been sufficiently provided for herein. Annexure-A Form of Application for Issue of Certificate of Registration as Recognised Clerk of an Advocate Through the High Court Advocates' Clerks' Association: Hyderabad.

1. Name of the Applicant :
2. Father's Name : { |
StampSizePhoto
|-|

3.

|Date of birth|:-|

4.

|Permanent Address|:-|

5.

|Address for communication|:-|

6.

|Educational Qualifications|:|-|

7.

|Occupation(s) in which engaged during the last 10 year (if applicable)|:|-|

8.

|Name(s) of the Advocate(s) employed and his/their address(es)|:|-|

9.

|Date of employment under the advocate employer|:|-|

10.

|Whether has ever been declared a tout|:|-|

11.

|Whether is an undischarged insolvent|:|-|

12.

|Whether is a previous convict for an offence involving moral turpitude.|:|-|

13.

|Whether has been dismissed from any public employment|:|-|

14.

|Whether is an ex-petition/ document writer whose licence has been cancelled for corruption or dishonesty|:|-|

15.

|Whether is holding a public office|:|-|

16.

|References|:|(1)(2)|-|

17.

|Addl. Information if any|:|}|DeclarationI declare that the particulars given above are true.Signature of the Applicant.Certificate of Advocate EmployerI certify that the applicant is employed under me as a clerk. I undertake to be responsible for all his acts and deeds done on my behalf in the discharge of his duties as my clerk while attending to my professional work in the High Court as well as Registry of the High Court.Signature of the AdvocateName(in block letters)Address of the Advocate.Annexure-BForm of Register

Sl. No.	Name of the Clerk	Father's name	Address of the permanent residence & present address	Date of Registration	Name(s) and address(es) of the Advocate(s) under whom he is employed	Photograph to be affixed	Date of de-registration/Removal from the Registration withcause of removal in brief	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Annexure-CIdentity Card

1.	Full Name	:
2.	Father/s Name	:
3.	Address	:
4.	Date of Registration	:
5.	Name(s) of the Advocate(s) with whom employed	:
6.	Photo	: {

Stamp Size Photo to be attested by
A.R.incharge

|-|

7.

|Counter Signature of the Competent Authority with the date andoffice stamp|:|}|