

All India Bar Council (First Constitution) Rules 1961

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All India Bar Council (First Constitution) Rules 1961

G.S.R. 1292, dated 20th October, 1961-In exercise of the powers conferred by Section.57 of the Advocates Act, 1961 (25 of 1961), the Supreme Court hereby makes the following rules:-

1. Short title :-

These rules may be called The All India Bar Council (First Constitution) Rules, 1961.

2. Definitions :-

In these rules unless the context otherwise requires-

- (i) "Act" means the Advocates Act, 1961;
- (ii) "All-India Bar Council" means the Bar Council of India constituted under Section 4 of the Act; .
- (iii) "Attorney-Genera means the Attorney-General for India;
- (iv) "State Bar Council" means a Bar Council constituted under

Section 3 of the Act.

3. Summoning of meeting of State Bar Council for election of members to All-India Bar Council :-

(1) As soon as may be after a State Bar Council is constituted, a meeting of the State Bar Council shall be convened for the purpose of electing a member of the Bar Council to the All-India Bar Council.

(2) The Chairman of the State Bar Council shall appoint a date for such meeting and notice of the date, time and place of the meeting shall be given to all the members of the State Bar Council over the signature of the Secretary of the said Council not less than thirty clear days before the date of the meeting.

4. Candidates how to be proposed :-

Every candidate for election as a member of the All-India Bar Council shall be proposed by two members of the State Bar Council by letter addressed to the Secretary by the State Bar Council and signed by each such member and delivered to the said Secretary not less than ten and not more than twenty-one days before the date of the election and such letter shall contain an endorsement of the candidate proposed signifying his acceptance of the proposal made therein.

5. Withdrawal from election :-

Any person whose name has been proposed as a candidate may withdraw his name by communication in writing so as to reach the Secretary of the State Bar Council not less than seven days before the date of the election, and thereupon his name shall be omitted from the list of the candidates.

6. Publication of list of candidates :-

Not less than five days before the date fixed for election, the Secretary of the State Bar Council shall cause the names of all the candidates proposed to be pasted on a notice-board in the office of the State Bar Council.

7. Election :-

(1) When only one candidate is proposed, the Secretary of the State Bar Council shall declare that candidate as having been duly elected.

(2) When more than one candidate has been proposed, an election

shall be held by ballot and the candidate securing the largest number of votes shall be declared as having been duly elected.

(3) When between two or more candidates who have secured the highest number of votes an equality of votes is found to exist, the election out of such candidates shall be decided by drawing of a lot and the candidate in whose favour the lot falls shall be declared as having been duly elected.

8. Publication of list of candidates elected :-

The name of the person elected to the All-India Bar Council shall be published in the official Gazette and shall also be sent to the Secretary of the All- India Bar Council.

9. Disputes as to validity of election :-

-(1) A candidate may contest the validity of the election of a candidate declared to have been elected to the All-India Bar Council by letter signed by him and addressed to the Secretary of the State Bar Council.

(2) Such letter shall state the grounds on which the validity of the election is contested and shall be delivered to the Secretary of the State Bar Council within seven days from the date of Publication in the official Gazette of the name of the successful candidate under Rule 8.

(3) The Secretary of the State Bar Council shall on receipt of any such letter, refer the dispute arising therefrom to the authority specified in Rule 11 for decision.

(4) Subject to the other provisions contained in this rule, after the expiry of ten days from the date of such publication, the election of such candidate shall not be contested on any ground whatsoever.

10. Finality of election :-

At the expiry of ten days from the date of the publication of the result of election under Rule 8, the election shall be final and the voting papers shall be destroyed: Provided that if the validity of the election has been challenged under Rule 9, the voting papers shall be preserved and dealt with, as the authority specified in Rule 11 may direct.

11. Determination of disputes :-

(1) Any dispute arising under Rule 9 shall be decided by a

committee of Advocates appointed by the Attorney-General, and for the purpose of deciding the dispute the said Committee may hold such inquiry into the matter in such manner as it may deem fit.

(2) The decision of the said Committee shall be final.

12. Invalid election :-

If the Committee appointed under Rule 11 decides that a candidate has not been validly elected, the State Bar Council shall hold a fresh election in the manner hereinbefore provided.

13. Filing of casual vacancy :-

Any casual vacancy among the elected members of the All-India Bar Council shall be filled in such manner as that Council may determine.

14. Election of Chairman and Vice-Chairman :-

The All-India Bar Council shall, as soon as may be after it is constituted, elect a Chairman and Vice-Chairman from among its members.

15. Secretary and Accountant :-

The All-India Bar Council shall appoint a Secretary and may, if it thinks fit to do so, appoint an Accountant.

16. Quorum :-

The Quorum for any meeting of the All-India Bar Council shall be seven.

17. Decisions of the All India Bar Council :-

(1) The decisions of the All-India Bar Council shall be by a majority of votes of the persons present at any meeting.

(2) Each member present shall have one vote and the Chairman of the meeting shall have a casting vote.

18. Transitional provisions :-

(1) Until a Chairman is elected to the All-India Bar Council, the functions of the Chairman shall be performed by the Attorney-General.

(2) Until a Secretary is appointed by the All-India Bar Council, the functions of such Secretary shall be performed by the Registrar of the Supreme Court.