Addenda and Corrigenda of Patna High Courts Rules, 1916

(Fifth Edition)

C.S. No. 126

Add the following as "Sub-part D" after "Sub-part C" in chapter XXIV, Part V of Patna High Court Rules

D) Rules framed by the High Court of Judicature at Patna Under Section 34 (1) of the Advocates Act, 1961 exclusively for practice in the High Court.

1) These Rules may be called as **"Registration of Advocates as Advocates- on- Record of the Patna High Court Rules".**

2) They shall come into force from the date of their notification.

3) In these Rules unless there is anything repugnant to the subject or context,-

a) "Act" means the Advocates Act, 1961.

b) "Advocates" mean those who have been enrolled in terms of the provision of the Act.

c) "Advocates-on-Record" mean those advocates, who intend to act in addition to plead.

d) "High Court" mean the High Court of judicature at Patna.

e) "Registrar" mean the Registrar General of the High Court.

f) "Register of Advocates-on-Record" mean the register maintained by the Registrar incorporating the names and other particulars of advocates registered as Advocates-on-Record of the Patna High Court.

g) "Registered Advocates-on-Record" mean those advocates, who have been registered in the register of Advocates- on- Record.

h) "Registered Clerk" means clerk, who has been registered in accordance with the existing Rules applicable.

i) "Senior Advocate" means an advocate, who has been designated as such by the Patna High Court.

4) After expiry of two months from the date of coming into force

of these Rules, no one shall be entitled to engage an advocate to act in connection with any litigation whether pending or to be instituted in the High Court as his/her Advocate-on-Record unless he is a registered Advocate- on -Record.

5) Unless an advocate is possessed of the following, he shall not be entitled to register himself in the register of Advocates-on-Record.

i) Has an Office in the city of Patna.

ii) Has a Registered Clerk working with him exclusively or with other advocates collectively; and

iii) Has been recommended in writing at least by one Senior Advocate.

6) As a transitory measure within two months of coming in force of the Rules an advocate desiring to be registered as an Advocate –on-Record shall apply in writing in the prescribed format (Appendix-1) to the Registrar and in support thereof shall furnish the following :-

i) The address of his office with telephone/ Mobile No. ;

ii) The name and address of his Registered Clerk; and

iii) The recommendation in writing of "Senior advocate"/"Advocates-on- Record of not less than ten years experience at the Bar".

7) On receipt of an application in the prescribed format (Appendix -2) by an advocate containing a request for being registered as Advocates-on Record, the Registrar shall have the same verified and on being satisfied as to the fulfillment of conditions for being registered as Advocate-on-Record. The advocate concerned shall be required to pass a test to be held by the High Court, details of which are given below before they are registered as an Advocate – on- Record :-

i) The examination shall be held under the supervision of a Committee of three Judges of the Court to be appointed by the Chief justice of Patna High Court and to be designated as the Examination Committee; unless otherwise specifically ordered by the said Committee the examination will be held twice in a year preferably in May and December.

ii) The examination will be held in the Court building or such

place as the Committee may direct to be appointed by the Committee and notified in the official Gazette.

iii) The examination shall be conducted by a Board of Examiners to be nominated by the committee, of which Board the Registrar General of the Court will be the ex-officio Secretary.

iv) The examination shall be held in the following subjects :

| Sl No. | Subject | Syllabus |
|---|---|---|
| 1 | Practice and procedures of Patna High Court | a) relevant provisions in the Constitution of India to the jurisdiction of the court.<br>b) Patna High Court Rules, Relevant provision of Civil Procedure Code, Criminal Procedure Code, Limitation Act and General Principles of court Fees Act including fees and costs. |
| 2 | Drafting in two parts | a) Petition for memorandum of appeals & Statements of cases etc.<br>b) Decree & Orders, Civil Writ, Cr. Writ etc., Cr. Appeals, Cr. Revision & Civil Revision. |
| 3 | Elementary knowledge of book keeping & Accounts and professional ethics | |
| 4 | Leading cases | |

v) a) Each paper will carry 100 marks and in order to pass the examination a candidate must obtain a minimum 50 per cent of marks in each paper and 60 per cent in aggregate.

b) If the Committee, on the recommendation of the Board of examiners, is of the opinion that a candidate has not sufficiently prepared himself for the examination they may prescribe a time within which he shall not present himself again for the examination.

vi) a) No Advocate shall be eligible to appear at the examination unless he has received training from an Advocate-on-Record of not less than ten years Standing for a continuous period of one year commencing from the end of second year of date of his/her enrolment, ending on the 30th April or 30th November, of the year of the examination, as the case may be (This will however not prevent the concerned Advocate from receiving training for entire period of 2 years commencing from the date of his enrolment). Provided that the Committee may, in appropriate cases, extend the period beyond the aforesaid dates Viz., 30th April and 30th November, and admit an Advocate to an examination subject to the condition that one year's training is completed and the certificate of completion of training along with a detailed report on his/her work by the concerned Advocate on Record is produced before the commencement of the examination.

(Explanation- If an Advocate has undergone the training for a continuous period of one year and furnished the necessary Certificate about the completion of his training but fails to appear at the next examination for sufficient cause or fails to pass the examination he need not to undergo fresh training).

b) Every candidate receiving training from an Advocate-on-Record shall send to the Registrar General of this Court an intimation in writing of the name of Advocate on Record from whom he is receiving training together with the consent in writing to the Advocate concerned within seven days of the commencement of training.

c) The Registrar General shall maintain a register in which shall be entered name of the candidate undergoing, the name and

address of the Advocate on Record, the date of intimation and the date of actual commencement of training.

vii) Every Advocate who desires to appear at the examination shall present an application in prescribed form at least 30 days before the date of such examination. the applicants shall be accompanied by an examination fee of Rs. 100/- in Cash, deposited in the Counter of the Accounts (General) Department of the Court.

viii) The Board of Examiners shall from among its members appoint paper setters and examiners of each papers. After the papers have been set the board shall submit the same to the Committee. The Committee may moderate or revise the papers in any manner it thinks fit.

ix) The Board of Examiners, shall at the conclusion of the examination and after scrutiny of the answer papers, submit the result along with the answer papers for approval of the committee may, in its discretion moderate the said results in any manner it thinks fit.

x) As soon as the Committee has scrutinized the results and approved the same, the Secretary of the Board shall notify the results on the Court's Notice Board. Every candidate who is declared to have passed the Examination shall be given a Certificate to that effect under the hand of the Secretary.

xi) (a) A candidate who fails to obtain 50 per cent in one paper only but 40 per cent in that paper and also obtain 60 per cent in the remaining papers, shall be allowed to appear in the paper at (any one) subsequent, examination on payment of the full examination fee and he/she shall be declared to have passed the Advocate on Record Examination if the marks obtained by him/her at the subsequent examination taken with the marks obtained in the remaining papers at the earlier examination are 60 per cent of the aggregate marks in all papers.

(b) A candidate who passed in all the papers at any single Examination but fails to obtain 60 percent of the marks in the aggregate. may with the previous permission of the Examination

Committee and on payment of the full examination fee, appear at (any one) subsequent examination in one of the papers only in which he/she has obtained less than 60 per cent marks and shall be declared to have passed the Advocate on Record. Examination if the marks obtained in the remaining papers at the earlier examination is 60 per cent of the aggregate marks in all the papers.

xii) All expenses on account of the examination shall be incurred by the Registrar General as departmental expenditure.

xiii) The scale of remuneration of the paper setter and/or examiner shall be as may be prescribed by the Committee from time to time.

xiv) The Secretary of the Board shall be in charge of the Examinations, and he may with the approval of the committee, appoint any officer of the Court to assist him in the supervision of the examination.

xv) (a) Any candidate bringing into the examination room any book, document or printed or written paper whatsoever or communicating in any way with any other candidate or mobile phone in the examination room or using any unfair means whatsoever or assisting any other candidate in so doing will be liable to be summarily rejected from the examination room, and shall automatically be disqualified from sitting in the said examination.

(b) The Secretary shall forthwith report the names of the candidate found using unfair means and the circumstances pertaining thereto the Committee. The committee may disqualify the said candidate from appearing in any subsequent examinations and may direct that the matter be reported to the Court for such further action against the Advocates as the Court may deem proper.

xvi) At the conclusion of each examination the Secretary of the Board shall collect and forward the answer papers to the Examiner in sealed cover; of the examiner in residing outside Patna, the answer

papers shall be forwarded to him under registered cover with acknowledgement and insured for Rs. 100/-.

8) The Register of advocates on record shall contain serial nos. An advocates, on being registered in the Register of advocates on record, shall be supplied his serial number and date of registration.

9) In the Vakalatnama or Memorandum of appearance to be filed by an advocate on record, he shall indicate the serial no. against which he is registered in the register of Advocates- on- Record and the date of his registration. Failure to furnish such serial number and date of registration in the Vakalatnama or Memorandum of appearance will entail non acceptance thereof by the High Court.

10) Those advocates who, on the date of the notification of these rules, are already enrolled as an advocate in the Bihar State Bar Council and are members of any of the three associations of this Court, namely bar Association, Advocate association or lawyers Association and fulfil the condition of Rules 5 and 6 above shall be entitled to be registered as Advocate's on record, without having appeared in the Advocate on record examination, provided they, within a period of one month from this notification, apply before the Registrar giving all the details mentioned above in Rule 5 & 6, so that it may be verified and record.

11) The Register of advocates on record shall be kept and maintained by the Registrar.

12) A registered advocates on record shall inform in writing within 15 days to the Registrar the change of address of his Office or his Registered Clerk. On receipt of such information, the Registrar shall verify the same and upon being satisfied shall modify the Register of advocates on record suitably.

13) At any time after an advocate is registered in the Register of Advocates-on-Record, if it is found that any of the information furnished by him is untrue, he shall be de-registered, upon giving him an opportunity of hearing, after giving him a written notice of not less than seven clear days and simultaneously therewith, the

Office of Patna High Court shall be informed in relation to such de-registration, whereupon the office shall not accept any Vakalatnama or Memorandum of appearance filed by such de-registration advocate on record.

14. The Committee of Judges appointed by the Chief Justice shall be vested with the powers to delist the name of any Advocate from the Register of Advocates on Record on ground of indiscipline and violation of the provision of Advocates' Act, professional misconduct or on any ground which the Committee deems fit and proper.

By Order of High Court.

C.B.B. Jaiswal
**Registrar General**

XII-1-98 the 10th December, 2009
19th Agrahayana, 1930

## Appendix – I

Paste Passport size Photograph

**(To be submitted before the Registrar General)**

Application for being enrolled as Advocate On Record of Patna High Court.

1. Name : _____
2. Father's Name : _____
3. Date of Birth : _____
4. Qualification : _____
5. Registration No. with date : _____
6. Name of Association of which he/she is a member : _____
7.(a) Present Address : _____
   Mob. No. _____ Phone No. _____
   (b) Residential Address: _____
   Mob. No. _____ Phone No. _____
8. Name of the Clerk and his address : _____
   Mob. No. _____ Phone No. _____
9. Name and address of Sr. Advocate making recommendation : _____
   Mob. No. _____ Phone No. _____

Specimen Signatures of the Applicant

1. _____
2. _____

Signature of the Applicant

Signature of Sr. Adv./Adv. On Record making recommendation

Place : _____
Date : _____

Signature of the Registrar General
Patna High Court.

Appendix -II

To,

The Registrar General,
Patna High Court,Patna.

Sir,

I am enclosing herewith my bio-data in proper format alongwith recommendation made by Sr. Advicate/Advocates on record having seven years experience for registration as an " Advocate on Record".

Yours faithfully,

Address:.....
.....
.....
Phone/Mobile No:.....
.....
Dated:.....

**Addenda and Corrigenda of Patna High Court Rules, 1916**

**(Fifth Edition)**

**C.S. No. 127**

(Consequent upon incorporation of Chapter XXIV-D in the Patna High Court Rules in Part-V vide C.S. No. 126 the following amendments are made in Chapter XXIV-B, Part V of the Patna High Court Rules to be effective after expiry of two months time from the date of coming into force of the "Registration of Advocates as Advocates-On-Record of the Patna High Court Rules").

Substitute the words "Advocate-on-Record" in place of the words "Advocate/Advocates" wherever it appears in the existing Rules 2, 4, 5, 6, 7, 8, 10, 11 and 12.

Substitute the existing Rule 3 with the following:-

"3. An advocate who is not on the Roll of Advocates of the Bar Council of the State in which the Court is situate, shall not appear or act in such Court, unless he files an appointment along with an advocate on record of this Court."

Add the words "on record" in between the words "advocate" and "to" in second line and the words "or advocate on record" in between the words "advocate" and "whose" in third line of the proviso to existing Rule 9(1).

Add the words "or Advocate on record" after the words "Advocate" appearing in the existing Sub-Rule (2) and (3) of Rule 9, Rule 13, 14 and 15.

By Order of the High Court

XII-1-98 the 10th December, 2009
the 19th Agrahawana, 1930

Registrar General

# Addenda and Corrigenda of Patna High Court Rules, 1916
## ( Fifth Edition )
## C.S.No.- 129

Substitute the following rule for existing Rule 10 of Chapter XXIV- D, Part– V, Patna High Court Rules under the caption ***"Registration of Advocates as Advocates-on-Record of the Patna High Court Rules":-***

*"Those advocates who, on the date of the notification of these rules, are already enrolled as advocates in the Bihar State Bar Council and members of any of the three associations of this Court or practicing in any court/tribunal and a member of any bar association within a radius of ten kilometers from the seat of Patna High Court and fulfill the condition of Rules 5 and 6 above shall be entitled to be registered as Advocates-on- record, being at par with the aforesaid three associations, without having appeared in the Advocates- on- record examination; provided that the said advocates within a period of one month from the date of notification of this Rule, apply before the Registrar giving all the details mentioned above in Rules 5 and 6, so that it may be verified and recorded".*

XII – 1- 98 Adm. ( Rules ) Deptt.
Dated The 08th March, 2010
08th Chaitra, 2066

By Order of the Court

**Registrar General**