

BAR COUNCIL OF INDIA

NOTIFICATION

New Delhi, 29th October, 2014

Extracts of the minutes of the meeting of General Council of Bar Council of India held on 17th October, 2014.

Item No. 276/2014

(i) The Council considered the draft Rules in regard to Bar Council of India Certificate of Practice and Renewal Rules, 2014 and passed the following resolution:-

Resolution No. 169/2014

The Council resolves that the draft rules in regard to Bar Council of India Certificate of Practice and Renewal Rules, 2014 submitted by the Sub-Committee be and is hereby approved.

These rules have been framed in the exercise of powers conferred on it by Section 49(1)(ag), 49(ah) and 49(i) of the Advocates Act, 1961. It is further resolved that these rules shall be added as Part V-A of the Bar Council of India Rules with a titled Bar Council of India Certificate of Practice and Renewal Rules, 2014.

It is also noticed as per the decision taken under Item 274/2014 whereby the same Committee was requested to suggest amendments in Chapter I of Part-III of the Rules of Bar Council of India in order to weed-out the fake and bogus voters. The voter-list shall be prepared by the State Bar Councils with a photographs of Advocates. Accordingly, the sub-Committee suggested amendments in the Rule 1 and Rule 2 contain in Chapter I of Part-III of the Bar Council of India Rules respecting preparation of electoral roll, disqualification of membership and vacation of office.

Bar Council of India Certificate of Practice and Renewal Rules, 2014.

Statement of objects and reasons:

The legal profession is an honorable one and it has critical role to play in protecting and promoting the Civil and Constitutional rights of the people. An independent and fearless Bar is vital and crucial for sustaining and promoting a true and healthy democracy. The Bar which is subject to manipulation and influence from extraneous powers, howsoever mighty and esteemed they may be, cannot do justice either to the Legal Profession or to the Rule of Law. Bench and Bar are the two wheels of a chariot and one cannot function without the other. Sadly, this profession has fallen under a cloud.

In the Joint Meeting of the representatives of all State Bar Councils and Bar Council of India, concerns were raised by all that trend of Advocates switching over to other professions/services/business without any information to the State Bar Council has reached alarming proportions. This trend is endangering the legal profession as a whole. It has also made a dent in its sanctity and standards. Names of such advocates continue to be included in the "Roll of advocates" being maintained by the State Bar Councils, notwithstanding the fact that they have left the legal profession or have since died. Though under section 19 of the Advocates Act, the State bar Councils are under legal obligation to send a copy of the Roll of advocates prepared by it under section 17 of the Act and subsequent alterations/additions thereto but practically no state bar Council has observed this mandatory provision of the Act up till now.

Under these circumstances it appears that a definite trend is visible that the control of Bar Associations and of other elected bodies under the Advocates Act is slipping out of the hands of the advocates who practice law. It is also being experienced that after certificate of enrolment is issued to an advocate, practically no communicative and continuing contact survives between him and the Council unless some complaint is made against him.

Under the existing state of affairs, All India Bar Examination introduced on the directions/observations of the Supreme Court of India to improve the standard of legal profession has also failed to fully achieve its objective. Advocates enrolled with the State Bar Councils obtain "Provisional Certificate of Practice" (valid for 2 years) and thereafter most of them are practicing Law without caring to appear for All India Bar Examination and to pass it.

Various welfare schemes for advocates have been floated in India both under State Legislations as well as under various welfare schemes framed by different State Bar Councils and by Bar Council of India but benefits there-under are being enjoyed by those also who have left the profession.

There is also an urgent need for laying down some conditions for practicing law in different Courts so as to give due weightage and credence to experience. Before an advocate could practice law in higher Courts, there is need that he is exposed to real court experience in lower Courts/Trial Courts. This will help in integrating the whole judicial system from the perspective of the Bar.

Therefore, in order to achieve better and effective administrative and disciplinary control of the local Bar Associations, State Bar Councils and the Bar Council of India over the advocates entered on the Rolls of advocates being maintained by different State Bar Councils under section 22 of the Advocates Act and further in order to weed out advocates who have left practice, the Bar Council of India, in the exercise of powers conferred on it by section 49(1) (a), 49 (ah) 49(i) of the Advocates Act, 1961 and by all other enabling and residuary powers vested in it, is pleased to make the following rules titled " Bar Council of India Certificate of Practice and Renewal Rules, 2014" for the purposes of carrying into effect the provisions and objectives of the said Act:—

CHAPTER I

PRELIMINARY

1. Short Title:

These Rules shall be called as the Certificate of Practice and renewal Rules, 2014.

2. Extent:

These rules will be applicable to all the advocates whose names appear on the State Rolls being maintained by the State Bar Councils under section 17 of the Advocates Act, 1961.

3. Date of commencement:

These rules, except Rule 7 of Chapter III, shall come into force at once from the date of publication of these Rules in the Gazette of India. Rule 7 of Chapter III shall come into force on such date as the Bar Council of India may, by notification in the Gazette of India, appoint in this behalf.

4. **Definitions:**

- (a) **Act** means the Advocates Act, 1961.
- (b) **Advocate** means an advocate whose name is entered in the Roll of advocates being maintained by the State Bar Councils under section 17 of the Advocates Act, 1961.
- (c) **Certificate of Enrolment** means the certificate of enrollment held by an advocate issued under section 22 of the Advocates Act, 1961.
- (d) **Certificate of Practice** in relation to an advocate having obtained graduate degree in law before the academic year 2010 enrolled on the roll of Advocates shall mean Certificate of Practice issued under Rule 13 and in relation to an advocate graduating in law in academic year 2009-2010 (1st July, 2009 to 30th June, 2010) and thereafter, enrolled on or after 12th Day of June, 2010, Certificate of Practice means the "Certificate of Practice" issued under All India Bar Examination Rules or under Rule 13 of these Rules as the case may be.
- (e) **Practice Fund** means the amount received by the State Bar Councils under these rules on its own behalf and on behalf of the Bar Council of India and different Bar Associations situated within the territorial limits of the State Bar Council.
- (f) **State Bar Council** means the State Bar Councils as defined under section 3 (1) (a) of the Advocates Act, 1961.
- (g) **Practice Fee** means the amount/s payable under these rules as practice fee and this amount may be varied by the Bar Council of India from time to time and on such variation, the varied amount shall mean the fee.
- (h) **Bar Association** of a given area/town/city means an area/territory and court work based association of advocates, whether registered under the Societies Registration Act (Act No. XXI of 1860) or not having its area/territory defined in terms of the whole or part of the territorial jurisdiction of Courts/Tribunals/Persons or any other Authorities legally competent to take evidence before which its members ordinarily practice law and it includes Bar Association exclusively dealing in specific fields of law viz. Income Tax, Corporate law, Central/State Excise Law etc. in relation to the authorities/tribunals/boards etc. there-under.
- (i) **"Roll of advocates"** means "roll" as defined in the Advocates Act.
- (j) **"Administrative Committee"** shall mean a committee comprising of three members of the State Council, constituted by the State Bar Council by way of election, for discharging such functions and duties as are entrusted to it under these Rules. There may be more than one such Committee depending upon the work load of a particular State Bar Council.
- (k) **An non-practicing advocate** is an advocate who is so declared under Rule 13 and Rule 20.2 of these Rules and whose name stands published under Rule 20.4.
- (l) **All terms and phrases** used in these rules shall have the same meaning as they have under the Advocates Act, 1961, unless the context in which such words and phrases are used, expressly suggest to the contrary.

5. **Necessity of "Certificate of Practice":**

An advocate shall not be entitled to practice law unless he holds a valid certificate of practice issued either under All India Bar Examination Rules or under these Rules.

This disability to practice law would come into force only when the name/names of such advocate/s is/are published under Rule 20.4.

CHAPTER II

LOCAL BAR ASSOCIATIONS

6. **Advocate to be a member of the Bar Association where he/she normally practices law:**

- 6.1 An advocate, after having obtained a Certificate of Enrollment under section 22 of the Advocates Act, 1961, is required to get himself registered as a member of the Bar Association where he ordinarily practices law or intends to practice law.
- 6.2 In case an advocate leaves one Bar Association and joins another by reason of change of place of practice or by reason of change of field of law, he/she shall intimate such change with all the relevant particulars to the State Bar Council, of which he is a member.
Such fact of leaving as well as of joining shall be independently intimated to the aforesaid said Bar Council within a period of one month.
- 6.3 Bar Associations to apply to the respective Bar Council within whose jurisdiction they are located, for being recognized under these rules. Recognition shall be accorded to such a Bar Association only which falls within the definition of Bar Association as defined in these rules.

CHAPTER III

MINIMUM EXPERIENCE REQUIRED TO PRACTICE BEFORE HIGHER COURTS OF LAW.

7. Conditions for practicing law in different Courts of law:

- 7.1 An advocate, enrolled on the roll of advocates after the enforcement of these Rules, after having obtained/renewed Certificate of Practice, shall be entitled to practice law only before such Courts of Law as are equivalent to Sessions Judge or District Judge and such other Courts in specific field/s of law that are exercising original jurisdiction in the matters covered by such fields of law and all other Courts which are subordinate to them.
- 7.2 An advocate, enrolled on the roll of advocates after the enforcement of these Rules, after having practiced law before Courts, Tribunals etc. mentioned in Rule 7.1 for a period of not less than two (2) years, shall be entitled to practice law before a High Court and such other Courts in specific fields of law that are exercising appellate or revisional jurisdiction in the matters covered by such fields of law and all other Courts which are subordinate to them.
- 7.3 An advocate enrolled on the roll of advocates after the enforcement of these Rules, after having practiced law before Courts of Law mentioned in Rule 7.2 for a period of not less than three (3) years shall be entitled to practice law before the Supreme Court of India subject to such other terms and conditions as may be in force in the Supreme Court of India.

CHAPTER IV

APPLICATIONS/ORDERS/OBJECTION PETITION WITH RESPECT TO GRANT/RENEWAL OF CERTIFICATE OF PRACTICE

8. Application for grant of "Certificate of Practice" by advocates enrolled on or before June 12, 2010:

- 8.1 An advocate graduating in law in academic year 2009-2010(1st July, 2009 to 30th June, 2010) and thereafter, enrolled on the "Roll of Advocates" on or after June 12, 2010, is required to apply for issuance of "Certificate of Practice" under All India Bar Examination Rules, 2010 and for renewal of such "Certificate of Practice" from the State Bar Council in which he/she is enrolled as an advocate under Rule 9.
- 8.2 An advocate having obtained graduate degree in law before the academic year 2010 enrolled on the "Roll of Advocates", is required to apply for issuance of "Certificate of Practice" from the State Bar Council in which he/she is enrolled as an advocate under this rule within a period of 6 months of the enforcement of these Rules/date of enrolment.
- 8.3 Every application for issuance of Certificate of Practice shall be submitted in the prescribed format as given in **Form A** annexed with these Rules disclosing all the necessary information as required there under to the State Bar Council, with which he/she is enrolled.
- 8.4 Every such application shall be accompanied by the following documents, certificates, declaration, fee etc.:—
 - i. "Practice fee" in the sum of Rs. 5,00 (Rupees five hundred only) by way of Bank Drafts/Account payee bank cheque in the names of the following officials:—
 - a. Secretary State Bar Council, with which the applicant is enrolled for a sum of Rs. 400 (Rupees four hundred only);
 - b. Secretary, Bar Council of India for Rs. 100 (One hundred only).
 - ii. A declaration in the prescribed format as given in **Form B** annexed with these Rules;

- iii. Two passport size photographs duly attested by the President/Secretary of the Bar Association or by any other office bearer of the Association who is duly authorized for this purpose by the Bar Association, of which the applicant is a member, or by a member of the State Bar Council;
- iv. Certificate in **Form C** issued by the President/Secretary or by any other office bearer of the Association who is duly authorized for this purpose by the Bar Association, of which the applicant is a member, to the effect that the applicant advocate is a bona fide member of the concerned Bar Association and that he has not left law practice.

In case, the applicant has been a member of different Bar Associations at different times since the issuance of certificate of enrolment under section 22 of the Advocates Act, 1961, such certificates may be obtained from the Presidents/Secretaries of the different Bar Associations, of which the applicant remained a member, at different times.

In case, the certificate of enrolment under section 22 of the Advocates Act, 1961 was granted more than five (5) years prior to the date of application, such certificate/certificates needs to be confined only to a period of five (5) years.

- 8.5 That the aforesaid application may be filed by the applicant along with all the aforesaid documents either by hand in the Office of the State Bar Council against proper receipt or sent to the Secretary under registered post or through the Bar Association, of which he/she is a member.

9. Application for Renewal of Certificate of Practice:

- 9.1 The Certificate of Practice issued to an advocate under Rule 13 of these Rules or under All India Bar Examination Rules and renewal thereof, shall be valid for a period of five years (5) years only and is liable to be renewed every five (5) years by filing an application for renewal in advance within a period of six (6) months, before the validity period of "Certificate of Practice" or of its renewal, expires.
- 9.2. All such applications for renewal shall be filed in the format as given in **Form D** annexed with these Rules and it shall be accompanied by such documents, certificates, declaration, fee etc. as are mentioned in clauses (i), (ii) and (iv) of Rule 8.4 and the same may be submitted as per Rule 8.5.

10. Delayed application with late fee:

That all the applications for issuance/renewal of "Certificate of Practice" filed after the time fixed by rule 8/rule 9.1 of these Rules shall not be received by the Office/Secretary unless it is accompanied by late fee in the sum of Rs.50 (rupees fifty only) and such late applications would be entertained only for a period of six (6) months.

11. Delayed application for renewal with penalty clause:

That all applications for issuance/renewal of certificate of practice filed after the period fixed under rule 10 shall not be received and processed by the Office/Secretary unless it is accompanied by a penalty fee of Rs. 50 (rupees fifty only) per month reckoned from the last date on which such an application ought to have been made under Rule 10 of these Rules but such late application with penalty clause attached thereto would be entertained only for a period of six (6) months.

12. Incomplete and faulty applications:

That in case, the applications so received, are found to be incomplete/faulty, the Office shall intimate the concerned advocate of such shortcomings/defects by issuing letter under registered Post and such applications shall be processed further by the Office on removal of such shortcomings/defects.

The time taken to remove such shortcomings/defects by the concerned applicant may be counted towards late fee payable by the concerned advocate at the rate of Rs.1, 00/- per month unless it is waived by the Chairman/Vice-Chairman of the State Bar Council in case sufficient cause is shown for such delay.

13. Order on the application for issuance/renewal of Certificate of Practice:

That every application for issuance/renewal of certificate of practice so received shall be scrutinized by the Office within a period of one month from the date of its receipt and if found in order, it shall be placed along with the personal file of the applicant before the Administrative Committee, for passing the requisite order allowing or dismissing the application.

Such application is liable to be dismissed only in case it is found that the advocate has left law practice and that he/she has no bona fide intent and interest in continuing it in future also and such an advocate shall be treated as a non-practicing advocate under these Rules.

No adverse order can be passed under this rule unless a reasonable opportunity of being heard is afforded to the applicant.

14. Objection Petition:

- 14.1 An advocate or any person may file an objection petition before the State Bar Council seeking to add the name/names of an advocate/advocates in the List of Non-Practicing Advocates on the ground that such an advocate has left law practice and that he/she has no bona fide intent and interest in continuing it in future also.
- 14.2 Rule A. 1 (1) and rule A. 1 (2) of Chapter I of Part VII of the Bar Council of India Rules relating to complaints under section 35 of the Advocates Act shall, mutatis mutandis, apply to these objection petitions except that such objection petition shall be accompanied by a security amount of Rs.1,000 and not such fee as is prescribed in the aforesaid Rules relating to complaints under section 35 of the Advocate Act.
- 14.3 That in case the State Bar Council finds that there is a prima facie case in favor of the applicant; it shall refer it for decision to its Administrative Committee.
- 14.4 That the Administrative Committee of the State Bar Council shall decide and dispose of such an objection petition along with application for issuance/renewal of Certificate of Practice of the concerned advocate, if any. But if no such proceedings are pending, such objection petition shall be decided independently.
- Such procedure as is applicable to complaints under Section 35 of the Advocates Act shall apply, mutatis mutandis, to proceedings under this rule.
- 14.5 That in case the complaint is found to be vexatious, frivolous and mala fide, the security amount deposited with the objection petition shall be forfeited to the State Bar Council.

CHAPTER V**FOLLOW UP ACTION****15. Follow up action of order passed under rule 13:**

- 15.1 That immediately after the application for issuance/renewal of Certificate of Practice is allowed under Rule 13 of these Rules; the Office of the State Bar Council shall prepare the **Certificate of Practice/Renewal Certificate** in duplicate duly signed by the Chairman of the State Bar Council and in his absence by the Vice chairman of the State Bar Council or by such other member of the State Bar Council who is specifically authorized for the said purpose.
- 15.2 That one copy of such Certificate of Practice/Renewal Certificate shall be dispatched to the advocate concerned under registered Post AD without any delay and the other copy shall be kept in the personal file of the advocate.
- 15.3 That the State Bar Council shall maintain a separate Dispatch Register containing all the details as to the particulars of issuance/renewal of the certificate of practice, original certificate of enrolment and full particulars of the advocate as to age, date of birth and address.
- This Register shall be maintained year wise in such manner as may be prescribed by the State Council.
- 15.4 Every State Bar Council shall send to the Bar Council of India an authenticated soft copy of the record maintained by it under Rule 15.3 every year.

CHAPTER VI**CONSEQUENCES OF ORDER U/R 13 AND OF FAILURE TO MAKE APPLICATIONS****16. Consequence of dismissal of application under Rule 13:**

In the event of dismissal of application under Rule 13, such consequences as are laid down by Rule 20.4 would follow.

17. Consequences of failure to make application as stipulated by Rule 7 to 11:

That in case an advocate fails to make an application for issuance/renewal of Certificate of Practice within such period/extended periods as provided for under Rules 8 to 11 and in case he fails to remove the shortcomings/defects in his application despite intimation under Rule 12 for a period of 6 months, it shall, prima facie, be presumed that the such an advocate has left law practice and that he/she has no bona fide intent and interest in continuing it in future also.

18. Follow up action against advocates who fail to respond and fall within the ambit of Rule 17 and publication of "list of defaulting advocates":

- 18.1 That the Office of the State Bar Council shall prepare a list of such defaulting advocate/advocates who has/have failed to apply for issuance/renewal of Certificate of Practice within such period/extended

period as provided for by these Rules or have failed to remove shortcomings/defects in their applications despite intimation within the stipulated period of 6 months.

This list may be titled as the “**List of the Defaulting Advocates**”.

- 18.2 All such advocates whose name/names have been included in the list of “defaulting advocates” shall be given due notice of the fact that their name/names stood included in the above list and further notice of this list shall also be given in the following manner:

- i. One copy of such List shall be displayed outside the Office of the Bar Council;
- ii. Copies of such list shall also be sent to such District Bar Association/s to which such advocate/advocates belong as per the address last disclosed by him/her and also to the concerned High Court/Supreme Court Bar Association;
- iii. A **letter of intimation** that his/her name stands included in such list shall also be sent to the defaulting advocate at the address last disclosed by him/her under registered Post.
- iv. This List shall also be **published** by the State Bar Council as per law.

19. Late Applications after publication under Rule 18:

If an application for issuance/renewal of Certificate of Practice is received by the State Bar Council within a period of 6 months **of the publication** of the aforesaid list of defaulting advocates under Clause (iv) of Rule 18, it shall be accompanied by such late fee and penalties as are specified by rules 10 to 12 of these Rules.

All such applications shall be processed by the Office as per the procedure laid down by rule 10 to 12 and thereafter order on such applications shall be obtained under rule 13 and such order shall be given effect to as per these rules.

20. Consequences of failure to respond and publication of “list of non-practicing advocates:

- 20.1 That if no application for issuance/renewal of Certificate of Practice is made under these rules or if an application is filed but defects are not removed as per Rule 17, it shall be presumed for the purposes of these rules that such an advocate has left law practice and that he/she has no bona fide intent and interest in continuing it in future also.
- 20.2 That on the expiry of a period of 6 months of the publication of such “List of Defaulting Advocates”, the State Bar Council shall pass an order directing that the name/names of such advocate/advocates appearing “List of the Defaulting Advocates” be put in the list of “Non-Practicing Advocates”.
- 20.3 That due notice of the list of “Non-Practicing Advocates” shall be given to the followings:-
 - i. One copy of such List shall be sent to the Bar Council of India and to all other State Bar Councils.
 - ii. One copy of this list shall be sent to all the Courts situated within the territorial limits of the State Bar Council and also to the concerned High Court.
 - iii. Copies of such list shall also be sent to such District Bar Association/s to which such advocate/advocates belong as per the address last disclosed by him/her and also to the concerned High Court/Supreme Court Bar Association;
- 20.4 The List of Non-Practicing advocates and name/names of advocates whose application for issuance/renewal of certificate of practice stands dismissed under Rule 13 shall also be **published** by the State Bar Council as per law after such list/name/names is/are approved by the Bar Council of India.

21. Non-practicing advocates as included in the list of “non-practicing advocates” not entitled to practice law and to other privileges and rights:

- 21.1 From the date of publication of the aforesaid list of non-practicing advocates, all such advocate/s whose name/names has/have been included in the aforesaid list, shall not be entitled to appear in any Court of Law, before any Tribunal or person legally authorized to take evidence and before any other authority or person before whom such advocate is by or under any law for the time being in force entitled to practice, notwithstanding the fact that name/names of such advocates is/are entered in the State Roll and that he is holding certificate of enrolment under section 22 of the Advocates Act.

Further, name/s of such advocate/s shall not be included in the electoral roll for the purposes of elections to the State Bar Councils. Such an advocate/s shall cease to be a member of any Bar Association and further he/she shall not be entitled to cast vote/s in any elections of the Bar Associations.

The status and rights of such advocate/s “as advocate/s entitled to participate and receive benefits” under Welfare Schemes of Bar Council of India created under Rules 40 to 44 B of Section IV-A of

Chapter II contained in Part VI of the Bar Council of India Rules and other schemes floated by the State Bar Council shall come to an end w. e. f. the date of publication of the List/name/names of Non-Practicing Advocates under Rule 20.4 with the exception that such an advocate would be entitled to receive such benefits under the relevant scheme/s, if any, which have already accrued in his/her favor.

CHAPTER VII

UPDATING OF THE RECORD OF PRACTICING AND NON-PRACTICING ADVOCATES

22. Record with respect to practicing and non-practicing Advocates:

22.1 That on culmination of the initial process of identification of Non-practicing Advocates in the aforesaid manner in the publication of the List of such advocates under Rule 20.4, the State Bar Council shall create and maintain a separate record of such Advocates with all particulars as to name, address, date of birth, date of enrolment, enrolment number, particulars of application for issuance/renewal of Certificate of Practice, if any, and of its dismissal. This record shall be updated regularly.

22.2 Every State Bar Council shall send to the Bar Council of India an authenticated soft copy of the record as maintained under Rule 22.1 every year.

23. Updating of the electoral rolls of the State Bar Council for the purposes of elections:

On the publication of list of non-practicing Advocates under rule 20.4 and after sending copy of such record to the Bar Council of India under Rule 22.2, the State Bar Councils shall start the process of preparation of electoral roll for elections to the State Bar Councils as per Chapter I, Part-III of the Bar Council of India Rules. No State Bar Council shall undertake to prepare electoral roll or to conduct elections to the State Bar Councils unless the process of identification of non-practicing advocates is completed under these Rules by publication of their names under Rule 20.4.

Provided that the election/s of the State Bar Council/s where a special committee/committees under section 8A of the Act is/are already functioning on the date of commencement of these rules, shall continue under the existing rules as if these rules have not been enforced. In such State Bar Councils, these Rules shall come into force only after the new State Bar Council is constituted on the declaration/publication of the results of the elections.

CHAPTER VIII

APPEAL, REVISION ETC.

24. Appellate Tribunal:

24.1 There shall be an Appellate Tribunal for disposal of appeals under these rules with respect to each State Bar Council and such Tribunal shall comprise of the following members:-

- i. Two Members of the State Bar Council elected by the State Bar Council under Rule 44 A(2)(i) of Bar Council of India Rules under Part VI, Chapter II, Section-(IV A).
- ii. One member of the State Bar Council from amongst the members of the Executive Committee to be nominated by the Chairman of the State Bar Council and another member nominated by the Member, Bar Council of India from the concerned State Bar Council.
- iii. Member of the Bar Council of India from the concerned State Bar Council and he shall be its Chairman;

24.2 That the quorum of the Appellate Tribunal shall be three members but no final order shall be passed unless the Chairman of the Appellate Tribunal is party thereto.

25. Appeal against order passed under Rule 13/Rule 20.2:

That in case the application of an Advocate for issuance/renewal of Certificate of Practice is dismissed under **Rule 13** of these Rules/in case the name of an Advocate is ordered to be included in the list of "non-practicing Advocates" by the State Bar Council under Rule 20.2, the aggrieved party may, within a period of 60 days of the date of passing of the order or publication of the list of non-practicing advocates under Rule 20.4, **prefer an appeal** against such order to the Appellate Tribunal but delay in filing the appeal can be condoned, if sufficient cause is shown for such delay.

Every such appeal shall be accompanied by an attested copy of the impugned Order. The appeal shall not be received and entertained unless it is accompanied by a fee of Rs.1,000 in the form of a Bank draft/Account Payee Bank Cheque favoring Secretary, State Bar Council of the concerned State Bar Council.

Out of this amount of Rs. 1000, the Secretary, State Bar Council shall send/ deposit remit a sum of Rs. 200 to the Account of the Bar Council of India and a sum of Rs. 160 shall be transferred to the fund known as " Fund for Promotion Bar Associations" under these rules.

Every such appeal shall be heard by the Appellate Tribunal, which may pass such order there on as it deems fit.

26. Stay of operation of order passed under rule 13 and rule 19.2:

Mere filing of an appeal against order passed under rules 13 and 20.2 shall not operate to stay the operation of order appealed against unless its operation is stayed by the Appellate Tribunal on such conditions as it may deem fit.

27. Power of Revision:

- 27.1 The Bar Council of India may, at any time, call for the record of any proceeding under these Rules which has been disposed of by the State Bar Council or by the Appellate Tribunal, and from which no appeal lies, for the purpose of satisfying itself as to the legality and propriety of such order or disposal and may pass such orders in relation thereto as it may deem fit.
This revision shall be under Part-II, Chapter IX of BCI Rules viz. Section 48A of the Advocates Act, 1961.
- 27.2 No order which prejudicially affects any Advocate shall be passed under this Rule unless an opportunity of being heard has been afforded to him.

CHAPTER IX
RESUMPTION OF PRACTICE

28. Resumption of Practice:

- 28.1 If an advocate whose name has been included in the "list of non-practicing advocates" published under Rule 20.4, intends to resume law practice in the changed circumstances, he may apply to the State Bar Council that his/her name may be taken out of such list.
- 28.2 Application for resumption shall be made in Form E along with resumption fee of Rs.3, 000/- and declaration in Form F.
Such an application shall be supported by a certificate in Form G issued by the President/Secretary of the Bar Association, of which the applicant intends to become member for doing practice in law.
- 28.3 The State Bar Council shall refer such an application for resumption to the Administrative Committee which may pass an appropriate order allowing or dismissing such application provided that such an application shall be allowed only if the Administrative Committee is satisfied that the intent of the applicant to resume law practice is bona fide.
- 28.4 In case application for resumption is allowed, the name of the applicant shall be taken out of the list of the "non-practicing advocates" and such exclusion shall be duly notified and published as provided by rule 20.3 qua "list of non-practicing advocates".
- 28.5 That from the date of publication under Rule 28.4, all disabilities suffered by the applicant under rule 21, shall not survive but he/she shall not be entitled for any benefits/privileges that were denied to him under Rule 21 for the period his/her name remained in the "list of non-practicing advocates".

CHAPTER X
PRACTICE FUND

29. The Practice Fund:

- 29.1 80% of all the amounts received by way of fee, renewal fee, late fee, penalty fee etc under these Rules qua which bank drafts are filed in the name of the Secretary State Bar Council shall be called the "State Bar Council Practice Fund Account" and the remaining 20% of the amounts so received in respect of which bank drafts/cheques are filed in the name of the Secretary Bar Council of India shall be called the "BCI Practice Fund Account" and jointly these funds shall be called the "Practice Fund".
- 29.2 That the "State Bar Council Practice Fund Account" shall be operated jointly by the Chairman and Secretary of the State Bar Council. Similarly "BCI Practice Fund Account" shall be operated jointly by the Chairman and Secretary BCI.
- 29.3. That 20% of the "State Bar Council Practice Fund Account" which comes to 16% of the "Practice Fund" shall be straightaway put under a separate fund to be known as "Fund for promotion of Bar Associations" and the State Bar Council shall frame appropriate Rules for the management and disbursement of this fund in favor of different Bar Associations falling within its jurisdiction in consultation with the representatives of such Bar Associations and the amount lying under this Head shall not be used in any manner till such rules come into force.
- 29.4 That this Practice Fund shall be separately audited by such Chartered Accountant as may be appointed by the State Bar Council and by BCI qua their respective accounts.
- 29.5 That all the payments towards application fee, renewal fee, late fee and penalties payable under these rules shall be paid by way of bank drafts/account payee bank cheques only in the ratio of 80:20 in the names of Secretary State Bar Council and Secretary Bar Council of India respectively.

- 29.6 That the all the amount collected under these rules shall be utilized for the following purposes only:—
- (c) To meet the administrative and other expenses arising in connection with these Rules;
- (d) To make contributions to different Bar Associations for the following purposes only:—
- i. Establishing and improving Law libraries.
 - ii. Improvement of infrastructure in the premises of the Bar Associations which is reserved for the common use of the advocates and to make such other contributions for promoting and strengthening the Bar Associations at the Taluka, District, High Court and Supreme Court levels as it may deem fit.
 - iii. To promote welfare schemes for advocates. Such welfare schemes may include insurance of all kinds with respect to the advocates and their dependent members of the family; pension schemes, stipends for junior and disabled advocates, continued legal education/training of advocates.

CHAPTER XI

MISCELLENIOUS

30. Removal of difficulties:

In case of any doubt or dispute as to the meaning, interpretation, execution of these Rules arises, the Appellate Tribunal shall be the final authority to settle all such issues and its decision thereon shall be final.

31. Regulatory Powers:

The Bar Council of India shall have the right of issuing such regulations to the State Bar Council from time to time, as are necessary for the proper implementation and execution of these Rules and such regulations shall be complied with by the State Bar Council in letter and spirit so that uniformity is maintained in the application of these Rules throughout the Country.

32. Power of Bar Council of India to form Ad-hoc Committees:

In case the term of elected members of any State Bar Council is likely to expire/expires due to delay in the process of identification of non-practicing advocates under these rules or in case of delay in the reparation of the electoral roll for the elections to the State Bar Councils, the Bar Council of India shall constitute an ad-hoc Committee consisting of elected members of the State Bar Council for smooth running of the State Bar Council and for expeditious execution of the aforesaid process. This ad-hoc Committee of State Bar Council shall function under the Special Committee constituted under Section 8A of the Act till the process of preparation of electoral roll as per Chapter I, Part-III of the Bar Council of India Rules for the purpose of elections to the State Bar Council is completed.

33. Saving clause

Any certificate of the nature of Certificate of Practice as defined in these Rules and renewal thereof (by whatever name/manner or form they may have been issued/granted by the State Bar Councils) granted by any State Bar Council and any other action/order passed by the State Bar Council in connection therewith, before the enforcement of these Rules shall continue to be valid for a period of five years from the date of its issuance/renewal, but on the expiry of this period, such certificate/license issued by the State Bar Council is required to be renewed under these Rules.

34. Repeal of all Resolutions/Rules passed/framed either by any State Bar Council or by Bar Council of India.

Any Resolutions/Rules passed/framed by any State Bar Council or by Bar Council of India, which are inconsistent with these Rules, shall stand repealed from the date on which these Rules come into force.

J. R. SHARMA, Secy.

[ADVT. III/4/Exty./96/2014]

FORM A

APPLICATION FOR ISSUANCE OF CERTIFICATE OF PRACTICE

(See Rule 8.3 of the Bar Council of India Certificate of Practice Rules 2014)

To,
The Secretary,
Bar Council of
.....
.....
.....

Sub. : Application for issuance of Certificate of Practice (/ /)

Sir,
I hereby apply to the (name of the State Bar Council)
for issuance of certificate of practice.

My full particulars are as follows:-

1. Enrolment number on the Roll :
2. Date of Enrolment:
3. Name of the Advocate :
(As given in the Enrolment Certificate);
4. Father's Name:
5. Present Residential Address:
.....
6. Office Address with Telephone No.
Mobile No. / Email / Website
7. Place of Practice :
(As given in the Application Form for enrolment);
8. Present Place of Practice:
9. Date of Birth :
10. Whether the applicant after enrolment has joined any Government/ Semi- Govt.
or Pvt. Service or any other kind of service, if so full particulars be furnished
with date of joining of such services:

11. Whether the applicant after enrolment, has joined any business, as a full partner / sleeping Partner, if so, full particulars be supplied, with an attested copy of business instrument like Partnership deed, MOU, Agreements etc.
12. Whether the applicant is a managing / active / sleeping / director of any company, corporation etc if so particulars thereof:
13. Whether the applicant, after enrolment has incurred any disqualification as mentioned in Section 24-A of the Act, if so, certified copy of judgment / order be attached:
14. Whether applicant, at present, is facing any disciplinary proceedings/ convicted in any Criminal proceedings or not, if so, particulars be given:
15. Delay, if any, in submitting the application form, reasons to be given:
16. Practice fee/ Late fee/ Penalty
Rs. by way of Demand Draft No.....
Date/ Account Payee Cheque No.....
dated
17. Any other information, applicant wants to submit about his distinctions:

I verify that the information/ particulars furnished by me are true and correct to the best of my knowledge and nothing has been kept concealed therein.

Date :

Signature
of the Advocate

FORM B

To be submitted on Non-Judicial paper worth Rs. 10/-
[See Rule 8.4 (ii) of the Bar Council of India Certificate of Practice Rules 2014]

I aged
son of resident of
..... enrolled as an advocate on the
roll of (name of the State Bar
Council) vide certificate of enrolment dated and No.
do hereby solemnly affirm and declare as follows:

1. That after having obtained Certificate of enrolment from the
.....(name of the Bar Council) under
Section 22 of the Advocate Act, I have not left practice in law.
2. That since my enrolment as an advocate, I have not switched over to any other
profession/ services / business and that thereafter, I am doing practice in law.

Dated:.

Signature of the declarant

FORM -C

[See Rule 8.4 (iv) of the Bar Council of India Certificate of Practice Rules 2014)

Certificate

This is to certificate that Shri/Mr/Mrs/Ms.....
..... Advocate
S/o, W/o, D/o is a
bonafide member of the Bar Association
(name of the Bar Association) and he/she has been practicing law since joining this
Bar on and has not left such practice
and I further certify that the particulars disclosed by him/ her in the accompanying
application are correct to my knowledge and belief.

Dated :

Secretary
President/Secretary
Bar Association
(seal)

FORM- D

APPLICATION FOR RENEWAL OF CERTIFICATE OF PRACTICE

(See Rule 9.2 of the Bar Council of India Certificate of Practice Rules -2014).

To,

The Secretary,

Bar Council of

.....

.....

.....

Subject : Application for renewal of Certificate of Practice (//)

Sir,

I hereby apply to the (name of the State Bar Council)
for renewal of certificate of practice.

My full particulars are as follows:-

1. Enrolment number on the Roll :

2. Date of Enrolment:

3. Name of the Advocate :

(As given in the Enrolment Certificate):

4. Father's Name:

.....

5. Present Residential Address:

.....

6. Office Address with Telephone No./Mobile No. / Email / Website

.....

.....

7. Place of Practice :

(As given in the Application Form for enrolment);

8. Present Place of Practice:
9. Date of Birth :
10. Particulars of the Certificate of Practice issued to the applicant :
- a) Whether issued under AIBE Rules, if so, its number and date:
- b) Whether issued by the State Bar Council under these rules, if so, its number and date (self attested photo copies of the certificate of practice to be annexed with this application):.....
11. Whether the applicant after enrolment has joined any Government/ Semi- Govt. or Pvt. Service or any other kind of service, if so full particulars be furnished with date of joining of such services:
12. Whether the applicant after enrolment, has joined any business, as a full partner / sleeping Partner, if so, full particulars be supplied, with an attested copy of Business Instrument like Partnership deed, MOU, Agreement etc:
13. Whether the applicant is a managing / active / sleeping / director of any company, corporation etc if so particulars thereof:
14. Whether applicant, at present, is facing any disciplinary proceedings/ convicted in any Criminal proceedings or not, if so, particulars be given:
15. Delay, if any, in submitting the application form, reasons to be given:
16. Renewal fee/ Late fee/ Penalty
Rs. by way of Demand Draft No.....
Date/ Account Payee Cheque No.....
dated
17. Any other information, applicant wants to submit about his distinctions:

I verify that the information/ particulars furnished by me are true and correct to the best of my knowledge and nothing has been kept concealed therein.

Date :

Signature
of the Advocate

FORM - E

APPLICATION FOR RESUMPTION OF CERTIFICATE OF PRACTICE

(See Rule 28.2 of the Bar Council of India Certificate of Practice Rules -2014).

To,

The Secretary,

Bar Council of

.....

.....

.....

Subject : Application for resumption of Certificate of Practice (/...../.....)

Sir,

I hereby apply to the (name of the State Bar Council)
for resumption of certificate of practice.

My full particulars are as follows:-

1. Enrolment number on the Roll :
2. Date of Enrolment:
3. Name of the Advocate :
(As given in the Enrolment Certificate):
4. Father's Name:
5. Present Residential Address:
.....
6. Office Address with Telephone No./Mobile No. / Email / Website
.....
.....
7. Place of Practice :
(As given in the Application Form for enrolment):
8. Present Place of Practice:
9. Date of Birth :

10. 1. That in the changed circumstances, I intend to resume law practice:
 2. That after enrolment I have not suffered and incurred any disqualification as mentioned in Section 24-A of the Advocates Act:
11. Particulars of the Certificate of Practice issued to the applicant if any :
 - a) Whether issued under AIBE Rules, if so, its number and date:
.....
 - b) Whether issued by the State Bar Council under these rules, if so, its number and date (self attested photo copies of the certificate of practice to be annexed with this application):.....
.....
 - c). Particulars of the notification, whereby the applicant was put in the list of "Non-Practicing Advocate":
.....
12. Whether the applicant after enrolment has joined any Government/ Semi-Govt. or Pvt. Service or any other kind of service, if so full particulars be furnished with date of joining of such services:
.....
13. Whether the applicant after enrolment, has joined any business, as a full partner / sleeping Partner, if so, full particulars be supplied, with an attested copy of Business Instrument like Partnership deed, MOU, Agreement etc:
.....
14. Whether the applicant is a managing / active / sleeping / director of any company, corporation etc if so particulars thereof:
.....
15. Whether the applicant, after enrolment has incurred any disqualification as mentioned in Section 24-A of the Act, if so, certified copy of judgment / order be attached:
.....
16. Whether applicant, at present, is facing any disciplinary proceedings/ convicted in any Criminal proceedings or not, if so, particulars be given:
.....
17. Delay, if any, in submitting the application form, reasons to be given:
.....
.....

FORM - F

(To be submitted on Non- Judicial Paper of worth Rs. 10/-)

[See Rule 28.2(ii) of the Bar Council of India Certificate of Practice Rules 2014]

I aged
about years son of
..... resident of
..... enrolled as an
advocate on the roll of (name of
the State Bar Council) vide certificate of enrolment dated and No.
..... do hereby solemnly affirm and declare as follows:

1. That I have not incurred any disqualification has mentioned in Section 24-A of the Act.
2. That I bonafide intend to resume law practice.

Dated:

Signature of the Declarant

FORM - G

[See Rule 28.2 of the Bar Council of India Certificate of Practice Rules 2014)

Certificate

This is to certificate that Shri/Mr/Mrs/Ms..... Advocate
S/o, W/o, D/o intends
to join this Bar Association and
I further certify that particulars disclosed by him/her in the accompanying
application for resumption of practice are correct and true to the best of my
knowledge and belief.

Dated :

Secretary
President/Secretary
Bar Association
(seal)

18. Renewal fee/ Late fee/ Penalty

Rs. by way of Demand Draft No.....
Date/ Account Payee Cheque No.....
dated

19. Any other information, applicant wants to submit about his distinctions:

I verify that the information/ particulars furnished by me are true and correct to the best of my knowledge and nothing has been kept concealed therein.

Date :

Signature
of the Advocate