

# **The Bar Council of Gujarat**

THE GUJARAT BAR COUNCIL (CONSTITUTION AND  
CONDUCT OF BUSINESS) RULES, 1968

THE GUJARAT BAR COUNCIL (CONSTITUTION AND  
FUNCTIONS OF THE COMMITTEE) RULES, 1968

Rules under Sec. 15(2) (1) (m) r/w Sec. 12  
of the Advocates Act, 1961

Rules under Sec. 15 (2) (n) r/w Sec. 6 (1) (f)  
of the Advocates Act, 1961

and

Rules regarding Indigent and Disabled Advocates



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The Rules as noted hereunder were approved by the Bar Council of India at its meeting dated 22nd March, 1969.  
(Resolution No. 23 of 1969).

Sd. A. N. Veeraraghavan

Secretary,

The Bar Council of India, New Delhi.

## **THE BAR COUNCIL OF GUJARAT**

In exercise of the powers conferred by sub-section (1) and Clause (c), (f), (g) and (h) of Sub-Section (2) of Section 15 of the Advocates Act, 1961 (Act XXV of 1961) the Bar Council of Gujarat at Ahmedabad after obtaining the approval of the Bar Council of India as required by Section 15(3) of the said Act, makes the following rules :-

### **1. SHORT TITLE :**

These Rules may be called "The Gujarat Bar Council (Constitution and Conduct of Business), Rules 1968" and they will come into force at once.

### **2. FIRST MEETING :**

Within 15 days from the election becoming final under rules 34 of the election Rules, 1968 the Advocate General shall convene a meeting of the Bar Council after giving notice of 10 clear days for :

- (i) Election of the Chairman and Vice-Chairman;
- (ii) Electing committees.

**The Advocate General shall preside at the said meeting.**

### **3. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN :**

(1) The election of the Chairman and the Vice-Chairman shall be by ballot to be held in such manner as the Advocate General may determine :



PROVIDED that in the event of there being more than two candidates no member of the Bar Council shall be deemed to have been elected as Chairman and Vice-Chairman unless he shall have secured a majority of votes of the members present; and that in case of there being more candidates than two, the names of the candidates receiving the lowest number of votes shall be eliminated after the votes have been first recorded and thereafter the votes shall be taken for the other candidates and the same procedure shall be followed until any candidate receives a majority of votes of those present.

(2) Any dispute regarding the validity of the election of the office of the Chairman or Vice-Chairman shall be decided by the Election Tribunal referred to in Rule 32 of the Election Rules, 1968 whose decision shall be final.

#### **4. Quorum :**

At all meetings of the Bar Council 7 members present shall form a quorum. Where a meeting is adjourned for want of quorum, no quorum shall be necessary for such adjourned meeting.

#### **5. Meetings :**

(1) Ordinary meeting of the Bar Council shall be convened by the Secretary under the direction of the Chairman or in his absence of the Vice-Chairman, who shall determine the date, time and place therefor;

(2) Provided that no meeting shall ordinarily be convened on any day falling within a vacation of the High Court. Not less than 10 clear days' notice of the meeting shall be given to the members.

(3) The Secretary shall convene an Extra Ordinary Meeting of the Bar Council on direction thereof from the Chairman or the Vice-Chairman of the Bar Council or the Chairman of the Executive Committee or on a requisition signed by four members of the Council specifying the agenda to be considered at such meeting. Not less than three clear days notice of such Extra Ordinary meeting shall be given to the members.



**9. ABSENCE OF CHAIRMAN AND VICE-CHAIRMAN :**

In the absence of the Chairman and the Vice-Chairman at any meeting of the Bar Council, the members present may elect one from amongst them to preside over the said meeting.

**10. CASUAL VACANCIES :**

A casual vacancy shall be deemed to occur in the Bar Council if a member dies, resigns his post, is adjusted as insolvent or lunatic, is suspended from practice or ceased to practise as an Advocate.

**11. FILLING OF CASUAL VACANCY :**

(1) To fill casual vacancy among the elected members of the Bar Council the remaining members of the Bar Council elect an Advocate thereto in the manner following :

The Secretary shall on the direction of the Chairman or in his absence the Vice-Chairman, invite nominations within fifteen days of the vacancy having occurred, or in the event of a vacancy occurring during the vacation of the High Court, within fifteen days, after the reopening of the High Court after the vacation. Every candidate shall be duly proposed and seconded by a member. In case there is only one candidate, such candidate shall be declared duly elected by the Chairman on the expiry of the time fixed for such nomination. In case of there being more than one candidate, the election shall take place at the next meeting of the Bar Council. The Election shall be by ballot and the Chairman shall in case of equality of votes, draw the lots there and then and shall declare the result accordingly.

(2) The Chairman or in his absence the Vice-Chairman for the time being shall work as the Returning Officer at the said Election. He shall scrutinise the nomination papers filed for the said election and shall determine upon the validity of the same. If he finds that a nomination paper is not valid he shall reject such nomination paper giving in brief his reasons for the said conclusion. His decision regarding validity or otherwise of the nomination paper shall be final.



(3) A member elected at such election shall continue to be a member of the Bar Council only till the expiry of the term of the outgoing member in whose vacancy he is elected.

## **12. POWERS AND DUTIES OF THE CHAIRMAN AND VICE-CHAIRMAN :**

The Chairman and in his absence the Vice-Chairman shall preside at the meeting of the Bar Council. The Power and duties of the Chairman and Vice-Chairman shall be as laid down in these Rules.

## **13. VENUE OF MEETING :**

The meeting of the Bar Council shall ordinarily be held at Ahmedabad.

## **14. TRAVELLING EXPENSES :**

The members of the Bar Council and the Committee thereof elected under the Rules made under the Act and who are not ordinarily residing in the place where the meeting of the Bar Council of the Committees or the Committees thereof, as the case may be, are held, shall be entitled in lieu of the travelling and other expenses an amount equal to one and half times the First Class Rly. fare both ways from their place of residence to the place of meetings, and also to a daily allowance of Rs. 15/- (Rupees Fifteen only) during days of business.

## **\*15. ELECTION OF COMMITTEES :**

The Bar Council shall elect its Chairman, Vice-Chairman and the Committees to be constituted under the Rules made under the Act at its first meeting to be held after the election of the Bar Council or after elections to the membership of the Bar Council filling vacant seats by rotation at the end of **every year** and after such elections have become final under these Rules. The term of office of the Chairman, the Vice-Chairman and the members of the Committee shall be **one year**.



## 16. RULES OF BUSINESS :

The Bar Council may make such rules of business as it may think fit not inconsistent with the Act and these rules.

The Rules above set out were approved by the Bar Council of India at its meeting dated 22nd and 23rd March, 1969 (Vide Resolution No. 23/1969).

Sd. A. N. Veeraghavan  
Secretary,

The Bar Council of India, New Delhi.

25.4.1969

- \* Amended by the Bar Council of Gujarat vide its Resolution No. 35 of 1993 dated 12.6.93 and approved by the Bar Council of India in its meeting held in the Month of February, 1994 as intimated vide letter No. BCI/D/711/1994 dated 11.4.1994.



The Rules 1 to 3 noted hereunder were approved by the Bar Council of India at its meeting held from 27th to 30th May, 1963.

## **THE BAR COUNCIL OF GUJARAT**

### **The Gujarat Bar Council (Constitution and functions of the Committee) Rules, 1962.**

(Approved on 5th October, 1962).

In exercise of the powers conferred by clause (i) and (j) of Sections 15 read with Sections 9 and 10 of the Advocates Act, 1961, (XXV of 1961), the Bar Council of Gujarat after obtaining the approval of the Bar Council of India as required by Section 15(3) of the said Act, makes the following rules :

#### **CHAPTER - I**

##### **Preliminary**

#### **1. SHORT TITLE :**

These Rules may be called "The Gujarat Bar Council (Constitution and Functions of the Committee) Rules, 1962 and they shall come into force at once.

#### **2. In these rules, unless the context otherwise requires :**

- (i) "Act" means the Advocates Act, 1961 (Act No. 25 of 1961)
- (ii) "Bar Council" means the Bar Council constituted under the Advocates Act, 1961 for the State of Gujarat.
- (iii) "Chairman" means the Chairman of the Committee or Committees mentioned in Rule 3 of the Rules.
- (iv) "Committee" or "Committees" means the Committee or Committees mentioned in Rule 3 of the Rules.
- (v) "Rules" means the Gujarat Bar Council (Constitution and functions of the Committees) Rules, 1962.



(vi) "Secretary" means the Secretary of the Bar Council or any other person appointed to perform the duties of the Secretary.

**3. Committee :**

There shall be the following Committees elected by the Bar Council to transact such business of the Bar Council as is assigned to them under the Act and the Rules or under any of them :

- (A) The Executive Committee,
  - (B) The Enrolment Committee,
  - (C) The Disciplinary Committee,
  - (D) The Examination Committee,
  - (E) The Finance Committee,
  - (F) The Rules Committee,
- and any other Committee that may be appointed from time to time by the Bar Council.

## **CHAPTER - II**

### **RULES COMMON TO ALL COMMITTEES**

**4. ELECTION OF MEMBERS :**

The Bar Council shall elect the members of the Committees as specified in the Act and under the Rules in its first meeting held after the elections to the Bar Council under Section 3(2) (b) or under Section 8 of the Act as the case may be.

**5. VOTING :**

The elections to the committees by the Bar Council shall be held by ballot and every member of the Bar Council shall have as many votes as there are members to be elected to each Committee and no member shall cast more than one vote in favour of one candidate. Provided that where the number of candidates duly proposed and seconded for the membership of any Committee is not more than the total number of members to be elected to any such Committee,



they shall be declared to be duly elected to the Committee by the Chairman of the Bar Council.

## **6. CONDUCT OF ELECTIONS :**

The elections to the Committees shall be conducted by the Chairman of the Bar Council. In case the Chairman of the Bar Council is a candidate for being elected as a member of any of the Committee, the Bar Council, before proceeding with the elections to such Committee, shall appoint any one of its members who is not a candidate for election to such Committee, to conduct the elections to such Committee and to declare the result under his signature.

## **7. TIE :**

In case of a tie of votes between two or more candidates for elections to any Committee, the Chairman or the member appointed under Rule 6 shall draw lots there and then and then declare the results of the elections contemplated under Rule 6.

## **\*8. Duration :**

The term of office of the Committees mentioned in Rule 3 Shall be one year from the date of the first meeting of the Bar Council they shall continue to function until the Bar Council elects the New Committees under Rule 4.

Rule 1 to 8 were approved by the Bar Council of India at its meeting held from 27th to 30th May, 1963.

Sd. A. N. Veeraraghavan  
Secretary,

The Bar Council of India, New Delhi.  
4.6.1963

\* Amended by the Bar Council of Gujarat vide its Resolution No. 35/1993 dated 12.6.1993 & approved by the Bar Council of India in its meeting held in the Month of February, 1994 as intimated vide letter No. BCI/D/711/94 dated 11.4.1994.



Following Rules 9 to 12 and 13 to 18, Rule 18A is as suggested added, were approved by the Bar Council of India (Vide Reso. No. 198/1963).

Sd. A. N. Veeraraghavan  
Secretary,

The Bar Council of India, New Delhi.

9.3.1963

**9. ELECTION OF CHAIRMAN :**

Each Committee shall elect its Chairman at its first meeting who shall hold the office during the entire term of the Committee unless the Committee otherwise decides. In case of vacancy in the office of the Chairman occurring during the term of the Committee, the Committee shall elect a new Chairman for the remainder of its term unless the Committee otherwise decides.

**10. CASUAL VACANCY TO BE NOTIFIED :**

In case of a casual vacancy amongst the members of the Committee, the Chairman shall notify such vacancy having occurred to the Chairman of the Bar Council who, in his turn, shall cause the Bar Council to fill in by election the said vacancy in the manner prescribed by the Rules.

**11. CASUAL VACANCY WHEN OCCURRING :**

A casual vacancy shall be deemed to occur in the office of the Chairman, or member of the Committee if such Chairman or member resigns his post by a letter addressed to the Secretary, or ceases to be a member of the Bar Council or is otherwise rendered incapable of performing his duties as a member of the Committee or remains absent, without the leave of the Committee, in four consecutive meetings of the Committee.

**12. SECRETARY OF THE COMMITTEE :**

The Secretary of the Bar Council shall act as the Secretary of each Committee and shall call their meetings under directions of their



respective Chairman and he shall maintain the minutes of the proceedings of each Committee.

**13. FUNCTIONS OF THE CHAIRMAN :**

The Chairman of each of the Committees shall preside over the meetings of the Committee of which he is the Chairman. In case of his absence in any meeting of the Committee of which he is the Chairman, the members of the Committee present at any such meeting, shall elect one from amongst them to preside over such meeting.

**14. RESOLUTIONS :**

The resolution of the Committee shall be by show of hands. Each member present shall have one vote and the Chairman of the meeting shall have a casting vote.

**15. CALLING OF MEETINGS :**

The Secretary, under the directions of the Chairman of any Committee, shall circulate the agenda for the meeting of such committee to its members and shall intimate to them the date time and place of such meeting at least three days before such meeting of any Committee.

**16. SERVICE OF NOTICE :**

The Secretary shall cause the notice of a meeting of any Committee to be served on the members of the Committee either by hand delivery or by posting them to the members of the Committee under the certificate of posting or in such other manner as he thinks fit.

**17. EXTRA-ORDINARY MEETINGS :**

In case of an Extra Ordinary meeting of a Committee, the period of three days' notice prescribed by Rule 15 shall not apply.



## **18. BUSINESS BY CIRCULATION :**

Such matters as are likely to be disposed of on a perusal of papers and which the Chairman considers to be of an urgent nature may be circulated among the members of the Committee and such action may be taken thereon as the members of the Committee unanimously minute for.

**18A.** Nothing contained in Rule 13 to 18 shall apply to Disciplinary Committee. (See Resolution of Council).

## **CHAPTER - III**

### **EXECUTIVE COMMITTEE**

Rules 19 to 40 were approved at the meeting of the Council on 23rd to 26th February, 1963.

Sd. A. N. Veeraraghavan  
Secretary,

The Bar Council of India, New Delhi.  
9.3.1963

## **19. APPLICATION OF RULES :**

The Rules 20 to 34 shall govern the conduct of its business by the Executive Committee.

## **20. FUNCTION OF THE EXECUTIVE COMMITTEE :**

The Executive power of the Bar Council shall vest in the Executive Committee and it shall in exercise of such power perform all the functions of the Bar Council except those which are specifically required to be performed by the Bar Council, its Chairman, Vice-Chairman and the other Committee of the Bar Council under the Act or the Rules framed thereunder.



**21. TAKING OVER THE FUNCTIONS OF CERTAIN OTHER COMMITTEES :**

In case any other Committee appointed by the Bar Council except the Disciplinary and Enrolment Committees ceases to function on account of any reason whatsoever, the Executive Committee shall perform all its functions and exercise all its power until a new Committee is appointed by the Bar Council as prescribed under the Act and the Rules.

**22. POWER TO APPOINT MEMBERS OF THE STAFF, ETC :**

The Executive Committee shall have power to appoint, promote, punish and discharge or dismiss any employee of the Bar Council except the Secretary and the Accountant in the manner prescribed under the Rules made by the Bar Council in that behalf.

**23. CONTROL OVER THE STAFF :**

The Executive Committee shall exercise full control over all the employees of the Bar Council and shall determine all questions relating to the eligibility for promotion, leave, gratuity, provident fund, pensions and all other questions relating to their employment as prescribed under the Rules made by the Bar Council in that behalf.

**24. CASUAL LEAVE :**

Notwithstanding anything contained in Rules 22, and 23, the Chairman shall have the power to grant casual leave to the employees of the Bar Council to which they may be entitled under the Rules made by the Bar Council in that behalf.

**25. SUSPENSION OF THE SECRETARY :**

Notwithstanding anything contained in Rule 22, the Executive Committee shall have the power to suspend for any reasonable cause the Secretary and the Accountant until the Bar Council takes a decision in regard to the matter for which he has been suspended.



**26. MEETINGS :**

The Executive Committee shall meet at least once a week preferably on Friday except during High Court vacations unless the Chairman, in his discretion, otherwise, directs in respect of any particular weekly meeting provided that there shall not be interval of more than a fortnight between two consecutive meetings of the Executive Committee.

**27. QUORUM :**

At all meetings of the Executive Committee three member present shall form a quorum and no business shall be transacted at any meeting in absence of such a quorum.

**28. EMERGENCY EXPENDITURE BY THE COMMITTEE :**

The Executive Committee shall have the power to spend a sum not exceeding Rs. 100/- per month for any unforeseen purpose for which there is no provision in the budget and the Chairman shall report such expenditure to the Bar Council at its next meeting, which there is no provision in the budget and the Chairman shall report such expenditure to the Bar Council at its next meeting.

**29. PAYMENTS :**

All payments to be made by the Bar Council shall be made after the Executive Committee sanctions them provided however, that the Chairman shall have the power to order the payment of a sum not exceeding Rs. 50/- in any month in anticipation of the sanction of the Executive Committee. The Chairman shall, however, obtain the necessary sanction therefore at the next meeting of the Executive Committee.

**30. BUDGET :**

The Executive Committee shall, upon receipt from the Finance Committee, present to the Bar Council the budget of the income and expenditure of the Bar Council for the next income and expenditure of the Bar Council for the next financial year before the close of outgoing financial year.



### **31. SUPPLEMENTARY GRANTS :**

The Executive Committee may present to the Bar Council supplementary demands for grant at any time during the course of the financial year.

### **32. DUTIES OF THE SECRETARY :**

The Secretary, under the direction of the Chairman of the Executive Committee, shall conduct all the official correspondence of the Bar Council, issue all notices required to be issued under the Act or under any of the Rules made thereunder, keep minutes books, supervise the work of the office of the Bar Council grant copies of such documents as are permitted by the Chairman of the Executive Committee by a general or special order, certify them to be correct, allow inspection of such records as are permitted by the Chairman of the Executive Committee by a general or special order, be the custodian of the records, library, common seal and such other property of the Bar Council as it might possess from time to time and shall maintain accurate books of account in the prescribed form and shall maintain such other records as the Executive Committee, may, from time to time, direct him to maintain.

### **33. REQUISITION MEETING :**

The Chairman of the Executive Committee shall call an Extra Ordinary meeting of the Committee within forty eight hours of the receipt of the written requisition for such meeting by any two members of the Committee. Such written requisition shall contain the business proposed to be transacted at such meeting. No other business shall be transacted at such meeting except the business notified to the members for such meeting.

### **34. PROCEEDINGS OF OTHER COMMITTEE :**

The Executive Committee may peruse the proceedings of any committee other than the Disciplinary and Enrolment Committees and may invite its attention to any part of its proceedings.



Rules 19 to 34 were approved by Resolution 196 of 1963 at its meeting of the Bar Council of India Dt. 23rd to 26th February, 1963.

Sd. A. N. Veeraraghavan

Secretary,

The Bar Council of India, New Delhi.

9.3.1963

## **CHAPTER - IV**

### **THE ENROLMENT COMMITTEE**

#### **35. APPLICATION OF RULES :**

The Rules 36 to 38 shall govern the conduct of its business by the Enrolment Committee.

#### **36. APPLICATIONS FOR ENROLMENT :**

The enrolment Committee shall dispose of in the manner prescribed under the Act and Rules made under Sections 29(2)(c) and 28(2) (d) of the Act every application for admission as an Advocate referred to it by the Bar Council.

#### **37. MEETINGS :**

The Chairman shall direct the Secretary to convene such meetings of Enrolment Committee as he thinks fit for the disposal of the business required to be transacted by the Committee. However, he shall call a meeting of the Committee upon a written request in that behalf by a member of the Committee.

#### **38. QUORUM :**

At all meetings of the Enrolment Committee, two members present shall form a quorum and no business shall be transacted at any meeting in absence of such a quorum.

Rules 35 to 38 were approved by the Bar Council of India by Resolution No. 196 of 1963.

Sd. A. N. Veeraraghavan

Secretary,

The Bar Council of India, New Delhi.

9.3.1963



## **CHAPTER - V**

### **THE DISCIPLINARY COMMITTEE**

#### **39. APPLICATION OF RULES :**

The Rules 40 to 41 shall apply only to the Disciplinary Committee.

#### **40. FUNCTIONS :**

The Disciplinary Committee shall perform all the functions assigned to it under the Act in accordance with the procedure laid down in the Act and under the Rules made by the Bar Council of India under Section 49(f) of the Act.

#### **41. MEETINGS :**

The Chairman of the Disciplinary Committee may cause such meetings of the Committee to be convened by the Secretary as he may think fit for the disposal of business pending before it. He, however, shall call a meeting of the Committee with all dispatch in case he is directed to do so by the Bar Council for the disposal of such business as the Bar Council directed. (Rules 41 not approved).

Rules 39 and 40 were approved by the Bar Council of India at its meeting dated 23rd to 26th February, 1963.

Sd. A. N. Veeraraghavan  
Secretary,

The Bar Council of India, New Delhi.  
9.3.1963

## **CHAPTER - VI**

### **THE EXAMINATION COMMITTEE**

42. The Rule 43 to 55 shall only to the Examination Committee.

#### **43. STRENGTH :**

The Examination Committee shall consist of seven members elected by the Bar Council.



**44. LEGAL TRAINING :**

The Examination Committee shall make all necessary arrangements for imparting legal training to the candidates appearing at the Advocates Examination conducted by the Bar Council.

**45. BUDGET PROPOSALS BY THE COMMITTEE :**

Before the budget is prepared for the financial year, the Examination Committee shall send to the Finance Committee its proposals for expenses connected with imparting legal education and training together with an estimate of expenses which are likely to be incurred for holding the examinations during the next financial year for being included in the Budget. The Examination Committee shall have the power to incur the Expenditure within the amount budgeted for the various purposes assigned to it under the present chapter.

**46. APPOINTMENT OF LECTURERS :**

For the said purposes of imparting legal training, subject to the approval of the Bar Council, the Examination Committee shall appoint lecturers to deliver lectures on prescribed curriculum at such centres in the territory of the State of Gujarat as thinks fit.

**47. CONDUCT OF EXAMINATIONS :**

The Examination Committee shall hold and conduct twice a year examinations for the office of an Advocate and shall, for the said purpose, appoint paper setters, examiners, moderators, supervisors and such other staff as it may think necessary and expedient.

**48. COURSES OF EXAMINATION :**

The Examination Committee shall hold the Examination referred to in Rule 47 of the Rules in the courses of study prescribed by the Bar Council in that behalf. It may, forward proposals to the Bar Council in such modifications of the said courses of study as it may from time to time think fit and proper.



**49. RESULT OF EXAMINATION :**

The Examination Committee shall tabulate and prepare the result of the Examination and shall forward them to the Bar Council which shall announce them subject to such modifications as it may think fit to make.

**50. ANCILLARY POWERS :**

The Examination Committee shall have all powers incidental the holding of the Examination such as fixing the dates, place and time of Examination.

**51. EMERGENCY EXPENDITURE :**

In case of any emergency arising in performing the functions assigned to it by the Rules requiring it to incur expenditure not provided for in the budget, the Examination Committee shall have power to spend a sum not exceeding Rs. 250/- at any one time and such expenditure, in any case, shall not exceed Rs. 500/- in any one financial year Examination Committee shall in such a case report such expenditure to the Executive Committee.

**52. MEETINGS :**

The Chairman of the Examination Committee may cause such meetings of the Committee to be convened by the Secretary as he may think fit for the disposal of its business. In case he is directed by the Bar Council to call a meeting of the Examination Committee to transact any particular business, he shall do so with all possible despatch. Upon a written request made in that behalf by any two members of the Examination Committee, the Chairman shall forthwith direct the Secretary to convene an Extra Ordinary meeting of the Committee to transact such business as has been requested for and no other business shall be transacted at such meeting except the one notified to its members.

**53. SUPERVISION AND CONTROL :**

The Chairman of the Examination Committee or any other member of the said Committee appointed for the purpose shall have the power



of supervision and control over lecturers, examiners, paper-setters, supervisors, moderators and other staff appointed for the purpose mentioned in Chapter-VI of the Rules and shall report to the Examination Committee any irregularities come to know of.

**54. PUNISHMENT OF EXAMINERS :**

The Chairman of the Examination Committee or any other member appointed under Rule 53 shall have the power to punish in such a manner as he thinks fit the candidate appearing at the Advocates' Examination for the breach of rules of examination or for any dishonourable conduct. Any such punishment inflicted by the Chairman shall be reported to the Examination Committee and shall be subject to revision by the Bar Council Rules 54 was deferred.

**55. QUORUM :**

At all meetings of the Examination Committee three members present shall form a quorum and no business shall over be transacted without such a quorum.

Rules 42 to 53 and 55 were approved by the Bar Council of India by Resolution No. 196 of 1963 at its meeting Dated 23rd to 26th February, 1963.

Sd. A. N. Veeraraghavan  
Secretary,

The Bar Council of India, New Delhi.  
9.3.1963

**CHAPTER - VII**

**THE FINANCE COMMITTEE**

**56. APPLICATION OF RULES :**

The Rules 57 to 65 shall apply only to the Finance Committee.

**57. STRENGTH :**

The Finance Committee shall consist of six members elected by the Bar Council.



**58. BUDGET PROPOSALS :**

The Finance Committee shall prepare in February every year a budget of the estimates of receipts and expenditure of the Bar Council for the next financial year and submit it to the Executive Committee by the First week of March for being placed before the Bar Council with such recommendations as the Executive Committee may think fit to make.

**59. CHECKING OF ACCOUNTS :**

The Finance Committee shall check the accounts of the Bar Council and prepare the annual statement of accounts and balance-sheets and shall report to the Bar Council any irregularities in the accounts which it may find. It shall also every year cause the accounts to be audited by the auditor or auditors appointed in that behalf by the Bar Council and shall forward through the Executive Committee the auditor's report to the Bar Council.

**60. REPORT ON EXPENDITURE REFERRED TO :**

The Finance Committee shall report on any matter of expenditure specifically referred to it by the Executive Committee.

**61. SCRUTINITY OF EXPENDITURE :**

The Finance Committee shall scrutinise the emergency expenditure by different Committees and their Chairman and shall report thereon to the Executive Committee.

**62. INVESTMENT OF FUNDS :**

The Finance Committee shall make recommendations to the Executive Committee for the investment and management of the funds of the Bar Council for being forwarded to the Bar Council with its opinion recorded thereon and they shall be made in accordance with the Rules made by the Bar Council in that behalf.

**63. MEETINGS :**

The Finance Committee shall meet at least once in every month except during High Court vacations.



**64. EXTRA ORDINARY MEETINGS :**

The Chairman of the Finance Committee may direct the Secretary to call an Extra Ordinary meeting of the Committee for the transaction of such business as he may deem fit. He shall direct the Secretary to call such an Extra Ordinary meeting of the Committee on a written request therefor by any two members of the Committee. No business except the one notified to the members shall be transacted at such extra-ordinary meetings.

**65. QUORUM :**

At all meetings of the Finance Committee, three members present shall form a quorum and no business shall be transacted at any meeting in absence of such a quorum.

Rules 56 to 65 were approved by the Bar Council of India by resolution No. 196 of 1963 at its meeting dt. 23rd to 26th Feb., 1963.

Sd. A. N. Veeraraghavan

Secretary,

The Bar Council of India, New Delhi.

9.3.1963

**CHAPTER - VIII**

**THE RULES COMMITTEE**

**66. APPLICATION OF RULES :**

The Rules 67 to 72 shall apply to the Rules Committee.

**67. STRENGTH :**

The Rules Committee shall consist of six members elected by the Bar Council.

**68. DRAFT OF RULES :**

The Rules Committee shall prepare and submit to the Bar Council the Draft of the Rules required to be framed under the Act.



**69. MODIFICATION IN RULES :**

The Rules Committee may suggest to the Bar Council from time to time any modifications, alterations, or additions to or omissions from the Rules framed under the Act.

**70. FORMS :**

The Rules Committee shall submit to the Bar Council the draft of several forms prescribed by the Act and may recommend to it from time to time such modifications therein as it may deem fit.

**71. MEETINGS :**

The Chairman of the Rules Committee may cause such meetings of the Committee to be convened by the Secretary as he may think fit for the disposal of its business. He shall call a meeting of the Committee with all possible despatch in case he is directed to do so by the Bar Council for the disposal of any business which the Bar Council may direct him to place before the Committee. Upon a written request made in that behalf by any two forthwith direct the Secretary to call an Extra Ordinary meeting of the Committee to transact such business as has been requested for and no other business shall be transacted at such a meeting except the one notified to its members.

**72. QUORUM :**

At the meeting of the Rules Committee, three members present shall form a quorum and no business shall be transacted at any such meeting in absence of the quorum.

**CHAPTER - IX**

**MISCELLANEOUS**

**73. AD HOC COMMITTEES :**

Any other Committee, appointed by the Bar Council, shall follow, as far as may be, the procedure prescribed in these Rules.



Rules 66 to 73 were approved at the meeting of the Bar Council of India by resolution No. 196 of 1963 at its meeting dated 23rd to 26th February, 1963.

Sd. A. N. Veeraraghavan  
Secretary,

The Bar Council of India, New Delhi

9.3.1963



Rules approved by the Bar Council of India under Sec. 15(3) of the Advocates Act, 1961 at its meeting on 24th November, 1962.

Sd. A. N. Veeraraghavan

Secretary,

The Bar Council of India, New Delhi.

## **THE BAR COUNCIL OF GUJARAT**

Rules under clauses (1) and (m) of sub-section (2) of section 15 read with section 12 of the Advocates Act, 1961. (Approved on 28.9.1962).

1. The Bar Council shall maintain the following books of account; (a) Ledger and (b) Daily cash book in English and such other books and registers as it thinks fit to maintain from time to time.
2. All times of income and expenditure shall be entered under distinct heads in the books of accounts and the accounts shall be maintained from day to day.
3. The Bar Council shall maintain Receipt books in such forms as it thinks fit. Nominees shall be paid out of the funds of the Bar Council without obtaining a receipt in that behalf. No Payment shall be received by the Bar Council without issuing a receipt in that behalf.
4. The Books of accounts and all other Books and documents connected with them shall remain under the custody of the Account subject to the supervision and control of the Secretary.
5. The Books of accounts shall be open to inspection at any time by the Executive Committee and the Finance Committee.
6. The Bar Council shall also maintain a Dead-Stock Register in which shall be entered all pieces of furniture, fixtures and other articles owned by and belonging to the Bar Council. The said register shall be maintained upto date.
7. The Bar Council shall maintain a provident fund account of each of



- its employees as soon as the fund is constituted and it shall credit to such provident fund from time to time the amounts which are appropriated to it in accordance with rules made in that behalf.
8. The Bar Council shall also maintain a disabled or indigent advocates' fund account as soon as the rules in that behalf are framed and the fund is constituted.
  9. The Bar Council shall also maintain the Bar Council of the India Account to which shall be credited all monies which become payable from time to time to the Bar Council of India under the Advocates Act, 1961.
  10. The Bar Council may maintain such other accounts as it thinks fit.
  11. The Finance Committee or a sub-Committee appointed by it shall periodically audit the accounts of the Bar Council subject to the accounts being audited at least once in three months.
  12. The Finance Committee shall forward its audit report to the Bar Council for its consideration through the Executive Committee which may make its own observations on the said report.
  13. There shall be an annual audit of the accounts of the Bar Council immediately after the financial year is over, by a firm of qualified auditors to be annually appointed by the Bar Council.
  14. The auditors so appointed shall submit the statement of accounts and the balance sheet for the financial year under audit along with their report in that behalf.
  15. The auditor's report, the balance sheet and the statement of account shall be placed before the Bar Council as soon as may be after they are submitted by the auditors for the consideration of the Bar Council.
  16. The Bar Council shall at the time of appointment fix the remuneration of the firm of auditors appointed by it for the purposes herein above mentioned.



17. The Financial year of the Bar Council shall commence on the 1st day of April, and end on the 31st day of March, next year.

Sd. J. M. Thakore

1.10.1962 as of 28.9.1962.

The above rules framed under clauses (1) and (m) of sub-section 2 of section 15 read with section 12 of the Advocates Act, 1961 were approved at the meeting of the Bar Council of India on 24th November, 1962.

Sd. A. N. Veeraraghavan

Secretary,

The Bar Council of India, New Delhi.

9.3.1963



Rules approved by the Bar Council of India under Section 15(3) of the Advocates Act, 1961 at its meeting on 24th November, 1962.

Sd. A. N. Veeraraghavan  
Secretary,  
The Bar Council of India, New Delhi.  
3.12.1962

## **THE BAR COUNCIL OF GUJARAT**

**Rules under Section 15(2) (n) read with Section 6(1) (f) of the  
Advocates Act, 1961.**

**(Approved on 28.9.1962)**

1. For the purposes of current income and expenditure the Bar Council shall maintain one or more current accounts in a scheduled bank as it thinks fit. In such current account or accounts, a sum not exceeding Rs. 40,000/- shall be allowed to lie in deposit. The Bar Council shall not have a sum exceeding Rs. 500/- in cash on hand at any time. All cash on hand exceeding Rs. 500/- shall be deposited in appropriate accounts.
2. As soon as the indigent of disabled advocates' fund as contemplated by Section 15(2) (b) is constituted such sum or sums as are earmarked for it from time to time shall be deposited in a special account of the Bar Council in its name either in the Savings Bank Account in a scheduled bank or in a short term fixed deposit account in a scheduled bank.
3. As soon as the provident fund accounts of its employees are constituted the Bar Council shall invest in approved securities or in long term fixed deposit account in a scheduled bank or banks all amounts which are appropriated to the said accounts from time to time.
4. All amounts which become due and payable to the Bar Council of India under the Provisions of Advocates Act, 1961 shall be deposited



in a special savings Bank Account in a scheduled bank to be opened and operated by the Bar Council of Gujarat.

5. Any monies in excess of the requirements of the aforesaid accounts shall be invested in long term loans floated by the Union Government, the State Governments or the municipal corporation or in long term or short term fixed deposit amount in the State Bank of India, the Bank of India Ltd., or the Bank of Baroda Ltd., unless the Bar Council otherwise decides by a Special resolution. All funds received by the Bar Council shall be managed and invested by the Executive Committee upon recommendations by the Finance Committee and in compliance with the directions of the Bar Council in that behalf.
6. All accounts to be opened and operated upon in the banks or other banking institutions shall be opened and operated upon by any two of the following office-bearers in the name of the Bar Council of Gujarat :
  - (a) Chairman of the Bar Council
  - (b) Vice-Chairman of the Bar Council
  - (c) Chairman of the Executive Committee

The above rules framed under Section 15(2) (n) read with section 6(1) (f) of the Advocates Act, 1961 were approved at the meeting of the Bar Council of India on 24th November, 1962.

Sd. A. N. Veeraraghavan  
Secretary,  
The Bar Council of India, New Delhi.  
3.12.1962



# THE BAR COUNCIL OF GUJARAT

## Rules framed under Section 6(2) regarding indigent and disabled Advocates.

1. (a) An 'applicant' means an Advocate or the member of his family as defined and enumerated in clause (d) herein below in case of death or disability of the Advocate applying to the Council for financial assistance under these Rules.
- (b) An 'indigent advocate' is one who is unable to maintain himself or **herself** and his **or her** family.
- (c) A 'disabled advocate' means any advocate who by reason of any physical or mental infirmity is unable to practise temporarily or permanently.
- (d) The 'family' of an applicant shall mean the wife or wives or the husband as the case may be and any children or aged parents dependants on him/her for maintenance.
- (e) "The Fund" means the amount set apart under rule 2 and/or such other amounts as may be available for payment to indigent and/or disabled advocates.
- (f) "Committee" means the Executive Committee of the Council or such other Committee as is specially appointed by the Council to administer the fund.
2. The Bar Council shall by a resolution either at the end of each Financial year or at such other time as it may deem fit set apart, a sum out of its not annual income or Enrolment fees to be expended in order to render financial assistance to indigent and/or disabled advocates.
3. (a) The Committee shall be at liberty to give such financial assistance to indigent and/or disabled advocates or his family members as defined in clause (d) herein above out of the fund.



- (b) The application for financial assistance shall contain such particular as may be prescribed by the council or the Committee from time to time.
- (c) On receipt of an application, the Committee shall enquire whether the applicant deserves financial assistance and determine the extent and mode thereof. It shall be competent for the Committee to constitute a local Committee of Advocates of not less than 15 years' standing in consultation with the Bar Association of the place or of the District, whether applicant ordinarily resides or practises for the purpose of making the enquiry.
- (d) The enquiring Committee shall be competent to examine the applicant or any other person and to call for and examine any record in the possession of any Bar Council or any Bar Association or any other person. The enquiry shall be treated as confidential and privileged.
- (e) If applicant makes any statement or furnishes any material information which is false to his/her knowledge, it shall amount to professional misconduct.
- (f) The Committee may, in fit and appropriate cases, call upon the applicant to refund the entire amount given as assistance or the part thereof with such interest as it deemed fit in the following cases;
  - (i) If the applicant had obtained the assistance by making any material mis-statement or giving any incorrect information by himself or through any one else or had adduced evidence which is discovered to be untrue.
  - (ii) If the applicant has obtained the assistance by suppressing or concealing any material facts which might have affected the decision of the Committee.
  - (iii) If after the grant of assistance there is a change in the conditions and circumstances of the applicant.



- (g) The Committee may render assistance in such forms, and may impose such conditions, as it may deem proper.
4. The Committee shall comply with such directions as may be issued by the Council from time to time.
  5. Deleted.
  6. In case the assistance consists of monthly payment it shall be open to the Committee to reduce or enhance the payments according to circumstances.
  7. The Committee may stop the grant or continuance of the grant of financially assistance if the applicant ceases to be indigent or the disability ceases or the applicant dies or the applicant is found guilty of professional mis-conduct or for any cause which may be deemed satisfactory to the Committee.

The above Rules were approved by the Bar Council of India at its meeting dated 19th & 20th November, 1972 vide Resolution No. 147/1972.



## Application for financial aid to indigent and disabled Advocate

1. Full name of applicant Advocate :
2. Residential Address :
3. Office or Chamber Address :
4. Date of Enrolment :
5. Court or Courts in which the applicant : :
6. Reasons for financial aid (See Note :  
(a) and (b) below.
7. The nature and extent of Financial Aid :
8. Period for which the aid is required : :
9. The number of members of the family :  
of the applicant and their relations  
to the applicant.
10. Average monthly professional income :  
of the applicant.
11. Source of other income and the :  
extent thereof.
12. Income of other members of the :  
family of the applicant.
13. Whether the applicant has applied for :  
or received aid previously and if so,  
when, the nature and duration of
14. Whether the applicant has applied for :  
and/or is or was in receipt of aid from  
any person, trust or institution and if



so, since when and the nature extent and duration of.

15. Whether the applicant has any moveable or immovable property, state the particulars thereof, and the value thereof and state particulars of any incumbrances thereon.
16. Whether the applicant has any banking account, if so, state the particulars thereof.
17. Whether the applicant has any cash or investments state the particulars thereof.
18. Whether the applicant is insured if so, state the particulars of the insurance policy and whether premium is regularly paid or not.
19. Whether the applicant was ever assessed to Income-Tax.
20. If so, what was the year of last assessment and what was the total all income for which he was assessed.
21. Whether the applicant is assessed to income tax at present ? If so, what is the amount of total income for which he is assessed for the last year.
22. Whether the applicant is prepared to give any security or guarantee, if so, state the particulars thereof.



23. Whether the applicant has been :  
held guilty of professional  
misconduct at any time by any Bar  
Council or High Court and if so, state  
the particulars thereof.
24. Whether any complaint or mis- :  
conduct is pending against the  
applicant, if so, state the particulars  
thereof.
25. Whether the applicant has been :  
convicted in a criminal Court  
involving moral turpitude, if so, state  
the particulars thereof.
26. Whether the applicant has any :  
money decrees against him or her in  
his/her favour, if so, state the  
particulars thereof.
- (i) The particulars furnished and the statements made herein above are  
true to the best of my knowledge, information and belief,
- (ii) I agree and undertake to inform the Bar Council of any change of  
circumstances or conditions, during the period of the aid.
- (iii) I agree and undertake to supply to the Council any particulars and  
information in connection with this application or the aid as may be  
required from time to time by the Council or the Committee or the  
Secretary of the Council.

This                      day of                      19

Signature of the applicant.

Note : (a) In case of disability a medical certificate to the satisfaction of the  
Committee shall be furnished.



- (b) In case of the indigency, two certificate by Advocates of not less than 15 years standing, certifying of their own knowledge the indigent circumstances of the applicant shall be furnished. Certifying Advocate must not be related to the applicant.
- (c) In the event of the applicant being unable to sign, the application may be signed by any other advocate or the adult member of the family of the applicant.



