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## BAR COUNCIL OF HIMACHAL PRADESH

High Court Complex,  
Raveneswood,  
Shimla-171 001

Ref.No.....

Dated.....

BCHP/Minutes/2019/ 1236 - 1251

26.10.2019

Proceedings of the meeting of Bar Council of Himachal Pradesh held on 20.10.2019 at 11.00 AM in the office of Bar Council of Himachal Pradesh, Shimla.

Following were present in the meeting:

- |                                |   |
|--------------------------------|---|
| 1. Shri Ramakant Sharma.       | <b>Chairman</b>   |
| 2. Shri Narender Singh Thakur  | <b>Vice Chairman</b>  |
| 3. Shri Desh Raj Sharma,       | <b>Member</b><br><b>(Bar Council of India)</b>              |
| 4. Shri Ajay Kochhar           | <b>Member</b>   |
| 5. Shri Ajay Kumar Sharma      | <b>Member</b>   |
| 6. Shri Ami Vaid               | <b>Member</b>   |
| 7. Shri Arvind Dhiman          | <b>Member</b>   |
| 8. Shri I.N. Mehta             | <b>Member</b>   |
| 9. Shri Loveneesh Kanwar       | <b>Member</b>   |
| 10. Shri Naresh Thakur         | <b>Member</b>   |
| 11. Shri Rakesh Kumar Acharya  | <b>Member</b>   |
| 12. Shri Raminder Kumar Gautam | <b>Member</b>   |
| 13. Shri Vipin Pandit          | <b>Member</b>   |
| 14. Shri Ashok Sharma,         | Learned Advocate<br>General-cum-Ex Officio<br><b>Member</b> |
| 15. Smt. Smita Thakur          | <b>Secretary</b>  |

### ITEM NOS.

1. **Confirmation of the minutes of meeting held on 16.12.2018**  
Minutes of meeting held on 16.9.2019, are hereby confirmed.

### SERVICE MATTERS/CODAL FORMALITIES

2. **To consider the complaint case No. CC-15/2019 of Shri Varinder Singh against Shri Varinder Kumar Sharma, Advocate Bar Association Dehra and Advocate on Record (1237) in Hon'ble Supreme Court of India, New Delhi.**

The note of the office has been perused. The office has not pointed out whether the respondent Advocate Shri Virender Kumar Sharma is enrolled with the Bar Council of Himachal Pradesh so as to attract the jurisdiction to



**1. Confirmation of the minutes of meeting held on 16.12.2018**

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**2. To consider the complaint case No. CC-15/2019 of Shri Varinder Singh against Shri Varinder Kumar Sharma, Advocate Bar Association Dehra and Advocate on Record (1237) in Hon'ble Supreme Court of India, New Delhi.**

The note of the office has been perused. The office has not pointed out whether the respondent Advocate Shri Virender Kumar Sharma is enrolled with the Bar Council of Himachal Pradesh so as to attract the jurisdiction to entertain the complaint. It was unanimously resolved that the office be directed to submit complete report in the next General House.

**3. To consider the complaint case No. CC-16/2019 of Shri Vinod Kumar against Shri Parveen Chandel, Advocate Bar Association, HP High Court.**

The complaint is perused by the General House and it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of the complaint and asked to file reply within three weeks.

**4. To consider the complaint case No. CC-22/2019 of Shri Ved Prakash against Shri Babu Ram, Advocate, Bar Association Dharamshala/Nurpur**

The complaint is perused by the General House and it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of the complaint and asked to file reply within three weeks.

**5. To consider the complaint case No. CC-24/2019 of Shri Madan Lal against S/srhi (1) Tejasvi Kumar Sharma, (2) Aditya SMohan (3) Chaman Lal Thakur, (4) Neeraj Basu (5) Amar Singh (6) Randeep Singh Parmar (7) Nirmal Singh Parmar (8) Anil Kumar Sharma (9) Navjot Kutal and (10) Rajender Kumar Raghu, Advocates, Bar Association Bilaspur.**

General House has perused the complaint and according to the allegations made by the complainant against the Advocates, it appears that the FIRs are already pending investigation therefore, according to the allegations of the complainant, it cannot be said that any case of misconduct has been made out much less case of professional

misconduct, therefore, the present complaint is dismissed being without any merit. Parties be informed accordingly.

**6. To consider the complaint case No. CC-28/2019 of Shri Sher Singh against Shri Prashant Sharma, Advocate, Bar Association High Court.**

The complaint is perused by the General House and it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of the complaint and asked to file reply within three weeks.

**7. To consider the complaint case No. CC-26/2019 of Shri Amar Nath Sharma, against Shri LR Nadda, Advocate, Bar Association Ghumarwin.**

General House has perused the complaint and the House is of the unanimous view that perusal of complaint would go to show that no case of professional misconduct or any other misconduct has been made out since

according to the allegations of the complainant, the complainant is facing civil suit titled Nathu Ram vs. State of Himachal Pradesh and others which is pending in the court of Civil Judge (Junior Division), court No.1. Further case of the complainant is that the complainant is defendant No.5 in the said suit. It is further averred that said suit was dismissed in default on 20.8.2016, due to non appearance Shri L.R. Nadda. It has been averred in the complaint that respondent Advocate Shri L.R. Nadda had moved an application for restoration of case by giving false excuse. It is further averred that the complainant (defendant No.5 ) has placed on record the information sought under the Right to Information Act so as to show that the respondent advocate was not busy in any other court. It is clear from the complaint that it cannot be said that the complainant is aggrieved against dismissal in default of the case in which the complainant is defendant No.5 therefore, present complaint is devoid of merit is dismissed. Parties be informed accordingly

**8. To consider the complaint case No. CC-27/2019 of Rama Nand Thakur, against Shri Prem P. Chauhan, Advocate, Bar Association High Court.**

The complaint is perused by the General House and it is unanimously resolved to call for reply from the Advocate concerned, who may be sent copy of the complaint and asked to file reply within three weeks.

**9. To consider the complaint case No. CC-Nil/2019 of Shri Ramesh Chand Negi, Advocate, District Courts, Rampur against SDM Kumarsain, while acting as Collector under PP Act, regarding irregularities in *Zimni* orders and changing the orders.**

Matter was discussed in General House and General House is of the unanimous opinion that the complaint made by complainant who is an Advocate practicing at Rampur Bushahr, Shimla is not entertainable by this bar council has no jurisdiction to entertain such complaint, therefore, same is rejected for want of jurisdiction, however, complainant may be advised to avail appropriate remedy in accordance with law with appropriate authorities.

**10. To consider the complaint case No. CC-24/2018 of Smt. Satya Devi against Shri Pradeep Kanwar, Advocate, Bar Association Rajgarh.**

General House has perused the complaint as well as reply filed by respondent Advocate. It is unanimously resolved by the General House that Complainant be asked to file rejoinder to the reply filed by the respondent Advocate. Office is directed to send a copy of reply to the complainant who may be asked to file rejoinder within three weeks positively.

**11. To consider the complaint case No. CC-26/2018 of Shri Amar Nath against S/Shri PS Bhardwaj and K.K. Bhardwaj, Advocates, Bar Association, Ghumarwin.**

General House has perused the complaint filed by the complainant as well as separate replies filed by respondent advocates. General House is of the opinion that a perusal of the record goes to show that no case of professional misconduct or any other misconduct is made out against the respondents and complaint being devoid of any merit deserves dismissal for the following reasons:

According to the complainant, he has made allegations in the complaint against the Advocates that he is residing with his grandsons Pankaj Kumar and Ankit Kumar (serving in Indian Army), his daughter-in-law Dharmi Devi wife of Krishan Dayal. It is further averred that wife of complainant alongwith son namely Krishan Dayal, daughter Vyasa Devi, Bimla alias Kamla Devi and Sandhya Devi are inimical towards complainant. It is further averred that the

son Krishan Dayal is a dead drinker and always used to torture and beat his sons and wife. Due to his bad habits and company, he left his family and till date, with mala fide intentions used to file frivolous complaints against the complainant, his wife and sons. It is further alleged in the complaint that the complainant has executed registered Will in favour of his grandsons Pankaj and Ankit and daughter-in-law Dharmi Devi which has been registered before Sub Registrar Jhandutta,. It is further averred that Krishan Dayal, Vyasa Devi, Kamla Devi and Sandhya Devi, with ulterior motive to grab landed propriety of complainant, in a planned manner, filed false case titled Ganga Devi vs. Amar Nath, for maintenance in Court No.3, Judicial Magistrate 1st Class, Ghumarwin, District Bilaspur, Himachal Pradesh. It appears that a compromise deed was entered into between the parties and the parties have compromised the matter in the Lok Adalat and allegations have been made by complainant that the entire thing has been done due to unprofessional attitude of the respondent. It is averred that the complainant has filed a CMPMO No. 34 of 2018 before Hon'ble High Court of Himachal Pradesh which is pending therefore, action is sought to be taken against the respondents-Advocates.

According to the reply filed by the respondent, it is clear from certified copy of judgment passed by the Hon'ble High Court in CMPMO No. 34 of 2018 dated 21.6.2019 that the Hon'ble High Court has dismissed said petition and a cost of Rs.25000 has been imposed, therefore, it is a clear cut case wherein complaint filed by complainant is misconceived and same deserves to be dismissed and is hereby dismissed. Parties be informed accordingly.

**12. To consider the complaint case No. CC-9/2019 of Shri Maqbool Ahmed, against Shri Nitin Gupta, Advocate (Public Notary) Bar Association Nahan.**

Matter was discussed in the General House and after going through the complaint and reply it was unanimously resolved that petitioner be asked to file the rejoinder to reply filed by the respondent Advocate, who may be supplied copy of the reply and asked to file the rejoinder within a period of three weeks from the date of receipt of communication from Bar Council of Himachal Pradesh.

**13. To consider the complaint case No. CC-13/2019 of Shir Dababrata Nayak, against S/Shri Parshotam Chaudhary, Sushant Vir Singh Thakur and Rajiv Sharma, Advocate, Bar Association District Court, Shimla.**

Matter was discussed in the General House and after going through the complaint and reply it was unanimously resolved that petitioner be asked to file rejoinder to the reply filed by the respondents Advocates, who may be supplied copy of the reply and asked

to file the rejoinder within three weeks from the date of receipt of communication from Bar Council of Himachal Pradesh.

**14. To consider the complaint case No. CC-18/2018 of Shri Prem Singh against Shri Kunal Sharma and Ms. Vidushi Sharma, Advocates, Bar Association HP High Court.**

General House has perused complaint and a reply filed by the respondents Advocates as well as rejoinder thereto. It has been unanimously resolved by the General House to refer the matter to the Disciplinary Committee No. 6 headed by Shri Naresh Kumar Thakur, Chairman, Shri Ajay Kochhar, Member and Shri Anurag Sharma, Co-opted Member. The Committee maybe requested to decide the matter in accordance with law.

**15. To consider the complaint case No. CC-23/2018, of Shir Sadanand Sharma against Shri Kunal Sharma, Advocate Bar Association HP High Court.**

General House has perused complaint and a reply filed by the respondent Advocate as well as rejoinder thereto. It has been unanimously resolved by the General House to refer the matter to Disciplinary Committee No. 6 headed by Shri Naresh Kumar Thakur, Chairman, Shri Ajay Kochhar, Member and Shri Anurag Sharma, Co-opted Member. The Committee maybe requested to decide the matter in accordance with law.

**16. To consider the complaint case No. CC-35/2018 of Shri Thakur Sen Rana, against Shri Kuldeep Guleria, Advocate, Bar Association District Courts, Chakker, Shimla.**

General House has perused complaint and rely filed by respondent Advocate. The General House is of the opinion that no case of professional misconduct or any other misconduct is made therefore complaint being devoid of any merits is dismissed for the following reasons:

That according to the complainant who is an advocate by profession, and is practising in the District Courts Chakker since 25.10.2005, has averred that he had filed a claim petition under section 166 of the Motor Vehicles Act for grant of compensation on account of death of Kulwinder Singh son of Jai Ram, decided on 12.4.2018, and a sum of Rs. 9,37,200 alongwith interest with default rate of 12% as well as the second claim petition was allowed for

Rs.2,71,000 alongwith default clause. It is further averred that the complainant filed execution and in para 4 of the complaint it is averred that though the execution petition was filed by complainant, but one Kuldeep Guleria, Advocate (respondent) filed applications for release of amount on behalf of aforesaid claimants with some ulterior motive, therefore, on this ground it is averred in the complaint that in view of judgment of Hon'ble Court titled OICL vs. Sheela Devi in FAO No. 115 of 1999, it is a clear cut case of professional misconduct on the part of respondent.

The perusal of the reply filed by the respondent/Advocate, makes it clear that he has annexed a statement of one Virender Kumar recorded on oath by MACT dated 27.10.2018 has been annexed whereby the claimants made the statement that they have engaged Shri Kuldeep Guleria, Advocate in the present case, therefore, it is not a case of professional misconduct or any other misconduct. Complaint stands accordingly dismissed. Parties be informed accordingly.

**17. To consider the complaint case No. CC-38/2018 of Shri Jai Ram and others against Shri TS Rana, Advocate, Bar Association District Courts, Chakker, Shimla.**

General House has perused complaint and reply. The General House is of the unanimous view that the complainant be asked to file rejoinder to the reply filed by respondent Advocate, therefore, the complainant be supplied copy of reply who may be asked to file rejoinder within three weeks from the date of receipt of communication of Bar Council of Himachal Pradesh.

**18. To consider the complaint case No.CC-10/2017 of Shri Ramesh Dogra, against Shri Rajesh Malhotra, Advocate, Bar Association HP High Court.**

General House has perused complaint and reply. The General House is of the unanimous view that the complainant be asked to file rejoinder to the reply filed by respondent Advocate, therefore, the complainant be supplied copy of reply who may be asked to file rejoinder within three weeks of receipt of communication of Bar Council of Himachal Pradesh.

**19. To consider the complaint case No. CC-1/2018 of Shri Rajeev Kumar against Shri Amar Deep Singh, Advocate, Bar Association HP High Court, HIM/59/2008.**



General House has perused complaint and reply. The General House is of the unanimous view that the complainant be asked to file rejoinder to the reply filed by respondent Advocate, therefore, the complainant be supplied copy of reply who may be asked to file rejoinder within three weeks of receipt of communication of Bar Council of Himachal Pradesh.

**20. To consider the complaint case No. CC-17/2018 of Sh. Arunesh Thakur against Sh. Shyam Lal, Advocate, Bar Association, District Court, Bilaspur.**

General House has perused complaint and reply. The General House is of the unanimous view that the complainant be asked to file rejoinder to the reply filed by respondent Advocate, therefore, the complainant be supplied copy of reply who may be asked to file rejoinder within three weeks of receipt of communication of Bar Council of Himachal Pradesh.

**21. To consider the complaint case, No. CC-37/2018 of Shri Dalip Singh against Shri Durga Ram, Advocate, Bar Association Nahan.**

General House has perused complaint and reply. The General House is of the unanimous view that the complainant be asked to file rejoinder to the reply filed by respondent Advocate, therefore, the complainant be supplied copy of reply who may be asked to file rejoinder within three weeks of receipt of communication of Bar Council of Himachal Pradesh.

**22. To consider the complaint case No. CC-10/2019 of Shri Ajay Kumar Chauhan, Advocate, against Shri Vinay Sharma, Advocate, Bar Association Civil Courts Dharamshala.**

General House has perused complaint and reply. The General House is of the unanimous view that the complainant be asked to file rejoinder to the reply filed by respondent Advocate, therefore, the complainant be supplied copy of reply who may be asked to file rejoinder within three weeks of receipt of communication of Bar Council of Himachal Pradesh.

**23. To consider the complaint case No. CC-33/2018 of Shri Jagmohan Singh Chandel, Advocate against Ms. Parul and Shri Jagat Paul, Advocates, Bar Association District Court, Chakker, Shimla.**

**24. To consider the complaint case No. CC-20/2018 of Shri Jagat Pal and Ms. Parul, Advocates, against Shri Jagmohan Singh Chandel, Advocate, Bar Association District Courts, Chakker, Shimla.**

General House has taken up both the items together keeping in view the fact that the complaint case No. CC-33/2018 has been filed by one Jagmohan Singh Chandel Advocate against Ms. Parul and Shri Jagat Paul Advocate, Bar Association District Courts Chakker and Complaint Case No. CC-20/2018 has been filed by Shri Jagat Paul and Ms. Parul Advocates against Shri Jagmohan Singh Chandel, Advocate, Bar Association District Courts Chakker. It was unanimously resolved by General House after perusing the complaint as well counter complaint filed by Advocates against each other that it will be in the interest of both the parties to maintain discipline. Both the parties be directed to appear before the General House so as to make an endeavour to resolve the matter amicably. Therefore, office is directed to communicate the order to both the parties and direct them to appear before the General House in its next meeting so as to explore possibility of amicable settlement.

**25. To consider the complaint case No. CC-28/2018 of Shri Karam Chand, Ex Army against Shri Pawan Chaudhary, Advocate, Bar Association Palampur.**

General House has perused the complaint as well as the reply filed by the respondent Advocate and General House is of the unanimous view that no case of professional misconduct or any other misconduct under Section 35 of Advocate Act, 1961 is made out, for the following reasons:

That according to the allegations of complainant, he filed an application for correction dated 10.8.2010 before Assistant Collector 1st Grade Palampur through respondent Advocate. According to the allegation of complainant that respondent Advocate had been misleading complainant for 8 years by giving dates, without appearing in court on his behalf and received Rs.1,20,000 fee from him and refused to return the same, when he refused to give more money to the Advocate. It is further stated in para 2 of the complaint that the respondent Advocate is representing his brothers in 8 partition cases and has filed power of attorney against the complainant in those cases.

However, it is clear from the reply filed by the respondent that as a matter of fact, the complainant has not filed any correction case, rather, it was application for execution of correction order of Khasra No. 216 dated 15.9.1975 as is apparent from application Annexure R-1 which was filed through KK Chaudhary Advocate Dharamshala. It is further clear from the reply that said execution application was transferred from Dharamshala to Palampur before Assistant Collector 1st Grade Palampur. It is further averred

that Vakalatnama was submitted in execution application and arguments were also made 3-4 times and as is apparent from *zimni* orders, counsel had been appearing in the case on various dates, therefore, perusal of the reply which is supported by various orders passed by authorities coupled with the fact that there being no material on record to show that complainant has paid sum of Rs.1,20,000/- in execution application or in any other civil or criminal case. It is specifically averred by respondent Advocate that throughout his practice since 1991-92, as an Advocate, he has never received such huge amount of Rs.1,20,000/-. Therefore, for the aforesaid reasons it is clear cut case wherein complaint deserves dismissal and is hereby dismissed with no order as to costs. Parties be informed accordingly.

**26. To consider the complaint case No. CC-31/28018 of Shri Bhagmal Guleria against Shri Suresh Kumar Dhiman, Advocate, Bar Association, Kangra.**

It appears that due to an inadvertence, the file could not be placed before General House by the office therefore, same be placed before the General House in its next meeting

**27. To consider the complaint Case No. CC-30/2018 of Ms. Shivani Pathania against Shri Vikrant, Advocate, Bar Association, Hamirpur.**

General House has perused the complaint, reply as well as rejoinder filed by the complainant. General House is of the opinion that no case of professional misconduct or any other misconduct is made out as per provision of Section 35 of Advocate's Act, 1961 for the following reasons:

According to the complainant, she has stated in the complaint that in a criminal execution titled Shivani Pathania vs. Ravi Pathania, she engaged respondent Advocate to file the said case. It is further averred that said execution was filed for recovery of arrears of maintenance of Rs.2,85,000 and compensation of Rs.25,000 and also enforcing order of court providing residence. According to the allegations of the complainant in the complaint, that counsel on her behalf withdrew the execution without her instructions and just to cause loss to her. Therefore she filed the complaint for taking suitable action against the respondent.

Perusal of reply filed by the respondent Advocate would go to show that he had filed execution on behalf of the complainant and on 20.5.2016, notice was issued to the opposite party. It is further mentioned in reply that opposite party Ravi Dutt had obtained stay order against maintenance order dated 6.4.2016 from Sessions Judge Hamirpur HP vide order dated 15.6.2016, copy of stay order has also been field with the reply. It is further clear from the reply that

the aforesaid execution was listed for further orders on 9 hearings and due to the stay orders, the learned Sessions Judge Hamirpur on 12.1.2016, directed respondent Advocate to withdraw execution and file fresh after vacation of stay order. It is further clear from the reply that after vacation of stay order, fresh execution stands already filed therefore, it is not a case of professional misconduct or any other misconduct as envisaged under provisions of Section 35 of Advocates Act, 1961. Complaint deserves dismissal being devoid of any merits and same is accordingly dismissed. Parties be informed accordingly.

**28. To consider the complaint Case No. CC-6/2017 of Shir Kanshi Ram against S/Shri MM Rawat, Aman Deep Negi, Trilok Singh, Har Dev Sharma and Smt. Kamlesh, Advocates, Bar Association, Rohru.**

General House has perused the noting dated 5.10.2019 where under the office has pointed out that despite grant of sufficiently opportunities, the complainant has failed to file rejoinder and has prayed for extension of 6 weeks' time to file rejoinder. It is clear from the communication dated 27.6.2019 that the complainant was directed to file rejoinder which he has failed to file therefore, though there is no justification to grant further extension, however in the interest of justice, complainant be asked to file rejoinder within three weeks from the date of receipt of communication from this office, failing which right to file same shall stand closed.

**29. To consider the complaint Case No. CC-19/2018 of Shir Narender Kumar against Shri Pritam Singh Chandel, Advocate, Bar Association, HP High Court.**

General House has perused the noting of office dated 5.10.2019, perusal of which would go to show that complainant has failed to file rejoinder despite sufficient opportunities having been granted to the complainant and General House is of the opinion that in the interest of justice, by way of last and final opportunity, one more opportunity be granted to the complainant, who may be asked to file rejoinder within three weeks, failing which right to file same shall stand closed and matter will be placed before General House in its next meeting.

**30. To consider the complaint Case No. CC-36/2018 of Sh. Anish Mohammad against S/Sh. Rajesh Kumar, HIM/364/2009 and Rakesh Kumar, HIM/105/2007, Advocates, Bar Association District Courts, Bilaspur.**

Since the Disciplinary Committee No. 12 headed by Shri Ajay Kochhar as Chairman to whom this matter was entrusted, has returned the file due to the reason that the co-opted member Shri Tara Singh Chauhan, Advocate has shown his inability to continue with the complaint due to personal reasons. Thus, it was decided by the

General House to entrust the present complaint to Disciplinary Committee No. 1 headed by Shri I.N. Mehta, Chairman, Shri Ajay Sharma Member and Shri Vikas Rathore, Co-opted Member, High Court, with a request to decide the complaint in accordance with law. Therefore, the matter is referred to the aforesaid Committee for decision in accordance with law.

**31. To consider the complaint filed by Shri Dev Ashish Bhattacharya, against Shri Vinay Sharma, Advocaet, Bar Association, Dharamshala.**

General House has perused this agenda item. It appears that General House in its meeting dated 19.8.2018 had referred the matter to Disciplinary Committee No. 11 headed by Shri Rakesh Acharya Chairman, Shri Arvind Dhiman, Member and Shri Aseem Sharma, Co-opted Member, Nalagarh. Shri Rakesh Acharya has sent a communication dated 5.9.2019, whereby he has shown his inability to continue with the present complaint, therefore, it is unanimously resolved by the General House to entrust complaint to Disciplinary Committee No. 9, headed by Shri Ajay Sharma, as Chairman, Shri Narender Singh Thakur Member, Shri Manoj Kumar Co-opted Member, Bilaspur, who may be requested to decide the same in accordance with law.

**32. To consider the complaint Case No. CC-27/2016 of Shri Karam Chand, against Shri Naresh Kaul, Advocate, Bar Association, HP High Court.**

Since the complaint stands withdrawn, as per order dated 27.6.2019 of the Disciplinary Committee, the same is noted.

**33. To consider the application of Shri Anil Kumar, Advocate, HIM/71/2014 seeking permission to be legal correspondent, "Himachal Abhi-Abhi", news portal.**

**34. To consider the application of Shri Bhagwati Chander Verma, Advocate, HIM/115/2003 seeking permission to be legal correspondent "Third Eye Today" news agency.**

General House is of the opinion that the applications of both the Advocates seeking permission to be Legal Correspondent are considered and it is unanimously resolved to grant permission on similar lines as has been granted to do other Advocates in the past, therefore, the office is directed to send the communications on similar lines as has been sent to the similarly situate Advocates, who have been granted such permissions.

**35. Status /Stage of Law Bhawan.**

**36. 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.**

- 37. To consider the matter regarding matching grant by State of Himachal Pradesh to the Himachal Pradesh Advocates Welfare Fund on the lines of other States including Andhra Pradesh Government every year.**
- 38. To consider the matter regarding request for enacting an Act by the State of Himachal Pradesh as an Advocates Protection Act.**
- 39. To consider the matter regarding opening of Advocates Academy in the State of Himachal Pradesh.**
- 40. 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 2.3.2008.**

These items were taken up together and so far status /stage of Law Bhawan is concerned, it was brought to the notice of General House by the Chairman, that the matter with respect to grant of land on lease by the State Government which was initiated in the year 2008, has again been initiated and a request letter dated 22.8.2019 has been sent to the Additional Chief Secretary (Home) to the Government of Himachal Pradesh, the Additional Chief Secretary (Forests) to the Government of Himachal Pradesh and copy forwarded to Principal Secretary (Law) to the Government of Himachal Pradesh, Shimla-2. During the course of discussion, on these agenda items, it was unanimously resolved by General House that Hon'ble Advocate General be requested to get all these matters expedited by discussing these matters with Hon'ble Chief Minister and for this purpose, the General House has constituted a Committee consisting of learned Advocate General Ashok Sharma, Shri Narender Kumar Thakur, Vice Chairman, and Shri Arvind Kumar Dhiman. It was further resolved by the General House that the aforesaid committee may get an appropriate appointment from Hon'ble Chief Minister and Hon'ble Law Minister etc. for the purpose of discussing all the aforesaid agenda items at the earliest. It has further been resolved to host a dinner to the Hon'ble Chief Minister and Hon'ble Law Minister, for which purpose the Committee, may obtained a suitable date from the aforesaid dignitaries.
- 41. To consider the matter regarding inspection of Law Colleges in the State.**

That the matter was discussed in the General House and General House is of the opinion that the Chairman be and is hereby authorized to constitute the Committees for the purpose of giving feedback to the Bar Council of India with respect to all the Law Colleges existing in the State of Himachal Pradesh and a formal communication be sent to Bar Council of India since Hon'ble Member, Bar Council of India Shri

Desh Raj Sharma has assured that if such a formal communication is addressed to the Bar Council of India, the Bar Council of India will be requested to consider request of Bar Council of Himachal Pradesh for such inspection being done being part of feedback to the Bar Council of India.

**42. To consider the matter regarding making a request to High Court for providing further accommodation.**

When this matter was taken up, it was unanimously resolved that learned Advocate General, Shri Ashok Sharma and the Hon'ble Members based at Shimla shall call upon the Hon'ble Chief Justice and request his Lordship for the purpose of accepting invitation of dinner and during which process, the aforesaid matter providing further accommodation to the Bar Council can also be discussed with his lordship.

**43. 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.**

It appears that the committee has not submitted the report. Committee constituted by the General House in its meeting dated 19.8.2018. It was unanimously resolved by General House that apart from other members, i.e. S/Shri IN Mehta, Amit Vaid, Ajay Kochhar, and Ajay Kumar Sharma, one more Member Mr. Lovneesh Kanwar be also associated, therefore, this Committee is requested to expedite the matter and submit report positively within three weeks

**44. 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 the General House. It appears that the Members of Committee have failed to submit its report despite the said Committee having been requested in the meeting dated 19.8.2018. All the Members have again been requested to expedite the matter keeping in view the urgency in the matter and submit entire report within a period of three weeks.

**45. To consider the expenses for renovation/furnishing of the office of the Bar Council of Himachal Pradesh and to provide better infrastructure.**

Matter was discussed at length. It was brought to the notice of the General House that some spade work has been done by the Committee, so far renovation/furnishing of office of Bar Council of Himachal Pradesh to provide better infrastructure is concerned. All the members present have been again requested to complete the work

of renovation/furnishing of Bar Council and provide better infrastructure positively within a period two months. It may be pointed out that so far expenses on renovation/furnishing of the office of Bar Council of Himachal Pradesh and providing better infrastructure are concerned, same have been approved by the General House in the meeting held on 19.8.2018, which stands already affirmed in subsequent meeting, therefore, it is expected of the Committee that needful shall be done within a period of two months, positively.

**46. To consider the matter regarding obtaining grant from Bar Council of India under Section 46A of the Advocates Act, 1961.**

Matter was discussed in the General House and Hon'ble Member, Bar Council of India, Shri Desh Raj Sharma was again requested by General House to get maximum grant from Bar Council of India under section 46A of the Advocate's Act, 1961. It was pointed out by Hon'ble Member Bar Council of India, Shri Desh Raj Sharma that let a reminder be sent to Bar Council of India in this behalf. It was unanimously resolved to make further request to Hon'ble Member, Bar Council of India with reminder to the Bar Council of India.

**47. To consider matter regarding construction of Lawyers Chambers in District and Sub Divisional Courts and provision for appropriate space/accommodation to the litigants.**

Since, as per decision of General House dated 16.12.2018, reminder has been sent to all the Bar Associations to send respective proposals to the Council after completion of all formalities, it was again unanimously resolved by General House to send a final communication to the Bar Associations in this regard.

**48. To consider the enhancement of monthly salaries of the Staff of Bar Council of Himachal Pradesh.**

This matter was discussed by the General House threadbare. It was decided that since the Service Rules have not been framed with respect to employees of the Bar Council of Himachal Pradesh. It was unanimously resolved that a Committee consisting of Shri RK Gautam, Senior Member, Shri Ajay Sharma and Shri Lovneesh Kanwar, is constituted and Committee is requested to frame the requisite Service Rules with respect to employees before the next General House. In the meantime, it was also unanimously resolved to grant 10% hike to two of its employees with effect from 1.10.2019 i.e. Smt. Krishna and Shri Dev Raj and so far other employees are concerned, it was pointed out that since matter with respect to finances of Bar Council



of Himachal Pradesh is already pending consideration (as well as matter regarding Certificate of Practice and Identity Card) with the Executive Committee, three of employees namely Ms. Smita Thakur Secretary and Ms. Priyanka Chauhan, and Ms. Rupa Dhirta, who are on contract/temporary basis shall be considered in the next General House meeting.

**49. For consideration of items sent by email by Shri Vipin Pandit, Member, Bar Council of Himachal Pradesh on 15.6.2019.**

- A. How many regular, adhoc and temporary employees are working in the office of HP Bar Council and what are their service conditions.
- B. If temporary employee or employees, who have been engaged for a fixed time, have been given extension to serve, if any, for what period and on what basis sand detail of resolution/proceedings in this regard.
- (C) Whether the accounts of HP Bar Council for Financial Year 2017-18 and 2018-19 have been got audited, placing and getting the audit report approved from the General House of the Council, in alternative to provide all details of income and expenditure to the Members of the Council including copy of Audit Report.

When the matter was taken up by the General House, the report was submitted by Finance Committee. It was unanimously resolved by the General House that let report of Finance Committee be considered by a Committee consisting of Shri Ashok Sharma, learned Advocate General Chairman, Shri I.N. Mehta and Shri Ajay Sharma, Members and this Finance Committee shall be assisted by Shri Vipin Pandit, Member, Bar Council of Himachal Pradesh as well as Shri Loveneesh Kanwar, who will submit their recommendations regarding proposed action within three weeks to the Chairman, Bar Council, who will place entire record alongwith recommendations of the Committee in the next General House meeting

**50. For consideration communications received from:**

- (1) The Director, Women and Child Development, Himachal Pradesh, Shimla 171001.
- (2) Sh. Vijay Shree Gautam, Chairperson, District Child Welfare Committee, Kalyan Bhawan, 2<sup>nd</sup> Floor, Near CMO Office, Nahan, District Simour, Himachal Pradesh 173001, wherein clarification has been sought of Section 480 of Code of Criminal Procedure, 1973 for appointment of

Chairman/Member in Child Welfare Committee/Juvenile Justice Boards from practicing Advocates.

The matter was taken up by the General House and after going through the provisions of Section 480 of the Code of Criminal Procedure, as well as the provisions of Juvenile Justice Act, it has been unanimously resolved to refer the matter keeping in view the wide repercussions to a Committee, which shall be asked to submit a report within a period of two weeks. Thus the General House has unanimously resolved to appoint the Committee headed by Shri Ashok Sharma, learned Advocate General and S/Shri IN Mehta, Ajay Kochhar, Ajay Sharma and Shri Loveneesh Kanwar, Members, who may be asked to submit report within two weeks positively from the date of reference.

**51. Supplementary agenda.**

- (1) For consideration application submitted by Sh. Dev Raj Sharma, Peon, Bar Council of Himachal Pradesh for the reimbursement of medical claims. Under this supplementary agenda, employee of the Bar Council, Shri Dev Raj Sharma, Peon has made a request to grant financial assistance of Rs.88,452/ since his son namely Abhishek Sharma was suffering from progressive Keratoconus in both eyes and has undergone treatment at Cornea Centre, Chandigarh. The matter was considered by General House and it has been unanimously resolved that a sum of Rs.50,000/- be and is hereby sanctioned in favour of Shri Dev Raj Sharma, Peon, as financial aid.
- (2) For consideration of items sent by email by Shri Madan Lal Verma, Member, Bar Council of Himachal Pradesh on 17.10.2019, Thursday, at 11.40 AM.
  - (i) All kinds of facility to Advocates in Government Hospitals.
  - (ii) Chambers for the Advocates at Rampur Bushahr, District Shimla.

This agenda item is pertaining to issue raised by Hon'ble Member, Madan Lal Verma with respect to the construction of Lawyers' Chamber in District and Sub Divisional courts as well as for grant of all kinds of facilities to the Advocates in Government hospitals. The General House has unanimously resolved to pass a resolution requesting the State Government and Chief Secretary and Health Minister that as and when any advocate is in the need of medical facilities / has to approach the hospital they should be attended on priority basis and all the facilities be extended to Advocates. Office is directed to send this resolution to Hon'ble Chief Minister, Chief Secretary and Hon'ble

Health Minister and request be made to learned Advocate General, Shri Ashok Sharma who is present in General House to get this matter also expedited. So far mater pertaining to construction of Chamber is concerned, same has been dealt under Item No. 47 therefore, in view of proceedings/decision on Item No. 47, no further discussion is required.

- (3) To consider the complaint Case No. CC-28/2016 of Shri Milap Singh, against Shri K. C. Sharma, Advocate, Bar Association, Dharamshala.

Since complaint stands dismissed as withdraw, same is noted by the General House.

**Any other matter with the permission of chair.**

- (1) Under this item, Hon'ble Senior Member, Shri R.K. Gautam raised an issue of misuse of Advocates' Stickers. General House has unanimously resolved to make a request to the Hon'ble Chief Secretary, Director-General of Police in this behalf. Therefore, it was unanimously resolved to write communications to both the authorities with the request to check misuse of Advocates Stickers, which is otherwise an offence.
- (2) Under any other item, Hon'ble Member, Shri Ajay Sharma pointed out that since the Chairman of the Bar Counsel has been given financial powers to deal with the matters upto to Rs.5,000/-, and thereafter power is given to Finance Committee, it is desirable that the Chairman, should be given financial powers upto Rs.50,000/-. This suggestion of Hon'ble Member, Shri Ajay Sharma was agreed upon by all the members present and it was unanimously resolved that Chairman, shall be having financial powers upto Rs.50,000/- instead of Rs.5,000/-. Under this item it was brought to the notice of Hon'ble Members of the General House by the Chairman, that at the time of issuing licences to the new advocates, the Bar Council should issue booklet containing information with respect to the Bar Council as well as with respect to professional conduct and etiquettes required to be followed by the Advocates. It was unanimously resolved to send this matter to the Committee of Shri I.N. Mehta and Shri Ajay Sharma, Members, who will finalize booklet within a period of ten days and General House has authorised to incur the requisite expenses for the said purpose.

- (3) Under this item, some of the Hon'ble Members pointed out that Certificate of Practice and Identify Cards which have been issued to various advocates, they are defective. It was unanimously resolved by the General House that Bar Council will send communications to the Presidents of all the Bar Associations who in turn may ask advocates to submit such defective certificates of practice and Identity cards within one month and after receipt of such Certificates of Practice and Identity Cards, all such defective documents shall be placed before the Executive Committee which is already seized of mater for taking appropriate action in this behalf.
- (4) Hon'ble Members, S/Shri Ajay Kochhar and R.K. Gautam raised another issue which was appreciated by the General House that to avoid wastage of paper, notices as well as agenda items and other correspondences be sent to all the Hon'ble Members of the Bar Council on their email addresses or on Whatsapp numbers, therefore, it was unanimously resolved that in future, notices and other communications including agenda items and proceedings of meeting of Bar Council shall be sent through email or Whatsapp.
- (5) Hon'ble Member Shri Arvind Dhiman, submitted the complaint case file entrusted to his Committee filed by Dr. Ajay Kumar, against Shri Vinay Sharma, Advocate. He pointed out that despite efforts, the other Hon'ble Members are not cooperating therefore, it has become impossible for him to continue with the present complaint and requested the General House to entrust the complaint to some other Committee. The General House is of the opinion that this complaint be entrusted to Disciplinary committee No.12 headed by Shri Ajay Kochhar, as Chairman and Hon'ble Memebrs S/Shri Ajay Kumar Sharma and Tara Singh Chauhan (Co-opted Member), High Court of Himachal Pradesh. Therefore, the present complaint is entrusted to Disciplinary Committee No.12 and it is requested to decide the complaint in accordance with law.



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## BAR COUNCIL OF HIMACHAL PRADESH

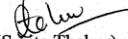
High Court Complex,  
Raveneswood,  
Shimla-171 001

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
The meeting ended with a "Vote of Thanks to the Chair"

Yours faithfully,

  
(Smita Thakur),  
Secretary.

Copy to:-

- The Chairman and all the Members of Bar Council of H.P. for favour of information and necessary action please.
1. Ld. Advocate General, Govt. of H.P. Shimla for information please.
  2. The Secretary, Bar Council of India, New Delhi -2

  
(Smita Thakur),  
Secretary.