

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER

D.B. CIVIL REVIEW PETITION NO.142/2014

IN

D.B. CIVIL WRIT PETITION(PIL) NO.18688/2013

POONAM CHAND BHANDARI

Vs.

THE HIGH COURT OF JUDICATURE FOR RAJASTHAN, JODHPUR & ORS.

DATE:26.11.2014

HON'BLE THE ACTING CHIEF JUSTICE MR. SUNIL AMBWANI

HON'BLE MR.JUSTICE VEERENDR SINGH SIRADHANA

Mr. N.K. Maloo, Senior Counsel assisted by
Mr. Dinesh Kumar, for the review-petitioner/respondent No.2.
Mr. S.P. Sharma, Senior Counsel assisted by
Mr. Gaurav Sharma and
Mr. Ankit Sethi, for the petitioner.
Mr. Poonam Chand Bhandari, petitioner, present in person.

REPORTABLE

1. We have heard learned counsel appearing for the Bar Council of Rajasthan, on an application for review/ clarification/ modification/ recall of the order dated 09.10.2014, passed in D.B. Civil Writ Petition (PIL) No.18688/2013.

2. Learned counsel appearing for the Bar Council of Rajasthan, states that the Bar Council does not have any grievance with regard to the objective to secure the Rule of "One Bar One Vote", in the elections of Bar Associations. It has sought clarification, with a view to correct an inadvertent error caused by it, with regard to the date of notification, from which the Bar Association of Rajasthan Rules, 2013, made by it, will come into force. It is stated that in the resolution passed by the Bar

Council of Rajasthan, the Rules were to come into force from the date, to be resolved after the Rules were approved by the Bar Council of India. By a bonafide error, the Rules sent for approval to the Bar Council of India, providing that they will come into force from the date, the Rules are approved by the Bar Council of India. Learned counsel further submits that the Bar Council of Rajasthan had proposed the elections of the Bar Associations, to be held on second Friday of December, every year. For the elections of the Bar Associations, to be held for 2014, the date is too close from today, and that since only two Bar Associations have, so far, sent the lists of the Advocates, who have filed their affidavits, it will not be practical to hold the elections on the date, proposed by the Bar Council of Rajasthan. It is further submitted that some of the Bar Associations have not completed the term of one year, and thus, for them the elections are not proposed to be held by the second Friday of December, 2014.

3. Learned counsel appearing for the Bar Council of Rajasthan further submits that the Bar Council of India has made the Bar Council of India Certificate of Practice and Renewal Rules, 2014, in exercise of its powers under Section 49(1) read with other provisions of the Advocates Act, 1961, which have been notified on 30.10.2014, and that the effect of the Rules may be considered in the directions given by the Court.

4. We do not find that any of the prayers in the application require review or modification of the order dated 09.10.2014. It is for the Bar Council of Rajasthan to rectify the error by adopting a valid

procedure, and to seek necessary approval of the Bar Council of India, for making any modification in the date on which the Rules of 2013 will come into operation. The Court does not have any role to play in rectifying such error.

5. So far as the Bar Council of India Certificate of Practice and Renewal Rules, 2014 (for short, 'the Rules of 2014') are concerned, they have been notified on 30.10.2014. These Rules of 2014, provide for a detailed procedure to obtain certificate for practice and give six months' time to apply for issue of such certificate. The Rules of 2014 also provide for a procedure for objections, and further six months' time for not allowing a person to practice, if his name is removed from the list. The procedure prescribed in the Rules of 2014, takes about one year's time, and thus, it can be said that a person who may not be entitled to be a member of any Bar Association after the requisite period, will have any bearing on our order dated 09.10.2014, at this stage.

6. The review application is accordingly rejected.

(VEERENDR SINGH SIRADHANA), J. (SUNIL AMBWANI), ACTING C.J.

/KKC/

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Certificate:

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

KAMLESH KUMAR
P.A.