

CHAPTER - XIII
LEGAL PRACTITIONERS

1. ENROLMENT OF MUKHTARS AS ADVOCATES

C.L. No. 36/VII-f-187 dated 4th May, 1965

According to sections, 24 and 29 of the Advocates Act, 1961 and the rules framed by the State Bar Council under section 24 of the said Act a Mukhtar should not ordinarily be certified to be fit for enrolment as an Advocate. In extraordinary cases, however, where the District Judge is satisfied that by reason of special ability, command on the relevant language and knowledge of the law a particular person is capable of ably conducting cases even in the High Court and the Supreme Court, he may give the necessary certificate while sending the application to the State Bar Council.

C.L. No. 4/25f Admn. (D) dated 11th January, 1979

It invites attention to section 55 of the Advocates Act, 1961, which provides that, notwithstanding anything contained in this Act, every pleader or vakil practicing as such immediately before the date on which Chapter IV of the Act (which deals with rights to practice and came into force on June 1, 1969) comes into force, by virtue of the provisions of the Legal Practitioners Act, 1879, if he does not elect to be, or is not qualified to be enrolled as an Advocate under the Advocates Act, 1961 shall, notwithstanding the repeal of the relevant provisions of the Legal Practitioners Act, 1879 continue to enjoy the same rights as respects practice in any court or before any authority or person and shall be subject to the disciplinary jurisdiction of the same authority which he enjoyed or, as the case may be, to which he was subject immediately before the said date.

In view of the above provision a pleader or a vakil, who was not practicing immediately before the commencement of Chapter IV of the Advocates Act, 1961 will not be entitled to practice as a pleader or a vakil thereafter.

2. MISCONDUCT

G.L. No. 22 dated 18th June, 1930

(i) Legal Practitioner not to absent himself from court

The letters noted in the bloc invites attention to a Resolution of the High Court, dated 17th June, 1930, pointing out that a member of the legal profession is guilty of an unprofessional act if he breaks his contract with his client and does not appear in court on any day as a protest against certain political or administrative action of the Government, the appropriate punishment for which is, at the least, suspension from practice for a considerable period.

If any lawyer breaks his contract with his client and fails to present himself in court because he disapproves of some action of the Government or for any other allied irrelevant and improper reason, such lawyer will be called upon to show cause why he should not be removed from the roll or suspended from practice.

G.L. No. 16/67-7 dated 5th April, 1939

All judicial officers are requested to inform the High Court of any instance of this species of professional misconduct for appropriate action.

There have been occasions where individual lawyers or bar association have decided to boycott a court or a particular presiding officer on account of some grievance real or alleged.

The principle set forth in the Resolution indicated above also apply to a boycott of this nature and any instance of this species of professional misconduct will lead to disciplinary action against those concerned.

C. L. No.72/2007Admin (G): Dated: 13.12.2007.

The incidents of strike or boycotts of courts by the lawyers have remained unabated despite a number of Circular letters having been issued in the past by the Hon'ble Court directing the judicial officers to continue to work on dias even if there is a call of strike. Viewing this problem with seriousness in a bid to put a check on this trend the Hon'ble Court has desired that a copy of judgment passed in a case wherein the learned counsel did not appear before court without justifiable cause and the court proceeded to pronounce the judgment recording it's finding, may be forwarded to the Bar Council of U.P. for appropriate action against the defaulting counsel treating his conduct to fall in the category of misconduct

Therefore, I am directed to request you that in all such cases where the the presiding officer is of the view that the absence of the counsel in a particular case is deliberate with a view to obstructing the dispensation of justice and he proceeds to decide the case recording a finding in the judgment to that effect, treating such act of the counsel to be misconduct, a copy of the judgment may be sent to the Bar Counsel of U.P. for necessary action against the concerned counsel.

I am, further to add that kindly bring the contents of this Circular Letter to the notice of all the Judicial Officers working under your administrative control for strict compliance.

(ii) Conviction of Legal practitioners to be reported

G.L. no. 78/67-8 dated 3rd September, 1936

When any advocate, pleader or mukhtar is convicted of any criminal offence, the court concerned shall forthwith and without delay report the fact to the High Court, without reference to the question whether an appeal has or has not been filed. A copy of the judgment delivered in the case shall be forwarded with the report. If an appeal is filed, that fact shall be reported to the High Court immediately and when the judgment in appeal is delivered, a copy of it shall also be forwarded.

(iii) Certifying honorarium as fees

G.L. No. 25/67-5 dated 7th October, 1944

It is not open to a counsel who receives an annual honorarium or retainer to certify as fees in a case either the whole or any part of that retainer and if he does, so it will amount to an act of professional misconduct.

3. OBLIGATIONS

(i) Legal practitioners to peruse draft decree and correct errors

G.L. No. 2760/45-36 dated 23rd June, 1914

The duty of counsel after the preparation of decree is indicated in Order XX, rule 21 of the Code of Civil Procedure, 1908. A notice is posted up stating that the draft decree is ready. District Judges should take steps to impress on all legal practitioners in their judgeship that this is done with a view to enabling them to peruse the draft and correct errors where they occur and they should not neglect to carry out this obvious duty.

(ii) Smoking and chewing of betel nuts in courts

G.L. No. 12/67-4(1) dated 23rd April, 1942

The Court takes exception to smoking and the chewing of betel- nuts either by presiding officer or by counsel appearing before them in court, during the hearing of cases.

(iii) Legal practitioners in subordinate courts to inform clients of the necessity of filing copy of 1st court's judgment with second appeal

G.L. No. 24/25 dated 5th April, 1948 read with

C.L. No. 78/VIII-C-21-49 dated 24th November, 1949 and

C.L. No. 79/VIII-C-21/49 dated 24th November, 1949

The provisions of rule 8, Chapter IX of Rules of Court, 1952, are not strictly complied with at the time of presentation of the memorandum of appeal and this mostly due to the clients being not informed by their local counsel about the necessity of filing a copy of the first court's judgment along with second appeal. This leads to inconvenience and delay in the admission of appeals.

District Judges should bring the provisions of the rule to the notice of members of the Bar in their judgeship in order to avoid the possibility of any such omission.

(iv) Form of Dress or Robes to be worn by Advocates

C.L. No. 46/Admin. 'G' Section D

It has come to the notice of the Court that a number of persons, affianced in the profession of Law, while appearing as Advocate, in the subordinate courts, do not observe the form of Dress or Robes to be worn by Advocates and required by the Bar Council of India Rules, 1975 in Chapter (IV), Part (VI) and notified by Rule 615 of the General Rules (Civil), 1957.

As has already been stressed by the G.L. No. 23/4513, dated 19th August, 1941, the wearing of proper dress in court is mandatory and it is the duty of the District & Sessions Judges as well each presiding Officer to see that not only they are themselves dressed in prescription with the Rule 615 of the General Rules (Civil), 1957 but to make sure that provisions in Rule 615, cited below, are conscientiously followed, in letter and spirit, by every Advocate, Pleader, and Vakil.

Rules 615 of the General Rules (Civil), 1957 read as under:

All presiding officers of sessions and civil courts and pleaders appearing before them shall wear a buttoned up coat, achkan or sherwani of a black colour. They may wear

an open neck coat of the same colour instead, but if they are not entitled to use bands, they shall wear a black tie with it. During the summer, the colour need not be black and a coat, achkan or sherwani of a light colour may be worn. With the coat, trousers and with the achkan or sherwani chooridar pyjama or trousers shall be worn. Ladies appearing before the civil courts as pleaders shall wear a black or a white sari and blouse.

They shall also wear distinctive costumes as indicated below-

- (i) Presiding Officers : A gown made after the pattern of Queen's Counsel's gown of black silk or stuff, with bands;
- (ii) Advocates : A gown similar to a barrister's gown with bands; and
- (iii) Pleaders and Vakils : A gown similar to the gown worn by presiding officers, but without sleeves and bands.

If it is desired to wear a headdress, a turban may be worn.

The Bar Council of India Rules, 1975, which have been made under Section 49(i) (gg) of the Advocates Act in Chapter IV, Part VI also lay down the form of dresses or Robes to be put on by Advocates and the same, for handiness, is quoted below:

“Advocates appearing in the Supreme Court, High Courts, Subordinate Courts, Tribunal or Authorities shall wear the following as part of their dress, which shall be sober and dignified.

1. **Advocates:**

- (a) a black buttoned up coat, chapkan, achkan, black sherwani and white bands with Advocates' Gowns,

or

- (b) black open breast coat, white shirt, white-collar, stiff or soft, and white bands with Advocates' Gowns.

In either case wear-long trousers (white, black striped or grey) or Dhoti excluding Jeans.

Provided further that in courts other than the Supreme Court High Courts, District Courts or City Civil Courts, a black tie may be worn instead of bands.

2. **Lady Advocates:** Lady Advocates may wear either the dress prescribed in sub rule (b) or the following:-

- (a) Black sleeve jacket or blouse, white collar stiff or soft, with white bands and Advocates' gowns.
- (b) Sarees or long skirts (white or black or any mellow or subdued colour without any print or design) or flare (white, black or black striped or gray) or Punjabi dress churidar-kurta or salawar-kurta with or without dupatta (white or black) or traditional dress with black coat and bands.

3. Wearing of Advocates' gown shall be optional except when appearing in the Supreme Court or in the High Court.
4. Except Supreme Courts and High Court during summer, wearing of black coat is not mandatory.”

The Bar Council of Uttar Pradesh for removal of doubts has recently passed resolution on 12.08.2006 as follows:

“In the change brought about in the Dress Rules, there appears to be some confusion in so far as the Sub Courts are concerned. For removal of any doubt it is clarified that so far as the courts other than Supreme Court and High Court are concerned during summer while wearing black coat is not mandatory, the advocates may appear in white shirt with black, white striped or gray pant with black tie or band and collar.”

Therefore, I am directed to request you to kindly inform all the judicial officers, Advocates, Pleaders & Vakils in the judgship under your administrative control and they be asked for strictly following the dress code for abstemiousness and self-respect.

(v) Clients' monies and the identification of sureties

G.L. No. 13/67-4 dated 4th April, 1932

Some lawyers are not alive to their obligation in dealing with money received from their clients. As observed in * Miscellaneous Case No. 46 of 1932, the plain and simple rule, which they ought most implicitly to obey, is that once the lawyer has got the money of his client in his hands he should disburden himself of it as soon as possible.

Their attention is further drawn to the decision in * Miscellaneous Case No. 72 of 1932. In that case, a pleader guaranteed the ability of a surety to pay a certain sum of money without in fact having any personal knowledge of him. The accused absconded and when efforts were made to realize the money from the surety, it was found that he was practically penniless. The pleader admitted that he had no personal Knowledge but was misled by the information received from his clerk and the clerk of another lawyer. This case is of importance as it emphasises that a lawyer may find himself in an unpleasant situation owing to lack of appreciation of responsibility in a professional matter without being actually guilty of any act involving moral turpitude.

4. CONDUCT OF PERSONAL CASES BY LEGAL PRACTITIONERS

G.L. No. 2599/45 dated 6th May, 1927

When a Lawyer appears in a case in which he has any personal interest, he must not attend court in robes to argue the case. His position in such a case is that of any other member of the public. He may draft complaints, written statements, affidavits applications and other legal documents on his own behalf, but they must be signed as coming from a litigant “in person”, and not as coming from a legal practitioner. In the event of his success in any action, he cannot

* Copy forwarded with G.L. noted on in the bloc

recover from the opposite party any costs other than and beyond those awarded to a litigant member of the public who has conducted his own case.

5. ADVOCATE WELFARE FUND (AMENDMENT) ACT, 1988—IMPLEMENTATION

(i) Implementation of the provisions of the U.P. Advocates welfare Fund (Amendment) Act, 1988

C.L. No. 76/VII-f-249/Admn. (G) dated: July 28, 1990

I am directed to send herewith a copy of Government letter No. 48/VII-Ka-Ni-302/75, dated February 28, 1990, on the above subject, and to say that the contents of the said letter may kindly be brought to the notice of all concerned for compliance.

उ0प्र0 अधिवक्ता कल्याण निधि (संशोधन) अधिनियम, 1988 में किये गये प्राविधानों के कार्यान्वयन के सम्बन्ध में।

शासकीय पत्र सं0 48/सात-क-लि0 302/75 न्याय (कल्याण निधि) अनुभाग, दिनांक 28 फरवरी, 1990

मुझे आपका ध्यान उत्तर प्रदेश अधिवक्ता कल्याण निधि संशोधन अधिनियम 1988 की धारा 9(1) की ओर आकर्षित करने का निर्देश हुआ है जिसमें यह प्राविधान किया गया है कि “योजना का प्रत्येक सदस्य अपने द्वारा स्वीकृत वकालतनामा पर, उच्च न्यायालय या अधिकरण में या किसी अन्य प्राधिकारी या व्यक्ति को दाखिल किये जाने वाले वकालतनामा की स्थिति में पाँच रुपये के और किसी अन्य स्थिति में दो रुपये के मूल्य का कल्याणकारी स्टाम्प लगायेगा और कोई न्यायालय अधिकरण प्राधिकारी या व्यक्ति ऐसे सदस्य के पक्ष में कोई वकालतनामा ग्रहण नहीं करेगा जब तक कि उस पर तत्समय प्रवृत्त किसी अन्य विधि के अधीन अपेक्षित किसी स्टाम्प के अतिरिक्त ऐसा स्टाम्प न लगा हो”। शासन के संज्ञान में यह तथ्य आया है कि उक्त अधिनियम में किये गये इस प्राविधान का परिपालन सम्बन्धित अधिवक्ताओं द्वारा पूर्ण रूप से नहीं किया जा रहा है। अतः शासन ने यह निर्णय लिया है कि आप कृपया यह सुनिश्चित करने हेतु अपने अधीनस्थ न्यायालयों को निर्देशित कर दें कि न्यायालय में दाखिल होने वाले प्रत्येक वकालतनामों पर निर्धारित मूल्य के कल्याणकारी टिकट सम्बन्धित अधिवक्ताओं द्वारा अवश्य ही लगाये जायें। यदि न्यायालय में दाखिल होने वाले किसी वकालतनामों पर कल्याणकारी स्टाम्प न लगा हो और अधिवक्ता अपने को निधि का सदस्य नहीं बताए तब सम्बन्धित अधिवक्ता से उसी वकालतनामों पर इस आशय का एक लिखित व हस्ताक्षरित प्रमाण-पत्र ले लें कि वह उक्त योजना का सदस्य नहीं है। यदि स्थिति इसके विपरीत हो तो निर्धारित मूल्य का कल्याणकारी स्टाम्प उस वकालतनामों पर लगाने के बाद ही उसे स्वीकार किया जाय।

कृपया उपरोक्त आदेशों का कड़ाई से परिपालन सुनिश्चित करने का कष्ट करें।

(ii) Affixation of Advocate Welfare Stamp on Vakalatnama

C.L. No. 1/VII-f Dated: January 8, 1999

Uttar Pradesh Advocates Welfare Fund (Amendment) (Second) Ordinance 1998 (U.P. Ordinance No.14 of 1998) has been promulgated vide notification No. 1880 (2) XVII-V-1-2 (KA) 20-1998 dated 15.10.1998. The provisions of the aforesaid Ordinance have also come into force from 3.12.1998 vide Notification No.1053/VII-Nyay-7-127/90 dated 31.10.1998.

By virtue of amendment in Section 2 of Uttar Pradesh Advocates Welfare Fund Act, 1974 every Advocate is now required to affix on every Vakalatnama accepted by him a Welfare Stamp of the Value of Rs.5/- and no Court, Tribunal, Authority or person shall receive any Vakalatnama in favour of such Advocate unless it is so stamped in addition to any stamp required under any other law for the time being in force. Further, the deficiency of Welfare Stamp in the Vakalatnama already filed in the pending cases shall also be made good.

I am desired to inform you that the provisions of the Ordinance should be strictly followed and the Vakalatnama unless bears the Welfare Stamp of Rs.5/- should not be accepted.

(iii) Affixation of new Advocates Welfare Stamp on Vakalatnama from 1.5.2001.

C.L. No. 16/VIII-249 Dated: 30.04.2001

I am directed to send herewith a copy of Government letter No. 611/VII-Nyay-7-2001, dated April 20, 2001 along with specimen copy of the new stamp of Advocates Welfare Stamp and to inform you that the Govt. have issued new Advocates Welfare Stamp which is to be used from 1.5.2001 by the Advocates on every Vakalatnama accepted by them.

I am, therefore, further directed to request you that the Government order aforesaid, be strictly followed and Vakalatnama bearing only the new advocates Welfare Stamp should be accepted.

(iv) उत्तर प्रदेश अधिवक्ता कल्याण निधि अधिनियम 1974 के अन्तर्गत नये अधिवक्ता कल्याणकारी स्टाम्पों का प्रचलन।

न्याय अनुभाग-7 (कल्याण निधि) : दिनांक 20 अप्रैल, 2001

उपर्युक्त विषय के संदर्भ में मुझे आप को यह अवगत कराने का निर्देश हुआ है कि उत्तर प्रदेश अधिवक्ता कल्याण निधि अधिनियम 1974 (यथासंशोधित) की धारा-9 में की गयी अपेक्षानुसार अधिवक्ता कल्याणकारी स्टाम्प किसी भी अधिवक्ता द्वारा दाखिल किये गये वकालतनामों पर लगाया जाना आवश्यक है। इन स्टाम्पों के वितरण व बिक्री की व्यवस्था उसी प्रकार की है जिस प्रकार कोर्ट फीस के स्टाम्पों की बिक्री व वितरण की व्यवस्था की जाती है। वर्तमान समय में जो अधिवक्ता कल्याणकारी स्टाम्प प्रयोग में लाये जा रहे हैं उनका प्रचलन बन्द करके उनके स्थान पर दिनांक 1.5.2001 से नये स्टाम्प जारी करने का निर्णय लिया गया है। इन स्टाम्पों की बिक्री व वितरण के सम्बन्ध में शासनादेश संख्या 535/सात-न्याय-7-9/2001, दिनांक 19 अप्रैल, 2001 द्वारा विस्तृत निर्देश जारी किये जा चुके हैं। दिनांक 1.5.2001 से प्रचलित किये जाने वाले नये स्टाम्प का नमूना इस पत्र के साथ संलग्न है।

2- इस संबंध में शासन द्वारा यह निर्णय लिया गया है कि नये जारी होने वाले स्टाम्पों की आपूर्ति नोडल प्वाइन्ट के कोषागारों को दिनांक 25.4.2001 तक सुनिश्चित कर ली जाय और प्रत्येक जिले के कोषागार उक्त नोडल प्वाइन्ट के कोषागारों से अपनी-अपनी आवश्यकतानुसार दिनांक 1.5.2001 के पूर्व समचित मात्रा में स्टाम्प प्राप्त कर लें। दिनांक 1.5.2001 से समस्त पुराने स्टाम्पों का प्रचलन बन्दकर दिया जाय और उनकी बिक्री न की जाय। जिन स्टाम्प वेण्डरों के पास पुराने स्टाम्प उपलब्ध है वे उन स्टाम्पों को उक्त दिनांक 1.5.2001 की तिथि से 3 दिन के अन्दर अर्थात् दिनांक 4.5.2001 तक संबंधित कोषागार/उप कोषागार में जमा कर दें। संबंधित कोषागार/उप कोषागार के प्रभारी अधिकारी वापस प्राप्त ऐसे पुराने स्टाम्पों की जाँच कर ऐसे स्टाम्प पत्र जो फर्जी न हों शासन के न्याय अनुभाग-7/न्यासी समिति को दिनांक 20.5.2001 तक उपलब्ध करा दे। इस सम्बन्ध में संबंधित प्रभारी अधिकारी निम्न सामग्री भी उपलब्ध करायेंगे :-

- (क) इस आशय का प्रमाण पत्र कि शासन को भेजे जाने वाले पुराने कल्याणकारी स्टाम्प फर्जी नहीं है।
- (ख) प्रत्येक स्टाम्प वेण्डर के पुराने कल्याणकारी स्टाम्प अलग अलग पैकेट में प्रत्येक पैकेट पर स्टाम्प वेण्डर का नाम, पता एवं अनुज्ञप्ति संख्या को स्टाम्पों की संख्या एवं उनके मूल्य अंकित किये जायें।
- (ग) एक संक्षिप्त विवरण जिसमें स्टाम्प वेण्डर का नाम, प्रत्येक वेण्डर द्वारा वापस किये गये स्टाम्पों की संख्या एवं उनके मूल्य तथा वापस किये जाने वाले कुल पुराने कल्याणकारी स्टाम्पों की संख्या एवं मूल्य।

3- यदि कोषागार/उप कोषागार के प्रभारी अधिकारी द्वारा जांचोपरान्त यह पाया जाता है कि किसी स्टाम्प वेण्डर द्वारा वापस किये गये पुराने कल्याणकारी स्टाम्प में से कुछ या कुल स्टाम्प फर्जी हैं तो ऐसे स्टाम्प वेण्डरों को भविष्य में नये कल्याणकारी स्टाम्प बिक्री के लिए उपलब्ध न कराये जायें तथा ऐसे स्टाम्प वेण्डरों के खिलाफ दण्डात्मक कार्यवाही भी की जाय।

4- दिनांक 20.5.2001 के बाद पुराने कल्याणकारी स्टाम्पों को शासन/न्यासी समिति द्वारा स्वीकार नहीं किया जायेगा।

5- पुराने कल्याणकारी स्टाम्पों की जॉच शासन स्तर पर की जायेगी तथा जो स्टाम्प सही पाये जायेंगे उनके सममूल्य के नये कल्याणकारी स्टाम्प संबंधित स्टाम्प वेण्डर को निर्गत करने के निर्देश प्रमुख सचिव न्याय/सदस्य सचिव, न्यासी समिति द्वारा लिया जायेगा एवं तदनुसार निर्देश संबंधित कोषागार/उप कोषागार को दिया जायेगा जो उन निर्देशों का अनुपालन सुनिश्चित करायेगें।

6- कोषागार/उप कोषागार में उपलब्ध ऐसे सभी पुराने कल्याणकारी स्टाम्प जो स्टाम्प वेण्डरों को निर्गत नहीं किये गये उन्हें दिनांक 5.5.2001 तक भस्मीभूत कर दिया जाय और भस्मीभूत किये गये ऐसे पुराने कल्याणकारी स्टाम्पों की संख्या व उनके मूल्य की सूचना प्रमुख सचिव न्याय तथा सदस्य सचिव न्यासी समिति को दिनांक 10.5.2001 तक अवश्य दे दिया जाय।

7- यदि दिनांक 1.5.2001 को अथवा उसके बाद कोई व्यक्ति पुराने स्टाम्पों की बिक्री या प्रयोग करते हुए पाया जाय तो उसके विरुद्ध दण्डात्मक कार्यवाही करने हेतु आवश्यक कदम उठाये जाये।

8- कृपया उपरोक्तानुसार कार्यवाही करते हुए नये जारी होने वाले स्टाम्पों के रंग, आकार व प्रकार से अपने अधीनस्थ सभी संबंधित व्यक्तियों को अवगत कराते हुए इसे व्यापक रूप से प्रचारित व प्रसारित करने का कष्ट करे।

(v) To ensure strict compliance of the provisions as contained in Section 12 of the U.P. Advocates Welfare fund (Amendment) Act, 1999 (U.P. Act No. 3 of 1999)

C.L. No. 43/VIIf-249, Dated: 10th December, 2002

In continuation of the Court's C.L. No. 1/VIIf-249, dated 8.1.1999, I am directed to say that as per the provisions contained in Section 12 of the U.P. Advocates Welfare Fund (Amendment) Act, 1999 (U.P. Act No. 3 of 1999) where an Advocate has filed Act Vakalatnama in a case before commencement of this Act and continues to appear, act or plead in that case in pursuance of such Vakalatnama, after such commencement he shall file a welfare Stamp through an application on or before the first date of hearing of that case.

In this regard, I am further directed to say that the Advocates Welfare Stamp may be supplied on watermark paper, which would not require any court fee.

You are, therefore, requested to kindly bring the contents of this circular letter to the notice of all the concerned in your Judgeship for strict compliance of the aforesaid statutory provision.

(vi) Order Dated 17.01.2003 of Hon'ble Court passed in Criminal Contempt No. 25 of 1999- In Re Sri Shitla Prasad Mishra and 22 other Advocates of Civil Court, Allahabad.

C.L. No. 7/2003 Dated: 28th February, 2003

In Criminal Contempt No. 25 of 1999- In Re Sri Shitla Prasad Mishra & 22 other Advocates of Civil Court, Allahabad, the Hon'ble Court has observed with concern that a large number of incidents are coming to the notice of the Court about hooliganism of the lawyers of the district courts in the State and the times has now come to take strong action in the matter and to put down this hooliganism. The Hon'ble Court, is therefore, of the view that this kind of hooliganism will not be tolerated by this Court and whoever indulges in such activities shall be given harsh punishment.

The Hon'ble Court has further observed that if the lawyers have any grievance against any particular Judge of the district court, it is always open to them to approach the District Judge or the Administrative Judge of the respective district and if they have any grievance against the District Judge, they can approach the Administrative Judge or Hon'ble the Chief Justice, but it is not open to them to take law into their own hands and misbehave with the Judge and indulge in

hooliganism. The Court will not tolerate infringement of its authority by lawyers who misbehave with the Judges or interfere with the judicial process.

I am, therefore, directed by the Court to send a copy of the judgment passed by this Court in Criminal contempt No. 25/99 for your information and necessary action.

[For Judgement see 2003 All.L.J. 1592(F.B.)]

(vii) Affixation of Advocates Welfare Stamp of Rs.10/- on each Vakalatnama by the Advocates

C.L. No. 42/VIIIf-249, Dated: 12th December, 2003

Under the Gazette Notification No. 853 (2) /VII-V-1-2(KA)-17-2003, Dated July 11, 2003, the Govt. of Uttar Pradesh has made some amendments in Section 9 of Uttar Pradesh Advocates Welfare Fund Act, 1974 with effect from 11.07.2003.

Now, by virtue of the ordinance (Uttar Pradesh Welfare Fund (Amendment) Ordinance, 2003) every Advocates is required to affix on every Vakalatnama a Welfare Stamp of Rs. 10/- in place of Rs. 5/- and where in any case the Welfare Stamp referred to in sub-section (1) of the aforesaid Ordinance is not affixed on the Vakalatnama or is not filed by any Advocate the Court shall not permit such Advocate for further proceedings in that case.

I am, therefore, directed to send herewith a copy of Government Notification No. 853(2)/VII-V-1-2 (KA) -17-2003, dated July 11, 2003 alongwith the copy of the Ordinance, aforesaid with the request to kindly ensure strict compliance of the provisions as contained in the Ordinance and to kindly bring the contents of the circular letter to the notice of all the Judicial Officers as well as to all concerned in your Sessions Division for strict compliance.

(viii) Affixation of Advocates Welfare Stamp of Rs. 10/- on each Vakalatnama.

C.L. No. 4/2005: VIIIf-249: Dated: 22nd January, 2005

By virtue of the Uttar Pradesh Advocate's Welfare Fund Act, 1974 and the U.P. Advocates Social Security Fund Scheme Rules, 1989, it has been made mandatory that every Advocate is required to affix on the Vakalatnama accepted by him a Welfare Stamp of Rs. 10/- and if it is not so stamped no Court, Tribunal or Authority shall receive it. Thereafter, in accordance with these provisions The Hon'ble Court issued marginally noted Circular letters to all the District Judges, Subordinate to the Court for strict compliance.

C.L. No.1/VIIIf-249, dated Jan. 8, 1999

G.L. No.10239/VIIIf-249, dated Aug.10, 2001

C.L. No. 43/VIIIf-249, dated Dec. 10, 2002

C.L. No. 42/VIIIf-249, dated Dec. 12, 2003

Recently, the Bar Council of Uttar Pradesh, Allahabad has brought to the notice of the Hon'ble Court that in many districts, the Advocate's Welfare Stamp is not being affixed on the Vakalatnama accepted by the Advocates.

I am, therefore, again directed to request you kindly to ensure compliance of the provision as contained in the U.P. Advocates Welfare Fund Act, 1974 and U.P. Advocates Social Security Fund Scheme Rules 1989 as well as the directions contained in the marginally noted Circular letters issued by the Hon'ble Court in this regard.

Kindly bring the contents of this Circular letter to the notice of all the Judicial Officers and other concerned for strict compliance.

(ix) For taking punitive action against the persons indulging in Printing and selling forged U. P. advocates welfare stamps.

C.L.No.26/VIIIf-249: Dated: 18th June, 2000

I am directed to enclose herewith a copy of Government letter No-137 /SAT-Nyaya-155/90 T.C. dated February 2000 on the above subject wherein it has been stated that in some districts stamps vendors are indulging in printing and selling forged "Advocates Welfare Stamps" causing loss to the state revenue/benevolent fund meant for advocates.

I am, therefore, to request you kindly to see that the forged 'Advocates Welfare Stamps' are not issued and in cases any such instance comes to your knowledge appropriate action be taken in the matter.

अधिवक्ता कल्याणकारी टिकटों के फर्जी मुद्रण एवं विक्रय पर रोक लगाये एवं ऐसे लोगों के विरुद्ध कठोर दण्डात्मक कार्यवाही करने के सम्बन्ध में ।

न्याय अनुभाग-7 कल्याणनिधि संख्या-137/सात-न्याय-7-155/90टी.सी0 लखनऊ: फरवरी 2000

उपर्युक्त विषय पर बार कौंसिल ऑफ उत्तर प्रदेश 19 महर्षि दयानन्द मार्ग इलाहाबाद के पत्र दिनांक 6-12-99 तथा शासन के पत्र सं 2129/ सात-न्याय- 7-99-155/90 टी.सी. दिनांक 3-1-2000 प्रतिलिपि सुलभ सदर्थ हेतु सलंगन करते हुये मुझे ये कहने का निर्देश हुआ है कि उपर्युक्त आदेशों के निर्गत होने के उपरान्त भी कतिपय जनपदों में कतिपय स्टाम्प वैडरों द्वारा फर्जी अधिवक्ता कल्याणकारी स्टाम्पों का मुद्रण एवं विक्रय किया जा रहा है । जिससे शासकीय राजस्व की आय में क्षति हो रही है।

अतः अनुरोध है कि कृपया अपने मण्डल में फर्जी स्टाम्प मुद्रण एवं बिक्री रोकने के सम्बन्ध में प्रभावी कार्यवाही तथा दोषी व्यक्तियों के विरुद्ध कठोर दण्डात्मक कार्यवाही करने एवं कृत कार्यवाही से शासन को अवगत कराने का कष्ट करें । इस सम्बन्ध में शीघ्रता अपेक्षित है ।

6. FILING OF VAKALATNAMA BY ADVOCATES

(i) Filing of Vakalatnama by Advocates appearing before the Courts

C.L.No. 53/VIIIf-187/Admn. (G), dated September 28, 1992

I am directed to enclose herewith a copy of letter No. 7552/1992 dated August 1, 1992 from the Secretary, Bar Council of Uttar Pradesh, Allahabad, on the above subject, and to request you kindly to bring the contents of this letter's enclosure to the notice of all the advocates practicing in the judgship and the other concerned for strict compliance.

पत्र संख्या 7552/1992, बार कौंसिल आफ उत्तर प्रदेश, दिनांक 1 अगस्त, 1992

बार कौंसिल आफ उत्तर प्रदेश की गत बैठक दिनांक 4 जुलाई, 1992 में पारित प्रस्ताव की निम्नलिखित प्रतिलिपि आपकी सेवा में समुचित कार्यवाही हेतु प्रेषित किया जाता है:-

"निश्चय किया गया कि उच्च न्यायालय के माननीय मुख्य न्यायाधीश महोदय से अनुरोध किया जाय कि वे जनपद न्यायाधीशों एवं अधीनस्थ न्यायालयों को निर्देश जारी करें कि वकालतनामों पर अधिवक्ता का नाम, पंजीकरण संख्या एवं पंजीकरण तिथि का उल्लेख आवश्यक है ताकि फर्जी व्यक्तियों को वकालत करने से रोका जा सके।

जनपद न्यायाधीशों को प्रतिलिपि इस आशय से भेजी जाय कि अनुपालन सुनिश्चित करें।"

C.L.No.42/VIIIf-249, dated

उपरोक्त प्रस्तावानुसार आपसे अनुरोध किया जाता है कि कृपया जनपद न्यायाधीशों एवं अधीनस्थ समस्त न्यायालयों को निर्देश जारी करने की कृपा करें कि प्रत्येक अधिवक्ता वकालतनामों पर अपने नाम के साथ पंजीकरण संख्या एवं पंजीकरण तिथि का उल्लेख अवश्य अनिवार्य रूप से करें ताकि वकालत व्यवसाय में रत फर्जी व्यक्तियों को वकालत व्यवसाय से प्रतिबन्धित किया जा सके।

C.L. No. 47/VII-F-187/Admin (G) Sec. Dated: 4th November, 1997

It has come to the notice of the court that sometimes Vakalatnama on behalf of clients in subordinate Courts are not filed by genuine Advocates.

The Vakalatnama may be general, but it confers vice authority upon the lawyer. Instances have come to the notice of Bar Council that even persons who are not enrolled as Advocates are filing Vakalatnama and putting appearance in the court. In case such misrepresentation and fraud are not checked and is permitted to continue, it would cause irreparable loss to the litigant public. This malignancy is to be checked and for that purpose, the registration number/enrollment No. and full name of the Advocate must necessarily be specified on the Vakalatnama so as to establish the identity of the Advocate.

In order to avoid aforesaid misuse of Vakalatnama by unauthorized persons, the court has been pleased to direct you as provided in rule 550 (1) of General Rule (Civil), the presiding officers should call for the certificate of enrolment and otherwise satisfy himself of the fact of enrolment of the person appearing as an Advocate.

The aforesaid direction may be complied with meticulously.

Compliance of direction in order dated 3.3.2006 in Civil Misc. Writ Petition No. 12458 of 2006- Purshottam Giri Vs. Deputy Director Consolidation, Bulandshahr and others.

C.L. No. 20/2006: Admin 'G' Dated: 29th May, 2006

The Hon'ble Court while dealing with particulars in Vakalatnama filed by the advocates, has noticed that generally the Vakalatnama filed by the advocates do not contain all requisite details as provided by rules and resolution dated 10.12.1989 passed by the Bar Council taking cognizance of the fact that unscrupulous elements can be seen to be playing tricks with the Courts bringing disrepute to the judiciary as well as to the dignity of the lawyers community. Therefore, while enclosing herewith a copy of order dated 3.3.2006 in Civil Misc. Writ Petition No. 12458 of 2006- Purshottam Giri Vs. Deputy Director Consolidation, Bulandshahr and others, I am directed to request that the contents of and directions in the order dated 3.3.2006 aforesaid, be unerringly gone through all the way for ensuring strict compliance by all concerned under your administrative control.

7. PAYMENT OF FEES TO THE ADVOCATES ENGAGED BY THE GOVERNMENT

Regarding payment of fees to the Advocates engaged by the government in the subordinate court

C.L.No. 43/Admn.(F) dated 17th August, 1992

I am directed to send herewith a copy of government letter No. 478/VII-Nyay-3 (Niyuktian/85/90) dated 25th of June, 1991 together with its enclosure for immediate compliance and necessary action.

अधीनस्थ न्यायालयों के समक्ष शासन द्वारा आबद्ध किये गये शासकीय अधिवक्ताओं की फीस का भुगतान।

शासनादेश संख्या : 478/सात - न्याय -3 (नियुक्तियों)/85/90, दिनांक 25 जून, 1991

उपर्युक्त विषयक शासनादेश संख्या डी-4972/सात-न्याय-3-85/90 दिनांक 29 दिसम्बर, 1990 की ओर आपका ध्यान आकृष्ट करते हुए मुझे यह कहने का निदेश हुआ है कि उक्त शासनादेश के अन्तर्गत उच्च न्यायालय ताकि समस्त अधीनस्थ न्यायालयों के समक्ष आबद्ध किये गये शासकीय अधिवक्ताओं को शासन के विरुद्ध अथवा शासन द्वारा दायर सभी प्रकार के मुकदमों में शासन की ओर से की गयी पैरवी के लिए दिनांक 1 जनवरी, 1991 से दैनिक फीस का निर्धारण किया गया था जिसके अनुसार बहस करने/साक्ष्य लिखाने के समय के आधार पर फीस अनुमन्य की गयी। शासनादेश संख्या डी-723-सात-न्याय-3-85/90, दिनांक 22 मार्च, 1991 द्वारा स्पष्टीकरण भेजा गया था। इन दोनों शासनादेशों की प्रति सुविधा हेतु एतद संलग्न है।

2- शासन के संज्ञान में यह बात आई है कि जनपदों के अधीनस्थ न्यायालयों में शासकीय अधिवक्ताओं द्वारा किये गये कार्य में लगे समय का सत्यापन पीठासीन अधिकारियों द्वारा ठीक ढंग से नहीं किया जा रहा है जबकि वास्तविक रूप से न्यायालय में कार्य अवधि तीन घण्टे से बहुत कम है परन्तु शासन को प्रत्येक अधिवक्ता को प्रति कार्य दिवस बहस/साक्ष्य हेतु पूरे दिन की फीस का भुगतान करना पड़ रहा है जिससे राज्यकोष पर अत्यधिक व्यय भार हो रहा है। यह स्थिति खेदजनक है।

3- अतएव आपसे यह अनुरोध करने का निदेश हुआ है कि कृपया राज्य में माननीय उच्च न्यायालय के अधीन समस्त न्यायिक अधिकारियों को निर्देशित करने की कृपा करें कि यदि माननीय उच्च न्यायालय को आपत्ति न हो तो कृपया वह शासकीय अधिवक्ताओं द्वारा किये गये कार्य में वास्तविक रूप से लगे समय का सत्यापन ही करने का कष्ट करें, ताकि शासकीय अधिवक्ताओं को अनुमन्य फीस का भुगतान किया जा सके।

उच्च न्यायालय तथा अधीनस्थ न्यायालयों के समक्ष शासन द्वारा आबद्ध किए गये शासकीय अधिवक्ताओं की फीस का निर्धारण।

शासनादेश संख्या डी-4972/सात-न्याय-3-85/90 दिनांक 29 दिसम्बर, 1990

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| 1- संख्या डी- 1788/सात-वि.मं. 30/89 दिनांक 30 जून, 1989 |
| 2- संख्या डी- 1789/सात-वि.मं. 30/89 दिनांक 30 जून, 1989 |
| 3- संख्या डी- 1790/सात-वि.मं. 30/89 दिनांक 30 जून, 1989 |
| 4- संख्या डी- 1791/सात-वि.मं. 30/89 दिनांक 30 जून, 1989 |
| 5- संख्या डी- 1792/सात-वि.मं. 30/89 दिनांक 30 जून, 1989 |
| 6- संख्या डी- 1793/सात-वि.मं. 30/89 दिनांक 30 जून, 1989 |
| 7- संख्या डी- 1794/सात-वि.मं. 30/89 दिनांक 30 जून, 1989 |
| 8- संख्या डी- 1796/सात-वि.मं. 30/89 दिनांक 30 जून, 1989 |
| 9- संख्या डी- 1797/सात-वि.मं. 30/89 दिनांक 30 जून, 1989 |

उपर्युक्त विषय पर आपके विस्तृत प्रस्ताव दिनांक 3 अक्टूबर, 1990 के संदर्भ में मुझे यह कहने का निदेश हुआ है कि पार्श्वकित शासनादेशों से पूर्व प्रभावी समस्त शासनादेशों को पूर्णतः निरस्त करते हुए श्री राज्यपाल महोदय सहर्ष स्वीकृति प्रदान करते हैं कि शासन द्वारा उच्च न्यायालय तथा समस्त अधीनस्थ न्यायालयों के समक्ष आबद्ध किये गये समस्त शासकीय अधिवक्ताओं को शासन के विरुद्ध अथवा शासन द्वारा दायर सभी प्रकार के मुकदमों में शासन की ओर से की गई पैरवी के लिए 1 जनवरी,

1991 से निम्नलिखित फीस की दरों से उनके फीस के बिलों का भुगतान किया जायेगा:-

उच्च न्यायालय

रिट्नेरशिप

- | | |
|--|----------------------|
| (1) मुख्य स्थायी अधिवक्ता/लोक अभियोजक | रु0 1,500/- प्रतिमाह |
| (2) अपर मुख्य स्थायी अधिवक्ता/अपर लोक अभियोजक (श्रेणी-1) | रु0 1,250/- प्रतिमाह |
| (3) स्थाई अधिवक्ता/अपर लोक अभियोजक (श्रेणी-2) | रु0 1,000/- प्रतिमाह |

ड्राफ्टिंग

- | | |
|---|---------------------|
| (1) वाद/अपील/पुनरीक्षण/रिट-शपथ-पत्र सहित | रु0 150/- प्रति केस |
| (2) शपथ पत्र/प्रतिशपथ पत्र/रिज्वाइन्डर शपथ-पत्र | रु0 75/- प्रति केस |
| (3) समान प्रकृति के मामलों में सामूहिक शपथ-पत्र | रु0 500/- |

(अधिकतम फीस)

बहस

- | |
|--|
| (1) मुख्य स्थायी अधिवक्ता/अपर मुख्य स्थायी अधिवक्ता/
लोक अभियोजक/लोक अभियोजक (श्रेणी-1)
विशेष अधिवक्ता/एमिकस क्यूरी अधिवक्ता:- |
|--|

- | | |
|----------------------------|-----------|
| (1) तीन घण्टे या उससे अधिक | रु0 300/- |
|----------------------------|-----------|

(2)	स्थायी अधिवक्ता/ अपर लोक अभियोजक(श्रेणी-2)	(2) तीन घण्टे से कम	रु0 150/-
		(1) तीन घण्टे या उससे अधिक	रु0 300/-
		(2) तीन घण्टे से कम	रु0 150/-

जिला न्यायालय

दीवानी, राजस्व, फौजदारी तथा अरबन सीलिंग (भूमि अर्जन)

रिटेंर

1-	जिला शासकीय अधिवक्ता	रु0 1,000/- प्रतिमाह
2-	अपर जिला शासकीय अधिवक्ता	रु0 800/- प्रतिमाह
3-	सहायक जिला शासकीय अधिवक्ता	रु0 700/- प्रतिमाह
4-	उप जिला शासकीय अधिवक्ता	रु0 600/- प्रतिमाह

ड्राफ्टिंग

(1)	वाद/प्रार्थना-पत्र/अपील/पुनरीक्षण	रु0 100/- प्रति केस
(2)	लिखित विवरण-पत्र	रु0 50/- प्रति केस

बहस

(1)	जिला शासकीय अधिवक्ता	(1) तीन घण्टे या उससे अधिक	रु0 250/-
		(2) तीन घण्टे से कम	रु0 125/-
(2)	अपर/सहायक जिला	(1) तीन घण्टे या उससे अधिक	रु0 225/-
		शासकीय अधिवक्ता/विशेष	
	अधिवक्ता एमिकस क्यूरी अधिवक्ता	(2) तीन घण्टे से कम	रु0 115/-
(3)	उप जिला शासकीय अधिवक्ता	(1) तीन घण्टे या उससे अधिक	रु0 200/-
		(2) तीन घण्टे से कम	रु0 100/-

2- इस सम्बन्ध में होने वाला व्यय चालू वित्तीय वर्ष 1990-91 के आय-व्यय अनुदान संख्या 42 के अधीन लेखा "शीर्षक-2014 - न्याय प्रशासन - आयोजनेत्तर -114 कानूनी सलाहकार परिषदें - 02" विधि परामर्शी तथा सहकारी अधिवक्ता की सुसंगत ईकाइयों के नामों डाला जायेगा और अनुदान की सम्पूर्ण बचत से वहन किया जायेगा।

3- यह आदेश वित्त विभाग के अशासकीय संख्या -ई-9-1147-दस-90 दिनांक 29 दिसम्बर, 1990 में प्राप्त उनकी सहमति से जारी किये जा रहे हैं।

शासनादेश संख्या डी-4972/सात-न्याय-3-85/90 दिनांक 29 दिसम्बर, 1990 के संबंध में स्पष्टीकरण।

शासनादेश संख्या डी 723-सात- न्याय-3-85/90 दिनांक मार्च 22, 1991

शासनादेश संख्या -डी-3972/सात-न्याय-3-85/90 दिनांक 29.12.1990 में राज्य सरकार द्वारा आबद्ध किये गये सभी स्तरों के सरकारी अधिवक्ताओं की फीस की नई दरें एक जनवरी 1991 से लागू की गयी हैं। प्रदेश के अनेक जिलाधिकारियों ने कई प्रकार की जिज्ञासायें शासन को सन्दर्भित की हैं। इन सब सन्दर्भों पर शासन द्वारा विचारोपरान्त निम्नलिखित निर्णय लिये गये हैं:-

- (1) बहस के लिए जो फीस की दरें निर्धारित की गयी हैं उन्हीं दरों पर समय की शर्त के अधीन साक्ष्य लेखबद्ध कराने के लिए भी फीस का भुगतान किया जाय।
- (2) ड्राफ्टिंग कार्य के लिए जिसमें प्रार्थना-पत्र का उल्लेख संदर्भित शासनादेश में किया गया है वह केवल उसी प्रार्थना-पत्र से है जो किसी विधि के अधीन दावा या अपील या निगरानी के रूप में मान्य हो। अन्य किसी भी प्रकार के प्रार्थना पत्र के ड्राफ्टिंग के लिए कोई फीस अनुमन्य नहीं होगी।
- (3) किसी भी सरकारी अधिवक्ता को कोई क्लेर्कल (लिपिकीय) शुल्क अलग से अनुमन्य नहीं होगा, क्योंकि उनको (अधिवक्ताओं की) देय फीस में इसे सम्मिलित माना गया है।
- (4) जमानत संबंधी प्रार्थना पत्रों/एडमिशन पर की गयी बहस में कुल अवधि के लिए बहस हेतु निर्धारित फीस देय होगी।

- (5) केवल राज्य सरकार द्वारा आबद्ध किये गये सरकारी अधिवक्ताओं को सन्दर्भित शासनादेश में निर्धारित फीस अनुमन्य होगी।
- (6) विशेष अधिवक्ता को कोई रिटेनर फीस देय नहीं होगी और केवल बहस/साक्ष्य/ड्राफ्टिंग के लिए निर्धारित फीस अनुमन्य होगी।
- (7) राज्य सरकार द्वारा आबद्ध किये गये सरकारी अधिवक्ता (विशेष अधिवक्ता को छोड़कर) को मासिक रिटेनर फीस देय होगी।

2- अतः मुझे यह कहने का निदेश हुआ है कि उपलिखित निर्णयानुसार शासनादेश संख्या -डी-4972/सात-न्याय-3-85/90 दिनांक 29 दिसम्बर, 1990 में निर्धारित फीस की दरों पर भुगतान को सही ढंग से सुनिश्चित किया जाये।

3-यह आदेश वित्त विभाग की अशासकीय संख्या-ई-9-310/दस-91 दिनांक 22.3.91 में प्राप्त सहमति से जारी किये जा रहे हैं।

8. STRIKE BOYCOTTING OF COURTS BY THE LAWYERS

(i) Concerning Strike or boycotting of Courts by the lawyers of the Judgeship

C.L.No. 112/Admn. 'G'/dated November 23, 1994

I am directed to say that in the event of lawyers abstaining from appearing in Court, going on strike or boycotting courts the Presiding Officers, as far as possible, sit in court and dispose of matters listed before them in accordance with law.

I am further to ask you kindly to submit a Special report on the work done in all the courts in your Sessions Division on the day which lawyers abstained from appearing in court.

The instruction aforesaid may kindly be brought to the notice of all the Presiding Officers working under you for information and compliance.

(ii) Re : Lawyers abstaining from appearing in Court

C.L.No. 126/Admn. (G) dated December 9, 1994

Keeping in view the interests of the litigants and the heavy pendency of work in the subordinate courts, the Hon'ble Chief Justice and Judges have been pleased to direct that in the event of lawyers abstaining from appearing in Court, going on strike or boycotting courts, the Presiding Officers are required, as far as possible, to sit in Court and dispose of matters listed before them in accordance with law.

The Hon'ble Judges have further been pleased to direct that cases be listed for hearing on all working days regardless of the call by the members of the Bar to go on strike or to boycott courts.

It has further been directed that the District Judge shall submit a special report on the work done in all the courts in the Sessions Division on the day on which lawyers abstain from appearing in Court.

(iii) Compliance of order of Hon'ble Supreme Court of India dated 11.1.1994 in writ petition (Civil) Nos. 821 of 1990 and 320 of 1993

C.L. No. 61/LC/1296/ dated July 21, 1994

I am directed to send herewith a copy of judgment of Hon'ble Supreme Court of India dated 11.1.1994 passed by a Bench consisting of Hon'ble Mr. Justice A.M.Ahmadi, Hon'ble Mr.

Justice M.M. Punchhi, Hon'ble Mr. Justice N.P. Singh, with a copy of writ petition Nos. 821/90 and 320/93 along with Public Notice and to request you to place the notice and other connected papers on your respective Notice Board for information to Bar Association and response, if any, to the petition, should be forwarded to the Registrar (Judicial) Hon'ble Supreme Court of India, New Delhi, through the President of Bar Association who will collect and collate the same and forward the same with short synopsis of the point raised.

WRIT PETITIONS (CIVIL) NOS.821/90 & 320/93

(Under Article 32 of the Constitution of India)

Common Cause, a Registered Society v. Union of India

I am directed to forward herewith for your information, necessary action and compliance a certified copy of the Order of the Supreme Court as contained in the Record of Proceedings of the Court dated 11th January, 1994 passed in the Writ Petitions above-mentioned.

In view of the said Order, I am forwarding herewith 4 copies of the Public Notice issued under Order 1, Rule 8 of the Code of Civil Procedure and to request you to kindly place the said notice on the Notice Boards for the information of the Members of the Bar.

You are further requested to kindly send the copies of the said Order and the Public Notice to all the State Bar Councils and Bar Associations in the subordinate Courts falling under your High Court's Jurisdiction. You are also requested to forward the response, if any, to the Registrar (Judicial) of this Court received by you through the President of the High Court Bar Association who will collect and collate the same and forward the same with a short synopsis of the points raised.

I am also to inform you that the Public Notice pursuant to the Order of the Court will be published shortly in the News Papers viz. "Indian Express" (all Editions) and "Hindustan Times" (all Editions) and the date of publication will be intimated to you later on.

Please acknowledge receipt and carry out the directions as contained in the said Order.

W.P. (Civil) Nos. 821/90 and 320/93

Common Cause A Registered Society v. Union of India

ORDER

This petition, brought under Article 32 of the Constitution, raises vital issues in regard to the duties and obligations of the members of the legal profession relating to the judicial system in general and the litigating public in particular and seeks the Court's intervention to arrest the harm allegedly caused to the image and dignity of the judiciary and the interest of the litigants on account of the members of the Bar proceeding on strike from time to time in different parts of the country. The petitioner contends that the lawyers constitute the intelligentsia of the country and their striking court work on one pretext or the other, sometimes on trivial matters, thereby paralyzing the judicial system results in untold misery to the litigants both in terms of avoidable harassment and expenses, striking work, contends the petitioner, lawyers fail in their professional duty to appear and conduct cases for which they are engaged and paid and thereby interfere with the course of justice. Since litigants have a fundamental right to speedy justice as observed in *Husainara Khatoun v. State of Bihar* (AIR 1979 SC 1360) it is essential that cases must proceed when they appear on board and should not ordinarily be adjourned on account of the absence of the lawyers unless there are cogent reasons to do so. If cases get adjourned time and again due to

cessation of work by lawyers, it will in the result in erosion of faith in the justice delivery system, which will harm the image and dignity of the Court as well. On this refrain, the petitioner has sought certain directives from this Court as enumerated in paragraph 15 of the petition. These include laying down of guidelines, standards of professional conduct and permitting non-lawyers to appear as provided by Section 32 of the Advocates Act, 1961.

Besides the Union of India and the Attorney General of India, the Bar Council of India and the Bar Association of Delhi, New Delhi and the High Court of Delhi as well as the Bar Association of India are made parties to the petition. However, since the malice of strikes is spread all over the country and is more pronounced in the subordinate courts, it was thought desirable to issue a public notice in the nature of a notice under Order 1, Rule 8, Civil Procedure Code, so that the opinion of a cross section of the members of the profession would be available. That would also make this petition representative in character and any order made therein should be binding on all concerned. Since the Bar Association of India is already, a party it would ordinarily have sufficed but Mr. Nariman fairly stated that it is desirable that every Bar Association should have notice of the present proceedings before further action is taken. Of course, the carriage of proceedings will have to be in the hands of a few only as will be determined by the Court hereafter.

In view of the above we direct a public notice in the nature of one under Order 1, Rule 8, C.P .C. to issue intimating all concerned and in particular the Bar Association and State Bar Council all over the country of the pendency of the present petition. Copies of the notice will be sent to the Registrars of all High Courts to place them on their notice boards for the information of the members of the Bar. Response, if any, to the petition should be forwarded to the Registrar (Judicial) of this Court through the President of the High Court Bar Association who will collect and collate the same and forward the same with a short synopsis of the points raised. This should be done not later than ten weeks from the date of publication of the notice in the press. Notices may be printed in English newspapers with circulation all over India as may be determined by the Registrar General of this Court. The expenses for the notice will be borne by the Supreme Court Registry.

Let the matter be called on three weeks after the period of ten weeks allowed earlier has elapsed.

Copies of notices may also be given to counsel who have entered appearance, if demanded.

PUBLIC NOTICE
(Under Order 1, Rule 8, C.P.C.) Writ Petition (Civil) No.821 of 1990
(Under Article 32 of the Constitution of India)
Common Cause A Registered Society v. Union of India
And
Writ Petition (Civil) No.320 of 1993
(Under Article 32 of the Constitution of India)
Sri Sunil Gupta v. State of Uttar Pradesh & Ors.

Whereas writ petitions above mentioned have been brought under Article 32 of the Constitution of India raising vital issues in regard to the duties and obligations of the members of the legal profession relating to the judicial system in general and the litigating public in particular.

AND whereas the petitioners seek the court's intervention to arrest the harm allegedly caused to the image and dignity of the judiciary and the interest of the litigants on account of the members of the Bar proceeding on strike from time to time in different parts of the country.

AND whereas the lawyers constitute the intelligentsia of the country and their striking Court work on one pretext or the other, sometimes on trivial matters, thereby paralyzing the judicial system, results in untold misery to the litigants in terms of both avoidable harassment and expenses.

AND whereas by the striking work, the lawyers fail in their professional duty to appear and conduct cases for which they are engaged and paid and thereby interfere with the course of justice.

AND whereas by the litigants have a fundamental right to speedy justice as observed in *Hussainara Khatoon v. State of Bihar* (AIR 1979 SC 1360)

AND whereas it is essential that cases must proceed when they appear on board and should not ordinarily be adjourned on account of the absence of the lawyers unless there are cogent reasons to do so.

AND whereas if cases get adjourned time and again due to cessation of work by lawyers, it will in the end result in erosion of faith in the justice delivery system, which will harm the image and dignity of the Court as well.

AND whereas on this refrain the petitioners have sought certain directives from this Court as enumerated in paragraph 15 of the writ petition No.821 of 1990 including laying down of guidelines, standards of professional conduct and permitting non-lawyers to appear as provided by Section 32 of the Advocates Act, 1961.

AND whereas the said Writ petitions came up for hearing before this Court on the 11th day of January, 1994 when the court was pleased to direct issue of a public notice in the nature of a notice under Order 1, Rule 8 of the Civil Procedure Code to all concerned so that opinion of a cross section of the members of the profession would be available and would also make the petitions representative in character and any order made therein should be binding on all concerned.

Notice is hereby given to all concerned that:

1. The writ petitions above mentioned will be listed before the Court for hearing on the 6th day of September, 1994 and will be taken by the Court on that day or on any other subsequent date at 10.30 o'clock in the forenoon or so soon thereafter as may be convenient to the Court.
2. The 'responses', if any, to this notice should be sent not later than ten weeks from the date of publication of the notice to the President of the respective High Court Bar Associations who will collect and collate and forward the same with a short synopsis (in English) of the points raised to the Registrar (Judicial) of the Supreme Court of India, New Delhi, with seven extra copies for use of the Court.
3. The responses should be in English, but if any response is in a language other than English, it shall be accompanied by a translation thereof in English.

(iv) Intimation to the Chairman Bar Council, Uttar Pradesh, whenever Advocates resort to boycott or strike.

C.L. No. 20/IIIb-36/Admn. 'G' dated May 9, 1995

I am directed to say that whenever the Advocates resort to boycott or strike the same shall also be intimated to the Chairman, Uttar Pradesh, Bar Council immediately under intimation to the High Court.

No. 32 /2006/Admin 'G': Dated: 7.8. 2006.

The Bar Council of India, New Delhi has apprised to the Court that at its meeting held on 8th and 9th April, 2006 considered the mode of addressing Judges of the Supreme Court, High Court and Subordinate Courts and passed Resolution No. 58/2006.

In this, regard, I am directed to send herewith a copy of letter no. STBC (Cir .) No. 15/2006, dated 13.06.2006 as well as letter No. STBC (Cir.) No. 11/2006, dated 20.04.2006 containing resolution no. 58/2006 referred to above for your information and to request you to kindly bring the contents of the letter as also Resolution No.5812006 to the notice of all the Judicial Officers working in the Judgeship under your supervision and control for their information.

C.L. No. 38/2006/Admn. "G", dated 19.9.2006

In modification of the Court's earlier Circular Letter Mo. 20/2006, dated 29.05.2006, I am directed to say that in furtherance while passing orders dated 25.07.2006 in Civil Misc. Writ Petition No. 12458 of 2006 in Civil Misc. Writ Petition No. 12458 of 2006. Purushlottam Giri v. Deputy Director Consolidation and others, the Hon'ble Court is of the view that to streamline the details about lawyers practicing in a district and in case of any suspicion about the veracity of details about a lawyer, the details will be docketed in a common register which is to be maintained at one place in a district which will serve as a nodal/model register to serve the requirements in a district. The Hon'ble Court has been pleased to pass the following directions in this respect:

1. The register about details of lawyers practicing in district courts shall be maintained at the end of the district Judge and the same shall be prepared under the supervision and control of the District Judge or any Additional District Judge so authorized by the District Judge.
2. Each and every practicing Advocate shall furnish requisite details about himself by means of an application duly signed by him and such details would include residential address, police station, postal address and telephone number etc. besides the authenticated copy of enrolment and the undertaking that he has not made any application anywhere else for enlisting his name in the register aforesaid except the district in which he has been practicing.
3. The District Judge shall maintain complete record on the basis of such record submitted by the Advocates as postulated in the amendment made in the relevant Rules.
4. A similar register shall be prepared and maintained in the High Court containing all requisite details as stated supra.
5. That the register so prepared shall be transmitted to the Bar Council as also to High Court for being verified and authenticated.

6. The other authorities including all the tribunals situated in a district such as Trade Tax Tribunal, Income Tax Tribunals etc. may seek authenticated details about the lawyers from the register so maintained at the end of the District Judge.

While enclosing herewith a copy of order dated 25.07.2006 in Civil Misc. Writ Petition No. 12458 of 2006 – Purushottam Giri v. Deputy Director Consolidation and others, I am directed to request that the contents of and directions in the order aforesaid, be unerringly gone through all the way for ensuring strict compliance by all concerned under your administrative control.

C. L. No. 6/2006/Admin 'G': Dated: 20th February, 2007.

In continuation of the Court's earlier Circular Letter No. 38/2006/Admin.'G', dated 19.09.2006 on the above-cited subject I am directed to say that upon consideration of the affidavit filed on behalf of Bar Counsel, U.P., Allahabad in regard to registration of advocates on the rolls of the District Courts and the Hon'ble High Court In its order dated 18.12.2006 in the aforesaid Writ Petition is of the view that there is no difficulty in prescribing some date for registration of Advocates practicing in different district courts including High Court in terms of guidelines contained In the order of the Court dated .25.07.2006.

The Hon'ble Court has been pleased to observe in the order mentioned herein above as under: -

"Accordingly 31.03.2007 is fixed as the last date for furnishing requisite detail required for registration at the end of the District Judge in the case of the Advocates practising In the districts and at the end of the Registrar General in the case of the advocates practising in the High Court and Registrar, in the case of the advocates practising at Lucknow Bench of the Court attended with the proviso that no registration of any advocate shall be permissible after expiry of the aforesaid date except those advocates who are enrolled thereafter."

I am, therefore, while enclosing herewith a copy of order dated 18.12.2006 passed in the above Writ Petition, to request you to kindly ensure strict compliance of the directions as contained therein as well as Court's Circular Letter in the Judgeship under your supervisory control.

C.L. No. 15/Admin. (G) 12007 Allahabad Dated: 13.04.2007

In continuation of circular letter no.125/Admin./G/ dated 9th December 1994, I am directed to inform you that information regarding any serious untoward incident should be immediately brought into the notice of the Court either on phone or through FAX at once without any lapse otherwise it would be seriously dealt with.

You are, therefore, requested to ensure the compliance of this circular letter immediately without any failure.

C. No. 17/2007 Dated: 10.5.2007

The state Government of Uttar Pradesh, Lucknow has apprised the Hon'ble Court that on a review of the sale of Welfare Stamp of Rs. 10/- it has come to the notice that the provisions as contained under U.P. Advocates Welfare Fund Act, 1974 as also U.P. Advocate Social Security Fund Scheme rules, 1989 are not being complied with strictly causing loss of expected revenue

while mandatory provision has been given under U.P. Advocate Welfare Act 1979 for affixation of the stamp of Rs. 10/- even in hearing of the old cases and that no head is given in this respect

Therefore, while referring Court's circular letter No. 1/VI f-249, date January 8, 1999 G.L. No. 10239/VIII f-249, dated August 10, 2001 C.L. No. 43/VIII f-249, dated Dec. 12, 2003 and C.L. No. 4/2006/VIII f-249, dated January 22, 2005, I am directed to request you to kindly ensure strict compliance of the provisions as contained in the aforesaid act and Rules as also direction issued through the aforesaid Court's circular and general letters. a copy of the Uttar Pradesh Government letter No. 224/Seven –Nyay-7-03-155 /90TG, date March 12, 2007 is enclosed herewith for your information and necessary action.

I am also to request you to kindly bring the contents of the State Government of Uttar Pradesh, Lucknow letter dated March 12, 2007 referred to above as also the contents of the circular letter to the notice of all the judicial Officers as well as to all concerned in you Sessions Division for their information and strict compliance.

(v) Strike by Lawyers

C.L. No. 35/IIIb-36/Admin 'G' Dated: 04.10.2004

The strikes by lawyers in the District Courts in Uttar Pradesh have assumed menacing proportions. The fact that the large number of the working days in the subordinate Courts are lost in the State due to strike by lawyers has been observed with great concern.

The Supreme Court has repeatedly held that the lawyer's strikes are illegal and that effective steps should be taken to stop the growing tendency. In *Pandurang Duttatravs Khandekar vs Bar Council of Maharashtra* (1984) 2 SCC 556; *Tahil Ram Issardas Sadaragum vs. Ramchand Issardas Sadarangam* 1993 (3) SCC 256; *Common Clause Act Registered Society vs. Union of India* (1995) 3 SCC 19; *Sanjeev Dutta vs. Ministry of Information & Broadcasting* (1995) 3 SCC 619; *Indian Council of Legal Aid & Advice vs. Bar Council of India* 1995 (1) SCC 732; *K John Koshi v. Dr. Tarakeshwar Prasad Shaw* (1998) 8 SCC 624; *Mahabir Prasad Singh vs. Jacks Aviation (P) Ltd.* 1999 (1) SCC 37 and *Ex. Captain Harish Uppal vs. Union of India* (2003) 2 SCC 45, it was held by the Supreme Court that the advocates have no right to go on strike. The courts are under no obligation to adjourn matters because lawyers are on strike. On the contrary, it is the duty of all courts to go on with matters on their boards even in the absence of lawyers. In other words, courts must not be privy to strikes of calls for boycotts. It was held that if a lawyer, holding a Vakalatnama of a client abstains from attending court due to a strike call, he shall be personally liable to pay costs, which shall be in addition to damages, which he might have to pay his client for loss suffered by him. In spite of repeated pronouncements by Supreme Court, the strikes have continued unabated. The practical experience at the ground level shows that often these strikes take place in collusion with Judicial Officers.

In *M/s Suresh Chandra Varshney & Co. vs. State of U.P.* (Writ Petition No. 15342 of 2000 decided on 30.3.2000) this Court observed that "it has come to our notice that in about half of the District Courts in the State of U.P. the lawyer are on strike for about a month and they are not permitting any judicial authority to work. This is deeply regrettable and highly objectionable. The judiciary exists for serving the people and not for the lawyer and judges. In our view the attitude of the lawyers of the District courts and Commissionaires of U.P. who are on strike for the last about one month is most irresponsible. This act of the lawyers will no longer be tolerated by this Court, and nobody will be allowed to hold the judiciary to ransom. A division bench of

this Court in *Manoj Kumar vs. Civil Judge*, 1997 (3) UPLBEC 1767 has held that if lawyers go on strike even then courts must sit and pass judicial orders even in absence of the lawyers, and if the functioning of the court is disturbed by anybody police help must be taken by the District Judge or other Presiding Officer. The people of the State are fed up Uttar Pradesh with lawyers' strikes and they are suffering greatly. The lawyers must understand that litigants, witnesses etc. come to court from far off places often at heavy expense but they find that the courts are closed just because the lawyers are on strike. This is most unfair to the litigants or their witnesses. We, therefore, direct the Judges of all District Courts, Commissioners, and other presiding officers of the courts or authorities where judicial or quasi-judicial work is being done that from tomorrow they must start sitting in court and start hearing the cases and pass orders even in the absence of the lawyers who are on strike. If anybody disturbs the working of the court the District judge, Collector, Commissioner or the presiding officer of the court concerned or authority shall call the police and prevent them from doing so. The lawyers must know that enough is enough.'

In *Siddhartha Kumar vs. Upper Civil Judge, Ghazipur*, (1998) 1 UPLBEC 587, the Division Bench observed that "Nothing more is required to be added on this score except that those Presiding Officers (though their number is very little who have developed vested interest in the strikes be dealt with sternly. They became party to engineer a strike on particular days. One of us (Justice O.P. Garg), on the basis of long-standing experience of the working of the District Courts, may venture to say that some Presiding Officers become restive if for a long spell of time there is no strike. Feelers are sent to the members of the Bar to go on strike so that monotony and drudgery be broken to have a respite. The period of strike is not meant for rejoining jubilation or merry-making. Hereafter, the Presiding Officers shall not be granted any remission in their out-turn of work due to the strike by the lawyers. The period of strike days shall also be computed towards working days and the out-turn of work shall be calculated with reference to the actual working days including the strike period."

The judiciary is accountable to the public. The dispensation of justice must not stop for any reason. The strikes by lawyers have lowered the image of the judiciary in the eyes of the public. The Supreme Court has held that right to speedy justice is included in Article 21 of the Constitution of India. In *A.R. Antulay vs. R.S Nayak*, (1992) 1 SCC 225 and *Raj Deo Sharma vs. State of Bihar*, (1998) 7 SCC 507, it was held that the litigant has a right to speedy justice. The lawyers' strike, however, are denying these rights to the citizen in the State.

In the State of U.P., the lawyers resort to strike for the most flimsy reasons. Often these strikes are case specific actions. Where a group of lawyers either do not want the case to be taken up or desire a particular matter to be adjourned. In most of the Districts, the strike is virtually institutionalized. The District Judges accept the resolutions of the Bar Associations, as a matter of course, and circulate them amongst the Judicial Officers. This virtually amounts to collaborating with the lawyers in closing the Courts and avoiding judicial works. This Court has issued circulars on various occasions, directing that the Court should not accept the resolutions of strikes by lawyers and must discharge their judicial work. It is, however, seen that inspite of following directives of the Court, the Judicial Officers rise on the small pretext and on a simple request made by the lawyers that they are on strike and neglect judicial work.

In *Manoj Kumar vs. Civil Judge, Deoria* (Writ Petition No. 33778 of 1997 decided on 10.10.1997) the Division Bench observed that "Before parting with this case, we would like to mention that it is deeply regrettable and highly objectionable that there are strikes in District Courts in U.P. on flimsy and frivolous pretexts, and some District Courts function only for about

60 or 70 days in a year. This is a shocking state of affairs, and will no longer be tolerated by this Court. The judiciary and bar are both accountable to the public and they must behave in a responsible manner so that cases are decided quickly and thus the faith of the public in the judiciary is maintained. Surely, the public has right to expect this from us. We therefore, issue a general mandamus to all the judicial officers in all District Courts in U.P. that if the lawyers go on strike the judicial officers must, despite the strike of lawyers, sit in court and pass orders in cases before them even in the absence of the counsels. If the lawyers disturb the functioning of the Court, the District Judge shall contact the police, the police will give all protection to the judges, and the cases will not be adjourned merely because of the lawyers' strike. People in the State are fed up with lawyers' strikes and this state of affairs must now end. The lawyers must realize that litigants, witnesses, etc, often come from distant places at heavy expense and it is most improper that they have to go away because of strikes by lawyers. The judiciary exists for the people and not for lawyers of judges"

No one has right to obstruct the administration of justice. Extraordinary situation demands extraordinary measures to be taken. Where the fundamental rights of the citizens are being grossly violated, the High Court as a guardian of Subordinate Courts and as a protector of rights of the citizens would not sit quite and allow the situation to deteriorate. It is necessary that very strong measures should be taken to stop the growing tendency of the strikes. The Court now feels that the time has come to take immediate effective and strong steps, to remedy the situation and, therefore, the Court has resolved that in order to curve the tendencies of strike by lawyers following steps/measures be taken:-

1. The Subordinate Courts shall not take cognizance of any resolution passed by the Bar Associations to strike, and to stop judicial work. The District Judge concerned shall not entertain or circulated any such resolutions amongst the Judicial Officers in his judgeship.
2. The Judicial Officers must strictly adhere to Court hours. They shall perform the entire judicial work on the dais, and shall not accept any request to rise, or to stop judicial work on the request of lawyers or litigants. In case lawyers do not attend to work the judicial officers shall proceed to work in the following manner:-
 - A. Where the parties are willing they shall be heard personally and necessary orders shall be passed in requiring no further evidence.
 - B. In matters fixed for evidence parties shall be allowed to file documents and do examinations/cross examination of witnesses, if so desire.
 - C. In revisions, review appeals (Civil and Criminal both), bails and urgent applications, the orders should be passed on merits of the case.
 - D. In criminal trials of the courts of Session or Magistrate the witnesses in attendance should be examined by the public prosecutor/ prosecuting officer as the case be, giving an option to the accused to either cross examine the witnesses himself or bear the expenses for recalling of the witnesses, for cross examination on the date(s) next to be fixed.
3. The District judges shall submit weekly reports to the Court, with regard to any incident, which may take place in the judgeship with compliance report of these directives.

4. In case any lawyer or group of lawyers or litigants, creates indiscipline in the Court or try to obstruct court proceedings. The Judicial Officer concerned should immediately inform the District Judge, who shall immediately arrange for the police force and restore the functioning of the court. In case, any damage is caused to the records or the court property. The District Judge shall immediately get the First Information Report of the incident lodged.
5. The District Judges shall arrange for adequate police force, to be kept in reserve in the judgeship, to be deployed for protection of the judicial officers and the court property.
6. The District Judge should inform the names of the persons involved in disrupting the court proceeding to the High Court forthwith.
7. The Judicial Officers shall not perform any judicial work in their chambers.

I am to add that the entire contents of the circular letter be brought to notice of all the Judicial Officers as also the Bar Associations in your Judgeship for strict compliance and vigil be kept by you for strict compliance of the directions in the circular letter.

Court's concern over the strike of lawyers in the Subordinate Court.

C.L. No. 10/2009/IIIb-36/Admin 'G', Dated: April 7, 2009

Upon consideration of the matters pertaining to strike of lawyers in the Subordinate Court, the Hon'ble Court while taking serious view of such strikes has been pleased to direct that stern action be taken against the strikers and at the same time efforts should be made to look into their genuine grievances.

I am, therefore, in continuation of the Court's C.L. No. 112/Admin 'G' dated: Nov. 23, 1994, C.L. No. 126/Admin 'G' dated: Dec. 9, 1994, C.L. No. 20/IIIb-36/Admin 'G', dated: May 9, 1995, C.L. No. 35/IIIb-36/Admin 'G', dated: 04.10.2004, directed to request you to kindly ensure compliance of the directions as contained in the circular letter.

8-A: Form of Dress or Robes to be worn by Advocates.

C.L. No. 33/2009/Admin. 'G-II': Dated: July 16, 2009

In partial modification of the Circular Letter No. 46 Admin. 'G' Section dated 30.10.2007 on the above subject, I am directed to convey the following directions of the Hon'ble Court for strict compliance:-

The High Court in exercise of powers under Section 34(1) framed Rule 12 prescribing advocates' dress code for appearance in the High Court and subordinate courts. Rule 12 is to the following effect:

1. Advocate, appearing before the Court shall wear the following dress:

1. Advocate other than lady advocate;
 - (a) Black buttoned up coat chapkan, Achakan or Sherwani, Barrister's gown and bands or
 - (b) Black open collar coat, white shirt, white collar, stiff or soft, with Barrister's gown and bands.
2. Lady Advocates:-

Regional dress of subdued colours with Barrister's gown and bands.”

Use of the word “shall” in Rule 12 leads no room for doubt about the mandatory nature of the provisions making it compulsory for the advocates to wear prescribed dress. In this regard it may also be mentioned that the High Court under powers of superintendence under Article 227 of the Constitution and under section 122 of the Code of the Civil Procedure has also laid down the dress for the appearance of the advocates in courts under Rule 615 of the General Rules (Civil) as under:-

Rule 615 of the General Rules (Civil), 1957 read as under:-

All presiding officers of sessions and civil courts and pleaders appearing before them shall wear a buttoned up coat, achkan or sherwani of a black colour. They may wear an open neck coat of the same colour instead, but if they are not entitled to use bands, they shall wear a black tie with it. During the summer, the colour need not be black and a coat, achkan or sherwani of a light colour may be worn. With the coat, trousers and with the achkan or sherwani, chooridar pyjama or trousers shall be worn. Ladies appearing before the civil courts as pleaders shall wear a black or a white sari and blouse.

They shall also wear distinctive costumes as indicated below:-

- | | |
|---------------------------|---|
| (i) Presiding Officers | :a gown made after the pattern of Queen's Counsel's gown of black silk or stuff with bands. |
| (ii) Advocates | :a gown similar to a barrister's gown with bands and |
| (iii) Pleadors and Vakils | :a gown similar to the gown worn by Presiding Officers but without sleeves and bands. |

It is desired to wear a headdress, a turban may be worn.

Therefore,, I am directed to request you to kindly inform all the Judicial Officers, Advocates, Pleadors & Vakils in the Judgeship under your administrative control and they be asked for strictly following the dress code for abstemiousness and self-respect.