



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

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LECTURE: 14

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Lecture-14



Reports

LECTURE 14: Reports

Report of the All India Bar Committee

The Committee reported in 1953 and recommended the creation of a unified national bar. The Committee recommended that all grades of legal practitioners be abolished and that one integrated an autonomous All India Bar be formed. There should be a common roll of advocates who would be entitled to practice in all courts in the country. The Committee accordingly suggested compilation and maintenance of one comprehensive common roll of advocates.

The committee recognized that the task of preparation of a common roll of advocates would be difficult but was not an impossible one. The committee made recommendation as to how a State Bar Council was to compile a register of all existing advocates, Vakils and pleaders and sent copy of the same to the All India Bar Council which was then to compile a common roll of advocates.

The establishment of a unified All India Bar necessarily would require the prescription of minimum qualification to be possessed by an advocate. At the time the committee went to a question qualifications required by different High Court were not uniform. The committee suggested that the uniform minimum qualification for admission to roll of advocates should be a law degree from university obtained at least a two year study of law after graduation as regards new entrance, a candidate having the minimum qualification may apply for enrollment as an advocate to any State Bar Council. On his name being entered in the register of advocates of the state, his name would also be entered in the common roll of advocates maintained by the All India Bar Council.

The committee was not in favour of abolition of the dual system (advocates & attorneys) whenever it prevails in the High Court as if involved a division of labour and had a no. of advantages and did not militate against the ideal of the All India Bar. The dual system ensured for the better preparation of the case.

The committee was of the view the different classes of legal practitioners be abolished. In earlier times, when there was a dearth of law graduates, it was necessary to create inferior grade of lawyers with varying qualification to practice in subordinate courts. So, there came into existence vakils and advocates of the High Court as well as pleaders and Mukhtars. In the larger interest of the unification of the Bar the committee recommended that in future there should be no further recruitment of non graduate leaders and Mukhtars, and that there should be only one class of legal practitioners, viz., advocates.

The committee also recommended the creation of All India Bar Councils and State Bar Councils. Under the Indian Bar Council Act 1926, the Bar councils were merely advisory bodies in the power of admission, suspension and removal from the role of advocates were entirely vested in the respective High Courts. Subject to some safeguards, the committee

suggested that in the interest of a Autonomous National Bar, the power of enrollment, suspension and removal of advocates be vested in the Bar Councils. The committee did not feel the need for a separate Bar Council for the Supreme Court. Every advocate on the common roll to be maintained by the All India Bar Council would be entitled as of right to practice in the Supreme Court and be amenable to the jurisdiction of the appropriate State Bar Council and of the All India Bar Council.

LAW COMMISSION REPORT: 1958

The recommendations of the Bar Committee were not acted upon for long. Then India came to have a Law Commission, and of its terms of reference mentioned “The level of the Bar.” The law Commission made its famous Fourteenth report in 1953 in which, among other things, it again recommended establishment of a unified All India Bar, preparation of a common role of advocates with right to practice in all the courts. The committee lamented that notwithstanding the lapse of ten years, “the Bar still remains divided into different grades of practitioners and even practitioners of the lowest grade, namely, Mukhtars, a still being recruited in some of the states”.

The Law Commission regretted that the recommendation made by the Bar committee as per back as March, 1953, had not yet been given legislative effect. The committee fully endorsed the recommendation of the Bar committee, 1951, that there should be no further recruitment of non graduate pleaders of Mukhtars. The commission also endorse the Bar committees view that the insistence on a certain no. of years practice in a High Court as a condition of eligibility for enrollment as an advocate of the Supreme Court should be abolished and that an advocate should be left free to practice in any court including the Supreme Court irrespective of his standing at the bar.

The commission also agreed with the Bar Committee that no case had been made out for the abolition of the dual system prevailing on the Original Side in the Calcutta and the Bombay High Court and that there was no reason why that system should not continue in those two places. The commission felt that the system made for greater efficiency.

The commission also favored division of the Bar into senior advocates and advocates on a voluntary basis. An advantage of the system would be to put some work in the hands of the junior member of the bar. The system did not militate against the concepts of a unified All India Bar in a common roll of advocates entitled to practice in all courts in the country.

The Committee emphasized the principle of autonomy of the Bar on which the Bar Committee of 1951 had laid stress. Therefore, the Bar Councils would to be entirely Autonomous Body consisting wholly of the members of the profession. The Bar Council would elect their own chairmen.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.	Accordingly, in 1951 the Govt. of India constituted a Committee under the chairmanship of Justice S. R. Das of the Supreme Court to examine a report on – The desirability and feasibility of a completely unified Bar for the whole of India	True	False
2.	Accordingly, in 1951 the Govt. of India constituted a Committee under the chairmanship of Justice S. R. Das of the Supreme Court to examine a report on – The continuance or abolition of the dual system of council and solicitor which obtains in the Supreme Courts and in the High Courts of Bombay and Calcutta.	True	False
3.	Accordingly, in 1951 the Govt. of India constituted a Committee under the chairmanship of Justice S. R. Das of the Supreme Court to examine a report on – The continuance or abolition of different classes of legal practitioners, like advocates of the Supreme Courts, advocates of the various High Courts, district court pleaders, Mukhters, revenue agents, income tax practitioners etc.	True	False
4.	Accordingly, in 1951 the Govt. of India constituted a Committee under the chairmanship of Justice S. R. Das of the Supreme Court to examine a report on – The desirability or feasibility of establishing a single Bar Council	True	False
5.	Accordingly, in 1951 the Govt. of India constituted a Committee under the chairmanship of Justice S. R. Das of the Supreme Court to examine a report on –	True	False

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