

## **BAR COUNCIL OF INDIA RULES**

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#### **PART I**

#### **BAR COUNCIL OF INDIA RULES**

*Rules made by the Bar Council of India in exercise of its rule making powers under the Advocates Act, 1961*

#### **PART-I**

#### **DEFINITIONS**

*Definitions:* In these rules, unless the context otherwise requires :-

- (a) 'Act' means the Advocates Act, 1961, as amended from time to time;
- (b) 'Advocate' means an advocate entered in any roll under the provisions of the Act;
- (c) 'Casual Vacancy' means a vacancy caused otherwise than by the expiry of the term;
- (d) 'Chairman' means the Chairman of the Bar Council of India ;
- (e) 'Clear days' means that time is to be reckoned exclusive of both the first and the last days;

**Illustration** :- The election of members to a State Council is fixed for the 15th January 1965. Under the rules of the State Council, ballot papers have to be despatched 10 clear days before the date of election. Consequently the last date for the despatch of ballot papers will be 4th January, 1965.

- (f) 'Council' means the Bar Council of India ;
- (g) 'Prescribed' means prescribed by the rules ;
- (h) 'Rules' means the Rules made by the Council;
- (i) 'Secretary' means the Secretary of the Bar Council of India and includes any person howsoever designated and entrusted for the time being with the duties of the Secretary;
- (j) 'State Council' means a Bar Council constituted under Section 3 of the Act;
- (k) 'Vice-Chairman' means the Vice-Chairman of the Bar Council of India.

#### **PART II**

#### **PART-II**

### **MATTERS RELATING TO THE BAR COUNCIL OF INDIA**

#### **CHAPTER-I**

*(Rules under Section 15 (2), (c), (d), (f) and (g) read with Sections 4 and 10B of the Act.)*

#### **A. Election of Members of the Council**

1. Notice of every meeting of the Council and committees shall ordinarily be sent by the Secretary not less than 15 days before the date of the meeting except when the Chairman requires a meeting to be called on short notice on grounds of urgency. If any five or more members of the Council require in writing, a meeting to be called on short notice of not less than 10 days for consideration of specified matters, the Secretary shall convene the meeting on such date as requisitioned and the agenda for such meeting shall include matters specified by such members. No proceeding shall be invalidated merely on the ground that the rule relating to notice is not strictly complied with.

2. (1) The notice and agenda for the first meeting of the State Council held after the election of its members on the expiry of the term of its members elected at the previous election under Section 8 of the Act may include the election of a member of the State Council to the Council under Section (1) (c) of the Act.

(2) Every such election shall be held not later than 30 days after the first meeting of the State Council after election under Section 8 of the Act.

3. The election of a member of the Council shall be conducted by the Secretary of the State Council who shall act as the Returning Officer.

4. A person elected as a member of the Council under Section 4 (1) (c) of the Act shall cease to be such member :

(a) from the date when he ceases to be a member of the State Council as mentioned in Section 4 (3) (ii) of the Act.

(b) on the acceptance by the Council of his resignation.

5. (1) In the case of a vacancy in the office of the member of the Council arising for any reason mentioned in Rule 4 (a) of this Chapter or on account of death, intimation of the vacancy shall be given by the Secretary of the State Council to the Secretary of the Council forthwith and

(2) The election to fill the vacancy under Rules 4 (a) or (b) shall be held within 30 days from the date of the vacancy.

6. (a) If the State Council does not take steps in time for the holding of the election as referred to in these Rules, and

(b) in the case of vacancy of the member of the Council arising under Section 10B of the Act,

the Secretary of the Council shall call upon the concerned State Council requiring it to elect its member to the council within 30 days of such notice.

7. Every notice by the Secretary of the State Council fixing a date for the election of a member to the Council under these rules shall be sent not less than 15 clear days before the date fixed for the election. A copy of the said notice shall be sent simultaneously to the Secretary of the Council.

8. (1) The name of each candidate for the election shall be proposed by one member and seconded by another member of the State Council at the meeting. No member shall propose or second more than one name.

(2) If only one candidate has been duly nominated, the Returning Officer shall declare him elected.

(3) Any nominated candidate can withdraw before the voting takes place.

(4) If the number of candidates duly nominated is more than one, there shall be an election by secret ballot. The Returning Officer shall provide voting papers with the names of the candidates typed. Each voting paper shall bear the signature of the Returning Officer.

(5) A voter in giving his vote shall place in his voting paper the mark 'X' against the name of the candidate of his choice.

The voting paper shall not be signed by the voter and in the event of any erasures, obliterations or alterations in the voting papers or of the voting paper purporting to have been signed by the voter, the voting paper shall be deemed to have been defaced and the vote purporting to have been given thereby shall not be taken into account for the purposes of the election. Subject to the provisions of Rule 10, the decision of the Returning Officer whether the voting paper has or has not been defaced shall be final.

A voting paper shall be invalid on which-

(a) the mark 'X' is not made, or

(b) the mark 'X' is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply, or

(c) the mark 'X' and any other mark or figures are set opposite the name of the same candidate, or

(d) there is any mark in writing by which the voter can be identified.

(6) The Returning Officer shall count the valid votes immediately after the close of voting in the presence of the candidates or their nominees who may choose to be present.

(7) The candidate securing the largest number of the votes shall be declared elected by the Returning Officer.

In the case of two more candidates securing an equal number of votes, the Returning Officer shall decide the election by drawing lots.

(8) Immediately after the declaration of the result, the Returning Officer shall put the ballot papers used for voting in the election in a separate cover, have the cover closed and sealed with his signature and that of all contesting candidates if they desire to do so.

(9) The result of the election shall be communicated forthwith to the Secretary of the Council and sent to the State Gazette or Gazettes concerned for publication.

9. (1) In case of a dispute arising out of the election, any of the contesting candidates, or any other member of the State Council, may challenge the election by a petition which shall be filed with, or despatched by registered post to the Secretary of the Council within 10 clear days of declaration by the Returning Officer of the result of the election as mentioned in Rule 8 (7). The petitioner shall also send copies of the petition to all the contesting candidates and to the Secretary of the State Council.

(2) As soon as possible after the receipt of the copy of the petition under sub-rule (1), the Secretary of the State Council shall send the sealed cover containing the ballot papers referred to in Rule 8 (8) above, and all other papers and records relating to the election to the Secretary of the Council.

10. (1) The Council may reject any petition received under Rule 9, if, in its opinion, there is no *prima facie* case.

(2) If the Council is of the opinion that there is a *prima facie* case, either the Council or a Committee of the Council comprising not more than 3 members of the Council constituted therefor shall, after hearing all the parties concerned, determine the said dispute.

(3) The Council, or the Committee, as the case may be, shall have all or any of the following powers:

- (a) to dismiss the petition;
- (b) to set aside the election;
- (c) to declare any candidate as having been duly elected;
- (d) to order a fresh election; and
- (e) to make an order as to costs.

(4) A copy of the Order of the Council or the Committee may be sent to the State Council.

(5) The State Council concerned shall cause such fresh election to be held as may be ordered under sub rule (3) of this rule.

(6) The parties shall be entitled to obtain copies of the Order or the decision of the Council or of the Committee as the case may be, on payment of the charges, if any, prescribed therefor under the rules of the Council. The Chairman of the Council or the President of the Committee, as the case may be, may also permit copies of any other part of the record of the enquiry to be furnished on payment of such charges as may be prescribed during the pendency of the election petition.

#### **B. Expiry of term of office of Chairman, Vice-Chairman and Members of Committees of the Council**

11. A member of the Council elected as Chairman or Vice-Chairman or Member of any Committee of the Council, shall cease to hold office as such Chairman, Vice-Chairman or Member of Committee on the expiry of his term as a Member of the Bar Council of India.<sup>1</sup>

Rule 11-A. No member shall have the right to resign from the membership of the Bar Council of India on grounds which are not considered genuine or for the purpose of sharing the terms fixed by the Statute.<sup>2</sup>

#### **C. Election of Chairman and Vice-Chairman**

12. (1) (a) The election of the Chairman and Vice-Chairman shall be held at a meeting of the Council.

(b) At every such meeting for the election of the Chairman, the Vice-Chairman, if he is not a candidate, shall preside. In the absence of the Vice-Chairman, a member of the Council who is not a candidate, elected by the members present, shall preside.

(c) In the case of the election of the Vice-Chairman, the Chairman, or in his absence the Vice-Chairman, if he is not a candidate shall preside.

In the absence of the Chairman and the Vice-Chairman, any member of the Council who is not a candidate, elected by the members present, shall preside.

(d) (i) The name of the candidate for the election shall be proposed by one member and seconded by another member at the meeting.

(ii) No member shall propose or second more than one name.

(iii) If only one member has been duly nominated, he shall be declared elected.

(iv) Any candidate nominated may withdraw before voting takes place.

- (e) If the number of candidates duly nominated is more than one, there shall be an election by secret ballot.
- (f) The Secretary shall provide voting papers with the names of the candidates. Each voting paper shall bear the signature of the Secretary.
- (g) A voter in giving his vote shall place on his voting paper a mark 'X' against the name of the candidate of his choice.

The voting paper shall not be signed by the voter and in the event of any erasures, obliterations or alterations in the voting paper, or of the voting paper purporting to have been signed by the voter, the voting paper shall be deemed to have been defaced and the vote purporting to have been given thereby shall not be taken into account for the purposes of the election. The decision of the Chairman of the meeting whether the voting paper has or has not been defaced shall be final.

A Voting Paper shall be invalid on which

- (i) the mark 'X' is not made, or
- (ii) the mark 'X' is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply, or
- (iii) the mark 'X' and any other mark or figures are set opposite the name of the same candidate, or
- (iv) there is any mark in writing by which the voter can be identified.
- (v) The Secretary shall count the valid votes immediately after the close of the voting.

The member securing the largest number of votes shall be declared elected. In the case of two or more members securing an equal number of votes, the Chairman of the meeting shall decide the election by drawing lots.

(2) The Chairman or the Vice-Chairman shall hold office for a period of two years, or until his term of office as Member of the Bar Council of India ceases whichever is earlier<sup>1</sup>.

(3) The Chairman or the Vice-Chairman may resign his office by letter addressed to the Secretary of the Council. Such resignation shall take effect from the date of the acceptance thereof by the Council or from such other date as the Council may fix.

Provided in the eventuality of mid-term poll of the office of the Chairman or Vice-Chairman, the term shall be of the residuary term.<sup>2</sup>

13. If the Chairman or the Vice-Chairman ceases to be a member of the Council for any reason, the vacancy shall be filled up by election as far as possible at the next meeting of the Council.

14. The result of the election of the Chairman or the Vice-Chairman shall be sent forthwith to the Gazette of India for publication.

#### **D. Powers and duties of the Chairman and Vice-Chairman**

15. Save as otherwise provided in these rules, and subject to the resolutions of the Council, the Chairman shall exercise general control and supervision over the affairs of the Council.

16. He shall preside over the deliberations of the Council and of all committees of which he is a member.

17. Save as otherwise decided at a meeting of the Council or the Committee, as the case may be, he shall cause the meetings of the Council or the Committee convened at such time as he may fix. He shall also settle the items for agenda for the meetings of the Council.
  18. He shall have power to pass interim orders in revisional and other matters arising out of the supervisory jurisdiction of the Council.
  19. He shall have power to punish any employee of the Council by way of censure or reprimand and may initiate proceedings for suspension, removal or dismissal.
  20. He shall be the authority to sanction the disbursement of salaries of the staff and to order payment of any bill outstanding against the Council.
  21. The Vice-Chairman shall exercise all the powers and discharge all the functions of the Chairman in his absence and under his direction
  22. On a motion of "No confidence" being passed by Bar Council of India by a resolution passed by majority of not less than 3/4th of the members present and voting and such majority passing "No confidence motion" is more than 2/3rd of the total number of members constituting the Bar Council for the time being, the Chairman or Vice-Chairman or any other office bearer against whom the motion is passed shall cease to hold office forthwith.
- Notwithstanding anything contained in the Act or the Rules made thereon, the Chairman or Vice-Chairman shall not preside over the meeting in which motion of "No confidence" is discussed against him and such meeting shall be convened on a notice of atleast one month. The chairman or the Vice-Chairman shall have the right to vote, speak or take part in the proceeding of the meeting.

## **CHAPTER-II**

### **Meetings of Council and its Committees other than those of the Disciplinary Committees**

*(Rules under Section 15(2) (h) and (j) of the Act)*

1. Notice of every meeting of the Council and the Committees shall ordinarily be sent by the Secretary not less than 15 days before the date of the meeting, except when the Chairman or any two members require a meeting to be called on short notice on grounds of urgency. No proceedings shall be invalidated merely on the ground that the rule relating to notice is not strictly complied with.
2. Notice of the meeting shall specify the time and place of the meeting and shall contain the agenda fixed for the meeting.
3. No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten days' notice to the Secretary, unless the Chairman, in his discretion, permits him to do so.
4. The minutes of the previous meeting shall ordinarily be read and recorded at the subsequent meeting.
5. The quorum for the meeting of the Council shall be seven and for all other Committees except the Executive Committee and the Legal Education Committee, the quorum shall be two. The quorum for the Executive Committee and the Legal Education Committee shall be four.
6. If urgent action by the Council or by any Committee of the Council other than a Disciplinary Committee becomes necessary, the Chairman of the Council or of such

Committee as the case may be may permit the business to be transacted by circulation of papers to the members of the Council or the Committee as the case may be. The action proposed to be taken shall not be taken unless agreed to by a majority of the members of the Council or the Committee as the case may be. The action so taken shall be forthwith intimated to all the members of the Council or the Committee concerned. The papers shall be placed before the next meeting of the Council or the Committee concerned for confirmation.

7. The Council or any Committee may adjourn from day to day or any particular day, without further notice.

8. A member shall address the chair when speaking at a meeting of the Council and he shall be entitled to speak only once on each subject, unless otherwise required or permitted by the Chairman to do so.

9. Save as otherwise provided in these rules, the decision on any matter shall be by majority and in the case of equality of votes, the Chairman of the meeting shall have a second or casting vote.

10. No matter once decided shall be reconsidered for a period of three months unless the Council by a two-third majority of the members present so permits.

11. Any Committee may refer for advice any matter to the Council.

12. In the absence of the Chairman and the Vice-Chairman at any meeting, a member chosen by members present shall preside at the meeting.

### **CHAPTER-III**

#### **Constitution, functions and procedure of Committees of the Bar Council of India**

*(Rules under Sections 9, 9A, 10 and 15 (2) (i) and (j) of the Act)*

1. The Council may appoint from amongst its members, one or more Committees as it may deem necessary, in addition to those specified in the Act and delegate such powers, duties, and functions to such Committees as it deems fit.

2. Any casual vacancy in the above Committees shall be filled up by the Council.

3. Save where the Chairman or the Vice-Chairman is a member of the Committee or the Sub-Committee, the Committee or the Sub-Committee shall choose its Chairman for the meeting, unless at the time of the constitution thereof the name of the Chairman has been specified.

4. Unless otherwise determined at the time of election, the term of the members of the Committees of the Council shall be as follows :-

- |   |           |
|---|-----------|
| (a) Executive Committee                                     | —2 years  |
| (b) Disciplinary Committee                                  | — 3 years |
| (c) Legal Education Committee                               | — 4 years |
| (d) Legal Aid Committee                                     | — 2 years |
| (e) Advocates Fund Committee                                | — 2 years |
| (f) Any other Committee not falling under the above clauses | — 2 years |

## **The Executive Committee**

5. (1) The procedure for the election of the Members of the Executive Committee shall be by secret ballot and in accordance with the rules in so far as they are applicable, laid down in Rule 12, Chapter I Part II.

(2) A casual vacancy in the Committee shall be filled up by election by the Council.

(3) The Committee shall elect its own Chairman and Vice-Chairman. The Chairman shall preside over the deliberations of the Committee and in his absence the Vice-Chairman shall preside.

(4) The Committee shall be the executive authority of the Council and shall be responsible for giving effect to the resolutions of the Council. It shall have powers :-

- (a) to manage the funds of the Council;
- (b) invest the funds of the Council in the manner directed by the Council from time to time;
- (c) to grant leave to members of the staff, other than casual leave;
- (d) to prescribe books of account, registers and files for the proper management of the affairs of the Council;
- (e) to appoint and supervise the work of the members of the staff and prescribe their conditions of service;
- (f) to appoint auditors and fix their remuneration;
- (g) to consider the annual audit report and place it before the Council with its comments for its consideration;
- (h) to maintain a library and under the directions of the Council publish any journal, treatise or pamphlets on legal subjects;
- (i) to prepare and place before the Council the annual administration report and the statement of account;
- (j) to provide for proper annual inspection of the office and its registers;
- (k) to authorise the Secretary to incur expenditure within prescribed limits;
- (l) to fix travelling and other allowances to members of the Committees of the Council, and to members of the staff;
- (m) to delegate to the Chairman and/or the Vice-Chairman any of its aforementioned powers;
- (n) to do all other things necessary for discharging the aforesaid functions.

## **The Legal Education Committee**

6. (1) The procedure for the election of the Members of the Legal Education Committee shall be by secret ballot, and in accordance with the rules, in so far as they are applicable, laid down in Rule 12, Chapter I, Part II.

(2) The names of the remaining five members of the Committee to be co-opted shall be proposed and seconded by the members of the Council. In case more than five persons are proposed they shall be chosen by a show of hands. If there is equality of votes, the Chairman of the meeting shall have a casting vote.

7. A casual vacancy in the Committee shall be filled in by the Council from amongst its members or non-members as the case may be, in the manner specified in Rule 6 above.

8. The Committee shall have the following powers and duties:

- (a) to make its recommendations to the Council for laying down the standards of legal education for the Universities;
- (b) to visit and inspect Universities and report the results to the Council;
- (c) to recommend to the Council the conditions, if any, subject to which foreign qualification in law obtained by persons other than citizens of India may be recognised for admission as Advocates under the Act;
- (d) (i) to recommend to the Council for recognition of any degree in law of any University in the territory of India under Section 24 (1) (c) (iii) of the Act, and  
(ii) to recommend the discontinuance of any recognition already made by the Council.

### **The Disciplinary Committee**

9. (1) The procedure for the election or co-option of the members of the Disciplinary Committee shall be by secret ballot and in accordance with the rules, in so far as they are applicable, as laid down in Rule 12.

Chapter I, Part II.

(2) Any casual vacancy shall be filled in by Council by election or co-option from amongst its members or non-members as the case may be.

(3) The Chairman or the Vice-Chairman of the Executive Committee shall assign and allocate all matters relating to the Disciplinary Committees amongst them if more than one such Committee is constituted or is in existence.

(4) In case of the absence of a Bar Council of India's member during the sitting of the Disciplinary Committee of the Bar Council of India, the remaining two members of the said Committee may request any available Bar Council of India member to fill the vacancy caused by such absence and in case of the absence of a co-opted member of a Disciplinary Committee of the Bar Council of India, the other two members may make similar request to any other available co-opted member of a Disciplinary Committee of the Bar Council of India and the Committee so constituted shall be deemed to be a Committee constituted under this rule for the purpose of that meeting and shall have all the powers of a Disciplinary Committee of the Bar Council of India.

10. For the purpose of determining the senior most member of a Disciplinary Committee under Section 9 of the Advocates Act, 1961, the seniority :

- (i) of a Senior Advocate, and
- (ii) of an Advocate of the Supreme Court enrolled before 1-12-1961, shall be determined in accordance with the date of his enrolment under the Bar Councils Act, 1926.

11. **Election of Representatives** : The Procedure for electing its representative to the Press Council of India under the Press Council Act, 1965, or for electing any other representative or representatives by or from amongst its members to any other statutory body by virtue of any special power conferred under any other enactment or for any other election by the Council provided that any member so requires, shall be in accordance

with the same procedure and shall in so far as it may be applicable, be as laid down in Rule 12, Chapter I, Part II.

#### CHAPTER-IV

#### **Qualifications and conditions of Service of the Secretary, Accountant and other members of the staff.**

(Rules under Section 15(2) (k) of the Act)

##### BAR COUNCIL OF INDIA EMPLOYEES SERVICE RULES 1997

1. These Rules shall be called “Bar Council of India Employees Service Rules, 1997”.
2. These Rules shall come into force from the date to be specified by the Executive Committee.
3. Under the Rules, the appointing authority shall mean Executive Committee of the Bar Council of India except in the case of Secretary as provided in Chapter III, Rule 5(4) (e) of the Bar Council of India Rules.
4. The qualifications and conditions of service of the Secretary, Accountant and other members of staff are those as specified in Schedule I to these Rules.
5. Recruitment shall be by direct appointment/promotion of the employees in the Bar Council of India as provided in the first schedule to these Rules.
6. That for the purpose of direct recruitment, vacancies shall be advertised in atleast one daily newspaper.
7. That recruitment/promotion to the post shall only be made in the case of vacancy.
8. That for recruitment/promotion a person must possess qualifications as provided in Schedule I to these Rules.
9. In case it is not possible to find eligible person for promotional post it may be filled by direct recruitment but the person must possess eligibility criteria as prescribed under Schedule I.
10. That for the recruitment to the service of the Bar Council of India the incumbent’s minimum age shall not be less than 21 years and not more than 35 years on the date of appointment except for the posts of Secretary and Accountant.
11. The Secretary, the Accountant and other members of the staff shall retire on attaining the age of 60 years provided that in case the Executive Committee so recommends and the Council approves, they may be given extension for a period not exceeding two years.

An Employee of the Council shall retire on the forenoon of the last day of the month in which he attains the prescribed age of superannuation.

However, an employee whose date of birth is the first of a month, shall retire on the afternoon of the last day of the preceeding month

12. (i) That promotion shall be made on the basis of seniority-cum-merit upto grades of Assistants.

- (ii) For the post of Office Superintendent, other equivalent posts and the other posts in Schedule, the consideration shall be made on the basis of merit-cum-seniority.
13. That it shall be necessary to maintain annual confidential records of all employees of the Bar Council of India. The annual confidential records of the Secretary shall be maintained by the Chairman and records of all other employees shall be maintained by the Secretary who shall place it with his remarks before the Chairman of the Bar Council of India annually and if a person is aggrieved by any adverse communication of remark, he can file an appeal before the Executive Committee of the Bar Council of India.
  14. That the post of Chowkidar/Peon/Gardener and Guest Room Attendant shall be inter-changeable regardless of their appointment.
  15. The pay scale and allowances of the employees and other conditions of the service shall be as determined by the Executive Committee and approved by the Bar Council of India.
  16. (i) The pay scales of the Secretary and members of staff are those as specified in Schedule II to these Rules.  
(ii) The Secretary and other permanent members of the staff shall be entitled to dearness allowance, house rent allowance and City Compensatory allowance at the rate as may be determined from time to time by the Executive Committee and approved by the Bar Council of India.
  17. All the permanent employees of the Council shall be entitled to the benefit of provident fund and gratuity in accordance with the rules framed by the Executive Committee and approved by the Bar Council of India.
  18. That strength of posts in the Bar Council of India shall be as specified in the Second Schedule to the Rules.
  19. The posts re-designated shall cease to exist. The post not mentioned in Schedule II shall also cease to exist as soon as the employees holding the post demits the office.
  20. (1) That an employee of the Bar Council of India may be placed under suspension if any departmental enquiry is pending or is contemplated against him/her or he/she is involved in any criminal case involving moral turpitude during the course of enquiry for trial.  
(2) An employee shall be entitled for substantive allowance of 50% of his basic pay and allowance during the period of suspension and it shall be for the disciplinary authority to pass order on conclusion of enquiry or trial whether an employee is entitled for payment of full salary for the period he has remained under suspension.  
(3) The authority which made the order of suspension shall be competent to increase the amount of subsistence allowance by a suitable amount not exceeding 50% of the subsistence allowance admissible during the period if the period of suspension has been prolonged due to the reasons to be recorded in writing not directly attributable to the Council employees.

- (4) The amount of subsistence allowance may be reduced by suitable amount not exceeding 50% of the subsistence allowance if the period of suspension has been prolonged due to the reasons to be recorded in writing, directly attributable to the Council employee.

#### SCHEDULE-I

Sr. No.	Name of Post	Method of recruitment	Qualification/Eligibility criteria
1.	Secretary	Direct	<p>(a) be a citizen of India</p> <p>(b) be a law graduate or barrister-at-law</p> <p>(c) have been either —</p> <p>(i) Registrar of the Supreme Court or a High Court in India, or</p> <p>(ii) an advocate with 15 years practice at the Bar, or</p> <p>(iii) Secretary of a Bar Council for at least 10 years, or</p> <p>(iv) District Judge having five years' experience as District Judge<sup>1</sup>, or</p> <p>(v) Principal of a recognised Law College having experience as a Principal for five years' and seven years' standing at the Bar<sup>2</sup>, or</p> <p>(vi) Professor or Reader of Law in a University recognised by the Council with 10 years standing and having seven years experience at the Bar<sup>3</sup>, or</p> <p>(vii) Law Graduate with three years experience as Assistant Secretary of the Bar Council of India<sup>4</sup></p> <p>(d) be ordinarily not less than 40 years and not more than 50 years of age at the time of appointment<sup>5</sup>.          PROVIDED that if at any time the Council considers that a person having the necessary qualifications is not available, it may relax any of the qualifications mentioned in sub-</p>

			rules (c) and (d) of this rule.
2.	Asstt. Secretary	By promotion	(i) Office Superintendent (ii) Asstt. Registrar and Accountant with minimum of five years experience in the post.
3.	Asstt. Secretary-Cum-Accounts Officer	By promotion	C.A. plus B.Com. with five years as Accountant.
4.	Office Supdt.	By promotion	From Assistant Gr. III with six years experience.
5.	Asstt. Registrar	By promotion	From Assistant Grade III with six years experience.
6.	Accountant	Direct	(a) M.Com. of any recognised University in India or its equivalent or a Chartered Accountant (b) experience as Accountant preferably in limited company or reputed commercial concern for not less than 5 years, (c) ordinarily not less than 30 years of age at the time of appointment. Provided, however, that any of the above qualifications may be waived in the case of a person who had been already in the service of the Council as Deputy or Asstt. Accountant or otherwise and is considered for such appointment as Accountant or if a suitable candidate possessing the above qualifications is not available and the Council considers it fit to appoint him.
7.	Assistant Gr. III	By promotion	(i) From amongst the Assistant Gr. II with 5 years experience, or (ii) From amongst the Assistant Gr. I with 7 years experience possessing a graduate Degree of a recognised University.
8.	Assistant Gr. II	By promotion	(i) From amongst the Assistant Gr. I with 5 years experience in the case of promotion.
	Assistant Gr. II	Direct	(ii) A graduate from a recognised University for direct recruitment.
9.	Assistant Gr. I	Direct	(i) Graduate Degree from a

	1/4th by promotion	recognised University for direct recruitment.
		(ii) From amongst Peon/Chowkidar and other equivalent post with 10 + 2 from a recognised Board with pass in the test.
10.	Peon/Chowkidar/Gardner Direct	10th Pass

- Notes :
- (a) For posts 2 to 10 if no suitable person is found available for promotion than as per Rule 9, the post be filled by direct recruitment.
  - (b) The Executive Committee may from time to time amend the 1st Schedule by increasing or decreasing the number of post.
  - (c) Interse seniority between the employees of the Bar Council of India and the Bar Council of India Truss is irrelevant.
- Sl.No. 7* — Steno. To specify qualifying speed in short hand and typing.  
*Sl. No. 8 & 9* — Assistant Gr. I and II — Extra qualification— typing-to specify speed.  
*Sl. No. 9* — Assistant Gr. I (a) Gestetner Operator – To specify minimum qualification.  
(b) Electrician —To specify minimum qualification besides Diploma.

- Secretary :* The Secretary shall be the Chief Executive Officer of the Council and shall perform inter alia the following duties :
- (i) Attend all meetings of the Council or of the Committees unless otherwise directed ;
  - (ii) keep records and minutes of the proceedings of the Council and of its Committees;
  - (iii) keep in his custody the property of the Council including the seal of the Council ;
  - (iv) exercise general control and supervision over the employees of the Council ;
  - (v) arrange for the deposit of the monies received on behalf of the Council in Bank and see to the security of the cash in hand;
  - (vi) act as Secretary of all Committees, and convene meetings of the Council or its Committees, unless otherwise decided by the Council;
  - (vii) appoint such temporary staff as may be necessary with the permission of the Chairman to transact urgent work;
  - (viii) issue requisite notifications as prescribed and circulars as may be required;
  - (ix) attend to the correspondence of the Council and of the Committees;
  - (x) act as Registrar of Disciplinary Committees, issue notices and subpoenas and be incharge of all work in proceedings under Chapter V of the Act including the grant of certified copies of documents and evidence or statements of witnesses;

- (xi) grand certified copies of documents or other proceedings referred to in the Act in these rules ;
- (xii) shall be the custodian of the records, registers, accounts, furniture, library and such other property as the Council might acquire from time to time;
- (xiii) perform such other duties as may be assigned to him by the Council or the Committees, or the Chairman.

*Accountant* The Accountant shall be responsible for the maintenance of all the accounts of the Council and he may all be required by the Council or Secretary to discharge such additional work of the Council as may be entrusted to him.

#### **SCHEDULE II (REVISED).**

Sr. No.	Post	No. of post	Pay scale in Rupees
1.	Secretary	1	4500-150-5100-150-6300-200-6700
2.	Asstt. Secretary	2	3000-100-3500-125-4500-EB-150-5100
3.	Asstt. Secretary-cum-Accounts Officer	1	3000-100-3500-125-4500-EB-150-5100
4.	Asstt. Registrar (DC)	1	2000-60-2600-EB-75-2900-100-3500-EB-125-4000
5.	Office Supdt.	1	2000-60-2600-EB-75-2900-100-3500-EB-125-4000
6.	Accountant	1	2000-60-2600-EB-75-2900-100-3500-EB-125-4000
7.	Assistant (Gr. III) (including One Steno One Asstt. Accountant)	5	1640-60-2600 EB-75-2900EB100-3200
8.	Assistant (Gr. II) (including one typist)	2	1220-30-1400-50-1650-EB-50-2200
9.	Assistant (Gr. I) (including three Clerks One Gestetner Opr. and one Electrician-cum-Assistant)	5	950-20-1150-EB-25-1400-EB-50-1800
10.	Peon/Watchman/Gardner	8	800-15-1010-EB-25-1400-EB-50-1600 (Posts are interchangeable for duty purposes)
11.	Sweeper	1	800-15-1010-EB-25-1400-EB-50-1600

## **CHAPTER-V**

### **Rules relating to Finance**

*(Rules under Section 15 (2) (l), (m) and (n) of the Act)*

1. All monies received on behalf of the Council shall be acknowledge by a receipt signed by the Secretary or any other person authorised by the Executive Committee. Amounts received shall be credited into the account of the Council in the Bank on the nest working day of the Bank.
2. The books of the account and registers shall be strongly bound and paged. On the 1st or title page, the number of pages of the book or the register shall be entered and the entry shall be signed by the Secretary. Corrections in the entries shall be made in red ink and attested by the Accountant. Erasures shall on no account be permitted.
3. Receipt forms shall be numbered consecutively and bound into books of 50 or 100 forms each. On the front page of each book shall be entered the first and the last number of the receipts in that book be so certified by the Secretary. Receipts shall be in triplicate. The third part shall remain in the book and the second part shall be kept for the record. And the 1st part shall be given to the payee. All receipts shall be signed by the Secretary or by such person as the Council may direct.
4. Payments of Rs. 50/- and over shall ordinarily be by cheque.
5. Bills presented for payment shall be examined by the Accountant and on his being satisfied that the claim is admissible, and the payment is duly authorised by the Secretary, the Accountant shall pay the amount against a receipt. The entry in the account book shall show if the payment is made by cash or by cheque. The bill and the relevant receipt shall be pasted together and shall be numbered consecutively in the year as payment voucher and shall be pasted in the bound book.
6. Salary bills shall be in such form as the Executive Committee may direct.
7. A bill presented for payment three months after the money becomes due shall not be paid without the sanction of the Executive Committee.
8. The Executive Committee may fix the amount of a permanent advance to be made to the Secretary and the Accountant as the case may be.
9. The Accountant shall maintain an acquittance register in the following from/or in such other form as the auditor may direct :

Name	Designation	Pay	Dearness Allowance etc.	Total Salary (add. Cols. 3 and 4)	Contri- bution towards provident fund	Net Salary payable (Col.5 minus 6)
1	2	3	4	5	6	7
Instalment amount towards provident fund loan taken		Amount of interest payable on the principal loan amount outstanding			Total	Signature with date
8		9			10	11

10. All monies received and spent shall be immediately brought into account in the cash book and ledger. The cash book shall be balanced at the close of every month and signed by the Secretary and the Accountant.

10 A. The Bar Council of India shall have power to borrow money from any Bank or other financial institution or others for the purposes of acquiring or construction of any property or building on a specific authorisation of the Bar Council of India<sup>1</sup>.

10 B. That for the purpose of borrowing, the Bar Council of India may authorise any officer or office bearer to sign necessary documents<sup>1</sup>.

10 C. The Bar Council of India shall have power to mortgage property belonging to the Council for the purpose of taking loans from Banks and other Financial Institutions<sup>2</sup>.

11. (1) (i) The chairman (ii) the Vice-Chairman or (iii) any other person authorised by the Council, shall be entitled to incur expenditure sanctioned in the budget without any further authority.

(2) The Chairman and/or the Vice-Chairman or any other person authorised by the Council, shall have authority to spend or incur expenditure of an emergent nature not provided for in the budget not exceeding Rs. 2000/- a month for the purpose of the Council.

12. The Chairman and/or the Vice-Chairman shall be the authority to sanction travelling allowance and daily allowance bills of the members.

13. The accounts of the Council shall be audited once a year.

14. The annual statement of income and expenditure of the year so audited shall be laid before the Executive Committee not later than the 31st July each year.

15. The funds of the Council may be invested as follows :-

- (i) in the State Bank of India or such other nationalised bank as the Council may decide ;
- (ii) in any of the securities specified in Section 20 of the Indian Trusts Act, 1882, as the Council may decide;
- (iii) in Fixed Deposits with Government Companies as defined in the Companies Act, 1956.<sup>1</sup>

16. Budget estimates of Income and Expenditure for the coming year shall be made by Executive Committee and laid before the Council for approval before the 31st March every year.

17. (1) All cheques other than those mentioned in sub-rule (2) shall be signed or endorsed and all bills, notes or other negotiable instruments shall be drawn, accepted or made on behalf of the Council by two persons. viz., (i) by the Chairman or the Vice-Chairman of the Council and in their absence by such other members as may be authorised by the Council in that behalf, and (ii) the Secretary, and in his absence the Joint or Assistant Secretary, if any, authorised by the Council.

(2) Notwithstanding anything contained in Rule 11, Chapter V Part II of the Council, the Council may by resolution open a separate Savings Bank Account in any Bank specified by it or in a Post Office to be operated by the Secretary of the Council.

18. All monies and securities belonging to the Council shall stand in the name of the Council.

19. The Council shall open a Provident Fund account in a Bank authorised by the Council in accordance with the Provident Fund Rules.

## CHAPTER-VI

### **A. Miscellaneous : Publication of rules and other information and date of coming into force of the rules**

#### **(Rules u/s 7(m) and 49(j) of the Act)**

1. Unless the Council otherwise directs, all rules of the Council shall come into force on the date of their publication in the Gazette of India.

2. Information, inter alia, on the following matters shall, unless the Council determines otherwise, be communicated to all the State

Councils :-

- (i) Election of Chairman, Vice-Chairman,
- (ii) Order of the Council under proviso to Section 26 (1) of the Act, removal of name under Section 26A of the Act and orders on matters dealt with under Section 48A and 48B of the Act as are approved by the Council for communication.
- (iii) Consent expressed under Section 27 of the Act to the enrolment of a person whose application on a former occasion had been refused by a State Council.
- (iv) Decisions of the Council relating to recognition of degrees referred to in Section 24 (1) (c) (iii) (iiia) or (iv) of the Act.
- (v) Decision of the Council or its Committees on election disputes under rules 10 of the rules in Chapter I, Part II of these rules.

3. Subject to such directions, specific or general as may be given by the Council, the Secretary shall send to all the State Bar Councils copies of all final orders of the Disciplinary Committees of the Bar Council of India made under Sections 36, 36B and 37 of the Act.

4. Subject to such directions, specific or general, as may be given by the Council, the Secretary of the Council may furnish certified copies of the orders mentioned in Rule 3 on payment of the charge of Re.1 after deleting the name of the advocate against whom the enquiry is made for publication in any legal journal or to any Bar Association as may apply therefor.

Provided that copies of the orders mentioned in this rule shall not be issued (a) where an appeal has been filed in the Supreme Court, before the disposal of the appeal, and (b) where no such appeal has been preferred to the Supreme Court, before the expiry of the period of limitation for filing the appeal.

5. Whenever any disciplinary action is taken or confirmed by the Disciplinary Committee or the Council as the case may be against an advocate, information thereof shall be communicated by reference to the name and number of the roll of the advocates and the date of the enrolment to the following :-

All the State Bar Councils, through the State Bar Council where the advocate was practising, the High Court, the District Courts, and such Bar Association as the said State Bar Council may deem fit.

### **B. Inspection of Records and Copies**

6. (1) Save as otherwise directed by the Chairman or the Vice-Chairman of the Council or the Chairman of the Committee concerned as the case may be, inspection of any of the records in any proceedings of a judicial nature of the Council or of its Committees other than those of a Disciplinary Committee may be permitted to the parties or their counsel, on any working day except during the summer or other vacations of the Supreme Court on presentation to the Secretary of an application duly signed by the applicant or his counsel.

(2) An application for inspection shall be accompanied by the fees prescribed therefor in cash. The Secretary may permit the inspection in his presence or in the presence of any member of the staff authorised by him. The person inspecting shall not be entitled to make copies of the records of which inspection is permitted. He shall however be permitted to make short notes in pencil.

(3) Save as otherwise directed by the Chairman or Vice-Chairman of the Council or the Chairman of the Committee concerned as the case may be, certified copies of the records of a proceedings of a judicial nature of the Council or of its Committees as the case may be, may be granted to the parties or to their counsel on an application made in that behalf and on payment in cash of the prescribed fees.

#### **CHAPTER-VII**

##### **Proceedings for removal of name from roll under proviso to Section 26 (1) of the Act**

1. Whenever a State Council, or any Committee duly authorised by the State Council has credible information from any source whatever that an advocate on the roll of the State Council has obtained his enrolment under circumstances which, if established, will render his name liable to be removed by the Council under the proviso to Section 26 (1) of the Act, it shall be the duty of the State Council or the said Committee to enquire into the matter and report its findings to the Council.

In holding such enquiry the Council or the Committee shall hear the advocate concerned and otherwise follow the principles of natural justice.

2. In disposing of any proceedings under the said proviso, whether instituted on a report under Rule 1 or otherwise, the Council may, if it considers it just and expedient, cause an enquiry into disputed questions of fact to be made by any State Council or Committee thereof or any other Committee consisting of one or more persons as it may deem fit. The State Council or the Committee, as the case may be, shall follow the procedure mentioned in Rule 1.

#### **CHAPTER-VIII**

##### **Additional qualification for enrolment as advocates**

Any person who has held office as a Judge of any High Court in India may on retirement be admitted as an advocate on the roll of any State Council where he is eligible to practise.

#### **CHAPTER-IX**

##### **Revision under Section 48 A of the Act**

1. (1) An application for revision shall be in the form of a petition duly signed setting out the necessary facts, and shall be accompanied by the copy of the order in respect of which the revision is filed, giving the address of the petitioner and the respondent or

respondents. It shall be supported by affidavit and shall be accompanied by the prescribed fee which is payable in cash or could be sent by M.O. The applicant shall file at least 5 more copies of the petition and affidavit, and if there is more than one respondent as many additional copies as are necessary to serve the other respondents.

He shall file translations in English of such of the papers as may be necessary for reference at the time of hearing.

(2) No application for revision shall ordinarily be entertained after 90 days from the date of the order complained of.

2. (1) If the revision petition is in order, the papers shall be called for and the Council, or a Committee of the Council constituted or authorised in this behalf, may direct notice to the respondent. The papers shall not however be called for unless so directed by the Council for revision petition against an order of the Disciplinary Committee.

(2) If the Council or the Committee considers that there are no merits in the revision petition, opportunity shall be given to the petitioner to appear before the Council in support of the petition.

3. The Council may, after hearing the petitioner, direct notice to the respondent or dismiss the petition, as it may consider fit.

4. Upon notice being issued under the above rules after giving reasonable opportunity of hearing to the parties, the Council may pass such orders on the revision petition as it deems proper.

5. Unless the Council otherwise specially directs, the petitioner and the respondent may appear by advocates, who shall file a vakalatnama signed by the party.

6. A copy of the order on the revision shall be sent to the parties.

## **FORM-A**

### **Subject to necessary modifications**

*(Under Rule 3, Chapter IX, Part II of the Rules of the Bar Council of India).*

For Revision under Section 48A

### **BAR COUNCIL OF INDIA**

*Notice under Section 48A of the Advocates Act, 1961, read with the rules in Chapter IX, Part II of the Rules of the Bar Council of India.*

BCI REVISION CASE NO. .... /19.....

In the matter of .....

.....Petitioner

.....Respondent

WHEREAS on the application above referred to/suo motu/the Bar Council of India having come to the conclusion that in exercise of the powers conferred upon it under Section 48A of the Advocates Act, 1961, it should satisfy itself as to the legality or

propriety of such disposal/of the Bar Council or/of the committee of the Bar Council of/dated ..... (set out the necessary gist of the order).

The respondent is hereby informed that the said application will be heard by the Bar Council of India on ..... at (time) ..... at (place) ..... and if the respondent does not appear in person or through his advocate on the said date or on such other date to which the hearing may be adjourned, the matter will be heard and disposed of in his absence.

Secretary  
Bar Council of India

Date.....

## **CHAPTER-X**

### **Application for review under Section 48 AA of the Act**

1. (1) An application for review made under Section 48AA of the Act shall set out the necessary facts and the grounds for review and be accompanied by an affidavit and the fee prescribed under these rules.
  - (2) A true copy of the order shall be filed along with the application.
  - (3) If the application for review received is in order, the Council may direct the issue of notice to the petitioner and such other person as it may consider necessary.
  - (4) A copy of the order on the review application shall be sent free of charge to the petitioner and the other party if any.
  - (5) Save as otherwise directed, the parties to whom notice has been issued may appear in person or by advocate or through authorised agent and if any of the parties fail to appear pursuant to the notice issued on any date of hearing, the Council may dispose of the application in such manner as it may think fit.
2. The procedure prescribed in the above rules in this chapter shall apply to the extent to which they are applicable when the Council acts of its own motion.

## **CHAPTER-XI**

### **Orders of the Bar Council of India**

1. Every decision of the Council under the proviso to Section 26 (1) or under Section 48 A or under any other provisions of the Act shall be signed by the Chairman of the meeting at which the said decision was taken or if so authorised by any other member or the Secretary on behalf of the Council.
2. The Secretary shall send to the party or parties concerned a copy of the order free of charges.

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<sup>1</sup>. Amended vide Resolution No. 83/1997 dt. 10-8-1997.

<sup>2</sup>. Added in Dec. 1998.

<sup>1</sup>. Amended vide Resolution No. 83/1997 dt. 10-8-97.

<sup>2</sup>. Amendment came into effect from 26.7.87

- <sup>2</sup> Rule came into force w.e.f. 17th Oct. 1998. (Resolution No. 92/1998)  
<sup>\*</sup>Sub-Rule amended w.e.f. 18-6-1977  
<sup>\*</sup> Rule 9(4) came into force w.e.f. 2-6-1996 vide Resolution No. 54/1996.  
<sup>\*</sup>Chapter IV in Part-II amended w.e.f. 1-4-1997.
- <sup>(1)</sup> The sub-clause added w.e.f. 25-11-1978  
<sup>(2)</sup> .....do.....  
<sup>(3)</sup> .....do.....
- <sup>(1)</sup> The sub-clause added w.e.f. 25-11-1978  
<sup>(2)</sup> .....do.....
- <sup>1</sup> Rule 10A and 10B came into force from 11th Feb. 1990.  
<sup>2</sup> Rule 10C came into force from 22nd April 1990.  
<sup>1</sup> Sub-clause (iii) of Rule 15 added w.e.f. 23-1-1982.

**PART-III**  
**CERTAIN MATTERS RELATING TO STATE COUNCIL**  
**CHAPTER-I**

**Electoral roll, disqualification of membership and vacation of office**

*(Rules under Sections 3 (4), 10B, 15 (2) (a) and 49 (1) (a) and (ab) of the Act)*

1. Every advocate whose name is on the electoral roll of the State Council shall be entitled to vote at an election.
2. The name of an advocate appearing in the state roll shall not be on the electoral roll, if on information received or obtained by the State Bar Council concerned on the basis of which it is satisfied that-
  - (a) his name has at any time been removed;
  - (b) he has been suspended from practice, provided that his disqualification shall operate only for a period of five years from the date of the expiry of the period of suspension;
  - (c) he is an undischarged insolvent;
  - (d) he has been found guilty of an election offence in regard to an election to the State Council by an election tribunal, provided however, that such disqualification shall not operate beyond the election next following after such finding has been made;
  - (e) he is convicted by a competent court for an offence involving moral turpitude, provided that this disqualification shall cease to have effect after a period of two years has elapsed since his release;
  - (f) he is in full-time service or is in such part-time business or other vocation not permitted in the case of practising advocates by the rules either of the State Council concerned or the Council ;
  - (g) he has intimated voluntary suspension of practice and has not given intimation of resumption of practice ;
  - (h) if he has not paid the subscription under Rule 40 Chapter-II, Part VI of the Rules and obtained receipt from the State Bar Council ;
  - (i) he has incurred any disqualification mentioned in the Act or the rules made thereunder<sup>\*</sup>.

**Explanation:**

If an advocate who has incurred any disqualification as referred to in rule 2 and does not furnish details about it as required in the notice under rule 4 of these rules within the time specified shall be deemed to have committed an act of other misconduct as referred to in Section 35(1) of the Act.

3. Subject to the provisions of rule 2, the name of every advocate entered in the State Roll shall be entered in the electoral roll of the State Council.

4. (1) In preparing the electoral roll, unless the State Bar Council concerned is already maintaining a list of advocates who are entitled to be voters in terms of Rule 2 of these Rules, at least 150 days before the date of election, shall publish notice issued by the Secretary of the State Bar Council concerned in prescribed form in the official gazette and in two or more local newspapers, one English and the other in a local language, as may be decided by the State Bar Council, asking each of the advocates on the roll of the concerned State Bar Council to intimate the State Bar Council within the time to be specified in the said notice or within such extended time as may be given/allowed by the State Bar Council for reasons to be recorded, as to whether he has incurred any disqualification mentioned in Rule 2 of these rules and quote rule 2 of these rules in the said notice.

(2) A preliminary electoral roll containing the names of all advocates whose names are required to be included under these rules shall be put up on the notice board of the State Council within 120 clear days before the expiry of the term of the members of the said State Council necessitating the election (and relevant portion thereof shall be sent to such Bar Associations as the Secretary considers fit).

Provided that the Bar Councils whose term of office already expired or shall expire within 120 days from the date of commencement of these rules shall, as far as possible, publish the electoral roll forthwith and fix the elections for a date after not less than 120 clear days from the date of publication of the electoral rolls.

(3) Before final publication of the electoral Roll, a State Bar Council may, if satisfied, on an application made by any particular advocate giving sufficient reasons, allow his name to be included in the electoral roll in question, and on such inclusion the advocate concerned shall be entitled to take part in the election.

5. The final electoral roll shall be prepared after incorporating such changes as may be necessary including the addition of the names of advocates enrolled after the preparation of the preliminary roll and put up on the notice board of the State Council not more than 75 clear days and not less than 60 clear days before the date of election. (Intimation of such publication shall be given within a week after the publication to the Bar Association aforesaid).

**6. Revision of electoral roll:** If for any reason the election to the State Council is postponed beyond the date of expiry of the term of its members the preliminary or the final electoral roll shall be revised so as to include there in the names of advocates enrolled up to 75 clear days before the date of the election.

**Particulars to be maintained in the electoral roll**

7. The electoral roll of the State Council shall inter alia contain the following particulars :

- (i) serial number,
- (ii) number on the state roll,
- (iii) name of advocates as on the roll; and

(iv) address of the advocate.

**Disqualification for being a candidate in the election**

8. The nomination of any person who at the date of scrutiny thereof is subject to any of the disqualifications referred to in Rule 2 shall be rejected.

**9. Application of these rules :**

These rules shall govern the elections of all State Bar Councils to be held after these rules are enforced, and all State Bar Councils holding the elections of their members shall prepare their electoral rolls in terms of these rules.

10. An elected member of the State Council shall be deemed to have vacated his office-

- (a) if he is suspended from practice, or his name is removed from the roll by an order of a competent authority or for any reason whatsoever he ceases to be an advocate,
- (b) if he is adjudicated as insolvent, or
- (c) if his name is transferred to the roll of another State Council.

11. No election shall be called in question for any non-compliance of the provisions of the Act or of any rules made thereunder unless the results of the election insofar as it concerns a returned candidate or candidates have been materially affected.

**Form of notice under rule 4**

It is hereby notified that for the purpose of preparing final electoral roll in accordance with rules 2 and 3 of chapter I, Part III of the rules framed by the Bar Council of India under Sections 3 (4), 10B, 15(2) (a), 49 (1) (a) and (ab) of the Advocates Act, 1961, for the next election of members to this Council, the particulars as to any of the disqualifications as referred to in clauses (a) to (i) of rule 2 shall be furnished by an advocate who has incurred them to the State Council within the time specified in the notice issued under rule 4. (Herein below to reproduce Rule 2 with Explanation).

DATED THE

SECRETARY

Number on the State Roll :

- 1. Name of the advocate as on the roll:  
(in block letters)
- 2. (a) Address of the advocate  
(as on the State roll)  
(b) Present address :
- 3. (a) Have you incurred any of the disqualifications mentioned in rule 2 of Chapter I, Part III of the rules of the Bar Council of India ?
- 4. Are you a member of any Bar Association?  
(If so, give the name)
- 5. Where do you intend to cast your vote?  
(If you are not a voter entitled to vote by postal ballot)

I. hereby declare and affirm that the foregoing statements are true to my knowledge and I have not concealed anything thereto.

Date

.....  
Signature in full.

Note : These rules have come into effect from 1st January, 1991.

## **CHAPTER-II**

### **Rules to secure at least a minimum number of advocates of 10 years' standing**

*[Rules under Section 3 (2) (b) and proviso, Sections 3 (5) and 49 (1) (ac) of the Act]*

1. (a) These rules shall apply to the election of members of all the State Councils in India.  
(b) In the case of any repugnancy between these rules and any rule or rules of any of the State Councils, these rules shall prevail and rules framed by the State Councils shall be void to the extent of such repugnancy.
2. The elections of members of the State Councils shall be in conformity with the proviso to Section 3 (2) of the Act and these rules.
3. There shall be no limit to the number of candidates on the State rolls for at least 10 years that could be declared elected under these rules.
4. In the case of an election by a State Council for electing all the members specified in Section 3 (2) (b) of the Act, the following procedure shall be adopted in the counting of votes :

#### **Election of candidates with quota :**

- (A) If, at the end of any count, or the end of the transfer of any parcel or sub-parcel of an excluded candidate the value of the voting papers credited to a candidate is equal to or greater than the quota, then, he shall be declared elected.

#### **Provided that**

- (i) No candidate whose name has not been on the State Roll of at least 10 years shall be elected under Section 3 (2) (b) and the proviso thereto of the Act.
  - (a) if 7 candidates of less than 10 years' standing in the case of a State Council where 15 members are to be elected, have been declared elected; or
  - (b) if 10 candidates of less than 10 years' standing in the case of a State Council where 20 members are to be elected, have been declared elected; or
  - (c) If 12 candidates of less than 10 years' standing in the case of a State Council where 25 members are to be elected, have been declared elected.
- (ii) If at the end of any count, there are two or more candidates, who have not been on the State Rolls for at least 10 years, getting more than the quota as aforesaid, but the number of candidates that can yet be elected from such category under the proviso to Section 3 (2) (b) is less than that number, the candidate who has obtained the greater value of votes shall be declared elected in preference to the candidate whose value of votes is less.
- (iii) In the case of two or more persons of the category referred to in proviso (ii) above, getting the same value of votes at the end of any count, the Secretary or other Returning Officer conducting the election shall decide by lot which of such persons shall be declared elected.
- (iv) The other candidate or candidates not declared elected as aforesaid by reason of the proviso to Section 3 (2) (b) of the Act and these rules shall be excluded from the poll as provided in Rule 4 (b) of these rules.

#### **Exclusion of candidates lowest on poll or who have been on rolls for less than 10 years**

- (B) (1) The Secretary or Returning Officer conducting the election shall exclude from the poll-

- (i) when there are two or more candidates who have obtained more than the quota the candidate who cannot be declared elected under proviso (i) to rule 4 (a) of these rules ;
- (ii) the candidates lowest in the poll in the following order, after all the surpluses have been transferred as provided in the rules of the State Council with regard to transfer of surplus and the number of candidates elected is less than the required number and after the exclusion from the poll; if any, under sub-clause (i) of this sub-rule.

First such candidates whose names are on the State Roll for less than 10 years, if the number of such candidates declared elected as provided for in these rules :-

- (a) 7 in the case of a State Council where in all 15 members have to be elected; or
- (b) 10 in the case of a State Council where in all 20 members have to be elected ; or
- (c) 12 in the case of a State Council where in all 25 members have to be elected;

Next the other candidates

*Illustration No 1:* At an election to a State Council where under the Act and these rules, the total number of elected members is 20,300 is arrived at as the quota. At the end of a count, when there is no further surplus to be distributed, M and N are the contesting candidates.

M whose name has not been on the State Rolls for at least 10 years gets 150, and

N whose name has been on the State Rolls for more than 10 years gets 100.

Only 9 candidates whose names have been on State Roll for at least 10 years have already been declared elected. Hence M has to be excluded and the voting papers of M will be thereafter transferred as provided for in these rules.

If in the same case, 10 candidates whose names have been on as State Roll for not less than 10 years had already been declared elected, N will be excluded. The voting papers of N will be transferred as provided in these rules.

*Illustration No. 2 :* At an election to a State Council where under the Act and these rules, the total number of elected members is 15, 300 is arrived at as the quota. At the end of a count, when there is no further surplus to be distributed, M and N are the contesting candidates.

M whose name has not been on the State Rolls for at least 10 years gets 100.

N whose name has been on the State Rolls for more than 10 years gets 100.

Only 7 candidates whose names have been on a State roll for at least 10 years have already been declared elected. Hence M has to be excluded and the voting papers of M will be thereafter transferred as provided in these rules.

If in the same case, 8 candidates whose names have been on a State roll for not less than 10 years had already been declared elected, N will be excluded, The voting papers of N will be transferred as provided for in these rules.

*Illustration No. 3 :* At an election to a State Council where under the Act and these rules the total number of elected members is 25, 300 is arrived at as the quota. At the end of a count, when there is no further surplus to be distributed, M and N are the contesting candidates.

M whose name has not been on the State rolls for at least 10 years gets 150, and

N whose name has been on the State rolls for more than 10 years gets 100.

Only 12 candidates whose names have been on a State roll for at least 10 years have already been declared elected. Hence M has to be excluded and the voting papers of M will be thereafter transferred as provided for in these rules.

If in the same case, 13 candidates whose names have been on a State roll of not less than 10 years had already been declared elected, N will be excluded. The voting papers of N will be transferred as provided for in these rules.

2. (i) The Secretary or other Returning Officer shall distribute the unexhausted papers of the candidates excluded under these rules among the continuing candidates according to the next preference recorded therein and all exhausted papers shall be set apart as finally dealt with.
- (ii) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.
- (iii) The papers containing votes of an excluded candidate shall then be transferred in the order of the transfers in which and at the value at which he obtained them.
- (iv) Each of such transfers shall be deemed to be a separate transfer, but not a separate count.
- (v) If, as a result of the transfer of papers, the value of the votes obtained by a candidate is equal to or greater than the quota, the counting then proceeding shall be completed, but no further papers shall be transferred to him.
- (vi) The process directed by this rule shall be repeated on the successive exclusion one after another of the candidates lowest on the poll until such seat is filled either by the election of a candidate with the quota or as otherwise provided in these rules.
- (vii) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded, and if the values of their original votes are equal, the candidate with smallest value at the earlier count at which these candidates had unequal votes shall be excluded.
- (viii) If two or more candidates are lowest on the poll and each has the same value of votes at all counts, the Returning Officer shall decide by lot which candidate shall be excluded.
- (ix) If during a count, any candidate getting the quota or more has to be excluded by reason of rule 4 (a) above, the transfer of his votes shall be deferred and made immediately after the other candidate having got the above quota in that count are declared, and their votes transferred as provided for in these Rules.

### **Filling last vacancies**

- (C) (1) When at the end of any count the number of continuing candidates is reduced to the number of seats remaining unfilled, the continuing candidate shall be declared elected subject to the following :

If the total number of candidates so far declared elected from amongst the advocates whose names have been on the Sate roll for at least 10 years at the relevant date is less than :-

- (i) 8 in the case of a State Council where 15 members are to be elected, or

- (ii) 10 in the case of a State Council where 20 members are to be elected, or
- (iii) 13 in the case of the State Council where 25 members are to be elected,

then, the requisite number of candidates of such standing shall first be declared elected and only the balance from amongst other candidates shall be declared elected.

(2) When at the end of any count only one seat remains unfilled and the value of the papers of some one candidate exceeds the total value of the papers of all the other continuing candidates together with any surplus not transferred; that candidate shall be declared elected. Such candidate shall not, however, be declared elected if he has been on the State Roll for less than 10 years and if the total number of candidates so far declared elected from amongst advocates on the State Roll for at least 10 years as provided in these rules is less than 8 or 10 or 13 as aforesaid as the case may be.

(3) When at the end of any count only one seat remains unfilled and there are only 2 continuing candidates, and each of them has the same value of votes and no surplus papers can be transferred, the Returning Officer shall decide by lot which of them shall be excluded, and, after excluding him in the manner aforesaid, declare the other candidate to be elected.

Provided that if the total number of candidates who have been on the State Roll for at least 10 years on the relevant date so far elected is less than the required number, then that candidate who will be on that State roll for at least 10 years shall be declared elected and the other candidate shall be excluded.

#### **Filling up vacancies or co-option**

(4) In the case of any election to fill vacancy amongst the members of the State Council, or while co-opting a member, the State Council shall conform to the requirement of Section 3 (2) (b) of the Act, and the principles laid down in these rules.

#### **Particulars regarding seats to be filled**

(5) In the case of every election of members of a State Council, the State Council shall :

- (a) notify the minimum number of seats should be filled up from amongst advocates who, on the relevant date, will be advocates on a State Roll for at least 10 years.
- (b) require every candidate to specify in his nomination paper the date of his enrolment and the period for which his name had been on the roll of one or more High Courts under the Indian Bar Councils Act, 1926, and the roll or rolls of State Councils under the Advocates Act, 1961 with full particular thereof.
- (c) indicate on the voting paper which of the candidates have been on a State Roll for at least 10 years as required.

Provided that this rule shall not be applicable to any election held by any State Council before these rules have come into force.

#### **Computation of period**

(6) For the purpose of computing the minimum period of 10 years provided for in the proviso to Section 3 (2) (b) of the Act, and these rules :-

- (i) the period during which an advocate may have been on the roll of any other State Council or Councils on the roll of any High Court or High Courts under the Indian Bar Councils Act, 1926, shall be taken into account, and

- (ii) the period shall be computed as on the last date notified for receiving the nominations for the election.

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\* Sub-clause (h)(i) of Rule 2 came into force w.e.f. August 1997 vide Resolution No. 10/97.

\* The rule added w.e.f. 2-5-1981.

PART IV

**THE BAR COUNCIL OF INDIA**

**RULES**

**PART IV**

**Standards of Legal Education and Recognition of Degrees in Law**

**for admission as advocates.**

**(Rules under Section 7 (h) & (i), 24(1) (c) (iii) and (iiia),**

**49 (1) (af), (ag) and (d) of the Advocates Act 1961)**

**THE BAR COUNCIL OF INDIA**

**RULES**

**(UNDER THE ADVOCATES ACT 1961)**

**PART - IV**

**Rules on Legal Education have been amended from time to time which were incorporated in the pre-existing regulations. There were demands for a consolidated latest version of the Rules under Part IV on standards of Legal Education and Recognition of Degrees in Law for admission as Advocates from Universities and College teaching Law in Country. In response to the popular demand, the Council is publishing the Rules in its final shape as applicable on 30.11.1998. For convenience, the date of introduction of particular amendment has been indicated separately at the end.**

# **Standards of Legal Education and Recognition of Degrees in Law for admission as advocates.**

**(Rules under Section 7 (h) & (i), 24(1) (c) (iii) and (iiia), 49 (1) (af),**

**(ag) and (d) of the Advocates Act 1961)**

**(AS AMENDED UPTO 30<sup>TH</sup> NOVEMBER 1998)**

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Law Colleges

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**There shall be two streams of law courses leading to LL.B. Degree viz. a five year and a three year law course for the purposes of enrolment as advocates as prescribed under the Rules contained in Section-A and Section-B respectively given hereunder.**

## **SECTION - A**

### **Five - year Law Course After 10 + 2 or 11 + 1**

1. The five year course of law after 10+2 or 11+1 shall comprise two parts viz. Part I which will be a two year core programme of pre-law study and Part II which will be a three years programme for professional training in law.

2. (1) Save as provided in Rule 5 and Section B, Part IV of the rules hereunder, a degree in law obtained from any University in the territory of India shall not be recognised for the purpose of enrolment as advocate under the Advocates Act, 1961 from June 1, 1982 unless the following conditions are fulfilled: -

- a. That at the time of joining the course of instruction in law for a degree in law, the person concerned has passed an examination in 10+2 or 11+1 course of schooling recognised by the educational authority of Central or State Governments or possesses such academic qualifications which are considered equivalent to 10+2 or 11+1 courses by the Bar Council of India.
- a. The law degree has been obtained after undergoing a regular course of study in a duly recognised law college under these rules for a minimum period of five years, out of which the first two years shall be devoted to study of pre-law courses as necessary qualifications for admission to three year course of study in law to be commenced thereafter. The last six months of the three years of the law course shall include a regular course of practical training.
- a. That the course of study in law has been by regular attendance for the requisite number of lectures, tutorials, moot courts and practical training given

by a college affiliated to a University recognised by the Bar Council of India.

3. (1) That the law education as prescribed in Section -A shall be through whole-time

law colleges or University Department.

2. A College or University Department will be deemed to be whole time college for the purpose of sub-Rule 3(1), if the working time of the college or the University Department as the case may be, extends to atleast thirty hours of working per week including contact and correspondence programme, tutorials, home assignments, library, clinical work etc. provided that the actual time for class room lectures is not less than 20 hours per week.

4. The students shall be required to put in a minimum attendance of 66% of the lectures on each of the subjects as also at the moot courts and practical training course.

Provided that in exceptional cases for reasons to be recorded and communicated to the Bar Council of India, the Dean of the Faculty of Law or Principal of law colleges may condone attendance short of those required by this Rule, if the student had attended 66% of the lectures in the aggregate for the semester or annual examination as the case may be.

5. Lateral entry will be permitted to Part II of the five year law course to a candidate who is a graduate of a University, or possesses such academic qualifications which are considered equivalent to a graduate's degree of a University by the Bar Council of India.

6. (1) The Part I examination should be so conducted as to be called a University examination. A student who has passed Part I of the law course shall be eligible for enrolment in the final year of the three year degree course in arts, social science etc., to supplicate for the B.A Degree. A student who has completed three years of the five year course in law is eligible to get a degree from the University on passing such examination conducted by the same University which is equivalent to B.A. (Law) but such degree shall not entitle the student to enrol as an advocate.

(2) Papers listed in Rule 9(1) of the Bar Council of India Rules in Part IV, Section -A for the two year pre-law study under the scheme of five year course may be adopted by the Universities with such modification as to make it possible for the students to enter the B.A. Degree programme after passing Part I with a view to supplicating for B.A. Degree in one year. Modification of the listed papers may be made keeping in view of the requirements of legal education for those who enter Part II of course from other faculties.

7. Individual Universities may frame their own rules of admission to Part II in such manner that post-graduates as well as graduates may be able to get admission.

8. (1) A Law College shall be located at a place where there is atleast a District Court or a Circuit District Court or within such distance thereof as the Bar Council of India permits.

(2) Every Law College to obtain approval of affiliation must have in its teaching staff in its first year a whole time Principal and atleast two other whole time teachers and by the time it opens its third year, it must have two more whole time teachers. This rule will come into force immediately for new colleges while in case of existing law colleges, it will be effective from 1<sup>st</sup> July 1996.

(3) The library of the College or University Department shall remain open for atleast eight hours on every working day.

9. (1) The courses of instruction for the Part I for law degree course shall include the following 6 compulsory subjects:-

1. General English (Graduate Standard) - 2 Papers

(Part I and Part II)

1. Political Science (Part I , Part II and Part III) - 3 Papers

1. Economics - 1 Paper

1. Sociology - 1 Paper

1. History - 1 Paper

1. History of Courts, Legislature and Legal

Profession in India. - 1 Paper

**NOTE**

The Bar Council of India in consultation with experts formulated tentative outline of the courses in the preparatory stage and recommends them to the Universities imparting professional education in law. The suggested course outlines are attached to these rules as appendices A to F.

(2). The course of instruction for Part II of the study in law shall include the following 21 compulsory subjects:-

1. Jurisprudence.
  2. Contract-I(General Principle of Contract-Section 1-75 and Specific Relief)
  3. Contract-II (Indian Contract Act, Indian Partnership Act, Sale of Goods Act and other Specific contracts).
  4. Tort and Consumer Protection Laws.
  5. Family Law-I
  6. Family Law-II
  7. Law of Crimes
  8. Criminal Procedure Code, Juvenile Justice Act and Probation of Offenders Act.
  9. Constitutional Law
  10. Property Law including Transfer of Property Act and Easement Act.
  11. Law of Evidence
12. Civil Procedure Code and Limitation Act.
13. Legal Language/Legal Writing including General English
14. Administrative Law
15. Company Law
16. Human Rights and International Law
17. Arbitration, Conciliation and Alternate Dispute Resolution Systems
18. Environmental Law including laws for the protection of the wild life and other living creatures including animal welfare.
19. Labour Law.
20. Interpretation of Statutes
21. Land Laws including ceiling and any other local laws.

(3) Not less than 3 more subjects which may be chosen from the list hereunder:-

1. International Economic Law.
  2. Bankruptcy Laws
  3. Taxation Laws
  4. Comparative Law/Legal History
  5. Insurance Law
  6. Conflict of Laws
- 
7. Banking law including Negotiable Instruments Act
  8. Investment and Security Law
  9. Trusts, Equity and Fiduciary Relationships
  10. Criminology and Penology

11. Air and space Law
12. Law and Medicine
13. Women and Law and Law Relating to Child/Law, Poverty and Development
14. Intellectual Property Law
15. Maritime Law

(4) Six Months of Practical Training be imparted and Practical Training will include the following Compulsory Papers:

1. Moot Court, Pre-Trial Preparations and Participation in Trial proceedings.
2. Drafting, Pleading and Conveyancing.
3. Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
4. Public Interest Lawyering, Legal Aid and Para Legal Services.
5. The following Practical Training Scheme shall be adopted by the Universities.

#### **PAPER I : MOOTCOURT, PRE-TRIAL PREPARATIONS AND PARTICIPATION IN TRIAL PROCEEDINGS**

This paper will have three components of 30 marks each and a viva for 10 marks.

(a) Moot Court (30 Marks) :

Every student will do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

(b) Observance of Trial in two cases, one Civil and one Criminal (30 marks):

Students will attend two trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

a. Interviewing techniques and Pre-trial preparations (30 marks) :

Each student will observe two interviewing sessions of clients at the Lawyers' Office/Legal Aid Office and record the proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and

court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.

a. The fourth component of this paper will be Viva Voce examination on all the

above three aspects. This will carry 10 marks.

#### **PAPER II . DRAFTING, PLEADING AND CONVEYANCING**

This course will be taught through class instructions and simulation exercises, preferably with assistance of practising lawyers/retired judges. Apart from teaching the relevant provisions of law, the course will include 15 exercises in Drafting carrying a total of 45 marks and 15 exercises in Conveyancing carrying another 45 marks.(3 marks for each exercise)

**NOTE :**

- a. Drafting:-

General principles of drafting and relevant substantive rules shall be taught.

- a. Pleadings:

1. Civil :(i) Complaint (ii) Written Statement (iii) Interlocutory Application (iv) Original Petition (v) Affidavit (vi) Execution Petition and (vii) Memorandum of Appeal and Revision (viii) Petition under Article 226 and 32 of the Constitution of India.

1. Criminal : (i) Complaints (ii) Criminal Miscellaneous petition , (iii) Bail

Application and (iv) Memorandum of Appeal and Revision.

- a. Conveyancing:

- i. Sale Deed (ii) Mortgage Deeds (iii) Lease Deed, (iv) Gift Deed (v) Promissory Note (vi) Power of Attorney (vii) Will.

The remaining 10 marks will be given in a viva voce examination which will test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing.

**PAPER III : PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR BENCH RELATIONS**

This course will be taught in a association with practising lawyers on the basis of the following materials:

- i. Mr. Krishnamurthy Iyer's book on "Advocacy".
- ii. The Contempt Law and Practise.
- iii. The Bar Council Code of Ethics.
- iv. 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject.

The Written examination on this paper will have 80 Marks and the viva voce will carry 20 marks.

In lieu of the written examination, colleges may be encouraged wherever appropriate to give the students, Seminars and Projects where they are expected to research and write persuasive memoranda on topics identified in the above subjects.

**PAPER IV : PUBLIC INTEREST LAWYERING , LEGAL AID AND PARA-LEGAL SERVICES**

This course carrying 100 marks will have to be designed and evaluated according to local conditions by the colleges in consultation with the Universities and State Bar Councils. It can be taught partly through class room instructions including simulation exercises and partly through extension programmes like Lok Adalat, Legal aid Camp, Legal Literacy and Para Legal Training. The Course should also contain lessons on negotiations and counselling, use of computer in legal work, legal research in support of Public Interest Litigation, writing of case comments, editing of

Law Journals and Law Office management. The marks may be appropriately divided to the different programmes that each University might evolve for introduction in the Colleges under its control.

10. For each paper there shall be lecture classes for at least three hours and one hour of tutorial work per week.

11. The examination shall ordinarily be held at the end of every six months. The University shall however, be at liberty to hold examinations at the end of every year. Suitable allocations of subjects for six months or one year, as the case may be, shall be made by the University and the same shall be intimated to the Bar Council of India.

12. Full time teachers of law including the Principal of the college shall ordinarily be holders of a Master's degree in law and where the holders of Master's degree in law are not available, persons with teaching experience for a minimum period of 10 years in law may be considered. Part time teachers other than one with LL.M. Degree shall have a minimum practice of five years at the Bar.

12(a). Principal of every law teaching institution should be a person qualified in the discipline of law.

13. The teaching load of full time and part time teachers shall be according to the norms prescribed by the U.G.C. from time to time.

14. The salaries paid to the Principal, full- time and part-time teachers shall be according to the scales recommended by the U.G.C. from time to time.

15. Other benefits like D.A., C.L.A. (Compensatory Local Allowance), House Rent Allowance, Provident Fund, etc. shall be according to the norms prescribed by the University concerned from time to time.

16. A law college affiliated to a University shall by June 1, 1987 be an independent law college and shall cease to be a department attached to a college.

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17. (1) No college after the coming into force of these Rules shall impart instruction in a course of study in law for enrolment as an advocate unless its affiliation has been approved by the Bar Council of India.

(2). An existing law college shall not be competent to impart instruction in a course of study in law for enrolment as an advocate if the continuance of its affiliation is disapproved by the Bar Council of India.

18. The Bar Council of India shall cause a law college affiliated or sought to be affiliated to a University to be inspected by a Committee to be appointed by it for the purpose when:

- a. An application for approval of affiliation of a new college is received by it or

It suo motu decides in order to ensure that the standards of Legal Education laid down by it are being complied with.

- a. The application for approval of affiliation of a new college shall be addressed to the Secretary, Bar Council of India, and shall be sent only through the Registrar of the University concerned with his recommendations and the application be accompanied by an inspection fee of Rs. 50,000/-.
- a. The College and/or the University concerned shall furnish all the information to the Committee of inspection and the Bar Council of India as and when required, and shall co-operate with them in every possible manner in the conduct of inspection.

d. (1) The Inspection team before recommending approval of affiliation to a new law college should, inter alia, make a specific recommendation as to why such a law college is required at the same place/area where the law college is proposed to be started keeping in view the total number of existing Law Colleges in the place/area in particular and the state in general.

1. The inspection team will also keep in view the approximate population of the area where the College is proposed to be started, number of Law Colleges alongwith the total number of students therein, number of degree colleges as well as junior Colleges in the area in particular and the State in general.

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e. If an unfavourable report is received, the Secretary of the Bar Council of India shall cause a copy of the same to be sent to the Registrar of the University concerned for his comments and explanations, if any. Such comments and explanations on the report shall be sent by the Registrar of the University within a period of six weeks from the date of the receipt of the communication.

f. The Secretary of the Bar Council of India shall cause the report and the comments/explanation of Registrar of the University concerned to be placed before the next meeting of the Legal Education Committee of the Bar Council of India.

(g) If the Legal Education Committee is satisfied that the standards of Legal Education and/or the rules for affiliation or continuance of affiliation provided for in these rules by the Bar Council of India are not complied with and/or that the courses of study, teaching and/or examination are not such as to secure to persons under-going legal education, the knowledge and training requisite for the competent practice of law, the Legal Education Committee shall recommend to the Bar Council of India, the approval/disapproval of affiliation or continuance of affiliation as the case may be.

The Legal Education Committee may also recommend that certain directions be given for improvements to be carried out within the period to be specified.

(h) This recommendation of the Legal Education Committee alongwith the accompanying papers shall be placed before the Bar Council of India for its decision. In case the Bar Council of India disagrees with or modifies the recommendation of the Legal Education Committee, it shall Communicate its views to the Legal Education Committee for its consideration before arriving at a final decision in the matter.

(i) If the Council is of the opinion that affiliation of a college whose affiliation has already been approved, be disapproved, the Council shall give notice of the proposed action to the Principal of the college and the Registrar of the University to show cause within 30 days of the receipt of the notice and the Council shall take into consideration, the reply received before making final orders.

(j) The decision of the Bar Council of India shall be communicated to the Registrar of the University.

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It shall be effective from the commencement of the next academic year following the date on which it is received by the Registrar of the University.

(k) University Law Department/Constituent and affiliated law colleges to which the Bar Council of India has already accorded Approval of affiliation shall submit to the Bar Council of India an annual return in the form prescribed ( as per schedule IV ) by the Bar Council of India at the end of its annual academic session failing which the approval of affiliation accorded shall be liable to be withdrawn/cancelled.

(1) After refusal to grant permission to start a law college or to extend approval of affiliation to any existing law college, no fresh application for the same purpose shall be entertained until the expiry of the next academic session or one calendar year whichever is later from the date of such refusal by the Bar Council of India.

(2) Every law college, University, Deemed University & Department of law of any University and applying for approval of affiliation shall obtain permission / no objection for establishment of law college from Government of Higher Education Department of the State, if the same is a requirement under the prevailing law or any order in the State.

19.(1) The Council shall publish by notification in the Gazette of India and in prominent newspapers in India, the names of Universities whose degrees in law are recognised under these rules with a list of law colleges under the Universities which are eligible to impart professional Legal Education as provided for under these rules and send a copy of the notification above referred to all the Universities imparting Legal Education and State Bar Councils.

Provided that for the purpose of sub-rule (1) above, the existing University law departments and law colleges affiliated to Universities shall be deemed to be professional law colleges under these rules unless otherwise decided by the Council.

(2) Information about the non-recognition or derecognition of the degree in law of an University shall also be sent to all Universities in India imparting legal education and to all State Bar Councils.

20. If the Universities located in States where the 10+2 or 11+1 school system is not yet in vogue, propose to start the five year LL.B. Course under these rules, they will be free to do so.

21. The Bar Council of India may issue directives from time to time for maintenance of the standards of Legal Education. The College/University is expected to follow them as compulsory.

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22. The questionnaire framed as per schedule II by the Bar Council of India as amended from time to time, to be answered by the applicant for affiliation shall be deemed to be directives issued under this Rule.

23. Whenever approval of affiliation is granted to the law college, it shall be necessary for the college to deposit in cash Rs. 1,00,000 (one lakh) in the shape of guarantee to fulfil all the norms of the Bar Council of India. The same shall be liable to be forfeited if the norms are not complied with and the same shall carry no interest.

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## **SECTION - B**

### **Three - year Law Course after Graduation**

1. (1) Save as provided in Section 24(1) (c) (iiia) of the Act, a degree in law obtained from any University in the territory of India after the 12<sup>th</sup> day of March 1967 shall not be recognised for purposes of Section 24(1) (c) (iii) of the act unless the following conditions are fulfilled:-

(a) That at the time of joining the course of instruction in law for a degree in law, he is a graduate of a University or possesses such academic qualifications which are considered equivalent to a graduate's degree of a University by the Bar Council of India.

- a. That the law degree has been obtained after undergoing a course of study in law for a minimum period of three years as provided in these rules;
- a. That the course of study in law has been by regular attendance at the requisite number of lectures, tutorials or moot courts in a college recognised by a University.

2. (a) The Council shall publish by notification in the gazette of India and in prominent newspapers in India, the names of Universities whose degrees in law are recognised under these rules with a list of law colleges under the Universities which are eligible to impart professional Legal Education as provided for under these rules and send a copy of the notification above referred to all the Universities imparting Legal Education and State Bar Councils.

Provided that for the purpose of sub-rule (1) (c) above the existing University Law Departments and Law Colleges affiliated to Universities shall be deemed to be professional law colleges under these rules unless otherwise decided by the Council.

(b) Information about the non-recognition or derecognition of the degree in law of an University shall also be sent to all Universities in India imparting legal education and to all State Bar Councils.

2 (1) That the Law Education under Section - B may be through whole time colleges. All law colleges which are exclusively running evening sessions shall switch over to "Day" sessions during the academic year 2000-2001 failing which they will not be entitled to approval of affiliation by the Bar Council of India.

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Provided that wherever the college is running evening course, the students who were admitted to the first year in the evening sessions during the academic year 1999-2000 shall be allowed to complete the course

(2) A College or University Department will be deemed to be whole time college for the purpose of sub-Rule 2(1), if the working time of the college or the University Department as the case may be, extends to atleast thirty hours of working per week including contact and correspondence programme, tutorials, home assignments library, clinical work etc. provided that the actual time for class room lectures is not less than 20 hours per week.

3. The students shall be required to put in a minimum attendance of 66% of the lectures on each of the subjects as also at tutorials, moot courts and practical training course.

Provided that in exceptional cases for reasons to be recorded and communicated to the Bar Council of India, the Dean of the Faculty of Law and the Principal of law colleges may condone attendance short of those required by the Rule, if the student had attendance 66% of the lectures in the aggregate for the semester or examination as the case may be.

4. (1) A Law College shall ordinarily be located at a place where there is atleast a District Court or a Circuit District Court or within such distance thereof as the Bar Council of India permits.

(2) Every Law College to obtain approval affiliation must have in its teaching staff in its first year a whole time Principal and atleast two other whole time teachers and by the time to opens its third year, it must have two more whole time teachers. This rule will come into force immediately for new colleges while in case of existing law colleges, it will be effective from 1<sup>st</sup> July 1996.

(3) The library of the College or University Department shall remain open for atleast eight hours on every working day.

5. (1) The Course of instruction for the study in law shall include the following 21 compulsory subjects:-

1. Jurisprudence.

2. Contract-I(General Principle of Contract-Section 1-75 and Specific Relief)

3. Contract-ii (Indian Contract Act, Indian Partnership Act, Sale of Goods Act and other Specific contracts).

4. Tort and Consumer Protection Laws.

5. Family Law-I

6. Family Law-II

7. Law of Crimes

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1. Criminal Procedure Code, Juvenile Justice Act and Probation of Offenders

Act.

9. Constitutional Law

10. Property Law including Transfer of Property Act and Easement Act.

11. Law of Evidence

12. Civil Procedure Code and Limitation Act.

13. Legal Language/Legal Writing including General English

14. Administrative Law
15. Company Law
16. Human Rights and International Law
17. Arbitration, Conciliation and Alternate Dispute Resolution Systems
18. Environmental Law including laws for the protection of the wild life and other living creatures including animal welfare.
19. Labour Law.
20. Interpretation of Statutes
21. Land Laws including ceiling and any other local laws.

(2) Not less than three more subjects which may be chosen from the list hereunder:-

1. International Economic Law.
2. Bankruptcy Laws
3. Taxation Laws
4. Comparative Law/Legal History
5. Insurance Law
6. Conflict of Laws
7. Banking law including Negotiable Instruments Act
8. Investment and Security Law
9. Trusts, Equity and Fiduciary Relationships
10. Criminology and Penology
11. Air and space Law
12. Law and Medicine
13. Women and Law and Law Relating to Child/Law, Poverty and Development
14. Intellectual Property Law
15. Maritime Law

(3) Six Months of Practical Training be imparted and Practical Training will include the following Compulsory Papers:

1. Moot Court, Pre-Trial Preparations and Participation in Trial proceedings.
2. Drafting, Pleading and Conveyancing .
3. Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
4. Public Interest Lawyering, Legal Aid and Para Legal Services.

The following Practical Training Scheme shall be adopted by the Universities

**PAPER I : MOOT COURT, PRE-TRIAL PREPARATIONS AND PARTICIPATION IN TRIAL PROCEEDINGS**

This paper will have three components of 30 marks each and a viva for 10 marks.

- a. Moot Court (30 Marks) :

Every student will do at least three moot courts in year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

- b. Observance of Trial in two cases, one Civil and one Criminal (30 marks):

Students will attend two trials in the course of the last two or three years of LL.B. studies . They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

- a. Interviewing techniques and Pre-trial preparations (30 marks) :

Each student will observe two interviewing sessions of clients at the Lawyers' Office/Legal Aid Office and record the proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.

- a. The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

**PAPER II . DRAFTING, PLEADING AND CONVEYANCING**

This course will be taught through class instructions and simulation exercises, preferably with assistance of practising lawyers/retired judges. Apart from teaching the relevant provisions of law, the course will include 15 exercises in Drafting carrying a total of 45 marks and 15 exercises in Conveyancing carrying another 45 marks.(3 marks for each exercise)

NOTE :

a. Drafting:-

General principles of drafting and relevant substantive rules shall be taught.

a. Pleadings:

1. Civil : (i) Complaint (ii) Written Statement (iii) Interlocutory Application (iv) Original Petition (v) Affidavit (vi) Execution Petition and (vii) Memorandum of Appeal and Revision (viii) Petition under Article 226 and 32 of the Constitution of India.

1. Criminal : (i) Complaints (ii) Criminal Miscellaneous petition , (iii) Bail

Application and (iv) Memorandum of Appeal and Revision.

a. Conveyancing:

(i) Sale Deed (ii) Mortgage Deeds (iii) Lease Deed, (iv) Gift Deed (v)

Promissory Note (vi) Power of Attorney (vii) Will.

The remaining 10 marks will be given in a viva voce examination which will test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing.

### **PAPER III : PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR BENCH RELATIONS**

This course will be taught in a association with practising lawyers on the basis of the following materials:

- i. Mr. Krishnamurthy Iyer's book on "Advocacy".
- ii. The Contempt Law and Practise.
- iii. The Bar Council Code of Ethics.
- iv. 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject.

The Written examination on this paper will have 80 marks and the viva voce will

carry 20 marks.

In lieu of the written examination, colleges may be encouraged wherever appropriate to give the students, seminars and projects where they are expected to research and write persuasive memoranda on topics identified in the above subjects.

**PAPER IV : PUBLIC INTEREST LAWYERING , LEGAL AID AND  
PARA-LEGAL SERVICES**

This course carrying 100 marks will have to be designed and evaluated according to local conditions by the colleges in consultation with the Universities and State Bar Councils. It can be taught partly through class room instructions including simulation exercises and partly through extension programmes like Lok Adalat, Legal aid Camp, Legal Literacy and Para Legal Training. The Course should also contain lessons on negotiations and counselling, use of computer in legal work, legal research in support of Public Interest Litigation, writing of case comments, editing of Law Journals and Law Office management. The marks may be appropriately divided to the different programmes that each University might evolve for introduction in the colleges under its control.

6. For each paper there shall be lecture classes for atleast 3 hours per week.

7. The examination shall ordinarily be held at the end of every six months. The University shall, however, be at liberty to hold examinations at the end of every year. Suitable allocations of subjects for six months or one year, as the case may be, shall be made by the University and the same shall be intimated to the Bar Council of India.

8. Full time teachers of law including the Principal of the college shall ordinarily be holders of a Master's degree in law and where the holders of Master's degree in law are not available, persons with teaching experience for a minimum period of five years in law may be considered. Part time teachers other than one with LL.M. Degree shall have a minimum practice of 10 years at the Bar.

8(a). Principal of every law teaching institution should be a person qualified in the discipline of law.

9. The teaching load of full time and part time teachers shall be according to the norms prescribed by the U.G.C. from time to time.

10. The salaries paid to the Principal full time and part time teachers shall be according to the scales recommended by the U.G.C. from time to time.

11. A law college affiliated to a University shall by June 1, 1987 be an independent law college and shall cease to be a department attached to a college.

12. (1) No college started after the coming into force of these Rules shall impart instruction in a course of study in law for enrolment as an advocate unless its affiliation has been approved by the Bar Council of India.

(2) An existing law college shall not be competent to impart instruction in a course of study in law for enrolment as an advocate if the continuance of its affiliation is disapproved by the Bar Council of India.

13. The Bar Council of India shall cause a law college affiliated or sought to be affiliated to a University to be inspected by a Committee to be appointed by it for the purpose when:

- a. An application for approval of affiliation of a new college is received by it or it suo motu decides in order to ensure that the standards of Legal Education laid down by it are being complied with.
- a. The application for approval of affiliation of a new college shall be addressed to the Secretary, Bar Council of India, and shall be sent only through the Registrar of the University concerned with his recommendations and the application be accompanied by an inspection fee of Rs. 50,000/-.
- a. The College and/or the University concerned shall furnish all the information to the Committee of inspection and the Bar Council of India as and when required, and shall co-operate with them in every possible manner in the conduct of inspection.

(d) (1) The Inspection team before recommending approval of affiliation to a new law college should, inter alia, make a specific recommendation as to why such a law college is required at the same place/area where the law college is proposed to be started keeping in view the total number of existing law colleges in the place/area in particular and the state in general.

(2) The inspection team will also keep in view the approximate population of the area where the College is proposed to be started, number of law colleges alongwith the total number of students therein, number of degree colleges as well as junior Colleges in the area in particular and the State in general.

If an unfavourable report is received, the Secretary of the Bar Council of India shall cause a copy of the same to be sent to the Registrar of the University concerned for his comments and explanations, if any. Such comments and explanations on the report shall be sent by the Registrar of the University within a period of six weeks from the date of the receipt of the communication.

(f) The Secretary of the Bar Council of India shall cause the report and the comments/explanation of Registrar of the University concerned to be placed before the next meeting of the Legal Education Committee of the Bar Council of India.

(g) If the Legal Education Committee is satisfied that the standards of Legal education and/or the rules for affiliation or continuance of affiliation provided for in these rules by the Bar Council of India are not complied with and/or that the courses of study, teaching and/or examination are not such as to secure to persons under-going legal education, the knowledge and training requisite for the competent practice of law, the Legal Education Committee shall recommend to the Bar Council of India the approval/disapproval of affiliation or continuance of affiliation as the case may be.

The Legal Education Committee may also recommend that certain directions be given for improvements to be carried out within the period to be specified.

(h) This recommendation of the Legal Education Committee alongwith the accompanying papers shall be placed before the Bar Council of India for its decision. In case the Bar Council of India disagrees with or modifies the recommendation of the Legal Education Committee, it shall Communicate its views to the Legal Education Committee for its consideration before arriving at a final decision in the matter.

- i. If the Council is of the opinion that affiliation of a college whose affiliation has already been approved, be disapproved, the Council shall give notice of the proposed action to the Principal of the College and the Registrar of the University to show cause within 30 days of the receipt of the notice and the Council shall take into consideration, the reply received before making final orders.

- a. The decision of the Bar Council of India shall be communicated to the Registrar of the University.

It shall be effective from the commencement of the next academic year following the date on which it is received by the Registrar of the University.

- a. University Law Department/Constituent and affiliated law colleges to which the Bar Council of India has already accorded approval of affiliation shall submit to the Bar Council of India an annual return (as per schedule IV) in the form prescribed by the Bar Council of India at the end of its annual academic session failing which the approval of affiliation accorded shall be liable to be withdrawn/cancelled.

(1) After refusal to grant permission to start a law college or to extend approval of affiliation to any existing law college, no fresh application for the same purpose shall be entertained until the expiry of the next academic session or one calendar year whichever is later from the date of such refusal by the Bar Council of India.

(2) Every law college, University, Deemed University & Department of Law of any University and applying for approval of affiliation shall obtain permission / no objection for establishment of law college from Government of Higher Education Department of the State, if the same is a requirement under the prevailing law or any order in the State.

14. The Bar Council of India may issue directives from time to time for maintenance of the standards of Legal Education. The College/University is expected to follow them as compulsory.

15. The questionnaire framed by the Bar Council of India as amended from time to time, to be answered by the applicant for affiliation shall be deemed to be directives issued under this Rule and shall be added as Schedule II to Rules in Section B.

### **SECTION -C**

#### **RULES REGARDING INSPECTION OF LAW COLLEGES**

##### **BY THE STATE BAR COUNCILS**

1. The State Bar Council should inspect only such colleges about which there is a specific direction of the Bar Council of India for the State Bar Council to inspect.
2. The State Bar Council will be entitled to charge an inspection fee of Rs. 5000/ from the College to be inspected or the actual cost of inspection whichever is less.
3. While inspecting such colleges the inspection should be done by a team consisting of the two members of the State Bar Council duly authorised by the State Bar Council.
4. The inspecting team of the State Bar Councils should verify whether the standards to be observed by the college under the Rules of the Bar Council of India and the norms framed by it are observed properly and give a report on the factual position about the same.
5. The inspecting team should send a report to the Bar Council of India inter alia on the following points :-
  1. The building of the college and its adequacy,

2. Qualifications, salaries, terms and conditions of service mode of appointments of Lecturers of the college concerned,
3. Qualifications, salaries , service conditions, mode of appointments of staff of the college concerned,
4. Timings of college,
  1. Number of students,
  2. Attendance Register whether maintained properly or not,
  3. Total working days of the current academic year as well as also of last three years,
8. Funds of the college and annual auditing,
  1. Library details.
6. The inspection team should also send a report on the quality of teaching, infrastructure for teaching and whether in its opinion affiliation already granted should be continued or not. The report should also mention whether the permission for affiliation granted should be temporary or permanent.

## **SCHEDULE - I**

### **( To Rules in Sections A and B )**

( Directives issued under Rule 21 in Sec A and under Rule 14 in Sec-B)

1. The teaching of the core programme in Part I of the law course may be done with the help of teachers in the discipline concerned from the respective University / College departments.
2. The maximum strength of students in any class ( LL.B : I, II, III, IV, and V)

shall not exceed 320 in any given College or University, Department of law and the number of students in any section of each of such class shall not exceed 80. In other words no college or University Department of law shall have on its rolls a total student strength of over 1600 students in all its 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> years put together.

3. Law college and University law departments shall ensure that :

- a. Multiple copies of prescribed and recommended readings are available to the students.
- b. Seating arrangements are provided for at least 15% of the students at a time in the reading hall.

(c) The teacher – student ratio is at least 1:40

4. Building

1 (a) The building of a college shall be available for its exclusive use, during the working hours of the college.

- a. The accommodation provided for classes, hostel, if any, and the residential quarters for the Principal and the teacher to be in-charge of the hostel, if any, will be separate.

2. The college buildings shall consist of the following :

(a) Classrooms;

(b) A common room for men students;

(c) A common room for women students;

3. (d) A library hall with book shelves and reading tables; sufficient to seat 20% of the students on the roll.

(e) Office rooms for the Principal and his office staff;

(f) A teachers' common room.

3. (a) All buildings shall be well lighted and ventilated and shall have adequate sanitary arrangements and water supply;

(b) All buildings shall be duly furnished.

4. (a) If the college has no building of its own and it is proposed to be housed temporarily in a hired building, the college authorities shall create the building fund which shall be set apart and deposited in a Scheduled Bank or a District Central Co-operative Bank.

(b) Deposits so made in the name of the college shall not be withdrawn except when required for meeting the cost of the portion of the building already constructed.

(c) The building shall be completed within a period of five years from the date of the approval of affiliation is communicated to the Registrar of the University concerned.

5. Library

(a) There shall be an independent library, which shall be adequately equipped with law reports, books, periodicals and reference books to satisfy the requirements. Every law college must subscribe to the following law journals for its library :

1. All India Reporter

2. Supreme Court Cases

3. State High Court Reports

4. Local Journals

5. Indian Bar Review

(b) The library shall be in the charge of qualified and trained librarian.

5. (c) The minimum initial and recurring annual expenditure on the library shall be as below :

Initial Rs. 2,00,000/-

First year Rs. 50,000/-

Second year Rs. 50,000/-

Third year Rs. 25,000/-

6. The building fund, as provided in Directive 4 (4) shall be created at least for Rs.25 lakhs through installments as under :-

Initial Rs. 15,00,000/-

First year Rs. 5,00,000/-

Second year Rs. 5,00,000/-

7. The accommodation provided for classes, hostel, if any, and the residential quarters for the Principal and the teacher to be in charge of the hostel, if any, will be separate.

8. Quarters for the Principal, Quarters for the teacher-in-charge of the hostel, if any, located near the hostel.

Quarters for other permanent teachers as and if required by the University.

9. Provision may also be made if possible for a playground and adequate facilities for games and sports

10. Every University shall endeavour to supplement the lecture method with the case method, tutorials and other modern technique of imparting legal education.

## **SCHEDULE II**

(Rule 22 in Section A & Rule 15 in section B)

( Questionnaire to be answered by the applicant)

(This questionnaire shall be routed through the University to which

affiliation is sought)

This questionnaire has been prepared in the light of the rules of the Bar Council of India in Part IV, Section A & B relating to standards of Legal Education and Recognition of degrees in Law under Section 7(h) and 24 (1) (c) (iii), (iiia), and 49 (1) and (d) of the Advocates Act, 1961

Resolution No. 34/2000.

"Resolved that the existing questionnaire in Schedule II and Proforma for inspection report of law colleges in schedule III in Part IV of the Rules of the Bar Council of India be replaced with one which is recommended by the Legal Education Committee at its meeting held on 19<sup>th</sup> & 20<sup>th</sup> February, 2000."

SL.NO.

**THE BAR COUNCIL OF INDIA**  
**21, ROUSE AVENUE, NEW DELHI - 110 002**

**PROFORMA FOR APPLICATION (PART I), INSPECTION (PART II), EXPLANATION AND COMPLIANCE REPORTING (PART III) IN RESPECT**

**OF LAYING DOWN STANDARDS OF LEGAL EDUCATION UNDER SEC 7(4)**

**AND RECOGNITION OF DEGREES IN LAW UNDER SEC. 7(i) AND RULES MADE THERE UNDER**

**SEC. 24(1) (C) (iii), (iiia) AND SEC. 49(1) (d) OF ADVOCATES ACT, 1961.**

**NOTE :**

(a). Part I is the form in which colleges/departments seeking recognition have to apply. Three copies of the application have to be filed along with supporting documents. All columns must be completed; incomplete applications will not be taken up for consideration. Also forms submitted without the prescribed fee will also not receive attention. It may take 12 to 16 weeks for the BCI to cause the inspection after submission of applications.

(b). Part II is the form in which the inspection team will verify data and prepare its report

to the LEC.

(c). Part III is the form in which the BCI office will seek explanation/clarification and wherever necessary, compliance to the BCI rules before submission of the application along with the inspection report to LEC for consideration.

d. Correct and honest statement of facts supported by documentary evidence and prompt response from the management to the correspondence will enable the BCI to process the applications at the shortest possible time.

(e). Any attempt to influence unlawfully the judgement of the Inspection team or LEC/BCI will entail summary rejection of the application itself.

**PART - I**

**APPLICATION SEEKING AFFILIATION / RECOGNITION OF COLLEGE/UNIVERSITIES  
TEACHING LAW**

**FOR PURPOSES OF ADVOCATES ACT**

**I. ESTABLISHMENT, MANAGEMENT AND STATUS OF THE**

## **INSTITUTION : -**

### **A.**

(a). Name and complete address of the institution including Pincode, Phone & Fax Numbers

(b). Name, designation and address of the person making the application with Phone & Fax numbers:

(c). Year of establishment and university to which affiliated.

(d). When was it affiliated ?  
(Letter from University)

(e). What courses in law are (i). being offered at present (ii). (iii).

(f). When did the BCI give recognition ?  
( letter from BCI)

(g). Was the college inspected before by BCI ?

Details of the same.

(h).Recognition of courses

to which this application

refers:

(i).How many batches of LL.B

graduates passed out of

the Institution.

(j).How many batches of Post

graduate (LL.M) students

passed out of the Institution?

**B.**

(a).Who manages the institution

and under what framework ?

(Enclose : Statute,Regulation,etc.)

(b).Give the detailed name,

address of the Board of

management.

(Enclose documents in support)

(c).What are the other institutions

run by the same management

and where?

(d).How long the present

management will continue

under the rules ?

(e).What are the sources of funding of the institution?

(f).What are the assets of the law college/deptt.?

(Details of documents in support )

(g).Who appoints the staff of the college and under what procedure ?

(h).Does the college pay U.G.C. scales? If not, how much for different cadres of academic staff.

(i).Was the college ever disaffiliated by the Govt./ University ? If so, what reasons ?

(j).Give additional evidence, if any, to guarantee the financial viability of the college.

## **II. INFRASTRUCTURAL FACILITIES**

(a). Land and Buildings : Area, built-up space, description

of class rooms, staff rooms,

student facilities used for

law college only

(b).Does the college have its

own building? If not, when

it proposes to build ?

(c).Size, furniture, budget,

personnel, system of

lending etc. of the college

law library.

(d).Number of text books,

reference books and

periodicals in law library

(Give detailed break-up

in separate paper)

(e).Name, rank, salary, qualification and teaching experience of academic staff including Principal (Use separate sheet, if necessary)

(f).Give details of supporting

(administrative) staff

available to the law college.

(g).Is there a hostel for students?

How many can be

accommodated ?

(h).Are there common room

facilities for students ? Boys

and Girls ?

(i).How far is the nearest court from the college? What are the other courts in the neighbourhood?

(j).Are there other law teaching institutions in the area? Give details.

### **III. ACADEMIC AFFAIRS AND POTENTIAL FOR DEVELOPMENT**

(a).What are the courses now being offered ?

(b).What is the strength of students in each of the courses now offered ?.

(c).What is the process of student selection for admission.

(d).What is the maximum intake the college had in the last five years?

(Give detailed break-up)

(e).What is the duration and normal schedule for

teaching in the college ? (attach the time-table used in the last year/semester)

(f). How many classes a student has to attend on an average on a working day?

(g).Is the attendance taken once a day or once in every class ?

(h).Who keeps the attendance register ? office/ teacher after class hours.

(i).What percentage of students live in the locality and what percentage commute from outside the area?

(j).Are there periodic examinations conducted by the college to assess progress of learning of students?

(k).Who supervises the regularity and quality of teaching and under what procedure ?

(l).How does the management ensure that classes are regularly held ?

(m).Give details of how many students the college

admitted in the 1<sup>st</sup> LL.B class,  
how many it presented for the  
IIIrd LL.B examinations and  
how many have passed ( with  
Distinctions if any) in the last  
five years.

(n).What are the outstanding  
academic achievements  
of the college in legal  
learning ?

(o).What evidence are there to  
show research accomplishment  
of the faculty?

(Attach data separately of each  
such faculties)

(p).Does the college publish  
any journal?

(Give details & attach copies)

(q).What is the system in vogue for  
Practical Training of students ?

(Give details )

(r).Is the college students/staff  
involve themselves in legal aid

activities ?

(Give details)

(s).Give the names of teachers

handling the practical

training courses.

(t).What are the problems perceived

in imparting practical training ?

(u).Did the college introduce the

BCI prescribed curriculum ?

(v).Does the college follow an

annual or semester system?

#### **IV. SELF ASSESSMENT REPORTS**

The LEC/BCI would like to have an objective, honest and transparent assessment of the academic performance and potential of the college/department from each member of the teaching staff including Principal and of the management independently when they can frankly express the strengths and weaknesses of the institution as they perceive it. If any member wants to keep that information confidential the LEC/BCI will make every effort to keep it so. The individual reports may also be directly sent to the Chairman, LEC if they so desire.

#### **V. UNDERTAKING**

I Mr. .... hereby declare that the information provided above are true to the best of my knowledge and I have not attempted to suppress or exaggerate data concerning the above institution which is directly under my management.

**PRINCIPAL / DEAN CORRESPONDENT / MANAGEMENT**

**PLACE:**

**DATE :**

P.S. Send this report only in the form serially numbered and available only from the Secretary, Bar Council of India, New Delhi. Keep a xerox copy of the same with you for record and consultation when the inspection team visits your college.

**PART - II**

**THE BAR COUNCIL OF INDIA : LEGAL EDUCATION INSPECTION**

**PROFORMA TO BE FILLED BY BCI APPOINTED**

**INSPECTION TEAM AFTER VISITING LAW COLLEGES / DEPTS.**

( Each member to file independent inspection reports. Please file the report on the same day of inspection or in the following day)

**A. PRELIMINARY DETAILS**

(a) Names of Inspection Team :

(b) Date of Inspection :

(c) Did you study Part I application filed by the college and formulated the questions you want to specifically raise with management, faculty, students and alumni ?

**B. VERIFICATION OF DETAILS ON INFRASTRUCTURE,**

**MANAGEMENT AND ACADEMIC ENVIRONMENT**

( Note : The team will go through each and every item in Part I with the Management/Principal, personally visit the premises and satisfy itself of the statements made therein. Discrepancies and inadequacies noticed are to be recorded here in detail as they would form the basis of queries/ classifications under Part III to be raised by BCI Secretariat later. Use separate sheets and attach with the report).

**C. VERIFICATION OF ACADEMIC AFFAIRS AND POTENTIAL FOR**

**DEVELOPMENT**

( Note : This should contain information on the quality of teaching, academic performance in the past, library resources available and its use by students, the competence of teachers for respective jobs including clinical teaching, extent of student satisfaction, general reputation of the college etc. The inspection team will use the self-assessment reports of teachers for verifying this item in discussion with the teachers concerned. Separate meetings with groups of students and advocates in the area who passed out of the institution are desirable to come to a fair conclusion on standards for the purpose of suggesting improvements in academic affairs.

Use separate sheets to record your impression on academic standards, its strength and weaknesses. It is important that each team member prepare the impressions independently so that the LEC can come to an objective assessment with the help of inspection reports ).

**D. CONCLUSIONS AND RECOMMENDATIONS**

(a) On Infrastructure including library and staff :

(b) On standards of teaching, research, co-curricular activities :

(c) On reforms immediately required if Part IV BCI Rules were to be complied with in letter and spirit :

(d) Recommendations for LEC/BCI consideration :

Signature :

Place & Date :

**PART - III**

**THE BAR COUNCIL OF INDIA : LEGAL EDUCATION - EXPLANATIONS**

**AND CLARIFICATIONS OF COLLEGES ON**

**QUERIES RAISED AFTER INSPECTION**

( NOTE : This part is to be filled by management of the colleges if they are asked to do so by the BCI Secretariat on the basis of the findings of the inspection team. Only applications which are complete in all respects alone will be submitted to the LEC. As such, BCI Secretariat will examine the application (Part I) with the inspection reports (Part II) in the context of Rules of Part IV of the BCI Rules and point out inadequacies and non-compliance and seek clarifications from colleges by sending this proforma (Part III). Before sending the Part III proforma, the BCI Secretariat will enter the queries and clarifications they are seeking from the college management)

Queries from the BCI Secretariat to college management : -

1.

2.

-----  
FOR OFFICE USE ONLY

(i) Recommendations of the LEC :

(ii) Decision of the BCI :

### **SCHEDULE - III**

Annual returns to be submitted by the Law Department /Constituent & Affiliated Law Colleges in terms of Resolution No. 111/1996 of the Bar Council of India

Under Rule 18 (k) in Section-A and 13 (k) in Section-B, Part-IV

The Law Colleges are required to submit this return duly filled in or before 30<sup>th</sup> of June every year.

#### **I. GENERAL**

1. Name of the college with  
complete address and  
phone numbers

2. Name of the University to  
which the college is  
affiliated.

#### **II. AFFILIATION**

1. Nature of affiliation granted  
by the University  
(Temporary or Permanent)  
Give details.

2. State whether approval of

affiliation of the Bar Council  
of India has been obtained. If  
so, on what date? If not,  
reasons to be stated.

### **III. STATUS**

1. Date on which the college was  
first started along with  
supporting documents.

2. Whether at any point of time,  
the college was inspected by  
the Bar Council of India? If  
so, on what date? If not,  
reasons to be stated.

3. A copy of the Statute/Ordinance  
Rules framed by the University  
in the matter of affiliation of  
private law colleges.

4. Furnish a copy of the State  
Education Act/Rules pertaining  
to the establishment of law  
colleges in the state.

### **IV. STUDENT BODY**

1.(a) Total number of applications received for admission in the 1<sup>st</sup> year of the three year law course.

(b) Total number of students selected for admission in the 1<sup>st</sup> year.

(c) Mode of selection (whether on basis of merit with prescribed minimum marks? Whether there is an entrance test/interview/percentage of marks obtained in the qualifying examination of the above method.

(d) Break up of students in the 2<sup>nd</sup> and 3<sup>rd</sup> year of the three year course.

2<sup>nd</sup> year

3<sup>rd</sup> year

d. Number of S.C., S.T. and girls students in all the three years.

S. C.

S. T.

Girls

2.(a) Total number of applications

received for admission in  
the 1<sup>st</sup> year of the five year  
law course.

(b) Total number of students

selected for admission in  
the 1<sup>st</sup> year.

(c) Mode of selection (whether

on basis of merit with  
minimum marks prescribed?

Whether there is any  
entrance test/interview/  
percentage of marks  
obtained in the qualifying  
examination or combination  
of the above methods)

(d) Break up of students in the

2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> year of the  
course.

2<sup>nd</sup>

3<sup>rd</sup>

4<sup>th</sup>

5<sup>th</sup>

(e) Number of S.C., S.T. and

girls students in all the 5  
years.

S. C.

S.T.

Girls

3. (a) Percentage of successful students in the University examination from each class year wise.	3		1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	
	<b>year</b>					
	5	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>
	<b>year</b>					

(b) Are the students generally from the local colleges, from other areas of the State and from other States of India or from abroad? Give respective numbers of students from each of the above sources.

**V. TEACHING STAFF**

(a) Total number of teachers including the Principal, if any, (full time) with their qualification, experience, pay scales and the present pay

(b) Total number of teachers including the Principal, if

any (part-time) with their qualifications, teaching experience, standing at the Bar. Pay scales if any and the present pay.

2. Present teacher - student ratio

3. Whether any dearth or

difficulty experienced in recruiting qualified teachers. State the exact nature of difficulties.

## **VI. LIBRARY**

1. (a) Total number of books in the library with a list of books, classified subject wise.

(b) Details of additions during

the year with a list of books, classified subject wise.

(c) Details of law reports

subscribed.

(d) Details of law journals and

periodicals subscribed.

(e) Total amount spent during

the year for purchase of

books with xerox copies

of cash vouchers.

(f) Reading hours and extent of

students attendance and use

of library facilities. Whether

lending of books is allowed.

## **VII. PRACTICAL TRAINING**

1. (a) Details as to how the

practical training is

conducted.

(b) Details of Court visits

under took during the year

and the nature of courts

(Send specimen of court

diary maintained by the

students)

(c) Number of Moot Courts

held during the year.

(d) Whether the prescribed

methods of training and

allotment of marks are

strictly followed. Whether

any difficulty experienced.

**VIII. EXAMINATIONS**

1. (a) Dates of annual examinations/semester examinations

(b) Number of students		1 <sup>st</sup> year	2 <sup>nd</sup> year	3 <sup>rd</sup> year	
appeared in the examinations in the 1 <sup>st</sup> , 2 <sup>nd</sup> , & 3 <sup>rd</sup> year of the three year course	3 year				
and 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> & 5 <sup>th</sup> year of the 5 year law course	5 year	1 <sup>st</sup> Year	2 <sup>nd</sup> year	3 <sup>rd</sup> year	4 <sup>th</sup> year 5 <sup>th</sup> Year

(c) Percentage of success wise.		1 <sup>st</sup> year	2 <sup>nd</sup> year	3 <sup>rd</sup> year	
3 year	3 year				
5 year	5 year	1 <sup>st</sup> year	2 <sup>nd</sup> year	3 <sup>rd</sup> year	4 <sup>th</sup> year 5 <sup>th</sup> Year

(d) Number of students

promoted to the next year.

(e) Whether promoted with any

arrears of subjects to be

cleared.

**IX. FEE & OTHER INCOME**

**OF THE COLLEGE**

1. (a) Details of the fee structure

of the college, admission

fee rate, month/annual fee

and examination fee rate

to be stated.

(b) Total amount of fees

collected during the year

and other income of the

college.

(c) Details of amounts spent on

the following for further

development during the

year :

(i) Library

(ii) Building of the college

(iii) Furniture of the college

(iv) For the welfare of the

students and teachers

of the college.

**X. OTHER INFORMATION**

1. (a) Enclose a copy of the prospectus for the current year (Both three year as well as five year courses)

(b) Medium of instructions in the college.

(c) Working hours and shifts, if any. Copies of class routines to be enclosed.

**XI. NON TEACHING STAFF**

1. (a) Total number of non-teaching staff in the college including last grade employees.

(b) Pay scales and other facilities provided to them

**XII. RECENT TRENDS IN**

**THE COLLEGE AS**

**REGARDS**

1. (a) Enrolment yearwise

(b) Income and expenditure

(c) Sources of income,

Government and Private

(d) Does the college, charge

capitation fees, if so, when

and at what rate and what

is the trend?

### **XIII. STUDNET DISCIPLINE**

State the nature of discipline

maintained by students of

the college giving details.

### **XIV. COMPETITION IN**

#### **ATTRACTING**

#### **STUDENTS**

Do you experience any

unfair competition from any

other law college or depart-

ment of University in the

matter of inflow of student?

If so, state the nature and

source of such competition

and suggest remedies.

### **XV. DECLARATION**

The statements in this Annual

return are truly and respons-

ibly made with awareness

that any statement found  
untrue, suppressio vary or  
suggestio falsi will render  
the approval of affiliation  
to the department/college  
liable to be cancelled by the  
Bar Council of India.

(Signature)

Head of the Department of law/

Date : Principal, Law College

Place: (college seal)

Amendments of the Bar Council of India Rules in Part IV relating to standards of Legal Education and Recognition of Degrees in Law for admission as Advocates published from time to time in the Gazette of India in Part III, Section 4.

S. No	Resolution No	Date of Resolution	Part	Date of Publication	Page No
(1)	(2)	(3)		(4)	(5)
1	2/1996	25-2-1966	III	26-3-1996	209
2	40/1967	12-3-1967	III	1-4-1967	188

3	74/1967	30-4-1967	III	27-5-1967	262
4.	131/1967	13-8-1967	III	16-9-1967	462
5.	37/1969	17-4-1969	III	3-5-1969	240
6.	136/1969	26-10-1969	III	13-12-1969	712
7.	116B/1970	30-9-1970	III	24-10-1970	1692
8.	99/1971	1-8-1971	III	25-9-1971	2254
9.	49/1975	27-4-1975	IV	6-9-1975	1680
10.	49/1976	7-3-1976	IV	10-4-1976	1372
11	72/1977	24-9-1979	IV	31-12-1977	2374
					2375
12.	72/1977	1-4-1979	IV	13-10-1979	2272
					2273
					2274
13.	79/1982	7-5-1982	IV	2-2-1983	1371
					to
					1380
14.	83/1982	7-5-1982	IV	2-2-1983	1380
15.	84/1982	7-5-1982	IV	14-7-1984	2152
16.	99/1985	7-5-1982	IV	7-9-1985	1764
17.	99/1985	15-2-1986	IV	27-9-1986	1732
		16-2-1986			
18.	99/1985	15-2-1986	IV	27-9-1986	1735

		16-2-1986			
19.	21/1987	-do-	IV	8-7-1987	2948
20.	-do-	25-7-1987	IV	28-11-1987	3747
		26-7-1987			
21.	134/1989	16-12-1989	IV	28-11-1987	3747
		17-12-1989			
		-do-			
	-do-		-do-	9-9-1995	1711 to 1721
		-do-			1635 to 1650
	-do-		-do-	9-9-1995	
				-do-	
22.	152/1995	5-11-1995	-do-	16-3-1996	2979
23.	128/1995	4-11-1995	-do-	8-6-1996	3306
		5-11-1995			
24.	128/1995	13-2-1997	-do-	15-3-1997	783
25.	III/1996	10-8-1996	-do-	-do-	784
		11-8-1996			
26.	18/1996	10-2-1996	-do-	-do-	785
		11-2-1996			
27.	143/1996	16-11-1996	-do-	-do-	786
		17-11-1996			
28.	12/1998	21-3-1998	-do-	1-8-1998	2735
		22-3-1998			

**PART — V**  
**THE STATE ROLL AND SENIORITY**  
**CHAPTER — 1**

**Preparation and maintenance of the State Roll**

*(Rules under Section 17, 19, 20 and 22 of the Act)*

1. (1) The Council may, from time to time, give directions as to the manner in which the State Councils shall prepare and maintain the Rolls under Section 17 of the Act.
- (2) The copies of the State Roll to be sent under Section 19 of the Act shall be in Form 'B—1 and B—2' as set out in the rules at the end of this Chapter and shall contain such further details as the Council may specify.
2. Particulars of transfers under Section 18 of the Act, cancellations directed under the proviso to Section 26 (1) of the Act, removal of names under Section 26A of Act, punishments imposed by an order under Chapter V, particulars as to the result of appeals under the relevant decisions of the courts, and such other matters which the Council may specifically direct, shall be noted in the said Rolls.
3. Save as otherwise directed by the Council, no other particulars shall be entered in the said Rolls.
4. Every page of the Roll shall bear the signature or a facsimile thereof of the Secretary or other person authorised by the State Council.
5. Authenticated copies of any additions or alternations made in the Roll shall be sent to the Council without delay.

FORM B-1

(Under Rule 1(2) of Chapter 1, Part V)

Part I/II : Copy of Roll under Section 17(1)(a)(b) of the Advocates Act, 1961 of the Bar Council of .....sent under Section 19 of the Advocates Act,1961.

S.no.	Name	Address	Date of enrolment under the Bar Councils Act/ Advocates Act	Date of entry as Vakil pleader or Attorney, if any	Birth	Transfer if any	Date of enrolment in Supreme Court, date of such enrolment	Date of enrolment as Senior Advocate in case designated as such on or after 1-12-1961	Remarks (particulars envisaged under Rule)
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1    2    3    4    5    6    7    8    9    10

FORM B - 2  
(Under Rule 1 (2) of Chapter I, Part (V))

Part II : Copy of Roll under Sec. 17 (1) (b) of the Bar council of ..... sent under Section 19 of the Advocates Act, 1961.

Roll.No.	Name and Address	Date of enrolment under the Advocates Act, 1961	Date of Birth	Date of transfer if any, and particulars	Remarks
1	2	3	4	5	6

Particulars should be entered in the remarks column for persons enrolled under section 24(3)

**CHAPTER-II**

**Prevention of entry in more than one roll**

*[Rules under Section 17(4) and 49 (1) (ad) of the Act]*

1. The rules of every State Council shall provide inter alia, for a declaration in its form of application for enrolment.

(a) that the name of the applicant is not on the roll of any other State Council, and

(b) that the applicant will not, so long as his name is on the roll of one of the State Councils, apply for enrolment to any other State Council.

2. The Council may, on receipt of information that the name of any person is entered on the roll of more than one State Council, after hearing the person concerned, remove his name from any of the rolls on which his name appears and take such other action against him as may be called for.

**CHAPTER-III**

**Transfer of name from one State Roll to another State Roll**

*[Rules under Section 18 and 49 (1) (b) of the Act]*

1. Any person whose name is entered on any State Roll may make an application to the Council for transfer under Section 18 of the Act in Form 'C' in this Chapter. The

application shall be accompanied by (i) a certified copy of the entry in the State Roll relating to the applicant and (ii) a certificate from the State Council stating that his certificate of enrolment has not been recalled, that the applicant is entitled to practise on the date of his application, that there are no disciplinary proceedings pending against the applicant and that it has no objection to the transfer being ordered.

On receipt of an application for transfer, the Secretary shall enquire from the State Council concerned whether they have any objections to the transfer being granted, and he shall thereafter place the papers for disposal before the Council or a Committee constituted for the purpose. If the Committee consider that the application shall be refused, the matter should be referred to the Council for orders.

1A. On receipt of an application for transfer, the “transferor” Bar Council shall transmit the entire records relating to the enrolment of the advocate who is seeking a transfer, to the Bar Council of India together with original of the application for enrolment, retaining an authenticated copy of the documents with the “transferor” Bar Council<sup>4</sup>.

2. (1) The order of the Council on the application for transfer shall ordinarily be in Form-D in the annexure to this Chapter.

(2) The applicant for transfer shall be informed about the order on his application.

(3) On receipt of a communication from the Bar Council of India of an order for transfer :-

- (a) it shall be the duty of the advocate who has applied for transfer to produce the certificate of enrolment issued to him under Section 22 of the Act for endorsement in Form D-1 in this Chapter to the State Council on the roll of which his name appears. The said State Council shall as expeditiously as possible after the endorsement and the necessary entries in its roll transmit the certificate to the State Council to which the name of the Advocate is directed to be transferred ;
- (b) on receipt of the certificate endorsed as aforesaid the Secretary of the latter State Council shall make a further endorsement thereon in Form D-2 in this Chapter;
- (c) on such endorsement being made and the other formalities, if any, required by law being complied with the transfer shall be deemed to take effect from the date of the direction of the Bar Council of India under Section 18 of the Act.
- (d) After the application has been allowed by the Bar Council of India, the Bar Council of India shall transmit the original records received from the “transferor” Bar Council to the “transferee” Bar Council and in the event of the application for transfer is rejected for any reason, shall be transmitted to the “transferor” Bar Council<sup>5</sup>.

(4) A Copy of the Order on the applications for transfer made by the Council shall be put up on the Notice Board of the State Councils concerned.

### **FORM - C**

*(Under Rule I Chapter III Part V)*

### **BAR COUNCIL OF INDIA**

Application for Transfer to another Roll under Sections 18 and 49 (1) (b) of the Advocates Act, 1961.

From

.....  
.....  
.....

To

The Secretary  
Bar Council of India  
New Delhi.

Sir

1. I request the transfer of name from the roll of the Bar Council of .....  
to the roll of the Bar Council of ..... under Section 18 of the Act for the reasons  
set out by me in this application.

2. I was enrolled in the Bar Council of ..... on .....

3. My name is entered on the roll of the said Bar Council ..... and my roll  
number is .....

4. I state that prior to my enrolment as aforesaid, in the Bar Council of  
..... I did not make any application for enrolment to any other State  
Bar Council and that no such application was either withdrawn, refused or dismissed.  
*(If any prior application had been made, details should be given here).*

5. I state that there are/are no disciplinary proceedings pending against me in any State  
Bar Council.

6. The reasons for my application for transfer are as follow :-

(If the application for transfer is made within 2 years of the date of enrolment,  
applicant should state the reason why even at the first instance he did not apply for  
enrolment to the Bar Council to which transfer is sought).

7. After the transfer of my name to the roll of the Bar Council ..... I  
intend to practise ordinarily at ..... My permanent address after transfer will  
be :-

.....  
.....  
.....

8. I undertake to communicate to the State Bar Council to which my name is to be  
transferred, any change in the said address.

9. Till the transfer is effected all communications may please be sent to the following  
address :-

.....  
.....  
.....

I undertake to furnish any further information that may be necessary in reply to any  
communication that may be sent to the said address till the transfer is ordered.

10. I enclose herewith :

(i) A certified copy of entry in the State Roll.

(ii) A certificate from the State Bar Council as prescribed in Rule 1 (2) in Part  
V Chapter III.

I hereby declare that the facts stated herein are true.

Place : Signature of the Advocate  
Date : (Applicant)

**FORM - D**  
**BAR COUNCIL OF INDIA**  
Order on Transfer Applications

RESOLVED that the names of the following persons be removed from and entered in the rolls of the State Bar Councils as shown against their names :

Transfer Application No.	Roll	Name as in the State Attorney if any	Date of entry as Vakil, Pleader or BC/Advocates Act	Date of enrolment under the
1	2	3	4	5
Date of birth	roll of	On the roll of	Transfer to address after transfer	Permanent Supreme Court date of such enrolment
6	7	8	9	If enrolled in

**FORM D - 1**

Name transferred to the roll of the Bar Council of ..... by order of the Bar Council of India made under resolution No ..... dated ..... Date  
..... Secretary, Bar Council of .....

**FORM D - 2**

On transfer from the roll of the Bar Council of ..... with Roll No ..... (vide BCI Order dated ..... and communication of State Bar Council of ..... Dated .....) the name is entered in the State Roll of Bar Council of ..... vide Roll No. .... Dated .....  
Date : Secretary, Bar Council of .....

**CHAPTER - IV**

**Seniority in the State Rolls**

*[Rules under Sections 17 (3), 20 and 49 (1) (i) (ac) of the Act]*

**1. Seniority of Vakils, Pleaders and Attorneys not entitled to practise in the High Court :-**The seniority of a Vakil, Pleader or Attorney, who was not entitled to practise in the High Court, and who was enrolled as an advocate immediately before the appointed

day or who was enrolled after that day shall be determined according to the date of enrolment as advocate.

**2. Seniority of other Advocates :** (1) The seniority of other advocates referred to in Section 17 (1) (a) shall :-

- (a) in the case of persons whose names were entered in the rolls under Section 8 (3) (a) of the Indian Bar Councils Act, 1926, be the date from which their seniority was reckoned in the said rolls;
- (b) in the case of persons admitted as advocates under Section 58 A of the Act, be the dates of their first admission when they were entitled to practise in the High Court of Allahabad or the Chief Court of Oudh or the other High Courts or the Judicial Commissioners' Court mentioned in sub-sections (2), (3) and (4) of the said Section 58 A;
- (c) in the case of persons admitted as advocates under Section 58AA of the Act, be the date when they were first entitled to practise the profession of law under the law enforced in the Union Territory of Pondicherry;
- (d) in the case of the other persons be determined in accordance with the date of enrolment under the Indian Bar Councils Act, 1926.

**Proviso to (a), (b), (c) and (d), :-** Provided that in the case of a person whose name had been entered on the rolls of more than one High Court, the date as shown in the High Court in which he was first enrolled shall be taken as the date for entry for purpose of seniority in the rolls under Section 17 (1) (a) of the Advocates Act, 1961.

(2) In the case of the persons referred to in Section 58 AE of the Act, be the date when they were first entitled to practise the profession of law as provided for in Section 58AE.

(3) In the case of the persons referred to in Section 58AF of the Act, the date on which they are deemed to be advocates.

3. In cases not covered by any of the rules previous in this Chapter, or in case of doubt, the seniority shall on a reference by a State Council, be according to the dates as may be determined by the Council.

**4. Seniority of Senior Advocates of the Supreme Court :** The seniority of a senior advocate enrolled before the appointed day shall be determined in accordance with the date of his enrolment as senior advocate.

## **CHAPTER V**

### **Special provision for enrolment of certain Supreme Court advocates**

*(Rules Under Section 20 read with Section 49 (1) (i) of the Act)*

1. Any Advocate who was entitled as of right to practise in the Supreme Court immediately before the appointed day and whose name is not entered in any State Roll may within 31st December, 1974 express his intention in the form prescribed under this rule to the Bar Council of India for entry of his name in the roll of any State Bar Council.
2. The notification of the Bar Council of India prescribing the date shall be published in the Gazette of India, and copies thereof sent to all Bar Councils. The notification or a gist

thereof shall also be published in at least one English Newspaper in Delhi and one English Newspaper in every State.

**BAR COUNCIL OF INDIA**

Intimation under Section 20 of the Advocates Act, 1961

*(Unnecessary columns/entries to be struck out)*

To

The Secretary  
Bar Council of India,  
21, Rouse Avenue, Institutional Area  
NEW DELHI - 110 002.

1. I, ..... *(name in block letters)*, residing  
at.....  
.....

was entitled as of right to practise in the Supreme Court of India immediately before the appointed day viz., 1-12-1961.

2A. I was enrolled on ..... as an Advocate of the Supreme Court of India and was entitled as of right to practise in the Supreme Court immediately before the appointed day viz 1-12-1961.

I have not expressed to any State Bar Council my intention to practise under Section 17 (1) (a) of the Advocates Act, 1961.

OR

2B. (i) I was first enrolled as an Advocate of the Supreme Court of India on ..... and was entitled as of right to practise in the Supreme Court immediately before the appointed day viz., 1-12-1961.

(ii) I was enrolled later as Senior Advocate of the Supreme Court of India on .....

My Roll Number as Senior Advocate is ..... I have not expressed to any State Bar Council my intention to practise under Section 17 (1) (a) of the Advocates Act, 1961.

3. *(To be entered if in service)* On the date of this intimation, I am in service *(Particulars to be given)* .....

I undertake to intimate my intention to resume practise to the State Bar Council mentioned in column 4.

4. I hereby express my intention as mentioned under Section 20 of the Advocate Act, *(as amended)* for the entry of my name in the roll of the Bar Council of .....

.....I declare that the facts set out in this form are correct.

(Signature)

Date .....

Place .....

Address .....

.....

.....

---

<sup>1</sup>. Comes into force w.e.f. 6-1-2001.

<sup>2</sup>. Comes into force w.e.f. 6-1-2001.

**PART - VI**  
**RULES GOVERNING ADVOCATES**

**CHAPTER - I**

**Restrictions on Senior Advocates**

*(Rules Under Sections 16 (3) and 49 (1) (g) of the Act)*

Senior Advocates shall, in the matter of their practice of the profession of law mentioned in Section 30 of the Act, be subject to the following restrictions:

- (a) A Senior Advocate shall not file a vakalatnama or act in any Court, or Tribunal, or before any person or other authority mentioned in Section 30 of the Act.

Explanation : "To act" means to file an appearance or any pleading or application in any court or Tribunal or before any person or other authority mentioned in Section 30 of the Act, or to do any act other than pleading required or authorised by law to be done by a party in such Court or Tribunal or before any person or other authorities mentioned in the said Section either in person or by his recognised agent or by an advocate or an attorney on his behalf.

- (b) (i) A Senior Advocate shall not appear without an Advocate on Record in the Supreme Court or without an Advocate in Part II of the State Roll in any court or Tribunal or before any person or other authorities mentioned in Section 30 of the Act.
- (ii) Where a Senior Advocate has been engaged prior to the coming into force of the rules in this Chapter, he shall not continue thereafter unless an advocate in Part II of the State Roll is engaged along with him. Provided that a Senior Advocate may continue to appear without an advocate in Part II of the State Roll in cases in which he had been briefed to appear for the prosecution or the defence in a criminal case, if he was so briefed before he is designated as a senior advocate or before coming into operation of the rules in this Chapter as the case may be.
- (c) He shall not accept instructions to draft pleading or affidavits, advice on evidence or to do any drafting work of an analogous kind in any Court or Tribunal or before any person or other authorities mentioned in Section 30 of the Act or undertake conveyancing work

of any kind whatsoever. This restriction however shall not extend to settling any such matter as aforesaid in consultation with an advocate in Part II of the State Roll.

- (cc) A Senior Advocate shall, however, be free to make concessions or give undertaking in the course of arguments on behalf of his clients on instructions from the junior advocate.
- (d) He shall not accept directly from a client any brief or instructions to appear in any Court or Tribunal or before any person or other authorities in India.
- (e) A Senior Advocate who had acted as an Advocate (Junior) in a case, shall not after he has been designated as a Senior Advocate advise on grounds of appeal in a Court of Appeal or in the Supreme Court, except with an Advocate as aforesaid.
- (f) A Senior Advocate may in recognition of the services rendered by an Advocate in Part-II of the State Roll appearing in any matter pay him a fee which he considers reasonable.

## **CHAPTER - II**

### **Standards of Professional Conduct and Etiquette**

*(Rules under Section 49 (1) (c) of the Act read with the Proviso thereto)*

#### **Preamble**

An advocate shall, at all times, comport himself in a manner befitting his status as an officer of the Court, a privileged member of the community, and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his non-professional capacity may still be improper for an advocate. Without prejudice to the generality of the foregoing obligation, an advocate shall fearlessly uphold the interests of his client and in his conduct conform to the rules hereinafter mentioned both in letter and in spirit. The rules hereinafter mentioned contain canons of conduct and etiquette adopted as general guides; yet the specific mention thereof shall not be construed as a denial of the existence of others equally imperative though not specifically mentioned.

#### **Section I - Duty to the Court**

1. An advocate shall, during the presentation of his case and while otherwise acting before a court, conduct himself with dignity and self-respect. He shall not be servile and whenever there is proper ground for serious complaint against a judicial officer, it shall be his right and duty to submit his grievance to proper authorities.
2. An advocate shall maintain towards the courts a respectful attitude, bearing in mind that the dignity of the judicial office is essential for the survival of a free community.
3. An advocate shall not influence the decision of a court by any illegal or improper means. Private communications with a judge relating to a pending case are forbidden.
4. An advocate shall use his best efforts to restrain and prevent his client from resorting to sharp or unfair practices or from doing anything in relation to the court, opposing counsel or parties which the advocates himself ought not to do. An advocate shall refuse to represent the client who persists in such improper conduct. He shall not consider himself a mere mouth-piece of the client, and shall exercise his own judgement in the use of restrained language in correspondence, avoiding scurrilous attacks in pleadings, and using intemperate language during arguments in court.

5. An advocate shall appear in court at all times only in the prescribed dress, and his appearance shall always be presentable.

6. An advocate shall not enter appearance, act, plead or practise in any way before a court, Tribunal or Authority mentioned in Section 30 of the Act, if the sole or any member thereof is related to the advocate as father, grandfather, son, grand-son, uncle, brother, nephew, first cousin, husband, wife, mother, daughter, sister, aunt, niece, father-in-law, mother-in-law, son-in-law, brother-in-law daughter-in-law or sister-in-law.

For the purposes of this rule, Court shall mean a Court, Bench or Tribunal in which above mentioned relation of the Advocate is a Judge, Member or the Presiding Officer.

7. An advocate shall not wear bands or gown in public places other than in courts except on such ceremonial occasions and at such places as the Bar Council of India or the court may prescribe.

8. An advocate shall not appear in or before any court or tribunal or any other authority for or against an organisation or an institution, society or corporation, if he is a member of the Executive Committee of such organisation or institution or society or corporation. "Executive Committee", by whatever name it may be called, shall include any Committee or body of persons which, for the time being, is vested with the general management of the affairs of the organisation or institution, society or corporation.

Provided that this rule shall not apply to such a member appearing as "amicus curiae" or without a fee on behalf of a Bar Council, Incorporated Law Society or a Bar Association.

9. An Advocate should not act or plead in any matter in which he is himself pecuniarily interested.

**Illustration :**

I. He should not act in a bankruptcy petition when he himself is also a creditor of the bankrupt.

II. He should not accept a brief from a company of which he is a Director.

10. An Advocate shall not stand as a surety, or certify the soundness of a surety for his client required for the purpose of any legal proceedings.

**Section II Duty to the Client**

11. An advocate is bound to accept any brief in the Courts or Tribunals or before any other authorities in or before which he proposes to practise at a fee consistent with his standing at the Bar and the nature of the case. Special circumstances may justify his refusal to accept a particular brief.

12. An advocate shall not ordinarily withdraw from engagements, once accepted, without sufficient cause and unless reasonable and sufficient notices is given to the client. Upon his withdrawal from a case, he shall refund such part of the fee as has not been earned.

13. An advocate should not accept a brief or appear in a case in which he has reason to believe that he will be a witness, and if being engaged in a case, it becomes apparent that he is a witness on a material question of fact, he should not continue to appear as an Advocate if he can retire without jeopardising his client's interests.

14. An advocate shall at the commencement of his engagement and during the continuance thereof, make all such full and frank disclosure to his client relating to his connection with the

parties and any interest in or about the controversy as are likely to affect his client's judgement in either engaging him or continuing the engagement.

15. It shall be the duty of an advocate fearlessly to uphold the interests of his client by all fair and honourable means without regard to any unpleasant consequences to himself or any other. He shall defend a person accused of a crime regardless of his personal opinion as to the guilt of the accused, bearing in mind that his loyalty is to the law which requires that no man should be convicted without adequate evidence.

16. An advocate appearing for the prosecution of a criminal trial shall so conduct the prosecution that it does not lead to conviction of the innocent. The suppression of material capable of establishing the innocence of the accused shall be scrupulously avoided.

17. An advocate shall not, directly or indirectly, commit a breach of the obligations imposed by Section 126 of the Indian Evidence Act.

18. An advocate shall not, at any time, be a party to fomenting of litigation.

19. An advocate shall not act on the instructions of any person other than his client or his authorised agent.

20. An advocate shall not stipulate for a fee contingent on the results of litigation or agree to share the proceeds thereof.

21. An advocate shall not buy or traffic in or stipulate for or agree to receive any share or interest in any actionable claim. Nothing in this rule shall apply to stock, shares and debentures of government securities, or to any instruments which are, for the time being, by law or custom, negotiable or to any mercantile document of title to goods.

22. An advocate shall not, directly or indirectly, bid for or purchase, either in his own name or in any other name, for his own benefit or for the benefit of any other person, any property sold in the execution of a decree or order in any suit, appeal or other proceeding in which he was in any way professionally engaged. This prohibition, however, does not prevent an advocate from bidding for or purchasing for his client any property which his client may himself legally bid for or purchase, provided the Advocate is expressly authorised in writing in this behalf.

22A. An advocate shall not directly or indirectly bid in court auction or acquire by way of sale, gift, exchange or any other mode of transfer either in his own name or in any other name for his own benefit or for the benefit of any other person any property which is subject matter of any suit appeal or other proceedings in which he is in any way professionally engaged<sup>2</sup>.

23. An advocate shall not adjust fee payable to him by his client against his own personal liability to the client, which liability does not arise in the course of his employment as an advocate.

24. An advocate shall not do anything whereby he abuses or takes advantage of the confidence reposed in him by his client.

25. An advocate should keep accounts of the client's money entrusted to him, and the accounts should show the amounts received from the client or on his behalf, the expenses incurred for him and the debits made on account of fees with respective dates and all other necessary particulars.

26. Where moneys are received from or on account of a client, the entries in the accounts should contain a reference as to whether the amounts have been received for fees or expenses and during the course of the proceeding, no advocates shall, except with the consent in writing of the client concerned, be at liberty to divert any portion of the expenses towards fees.

27. Where any amount is received or given to him on behalf of his client, the fact of such receipt must be intimated to the client, as early as possible.

28. After the termination of the proceeding, the advocate shall be at liberty to appropriate towards the settled fee due to him, any sum remaining unexpended out of the amount paid or sent to him for expenses or any amount that has come into his hands in that proceeding.

29. Where the fee has been left unsettled, the advocate shall be entitled to deduct, out of any moneys of the client remaining in his hands, at the termination of the proceeding for which he had been engaged, the fee payable under the rules of the Court, in force for the time being, or by then settled and the balance, if any, shall be refunded to the client.

30. A copy of the client's account shall be furnished to him on demand provided the necessary copying charge is paid.

31. An advocate shall not enter into arrangements whereby funds in his hands are converted into loans.

32. An advocate shall not lend money to his client for the purpose of any action or legal proceedings in which he is engaged by such client.

**Explanation.** An advocate shall not be held guilty for a breach of this rule, if in the course of a pending suit or proceeding, and without any arrangement with the client in respect of the same, the advocate feels compelled by reason of the rule of the Court to make a payment to the Court on account of the client for the progress of the suit or proceeding.

33. An advocate who has, at any time, advised in connection with the institution of a suit, appeal or other matter or has drawn pleadings, or acted for a party, shall not act, appear or plead for the opposite party.

### **Section III - Duty to Opponent**

34. An advocate shall not in any way communicate or negotiate upon the subject matter of controversy with any party represented by an advocate except through that advocate.

35. An advocate shall do his best to carry out all legitimate promises made to the opposite party even though not reduced to writing or enforceable under the rules of the Court.

### **Section IV - Duty to Colleagues**

36. An advocate shall not solicit work or advertise, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interviews not warranted by personal relations, furnishing or inspiring newspaper comments or producing his photographs to be published in connection with cases in which he has been engaged or concerned. His sign-board or name-plate should be of a reasonable size. The sign-board or name-plate or stationery should not indicate that he is or has been President or Member of a Bar Council or of any Association or that he has been associated with any person or organisation or with any particular cause or matter or that he specialises in any particular type of worker or that he has been a Judge or an Advocate General.

37. An advocate shall not permit his professional services or his name to be used in aid of, or to make possible, the unauthorised practice of law by any law agency.

38. An advocate shall not accept a fee less than the fee taxable under rules when the client is able to pay the same.

39. An advocate shall not enter appearance in any case in which there is already a vakalat or memo of appearance filed by an advocate engaged for a party except with his consent; in case such consent is not produced he shall apply to the Court stating reasons why the said consent could not be produced and he shall appear only after obtaining the permission of the Court<sup>1</sup>.

#### **Section IV-A<sup>2</sup>**

40. Every Advocate borne on the rolls of the State Bar Council shall pay to the State Bar Council a sum of Rs. 90/- every third year commencing from 1st April, 1993 along with a statement of particulars as given in the form set out at the end of these Rules, the first payment to be made on or before 1st April, 1993 or such extended time as notified by the Bar Council of India or the concerned State Bar Council.

Provided further however that an advocate shall be at liberty to pay in lieu of the payment of Rs. 90/- every three years a consolidated amount of Rs. 300/- . This will be a life time payment to be kept in the fixed deposit by the concerned State Bar Council and the Bar Council of India at the ratio of 80:20 as envisaged under Rule 41 and interest to be used for the purpose of this rule. However, payment made by the concerned Advocate before this consolidated payment shall be exclusive of it and no credit shall be given for payment, but those advocates who have paid consolidated amount of Rs. 200/- only as a consolidated amount, Rs. 100/- will be required to pay.

“Out of life time payment, 80% of the amount will be retained by the State Bar Council in a fixed deposit and remaining 20% has to be transferred to the Bar Council of India. The Bar Council of India and State Bar Council have to keep the same in a fixed deposit and the interest on the said deposits shall alone be utilised for the Welfare of the Advocates.”

**Explanation 1 :** Statement of particulars as required by rule 40 in the form set out shall require to be submitted only once in three years.

**Explanation 2.** All Advocates who are in actual practise and are not drawing salary or not in full time service and not drawing salary from their respective employers are only required to pay the amount referred to in this rule.

**Explanation 3.** This rule will be effective from 1-4-1994 and for period prior to this, advocates will continue to be covered by old rule.

41. (1) All the sums so collected by the State Bar Council in accordance with Rule 40 shall be credited in a separate fund known as “Bar Council of India Advocates Welfare Fund ” and shall be deposited in the bank as provided hereunder.

(2) The Bar Council of India Advocates Welfare Fund Committee for the State shall remit 20% of the total amount collected and credited to its account, to the Bar Council of India by the end of every month which shall be credited by the Bar Council of India and Bar Council of India shall deposit the said amount in separate fund to be known as “BAR COUNCIL OF INDIA ADVOCATES WELFARE FUND.” This fund shall be managed by the Welfare Committee of the Bar Council of India in the manner prescribed from time to time by the Bar Council of India for the Welfare of Advocates.

(3) The rest 80% of the total sum so collected by the Bar Council of India Advocates Welfare Fund Committee for the State under Rule 41 (1) shall be utilised for the welfare of advocates in respect of Welfare Schemes sponsored by the respective State Bar Councils and this fund shall

be administered by the Advocates Welfare Committee for the State which shall submit its report annually to the Bar Council of India.

(4) In case of transfer of an advocate from one State Bar Council to other state Bar Council, 80% of the total sum collected so far in respect of that advocate by the Bar Council of India Advocates Welfare Committee for the State under Rule 41 (1) where the said Advocate was originally enrolled, would get transferred to the Advocates Welfare Fund Committee of the Bar Council of India for the State to which the said Advocate has got himself transferred: .

42. If any advocate fails to pay the aforesaid sum within the prescribed time as provided under rule 40, the Secretary of the State Bar Council shall issue to him a notice to show cause within a month why his right to practice be not suspended. In case the advocate pays the amount together with late fee of Rs. 5/- per month, or a part of a month subject to a maximum of Rs. 30/- within the period specified in notice, the proceedings shall be dropped. If the advocate does not pay the amount or fails to show sufficient cause, a Committee of three members constituted by the State Bar Council in this behalf may pass an order suspending the right of the advocate to practise.

Provided that the order of suspension shall cease to be in force when the advocate concerned pays the amount along with a late fee of Rs. 50/- and obtain a certificate in this behalf from the State Bar Council.

43. An Advocate who has been convicted of an offence mentioned under Section 24A of the Advocates Act or has been declared insolvent or has taken full time service or part time service or engages in business or any avocation inconsistent with his practising as an advocate or has incurred any disqualification mentioned in the advocates Act or the rules made thereunder, shall send a declaration to that effect to the respective State Bar Council in which the advocate is enrolled, within ninety days from the date of such disqualification. If the advocate does not file the said declaration or fails to show sufficient cause for not filing such declaration provided therefor, the Committee constituted by the State Bar Council under rule 42 may pass orders suspending the right of the advocate to practise.

Provided that it shall be open to the Committee to condone the delay on an application being made in this behalf.

Provided further that an advocate who had after the date of his enrolment and before the coming into force of this rule, become subject to any of the disqualifications mentioned in this rule, shall within a period of ninety days of the coming into force of this rule send declaration referred to in this rule to the respective State Bar Council in which the Advocate is enrolled and on failure to do so by such advocate all the provisions of this rule would apply.

44. An appeal shall lie to the Bar Council of India at the instance of an aggrieved advocate within a period of thirty days from the date of the order passed under Rules 42 and 43.

44A. (1) There shall be a Bar Council of India Advocates Welfare Committee, consisting of five members elected from amongst the members of the Council. The term of the members of the committee shall be co-extensive with their term in Bar Council of India.:

- (2) (i) Every State Council shall have an Advocates Welfare Committee known as Bar Council of India Advocates Welfare Committee for the State.
- (ii) The Committee shall consist of member Bar Council of India from the State concerned who shall be the Ex-Officio Chairman of the Committee and two members elected from amongst the members.

- (iii) The Secretary of the State Bar Council concerned will act as Ex-Officio Secretary of the Committee.
- (iv) The term of the member, Bar Council of India in the Committee shall be co-extensive with his term in the Bar Council of India.
- (v) The term of the members elected from the State Bar Council shall be two years.
- (vi) Two members of the Committee will form a quorum of any meeting of the Committee.

(3) Every State Bar Council shall open an account in the name of the Bar Council of India Welfare Committee for the State, in any nationalised Bank,

(4) No amount shall be withdrawn from the Bank unless that cheque is signed by the Chairman of the Welfare Committee and its Secretary.

(5) The State Bar Council shall implement Welfare Schemes approved by the Bar Council of India through Advocates Welfare Committee as constituted under sub-clause (2) (i). The State Bar Councils may suggest suitable modifications in the Welfare Schemes or suggest more schemes, but such modifications or such suggested schemes shall have effect only after approval by the Bar Council of India.

(6) The State Bar Council shall maintain separate account in respect of the Advocate Welfare Fund which shall be audited annually along with other accounts of the State Bar Council and send the same along with Auditors Report to the Bar Council of India.

Provided that the Bar Council of India Advocates Welfare Fund Committee for the State shall be competent to appoint its own staff in addition to the staff of the Bar Council of the State entrusted with duty to maintain the account of the Fund if their funds are adequate to make such appointment. The salary and other conditions of the said staff be determined by the Bar Council of India Advocates Welfare Fund Committee for the State.\*

Provided further that Chairman of the Bar Council of India Advocates Welfare Fund Committee for the State shall be competent to make temporary appointment for a period not exceeding six months in one transaction if the situation so requires subject to availability of fund in the said Committee for making such appointment.\*

44B. The Bar Council of India shall utilise the funds received under Rule 41(2) in accordance with the schemes which may be framed from time to time.\*\*

**FORM UNDER RULE 40**

Bar Council of .....

.....

Dear Sirs,

(1) I am enclosing herewith a Postal Order/Bank Draft/Cash for ..... being the payment under Rule 40. Chapter II, Part VI of the Rules of the Bar Council of India.

(2) I am enrolled as an Advocate on the Rolls of your State Bar Council.

(3) I am ordinarily practising at ..... in the territory/ State of .....

(4) I am a member of the ..... Bar Association/not a member of any Bar Association.

(5) My present address is .....

DATED

SIGNATURE

PLACE

NAME IN BLOCK LETTERS

ENROLMENT NO .....

Received a sum of Rs. 30/- (Rs. 90/- Rs.300) Rs. 300/- from ..... towards payment under Rule 40, Chapter II, Part VI of the Rules of the Bar Council of India by way of Postal Order/Bank Draft/Cash on .....

DATED:

SECRETARY

PLACE :

BAR COUNCIL OF .....

**SCHEME FOR FINANCIAL ASSISTANCE TO STATE BAR COUNCILS AND INDIVIDUALS UNDER RULE 44B OF THE BAR COUNCIL OF INDIA RULES:**

1. These rules shall be known as the Scheme for Financial Assistance to the State Bar Councils under Rule 44B of the Bar Council of India Rules.
2. The Scheme shall come into force immediately.
3. These schemes shall be applicable to only such State Bar Councils which have remitted the sum in accordance with the Rule 41 (2) of the Bar Council of India.
4. That on receiving information from the Chairman of the State Bar Council or Member, Bar Council of India from that State, the Chairman, Bar Council of India on being satisfied by such report may immediately sanction a reasonable amount not exceeding Rs. 10,000/- in an individual case and Rs. 25,000/- in case of some calamity involving more than one advocate and shall report to the Advocates Welfare Committee of the Bar Council of India. The financial assistance to the State Bar Councils will be available in any of the following cases : —
  - (a) The advocate or advocates have suffered seriously on account of some natural calamity or ;
  - (b) the advocate or a advocates have died an unnatural death, due to an accident or natural calamity or any other cause of like nature, or;
  - (c) the advocate or advocates have suffered or is suffering from such serious disease or illness which is likely to cause death if no proper treatment is given and the advocate requires financial assistance without which he would not be able to get proper treatment and has no personal assets except a residential house to meet such expenditures, or;
  - (d) the advocate or advocates become physically disabled or incapacitated to continue his profession on account of natural calamity or accident or any other cause of like nature.
5. That the amount sanctioned under Rule 4 shall be placed at the disposal of the Advocates Welfare Committee of the Bar Council of India for the State and the said State

Committee shall maintain separate account and send the same to the Bar Council of India within three months from the date of the receipt thereof.

6. That the Advocates Welfare Committee of the Bar Council of India on receiving such applications duly recommended by the State Bar Councils, may sanction a sum provided in the different schemes prepared by the Bar Council of India.

#### **Section V-Duty in imparting training**

45. It is improper for an advocate to demand or accept fees or any premium from any person as a consideration for imparting training in law under the rules prescribed by State Bar Council to enable such person to qualify for enrolment under the Advocates Act, 1961.

#### **Section VI-Duty to Render Legal Aid**

46. Every advocate shall in the practice of the profession of law bear in mind that any one genuinely in need of a lawyer is entitled to legal assistance even though he cannot pay for it fully or adequately and that within the limits of an Advocate's economic condition, free legal assistance to the indigent and oppressed is one of the highest obligations an advocate owes to society.

#### **Section VII-Restriction on other Employments**

47. An advocate shall not personally engage in any business; but he may be a sleeping partner in a firm doing business provided that in the opinion of the appropriate State Bar Council, the nature of the business is not inconsistent with the dignity of the profession.

48. An advocate may be Director or Chairman of the Board of Directors of a Company with or without any ordinarily sitting fee, provided none of his duties are of an executive character. An advocate shall not be a Managing Director or a Secretary of any Company.

49. An advocate shall not be a full-time salaried employee of any person, government, firm, corporation or concern, so long as he continues to practise, and shall, on taking up any such employment, intimate the fact to the Bar Council on whose roll his name appears and shall thereupon cease to practise as an advocate so long as he continues in such employment.

Nothing in this rule shall apply to a Law Officer of the Central Government of a State or of any Public Corporation or body constituted by statute who is entitled to be enrolled under the rules of his State Bar Council made under Section 28 (2) (d) read with Section 24 (1) (e) of the Act despite his being a full time salaried employee.

Law Officer for the purpose of these Rules means a person who is so designated by the terms of his appointment and who, by the said terms, is required to act and/or plead in Courts on behalf of his employer.

50. An advocate who has inherited, or succeeded by survivorship to a family business may continue it, but may not personally participate in the management thereof. He may continue to hold a share with others in any business which has descended to him by survivorship or inheritance or by will, provided he does not personally participate in the management thereof.

51. An advocate may review Parliamentary Bills for a remuneration, edit legal text books at a salary, do press-vetting for newspapers, coach pupils for legal examination, set and examine question papers; and subject to the rules against advertising and full-time employment, engage in broadcasting, journalism, lecturing and teaching subjects, both legal and non-legal.

52. Nothing in these rules shall prevent an advocate from accepting after obtaining the consent of the State Bar Council, part-time employment provided that in the opinion of the State Bar Council, the nature of the employment does not conflict with his professional work and is not inconsistent with the dignity of the profession. This rule shall be subject to such directives if any as may be issued by the Bar Council India from time to time.

### **CHAPTER - III**

#### **(Conditions for right to practice)**

*(Rules under Section 49 (1) (ah) of the Act)*

1. Every advocate shall be under an obligation to see that his name appears on the roll of the State Council within whose jurisdiction he ordinarily practices.

**PROVIDED** that if an advocate does not apply for transfer of his name to the roll of the State Bar Council within whose jurisdiction he is ordinarily practising within six months of the start of such practice, it shall be deemed that he is guilty of professional misconduct within the meaning of Section 35 of the Advocates Act.

2. An advocate shall not enter into a partnership or any other arrangement for sharing remuneration with any person or legal practitioner who is not an advocate.

3. Every advocate shall keep informed the Bar Council on the roll of which his name stands, of every change of his address.

4. The Council or a State Council can call upon an advocate to furnish the name of the State Council on the roll of which his name is entered, and call for other particulars.

5. (1) An advocate who voluntarily suspends his practice for any reason whatsoever, shall intimate by registered post to the State Bar Council on the rolls of which his name is entered, of such suspensions together with his certificate of enrolment in original.

(2) Whenever any such advocate who has suspended his practice desires to resume his practice, he shall apply to the Secretary of the State Bar Council for resumption of practice, along with an affidavit stating whether he has incurred any of the disqualifications under Section 24A, Chapter III of the Act during the period of suspension.

(3) The Enrolment Committee of the State Bar Council may order the resumption of his practice and return the certificate to him with necessary endorsement. If the Enrolment Committee is of the view that the advocate has incurred any of the disqualifications, the Committee shall refer the matter under proviso to Section 26(1) of the Act.

(4) On suspension and resumption of practice the Secretary shall act in terms of Rule 24 of Part IX.

6. (1) An advocate whose name has been removed by order of the Supreme Court or a High Court or the Bar Council as the case may be, shall not be entitled to practice the profession of law either before the Court and authorities mentioned under Section 30 of the Act, or in chambers or otherwise.

(2) An advocate who is under suspension, shall be under same disability during the period of such suspension as an advocate whose name has been removed from the roll.

7. An officer after his retirement or otherwise ceasing to be in service shall not practice for a period two years in the area in which he exercised jurisdiction for a period of 3 years before his retirement or otherwise ceasing to be in service\*.

**RESOLVED** that nothing in these Rules shall prevent any such person from practising in any Court or Tribunal or Authority of superior jurisdiction to one in which he held office.

**Explanation :** ‘Officer’ shall include a Judicial Officer, Additional Judge of the High Court and Presiding Officer or Member of the Tribunal or authority or such Officer or authority as referred to in Section 30 of the Act.

‘Area’ shall mean area in which the person concerned exercising jurisdiction.

“7A. Any person applying for enrolment as an Advocate shall not be enrolled, if he is dismissed, retrenched, compulsorily retired, removed or otherwise relieved from Government service or from the service under the control of the Hon’ble High Courts or the Hon’ble Supreme Court on the charges or corruption or dishonesty unbecoming of an employee and a person having such disqualification is permanently debarred from enrolling himself as an advocate”.

8. No advocate shall be entitled to practice if in the opinion of the Council he is suffering from such contagious disease as makes the practice of law a hazard to the health of others. This disqualification shall last for such period as the Council directs from time to time

#### CHAPTER-IV

#### FORM OF DRESSES OR ROBES TO BE WORN BY ADVOCATES

*(Rules under Section 49 (I) (gg) of the Act)*

Advocates appearing in the Supreme Court, High Courts, Subordinate Courts, Tribunals or Authorities shall wear the following as part of their dress which shall be sober and dignified.

##### I. ADVOCATES

- (a) A black buttoned up coat, chapkan, achkan, black sherwani and white bands with Advocates’ Gowns.
- (b) A black open breast coat. white shirt, white collar, stiff or soft, and white bands with Advocates’ Gowns.

In either cases wear long trousers (white, black striped or grey), Dhoti excluding Jeans.

Provided further that in Courts other than the Supreme Court, High Courts, District Courts, Sessions Courts or City Civil Courts, a black tie may be worn instead of bands.

##### II. LADY ADVOCATES

- (a) A black full sleeve jacket or blouse, white collar stiff or soft, with white bands and Advocates’ Gowns.

White blouse, with or without collar, with white bands and with a black open breasted coat.

Or

- (b) Sarees or long skirts (white or black or any mellow or subdued colour without any print or design) or flare (white, black or black striped or grey) or Punjabi dress churidar-kurta or salawar-kurta with or without dupatta (white or black) or traditional dress with black coat and bands..

III. Wearing of Advocates' gowns shall be optional except when appearing in the Supreme Court or in High Court.

IV. Except in Supreme Court and High Courts during summer wearing of black Coat is not mandatory.

\* Dt. of this Rules 16-2-91 Proviso added by resolution no 11/91

\* Rule 22A came into force w.e.f. 24-9-1998.

<sup>1</sup> Rule modified by addition of words "in case.....court" w.e.f. 5-6-1976.

<sup>2</sup> Section 4A : Revised rules came into effect from 1-4-1984 (Rules 47 to 54 re-numbered as 45 to 52)

\* Sub-rule(4) of Rule 41 came into force w.e.f. 3-11-1995.

\* Amended vide Resolution No. 78 of 1985 dated 27th and 28th July, 1985.

\* Came into force w.e.f. 10th Feb. 1996 (Resolution No. 25/96)

\*\*Rules framed for Scheme No. IV are given separately.

\* Came into force w.e.f. July 1998 vide Resolution No. 64/1998.

\*Amended vide Resolution No. 63/1993 dt. 20th August 1993.

\* Rule 7A came into force Gazette 26-2-2000

## PART VII

### DISCIPLINARY PROCEEDINGS AND REVIEW

#### CHAPTER-I

#### **Complaints against Advocates and Procedure to be followed by Disciplinary Committees of the State Bar Council and the Bar Council of India**

*(Rules under Section 49 (1) (f) of the Act)*

##### **A. Complaint and Enquiry under Section 35, 36 and 36B of the Act**

1. (1) A complaint against an advocate shall be in the form of a petition duly signed and verified as required under the Code of Civil Procedure. The complaint could be filed in English or in Hindi or in regional language where the language has been declared to be a State language and in case the complaint is in Hindi or in any other regional language, the State Bar Council shall translate the complaint in English whenever a disciplinary matter is sent to the Bar Council of India under the Advocates Act.

Every complaint shall be accompanied by the fees as prescribed in the rules framed under Section 49 (h) of the Act.

(2) The Secretary of the Bar Council may require the complainant to pay the prescribed fees if not paid, to remove any defects and call for such particulars or copies of the complaint or other documents as may be considered necessary.

(3) On a complaint being found to be in order, it shall be registered and placed before the Bar Council for such order as it may deem fit to pass.

(4) No matter taken up by the State Bar Council *suo motu* or arising on a complaint made under Section 35 of the Act shall be dropped solely by reason of its having been withdrawn, settled or otherwise compromised, or that the complainant does not want proceed with the enquiry.

2. Before referring a complaint under Section 35 (1) of the Act to one of its Disciplinary Committees to be specified by it, the Bar Council may require a complainant to furnish within a time to be fixed by it, further and better particulars and may also call for the comments from the advocate complained against.

3. (1) After a complaint has been referred to a Disciplinary Committee by the Bar Council, the Registrar shall expeditiously send a notice to the advocate concerned requiring him to show cause within a specified date on the complaint made against him and to submit the statement of defence, documents and affidavits in support of such defence and further informing him that in case of his non-appearance on the date of hearing fixed, the matter shall be heard and determined in his absence.

**Explanation :** Appearance includes, unless otherwise directed, appearance by an advocate or through duly authorised representative.

(2) If the Disciplinary Committee requires or permits, a complainant may file a replication within such time as may be fixed by the Committee.

4. The Chairman of the Disciplinary Committee shall fix the date, hour and place of the enquiry which shall not ordinarily be later than thirty days from the receipt of the reference. The Registrar shall give notice of such date, hour and place to the complainant or other person aggrieved, the advocate concerned and the Attorney General or the Additional Solicitor General of India or the Advocate General as the case may be, and shall also serve on them copies of the complaint and such other documents mentioned in Rule 24 of this Chapter as the Chairman of the Committee may direct at least ten days before the date fixed for the enquiry.

5. (1) The notices referred to in this Chapter shall subject to necessary modification, be in Form Nos. E-1 and E-2 be sent to the advocates appearing for the parties. Notice to a party not appearing by the advocate shall be sent to the address as furnished in the complaint or in the grounds of appeal. The cost of the notices shall be borne by the complainant unless the Disciplinary Committee otherwise directs.<sup>2</sup>

(2) The notices may be sent ordinarily through messenger or by registered post acknowledgement due and served on the advocate or the party concerned or his agent or other person as provided for in Order V of the Civil Procedure Code.

(3) Notice may also, if so directed by the Committee be sent for service through any Civil Court as provided for under Section 42 (3) of the Advocates Act.

(4) Where the notice sent to any party cannot be served as aforesaid it may be served by affixing a copy thereof in some conspicuous place in the office of the Bar Council, and also upon some conspicuous part of the house (if any) in which the party concerned is known to have last resided or had his office, or in such other manner as the Committee thinks fit. Such service shall be deemed to be sufficient service.

(5) Payment of bills and/or charges for summons to witness etc. shall be in accordance with the rules under Section 49 (h) of the Act.

6. (1) The parties can appear in person or by an advocate who should file a vakalatnama giving the name of the Bar Council in which he is enrolled, his residential address, telephone number if any, and his address for service of notices. A Senior Advocate is entitled to appear with another advocate who has filed a vakalatnama.

(2) The Bar Council or its Disciplinary Committee may at any stage of a proceeding appoint an advocate to appear as *Amicus Curiae*. Such advocate may be paid such fee as the Council or the Committee may decide.

(3) Excepting when the Committee has otherwise directed, service on the advocate shall be deemed to be sufficient service on the parties concerned, even if copies of the notices are in addition sent to the parties, whether the parties have or have not been served.

(4) Unless otherwise indicated, where more than one Advocate appears for the same party, it is sufficient to serve the notice on any of them.

7. (1) If in an enquiry on a complaint received, either the complainant or the respondent does not appear before the Disciplinary Committee in spite of service of notice, the Committee may proceed *ex-parte* or direct fresh notice to be served.

(2) Any such order for proceeding *ex-parte* may be set aside on sufficient cause being shown, when an application is made supported by an affidavit, within 60 days of the passing of the *ex-parte* order.

**Explanation :** The provisions of Section 5 of the Limitation Act, 1963 shall apply to this sub-rule.

8. (1) The Disciplinary Committee shall hear the Attorney General or the Additional Solicitor General of India or the Advocate General, as the case may be or their advocate and parties or their advocates, if they desire to be heard and determine the matter on documents and affidavits unless it is of the opinion that it should be in the interest of justice to permit cross examination of the deponents or to take oral evidence, in which case the procedure for the trial of civil suits shall as far as possible be followed.

(2) On every document admitted in evidence, the following endorsement shall be made which shall be signed by the Chairman or any member of the Committee :-

The Disciplinary Committee of Bar Council of ..... Exhibit No ..... Date of Document..... Produced by ..... Date ..... Signature of .....

(3) The exhibits shall be marked as follows :-

(a) Those of the complainant as C1, C2, etc.

(b) Those of Respondent as R1, R2, etc.

(c) Those of Disciplinary Committee as D1, D2, etc.

(4) The Disciplinary Committee may at any stage direct the parties or their advocates to furnish such further and better particulars as it considers necessary.

9. (1) Evidence given before the Disciplinary Committee shall be recorded preferably in English by any member of the Committee or any other person authorised by the Committee. The evidence so recorded shall be signed by the Chairman or if the Chairman is not there when the evidence is recorded by any member of the Committee.

(2) Whenever the record of a case decided by the State Bar Council or its Disciplinary Committee in which evidence has been recorded in a language other than English is required to be sent to the Bar Council of India or its Disciplinary Committee, a translation thereof in English made by a person nominated by Committee or Registrar certifying the same to be true copy shall also be sent.

10. (1) Every Disciplinary Committee shall make a record of its day to day proceedings.

(2) The Registrar of the Disciplinary Committee shall maintain a case diary setting out shortly in order of date, all relevant information concerning the date of filing, the date for hearing and despatch and service of the notices on the parties or the Advocates or the Attorney General or the Additional Solicitor General or the Advocate General as the case may be, of statements or petitions filed and/or of the order thereon and of other proceedings in the matter before the Committee.

11 (1) If in any enquiry pending before the Disciplinary Committee, the complainant dies and there is no representative who is willing to conduct the case on his behalf, the Disciplinary Committee may, having regard to the allegations made in the complaint and the evidence available, make a suitable order either to proceed with the enquiry or to drop it.

(2) (a) In the case of an enquiry against only one advocate, on his death the Disciplinary Committee shall record the fact of such death and drop the proceedings.

(b) Where the enquiry is against more than one advocate, on the death of one of them, the Disciplinary Committee may continue the enquiry against the other advocate unless it decides otherwise.

(3) No Disciplinary enquiry shall be dropped solely by reason of its having been withdrawn, settled or otherwise compromised, or that the complainant does not want to proceed with the enquiry.

12. Unless otherwise permitted, counsel appearing before any of the Disciplinary Committees of the State Bar Council or Bar Council of India shall appear in court dress.

13. The Council may from time to time issue instructions on any of the matter provided for in these rules.

14. (1) The finding of the majority of the members of the Disciplinary Committee shall be the finding of the Committee. The reason given in support of the finding may be given in the form of a judgement, and in

the case a difference of opinion, any member dissenting shall be entitled to record his dissent giving his own reason. It shall be competent for the Disciplinary Committee to award such costs as it thinks fit.

(2) The Registrar of the Disciplinary Committee shall send free of charge to each of the parties in the proceedings, a certified copy of the final order or judgement as set out in Rule 36 in this Chapter.

(3) The date of an Order made by the Disciplinary Committee shall be the date on which the said Order is first received in the office of the Bar Council after it has been signed by all the members thereof. For the purpose of limitation the date of the Order shall be the date on which the contents of the Order duly signed as aforesaid are communicated to the parties affected thereby.

15. Save as otherwise directed by the Disciplinary Committee or the Chairman thereof, certified copies of the records of a case pending before the Disciplinary Committee may be granted to the parties or to their counsel on an application made in that behalf and on payment of the prescribed fee.

16. (1) The Secretary of a State Bar Council shall send to the Secretary of the Bar Council of India quarterly statements of the complaints received and the stage of the proceedings before the State Bar Council and Disciplinary Committees in such manner as may be specified from time to time.

(2) The Secretary of the Bar Council of India may however call for such further statements and particulars as he considers necessary.

17. (1) The Secretary of every State Bar Council shall furnish such particulars and send such statements as may be considered necessary by the Secretary of the Bar Council of India for purposes of Section 36B of the Act and send all the records of proceedings that stand transferred under the said Section.

(2) The date of receipt of the complaint or the date of the initiation of the proceedings at the instance of the State Bar Council shall be the date on which the State Bar Council refers the case for disposal to its Disciplinary Committee under Section 35 (1)\*.

(3) Whenever the records of proceedings are transferred under Section 36B of the Act to the Council, the requirements in Rule 9 (2) of this Chapter shall be followed by the Disciplinary Committee of the State Bar Council.

#### **B. Withdrawal of Proceedings under Section 36 of the Act**

18. (1) Where a State Bar Council makes a report referred to in Section 36 (2) of the Act, the Secretary of the State Bar Council shall send to the Secretary of the Bar Council of India all the records of the proceedings along with the report.

(2) An application by a person interested in the withdrawal of a proceeding referred to in Section 36 (2) of the Act shall be signed by him and it shall set out the necessary facts supported by an affidavit and accompanied by the fee prescribed.

(3) For making an order on an application of a party or otherwise under Section 36 (2) of the Act, the Disciplinary Committee of the Bar Council of India may :

- (a) call for a report of the Disciplinary Committee seized of the proceedings;
- (b) issue notice to the respondent;
- (c) require the parties to file such statements as it considers necessary;
- (d) call for the records of the proceedings; and
- (e) examine any witnesses.

(4) In the proceedings before the Disciplinary Committee of Bar Council of the India under Section 36, unless otherwise directed, the parties may appear in person or by advocate who shall file a vakalatnama as provided for under Rule 6 (1) in this Chapter.

(5) On a consideration of the report of a State Bar Council or otherwise the Disciplinary Committee of the Bar Council of India shall pass such orders as it considers proper.

#### **C. Appeal to the Bar Council of India under Section 37 of the Act**

19. (1) An appeal to the Council provided for under Section 37 of the Act, shall be in the form of a memorandum in writing as set out in Rule 21 in this Chapter. If the appeal is in a language other than English, it shall be accompanied by a translation thereof in English.

(2) In every appeal filed under Section 37 (1) of the Act, all persons who were parties to the original proceedings shall alone be impleaded as parties.

(3) Save as otherwise directed by the Disciplinary Committee of the Council, in an appeal by the advocate against an order under Section 35, in case of death of the complainant the legal representatives of the complainant shall be made parties.

20. (1) An appeal may be presented by the appellant or his advocate or by his recognised agent in the office of the Bar Council of India or sent by registered post with acknowledgement due so as to reach the Secretary, Bar Council of India on or before the last day of limitation.

(2) Any appeal may be admitted after the period of limitation if the appellant satisfies the Disciplinary Committee that he has sufficient cause for not preferring the appeal within such period. Any such application for condonation of delay shall be supported by an affidavit.

21. (1) The memorandum of appeal referred to in Rule 19 (1) of this Chapter shall contain necessary particulars as in Form G. The memorandum of appeal shall state when the order was communicated to the appellant and how it is in time.

(2) Along with the memorandum of appeal, the appellant shall file :

- (a) either the authenticated or the certified copy of the order appealed against, signed by the Registrar of the Disciplinary Committee, and
- (b) five additional copies of the memorandum of appeal and of the order appealed against, if there is only one Respondent; if there is more than one Respondent, such number of additional copies as may be necessary. All copies shall be certified as true copies by the appellant or by his counsel.

(3) Every memorandum of appeal shall be accompanied by the prescribed fees in cash. In case the memo is sent by post, it shall be accompanied by the M.O. Receipt issued by the Post Office.

(4) If the papers filed in an appeal are not in order, the Registrar shall require the appellant to remove such defects within a specified time.

22. (1) Subject to the provisions contained in Rule 29 (2) in this chapter, the Chairman of the Executive Committee or in his absence the Vice-Chairman of the Executive Committee or such other member authorised in this behalf by the Council shall have the power to allocate matters relating to the Disciplinary Committee, save when any such case has been allotted by the Council to any particular Disciplinary Committee.\*

(2) Any matter allotted to a particular Disciplinary Committee which has not been heard may be reallocated to a different Disciplinary Committee.

(3) Notwithstanding the provisions of Rule 30 in this Part, the Chairman of any Disciplinary Committee shall have powers to issue interim orders on urgent matters which may be placed before him by the Registrar.

23. Subject to any resolution of the Bar Council of India in this behalf relating to the places of hearing, the Chairman of the Disciplinary Committee concerned shall fix the date, hour and place for the hearing of the appeal.

24. (1) The appellant shall be required to file six typed sets of the following papers properly paged and indexed if there is only one Respondent and as many more sets as there may be additional respondents for the use of the Disciplinary Committee and by the other parties and for the record :-

- (a) the complaint, statement in the defence of the advocate,
- (b) the evidence oral and documentary and such other papers on which parties intend to rely.
- (c) any other part of the record as may be directed by the Committee.

Where any of the above papers is in a language other than English, English translations thereof shall be filed.

(2) The Respondent shall, if he so desires, or if so called upon, file six sets of typed papers of any part of the record on which he intends to rely. He shall also file English translations of such papers as are not in English.

25. The Registrar shall give notices to the parties or their advocates or their recognised agents informing them of the date, time and place of the hearing of the appeal.

A copy of the memorandum of appeal shall be sent to the respondent along with the notice of the appeal.

26. (1) No appeal filed under Section 37 of the Act against an order of punishment of an advocate shall be permitted to be withdrawn on account of settlement or compromise or adjustment of the claim against the advocate.

(2) Every appeal filed under Section 37 of the Act by or against an advocate shall abate on the death of the advocate so far as he is concerned.

27. In regard to appearance of a party in the appeal, Rule 6 of this chapter will apply.

28. (1) The Registrar shall issue notice to the State Council concerned for the complete records to be sent to the Council.

(2) The Registrar of the State Council concerned shall send along with the records a list containing particulars under the following columns and comply with such other directions as may be issued.

Serial No. of Document	Date of Document	Description of Document	Page No.
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#### **D. Application for Stay, and other matters**

29. (1) An application for stay made under Section 40, sub-section (1) or (2) of the Act shall be accompanied by an affidavit and the fees, if any prescribed by the rules of the Council made under Section 49(1)(h) of the Act. Where the affidavit is not in English, a translation thereof in English shall be filed. The applicant shall file with his application at least five copies of the application, and the affidavit and as many additional copies thereof as there are respondents. Where the application is not in English five copies with translation thereof in English shall also be filed.

In every application for stay made to the Council, the applicant shall state if any application has been made to the State Council and the orders thereon.

(2) Before a matter is allotted to a Disciplinary Committee under Rule 22 above, the Registrar may obtain orders on applications for interim stay or other urgent applications from the Chairman of any of the Disciplinary Committees.

The orders passed under this sub-rule shall be communicated to the parties and to the Secretary of the Bar Council concerned.

30. After allotment of a case under Rule 22 in this Chapter to a Disciplinary Committee, the Registrar may obtain its orders on any matter of an emergent nature arising therein, by circulation.

30A. The Disciplinary Committee of the Bar Council of India shall exercise all the powers exercised by the Civil Court or Court of Appeal under C.P.C.<sup>2</sup>

31. The order of the Disciplinary Committee disposing of an appeal shall be communicated to the parties. The date of an order made by the Disciplinary Committee shall be the date on which the said order is first received in the office of the Council after it has been signed by all the members thereof.

#### **E. Rules applicable to all proceedings before the Disciplinary Committee of the State Bar Councils and the Bar Council of India.**

32. The Rules in this Chapter so far as may be, shall apply to all proceedings of the Disciplinary Committee of State Bar Councils or of the Bar Council of India.

#### **Proceedings to be in camera**

33. All the proceedings before the Disciplinary Committee shall be held in camera.

#### **Inspection of records and copies**

34. (1) Save as otherwise directed by the Disciplinary Committee or the Chairman thereof, inspection of any of the records in any proceeding before the Disciplinary Committee may be permitted to the parties or their advocates on presentation of an application duly signed by the applicant or his advocate and on payment of the prescribed fee on any working day except during the summer or other vacations of the Supreme Court.

(2) An application for inspection shall be made to the Registrar of the Disciplinary Committee. The Registrar of the Disciplinary Committee may permit the inspection in his presence or in the presence of any member of the staff authorised by him.

The person inspecting shall not be entitled to make copies of the record of which inspection is granted. He shall, however, be permitted to make short notes in pencil.

(3) Save as otherwise directed by the Disciplinary Committee or the Chairman thereof, certified copies of the records of a case pending before the Disciplinary Committee may be granted to the parties or to their counsel on an application made in that behalf and on payment of the prescribed fee.

(4) A copy of a final judgement in a decided case may be given to any person applying for the same on payment of the prescribed fee therefor, provided however that the name of the advocate against whom the proceedings were taken shall be omitted.

**Order awarding Costs : Decretal Order**

35. (1) All orders where costs are awarded in disciplinary proceedings shall specify the amount of costs awarded and also state the party against whom the order is made and the time within the amount is payable.

(2) As soon as possible after the order is made by the Disciplinary Committee, in respect of every order where costs are awarded to any of the parties, a decretal order shall be drawn up as in Form J- 1/J-2 at the end of this Chapter signed by the Secretary of the State Bar Council or the Council as the case may be, as Registrar of the Disciplinary Committee and bearing the seal of the State Bar Council or the Council as the case may be.

(3) The Decretal Order aforesaid shall be furnished to any party to the proceeding on application made therefor, and on payment of the charges prescribed under the rules.

**Copies of Final Orders**

36. The Secretary of the State Bar Council or the Bar Council of India as the case may be, shall send to each of the parties in the proceedings, a certified copy of the final order made under Sections 35, 36, 36B or 37, signed by him as Registrar of the Disciplinary Committee and bearing the seal of the State Bar Council/Bar Council of India as the case may be. No charges shall be payable on the copies so sent. Charges as prescribed under the rules shall however be payable for all additional copies of the said order applied for.

**FROM — E - 1**

*(Under Rule 5 in Chapter I, Part VII)*

**Notice of hearing of complaint under Section 35/36 of the Advocates Act, 1961 and Rule 5, Chapter I, Part VII of the Rules of the Bar Council of India.**

BEFORE THE DISCIPLINARY COMMITTEE OF THE BAR

COUNCIL OF =====

D.C. ENQUIRY NO =====...=====

=====

Complainant/s

(With Address)

vs.

=====

Respondent/s

(With Address)

**WHEREAS** a complaint dated ===== against respondent/s, a copy of which is sent herewith has been referred for disposal to the above Committee of the Bar Council=====under Section 35/36 of the Advocates Act, 1961 and the Disciplinary Committee has fixed ===== (time) on ===== (date) for the hearings of the case at ===== (place) in accordance with the procedure prescribed under the relevant rules of the Council.

The Respondent may submit his statement of defence together with any documents or affidavits in support of his defence within \_\_\_\_\_ days from the date of this notice. The respondent shall send one copy of his statement of defence to the complainant and one copy to the Advocate-General direct under registered A.D.cover. The complainant may be entitled to file a reply to the statement of defence together with such documents on which he proposes to rely in support thereof within \_\_\_\_\_ days.

The parties above-named are required to appear in person or through advocate before the said Committee on the said date, time and place or any other date or dates and place to which the matter may be adjourned. It shall be open to the parties to examine the witnesses that may be permitted before the Disciplinary Committee.

If, on any date of hearing any party is absent, the hearing will proceed ex-parte against him.

\_\_\_\_\_ is required to file \_\_\_\_\_ copies of \_\_\_\_\_ to the Registrar, Disciplinary Committee, Bar Council of \_\_\_\_\_ on or before \_\_\_\_\_.

Dated this the \_\_\_\_\_ day of the month \_\_\_\_\_,.... == By Order

Registrar  
Disciplinary Committee  
Bar Council of \_\_\_\_\_

**FORM — E - 2**

**The Disciplinary Committee of the Bar Council of India**

*(Notice of hearing under Rule 5 in Chapter I, Part VII of the Rules of the Bar Council of India)*

(Subject to necessary modifications)

DCL/D/ /

Date=\_\_\_\_\_

In the Matter of.....

No. on the file of the Disciplinary Committee of the Bar Council of  
(B.C.I. Tr. Case No.)

=====Complainant (s)

*Vs.*

=====Respondent (s)

**Notice under Section 36B read with Section 35 and 36 (2) of the Advocates Act and the Rules made thereunder**

WHEREAS the proceedings between the parties above referred to before the Disciplinary Committee of the Bar Council of \_\_\_\_\_ stand transferred to the Bar Council of India under Section 36B of the Advocates Act, 1961 and the records in the same have been received by the Bar Council of India for disposal by the Disciplinary Committee of the Bar Council of India as provided for in the said Section 36B read with Section 36A and the other provisions of the Act and the Rules of the Bar Council of India in this behalf.

The parties in the above proceedings will take notice that the hearing in the same has been fixed :-

At (place)

For (dates and time)

The Disciplinary Committee will continue the proceedings from the stage at which it was so left by the Disciplinary Committee of the Bar Council of \_\_\_\_\_ and will hear arguments on the evidence, oral and documentary already on record.

The parties are required to be ready with all their evidence oral and documentary and for arguments.

The parties above named are required to appear in person or through Advocate or through duly authorised agents before the said Committee on the said date, time and place or any other date or dates and place to which the matter may be adjourned.

In view of the pendency of these proceedings for a long time and its automatic transfer to the Bar Council of India under Section 36B of the Advocates Act, *the hearing will be peremptory* and no adjournment may be granted.

If the parties fail to appear in person or by advocate or to comply with the other requirements of this notice, the Committee will proceed *ex-parte* or make such other orders as it may deem fit.

The parties engaging any counsel may send their Vakalatnama duly signed by the counsel giving the address of the Advocate for the purpose of future communication.

Please note that notice of the hearing sent to the Advocate will be sufficient notice to the party even if a copy of the notice is sent to any of the parties.



2. The appellant files this appeal against the Order dated ===== in case No. ===== of the Disciplinary Committee of the Bar Council of =====.

3. The complaint against the advocate, who is the Appellant/Respondent in this appeal was filed on ===== in the Bar Council of =====

The Bar Council referred the complaint for enquiry to its Disciplinary Committee on =====. The Disciplinary Committee of the Bar Council to which the matter was referred has dismissed the complaint/made an Order for punishment against the advocate, reprimanding him/suspending him/removing his name.

4. The Committee has passed no order for costs/also passed an order for costs of Rs. ===== payable by ===== to =====

5. The order of the Disciplinary Committee will come into operation w.e.f. =====

6. The appellant has made no application to the Disciplinary Committee of the State Bar Council of ===== The appellant has made an application before the Disciplinary Committee of the State Bar Council of ===== on ===== which has made an order for stay upto =====/ which has dismissed the application for stay.

7. Six copies of the order of the Disciplinary Committee of the State Bar Council and the Stay Application are filed with this appeal.

The order of the Disciplinary Committee of the Bar Council of ===== was received/communicated to the applicant on =====

The appeal is in time/not in time.

The appeal is filed after the period of limitation and application for condonation of delay supported by an affidavit is filed herewith.

The appellant has paid Rs. 100/- fee for the appeal on ===== in cash/is paying Rs. 100/-=====

The appellant files this appeal for the following amongst other grounds : -

1 =====2 =====3=====  
=====etc.

Appellant/Advocate for  
Appellant.

Place :

Date :

- Enclosures :
1. Certified copy of the order complained against with 5 extra copies.
  2. Memo of grounds of appeal with 5 extra copies.
  3. Application, if any, for stay with 5 extra copies.
  4. Affidavit in support of application for stay with 5 extra copies.

**FORM - H**

(Under Rule 25 in Chapter I, Part VII)

(Subject to necessary modifications)

BEFORE THE DISCIPLINARY COMMITTEE (==) OF THE BAR COUNCIL OF INDIA

D.C. Appeal ===== No.

/  
against

Order of the Disciplinary Committee of Bar Council of ===== Dated =====in Case/Complaint  
No. =====. In the matter of

Shri ===== Advocate=====

Appellant(s)

*Versus*

Respondent(s)

**Notice of Appeal under Section 37 of the Advocates Act, 1961 and intimation of the date of hearing**

WHEREAS an appeal has been filed by the appellant above named against the order of the Disciplinary Committee of the State Bar Council of \_\_\_\_\_ in Case/Complaint No. \_\_\_\_\_ dated \_\_\_\_\_

The parties to the appeal will please take notice that the hearing of the above appeal before the said Committee has been fixed for \_\_\_\_\_ the \_\_\_\_\_ at \_\_\_\_\_ (Place) \_\_\_\_\_ at \_\_\_\_\_

If any of the parties to the appeal fail to appear in person or through advocate on the date of the hearing or any date on which it may be adjourned, the matter will be proceeded with *ex-parte*.

Please also take notice that stay of the operation of the order filed against has been granted by order of the Disciplinary Committee dated \_\_\_\_\_.

New Delhi

\_\_\_\_\_

Dated :

Registrar,  
Disciplinary Committee,  
Bar Council of India.

Note:- One copy of the grounds of appeal is sent to each of the respondents.

**FORM - I**

(Under Rule 29, Chapter I, Part VII)

(Subject to necessary modifications)

DISCIPLINARY COMMITTEE (\_\_\_\_\_) OF THE COUNCIL OF INDIA

\_\_\_\_\_ (Chairman)

\_\_\_\_\_

\_\_\_\_\_

Miscellaneous Petition No. \_\_\_\_\_ (Stay)

IN

D.C. Appeal No. \_\_\_\_\_Appellant(s)

Vs.

\_\_\_\_\_ Respondent(s)

Dated the \_\_\_\_\_

Petition for stay and suspension of the operation of order of the Disciplinary Committee of the Bar Council of \_\_\_\_\_ in Case/Complaint No \_\_\_\_\_ dated \_\_\_\_\_ suspending the petitioner from practice under Section 35 (3) of the Advocates Act, 1961 for a period of \_\_\_\_\_ pending the disposal of the appeal filed against the said Order.

**ORDER**

The operation of the order of the Disciplinary Committee of the Bar Council of \_\_\_\_\_ dated \_\_\_\_\_ in Case/Complaint No. \_\_\_\_\_ is stayed.

By Order

Registrar,  
Disciplinary Committee of  
the Bar Council of India.

**FORM - J - I**

(Under Rule 35 (2) Chapter I, Part VII)

BEFORE THE DISCIPLINARY COMMITTEE OF THE BAR COUNCIL

OF =====ORIGINAL JURISDICTION (To be added in matter before the Bar Council of India) Complaint/Case No =====

(On a complaint made by Shri ===== (address) ===== Complainant(s)  
(Name & address)

Vs.

===== Respondent(s)  
(Name & Address)

(Date)

Present :—

Shri. ===== (Chairman)

Shri. ===== (Member)

Shri. ===== (Member)

For the Complainant : Shri =====, Advocate in/person

For the Respondent : Shri =====, Advocate in/person

The Case above mentioned being called on for hearing before the Disciplinary Committee of the Bar Council of ===== on the ===== day of =====, UPON hearing Advocate for the Complainant/the Complainant in person AND Advocate for the Respondent (Respondent in person)/Respondent not appearing either in person or through Counsel though served; the Disciplinary Committee of the Bar Council of =====determining (state the gist of the punishment) DOTH ORDER : That the Complaint/Case be and the same is hereby dismissed/allowed.

That there shall be no order as to costs;

That the Complainant/Respondent do pay to the Respondent/ Complainant herein the sum of Rs=====/- (Rupees =====(in words) being the costs incurred in the Bar Council of ===== within ===== month from the date of this order;

That this Order be punctually observed and carried into execution by all concerned;

WITNESS Shri ===== Chairman of the Disciplinary Committee of the Bar Council of ===== at ===== this the ===== day of ===== .

Registrar,  
Disciplinary Committee of  
the Bar Council of =====

**FORM — J.2**

(Under Rule 35 (2) in Chapter I, Part VII)

THE DISCIPLINARY COMMITTEE OF THE BAR COUNCIL OF INDIA

D.C. Appeal No. ===== of =====

(On appeal from the Order dated the ===== day of ===== of the Bar Council of ===== in Case No ===== of =====)

===== Appellant(s)  
(Name & address)

Vs.

===== Respondent(s)  
(Name & address)

===== (date)

Present :—

Shri. ===== (Chairman)

Shri. ===== (Member)

Shri. ===== (Member)

For the Appellant : Shri =====, advocate/in person

For the Respondent : Shri =====, advocate/in person

The appeal above mentioned being called on for hearing before the Disciplinary Committee of the Bar Council of India on ===== day of =====, UPON hearing Advocate for the appellant (the appellant in person) AND Counsel for the Respondent (the Respondent in person)/respondent not appearing either in person or through Advocate though served. The Disciplinary Committee of the Bar Council of India DOTH ORDER.

That the original order dated ===== is hereby confirmed/set aside/set modified as under : —

That the Appeal be and the same is hereby dismissed/allowed;

That there shall be no order as to costs;

That the Appellant/Respondent DO pay to the Respondent/Appellant herein the sum of Rs =====/- [Rupees ===== (in words)] being the costs incurred in the Bar Council of India as well as the sum of Rs. =====/- ===== (in words) being the cost incurred in the Bar Council of.....within months from the date of this Order.

That this Order be punctually observed and carried into execution by all concerned.

WITNESS Shri. ===== Chairman of the Disciplinary Committee of the Bar Council of India at (Place) this the ===== day of =====.

□

Registrar,  
Disciplinary Committee of  
Bar Council of India

## CHAPTER - II

### Review under Section 44 of the Act

1. An application for Review under Section 44 of the Act shall be in the form of a petition duly signed and supported by an affidavit accompanied by the prescribed fee and filed within 60 days from the date of the Order sought to be reviewed.
2. Every such application shall be accompanied by :
  - (a) a certified copy of the Order complained of,
  - (b) five additional copies of the application, affidavit and the order, and
  - (c) if there are more respondents than one, as many additional true copies as may be necessary.
3. Every such application shall set out the grounds on which the Review is sought and shall further state whether any proceeding in respect thereof was filed and is still pending or the result thereof as the case may be.
4. If a Disciplinary Committee of a Bar Council does not summarily reject the application under Section 44 of the Act, or wishes to exercise its powers under Section 44 *suo motu*, the Secretary of a Bar Council shall issue as nearly as may be in the Form K at the end of this Chapter, notice to the parties and to the Advocate-General concerned or the Additional Solicitor-General of India in the case of the Bar Council of Delhi.
5. (1) If after the hearing referred to in Rule 4, the Disciplinary Committee of a State Bar Council does not dismiss the application, and decides that the application for review should be allowed, the copy of the order along with the relevant record shall be sent to the Bar Council of India for approval.  
(2) If the Bar Council of India approves the order of the State Bar Council, the Disciplinary Committee of the State Bar Council shall communicate the order to the parties, if the Bar Council of India does not approve it, the Disciplinary Committee of the State Bar Council shall make its order dismissing the application and inform the parties.
6. The decision of the Disciplinary Committee of the Bar Council of India on an application for Review of its order shall be communicated to the parties.
7. In the proceedings under this Chapter, unless the Disciplinary Committee of the State Bar Council or the Bar Council of India, as the case may be, otherwise decides, the parties may appear by the advocate who shall file a vakalatnama signed by the party.



(f) Inspection of the roll of the advocates or the voters list.	≡	Rs. 10.00
(g) Any application made in any proceedings before a State Council or its Committee other than the Disciplinary Committee.	≡	Rs. 10.00
2. A fee as specified hereunder shall be paid in the following matters.		
(a) Complaint of professional misconduct referred under section 36 of the Act.	□ ...	Rs. 100.00
Provided that no fee shall be payable on a complaint or appeal made by any court or tribunal or other statutory body or where in a proper case the Council grants exemption therefor.		
(a-1) The complainant shall be liable to pay in addition to the fee in sub-clause(a) the cost of service of process unless the Disciplinary Committee grants exemption thereof.		
(b) An appeal filed under Section 37 of the Act	≡	Rs. 100.00
(c) An application for stay made to the Council under the Act.	≡	Rs. 50.00
(d) (i) An application for inspection	≡	Rs. 10.00
(ii) Inspection in cases finally decided when permitted.	≡	Rs. 25.00
(e) An application for withdrawal under Section 36 of the Act.	≡	Rs. 50.00
(f) An application for Review under the Act.	≡	Rs. 100.00
(g) An application for the exercise of its power under Section 48A of the Act (Revision).	≡	Rs. 100.00
(h) Any application made in any proceedings before the Council or a Committee other than the Disciplinary Committee.	≡	Rs. 10.00
3. (a) Every application for an authenticated copy of any certificate, order of other proceedings, entry on any roll, or any document or deposition in any proceeding, before a State Council or the Council or a Committee thereof shall be accompanied by a fee of Rs. 10/- and the copying charges as follows : Every exemplification of the order or other documents in addition to the folio and other charges.		
	≡	Rs. 20/-
Copying charges for folio	≡	10/-

A folio shall be deemed to consist of two hundred words, seven figures shall be counted as one word and more than half a folio shall be reckoned as a folio.

- (b) In any proceedings, summons to witness shall only be issued on payment of the requisite batta and/or charges according to the rates prescribed by the High Court, in the case of a State Council, and the Supreme Court in the case of the Council or a Committee thereof as the case may be.
- (c) Every interlocutory application, including a petition for excusing delay or for obtaining stay for proceedings of a Disciplinary Committee shall be accompanied by a fee of Rs. 25/- in the case of the Disciplinary Committee of a State Council and a fee of Rs. 25/- in the case of the Disciplinary

Committee of the Council.

- (d) An application by a party to the proceedings for unattested copies of depositions of witnesses may be supplied at the rate of Rs. 5/- for each page of the deposition.
4. (a) Application for transfer from one State Bar Council to another State Bar Council<sup>1</sup>. ≡ Rs. 500.00
- (b) Preparation charges of file and other papers regarding transfer of name by transferor and transferee Bar Councils Rs. 500.00
5. For resumption of practice as an Advocate, an applicant shall have to pay a sum of Rs. 500/- in favour of the State Bar Council and Rs. 100/- in favour of the Bar Council of India by way of separate Bank Drafts drawn in favour of the respective Bar Councils.<sup>2</sup>

#### **PART-IX**

#### **General Principles to be followed by State Bar Councils and Bar Council of India, rules for Supervision and Control by the Bar Council of India** *(Rules under Section 49(1) (a), (i) and (j) of the Act)*

#### **ELECTION**

1. The election of members to State Councils shall only be by secret ballot. There shall be no voting by post except that a State Council may permit voting by post to advocates eligible to vote and who do not ordinarily practise at the seat of the High Court or the seat of any of the District Courts in the State.
- Explanation :-** An advocate shall be deemed ordinarily to practise at the place which is given in his address in the Electoral Roll.
2. Any candidate who by himself or through his agent seems or attempts to secure from any voter his ballot paper with intent to prevent him from transmitting it directly or with intent to ensure that the vote has been cast for a particular candidate shall be guilty of an election malpractice which shall invalidate his election whether or not the result of the election has been materially affected thereby.
3. The notice of election of members of the State Councils and the results of the elections shall be published in the State Government Gazette or Gazettes as the case may be.
4. A State Council may require a deposit from every candidate standing at an election, which may be forfeited in case the candidate is unable to secure at least 1/8 of the quota fixed for the election.
5. All election disputes shall be decided by tribunals constituted by the State Councils.

#### **FUNDS OF STATE COUNCILS**

6. The funds of State Councils must first be deposited in the State Bank of India or any Nationalised Bank before any money could be expended, and disbursement shall ordinarily be made by cheques, unless the amount involved is small.
7. The State Bar Council may decide from time to time investment of its funds in the following securities.
1. Fixed Deposits or Cumulative Deposits in the State Bank of India or in such other Nationalised Banks;
  2. in any other securities specified in Section 20 of the Indian Trust Act, 1882;
  3. in the Fixed Deposits or Cumulative Deposits with Government Companies as defined in the Companies Act, 1956<sup>3</sup>.
8. Every State Council shall maintain a provident fund for its employees and also pay gratuity in accordance with rules which each Council may frame.
9. The State Councils may accept donations in cash or kind for any of the purposes of the Act.
10. The accounts of every Council shall be audited by a Chartered Accountant once a year.



If rejected prima facie, or referred to its Disciplinary Committee and date of resolution.	Reference to page of Disciplinary Committee register, further particulars.	If <i>suo motu</i> , necessary particulars	Any other particulars/ Remarks
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(c) Disciplinary Committee register containing the following columns:-

1	2	3	4	
Sl.	Number of Case	Complainant's Address.	Name of the Advocate about whom complaint is made and his address and Roll No.	
5	6	7	8	9
Date of reference by Bar Council	Name of Members of Disciplinary Committee	If summarily rejected, date.	If not summarily rejected, dates of enquiry	Gist of Final Order under Section 35 (1) and date
10	11	12	13	
Date on which Order was sent to the parties.	Date of receipt of order communicated to parties	If appeal filed number of the appeal and particulars	Date of receipt of notice for despatch of records.	
14	15	16	17	18
Date of despatch of records to Bar Council of India	Result of appeal etc.	Date of receipt of records received back from the Bar Council of India	Date of return of documents to parties.	Remarks and other particulars

13. The Bar Council of India shall maintain the following registers : -

1. Copy Application Register, containing entries as nearly as possible as in the case of the copy application register of State Bar Councils with necessary modifications.
2. The Bar Council of India Complaint Register, containing entries on matters required with reference to register of the State Bar Councils.
3. The Disciplinary Committee Register containing similar entries with necessary modifications as is necessary for State Bar Councils.
4. The Disciplinary Committee appeal registers containing the following columns.

1	2	3	4	5	6
S. No.	Date of Receipt of papers	Name of appellatant	Name of Respondent enquiry is made	Name of Advocate against whom the and Roll Number	Appeal from Bar Council of

7	8	9	10	11
Date on which papers were found in order	Names of Members of Disciplinary Committee	Dates of hearing	Date of receipt of records of the Disciplinary Committee appealed against	Date of final Order
□□□□□□□□□□	□□□□□□□□□□	□□□□□□□□□□	□□□□□□□□□□	□□□□□□□□□□
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Date of Despatch of Order to parties	Date of receipt of Order Communicated	Particulars as to Appeal to Supreme Court, if any	Results of Appeal to Supreme Court	
Contd=				
16	17	18		
Review application, if any, with particulars	Date of despatch of records received from the Bar Council	Other particulars and remarks		

#### SCRUTINY OF RECORDS OF STATE COUNCILS

14. (i) The Chairman (ii) the Vice-Chairman, (iii) any member of the Council or the Secretary of the Council duly authorised by a resolution, shall be entitled at any time to look into any of the records or other papers of any State Council.

#### ENROLMENT

15. (1) In addition to the enrolment fee laid down in Section 24 of the Advocates Act, person desirous of being enrolled as advocates shall also be liable to pay to the State Councils, Stamp Duty payable by them under the Indian Stamp Act and such Bar Councils shall be entitled to recover the same before making the entry of their names in the rolls.

(2) Every candidate seeking enrolment as an Advocate shall be required to affirm and subscribe to the following declarations:

- (a) 'I shall uphold the Constitution and the Laws';
- (b) 'I shall faithfully discharge every obligation cast on me by the Act and the Rules framed thereunder'.

#### ELECTORAL ROLL AND ELECTION

16. (1) Every State Council shall hold its elections well in time before the expiry of the terms of its members and take all steps necessary in respect thereof.

(2) The Secretary of every State Council shall take steps in time or prepare and publish the electoral rolls for the purpose of the elections.

#### SUPERVISIONS AND CONTROL

17. The State Councils shall, when so required, make such periodical returns or statements or furnish such information as may be prescribed or called for by the Council :

18. The Secretary of every State Council shall inter alia send to the Secretary of the Council :

- (a) a copy of the notice of every election of members to the State Council, a copy of the list of members elected, intimation of the election disputes, if any referred to any tribunal or Committee and the result thereof;
- (b) the names of the ex-officio member of the State Council;
- (c) the name of members of the State Council co-opted for any vacancy;
- (d) the names of members elected as Chairman and Vice-Chairman of the State Council from time to time;
- (e) the name of the Secretary of the State Council and his residential address;
- (f) address of the State Council, and intimations as to its hours of work and holidays;
- (g) the name and address of the member elected to the Council and the date of election;
- (h) before the 31st day of December each year a statement as to the number of Disciplinary matters taken on file, number of cases disposed of and number of cases pending.

19. The Secretary of each State Bar Council shall keep the Bar Council of India informed of all proceedings in any Court or Tribunal instituted by or against the Bar Council, and shall wherever necessary send copies of such proceedings.

20. Every State Council shall arrange for the audit of its accounts in time in accordance with its rules and send forthwith after audit, the copy of the audited accounts together with a copy of the report of the auditors thereon to the Council.
21. Rule deleted as Section 46 omitted by Advocates Amendment Act, 1993.
22. (a) The State Councils shall give due publicity to their rules.  
(b) The State Councils shall furnish information of the names of persons (with their roll numbers and other necessary particulars) removed from its rolls or suspended under Chapter V of the Act or who voluntarily suspend practice and of those who resume practice, to all the Bar Associations and the High Courts and the Subordinate Courts in the State.
23. (a) The names of advocates shall be entered in the rolls without suffixes, prefixes, titles or degrees. In the case of person who has taken a degree in law from any University, the name shall be the same as entered in the degree or other certificate granted by the University; in the case of a Barrister, as in the certificate of call to the Bar;  
In the case of a Vakil, Pleader or Attorney or Mukhtar, as it is in certificate of entry as such Vakil, Pleader or Attorney or Mukhtar and  
In the case of any person previously enrolled as an advocate, whether he holds a degree in law or not, as in the certificate of such admission.  
In the case of any person not falling under any of the above categories, the name shall be such as the State Council or the Enrolment Committee may determine.  
(b) The name as entered in the roll of the State Council shall not be altered in any respect except when;  
(i) on an application for that purpose, the State Council accords its permission;  
(ii) a notice thereof is thereafter affixed on the notice board of the State Council and published in the local gazette in one issue or in a local English newspaper as the State Council may specify and  
(iii) the applicant defrays all the necessary costs thereof.  
(c) Every State Council shall forthwith communicate to the Council, the change if any in the name of any advocate on its rolls.
24. (a) When the name of an advocate is removed from the rolls or an advocate is suspended from practice or otherwise punished under an order of any Disciplinary Committee or an order of the Supreme Court under Section 38, or when an intimation of voluntary suspension from practice is received from the advocate, the State Council in respect of a person in its roll and the Council in respect of a person whose name is not in any State Roll, shall furnish information thereof giving the name of the advocate, his roll number and date of enrolment, his address, nature of the punishment inflicted-  
(i) to the Registrar of the High Court of the State;  
(ii) to the Registrar of the Supreme Court of India;  
(iii) to the Bar Association in the High Court;  
(iv) to the District Court of the State, and  
(v) to such other authorities as the State Council or the Council may direct.  
(b) The State Bar Councils and the Bar Council of India shall also cause to be published in the State Gazettes or the Gazette of the Government of India as the case may be, information relating to the removal from the roll or the suspension of an advocate for misconduct.

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RULES MADE BY THE CENTRAL GOVERNMENT UNDER SECTION 49-A OF THE ADVOCATES  
ACT, 1961 RE : RIGHT OF PRACTISING ADVOCATES TO TAKE UP LAW TEACHING<sup>2</sup>  
**Government of India Ministry of Law, Justice & Company Affairs, Department of Legal Affairs.**  
**NOTIFICATION**

G.S.R in exercise of the powers conferred by Section 49A of the Advocates Act, 1961 (25 of 1961), the Central Government hereby make the following rules, namely:-

**1. Short title and commencement :**

- (1) These rules may be called the Advocates (Right to take up Law teaching) rules, 1979.
- (2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions**

In these rules "Act" means the Advocates Act, 1961 (25 of 1961).

### **3. Right of practising advocates to take up law teaching.**

(1) Notwithstanding anything to the contrary contained in any rule made under the Act, an advocate may, while practising, take up teaching of law in any educational institution which is affiliated to a University within the meaning of the University Grants Commission Act, 1956 (3 of 1956), so long as the hours during which he is so engaged in the teaching of law do not exceed three hours in a day.

(2) When any advocate is employed in any such educational institution for the teaching of law, such employment shall, if the hours during which he is so engaged in the teaching of law do not exceed three hours, be deemed, for the purposes of the Act and the rules made thereunder, to be a part-time employment irrespective of the manner in which such employment is described or the remuneration receivable (whether by way of a fixed amount or on the basis of any time scale of pay or in any other manner) by the advocate for such employment.

(No. F 3 (33)/77-IC)

## **MODEL SCHEMES FOR WELFARE OF ADVOCATES FRAMED BY BAR COUNCIL OF INDIA**

### **I. SCHEME FOR GRANTING FINANCIAL ASSISTANCE TO INDIGENT PRACTISING ADVOCATES WHEN SUFFERING FROM SERIOUS AILMENT.**

(1) These rules shall be known as “Rules for grant of financial assistance to Indigent Practising Advocates suffering from Serious Ailment” and shall apply to all such Advocates practising in the State.

(2) These rules shall come into force from the date notified by the Bar Council of India<sup>2</sup>.

(3) Definitions :

(a) “Applicant” shall mean an advocate on the roll of the State Bar Council within whose jurisdiction he is practising and applying for the financial assistance to such State Bar Council.

(b) “Bar Council of India” means the Bar Council constituted under Section 4 of the Advocates Act.

(c) “Bar Council of India Advocates Welfare Committee” means a committee constituted under Rule 44A (1) of the Bar Council of India Rules under Part VI, Chapter II, Section IV-A.

(d) “Bar Council of India Advocates Welfare Committee for the State” shall mean the Advocates Welfare Committee constituent for the State under Rule 44A (2)(i) of the Bar Council of India Rules under Part VI, Chapter - II, Section IV- A.

(e) “Indigent Advocate” means any practising advocate, who is unable to maintain himself and his family and is also unable to meet the costs of his treatment in case of serious ailment.

(f) “Family” shall mean the advocate’s wife or in the case of a female, her husband, his or her minor children and aged parents actually dependent on the applicant advocate for maintenance.

(g) “Fund” means fund constituted under the Bar Council of India Advocates Welfare Rules as contained under Part VI, Chapter II, Section IV-A of the Bar Council of India Rules for the Scheme for Financial Assistance to Indigent Practising Advocates when suffering from serious ailment in that State.

(h) “Serious Ailment” will include ailment of serious nature affecting brain, heart, lungs, abdomen or compound fracture or any part of the body requiring treatment for more than one month.

(i) “State Bar Council” means Bar Council constituted under Section 3 of the Advocates Act.

(4) An indigent advocate practising in any court, tribunal or before any local authority in India shall be entitled to apply for appropriate financial assistance in case of his serious ailment, compelling him to remain confined to bed for more than one month, in the form prescribed for the purpose or in a form similar thereto addressed to the Chairman of the State Bar Council concerned. Such application shall be submitted in duplicate to the State Bar Council within whose jurisdiction the advocate is practising and such application must be recommended by the Executive Committee of the Bar Association of which the advocate concerned is a member and/or State Bar Council is otherwise satisfied and must also be certified by a doctor attending on him.

Provided that the State Bar Council suo moto or on the information received from any other source refer the case to the Advocates Welfare Committee of the State. On receipt of such application/applications or such reference by the State Bar Council the Secretary of the State Bar Council shall place the same before the Advocates Welfare Committee and shall make such enquiries in respect thereto as may be necessary as expeditiously as possible.

(5) The Advocates Welfare Committee for the State when decided to grant financial assistance in an appropriate case shall sanction such amount as may be necessary to complete any operation or treatment connected with the ailment of the Advocate concerned not exceeding Rs. 1,500/- and may also sanction

such monthly assistance to the applicant towards treatment and costs of medicines etc, and for maintenance of his family for a period of three months at the rate of not exceeding Rs. 500/- per month.

(6) In case the Advocates Welfare Committee for the State considers in a given case that financial assistance is utmost necessary beyond the limit, provided under Rule (5), it shall refer to the Bar Council of India with its comments. The Advocates Welfare Committee of the Bar Council of India may sanction a sum upto Rs. 10,000/- for treatment of the ailment.

(7) The Bar Council of India may on the recommendation of its Advocates Welfare Committee and the recommendation of the State Bar Council may in an appropriate hard cases sanction ex-gratia upto a sum of Rs. 10,000/- from the fund of the Bar Council of India constituted under Rule 41(2) of the Bar Council of India Advocates Welfare Rules.

**Explanation** : “hard cases” means the dependent of the deceased advocate have no financial means and in the circumstances immediate help is felt necessary.

(8) Financial grant to the Advocate concerned shall ordinarily be paid without delay. If the Advocate is unable to come for receiving the money so sanctioned, the office of the State Bar Council may send it to the advocate concerned by money order or to the representations of such advocate specially by him in writing to the satisfaction of the Secretary, State Bar Council and on granting an appropriate receipt for such payment money so sanctioned or monthly maintenance of the Advocate shall be sent by the first week of every month for such grant on obtaining an appropriate receipt.

(9) The State Bar Council shall maintain proper records of all the records received and amounts sanctioned and receipt obtained thereof.

(10) If any advocate makes any statement or furnishes any information which is proved to be false to his knowledge, it shall amount to professional misconduct under Section 35 of the Advocates Act.

(11) If the Advocates Welfare Committee for the State subsequently finds that any statement given or evidence adduced by the applicant was false in material particulars the Committee shall refer the matter to the State Bar Council with its report and the State Bar Council may call upon the applicant to refund the entire amount given as assistance with such interest as it may deem fit and the applicant shall comply with such directions.

(12) The Advocate aggrieved of any order passed by the State Bar Council under Rule 10 may file an appeal to the Bar Council of India within 90 days. The Bar Council of India may either dismiss the appeal summarily or in case it finds a case for setting-aside or modifying the order of the State Bar Council the order shall be passed only after notice to the concerned State Bar Council.

## **II. FINANCIAL ASSISTANCE TO INDIGENT & DISABLED ADVOCATES : -**

1. These rules shall be known as “Rules for Financial Assistance for Indigent and Disabled Advocates practising in India.”

2. These rules shall come into force with effect from the date notified by the Bar Council of India. <sup>4</sup>

3. Definitions:-

- (a) “Applicant” shall mean an advocate on the roll of the State Bar Council within whose jurisdiction he is practising and applying for the financial assistance to such State Bar Council.
- (b) “Bar Council of India” means the Bar Council constituted under Section 4 of the Advocates Act.
- (c) “Bar Council of India Advocates Welfare Committee” means a Committee constituted under Rule 44(1) of the Bar Council of India Rules under Part VI, Chapter II, Section IV-A.
- (d) “Bar Council of India Advocates Welfare Committee for the State” shall mean the Advocates Welfare Committee constituted for the State under rule 44A (2) (i) of Bar Council of India Rules under Part VI, Chapter II, Section IV-A.
- (e) “Disabled Advocate” shall mean an advocate, whereby reason of any physical, mental or other infirmity is unable to practise the profession of law.
- (f) “Family” shall mean the Advocate’s wife or in the case of female, her husband, his or her minor children and aged parents actually dependent on the applicant advocate for maintenance.
- (g) “Fund” means fund constituted under the Bar Council of India Advocates Welfare Rules for the scheme for assistance to Indigent and Disabled Advocates practising in the State.
- (h) “Indigent Advocate” shall mean an advocate who has to maintain himself and his family from his profession and other income.
- (i) “State Bar Council” means Bar Council constituted under Section 3 of the Advocates Act.

4. Any person desirous of obtaining financial assistance under these rules shall submit an application to the Chairman of the State Bar Council. The State Bar Council may also give financial assistance as it may deem fit suo motu or on the information received from any other source. The application shall be submitted in duplicate duly recommended by the Executive Committee of the Bar Association of which the advocate concerned is member and/or the Advocates Welfare Committee of the State is otherwise satisfied.
5. On receipt of such application or applications the Advocates Welfare Committee for the State shall make such enquiries in respect thereto as may be necessary as expeditiously as possible.
6. The Advocates Welfare Committee for the State when decided to grant financial assistance in an appropriate case shall sanction such sum as may be necessary, but in any case it shall not exceed Rs. 3,000/-. Provided that if the Advocates Welfare Committee considers that in a given case the applicant should be given lump-sum amount in addition to annual or monthly grant the Advocates Welfare Committee shall record its reasons and refer to the State Bar Council. The State Bar Council may sanction a sum of Rs. 10,000/- keeping in view its capacity to pay from the fund.
7. Financial grant to the indigent and/or disabled advocate shall normally be paid on monthly basis and the amount shall ordinarily be paid to the advocate concerned. If the advocate concerned is unable to come for receiving money, the office of the State Bar Council may send it to the advocate concerned by Money Order or a Bank Draft or to the advocate concerned by specially authorised by him in writing to the satisfaction of the Secretary of the State Bar Council on obtaining appropriate receipt of such payment.
8. The grant of financial assistance to an indigent and/or disabled advocate shall be sanctioned annually and may be paid on a monthly basis and in case of necessity such sanction may be renewed after expiry of the year for which the sanction was already granted. Provided that financial grant to such advocate shall cease as soon as the advocate concerned ceases to be indigent or disable for which financial assistance was allowed ceased to exist.
9. If any advocate makes any statement or furnishes any information which is proved to be false to his knowledge, it shall meant to professional misconduct under Section 35 of the Advocates Act.
10. If the Advocates Welfare Committee for the State subsequently finds that any statement given or evidence adduced by the applicant was also false in material particulars the committee shall refer the matter to the State Bar Council with its report and the State Bar Council may call upon the applicant to refund the entire amount given as assistance with such interest as it may deem fit and the applicant shall comply with such directions.
11. The advocate aggrieved of any order passed by the State Bar Council under Rule 10, may file an appeal to the Bar Council of India within 90 days. The Bar Council of India may, either dismiss the appeal summarily or in case it finds a case for setting aside or modifying the order of the State Bar Council, the order shall be passed only after notice to the concerned State Bar Council.

### **III. SCHEME FOR LIBRARY DEVELOPMENT :-**

1. These rules shall be known as “Bar Council of India Advocates Welfare Library Development Rules”.
2. These Rules shall come into force from the date as notified by the Bar Council of India.<sup>2</sup>

#### **3. Definition :**

- (a) “Applicant” means a Bar Association registered under the Societies Registration Act or so affiliated with the State Bar Council within whose jurisdiction the Bar Association situated and has submitted an application for Library development under the rules.
- (b) “Bar Association” means the Bar Association registered under the Societies Registration Act or so affiliated with the State Bar Council within whose jurisdiction the Bar Association is situated.
- (c) “Bar Council of India “means the Bar Council constituted under Section 4 of the Advocates Act.
- (d) “Bar Council of India Advocates Welfare Committee” means the committee constituted under Rule 44A (1) of the Bar Council of India Rules under Part VI, Chapter II, Section IV-A.
- (e) “State Bar Council” means the Bar Council constituted under Section 3 of the Advocates Act.
- (f) “Bar Council of India Advocates Welfare Committee for the State” shall mean the Advocates Welfare Committee constituted for the State under Rule 44A(2) (i) of the Bar Council of India Rules, Part VI, Chapter-II, Section-IV-A.
- (g) “Fund” means the fund constituted under the Bar Council of India Advocates Welfare Rules provided under Part VI, Chapter II, Section - IV-A of the Bar Council of India Rules for the Scheme for Library Development.
- (h) “Financial Year” means the year from 1st April to 31st March of the next year.

- (i) "Application Form" means the form so prescribed by the Committee from time to time for applying for financial assistance to the Library of the Bar Association.
4. Any High Court, District Court, Sub-Divisional Court, Tehsil or Taluka Court, Bar Association will be entitled to apply for annual grant to the Advocates Welfare Committee of the Bar Council of India for that State in the form prescribed under these rules and will make necessary declaration as prescribed therein and supply such information about the functioning of the concerned library as may be required by the said Committee.
5. The Advocates Welfare Committee shall consider such applications twice a year and sanction the appropriate grant to such applicant-Bar Association for development of the library.
6. The Bar Association which received the amount once will not ordinarily be eligible again till after the lapse of three years.
7. The Bar Association while making an application for grant to the Advocates Welfare Committee for the State append a resolution of the Association deciding to seek the grant an approved list of books in duplicate and also their resolution to generate a sum of at least 10% of the proposed grant for purchase of books and equipment in their library.
8. The grant will be given not in cash but by way of books desired to be purchased by the Association.
9. As far as may be, the fund to be allocated to each Bar Association under these rules, be in accordance with the total strength of the advocates of such Bar Association.
10. The books that will be supplied under this scheme shall bear stamp containing the following inscription :-  
"BAR COUNCIL OF INDIA ADVOCATES WELFARE FUND FOR THE STATE LIBRARY DEVELOPMENT SCHEME"
11. The Bar Association receiving the grant will maintain a list of books supplied to it.

#### **IV. RULES FOR FINANCIAL ASSISTANCE TO STATE BAR COUNCILS/ADVOCATES UNDER RULE 44-B OF THE BAR COUNCIL OF INDIA RULES.**

- (1) These rules shall be known as the Scheme for Financial Assistance to the State Bar Councils under Rule 44-B of the Bar Council of India Rules.
- (2) The scheme shall come into force immediately.<sup>2</sup>
- (3) These schemes shall be applicable to only such State Bar Councils which have remitted the sum in accordance with the Rule 41 (2) of the Bar Council of India Rules.
- (4) That on receiving information from the Chairman of the State Bar Council or Member, Bar Council of India from that State, the Chairman, Bar Council of India on being satisfied by such report may immediately sanction a reasonable amount not exceeding Rs. 5,000/- in an individual case and Rs. 25,000/- in case of some calamity involving more than one advocate and shall report to the Advocates' Welfare Committee of the Bar Council of India. The financial assistance to the State Bar Councils will be available in any of the following cases:—
- (a) The advocate or advocates have suffered seriously on account of some natural calamity or;
- (b) the advocate or advocates have died an unnatural death, due to an accident or natural calamity or any other cause of like nature, or;
- (c) the advocate or advocates have suffered or is suffering from such serious disease or illness which is likely cause death if no proper treatment is given and the advocate requires financial assistance without which he would not be able to get proper treatment and has no personal assets except a residential house to meet such expenditures, or;
- (d) the advocate or advocates become physically disabled or incapacitated to continue his profession on account of natural calamity or accident or any other cause of like nature.
- (5) That the amount sanctioned under rule 4 shall be placed at the disposal of the Advocates Welfare Committee of the Bar Council of India for the State and the said State Committee shall maintain separate account and send the same to the Bar Council of India within three months from the date of the receipt thereof.
- (6) That the Advocates Welfare Committee of the Bar Council of India on receiving such applications duly recommended by the State Bar Councils, may sanction a sum provided in the different schemes prepared by the Bar Council of India.

## **THE BAR COUNCIL OF INDIA ADVOCATES WELFARE SCHEME, 1998\***

### **1. Part A : Preliminary**

- (i) This Scheme may be called the “Bar Council of India Advocates Welfare Scheme, 1998”.
- (ii) It shall come into force on the 1st of November, 1998.
- (iii) Subject to the provisions of the Scheme, any advocate enrolled with any State Bar Council in India shall be entitled to become a member of the Scheme after submitting an application in Form ‘A’.
- (iv) The maximum age at which an advocate may become a member of the Scheme is 65 years.
- (v) The normal retirement of the member is 90 years.

### **2. Part B : Subscription**

- (i) Every applicant shall pay an admission fee of five hundred Rupees in lump sum with the application.
- (ii) Every member shall pay an annual subscription of Rs. 750/- (Rupees Seven hundred and fifty) per year on or before 31st of July of every year.  
Alternatively a member may pay a lump sum contribution of Rs. 7500/- (Rupees Seven thousand five hundred) at the time of joining the Scheme and in that event he shall not be required to pay any annual subscriptions.
- (iii) In case of default in depositing the subscriptions, interest at the rate of fifteen percent per annum shall be charged on every year’s default.

### **3. Part C : Administration**

- (i) The scheme shall be administered by the Advocates Welfare Committee of the concerned State Bar Council.
- (ii) A welfare fund by name “All India Advocates Welfare Fund” or any other name which the Bar Council of India may decide, shall be established with the subscriptions received from the members, and income which may be received from other sources and in each of the State separate accounts shall be opened.
- (iii) The moneys of the fund shall be invested in securities/investments as may be considered appropriate by the Advocates Welfare Committee keeping in view the safety of the fund and ensure higher returns on the Fund.
- (iv) The Advocates Welfare Committee shall have the power to appoint with the consent of the Bar Council of India, any person or persons with requisite qualifications to act as the Secretary/Secretaries, Manager/Managers or Registrars of the Fund at such remuneration and on such terms and conditions and with such powers as the Advocates Welfare Committee may think fit. The Committee may also employ any person or persons to do any legal, accounting, actuarial any other work which they may consider necessary or expedient in connection with the management of the fund or of the assets thereof.
- (v) An actuarial valuation shall be carried out by a qualified Actuary every two years to ascertain the solvency of the Fund and to examine the possibility of improvement of benefits.
- (vi) The account of the fund shall be maintained in India and shall contain such particulars as the Advocates Welfare Committee may think proper and as be required by law. As soon as possible after 31st day of March in each year, the Committee shall take a general account of the assets and liabilities of the fund and shall prepare a balance sheet and Revenue Account showing the income and expenditure, during the year terminating on such thirty first day of March in such form as may be considered suitable by the Advocates Welfare Committee.  
The first accounting period will be from 1st August, 1998 to 31st March, 1999. Thereafter the accounting year shall be from 1st April to 31st March of each year.
- (vii) The accounts of the fund shall be audited yearly by a Chartered Accountant or a firm of Chartered Accountants, who shall have an access to all the books, papers, vouchers and documents connected with the Fund, and who shall in writing report to the Advocates Welfare Committee on the annual accounts. A copy of audited accounts shall be furnished to the Bar Council of India.

### **4. Part B : Refusal/Removal from the membership of the Fund**

- (i) If any advocate is refused admission to the membership of the scheme, he may appeal to the Advocates Welfare Committee of the Welfare Fund of the Bar Council of India within three months from the date of refusal. The Advocates Welfare Committee may after giving, due

opportunity of hearing to the concerned advocate and the Bar Council of India, direct that such advocate may be admitted to the membership of the Scheme. The order so passed shall be final.

- (ii) If any member is expelled from the membership of the concerned State Bar Council or otherwise ceases to be a member of that State Bar Council, then his name shall be liable to be deleted from the membership of this scheme and the annual subscription/lump sum contribution paid by him together with 6% simple interest per annum shall be paid to him.

Provided that no order of deletion of name from the membership of the scheme shall be made except on the recommendation of the concerned Advocates Welfare Committee and without hearing the concerned member and such order shall be passed by the State Bar Council in its general meeting after such enquiry, as may be necessary.

- (iii) Name of the member shall stand removed from the scheme automatically if he is in arrears of annual subscription for a period of three consecutive years.
- (iv) An advocate who is so removed from the membership of the scheme, can only be re-admitted on payment of arrears of subscriptions due against him alongwith interest at the rate of 15% per annum and such other penalty not exceeding Rs. 500/- (five hundred only) as may be imposed by the Advocates Welfare Committee provided his name is restored or continues on the State roll maintained by the concerned State Bar Council.

**5. Part E: Benefits on early retirement from the Scheme**

- (i) If a member of the Scheme who completes a period of 5 years after he becomes a member of the Scheme shall, subject to other provisions of the scheme, be entitled to seek voluntary retirement from the membership and to receive the amount of annual subscription/lump sum contribution deposited by him alongwith the simple interest at the rate of six percent per annum from the date of deposit made by him.
- (ii) Any member suffering from total permanent disablement shall be allowed to retire from the scheme, but the member will have to seek retirement as an advocate and will not be entitled to be enrolled thereafter and become a member of the Scheme. He shall be entitled to the benefits as per Table II-A/II-B of the Scheme appended to the Scheme and the Advocates Welfare Committee in special circumstances for reasons to be recorded may allow claim upto Rs. 50,000/- (Rupees fifty thousand only).
- (iii) A member has the option to seek voluntary retirement from the membership any time after attaining 75 years of age but in any case member would retire on completion of 90 years or on completion of 40 years of membership whichever is earlier.
- (a) If the member retires any time after attaining 75 years of age before completion of 40 years of membership or 90 years of age 90% of the maturity value shown in Table-I shall be paid to him depending upon his completed number of years of membership.
- (b) If the member retires after completion of 40 years of membership he shall be entitled to full maturity value shown in Table-I depending on his completed number of membership on the date of his retirement.
- (iv) Notwithstanding anything contained in this scheme to the contrary, if any advocate after his admission to the Scheme joins any employment, he shall be entitled for refund of all his annual subscriptions/simple interest from the date of his annual subscriptions/lumpsum contribution.

**6. Part F : Benefits payable on death/illness while continuing as a Member of the Scheme.**

- (i) In case any member dies or acquires total permanent disablement at any time after becoming a member of the Scheme, he or his nominee/dependents or other legal heirs, shall be entitled for a sum as per Table II-A/Table II-B of the Scheme appended to the Scheme.

**Explanation :** - For the purpose of this clause, dependants means the spouse, minor children and unmarried daughters.

- (ii) Advocates Welfare Committee on an application made to it in the prescribed form after being satisfied about genuineness of the claim, may grant ex-gratia payment from the fund.
- In case a member of the Scheme is hospitalised for at least one month or undergoes a major surgery or suffering from paralysis, cancer, unsoundness of mind and/other similar serious ailments on the production of a certificate from the Chief Medical Officer concerned to that effect, he may be paid an amount not exceeding ten thousand rupees.
- Provided that a subsequent claim shall not be entertained unless a period of three years from the date of first payment has elapsed.

7. **Part G :** Benefits payable on normal retirement at age 90 years or on completion of 40 years of membership whichever is earlier.
- (a) For Members who are paying annual contribution of Rs. 750/- per annum.
- (i) The maturity benefit payable on retirement at age 90 years or above completion of 40 years of membership will be as shown in Table-I of the Scheme.
- (ii) Further, as an additional benefit for a member who has completed 20 or more years of membership and is aged below 65 years, a Medi-claim Policy on the life of the member and his wife for a sum of Rs. 1 lakh each will be purchased from New India Assurance Co. Ltd. or any other subsidiary Company of General Insurance Corporation of India covering Hospitalisation/ Domiciliary Hospitalisation benefits from age 65 to 70, provided the member and his wife are in good health at the time of taking out the policy.
- (b) For members who paid a lump sum contribution of Rs. 7,500/-
- (i) The maturity benefits payable on retirement of age 90 years or on completion of 40 years of membership will be as shown in Table-I of the Scheme.
- (ii) Further as an additional benefit for a member who has completed 20 or more years of membership and is aged below 65 years, a Medi-claim Policy on the life of the member and his wife for a sum assured of Rs. 1 lakh each will be purchased from New India Assurance Co. Ltd or any other subsidiary Company of General Insurance Corporation of India covering Hospitalisation/ Domiciliary Hospitalisation benefits from age 65 to 70 years provided, the member and his wife are in good health at the time of taking out the policy.
8. **Part H: General**
- (i) An appeal in the prescribed form may be made to the Bar Council of India against the decision of the Advocates Welfare Committee within 30 days from the date of such order and shall be accompanied with the copy of the decision appealed against and shall be filed within 30 days of the receipts of the order. The decision of the Bar Council of India shall be final.
- (ii) In case the Scheme is silent about any matter, such matters shall be decided by the Advocates Welfare Committee in consultation with the Bar Council of India.
- (iii) Those Advocates who join this Scheme shall be entitled to the benefits of any other Scheme for the time being in force.
- (iv) With respect to process of payment of all claims under this Scheme, Bar Council of India may lay down the guidelines for this purpose.
9. A Schedule showing the benefits offered under the Scheme is enclosed :  
Encl : Schedule (Table I, IIA and IIB) showing the benefits.  
Scheme approved by the BCI in its meeting held on 19th July, 1998. (Item no. 79/1998)  
Scheme circulated to State Bar Councils vide letter No. 2400/1998 dt. 22-10-1998.

**ALL INDIA ADVOCATES WELFARE SCHEME  
SCHEDULE SHOWING BENEFITS  
TABLE — I (MATURITY VALUE)**

Completed years of Membership	Maturity Value (Lumpsum Contribution Rs. 7,500/-)	Maturity Value (Annual Contribution Rs. 750/- per year)
	Rs.	Rs.
1.	1293	0
2.	2163	0
3.	3129	0
4.	4201	0
5.	5390	0
6.	6466	0
7.	7915	860
8.	9531	2491
9.	11329	4305
10.	13329	6323

11.	15288	8303
12.	17761	10797
13.	20519	13581
14.	23599	16688
15.	27040	20160
16.	30789	23944
17.	35133	28325
18.	39146	32380
19.	44526	37807
20.	50580	43912
21.	55426	48816
22.	62904	56357
23.	71355	64879
24.	80588	74191
25.	88777	82467
26.	100772	94559
27.	112647	106542
28.	125766	110780
29.	140328	134474
30.	156492	150785
31.	174434	168890
32.	194349	188986
33.	216455	211294
34.	240993	236054
35.	268230	263539
36.	298463	294047
37.	332022	327911
38.	369272	365499
39.	410620	407223
40.	456516	543536

**ALL INDIA ADVOCATES WELFARE SCHEME  
Schedule Showing Benefits**

**Table – II – A**

(In cases where a lumpsum payment of Rs. 7500/-  
is paid at the time of becoming a member)

Completed years of membership	Maturity Value
1.	7909
2.	8779
3.	9744
4.	10816
5.	12006
6.	30000
7.	30000
8.	30000
9.	30000
10.	30000
11.	35000
12.	35000

13.	35000
14.	35000
15.	35000
16.	50000
17.	50000
18.	50000
19.	60000
20.	60000
21.	75000
22.	75000
23.	100000
24.	100000
25.	100000
26.	125000
27.	125000
28.	150000
29.	150000
30.	163108
31.	183049
32.	200965
33.	223071
34.	247609
35.	274864
36.	395079
37.	338638
38.	375888
39.	417235
40.	463131

**ALL INDIA ADVOCATES WELFARE SCHEME**

**Schedule Showing Benefits**

**TABLE – II – B**

(In cases where annual subscriptions of Rs. 750/- per annum are paid)

Completed years of Membership	Maturity Value
1.	791
2.	1669
3.	2643
4.	3725
5.	4925
6.	30000
7.	30000
8.	30000
9.	30000
10.	30000







- (g) Any application made in any proceedings before a State Council or its Committee other than the Disciplinary Committee. ≡ Rs. 10.00
2. A fee as specified hereunder shall be paid in the following matters.
- (a) Complaint of professional misconduct referred under section 36 of the Act. □ ... Rs. 100.00  
 Provided that no fee shall be payable on a complaint or appeal made by any court or tribunal or other statutory body or where in a proper case the Council grants exemption therefor.
- (a-1) The complainant shall be liable to pay in addition to the fee in sub-clause(a) the cost of service of process unless the Disciplinary Committee grants exemption thereof.
- (b) An appeal filed under Section 37 of the Act ≡ Rs. 100.00
- (c) An application for stay made to the Council under the Act. ≡ Rs. 50.00
- (d) (i) An application for inspection ≡ Rs. 10.00  
 (ii) Inspection in cases finally decided when permitted. ≡ Rs. 25.00
- (e) An application for withdrawal under Section 36 of the Act. ≡ Rs. 50.00
- (f) An application for Review under the Act. ≡ Rs. 100.00
- (g) An application for the exercise of its power under Section 48A of the Act (Revision). ≡ Rs. 100.00
- (h) Any application made in any proceedings before the Council or a Committee other than the Disciplinary Committee. ≡ Rs. 10.00
3. (a) Every application for an authenticated copy of any certificate, order of other proceedings, entry on any roll, or any document or deposition in any proceeding, before a State Council or the Council or a Committee thereof shall be accompanied by a fee of Rs. 10/- and the copying charges as follows :  
 Every exemplification of the order or other documents in addition to the folio and other charges. ≡ Rs. 20/-  
 Copying charges for folio ≡ 10/-

A folio shall be deemed to consist of two hundred words, seven figures shall be counted as one word and more than half a folio shall be reckoned as a folio.

- (b) In any proceedings, summons to witness shall only be issued on payment of the requisite batta and/or charges according to the rates prescribed by the High Court, in the case of a State Council, and the Supreme Court in the case of the Council or a Committee thereof as the case may be.
- (c) Every interlocutory application, including a petition for excusing delay or for obtaining stay for proceedings of a Disciplinary Committee shall be accompanied by a fee of Rs. 25/- in the case of the Disciplinary Committee of a State Council and a fee of Rs. 25/- in the case of the Disciplinary Committee of the Council.
- (d) An application by a party to the proceedings for unattested copies of

depositions of witnesses may be supplied at the rate of Rs. 5/- for each page of the deposition.

4. (a) Application for transfer from one State Bar Council to another State Bar Council<sup>1</sup>. ≡ Rs. 500.00
- (b) Preparation charges of file and other papers regarding transfer of name by transferor and transferee Bar Councils Rs. 500.00
5. For resumption of practice as an Advocate, an applicant shall have to pay a sum of Rs. 500/- in favour of the State Bar Council and Rs. 100/- in favour of the Bar Council of India by way of separate Bank Drafts drawn in favour of the respective Bar Councils.<sup>2</sup>

## **PART-IX**

### **General Principles to be followed by State Bar Councils and Bar Council of India, rules for Supervision and Control by the Bar Council of India**

*(Rules under Section 49(1) (a), (i) and (j) of the Act)*

#### **ELECTION**

1. The election of members to State Councils shall only be by secret ballot. There shall be no voting by post except that a State Council may permit voting by post to advocates eligible to vote and who do not ordinarily practise at the seat of the High Court or the seat of any of the District Courts in the State.

**Explanation** :- An advocate shall be deemed ordinarily to practise at the place which is given in his address in the Electoral Roll.

2. Any candidate who by himself or through his agent seems or attempts to secure from any voter his ballot paper with intent to prevent him from transmitting it directly or with intent to ensure that the vote has been cast for a particular candidate shall be guilty of an election malpractice which shall invalidate his election whether or not the result of the election has been materially affected thereby.

3. The notice of election of members of the State Councils and the results of the elections shall be published in the State Government Gazette or Gazettes as the case may be.

4. A State Council may require a deposit from every candidate standing at an election, which may be forfeited in case the candidate is unable to secure at least 1/8 of the quota fixed for the election.

5. All election disputes shall be decided by tribunals constituted by the State Councils.

#### **FUNDS OF STATE COUNCILS**

6. The funds of State Councils must first be deposited in the State Bank of India or any Nationalised Bank before any money could be expended, and disbursement shall ordinarily be made by cheques, unless the amount involved is small.

7. The State Bar Council may decide from time to time investment of its funds in the following securities.

1. Fixed Deposits or Cumulative Deposits in the State Bank of India or in such other Nationalised Banks;
2. in any other securities specified in Section 20 of the Indian Trust Act, 1882;
3. in the Fixed Deposits or Cumulative Deposits with Government Companies as defined in the Companies Act, 1956<sup>3</sup>.

8. Every State Council shall maintain a provident fund for its employees and also pay gratuity in accordance with rules which each Council may frame.

9. The State Councils may accept donations in cash or kind for any of the purposes of the Act.

10. The accounts of every Council shall be audited by a Chartered Accountant once a year.

#### **BOOKS AND REGISTERS**

11. The State Bar Councils and the Bar Council of India shall maintain the following books:-

- (a) Minutes books;

- (b) Attendance Register for the staff;
- (c) Leave Register for the staff;
- (d) Acquittance Register;
- (e) Day Book and Ledger;
- (f) Receipt Book;
- (g) Financial Assistance Register;
- (h) Provident Fund Account; and
- (i) Property Register.

THE BAR COUNCIL OF =====

COPY APPLICATION REGISTER

12. Every State Bar Council shall maintain:-

(a) A Copy Application Register containing as far as possible the following entries :-

1. Serial No.
2. D.C. Enquiry No. /D.C. Appeal No.
3. Name of advocate/party (Making the Application).
4. No. of Folio.
5. Charges payable.
6. Date of receipt of copy application.
7. Date of notifying charges payable.
8. Date of payment.
9. Date when copy ready.
10. Date of delivery.
11. Signature for receipt
12. Remarks.

To every certified copy applied for and furnished shall ordinarily affixed a rubber stamp containing inter alia the following columns :-

THE BAR COUNCIL OF =====

C.A. No.=

1. No. of D.C. Proceeding.
2. Date of communication of order.
3. Date of receipt of copy application.
4. Date when charges are called for.
5. Date when charges are paid.
6. Date when copy despatched or delivered.
7. Charges paid for the copy.

Date=====

Signature of Secretary

or other person authorised

(b) "Bar Council Complaint Register", containing the following columns.

1	2	3	4	5
Sl. No.	Date of receipt of complaint	Name of complainant or other person and address.	Name of advocate against whom the complaint is made, his Roll No.	Date on which Bar Council considered
	6	7	8	9
If rejected prima facie, or referred to its Disciplinary	Reference to page of Disciplinary Committee register,	If <i>suo motu</i> , necessary particulars	Any other particulars/ Remarks	

Committee and further particulars.  
date of resolution.

(c) Disciplinary Committee register containing the following columns:-

1	2	3	4	
Sl.	Number of Case	Complainant's Address.	Name of the Advocate about whom complaint is made and his address and Roll No.	
5	6	7	8	9
Date of reference by Bar Council	Name of Members of Disciplinary Committee	If summarily rejected, date.	If not summarily rejected, dates of enquiry	Gist of Final Order under Section 35 (1) and date
10	11	12	13	
Date on which Order was sent to the parties.	Date of receipt of order communicated to parties	If appeal filed number of the appeal and particulars	Date of receipt of notice for despatch of records.	
14	15	16	17	18
Date of despatch of records to Bar Council of India	Result of appeal etc.	Date of receipt of records received back from the Bar Council of India	Date of return of documents to parties.	Remarks and other particulars

13. The Bar Council of India shall maintain the following registers :-

1. Copy Application Register, containing entries as nearly as possible as in the case of the copy application register of State Bar Councils with necessary modifications.
2. The Bar Council of India Complaint Register, containing entries on matters required with reference to register of the State Bar Councils.
3. The Disciplinary Committee Register containing similar entries with necessary modifications as is necessary for State Bar Councils.
4. The Disciplinary Committee appeal registers containing the following columns.

1	2	3	4	5	6
S. No.	Date of Receipt of papers	Name of appellant	Name of Respondent enquiry is made	Name of Advocate against whom the and Roll Number	Appeal from Bar Council of
7	8	9	10	11	
Date on which papers were found in order	Names of Members of Disciplinary Committee	Dates of hearing	Date of receipt of records of the Disciplinary Committee appealed against	Date of final Order	



23. (a) The names of advocates shall be entered in the rolls without suffixes, prefixes, titles or degrees. In the case of person who has taken a degree in law from any University, the name shall be the same as entered in the degree or other certificate granted by the University; in the case of a Barrister, as in the certificate of call to the Bar;
- In the case of a Vakil, Pleader or Attorney or Mukhtar, as it is in certificate of entry as such Vakil, Pleader or Attorney or Mukhtar and
- In the case of any person previously enrolled as an advocate, whether he holds a degree in law or not, as in the certificate of such admission.
- In the case of any person not falling under any of the above categories, the name shall be such as the State Council or the Enrolment Committee may determine.
- (b) The name as entered in the roll of the State Council shall not be altered in any respect except when;
- (i) on an application for that purpose, the State Council accords its permission;
  - (ii) a notice thereof is thereafter affixed on the notice board of the State Council and published in the local gazette in one issue or in a local English newspaper as the State Council may specify and
  - (iii) the applicant defrays all the necessary costs thereof.
- (c) Every State Council shall forthwith communicate to the Council, the change if any in the name of any advocate on its rolls.
24. (a) When the name of an advocate is removed from the rolls or an advocate is suspended from practice or otherwise punished under an order of any Disciplinary Committee or an order of the Supreme Court under Section 38, or when an intimation of voluntary suspension from practice is received from the advocate, the State Council in respect of a person in its roll and the Council in respect of a person whose name is not in any State Roll, shall furnish information thereof giving the name of the advocate, his roll number and date of enrolment, his address, nature of the punishment inflicted-
- (i) to the Registrar of the High Court of the State;
  - (ii) to the Registrar of the Supreme Court of India;
  - (iii) to the Bar Association in the High Court;
  - (iv) to the District Court of the State, and
  - (v) to such other authorities as the State Council or the Council may direct.
- (b) The State Bar Councils and the Bar Council of India shall also cause to be published in the State Gazettes or the Gazette of the Government of India as the case may be, information relating to the removal from the roll or the suspension of an advocate for misconduct.

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RULES MADE BY THE CENTRAL GOVERNMENT UNDER SECTION 49-A OF THE ADVOCATES ACT,  
1961 RE : RIGHT OF PRACTISING ADVOCATES TO TAKE UP LAW TEACHING<sup>2</sup>

**Government of India Ministry of Law, Justice & Company Affairs, Department of Legal Affairs.  
NOTIFICATION**

G.S.R in exercise of the powers conferred by Section 49A of the Advocates Act, 1961 (25 of 1961), the Central Government hereby make the following rules, namely:-

**1. Short title and commencement :**

- (1) These rules may be called the Advocates (Right to take up Law teaching) rules, 1979.
- (2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions**

In these rules "Act" means the Advocates Act, 1961 (25 of 1961).

**3. Right of practising advocates to take up law teaching.**

- (1) Notwithstanding anything to the contrary contained in any rule made under the Act, an advocate may, while practising, take up teaching of law in any educational institution which is affiliated to a University within the meaning of the University Grants Commission Act, 1956 (3 of 1956), so long as the hours during which he is so engaged in the teaching of law do not exceed three hours in a day.
- (2) When any advocate is employed in any such educational institution for the teaching of law, such employment shall, if the hours during which he is so engaged in the teaching of law do not exceed three hours, be deemed, for the purposes of the Act and the rules made thereunder, to be a part-time employment irrespective of the manner in

which such employment is described or the remuneration receivable (whether by way of a fixed amount or on the basis of any time scale of pay or in any other manner) by the advocate for such employment.  
(No. F 3 (33)/77-IC)

## **MODEL SCHEMES FOR WELFARE OF ADVOCATES FRAMED BY BAR COUNCIL OF INDIA**

### **I. SCHEME FOR GRANTING FINANCIAL ASSISTANCE TO INDIGENT PRACTISING ADVOCATES WHEN SUFFERING FROM SERIOUS AILMENT.**

(1) These rules shall be known as “Rules for grant of financial assistance to Indigent Practising Advocates suffering from Serious Ailment” and shall apply to all such Advocates practising in the State.

(2) These rules shall come into force from the date notified by the Bar Council of India<sup>2</sup>.

(3) Definitions :

- (a) “Applicant” shall mean an advocate on the roll of the State Bar Council within whose jurisdiction he is practising and applying for the financial assistance to such State Bar Council.
- (b) “Bar Council of India” means the Bar Council constituted under Section 4 of the Advocates Act.
- (c) “Bar Council of India Advocates Welfare Committee” means a committee constituted under Rule 44A (1) of the Bar Council of India Rules under Part VI, Chapter II, Section IV-A.
- (d) “Bar Council of India Advocates Welfare Committee for the State” shall mean the Advocates Welfare Committee constituent for the State under Rule 44A (2)(i) of the Bar Council of India Rules under Part VI, Chapter - II, Section IV- A.
- (e) “Indigent Advocate” means any practising advocate, who is unable to maintain himself and his family and is also unable to meet the costs of his treatment in case of serious ailment.
- (f) “Family” shall mean the advocate’s wife or in the case of a female, her husband, his or her minor children and aged parents actually dependent on the applicant advocate for maintenance.
- (g) “Fund” means fund constituted under the Bar Council of India Advocates Welfare Rules as contained under Part VI, Chapter II, Section IV-A of the Bar Council of India Rules for the Scheme for Financial Assistance to Indigent Practising Advocates when suffering from serious ailment in that State.
- (h) “Serious Ailment” will include ailment of serious nature affecting brain, heart, lungs, abdomen or compound fracture or any part of the body requiring treatment for more than one month.
- (i) “State Bar Council” means Bar Council constituted under Section 3 of the Advocates Act.

(4) An indigent advocate practising in any court, tribunal or before any local authority in India shall be entitled to apply for appropriate financial assistance in case of his serious ailment, compelling him to remain confined to bed for more than one month, in the form prescribed for the purpose or in a form similar thereto addressed to the Chairman of the State Bar Council concerned. Such application shall be submitted in duplicate to the State Bar Council within whose jurisdiction the advocate is practising and such application must be recommended by the Executive Committee of the Bar Association of which the advocate concerned is a member and/or State Bar Council is otherwise satisfied and must also be certified by a doctor attending on him.

Provided that the State Bar Council suo moto or on the information received from any other source refer the case to the Advocates Welfare Committee of the State. On receipt of such application/applications or such reference by the State Bar Council the Secretary of the State Bar Council shall place the same before the Advocates Welfare Committee and shall make such enquiries in respect thereto as may be necessary as expeditiously as possible.

(5) The Advocates Welfare Committee for the State when decided to grant financial assistance in an appropriate case shall sanction such amount as may be necessary to complete any operation or treatment connected with the ailment of the Advocate concerned not exceeding Rs. 1,500/- and may also sanction such monthly assistance to the applicant towards treatment and costs of medicines etc, and for maintenance of his family for a period of three months at the rate of not exceeding Rs. 500/- per month.

(6) In case the Advocates Welfare Committee for the State considers in a given case that financial assistance is utmost necessary beyond the limit, provided under Rule (5), it shall refer to the Bar Council of India with its comments. The Advocates Welfare Committee of the Bar Council of India may sanction a sum upto Rs. 10,000/- for treatment of the ailment.

(7) The Bar Council of India may on the recommendation of its Advocates Welfare Committee and the recommendation of the State Bar Council may in an appropriate hard cases sanction ex-gratia upto a sum of Rs. 10,000/- from the fund of the Bar Council of India constituted under Rule 41(2) of the Bar Council of India Advocates Welfare Rules.

**Explanation :** “hard cases” means the dependent of the deceased advocate have no financial means and in the circumstances immediate help is felt necessary.

(8) Financial grant to the Advocate concerned shall ordinarily be paid without delay. If the Advocate is unable to come for receiving the money so sanctioned, the office of the State Bar Council may send it to the advocate concerned by money order or to the representations of such advocate specially by him in writing to the satisfaction of the Secretary, State Bar Council and on granting an appropriate receipt for such payment money so sanctioned or monthly maintenance of the Advocate shall be sent by the first week of every month for such grant on obtaining an appropriate receipt.

(9) The State Bar Council shall maintain proper records of all the records received and amounts sanctioned and receipt obtained thereof.

(10) If any advocate makes any statement or furnishes any information which is proved to be false to his knowledge, it shall amount to professional misconduct under Section 35 of the Advocates Act.

(11) If the Advocates Welfare Committee for the State subsequently finds that any statement given or evidence adduced by the applicant was false in material particulars the Committee shall refer the matter to the State Bar Council with its report and the State Bar Council may call upon the applicant to refund the entire amount given as assistance with such interest as it may deem fit and the applicant shall comply with such directions.

(12) The Advocate aggrieved of any order passed by the State Bar Council under Rule 10 may file an appeal to the Bar Council of India within 90 days. The Bar Council of India may either dismiss the appeal summarily or in case it finds a case for setting-aside or modifying the order of the State Bar Council the order shall be passed only after notice to the concerned State Bar Council.

## **II. FINANCIAL ASSISTANCE TO INDIGENT & DISABLED ADVOCATES : -**

1. These rules shall be known as “Rules for Financial Assistance for Indigent and Disabled Advocates practising in India.”

2. These rules shall come into force with effect from the date notified by the Bar Council of India. \*

3. Definitions:-

- (a) “Applicant” shall mean an advocate on the roll of the State Bar Council within whose jurisdiction he is practising and applying for the financial assistance to such State Bar Council.
- (b) “Bar Council of India” means the Bar Council constituted under Section 4 of the Advocates Act.
- (c) “Bar Council of India Advocates Welfare Committee” means a Committee constituted under Rule 44(1) of the Bar Council of India Rules under Part VI, Chapter II, Section IV-A.
- (d) “Bar Council of India Advocates Welfare Committee for the State” shall mean the Advocates Welfare Committee constituted for the State under rule 44A (2) (i) of Bar Council of India Rules under Part VI, Chapter II, Section IV-A.
- (e) “Disabled Advocate” shall mean an advocate, whereby reason of any physical, mental or other infirmity is unable to practise the profession of law.
- (f) “Family” shall mean the Advocate’s wife or in the case of female, her husband, his or her minor children and aged parents actually dependent on the applicant advocate for maintenance.
- (g) “Fund” means fund constituted under the Bar Council of India Advocates Welfare Rules for the scheme for assistance to Indigent and Disabled Advocates practising in the State.
- (h) “Indigent Advocate” shall mean an advocate who has to maintain himself and his family from his profession and other income.
- (i) “State Bar Council” means Bar Council constituted under Section 3 of the Advocates Act.

4. Any person desirous of obtaining financial assistance under these rules shall submit an application to the Chairman of the State Bar Council. The State Bar Council may also give financial assistance as it may deem fit suo motu or on the information received from any other source. The application shall be submitted in duplicate duly recommended by the Executive Committee of the Bar Association of which the advocate concerned is member and/or the Advocates Welfare Committee of the State is otherwise satisfied.

5. On receipt of such application or applications the Advocates Welfare Committee for the State shall make such enquiries in respect thereto as may be necessary as expeditiously as possible.

6. The Advocates Welfare Committee for the State when decided to grant financial assistance in an appropriate case shall sanction such sum as may be necessary, but in any case it shall not exceed Rs. 3,000/-. Provided that if the Advocates Welfare Committee considers that in a given case the applicant should be given lump-sum amount in addition to annual or monthly grant the Advocates Welfare Committee shall record its reasons and refer to the State

Bar Council. The State Bar Council may sanction a sum of Rs. 10,000/- keeping in view its capacity to pay from the fund.

7. Financial grant to the indigent and/or disabled advocate shall normally be paid on monthly basis and the amount shall ordinarily be paid to the advocate concerned. If the advocate concerned is unable to come for receiving money, the office of the State Bar Council may send it to the advocate concerned by Money Order or a Bank Draft or to the advocate concerned by specially authorised by him in writing to the satisfaction of the Secretary of the State Bar Council on obtaining appropriate receipt of such payment.

8. The grant of financial assistance to an indigent and/or disabled advocate shall be sanctioned annually and may be paid on a monthly basis and in case of necessity such sanction may be renewed after expiry of the year for which the sanction was already granted. Provided that financial grant to such advocate shall cease as soon as the advocate concerned ceases to be indigent or disable for which financial assistance was allowed ceased to exist.

9. If any advocate makes any statement or furnishes any information which is proved to be false to his knowledge, it shall meant to professional misconduct under Section 35 of the Advocates Act.

10. If the Advocates Welfare Committee for the State subsequently finds that any statement given or evidence adduced by the applicant was also false in material particulars the committee shall refer the matter to the State Bar Council with its report and the State Bar Council may call upon the applicant to refund the entire amount given as assistance with such interest as it may deem fit and the applicant shall comply with such directions.

11. The advocate aggrieved of any order passed by the State Bar Council under Rule 10, may file an appeal to the Bar Council of India within 90 days. The Bar Council of India may, either dismiss the appeal summarily or in case it finds a case for setting aside or modifying the order of the State Bar Council, the order shall be passed only after notice to the concerned State Bar Council.

### **III. SCHEME FOR LIBRARY DEVELOPMENT :-**

1. These rules shall be known as “Bar Council of India Advocates Welfare Library Development Rules”.

2. These Rules shall come into force from the date as notified by the Bar Council of India.<sup>2</sup>

#### **3. Definition :**

(a) “Applicant” means a Bar Association registered under the Societies Registration Act or so affiliated with the State Bar Council within whose jurisdiction the Bar Association situated and has submitted an application for Library development under the rules.

(b) “Bar Association” means the Bar Association registered under the Societies Registration Act or so affiliated with the State Bar Council within whose jurisdiction the Bar Association is situated.

(c) “Bar Council of India “means the Bar Council constituted under Section 4 of the Advocates Act.

(d) “Bar Council of India Advocates Welfare Committee” means the committee constituted under Rule 44A (1) of the Bar Council of India Rules under Part VI, Chapter II, Section IV-A.

(e) “State Bar Council” means the Bar Council constituted under Section 3 of the Advocates Act.

(f) “Bar Council of India Advocates Welfare Committee for the State” shall mean the Advocates Welfare Committee constituted for the State under Rule 44A(2) (i) of the Bar Council of India Rules, Part VI, Chapter-II, Section-IV-A.

(g) “Fund” means the fund constituted under the Bar Council of India Advocates Welfare Rules provided under Part VI, Chapter II, Section - IV-A of the Bar Council of India Rules for the Scheme for Library Development.

(h) “Financial Year” means the year from 1st April to 31st March of the next year.

(i) “Application Form” means the form so prescribed by the Committee from time to time for applying for financial assistance to the Library of the Bar Association.

4. Any High Court, District Court, Sub-Divisional Court, Tehsil or Taluka Court, Bar Association will be entitled to apply for annual grant to the Advocates Welfare Committee of the Bar Council of India for that State in the form prescribed under these rules and will make necessary declaration as prescribed therein and supply such information about the functioning of the concerned library as may be required by the said Committee.

5. The Advocates Welfare Committee shall consider such applications twice a year and sanction the appropriate grant to such applicant-Bar Association for development of the library.

6. The Bar Association which received the amount once will not ordinarily be eligible again till after the lapse of three years.

7. The Bar Association while making an application for grant to the Advocates Welfare Committee for the State append a resolution of the Association deciding to seek the grant an approved list of books in duplicate and also

their resolution to generate a sum of at least 10% of the proposed grant for purchase of books and equipment in their library.

8. The grant will be given not in cash but by way of books desired to be purchased by the Association.

9. As far as may be, the fund to be allocated to each Bar Association under these rules, be in accordance with the total strength of the advocates of such Bar Association.

10. The books that will be supplied under this scheme shall bear stamp containing the following inscription :-

“BAR COUNCIL OF INDIA ADVOCATES WELFARE FUND FOR THE STATE LIBRARY DEVELOPMENT SCHEME”

11. The Bar Association receiving the grant will maintain a list of books supplied to it.

#### **IV. RULES FOR FINANCIAL ASSISTANCE TO STATE BAR COUNCILS/ADVOCATES UNDER RULE 44-B OF THE BAR COUNCIL OF INDIA RULES.**

(1) These rules shall be known as the Scheme for Financial Assistance to the State Bar Councils under Rule 44-B of the Bar Council of India Rules.

(2) The scheme shall come into force immediately.\*

(3) These schemes shall be applicable to only such State Bar Councils which have remitted the sum in accordance with the Rule 41 (2) of the Bar Council of India Rules.

(4) That on receiving information from the Chairman of the State Bar Council or Member, Bar Council of India from that State, the Chairman, Bar Council of India on being satisfied by such report may immediately sanction a reasonable amount not exceeding Rs. 5,000/-in an individual case and Rs. 25,000/-in case of some calamity involving more than one advocate and shall report to the Advocates' Welfare Committee of the Bar Council of India. The financial assistance to the State Bar Councils will be available in any of the following cases:—

(a) The advocate or advocates have suffered seriously on account of some natural calamity or;

(b) the advocate or advocates have died an unnatural death, due to an accident or natural calamity or any other cause of like nature, or;

(c) the advocate or advocates have suffered or is suffering from such serious disease or illness which is likely cause death if no proper treatment is given and the advocate requires financial assistance without which he would not be able to get proper treatment and has no personal assets except a residential house to meet such expenditures, or;

(d) the advocate or advocates become physically disabled or incapacitated to continue his profession on account of natural calamity or accident or any other cause of like nature.

(5) That the amount sanctioned under rule 4 shall be placed at the disposal of the Advocates Welfare Committee of the Bar Council of India for the State and the said State Committee shall maintain separate account and send the same to the Bar Council of India within three months from the date of the receipt thereof.

(6) That the Advocates Welfare Committee of the Bar Council of India on receiving such applications duly recommended by the State Bar Councils, may sanction a sum provided in the different schemes prepared by the Bar Council of India.

#### **THE BAR COUNCIL OF INDIA ADVOCATES WELFARE SCHEME, 1998\***

##### **1. Part A : Preliminary**

(i) This Scheme may be called the “Bar Council of India Advocates Welfare Scheme, 1998”.

(ii) It shall come into force on the 1st of November, 1998.

(iii) Subject to the provisions of the Scheme, any advocate enrolled with any State Bar Council in India shall be entitled to become a member of the Scheme after submitting an application in Form ‘A’.

(iv) The maximum age at which an advocate may become a member of the Scheme is 65 years.

(v) The normal retirement of the member is 90 years.

##### **2. Part B : Subscription**

(i) Every applicant shall pay an admission fee of five hundred Rupees in lump sum with the application.

(ii) Every member shall pay an annual subscription of Rs. 750/- (Rupees Seven hundred and fifty) per year on or before 31st of July of every year.

Alternatively a member may pay a lump sum contribution of Rs. 7500/-(Rupees Seven thousand five hundred) at the time of joining the Scheme and in that event he shall not be required to pay any annual subscriptions.

(iii) In case of default in depositing the subscriptions, interest at the rate of fifteen percent per annum shall be charged on every year's default.

**3. Part C : Administration**

- (i) The scheme shall be administered by the Advocates Welfare Committee of the concerned State Bar Council.
- (ii) A welfare fund by name "All India Advocates Welfare Fund" or any other name which the Bar Council of India may decide, shall be established with the subscriptions received from the members, and income which may be received from other sources and in each of the State separate accounts shall be opened.
- (iii) The moneys of the fund shall be invested in securities/investments as may be considered appropriate by the Advocates Welfare Committee keeping in view the safety of the fund and ensure higher returns on the Fund.
- (iv) The Advocates Welfare Committee shall have the power to appoint with the consent of the Bar Council of India, any person or persons with requisite qualifications to act as the Secretary/Secretaries, Manager/Managers or Registrars of the Fund at such remuneration and on such terms and conditions and with such powers as the Advocates Welfare Committee may think fit. The Committee may also employ any person or persons to do any legal, accounting, actuarial any other work which they may consider necessary or expedient in connection with the management of the fund or of the assets thereof.
- (v) An actuarial valuation shall be carried out by a qualified Actuary every two years to ascertain the solvency of the Fund and to examine the possibility of improvement of benefits.
- (vi) The account of the fund shall be maintained in India and shall contain such particulars as the Advocates Welfare Committee may think proper and as be required by law. As soon as possible after 31st day of March in each year, the Committee shall take a general account of the assets and liabilities of the fund and shall prepare a balance sheet and Revenue Account showing the income and expenditure, during the year terminating on such thirty first day of March in such form as may be considered suitable by the Advocates Welfare Committee.

The first accounting period will be from 1st August, 1998 to 31st March, 1999. Thereafter the accounting year shall be from 1st April to 31st March of each year.

- (vii) The accounts of the fund shall be audited yearly by a Chartered Accountant or a firm of Chartered Accountants, who shall have an access to all the books, papers, vouchers and documents connected with the Fund, and who shall in writing report to the Advocates Welfare Committee on the annual accounts. A copy of audited accounts shall be furnished to the Bar Council of India.

**4. Part B : Refusal/Removal from the membership of the Fund**

- (i) If any advocate is refused admission to the membership of the scheme, he may appeal to the Advocates Welfare Committee of the Welfare Fund of the Bar Council of India within three months from the date of refusal. The Advocates Welfare Committee may after giving, due opportunity of hearing to the concerned advocate and the Bar Council of India, direct that such advocate may be admitted to the membership of the Scheme. The order so passed shall be final.
- (ii) If any member is expelled from the membership of the concerned State Bar Council or otherwise ceases to be a member of that State Bar Council, then his name shall be liable to be deleted from the membership of this scheme and the annual subscription/lump sum contribution paid by him together with 6% simple interest per annum shall be paid to him.

Provided that no order of deletion of name from the membership of the scheme shall be made except on the recommendation of the concerned Advocates Welfare Committee and without hearing the concerned member and such order shall be passed by the State Bar Council in its general meeting after such enquiry, as may be necessary.

- (iii) Name of the member shall stand removed from the scheme automatically if he is in arrears of annual subscription for a period of three consecutive years.
- (iv) An advocate who is so removed from the membership of the scheme, can only be re-admitted on payment of arrears of subscriptions due against him alongwith interest at the rate of 15% per annum and such other penalty not exceeding Rs. 500/- (five hundred only) as may be imposed by the Advocates Welfare Committee provided his name is restored or continues on the State roll maintained by the concerned State Bar Council.

**5. Part E: Benefits on early retirement from the Scheme**

- (i) If a member of the Scheme who completes a period of 5 years after he becomes a member of the Scheme shall, subject to other provisions of the scheme, be entitled to seek voluntary retirement from the

membership and to receive the amount of annual subscription/lump sum contribution deposited by him alongwith the simple interest at the rate of six percent per annum from the date of deposit made by him.

- (ii) Any member suffering from total permanent disablement shall be allowed to retire from the scheme, but the member will have to seek retirement as an advocate and will not be entitled to be enrolled thereafter and become a member of the Scheme. He shall be entitled to the benefits as per Table II-A/II-B of the Scheme appended to the Scheme and the Advocates Welfare Committee in special circumstances for reasons to be recorded may allow claim upto Rs. 50,000/- (Rupees fifty thousand only).
- (iii) A member has the option to seek voluntary retirement from the membership any time after attaining 75 years of age but in any case member would retire on completion of 90 years or on completion of 40 years of membership whichever is earlier.
  - (a) If the member retires any time after attaining 75 years of age before completion of 40 years of membership or 90 years of age 90% of the maturity value shown in Table-I shall be paid to him depending upon his completed number of years of membership.
  - (b) If the member retires after completion of 40 years of membership he shall be entitled to full maturity value shown in Table-I depending on his completed number of membership on the date of his retirement.
- (iv) Notwithstanding anything contained in this scheme to the contrary, if any advocate after his admission to the Scheme joins any employment, he shall be entitled for refund of all his annual subscriptions/simple interest from the date of his annual subscriptions/lumpsum contribution.

**6. Part F : Benefits payable on death/illness while continuing as a Member of the Scheme.**

- (i) In case any member dies or acquires total permanent disablement at any time after becoming a member of the Scheme, he or his nominee/dependents or other legal heirs, shall be entitled for a sum as per Table II-A/Table II-B of the Scheme appended to the Scheme.

**Explanation :** - For the purpose of this clause, dependants means the spouse, minor children and unmarried daughters.

- (ii) Advocates Welfare Committee on an application made to it in the prescribed form after being satisfied about genuineness of the claim, may grant ex-gratia payment from the fund.  
In case a member of the Scheme is hospitalised for at least one month or undergoes a major surgery or suffering from paralysis, cancer, unsoundness of mind and/other similar serious ailments on the production of a certificate from the Chief Medical Officer concerned to that effect, he may be paid an amount not exceeding ten thousand rupees.

Provided that a subsequent claim shall not be entertained unless a period of three years from the date of first payment has elapsed.

**7. Part G : Benefits payable on normal retirement at age 90 years or on completion of 40 years of membership whichever is earlier.**

- (a) For Members who are paying annual contribution of Rs. 750/- per annum.
  - (i) The maturity benefit payable on retirement at age 90 years or above completion of 40 years of membership will be as shown in Table-I of the Scheme.
  - (ii) Further, as an additional benefit for a member who has completed 20 or more years of membership and is aged below 65 years, a Medi-claim Policy on the life of the member and his wife for a sum of Rs. 1 lakh each will be purchased from New India Assurance Co. Ltd. or any other subsidiary Company of General Insurance Corporation of India covering Hospitalisation/ Domiciliary Hospitalisation benefits from age 65 to 70, provided the member and his wife are in good health at the time of taking out the policy.
- (b) For members who paid a lump sum contribution of Rs. 7,500/-
  - (i) The maturity benefits payable on retirement of age 90 years or on completion of 40 years of membership will be as shown in Table-I of the Scheme.
  - (ii) Further as an additional benefit for a member who has completed 20 or more years of membership and is aged below 65 years, a Medi-claim Policy on the life of the member and his wife for a sum assured of Rs. 1 lakh each will be purchased from New India Assurance Co. Ltd or any other subsidiary Company of General Insurance Corporation of India covering Hospitalisation/ Domiciliary Hospitalisation benefits from age 65 to 70 years provided, the member and his wife are in good health at the time of taking out the policy.

**8. Part H: General**

- (i) An appeal in the prescribed form may be made to the Bar Council of India against the decision of the Advocates Welfare Committee within 30 days from the date of such order and shall be accompanied with

the copy of the decision appealed against and shall be filed within 30 days of the receipts of the order. The decision of the Bar Council of India shall be final.

- (ii) In case the Scheme is silent about any matter, such matters shall be decided by the Advocates Welfare Committee in consultation with the Bar Council of India.
- (iii) Those Advocates who join this Scheme shall be entitled to the benefits of any other Scheme for the time being in force.
- (iv) With respect to process of payment of all claims under this Scheme, Bar Council of India may lay down the guidelines for this purpose.

9. A Schedule showing the benefits offered under the Scheme is enclosed :

Encl : Schedule (Table I, IIA and IIB) showing the benefits.

Scheme approved by the BCI in its meeting held on 19th July, 1998. (Item no. 79/1998)

Scheme circulated to State Bar Councils vide letter No. 2400/1998 dt. 22-10-1998.

#### ALL INDIA ADVOCATES WELFARE SCHEME

##### SCHEDULE SHOWING BENEFITS

##### TABLE — I (MATURITY VALUE)

Completed years of Membership	Maturity Value (Lumpsum Contribution Rs. 7,500/-)	Maturity Value (Annual Contribution Rs. 750/- per year)
	Rs.	Rs.
1.	1293	0
2.	2163	0
3.	3129	0
4.	4201	0
5.	5390	0
6.	6466	0
7.	7915	860
8.	9531	2491
9.	11329	4305
10.	13329	6323
11.	15288	8303
12.	17761	10797
13.	20519	13581
14.	23599	16688
15.	27040	20160
16.	30789	23944
17.	35133	28325
18.	39146	32380
19.	44526	37807
20.	50580	43912
21.	55426	48816
22.	62904	56357
23.	71355	64879
24.	80588	74191
25.	88777	82467
26.	100772	94559
27.	112647	106542
28.	125766	110780
29.	140328	134474
30.	156492	150785

31.	174434	168890
32.	194349	188986
33.	216455	211294
34.	240993	236054
35.	268230	263539
36.	298463	294047
37.	332022	327911
38.	369272	365499
39.	410620	407223
40.	456516	543536

**ALL INDIA ADVOCATES WELFARE SCHEME**  
**Schedule Showing Benefits**

**Table – II – A**

(In cases where a lumpsum payment of Rs. 7500/-  
is paid at the time of becoming a member)

Completed years of membership	Maturity Value
1.	7909
2.	8779
3.	9744
4.	10816
5.	12006
6.	30000
7.	30000
8.	30000
9.	30000
10.	30000
11.	35000
12.	35000
13.	35000
14.	35000
15.	35000
16.	50000
17.	50000
18.	50000
19.	60000
20.	60000
21.	75000
22.	75000
23.	100000
24.	100000
25.	100000
26.	125000
27.	125000
28.	150000
29.	150000
30.	163108

31.	183049
32.	200965
33.	223071
34.	247609
35.	274864
36.	395079
37.	338638
38.	375888
39.	417235
40.	463131

**ALL INDIA ADVOCATES WELFARE SCHEME**

**Schedule Showing Benefits**

**TABLE – II – B**

(In cases where annual subscriptions of Rs. 750/- per annum are paid)

Completed years of Membership	Maturity Value
1.	791
2.	1669
3.	2643
4.	3725
5.	4925
6.	30000
7.	30000
8.	30000
9.	30000
10.	30000
11.	35000
12.	35000
13.	35000
14.	35000
15.	35000
16.	50000
17.	50000
18.	50000
19.	60000
20.	60000
21.	75000
22.	75000
23.	100000
24.	100000
25.	100000
26.	125000
27.	125000
28.	150000
29.	150000
30.	157401
31.	175506
32.	195602
33.	217909
34.	242670
35.	270155
36.	300663
37.	334526



13. The sub-clause added w.e.f. 7.4.1974.
14. The sub-clause added w.e.f. 7.4.1979.
15. The rule amended from 27.11.1988.
16. The rules Section 49A of the Act were framed by the Ministry of Law, Justice & Company Affairs and came into force w.e.f. 16.10.1976.

1.6.89	Revision of fees	Resolution No.31/79
20.2.91	Rule 8 in Chapter II Part VI proviso amended	Resolution No. 12/91
20.2.91	Rule 6 in Part VI Chapter II Proviso added	Resolution No 11/91
20.2.92	Rule 4(2) in Chapter I Part III to be deleted	Resolution No. 5/92
31.10.92	Rule 40 in Chapter IX Part VI amended	This rule came into force from 1.4.93.

Rule 7 Chapter III part VI (in place of at the time of within 3 year added.

- <sup>1</sup>. Came into force with effect from 6-1-2001
- <sup>2</sup>. Came into force with effect from 2-6-96 vide Resolution No. 53/1996
- <sup>3</sup> Sub Rule 7(3) came into force from 27-11-1988.
- <sup>4</sup> Published in the Gazette of India on 26-10-1979
- <sup>5</sup> Came into force from 19th July, 1998 (Res. No. 64/98)
- <sup>6</sup> Came into force from 19th July, 1998.
- <sup>7</sup> Came into force from 19th July, 1998.
- <sup>8</sup> Came into force from 19th July, 1998.
- <sup>9</sup> Came into force w.e.f. 19th July 1998 vide Resolution No. 64/1998.

## **PART IX**

### **PART-IX**

#### **General Principles to be followed by State Bar Councils and Bar Council of India, rules for Supervision and Control by the Bar Council of India**

*(Rules under Section 49(1) (a), (i) and (j) of the Act)*

#### **ELECTION**

1. The election of members to State Councils shall only be by secret ballot. There shall be no voting by post except that a State Council may permit voting by post to advocates eligible to vote and who do not ordinarily practise at the seat of the High Court or the seat of any of the District Courts in the State.

**Explanation** :- An advocate shall be deemed ordinarily to practise at the place which is given in his address in the Electoral Roll.

2. Any candidate who by himself or through his agent seems or attempts to secure from any voter his ballot paper with intent to prevent him from transmitting it directly or with intent to ensure that the vote has been cast for a particular candidate shall be guilty of an election malpractice which shall invalidate his election whether or not the result of the election has been materially affected thereby.

3. The notice of election of members of the State Councils and the results of the elections shall be published in the State Government Gazette or Gazettes as the case may be.

4. A State Council may require a deposit from every candidate standing at an election, which may be forfeited in case the candidate is unable to secure at least 1/8 of the quota fixed for the election.

5. All election disputes shall be decided by tribunals constituted by the State Councils.

#### **FUNDS OF STATE COUNCILS**

6. The funds of State Councils must first be deposited in the State Bank of India or any Nationalised Bank before any money could be expended, and disbursement shall ordinarily be made by cheques, unless the amount involved is small.
7. The State Bar Council may decide from time to time investment of its funds in the following securities.
  1. Fixed Deposits or Cumulative Deposits in the State Bank of India or in such other Nationalised Banks;
  2. in any other securities specified in Section 20 of the Indian Trust Act, 1882;
  3. in the Fixed Deposits or Cumulative Deposits with Government Companies as defined in the Companies Act, 1956\*.
8. Every State Council shall maintain a provident fund for its employees and also pay gratuity in accordance with rules which each Council may frame.
9. The State Councils may accept donations in cash or kind for any of the purposes of the Act.
10. The accounts of every Council shall be audited by a Chartered Accountant once a year.

#### BOOKS AND REGISTERS

11. The State Bar Councils and the Bar Council of India shall maintain the following books:-
  - (a) Minutes books;
  - (b) Attendance Register for the staff;
  - (c) Leave Register for the staff;
  - (d) Acquittance Register;
  - (e) Day Book and Ledger;
  - (f) Receipt Book;
  - (g) Financial Assistance Register;
  - (h) Provident Fund Account; and
  - (i) Property Register.

THE BAR COUNCIL OF =====

#### COPY APPLICATION REGISTER

12. Every State Bar Council shall maintain:-
  - (a) A Copy Application Register containing as far as possible the following entries :-
    1. Serial No.
    2. D.C. Enquiry No. /D.C. Appeal No.
    3. Name of advocate/party (Making the Application).
    4. No. of Folio.
    5. Charges payable.
    6. Date of receipt of copy application.
    7. Date of notifying charges payable.
    8. Date of payment.
    9. Date when copy ready.
    10. Date of delivery.
    11. Signature for receipt
    12. Remarks.

To every certified copy applied for and furnished shall ordinarily affixed a rubber stamp containing inter alia the following columns :-

THE BAR COUNCIL OF =====

C.A. No.=

1. No. of D.C. Proceeding.
2. Date of communication of order.
3. Date of receipt of copy application.
4. Date when charges are called for.
5. Date when charges are paid.
6. Date when copy despatched or delivered.
7. Charges paid for the copy.

Date=====

Signature of Secretary

or other person authorised

(b) "Bar Council Complaint Register", containing the following columns.

1	2	3	4	5
Sl. No.	Date of receipt of complaint	Name of complainant or other person and address.	Name of advocate against whom the complaint is made, his Roll No.	Date on which Bar Council considered
6	7	8	9	
If rejected prima facie, or referred to its Disciplinary Committee and date of resolution.	Reference to page of Disciplinary Committee register, further particulars.	If <i>suo motu</i> , necessary particulars	Any other particulars/ Remarks	

(c) Disciplinary Committee register containing the following columns:-

1	2	3	4	5	6	7	8	9
Sl.	Number of Case	Complainant's Address.	Name of the Advocate about whom complaint is made and his address and Roll No.	Date of reference by Bar Council	Name of Members of Disciplinary Committee	If summarily rejected, date.	If not summarily rejected, dates of enquiry	Gist of Final Order under Section 35 (1) and date
10	11	12	13	14	15	16	17	18
Date on which Order was sent to the parties.	Date of receipt of order communicated to parties	If appeal filed number of the appeal and particulars	Date of receipt of notice for despatch of records.	Date of despatch of records to Bar Council of India	Result of appeal etc.	Date of receipt of records received back from the Bar Council of India	Date of return of documents to parties.	Remarks and other particulars

13. The Bar Council of India shall maintain the following registers :-

1. Copy Application Register, containing entries as nearly as possible as in the case of the copy application register of Stare Bar Councils with necessary modifications.

2. The Bar Council of India Complaint Register, containing entries on matters required with reference to register of the State Bar Councils.
3. The Disciplinary Committee Register containing similar entries with necessary modifications as is necessary for State Bar Councils.
4. The Disciplinary Committee appeal registers containing the following columns.

1	2	3	4	5	6
S. No.	Date of Receipt of papers	Name of appellant	Name of Respondent enquiry is made	Name of Advocate against whom the and Roll Number	Appeal from Bar Council of
	7	8	9	10	11
	Date on which papers were found in order	Names of Members of Disciplinary Committee	Dates of hearing	Date of receipt of records of the Disciplinary Committee appealed against	Date of final Order
	12		13		
	14		15		
	Date of Despatch of Order to parties	Date of receipt of Order Communicated	Particulars as to Appeal to Supreme Court, if any	Results of Appeal to Supreme Court	
Contd=	16	17	18		
	Review application, if any, with particulars	Date of despatch of records received from the Bar Council	Other particulars and remarks		

#### SCRUTINY OF RECORDS OF STATE COUNCILS

14. (i) The Chairman (ii) the Vice-Chairman, (iii) any member of the Council or the Secretary of the Council duly authorised by a resolution, shall be entitled at any time to look into any of the records or other papers of any State Council.

#### ENROLMENT

15. (1) In addition to the enrolment fee laid down in Section 24 of the Advocates Act, person desirous of being enrolled as advocates shall also be liable to pay to the State Councils, Stamp Duty payable by them under the Indian Stamp Act and such Bar Councils shall be entitled to recover the same before making the entry of their names in the rolls.

(2) Every candidate seeking enrolment as an Advocate shall be required to affirm and subscribe to the following declarations:

- (a) 'I shall uphold the Constitution and the Laws';
- (b) 'I shall faithfully discharge every obligation cast on me by the Act and the Rules framed thereunder'.

#### ELECTORAL ROLL AND ELECTION

16. (1) Every State Council shall hold its elections well in time before the expiry of the terms of its members and take all steps necessary in respect thereof.

(2) The Secretary of every State Council shall take steps in time or prepare and publish the electoral rolls for the purpose of the elections.

#### SUPERVISIONS AND CONTROL

17. The State Councils shall, when so required, make such periodical returns or statements or furnish such information as may be prescribed or called for by the Council :

18. The Secretary of every State Council shall inter alia send to the Secretary of the Council :

- (a) a copy of the notice of every election of members to the State Council, a copy of the list of members elected, intimation of the election disputes, if any referred to any tribunal or Committee and the result thereof;
- (b) the names of the ex-officio member of the State Council;
- (c) the name of members of the State Council co-opted for any vacancy;

- (d) the names of members elected as Chairman and Vice-Chairman of the State Council from time to time;
  - (e) the name of the Secretary of the State Council and his residential address;
  - (f) address of the State Council, and intimations as to its hours of work and holidays;
  - (g) the name and address of the member elected to the Council and the date of election;
  - (h) before the 31st day of December each year a statement as to the number of Disciplinary matters taken on file, number of cases disposed of and number of cases pending.
19. The Secretary of each State Bar Council shall keep the Bar Council of India informed of all proceedings in any Court or Tribunal instituted by or against the Bar Council, and shall wherever necessary send copies of such proceedings.
20. Every State Council shall arrange for the audit of its accounts in time in accordance with its rules and send forthwith after audit, the copy of the audited accounts together with a copy of the report of the auditors thereon to the Council.
21. Rule deleted as Section 46 omitted by Advocates Amendment Act, 1993.
22. (a) The State Councils shall give due publicity to their rules.
- (b) The State Councils shall furnish information of the names of persons (with their roll numbers and other necessary particulars) removed from its rolls or suspended under Chapter V of the Act or who voluntarily suspend practice and of those who resume practice, to all the Bar Associations and the High Courts and the Subordinate Courts in the State.
23. (a) The names of advocates shall be entered in the rolls without suffixes, prefixes, titles or degrees. In the case of person who has taken a degree in law from any University, the name shall be the same as entered in the degree or other certificate granted by the University; in the case of a Barrister, as in the certificate of call to the Bar;
- In the case of a Vakil, Pleader or Attorney or Mukhtar, as it is in certificate of entry as such Vakil, Pleader or Attorney or Mukhtar and
- In the case of any person previously enrolled as an advocate, whether he holds a degree in law or not, as in the certificate of such admission.
- In the case of any person not falling under any of the above categories, the name shall be such as the State Council or the Enrolment Committee may determine.
- (b) The name as entered in the roll of the State Council shall not be altered in any respect except when;
- (i) on an application for that purpose, the State Council accords its permission;
  - (ii) a notice thereof is thereafter affixed on the notice board of the State Council and published in the local gazette in one issue or in a local English newspaper as the State Council may specify and
  - (iii) the applicant defrays all the necessary costs thereof.
- (c) Every State Council shall forthwith communicate to the Council, the change if any in the name of any advocate on its rolls.
24. (a) When the name of an advocate is removed from the rolls or an advocate is suspended from practice or otherwise punished under an order of any Disciplinary Committee or an order of the Supreme Court under Section 38, or when an intimation of voluntary suspension from practice is received from the advocate, the State Council in respect of a person in its roll and the Council in respect of a person whose name is not in any State Roll, shall furnish information thereof giving the name of the advocate, his roll number and date of enrolment, his address, nature of the punishment inflicted-
- (i) to the Registrar of the High Court of the State;
  - (ii) to the Registrar of the Supreme Court of India;
  - (iii) to the Bar Association in the High Court;
  - (iv) to the District Court of the State, and
  - (v) to such other authorities as the State Council or the Council may direct.
- (b) The State Bar Councils and the Bar Council of India shall also cause to be published in the State Gazettes or the Gazette of the Government of India as the case may be, information relating to the removal from the roll or the suspension of an advocate for misconduct.

**Government of India Ministry of Law, Justice & Company Affairs, Department of Legal Affairs.  
NOTIFICATION**

G.S.R in exercise of the powers conferred by Section 49A of the Advocates Act, 1961 (25 of 1961), the Central Government hereby make the following rules, namely:-

**1. Short title and commencement :**

- (1) These rules may be called the Advocates (Right to take up Law teaching) rules, 1979.
- (2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions**

In these rules "Act" means the Advocates Act, 1961 (25 of 1961).

**3. Right of practising advocates to take up law teaching.**

- (1) Notwithstanding anything to the contrary contained in any rule made under the Act, an advocate may, while practising, take up teaching of law in any educational institution which is affiliated to a University within the meaning of the University Grants Commission Act, 1956 (3 of 1956), so long as the hours during which he is so engaged in the teaching of law do not exceed three hours in a day.
- (2) When any advocate is employed in any such educational institution for the teaching of law, such employment shall, if the hours during which he is so engaged in the teaching of law do not exceed three hours, be deemed, for the purposes of the Act and the rules made thereunder, to be a part-time employment irrespective of the manner in which such employment is described or the remuneration receivable (whether by way of a fixed amount or on the basis of any time scale of pay or in any other manner) by the advocate for such employment.  
(No. F 3 (33)/77-IC)

**MODEL SCHEMES FOR WELFARE OF ADVOCATES FRAMED BY BAR COUNCIL OF INDIA**

**I. SCHEME FOR GRANTING FINANCIAL ASSISTANCE TO INDIGENT PRACTISING ADVOCATES WHEN SUFFERING FROM SERIOUS AILMENT.**

- (1) These rules shall be known as "Rules for grant of financial assistance to Indigent Practising Advocates suffering from Serious Ailment" and shall apply to all such Advocates practising in the State.
- (2) These rules shall come into force from the date notified by the Bar Council of India<sup>\*</sup>.
- (3) Definitions :
  - (a) "Applicant" shall mean an advocate on the roll of the State Bar Council within whose jurisdiction he is practising and applying for the financial assistance to such State Bar Council.
  - (b) "Bar Council of India" means the Bar Council constituted under Section 4 of the Advocates Act.
  - (c) "Bar Council of India Advocates Welfare Committee" means a committee constituted under Rule 44A (1) of the Bar Council of India Rules under Part VI, Chapter II, Section IV-A.
  - (d) "Bar Council of India Advocates Welfare Committee for the State" shall mean the Advocates Welfare Committee constituent for the State under Rule 44A (2)(i) of the Bar Council of India Rules under Part VI, Chapter - II, Section IV- A.
  - (e) "Indigent Advocate" means any practising advocate, who is unable to maintain himself and his family and is also unable to meet the costs of his treatment in case of serious ailment.
  - (f) "Family" shall mean the advocate's wife or in the case of a female, her husband, his or her minor children and aged parents actually dependent on the applicant advocate for maintenance.
  - (g) "Fund" means fund constituted under the Bar Council of India Advocates Welfare Rules as contained under Part VI, Chapter II, Section IV-A of the Bar Council of India Rules for the Scheme for Financial Assistance to Indigent Practising Advocates when suffering from serious ailment in that State.
  - (h) "Serious Ailment" will include ailment of serious nature affecting brain, heart, lungs, abdomen or compound fracture or any part of the body requiring treatment for more than one month.
  - (i) "State Bar Council" means Bar Council constituted under Section 3 of the Advocates Act.
- (4) An indigent advocate practising in any court, tribunal or before any local authority in India shall be entitled to apply for appropriate financial assistance in case of his serious ailment, compelling him to remain confined to bed for more than one month, in the form prescribed for the purpose or in a form similar thereto addressed to the Chairman of the State Bar Council concerned. Such application shall be submitted in duplicate to the State Bar Council within whose jurisdiction the advocate is practising and such application must be recommended by the Executive Committee of the Bar Association of which the advocate concerned is a member and/or State Bar Council is otherwise satisfied and must also be certified by a doctor attending on him.

Provided that the State Bar Council suo moto or on the information received from any other source refer the case to the Advocates Welfare Committee of the State. On receipt of such application/applications or such reference by the State Bar Council the Secretary of the State Bar Council shall place the same before the Advocates Welfare Committee and shall make such enquiries in respect thereto as may be necessary as expeditiously as possible.

(5) The Advocates Welfare Committee for the State when decided to grant financial assistance in an appropriate case shall sanction such amount as may be necessary to complete any operation or treatment connected with the ailment of the Advocate concerned not exceeding Rs. 1,500/- and may also sanction such monthly assistance to the applicant towards treatment and costs of medicines etc, and for maintenance of his family for a period of three months at the rate of not exceeding Rs. 500/- per month.

(6) In case the Advocates Welfare Committee for the State considers in a given case that financial assistance is utmost necessary beyond the limit, provided under Rule (5), it shall refer to the Bar Council of India with its comments. The Advocates Welfare Committee of the Bar Council of India may sanction a sum upto Rs. 10,000/- for treatment of the ailment.

(7) The Bar Council of India may on the recommendation of its Advocates Welfare Committee and the recommendation of the State Bar Council may in an appropriate hard cases sanction ex-gratia upto a sum of Rs. 10,000/- from the fund of the Bar Council of India constituted under Rule 41(2) of the Bar Council of India Advocates Welfare Rules.

**Explanation :** "hard cases" means the dependent of the deceased advocate have no financial means and in the circumstances immediate help is felt necessary.

(8) Financial grant to the Advocate concerned shall ordinarily be paid without delay. If the Advocate is unable to come for receiving the money so sanctioned, the office of the State Bar Council may send it to the advocate concerned by money order or to the representations of such advocate specially by him in writing to the satisfaction of the Secretary, State Bar Council and on granting an appropriate receipt for such payment money so sanctioned or monthly maintenance of the Advocate shall be sent by the first week of every month for such grant on obtaining an appropriate receipt.

(9) The State Bar Council shall maintain proper records of all the records received and amounts sanctioned and receipt obtained thereof.

(10) If any advocate makes any statement or furnishes any information which is proved to be false to his knowledge, it shall amount to professional misconduct under Section 35 of the Advocates Act.

(11) If the Advocates Welfare Committee for the State subsequently finds that any statement given or evidence adduced by the applicant was false in material particulars the Committee shall refer the matter to the State Bar Council with its report and the State Bar Council may call upon the applicant to refund the entire amount given as assistance with such interest as it may deem fit and the applicant shall comply with such directions.

(12) The Advocate aggrieved of any order passed by the State Bar Council under Rule 10 may file an appeal to the Bar Council of India within 90 days. The Bar Council of India may either dismiss the appeal summarily or in case it finds a case for setting-aside or modifying the order of the State Bar Council the order shall be passed only after notice to the concerned State Bar Council.

## **II. FINANCIAL ASSISTANCE TO INDIGENT & DISABLED ADVOCATES : -**

1. These rules shall be known as "Rules for Financial Assistance for Indigent and Disabled Advocates practising in India."

2. These rules shall come into force with effect from the date notified by the Bar Council of India.\*

3. Definitions:-

(a) "Applicant" shall means an advocate on the roll of the State Bar Council within whose jurisdiction he is practising and applying for the financial assistance to such State Bar Council.

(b) "Bar Council of India" means the Bar Council constituted under Section 4 of the Advocates Act.

(c) "Bar Council of India Advocates Welfare Committee" means a Committee constituted under Rule 44(1) of the Bar Council of India Rules under Part VI, Chapter II, Section IV-A.

(d) "Bar Council of India Advocates Welfare Committee for the State" shall mean the Advocates Welfare Committee constituted for the State under rule 44A (2) (i) of Bar Council of India Rules under Part VI, Chapter II, Section IV-A.

(e) "Disabled Advocate" shall mean an advocate, whereby reason of any physical, mental or other infirmity is unable to practise the profession of law.

- (f) "Family" shall mean the Advocate's wife or in the case of female, her husband, his or her minor children and aged parents actually dependent on the applicant advocate for maintenance.
- (g) "Fund" means fund constituted under the Bar Council of India Advocates Welfare Rules for the scheme for assistance to Indigent and Disabled Advocates practising in the State.
- (h) "Indigent Advocate" shall mean an advocate who has to maintain himself and his family from his profession and other income.
- (i) "State Bar Council" means Bar Council constituted under Section 3 of the Advocates Act.

4. Any person desirous of obtaining financial assistance under these rules shall submit an application to the Chairman of the State Bar Council. The State Bar Council may also give financial assistance as it may deem fit suo motu or on the information received from any other source. The application shall be submitted in duplicate duly recommended by the Executive Committee of the Bar Association of which the advocate concerned is member and/or the Advocates Welfare Committee of the State is otherwise satisfied.

5. On receipt of such application or applications the Advocates Welfare Committee for the State shall make such enquiries in respect thereto as may be necessary as expeditiously as possible.

6. The Advocates Welfare Committee for the State when decided to grant financial assistance in an appropriate case shall sanction such sum as may be necessary, but in any case it shall not exceed Rs. 3,000/-. Provided that if the Advocates Welfare Committee considers that in a given case the applicant should be given lump-sum amount in addition to annual or monthly grant the Advocates Welfare Committee shall record its reasons and refer to the State Bar Council. The State Bar Council may sanction a sum of Rs. 10,000/- keeping in view its capacity to pay from the fund.

7. Financial grant to the indigent and/or disabled advocate shall normally be paid on monthly basis and the amount shall ordinarily be paid to the advocate concerned. If the advocate concerned is unable to come for receiving money, the office of the State Bar Council may send it to the advocate concerned by Money Order or a Bank Draft or to the advocate concerned by specially authorised by him in writing to the satisfaction of the Secretary of the State Bar Council on obtaining appropriate receipt of such payment.

8. The grant of financial assistance to an indigent and/or disabled advocate shall be sanctioned annually and may be paid on a monthly basis and in case of necessity such sanction may be renewed after expiry of the year for which the sanction was already granted. Provided that financial grant to such advocate shall cease as soon as the advocate concerned ceases to be indigent or disabled for which financial assistance was allowed ceased to exist.

9. If any advocate makes any statement or furnishes any information which is proved to be false to his knowledge, it shall be deemed to be professional misconduct under Section 35 of the Advocates Act.

10. If the Advocates Welfare Committee for the State subsequently finds that any statement given or evidence adduced by the applicant was also false in material particulars the committee shall refer the matter to the State Bar Council with its report and the State Bar Council may call upon the applicant to refund the entire amount given as assistance with such interest as it may deem fit and the applicant shall comply with such directions.

11. The advocate aggrieved of any order passed by the State Bar Council under Rule 10, may file an appeal to the Bar Council of India within 90 days. The Bar Council of India may, either dismiss the appeal summarily or in case it finds a case for setting aside or modifying the order of the State Bar Council, the order shall be passed only after notice to the concerned State Bar Council.

### **III. SCHEME FOR LIBRARY DEVELOPMENT :-**

1. These rules shall be known as "Bar Council of India Advocates Welfare Library Development Rules".

2. These Rules shall come into force from the date as notified by the Bar Council of India.<sup>2</sup>

#### **3. Definition :**

- (a) "Applicant" means a Bar Association registered under the Societies Registration Act or so affiliated with the State Bar Council within whose jurisdiction the Bar Association situated and has submitted an application for Library development under the rules.
- (b) "Bar Association" means the Bar Association registered under the Societies Registration Act or so affiliated with the State Bar Council within whose jurisdiction the Bar Association is situated.
- (c) "Bar Council of India" means the Bar Council constituted under Section 4 of the Advocates Act.
- (d) "Bar Council of India Advocates Welfare Committee" means the committee constituted under Rule 44A (1) of the Bar Council of India Rules under Part VI, Chapter II, Section IV-A.
- (e) "State Bar Council" means the Bar Council constituted under Section 3 of the Advocates Act.

- (f) "Bar Council of India Advocates Welfare Committee for the State" shall mean the Advocates Welfare Committee constituted for the State under Rule 44A(2) (i) of the Bar Council of India Rules, Part VI, Chapter-II, Section-IV-A.
- (g) "Fund" means the fund constituted under the Bar Council of India Advocates Welfare Rules provided under Part VI, Chapter II, Section - IV-A of the Bar Council of India Rules for the Scheme for Library Development.
- (h) "Financial Year" means the year from 1st April to 31st March of the next year.
- (i) "Application Form" means the form so prescribed by the Committee from time to time for applying for financial assistance to the Library of the Bar Association.

4. Any High Court, District Court, Sub-Divisional Court, Tehsil or Taluka Court, Bar Association will be entitled to apply for annual grant to the Advocates Welfare Committee of the Bar Council of India for that State in the form prescribed under these rules and will make necessary declaration as prescribed therein and supply such information about the functioning of the concerned library as may be required by the said Committee.

5. The Advocates Welfare Committee shall consider such applications twice a year and sanction the appropriate grant to such applicant-Bar Association for development of the library.

6. The Bar Association which received the amount once will not ordinarily be eligible again till after the lapse of three years.

7. The Bar Association while making an application for grant to the Advocates Welfare Committee for the State append a resolution of the Association deciding to seek the grant an approved list of books in duplicate and also their resolution to generate a sum of at least 10% of the proposed grant for purchase of books and equipment in their library.

8. The grant will be given not in cash but by way of books desired to be purchased by the Association.

9. As far as may be, the fund to be allocated to each Bar Association under these rules, be in accordance with the total strength of the advocates of such Bar Association.

10. The books that will be supplied under this scheme shall bear stamp containing the following inscription :-

"BAR COUNCIL OF INDIA ADVOCATES WELFARE FUND FOR THE STATE LIBRARY DEVELOPMENT SCHEME"

11. The Bar Association receiving the grant will maintain a list of books supplied to it.

#### **IV. RULES FOR FINANCIAL ASSISTANCE TO STATE BAR COUNCILS/ADVOCATES UNDER RULE 44-B OF THE BAR COUNCIL OF INDIA RULES.**

(1) These rules shall be known as the Scheme for Financial Assistance to the State Bar Councils under Rule 44-B of the Bar Council of India Rules.

(2) The scheme shall come into force immediately.✱

(3) These schemes shall be applicable to only such State Bar Councils which have remitted the sum in accordance with the Rule 41 (2) of the Bar Council of India Rules.

(4) That on receiving information from the Chairman of the State Bar Council or Member, Bar Council of India from that State, the Chairman, Bar Council of India on being satisfied by such report may immediately sanction a reasonable amount not exceeding Rs. 5,000/-in an individual case and Rs. 25,000/-in case of some calamity involving more than one advocate and shall report to the Advocates' Welfare Committee of the Bar Council of India. The financial assistance to the State Bar Councils will be available in any of the following cases:—

(a) The advocate or advocates have suffered seriously on account of some natural calamity or;

(b) the advocate or advocates have died an unnatural death, due to an accident or natural calamity or any other cause of like nature, or;

(c) the advocate or advocates have suffered or is suffering from such serious disease or illness which is likely cause death if no proper treatment is given and the advocate requires financial assistance without which he would not be able to get proper treatment and has no personal assets except a residential house to meet such expenditures, or;

(d) the advocate or advocates become physically disabled or incapacitated to continue his profession on account of natural calamity or accident or any other cause of like nature.

(5) That the amount sanctioned under rule 4 shall be placed at the disposal of the Advocates Welfare Committee of the Bar Council of India for the State and the said State Committee shall maintain separate account and send the same to the Bar Council of India within three months from the date of the receipt thereof.

(6) That the Advocates Welfare Committee of the Bar Council of India on receiving such applications duly recommended by the State Bar Councils, may sanction a sum provided in the different schemes prepared by the Bar Council of India.

#### **THE BAR COUNCIL OF INDIA ADVOCATES WELFARE SCHEME, 1998\***

##### **1. Part A : Preliminary**

- (i) This Scheme may be called the “Bar Council of India Advocates Welfare Scheme, 1998”.
- (ii) It shall come into force on the 1st of November, 1998.
- (iii) Subject to the provisions of the Scheme, any advocate enrolled with any State Bar Council in India shall be entitled to become a member of the Scheme after submitting an application in Form ‘A’.
- (iv) The maximum age at which an advocate may become a member of the Scheme is 65 years.
- (v) The normal retirement of the member is 90 years.

##### **2. Part B : Subscription**

- (i) Every applicant shall pay an admission fee of five hundred Rupees in lump sum with the application.
- (ii) Every member shall pay an annual subscription of Rs. 750/- (Rupees Seven hundred and fifty) per year on or before 31st of July of every year.  
Alternatively a member may pay a lump sum contribution of Rs. 7500/- (Rupees Seven thousand five hundred) at the time of joining the Scheme and in that event he shall not be required to pay any annual subscriptions.
- (iii) In case of default in depositing the subscriptions, interest at the rate of fifteen percent per annum shall be charged on every year’s default.

##### **3. Part C : Administration**

- (i) The scheme shall be administered by the Advocates Welfare Committee of the concerned State Bar Council.
- (ii) A welfare fund by name “All India Advocates Welfare Fund” or any other name which the Bar Council of India may decide, shall be established with the subscriptions received from the members, and income which may be received from other sources and in each of the State separate accounts shall be opened.
- (iii) The moneys of the fund shall be invested in securities/investments as may be considered appropriate by the Advocates Welfare Committee keeping in view the safety of the fund and ensure higher returns on the Fund.
- (iv) The Advocates Welfare Committee shall have the power to appoint with the consent of the Bar Council of India, any person or persons with requisite qualifications to act as the Secretary/Secretaries, Manager/Managers or Registrars of the Fund at such remuneration and on such terms and conditions and with such powers as the Advocates Welfare Committee may think fit. The Committee may also employ any person or persons to do any legal, accounting, actuarial any other work which they may consider necessary or expedient in connection with the management of the fund or of the assets thereof.
- (v) An actuarial valuation shall be carried out by a qualified Actuary every two years to ascertain the solvency of the Fund and to examine the possibility of improvement of benefits.
- (vi) The account of the fund shall be maintained in India and shall contain such particulars as the Advocates Welfare Committee may think proper and as be required by law. As soon as possible after 31st day of March in each year, the Committee shall take a general account of the assets and liabilities of the fund and shall prepare a balance sheet and Revenue Account showing the income and expenditure, during the year terminating on such thirty first day of March in such form as may be considered suitable by the Advocates Welfare Committee.  
The first accounting period will be from 1st August, 1998 to 31st March, 1999. Thereafter the accounting year shall be from 1st April to 31st March of each year.
- (vii) The accounts of the fund shall be audited yearly by a Chartered Accountant or a firm of Chartered Accountants, who shall have an access to all the books, papers, vouchers and documents connected with the Fund, and who shall in writing report to the Advocates Welfare Committee on the annual accounts. A copy of audited accounts shall be furnished to the Bar Council of India.

##### **4. Part B : Refusal/Removal from the membership of the Fund**

- (i) If any advocate is refused admission to the membership of the scheme, he may appeal to the Advocates Welfare Committee of the Welfare Fund of the Bar Council of India within three months from the date of refusal. The Advocates Welfare Committee may after giving, due opportunity of hearing to the concerned

advocate and the Bar Council of India, direct that such advocate may be admitted to the membership of the Scheme. The order so passed shall be final.

- (ii) If any member is expelled from the membership of the concerned State Bar Council or otherwise ceases to be a member of that State Bar Council, then his name shall be liable to be deleted from the membership of this scheme and the annual subscription/lump sum contribution paid by him together with 6% simple interest per annum shall be paid to him.

Provided that no order of deletion of name from the membership of the scheme shall be made except on the recommendation of the concerned Advocates Welfare Committee and without hearing the concerned member and such order shall be passed by the State Bar Council in its general meeting after such enquiry, as may be necessary.

- (iii) Name of the member shall stand removed from the scheme automatically if he is in arrears of annual subscription for a period of three consecutive years.
- (iv) An advocate who is so removed from the membership of the scheme, can only be re-admitted on payment of arrears of subscriptions due against him alongwith interest at the rate of 15% per annum and such other penalty not exceeding Rs. 500/- (five hundred only) as may be imposed by the Advocates Welfare Committee provided his name is restored or continues on the State roll maintained by the concerned State Bar Council.

**5. Part E: Benefits on early retirement from the Scheme**

- (i) If a member of the Scheme who completes a period of 5 years after he becomes a member of the Scheme shall, subject to other provisions of the scheme, be entitled to seek voluntary retirement from the membership and to receive the amount of annual subscription/lump sum contribution deposited by him alongwith the simple interest at the rate of six percent per annum from the date of deposit made by him.
- (ii) Any member suffering from total permanent disablement shall be allowed to retire from the scheme, but the member will have to seek retirement as an advocate and will not be entitled to be enrolled thereafter and become a member of the Scheme. He shall be entitled to the benefits as per Table II-A/II-B of the Scheme appended to the Scheme and the Advocates Welfare Committee in special circumstances for reasons to be recorded may allow claim upto Rs. 50,000/- (Rupees fifty thousand only).
- (iii) A member has the option to seek voluntary retirement from the membership any time after attaining 75 years of age but in any case member would retire on completion of 90 years or on completion of 40 years of membership whichever is earlier.
- (a) If the member retires any time after attaining 75 years of age before completion of 40 years of membership or 90 years of age 90% of the maturity value shown in Table-I shall be paid to him depending upon his completed number of years of membership.
- (b) If the member retires after completion of 40 years of membership he shall be entitled to full maturity value shown in Table-I depending on his completed number of membership on the date of his retirement.
- (iv) Notwithstanding anything contained in this scheme to the contrary, if any advocate after his admission to the Scheme joins any employment, he shall be entitled for refund of all his annual subscriptions/simple interest from the date of his annual subscriptions/lumpsum contribution.

**6. Part F : Benefits payable on death/illness while continuing as a Member of the Scheme.**

- (i) In case any member dies or acquires total permanent disablement at any time after becoming a member of the Scheme, he or his nominee/dependents or other legal heirs, shall be entitled for a sum as per Table II-A/Table II-B of the Scheme appended to the Scheme.

**Explanation :** - For the purpose of this clause, dependants means the spouse, minor children and unmarried daughters.

- (ii) Advocates Welfare Committee on an application made to it in the prescribed form after being satisfied about genuineness of the claim, may grant ex-gratia payment from the fund.
- In case a member of the Scheme is hospitalised for at least one month or undergoes a major surgery or suffering from paralysis, cancer, unsoundness of mind and/other similar serious ailments on the production of a certificate from the Chief Medical Officer concerned to that effect, he may be paid an amount not exceeding ten thousand rupees.

Provided that a subsequent claim shall not be entertained unless a period of three years from the date of first payment has elapsed.

**7. Part G : Benefits payable on normal retirement at age 90 years or on completion of 40 years of membership whichever is earlier.**

- (a) For Members who are paying annual contribution of Rs. 750/- per annum.

- (i) The maturity benefit payable on retirement at age 90 years or above completion of 40 years of membership will be as shown in Table-I of the Scheme.
- (ii) Further, as an additional benefit for a member who has completed 20 or more years of membership and is aged below 65 years, a Medi-claim Policy on the life of the member and his wife for a sum of Rs. 1 lakh each will be purchased from New India Assurance Co. Ltd. or any other subsidiary Company of General Insurance Corporation of India covering Hospitalisation/ Domiciliary Hospitalisation benefits from age 65 to 70, provided the member and his wife are in good health at the time of taking out the policy.
- (b) For members who paid a lump sum contribution of Rs. 7,500/-
- (i) The maturity benefits payable on retirement of age 90 years or on completion of 40 years of membership will be as shown in Table-I of the Scheme.
- (ii) Further as an additional benefit for a member who has completed 20 or more years of membership and is aged below 65 years, a Medi-claim Policy on the life of the member and his wife for a sum assured of Rs. 1 lakh each will be purchased from New India Assurance Co. Ltd or any other subsidiary Company of General Insurance Corporation of India covering Hospitalisation/ Domiciliary Hospitalisation benefits from age 65 to 70 years provided, the member and his wife are in good health at the time of taking out the policy.

**8. Part H: General**

- (i) An appeal in the prescribed form may be made to the Bar Council of India against the decision of the Advocates Welfare Committee within 30 days from the date of such order and shall be accompanied with the copy of the decision appealed against and shall be filed within 30 days of the receipts of the order. The decision of the Bar Council of India shall be final.
- (ii) In case the Scheme is silent about any matter, such matters shall be decided by the Advocates Welfare Committee in consultation with the Bar Council of India.
- (iii) Those Advocates who join this Scheme shall be entitled to the benefits of any other Scheme for the time being in force.
- (iv) With respect to process of payment of all claims under this Scheme, Bar Council of India may lay down the guidelines for this purpose.

**9. A Schedule showing the benefits offered under the Scheme is enclosed :**

Encl : Schedule (Table I, IIA and IIB) showing the benefits.

Scheme approved by the BCI in its meeting held on 19th July, 1998. (Item no. 79/1998)

Scheme circulated to State Bar Councils vide letter No. 2400/1998 dt. 22-10-1998.

**ALL INDIA ADVOCATES WELFARE SCHEME**

**SCHEDULE SHOWING BENEFITS**

**TABLE — I (MATURITY VALUE)**

Completed years of Membership	Maturity Value (Lumpsum Contribution Rs. 7,500/-)	Maturity Value (Annual Contribution Rs. 750/- per year
	Rs.	Rs.
1.	1293	0
2.	2163	0
3.	3129	0
4.	4201	0
5.	5390	0
6.	6466	0
7.	7915	860
8.	9531	2491
9.	11329	4305
10.	13329	6323
11.	15288	8303
12.	17761	10797
13.	20519	13581

14.	23599	16688
15.	27040	20160
16.	30789	23944
17.	35133	28325
18.	39146	32380
19.	44526	37807
20.	50580	43912
21.	55426	48816
22.	62904	56357
23.	71355	64879
24.	80588	74191
25.	88777	82467
26.	100772	94559
27.	112647	106542
28.	125766	110780
29.	140328	134474
30.	156492	150785
31.	174434	168890
32.	194349	188986
33.	216455	211294
34.	240993	236054
35.	268230	263539
36.	298463	294047
37.	332022	327911
38.	369272	365499
39.	410620	407223
40.	456516	543536

**ALL INDIA ADVOCATES WELFARE SCHEME**  
**Schedule Showing Benefits**

**Table – II – A**

(In cases where a lumpsum payment of Rs. 7500/-  
is paid at the time of becoming a member)

Completed years of membership	Maturity Value
1.	7909
2.	8779
3.	9744
4.	10816
5.	12006
6.	30000
7.	30000
8.	30000
9.	30000
10.	30000
11.	35000
12.	35000
13.	35000
14.	35000
15.	35000

16.	50000
17.	50000
18.	50000
19.	60000
20.	60000
21.	75000
22.	75000
23.	100000
24.	100000
25.	100000
26.	125000
27.	125000
28.	150000
29.	150000
30.	163108
31.	183049
32.	200965
33.	223071
34.	247609
35.	274864
36.	395079
37.	338638
38.	375888
39.	417235
40.	463131

**ALL INDIA ADVOCATES WELFARE SCHEME**

**Schedule Showing Benefits**

**TABLE – II – B**

(In cases where annual subscriptions of Rs. 750/- per annum are paid)

Completed years of Membership	Maturity Value
1.	791
2.	1669
3.	2643
4.	3725
5.	4925
6.	30000
7.	30000
8.	30000
9.	30000
10.	30000
11.	35000
12.	35000
13.	35000
14.	35000
15.	35000
16.	50000
17.	50000
18.	50000
19.	60000
20.	60000
21.	75000
22.	75000
23.	100000
24.	100000
25.	100000
26.	125000
27.	125000
28.	150000
29.	150000
30.	157401
31.	175506
32.	195602
33.	217909
34.	242670
35.	270155
36.	300663
37.	334526



13. The sub-clause added w.e.f. 7.4.1974.
14. The sub-clause added w.e.f. 7.4.1979.
15. The rule amended from 27.11.1988.
16. The rules Section 49A of the Act were framed by the Ministry of Law, Justice & Company Affairs and came into force w.e.f. 16.10.1976.

1.6.89	Revision of fees	Resolution No.31/79
20.2.91	Rule 8 in Chapter II Part VI proviso amended	Resolution No. 12/91
20.2.91	Rule 6 in Part VI Chapter II Proviso added	Resolution No 11/91
20.2.92	Rule 4(2) in Chapter I Part III to be deleted	Resolution No. 5/92
31.10.92	Rule 40 in Chapter IX Part VI amended	This rule came into force from 1.4.93.

Rule 7 Chapter III part VI (in place of at the time of within 3 year added.

- ‡ Sub Rule 7(3) came into force from 27-11-1988.
- ‡ Published in the Gazette of India on 26-10-1979
- ‡ Came into force from 19th July, 1998 (Res. No. 64/98)
- ‡ Came into force from 19th July, 1998.
- ‡ Came into force from 19th July, 1998.
- ‡ Came into force from 19th July, 1998.
- ‡ Came into force w.e.f. 19th July 1998 vide Resolution No. 64/1998.