

Orissa State Bar Council Rules, 1989

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Rule ORISSA-STATE-BAR-COUNCIL-RULES-1989 of 1989

- Published on 16 March 1992
- Commenced on 16 March 1992
- [This is the version of this document from 16 March 1992.]
- [Note: The original publication document is not available and this content could not be verified.]

Orissa State Bar Council Rules, 1989(Under the Advocates Act, 1961)Approved by the Bar Council of India in its meeting Dated 15th and 16th March, 1992 Vide B.C.I. - Resolution No. 12/1992Rules framed by the Orissa State Bar Council, Cuttack in exercise of the powers conferred by the Section 28(i)(2)(a)(b) & (c)(d) read with Sections 17(i) & 24 and 25 of the Advocates Act, 1961.Rules under Section 28(i)(a) read with Section 17(i)(a) of the Advocates Act, 1961.All persons who were entered on the Roll of any High Court under the Indian Bar Council Act, 1926 immediately before the appointed day i.e. 1st December, 1961, shall express their intention to practice within the jurisdiction of the Bar Council of Orissa in the form prescribed so as to reach the Bar Council not later than the 31st March, every year or such extended time as the Bar Council of Orissa may hereafter notify.

1. Short title and commencement.

- These rules shall be called the Bar Council of Orissa Rules, 1989 and they shall come into force from the date of their approval.

2. These rules shall be subject to the rules made by the Bar Council of India under the powers vested in it by the Act.

2. Definition.

- In these rules unless the context otherwise requires : (I)"Act" means the Advocates Act, 1961; (II)"Advocate-General" means the Advocate-General for the State; (III)"Bar Association" means a Bar Association of Advocates attached to Court or Tribunal or other authority discharging function of judicial or quasi-judicial nature in the State of Orissa. (IV)"Bar Council" means the Bar Council for the State of Orissa. (V)"Casual vacancy" means vacancy caused otherwise than by the expiry of the term of Office of a Member of the Bar Council of Orissa. (VI)"Chairman" means the Chairman of the Orissa State Bar Council. (VII)"Secretary" means the Secretary of Orissa State Bar Council or any

other person appointed by the Bar Council to perform the duties of the Secretary.(VIII)"Clear days" means that time is to be reckoned exclusive of both the first and the last days.(IX)Continuing candidate means any candidate not elected and not excluded from the roll at any given time.(X)"Count" means -(a)All the operations involved in the counting of the first preference recorded for candidates, or(b)All the operations involved in the transfer of the surplus of an elected candidate, or(c)All the operations involved in the transfer of the total value of votes of an excluded candidates, or(d)All other operations involved in, incidental to or necessary for the entire process of ascertainment not of votes.(XI)"Electoral Roll" means and includes the Roll containing the name of the Advocates prepared in accordance with the rules of the Bar Council of India in Part-III, Chapter-1.(XII)"Exhausted paper" means a voting paper on which no further preference is recorded for a continuing candidate and includes a Ballot paper on which;(a)The names of two or more candidates, whether continuing or not, are marked with the same figure and are next order of preference, or(b)The name of the candidate next in order of preference whether or continuing or not, is marked by figure not following consecutively after some other figure on the Ballot paper or, by two or more figures or,(c)There is such effacement, obliteration, erasure or mutilation as to make any preference other than the 1st preference ambiguous;(XIII)"First preference" means the figure (1) set opposite the name of the candidate, second preference means the figure '2' not opposite the name of the candidate, and '3' preference the figure '3' set opposite the name of the candidate, and so on.(XIV)"Form" means a form prescribed under these rules;(XV)"Original votes in relation to any candidate" means a vote derived from a Ballot paper on which a 1st preference is recorded for such candidate by a voter;(XVI)"Polling Officer" means a person appointed as such by the Returning Officer and includes the person appointed by the Returning Officer to assist the Polling Officer;(XVII)"Returning Officer" means the person appointed by the Bar Council as such to conduct an election.(XVIII)"Surplus" means the number by which the value of the votes original and transferred, of any candidate exceed the quota;(XIX)"Transfer Vote" in relation to any candidate means vote the value or the part of the value of which is credited to such candidate and which is derived from a voting paper on which a second or a subsequent preference is recorded for such candidate;(XX)"On Exhausted paper" means a ballot paper on which a further preference is recorded for a continuing candidate;(XXI)"Voter" means a person whose name is included in the electoral roll of the Council prepared for the particulars election.(XXII)"Advocate" means an Advocate on the roll maintained by the Bar Council and practising as an Advocate.(XXIII)"Advocate Welfare Fund" means the fund constituted and maintained under the Act.(XXIV)"Disabled Advocate" means an Advocate who on account of any illness or any physical or mental infirmity is unable to practice temporarily or permanently.(XXV)"Indigent Advocate" means an Advocate who is unable to maintain himself and his family from his profession and other income and who is so certified by the Bar Association of his place of practice.(XXVI)"Family" means the Advocates other spouse, minor children or aged parents dependent on the Advocate for maintenance.(XVII)"Serious Ailment" means ailment of a serious nature affecting brain, heart, lungs, abdomen or compound fracture or any part of the body which requires treatment for more than one month.(XVIII)"Prescribed" means prescribed by the Bar Council either in rules, scheme or by resolution of the Council.(XXIX)"Welfare Committee" means the Committee of the council constituted in accordance with the Act and Rules.(XXX)"Fund" means the fund of the Council other than the Welfare Fund.(XXXI)"Welfare Scheme" means a scheme formulated by the Bar Council from time to time under Clause-A of Sub-section (2) of Section 6 of the Act and the

Rules.(XXXII)"Hard Case" means the dependant of the deceased Advocate having no financial means and under the circumstances requires immediate help.(XXXIII)"Financial year" the year from 1st April to 31st March of the next year.(XXXIV)"Aided person" means a person to whom legal aid or advice has been sanctioned and who is receiving or has received legal aid or advice;(XXXV)"Court" includes all Courts and tribunals and other authority before which Advocates are entitled to appear, act and plead;(XXXVI)"Legal Aid" shall include representation by an Advocate and all such other assistance that may be necessary from time to time;(XXXVII)"Legal Advice" includes oral or written advice on the liberty, right, title or interest of a person.

Chapter-II

3. Time and place of Election.

- Election of member to the Bar Council shall be held at such place or places on such date or dates, and during such hour or hours as the Council may appoint. Different dates and different hours may be appointed for polling different places, polling shall ordinarily be held from 10.00 A.M. to 5.00 P.M.

4.

The Polling booth shall be at places of sitting of Orissa High Court, all District, Courts, Sub-Divisional Courts and Courts of Magistrate 1st Class of Munsif and such other places as may be notified by the Council from time to time. There may be if found necessary one or more polling booth at such.

5. Method of election.

(1)Election of the Bar Council shall be by single transferable vote by and amongst the voters in the Electoral Roll in accordance with these rules.(2)The voters shall cast their votes personally at the booth where he ordinarily practices.Explanation - An advocate shall be deemed ordinarily to practice at the place which is given in his-address in the form of notice under Rule 4 Part III, Ch-I of the Bar Council of India Rules.

6. Preparation of Electoral Roll.

- The electoral roll for the Orissa State Bar Council shall be prepared Chapter 1, Part-III of the Bar Council of India Rules.

7. Notice of Election.

- Notice of the time and place of election shall be given by publication over the signature of the Secretary in one issue of a daily news paper in the State not less than 45 clear days before the date of election. The Notification shall specify inter alia :(i)the date for filing nominations;(ii)the date of scrutiny;(iii)the dates for withdrawal of candidature;(iv)the date or dates of polling;(v)the date, place and time for counting of votes from amongst advocates who on the relevant date will have

been on the State Roll for at least 10 years; Provided that the last date for filing of the nominations shall not be less than 25 clear days before the date of the election and that there shall be at least 5 clear days after the last date of the scrutiny for withdrawal of the candidatures. Copies of the notice shall be affixed on the Notice Board of the Bar Council, and sent to the Advocate-General and to the Bar Associations and may also be sent to the Official Gazette of the State.

8. Candidates.

- No person shall be entitled to seek election unless his name is in the electoral roll.

9. Candidates how to be proposed.

- (i) Every candidate for election as a member of the Bar Council shall be proposed by one voter and seconded by another voter. The nomination paper shall be delivered to the Secretary either personally or through a written authorised agent or sent by registered post so as to reach the Secretary on or before the date specified in the Notification under Rules. (ii) Every Nomination paper shall be accompanied by a fee of [Rs. 2500/-] [Vide Council Resolution dated. 7.10.01, approved by the B.C.I. Resolution dated 22-25/12/01 vide L. No. BCI/178/9.1.02.] which is non-refundable. Provided further that 50% of the fees shall be refunded to a candidate withdrawn on or before the last date of withdrawal.

10. Doubts as to validity of proposal.

- The Secretary shall scrutinize the nomination papers received at the place and time notified under Rule 7 & if in his opinion any Nomination paper is invalid, he shall report the same to the Advocate-General who shall decide the validity or otherwise of such Nomination paper and his decision shall be final. The candidates or their agents shall be entitled to be present both at the time of the scrutiny before the Secretary as well as before the Advocate General and make their submissions. No nomination paper shall be rejected except for a defect of a substantial character. The Advocate-General however, may allow any defect to be ratified which are not substantive in character.

11. Withdrawal from election.

- Any person whose name has been proposed as a candidate may withdraw his candidature by a communication in writing so as to reach the Secretary not later than the date specified for the purpose in the notification under Rule 7.

12. Declaration when number of candidates is equal to the number of seats.

- If the number of duly nominated candidates who have been on the State Roll for more than 10 years is less than or equal to the number specified by the proviso to Section 3 (2)(b) of the Act, they shall be declared elected. The number thus elected shall be deemed to be the number required by

the said proviso. If the number of such candidates is in excess of (he required number, but the number of all the nominated candidates does not exceed the total number to be elected, all the candidates shall be declared elected. In every other case there shall be a poll as prescribed in these rules.

13. Publication of list of candidates.

(a)Not less than 20 clear days before the date fixed for election, the Secretary shall publish the names of all the candidates validly nominated except the names of those who have withdrawn under Rule 10 as nearly as possible in Form 'B' on the Notice Board of the Bar Council.(b)Copies thereof shall also be sent to Advocate General and to the Bar Associations.

14. Form of voting paper.

- The ballot paper shall contain the names of all the candidates, address of the candidates and the respective date of enrollment as Advocate as in the rolls shall be mentioned against the name of each candidate. An asterisk mark shall be put against the name of candidates shown on the relevant date have been on the State Roll for atleast 10 years for the purpose of proviso to Section 3(2)(b) of the Act. The voting paper shall also bear on it the facsimile of the Secretary's signature. It shall state the total number of the candidates to be elected. The voting paper shall as nearly as possible be in the Form 'C'.

15. Voting in person.

- Voters shall cast their votes at the respective polling booths on the dates, notified in this behalf.

16. Polling booths.

- The Returning Officer shall appoint sufficient number of Polling Officers for the Booths. The Bar Council may give such general directions as it may consider necessary with regard to places where polling booths ought to be established and the persons to be appointed and Polling Officers.

17. Despatch of voting papers to polling officers for voting.

- The Secretary in consultation with the Returning Officer shall send to the Polling Officers of the Booths requisite number of voting papers and some additional voting paper bearing his facsimile with a covering letter stating the number of the paper sent and enclosing an extract from the electoral roll relating to the Polling Booths and other papers, if any, with necessary instructions.

18. Supply of voting papers to voters voting.

- The Polling Officers shall on the date and during the time fixed in this behalf, supply a voting paper to each voter in his Polling booths, who applies in person therefore and take his signature in the list

of voters against the Voter's name to signify the issue of the voting paper.

19. Procedure for voting.

(1) A Voter who has received a voting paper under Rule 21 shall retire to a place screened from outside view and mark his preference in the manner prescribed. The voter shall then put it in a sealed box kept for the purpose. The voter shall not be entitled to take the ballot paper or cause to be taken outside the room. (2) As soon as practicable after the closing of the pole the Polling Officer shall close the slit of the ballot box and where the Ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any candidate of his agent present to affix his seal. The ballot box shall thereafter be sealed and secured. (3) When it is necessary to use a second ballot box the first box shall be closed, sealed and secured as provided in Sub-rule (2) before the second ballot box is put into use. The Polling Officer shall at the close of the Poll prepare an account of ballot papers in Form 'D' and enclose it in a cover with the word "Voting Paper Account" superscribed thereon. (4) Sealing of other packets : The polling Officer shall then make into separate packets-(a) the marked copy of the electoral roll; (b) the unused ballot papers; (c) the cancelled ballot papers; (d) any other paper directed by the Secretary to be kept in a sealed packet. Each packet shall be sealed with the seal of the Polling Officer and of the candidate or his agent present who may desire to affix their seal thereof. (5) Transgression of Ballot boxes etc. : The Polling Officer shall then deliver to the Secretary at such place as he may direct or send by Special Messenger containing the following : (a) the ballot boxes containing the ballot papers; (b) the account of the Ballot papers; (c) the sealed packets referred to in Sub-rule (4) above and; (d) all other papers used at the poll

20. Method of voting.

(1) A voter in giving his vote (a) shall place on his voting paper the figure 'V' in the space opposite the name of the candidate whom he chooses for the first preference, and (b) may in addition place on his voting paper the figure '2' and '3' or the figure '2' and '4' and so on, in the space opposite the names of the other candidates in the order of his preference. (2) A voting paper shall not be signed by a voter and in the event of any erasure, obliteration of alternations in the voting paper or of the voting paper purporting to have been signed by the voter, the voting paper shall be deemed to have been defaced and or no voters purporting to have given there by shall be taken to account for the purpose of the election. (3) The decision of the Returning Officer whether a voting paper has -or has not been defaced shall be final.

21. Voting papers when invalid.

- A voting paper shall be invalid on which - (a) the figure '1' is not marked; or (b) the figure '1' is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it intended to apply; or (c) the figure '1' and some other figure are set opposite the name of the same candidate; or (d) there is any mark in writing by which the voter can be identified; (e) the preference is indicated in words as "One" "Two" etc. (f) the marking on the voting paper is not in the international form of Indian numbeals.

22. Presence of candidate or his agent during counting.

- At the time of counting, the candidate or his agent shall be entitled to be present.

23. Ascertainment of quota.

- Every varied voting paper shall be deemed to be of the value of one hundred, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows ;(a)and the value credited for a candidate under Clause (d) of Rule 26;(b)divide the total by a number which exceeds by one of the number of seats to be filled; and(c)add one to the quotient; ignoring the remainder, if any, the resulting number is the quota.

24. Candidates with quota to be elected.

- If at the end of any count or at the end of the transfer of any parcel or sub-parcel of any excluded candidate the voting papers credited to a candidate is equal to or greater than to the quota the candidate shall be declared elected; Provided that : (i) No candidate who has not been an advocate on the State Roll for at least 10 years, shall be elected if 7 candidates less than 10 years standing have already been declared elected. (ii) If at the end of any Court, there are two or more who have been on the State Roll for at least 10 years getting more than the quota as aforesaid but the member of candidates that yet be elected from such category under the proviso to Section 3 (2). (b) is less than that number, the candidate who has obtained greater value of votes shall be declared elected in preference candidate whose value of votes is less. (iii) In the case of two or more persons if the category referred to in proviso (ii) above, getting the same value of vote at the end of any Court, the Returning Officer conducting the election shall decide by lot which of such persons shall be declared elected (iv) The other candidates or candidates not declared elected aforesaid by reason of the proviso to Section 3(3)(b) of these rules shall be excluded from the poll.

25. Transfer of surplus.

- (i) If after exclusion of any candidate under Rule 30 at the end of any count, the value of the voting paper credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this rule to the continuing candidates indicating on the voting papers of that candidates as being next in the orders of the Voters preference. (ii) If more than one candidate have a surplus, the surplus shall be dealt with first and the others in order of magnitude. Provided that : Every surplus arising on the first count shall be dealt with before those arising on the second count and so on. (iii) Where there are more surpluses than one to distribute two or more surpluses are equal, regard shall be had to the original votes of each candidates, and the candidates for whom original votes are recorded shall have his surplus first distributed the value of the original votes is equal, the Returning Officer shall decide by lot which candidate shall have his surplus first distributed, and if the value of the original votes is equal, the Returning Officer shall decide by lot which candidate shall have his surplus first distributed. (iv) If the surplus of any candidate to be transferred arises on the original votes only, the Returning Officer shall examine all

the papers in the poll belonging to that candidate, divided the unexhausted papers into sub-parcels according to the next preference recorded there on and make a separate sub-parcel of the exhausted papers.(b)The Returning Officer shall ascertain the value of the papers in each sub-parcel and of all the unexhausted papers.(c)If the value of the unexhausted papers is equal to or less than the surplus, the Returning Officer shall transfer all the exhausted papers at the value at which they were received by the candidate whose surplus is being transferred.(d)If the value of the unexhausted papers is greater than the surplus, the Returning Officer shall transfer the sub-parcel of the unexhausted papers and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.(e)If the surplus of any candidate is to be transferred/arises from transfer as well as Original votes, the Returning Officer shall re-examine all the papers in the sub-parcel, last transferred to the candidate, divide the unexhausted papers into sub-parcels according to the next preference recorded thereon, and then deal with the sub-parcel in the same manner as is provided in the case of such parcel referred to in Sub-rule (4).(f)The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.(g)All papers in the parcel or sub-parcel of an elected candidate not transferred under this rule shall be set apart as finally dealt with.

26. Exclusion of candidates.

- The Returning Officer conducting the election shall include from the Poll candidates as specified in Rule 4(b)(i) of the rules of the Bar Council of India contained in Chapter (ii) Part (iii).

27. Filling of last vacancies.

- The procedure prescribed in Rule 4 (c) of the rules of the Bar Council of India in Chapter (ii) Part (iii) shall be follows.

28. Fractions etc. to be disregarded.

- In carrying out of the provisions of Rule 28 to 31 the Returning Officer shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from the poll.

29. Determination of result and publication thereof.

(1)Upon the completion of the count, a list of the candidates elected to the Bar Council shall be prepared and signed by the Returning Officer and submitted by him to the Advocate-General who shall certify the same by his signature.(2)After such certificate, a copy of the list shall be published in the Official Gazette and shall also be sent to the Advocate General and to the Bar Association to be affixed as they may direct and may also be sent to other similar association. A copy of the same shall also be put up on the Notice Board of the Bar Council.(3)On the publication of the list in the Official gazette persons whose names appear in the list shall be deemed to have been declared as elected. The Members Of the Bar Council shall be deemed to have been elected on the date of publication of their names in the Official Gazette.

30. Disputes as to validity of elections.

(1) Any voter may contest the validity of the election of a candidate declared to have been elected to the Bar Council by a petition signed by him and supported by an affidavit and delivered to the Secretary personally or sent by registered post so as to reach him within 15 days from the date of publication of the result of the election. (2) The petition shall be accompanied by a fee of [Rs. 2500] [Vide Council Resolution dated. 7.10.01, approved by the B.C.I. Resolution dated 22-25/12/01 vide L. No. BCI/178/9.1.02.] which shall be paid in Cash/Bank Draft or sent by Money order. In case it is sent by M.O. the M.O. receipt shall also be attached to the petition. The fee shall not be refundable. (3) Such petition shall conclude as respondents all the contesting candidates and the petition shall be accompanied by as many as copies as there are respondents. (4) All disputes arising under the above sub-rule shall be decided by a Tribunal to be known as "Election Tribunal" comprising 3 Advocates whose names are on the State Roll and who are not less than of 19 years standing. (5) The Election Tribunal shall be appointed by the Bar Council on or before the date in which the time of the election fixed under Rule 4. (6) The Election Tribunal shall have all or any of the following powers : (i) To dismiss a petition (ii) To order recount (iii) To declare any candidate to have been duly elected on a recount. (iv) To set aside the election of a candidate who either by himself or through any other person acting with his consent is guilty of corrupt practices.

31.

The following shall be deemed to be corrupt practices for the purpose of this Act; (1) Bribery that is to say (A) Any gift, offer or promise of any gratification to any voter or voters whomsoever, with the object, directly or indirectly of inducing; (a) a person to stand or not to stand as, or to withdraw or not withdraw from being a candidate at any election, or (b) an elector to vote or refrain from voting at an election, or as a reward to, (i) a person for having so stood nor not stood, or for having withdrawn his candidature, or (ii) an elector for voting or refrained from voting; (B) the receipt of or agreement or receive, any gratification whether a motive or a reward - (a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being a candidate; of (b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

32.

For this purpose of this clause, the term 'gratification' is not restricted to pecuniary gratification or of gratifications estimable in money. (2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere with the free exercise of any electoral right including the issuing or sending of any appeal or manifest for votes direct or indirect. Provided that a mere intimation of a candidate with a bare request for a vote shall not amount to undue influence. And provided further that a candidate or his agent may orally ask for votes but on the date of election such requests shall not be made within a radius of 200 yard from the polling station. And a candidate may issue a written intimation to his voters announcing his candidature and seeking their votes or their first preference votes, which intimation shall not contain any other publicity or his eulogy. Such written

intimation shall also not amount to undue influence. Attempt to secure from any voter his ballot paper with intent to prevent him from voting it directly or with intent to ensure that vote has been cast or is to be cast for a particular candidate shall be deemed to interfere with the free exercise of the electoral right of the said voter. (3) The hiring or procuring, whether on payment or otherwise of any vehicle or vessel or the use of such vehicle or vessel for the free conveyance of any elector to or from any polling station. (4) The vacancy arising under Sub-rule (6)(iv) shall be filled up as a casual vacancy. In other cases to declare a vacancy to be filled up as casual vacancy. (5) To make an order as to costs. (6) The trial of an election petition shall as far as possible be concerned by the Civil Procedure Code. (7) No petition shall lie on the ground that any nomination paper was wrongly rejected or the name of any voter was wrongly included in or omitted from the electoral roll or any error or irregularity which is not a substantial in character. (8) The voting papers and other records relating to the elections shall not be destroyed until the expiry of the time for the filling of any petition under Clause 1 of this Rule. (9) In case where a petition or petitions have been filed under Sub-rule (1) no such voting papers or records shall be destroyed till all the election petitions are finally disposed of.

33. Conduct of elections.

- Except as otherwise provided in the rules the Secretary of the Bar Council shall be in charge of the conduct of the election. Explanation - For the purposes of these rules, the "Secretary" shall mean a person appointed as Secretary under Section 7 of the Act or any other person appointed by the Bar Council to perform duties of the Secretary under these rule. The Bar Council Of Orissa Form - I (Under Rule 9) Nomination Paper For Election To The Bar Council Of Orissa To The Secretary Bar Council of Orissa Sir, I nominate..... an Advocate on the rolls of the Bar Council of Orissa enrolled on..... practising at..... as a candidate for election to the Bar Council of Orissa to be held on.....

1. Name.....

Address..... Number in the Electoral Roll..... (Signature in full of the proposer)

2. I second the above nomination.

Name..... Address:..... Number in the Electoral Roll..... (Signature in full of the Seconder) I am willing to serve the Bar if elected. Name and address of the candidate Signature of the candidate Number in the Electoral Roll.... Enrolled on..... Date..... The Bar Council of Orissa Form - II (Under Rule 12) (a) List of Candidates : The following is the list of candidates for the election to the Bar Council to be held on..... I. Candidate whose names have been on the State Roll for AT LEAST 10 years as required under the proviso to Section 3 (2) (b) of the Act.

Name	Date of enrolment	Ordinary place of practice
1		2
		3

II Candidates who have been on the State Roll for less than 10 years.

Name	Date of enrolment	Ordinary place of practice
1		2
		3

DateSecretaryBar Council of OrissaThe Bar Council Of OrissaForm - IV(Under Rule 14)Instructions For The Guidance Voters(For all whether voting in person or by post)

1. The number of members to be elected is 20.

2. The voting is by the single transferable preference vote.

3. The mark should be so placed as to indicate clearly and beyond doubt to which candidate he is giving his vote. If the mark is so placed as to make it doubtful to which candidate the vote has been given, that vote will be invalid.

4. Method of Voting

(1)A voter in giving his vote.(a)Shall place on his voting paper the figure T in the space opposite the name of the candidate when he chooses for his first preference; and(b)May in addition place on his voting paper the figure '2' or the figure '2', '3' or the figure '2', '3', '4' and soon in the space opposite the names of the other candidates in the order of his preference.(2)A voter shall not sign the voting paper nor place any mark thereon by which he can be identified.

5. Voting Paper When Invalid :

A voting paper shall be invalid on which -(a)The figure '1' is not marked, or(b)The figure '1' is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or(c)The figure '1' and some other figures are set opposite the name of the same candidate; or(d)There is any mark in writing by which the voter can be identified; or(e)The preferences are indicated in words as "ONE" "TWO" etc.; or(f)The marking in the voting paper is not in the international form of Indian numerals; or(g)If there is such effacement, obliteration, erasure or mutilation as to make the first preference ambiguous; or

6. Voter Voting In Person :

A voter in person shall put the voting paper after voting in to the ballot box.Form-IIIVoting PaperOrissa State Bar Council(Election dated)

25. members have to be elected

Sl. No.	Name as in Roll	Date of enrolment	Place of practice with address	Mark of voter
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1.2.

An asterisk mark indicates that the name of the candidate has been on the State Roll for at least ten years. Date..... Facsimile of Secretary Form-V (Under Rule 22) Election to the Orissa State Bar Council

1. Name of Polling Booth

2. Total number of Ballot Papers supplied.

3. Total number of ballot papers used.

4. Total number of duplicate ballot papers supplied.

5. Total number of duplicate ballot papers used.

Date : Signature of

Place Polling Officer

Chapter - II Meetings

1. First meeting. - Within 15 days from the publication of result of election in the Official Gazette Secretary shall convene a meeting of the Bar Council after giving notice of 10 clear days for (1) election of the Chairman, Vice-Chairman and Committees; from amongst themselves transacting such other business as the Advocate General may direct. The Advocate General shall preside over the said meeting.

2. Election of Chairman, Vice-Chairman and Committees. - The election of the Chairman and the Vice-Chairman, Members of the Committees shall be by Secret Ballot and rep. to Bar Council of India.

Provided that in the event of there being more candidates, no member of the Bar Council shall be deemed to have been elected as Chairman and Vice-Chairman unless he shall have secured a majority of votes of the members present, and that in case of there being more candidate than two, the names of candidates receiving the lowest number of votes shall be eliminated after the votes have been first recorded and thereafter the votes shall be taken for the other candidates and the same procedure shall be followed until any candidate receives a majority of votes of the present three election. Any dispute regarding the validity of the election of the Office of Chairman or

Vice-Chairman of the Bar Council of India & other Committee Members shall be decided by the Election Tribunal and its decision shall be final.

3. Quorum. - At all meetings of the Bar Council & Committee Members 1/3rd present shall form a quorum, where a meeting is adjourned for want of a quorum no quorum shall be necessary for such adjourned meeting.

4. Meetings. - (1) Ordinary meetings of the Bar Council shall be convened by the Secretary under the direction of the Chairman, or in his absence the Vice-Chairman who shall determine the date and time therefor.

Provided that no meeting shall ordinarily be convened on any day falling within a vacation of the High Court. Not less than 7 clear days notice of the meeting shall be given to the Members.(2)The Secretary shall convene an extra ordinary meeting of the Bar Council on a written direction therefor from Chairman or in his absence the Vice-Chairman on a requisition signed by or at least favour Members of the Council specifying the agenda to be considered at such meeting. Not less three clear days notice of such extraordinary meeting shall be given to the Members.(3)Notices under this rule may be given either by personal delivery to the members or by sending the same to the members under certificate of posting as the Secretary may deem fit.(4)A Member shall address the Chair when speaking at meeting of the Council and he shall be certified to speak only once on each subject, unless otherwise required or permitted by the Chairman to do so.

5. Voting. - Save as otherwise provided in these rules, the decision on any matter shall be by majority and in case of equality of votes the Chairman shall have a second or casting vote. Each member present shall have one vote and the Chairman of the meeting shall have a casting vote. Voting shall ordinarily be by show of hands.

Reopening of decisions - No matter un decided by a Resolution of the Bar Council shall be reconsidered or reopened within three months from the date of such resolution, unless the Council by a two-third majority of members present decide to reopen the matter.

6. Non-contentious matters. - (a) Non-contentious matters which can be disposed of on a perusal of the papers relating there to may be circulated to the Members of the Bar Council and if the said members unanimously minute for some action to be taken such action may be taken immediately within 10 days.

(b)If such matter, in the opinion of the Chairman, or in his absence of the Vice-Chairman is urgent and it cannot be circulated to any member or members by reason of his or their absence for head quarters for some other reason, which, in the opinion of the Chairman or in his absence of the

Vice-Chairman, is sufficient than it may be circulated to the other members and if such other members, unanimously minute for some action to be taken, such action may be taken immediately.(c)The matter circulated under Clause (a) shall be placed for information at the next ensuing meeting of the Bar Council.

7. The action so taken shall be forthwith intimated to all the members of the Council or the Committee concerned. The papers shall be made before the next meeting of the Council or the concerned Committee for confirmation.

8. Absence of Chairman and Vice-Chairman. - In the absence of the Chairman, and the Vice-Chairman at any meeting of the Bar Council the members present may elect one from amongst them to preside over the said meeting.

9. Casual vacancies means vacancy caused otherwise than by the expiry of the term of office of a Member of the Bar Council of Orissa.

10. Filling of casual vacancies. - To fill casual vacancy among the elected members of the Bar Council, the remaining members of the Bar Council shall elect a duly qualified Advocate thereto in the manner following.

11. The Secretary shall on the direction of the Chairman or in his absence, the Vice-Chairman invite nominations within seven days of the vacancy having occurred, or in the event of a vacancy occurring during the vacation of the High Court, within 15 days after the reopening of the High Court after the vacation shall follow the procedure for holding election. Every candidate shall be duly proposed and seconded by a member. In case there is only one candidate, such candidate/candidates shall be declared duly elected by the Chairman on the expiry of the time fixed for such nomination. In case of there being equal no of candidates equal the no of vacancies. The election shall take place at the next meeting of the Bar Council. The election shall be by ballot and the Chairman shall in case of equality of votes, draw the lots there and then and shall declare result accordingly.

Provided that such elected member shall continue to be a member of the Bar Council only till the expiry of the term of the outgoing, member in whose vacancy he is elected.

12. Powers and duties of Chairman and Vice-Chairman. - The Chairman and in his absence the Vice-Chairman, shall preside at the meeting of the Bar Council. The powers and duties of the Chairman and Vice-Chairman shall be as follows :

(i)The Chairman shall exercise general control and supervision over the affairs of the Council.(ii)He shall preside over the deliberations of the Council and of all Committees of which he is a member.(iii)He shall cause meetings of the Council or the Committees convened at such time he may fix. He shall also settle the items of the agenda for the meetings of the Council.(iv)He shall have power to pass interim orders in revision and other matters arising out of the supervisory jurisdiction of the Council.(v)He shall have power to punish any employee of the Council by way of any proceedings or suspension, removal or dismissal.(vi)He shall be the authority to sanction the disbursement of salaries and allowances of the staff and to make over payment of any bill outstanding against the council. He shall engage temporary/daily wage staff as and when necessary being moved by the Secretary not exceeding three months without the approval of the Bar Council.

13. The Vice-Chairman shall exercise all the powers and discharge all the functions of the Chairman in his absence and under his direction.

14. Venue of meeting. - The meeting of the Bar Council shall be held at Cuttack.

15. Rules of the business. - The Bar Council may make such rules of business as it may think fit, but not inconsistent with the Act and these rules.

Chapter - III Orissa State Bar Council(Rules under Section 15 of the Advocates Act)In exercise of the powers conferred by Clause (i) and (ii) of Section 15 read with Section 9 and 10 of the Advocates Act, XXV of 1961, the Orissa State Bar Council (after obtaining the approval of the Bar Council of India) required under Section 15(3) of the said Act make the following rules.

1. Committees. - There shall be the following Committees elected by the Bar Council to transact such business of the Bar Council as may be assigned to in under the Act and Rules framed from time to time.

(A)The Executive Committee(B)The Enrolment Committee(C)The Disciplinary Committee(D)The Welfare Committee(E)The Finance Committee(F)The Rules Committee(G)The Legal Aid Committee(H)The Law Reforms Committee(I)Library Committee

2. It shall be open to the Bar Council to appoint any other Committee or Committees by resolution from time to time for specified or general purpose.

Formation of Committees:

1. Election of Members :

2. Election of Committees :

The Bar Council shall elect the members of the Committees as specified in the Act and under the rules at its first meetings held after the election and to the Bar Council under Sec. 30(2)(b) or Sec. 8 of the Act as the case may be.

2. The Election to such Committees in case of the first Council constituted after the Act, shall be made within 30 days from the date of coming into force of these rules.

3. Voting. - The Election to the Committee of the Bar Council shall be held by ballot and every member of the Council shall have as many votes as there are members to be elected to each Committee and no member shall cast more than one vote in favour of any single candidates.

4. Conduct of Election. - The Election to the Committees shall be conducted by the Chairman of the Bar Council. In case, the number of the candidates for any of the Committee are not more than the number to be elected, the Chairman shall declare the result of election without holding any ballot.

In case of equality of votes between two or more candidates for election to any Committee, the Chairman or the Member appointed under proceeding rule, shall draw lot and then declare the result of the election.

5. Term of office. - The Committee shall have a term of Office from the date of election for a period of two-half years and shall continue to function until the Council elects new Committees as provided in Rule 1 above.

Provided that the term of Office of all sitting Members including the Chairman of the Committees shall be deemed to expire when a new Council is duly elected and is brought into office.

6. Election of Chairman. - Each Committee shall elect its Chairman where the Chairman of the Bar Council is not included at its first meeting and such Chairman shall held office during the entire term of the Committee. In case of vacancy in the Office of the Chairman occurring during the terms of the Committee, the committee shall elect a new Chairman for the reminder of his

term unless it otherwise decide.

7. Casual vacancies. - In case a casual vacancy in any Committee the Secretary shall notify such vacancy having occurred, to the Chairman of the Bar Council, who in his term, shall cause the Council to fill in by election the said vacancy in the manner prescribed by the Rules.

8. Casual vacancy when occurring. - A casual vacancy shall be deemed to occur in the Office of the Chairman or Member of the Committee if such Chairman or Member resigns his post by a letter to the Secretary of the Council or ceases to be a member of the Bar Council or is otherwise rendered incapable of performing his duties as a Member of the Committee or remains absent without the leave of the Committee, in three consecutive meetings of the Committee.

9. Secretary of the Committee. - Secretary, Orissa State Bar Council is the Secretary of each Committee who shall convene the meetings and be responsible for maintaining the minutes of the proceedings of the Committee.

10. Meetings. - The Secretary shall circulate the agenda for the Meetings of the Committee to its Members and shall give at least 7 days' notice of any meeting.

In case of an extraordinary meeting of the Committee the meetings may be convened with 3 days notice.

11. Business by circulation. - (As Rule 6) - Such matters, as are likely to be disposed of on perusal of the papers and are considered of an urgent nature, may be circulated among the members of the Committee except in the case of disciplinary Committee.

Executive Committee

1. Function. - The Executive power of the Bar Council shall vest in the Executive Committee and shall in exercise of such powers, perform all the functions of the Bar Council except those which are specifically required to be performed by the Bar Council, its Chairman, its Vice-Chairman or any other Committee of the Council under the Act or the Rules framed

thereunder.

2. Power. - The Executive Committee shall exercise general control and supervision of the working of the employees of the Council and shall determine all questions relating to the fixation of pay eligibility for promotion. Grant of allowance, leave, gratuity, Provident Fund, Pension and other service conditions, to maintain a library and under the direction of the Council, publish any journal, treatise or pamphlets on legal subjects.

3. Budget. - The Executive Committee shall upon receipt from the Secretary present to the Bar Council the Budget of the Income and expenditure of the Council for the ensuing financial year before the close of the outgoing financial year through the Finance Committee.

It shall be upon the Executive Committee to present to the Council any new Schemes or proposal for inclusion in the financial estimate at any time during the course of the financial year. The Enrolment Committee

1. Application for enrolment. - The Enrolment Committee shall dispose of in case of any doubt or difference of opinion such matter shall be placed before the Council for disposal there under every application in the matter prescribed under the Act and rules made thereunder.

2. Meetings. - The Secretary shall convene the meeting of the Committee from time to time for disposal of business to be transacted by the Committee.

3. Quorum. - At all meeting of the Committee two Members present shall form the quorum.

Decisions of the Committee shall be recorded in the form of resolution and shall be duly communicated for the purpose of the record of the Council and all other concerned. The Disciplinary Committee

1. Function. - The Disciplinary Committee shall perform all the functions assigned to it under the Act in accordance with the procedure laid down there in under the rules made by the Bar Council of India under Section 49(i)(f) of the Act.

The Rules Committee

1. Draft Rules. - The Rules Committee shall prepare and submit to the Council, draft of all rules required to be framed under the Act from time to time and may suggest modifications, alterations or additions to the rules framed under the Act.

Finance Committee

1. Budget proposals. - The Finance Committee shall prepare before the end of February every year Budget of the estimates of receipts and expenditure of the Council for the next financial year and shall place before the Bar Council in the month of March.

2. Checking of account. - The Finance Committee shall check the accounts of the Council and shall be responsible for preparation of the annual statement of accounts and the balance sheets after getting the same audited within six months from the end of the succeeding financial year with a report as provided under Section 12 of the Act and shall report the same to the Council any irregularities found in the accounts.

3. Investments. - The Finance Committee shall make recommendations for investment and management of funds of the Council.

Finance Committee shall recommend the name of the Auditor and for the remuneration. The Finance Committee shall ordinarily meet at least once in two months except during vacation of the Court. Function of Secretary The Secretary shall be the Chief Executive Officer of the Council and shall perform inter alia the following duties. (i) Attend all meetings of the Council of the Committee unless otherwise directed. (ii) Keep records and minutes of the Proceedings of the Council and of its Committees; (iii) Keep in his custody the property of the Council including the seal of the Council. (iv) Exercise general control and supervision over the employees of the Council. (v) Arrange for the deposit of the money received on behalf of the Council in bank and see to the security of the cash in hand. (vi) Secretary of all shall convene all the meetings of the Council or its Committees. (vii) Appoint such temporary staff as may be necessary with the permission of the Chairman to transact urgent. (ix) Issue requisite notifications and shall issue such circulars as may be required from time to time. (x) Attend to the correspondence of the Council and its Committee. (xi) Act as the Registrar of the Disciplinary Committee, issue Notices and summons and be in charge of all working. Proceeding under Chapter V of the Act including the grant of Certified copies of documents and evidence or statements of witnesses etc. (xii) Grant Certified copies of documents or other proceedings referred to in the Act in these rules. (xiii) Shall be the custodian of the records, registers, accounts, furniture, library all other properties of the Council as it acquires from time to time. (xiv) Shall attend and act in the Bar Associations, Courts for official works as directed by the Council or Chairman/Vice-Chairman. (xv) Shall organize seminars/work shops on

behalf of the Council.(xvi)Perform such other duties as may be assigned to him by the Council or the Committee, or the Chairman from time to time.(xvii)Shall prepare the agenda for the Council and its Committees, Annual report, Annual Budget and statement etc. in general to place before the Council and its Committees.Chapter-IV EnrolmentRules Under Section 28(2)(C)(D) Read With Section 26 Made by the Bar Council of Orissa and Approved by the Bar Council of India on 3.6.1976 In Supersession of the Rules Already Framed on the Subject to Take Effect From 1.12.1973.

- 1. An application for admission as an Advocate on the roll of the Bar Council of Orissa shall be made in the form prescribed by the Council.**
- 2. The Application shall be scrutinized by the office and submitted to the Enrolment Committee of the Bar Council. The Enrolment Committee shall proceed to dispose of every application in accordance with the provisions of the Act, the rules made thereunder and the resolution passed and/or directions given and/or the principles, laid down from time to time by the Bar Council and then in force.**
- 3. In the event of the Enrolment Committee seeking any doubt or difficulties as to the eligibility of the person seeking admission or as to the interpretation of any of the provisions of the Act, the rules, resolutions or directions or principles it shall refer the application to the State Bar Council for clarification of such doubt difficulty or such question and shall finally dispose of the applications in the light of the rolling and/or directions given by the Bar Council in that behalf.**
- 4. If the Enrolment Committee should be of the opinion that any application for admission made to the Bar Council and referred to it for disposal ought to be rejected, it shall record its reasons in a statement and shall refer the application under Section 26(2) of the Act for the opinion to the Bar Council of India through the Bar Council and dispose it of in conformity with the opinion of the Bar Council of India.**

Rules Framed Under Section 28(2)(D) Read With Section 24(I)(e)

- 1. A person who is otherwise qualified to be admitted as an Advocate but is either in full or part-time service or employment or is engaged in any trade, business or profession shall be admitted as an Advocate.**

Provided however, this rule shall not apply to :(i)Any person who is an Article clerk of an

Attorney;(ii)Any person who is in part time service as a Professor, Lecturer or Teacher in law;Provided that in the opinion of the State Bar Council the nature of the employment does not conflict with his professional work, and is not inconsistent with the dignity of the profession.This shall be subject to such directions, if any, as may be issued by the Bar Council of India from time to time.(iii)Any person who by virtue of being a member of a Hindu Joint Family has an interest in a Joint Hindu Family business, provided he does not take part in the management thereof, and(iv)Any other person or class of persons as the Bar Council may from time to time exempt after the approval of the Bar Council of India.

2. Every person applying to be admitted as an Advocate shall in his application made a declaration that he is not in full or part time service or employment and that he is not engaged in any trade, business or profession or involved in any criminal case affecting his moral turpitude contrary to the Rules of the State Bar Council and of the Bar Council of India made under the Act, but in case he is in such full or part time service or employment or is engaged in any trade, business or profession he shall in the declaration disclose full particulars of his service, employment or engagement. He shall also undertake that if, after his admission as an Advocate, he accepts full or part time service or employment or is engaged in any trade, business or profession disqualifying him from admission, he shall forthwith inform the Bar Council of such service or employment or engagement and shall cease to practice as an Advocate.

3. A breach of the above mentioned rules or any undertaking given in pursuance thereof shall amount to professional misconduct.

4. The application shall be accompanied by the followings :

(a)A diploma or a certificate showing that the applicant has taken a degree in law of a University of India.(b)Certificate, in the form prescribed, as to his moral character and of his fitness to be an Advocate or the Rule of Advocates of the Bar Council of.....; from at least two persons of respectability and position (not being his relations) preferably Advocate on the roll of the Bar Council of.....where the applicant is a person already enrolled as Vakil, Pleader or an Attorney, he shall not be required to produce such certificates.(c)A declaration in written by the applicant that he will faithfully observe and abide by all rules made by the Bar Council and the Bar Council of India as amended from time to time for regulating the conduct of Advocates on the State Roll and the Common Roll of India.(d)A declaration as to whether the applicant had made any previous application for admission as an Advocate to any High Court and the result thereof.(e)A declaration that he is a citizen of India or a National of a Country.....where citizens of India, duly qualified are permitted to practice in law.(f)A receipt from the Secretary of the Bar Council that the applicant has paid the fees prescribed for enrolment under Section 24(1) (f).(g)A

declaration that the applicant has completed 21 years of his age or before the day of the application.(h)A declaration that the applicant is not in full or part time employment or service and is not engaged in any trade, business or profession or involved in any criminal case affecting his moral turpitude except as provided in Rules 1 and 2 of the Rules of the State Bar Council made under Section 28(2)(d) and the Rules of the Bar Council of India.(i)The undertaking to be given in the following terms :(a)I do here undertake that if after my admission as an Advocate I accept full or part time service or I am engaged in any trade, business or profession (other than such as is exempted by the State Bar Council from the operation of this undertaking) I shall forthwith inform the Council of on such employment or engagement and shall cease to practice as an Advocate.(b)I do hereby undertake that I shall not accept any employment which, in the opinion of the Bar Council, is derogatory to the status of an Advocate.

5. The form of application for enrolment shall, subject to necessary modifications or additions as may be made when necessary be ordinarily in the following form.

6. A person suffering from a contagious disease which in the opinion of the State Bar Council makes his practice of law as hazard to the health of others should not be enrolled during the times that concerned continues to suffer from the said disease.

Application For Enrolment Under The Advocate Act. 1961, Rule 5 of the Rules Under Section 28(2)(D) of the Bar Council of OrissaName of Applicant.....(In full in block letters, surname first)Address (Capital letters)

1. Permanent.....

2. Temporary/present.....

ToThe Bar Council of.....I.....son of.....do hereby declare that I am desirous of being admitted as an Advocate on the roll of Advocates maintained by Bar Council.....and beg to apply for the same

1. I hereby declare that-

I am a citizen of IndiaI am a national of.....where citizen of India, duly qualified are permitted to practice law.

2. I hereby declare that i have completed twenty-one years of age, my date of birth being.....

3. I declare that upon admission I shall ordinarily practice within the State of

4. I am qualified to be admitted as an Advocate on the State Roll under Clause (c) of Sub-section (1) or Sub-section (2) or Sub-section (3) or Sub-section (4) of Section 24 of the Advocates Act, 1961 (No. 25 of 1961)

5. I declare that I was enrolled as District Pleader/Vakil/Mukhtar/Advocate by.....High Court/Judicial Commissioner's Court/District Court as per Sanad/Certificate enclosed.

6. I was enrolled as an Attorney of the Court of.....as per certificate enclosed.

7. I beg to furnish the details necessary under Section 24(1)(c) of the Advocates Act, 1961, read with the relevant rules of the Bar Council of India and the Bar Council of.....

A. I hold a degree in law of a University in India recognized by the Bar Council of India under Section 24(1)(c) of the Advocates Act. The particulars thereof are given below :

1. If A Graduate.-

(i)Name of the College where the degree in Arts/Science or Commerce was taken.....(ii)The year in which it was taken.....(iii)The name of Degree.....(iv)The medium of instruction in the said Course whether English was one of the compulsory subjects. Whether he had passed in the examination or test proficiency in English.(v)Other particulars, if any, regarding the qualifications obtained before joining the course of instruction in law.....

2. If Not A Graduate

(i)The other academic qualification if any equivalent to a degree as prescribed by the Bar Council of India under Section 24 (1)(c) (iii) or (iv) of the Advocates Act.....(ii)The medium of instruction in the said course.B. (i) Name of the University in which the degree in law was taken.....(ii)Name of the Degree in law.....(iii)The academic years of the course of instruction and the year when the degree was taken.....(iv)Name of the College where the course of instruction was taken and completed.....(v)Where the degree was taken by private study or actual attendance at classes.....(vi)The duration of the course of instruction in law whether two or three year.....(vii)The medium of instruction in law. The language in the course of instruction in law.....(viii)Whether proficiency test in English was passed in the course of instruction in law where the medium of instruction in law is not

English.(ix)Other relevant particulars if any..... *C. I hold a degree in law of a University outside the territory of India which is recognized by the Bar Council of India, and the particulars are given below :(i)The name of the University.....(ii)The name of the Degree.....D. I am a Barrister at law called to the Bar in the year and qualified under Section 24(1)(c)I studied in the.....in the year.....

8. (To be filled up by candidates who are required to undergo training and pass in examination as required under Section 24(1)(d).

I have undergone practical training and passed the examination held as required under Section 24 (1)(d) of the Advocates Act, 1961.The training was for a period of.....months from.to...it was under Sri.....Advocate, practising at.....I have passed the following examinations held by the Bar Council in.....The following certificates required under the Rules in token of the training undergone and the passing of the examination are enclosed :(Give particulars)

9. (to be filled up by applicants exempted from training and examination as required under Section 24(1)(d) of the Act.

I did not undergo training after my law degree or pass examination held by the Bar Council as prescribed under Section 24(1)(d) as I have been exempted under the notification of the Government of India.....from undergoing the same/as I have been exempted under the notification of the Government of India No.:.....(give details.)

10. (To be filled up by persons who have undergone the three year course of study and taken the degree in law.)

In my course of study for 3 years I have had practical training and passed the examinations as required by the Bar Council of India and I have attended moot Court/classes.

11. (To be filled up by applicants covered by Clause (IV) of Rule 10 of the Rules of the Bar Council of India in Part - III A.

The period of my two years course of study was from.....to.....The examination of the University which should have been held before 31st December, 1971 was held actually on and the results were announced on.....I have passed the examination on the following subjects not covered by the two years course and held by the Bar Council of. as required under Rule No.....

12. I enclose..... (Original Certificates and diploma and furnish true copies of the originals (Particulars to be furnished)

- 1. H.S.C. Original with an attested copy.**
- 2. LL.B. Original or provisional certificate and an attested copy.**
- 3. Conduct Certificate from the Law College.**
- 4. Mark sheet of Degree Examination (B.A./B.Sc./B.Com./B.E.) Original and an attested copy.**
- 5. Two pass port size attested photographs.**
- 13. I enclose certificates of good moral character and of fitness to be an Advocate on the Roll of the Bar Council of.....(Particulars to be furnished)**
- 14. *I do hereby declare that **I am/I am not in full or part time employment or service.**
- 15. *I declare that I am/I am not engaged in any trade, business or profession.**
- 16. *I give particulars of my previous employment or service or trade or business or profession as under.**
- 17. *I have left my previous employment or service in consequence of termination of service, retirement/resignation/dismissal on.....under the following circumstances.**
- 18. I have left my previous trade, business or profession in the year by reason of.....**
- (The applicant is expected to answer with utmost frankness and candour).**
- 19. State any other circumstances or incident affecting your character of fitness to be enrolled.**
- 20. I declare that I made a previous application for enrolment as Advocate/Pleader/Mukhtar/Revenue Agent to the Bar Council of Court ofThe application was rejected for the reason of.....**

The application was withdrawn(Copy of the order of the Bar Council of Court concerned to be filled. If no such application was made it should be specifically stated.)

21. (a) Have you been convicted previously for any offence involving moral turpitude, by any Court in India or outside India.....Answer specifically -yes or no (=)

Give particulars as to the name of the Court, the number of proceedings, the order or judgment, whether any appeal or revision filed and the result of the same, give the date, nature of the appeal under each head (file relevant copies)(b)Is there any pending Criminal Proceeding against you, if so give full particulars as to name of Court, date., nature of proceedings, etc.(c)Have you been dismissed or suspended from service otherwise punished while in service. Give particulars.

22. Have you been adjudged as insolvent by any Court. Give particulars.

23. I herewith pay/remit Rs.

being the enrolment fee payable under Section 24 (i) (f) of the Advocates Act, 1961.

Bank Draft No.	Amount	In favour of	Payable at
1.	Enrolment fee		
2.	Adv. W.F.		
3.	Adv. W.D.F.		
4.	B.C.I.		

24. I hereby declare that if admitted as an Advocate I will faithfully observe and abide by all rules made by the Bar Council of and the Bar Council of India as amended from time to time for regulating the conduct of Advocates on the State Roll and the Common Roll of India. I have read with rules relating to Standard of Professional Conduct and etiquette printed overleaf.

25. I give my undertaking as required.

26. I declare that the statements made in this application are true to my own knowledge, information and belief.

27. I undertake to furnish such other particulars as may be required of me for the purpose of this application.

28. I am herewith furnishing the copies of my photographs duly attested by on.....

Signature N.B. : If any statement or fact stated in the application is found to be false at any time, the name of the applicant shall be liable to be struck off the roll under proviso to Sub-section (1) of the Section 26 of the Advocates Act, 1961.

Certificate of Good Moral Character I.....(Name) ..certify (Address and Profession, occupation or position) that (Name and description of the applicant) has been known to me personally for upwards of years last past, I have had the following opportunities of judging his/her character (that is to say).....I believe him/her to be a person of respectability and a fit and proper person to be admitted as an Advocate on the Roll of Advocates of the Council of.....Dated this.....day of.....Date of Enrolment as an Advocate.....Signature

Certificate of Good Moral Character I.....(Name).....certify (Address and Profession, occupation or position) that.....name and description of the applicant) has been known to me personally for upwards of years last past, I have had the following opportunities of judging his/her character (that is to say) I believe him/her to be a person of respectability and fit and proper person to be admitted as an Advocate on the Roll of the Advocates of the Bar Council of.,.....Dated this day of.....Date of Enrolment as an Advocate.....Signature

Undertakings (a) I do hereby undertake that if, after my admission as an Advocate, I accept full or part time service or I am engaged in any trade, business or profession (Unless exempted by the Bar Council under its rules), I shall forthwith inform the Bar Council of such employment or engagement and shall cease to practice as an Advocate. (b) I do hereby undertake that I shall not accept any employment which, in the opinion of the Bar Council, is derogatory to the status of an Advocate. (c) I hereby declare and undertake that : (1) I shall uphold the Constitution and the laws; (2) I shall conform to the standards of professional conduct and etiquette laid down by the Bar Council of India which have read; (3) I shall faithfully discharge every other obligation cast on me by the Advocates Act, 1961 and the rules framed thereunder. (4) I shall inform the Bar Council of any change of address of my residence or place of practice for the proper maintenance of the roll and voters list. I declare that the facts stated above in this application are true and correct and that the documents filed are genuine. Dated this.....day of 20.....Signature

Instructions to applicant :

- 1. (*) Score out which is not applicable and initial the same**
- 2. (^) If the applicant was enrolled by any High Court or any State Bar Council he should enclose original certificate of enrolment or give proof on particulars thereof to the satisfaction of the Enrolment Committee**
- 3. (o) Original degree law or certificate will be returned after verification if a true copy is furnished by the applicant. A certificate of a University of having passed the LL.B. Examination shall be duly signed and sealed.**
- 4. (%) State particulars of any connection with a firm joint family firm or a company or corporation as well as details.**

5. () Enclose necessary proof in support.**

6. (=) If there is any conviction or adjudication particulars thereof should be furnished.

Enrolment Rules under Section 28(2)(1)

1. An application for admission as an Advocate on the Roll of the Bar Council of Orissa shall be made in the form prescribed by the Council. The cost of the application form shall be Rs. 10/- in the office and Rs. 15/- by post.

2. The application shall be scrutinized by the Office and submitted to the Enrolment Committee of the Bar Council. The Enrolment shall proceed to dispose of every application in accordance with the provisions of the Act, the rules made thereunder and the resolutions passed and/or direction given and/or principles laid down from time to time by the Bar Council and in force.

3. In the event of the Enrolment Committee feeling any doubt or difficulties as to the eligibility of the person seeking admission or as to the interpretation of any of the provision of the Act, the rules, resolutions or directions or principles, it shall refer the application to the State Bar Council for clarification of such doubt difficulty or such question and shall finally dispose of the application in the list of the rolling and/or directions given by the Bar Council in that behalf.

4. If the Enrolment Committee should be of the opinion that any application for admission made to the Bar Council and referred to it for disposal ought to be rejected. It shall record its reasons in a statement and shall refer the application under Section 26 (2) of the Act for the opinion to the Bar Council of India through the Bar Council and dispose it of in conformity with the opinion of the Bar Council of India.

Rules Framed Under Section 28(2)(D) Read With Section 24(1)(e)

1. A person who is otherwise qualified to be admitted as an Advocate but is either in full or part time service or employment or is engaged in any trade, business or profession shall not be admitted as an Advocate.

Provided, however, that this rule shall not apply to : (i) Any person who is a Law Officer of the Central Government or the Government of State or any Public Corporation or body constituted States entitled to be enrolled under the Rules, 50, 51 and 52 of his Bar Council made under Section 28(2)(d) referred to Section 24 (1)(e) of the Act despite his leading a full time salaried employee. (ii) Any person who by virtue of being a member of Hindu Joint Family business or any person on whom has divulged any interest in business by inheritance or otherwise, provided he should not take part in the Management thereof, and

2. Except as provided in Rule 1, every person applying to be admitted as an Advocate shall in his application made a declaration that he is not in full or part time service of employment and that he is not engaged in any trade, business or profession which is derogatory to the status of an Advocate. But in case he is in such full or part time service or employment or is engaged in any trade, business or profession he shall in the declaration, disclose full particular of his service, employment or engagement. He shall also undertake that if, after his admission as an Advocate he accepts full or part time service or employment or is engaged in any trade, business, or profession disqualifying him from admission, he shall forthwith inform the Bar Council of such service or employment or engagement and unless the Bar Council otherwise directs shall practice as an Advocate.

3. No Advocate shall accept any employment which in the opinion of the Bar Council is derogatory to the status of Advocates and if does so, he shall be liable to be proceeded against for professional misconduct.

4. A breach of the above mentioned rules or any undertaking given in pursuance thereof, shall amount to professional misconduct.

5. The application shall be accompanied by the following :

(a) A diploma or a certificate showing that the applicant has taken a degree in law of a University of India as a Collegiate student. (b) Certificate, in the form prescribed, as to his moral character and of his physical fitness granted by a Doctor to be an Advocate or the Rule of Advocate of the Bar Council of the State from at least two persons of respectability and position (not being his relations) preferably Advocates on the roll of the Bar Council of Orissa. (c) A declaration in writing by the applicant that he will faithfully observe and abide by all rules made by the Bar Council and the Bar Council of India as amended from time to time for regulating the conduct of Advocates on the State Roll and the Common Roll of India. (d) A declaration as to whether the applicant had made any previous application for admission as an Advocate to any Bar Council and the result thereof. (e) A declaration that he is a citizen of India or a National of a Country where citizens of India duly qualified are permitted to practice in law. (f) A receipt from the Secretary of the Bar Council that the

applicant has paid the fee prescribed for enrolment under Section 24 (1)(f).(g)A declaration that the applicant has completed 21 years of his age on or before the day of the enrolment.(h)A declaration that the applicant is not in full or part time employment or service and is not engaged in any trade, business or profession, except as follows :(i)Any person who is a Law Officer of the Central Government or the Government of a State(ii)Any person who is an Assistant to an Advocate or to an Attorney is an Advocate(iii)Any person who by virtue of being a member of joint Hindu Family, has an interest in a Joint Hindu Family business of any person on whom has developed any interest in business by inheritance or otherwise provided he does not take part in the management thereof and(iv)Any other person or class of person as the Bar Council may from time to time accept -(i)The two undertakings to be given in the following terms :(a)I do hereby undertake that if after my admission as in any trade, business, or profession (other than such as exempted the State Bar Council from the operation of this undertaking) I shall forthwith inform that Council of such employment or engagement and shall cease to practice as an Advocate.(b)I do hereby undertake that I shall not accept any employment which, in the opinion of the Bar Council is derogatory to the status of an Advocate.Miscellaneous Rules (Identity Card)The Advocate whose Roll No. are born on the State Roll of Orissa State Bar Council may be issued Identify Cards as prescribed by Bar Council.The form of identify card shall be as follows :Identity Card

Enrolment No.	1.Name.....
Date	2. Father's Name.....
	3. Place of practice
Pass port size photographs	4. Address:.....
	5. Phone No.
Secretary Orissa State Bar Council	6. Signature
	7. Date of Birth

The cost of the Identify card should be determined by the Council from time to time through resolution.