

# **The Bar Council of India Training Rule, 1995**

UNION OF INDIA

India

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### **Rule THE-BAR-COUNCIL-OF-INDIA-TRAINING-RULE-1995 of 1995**

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The Bar Council of India Training Rule, 1995 Rules were struck down by the Supreme Court vide its orders dated 12th and 15th March, 1999, See V. Sudeer v. Bar Council of India, AIR 1999 SC 1167 (As amended upto 19th July, 1998)

#### **301.**

Rules made by the Bar Council of India in exercise of its rule making powers under section 24(3)(d) of the Advocates Act, 1961

**1. These rules may be called "Bar Council of India Training Rules, 1995 "for enrolment as an Advocate on the roll of a State Bar Council which shall come into effect on 2-4-1996.**

#### **2.**

No person shall be entitled to be enrolled as an Advocate unless he is eligible to be enrolled as such under section 24 of the Advocates Act, 1961 and has undergone training as prescribed under these rules. However while undergoing training the trainee shall be enrolled provisionally as "Trainee Advocates "after approval of name of their guides by the State Bar Council and State Bar Council shall issue identity card to said provisionally enrolled "Trainee Advocates "for their identification.

#### **3.**

(1) A duly qualified candidate to be enrolled as an Advocate shall have to file application for enrolment as prescribed under section 25 of the Advocates Act, 1961 after payment of prescribed fee for enrolment and the said candidate shall have to deposit a bank draft of Rs. 150 (Rupees one

hundred and fifty only) in favour of State Bar Council and Rs. 50 (Rupees fifty only) in favour of Bar Council of India in addition to enrolment fee for imparting training in prescribed form with all relevant documents as has been prescribed under the Advocates Act and the rules made thereunder. The following particulars in capital letters shall be supplied by the candidates applying for training in addition to information required for enrolment:-(a) Name (b) Father's name (c) Date of birth (d) Nationality (e) Details of degree of graduation or certificate of having passed 10+2 examination, whichever is applicable and degree of law (f) Date of declaration of result of degree in law (g) Name, address and enrolment number of the guide under whom he has to receive training. Note.-Photostat copies of the Bachelor's degree or certificate of passing the 10+2 examination, whichever is applicable and degree in law and in case the degree in law has not been awarded then a photostat copy of the third year marks sheet and provisional certificate shall be enclosed with the application for training in addition to documents required for enrolment.

#### 4.

The period of training shall commence from the date of certificate of the guide that the candidate has started training with him but such date shall be subject to the approval of the name of the guide by the State Bar Council.

#### 5.

An Advocate having 15 years of practice at Bar or designated Senior Advocate, who is in continuous active practice in a Court established by law shall be eligible to impart training and be called "guide" and the name of guide shall be approved by the State Bar Council. The guide shall have to give his written consent before he would be approved as a guide: Provided in case of non-availability of Advocates of 15 years' practice at the Bar, the concerned State Bar Council may relax this requirement and allow Advocates having 10 years' practice to become guides under intimation to the Bar Council of India.

#### 6.

No guide shall have, at a given time, more than 3 trainees working under him, except with the previous permission in writing of the State Bar Council.

#### 7.

Every candidate shall be bound to receive training for the period of one year under the same guide, except where the guide has died before the expiry of the period of one year or has ceased to practise or for any other reasonable ground which the State Bar Council may deem fit and proper and in such case the candidate shall receive training for the remaining period with another guide whose name may be approved by the State Bar Council afresh on a written intimation to the aforesaid effect by the candidate.

**8.**

During the period of training the candidate shall regularly attend the chamber or office of the guide, study case papers, correspondence, draft pleadings, attend Courts and in particular study cases with a view to get acquainted with the practice in Courts and minimum attendance for 225 days in all in Courts and chambers in a year shall be a condition precedent for the successful completion of training.

**9. (a) Every candidate shall maintain two diaries in the form approved by the State Bar Council. One for working done in chambers and the other for work in Courts. The chamber diary shall contain a day-to-day record of the work done by the candidate in the guide 's chambers giving briefly the facts of the cases, studies of complaints, written statements, affidavits, grounds of appeal or revision, etc., read and other matters looked into. The Court diary shall contain the date, the number of the cases attended, the arguments, the case law cited and the result.**

The candidate shall write out on the first page of each of his diaries, his name, serial number, the name of the guide, the place of training and the date of commencement of the training. The candidate shall also note separately in the second page of the chambers diary, the date of absence from chambers or Court, the dates of despatch of the statements referred to in the rules hereunder and other important particulars connected with his training. (b) Every candidate shall submit his Courts and chambers diaries to the guide for scrutiny at least twice a month on or before the 5th and 20th of each month and obtain his signature with the dates in the chambers and Courts diaries. (c) The diary maintained by the candidate duly signed by him and the guide after the completion of the training be sent to the State Bar Council which shall be scrutinised by Enrolment Committee of the State Bar Council and in case the Enrolment Committee of the Bar Council is satisfied that the candidate has not undergone full and proper training in compliance with the rules, the State Bar Council may extend the period of training as it may deem fit in the interest of legal profession. During the period, however, when the Courts where the guide is practising are closed for summer recess or other recess, it shall be sufficient if the signatures of the guide are obtained in the diaries a week before such recess and again a week after the reopening, but 225 clear days training in any case shall be strictly made applicable. The number of days has been fixed considering the facts that Courts are closed in different vacations and thus the number of days for training has been reduced to 225 days only.

**10.**

No candidate shall engage himself in any employment, profession, business, trade or calling during the course of training in any manner.

**11.**

A guide from whom the candidate would receive training shall intimate to the Bar Council in writing the non-attendance of a candidate in training.

**12.**

The Secretary of the State Bar Council shall maintain a separate register in which he shall enter the names of the candidates undergoing training in law with his address and the name and address of the guide concerned, the date of the intimation and approval and the date of the actual commencement of receiving training.

**13.**

The State Bar Council may provide for lectures to be delivered by its members, legal luminaries, jurists on professional ethics and other topics at suitable places in the State and the attendance of trainees in such lectures be deemed to be a part of the training and shall be compulsory except on special cause to be shown.

**14.**

These training rules would not be applicable to the persons applying for enrolment as Advocates who had worked for a minimum period of one year as Judicial Officers/Prosecutors/Vakils/Pleaders/Mukhtars.

**15.**

A trainee on successful completion of training period shall be entitled to seniority from the date of provisional enrolment as Trainee under the Rules.

**15.**

-A.A trainee shall be enrolled provisionally as "Trainee Advocate "after approval of name of his guide by State Bar Council and on successful completion of training period he shall be enrolled as "Advocate "as defined under section 2(a) of the Advocates Act, 1961 and shall be entitled to seniority as Advocate from the date of provisional enrolment but if in any case period of training of particular candidate is extended by State Bar Council under rule 9 of this rule on the ground of inadequate training, said extended period shall not be counted towards seniority.

**15.**

-B.The "Trainee Advocates "after their provisional enrolment shall be entitled to appear in Court for seeking adjournments and to make mentioning on instruction of their guide and shall be under

disciplinary control of State Bar Council and Bar Council of India under Advocates Act, 1961 and rules made thereunder.

## **15.**

-C. The benefit of seniority under new rule given to "Trainee Advocates" shall be granted to those trainees also who have either completed their training and have been enrolled as Advocates or are undergoing training under this rule with effect from the date of approval of name of their guides under rule 4 of the rules treating them enrolled provisionally as "Trainee Advocates".

## **16.**

That any decision of a State Bar Council under these rules shall be subject to appeal before the Bar Council of India. Dress To Be Worn By "trainee Advocates" (a) Male trainees shall wear the dress of a male Advocate except for band and gown and shall wear plain maroon coloured tie badge indicating that he is a trainee. A sample of the badge will be provided by the Bar Council of India. (b) Female trainee shall wear dress of a female Advocate except for band and gown and shall wear a badge indicating that she is a trainee. A sample of the badge will be provided by the Bar Council of India.-----