

THE BAR COUNCIL OF INDIA RULES

(As amended vide Notification dated 24-8-2024)

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 person howsoever designated and entrusted for the time being with the duties of the Secretary;
- (j) '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

MATTERS RELATING TO THE BAR COUNCIL OF INDIA

CHAPTER I

(Rules under Section 15(2), (c), (d), (f) and (g) read with Sections 4 and 10B 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.

¹[2. (1) The notice and agenda for the first meeting of the State Bar Council to be held after the election of its members on expiry of terms of its member elected at the previous election under Section 8 of the Advocates Act, 1961 may also include the election of a Member of the State Bar Council to the Bar Council of India under Section 4(1)(c) of the Advocates Act, 1961. However, the schedule for the election of Member of Bar Council of India shall be decided by the Secretary of Bar Council of India only. The date, time and place of election shall be fixed by the Secretary of Bar Council of India; and he shall inform it to the Secretary, State Bar Council to notify among the members of State Bar Councils.

(2) The election of the Member, Bar Council of India shall be held, and the result of the same shall also be declared prior to the elections of the other Office Bearers and Committees of the State Bar Council, if both these elections are held in same continuation and/or on the same day.

However, if the majority of elected Members of any State Bar Council make a requisition to hold the election of office-bearers of State Bar Council at a subsequent date, another date of election for electing office-bearers of State Bar Council may be fixed by the Secretary of State Bar Council on the direction of the Returning Officer for the election of State Bar Council. But, in any case such election has to be held within 45 days from the date of election or publication of result of Members of State Bar Council.

3. The election of the Member-Representative to be elected to the Bar Council of India shall be conducted by the Secretary, Bar Council of India or any other Officer of the Bar Council of India to be appointed by the Council who shall act as the Returning Officer for the election of the Member of Bar Council of India.

The Secretary of the State Bar Council shall act as Assistant Returning Officer in the election of the Member-Representative to the Bar Council of India.]

4. A person elected as a member of the Council under Section 4(1)(c) of the Act shall cease to be such member:—

- (a) from the date when he ceases to be a member of the State Council as mentioned in Section 4(3)(ii) of the Act.
- (b) on the acceptance by the Council of his resignation.

5. (1) In the case of a vacancy in the office of the member of the Council arising for any reason mentioned in Rule 4(a) of this Chapter or on account of death, intimation of the vacancy shall be given by the Secretary of the State Council to the Secretary of the Council forthwith, and

(2) The election to fill the vacancy under rule 4(a) or (b) shall be held within 30 days from the date of the vacancy.

²[(3) **Observer(s):**

If, 5 or more elected Members of any State Bar Council or the *Ex-Officio* Member make a requisition for appointment of an Observer for the Election of the Member, Bar Council of India and/or the *Officer Bearers*³ of the State Bar Council, the Chairman, Bar Council of India may appoint a former Judge of any High Court or one or more member(s) of the Bar Council of India or any State Bar Council or any Senior Advocate(s) to be the Observer for the said election(s). In the alternative, the Chairman of the Council may make a request to the Hon'ble Chief Justice of the concerned High Court to appoint

1 Rules 2(1), 2(2) and 3 amended vide F. No. BI : D : 3582/2020, dt. 30-12-2020.

2 Inserted vide F. No. BI : D : 3582/2020, dt. 30-12-2020.

3 It should be read "Office Bearers"

a Senior Judicial Officer or the Registrar of the High Court to be the Observer for the said election(s). The Observer(s) may also be appointed to act as observer for the election of *Officer-Bearer(s)*¹ of State Bar Council.

(4) The Secretary of State Bar Council shall make provision for videography of the entire process of the election. The recordings shall be kept in pen-drive and one pen-drive containing election shall be kept by Returning Office in safe custody. The Assistant Returning Officer shall keep another copy of pen-drive.

(5) If, the *Ex-Officio* Member or majority of elected Members make an application before the Bar Council of India for holding the election of Member, Bar Council of India in the premises of Bar Council of India at Delhi or some other place (because of some plausible reasons), the Chairman of the Bar Council of India may direct (for the reasons to be recorded in writing) for holding the elections either at Delhi or at some other place. In such cases, the expenses for travelling and accommodation shall be borne by Bar Council of India and the sitting allowances/honorarium shall be borne by State Bar Council:

PROVIDED that if the *Ex-Officio* Member or the majority of elected Member of State Bar Council further make a request that the election of other office bearers¹ and the Committees of the State Bar Council should also be held either at Delhi or at same place (where the election of Member, Bar Council of India is to be held), the Chairman of the Bar Council of India shall allow the Members of the State Bar Council to hold the election of its Office Bearers and the Committees, if any, at the same place, after the result of election of Member, Bar Council of India.]

6. (a) If the State Council does not take steps in time or the holding of the election as referred to in these Rules, and
- (b) In the case of a vacancy of the member of the Council arising under Section 10B of the Act,

the Secretary of the Council shall call upon the concerned State Council requiring it to elect its member to the Council within 30 days of such notice.

²[7. The date of election of the Members of the Bar Council of India shall be notified by the Secretary of the State Bar Council on the direction of the Secretary of the Bar Council of India and the notice thereof shall be sent not less than 15 clear days before the date fixed for election.

However, the majority of elected Members of the State Bar Council may make a request to the Returning Officer to allow the election to be held on a short notice and the Returning Officer may allow the elected Members to hold the election at a short notice. In same manner, the election of office-bearers of State Bar Council can also be held on a short notice.

A copy of notice relating to election shall be sent simultaneously to Bar Council of India.]

8. ¹[(1) The name of each candidate for the election shall be proposed by one Member and seconded by another Member of the State Bar Council in writing filed before Returning Officer at least one day prior to the election meeting. The nomination shall be filed before the Returning Officer. No Member shall propose or second more than one name. Such nomination shall be invalid. The nomination papers shall be

1 It should be read "Office Bearers"

2 Amended vide F. No. BI : D : 3582/2020, dt. 30-12-2020.

scrutinized by the Returning Officer on same day and he shall take appropriate decision in this regard and declare the candidatures.]

(2) If only one candidate had been duly nominated, the Returning Officer shall declare him elected.

(3) Any nominated candidate can withdraw before the voting takes place.

(4) If the number of candidates duly nominated is more than one, there shall be an election by secret ballot. The Returning Officer shall provide voting papers with the names of the candidates typed. Each voting paper shall bear the signature of the Returning Officer.

(5) A voter in giving his vote shall place in his voting paper the 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, obliterations or alterations in the voting papers, or of the voting paper purporting to have been signed by the voter, 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. Subject to the provisions of Rule 10, the decision of the Returning Officer whether the voting paper has or has not been defaced shall be final.

A voting paper shall be invalid on which—

- (a) the mark 'X' is not made, or
- (b) 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
- (c) the mark 'X' and any other mark or figures are set opposite the name of the same candidate, or
- (d) there is any mark in writing by which the voter can be identified.

(6) The Returning Officer shall count the valid votes immediately after the close of voting in the presence of the candidates or their nominees who may choose to be present.

(7) The candidate securing the largest number of votes shall be declared elected by the Returning Officer.

In the case of two or more candidates securing an equal number of votes, the Returning Officer shall decide the election by drawing lots.

(8) Immediately after the declaration of the result, the Returning Officer shall put the ballot papers used for voting in the election in a separate cover, have the cover closed and sealed with his signature and that of all the contesting candidates if they desire to do so.

¹[(9) The result of the election shall be published forthwith in the Gazette concerned for publication. However, if the election is held in the premises of Bar Council of India at Delhi or some other place, the result shall be published in the Gazette of India:

PROVIDED that in case of publication of result of Members of State Bar Council and/or its Office Bearers in State Gazette and Gazette of India both, the publication made in Gazette of India shall be treated to be valid and this provision regarding Gazette publication shall be treated to be in force from the date the Advocates Act, 1961 came into force.

1 Amended vide F. No. BI : D : 3582/2020, dt. 30-12-2020.

[*Note* : This proviso to Rule 8(9) shall be deemed to have come into force from the date the Advocates Act, 1961 became effective].

9. (1) In case of a dispute arising out of the election, any of the contesting candidates, or any other member of the State Council, may challenge the election by a petition which shall be filed with, or despatched by registered post to the Secretary of the Council within 10 clear days of declaration by the Returning Officer of the result of the election as mentioned in Rule 8(7). The petitioner shall also send copies of the petition to all contesting candidates and to the Secretary of the State Council.

(2) As soon as possible after the receipt of the copy of the petition under sub-rule (1), the Secretary of the State Council shall send the sealed cover containing the ballot papers referred to in Rule 8(8) above, and all other papers and records relating to the election to the Secretary of the Council.

10. (1) The council may reject any petition received under Rule 9 if, in its opinion, there is no *prima facie* case.

(2) If the Council is of the opinion that there is a *prima facie* case, either the council or a Committee of the Councils comprising not more than 3 members of the Council constituted therefor shall, after hearing all the parties concerned, determine the said dispute.

(3) The Council, or the Committee, as the case may be, shall have all or any of the following powers:

- (a) to dismiss the petition;
- (b) to set aside the election;
- (c) to declare any candidate as having been duly elected;
- (d) to order a fresh election; and
- (e) to make an order as to costs.

(4) A copy of the Order of the Council or the Committee may be sent to the State Councils.

¹[(5) The vacancy (if any) of the members, Bar Council of India shall be filled up in accordance with the provisions of these Rules only.]

(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 therefor 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.

²[11. **Election Committee(s) OR Election Tribunal(s)**

(A) The Election Tribunal(s), which are also called the Election Committee already constituted by Bar Council of India as per Bar Council of India Resolution taken vide Item No.25/2018, dated 21.01.2018, which has been approved by Hon'ble Supreme Court of India in Transferred Case (Civil) No.126/2015 shall be operational with respect to election issues and disputes of members of all State Bar Councils.

Such Tribunal(s) shall be functional to decide the matters relating to disqualification of voters or the members of Bar Council and to election and/or election disputes of the election of Members and/or Office-Bearers of State Bar Councils.

1 Amended vide F. No. BI : D : 3582/2020, dt. 30-12-2020.

2 Inserted vide F. No. BI : D : 3582/2020, dt. 30-12-2020.

- (B) The Tribunal(s) are headed by a former Chief Justice of any High Court and two Former Judges of any High Court. Out of these two Member-Judges, one shall be a Judge nominated by the concerned State Bar Council, the dispute relating to which the Tribunal is to be constituted. In case the Tribunal considers it necessary, it may appoint observer(s) and/or Assistant Returning Officers for ensuring fair and transparent elections of members of State Bar Council(s) or its office-bearers.

However, the Returning Officer for such elections of members and office bearers of State Bar Councils shall be appointed by the concerned State Bar Council only.

- (C) The Chairman of the Tribunal shall frame its own regulations and procedure, and shall decide the election-petition fee in consultation with Bar Council of India etc. and Bar Council of India shall provide and make all arrangements for the Tribunals/Committees.]

B. Expiry of term of office of Chairman, Vice-Chairman and Members of Committees of the Council

¹[11. A member of the Council elected as Chairman or Vice-Chairman or Members 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.]

²[11A. No member shall have the right to resign from the membership of the Bar Council of India on grounds which are not considered genuine or for the purpose of sharing the terms fixed by the statute.]

C. Election of Chairman and Vice-Chairman

12. (1) (a) The election of the Chairman and Vice-Chairman shall be held at a 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:

³[PROVIDED that under the circumstances mentioned under sub-rule-(1)(a) of Rule-12, the Presiding Officer for virtual/hybrid election meeting shall be a former Chief Justice or a former Judge of any High Court. In a virtual/hybrid mode of election meeting, the process of virtual voting shall begin only after completion of voting by all the voters present physically (if any) cast their votes. The council or the Chairman may appoint more than one Presiding Officer/Conducting Officer to conduct Hybrid/virtual election-meeting. However, in any case, the Presiding Officer/Conducting Officer shall only be either a former Chief Justice or

1 As amended by Resolution No. 83/1997, dt. 10-8-1997.

2 As inserted in December, 1998.

3 Inserted vide F. No. Amendment in Rule-12(1)(a), dt. 14-1-2022.

former Judge of any High Court. However, the election conducted by only one Presiding Officer/Conducting Officer shall be valid election.

The Presiding Officer for virtual/hybrid election meeting shall be the sole authority to decide the norms for voting process (to maintain full secrecy about the voting among the members) and his decision on all the issues relating to casting votes as per the decided process shall be final.

The Presiding Officer for virtual/hybrid election meeting shall be expected to ensure that the votes cast by a voter physically or virtually, should not be known to the other voter. He shall keep the recordings safe with him only.

Note : The result of the election would not be affected, if more than 51 percent of Members (voters) have been able to attend/join the election meeting (either physically or virtually). For physical elections, there shall be no change in the rule regarding the appointment of Presiding Officer for the Meeting.]

- (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, obliterations or alterations in the voting paper, or of the voting paper purporting to have been signed by the voter, 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.

¹[(2) The Chairman or the Vice-Chairman shall hold office for a period of three 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 or 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 supervision 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 Council or 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 or 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 bill 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.

²[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.]

1 As amended vide F. No. Amendment in Rule-12(1)(a), dt. 14-1-2022.

2 As inserted by Resolution No. 52, dt 8-11-1998, Gazette dt. 26-12-1998.

¹[CHAPTER I-A (PART-II)]

RESOLUTION

Rules for “No Confidence” against the Office Bearers of the Bar Council of India, the Members of the Bar Council of India and the Office Bearers of the State Bar Councils.

The Motion of No Confidence against any office-bearer or member of Bar Council of India can be brought by a requisition submitted by 2/3rd Members of the Bar Council of India. If the proposed motion is to be brought against the Chairman, the same will be addressed to the Vice-Chairman of the Council and in all other cases, it will be addressed to the Chairman. The Chairman or Vice-Chairman (as the case may be) shall notify the meeting of the General Council within a period of 30 days from the date of receipt of the application. The Secretary shall place the notice before the Chairman or the Vice-Chairman, as the case may be, within a period of two days from the date of receipt of this in the office.

The motion of no confidence can be brought only on the ground of some proved misconduct of the office bearers or the Member of the Bar Council of India.

The No Confidence Motion can also be brought against any Office Bearer or the Member, if he is found guilty of an offence concerning Moral turpitude and is convicted and/or sentenced to undergo imprisonment for any period. Or if any member has been found to be guilty of any Disciplinary Proceeding by Bar Council.

In case of any conviction or sentence, 3/4 of the Members of the State Bar Council can also recommend to Bar Council of India a proceeding for “No-Confidence Motion” against their Member-Representative in Bar Council of India. The Bar Council of India shall consider such recommendation of State Bar Council, and after giving the concerned Member, Bar Council of India, an opportunity of hearing, will pass necessary resolution. However, No Confidence Motion cannot be brought or passed by the State Bar Council against its Member-Representative in Bar Council of India in any event.

The requisition for No Confidence Motion against a Member, Bar Council of India or an Office Bearer of the Bar Council of India if required to be brought by Members of Bar Council of India, then it shall be required to be signed by at least 2/3rd Members of the Council and it must include at least one Ex-Office Member of the Bar Council of India. The “No Confidence Motion” can be passed (in a meeting convened for this) by a minimum of 3/4th Members of the Council present and voting in favour of the motion.

A prior Notice of at least 30 days shall be required to be given to the concerned office bearers or the Member, Bar Council of India against whom such No Confidence Motion is proposed to be moved.

For bringing of requisition for passing a “No Confidence Motion” against any Office-Bearers of any State Bar council (where there is no Rule for No Confidence Motion), the requisition shall be required to be signed by at least 2/3rd Members of the State Bar Council and it could be passed only by at least 3/4th Members of the Council present and voting in favour of the No Confidence Motion. Office-bearers means Chairman and Vice-Chairman only.

In all the cases requisition for passing of No Confidence Motion shall be required to contain and specify the reasons and ground on the basis of which the motion is proposed to be moved. The reasons and grounds should not be vague, nonspecific and it should not be based on the personal vendetta. The requisition shall be required to be

1 Inserted vide Notification BCI:D 1898/2020-Background, dt. 14-8-2020.

supported by the materials supporting the grounds for the motion. The Council, before passing any final resolution and/or taking final decision, shall be required to assign reasons for its decision.

If in the first meeting, the Bar Council of India finds a *prima-facie* case in favour of the motion, it shall hold an enquiry into the genuineness and *bonifides* of the; The enquiry will be conducted by a former Hon'ble Judge either of Supreme Court of India or of High Court. An opportunity of hearing shall be given by the Hon'ble Inquiring Judge to the Office Bearer or Member against whom the No Confidence Motion is proposed.

The Report of the one man Enquiry Committee shall be placed before the General House of the Council and the Council will take the necessary resolutions after considering the report.

The No Confidence Motion, once failed, cannot be brought against the same Office Bearer / the Member, Bar Council of India for next 12 months.

This Rule shall apply to the Bar Council of India and to all the State Bar Councils. However, for bringing No-Confidence Motion against its Chairman or Vice-Chairman, any State Bar Council can frame its own Rule with the prior approval of Bar Council of India. However, all the State Bar Councils would be required to follow the main principle laid down in these Rules.

All the previous Resolutions of the Bar Council of India with regard to the "No Confidence Motion" against its Office Bearers or of any State Bar Council against the Member, Bar Council of India stand repealed and/or modified accordingly.]

CHAPTER II

MEETINGS OF COUNCIL AND ITS COMMITTEES OTHER THAN THOSE OF THE DISCIPLINARY COMMITTEES

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

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.

12. In the absence of the Chairman and the Vice-Chairman at any meeting, a member chosen by members present shall preside at the meeting.

CHAPTER III

CONSTITUTION, FUNCTIONS AND PROCEDURE OF COMMITTEES OF THE BAR COUNCIL OF INDIA

(Rules under Sections 9, 9A, 10 and 15(2) (i) 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 chose 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 insofar 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.

¹(3) The Committee shall elect its own Chairman and Vice-Chairman. The Chairman 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 power—

(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;

¹ As amended w.e.f. 18-6-1997.

- (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;
- (j) to provide for proper annual inspection of the office and its registers;
- (k) to authorise the Secretary to incur expenditure within prescribed limits;
- (l) to fix travelling and other allowances to members of the committees of Council, and to members of the staff;
- (m) to delegate to the Chairman and/or the Vice-Chairman any of its aforementioned powers;
- (n) to do all other things necessary for discharging the aforesaid functions.

The Legal Education Committee

6. (1) The procedure for the election of the Members of the Legal Education Committee shall be by secret ballot, and in accordance with the rules insofar as they are applicable, laid down in Rule 12, Chapter I, Part II.

(2) The names of the remaining five members of the Committee to be co-opted shall be proposed and seconded by the members of the Council. In case more than five persons are proposed they shall be chosen by a show of hands. If there is equality of votes, the Chairman of the meeting shall have a casting vote.

7. A casual vacancy in the Committee shall be filled in by the Council from amongst its members or non-members, as the case may be, in the manner specified in Rule 6 above.

8. The Committee shall have the following powers and duties:—

- (a) to make its recommendations to the Council for laying down the standards of legal education for the Universities;
- (b) to visit and inspect Universities and report the results to the Council;
- (c) to recommend to the Council the conditions, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India may be recognised for admission as Advocates under the Act;
- (d) (i) to recommend to the Council for recognition of any degree in law of any University in the territory of India under Section 24(I) (c) (iii) of the Act; and
(ii) to recommend the discontinuance of any recognition already made by the Council.

The Disciplinary Committee

9. (1) The procedure for the election or co-option of the members of the Disciplinary Committee shall be by secret ballot and in accordance with the rules, insofar as they are applicable, as laid down in rule 12, Chapter I, Part II.

(2) Any casual vacancy shall be filled in by the Council by election or co-option from amongst its members or non-members, as the case may be.

(3) The Chairman or the Vice-Chairman of the Executive Committee shall assign and allocate all matters relating to the Disciplinary Committees amongst them if more than one such Committee is constituted or is in existence.

(4) In case of the absence of a Bar Council of India's member during the sitting of the Disciplinary Committee of the Bar Council of India the remaining two members of the said Committee may request any available Bar Council of India member to fill the vacancy caused by such absence and in case of the absence of a co-opted member of a Disciplinary Committee of the Bar Council of India, the other two members may make similar request to any other available co-opted member of a Disciplinary Committee of the Bar Council of India and the Committee so constituted shall be deemed to be a Committee constituted under this rule for the purpose of that meeting and shall have all the powers of a Disciplinary Committee of the Bar Council of India.

10. For the purpose of determining the senior most member of a Disciplinary Committee under Section 9 of the Advocates Act, 1961, the seniority—

(i) of a senior Advocate, and

(ii) of an Advocate of the Supreme Court enrolled before 1-12-1961,

shall be determined in accordance with the date of his enrolment under the Bar Councils Act, 1926.

11. *Election of Representatives:* The procedure for electing its representative to the Press Council of India under the Press Council Act, 1965, or for electing any other representative or representatives by or from amongst its members to any other statutory body by virtue of any special power conferred under any other enactment or for any other election by the Council provided that any member so requires, shall be in accordance with the same procedure and shall insofar as it may be applicable, be as laid down in Rule 12, Chapter I, Part II.

¹[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)

BAR COUNCIL OF INDIA EMPLOYEES SERVICE RULES, 1997

1. These rules shall be called "Bar Council of India Employees Service Rules, 1997".

2. These rules shall come into force from the date to be specified by the Executive Committee.

3. Under the rules, the appointing authority shall mean Executive Committee of the Bar Council of India except in the case of Secretary as provided in Chapter III, Rule 5(4)(e) of the Bar Council of India Rules.

4. The qualifications and conditions of service of the Secretary, Accountant and other members of staff are those as specified in Schedule I to these rules.

5. Recruitment shall be by direct appointment/promotion of the employees in the Bar Council of India as provided in the First Schedule to these rules.

6. That for the purpose of direct recruitment, vacancies shall be advertised in atleast one daily newspaper.

7. That recruitment/promotion to the post shall only be made in the case of vacancy.

¹ As amended w.e.f. 1-4-1997.

8. That for recruitment/promotion a person must possess qualifications as provided in Schedule I to these rules.

9. In case it is not possible to find eligible person for promotional post it may be filled by direct recruitment but the person must possess eligibility criteria as prescribed under Schedule I.

10. That for the recruitment to the service of the Bar Council of India the incumbent's minimum age shall not be less than 21 years and not more than 35 years on the date of appointment except for the posts of Secretary and Accountant.

11. The Secretary, the Accountant and other members of the staff shall retire on attaining the age of 60 years provided that in case the Executive Committee so recommends and the Council approves, they may be given extension for a period not exceeding two years.

¹[*Explanation* : An employee of the Council shall retire on the forenoon of the last day of the month in which he attains the prescribed age of superannuation.

However, an employee whose date of birth is the first of a month, shall retire on the afternoon of the last day of the preceding month.]

12.(i) That promotion shall be made on the basis of seniority-cum-merit upto grades of Assistants.

(ii) For the post of Office Superintendent, other equivalent posts and the other posts in Schedule, the consideration shall be made on the basis of merit-cum-seniority.

13. That it shall be necessary to maintain annual confidential records of all employees of the Bar Council of India. The annual confidential records of the Secretary shall be maintained by the Chairman and records of all other employees shall be maintained by the Secretary who shall place it with his remarks before the Chairman of the Bar Council of India annually and if a person is aggrieved by any adverse communication of remark, he can file an appeal before the Executive Committee of the Bar Council of India.

14. That the post of Chowkidar/Peon/Gardener and Guest Room Attendant shall be inter-changeable regardless of their appointment.

15. The pay scale and allowances of the employees and other conditions of the service shall be as determined by the Executive Committee and approved by the Bar Council of India.

16.(i) The pay scales of the Secretary and members of staff are those as specified in Schedule II to these rules.

(ii) The Secretary and other permanent members of the staff shall be entitled to dearness allowance, house rent allowance and City Compensatory allowance at the rate as may be determined from time to time by the Executive Committee and approved by the Bar Council of India.

17. All the permanent employees of the Council shall be entitled to the benefit of provident fund and gratuity in accordance with the rules framed by the Executive Committee and approved by the Bar Council of India.

18. That strength of posts in the Bar Council of India shall be as specified in the Second Schedule to the Rules.

¹ As inserted w.e.f. 5-1-2001.

19. The posts re-designated shall cease to exist. The post not mentioned in Schedule II shall also cease to exist as soon as the employees holding the post demits the office.

20. (1) That an employee of the Bar Council of India may be placed under suspension if any departmental enquiry is pending or is contemplated against him/her or he/she is involved in any criminal case involving moral turpitude during the course of enquiry for trial.

(2) An employee shall be entitled for substantive allowance of 50% of his basic pay and allowance during the period of suspension and it shall be for the disciplinary authority to pass order on conclusion of enquiry or trial whether an employee is entitled for payment of full salary for the period he has remained under suspension.

(3) The authority which made the order of suspension shall be competent to increase the amount of subsistence allowance by a suitable amount not exceeding 50% of the subsistence allowance admissible during the period if the period of suspension has been prolonged due to the reasons to be recorded in writing not directly attributable to the Council employees.

(4) The amount of subsistence allowance may be reduced by suitable amount not exceeding 50% of the subsistence allowance if the period of suspension has been prolonged due to the reasons to be recorded in writing, directly attributable to the Council employees.

SCHEDULE I

<i>Sl. No.</i>	<i>Name of Post</i>	<i>Method of recruitment</i>	<i>Qualification/Eligibility criteria</i>
1.	Secretary	Direct	(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 a High Court in India, or (ii) an advocate with 15 years' practice at the Bar, or (iii) Secretary of a Bar Council for atleast 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, or

			(vii) Law Graduate with three years' experience as Assistant Secretary of the Bar Council of India
			(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.	Asstt. Secretary	By promotion	(i) Office Superintendent (ii) Asstt. Registrar and Accountant with minimum of five years' experience in the post.
3.	Asstt. Secretary-cum-Accounts Officer	By promotion	C.A. plus B.Com. with five years as Accountant.
4.	Office Supdt.	By promotion	From Assistant Gr. III with six years' experience
5.	Asstt. Registrar	By promotion	From Assistant Grade III with six years' experience.
6.	Accountant	Direct	(a) M.Com. of any recognised University in India or its equivalent or a Chartered Accountant, (b) experience as Accountant preferably in limited company or reputed commercial concern for not less than 5 years, (c) ordinarily not less than 30 years of age at the time of appointment: PROVIDED, however, that any of the above qualifications may be waived in the case of a person who had been already in the service of the Council as Deputy or Asstt. Accountant or otherwise and is considered for such appointment as Accountant or if a suitable candidate possessing the above qualifications is not available and the Council considers it fit to appoint him.
7.	Assistant Gr. III	By promotion	(i) From amongst the Assistant Gr. II with 5 years' experience, or (ii) From amongst the Assistant Gr. I with 7 years' experience possessing a graduate Degree of a recognised University.

8.	Assistant Gr. II	By promotion	(i) From amongst the Assistant Gr. I with 5 years' experience in the case of promotion.
	Assistant Gr. II	Direct	(ii) A graduate from a recognised University for direct recruitment.
9.	Assistant Gr. I	Direct 1/4th by promotion	(i) Graduate Degree from a recognised University for direct recruitment. (ii) From amongst Peon/Chowkidar and other equivalent post with 10+2 from a recognised Board with pass in the test.
10.	Peon/ Chowkidar/ Gardener	Direct	10th pass

Notes : (a) For posts 2 to 10 if no suitable person is found available for promotion then as per Rule 9, the post be filled by direct recruitment.

(b) The Executive Committee may from time to time amend the First Schedule by increasing or decreasing the number of posts.

(c) Interse seniority between the employees of the Bar Council of India and the Bar Council of India Trust is irrelevant.

Sl. No. 7—Steno. To specify qualifying speed in short hand and typing.

Sl. Nos. 8 & 9—Assistant Gr. I and II—Extra qualification—typing—to specify speed.

Sl. No. 9—Assistant Gr. I (a) Gestetner Operator—To specify minimum qualification.

(b) Electrician—To specify minimum qualification besides Diploma.

Secretary: 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) act 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 notices and subpoenas and be incharge 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 in these rules;
- (xii) shall be the custodian of the records, registers, accounts, furniture, library and such other property as the Council might acquire from time to time;
- (xiii) perform such other duties as may be assigned to him by the Council or the Committees, or the Chairman.

Accountant: The Accountant shall be responsible for the maintenance of all the accounts of the Council and he may be required by the Council or Secretary to discharge such additional work of the Council as may be entrusted to him.

SCHEDULE II
REVISED

Sl. No.	Post	No. of posts	Pay scale in Rupees
1.	Secretary	1	4500-150-5100-150-6300-200-6700
2.	Asstt. Secretary	2	3000-100-3500-125-4500-EB-150-5100
3.	Asstt. Secretary-cum-Accounts Officer	1	3000-100-3500-125-4500-EB-150-5100
4.	Asstt. Registrar (DC)	1	2000-60-2600-EB-75-2900-100-3500-EB-125-4000
5.	Office Supdt.	1	2000-60-2600-EB-75-2900-100-3500-EB-125-4000
6.	Accountant	1	2000-60-2600-EB-75-2900-100-3500-EB-125-4000
7.	Assistant (Gr. III) (including One Steno) One Asstt. Accountant)	5	1640-60-2600-EB-75-2900-EB-100-3200
8.	Assistant (Gr. II) (including one typist)	2	1220-30-1400-50-1650-EB-50-2200
9.	Assistant (Gr. I) (including three Clerks) One Gestetner Opr. and one Electrician-cum-Assistant)	5	950-20-1150-EB-25-1400-EB-50-1800
10.	Peon/Watchman/Gardener	8	800-15-1010-EB-25-1400-EB-50-1600 (Posts are interchangeable for duty purposes)
11.	Sweeper	1	800-15-1010-EB-25-1400-EB-50-1600]

10. All monies received and spent shall be immediately brought into account in the cash book and ledger. The cash book shall be balanced at the close of every month and signed by the Secretary, and the Accountant.

10A. The Bar Council of India shall have power to borrow money from any Bank or other financial institution or others for the purposes of acquiring or construction of any property or building on a specific authorisation of the Bar Council of India.

10B. For the purposes of borrowing, the Bar Council of India may authorise any Officer or office bearer to sign necessary documents.

10C. The Bar Council of India shall have power to mortgage property belonging to the Council for the purpose of taking loans from Banks and other Financial Institutions.

Note: Rules 10A & 10B came into force from 11th Feb., 1990 and Rule 10C came into force from 22nd April, 1990.

11(1) (i) The Chairman, (ii) the Vice-Chairman, or (iii) any other person authorised by the Council, shall be entitled to incur expenditure sanctioned in the budget without any further authority.

(2) The Chairman and/or the Vice-Chairman or any other person authorised by the Council, shall have authority to spend or incur expenditure of an emergent nature not provided for in the budget not exceeding Rs. 2,000/- a month for the purpose of the Council.

12. The Chairman and/or the Vice-Chairman shall be the authority to sanction travelling allowance and daily allowance bills of the members.

13. The accounts of the Council shall be audited once a year.

14. The annual statement of income and expenditure of the year so audited shall be laid before the Executive Committee not later than the 31st July each year.

¹[15. The funds of the Bar Council of India may be invested as follows:

(i) In the State Bank of India or such other nationalized bank and/or in Scheduled Commercial Public Sector and/or Private Sector Banks in India, as the Bar Council of India may decide;

(ii) In any of the securities specified in Section 20 of the Indian Trusts Act, 1882, as the Council may decide;

(iii) In Fixed Deposits with Government Companies as defined in the Companies Act, 2013 and as may be amended from time to time.]

16. Budget estimates of Income and Expenditure for the coming year shall be made by the Executive Committee and laid before the Council for approval before the 31st March every year.

17. (1) All cheques other than those mentioned in sub-rule (2) shall be signed or endorsed and all bills, notes or other negotiable instruments shall be drawn, accepted or made on behalf of the Council by two persons, viz., (i) by the Chairman or the Vice-Chairman of the Council and in their absence by such other members as may be authorised by the Council in that behalf, and (ii) the Secretary, and in his absence the Joint or Assistant Secretary, if any, authorised by the Council.

(2) Notwithstanding anything contained in Rule 11, Chapter V Part II, the Council may by resolution open a separate Savings Bank Account in any Bank specified by it or in Post Office to be operated by the Secretary of the Council.

¹ Amended vide Noti. No. BCI:D:4367/2024, dt. 24-8-2024. Prior to amendment, rule 15 read as under:

“15. The funds of the Council may be invested as follows:

(i) in the State Bank of India or such other nationalised bank as the Council may decide;

(ii) in any of the securities specified in Section 20 of the Indian Trusts Act, 1822, as the Council may decide;

(iii) in Fixed Deposits with Government Companies as defined in the Companies Act, 1956.”

18. All monies and securities belonging to the Council shall stand in the name of the Council.

19. The Council shall open a Provident Fund account in a bank authorised by the Council in accordance with the Provident Fund Rules.

CHAPTER VI

PUBLICATION OF RULES AND OTHER INFORMATION AND DATE OF COMING INTO FORCE OF THE RULES

A. MISCELLANEOUS

(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 therefor :

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