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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

BCI:D: 5108 /2024

Date: 20.09.2024

To,

The Secretary,
Bar Council of Andhra Pradesh.
Ground Floor,
A. P. High Court Building,
Nelapadu, Amravati,
Andhra Pradesh-522239.

Sub.: Intimation of Resolution dated 03.09.2024 passed by the General Council of the Bar Council of India.

Ma'am,

This is to bring to your kind knowledge that the General Council of the Bar Council of India in its meeting dated 03.09.2024 vide Item No.131/2024 has considered the email dated 22.08.2024 received from Secretary, Bar Council of Andhra Pradesh requesting Hon'ble Chairman, Bar Council of India for appropriate and immediate directions on Points No.(i) *The advocates doing chamber practice, may be directed to submit 5 copies of Plaints /Written Statements /Petitions / Counters etc., drafted by them, mentioning the case numbers, duly certified by the Advocate, for whom the said pleadings were drafted and (ii) The Advocates filing COP Application for the 1st time and not able to file the Vakalathnamas, may be permitted to submit certificate from their Seniors, certifying that the advocate is in continuous practice for the last 5 years, as their colleague of the resolution dated 21.07.2024 passed by the Bar Council of Andhra Pradesh.*

After consideration, the General Council of the Bar Council of India has passed the following resolution: -

The Bar Council of India and the High-Powered Committee have already laid down the policies and mandatory requirements for the purpose of verification.

Now at this juncture, this Council cannot change its decision, will leave scope for non-practitioners to be included in the list of practicing advocates and it would be quite impossible for the State Bar Councils to weedout the non-practicing advocates. Therefore, all the State Bar Councils are requested and directed to fully adhere to the directions and circulars issued by the Bar Council of India with regard to the process of verification. Any deviation or violation will amount to violation of the Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015 and may warrant the necessary action against the concern authorities of State Bar Council.

The earlier Circular dated 14.01.2024 bearing No.BCI:D:205/2024 is reproduced herein below: -

"In light of recent concerns/apprehensions surrounding misinformation and improper notifications, by State Bar Councils/Members of State Bar Councils/Advocates in their individual capacity, the Bar Council of India finds it imperative to issue this notice for clarity and caution.

Contrary to previous communications, if any, from State Bar Councils, etc. it is crucial to emphasize that Advocates, including those listed as voters in previous Bar Council Elections, must substantiate their existence in the legal profession during verification, either after five years or when submitting fresh verification forms.

This verification process necessitates the attachment of essential documents such as vakalatnama, order sheets, or proof of drafting/deeds in non-litigious work, etc. in accordance with the Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015.

Incorrect declarations, if any, stemming from inaccurate information being provided to applicants must be promptly rectified.

We earnestly implore all concerned Advocates to meticulously review and rectify their submissions, aligning them with the established guidelines.

Furthermore, we request and direct the State Bar Council/s to reiterate this aspect promptly to all applicants.

To ensure compliance with Form A Column III, Advocates are reminded to submit:

- 1. Certified copies of at least 5 Vakalatnamas or any other document/cause list establishing five years of active practice.*
- 2. For Advocates associated with law firms, a certificate from the authorized personnel of the firm detailing the period of service and nature of work.*
- 3. For conveyancing lawyers, submission of five documents from the last three years supporting the claim of being a conveyancing practice lawyer.*

In addition to these documents, Advocates are reminded to provide details and updates, if any, on educational qualifications, and disclose any filed/pending criminal cases.

Your cooperation in promptly addressing any inaccuracies in your submissions are of utmost importance for the sanctity of the verification process being monitored by a High Level Committee constituted on the request of the Bar Council of India by the Hon'ble Supreme Court of India.

The High-Level Committee has decided to concentrate on verification from the 1990 enrolments onward, deferring verification of pre-1990 enrolments, if any, to a later stage.

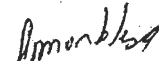
We trust that each esteemed Advocate will take immediate steps to ensure compliance, upholding the integrity of the profession.

The Secretary/ies of State Bar Council/s are requested to circulate this among Advocates enrolled under their Bar Council/s and also ensure verification is carried out as per such procedure as is mentioned above and as is stipulated in the Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015."

The Circular dated 14.01.2024 bearing No.BCI:D:205/2024 ends here.

The Council resolved that any CoP issued by any of the State Bar Council in violation of the directions/Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015 will not be accepted and such persons cannot be included in the list of voters and for such violation the action shall be taken by the Bar Council of India against the Committee/Members committing such irregularity/illegality.

This is for your information and compliance.


(Srimanto Sen)
Secretary
Bar Council of India