

CONDITIONS FOR RIGHT TO PRACTICE

[Rules under section 49 (1) (ah) of the Act]

1. Every advocate shall be under an obligation to see that his name appears on the roll of the State Council within whose jurisdiction he ordinarily practices:

Provided that if an advocate does not apply for transfer of his name to the roll of the State Bar Council within whose jurisdiction he is ordinarily practising within six months of the start of such practice, it shall be deemed that he is guilty of professional misconduct within the meaning of section 35 of the Advocates Act.

2. An advocate shall not enter into a partnership or any other arrangement for sharing remuneration with any person or legal practitioner who is not an advocate.

3. Every advocate shall keep informed the Bar Council on the roll of which his name stands, of every change of his address.

4. The Council or a State Council can call upon an advocate to furnish the name of the State Council on the roll of which his name is entered, and call for other particulars.

5. (1) An advocate who voluntarily suspends his practice for any reason whatsoever, shall intimate by registered post to the State Bar Council on the rolls of which his name is entered, of such suspension together with his certificate of enrolment in original.

(2) Whenever any such advocate who has suspended his practice desires to resume his practice, he shall apply to the Secretary of the State Bar Council for resumption of practice, along with an affidavit stating whether he has incurred any of the disqualifications under section 24A, Chapter III of the Act during the period of suspension.

(3) The Enrolment Committee of the State Bar Council may order the resumption of his practice and return the certificate to him with necessary endorsement. If the Enrolment Committee is of the view that the advocate has incurred any of the disqualifications the Committee shall refer the matter under proviso to section 26(1) of the Act.

(4) On suspension and resumption of practice the Secretary shall act in terms of rule 24 of Part IX.

6. (1) An advocate whose name has been removed by order of the Supreme Court or a High Court or the Bar Council as the case may be, shall not be entitled to practice the profession of law either before the court and authorities mentioned under section 30 of the Act, or in chambers, or otherwise.

(2) An advocate who is under suspension, shall be under same disability during the period of such suspension as an advocate whose name has been removed from the roll.

¹[7. An officer after his retirement or otherwise ceasing to be in service for any reasons, if enrolled as an Advocate shall not practice in any of the Judicial, Administrative Courts/Tribunals/Authorities, which are presided over by an officer equivalent or lower to the post which such officer last held.

Explanation.—An officer shall include Judicial Officer, Officer from State or Central Services and Presiding Officers or Members of the Tribunals or Authorities or such Officers as referred under section 30(ii) of the Advocates Act, 1961.]

²[*7A. Any person applying for enrolment as an advocate shall not be enrolled, if he is dismissed, retrenched, compulsorily retired, removed or otherwise relieved from Government service or from the service under the control of the Hon'ble High Courts or the Hon'ble Supreme Court on the charges of corruption or dishonesty unbecoming of an employee and a person having such disqualification is permanently debarred from enrolling himself as an advocate.]

8. No advocate shall be entitled to practice if in the opinion of the Council he is suffering from such contagious disease as makes the practice of law a hazard to the health of others. This disqualification shall last for such period as the Council directs from time to time.

³[9. No advocate enrolled under section 24 of the Advocates Act, 1961 shall be entitled to practice under Chapter IV of the Advocates Act, 1961, unless such advocate successfully passes the All India Bar Examination conducted by the Bar Council of India. It is clarified that the Bar Examination shall be mandatory for all law students graduating from academic year 2009-2010 and onwards and enrolled as advocates under section 24 of the Advocates Act, 1961.

10. The All India Bar Examination.—The All India Bar Examination shall be conducted by the Bar Council of India.

- (a) The Bar Examination shall be held at least twice each year in such month and such places that the Bar Council of India may determine from time to time.
- (b) The Bar Examination shall test advocates in such substantive and procedural law areas as the Bar Council of India may determine from time to time.
- (c) Such substantive/procedural law areas and syllabi shall be published by the Bar Council of India at least three months prior to the scheduled date of examination.
- (d) The percentage of marks required to pass the Bar Examination shall be determined by the Bar Council of India.
- (e) An unsuccessful advocate may appear again for the Bar Examination, without any limit on the number of attempts.
- (f) The Bar Council of India, through a committee of experts, shall determine the syllabi, recommended readings, appointment of paper setters, moderators, evaluators, model answers, examination hall rules and other related matters.
- (g) The Bar Council of India shall determine the manner and format of application for the examination.
- (h) Upon successfully passing the Bar Examination, the advocate shall be entitled to a Certificate of Practice.

11. Application for Certificate of Practice.—(1) The Certificate of Practice shall be issued by the Bar Council of India to the address of the successful advocate within 30 days of the date of declaration of results.

(2) The Certificate of Practice shall be issued by the Bar Council of India under the signature of the Chairman, Bar Council of India.]