

Chapter III: Advocate/Lawyer

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Chapter III

ADVOCATE/LAWYER

1. LEGAL PROFESSION IN INDIA: AN OVERVIEW

The legal profession is one of the important components of the justice administration system. The legal system prevailing in India at present owes its origin to its colonial masters from Britain who ruled the country for almost two centuries. The legal profession as it exists in India today is the natural outcome of that legal system.²¹³

The Advocates Act, enacted by the Parliament in 1961 regulates the legal profession in India. Prior to this enactment, there was no uniformity in granting licence to practice and with respect to the designations of legal practitioners. There were '**Mukhtars**' appearing in magistrates' courts, who did not possess a law degree. Then there were '**Revenue Agents**' in all revenue courts. The practitioners known as '**Pleaders**' had to pass examination held by the Council of Legal Education presided over by a judge of high court. In the high court there were three categories of practitioners. First category included **Vakil**, meaning the advocate who was not barrister from England / Scotland. They generally possessed a law degree, but sometimes on account of their prominence, the chief justice of the high court would make a pleader a *vakil* and sometimes *vakil* could appear as an advocate. Then there were **barristers** and **solicitors / attorneys**. Barristers could only plead but not allowed to act as advocates and solicitors. The Indian Bar Councils Act, 1926 placed the *vakils* and the barristers on the same footing and both they were designated as advocates of the court.

²¹³ Report of the All-India Bar Committee, Ministry of Law, Government of India, New Delhi (1953)

In the Supreme Courts,²¹⁴ the barristers (British) and advocates could alone be enrolled as advocates and attorneys. Indians, therefore, started going to England to qualify as solicitors and to get enrolled in the Supreme Court. However, the British barristers and solicitors predominated on the original side for a considerable time.

The Indian High Courts Act, 1861 passed by the British Parliament enabled the crown to erect and establish high courts in India by Letters Patent and these Letters Patent empowered the high courts to frame rules for enrolment of advocates and attorneys (commonly known as solicitors). Under these rules, a suitor on the original side of the High Court had to approach an advocate only through the conduit of a solicitor. The high courts made a distinction between the advocates of British origin and *vakils*. The *vakils* suffered from the following infirmities: (1) total exclusion from the original side in Calcutta high court; (2) the compulsion of having to qualify in an extra examination for enrolment as an advocate on the original side of the Bombay high court; (3) the denial of their right to act on the insolvency side of the Madras high court; (4) arrogant air of superiority assumed by the fresh advocates; (5) the compulsion imposed on *vakils* to file *vakalatnamas* which advocates were not required to do.

All these distinctions offended the self-respect of the *vakils*. In the province of Punjab, during 1870's, the Punjab Chief Court held its own examination for pleaders and admission to the Bar. In 1874 the Chief Court assigned the task of holding the pleaders examination to the Punjab University College. The course of study, as before, extended to 2- years and the success in the first examination classified the candidate for *mukhtarship* and success in the second examination qualified him for pleadership of the subordinate courts. Pleader of 5-years standing was admitted to the bar of the Chief Court.

The Advocates Act, 1961

The Advocates Act, 1961²¹⁵ abolished this dual system with a view to simplifying and streamlining court procedure, avoiding stratification of the profession and reducing the cost of litigation keeping the needs of the litigants a matter of

²¹⁴ Before Independence there existed three Supreme Courts in the Presidency towns of Calcutta, Madras and Bombay under the Regulating Act of 1773. A detailed description on the judicial system is given in chapter-II.

²¹⁵ Amendment Act 107 of 1976, S.O.R. – Gazette of India, Pt.II, S.2, Ext, 1285 (24 –8 – 1976).

paramount importance.²¹⁶ The Advocates Act is aimed at raising the prestige of the profession, to improve the morale of the profession besides inculcating the spirit of oneness and harmony in the profession. The Act creates the Bar Council of India at the national level, empowering it to lay down the uniform qualifications for the enrolment of advocates. There are bar councils at the state level, where an advocate is enrolled on the state list. An advocate enrolled in any state bar council can practice before any court throughout the country.

2. BAR COUNCIL

Pre- 1961 Period: The classifications made among the advocates during the British rule resulted in revolt from *vakils* and demand for an All India Bar. In view of the pressure of the indigenous legal professionals the Government of India eventually in November 1923 set up the Indian Bar Committee, popularly known as Chamier Committee. It dealt only with the advocates and *vakils* practising in the high court. It did not touch pleaders and *mukhtars* except by stating that the control over them should be left to the high court. To give effect to the recommendations of the Chamier Committee relating to the establishment of Bar Councils, the central legislature enacted the Indian Bar Councils Act, 1926.²¹⁷ It extended to the whole British India. It provided for the constitution and incorporation of Bar Council as a body corporate and the powers of making rules regarding the same and byelaws and procedure for appointment of ministerial officers and servants. However, the power of enrolment of advocates continued with the high court and the bar councils functions were mainly advisory. The 1926 Act left the pleaders, *mukhtars*, revenue agents entirely out of consideration and did not bring about a unified bar. Further the bar councils constituted during this period were neither autonomous nor had any substantial authority.

Bar Council of India Established under the Advocates Act, 1961: The demand for uniformity in the designation and functioning of the advocates was finally granted, by formation of the Bar Council of India (BCI) under the Advocates Act which made the Council (BCI) an important domestic tribunal. The Advocates Act creates

²¹⁶ *Ibid.*

²¹⁷ Act 38 of 1926.

autonomous All-India Bar Council and state bar councils, which are competent to enrol advocates and try all the cases of professional misconduct. The Act provides for the general supervision and control of the BCI over all state bar councils in order that they may, in the exercise of their powers, follow a uniform all-India policy.²¹⁸

Composition of the Bar Council of India: The BCI consists of 18 members.²¹⁹ The Attorney-General of India and Solicitor-General of India as *ex-officio* members and one member elected by each state bar council from amongst its members.²²⁰ Among its elected members again, election is held for the post of chairman & vice-chairman.²²¹ They are elected for a term of two years but continue to hold the post till further elections are held for these posts.²²² The representation given to state bar councils on the BCI is of a uniform pattern and no distinction has been made between states, which have large number of advocates, and those, which have a small number of advocates. Advocates of at least 10 years' standing are eligible for being elected as members.²²³

Functions of Bar Council of India: The important functions of the BCI are: to lay down standards of professional conduct and etiquette for advocates; to lay down the procedure to be followed by its disciplinary committee and the disciplinary committee of each state bar council; to safeguard the rights, privileges and interests of advocates; to promote and support law reforms; to deal with and dispose of any matter arising under this Act, which may be referred to it by a state bar council; to exercise general supervision and control over state bar councils; to promote legal education and to lay down standards of such education in consultation with universities in India imparting such education and the state bar councils; to recognise universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect universities; to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and papers of legal interest; to organise legal aid to the poor; to recognise on reciprocal basis foreign qualifications in law obtained from outside India for the purpose of admission as an advocate; to manage and invest the funds of the Bar

²¹⁸ Act 21 of 1964, S.O.R. – Gaz. of Ind., (18-4-1964)

²¹⁹ As on October 30, 2000.

²²⁰ Advocates Act, 1961, sec 4(1).

²²¹ *Id*, sec 4(2).

²²² *Id*, sec 4(3).

²²³ *Id*, sec 3(2).

Council; to provide for the election of its members; to give financial assistance to a state bar council if the latter needs the same for the purpose of performing necessary functions, by way of grant or otherwise; and to perform all other functions conferred on it under this Act.²²⁴

Apart from these obligatory functions, the BCI constitutes funds for the purposes of giving financial assistance to organize welfare schemes for indigent, disabled or other advocates; giving legal aid or advice in accordance with the rules made in this behalf; establishing law libraries etc.²²⁵ It receives grants, donations, gifts or benefactors for all or any of the purposes mentioned above.²²⁶

Committees Constituted by the Bar Council of India: Besides, above mentioned functions, the BCI constitutes committees such as: (i) special committee consisting of the *ex-officio* member of the state bar council as Chairman (but, if there are more than one *ex-officio* members, the senior most amongst them shall be the chairman) and two members from amongst advocates on the electoral roll of the state bar council, where a state bar council fails to provide for the election of its members before the expiry of the term of five years or the extended term, as the case be, to discharge the functions of the State Bar Council;²²⁷ (ii) an executive committee consisting of nine members elected by the council from amongst its members;²²⁸ (iii) a legal education committee consisting of ten members, of whom five are persons elected by the council from amongst its members and five co-opted by the council who are not members thereof;²²⁹ and (iv) a disciplinary committee for disposing the complaints of alleged misconduct filed against the advocates.²³⁰

The Bar Council of India's Power to Formulate Rules: The Advocates Act²³¹ empowers the BCI to formulate rules for discharging its functions such as the conditions subject to which an advocate may be entitled to vote at an election to the state bar council, including the qualifications or disqualifications of voters, and the manner in which an electoral roll of voters may be prepared and revised by a state bar council;

²²⁴ *Id*, sec 6.

²²⁵ *Id*, sec 6(2).

²²⁶ *Id*, sec 6(3).

²²⁷ *Id*, sec 8A.

²²⁸ *Id*, sec 10(2)(a).

²²⁹ *Id*, sec 10(2)(b).

²³⁰ *Id*, sec 36.

²³¹ *Id*, sec 49.

qualifications for membership of a bar council and the disqualifications for such membership; the time within which and the manner in which elections are held for the state bar council; the manner in which the name of any advocate may be prevented from being entered in more than one state roll; the manner in which the seniority among advocates may be determined; the minimum qualifications required for admission to a course of degree in law in any recognised university; the class or category of persons entitled to be enrolled as advocates; the conditions subject to which an advocate shall have right to practice and the circumstances under which a person shall be deemed to practice as an advocate in a court; the form in which an application shall be made for the transfer of the name of an advocate from one state roll to another; the standards of professional conduct and etiquette to be observed by advocates; the standards of legal education to be observed by universities in India and the inspection of universities for that purpose; the foreign qualifications in law obtained by person other than citizens of India which shall be recognised for the purpose of admission as an advocate; the procedure to be followed by the disciplinary committee of a state bar council and by its own disciplinary committee; the restrictions in the matter of practice to which senior advocates shall be subject; the form of dresses or robes to be worn by advocates, having regard to the climatic conditions, appearing before any court or tribunal; the fees to be levied in respect of any matter.

State Bar Councils: There are 17 State Bar Councils²³² functioning in various states in India.

Composition of State Bar Councils:²³³ A state bar council consists of the following *ex-officio* members, namely: -

In the State Bar Council of Delhi: the Additional Solicitor-General of India.

In the State Bar Council of Assam & Nagaland: the Advocate- General of each of the States

In the State Bar Council of Punjab & Haryana: the Advocate- General of each of the States

In the State Bar Council of any other State: the Advocate- General of the State.

²³² *Supra* note 8, sec 3. (In the State of Jammu & Kashmir (J&K) the High Court of J&K plays the role of Bar Council in enrolment of Advocates and other related matters).

²³³ *Id*, sec 3(2).

Other than *ex-officio* members, other members are elected to the state bar council, in accordance with the system of proportional representation by means of single transferable vote from amongst advocates on the electoral roll of state bar council:²³⁴

Electorate in the state Bar Council	Strength of members elected to the state Bar Council
Up to 5000	15
5000 – 10000	20
Exceeding 10000	25

The elected members of the state bar councils hold office for a term of 5 years.²³⁵ Out of these elected members a Chairman and a Vice- chairman for each state bar council are elected for a period of two years.²³⁶ Every state bar council appoints a secretary and such other staff as necessary.²³⁷

Functions of the State Bar Council: Every state bar council is a body corporate having perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and to contract, and capacity to sue and be sued.²³⁸ It has to admit persons as advocate on roll; prepare and maintain such roll; entertain and determine cases of misconduct against advocates on its roll; giving legal aid or advice in accordance with the rules made thereof; establishing law libraries; safeguard rights, privileges and interests of advocates on its roll; promote growth of bar associations for the purpose of effective implementation of welfare schemes; to promote and support law reforms; conduct seminars and organise talks on legal topics by eminent jurists and publish journals and papers of legal interest; organise legal aid to the poor in the prescribed manner; manage funds and invest them; provide for the election of its members; visit and inspect universities in respect of rules made by it; send to the Bar Council of India an authenticated copy of the roll of advocates prepared by it; and issue certificate of enrolment to every person who is enrolled by it.²³⁹

Supreme Court on Power of State Bar Councils to Formulate Rules: In *Dr.*

²³⁴ *Id*, sec 3(2)(b).

²³⁵ *Id*, sec 8

²³⁶ *Id*, sec 8, 54

²³⁷ *Id*, sec 11.

²³⁸ *Id*, sec 4.

²³⁹ *Id*, sec 6.

Haniraj L. Chulani v. Bar Council of Maharashtra & Goa,²⁴⁰ the Supreme Court of India made it clear that the state bar councils possess powers to formulate rules regarding advocacy and it would not interfere or struck down any rule so formulated, for the Advocate Act itself has entrusted the power and duty to elected representatives of the profession constituting the state bar councils to lay down the high standards of professional etiquette as expected of the advocates enrolled by it. That would naturally bring in its wake the power to regulate entry to such a noble profession. Hence rule formulated by Maharashtra & Goa Bar Council that persons already engaged in any other profession, such as medical profession, is disqualified from being admitted as an advocate, is valid rule made within the periphery of power it has under the Advocates Act.

Formation of Committees by State Bar Councils: For discharging its functions in an effective manner the bar councils of states forms various committees such as; an **executive committee** consisting of 5 members elected by the council from amongst its members²⁴¹; an enrolment committee consisting of 3 members elected by the council from amongst its members²⁴²; one or more disciplinary committees consisting of two persons elected by the council from amongst its members and one person co-opted by the council from amongst advocates who has been enrolled as an advocate for at least 10 years and who is not a member of the council.²⁴³ The senior-most advocate amongst these is designated as the Chairman; one or more legal aid committees consisting of maximum of 9 members.²⁴⁴ However, constitution of legal aid committee has been made optional vide rules made by the BCI.

Formulation of Rules by State Bar Councils:²⁴⁵ Under the provisions of the Advocates Act, 1961, the state bar councils also formulate rules regarding the; election of members of the bar council by secret ballot including the conditions subject to which persons can exercise the right to vote by postal ballot, the preparation and revision of electoral rolls and the manner in which the results of election shall be published; the manner of election of the chairman and the vice-chairman of the bar council; the filling

²⁴⁰ (1996) 3 SCC 342.

²⁴¹ *Supra* note 8, sec 10(a).

²⁴² *Id*, sec 10(b).

²⁴³ *Id*, sec 9.

²⁴⁴ *Id*, sec 9A.

²⁴⁵ *Id*, sec 15.

of casual vacancies in the bar council; the manner in which and the authority by which doubts and disputes as to the validity of an election to the bar council or to the office of chairman and the vice-chairman shall be finally decided; the powers and duties of the chairman and the vice-chairman of the bar council; the constitution of one or more funds by a bar council for the purposes of giving financial assistance or giving legal aid or advice; organization of legal aid to the poor, constitution and functions of committees and sub- committees for that purpose and description of proceedings in connection with which legal aid or advice may be given; the summoning and holding of meetings of the bar council, the conduct of business there at, and the number of members necessary to constitute a quorum; the qualifications and the conditions of service of the secretary, the accountant and other employees of the bar council; the maintenance of books of accounts and other books by the bar council; and the management and investment of the funds of the bar council. However, no rule made by the state bar councils shall have any effect unless it has the approval of the Bar Council of India.

3. BAR ASSOCIATION

Unlike some of the nations such as USA, Japan where Bar Associations are statutory bodies with the powers to enrol advocates and take disciplinary action for misconduct etc., the Bar Associations in India are entirely private bodies set up at various levels. A group of advocates by joining together form bar associations at various levels such as at the Supreme Court, high courts, in district levels. The associations are also formed by advocates practicing in specialised areas such as ‘Income Tax Lawyers Association’, ‘Labour Law Association’ etc. At present there are 498 bar associations formed in India.²⁴⁶

The bar associations are formed mainly with the objective of overall protection and development of its members. For example, the aims and objectives of the Supreme Court bar association are; to conduct and hold seminars, symposia, conferences on issues and topics of interest to the legal profession and to disseminate information in this behalf; to promote the welfare of the members of the association.²⁴⁷ The office

²⁴⁶ Source: Bar Council of India, New Delhi (2000).

²⁴⁷ Supreme Court Bar Association, *Aims Objects & Rules* 2, Supreme Court Bar Association (1993)

bearers to these associations are elected through election held every year. The membership to these associations is “optional”. An advocate interested may become a member of different associations by paying the requisite fees. The bar associations are bereft of taking any disciplinary action against any erring advocate.

4. ADVOCATE (QUALIFICATIONS, DISQUALIFICATIONS AND CLASSIFICATION)

(i) Qualifications: The Advocates Act 1961 prescribes uniform qualifications for enrolment throughout India.²⁴⁸ A person may be admitted as an advocate on a state roll, if he: (a) is a citizen of India;²⁴⁹ (b) has completed the age of 21 years; (c) has obtained a degree in law after undergoing a 3 years course (or more) of study in law from any University in India which is recognized by the Bar Council of India /any University outside the territory of India, if the degree is recognised by the Bar Council of India,²⁵⁰ (d) fulfils such other conditions as may be specified by the state bar council.

Only advocates enrolled under the Act can practice the profession of law in all courts including the Supreme Court, any tribunal / any other authority who is legally authorized to take evidence.²⁵¹

(ii) Disqualifications: No person shall be admitted as an advocate on rolls if he / is: (i) convicted of an offence involving moral turpitude; (ii) convicted of an offence under the provisions of Untouchability (Offences) Act, 1955 and (iii) dismissed / removed from employment / office under the state on any charge involving moral turpitude.

(iii) Procedure for Enrolment as an Advocate: Unlike some of the nations such as Japan, USA, Germany, etc., in India no Bar examination is conducted for enrolment as an advocate. Under the Advocates Act, 1961, an application for enrolment as an advocate is made to the State Bar Council within whose jurisdiction the applicant proposes to practice along with requisite fee enclosing certificates of proof of

²⁴⁸ Act 47 of 1980, -S.O.R. – Gazette of India, 1285, Pt.II, S.2, Ext., (12 –6 – 1980).

²⁴⁹ Provided that subject to the other provisions contained in this Act, a national of any other country may be admitted as an advocate on a state roll, if citizens of India, duly qualified, are permitted to practise law in that country.

²⁵⁰ *Supra* note 8, sec 24.

²⁵¹ *Id*, sec 30.

educational qualifications.²⁵² State bar council is required to refer to every application for admission as an advocate to its enrolment committee.²⁵³ The enrolment committee of a state bar council shall dispose of every application. Where it proposes to refuse such application, it refers the application for opinion to the BCI and also gives to the applicant a statement of the grounds in support of refusal of such application. On receipt of the opinion of the BCI, the state bar council shall dispose of such application in conformity with the opinion of the Bar Council of India. Where a state bar council has refused the application, no other state bar council can entertain the application of such person for admission as an advocate on its roll, except with previous consent in writing of the state bar council which has refused the application and of the Bar Council of India.²⁵⁴

Pre-enrolment Training: Prior to the enactment of the Advocates Act, 1961, a person had to undergo two years legal training from any university/law college as a condition for enrolment as an advocate. Under the new Act²⁵⁵ there is no provision for pre-enrolment training. The Bar Council of India with an aim to raise the standards of the legal profession and to equip the new entrants with compulsory training in law, in 1995 introduced pre-enrolment training rules,²⁵⁶ prescribing 1-year training (apprenticeship) under a senior lawyer having at-least 10 years standing as a prerequisite for enrolment as an advocate. However, the Supreme Court, through its judgment in *V. Sudeer v. Bar Council of India & Anr.*²⁵⁷ struck down the rules on the ground that the rule making power of the Bar Council of India under section 49(1)(ah) of the Advocates Act deals with a situation which is post-enrolment of an advocate and does not deal with pre-enrolment situation for a candidate seeking enrolment and thus held the rules violative of the scheme of the Act. Hence at present obtaining a law degree from a law school recognised by the Bar Council of India is the only prerequisite for entry into the Bar.

(iv) Classification of Advocates: The Advocates Act, 1961 for the first time nationalized the legal profession in the sense that every practitioner, from top to bottom,

²⁵² Stamp duty chargeable and an enrolment fee payable to the state bar council (which is rupees 2200/-) and to the Bar Council of India (which is rupees 170/-) by way of a bank draft.

²⁵³ *Supra* note 8, sec 25, 26.

²⁵⁴ *Id*, sec 26, 27.

²⁵⁵ *Supra* note 8.

²⁵⁶ *Id*, sec 49(1)(ah).

is known as advocate. It closed doors to the *mukhtar*, revenue agent and pleader and as a matter of fact these classes have become extinct, and all legal practitioners are designated as advocates. In 1980,²⁵⁸ the Advocates (Amendment) Act abolished the class of legal practitioners known as attorneys and the pre-existing attorneys were required to become advocates under the Advocates Act. The only classification permitted under the new Act²⁵⁹ is **senior advocates** and **advocates**.

Senior Advocates: An advocate may, with his consent be designated as senior advocate if the Supreme Court / High Court is of the opinion that by virtue of his ability, standing at the bar or special knowledge or experience in law, he deserves such a distinction.²⁶⁰

5. PROFESSIONAL ETHICS

Conduct of Advocates:²⁶¹ The Bar Council of India, through its resolutions, formulates rules,²⁶² prescribing the standards of 'Professional Conduct and Etiquette' to be observed by advocates. Prior to these rules, the advocates have been guided by the principles of professional ethics already well established partly as a result of judicial decisions by the Supreme Courts and High Courts and partly by adoption of such of the rules laid down by the General Council of the Bar of England and Wales regulating the conduct and etiquette at the Bar, as have been found suitable pertaining to the legal profession in India. Under the rules formulated by the BCI, an advocate, during the presentation of his case / otherwise acting before a court, has to conduct himself with dignity and self-respect. He has to maintain towards the court a respectful attitude, bearing in mind that the dignity of judicial officer is essential for the survival of a free community and not influence the decision of a court by any illegal / improper means. Private communications with a judge relating to pending cause are forbidden. Advocates are directed to use best efforts to restrain and prevent clients from resorting to sharp and unfair practices / from doing anything in relation to the court, opposing counsel / parties

²⁵⁷ JT 1999(2) SC 141.

²⁵⁸ Act, 47 of 1980, S.O.R. Gazette of India., 12-6-1980, part. II, S.2, Ext., 418.

²⁵⁹ *Supra* note 8.

²⁶⁰ *Id.*, sec 16.

²⁶¹ *Id.*, sec 35-44

that the advocate himself ought not to do. An advocate has to avoid scurrilous attack in pleadings, and using intemperate language during arguments in court and appear in court at all times only in the prescribed dress. Advocates are prohibited from practicing before a court, tribunal / any other authority if the sole or any member thereof is related to the advocate by any relation and for or against an organisation or an institution, or society or corporation, if he is a member of the Executive Committee of the same. Advocate cannot withdraw from a case, once accepted, without sufficient cause and unless reasonable and sufficient notice is given to the client. Upon withdrawal from a case he has to refund such part of the fee as has not been earned. Likewise many obligations are put upon members of this profession so that they are honest and do not indulge in any thing that breach confidence and trust of litigants in the judiciary itself.

Disposal of disciplinary proceedings:²⁶³ The disciplinary committee of a state bar council, upon receipt of a complaint of professional misconduct against an advocate fixes a date for hearing of the case and gives notice thereof to the advocate concerned and to the Advocate- General of the state. Advocate-General of the state represents the case of a complainant or a state bar council. The disciplinary committee of state bar council after giving an opportunity to both Advocate-General and the advocate concerned may make the following orders, namely, (i) dismiss the complaint or where the proceedings were initiated at the instance of the state bar council, direct that the proceedings be filed; (ii) reprimands the advocate; (iii) suspend the advocate from practice for such period as it may deem fit; and (iv) remove the name of the advocate from the State roll of the advocates.

The Advocate suspended from practice is not entitled to practice during the period of suspension in any court or before any authority or person in India. Any person aggrieved by an order of the disciplinary committee of state bar council, within 60 days of the communication of the order to him, prefer an appeal to the Bar Council of India. The disciplinary committee of the Bar Council of India hears every such appeal thereon and after hearing both parties, passes an appropriate order. Any person aggrieved by an order made by the disciplinary committee of the Bar Council of India or the Attorney-General of India or the Advocate-General of the State concerned, within 60 days of the

²⁶² Bar Council of India, resolution No. 51/1965.

²⁶³ *Supra* note 8, sec 36B.

date on which order is communicated, prefer an appeal to the Supreme Court and the Supreme Court after giving reasonable opportunity to be heard to both the concerned parties can pass an appropriate order thereon. As a general rule Supreme Court does not interfere with the concurrent findings of fact by the disciplinary committee of the Bar Council of India and also of state bar councils unless the finding is based on no evidence or it proceeds on mere conjectures and surmises.

The disciplinary committee of Bar Council of India if finds any advocate whose name is not entered on any state roll, to be guilty of professional or other misconduct, it refers the case for disposal to its disciplinary committee. In disposing of any proceedings the disciplinary committee of Bar Council of India is competent to make any order, which the disciplinary committee of state bar council can make and the state bar council concerned has to give effect to such order.

The disciplinary committee of Bar Council of India, either on its own motion or on a report of state bar council or on application made to it by any person interested (advocate on a state roll or complainant) withdraw for inquiry before itself any proceedings for disciplinary action against any advocate pending before the disciplinary committee of state bar council and dispose of the same.

The disciplinary committee of a state bar council has to dispose of the complaint within a period of one year from the date of initiation of proceedings, failing which such proceedings stand transferred to the Bar Council of India which disposes of the same as if it were a proceedings withdrawn for inquiry.

6. STATISTICAL DATA

Table 1-1

Statement of Total Number of Advocates (Men & Women) Enrolled with the State Bar Councils							
State Bar Council of	As on 31-3-1985			As on September 1999			
	Men	Women	Total	Men	Women	Total	
Andhra Pradesh	12, 918	403	13, 321	36, 111	3, 855	39, 966	
Assam, Nagaland	3, 345	139	3, 484	7, 255	1, 183	8, 438	
Bihar	23, 898	230	24, 128	66, 440	1, 170	67, 610	
Delhi	8, 822	815	9, 637	22, 500	3, 650	26, 150	
Gujarat	12, 204	1, 111	13, 315	25, 346	4, 721	30, 067	
Himachal Pradesh	1, 299	60	1, 359	2, 522	297	2, 819	
Kerala	8, 426	600	10, 214	17, 568	3, 015	20, 583	
Madhya Pradesh	18, 879	760	19, 639	37, 487	3, 477	40, 964	
Tamil Nadu	17, 284	618	17, 902	30, 329	3, 500	33, 829	
Karnataka	11, 841	-	12, 239	26, 389	3, 169	29, 558	
Maharashtra & Goa	27, 499	2, 569	30, 069	45, 000	11, 000	56, 000	
Orissa	7, 161	129	7, 290	21, 500	1, 272	22, 772	
Punjab & Haryana	15, 497	445	15, 942	29, 123	2, 266	31, 389	
Rajasthan	12, 246	359	12, 605	18, 198	1, 299	19, 497	
Uttar Pradesh	71, 500	500 (approx)	72, 000	1,48, 141	5, 859	1, 54, 000	
West Bengal	27, 364	1, 358	28, 722	39, 395	3, 343	42, 738	
Jammu & Kashmir	NA	NA	Na	1, 038	185	1, 223	
Total	2, 80, 183	10, 493	2, 90, 676			6, 26, 603	

Source: Bar Council of India, New Delhi. (2000)

Table 1-2

Statement of Total Number of Advocates Enrolled with the State Bar Councils				
State Council of	Bar	Total as on 31-3-85	Total as on December 31, 1994	Total as on Sept 99
Andhra Pradesh		13, 321	31, 230	39, 966
Assam, Nagaland		3, 484	6, 450	8, 438
Bihar		24, 128	44, 318	67, 610
Delhi		9, 637	18, 142	26, 150
Gujarat		13, 315	23, 108	30, 067
Himachal Pradesh		1, 359	2, 177	2, 819
Kerala		10, 214	13, 582	20, 583
Madhya Pradesh		19, 639	35, 596	40, 964
Tamil Nadu		17, 902	29, 347	33, 829
Karnataka		12, 239	23, 178	29, 558
Maharashtra & Goa		30, 069	49, 556	56, 000
Orissa		7, 290	17, 811	22, 772
Punjab & Haryana		15, 942	26, 380	31, 389
Rajasthan		12, 605	16, 568	19, 497
Uttar Pradesh		72, 000	1, 17, 460	1, 54, 000
West Bengal		28, 722	37, 865	42, 738
Jammu & Kashmir		--	--	1, 223
Total		2,90,676	4,92,759	6,26,603

Source: Bar Council of India, New Delhi. (2000)

**Table 2: Statement of number of advocates expelled from the state roll
for professional misconduct in the years:**

Bar Council of State of:	1998	1999
Kerala	Nil	Nil
Madhya Pradesh	01	NA
Orissa	01	Nil

Table 3: Statement of number of complaints received against advocates on roll for professional misconduct by various Bar Councils in the years:

Bar Council of State of:	1998	1999
Orissa	46	43
Madhya Pradesh	56	13
Kerala	179	90

Table 4: Statement of number of committees (Disciplinary and legal aid) constituted by various State Bar councils:

Bar Council of State of:	Number of Disciplinary committees constituted:	Number of Legal aid committees constituted
Kerala	4	1
Orissa	6	1
Madhya Pradesh	8	Nil

Table 5: Statement of number of indigent, disabled and other advocates who received financial assistance from the welfare schemes organised in the years:

Bar Council of State of:	1998	1999
Orissa	56	44
Kerala	Nil	Nil
Madhya Pradesh	31	50

Table 6: Statement of number of senior and other advocates practising and enrolled up to August 2000 on rolls of various state bar councils:

State Bar Council of	No. of advocates admitted on roll in the year 1998	No. of advocates admitted on roll in the year 1999	No. of senior advocates practising	No. of advocates on roll up to August 2000
Kerala	1531	3609	35	24,856
Madhya Pradesh	3359	4009	46	50102
Orissa	859	3768	20	1313

Table 7: Number of advocates admitted on roll

	State Bar Council of	Year 1970	70	72	73	74	75	76	77	78	79	80	81	82	83	84	85	Average Enrolment per year in 1980s
1.	Andhra Pradesh	120	130	233	194	289	227	306	305	505	535	659	610	667	739	994	1064	600 approx
2.	Bihar	2040	900	791	786	536	675	815	766	613	697	1485	1166	*424 *(upto 30.3.82)	-	-	-	1,000 "
3.	Delhi	285	236	300	329	345	378	397	330	393	444	419	502	564	604	602	621	500 "
4.	Gujarat	305	188	281	366	333	442	506	631	534	763	710	740	772	844	865	551	600 "
5.	Himachal Pradesh	19	28	51	66	52	58	92	92	97	102	106	102	97	72	87	103	90 "
6.	Madhya Pradesh	693	630	542	687	496	713	1000	624	1019	963	808	1069	1101	1057	1092	1156	1,000 "
7.	Maharashtra	539	631	604	668	756	817	1050	1042	1097	1430	1645	1903	1557	1836	1630	1643	1,500 "
8.	Orissa	75	153	185	266	266	526	242	259	279	475	423	*387 (*upto 13.8.81)	-	-	-	-	300 "
9.	Punjab & Haryana	303	415	453	531	672	685	596	933	854	929	1081	1110	1037	785	-	-	800 "
10.	Rajasthan	198	301	320	305	404	464	804	707	572	783	554	848	887	627	599	406	700 "
11.	Tamilnadu	496	241	226	465	453	527	545	654	610	496	941	851	677	1113	1025	680	800 "
12.	Uttar Pradesh	992	150 7	165 0	176 0	2060	221 4	4930	3263	3397	3760	*2970 (*upto 11.10.82)	-	-	-	-	-	3000 "
13.	Karnataka	150	156	283	297	388	436	345	502	522	585	643	697	708	768	860	1010	700 "
14.	Kerala	193	184	204	309	338	380	506	388	316	729	308	508	*100 (upto 13.3.82)	-	-	-	350 "
15.	Assam, Nagaland etc.	107	105	120	134	134	190	186	153	149	110	131	*119 (*upto 15.3.83)	95				150 "
16.	West Bengal	541	490	449	838	*500 (*upto 2.4.74)	145 4	1301	1631	1938	751	1424	2147	*1092 (*upto 21.6.83)	1100			1500 "

Observations: The Bar Council of India for the last one decade has been geared up and playing a significant role in laying down standards for advocates. Quite apart from this the Supreme Court of India has raised the standards of professional responsibility of the advocate towards his client and has awarded damages to the clients for gross neglect on the part of the advocates. Be that as it may the legal profession has a vital role to play in the matter of law reforms, reducing the pendency of cases, removing roadblock in access to justice etc.