Bar Council of India

Establishment

Bar Council of India (BCI) : Esta. under the **Advocates Act, 1961**

It is a **statutory** body

1951 : All India Bar Committee : Chairman-S.R. Das

1953 : Committee submitted report

Committee recommended Establishment of

- All India Bar Council
- State Bar Councils (SBCs)

1958 : **Law Commission of India** repeated & endorsed same recomm. by Das Committee

1961 : **Advocates Act,1961** passed

BCI works under **Dept. of Legal Affairs of Union Ministry of Law & Justice**

Composition

BCI consists of elected & ex-officio members

One elected member from **each State Bar Council**

Attorney-General of India & **Solicitor-General** of India : **Ex-officio**

BCI shall have a Chairman and a Vice Chairman.

They are elected from amongst its members

They **Hold office for 2 years**

term of office of a member of the BCI, elected by a SBC shall be as long as He/She holds office of SBC

BCI consists of following committees :

1. Disciplinary Committee (one or more)
2. Legal Aid Committee (one or more)
3. Executive Committee
4. Legal Education Committee
5. Other Committees (if necessary)

Functions

1. Lay down professional standards of conduct for advocates
2. Lay down the procedure for disciplinary committee of BCI & each SBC
3. Safeguard the rights, privileges, and interests of advocates
4. Promote and support law reform
5. Deal with and Dispose any matter ref. by SBCs
6. Supervise and control SBCs
7. Promote and standardize Legal Education
8. Recognise and inspect universities
9. Conduct seminars and talks on legal topics
10. Organise legal aid to poor
11. Recognise foreign qualifications
12. Manage funds
13. Conduct internal elections
14. Perform other functions under the Act
15. Do necessary things to discharge Above functions

Source : www.shraviias.com

State Bar Councils

Establishment

State Bar Councils (SBCs) : Esta. under the **Advocates Act, 1961**

Common SBC can be established for **two or more states or also for a state and UT**

At present, there are **24 SBCs** in the country

Composition

Any SBC consists of elected & ex-officio members

SBC with an **electorate of 5,000 : 15 members**

SBC with an **electorate of 5,000 to 10,000 : 20 members**

SBC with an **electorate of more than 10,000 : 25 members**

They **Hold office for 5 years**

They are elected in accordance with the **system of proportional representation** by means of the **single transferable vote**

one-half of such **elected members** : **10 years advocates** on a state roll.

BCI shall have a Chairman and a Vice Chairman.

Advocate-General of state is the ex-officio member.

in case of the **SBC of Delhi, the Additional Solicitor·General of India** is the ex officio member

A SBC consists of following committees :

1. Disciplinary Committee (one or more)
2. Legal Aid Committee (one or more)
3. Executive Committee
4. Enrollment Committee
5. Other Committees (if necessary)

Functions

1. Admit persons as advocates on its roll
2. Prepare and maintain such roll
3. Determine cases of misconduct against advocates on its roll
4. Safeguard the rights, privileges, and interests of advocates on its roll
5. Promote growh of Bar Association
6. Promote and support law reform
7. Conduct seminars and talks on legal topics
8. Organise legal aid to poor
9. Manage funds
10. Conduct internal elections
11. Visit and inspect universities
12. Perform other functions under Act
13. Do necessary things to discharge Above functionst

Source : www.shraviias.com

Types of Advocates

Advocates Act, 1961

The **Supreme Court and High Court designate** an advocate as a **"Senior Advocate" if he/she meets the standards** set by the **Advocates Act, 1961**

The Advocates Act, 1961 provides 2 types of advocates

1. Senior Advocates
2. Other Advocates

The Decision is also taken on the basis of his/her **consent, ability, standing at bar or Special Knowledge or Experience**.

3 categories of Advocates who are **entitled to practise law before the Supreme Court**

1. Senior Advocate

A **'Senior Advocate'** means any advocate so **designated under** the **Advocates Act, 1961**

Supreme Court Rules, 2013, deals with designation of Advocates as Senior Advocates

A **Senior Advocate is not entitled to appear** in the **Supreme Court without an Advocate-on-Record**

2. Advocate-on-Record

He is an advocate, who is **entitled under the Supreme Court Rules, 2013** to act and plead for a party in the Supreme Court

"Advocates-on-Record" replaced the system of "Agents"

In 1959, the **'Advocate-on-Record' examination introduced** by the Supreme Court

3. Other Advocates

These are **Advocates whose names are entered on the roll of any State Bar Council** maintained **under the Advocates Act, 1961**

They **cannot appear, plead, and address** the **Supreme Court** unless instructed by **Advocate on Record or permitted by the Court**

Source : www.shraviias.com