

CERTIFICATE OF PRACTICE AND PLACE OF PRACTICE (VERIFICATION) RULES, 2015

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Statement of objects and reasons:

The legal profession is an Honorable one and it has critical role to play in protecting and promoting the Civil and Constitutional rights of the people. An independent and fearless Bar is vital and crucial for sustaining and promoting a true and healthy democracy. The Bar which is subject to manipulation and influence from extraneous powers, howsoever mighty and esteemed they may be, cannot do justice either to the Legal Profession or to the Rule of Law. Trend of Advocates switching over to other professions/services/business without any information to the State Bar Council has reached alarming proportions. This trend is endangering the legal profession as a whole. It has also made a dent in its sanctity and standards. Names of such advocates continue to be included in the "Roll of advocates" being maintained by the Bar association and State Bar Councils, not withstanding the fact that they have left the legal profession or have since died.

Under these circumstances it appears that a definite trend is visible that the control of Bar Associations and of other elected bodies under the Advocates Act is slipping out of the hands of the advocates who practice law. It is also being experienced that after certificate of enrolment is issued to an advocate, practically no communicative and continuing contact, survives between him and the Council.

Under the existing state of affairs, All India Bar Examination introduced on the directions/observations of the Supreme Court of India to improve the standard of legal profession has also failed to fully achieve its objective. Advocates enrolled with the State Bar Councils obtain "Provisional Certificate of Practice" (valid for 2 years) and thereafter most of them are practicing Law without caring to appear for All India Bar Examination and to pass it.

Various welfare schemes for advocates have been floated in India both under State Legislations as well as under various welfare schemes framed by different State Bar Councils and by Bar Council of India but benefits there under are being enjoyed by those also who have left the profession.

The Bar Council has also come to know that a number of fake (farzi) persons (without any Law Degree or enrolment certificate) are indulged in Legal practice and are cheating the Litigants, courts and other stake-holders. Shockingly, it has come to the notice of the Council that at some places, the office-bearers of Bar Associations or some vote-seekers knowingly make such people members and voters of their Associations with a motive to get their votes in the elections of Bar Associations or Bar Councils. Similarly, many persons, after getting enrolled as Advocates in any State Bar Council get involve in Property-Dealings, contract or switch over-to some other business, profession or job and have no more concern with the Legal profession. Such "non-practicing Advocates" are sometimes being used by some of the office-bearers/candidates for elections of Bar Associations or

Bar Councils (Only for their, votes). But in fact, the Council has realized that such practice is degrading the standard of Legal profession and this mal-practice has to be-stopped.

In order to maintain the dignity and standard of Legal profession, we shall have to oust fake people from the court-campus and we shall have to identify the "non-practicing Advocates", (who are involved in other job, business or profession). We are to ensure that such Advocates do not involve in deciding the fate of our Associations and the Bar Councils; And such Advocates are not allowed to get any benefit of welfare schemes or to practice Legal profession so long as they are in any other business, job or profession. It is due to these reasons, the Council has decided to make provisions for identification of such fake persons and non-practicing Advocates. Under the circumstances the Bar Council of India has passed the rules and the Karnataka State Bar Council has initiated steps to implement these Rules.

CHAPTER I

PRELIMINARY

1. Short Title :

These Rules shall be called as the "**Certificate of Practice and Place of Practice (Verification) Rules, 2015**".

2. Extent

These rules will be applicable to all the advocates whose names appear on the State Rolls being maintained by the State Bar Councils under section 17 of the Advocates Act, 1961.

3. Date of commencement:

These rules, except Rule 7 of Chapter III, shall come into force at once from the date of publication of these Rules in the Gazette of India. Rule 7 of Chapter III shall come into force on such date as the Bar Council of India may, by notification in the Gazette of India, appoint in this behalf. Published in the Gazzette of India on 12th January 2015.

4. Definitions:

- (a) **Act** means the Advocates Act, 1961.
- (b) **Advocate** means an advocate whose name is entered in the Roll of Advocates being maintained by the State Bar Councils under section 17 of the Advocates Act, 1961.
- (c) **Certificate of Enrolment** means the certificate of enrollment held by an advocate issued under Section 22 of the Advocates Act, 1961.
- (d) **Certificate of Practice** in relation to an advocate having obtained graduate degree in law before the academic year 2010 enrolled on the roll of Advocates shall mean Certificate of Practice issued under Rule 13 and in relation to an advocate graduating in law in academic year 2009 -2010 (1st July, 2009 to 30th June, 2010) and thereafter, enrolled on or after 12th Day of June, 2010, Certificate of Practice means the

"Certificate of Practice" issued under All India Bar Examination Rules or under Rule 13 of these Rules or the enrolment certificate issued by the State Bar Council.

- (e) **State Bar Council** means the State Bar Councils as defined under section 3 (I) (a) of the Advocates Act, 1961.
- (f) **Verification/process fee** means the amount /s payable under these rules as fee and amount for processing of Application and its verification. This amount may be varied by the Bar Council of India from time to time and on such variation, the varied amount shall mean the fee.
- (g) **Bar Association** of a given area/town/city means an area/territory and court work based association of advocates, whether registered under the Societies Registration Act (Act No. XXI of 1860) or not having its area/territory defined in terms of the whole or part of the territorial jurisdiction of Courts / Tribunals /Persons or any other Authorities legally competent to take evidence before which its members ordinarily practice law and it includes Bar Association exclusively dealing in specific fields of law viz. Income Tax, Corporate Law, Central / State Excise Law etc. in relation to the authorities / tribunals / boards etc. there under.
- (h) **"Roll of advocates"** means "roll" as defined in the Advocates Act.
- (i) **"Administrative. Committee"** shall mean a committee comprising of three members of the State Council, constituted by the State Bar Council by way of election, for discharging such functions and duties as are entrusted to it under these Rules. There may be more than one such Committee depending upon the work load of a particular State Bar Council.
- (j) **An non-practicing advocate** means an Advocate enrolled with any State Bar Council, but is not in actual practice of Law and is engaged in some other public: or private job, business, contract etc. not related to Legal profession: and who has been so declared under Rule 13 and Rule 20.2 of these Rules and whose name stands published under Rule 20.4.
- (k) **Fake Person** is a person who is involved in practicing in Courts of Law/Tribunals or other Legal forums without having a valid Degree in Law (without any enrolment in any State Bar Council) and use to appear in such Courts, Tribunals or Forums illegally posing him as an Advocate. .
- (l) **All terms and phrases** used in these rules shall have the same meaning as they have under the Advocates Act, 1961, unless the context in which such words and phrases are used, expressly suggest to the contrary.

5. **Necessity of "Certificate of Practice":**

An advocate shall not be entitled to practice law unless he holds a valid and verified certificate of practice issued either under All India Bar Examination Rules or under these Rules.

This disability to practice law would come into force only when the name/names of such advocate/s is/are published under Rule 20.4.

5(a) Exemption of certain categories of Advocates:-

However, it is made clear that the senior Advocates designated under Section 16 of the Act and the Advocates on Record of Supreme Court of India shall not be required to fill up the form for Verification. The senior Advocates and Advocates on Record of Supreme Court of India are simply required to send their two passport size photographs with their names and current Address to the concerned Bar Council through their respective Associations so that their names could be included in the voters list of State Bar Council. There is a separate form, 'Form E' for that purpose.

CHAPTER II

LOCAL BAR ASSOCIATIONS

6. Advocate to be a member of the Bar Association where he/she normally practices law:

6.1 An advocate, after having obtained a Certificate or Enrollment under section 22 of the Advocates, Act, 1961, is required to get himself registered as a member of the Bar Association where he ordinarily practices law or intends to practice law. And if any Advocate does not intend to be a member of any Bar Association duly recognized by concerned State Bar Council, then he shall be required to intimate the same to the State Bar Council and he shall have to explain as to how shall he be getting the benefits of any welfare scheme floated by the State Bar Council or the Local Bar Association. The decision of State Bar Council shall be final in this regard.

6.2 In case an advocate leaves one Bar Association and joins another by reason of change of place of practice or by reason of change of field of law, he/she shall intimate such change with all the relevant particulars to the State Bar Council, of which he is a member.

Such fact of leaving as well as of joining shall be independently intimated to the aforesaid said Bar Council within a period of one month.

6.3 Bar Associations to apply to the respective Bar Council within whose jurisdiction they are located, for being recognized under these rules. Recognition shall be accorded to such a Bar Association only which falls within the definition of Bar Association as defined in these rules.

CHAPTER III

7.1 If it comes to the notice of the Council through any source that any office-bearer of any Bar Association or any Advocate is involved in making unnecessary, baseless and deliberate Protests /objections in the process of identification of fake persons (involved in Legal profession) or in the identification of non-practicing Advocates (who are doing some other job, business etc.) and/or making any attempt to mislead the Advocates of his Association or State by making irresponsible statements with ill motive to create hurdle in implementation of these reformative Rules, a Tribunal constituted by the Bar Council of India and the State Bar Council may pass an order debarring such Advocate or office-bearer from contesting the elections of

Bar Association/State Bar Council for a period of three years from the date of passing of such order.

- 7.2 Any such order be passed only by a Tribunal consisting of one former Judge of any High Court (nominated by Bar Council of India) one senior Advocate and one Senior Member of State Bar Council (nominated by the Chairman and the Vice-Chairman of that Bar Council.) Hon'ble Former Judge of High Court shall be the Presiding Officer of the Tribunal and no adverse order can be passed by such Tribunal unless the concerned office-bearer/Advocate is given an opportunity of hearing. The decision of majority will prevail in such decision. The Tribunal shall have power to pass interim orders also.

The State Bar Council or Bar Council of India may refer the matters to such Tribunals and the Tribunal shall dispose of the matters expeditiously. There shall be a separate Tribunal for each State Bar Council.

- 7.3 An Appeal / Revision shall lie before the Bar Council of India against any order passed by the said Tribunal, if preferred within a period of 60 days from the date of order: However, the Council shall have the power to condone the delay in filing such Appeal / Revision beyond 60 days, if sufficient cause is shown by the appellant/petitioner .

CHAPTER IV

APPLICATIONS/ORDERS/OBJECTION PETITION WITH RESPECT TO GRANT / VERIFICATION OF CERTIFICATE AND PLACE OF PRACTICE

8. Application for verification of "Certificate to practice and place of Practice" by advocates enrolled on or before June 12, 2010:

- 8.1 An advocate graduating in law in academic year 2009-2010 (1st July 2009 to 30th June, 2010) and thereafter enrolled on the "Roll of Advocates" on or after June 12, 2010, is required to apply for issuance of "Certificate of Practice" under All India Bar Examination Rules, 2010 and for verification of such "Certificate of Practice" from the State Bar Council in which he / she is enrolled as an advocate under Rule 9.
- 8.2 **An advocate having obtained graduate degree in law before the academic year 2010 & enrolled on the "Roll of Advocates", is required to apply for verification of "Certificate of Practice and place of practice" from the State Bar Council in which he/she is enrolled as an advocate under this rule within a period of 6 months of the enforcement of these Rules/date of enrolment.**
- 8.3 Every application for issuance of verified Certificate of Practice shall be submitted in the prescribed format as given in **Form A** Column I and Column II annexed with these Rules disclosing all the necessary informations as required there under to the State Bar Council, with which he/she is enrolled.
- 8.4 Every such application shall be accompanied by the following documents, certificates, declaration, fee etc: -

1. **Total fees of Rs. 300/-** (Rupees Three hundred only) paid in cash or by Bank Demand Draft in the name of Secretary, Karnataka State Bar Council, Bengaluru.

This includes -

i. Rs.100.00 towards Verification fee/process fee; (Out of this the Secretary, State Bar Council shall send a sum of Rs. 20/- to the concerned Bar Association and Rs. 30/- to Bar Council of India, Rs.50/- is to be kept in the Account of State Bar Council).

ii. Rs. 100/- towards ID Card Charges ;

iii. Rs. 100/- towards RPAD, Publication, correspondence, establishment and other charges etc.

2. A declaration in Column II of **Form 'A'**;

3. Two passport size photographs duly attested by the President/Secretary of the Bar Association; iv. Certificate in **Form A Column III** issued by the President/Secretary or by any other office bearer of the Association, who is duly authorized for this purpose by the Bar Association;

Provided that in case it is established at any stage that any such Authority has deliberately issued a certificate in Column III of FORM' A' even after knowing that the Advocate is not in practice, the State Bar Council will be at Liberty to take appropriate action against such Authority issuing such certificate.

8.5 That the aforesaid application may be filed by the applicant along with all the aforesaid documents either by hand in the Office of the State Bar Council against proper receipt or sent to the Secretary under registered post or through the Bar Association, of which he/she is a member.

9. Application for Verification of Certificate of Practice issued by

State Bar Council:

9.1 The Certificate of Practice issued to an advocate under Rule 13 of these Rules or under All India Bar Examination Rules and Verification thereof, shall be valid for a period of five years (5) years only and is liable to be verified every five (5) years by filing an application for verification in advance within a period of six (6) months, before the validity period of "Certificate of Practice" or of its verification, expires.

9.2. All such applications for verification shall be filed in the format as given in **Form A** annexed with these Rules and it shall be accompanied by such documents, certificates, declaration, fee etc as are mentioned in clauses (i), (ii) and (iv) of Rule 8.4 and the same may be submitted as per Rule 8.5.

10. Delayed application with late fee:

That all the applications for verification of "Certificate of Practice" filed after the time fixed by rule 8 / rule 9.1 of these Rules shall not be received by the Office/Secretary unless it is accompanied by late fee in the sum of Rs.100/- (one hundred only) and such late applications would be entertained only for a period of six (6) months.

11. Delayed application for verification with penalty clause:

That all applications for verification of certificate of practice filed after the period fixed under rule 10 shall not be received and processed by the Office/Secretary unless it is accompanied by a penalty fee of Rs.50 (rupees fifty only) per month reckoned from the last date on which such an application ought to have been made under Rule 10 of these Rules but such late application with penalty clause attached thereto would be entertained only for a period of six (6) months.

12. Incomplete and faulty applications:

That in case, the applications so received, are found to be incomplete/faulty, the Office of State Bar Council shall intimate the concerned advocate of such shortcomings/defects by issuing letter under registered Post and such applications shall be processed further by the office on removal of such shortcomings/defects. .

The time taken to remove such shortcomings/defects by the concerned applicant may be counted towards late fee payable by the concerned advocate at the rate of Rs.100/- per month unless it is waived by the Chairman/Vice-Chairman of the State Bar Council in case sufficient cause is shown for such delay.

13. Order on the application for verification of Certificate of Practice:

That every application for verification of certificate of practice and place of practice received shall be scrutinized by the Office within a period of one month from the date of its receipt and if found in order, it shall be placed along with the personal file of the applicant before the Administrative Committee, for passing the requisite order allowing or dismissing the application.

Such application is liable to be dismissed only in case it is found that the advocate has left law practice and that he/she has no bona fide intent and interest in continuing it in future also and such an advocate shall be treated as a non-practicing advocate under these Rules.

No adverse order can be passed under this rule unless a reasonable opportunity of being heard is afforded to the applicant.

14. Objection Petition:

14.1 An advocate or any person may file an objection petition before the State Bar Council seeking to add the name/names of an advocate/advocates in the List of Non-Practicing Advocates on the ground that such an advocate has left law practice and that he/she has no bona fide intent and interest in continuing it in future also.

14.2 Rule A. I (I) and rule A. I (2) of Chapter I of Part VII of the Bar Council of India Rules relating to complaints under section 35 of the Advocates Act shall, mutatis mutandis apply to these objection petitions except that such objection petition shall be accompanied by a security amount of Rs. 1,000/- and such fee as is prescribed in the aforesaid Rules relating to complaints under section 35 of the Advocate Act.

14.3 That in case the State Bar Council finds that there is a prima facie case in favor of the applicant; it shall refer it for decision to its Administrative Committee.

14.4 That the "Administrative Committee" of the State Bar Council shall decide and dispose of such an objection petition along with application for issuance/verification of Certificate of Practice of the concerned advocate, if any. But if no such proceedings are pending, such objection petition shall be decided independently.

Such procedure as is applicable to complaints under section 35 of the Advocates Act shall apply, mutatis mutandis, to proceedings under this rule.

14.5. That in case the complaint is found to be vexatious, frivolous and mala fide, the security amount deposited with the objection petition shall be forfeited to the State Bar Council.

14.6 The "Administrative Committee" shall be required to decide the objection petitions within a period of 15 days from the date of objection.

Explanation: An Advocate shall be deemed to be in practice, if he is able to establish that he has appeared in any Court of law or has filed Vakalatnama even in one case before any Court of Law/other forum in a year before these Rules came into force.

CHAPTER V

FOLLOW UP ACTION

15. Follow up action of order passed under rule 13:

15.1 That immediately after the application for verification of Certificate of Practice is allowed under Rule 13 of these Rules, the Office of the State Bar Council shall prepare the verified Certificate in FORM 'B' in duplicate duly signed by the Chairman of the State Bar Council and in his absence by the Vice chairman of the State Bar Council or by such other member of the State Bar Council who is specifically authorized for the said purpose by the State Bar Council.

15.2 That one copy of such verified Certificate of Practice shall be dispatched to the advocate concerned under registered Post AD without any delay and the other copy shall be kept in the personal file of the advocate. The State Bar Council shall also make rules and issue an Identity card of such Advocates containing their photographs, which I-card shall be valid for a period of 5 years from the date of issuance and it shall be required to be produced at the time of voting election of State Bar Council or Bar Association.

15.3 That the State Bar Council shall maintain a separate Dispatch Register containing all the details as to the particulars of issuance/verification of the certificate of practice, original and communication incurred by the State Bar Council. Certificate of enrolment and full particulars of the advocate as to age, date of birth, address, email id etc.

This Register shall be maintained year wise in such manner as may be prescribed by the State Council.

15.4 Every State Bar Council shall send to the Bar Council of India an authenticated soft copy of the record maintained by it under Rule 5.3 every year.

CHAPTER VI

CONSEQUENCES OF ORDER U/R 13 AND OF FAILURE TO MAKE APPLICATIONS

16. Consequence of dismissal of application under Rule 13:

In the event of dismissal of application under Rule 13, such consequences as are laid down by Rule 20.4 would follow.

17. Consequences of failure to make application as stipulated by Rule 7 to 11:

That in case an advocate fails to make an application for verification of Certificate of Practice within such period/extended periods as provided for under Rules 8 to 11 and in case he fails to remove the shortcomings/defects in his application despite intimation under Rule 12 for a period of 6 months, it shall, prima facie, be presumed that the such an advocate has left law Practice and that he/she has no bona fide intent and interest in continuing it in future also

18. Follow up action against advocates who fail to respond and fall within the ambit of Rule 17 and Publication of "list of defaulting advocates".

18.1 That the Office of the State Bar-Council -shall prepare a list of such defaulting advocate/advocates who has/have failed to apply for issuance/verification of Certificate of Practice within such period/extended period as provided for by these Rules or have failed to remove shortcomings/defects in their applications despite intimation within the stipulated period of 6 months.

This list may be titled as the "**List of the Defaulting Advocates**".

18.2 All such advocates whose name/names have been included in the list of "defaulting advocates" shall be given due notice of the fact that their name/names stood included in the above list and further notice of this list shall also be given in the following manner:

- i. One Copy of such List shall be displayed outside the Office of the Bar Council
- ii. Copies of such list shall also be sent to such District/Taluka Bar Association /s to which such advocate/advocates belong as per the. Address last disclosed by him/her and also to the concerned High Court/Supreme Court Bar Association
- iii. A letter of intimation that his/her name stands included in such list shall also be sent to the defaulting advocate at the address last disclosed by him/her under registered Post.
- iv. This List shall also be published by the State Bar Council as per law.

19. Late Applications after publication under Rule 18:

If an application for issuance/verification of Certificate of Practice is received by the State Bar Council within a period of 6 months of the publication of the aforesaid list of defaulting advocates under Clause (iv) of Rule 18, it shall be accompanied by such late fee penalties as are specified by rules 10 to 12 of these Rules.

All such applications shall be processed by the Office as per the procedure laid down by rule 10 to 12 and thereafter order on such applications shall be obtained under rule 13 and such order shall be given effect to as per these rules.

20. Consequences of failure to respond and publication of "list of non-Practicing advocates :

20.1 That if no application for issuance/verification of Certificate of Practice is made under these rules or if an, application is filed but defects are not removed as -per Rule 17, it shall be presumed for the purposes of these rules that such an advocate has left law practice and that he/she has no bona fide intent and interest in continuing it in future also.

20.2 That on the expiry of a period of 6 months of the publication of such "List of Defaulting Advocates", the State Bar Council shall pass an order directing that the name/names of such advocate/advocates appearing "List of the Defaulting Advocates" be put in the list of "Non-Practicing Advocates".

20.3 That due notice of the list of "Non-Practicing Advocates" shall be given to the followings:-

- i. One copy of such list shall be sent to the Bar Councilor India and to all other State Bar Councils.
- ii. One copy of this list shall be sent to all the Courts situated within the territorial limits of the State Bar Council and also to the concerned High Court. One copy shall be sent to Supreme Court of India also.
- iii. Copies of such list shall also be sent to such District Bar Association/s to which such advocate/advocates belong as per the address last disclosed by him/her and also to the concerned High Court/Supreme Court Bar Association;

20.4 The List of Non-Practicing advocates and name/names of advocates whose application for Issuance /verification of certificate of practice stands dismissed under Rule 13 shall also be published by the State Bar Council as per law after such list/name/names is/are approved by the Bar Council of India.

List of such non-practicing Advocates is to be furnished by the concerned State Bar Council to Registrar of Supreme Court of India, Registrar of all the High Courts. Subordinate courts of the States. Bar Association of Supreme Court of India and Bar Associations of all the High Courts and Subordinate Courts.

21. Non-practicing advocates as included in the list of "non-practicing advocates" not entitled to practice law and to other privileges and rights:

21.1 From the date of publication of the aforesaid list of non-practicing-advocates, all such advocate/s whose name/names has/have been included in the aforesaid list shall not be entitled to appear in any Court of Law, before any Tribunal or person legally authorized to take evidence and before any other authority or person before whom such advocate is by or under any law for the time being in force entitled to practice. Notwithstanding the fact that

name/names of such advocates is / are entered in the State Roll and that he is holding certificate of enrolment under section 22 of the Advocates Act.

Further name/s of such advocate/s shall not be included in the electoral roll for the purposes of elections to the State Bar Councils. Such an advocate/s shall cease to be a member of any Bar Association and further he/she shall not be entitled to cast vote/s in any elections of the Bar Associations .

The status and rights of such advocate/s as advocate/s entitled to participate and receive benefits" under Welfare Schemes of Bar Council of India created under Rules 40 to 44 B of Section IV - A of Chapter II contained in part VI of the Bar Council of India Rules and other schemes floated by the State Bar Council shall come to an end w. e. f the date of publication of the List /name/names of Non-Practising Advocates under Rule 20.4 with the exception that such an advocate would be entitled to receive such benefits under the relevant scheme/s if any, which have already accrued in his/her favor.

CHAPTER VII

UPDATING OF THE RECORD OF PRACTISING AND NON-PRACTISING ADVOCATES

22. Record with respect to practicing and non-practising Advocates:
 - 22.1 That on culmination of the initial process of identification of Non-practising Advocates in the aforesaid manner in the publication of the List of such advocates under Rule 20.4 the State Bar Council shall create and maintain a separate record of such Advocates with all particulars as to name, address. date of birth, date of enrolment, enrolment number, particulars of application for issuance/verification of Certificate of Practice if any, and of its dismissal. This record shall be updated regularly.
 - 22.2 Every State Bar Council shall send to the Bar Council of India an authenticated soft copy of the record as maintained under Rule 22.1 every year.
 - 22.3 All the Advocates whose certificate of Practice are duly verified shall be issued a certificate of Practice affixing his photograph and mentioning the period of its validity FORM "B", and the State Bar Council shall also issue an Identity card to such Advocates containing a Xerox copy of his photograph and the period of its validity in FORM "D". The Advocates would be supposed to carry it while practicing in Courts / Tribunals or other Forums, so that in case of demand by any Law Court / Authority or any Advocate or any Litigant or citizen one can easily establish that he is an Advocate.
 - 22.4 An Advocate after getting the verified Certificate of Practice under these Rules can appear before any Court of Law/Tribunal or other forum in India as per Section 30 of the Advocates Act subject to fulfillment of any condition imposed by any competent Court of Law

23. Updating of the electoral rolls of the State Bar Council for the purposes of elections:

On the publication of list of non-practicing Advocates under rule 20.4 and after sending copy of such record to the Bar Council of India under Rule 22.2 the State Bar Councils shall start the process of preparation of electoral roll for elections to the State Bar Councils as per Chapter I Part-III of the Bar Council of India Rules. No State Bar Council shall undertake to prepare electoral roll or to conduct elections to the State Bar Councils unless the process of verification of Certificate of Practice and of identification of non-practicing advocates is completed under these Rules by publication of their names under Rule 20.4

Provided that the election /s of the State Bar Council/s where a special committee/committees under section 8A of the Act is/are already functioning on the date of commencement of these rules, shall continue under the existing rules as if these rules-have not been enforced. In such State Bar Councils. these Rules shall come into force only after the new State Bar Council is constituted on the declaration /publication of the results of the elections.

The State Bar Councils are required to constitute various Committees for implementation of these Rules. If any State Bar Council is proved to be deliberately slack unnecessarily in verification of Certificate of Practice and identification of non-Practicing Advocates, then in that case Bar Council of India would be at Liberty to take appropriate action under the provisions of Advocates Act, 1961

CHAPTER VIII
APPEAL, REVISION Etc

24. Appellate Tribunal:

24.1 There shall be an Appellate Tribunal for disposal of appeals under these rules with respect- to each State Bar Council and such Tribunal shall comprise of the following members:-

i. Two Members of the State Bar Council elected by the state Bar Council under Rule 44 A(2)(i) of Bar Council of India Rules under Part VI, Chapter II Section (IV A).

ii . One member of the State Bar Council from amongst the members of the Executive Committee to be nominated by the Chairman of the State Bar Council and another member nominated by the Member, Bar Council of India from the concerned State Bar Council.

iii. Member of the Bar Council of India from the concerned State Bar Council who shall be its Chairman;

24.2 That the quorum of the Appellate Tribunal shall be three members but no final order shall be passed unless the Chairman of the Appellate Tribunal is party thereto.

25. Appeal against order passed under rule 13/Rule 20.2:

That in case the application of an Advocate for verification of Certificate of Practice is dismissed under Rule 13 of these Rules/in case the name of an Advocate is ordered to be included in the list of "non-practicing Advocates" by the State Bar Council under Rule 20.2, the aggrieved party may, within a period of 60 days of the date of passing of the order or publication of the list of non-practicing advocates under Rule 20.4, prefer an appeal against such order to the Appellate Tribunal but delay in filing the appeal can be condoned, if sufficient cause is shown for such delay.

Every such appeal shall be accompanied by an attested copy of the impugned Order. The appeal shall not be received and entertained unless it is accompanied by a fee of Rs. 200/- in the form of a Bank Draft / Account Payee Bank Cheque favoring Secretary, State Bar Council of the concerned State Bar Council.

Out of this amount of Rs: 200/- the Secretary State Bar Council shall send or deposit remit a sum of Rs. 50/ to the Account of the Bar Council of India and a sum of Rs. 50/- shall be transferred to the fund known as " Fund for Promotion Bar Associations" under these rules.

Every such appeal shall be heard by the Appellate Tribunal, which may pass such order there on as it deems fit. Appeal is to be decided expeditiously preferably within 90 days of its filing.

26. Stay of operation of order passed under rule 13 and 19.2:

Mere filing of an appeal against order passed under rules 13 and 20.2 shall not operate to stay the operation of order appealed against unless its operation is stayed by the Appellate Tribunal on such conditions, as it may deem fit.

27. Power of Revision:

27.1 The Bar Council of India may, at any time call for the record of any proceeding under these Rules which has been disposed of by the State Bar Council or by the Appellate Tribunal, and from which no appeal lies for the purpose of satisfying itself as to the legality and propriety of such: order or disposal and may pass such orders in relation thereto as it may deem fit.

This revision shall be under Part-II, Chapter IX of BCI Rules viz, Section 48A of the Advocates Act, 1961.

27.2 No order which prejudicially affects any Advocate shall be passed under this Rule unless an opportunity of being heard has been afforded to him

CHAPTER IX:

RESUMPTION OF PRACTICE

28. Resumption of Practices :

28.1 If an advocate whose name has been included in the "list of non-practicing advocate" published under Rule 20.4, intends to resume law practice in the changed circumstances, he may apply to the State Bar Council that his/her name may be taken out of such list

- 28.2 Application for resumption shall be made in Form C along with resumption fee of Rs.2,000/- and declaration. Such an application shall be supported by a certificate in Column III of Form A issued by the President/Secretary of the Bar Association, of which the applicant intends to become member for doing practice in law.
- 28.3 The State Bar Council shall refer such an application for resumption to the Administrative Committee which may pass an appropriate order allowing or dismissing such application provided that such an application shall be allowed only if the Administrative Committee is satisfied that the intent of the applicant to resume law practice is bona fide.
- 28.4. In case application for resumption is allowed, the name of the applicant shall be taken out of the list of the "non-practicing advocates" and such exclusion shall be duly notified and published as provided by rule 20.3 qua "list of non-practicing advocates".
- 28.5 That from the date of publication under Rule 28.4, all disabilities suffered by the applicant under rule 21, shall not survive but he/she shall not be entitled for any benefits/privileges that were denied to him under Rule 21 for the period 'his/her name remained in the "list of non- practicing advocates";
- 28.6 Out of Rs. 2000/- a sum of Rs. 1000/- shall be utilized by State Bar Council for the purpose of welfare of Advocates and Rs.500/- shall be transferred to the concerned Bar Association and Rs. 500/- shall be utilized by Bar Council of India for the welfare of Advocates.

CHAPTER X

PROCESS FEE FUND

29. The Verification / Process Fee Fund:

The State Bar Council shall open a separate account for this purpose to be operated jointly by the Chairman and Secretary of the State Bar Council.

- 29.1 That all the payments towards application verification fee, late fee and penalties payable under these rules shall be paid by way of bank drafts/account payee bank cheques only in the name of Secretary State Bar Council or it may also be deposited in cash to the Secretary, State Bar Council or it may also be deposited in cash to the Secretary, State Bar Council.
- 29.2 That the all the amount collected under these rules shall be utilized for the following purposes only:-
- (a) To meet the administrative and other expenses arising in connection with these Rules; The rest of amount shall be spent.
 - (b) To make contributions to different Bar Associations for the following purposes only.-
 - i. Establishing and improving Law libraries.

ii. Improvement of infrastructure in the premises of the Bar Associations which is reserved for the common use of the advocates and to make such other contributions for promoting and strengthening the Bar Associations at the Taluka, District, High Court and Supreme Court levels as it may deem fit.

iii. To promote welfare schemes for advocates. Such welfare schemes may include insurance of all kinds with respect to the advocates and their dependent members of the family; pension schemes, stipends for junior and disabled advocates continued legal education/training of advocates.

Form-A

Column- I

Application for issuance of certificate of practice

[See Rule 8.3 Certificate and Place of Practice (Verification)
Rules, 2015]

Affix your PHOTOGRAPH

To,

The Secretary, Karnataka State Bar Council, Old KGID Building, Bengaluru-01

Sub.: Application for issuance of Certificate of Practice

Sir,

I hereby apply to the Karnataka State Bar Council for issuance of certificate of practice.

My full particulars are as follows: - (Write in Capital Letters only)

1. My Name : (As given in the Enrolment Certificate)-
2. Enrolment Number on the Rolls of KSBC- Date of Enrolment:
3. Date of Birth :
4. Blood Group:
5. Father's Name:
6. Name of College & University from where I have completed my course.

	Year	College and University
i.	_____	_____ C
	Completed P U C	
ii.	_____	_____ G
	Graduation	
iii.	_____	_____ L
	L.B	

7. Place of Practice As given in the Application form for enrolment -

8. Present Place of Practice:

9. My Membership Number with Bar Association:

Name of Bar Association:

10. Residential Address :

City _____ Taluk _____ District _____ State _____ PIN _____

11. Office Address

Town___ Taluk__ District-----State___ PIN Code

Landline with code:___Mobile Number: Email:_____

12. Whether the applicant, after enrolment, has joined any Government/Semi-Government or Private Service or any other kind of service/job, if so full particulars be furnished with date of joining of such services/job _____

13. Whether the applicant after enrolment, has joined any business, as a full Partner/sleeping partner, if so, full particulars be supplied, with attested copy of business instrument like Partnership deed, MOU, Agreements etc. _____

14. Whether 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

15. Whether applicant, at present, is facing any disciplinary proceedings/convicted in any Criminal Proceedings ? If so, particulars be given. _____

16. Delay, if any, in submitting the application form, reasons to be given _____

17. Process fee/Late fee/Penalty

Rs. by Cash or Demand Draft No. ___DatedBank:

Paid to Secretary, Karnataka State Bar Council, Bengaluru - 01.

18. Place where the Advocate intends to cast his vote

i. In State Bar Council Elections _____

ii. In Bar Association Elections : Name of the Bar Association _____

19. Any other information, applicant wants to submit about his distinctions:

20. i) If the Advocate is not a member of any Bar Association (registered and recognized by the concerned State Bar Council), the reason for not being a Member of Bar Association:

ii) Do you intend to become the Member of Bar Association in Future ? Yes / 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.

I am also submitting herewith Column-II and III of Form "A" and my one additional photograph in a separate cover, with my signature at the back of the photo.

Place :

Date:

Full Signature of the

Advocate

Form-A

Column-II

**[See Rule 8.4 (ii) of Certificate and Place of Practice (Verification)
Rules, 2015]**

DECLARATION

1. My Name : (As given in the Enrolment Certificate)-
2. Enrolment Number on the Rolls of KSBC- Date of Enrolment:
3. Date of Birth :
5. Father's Name:

I DO HEREBY SOLEMNLY AFFIRM AND DECLARE AS FOLLOWS: -

1. That after having obtained Certificate of enrolment from the Karnataka State Bar Council under Section 22 of the Advocates Act, I have not left practice in law.
2. That I usually practice at _____ and I intend to cast my vote
 - i. In the elections of the Karnataka State Bar Council at _____
 - ii. In the elections of _____(Name and Place of Bar Association) at -----.

(This clause 2(ii) shall not apply to those advocates who do not intend to be the members of any Bar Association)
3. That since my enrolment as an advocate, I have not switched over to any other profession / Services / business and that thereafter, I am doing practice in law.

Date :

Place :

Full Signature of the
Declarant - Advocate

Form-A

Column - III (Certification)

[See Rule 8-4 (iv) of Certificate and Place of Practice (Verification)

Rules, 2015]

Certificate Issued by Bar Association

Name of the Bar Association _____

Recognised by KSBC as per Certificate No. _____

Name of the Advocate:

Name of Father:

Office address:

Enrolment No. with KSBC:

Date of Enrolment :

Membership No. with Bar Association:

This is to certify that the above named Advocate is a bona-fide member of our Bar and has been practicing usually at _____ and he/she has been practicing law since year _____ and has not left such practice and I further certify that the particulars disclosed by him/her in the accompanying application in Form-A Column I and Column II are _____ correct _____ to _____ my knowledge and belief.

Date:

Place :

Signature of the President and seal of the Bar Association

PROCEDURE TO BE FOLLOWED BY THE BAR ASSOCIATION FOR ISSUANCE OF CERTIFICATE AS PER COLUMN III OF FORM A

The Advocate / applicant should file an application addressed to the President of the Bar Association along with the copy of Colum I and Colum II of Form A, requesting the Bar Association for Issuance of Certificate as per Column III of Form A.

The President shall verify the details in the application and take a proper decision to allow or reject it within one week of receipt of the application from the Advocate.

The Certificate in Column III Form A should be approved / ratified by the Executive Committee / Governing Council of the concerned Bar Association.

Form-B
(for use of office only)

KARNATAKA STATE BAR COUNCIL

Old KGID Building, Dr. Ambedkar Building
Bangalore - 560 001.

Certificate of Practice

**[issued under Certificate and Place of Practice
(Verification) Rules, 2015]**

C. O. P. No. _____/2015

ID No. _____

Enrolment Number with Karnataka State Bar Council:

Date of Enrolment:

This is to certify that Shri/Mr./Mrs./Ms. _____
S/o.....,Residing at....is an advocate enrolled in the Karnataka State Bar Council vide enrolment number _____
dated _____and his normal place of practice is _____

He is entitled to cast his vote for the election of Karnataka State Bar Council atand in the
elections of Bar Association o (name & place of Bar Association, if applicable).....

This certificate of practice is valid for a period of 5 years from the date of its issuance.

Bangalore

Full Signature of the Chairman with Seal of the Karnataka State Bar Council

Date:

Form-C

Application for resumption of certificate of practice

[See Rule 28.2 of Certificate and Place of Practice (Verification)

Rules, 2015]

To,
The Secretary,
Bar Council of _____

Sub.: Application for resumption of Certificate of Practice (____ / ____ / ____)

Sir,

I hereby apply to the _____(name of the State Bar Council) for resumption of certificate of practice.

My full particulars are as follows: -

1. Enrolment Number on the Roll _____
2. Date of Enrolment _____
3. Name of the Advocate (As given in the Enrolment Certificate) :
4. Father's Name _____
5. Present Residential Address _____
6. Name of Institution & University from where advocate has done his
 - i. Graduation _____ year _____
 - ii. LL..B. _____ year _____
7. Office Address with Telephone No. _____
Mobile No./email/Website _____
8. Place of Practice (As given in the Application form for enrolment) :
9. Present Place of Practice _____
10. Date of Birth _____
- 11.1 That in the changed circumstances, I intend to resume law practice (State various)
- 11.2 That after enrolment I have not suffered and incurred any disqualifications mentioned in Section 24-A of the Advocates Act.
12. Particulars of the Certificate of Practice issued to the applicant if any

- a. Whether issued under AIBE Rules, if so, its number and date _____
 - b. Whether issued by the State Bar Council under these rules, if so, its number and date (self attested photo copies of the certificate of practice to be annexed with this application) _____
 - c. Particulars of the notification, whereby the applicant was put in the list of "Non-Practicing Advocate" _____
13. Whether the applicant after enrolment has joined any Government/Semi-Government or Private Service or any other kind of service, if so full particulars be furnished with date of joining of such services _____
 14. Whether the applicant after enrolment, has joined any business, as a full partner/sleeping partner, if so, full particulars be supplied, with an attested copy of business instrument like Partnership deed, MOU, Agreements etc. _____
 15. Whether the applicant, after enrolment has incurred any disqualification as mentioned in Section 24-A of the Act, if so, certified copy of judgment/other be attached _____
 16. Whether applicant, at present, is facing any disciplinary proceedings/convicted in any Criminal Proceedings or not, if so, particulars be given. _____
 17. Delay, in submitting the application form, reasons to be given _____
 18. Verification fee/Late fee/Penalty
Rs. _____ by way of Demand Draft No. _____
Date _____ / Account Payee Cheque No. _____
Dated _____ or Cash Rs. _____
 19. Any other information, applicant wants to submit about his distinctions
 20. Place where Advocate intends to cast his vote in elections of Bar Council _____
 21. Place/Name of Bar Association (if any) where the advocate intends to cast his vote _____

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. I bona-fide intend to resume Law Practice.

Date:

Form-D

KARNATAKA STATE BAR COUNCIL

Old KGID Building, Dr. Ambedkar Building
Bangalore - 560 001.

Identity Card

Card No. _____

1. Name Of ADVOCATE _____
2. Father's Name _____
3. Enrolment No., Year & date _____
4. Office Address _____
Email ID _____
Telephone/Mobile No. _____
5. Normal Place of Practice _____
6. Date of expiry of I-Card _____
7. Place where Advocate is entitled to vote in elections of:
 - i) State Bar Council
 - ii) Bar Association-

Bengaluru

Date: _____ Full Signature of the Chairman with Seal of the Karnataka State Bar Council

FORM E
FOR SENIOR ADVOCATES & ADVOCATES ON RECORD IN SUPREME
COURT OF INDIA

(See Rule 5(a) of the Bar Council of India Certificate and Place of Practice
(Verification), Rules 2015)

To,

The Secretary,

Bar Council of _____

Name: _____

Father's Name _____

Enrolment No. and Date _____

Email Id: _____

Place where the Sr. Advocate/ AOR intends to cast his vote in the elections of State
Bar Council: _____

Name/Place of Bar Association where the Senior Advocate/ A.O.R. casts his vote: _____

Signature

Designation & Seal of the authorized
signatory of S.C.B.A./ A.O.R. Association

Date: _____