

PART J.—CLERKS OF LEGAL PRACTITIONERS

1. No person shall be employed by a legal practitioner as his clerk unless such person has been a legal practitioner's clerk for three years, or is a qualified petition-writer or has passed the Matriculation examination of a recognised University :

Disqualification.

Provided that no such person shall be employed as a clerk-

- (a) if he has been declared a tout ; or
- (b) if he is an undischarged insolvent ; or
- (c) if he has been convicted for an offence involving moral turpitude ; or
- (d) if he has been dismissed from the service of Government, unless he can show that his dismissal was not due to conduct showing him unfit to be legal practitioner's clerk, viz., corruption or some other reason involving dishonesty ;
- (e) if he is an ex-petition-writer, whose licence has been cancelled for corruption or for some other reasons involving dishonesty ;
- (f) if he is unfit to be a legal practitioner's clerk for any other sufficient reason.

Dismissed Municipal and District Board employees shall be regarded as dismissed "Government Servants" for the purposes of these rules.

Note.—(i) The rule shall apply to all persons engaged after the 20th November, 1936, but not to a person who was a legal practitioner's clerk on or before the 20th November, 1936, and who may be engaged by a legal practitioner after the 20th November, 1936 provided:-

Date when and persons to whom rule will apply.

- (a) that his service subsequent to that date is continuous ;
and
 - (b) that his work is satisfactory as certified by his last employer.
- (ii) The proviso shall apply to clerks already in the service of legal practitioners, who have been declared touts at any time, or who were convicted within five years before the 20th November, 1936, for an offence involving moral turpitude.
 - (iii) The proviso shall not apply to clerks already in the service of legal practitioners who have been dismissed from the Government service.

Clerks to whom proviso shall apply.

Clerks to whom proviso shall not apply.

(iv) The proviso shall not apply to clerks already in the service of legal practitioners who have been convicted but whose convictions took place more than five years before the 20th November, 1936.

Employment of undischarged insolvent clerks.

(v) The proviso that no person shall be employed as a clerk if he is an undischarged insolvent shall apply to clerks already in the service of legal practitioners.

1-A. No deed writer, Sarpanch or Panch shall be employed, at all, as a Legal Practitioner's Clerk. A Clerk to a Legal Practitioner shall not, also engage himself in any trade or business without the previous permission of the High Court. The name of a Clerk shall be removed from the list maintained by the District Judge in case he contravenes the provisions of this rule.

2. No illiterate person shall be employed at all as a legal practitioner's clerk.

Illiterate persons not to be employed.

Definition of literate person.

Note.—A literate person for purposes of this rule will be one who has some knowledge of English or preferably Urdu as being the Court language in the Punjab.

3. Not more than two clerks shall be appointed or retained by any legal practitioner.

Not more than two clerks to be engaged.

4. The names of such Clerks shall be communicated by each Legal Practitioner, who is a member of a Bar Association, to the Secretary of that Association. A legal Practitioner who is not a member of a Bar Association and cannot, under the rules framed by the High Court, be compelled to join a Bar Association shall communicate the names of his Clerks direct to the Registrar of the High Court in case he is practising in the High Court and to the District Judge if he is practising in a subordinate court.

Names of clerks to be notified to Secretary, Bar Association.

5. The Secretary of a Bar Association shall prepare a list of the Clerks employed by the Legal Practitioners who are members of the Bar Association, and send it to-

List of clerks to be sent to District Judge.

(a) the Registrar of the High Court,

(b) the District Judge, or

(c) the Presiding Officer of the Superior Civil Court sitting at the place where the Association is, as the case may be.

The Presiding Officer of the court mentioned at (c) above shall transmit the list to the District Judge of the District in which the said Court is.

6. Such list shall be submitted in the first week of January each year, any changes during the course of the year being intimated separately.

Date of submission of list.

7. No Clerk shall be recognised by any court unless his name is borne on the above list and he carries on his person an identity-card bearing his photograph duly attested by the Registrar/Deputy Registrar of the High Court or by the District Judge concerned.

8. Clerks mentioned in the list shall be entitled to act on behalf of their masters, but on their responsibility, in all transactions which have to be done before or with the ministerial staff of the court.

Power of clerks to deal with the staff of the court.

9. A copy of the list when received and the changes notified shall be supplied to all courts situated at the station for information.

List of clerks to be circulated to local courts.

10. The list shall be in the following form :

Contents of list.

- (a) name and parentage of the clerk,
- (b) name of the legal practitioner by whom engaged,
- (c) qualifications, i.e., whether (i) Matriculate,
 - (ii) Petition writer,
 - (iii) has three years service with a legal practitioner, with a certificate that the clerk has never been-
 - (i) dismissed from Government service,
 - (ii) convicted of an offence involving moral turpitude,
 - (iii) declared a tout,
 - (iv) declared an insolvent, if so, whether discharged or undischarged.

11. The Registrar of the High Court, in respect of a Clerk whose name is borne on the list received by him under rule 5, and the District Judge in respect of a Clerk whose name is borne on the list received by him under the said rule (and not a Bar Association) shall have the power to declare a person to be unfit for employment as a Legal Practitioner's clerk and to remove his name from the list of approved Clerks to legal Practitioners.

Only District Judge competent to remove name from list.

12. A Clerk whose name has been removed by the Registrar or a District Judge may appeal to the High Court. which may, if it thinks fit, alter or revise the orders passed by the Registrar of the District Judge.

Appeal.

