

# The Advocates' Clerks Rules, 1988

TAMILNADU

India

## The Advocates' Clerks Rules, 1988

### Rule THE-ADVOCATES-CLERKS-RULES-1988 of 1988

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The Advocates' Clerks Rules, 1988 Published vide Notification No. Rules framed by the High Court of Madras, R.O.C. 876/ 80F2, dated 30.11.1998 - S.R.O. No. C-32/88 By virtue of the powers conferred under Article 225 and 227 of the Constitution of India and of all other powers hereunto enabling, and with the previous approval of the Governor of Tamil Nadu, the High Court, in supersession of the Rules and Circular Orders issued already and for the time being in force with regard to the recognition of the clerks employed by the advocates in the High Court, in the City and in the Moffussil, hereby makes the following rules:-

#### 1.

Those rules may be called the Advocates' Clerks Rules, 1988.

#### 2.

Those rules shall come into force with effect from 1st December 1988.

#### 3.

These rules are applicable throughout the State of Tamil Nadu.

#### 4.

In these rules, unless there is anything repugnant in the subject or context, the expression, - "prescribed" means prescribed in and by these rules; "advocate" means an advocate entered in any roll under the provisions of the Advocates' Act, 1961 (Central Act 25 of 1961) as amended, from time to time; "recognised clerk" means a clerk employed by an advocate and recognised by the competent authority by the issuance of a certificate of registration; "competent authority" means the Registrar of the High Court in relation High Court and Courts in the [city of

Madras] [Now, renamed as Chennai by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] and District Judge having jurisdiction over the Judicial district, as the case may be.

## **5.**

On and from the notified date, no person shall be eligible to act as an Advocates' clerk in any of the Courts in the State of Tamil Nadu or have access to the offices of the Courts or the records maintained in such offices unless he is a recognised clerk.

## **6.**

Any person desiring to get himself registered as a recognised clerk under an advocate may apply to the competent authority in the form prescribed subject to the following conditions, namely:-(i)He shall completed the age of eighteen years on the date of the application;(ii)He shall affix Court-fee stamp for the value of Rs. 5;(iii)He shall produce three stamp size copies of his recently taken photograph;(iv)He shall produce certificate of character from two respectable persons of which at least one must be from an advocate of not less than ten years standing;(v)He should not have been convicted of any offence involving moral turpitude;(vi)He should not have been declared as a tout previously by any competent authority.

## **7.**

The competent authority shall reject the application of a person for grant of certificate of registration, if the applicant is not qualified, or is in the opinion of the competent authority, not a desirable person for grant of such certificate.

## **8.**

If the competent authority has not rejected the application of a person under the foregoing rule, he may issue to the applicant a certificate of registration in the prescribed form under his seal and signature.

## **9.**

A register shall be maintained by the competent authority which shall contain the following columns to record the particulars of a clerk:-(1)Name; (2) Father's name; (3) the address of permanent residence; (4) the date of registration; (5) the name of the advocate under whom he is employed; (6) the date of his removal from the register; and (7) remarks. In the remarks column, against his entry, one copy of the photograph produced by the recognised clerk at the time of the application shall be affixed.

**10.**

Every recognised clerk shall, while attending the Court or the offices attached to the Court, come properly dressed with a black coat on, and display the certificate of registration issued to him on, the left side of the coat.

**11.**

No person registered as a recognised clerk of one advocate shall be business in Court and offices on behalf of any other advocate unless he has registered himself as a recognised clerk of that advocate as well: Provided that one person cannot be recognised clerk of more than two advocates. He may, however, serve any advocate other than the advocate, as whose employee, he has been registered, if such other advocate stands in the relation of husband, wife, father, son, brother or partner of such advocate.

**12.**

A recognised clerk shall be liable to be removed by the competent authority from the register of recognised clerks and his certificate of registration shall be liable to be canceled in the following circumstances, namely:-(i)When the advocate who had employed him ceases to practise or has terminated his services;(ii)When he ceases to be under the employment of the advocate as whose recognised clerk he has been registered;(iii)When he is convicted of an offence involving moral turpitude;(iv)When he is declared as a tout;(v)For contravention of the Rules framed herein; or(vi)For any good and sufficient reason.

**13.**

In the event of cancellation under rule 12 above, the competent authority shall notify the same to all the Courts and offices within his registering jurisdiction

**14.**

Every recognised clerk shall be entitled, in connection with his employer's (Advocate's) business, to have access to the Courts and offices in respect of which the Competent authority has issued him the certificate of registration, that is to say, in the case of a recognised clerk working with an advocate in the city, the High Court and Courts in the [city of Madras] [Now, renamed as Chennai by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] and in the case of recognised clerk working with an advocate in the moffussil, the Courts in the Judicial district of the competent authority, as the case may be.

## 15.

Nothing in these rules shall be deemed to authorise indiscriminate entry of the recognised clerk into the offices attached to the Courts or entitle them to have access to records and registers which the offices of the Courts treat as not accessible to outsiders.

## 16.

No person registered as a recognised clerk shall either directly or indirectly bid or purchase either in his own name or in any others name for his own benefit or the benefit of any other person any property sold in execution of a decree or order in any suit, appeal or other proceeding in which his employer is professionally connected, except with the previous permission of the Court concerned.

## 17.

In case where the certificate of registration has been lost by a recognised clerk, he may apply again to the competent authority in the prescribed form in accordance with rule 6 of these rules for the issue of a duplicate certificate.

## 18.

These Rules shall be applicable also in the case of clerks employed by pleaders who are recognised by the Legal Practitioners Act. Form of Application for Issue of Certificate of Registration as a Recognised Clerk of an Advocate

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Stamp Size Photo of the Applicant

| - | 1. | Name of the applicant | : | - | 2. | Father's Name | : | - | 3. | Age | : | - | 4. | Educational qualification | : | - | 5. | Residential address | : | - | 6. | Whether convicted of an offence involving moral turpitude | : | - | 7. | Whether declared as tout at anytime previously | : | - | 8. | Name of the Advocate-Employer and his address | : | - | 9. | Date of employment under the Advocate-Employer | : | - | 10. | Reference | : | - | 1. | | - | 2. | | - | 11. | Additional information, if any | : | } Declaration I declare that the particulars given above are true. Station: Date: Signature of the applicant. Certificate of the Advocate-Employer I certify that the applicant ..... employed under me as clerk. I undertake to be responsible for all his acts and deeds done and on my behalf in the discharge of his duties as my clerk while attending to my professional business in Courts and offices attached thereto. Signature of the Advocate - Employer. Note. - 1. Proof of age must accompany the application.

**2. A Court-fee stamp for the value of Rs.5 should be affixed to the application.**

**3. Three stamp size photographs of the applicant shall accompany the application, one duly fastened in the place provided.**

**4. Certificate of character from two respectable persons of which one at least must be from an advocate of not less than ten years standing.**

Forms of Applications for Issue of Duplicate Certificate of Registration of a Recognised Clerk of an Advocate

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Stamp Size Photo of the Applicant

| - | 1. | Name of the applicant. | : | - | 2. | Father's Name. | : | - | 3. | Age. | : | - | 4. | Educational qualification. | : | - | 5. | Residential address. | : | - | 6. | Whether convicted of an offence involving moral turpitude. | : | - | 7. | Whether declared as tout at anytime previously. | : | - | 8. | Name of the Advocate-Employer and his address. | : | - | 9. | Date of employment under the Advocate-Employer. | : | - | 10. | Reference. | : | - | 1. | - | 2. | - | 11. | Circumstances under which the original certificate was lost. | : | - | 12. | Additional information, if any | : | } Declaration I declare that the particulars given above are true. Station : Date : Signature of the applicant. Certificate of the Advocate-Employer. I certify that the applicant ..... is employed under me as 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 business in Courts and offices attached thereto. Signature of the Advocate - Employer. Note. - 1. Proof of age must accompany the application.

**2. A Court-fee stamp for the value of Rs.5 should be affixed to the application.**

**3. Three stamp size photographs of the applicant shall accompany the application, one duly fastened in the place provided.**

**4. Certificate of character from two respectable persons of which one at least must be from an advocate of not less than ten years standing.**

Form of Certificate of Registration. Original/ Duplicate

Name of the recognised clerk. :  
Name of the advocate for whom he is registered as recognized :  
Place of business. :  
Date : Signature of the competent authority.  
Seal of the competent authority.