

## **BAR COUNCIL OF GUJARAT RULES**

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## **BAR COUNCIL OF GUJARAT RULES**

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#### **1. . :-**

A person is otherwise qualified to be admitted as an Advocate but is either in full or part-time service or employment or is engaged in any trade, business or profession shall not be admitted as an Advocate.

"PROVIDED however that this rule shall not apply to

(i) Any person who is a Law Officer of the Central Government or the Government of a State or of any Public Corporation or body constituted by statute. For the purpose of this clause a 'Law Officer' shall mean a person who is so designated by the terms of his appointment and who by the said terms is required to act and/or plead in courts on behalf of him employer,

(ii) Any person who is Articled Clerk of an Attorney,

(ii) Any person who is an assistant to an Advocate or to an attorney who is an Advocate;

(iv) Any person who is in service as a part-time professor, part-time lecturer or part-time teacher in law if the hours of his duty in the institution where he teaches law are not in conflict with the

hours of his duty in the Court and if it is not consistent with the dignity of the profession. This shall be subject to such directions, if any, as may be issued by the Bar Council of India from time to time:

(v) Any person who by virtue of being a member of a Hindu Joint Family has an interest in a Joint Hindu Family business, provided he does not take part in the management thereof; and

(vi) Any other person or class of persons as the Bar Council may from time to time exempt after the approval of the Bar Council of India.

**2. . :-**

Every person applying to be admitted as an Advocate shall in his application make a declaration that he is not in full or part-time service or employment and that he is not engaged in any trade, business or profession contrary to the rules of the State Bar Council and of the Bar Council of India made under the Act. But in case he is in such full or part-time service or employment or is engaged in any trade, business or profession he shall in the declaration disclose full particulars of his service, employment or engagement. He shall also undertake that if, after his admission as an Advocate, he accepts full or part-time service or employment or is engaged in any trade, business or profession disqualifying him from admission, he shall forthwith inform the Bar Council of such service or employment or engagement and shall cease to practice as an advocate, provided that the above undertaking shall not to a person who accepts service as a part-time professor, part-time lecturer or part-time teacher in law if the hours of his duty in the Court are in conflict with the hours of his duty in the institution where he teaches law and if it is not inconsistent with the dignity of the profession. This shall be subject to such directions, if as may be issued by the Bar Council of India from time to time.

**3. . :-**

Deleted.

**4. . :-**

A breach of the above-mentioned rules or any undertaking given in pursuance thereof shall amount to professional misconduct.

**5. . :-**

(1) The form of application for enrollment shall, subject to

necessary modifications or additions as may be made when necessary, be ordinarily in prescribed form and be furnished in the application by the Bar Council of Gujarat on such payment as the Bar Council of Gujarat may fix for it.

(2) The application shall be accompanied by the following :

(a) A diploma or a certificate showing that the applicant has taken a degree in law of a University of India provided that a District Pleader applying for admission as an Advocate on the State Roll of Advocates may not be required to produce his law degree or diploma if the Enrollment Certificate granted to him by the High Court mentions his law degree.

(b) Certificate, in the form prescribed, as to his moral character and of fitness to be an Advocate on the Roll of Advocates of the Bar Council of Gujarat at least two persons of respectability and position (not being his relations) preferably Advocates on the roll of the Bar Council of Gujarat, Where the applicant is a person already enrolled as a Vakil, Pleader or an Attorney, he shall not be required to produce such certificate.

(c) A declaration in writing by the applicant that he will faithfully observe and abide by all rules made by the Bar Council and the Bar Council of India as amended from time to time for regulating the Conduct of Advocates on the State Roll and the Common Roll of India.

(d) A declaration as to whether the applicant has made any previous application for admission as an Advocate to any High Court and the result thereof.

(e) A declaration that he is a citizen of India or a national of a country.....where citizen of India, duly qualified, are permitted to practice in law.

(f) A receipt from the Secretary of the Bar Council, that the applicant has paid the fee prescribed for enrollment under Section 24(I)(f).

(g) A declaration that the applicant has completed 21 years of his age on or before the day of the application.

(h) A declaration that the applicant is not in full or part-time employment or service and is not engaged in any trade, business or profession except as provided in Rules 1 and 2 of the Rules of the

State Bar Council of India.

(i) A declaration under section 25.

(j) A declaration that the applicant had no previous conviction of any kind by any Court.

(k) A declaration that the applicant has not been adjudged insolvent by any Court.

(l) A declaration that the applicant has not been found guilty of any moral turpitude by authority.

(m) The undertakings to be given in the following terms:

(A) I do hereby undertake that if after my admission as an Advocate I accept full or part-time service or I am engaged in any trade, business or profession other than such as is exempted by the State Bar Council from the operation of this undertaking) I shall forthwith inform the Council of employment or engagement and shall cease to practice as an Advocate.

(B) I do hereby undertake that I shall not accept any employment which, in the opinion of the Bar Council, is derogatory to the status of an Advocate.

(C) I do hereby undertake that I shall furnish such other particulars as may be required for the purposes of Enrollment Application.

(D) I do hereby undertake that I shall furnish particulars regarding the change of residence and place of practice.

(E) I do hereby undertake that I shall furnish the information as to the conviction, adjudgment an insolvent, any moral turpitude subsequent to the date of enrolment.

**6. . :-**

No enrolment certificate shall be corrected by the Bar Council except upon discovery of an error made by the Bar Council in writing its Certificate or upon being shown that an error has otherwise crept in which is likely to affect adversely the Advocate's right to practise. For correcting such errors no charge shall be collected from the Advocate.

**7. . :-**

Upon the advocate showing by an affidavit that he has lost his Enrolment Certificate issued to him by the Bar Council, the Bar

Council shall issue to him a Duplicate Enrolment Certificate in conformity with the office copy of his original certificate maintained by the Bar Council or in conformity with the entries made in the State Roll in that behalf. A charge of Rs.5/- shall be levied and collected from the Advocate so applying.

**8. . :-**

The applicant who is not a law graduate but who is a District Pleader and who applies for admission as an advocate on State Roll under section 24(3) of the Advocates Act. 1961 shall make a declaration stating that he has passed the Advocate's Examination held by the Bar Council prior to June, 1941 under its own rules which entitled him to be enrolled as an advocate under the Indian Bar Council Act, 1926 and in any other case he shall state how he is entitled to be enrolled as an advocate.

**9. . :-**

A District Pleader applying for admission as an Advocate on the State Roll of Advocate shall Surrender to bar Council his Enrolment Certificate issued to him by the High Court which enrolled him as a District Pleader and the Bar Council shall send it to the High Court for such action in respect thereof as the High Court thinks fit.

**10. . :-**

In event of the Rule 2 coming into force, the Advocate shall deposit his Enrolment Certificate with the Bar Council as a mark of his having ceased to practice and it shall lie in deposit with the Bar Council until the Advocate makes a declaration that the circumstances mentioned in the Rule 2 have ceased to exist and that he intends to resume his practice.

**11. . :-**

The Bar Council shall publish in the Official Gazette the names of all persons who are admitted by it to the State Roll under Section 24 of The Advocates Act or who cease to practise or who are suspended or removed from practice.

**12. . :-**

An applicant may be required to appear at his cost before the Enrolment Committee of the Bar Council for the purpose of furnishing such further and other particulars and undertakings as may be required by the Enrolment Committee for the purpose of its satisfaction.

(Rules under section 28(2)(e) read with section 24(I)(f) of the Advocates Act, 1961)

1. Any person applying to be admitted as an advocate on the Roll of advocates maintained by the Bar Council of Gujarat shall pay in one lump sum Rs.250/- as required by Section 24(I)(f) of the Advocates Act, 1961.

2. The applicant shall pay or remit the said amount in cash or by a bank draft drawn in favour of and payable to the Bar Council of Gujarat and drawn on a bank in the city of Ahmedabad.