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ABOUT US

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BAR COUNCIL OF INDIA

AUTHORED BY - SHRUTI SINGH

The Bar Council of India (BCI) is a statutory body that regulates the legal profession in India. It was established under the Advocates Act, 1961 and is responsible for setting standards for legal education, professional conduct, and ethics for advocates in India.

The BCI is composed of members elected from the state bar councils, as well as representatives from universities and other bodies involved in legal education. Its functions include overseeing the education and training of lawyers in India, conducting qualifying exams for lawyers, and maintaining a register of lawyers authorized to practice in India.

The BCI also has the power to discipline lawyers who violate professional standards or engage in misconduct, and can suspend or revoke their licenses to practice law. In addition, it plays a role in promoting legal education and awareness in the country, and is involved in various activities related to legal reform and the development of the legal profession in India.

I. Structure of the Bar Council of India

The BCI has a well-structured organizational framework, which includes a general body, an executive committee, and several other committees. The general body is the supreme decision-making body of the BCI and consists of all the members of the Bar Council. The executive committee is responsible for executing the decisions taken by the general body and supervising the work of the other committees.

The Bar Council of India is headed by a Chairman, who is elected by the members of the Bar Council. The Chairman is assisted by the Vice-Chairman, who is also elected by the members of the Bar Council. The tenure of the Chairman and Vice-Chairman is for a period of five years.

The BCI has several other committees that deal with various aspects of legal education and professional ethics. These include the Legal Education Committee, which is responsible for regulating legal education in India, and the Professional Standards Committee, which deals with matters related to the professional conduct of lawyers.

It also has a Disciplinary Committee, which is responsible for investigating complaints against lawyers and taking appropriate action against them if they are found guilty of professional misconduct. The Disciplinary Committee has the power to suspend or even cancel the license of a lawyer if they are found guilty of serious professional misconduct.

In addition to these committees, the BCI has several regional bar councils, which are responsible for regulating the legal profession in their respective states. These regional bar councils work closely with the Bar Council of India to ensure that the legal profession is regulated effectively and efficiently across the country.

II. Section 7 of Advocates Act, 1961

Section 7 of the Advocates Act, 1961, deals with the eligibility and qualifications required for a person to be enrolled as an advocate on the rolls of a State Bar Council or the Bar Council of India. This section lays down the foundation for the legal profession and regulates the entry of advocates into the profession.

The section begins by stating that a person shall be eligible to be enrolled as an advocate if he fulfills the following conditions:

1. He is a citizen of India.
2. He has attained the age of 21 years.
3. He has obtained a degree in law from any university in India or a qualification recognized by the Bar Council of India.
4. He has not been convicted of an offence involving moral turpitude.

The section also lays down certain disqualifications for enrollment as an advocate, which are as follows:

1. If the person has been declared insolvent or bankrupt.
2. If the person has been convicted of an offence involving moral turpitude.
3. If the person has been removed or dismissed from service under the government or any statutory authority on grounds of misconduct or corruption.
4. If the person has been found guilty of professional misconduct by any Bar Council or the disciplinary committee of the Bar Council of India.

In addition to the above qualifications and disqualifications, the section also lays down certain provisions for persons who are citizens of countries other than India. Such persons are eligible to be enrolled as advocates on the rolls of the State Bar Councils, provided that they fulfill certain conditions, such as having a law degree from a recognized university in their own country and having permission from the Bar Council of India.

The act also provides for the establishment of the Bar Council of India and the State Bar Councils, which are responsible for maintaining the standards of legal education, regulating the professional conduct of advocates, and protecting the rights, privileges, and interests of advocates.

Overall, section 7 of the Advocates Act, 1961, plays a crucial role in regulating the entry of advocates into the legal profession and ensuring that only qualified and eligible persons are enrolled as advocates on the rolls of the State Bar Councils or the Bar Council of India. This helps maintain the standards and ethics of the legal profession and ensures that justice is delivered to the people in a fair and transparent manner.

III. Functions of the BCI

The first statutory function of the BCI under Section 7 of the Advocates Act, 1961, is to set standards of professional conduct and etiquette for advocates. This function is essential as it ensures that advocates adhere to a code of ethics, conduct themselves in a professional manner, and maintain the dignity of the legal profession. The BCI has the power to prescribe rules of professional conduct and etiquette, which advocates are required to follow. These rules govern the conduct of advocates in court, their interaction with clients, and their relationships with other advocates. Failure to comply with these rules can result in disciplinary action by the BCI.

The second statutory function is to safeguard the rights, privileges, and interests of advocates. This function ensures that advocates are protected from any infringement of their rights or privileges, and their interests are not compromised. The BCI can take appropriate action against any person or authority that violates the rights, privileges, and interests of advocates. This function is crucial as it ensures that the legal profession remains independent and free from external influence.

The third statutory function is to promote legal education and lay down standards of legal education. This function is significant as it ensures that the quality of legal education in India is of a high standard. The BCI has the power to prescribe minimum standards for legal education, which law colleges and universities must follow. It also has the authority to approve law colleges and universities that meet its standards. This function ensures that the legal profession has a constant supply of well-trained and qualified lawyers.

The fourth statutory function of the BCI is to recognize universities whose degree in law shall be a qualification for enrolment as an advocate. This function ensures that only those who have received

legal education from recognized universities are eligible to enrol as advocates. The BCI recognizes universities that meet its standards and whose degrees in law are considered adequate for enrolment as an advocate. This function helps to maintain the quality and integrity of the legal profession in India.

The fifth statutory function of the BCI is to conduct seminars and organize talks on legal topics by eminent jurists and publish journals and papers of legal interest. This function ensures that advocates remain up-to-date with the latest legal developments, and their knowledge of the law remains current. The BCI organizes seminars and talks by eminent jurists, which provide advocates with an opportunity to learn from experts in the legal profession. The BCI also publishes journals and papers of legal interest, which provide advocates with a platform to share their research and knowledge with their peers.

The statutory functions of the BCI under Section 7 of the Advocates Act, 1961, are crucial for the regulation and representation of the legal profession and legal education in India. The BCI's functions ensure that advocates adhere to a code of ethics, their rights and interests are protected, legal education is of a high standard, only qualified individuals are enrolled as advocates, and advocates remain up-to-date with the latest legal developments. The BCI plays a significant role in maintaining the integrity and quality of the legal profession in India.

IV. Committee of the Bar Council of India

(a) Disciplinary Committee: The Disciplinary Committee of the Bar Council of India is one such committee, which has the responsibility to examine and investigate complaints of professional misconduct against advocates, and to take disciplinary action against them in accordance with the Advocates Act, 1961. The committee consists of a chairman and at least two other members, who are appointed by the Bar Council of India.

The procedure for dealing with complaints of professional misconduct by advocates is set out in Chapter V of the Advocates Act, 1961. Any person can make a complaint against an advocate to the Bar Council of India, either in writing or orally. The complaint must contain the specific allegations of misconduct and must be supported by evidence. The Bar Council of India will then refer the complaint to the appropriate disciplinary committee for further investigation.

The committee has wide powers to investigate complaints of professional misconduct. It can summon witnesses, require the production of documents, and examine any person on oath. The committee can also appoint an advocate to act as a prosecutor and present the case against the accused advocate. After hearing the evidence and considering the arguments of both sides, the Disciplinary Committee of the Bar Council of India can either dismiss the complaint or find the advocate guilty of professional misconduct. If the advocate is found guilty, the committee can impose a range of disciplinary measures, including reprimand, suspension, or even disbarment.

The disciplinary process followed by the Bar Council of India is intended to maintain the high standards of the legal profession and ensure that advocates behave ethically and professionally. It is an important mechanism for protecting the interests of clients and maintaining public trust in

the legal system.

(b) Legal Education Committee: The Legal Education Committee is composed of eminent legal professionals, including senior advocates, judges, and law professors, who work together to ensure that the legal education system in India is of the highest quality. The committee is responsible for a wide range of activities, including setting and enforcing standards for legal education, promoting legal research, and improving the quality of legal education in the country.

One of the primary responsibilities of the committee is to set standards for legal education in India. This includes determining the curriculum for law schools, setting minimum standards for infrastructure and facilities, and defining the qualifications and experience required for law teachers. The committee also reviews and approves applications for the establishment of new law schools and monitors the performance of existing law schools to ensure that they meet the standards set by the committee.

The committee also plays a crucial role in promoting legal research in India. It encourages law students and faculty members to undertake research projects and publish their findings in reputable legal journals. The committee also conducts workshops and seminars on legal research methods and techniques, providing law students and faculty members with the necessary skills to undertake high-quality research.

In addition, the Legal Education Committee is responsible for improving the quality of legal education in the country. It does this by conducting periodic reviews of law schools and their performance, providing feedback and recommendations to the institutions to improve their quality.

The committee also works with law schools to develop new and innovative teaching methods and technologies that can enhance the learning experience of students.

The committee also collaborates with other organizations and institutions to promote legal education and research in India. It works with the National Law Schools, the Bar Council of India, and other legal organizations to develop joint initiatives that can benefit the legal profession and society at large. The committee also collaborates with international organizations to promote legal

education and research in India, and to encourage Indian legal professionals to participate in international legal forums.

In conclusion, the Legal Education Committee of the Bar Council of India is an essential body that plays a critical role in maintaining the standards of legal education in the country. Through its various initiatives and activities, the committee ensures that legal education in India is of the highest quality, and that law students and legal professionals are equipped with the necessary skills and knowledge to excel in their careers. Its work is vital in promoting the rule of law and ensuring that the legal profession in India remains robust and respected.

(c) Executive Committee: The Executive Committee is responsible for a wide range of activities, including managing the finances of the Bar Council of India, setting policies and priorities for the council, and representing the legal profession in various forums. It works closely with the other committees of the Bar Council of India to ensure that the interests of the legal profession are well represented and that the standards of legal education and professional ethics are maintained.

One of the primary responsibilities of the committee is to manage the finances of the Bar Council of India. This includes overseeing the budget of the council, managing its investments, and ensuring that its financial records are accurate and up-to-date. The committee also approves grants and funding for various legal education and research initiatives, and ensures that they are allocated to projects that are in the best interests of the legal profession and society.

The committee is also responsible for setting policies and priorities for the Bar Council of India. It works with the other committees of the council to develop policies that promote the interests of the legal profession and ensure that the standards of legal education and professional ethics are maintained. The committee also monitors the performance of the Bar Council of India and its various committees, and takes corrective action when necessary to ensure that the council is functioning effectively.

Another critical responsibility of the Executive Committee is to represent the legal profession in various forums. It works with other legal organizations and government agencies to advocate for

the interests of the legal profession and to ensure that the rights and interests of legal professionals are protected. The committee also represents the Bar Council of India in international forums, promoting the interests of the Indian legal profession and encouraging international cooperation and collaboration.

The Executive Committee is also responsible for enforcing the ethical standards of the legal profession in India. It ensures that lawyers adhere to the Code of Ethics and Standards of Professional Conduct laid down by the Bar Council of India. The committee investigates complaints of professional misconduct against lawyers and takes disciplinary action against those found guilty of unethical or illegal behavior.

V. Conclusion:

In conclusion, the Bar Council of India is a statutory body that plays a vital role in regulating and overseeing the legal profession and legal education in India. Its various committees, including the Disciplinary Committee, Legal Education Committee, and Executive Committee, work together to ensure that the standards of legal education and professional ethics are maintained, and that the interests of the legal profession are protected. The Bar Council of India's work is essential in promoting the rule of law and ensuring that the legal profession in India remains robust and respected. As the legal landscape in India continues to evolve, the Bar Council of India will continue to play a critical role in ensuring that the legal profession remains relevant and effective in serving the needs of society.