

PART G.—THE SUSPENSION AND DISMISSAL OF PLEADERS

Rules made by the Punjab High Court under the powers conferred by clause (b) of section 6 of the Legal Practitioners' Act, 1879 (XVII of 1979) as to the suspension and dismissal of Pleaders.

Insolvency of
a Pleader.

1. (i) A pleader adjudged insolvent shall be liable to suspension until such time as he is discharged whether conditionally or not, or until the order of adjudication is annulled.

Notice.

(ii) Any Court subordinate to the High Court adjudging a pleader to be insolvent shall forthwith send a copy of its order to the Registrar, who shall cause it to be laid with the least possible delay before the Honourable the Chief Justice or an Honourable Judge nominated in this behalf. The Honourable Judge shall fix a date for which notice shall issue to the pleader to appear and show cause why he should not be suspended until such time as he is discharged or the order of adjudication is annulled.

Suspension
until dis-
charge.

(iii) On the date fixed the Honourable Judge shall, after hearing the pleader in person or his counsel, or if he does not appear, although served and is not represented by counsel, in his absence, pass orders suspending the pleader until such time as he is discharged whether conditionally or not, or until the order of adjudication is annulled, unless for good and sufficient reasons to be recorded in writing he considers it necessary not to suspend him.

Note.—The pleader must satisfy the Honourable Judge that his insolvency is not due to any cause which affects his suitability to practise as a legal practitioner.

Conviction
for an
offence.

2. (i) When any criminal court subordinate to the High Court convicts a Pleader of any offence, it shall forthwith report the fact and transmit a copy of its judgment to the High Court.

Complaint in
writing.

(ii) Any person making allegations of professional misconduct under section 13 of the Legal Practitioners' Act against a Pleader shall be required to

submit them in the form of a written complaint and, unless the complainant is a public servant acting in his official capacity, shall be required to support them by an affidavit.

3. (i) An inquiry under section 13 of the Legal Practitioners' Act, 1879, may be ordered by the High Court of its own motion or upon an application for that purpose.

(ii) Such an enquiry into the conduct of a Pleader may be held before the High Court or before any subordinate Court appointed by the High Court to hold it and to report to the High Court.

(iii) A notice about a complaint under section 13 of the Legal Practitioners' Act shall be issued to the Pleader and shall be served upon him at least fifteen days before the day appointed for the consideration of the charge. The pleader may, at this stage, show cause against an enquiry being directed against him, on the ground that the allegations, even, if true, would not constitute a reasonable ground for suspension or dismissal. Inquiry under section 13 of the Legal Practitioners' Act how ordered.

4. When a report and a copy of the judgement under Rule 2(i) or a complaint under rule 2 (ii) or a report from a subordinate court under rule 3 (ii) or a report under section 14 of the Legal Practitioners' Act are received, the Registrar shall cause the papers to be laid, with the least possible delay, before the Honourable the Chief Justice or an Honourable Judge nominated in this behalf. The Honourable Judge may make such preliminary inquiry as he considers necessary, and if he is of the opinion that there is no ground for proceeding further, he may order accordingly.

5. (1) If the Honourable Judge finds that a *prima facie* case is made out for proceeding further against the Pleader he shall pass an order directing that the case be heard by a Bench of Two Honourable Judges and shall call upon the Advocate-General to draw up a statement of charges against the Pleader.

Inquiry under section 13 of the Legal Practitioners' Act how ordered.

Show cause notice.

Preliminary inquiry.

Statement of charges.

Suspension. (ii) When such an order has been passed the Honourable Judge may suspend the Pleader from practice pending the decision of the disciplinary proceedings against him,

Notice to Pleader. (iii) When the Pleader is suspended, the Registrar shall forthwith cause notice of his suspension to be served upon him.

Constitution of Bench Notice. 6. (i) When the statement of charges referred to in Rule 5 has been framed by the Advocate-General and approved by the Honourable Judge ordering the inquiry, the Honourable the Chief Justice shall nominate a Bench of two Honourable Judges to hear the case.

(ii) The Registrar shall thereupon cause a copy of the statement of charges together with a notice of the date of hearing, to be delivered to the Pleader at least 15 days before the date of hearing and shall call upon him to submit on the first date of hearing a written statement in answer to the charges. The person charged shall also be entitled to make an oral statement in answer to the charges.

Procedure for hearing before the Bench. 7. If the Bench is of the opinion that there is no ground for taking disciplinary action against the Pleader it may pass orders accordingly and its decision will be final.

Points of procedure. 8. (i) The Bench shall have powers to decide what, if any, witnesses shall be examined in support of the charges or on behalf of the Pleader and to nominate one of its members to record any evidence which may be adduced.

(ii) The Bench shall also have powers to decide all points of procedure which may arise during the hearing and may direct that all or any of the evidence to be recorded shall be given by affidavit.

Pleader may appear as witness. (iii) In all enquiries under section 13 or section 14 of the Legal Practitioners' Act the person charged may offer himself as a witness on his own behalf, and

may thereupon be sworn or affirmed and examined in the same manner as any other witness : but he shall not be called as a witness or examined upon oath or affirmation except at his own request or with his express consent.

9. The Bench shall after hearing such arguments of both for and against the Pleader as may be offered, come to a decision on the merits of the case and direct what action shall be taken. This decision shall be final.

Decision of Bench.

In the case of dis-agreement the case may be referred to the Honourable the Chief Justice or an Honourable Judge nominated in this behalf whose decision shall be final.

10. If the Bench decides that the charges are not proved it shall pass orders accordingly and the Pleader shall, if he is under suspension, be reinstated.

Reinstatement.

11. The High Court may, either of its own motion or on the application of any person aggrieved, call for the records of any case under section 15 of the Legal Practitioners' Act and revise the proceedings of a subordinate court or Revenue officers

Revision.

Provided that no order of acquittal, passed by a subordinate court or officer under section 14 of the Act, shall be set aside without giving the pleader an opportunity of being heard.

12. The orders of the Bench shall be communicated by the Registrar to the Pleader.

Orders to be communicated to pleader.

13. Any order of suspension or dismissal made or Pleader' confirmed by the High Court may, if sufficient cause appears, be re-considered and cancelled or modified by the Bench which made the order :

Reconsideration of orders.

Provided that if, for any reason, any member of the Bench is unable to sit on the Bench for the reconsideration of its order, the Honourable the Chief Justice may nominate another Honourable Judge in his place.

14. Every order of the High Court by which a pleader is suspended or dismissed or reinstated shall be notified by the Registrar in the Punjab Government Gazette.

Orders to be published in the Gazette.

(High Court Notification No. 230-Gen1/XIII-D-3, dated the 13th September, 1956).