

Advocate Act, 1961

Section 3 - State Bar Councils

(1) There shall be a Bar Council-

(a) for each of the States of Andhra Pradesh, Bihar, Gujarat, ¹ [Jammu and Kashmir], Madhya Pradesh, ² [** *], ³ [** *], ⁴ [Karnataka], Orissa, Rajasthan and Uttar-Pradesh, to be known as the Bar Council of that State:

⁵ [(b) for the State of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, and Tripura to be known as the Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura, Mizoram and Arunachal Pradesh;]

(c) for the State of Kerala and the Union territory of ⁵ [Lakshadweep], Minicoy and Amindivi Islands, to be known as the Bar Council of Kerala;

⁶ [(cc) for the ⁷ [State of Tamil Nadu] and the Union territory of Pondicherry to be known as the Bar Council of Madras;]

⁸ [(ccc) for the State of Maharashtra and Goa, and the Union territories of Dadra and Nagar Haveli and Daman and Diu, to be known as the Bar Council of Maharashtra and Goa;]

⁹ [(d) for the State of Punjab and Haryana, and the Union territory of Chandigarh to be known as the Bar Council of Punjab and Haryana;

(dd) for the State of Himachal Pradesh to be known as the Bar Council of Himachal Pradesh.]

(e) for the State of West Bengal and the ¹⁰ [Union territories of Andaman and Nicobar Islands], to be known as the Bar Council of West Bengal; and

(f) for the Union territory of Delhi, to be known as the Bar Council of Delhi.

(2) A State Bar Council shall consist of the following members namely:-

(a) In the case of the State Bar Council of Delhi, the Additional Solicitor-General of India, ex-officio; ¹¹ [in the case of the State Bar Council of Assam, Nagaland,

(a) Meghalaya, Manipur and Tripura, the Advocate-General of each of the State of Assam, Manipur, Meghalaya, Nagaland and Tripura, ex officio; in the case of the State Bar Council of Punjab and Haryana, the Advocate-General of each of the State of Punjab and Haryana, ex-officio;] and in the case of any other State Bar Council, the Advocate-General of the State, ex officio;

¹² [(b) In the case of the State Bar Council with an electorate not exceeding five thousand, fifteen members, in the case of a State Bar Council, with an electorate exceeding five thousand but not exceeding ten thousand, twenty members, and in the case of a State Bar Council with an electorate exceeding ten thousand, twenty-five members, elected in accordance with the system of proportional representation by means of the single transferable vote from amongst advocates on the electoral roll of the State Bar Council:]

¹³ [Provided that as nearly as possible one-half of such elected members shall, subject to any rules that may be made in this behalf by the Bar Council of India, be persons who have for at least ten years been advocates on a State roll, and in computing the said period of ten years in relation to any such person, there shall be included any period during which the person has been an advocate enrolled under the Indian Bar Councils Act, 1926 (38 of 1926)].

¹⁴ [(3) There shall be a Chairman and a Vice-Chairman of each State Bar Council elected by the Council in such manner as may be prescribed.

(3-A) Every person holding office as Chairman or as Vice-Chairman of any State Bar Council immediately before the commencement of the Advocates (Amendment) Act, 1977, shall, on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be :

Provided that every such person shall continue to carry on the duties of his office until the Chairman or the Vice-Chairman, as the case may be, of each State Bar Council, elected after the commencement of the Advocates (Amendment) Act, 1977, assumes charge of the office.]

¹⁵ [(4)An advocate shall be disqualified from voting at an election undersub-section (2) or for being chosen as, and for being a member of aState Bar Council, unless he possesses such qualifications orsatisfies such conditionis as may be prescribed in this behalf by theBar Council of India, and subject to any such rules that may be made,an electoral roll shall be prepared and revised from time to time byeach State Bar Council.

(5)Nothing in the proviso to sub-section (2) shall affect the term ofoffice of any member elected before the commencement of the Advocates(Amendment) Act, 1964 but every election after such commencementshall be held in accordance with the provisions of the rules made bythe Bar Council of India to give effect to the said proviso.]

¹⁶ [(6)Nothing in clause (b) of sub-section (2) shall affect therepresentation of elected members in any State Bar Council asconstituted immediately before the commencement of the Advocates(Amendment) Act, 1973 (60 of 1973), until that State Bar Council isreconstituted in accordance with the provisions of this Act.]

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1. Inserted by Act 60 of 1973, section 4.
 2. Theword "Madras" omitted by Act 26 of 1968, section 3 andSchedule.
 3. Theword "Maharashtra" omitted by the Dadra and Nagar HaveliCivil Courts and Misellaneous Provisions Regulations, 1963 8 of 1963,section 12.
 4. Substitutedby the Mysore State Alteration of Name Adaptation of Laws on UnionSubjects Order, 1974.
 5. Substitutedby Act 69 of 1986, section 19, for clause (6) as earlier amended byAct 81 of 1971, section 34 and Act 34 of 1986, section 16.
 - 5a. Substitutedby Act 34 of 1973, section 12.
 6. Insertedby Act 26 of 1968, section 3 and Schedule.
 7. Substituedby the Madras State (Alteration of Name) (Adaptation of Laws on UnionSubjects) order, 1970, for the words "State of Madras".
 8. Substitutedby act 18 of 1987, section 21, for clause (ccc) as initially insertedby Regulation 8 of 1963, section 12 and relettered by Act 26 of 1968,section 3 and Schedule and subsequently amended by Act 60 of 1973,section 4.
 9. Substituedby Act 53 of 1970, section 24, for clause (d).
 10. Substitutedby Act 81 of 1971, section 34, for "Union Territories ofTripura and the Andaman and Nicobar Islands".
 11. Insertedby Act 60 of 1973, section 4.
 12. Substitutedby Act 60 of 1973, section 4.
 13. Insertedby Act 21 of 1964, section. 2.
 14. Substitutedby Act 38 of 1977, section 2, for clause (3) as Inserted by Act 107of 1976, section 3.
 15. Insertedby Act 21 of 1964, section 2.
 16. Sub-clause(6) inserted by Act 60 of 1973, section 4.
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