

MINUTES OF THE 1ST MEETING OF 8TH BAR COUNCIL OF HIMACHAL PRADESH HELD ON 19.8.2018 AT 11.00 AM IN THE OFFICE OF BAR COUNCIL OF HIMACHAL PRADESH AT SHIMLA

Present

1.	Shri Ramakant Sharma	Chairman
2.	Shri Narender Singh Thakur	Vice Chairman
3.	Shri Desh Raj Sharma	Member (BCI)
4.	Shri Ajay Kochhar	Member
5.	Shri Ajay Kumar Sharma	Member
6.	Shri Amit Vaid	Member
7.	Shri Arvind Dhiman,	Member
8.	Shri I.N Mehta	Member
9.	Shri Lovneesh Kanwar	Member
10.	Shri Madan Lal Verma	Member
11.	Shri Rakesh Kumar Acharya	Member
12.	Shri Raminder Kumar Gautam	Member
13.	Shri Rohit Kumar	Member
14.	Shri Vipin Pandit	Member
15.	Shri Ashok Sharma	Ld. Advocate General
16.	Smt. Smita Thakur	Secretary

At the very outset, the General House of the Bar Council observed two minutes' silence to mourn the sad demise of late Sh. Atal Bihari Vajpayee former Prime Minister.

ITEMS:

Items Nos.:-

1. CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 01.08.2018.

General House unanimously resolved that since the present Bar Council has been constituted on 7th August, 2018, therefore, it can not consider the aforesaid agenda which is pertaining to the erstwhile Special Committee..

2. STATUS/STAGE OF LAW BHAWAN

It was pointed out by the Chairman that in view of the communication dated 28.3.2016, issued by the Joint Secretary (Home) to the Government of Himachal Pradesh, to the Secretary, Bar Council, Himachal Pradesh regarding construction of Law Bhawan, at Dhar (Tuti Kandi), Shimla intimating proposal to be not tenable as per existing policy guidelines issued by the Forest Department vide letter dated 6.10.2009, it was pointed out that the Forest Department has wrongly interpreted the policy guidelines, whereas so far status of Bar Council Himachal Pradesh is concerned, it being a statutory body, the matter is required to be taken up afresh with the authorities. The House has unanimously resolved to constitute a Committee headed by learned Advocate General, who has graciously accepted to pursue the matter with the State Government and submit report to the General House within a period of one month. Therefore, following committee is constituted:

1. Shri Ashok Sharma,

Ld. Advocate General

...Chairman

2. Shri Amit Vaid,

...Member

3. Shri Ajay Sharma,

...Member

4. Shri Narender Singh Thakur,

...Member

5. Shri Arvind Dhiman,

...Member

3. TO CONSIDER THE MATTER REGARDING AMENDMENT IN THE RELEVANT PROVISIONS OF HIMACHAL PRADESH ADVOCATES WELFARE FUND ACT, 1996, INCREASING THE AMOUNT OF WELFARE STAMPS FROM RS. 10 TO RS. 50 AS WELL AS AMENDMENT TO THE SCHEDULE, THEREBY, MAKING PROVISIONS FOR GRANT OF BENEFITS UNDER THE PROVISIONS OF THE ACT MINIMUM TO THE EXTENT OF RS.2,00000/- (TWO LAKH) IN CASE OF DEATH, 100% DISABILITY SERIOUS AILMENTS LIKE CANCER, KIDNEY FAILURE, HEART TRANSPLANT ETC.

Matter was discussed in the house and out of 15 members, 13 members including Chairman and Vice Chairman, as well as Ld. Advocate General were of the view that

so as to have sufficient funds for granting *ex gratia* grant minimum to the extent of Rs. 2.00 lakh in the case of death, 100% disability and serious ailments like cancer, kidney failure, heart transplant etc. a request be made to the State Government for carrying out the requisite amendments in the Himachal Pradesh Advocates Welfare Fund Act, 1996 increasing the amount of welfare stamps from Rs.10 to Rs.50 as well as carrying out the amendments in the Schedule so as to grant proportionate relief to the claimants. However, S/Shri Raminder Kumar Gautam and Vipin Pandit were of the view that these welfare stamps should not be increased more than Rs. 20/- therefore, the House has resolved with majority that a request be made to the State Government by referring the matter to the Committee constituted by the Bar Council with respect to Item No.2 therefore, this matter is also referred to the Committee headed by learned Advocate General.

4. **TO CONSIDER THE MATTER REGARDING INCREASING THE INSURANCE COVER UNDER THE ACCIDENT GROUP INSURANCE SCHEME FROM RS.10 LAKH TO RS.20 LAKH.**
5. **TO CONSIDER THE MATTER REGARDING HEALTH INSURANCE SCHEME/ MEDICLAIM INSURANCE (GROUP) SCHEME AND PERSONAL ACCIDENT/ ON THE LINES OF ONE INTRODUCED BY THE BAR COUNCIL OF MAHARASHTRA AND GOA.**

Items Nos. 4 and 5 were taken up for discussion together in the House and It was unanimously resolved by the House to constitute a Committee consisting of S/Sh. IN Mehta, Amit Vaid, Ajay Kochhar and Ajay Kumar Sharma (all Members), who are requested to submit the report within a period of one month after considering the various Schemes introduced by other States including Bar Council of Maharashtra and Goa as well as Tailor made Group Personal Accident Policy introduced by the Bar Council of Tamilnadu and Pudducherry.

6. **TO CONSIDER THE MATTER REGARDING RESERVATION OF ACCOMMODATION FOR THE LAWYERS IN GOVERNMENT REST HOUSES, CIRCUIT HOUSES AS WELL AS GUEST HOUSES OF HIMACHAL BHAWAN/SADAN AT CHANDIGARH, DELHI AND MUMBAI AND HON'BLE HIGH COURT OF HIMACHAL PRADESH.**
7. **TO CONSIDER THE MATTER REGARDING MATCHING GRANT BY STATE OF HIMACHAL PRADESH TO THE HIMACHAL PRADESH ADVOCATE WELFARE FUND ON THE LINES OF OTHER STATES INCLUDING ANDHRA PRADESH GOVT. EVERY YEAR.**

Both these items were discussed in the House and it was unanimously resolved by the House to request the Committee headed by learned Advocate General qua Item No. 2 to consider both these items and take up the matter with the State Government.

8. TO CONSIDER THE MATTER REGARDING INSPECTION OF LAW COLLEGES IN THE STATE.

This matter was discussed in the House and House has unanimously resolved to send a communication to the Bar Council of India requesting to associate one of the members of the State Bar Council before carrying out any inspection /opening of a new Law College in the State of Himachal Pradesh. It was further unanimously resolved that such member will be nominated by the General House. It was further resolved that Bar Council of India may also be requested to permit the State Bar Council to carry out the inspections of the Law Colleges and submit a report to the Bar Council of India which may be recommendatory in nature.

9. TO CONSIDER THE MATTER REGARDING REQUEST FOR ENACTING AN ACT BY THE STATE OF HIMACHAL PRADESH AS AN ADVOCATES PROTECTION ACT.

10. TO CONSIDER THE MATTER REGARDING OPENING OF ADVOCATES ACADEMY IN THE STATE OF HIMACHAL PRADESH.

Both the items were discussed in the House and the House has unanimously resolved that both these matters are required to be taken up with State Government by the learned Advocate General therefore, it was resolved that the Committee headed by learned Advocate General be and is hereby requested to take up the matter with the State Government and submit report to the General House within one month.

11. TO CONSIDER EXPENSES FOR RENOVATION/FURNISHING OF OFFICE OF THE BAR COUNCIL AND TO PROVIDE BETTER INFRASTRUCTURE.

12. TO CONSIDER THE MATTER REGARDING THE PROGRESS OF COMPUTERIZATION OF BAR COUNCIL RECORDS AS WELL AS WEBSITE OF BAR COUNCIL OF HIMACHAL PRADESH

Matter was discussed in detail and keeping in view the requirements of furnishing the office as well as renovation and to provide better infrastructure it was unanimously resolved that a Committee be constituted for this purpose who should submit a report after working out the necessary modalities. Therefore a committee comprising of following members is constituted for this purpose:

1. Shri I.N. Mehta,
2. Shri Amit Vaid,
3. Shri Ajay Kumar Sharma, and
4. Shri Loveneesh Kanwar

The aforesaid Committee is requested to submit detailed report including expenses likely to be incurred within 15 days from the receipt of the communication in this behalf.

13. TO CONSIDER THE MATTER REGARDING OBTAINING GRANT FROM BAR COUNCIL OF INDIA UNDER SECTION 46A OF THE ADVOCATES ACT, 1961.

It was pointed out by the Chairman that under Section 46A of the Advocates Act, 1961, till date no grant has been given to the State Bar Council by the Bar Council of India therefore, it was unanimously resolved that a communication in the form of resolution be sent to the Bar Council of India requesting it to give maximum grant to the State Bar Council. It was further unanimously resolved to request the Member, Bar Council of India Shri Des Raj Sharma to pursue the matter with the Bar Council of India and get maximum of the grant under Section 46A of the Advocates Act 1961.

14. TO CONSIDER THE MATTER REGARDING CONSTRUCTION OF LAWYERS CHAMBERS IN DISTRICT AND SUB DIVISIONAL COURTS AND PROVISION FOR APPROPRIATE SPACE/ACCOMMODATION TO THE LITIGANTS.

Matter was discussed in the General House and it was unanimously resolved by the House that esteemed Member Shri Ajay Kumar Sharma will ask various Bar Associations wherever there is requirement for construction of Lawyers Chambers as well as provision for appropriate space/ accommodation to litigants and Shri Ajay Kumar Sharma is requested to submit a detailed report in this behalf within a period of one month which shall be placed before the General House.

15. TO CONSIDER THE MATTER REGARDING MAKING A REQUEST TO THE HON'BLE HIGH COURT FOR PROVIDING FURTHER ACCOMMODATION.

The matter was discussed at length and General House has unanimously resolved that a request be made to the High Court by the Chairman of the Bar Council and Committee headed by learned Advocate General under Item No. 2. It was further resolved that a request be made to the Hon'ble Chief Minister and the Hon'ble Law Minister, Shri Suresh Bhardwaj, by the Committee headed by the learned Advocate General for taking up the matters referred to the Committee as well as to call upon them and fix a date for hosting a dinner to the Hon'ble Chief Minister and Hon'ble Law Minister, Shri Suresh Bhardwaj.

16. TO CONSIDER THE MATTER REGARDING IMPLEMENTATION OF SCHEME AS RESOLVED VIDE ITEM NO. 26 IN THE MEETING OF BAR COUNCIL OF HIMACHAL PRADESH HELD ON 2ND MARCH 2008.(TO CONSIDER THE SCHEME CALLED AS STIPEND SCHEME FOR JUNIOR LAWYERS AS PROPOSED /REQUESTED BY THE BAR COUNCIL OF HIMACHAL PRADESH.)

The matter was discussed at length and it was resolved that learned Advocate General be requested to take up matter with the State Government who has graciously accepted the request made by the House to take up this matter alongwith all matters which are required to be dealt with at the level of State Government.

17. TO CONSIDER THE MATTER REGARDING CONSTITUTION OF VARIOUS COMMITTEES UNDER ADVOCATES ACT 1961, BAR COUNCIL OF INDIA RULES, BAR COUNCIL OF HIMACHAL PRADESH(CONSTITUTION AND CONDUCT OF BUSINESS) RULES 1999 ETC.

The House unanimously resolved and authorised Chairman to constitute the Committees and following Committees have been constituted:

1 EXECUTIVE COMMITTEE

1. Sh. Ashok Sharma, Ld. Advocate General Himachal Pradesh(Chairman)
2. Sh. Amit Vaid (Member)
3. Sh. Ajay Kumar Sharma (Member)
4. Sh. Rakesh Kumar Acharya (Member)
5. Sh. Narender Singh Thakur (Member)

2 FINANCE COMMITTEE

1. Sh. Ashok Sharma, Ld. Advocate General Himachal Pradesh (Chairman)
2. Sh. I.N. Mehta (Member)
3. Sh. Ajay Kumar Sharma (Member)

3 ENROLMENT COMMITTEE

1. Sh. I.N. Mehta (Chairman)
2. Sh. Amit Vaid (Member)
3. Sh. Ajay Kumar Sharma (Member)

4 ELECTION COMMITTEE

1. Sh. Desh Raj Sharma (Chairman)
2. Sh. I.N. Mehta (Member)
3. Sh. Vipin Pandit (Member)
4. Sh. Ajay Kochhar (Member)
5. Sh. Ajay Kumar Sharma (Member)

5 RULES DRAFTING COMMITTEE

1. Sh. Amit Vaid (Chairman)
2. Sh. Ajay Kumar Sharma (Member)
3. Sh. Lovneesh Kanwar (Member)
4. Sh. Madan Lal Verma (Member)
5. Sh. Rohit Sharma (Member)

6 PRIVILEGES COMMITTEE

1. Sh. I.N. Mehta (Chairman)
2. Sh. Rakesh Acharya (Member)
3. Sh. Narender Singh Thakur (Member)
4. Sh. Arvind Dhiman (Member)
5. Sh. Rohit Sharma (Member)

7 LEGISLATION AND LAW REFORMS COMMITTEE

1. Sh. Ashok Sharma, Ld. Advocate General Himachal Pradesh (Chairman)
2. Sh. Naresh Thakur (Member)
3. Sh. Rakesh Kumar Acharya (Member)
4. Sh. Narender Singh Thakur (Member)
5. Sh. Arvind Dhiman (Member)

8 LEGAL AID COMMITTEE

1. Sh. Ashok Sharma, Ld. Advocate General Himachal Pradesh (Chairman)
2. Sh. Desh Raj Sharma (Member)
3. Sh. Vipin Pandit (Member)

4. Sh. Rakesh Kumar Acharya (Member)
5. Sh. Narender Singh Thakur (Member)
6. Sh. Arvind Dhiman (Member)
7. Sh. Rohit Sharma (Member)

9 ADVOCATES WELFARE TRUSTEE COMMITTEE

1. Sh. I.N. Mehta (Chairman)
2. Sh. Amit Vaid (Member)
3. Sh. Rohit Sharma (Member)

10 ADVOCATES WELFARE COMMITTEE (BAR COUNCIL OF INDIA)

1. Sh. Desh Raj Sharma (Chairman)
2. Sh. Rakesh Kumar Acharya (Member)
3. Sh. Narender Singh Thakur (Member)

11 CERTIFICATE AND PLACE OF PRACTICE VERIFICATION RULES ADMINISTRATIVE COMMITTEE

1. Sh. I.N. Mehta (Chairman)
2. Sh. Amit Vaid (Member)
3. Sh. Ajay Kumar Sharma (Member)

12 DISCIPLINARY COMMITTEE (I)

1. Sh. I.N. Mehta (Chairman)
2. Sh. Ajay Kumar Sharma (Member)
3. Sh. Vikas Rathore(Co-opted) Member (High Court)

13 DISCIPLINARY COMMITTEE (II)

1. Sh. Arvind Dhiman (Chairman)
2. Sh. Rohit Sharma (Member)
3. Sh. R.S. Thakur (Co-opted) Member(Hamirpur)

14 DISCIPLINARY COMMITTEE (III)

1. Sh. Rakesh Kumar Acharya (Chairman)
2. Sh. Narender Singh Thakur (Member)
3. Sh. Amit Sood(Co-opted) Member (Kullu)

15 DISCIPLINARY COMMITTEE (IV)

1. Sh. Desh Raj Sharma (Chairman)
2. Sh. Rakesh Kumar Acharya (Member)
3. Sh. Lokesh Kapoor(Co-opted) Member(Mandi)

16 DISCIPLINARY COMMITTEE (V)

1. Sh. Amit Vaid (Chairman)
2. Sh. Ajay Kumar Sharma (Member)
3. Sh. Sanjay Ranta(Co-opted)Member (Distt. Court)

17 DISCIPLINARY COMMITTEE (VI)

1. Sh. Naresh Kumar Thakur (Chairman)
2. Sh. Ajay Kochhar (Member)
3. Sh. Anurag Sharma(Co-opted) Member (Bilaspur)

18 DISCIPLINARY COMMITTEE (VII)

1. Sh. Narender Singh Thakur (Chairman)
2. Sh. Rohit Sharma (Member)
3. Sh. Vikram Sarmai(Co-opted) Member (Dehra)

19 DISCIPLINARY COMMITTEE (VIII)

1. Sh. Vipin Pandit (Chairman)
2. Sh. Madan Lal Verma (Member)
3. Sh. Sanjay Thakur (Co-opted) Member (Kullu)

20 DISCIPLINARY COMMITTEE (IX)

1. Sh. Ajay Kumar Sharma
2. Sh. Narender Singh Thakur (Member)
3. Sh. Manoj Kumar(Co-opted) Member (Bilaspur)

21 DISCIPLINARY COMMITTEE (X)

1. Sh. I.N. Mehta (Chairman)
2. Sh. Amit Vaid (Member)
3. Sh. Onkar Jairath (Co-opted)Member (High Court)

22 DISCIPLINARY COMMITTEE (XI)

1. Sh. Rakesh Kumar Acharya (Chairman)
2. Sh. Arvind Dhiman (Member)
3. Sh. Aseem Sharma(Co-opted) Member (Nalagarh)

23 DISCIPLINARY COMMITTEE (XII)

1. Sh. Ajay Kochhar (Chairman)
2. Sh. Ajay Kumar Sharma (Member)
3. Sh. Tara Singh Chauhan(Co-opted) Member(High Court)

24 DISCIPLINARY COMMITTEE (XIII)

1. Sh. Desh Raj Sharma (Chairman)
2. Sh. Rohit Sharma (Member)
3. Sh. Raj Kumar Dhanotia (Co-opted) Member(Amb)

25 DISCIPLINARY COMMITTEE (XIV)

1. Sh. Arvind Dhiman(Chairman)
2. Sh. Rohit Sharma (Member)
3. Sh. Munish Kumar Sharma(Co-opted) Member(Una)