

Advocate Act, 1961

Section 36 - Disciplinary Powers of Bar Council of India

(1) Where on receipt of a complaint or otherwise the Bar Council of India has reason to believe that any advocate 1[***] whose name is not entered on any State roll has been guilty of professional or other misconduct, it shall refer the case for disposal to its disciplinary committee.

(2) Notwithstanding anything contained in this Chapter, the disciplinary committee of the Bar Council of India may, 2[either of its own motion or on a report by any State Bar Council or an application made to it by any person interested], withdraw for inquiry before itself any proceedings for disciplinary action against any advocate pending before the disciplinary committee of any State Bar Council and dispose of the same.

(3) The disciplinary committee of the Bar Council of India, in disposing of any case under this section, shall observe, so far as may be, the procedure laid down in section 35, the references to the Advocate- General in that section being construed as references to the Attorney- General of India.

(4) In disposing of any proceedings under this section the disciplinary committee of the Bar Council of India may make any order which the disciplinary committee of a State Bar Council can make under sub- section (3) of section 35, and where any proceedings have been withdrawn for inquiry 3[before the disciplinary committee of the Bar Council of India] the State Bar Council concerned shall give effect to any such order.

1. The words "On the common roll" omitted by Act 60 of 1973, section 25.

2. Substituted by Act 60 of 1973, section 25, for the words "of its own motion".

3. Substituted by Act 60 of 1973, section 25, for the words "before the Bar Council of India".
