

Advocates 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 (The words "on the common roll" omitted by Act 60 of 1973 w.e.f. 31.01.1974) [***] 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, (Substituted by Act 60 of 1973 for "of its own motion" w.e.f. 31.01.1974) [either of its own motion or on a report by a State Bar Council or on 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committee of a State Bar Council can make under sub-section (3) of section 35, and where any proceedings have been withdrawn for inquiry (Subs. by Act 60 of 1973 for "before the Bar Council of India" w.e.f. 31.01.1974) [before the disciplinary committee of the Bar Council of India] the State Bar Council concerned shall give effect to any such order. (Inserted by Act 60 of 1973 w.e.f. 31.01.1974) [36A. Changes in constitution of disciplinary committees. "Whenever in respect of any proceedings under section 35 or section 36, a disciplinary committee of the State Bar Council or a disciplinary committee of the Bar Council of India ceases to exercise jurisdiction and is succeeded by another committee which has and exercises jurisdiction, the disciplinary committee of the State Bar Council or the disciplinary committee of the Bar Council of India, as the case may be, so succeeding may continue the proceeding from the stage at which the proceedings were so left by its predecessor committee. (Inserted by Act 60 of 1973 w.e.f. 31.01.1974) [36B. Disposal of disciplinary proceedings. (1) The disciplinary committee of a State Bar Council shall dispose of the complaint received by it under section 35 expeditiously and in each case the proceedings shall be concluded within a period of one year from the date of the receipt of the complaint or the date of initiation of the proceedings at the instance of the State Bar Council, as the case may be, failing which such proceedings shall stand transferred to the Bar Council of India which may dispose of the same as if it were a proceeding withdrawn for inquiry under sub-section (2) of section