

Advocate Act, 1961

Section 49 - General Power of the Bar Council of India to Make Rules

1[(1)] The Bar Council of India may make rules for discharging its functions under this Act, and, in particular, such rules may prescribe.]

2[(a) the conditions subject to which an advocate may be entitled to vote at an election to the State Bar Council, including the qualification or disqualifications of voters, and the manner in which an electoral roll of voters may be prepared and revised by a State Bar Council;

(ab) qualifications for membership of a Bar Council and the disqualifications for such membership;

(ac) the time within which and the manner in which effect may be given to the proviso to sub-section (2) of section 3;

(ad) the manner in which the name of any advocate may be prevented from being entered in more than one State roll;

(ae) the manner in which the seniority among advocates may be determined;

3[(af) the minimum qualifications required for admission to a course of degree in law in any recognised University;]

(ag) the class or category of persons entitled to be enrolled as advocates;

(ah) the conditions subject to which an advocate shall have the right to practise and the circumstances under which a person shall be deemed to practise as an advocate in a court;]

(b) the form in which an application shall be made for the transfer of the name of an advocate from one State roll to another;

(c) the standards of professional conduct and etiquette to be observed by advocates;

(d) the standards of legal education to be observed by Universities in India and the inspection of Universities for that purpose;

(e) the foreign qualifications in law obtained by persons other than citizens of India which shall be recognised for the purpose of admission as an advocate under this Act;

(f) the procedure to be followed by the disciplinary committee of a State Bar Council and by its own disciplinary committee;

(g) the restrictions in the matter of practice to which senior advocates shall be subject;

4[(gg) the form of dresses or robes to be worn by advocates, having regard to the climatic conditions, appearing before any court or tribunal];

(h) the fees which may be levied in respect of any matter under this Act;

5[(i) general principles for guidance of State Bar Councils and the manner in which directions issued or orders made by the Bar Council of India may be enforced;]

(j) any other matter which may be prescribed :

6[Provided that no rules made with reference to clause (c) or clause (gg) shall have effect unless they have been approved by the Chief Justice of India]:

7[Provided further that] no rules made with reference to clause (e) shall have effect unless they have been approved by the Central Government.

8[(2) Notwithstanding anything contained in the first proviso to sub-section (1), any rule made with reference to clause (c) or clause (gg) of the said sub-section and in force immediately before commencement of the Advocates (Amendment) Act, 1973, shall continue in force until altered or repealed or amended in accordance with the provisions of this Act].

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1. Section 49 renumbered as sub-section (1) thereof by Act 60 of 1973, section 38.
 2. Clause (a) substituted by Act 21 of 1964, section 20.
 3. Clause (af) substituted by Act 60 of 1973, section 38.
 4. Clause (gg) inserted by Act 60 of 1973, section 38.
 5. Substituted by Act 21 of 1964, section 20, for clause (i).
 6. Proviso inserted by Act 60 of 1973, section 38.
 7. Substituted by Act 60 of 1973, section 38, for the words "Provided that".
 8. Sub-section (2) inserted by Act 60 of 1973, section 38.
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