

PART IV — ADVOCATES' CLERKS

CHAPTER XXXIII

ADVOCATES' CLERKS

1. Meaning of expression "recognised clerk". — The expression "recognised clerk" means a clerk employed by an Advocate and permitted as such to have access to the High Court and the Courts subordinate thereto in which his employer is authorized to practice and to the offices attached thereto.

¹2. Number of Advocates' Clerks to be recognized – (i) Two or more clerks may be recognized for one Advocate if the practice of such Advocate necessitates their employment.

(ii) A recognized Clerk of an Advocate will only attend the work of the Advocate, who has recognized him as a Clerk.

(iii) A recognized Clerk may be engaged by one or more Advocates.

(iv) No person other than the recognized Clerk of the concerned Advocate shall be allowed to have access to case papers and records, by the Registry.

[1. Substitute by Notification No. P. 3602/2006, Dt. 22-12-2006.](#)

3. Register for recognised clerks. — The ¹Registrar General shall maintain in the following form a register of all recognised clerks registered in the High Court:—

(i) On registration of a Clerk as a recognized Clerk of an Advocate, the Registry shall issue him a stamp size photo identity card at his cost giving necessary particulars about his name, address, date of registration, name/names of Advocate(s) who have recognized him as their Clerk under the signature of any officer authorized by the Registrar General.

(ii) Every recognized Clerk of an Advocate visiting the Registry for any purpose shall prominently display the Identity Card on his person.

(iii) It will be obligatory for every registered Clerk to renew their Photo Identity Card after a period of every 5 years. Advocate(s) who has employed him, to continue their services as Clerk.

(iv) Failure to renew the Photo Identity Card after the prescribed time limit shall result in removal of the name of the recognized Clerk from the Register.

[1. Substitute by Notification No. P. 3602/2006, Dt. 22-12-2006.](#)

Register of Recognized Clerks of Advocates

Serial No.	Name	Father's Name	Residence	Date of Registration	Name or Names of Advocates under whom employed.	Date of removal from the register with cause of removal in brief.	Remarks.
1	2	3	4	5	6	7	8

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(iv) Failure to renew the Photo Identity Card after the prescribed time limit shall result in removal of the name of the recognized Clerk from the register.

* [Substituted by Notification No. P3602/2006, Dt. 22.12.2006.](#)

4. Application by Advocate for recognition of clerks. — (i.) Every application for recognition shall be made by an Advocate by a letter addressed to the Registrar in the following form :—

"I pray that (name) son ofaged resident of..... may be recognized as a clerk.

I have made due enquiries with regard to the character and qualifications of the candidate, and certify that in my opinion he is a fit and proper person to be recognized as an Advocate's clerk under the rules made by the High Court of Judicature at Bombay. I also certify that he will be employed bona fide in my service for clerical work."

(ii) The application shall state the Advocate's standing at the Bar, the name or names of the recognized clerks, if any, already in his service, and the educational qualifications of the person proposed to be employed as a recognized clerk.

5. Qualification for recognition. — No person shall be registered as a recognized clerk, unless the Registrar is satisfied that he has had sufficient elementary education in Marathi or Hindi and also has sufficient knowledge of English.

6. Mukhtyar not admitted. — No person shall be admitted or continued as a recognized clerk, if he is, or acts as, a recognized agent (Mukhtyar), either under a special or general power of attorney of any person other than the Advocate or Advocates by whom he is employed.

7. Access to High Court offices, — No clerk employed by an Advocate shall be allowed access to any of the offices of the High Court, unless he is a recognized clerk.

8. When recognized clerk can act on behalf of Advocate. — A recognized clerk may act on behalf of his client in all matters of formal nature which do not require the personal attendance of an Advocate.

9. Recognized clerk to give receipts for money received from clients. — When a recognized clerk receives any money from his master's client, he shall give to the client a receipt for the amount received by him specifying exactly what the money was received for e.g. memorandum of appeal, process fee, Advocates' fee, etc. The details shall be set out separately either in the receipt itself or on a separate piece of paper attached to it.

10. Removal of recognized clerk. — The Registrar, for reasons to be recorded in writing, and after hearing the clerk in his defence, if he so desires, may order the removal of any recognized clerk and strike off his name from the Register; and on the passing of such order, the clerk shall cease to be a recognized clerk.

11. Recommendation for re-registration. — No person removed under the preceding rule shall be recommended for registration by any Advocate or be registered, unless he has been declared to be eligible for registration under the next rule.

12. Reinstatement after removal by Registrar. — The Registrar may at any time revise the order passed by him under Rule 10, and may, for reasons to be recorded in writing, reinstate the person removed or declare him eligible for registration.

13. Advocate ceasing to employ recognized clerk to inform Registrar. — Whenever an Advocate ceases to employ a recognized clerk, he shall immediately notify the fact to the Registrar stating briefly the reasons why he has ceased to employ him, .On receipt of the information, the necessary entry shall be made in the Register. If the reasons stated by the Advocate for ceasing to employ any such clerk discloses any misconduct, the Registrar may take action under rule 10 above.

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