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EXTRAORDINARY

No. 5

GOVERNMENT OF GOA

Department of Law & Judiciary

Law (Establishment) Division

Notification

12/8/2015-LD (Estt.) (PFI)/2169

The following Notification No. P. 3602/2018 dated 25-10-2018 which has been issued by the High Court of Judicature at Bombay, Appellate Side and Original Side, is hereby published for general information of the public.

By order and in the name of the Governor of Goa.

Diwan N. Rane, Under Secretary (Law-Estt.)
(Link).

Porvorim, 23rd November, 2018.

The High Court of Judicature at Bombay
Appellate Side and Original Side

Notification

No. P.3602/2018.— In exercise of the powers conferred by Section 34(1) of the Advocates Act, 1961, High Court of Bombay makes the following amendments to Schedule VII of Chapter XXXII of the Bombay High

Court Appellate Side Rules, 1960 and Appendix VI of the Bombay High Court Original Side Rules, 1980 framed under that Section. These amendments shall come into force with effect from the date of their publication.

Add the following Rules after existing Rule 9:

“9A. *Regulating an advocate’s appearance in courts:*— An advocate involved in any of the following acts may be barred from appearing before the High Court and any court, tribunal or authority subordinate to it:

(a) Accepting money in the name of a Judge or on the pretext of influencing the judge in the matter of any court proceeding;

(b) Tampering with any court record or proceedings;

(c) Impeding orderly functioning of court or conduct of court proceedings;

(d) Committing any act which tends to scandalize or lower the authority of any court or interfere with or obstruct the administration of justice or behaving unprofessionally and in an unbecoming manner;

(e) Depicting unruly behaviour and conducting unprofessionally or in a manner unbecoming of an officer of the Court and;

(f) Appearing in court under the influence of liquor or other intoxicating substance.

Explanation 1: Without prejudice to the generality of clause (c) above, any strike resorted to in any court or abstention from work in court by way of protest by an advocate or a group of advocates or any bar association shall be deemed to be an act which impedes orderly functioning of court or conduct of court proceedings and the advocate or advocates indulging in such strike or abstention shall be liable to be proceeded with under this Rule.

Explanation 2: Without prejudice to the generality of clause (d) above, acts of (i) browbeating and/or abusing the Judge, or (ii) circulating or publishing any material concerning the conduct of the Judge in any judicial proceeding or otherwise which tends to shake the confidence reposed by the public in court, shall be treated as falling within that clause;

9B. *Power to take action:*— (1) Where any act listed in the foregoing Rule is committed by an advocate before the High Court or in relation to the proceedings before it or concerning its Judges, the High Court shall have the power to bar the advocate from appearing before the High Court and all courts, tribunals and authorities subordinate to it.

(2) Where any act listed in the foregoing Rule is committed by an advocate before the Court of Principal District Judge or in relation to the proceedings before it or concerning it, the Principal District Judge shall have the power to bar him from appearing before any court within such District.

(3) Where any act listed in the foregoing Rule is committed by an advocate before any subordinate court, the court concerned shall submit a report to the Principal District Judge

within whose jurisdiction such court is situate and on receipt of such report, the Principal District Judge shall have the power to bar him from appearing before any court within such District.

(4) Whenever any advocate is barred by the Principal District Judge either under Sub-Rule (2) or (3) above, a report shall be made by the Principal District Judge to the Chief Justice.

9C. *Procedure to be followed:*— (1) Where any act listed in Rule 9A is committed by an advocate, in the presence of hearing of the Chief Justice or the Principal District Judge, the Chief Justice or the Principal District Judge, as the case may be, shall make a note of the act and simultaneously, for reasons to be recorded in writing, prohibit the advocate concerned from appearing before any court, authority or tribunal in the State or any court within the district, as the case may be, pending any inquiry under Sub-Rule (3) below.

(2) Where any act listed in Rule 9A is committed by an advocate in the presence or hearing of a Judge of the High Court, the Judge shall make a report to the Chief Justice for proceeding under Sub-Rule (3) below and simultaneously, for reasons to be recorded, prohibit the advocate concerned from appearing before him pending any inquiry under Sub-Rule (3).

(3) In any case, whether covered by Sub-Rule (1) or (2) above, or otherwise, the High Court or the Court of Principal District Judge, as the case may be, shall, before making an order under Rule 9B issue to such advocate a notice returnable before it, requiring the advocate to appear before the Chief Justice or his designate, or the Principal District Judge, as the case may be, and show cause. Such notice, so far as may be practicable, shall be served personally on such advocate.

(4) The Chief Justice or his designate, or the Principal District Judge, as the case may be, shall complete the inquiry in pursuance

of the notice referred to in Sub-Rule (3) above and pass an order, if any, under Rule 9B within a period of eight weeks of service of such notice.

(5) If the matters alleged in the notice referred to in Sub-Rule (3) above concern any act in respect of which a note or a report referred to in Sub-Rules (1) or (2) of this Rule or Sub-Rule (3) of Rule 9B above has been made, the note or the report, as the case may be, shall be treated as conclusive of the facts stated therein and the only cause to be shown by the advocate concerned shall be to the measure of the disciplinary action called for on such facts.

9D. The order passed under Rule 9B or sub-rule (1) and (2) of Rule 9C above shall be

final and shall not be questioned in any proceedings in any court.

9E. *Power to prohibit appearance in addition to other powers.*— The powers exercisable under Rules 9A to 9D above shall be in addition to, and not in derogation of, the powers of the Court under the Contempt of Courts Act, 1971, Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973 or any other law for the time being in force bearing on the subject matter of these Rules.

High Court of Judicature
at Bombay
Date: 25th October, 2018.

S. P. TAVADE
I/c. Registrar
General

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