

## BAR COUNCIL OF INDIA RULES, 1975

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

### **PART-I 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 persons howsoever designated and entrusted for the time being with the duties of the Secretary;
- (G) '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  
DEFINITIONS

(Rules under Section 15 (2), (c), (d), (j) and (g) read with Sections 4 and IOB 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 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.

(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 therefore 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.

C. Election of Chairman and Vice-Chairman

12.(1)

(a) The election of the Chairman and Vice-Chairman shall be held at the 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 had 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, obligations of alterations in the voting paper, or of the voting paper purporting to have been signed by the voters, 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.

(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 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.

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 supervi!"10" 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 Councils of 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 of 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 bills 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 the 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 MEETING OF COUNCIL AND ITS COMMITTEES OTHER THAN THOSE OF THE DISCIPLINARY COMMITTEE

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

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

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 had 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.

### CHAPTER-III CONSTITUTION, FUNCTIONS AND PROCEDURE OF COMMITTEES OF THE BAR COUNCIL OF INDIA

(Rules under Section 15(2) (h) 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 or a member of the Committee or 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 Chair:

man 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) to 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 of 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;

#### 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)

Secretary:

The Secretary shall:

- (a) be a citizen of India,
- (b) be a law graduate or barrister-at-law,
- (c) have been either—

- (i) Registrar of the Supreme Court or of a High Court in India, or
- (ii) an Advocate with 10 years' practice at the Bar, or
- (iii) Secretary of a Bar Council for at least 10 years, or
- (iv) District Judge having five years' experience as District Judge, or
- (v) Principal of a recognised Law College having experience as a Principal for five years' and seven years' standing at the Bar, or
- (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, and

- (d) be ordinarily not less than 40 years and not more than 50 years of age at the time of appointment:

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-rules (c) and (d) of this rule.

2. The Secretary shall draw a salary in the grade of Rs. 4500-150-5100-6300-200-6700. He shall be paid such allowances as the Council may determine from time to time.

3. 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) acts 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 notice and subpoenas and be in charge 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;

## 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 acknowledged 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 next 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 entry shall be made in red ink and attested by 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 persons 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 cheque. The bills 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 form/ or in such other form as the auditor may direct:

Name	Designation	Pay	Dearness Allowance etc.	Total Salary (add. Cols. 3 and 4)	Contribution towards provident fund	Net salary payable (Col. 5 minus 6)
1	2	3	4	5	6	7
Instalment amount towards provident fund		Amount of interest payable on the principal		Total	Signature with date	
loan taken		loan amount outstanding			,	
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19. The Council shall open a Provident Fund account in a bank authorized 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 under Sections 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 Sections 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) Decisions of the Council or its Committees on election disputes under rule 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 therefore:

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 of 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 therefore in cash. The Secretary may permit the inspection in his presence or in the presence of any member of the staff authorized 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 proceeding 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 VIII ADDITIONAL QUALIFICATION FOR ENROLMENT AS ADVOCATES

1. Whenever a State Council, or any Committee duly authorized 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 VII  
PROCEEDINGS FOR REMOVAL OF NAME FROM ROLL UNDER PROVISIO TO  
SECTION 26(1) OF THE ACT

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 practice.

CHAPTER IX  
REVISION UNDER SECTION 48A 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 an 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  
THE BAR COUNCIL OF INDIA

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

Date.....

Secretary, The Bar Council of India

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.

CHAPTER X  
APPLICATION FOR REVIEW UNDER SECTION 48AA OF THE ACT

- (1) An application for Review made under Section 48 AA 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 authorized 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 48A 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 authorized 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.

CERTAIN MATTERS RELATING TO STATE COUNCIL  
CHAPTER I  
ELECTORAL ROLL, DISQUALIFICATION OF MEMBERSHIP AND VACATION OF  
OFFICE

(Rules under Sections 3(4), 10 B, 15(2)(a) and 49 (l)(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:

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 undercharged 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.

## CHAPTER II

### RULES TO SECURE AT LEAST A MINIMUM NUMBER OF ADVOCATES OF 10 YEARS' STANDING

(Rules under Section 3(2)(b) and proviso, Section 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 the rules and any rule or rules of any of the State Councils, these rules shall prevail and the 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 at 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 or 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 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 the 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

PART V  
THE STATE ROLL AND SENIORITY  
CHAPTER 1  
PREPARATION AND MAINTENANCE OF THE STATE ROLL  
(Rules under Sections 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 the 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 alterations made in the Roll shall be sent to the Council without delay.

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

Part III 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.

SNo.	Name	Address	Date of enrolment	Date of entry as Vakil, Pleader or Attorney, if any	Date of Birth	Date of Transfer, if any	If enrolled in Supreme Court date of such enrolment	Date of enrolment as such on or after 1-12-1961	Remarks
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 Section 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 Sections 17(4) and 49(1)(ad) of the Act)

1. The rule 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 Sections 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 practice on the date of his application, that there are no indisciplinary proceedings pending against the applicant and that it had 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 objection 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 considered that the application shall be refused, the matter should be referred to the Council for orders.
  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:

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 "..." .  
Secretary, Bar Council of .....

**CHAPTER IV**  
**SENIORITY IN THE STATE ROLLS**  
(Rules under Sections 17(3), 20 and 49(1)(ac) of the Act)

1. 1. Seniority of Vakils, Pleaders and Attorneys not entitled to practice in the High Court: - The seniority of a Vakil, Pleader or Attorney, who was not entitled to practice 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 58A of the Act, be the dates of their first admission when they were entitled to practice 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 58A;

(c) In the case of persons admitted as advocates under Section 58AA of the Act, be the date when they were first entitled to practice 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 58AE of the Act, be the date when they were first entitled to practice the profession of law as provided for the 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 date as may be determined by the Council.

4. Seniority of Senior Advocates of the Supreme Court The seniority of a senior advocate 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) 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.

THE BAR COUNCIL OF INDIA Intimation under Section 20 of the Advocates Act, 1961

(Unnecessary columns/entries to be struck out)

To  
The Secretary  
The Bar Council of India,  
21, Rouse A venue,  
Near Bal Bhawan  
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 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 practice under Section 17(l)(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(l)(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) .....

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

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

(Signature)

Date.....

Place.....

Address .....,

.....

.....

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, to 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 authority 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 Rule 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 authority 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 undertakings 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 authority 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 other 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 Advocate 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 anyway 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 ban a Court, Bench or tribunal in which above mentioned relation of the Advocate is a Judge, Member or the Presiding Officer.

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 ordinary 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 practice 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 this Rule 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 of 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 of 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 suspension 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 attain terms of Rule 24 of Part IX.

6. 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.

An Advocate who is under suspension, shall be under the same disability one in which he held office.

7. An officer after his retirement or otherwise ceasing to be in service shall not practice for a period of 2 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.

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 other Officer or authority as referred to in Section 30 of the Act.

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

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(1)(gg) of the Act)  
PART VI

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 [x x x]

(a) a black buttoned up coat, chapkan, achkan, blacksherwani and white bands with Advocates' Gowns, or

(b) a black open breast coat, white shirt, white collar, stiff or soft, and white bands with Advocates' Gowns.

In either case wear long trousers (white, black, striped or grey) or 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. ] n. Lady Advocates [may wear either the dress prescribed in sub-rule (b) or the following: ]

(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 of 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 salwar-kurta with or without dupatta) white or black [or traditional dress with black coat and bands.]

2[111] 3[x x x] Wearing of Advocates' gowns shall be optional except when appearing in the Supreme Court or in High Courts :

[Omitted vide Resolution No. 121(2001, dt. 9-3-2002]

1[IV. Except in Supreme Court and High Courts during summer, wearing of black coat is not mandatory.]

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 Sections 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, 1908. 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 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.

1 Inserted vide Resolution No. 121/2001, dt. 9-3-2002.  
2 Existing proviso renumbered as Rule III, ibid.  
3 Words "Provided that the" omitted, ibid.

(2) The date of receipt of the complaint of 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 proceeding;
- (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 the Bar Council of 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) As a consideration of the Report of a State councils 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 the Form G. The memorandum of appeal shall state when the order was communicated to the applicant, and how it is in time.

(2) Along with the memorandum of appeal, the appellant shall file:

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

#### D. Application for Stay, and other matters

29. (1) An application for stay made under Section 40, subsection (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 19(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.

31. The order of the Disciplinary Committee disposing of an appeal shall be communicated to the parties. 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 of 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