



BAR COUNCIL OF DELHI

# STANDARDS OF PROFESSIONAL CONDUCT AND ETIQUETTE

**“The Judiciary and the bar, if they combine, can find a vision of what types of reforms are needed and if we work on that, there is no reason why we cannot have the finest system of judicial administration in the world.” - Dr. H. R. Bhardwaj, (Former Union Minister for Law and Justice)**



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20<sup>th</sup> March, 2007

Dear Friends,

Dr. Manmohan Singh, Hon'ble Prime Minister of India while delivering inaugural address on Indian Law Institute Golden Jubilee Celebration said, I quote, " The legal profession is the holy profession referred to in the Constitution of India, Article 22(1) proudly proclaims that no person who is arrested shall be denied the right to consult and to be defended by a legal practitioner of his choice." The legal profession is also a noble profession, like that of medical doctors. It is, therefore, important that each legal professional should be both a competent person and a person of high integrity.

Justice delivery is one of the essential services which has to be made available to every person by the State. It is an instruments of governance as on has to maintain law & order and uphold the rule or law. Time has come that existing legal profession becomes compatible with the new demands and expectations of the ever changing society. Every one believes that role of lawyers is equally important in the administration of justice and is indispensable to the society. The members of this noble and honourable profession are expected to maintain high ideas, ethics, vision, tradition, competency, dignity and standards of profession. It is also a fact that no institution survives unless it earns credibility and public esteem that is possibly only if it is free from all influences. Every one of us needs to discharge his duty with integrity, honesty and with humility.

We are proud that many of the fellow members of the Bar have risen to great height while maintaining vision and high standards of our legal profession, yet we feel anguished when the council receives so many complaints of unethical behaviour by some of our members of the legal fraternity.

With this vision, and to remind ourselves of our professional duties, this brochure contains the rules adopted by Bar Council of India as well as Bar Council of Delhi for professional standards and etiquettes that has to be observed by Advocates.

With warm regards,

(Hony. Secretary)      ( Member BCI ) (Vice Chairman)      ( Chairman )



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### **Standards of Professional Conduct and Etiquette**

*(Rules under Section 49 (1) (c) of the Act read with the Proviso thereto)*

#### **Preamble**

An advocate shall, at all times, comport himself in a manner befitting his status as an officer of the Court, a privileged member of the community, and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his non-professional capacity may still be improper for an advocate. Without prejudice to the generality of the foregoing obligation, an advocate shall fearlessly uphold the interests of his client and in his conduct conform to the rules hereinafter mentioned both in letter and in spirit. The rules hereinafter mentioned contain canons of conduct and etiquette adopted as general guides; yet the specific mention thereof shall not be construed as a denial of the existence of others equally imperative though not specifically mentioned.



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### SECTION I - DUTY TO THE COURT

1. An advocate shall, during the presentation of his case and while otherwise acting before a court, conduct himself with dignity and self-respect. He shall not be servile and whenever there is proper ground for serious complaint against a judicial officer, it shall be his right and duty to submit his grievance to proper authorities.
2. An advocate shall maintain towards the courts a respectful attitude, bearing in mind that the dignity of the judicial office is essential for the survival of a free community.
3. An advocate shall not influence the decision of a court by any illegal or improper means. Private communications with a judge relating to a pending case are forbidden.
4. An advocate shall use his best efforts to restrain and prevent his client from resorting to sharp or unfair practices or from doing anything in relation to the court, opposing counsel or parties which the advocates himself ought not to do. An advocate shall refuse to represent the client who persists in such improper conduct. He shall not consider himself a mere mouth-piece of the client, and shall exercise his own judgement in the use of restrained language in correspondence, avoiding scurrilous attacks in pleadings, and using intemperate language during arguments in court.
5. An advocate shall appear in court at all times only in the prescribed dress, and his appearance shall always be presentable.
  
6. An advocate shall not enter appearance, act, plead or practise in any way before a court, Tribunal or Authority mentioned in Section 30 of the Act, if the sole or any member thereof is related to the advocate as father, grandfather, son, grand-son, uncle, brother, nephew, first cousin, husband, wife, mother, daughter, sister, aunt, niece, father-in-law, mother-in-law, son-in-law, brother-in-law daughter-in-law or sister-in-law.  

\*For the purposes of this rule, Court shall mean a Court, Bench or Tribunal in which above mentioned relation of the Advocate is a Judge, Member or the Presiding Officer.
7. An advocate shall not wear bands or gown in public places other than in courts except on such ceremonial occasions and at such places as the Bar Council of India or the court may prescribe.
8. An advocate shall not appear in or before any court or tribunal or any other authority for or against an organisation or an institution, society or corporation, if he is a member of the Executive Committee of such organisation or institution or society or corporation. "Executive Committee", by whatever name it may be called, shall include any Committee or body of persons which, for the time being, is vested with the general management of the affairs of the organisation or institution, society or corporation.



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Provided that this rule shall not apply to such a member appearing as “amicus curiae” or without a fee on behalf of a Bar Council, Incorporated Law Society or a Bar Association.

9. An Advocate should not act or plead in any matter in which he is himself pecuniarily interested.

### **Illustration :**

- I. He should not act in a bankruptcy petition when he himself is also a creditor of the bankrupt.
- II. He should not accept a brief from a company of which he is a Director.

10. An Advocate shall not stand as a surety, or certify the soundness of a surety for his client required for the purpose of any legal proceedings.

## **SECTION II DUTY TO THE CLIENT**

11. An advocate is bound to accept any brief in the Courts or Tribunals or before any other authorities in or before which he proposes to practise at a fee consistent with his standing at the Bar and the nature of the case. Special circumstances may justify his refusal to accept a particular brief.

12. An advocate shall not ordinarily withdraw from engagements, once accepted, without sufficient cause and unless reasonable and sufficient notices is given to the client. Upon his withdrawal from a case, he shall refund such part of the fee as has not been earned.

13. An advocate should not accept a brief or appear in a case in which he has reason to believe that he will be a witness, and if being engaged in a case, it becomes apparent that he is a witness on a material question of fact, he should not continue to appear as an Advocate if he can retire without jeopardising his client’s interests.

14. An advocate shall at the commencement of his engagement and during the continuance thereof, make all such full and frank disclosure to his client relating to his connection with the parties and any interest in or about the controversy as are likely to affect his client’s judgement in either engaging him or continuing the engagement.

15. It shall be the duty of an advocate fearlessly to uphold the interests of his client by all fair and honourable means without regard to any unpleasant consequences to himself or any other. He shall defend a person accused of a crime regardless of his personal opinion as to the guilt of the accused, bearing in mind that his loyalty is to the law which requires that no man should be convicted without adequate evidence.



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16. An advocate appearing for the prosecution of a criminal trial shall so conduct the prosecution that it does not lead to conviction of the innocent. The suppression of material capable of establishment the innocence of the accused shall be scrupulously avoided.
17. An advocate shall not, directly or indirectly, commit a breach of the obligations imposed by Section 126 of the Indian Evidence Act.
18. An advocate shall not, at any time, be a party to fomenting of litigation.
19. An advocate shall not act on the instructions of any person other than his client or his authorised agent.
20. An advocate shall not stipulate for a fee contingent on the results of litigation or agree to share the proceeds thereof.
21. An advocate shall not buy or traffic in or stipulate for or agree to receive any share or interest in any actionable claim. Nothing in this rule shall apply to stock, shares and debentures of government securities, or to any instruments which are, for the time being, by law or custom, negotiable or to any mercantile document of title to goods.
22. An advocate shall not, directly or indirectly, bid for or purchase, either in his own name or in any other name, for his own benefit or for the benefit of any other person, any property sold in the execution of a decree or order in any suit, appeal or other proceeding in which he was in any way professionally engaged. This prohibition, however, does not prevent an advocate from bidding for or purchasing for his client any property which his client may himself legally bid for or purchase, provided the Advocate is expressly authorised in writing in this behalf.
- 22A. An advocate shall not directly or indirectly bid in court auction or acquire by way of sale, gift, exchange or any other mode of transfer either in his own name or in any other name for his own benefit or for the benefit of any other person any property which is subject matter of any suit appeal or other proceedings in which he is in any way professionally engaged\*.
23. An advocate shall not adjust fee payable to him by his client against his own personal liability to the client, which liability does not arise in the course of his employment as an advocate.
24. An advocate shall not do anything whereby he abuses or takes advantage of the confidence reposed in him by his client.
25. An advocate should keep accounts of the client's money entrusted to him, and the accounts should show the amounts received from the client or on his behalf, the expenses incurred for him and the debits made on account of fees with respective dates and all other necessary particulars.
26. Where moneys are received from or on account of a client, the entries in the accounts should contain a reference as to whether the amounts have been received for fees or expenses and during the course of the proceeding, no advocates shall, except with the consent in writing of the client concerned, be at liberty to divert any portion of the expenses towards fees.



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27. Where any amount is received or given to him on behalf of his client, the fact of such receipt must be intimated to the client, as early as possible.

28. After the termination of the proceeding, the advocate shall be at liberty to appropriate towards the settled fee due to him, any sum remaining unexpended out of the amount paid or sent to him for expenses or any amount that has come into his hands in that proceeding.

29. Where the fee has been left unsettled, the advocate shall be entitled to deduct, out of any moneys of the client remaining in his hands, at the termination of the proceeding for which he had been engaged, the fee payable under the rules of the Court, in force for the time being, or by then settled and the balance, if any, shall be refunded to the client.

30. A copy of the client's account shall be furnished to him on demand provided the necessary copying charge is paid.

31. An advocate shall not enter into arrangements whereby funds in his hands are converted into loans.

32. An advocate shall not lend money to his client for the purpose of any action or legal proceedings in which he is engaged by such client.

**Explanation.** An advocate shall not be held guilty for a breach of this rule, if in the course of a pending suit or proceeding, and without any arrangement with the client in respect of the same, the advocate feels compelled by reason of the rule of the Court to make a payment to the Court on account of the client for the progress of the suit or proceeding.

33. An advocate who has, at any time, advised in connection with the institution of a suit, appeal or other matter or has drawn pleadings, or acted for a party, shall not act, appear or plead for the opposite party.

### SECTION III - DUTY TO OPPONENT

34. An advocate shall not in any way communicate or negotiate upon the subject matter of controversy with any party represented by an advocate except through that advocate.

35. An advocate shall do his best to carry out all legitimate promises made to the opposite party even though not reduced to writing or enforceable under the rules of the Court.

### SECTION IV - DUTY TO COLLEAGUES



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36. An advocate shall not solicit work or advertise, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interviews not warranted by personal relations, furnishing or inspiring newspaper comments or producing his photographs to be published in connection with cases in which he has been engaged or concerned. His sign-board or name-plate should be of a reasonable size. The sign-board or name-plate or stationery should not indicate that he is or has been President or Member of a Bar Council or of any Association or that he has been associated with any person or organisation or with any particular cause or matter or that he specialises in any particular type of worker or that he has been a Judge or an Advocate General.

37. An advocate shall not permit his professional services or his name to be used in aid of, or to make possible, the unauthorised practice of law by any law agency.

38. An advocate shall not accept a fee less than the fee taxable under rules when the client is able to pay the same.

39. An advocate shall not enter appearance in any case in which there is already a vakalat or memo of appearance filed by an advocate engaged for a party except with his consent; in case such consent is not produced he shall apply to the Court stating reasons why the said consent could not be produced and he shall appear only after obtaining the permission of the Court<sup>1</sup>.

### **Section IV-A<sup>2</sup>**

40. Every Advocate borne on the rolls of the State Bar Council shall pay to the State Bar Council a sum of Rs. 90/- every third year commencing from 1st April, 1993 along with a statement of particulars as given in the form set out at the end of these Rules, the first payment to be made on or before 1st April, 1993 or such extended time as notified by the Bar Council of India or the concerned State Bar Council.

Provided further however that an advocate shall be at liberty to pay in lieu of the payment of Rs. 90/- every three years a consolidated amount of Rs. 300/- . This will be a life time payment to be kept in the fixed deposit by the concerned State Bar Council and the Bar Council of India at the ratio of 80:20 as envisaged under Rule 41 and interest to be used for the purpose of this rule. However, payment made by the concerned Advocate before this consolidated payment shall be exclusive of it and no credit shall be given for payment, but those advocates who have paid consolidated amount of Rs. 200/- only as a consolidated amount, Rs. 100/- will be required to pay.





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“Out of life time payment, 80% of the amount will be retained by the State Bar Council in a fixed deposit and remaining 20% has to be transferred to the Bar Council of India. The Bar Council of India and State Bar Council have to keep the same in a fixed deposit and the interest on the said deposits shall alone be utilised for the Welfare of the Advocates.”

**Explanation 1:** Statement of particulars as required by rule 40 in the form set out shall require to be submitted only once in three years.

**Explanation 2:** All Advocates who are in actual practise and are not drawing salary or not in full time service and not drawing salary from their respective employers are only required to pay the amount referred to in this rule.

**Explanation 3:** This rule will be effective from 1-4-1994 and for period prior to this, advocates will continue to be covered by old rule.

Rule 41. (1) All the sums so collected by the State Bar Council in accordance with Rule 40 shall be credited in a separate fund known as “Bar Council of India Advocates Welfare Fund ” and shall be deposited in the bank as provided hereunder.

(2) The Bar Council of India Advocates Welfare Fund Committee for the State shall remit 20% of the total amount collected and credited to its account, to the Bar Council of India by the end of every month which shall be credited by the Bar Council of India and Bar Council of India shall deposit the said amount in separate fund to be known as “BAR COUNCIL OF INDIA ADVOCATES WELFARE FUND.” This fund shall be managed by the Welfare Committee of the Bar Council of India in the manner prescribed from time to time by the Bar Council of India for the Welfare of Advocates.

(3) The rest 80% of the total sum so collected by the Bar Council of India Advocates Welfare Fund Committee for the State under Rule 41 (1) shall be utilised for the welfare of advocates in respect of Welfare Schemes sponsored by the respective State Bar Councils and this fund shall be administered by the Advocates Welfare Committee for the State which shall submit its report annually to the Bar Council of India.

(4) In case of transfer of an advocate from one State Bar Council to other state Bar Council, 80% of the total sum collected so far in respect of that advocate by the Bar Council of India



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Advocates Welfare Committee for the State under Rule 41 (1) where the said Advocate was originally enrolled, would get transferred to the Advocates Welfare Fund Committee of the Bar Council of India for the State to which the said Advocate has got himself transferred\* .

42. If any advocate fails to pay the aforesaid sum within the prescribed time as provided under rule 40, the Secretary of the State Bar Council shall issue to him a notice to show cause within a month why his right to practice be not suspended. In case the advocate pays the amount together with late fee of Rs. 5/- per month, or a part of a month subject to a maximum of Rs. 30/- within the period specified in notice, the proceedings shall be dropped. If the advocate does not pay the amount or fails to show sufficient cause, a Committee of three members constituted by the State Bar Council in this behalf may pass an order suspending the right of the advocate to practise.

Provided that the order of suspension shall cease to be in force when the advocate concerned pays the amount along with a late fee of Rs. 50/- and obtain a certificate in this behalf from the State Bar Council.

43. An Advocate who has been convicted of an offence mentioned under Section 24A of the Advocates Act or has been declared insolvent or has taken full time service or part time service or engages in business or any avocation inconsistent with his practising as an advocate or has incurred any disqualification mentioned in the advocates Act or the rules made thereunder, shall send a declaration to that effect to the respective State Bar Council in which the advocate is enrolled, within ninety days from the date of such disqualification. If the advocate does not file the said declaration or fails to show sufficient cause for not filing such declaration provided therefor, the Committee constituted by the State Bar Council under rule 42 may pass orders suspending the right of the advocate to practise.

Provided that it shall be open to the Committee to condone the delay on an application being made in this behalf.

Provided further that an advocate who had after the date of his enrolment and before the coming into force of this rule, become subject to any of the disqualifications mentioned in this rule, shall within a period of ninety days of the coming into force of this rule send declaration referred to in this rule to the respective State Bar Council in which the Advocate is enrolled and on failure to do so by such advocate all the provisions of this rule would apply.



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44. An appeal shall lie to the Bar Council of India at the instance of an aggrieved advocate within a period of thirty days from the date of the order passed under Rules 42 and 43.

44A. (1) There shall be a Bar Council of India Advocates Welfare Committee, consisting of five members elected from amongst the members of the Council. The term of the members of the committee shall be co-extensive with their term in Bar Council of India.\*

- (2) (i) Every State Council shall have an Advocates Welfare Committee known as Bar Council of India Advocates Welfare Committee for the State.
  - (ii) The Committee shall consist of member Bar Council of India from the State concerned who shall be the Ex-Officio Chairman of the Committee and two members elected from amongst the members.
  - (iii) The Secretary of the State Bar Council concerned will act as Ex-Officio Secretary of the Committee.
  - (iv) The term of the member, Bar Council of India in the Committee shall be co-extensive with his term in the Bar Council of India.
  - (v) The term of the members elected from the State Bar Council shall be two years.
  - (vi) Two members of the Committee will form a quorum of any meeting of the Committee.

(3) Every State Bar Council shall open an account in the name of the Bar Council of India Welfare Committee for the State, in any nationalised Bank,

(4) No amount shall be withdrawn from the Bank unless that cheque is signed by the Chairman of the Welfare Committee and its Secretary.

(5) The State Bar Council shall implement Welfare Schemes approved by the Bar Council of India through Advocates Welfare Committee as constituted under sub-clause (2) (i). The State Bar Councils may suggest suitable modifications in the Welfare Schemes or suggest more schemes, but such modifications or such suggested schemes shall have effect only after approval by the Bar Council of India.



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(6) The State Bar Council shall maintain separate account in respect of the Advocate Welfare Fund which shall be audited annually along with other accounts of the State Bar Council and send the same along with Auditors Report to the Bar Council of India.

Provided that the Bar Council of India Advocates Welfare Fund Committee for the State shall be competent to appoint its own staff in addition to the staff of the Bar Council of the State entrusted with duty to maintain the account of the Fund if their funds are adequate to make such appointment. The salary and other conditions of the said staff be determined by the Bar Council of India Advocates Welfare Fund Committee for the State.\*

Provided further that Chairman of the Bar Council of India Advocates Welfare Fund Committee for the State shall be competent to make temporary appointment for a period not exceeding six months in one transaction if the situation so requires subject to availability of fund in the said Committee for making such appointment.\*

44B. The Bar Council of India shall utilise the funds received under Rule 41(2) in accordance with the schemes which may be framed from time to time.\*\*

The following rule has been added in the Bar Council of India Rules, Chapter III A in Part-VI under Section 49 ( 1 ) ( j ) of the Advocates Act, 1961 and the same has been published in the Gazette of India Vide Notification dated 6<sup>th</sup> May – 12<sup>th</sup> May, 2006 and the same reads as under :-

RESOLVED that the following rule made under section 49 ( 1 ) ( j ) of the Advocates Act, 1961 be added as Chapter III A in Part VI of the Bar Council of India Rules.

“...Consistent with the obligation of the Bar to show a respectful attitude towards the Court and bearing in mind the dignity of Judicial office, the form of address to be adopted whether in the Supreme Court, High Courts or Subordinate Courts should be as follows :-

**“Your Honour” or “Hon’ble Court”** in Supreme Court and High Courts and in the Subordinate Courts and Tribunals it is open to the Lawyers to address the Court as **“Sir”** or the equivalent word in respective regional languages.



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Explanation : As the words “**My Lord**” and “**Your Lordship**” are relics of colonial past, it is proposed to incorporate the above rule showing respectful attitude to the Court.”

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The following rule has been added in the Bar Council of Delhi Rule, Chapter VIII, Rule 105A, which has been published in the Delhi Gazette vide Notification dated 18th December, 2006 and the same reads as under:-

**Rule 105A:** Every advocate shall mention his/her enrollment number on every visible representation (wherever the letter “Advocate”/“Attorney”/ “Counsel” is mentioned after or before the same) including visiting card, letter head, vakalatnama etc.

**Exception:** It will not be necessary to mention enrolment number by an advocate on personal invitation cards and the Senior designated Advocates are exempted from this Rule 105A. Page no.-15

**The following rule has been added in the Bar Council of Delhi Rule, Rule 2-B, which has been published in the Gazette vide Notification dated 18<sup>th</sup> December 2006 and the same reads as under:-**

Rule2-B:-

A person who is otherwise qualified to be admitted as an advocate, but is of more than 45 years of age on the date of submission of application for enrollment in the Bar Council, shall not be admitted as an advocate.

Further provide that this rule shall not be applicable, to any person whose enrollment application is pending, before the coming into force of this rule.

It is further clarified that provision of this rule shall not be applicable, to any advocates already enrolled by any High court under Indian Bar Council Act, 1926 but intimation under Section 17 (1) (a) of the Act, was not received from the concerned advocate.



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The provision of this rule shall also apply in case of persons seeking transfer of enrollment to this Bar council by means of transfer from other State Bar Council.

However, the provisions of this rule shall not apply to any person enrolled as an advocate in any other State Bar council seeking transfer to this State Bar Council before the coming into force of this rule.

**Exception:** This rule shall not be applicable to any other retired judicial officer, either in Delhi or any other state, who shall be exempted from this age bar. Page no.-16

**Bar Council of Delhi in its meeting held on 2<sup>nd</sup> February, 2007, added the following rule in the Bar Council of Delhi Rule, Rule 105 B, which has been sent to bar Council of India for their approval, and the same reads as under:-**

### **Rule 105B :**

- i) No advocate who is not registered with bar Council of Delhi will be admitted to the membership of any Bar Associations of Delhi and if already admitted, his membership will be terminated after expiry of 6 months from today, in case the said advocate fails to get his enrollment transferred to Delhi Bar Council within 6 months.
- ii) Lawyers are prohibited from indulging in any commercial activity of any kind in the chambers/offices meant for professional work as an advocate.
- iii) Lawyers are prohibited from soliciting work in public places by loitering or standing in the verandas of court compounds.
- iv) Any lawyer, who disturbs the process of election /counting of ballots in the elections, held by any Bar council, either by himself or through outsiders who are not advocates, would amount to misconduct as defined under Section 35 of the Advocates Act, 1961. If Bar Council receives a complaint from the returning Officer / Bar Association against such member.



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- v) The lawyers firm/solicitor firms are required to mention the name of the advocates/partners/directors etc. with their enrollment numbers on their letter heads and visiting cards.
- vi) Lawyers are prohibited to display more than one name board their chamber or in court complex. The Oath Commissioner/Notary Public are prohibited to put the display board on the way/roads, except one name board on their chamber's table or hall.
- vii) The Lawyers who are registered with other Bar Councils if appear in any courts situated in Delhi except Supreme court, would be required

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to be assisted by a lawyers, who is registered with the Bar Council of Delhi and unless the vakalatnama of a lawyer registered with Bar council of Delhi is filed, will not be permitted to appear before the courts except Supreme Court, subject to approval by Hon'ble the chief Justice of Delhi High Court.

- Note: A.** Any violation of the rules regarding Standards of professional conduct and etiquette would amount to misconduct as mentioned under Section 35 of the advocates Act, 1961, The concerned advocate would be liable for disciplinary action on receipt of a complaint of any such violation from any Bar Association through their President and Secretary jointly. The Bar Council may take suo motto notice of any such violation of any advocate and initiate disciplinary proceeding against defaulter advocate.
- B.** it has also been decided that the contents of Chapter II of Bar Council of India Rules, i.e. Standards of professional conduct and etiquette, including the aforesaid rules be published in the form of a notice and be circulate to all the advocates registered with Bar Council of Delhi, directly and through Bar Associations.
- C.** Bar Associations may be informed accordingly, with a request that they should circulate this rule to all the members and strictly comply with the same. Page No.18



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### STATE BAR COUNCIL OF DELHI: RENEWAL OF LICENSE RULES, 2006

#### **Preamble**

It has been observed that some of the Advocates on the roll of this Bar Council are either doing their own business or have joined service they have neither informed the Bar Council nor they have yet got suspended their license. Not only this some of them are not even the members of any Bar Association. Apart from this, there are cases in which an advocate has either gone out of India and left the active practice or died. As such in order to up-date the exiting position of the on the Roll, the necessity to from these rules have been arisen. This system will help in raising some funds, which can be utilized for the welfare of the advocates. These rules will also help in safeguarding the right, privileges and interests of the advocates and to promote the growth of the Bar Associations.

#### **Title: 1**

These rules shall be called as State Bar Council of Delhi Renewal of License Rules, 2006.

#### **Extent: 2**

These rules will applicable to all the advocates whose means appear on the State Roll maintained by the Bar Council of Delhi under Section 17 of the Advocates Act, 1961.

#### **Date of Enforcement: 3**

These rules shall come into force from the date of the Gazette Notification of these rules.

#### **Definition: 4**

- a) Advocate means as advocate whose name is entered in the State Roll prepared and maintained by the State Bar Council of Delhi under Section 17 of the Advocate Act, 1961.
- b) License means Certificate of Enrollment held by an advocate issued under Section 22 of the advocates Act, 1961.





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- c) Fund means amount received by the State Bar Council of Delhi in furtherance of the renewal of license of the Advocates under these rules.
- d) State Bar Council means the Bar Council of State of Delhi as defined under Section 3 (1) of the Advocates Act, 1961.
- e) Fee for expenses means amount payable by each advocate at the time of renewal of the license under these rules and may be increased from time to time by a resolution of Bar Council.
- f) Dependent: A person shall not be dependent, if he is not employed in any kind of service, nor having any dependent source of income and was dependent on deceased Advocate for his livelihood.

5. Every Advocate shall get his/her license renewed from the State Bar Council after a span of every 5 years. The Advocate whose name appears on the roll of State Bar Council and on the date of enforcement of these rules, has completed 5 years shall get his license renewed within 6 months from the date of enforcement of these rules, further provided that an advocate who has not completed 5 years on the commencement of these rules, shall apply for renewal of the license within two months, from the date of completion of five years.

6. Every application shall be accompanied within a fee & expenses, as prescribed below to be paid by way of Bank Draft in favour of "STATE BAR COUICL OF DELHI", payable at New Delhi.

Rs. 500/- Advocate having standing 5 years to 5 years.

Rs. 1000/- Advocate having standing above 15 years.

Out of the fund received by the State Bar Council of Delhi, 50% amount shall be transferred to Advocates Welfare Fund.

The period of standing as Advocate shall be reckoned from the date of enrollment.

7. Every advocate shall apply for renewal of his/her license in the prescribed form from appendix "A" accompanied with an affidavit/declaration on prescribed form Appendix "B:-" and original enrolment Certificate, along with two Stamp-Size Photograph duly attested by Member Bar Council/President/Secretary, Bar Association.

The declaration of the Advocate must be signed by the President/Secretary of the Bar Association concerned/countersigned by a Member State Bar Council to the effect that Advocate has been practicing regularly since the date of enrolment or from the date of membership of the Bar Association as the case may be.



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8. Advocate shall submit such application accompanied by documents as provided in Rule 7 at the office of State Bar Council of Delhi along with prescribed renewal fee for expenses.

9. Every such application shall be submitted/ sent to the office of Bar Council as to reach within the stipulated date under rule 5, or such extended date by Bar Council in General Meeting by a resolution.

Further provided that application received after expiry of last date/extended date shall not only be accepted by the office with late fee as prescribed in rule 14.

10. Every application received shall be scrutinized by the office preferably within one months from the date of receipt in order of seniority of received application and if found in order it shall be placed along with personal life, before Secretary or any other person authorized by the Bar Council for sign the renewal license.

In case application received is incomplete, the office shall write a letter to advocate pointing out defects and after completion of formalities, his case would be processed.

Further provided there that if any Advocate does not follow his incomplete application for a period of three months, his application shall be deemed to have been rejected and fee for expenses aid shall be confiscated. However, he may apply afresh with fresh requirements.

Where in case office reports that Advocate had incurred any disqualification under Section 24-A of Advocates Act, 1961 or any Resolution/Rule of Bar Council of India, after his enrolment, the matter shall be placed before the Chairman/Vice Chairman may, if in his opinion, he has incurred any disqualification, disentitling him to renew license, may pass an order to place before the General House for further discussion and Bar Council may refer to Bar Council of India for refusal of renewal as provided under provisions of Section 26(2) & (3) of the Advocates Act, 1961 and Rues framed there under.

11. After having found the application in order, the State Bar Council shall prepare and issue a certificate to be called as "Renewed Certificate" and it shall be delivered to Advocate by hand or my registered post.

Further Provided that a separate dispatch register shall be reckoned as Renewal Number of the advocate by entering full particulars of advocate.

Renewal Registered of each year shall be prepared and maintained in a manner prescribed.

12. Bar Council shall prepare Certificate of Renewal in duplicate duly signed by the Secretary or any other person authorized by Bar Council and an endorsement shall be made on the back of Enrolment Certificate. The second copy shall be placed in the personal life of the Advocate.



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13. If any Advocate fails to apply for renewal of his/her license within stipulated date of extended date as provided in Rule 5, it shall be presumed that the advocate is not practicing regularly, either has gone out of India, without intimation to Bar Council permanently or joined services/business and left his practice and his Enrolment certificate shall be deemed to have been suspended and Chairman shall pass formal Order of such suspension and his name will be entered in the list of non-practicing Advocates and circulated accordingly to all concerned.

14. Any Advocate on the Roll of Bar Council has failed to get his license within stipulated date/extended date due to some sufficient cause or reasonable ground, he may apply to the Bar Council for renewal of his license, with late fee supported by an affidavit and his application may dealt with as per Rule- 7.

The Chairman of Bar Council may condone the delay, if in his opinion that sufficient cause of reasonable ground prevented him to apply within stipulated/extended date.

Not exceeding first six months with late fee of Rs. 200/- per months or part of month.

Further provided that in a particular case, any advocate does not apply as provided herein above within six months after expiry of last date, his license shall only be renewed after the approval of Bar Council of Delhi may determine.

No license shall be renewed after expiry of one year from the date/ extended date and license shall be treated as cancelled.

15. An Advocate who does not get licence renewed, he shall not be entitled to appear in any Court, Tribunal or before any authority or person in India.

Draft recommendation by

**DELHI BAR COUNCIL**

**Proposed to the Govt. of India for amendment in the**

**NOTARIES ACT, 1952.**

This rule should be added to Rule 7 as Rule 7 (4) (b).

“The Competent Authority shall recommend and appropriate authority shall appoint applicants Notary on priority, who has completed 30 years of practice, if made and 25 years of practice, if male and 25 years of practice, if a woman or if an advocate belong to Schedule Cast/ Schedule Tribe or Other Backward Classes and if not more than 65 years of age, to be appointed as Notary and such appointments will not be considered as bar if this number exceeds the quota as specified in the schedule as mentioned in Rule 4 (A) above.”



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## BAR COUNCIL OF DELHI

### APPLICATION FORM PRESCIBED UNDER RULE 7 OF STATE BAR COUNCIL OF DELHI ADVOCATES

#### RENEWAL OF LICENSE

#### RULES 2004

To,

The Chairman

State Bar Council of Delhi

New Delhi.

**Subject: Application for Renewal of Advocates License No. P/**

Sir,

I hereby apply to the State Bar Council of Delhi for renewal of Enrolment Certificate and my full particulars are given below:

1. Enrolment number on the Roll and Date of Enrolment (Alongwith original Enrolment Certificate & I. Card) \_\_\_\_\_
2. Name of the Advocate (As given in the Enrolment Certificate) \_\_\_\_\_
3. Father's Name: \_\_\_\_\_
4. Date of Birth: \_\_\_\_\_
5. Present Residential Address: Telephone No. (with Code No.) \_\_\_\_\_
6. Place of practice: \_\_\_\_\_
7. Office: \_\_\_\_\_
8. Name of the Bar Association of which Applicant is a Member: \_\_\_\_\_
9. Weather the applicant, after enrolment Has joined any Business, as a Partner Or Prop. Or sleeping Partner, if so, full particulars be supplied, with an attested copy of Partnership Deed. \_\_\_\_\_
10. Weather the applicant, after enrolment Has joined any Govt./Semi Govt. or Pvt. Service or any other kind of service, if So full particulars be furnished with date of joining of such services. \_\_\_\_\_
11. Weather the applicant, after enrolment Has incurred any disqualification as Mentioned in Section 24-A of the Act, If so, certified copy of judgment/order Be attached. \_\_\_\_\_



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12. Whether applicant, at present, is facing Any Criminal proceedings, or not, if so, Particulars be given. \_\_\_\_\_

13. Delay, if any. In submitting the application Form, reasons to be given by way of affidavit. \_\_\_\_\_

14. Renewal fee & expenses

Rs. 500/- standing 5-15 years vide DD.No. \_\_\_\_\_

Rs. 1000/- standing of above 15 years vide DD. No. \_\_\_\_\_

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

Date:

Signature of the Advocate

Encl.:

- One Extra Photograph.
- Original Enrolment Certificate
- DD No. \_\_\_\_\_ for Rs. \_\_\_\_\_
- Any other document \_\_\_\_\_