

## **BAR COUNCIL RULES (TRAINING AND EXAMINATION)**

### **CONTENTS**

1. RULE
2. RULE
3. RULE
4. RULE
5. RULE
6. RULE
7. RULE
8. RULE
9. RULE
10. RULE
11. RULE
12. RULE
13. RULE
14. RULE
15. RULE
16. RULE
17. RULE
18. RULE
19. RULE
20. RULE
21. RULE
22. RULE
23. RULE
24. RULE
25. RULE
26. RULE
27. RULE
28. RULE
29. RULE
30. RULE
31. RULE

## **BAR COUNCIL RULES (TRAINING AND EXAMINATION)**

### **BAR COUNCIL RULES (TRAINING AND EXAMINATION)**

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

No person who is otherwise eligible to be admitted as an Advocate under Section 24 of the Advocates Act, 1961, but who has not been exempted from the application of sub-clause(d) of Section 24(1) shall be admitted as an advocate on the Roll of the Bar Council

Gujarat unless he has, graduation in law or call to the Bar as the case may be, undergone a course of training in law and passed an examination in the manner prescribed.

**2. RULE :-**

In the rules hereinafter following : "A candidate" shall mean a graduate in law or a Barrister(as the case may be) otherwise eligible for admission under Section 24(1) of the Advocates Act, 1961; "An Advocate" shall include an Attorney enrolled as Advocate; and "Receiving training" shall include reading in Chamber of an Advocate as hereinafter provided. Training

**3. RULE :-**

The course of training in law shall consist of receiving training for a continuous period of six months from an Advocate ordinarily practising in the High Court, the Civil Court at Ahmedabad, the Court of Small Causes at Ahmedabad, the City Magistrates' Court at Ahmedabad, the District Courts, the Sessions Courts and the Courts of the Assistant Judge and the Additional Sessions Judge. Such Advocate shall be of not less than ten years' standing (i) whose name appears on a list, if any, maintained by the Bar Council, or(ii) whose name is approved by the Bar Council in writing before the candidate commences such training. For the purpose of computing ten years' standing of an Advocate, his standing as Pleader, Vakil or an attorney shall be taken into account.

**4. RULE :-**

No candidate shall receive training with an Advocate who has, at the time of the commencement of receiving training, more than two other candidates except with the previous permission in writing of the Bar Council.

**5. RULE :-**

Every candidate receiving training with an Advocate shall send to the Bar Council an intimation in writing of the name of the Advocate from whom he desires to receive training, together with the consent in writing of the Advocate concerned in the form prescribed.

**6. RULE :-**

The period of training shall be deemed to commence from the date of the receipt of intimation by the Bar Council referred to in Rule 5 unless the Bar Council otherwise directs.

**7. RULE :-**

Every candidate shall be bound to receive training for the period of six months under the same Advocate except where the Advocate has before the expiry of the period of six months ceased to practise in which case the candidate shall receive training with another Advocate for the residue of the period provided such other Advocate is of not less than ten year's standing and is on the list, if any, maintained by the Bar Council or is approved by the Bar Council in writing and provided further that he shall have given to the Bar Council (a) an intimation in writing thereof previously to his receiving training with such other Advocate and (b) the consent in writing of the Advocate concerned in the form prescribed.

**8. RULE :-**

During the period of training, the candidate shall regularly attend in Chambers of Office of the Advocate, study case papers, correspondence, draft pleadings, attend court and in particular study cases with a view to getting acquainted with the practice and procedure in Civil and/or criminal and/or original and/or Appellate work.

**9. RULE :-**

No candidate shall engage himself in any employment, profession business, trade or calling during the course of training but the Bar Council may in appropriate case, permit a candidate to be a fellow or a lecturer in law in an institution where law is taught to students or to sign Articles with an attorney or to take a part-time employment which does not conflict with his training.

**10. RULE :-**

During the period of six months, the candidate shall not absent himself for a total period exceeding 10 days (excluding vacations) in the period except on the ground of illness, preparation for the examination of the Bar Council or for other reasons considered sufficient by the Advocate from whom he is receiving training. In all cases of such absence, the permission granted for the absence, with the reasons therefor. Shall be obtained by the candidate and submitted to the Council, if continued illness entails absence of more than such total period, the candidate shall give intimation in writing to the Bar Council which may, if such absence shall not be for a total period of more than one month, condone the same.

**11. RULE :-**

An Advocate from whom the candidate is receiving training shall

intimate to the Bar Council in writing the non-attendance of a candidate in training for more than a continuous period of 10 days without his permission except during the Court Vacations.

**12. RULE :-**

The Secretary of the Bar Council shall maintain a separate register in which shall be entered the names of the candidates undergoing a course of training in law, the name and address of the Advocate concerned, the date of the intimation and the date actual commencement of receiving training.

**13. RULE :-**

(a). The Bar Council may, where it is satisfied that the candidate has not undergone full and proper training in compliance with the rules, may extend the period of training as it may deem fit.

(b). In order to enable the Bar Council to find out where the candidate has undergone satisfactorily full and proper training in compliance with the Rules, the Advocate shall submit a detailed report of the candidate's progress in his training during the period of his apprenticeship with Advocate. Such report shall be submitted at the end of the Training period as prescribed by Rule 3.

**14. RULE :-**

The Bar Council may arrange at one or more places in the State of Gujarat a course of lecturer pertaining to the subjects in which the candidates are required to be examined as hereinafter provided.  
Examination

**15. RULE :-**

An examination shall be held twice every year by and under the supervision of the Bar Council at Ahmedabad or at such other place or places as the Council may from time to time appoint by previous notification in the State Government Gazette. Provided that the Bar Council may dispense with the holding of any one of the examination in a year beginning with June and ending with May next, if the number of candidates appearing at any such examination is less than 10.

**16. RULE :-**

Subject to rule 15 the examination shall ordinarily be held in the months of April and October in every year commencing on the 1st Monday of the Month, or on such other date or dates and at such hour or hours as the Council may appoint and notify; provided that

the hours or/and date previously appointed for holding the said examination may be altered, varied or restricted from-time by the Council after reasonable notice in advance in such manner as the Council may deem proper.

**17. RULE :-**

The examination shall be conducted by the Examination Committee to be appointed by the Bar Council.

**18. RULE :-**

The candidate shall be examined in four papers(each consisting of two sections together carrying 100 marks and requiring three hours duration). The candidate shall appear and be examined at an examination held by the Council in such subjects as the Council may from time to time prescribe. Until other provision is made, the candidate will be examined in the following subjects:

**19. RULE :-**

The candidate shall be exempted from Paper I and/or Paper II and/or Paper IV if he is shown to have passed an examination either for the purpose of obtaining his degree of law or for being called to the Bar in the subjects comprising the said paper.

**20. RULE :-**

The Examination Committee may from time to time prescribe Acts, text books and leading cases on the subject prescribed by the Council for the examination.

**21. RULE :-**

Every candidate for the examination shall submit an application in the prescribed form so as to reach the Secretary not less than 30 days and not earlier than 60 days before the date notified for the examination.

**22. RULE :-**

Printed copies of the application form shall be furnished to intending candidates by the Council on payment of such charge as the Council may from time to time fix in that behalf.

**23. RULE :-**

Every candidate for examination shall, along with his or her application, pay or remit to the Council a fee of Rs. 75/- for permission to appear at the examination; provided that in the event of a candidate being prevented by reason of illness or any other reasonable cause from appearing at the examination, the

Secretary may, on an application in writing submitted not later than fifteen days after the termination of the said examination, permit him to appear at the next ensuing examination without payment of a fresh fee.

**24. RULE :-**

If for any cause, which the Examination Committee considers reasonable, a candidate was unable to appear at the examination for which he had paid the fee and applies for refund of the fee, the Committee may, on his application submitted not later than 15 days after the termination of the examination, refund four-fifths of the said fee.

**25. RULE :-**

Every candidate shall annex to his application for permission to appear at the examination the certificate from the appropriate authority to the effect that he has obtained a degree in law within the meaning of section 24 of the Act or that the candidate has been called to the Bar.

**26. RULE :-**

Every candidate shall, on being required by the Secretary furnish such information as may be required by the Secretary for the due consideration of the candidate's application and in cases in which the question of the eligibility of the candidate for the examination appears to the Secretary to be doubtful, the Secretary is authorised to make such further or other inquiries as may appear necessary to him. The Secretary shall report to the Examination Committee the result of such inquiries. The Examination Committee may before finally deciding on the eligibility of the candidate, give the candidate an opportunity to be heard, if the result of such further inquiries made by the Secretary is adverse to the candidate.

**27. RULE :-**

Failure to pass an examination will not disqualify the candidate from appearing at a subsequent examination provided a new application is made and fresh fee paid.

**28. RULE :-**

(i) A candidate who obtains (a) not less than 45 percent of the marks assigned to each paper and (b) not less than 50 percent of the total marks obtainable in all papers, shall be declared to have passed the examination.

(ii) A candidate who has passed with 60 per cent of the full marks in an individual paper may be exempted at his option from appearing in that paper for three years exclusive of the examination in which he has obtained exemption and will be declared to have passed the examination on his passing in the remaining papers.

**29. RULE :-**

A list of successful candidates shall be posted at the office of the Council as soon as the results are declared and thereafter published in the State Government Gazette.

**30. RULE :-**

A certificate shall be granted by Council to a candidate who has been declared successful and who duly applies for the same.

**31. RULE :-**

The Bar Council shall issue a statement of marks obtained at the examination to a candidate on payment of Rs. 2/-