



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

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Lecture-17



Bar Council of India

LECTURE 17: Bar Council of India

INTRODUCTION

The Bar Council of India is a statutory body that regulates and represents the Indian bar. It was created by Parliament under the Advocates Act, 1961. It prescribes standards of professional conduct, etiquettes and exercises disciplinary jurisdiction over the bar. It also sets standards for legal education and grants recognition to Universities whose degree in law will serve as a qualification for students to enroll themselves as advocates upon graduation.

Section 4 of the Bar Council of India provides:

(1) There shall be a Bar Council for the territories to which this Act extends to be known as the Bar Council of India which shall consist of the following members, namely:—

- (a) the Attorney- General of India, ex officio;
- (b) the Solicitor- General of India, ex officio;
- (c) one member elected by each State Bar Council from amongst its members.

Section 4(1-A) of the Act makes it clear that no person shall be eligible for being elected as a member of the Bar Council of India unless he possesses the qualifications specified in the proviso to sub-section (2) of section 3.

Provided that such person shall continue to carry on the duties of his office until the Chairman or the Vice- Chairman, as the case may be, of the Council, elected after the commencement of the Advocates (Amendment) Act, 1977 (38 of 1977), assumes charge of the office. Section 4(3) of the Act provides that the term of office of a member of the Bar Council of India elected by the State Bar Council shall-

- (i) in the case of a member of a State Bar Council who holds office ex officio, be two years from the date of his election [or till he ceases to be a member of the State Bar Council, whichever is earlier]; and
 - (ii) in any other case, be for the period for which he holds office as a member of the State Bar Council:
- (ii) Provided that every such member shall continue to hold office as a member of the Bar Council of India until his successor is elected.

Section 10-A of the Act provides that The Bar council of India shall meet at New Delhi or at such other place as it may, for reasons to be recorded in writing, determine. A State Bar Council shall meet at its headquarters or at such other place as it may, for reasons to be recorded in writing, determine. The committees other than disciplinary committees constituted by the Bar Councils shall meet at the headquarters of the respective Bar Councils. Every Bar Council and every committee thereof except the disciplinary committees shall observe such rules of procedure in regard to the transaction of business at their meetings as may be prescribed. The disciplinary committees constituted under section 9 shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at their meetings as may be prescribed.

Section 10-B of the Act provides that an elected member of a Bar Council shall be deemed to

have vacated his office if he is declared by the Bar Council of which he is a member to have been absent without sufficient excuse from three consecutive meetings of such Council, or if his name is, for any cause removed from the roll of advocates or if he is otherwise disqualified under any rule made by the Bar Council of India.

Section 14 of the Act provides that no election of a member to a Bar Council shall be called in question on the ground merely that due notice thereof has not been given to any person entitled to vote thereat, if notice of the date has, not less than thirty days before that date, been published in the Official Gazette.

HISTORY

After the Constitution of India was established on January 26, 1950, the Inter-University Board passed a resolution emphasizing the need for an all-India Bar and the importance of uniformly high standards for law examinations in different Universities. In May 1950, the Madras Provincial Lawyers Conference, held under the presidency of Shri S. Varadachariar, resolved that a committee appointed by the Government of India should evolve a scheme for an all-India Bar and amend the Indian Bar Councils Act such that it conforms to the new Constitution. On April 12, 1951, Shri Syed Mohammed Ahmad Kazmi, a Member of Parliament, proposed a bill to amend the India Bar Councils Act. The Government of India concluded that it was necessary for the Government to sponsor the Bill. In August 1951, a Committee of Inquiry was set up to consider the feasibility of a unified Bar in India, the continuance or abolition of the dual system of counsel for each state, possibility of a separate Bar Council for the Supreme Court and the revision of enactments related to the legal profession.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.	The Bar Council of India is a statutory body that regulates and represents the Indian bar	True	False
2.	The Bar Council of India was created by Parliament under the Advocates Act, 1961	True	False
3.	The Bar Council of India prescribes standards of professional conduct, etiquettes and exercises disciplinary jurisdiction over the bar	True	False
4.	The Bar Council of India also sets standards for legal education and grants recognition to Universities whose degree in law will serve as a qualification for students to enroll themselves as advocates upon graduation	True	False
5.	In August 1951, a Committee of Inquiry was set up to consider the feasibility of a unified Bar in India, the continuance or abolition of the dual system of counsel for each state, possibility of a separate Bar Council for the Supreme Court and the revision of enactments related to the legal profession.	True	False

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