

BAR COUNCIL OF TAMIL NADU

High Court Campus,
Chennai 600 104

RULES FRAMED BY THE BAR COUNCIL OF TAMIL NADU AT ITS MEETING HELD ON 17TH DAY OF FEBRUARY 1985 (RULES APPROVED BY THE BAR COUNCIL OF INDIA)

MANNER OF ELECTION OF CHAIRMAN & VICE-CHAIRMAN :-

1. The Bar Council shall elect a Chairman and a Vice-Chairman from amongst its members at the first meeting after election contemplated under Sec. 8 of the Act.
2. Any candidate for the office of Chairman or Vice-Chairman shall be proposed by one member and seconded by another member with the consent of the candidate for the post of Chairman and Vice-Chairman and the proposer and seconder shall put in writing in prescribed form and shall be filed in person by them one day prior to the date of election before the Secretary, Bar Council of Tamil Nadu before 3.00 p.m. on the previous day and that the office of the Bar Council shall be kept open on the date of nomination. The withdrawal shall be an hour before the time fixed for election of the Chairman or Vice-Chairman as the case may be. The Secretary of the Bar Council shall scrutinize the nomination papers and if in order publish the names of the candidates contesting election for Chairman and Vice-Chairman in the Notice Board before 05.00 p.m. on that day.
3. The Election meeting shall be presided over by the Senior Member of the Council who is not a candidate either for Chairman or Vice-Chairman.
4. The Election of Chairman or Vice-Chairman, unless unanimously agreed upon by all the Members present at the meeting shall be by secret ballot. In case of tie, the Election shall be decided by drawing of lots.
5. Any member who questions the validity of the election shall send a letter addressed to the Chairman, Bar Council of India, with a copy to State Bar Council within a period of seven days from the date of the declaration of the result specifying the grounds on which he questions the validity of the election.
6. All doubts or disputes raised with reference to the validity of the election of Chairman or Vice-Chairman shall be decided by the Chairman of the Bar Council of India or any other member other than the representative of the State Bar Council of Tamil Nadu thereof deputed by him in this behalf within a month from the date of the receipt of the letter by him. The Chairman of the Bar Council of India or other member thereof so deputed shall hold the enquiry in accordance with the procedure prescribed by the Bar Council of India.

7. The Chairman or Vice-Chairman elected at the meeting whose election is questioned shall continue to function unless and until the election therefore is declared to be invalid under Rule 6 aforesaid.

8. If there are more number of candidates contesting for the office of the Chairman and Vice Chairman of the Bar Council election of the Chairman will be conducted first and it will be followed up by the election of the Vice-Chairman.

9. Voting papers bearing the names of the candidates duly proposed and seconded will be handed over by the Chairman of the meeting after affixing his signature in ballot papers to the members of the Council.

10. A voter in recording his vote, shall place on his voting paper the figure 'X' in the space opposite to the name of the candidate, whom he chooses for the office of the Chairman and Vice-Chairman as the case may be.

11. A voting paper shall be invalid in which the figure 'X' is set opposite to more than one candidate, or if so placed as to render it doubtful to which candidate it is intended to apply or there is any other mark or writing to which the voter can be identified.

12. The decision of the Chairman of the meeting on that question as to whether or not the voting paper is invalid will be final.

13. The member of the Bar Council after marking in the voting paper shall deposit the same in the sealed box kept for the purpose.

14. After the completion of the recording of votes, the Chairman of the meeting shall open the sealed box and count the votes secured by each candidate in the presence of all the candidates. The candidates who have secured the highest number of votes shall be declared elected as Chairman and Vice-Chairman as the case may be.

15. The Chairman or the Vice-Chairman shall hold office for the full term from the date of his election.

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

17. If the Chairman or the Vice-Chairman ceases to be a member of the Bar Council for any reason, the vacancy of the Chairman or the Vice-Chairman shall be filled up by election as far as possible at the next meeting of the Bar Council and the meeting of the Bar Council shall be held within 45 days from the date of vacancy.

18. The result of the election of the Chairman or the Vice-Chairman shall be sent forthwith to the Tamil Nadu Government Gazette for publication.

FILLING OF CASUAL VACANCIES

19. Casual vacancies which may occur among the members of the Bar Council may be filled up by the Bar Council by co-option as far as possible from that particular District.

POWERS AND DUTIES OF THE CHAIRMAN AND VICE-CHAIRMAN

20. Save as otherwise provided in the Act or in the Rules made under the Act, the Chairman shall exercise a general control and supervision over the affairs of the Bar Council.

21. The Chairman shall preside over all the meetings of the Bar Council and of all Committees of which he is Member.

22. The Chairman shall have a casting vote at all meetings whenever voting is taken and the votes are equal.

23. The Chairman shall be the authority to sanction the disbursement of salaries of the staff and to order payment of any bill outstanding against the Bar Council.

24. The Chairman shall make payment for the aforesaid purpose by cheques drawn by himself.

25. He shall perform such other functions as may be delegated to him by the Bar Council.

VICE-CHAIRMAN

26. The Vice-Chairman shall exercise all the powers and discharge all the functions of the Chairman, in the absence of the Chairman or in the event of his inability to discharge his functions in the absence of Chairman and Vice-Chairman the senior-most member of the Bar Council shall preside over the meeting.

27. There shall ordinarily be four meeting of the Bar Council in a year.

28. Meetings of the Bar Council shall be convened by the Secretary under the direction of the Chairman, who shall determine the time and place thereof provided that no meeting shall ordinarily be convened for any date falling within the summer vacation of the High Court.

29. An extraordinary meeting of the Bar Council shall be convened by the Chairman on a requisition in writing signed by not less than five members of the Bar Council within two weeks from the receipt of such requisition giving members one week notice.

30. Notice of all the meetings shall be given to all the members by the Secretary so as to reach them not less than ten days before the date fixed for the meeting.

31. The Agenda for each meeting of the Bar Council shall be settled by the Chairman. The subjects in the Agenda shall be taken up in the order set out in the Agenda unless the members present at the meeting agree for a change of the order.

32. The quorum for a meeting of the Bar Council shall be half of the strength of the Council plus one.

33. Resolutions of the Bar Council shall ordinarily be made on a show of hands unless five of the members present make a request for voting by ballot of any particular matter. Each member of the Bar Council shall have one vote and if the votes are equal the Chairman shall have a casting vote.

34. No matter determined by a Resolution of the Bar Council shall be reconsidered or reopened within three months from the date of such resolution except at a meeting called specifically for the purpose and passed by two thirds of the total members of the Bar Council. In case of doubt, the Chairman shall decide whether any Resolution falls within this Rule and his decision shall be final.

35. The decision of the Chairman on all points of order raised at the meeting shall be final. Any business of the Bar Council may be transacted by circulation on a reference by the Chairman provided that any three members may require any such item of business be considered only at a meeting of the Bar Council.

36. The following Committees shall be constituted :-

(a) An Executive Committee consisting of five members elected by the Bar Council from amongst its members.

(b) An Enrolment Committee consisting of three members elected by the Bar Council from amongst its members.

(c) Legal Aid Committee consisting of five members elected by the Bar Council from amongst its members.

(d) The complaints Scrutinising Committee consisting of three Senior Members, who shall not be the member of the Disciplinary Committee, elected by the Bar Council from amongst its members.

(e) One or more Disciplinary Committee consisting of three members each, two of them shall be members of the Bar Council and one from the Members of the Bar, who are not members of the Bar Council, provided that, the Advocate General shall not be elected as a member of the Disciplinary Committee.

- (f) A Legislation and Law Reforms Committee consisting of three members elected by the Bar Council from amongst its members.
- (g) A Privileges Committee consisting of three members elected by the Bar Council from amongst its members.
- (h) A Rules Committee consisting of five members elected by the Bar Council from amongst its members.
- (i) The State Bar Council may constitute from amongst its members such other Committees as it may deem necessary for the purpose of carrying out the provisions of the Advocates Act, 1961. The Bar Council may co-opt any member of the Bar Council to any Committee other than Statutory Committees to consider the matters of importance.

37. POWERS OF EXECUTIVE COMMITTEE

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

- (a) to manage the funds of the Bar Council;
- (b) to invest the funds of the Bar Council in the manner directed by the Bar 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 Bar Council;
- (e) to recommend for appointment of members of the staff by the Bar Council, prescribe their condition of service and supervise their work;
- (f) to appoint auditors and fix their remuneration;
- (g) to consider the annual audit report and place it before the Bar Council with its comments for its consideration;
- (h) to maintain a library and under the directions of the Bar Council, publish any journal, treatise and pamphlets on legal subjects;
- (i) to prepare and place before the Bar 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 the prescribed limits;
- (l) to fix traveling and other allowances to members of the Committees of the Bar 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.

38. The Enrolment Committee shall deal with all matters relating to the approval or rejection of application for enrolment and supervise the preparation or maintenance of the Roll of Advocates and additions and alterations thereto.

39. The Complaints Scrutinising Committee shall scrutinize the complaints received by the Bar Council against the Advocates for professional or other misconduct and give its opinion, which will be placed before the Bar Council for consideration.

40. The Disciplinary Committee shall be incharge of complaints against Advocates referred to it for breach of professional or other conduct and hold enquiry into them in the manner prescribed by the Rules, relating thereto.

41. The Legislation and Law Reforms Committee shall examine all Bills, proposed rules and bye-laws, Ordinances and Regulation and record the opinion and communicate with the authorities where the opinion of the Bar Council is called for.

42. The Privileges Committee shall take up all matters in which the rights, privileges and interests of Advocates are involved and all applications by Advocates to serve in any capacity or to be engaged in any work other than that of an Advocate and communicate its decision as to the steps required for redress to the Bar Council. The Secretary, Bar Council on receipt of any such report by the Council shall immediately communicate the same to all members for their opinion and action. The communication made to a committee or the Bar Council by any Advocate shall be treated as absolutely confidential.

43. The Rules Committee shall examine all Rules framed by the Bar Council of India and the State Bar Councils and make such recommendation for the amendment as is necessary and shall be incharge of framing and getting the Rules made by the Bar Council approved by the Bar Council of India and generally, will be incharge of framing Rules under the Act and determine from time to time as to whether the Rules framed are sufficient and make recommendations regarding Rules necessary but omitted to be framed.

44. The Secretary in his absence Assistant Secretary shall attend meetings of the Bar Council and of all Committees appointed by the Bar Council and assist the members with all such information as may be required.

45. Notice of all Meeting of the Committee of the Bar Council shall ordinarily be sent by the Secretary not less than seven days before the day fixed for the meeting excepting when the Chairman of the Committee and two members require a meeting to be called at short notice on grounds of urgency.

46. The quorum for the meeting of a Committee shall be three except in the case of Enrolment Committee, Disciplinary Committee, Legislation and Law Reforms Committee and Privileges Committee for which the quorum shall be two.

47. Any Committee may refer any question of importance to the Bar Council for its decision.

48. Issue of Press Statement :-

No member shall issue any press statement on behalf of the Bar Council except the Chairman.

49. Term of Office of the Member elected to the Bar Council of India.

The term of office of the member of the Bar Council of Tamil Nadu elected to the Bar Council of India shall be for the period for which he holds office as a member of the Tamil Nadu State Bar Council.

Provided that every such member shall continue to hold the office as a Member of the Bar Council of India until the successor is elected.

50. The Secretary of the Bar Council shall on the date of appointment.

- (i) be ordinarily not less than 40 years and not more than 50 years of age at the time appointment.
- (ii) have obtained a degree in law of a University recognised by the Bar Council of India.
- (iii) have been an Advocate of not less than ten years standing or served as Lecturer in a Law College recognised by the All India Bar Council for a period of not less than ten years, OR
- (iv) has been an Assistant Secretary of a Bar Council with a degree in Law of University recognised by Bar Council of India and has served the Council for not less than ten years.

Provided that if at time, the Council considers that a person having the necessary qualifications is not available and if available but not found suitable, it may relax any of the qualifications mentioned in Sub-Rules (iii) and (iv) of this Rule.

51. The Secretary shall be a full time employee of the Bar Council and shall draw a salary in the scale of Rs.1000-50-1750/- and benefits of

Provident Fund and Leave salary and other allowances at such rate admissible under the State Government Rules. Every newly appointed Secretary shall be under probation for a period of one year. He shall not be entitled to practice an advocate during his term of office.

52. The Secretary shall retire on attainment of 60 years.

53. The Secretary after the date of appointment, shall not in any way be associated with as an office bearer or a Member of the Committee of management of a Body or Association of lawyer and shall not interest himself in matters of controversy affecting the Bar and shall give his undivided attention to the work of the Bar Council.

54. The Secretary shall not divulge to any person any communication made to or from the Bar Council or any proceedings thereof pending before it, except furnish such information to members or bodies as may be required in the discharge of official duties.

55. The Secretary shall be the Chief Executive Officer of the Bar Council and shall perform inter alia the following duties :-

- (i) attend all meetings of the Bar Council or of the Committees unless otherwise directed;
- (ii) keep records and minutes of the proceedings of the Bar Council and of its Committees;
- (iii) keep in his custody the property of the Bar Council including the seal of the Bar Council;
- (iv) exercise general control and supervision over the employees of the Bar Council;
- (v) arrange for the deposit of the monies received on behalf of the Bar 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 Bar Council or its Committees, unless otherwise decided by the Bar 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 Bar Council and of the Committees;
- (x) act as Registers of the Disciplinary Committee, 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) grant certified copies of documents or other proceedings referred to in the Act or in these rules;

(xii) shall be the custodian of the records, registers, accounts furniture, library and such other property as the Bar Council might acquire from time to time;

(xiii) perform such other duties as may be assigned to him by the Bar Council or the Committees or the Chairman.

56. The Bar Council may also appoint an Assistant Secretary on such scales of pay and allowance as may be fixed by it. The Assistant Secretary shall be a law graduate of not less than seven years experience in the Bar.

The Assistant Secretary on the date of appointment shall have completed 35 years of age. The salary of the Assistant Secretary shall be in the scale of Rs.600-40-1200/- with the benefit of Provident Fund, Leave Salary and other allowances at such rates admissible under the State Government Rules.

57. The Bar Council may appoint an Accountant for the Bar Council.

The Accountant of the Bar Council shall on the date of his appointment.

1. be not more than 30 years
2. possess a Degree of Diploma in Accountancy or obtained a degree of any recognised University in B.Com. or its equivalent. The salary of the Accountant shall be Rs.500-25-700 with Provident Fund, Leave Salary and other allowances at such rates admissible under the State Government Rules.

The Accountant shall in addition be responsible for the discharge of other work allotted by the Bar Council.

58. The Bar Council at the written request of the Secretary and approved by the Chairman, may appoint such member of clerks, Stenographers, Typists and Attenders as may be required on such terms and conditions as it may determine. The Assistant Secretary Accountant and the other members of the staff shall retire at the age of 60 and draw such salaries as may be determined by the Bar Council from time to time. They shall also be entitled to Leave Salary and Provident Fund Benefit etc. as may be determined by the Bar Council.