



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

SUBJECT: Professional Ethics and
Professional Accounting System

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LECTURE: 21

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Lecture-21



Powers and functions of State Bar Council

LECTURE 21 Powers and functions of State Bar Council

Powers and functions of State Bar Council are as under

Functions of State Bar Council :

a) General functions -

Section 6(1) of the Advocate Act 1961 makes provisions in respect of the functions of the State Bar Council.

Functions of State Bar Councils

- (1) to admit persons as advocates on its roll;
- (2) to prepare and maintain such roll;
- (3) to entertain and determine cases of misconduct against advocates on its roll;
- (4) to safeguard the rights, privileges and interests of advocates on its roll;
- (5) to promote the growth of Bar Associations for the purposes of effective implementation of the welfare schemes referred to in clause (a) of sub-section (2) of this section clause (a) of sub-section (2) of section 7;
- (6) to promote and support law reform;
- (7) to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and paper of legal interest;
- (8) to organise legal aid to the poor in the prescribed manner;
- (9) to manage and invest the funds of the Bar Council;
- (10) to provide for the election of its members;
- (11) to visit and inspect Universities in accordance with the directions given under clause (i) of sub-section (1) of section 7;
- (12) to perform all other functions conferred on it by or under this Act; (i) to do all other things necessary for discharging the aforesaid functions.

A State Bar Council may constitute one or more funds in the prescribed manner for the purpose of—

- (a) giving financial assistance to organise welfare schemes for the indigent, disabled or other advocates;
- (b) giving legal aid or advice in accordance with the rules made in this behalf;
- (c) establishing law libraries.

A State Bar Council may receive any grants, donations, gifts or benefactions for all or any of the purposes specified in sub-section (2) which shall be credited to the appropriate fund or funds constituted under that sub-section.

b) To Issue Certificates of Enrollment -

Section 22 of Advocate Act 1961 provides that, There shall be issued a certificate of enrollment in the prescribed form by the State Bar Council to every person whose name is entered in the roll of advocates maintained by it under this Act.

Every person whose name is so entered in the State roll shall notify any change in the place of his permanent residence to the State Bar Council concerned within ninety days of such change.

Admission as an Advocate on a State Roll -

A person may be enrolled as an advocate by the State Bar Council if he fulfills the Conditions required for admission as an advocate Under section 24 of the Advocate Act, 1961. Conditions laid down in this section for admission as an advocate, may be enrolled as an advocate by the State Bar Council, namely :

- a) He is a citizen of India.
- b) He has completed the age of twenty-one years.
- c) He has obtained the degree of Law.
- d) He fulfills such other conditions as may be specified in the rules made by the State Bar Council.
- e) He has paid, in respect of enrollment, stamp duty, and an enrollment fee payable to State Bar Council.

An application for enrollment shall be made in the prescribed form to the State Bar Council within whose jurisdiction the applicant proposes to practice. The application is referred to enrollment Committee of State Bar Council. The application may be allowed or rejected. Where the Enrollment Committee of

Bar Council propose to refuse any such application, it shall refer such application for the opinion of the Bar Council of India.

It may be noted that Section 26A of Advocate Act empowers a State Bar Council by amendment of 1973 to remove from the State Roll the name of any Advocate who is dead or from whom a request has been received to that effect.

Section 27 of The Act Provides that where an application has been once refused, it cannot be entertained by another Bar Council except in certain circumstances. It lays down that where a State Bar Council has refused the application of any person for admission as an advocate on its roll, no other State Bar Council shall entertain an application for admission of such person as an advocate on its roll, except with the previous consent in writing of the State Bar Council which refused the application and of the Bar Council of India.

c) To Maintain Roll of Advocates -

Section 17. of Advocate Act, 1961 provides that every State Bar Council shall prepare and maintain a roll of advocates in which shall be entered the names and addresses of all persons who were entered as advocates on the roll of any High Court under the Indian Bar Councils Act, 1926, immediately before the appointed day including persons, being citizens of India, who before the 15th day of August, 1947, were enrolled as advocates under the said Act in any area which before the said date was comprised within India as defined in the Government of India Act, 1935, and who at any time express an intention in the prescribed manner to practice within the jurisdiction of the Bar Council also enroll all other persons who are admitted to be advocates on the roll of the State Bar Council under this Act on or after the appointed date.

Each such roll of advocates shall consist of two parts - the first part containing the names of senior advocates and the second part, the names of other advocates.

Section 19 of the Advocate Act, 1961, requires the State Bar Council to send copies of rolls of advocates to the Bar Council of India. It provides that every State Bar Council shall send to the Bar Council of India an authenticated copy of the roll of advocates prepared by it for the first time under this Act and shall thereafter communicate to the Bar Council of India all alterations in, the additions to, any such roll, as soon as the same have been made.

Powers of State Bar Council

a) Power to make rules

The State Bar Council has been empowered to make rules to carry on the purposes of section 16 to Section 27 of the Advocate Act, 196, dealing with the admission and enrollment of advocate, Section 28(1) provides that the State Bar Council may make rules to carry out the purposes of chapter III (Section 16 to section 28) of the Act but this rules shall not effective unless approved by Bar Council of India.

b) Power to punish Advocate

The State Bar Council has Power to punish an advocate for professional misconduct and other misconduct. The Disciplinary Committee of the State Bar Council may make any of the following order -

- (a) dismiss the complaint or, where the proceedings were initiated at the instance of the State Bar Council, direct that the proceedings be filed;
- (b) reprimand the advocate;
- (c) suspend the advocate from practice for such period as it may deem fit;
- (d) remove the name of the advocate from the State roll of advocates.

c) To appoint Committees and Staff Members

A bar Council establishes several committees to its function under this Act including the disciplinary committee, Executive Committee, Enrollment Committee, etc. Every such committee is allotted a distinct function to carry.

d) To Maintain Accounts and Conduct Audit

Section 12. of Advocate Act 1961 provides that every Bar Council shall cause to be maintained such books of accounts and other books in such form and in such manner as may be prescribed. The accounts of a Bar Council shall be audited by auditors duly qualified to act as auditors of companies under the Companies Act, 1956 (1 of 1956), at such times and in such manner as may be prescribed. A State Bar Council shall send a copy of its accounts together with a copy of the report of the auditors thereon to the Central Government and shall cause the same to be published in the Gazette of India

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SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.	Section 6(1) of the Advocate Act 1961 makes provisions in respect of the functions of the State Bar Council	True	False
2.	to promote the growth of Bar Associations for the purposes of effective implementation of the welfare schemes referred to in clause (a) of sub-section (2) of this section clause (a) of sub-section (2) of section 7	True	False
3.	to perform all other functions conferred on it by or under this Act; (i) to do all other things necessary for discharging the aforesaid functions	True	False
4.	Section 8 Provides term of the office of the Members of the State Bar Council	True	False
5.	The term of office of an elected member of a State Bar Council (other than an elected member thereof referred to in section 54) shall be five years from the date of publication of the result of his election	True	False

Answers: 1-(a),2-(a), 3-(a),4-(a),5-(a)