

THE BAR COUNCIL OF RAJASTHAN

RENEWAL OF CERTIFICATE OF PRACTICE RULES, 2006

Preamble :

It is being noticed that the Advocates after their enrolment switchovers to other occupation / services. At present the turnover is very high. The Advocates who have left the profession of advocate or joined services, business or other occupation or advocates who have expired are still continuing in the list maintained by the Bar Council. Besides that upto date information about the enrolled members are also not available with the Bar Council resulting in effective control of the Bar Council on Members and communication is not effective. In view of effective control on enrolled lawyers and to remove the names of non-practicing lawyers, it is desired by the Bar Council of Rajasthan to frame Rules for renewal of certificate of Enrolment and thus these rules are framed under the powers conferred under Section 24(1)(e), Section 28(2)(d) and Section 49(1)(ah) of Advocates Act, 1961.

1. Title :

These rules shall be called as State Bar Council of Rajasthan Renewal of Certificate of Practice Rules, 2006.

2. Extent :

These rules will be applicable to all the Advocates whose names appear on the State Roll maintained by the Bar Council of Rajasthan under Section 17 of the Advocates Act 1961.

3. Date of Commencement :

These Rules shall come into force at once from the date these are approved by the Bar Council of India.

4. Definition :

- a) **Advocate** means an advocate whose name is entered in the State Roll maintained by Bar Council of Rajasthan under Section 17 of Advocates Act.
- b) **Certificate of practice** means the certificate of enrolment held by an Advocate issued under Section 22 of Advocates Act 1961.
- c) **Fund** means the amount received by Bar Council of Rajasthan in furtherance of renewal of Certificate of Practice of the Advocates under these Rules.
- d) **State Bar Council** means the Bar Council of Rajasthan as defined under Section 3 (1)(a) of the Advocates Act 1961.
- e) **Renewal Fee** means the amount payable at the time of renewal of Certificate of Practice under these Rules and include the amount varied from time to time by Bar Council of Rajasthan.

5. Necessity of renewal of Certificate of Practice and to furnish necessary information & renewal fee :

- 5.1 Every Advocate whose name appeared in the roll of State Bar Council shall get his certificate of Practice renewed from State Bar Council after every 5 years from its original registration or last renewal within 6 months from the date of enforcement of these Rules. Those who have not completed 5 years on the date of enforcement of these Rules shall be required to apply within one month in advance of completion of such period of 5 years or every such subsequent period of 5 years thereafter for renewal of Certificate of Practice.
- 5.2 Every application for renewal of certificate of practice shall be submitted in prescribed format and all necessary information as specified from time to time are required to be given by every Advocate.
- 5.3 Every application for renewal of certificate of practice shall be submitted along with renewal fee of Rs. 200/- (Two Hundred) every five years or as may be prescribed by the Bar Council of Rajasthan from time to time by way of Demand Draft in the name of Secretary, Bar Council of Rajasthan Jodhpur or in cash in the office of Bar Council of Rajasthan.

The period of standing as an advocate shall be reckoned from the date of enrolment.

6. Application for renewal :

- 6.1 Every advocate shall apply for renewal of his/her certificate of practice in the prescribed form accompanied with an affidavit/declaration on prescribed form along with two Passport size photographs duly attested by Member of Bar Council/President or Secretary, Bar Association.
- 6.2 The declaration of the Advocate must be attested by the President/Secretary of the Bar Association concerned / Member of State Bar Council to the effect that the Advocates have been practicing regularly since the date of enrolment or from the date of membership of the Bar Association as the case may be.
- 6.3 Advocate shall send such application, accompanied by documents as provided in Rule 7 through Regd. A.D. Post or by hand at the office of State Bar Council of Rajasthan along with prescribed renewal Fee.
- 6.4 Every such application should reach to the office of the Bar Council within the stipulated date, as specified in Rule 5, but, if any application is received after the expiry of the period prescribed, the same shall be accepted by the Office with late fee as prescribed from time to time by Bar Council and presently as Rs. 50/- per month or part of the month but in no case exceed 6 months. If any person applies thereafter, his matter shall be referred to the Executive

Committee of the Bar Council for disposal subject to payment of Rs. 100/- per month or part delayed thereof. But, once the name of such person is transferred to the list of non-practicing advocates, such renewal would not be possible except with the leave of General Body of Bar Council of Rajasthan subject to payment of late fee @ Rs.200/- per month subject to maximum of Rs.2000/-.

- 6.5 Every application received shall be scrutinized by the office within a fortnight from the date of receipt in order of seniority of the received applications and if found in order, it shall be placed along with personal file before Secretary or Asstt. Secretary or any other person if authorized by Bar Council for passing order of renewal. In case applications received are incomplete, office shall write a letter to Advocate pointing out defects and after completion of formalities his case would be processed and the delay in this regard shall be accountable to advocate with reference to payment of late fee.
- 6.6 If the advocate do not applies for renewal or do not complete the formalities even inspite of intimation, as per Rule No. 6.5, it shall be deemed that the advocate is not interested in continuing his Certificate of Practice. No further communication shall be given.
- 6.7 That if any advocate have suffered any disqualification during the period of renewal, or if he did not comply with an undertaking filed at the time of enrolment, same shall be placed before Chairman for passing necessary order. If in the opinion of Chairman, such person has suffered any disqualification or disentitle to renew him certificate of practice, may pass an order to place the matter before Executive Committee of Bar Council.

7 Renewed Certificate of Practice :

- 7.1 After having found the application in order the State Bar Council shall prepare and issue a certificate to be called as "Renewed Certificate " and it shall be dispatched to Advocate under Registered Post.

Provided further that a separate dispatch register shall be reckoned as Renewal Number of the Advocate by entering full particulars of Advocate. Renewal Register of each year shall be prepared and maintained in a manner prescribed.

- 7.2 Bar Council shall prepare Certificate of Renewal in duplicate duly signed by the Secretary or any other person authorized by Bar Council. The second copy shall be placed in the personal file of the Advocate.

8. Disability :

An Advocate who does not get Certificate renewed he shall not be entitled to appear in any Court, Tribunal or before any authority or person in India.

9. Fund :

- (1) Amount received by way of renewal fee shall be deposited in a nationalized Bank under the License Renewal fee Fund Account and

will be operated by Secretary and Chairman jointly. The Office shall maintain a separate Cash Book / Ledger and receipt Book to maintain the accounts and all payment shall be made by Cheque and account will be audited every year by a Chartered Accountant to be appointed by the Bar Council along with accounts of Bar Council.

- (2) Amount of this fund shall be utilized for the following purposes only by the General Body of the Council.
- (a) 20 % of the fund received every year shall be used for administrative expenses;
 - (b) 40 % of the fund received shall be transferred to the Rajasthan Advocates Welfare Fund; and
 - (c) Remaining 40 % of the fund shall either be transferred to provide library to Bar Associations or a separate fund namely Bar Council of Rajasthan – allocation of fund to Bar Association Libraries and funds be given to Bar Associations on the same pattern as is being done in case of Bar Council of India Fund for the same purpose.

The amount received under this head shall not be used for any other purposes, except mentioned above.

10. Removal of difficulties :

In case of any difficulty arises or doubt or disputes arose, the same shall be decided by the Executive Committee of the Bar Council. Every order of Chairman or Executive Committee with reference to renewal shall be appealed to the Bar Council of Rajasthan and the Bar Council of Rajasthan will act as an appellate authority.

11. Appeal :

Any order passed by the Chairman or Executive Committee can be appealed against to the Bar Council of Rajasthan. Every such appeal shall be accompanied with the order challenged and also a fee of Rs. 500/- in the form of Demand Draft favouring Secretary, Bar Council of Rajasthan. Such appeal should be filed within 30 days from the date of communication of order to be appealed against. The period of limitation can be extended by the Bar Council of Rajasthan, if sufficient cause is shown.

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