

Bar Council of Uttarakhand Nainital Amendment Rules, 2014

UTTARAKHAND

India

Bar Council of Uttarakhand Nainital Amendment Rules, 2014

Rule

BAR-COUNCIL-OF-UTTARAKHAND-NAINITAL-AMENDMENT-RULES-2014

- Published on 5 August 2015
- Commenced on 5 August 2015
- [This is the version of this document from 5 August 2015.]
- [Note: The original publication document is not available and this content could not be verified.]

Bar Council of Uttarakhand Nainital Amendment Rules, 2014Published vide Notification No. 66/36-3/2015, dated August 5, 2015, published in the Uttarakhand Gazette, Extraordinary, Part 4, Section (Kha), dated 5th August, 2015, pp. 1-30Rules framed by the Bar Council of Uttarakhand in its meeting held on 24-7-2014

Chapter I

Rules For Election of Chairman and Vice-Chairman Rules Framed Under Sections 15(2)(C)

- 1. 'Election' in these rules shall mean the election of the Chairman and the Vice-Chairman.**
- 2. The election shall be held by the Secretary, by secret ballot, by single transferable vote in accordance with the rules laid down in Chapter II of the Advocate Act, 1961 relating to the election of Chairman or Vice-Chairman, who shall also act as Returning Officer under these rules.**
- 3. The Bar Council shall after its being constituted in its first meeting or as soon as possible thereafter every one year elect a Chairman and a Vice-Chairman from amongst its members:**

Provided that whenever the general election of council is due or likely to be due there is no need of electing new Chairman/Vice-Chairman/Committees for an extended term.

4. The election tribunal shall be constituted by the Bar Council on the date on which the schedule of election fixed according to notification under these rule.

(i)The Election Tribunal shall be appointed by the Bar Council on the date as per the notification on which the time was election fixed under rule (II):Provided "that if any member of the Tribunal so appointed chooses to be a candidate in the said election he will be replaced by any other Advocate nominated by the Advocate-General before the date of election".(ii)All disputes arising under the above sub-rules .shall be decided by a tribunal to be known as an Election Tribunal, comprising of 3 Advocates whose names are on the State Roll and who are not less than 20 years standing.(iii)The Election Tribunal shall have all or any of the following powers:a. To dismiss the application.b. To order recount.c. To declare any candidate to have been duly elected on a recount.d. To set aside the election of the Chairman or Vice-Chairman.The Schedule of Election is as follows -

5. The Returning Officer shall prepare a minute book before the starting of election process for whole election of Chairman and Vice-Chairman.

6. The nomination of a member for election as Chairman or Vice-Chairman shall be made by a member of the Bar Council and the nomination in sealed cover shall reach the Returning Officer on or before the last date fixed for nomination at the latest by 5 p.m.

7. No nomination paper received through post or otherwise after the prescribed date and time shall be considered.

8. All the sealed covers shall be opened and scrutinized by the Returning Officer on the next day of the last date of filing of nomination at 11:30 a.m. in the Bar Council Office and list of the candidates whose nomination will be found valid shall be placed on the Notice Board immediately after the scrutiny.

9. The candidate or their authorised Agents shall be entitled to the present at the time of scrutiny and raise objections, if any.

10. The Returning Officer shall decide objections, if any, and his decision shall be final.

11. Any candidate may withdraw the candidature according to election schedule by a communication in writing to the Returning Officer in person.

12. In case there is only one candidate and his nomination is found to be valid, or the nomination of one candidate only is found to be valid the Returning Officer shall then and there declare the candidate to be duly elected for the post.

13. In case of more than one person being duly nominated for one and the same office, the Returning Officer shall prepare the voting papers according to rules for the election of the Chairman or the Vice-Chairman, as the case may be, and have the votes cast on the date of meeting and during time fixed therefore in the ballot box kept for the purpose.

14. Method of voting. - (i) A voter in giving his vote, shall place on his voting paper the Figure '1' in the space opposite the name of the candidate whom he chooses for his first preference, and may in addition place on his voting paper the Figures '2' '3' and '4' and so on, in the opposite the names of the other candidates in the order of his preference likewise in Hindi, English or Roman.

(ii) A voting paper shall not be signed by a voter. Any voting paper containing any erasures, obliteration, overwriting and alterations or the signature of a voter shall be deemed to have been defaced and no votes purporting to have been given thereby shall be taken into account for the purpose of the election. (iii) The decision of the Returning Officer as to whether a voting paper has or has not been defaced shall be final.

15. Voting papers when invalid. - A voting paper shall be invalid on which.

(i) The Figure '1' is not marked; or (ii) 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 (iii) The Figure '1' and some other figures are set opposite the name of the same candidate; or (iv) There is any mark in writing by which the voter can be identified; (v) A voting paper in which the preferences are indicated in words as 'one', 'two' etc. (vi) The marking on the voting paper is not in the international form of Indian numerals, in Hindi, English or Roman.

16. After the expiry of the time allotted for voting, the Returning Officer shall open the ballot box and count the votes in accordance with the rules in Chapter II of Advocate Act for the Election of Chairman and Vice-Chairman and shall declare the result if the Returning Officer declare any Ballot invalid

then he shall give the reason of the invalidity of the said ballot in the minute book:

Provided that if the two candidate of Chairman or Vice-Chairman secure equal number of votes of first preference then there will be a tie then the Returning Officer shall declare the result of election by draw of lot on the house and the candidate whose name comes in a lot shall be declared elected/or continue in next round of election.

17. The names of the candidates duly elected as Chairman and Vice-Chairman shall be published in the Uttarakhand Gazette and sent to the High Court, various Bar Councils, Presidents of the Bar Associations in the State, Judicial Secretaries to the Government of India and the Uttarakhand Government and the Secretary of the Bar Council of India and to the Government Press.

18. The Election of a Chairman or a Vice-Chairman may be questioned by a member through a Letter addressed to the Secretary/Returning Officer within three days of the declaration of the result of the election on such grounds on which the election of a member can be questioned.

If the said election shall not be questioned within stipulated time the Returning Officer shall dispose of the ballot papers.

19. If any objection/question raises in the said election then the Returning Officer shall refer the same to the Election Tribunal constituted under Rule 4 framed under Section 15(2)(C) of the Advocates Act and the decision of the Tribunal shall be final.

20. In case the election is declared invalid by the Tribunal a fresh election shall be held in the manner indicated above.

21. The term of officer of the Chairman and the Vice-Chairman shall be one year from the date they are first elected as Chairman and Vice-Chairman respectively after the general election and the Returning Officer shall be duly bound to notify fresh election before 15 days of completion of one year tenure:

Provided that they will continue to act as such as long as a new Chairman and Vice-Chairman is elected in their place or on place of either of them as the case may be: Provided, further that the Chairman or the Vice-Chairman elected in the case of a casual vacancy of the Chairman or

Vice-Chairman shall continue to hold office only for the remaining term of his predecessor: Provided further if the term of the Bar Council expires before the expiry of one year, the term of office of Chairman or Vice-Chairman shall ipso facto come to an end.

22. The Chairman and the Vice-Chairman shall continue to hold office subject to Rule 17 above only so long as they continue to be members of the Bar Council and no sooner then they or either of them ceases to be member of the Bar Council they will cease to be Chairman and Vice-Chairman, as the case may be, and fresh election shall be held in accordance with the rules laid down under this Chapter.

Chapter II

The Rules of Casual Vacancies in the Bar Council Rule Framed Under Section 15(2)(F)

- 1. A casual vacancy shall be deemed to occur in the Bar Council if a member, dies/resigns from his post or terminated by Bar Council of India from practice as an advocate, or otherwise ceased to be a member of the Bar Council for any reason whatsoever.**
- 2. The Secretary shall declare the casual vacancy when it occurs and shall notify the same.**
- 3. The Secretary shall notify to the members of the Bar Council as well as to the Bar Associations in the State about the vacancy or the vacancies and shall further specify the date before which the nomination has to be filled and the date of the scrutiny.**
- 4. Every candidate shall be duly proposed by a member of the Bar Council on the prescribed nominated from which shall be accompanied with a security deposit of Rs 30,000 and the declaration of the candidate, to serve the Bar Council in the prescribed Form "A".**
- 5. In case there is only one candidate such candidate shall be declared elected by the Chairman in conformity with Section 3(2) of the Act after scrutiny.**

6. If there is more than one candidate the election shall take place at the meeting of the Bar Council.

7. The election shall be by secret ballot by single transferable vote. The Secretary shall count the vote in accordance with rules contained in Chapter I for counting of votes and communicate the result of counting to the Chairman who shall declare their result.

However such elected member shall continue to be the Member of the Bar Council only for the remaining term of the member in whose place he is elected.

8. The result of the election shall be published in the Official Gazette of Government of Uttarakhand and other newspapers and sent to all the Bar Associations of the State and the Advocate-General other Bar Councils, Registrar-General of all High Courts, Law Secretary, District Judges in the State etc.

Chapter III

Powers and Duties of Chairman and Vice-Chairman Rules Framed Under Section 15(2)(G)

Powers of the Chairman -

1. (a) Save as otherwise provided in these rules, the Chairman shall exercise general supervision and control over the affairs of the Bar Council.

(b)He shall preside over the meetings of the Bar Council and its Executive Committee.(c)He shall have the authority to call the meetings of the Bar Council.(d)He shall have the power to order that an emergent and extraordinary meeting of the Bar Council be convened for the consideration of a matter that he may deem urgent or for which a requisition has been received by him.

2. The Chairman while presiding over a meeting shall, decide all points of order raised in the meeting and shall be responsible for maintaining decorum and order in the meeting.

3. The Chairman shall have power to sanction expenditure up to Rs 5000 outside the budgeted amount, in case of emergency. However, the same shall be reported to the Bar Council in its next meeting for approval.

4. The Chairman or Vice-Chairman shall sign the cheques along with Secretary.

5. The Chairman may assign in writing to the Vice-Chairman such of his duties and functions as he may deem fit and proper.

6. Whenever immediate action is necessary to safeguard the rights, privileges and interests of the advocates, the Chairman shall take immediate action in the matter.

7. The Chairman shall take suitable steps for implementation of the decisions of the Bar Council and shall apprise the Bar Council of the action taken by him at the next meeting.

Powers of Vice-Chairman The Vice-Chairman shall have all the powers and discharge all the duties and functions of the Chairman in his absence. He shall also discharge such functions and duties as may be assigned to him by the Chairman from time to time in writing.

Chapter IV

Rules for the Committees of Bar Council

Rules framed under Section 15(2)(h)(i)(j) (read with the Sections 9 and 10 of the Advocates Act, 1961)

1. Committees constituted under Sections 9 and 10 of the Advocate Act, 1961. - There shall be the following committees elected by the Bar Council to transact such business of the Council as is assigned to them under the Act and the rules or under any of them:

(a)Disciplinary Committees constituted under Section 9(1) of the Act.(b)Executive Committee constituted under Section 10(1)(a) of the Act.(c)Enrolment committee constituted under Section 10(1)(6) of the Act.(d)Rules committee constituted under Section 10(3) of the Act.(e)Any other committee that may be constituted from time to time under Section 10(3) of the Act.(f)Wherever the Bar Council deems fit expedient it may dissolve any committee constituted under Section 10, sub-clause (3) of the Advocates Act after placing the matter on the Agenda for discussion.

2. Rules common to all Committees of the Bar Council.-

Election of Members to the Statutory Committees. - The Bar Council shall elect the Members of the Committees as specified in the Act as soon as possible after election of the Council under Section 8

of the Act.

3. Mode of Election. - The election to all the Committees formed under Rule 1 above shall be by secret ballot by single transferable vote in accordance with the rules laid down in Chapter I with regard to the election of members.

4. The elections of the Committees shall be conducted by the Secretary who shall also act as the Returning Officer.

5. Terms of Committees. - The terms of committees mentioned in Rule 1 above shall be one year from the date they are first constituted:

Provided that the same Committee shall continue to function as long as new Committee is not constituted in its place: Provided further that a member who ceases to be a Member of the Bar Council, shall cease to be a member of the committee or committees, as the case may be.

6. Chairman. - Senior most member of each committee will preside the committee and act as a Chairman for that committee.

7. Duty of the Chairman of Committees. - It shall be the duty of the Chairman to preside over the meetings of the committee and to look to the proper functioning of the committee and to further see that the mandate of the Bar Council and the committee are fully carried out.

8. Casual Vacancies. - A casual vacancy shall be deemed to occur in the committee if the Member of a Committee resigns or dies or ceases to be a Member of the Bar Council for any reason whatsoever.

9. Casual Vacancy to be Reported by the Secretary. - In the case of a casual vacancy among the Members of the Committee or Committees, the Secretary shall put up the matter before the next meeting of the Bar Council for filing up the vacancy.

10. The Secretary to Call Meetings of the Committees. - The Secretary of the Council shall act as the Secretary of each Committee and shall call a meeting thereof under directions from the Chairman of the Bar Council or the Chairman of a particular committee.

11. Period of Notice. - The Secretary shall give at least 15 days notice for a meeting the Bar Council and 5 days notice for the meeting of a committee and intimate the members the date, time and place of the meeting and shall also circulate the agenda: Provided that a meeting of the Bar Council or any of its committee may be called at a shorter notice as laid in Rule 12 below:

Provided further that no meeting of the Bar Council or any of its committees thereof shall be invalid merely on the ground that the rule regard to notice has not been strictly complied with.

12. Notice how to be Served. - The Secretary shall cause the notice of a meeting to be served on the members either by hand delivery or by posting it under certificate of posting or in such other manner as he thinks expedient under the circumstances of the case.

13. Extraordinary and Emergent Meetings. - In the case of any extraordinary of emergent meeting or adjourned meeting of Bar Council of Uttarakhand or any of its Committee the period of notice of 15 days or 5 days as laid down in Rule 11 above shall not apply.

14. Number of Members of the Committees. - In the case of committees constituted under Section 9(1) and Section 10, sub-sections (1) and (2) of the Act, the number of members shall be the same as laid down under those sections. As regards other committees constituted under Section 10, sub-section (3) the number of members shall ordinarily be limited to 5 unless in the opinion of the Bar Council in the case of a particular committee taking into account the nature of the work entrusted to it, it is absolutely necessary to raise the number to more than 5.

15. Venue of Meetings. - All the meetings of the Bar Council, its Committees and subcommittees except the Disciplinary Committee shall be held at the headquarter of the Bar Council. The meetings may however be held at any place other than headquarters on the recommendation of the Chairman of Committee with the prior approval of the Bar Council.

The Bar Council may also meet at any place other than the headquarters as and when it deems necessary.

16. Requisitioned Meetings. - Any nine members of the Bar Council and any two members of a committee may by requisition call upon the Secretary to convene a meeting of the Bar Council or of any of the committees, as the case may be.

17. The requisition shall specify the object of the meeting and the resolution or resolutions that are intended to be moved at the meeting.

18. On the receipt of the requisition the Secretary of the Bar Council shall call the meeting of the Bar Council or the Committee, as the case may be within Fifteen days of the receipt of the requisitions. In case however, if no meeting is called by the Secretary within ten days, the requisitionists may themselves call the meeting.

19. In all requisitioned meetings only such agenda shall be considered as forms part of the requisition and no new matter shall be taken up.

20. Contents of Notice of the Meeting - The notice of a meeting shall specify the date, time and place of the meeting and shall also give the agenda of the meeting. The agenda may be dispensed with in exceptional circumstances.

21. Quorum. - At a meeting of the Bar Council, seven members present shall form a quorum. At meetings of the Committees more than half the number of members of the committee shall form the quorum.

If a meeting adjourned for want of quorum no quorum shall be necessary for the adjourned meeting.

22. Cancellation of Meetings. - The meeting of a committee may be cancelled by the Secretary on a written request for the same by more than half the number of members of the Committee received at least five days before the date of the meeting. The Secretary shall inform the members about cancellation immediately.

23. Resolutions of the Bar Council not to be rescinded or changed within six months of the date of their Adoption. - A resolution of the Bar Council passed and confirmed shall not be changed or rescinded within six months of the date of its having been passed except on a written motion by such number of members of the Council as constitute not less than one half of the total

number of members of the Council and passed by majority of more than two-third of the total number of members of the Council present and voting.

24. Resolutions by the Members of the Council how to be Moved. - No member shall be entitled to bring forward for the consideration of the meeting of the Bar Council or any of its committee, any resolution of which he has not given seven clear days notice to the Secretary unless the Chairman taking into account the urgency of the matter allows the consideration of the motion in the meeting.

25. Decisions in the meetings of the Bar Council or its Committees to be by Majority of Votes. - The decisions of all matters shall be by a majority of votes and in the case of a tie the Chairman shall have a casting vote. This rule shall however be subject to other rules relating to the election of members of the Committee etc.

26. Prohibition against Publication of the decision of the Bar Council and its Committees. - No member shall give publicity to the decisions of the Bar Council or any of its committees. However, the Chairman of the Bar Council or the Committee concerned may authorize the Secretary to give publicity to any of its decisions.

27. Cessation of membership of a member from the Bar Council or from a Committee. - A member of Bar Council shall cease from his Membership if he fails to attend three consecutive meetings of the House of which he is a member unless his absence is condoned by the Bar Council.

28. The Executive Committee. - The executive committee will be the chief executive or administrative body of the council and would control all the administrative functions.

Constitution of Executive Committee. - The executive committee would consist of 5 members who shall be elected in the annual general meeting of the council by the members of the council from amongst them, the chairman and the vice-chairman of the council shall be ex-officio members of the executive committee. The executive committee meets at least every three months. It can however be called even earlier by the Chairman himself or at the requisition by any three members of the committee. The meeting of the committee shall be chaired by the chairman of the council and in his absence by the vice-chairman and in the absence of both by the senior most member of executive committee. The quorum of the meeting would be any 4 member of the total members including the

chairman and the vice-chairman. Main Functions of the Executive Committee:-

- 1. General control over all administration of the council.**
 - 2. Appointment of the staff.**
 - 3. To regulate the service of the staff of the council in all respects including disciplinary control.**
 - 4. The executive committee shall have the power to incur an expenditure up to Rs 5000 in anticipation of the approval of the council. In case amount more than Rs 5000 is required proposal for the same shall be submitted to the council and only after the approval of the council such amount could be spent.**
 - 5. The executive committee shall submit an annual report before the closing of the financial year which shall be called annual administrative report containing particulars regarding all administrative work done by it, which shall be laid before the council for discussion and suggestions if any.**
 - 6. The decisions taken by the executive committee shall be laid before council in its next meeting for discussion and approval.**
- 29. Disciplinary Committee. - There shall be disciplinary committees five in numbers each of which shall consist of three persons, of whom two shall be persons elected by the Council from amongst its members and the other one shall be person co-opted by the council from amongst advocates who possesses the qualification, specified in the proviso to sub-section (2) of Section 3 of the Advocates Act, 1961. The senior most member of the disciplinary committees so elected, shall chair the meeting of the disciplinary committee.**

Provided - No such member shall be co-opted (sic co-opt) as a co-opted (sic co-opted) member in any disciplinary committee against whom Section 35 of Advocates Act proceedings are pending/or punished previously and in case any disciplinary proceedings comes in to the motion against him then such member shall be disqualified to be a member of the Committee. The Disciplinary Committee shall meet at any place which may be nearest to the place of the residence of at least 2 member of the committee: Provided. - If members of the committee wish to meet at any other place other than nearest of two member's residence then they shall not be entitled for T.A. The evidence before the disciplinary committees shall be adduced on affidavits. However the committee may

allow cross examination of the witness if there are sufficient reasons and genuine grounds for. The committee while trying a complaint u/s. 35 of Advocates Act, shall follow all other procedure as prescribed in the rules of the Bar Council of India.

30. Enrollment Committee. - There shall be an enrollment committee consisting of three members, duly elected by the council from amongst its members. The committee meet as and when the general meeting of the council is held, However if the general meeting of the council is held beyond one month, the chairman of the enrollment committee may call even earlier the meeting of enrollment committee.

31. Roll Committee. - There shall also be a committee called the roll committee and shall consists of the three members duly elected by the council from amongst its members at the annual general meeting. The committee shall be responsible to maintain the proper record of advocates on the roll of the council. The secretary of the council shall report to the roll committee of the final position of the members of the roll the council in every three months in writing which shall be first scrutinized by the roll committee and then placed in the next meeting of the council. The roll committee may also make some necessary changes in the particulars of the advocates on its roll on the application of the concerned advocate.

32. Rules Committee. - There shall be a rules committee of the council which shall consist of 5 members of the council duly elected at its general annual meeting. The rules committee shall meet occasionally.

The proposal of the rules committee shall be placed before the Executive Committee and after scrutiny the Executive Committee shall placed it in next council meeting for approval and discussions. The proposal should be passed by at least 2/3 members present at the meeting. The Rule committee may suggest to the Bar Council from time to time any modifications, alteration, additions or omissions from the rules framed under the Act, the Rule Committee shall submit to the Bar Council the Draft of forms prescribed by the Act and may recommend to it from time to time such modification therein as it may deem fit. The Chairman of the Rule Committee may call such meetings of the committee to be convened by the Secretary as he may think fit for the disposal of its business. At the meeting of Rule Committee three members present shall form a quorum.

33. Lawyers Welfare Committee. - There shall also be a committee known as Lawyer's Welfare Committee which shall consists of 3 members elected by the council from amongst its members. The committee shall meet occasionally as and when found necessary but at least once a year and

suggest various schemes and modes to be adopted by the council for the welfare of lawyer's and their families in the State of Uttarakhand.

34. Trust Committee. - There shall be a trust committee consisting of two members, duly elected by the council from amongst its members. The Chairman of the trust committee shall be Advocate General of Uttarakhand Government and the secretary of the trust committee shall be the law secretary of Uttarakhand Government. The Chairman of the council shall be ex-officio member of the trust committee. The committee shall meet occasionally as and when found necessary.

35. Rule 40 Committee. - There shall be a Rule 40 committee consisting of two members, duly elected by the council amongst the members. The chairman of the committee shall be member of Bar Council of India from the state council. The meeting of Rule 40 committee may be called by the chairman at least once in three months.

36. The Council may constitute any other Committee Temporarily. - All the committee except the executive and finance committee shall be headed by the senior most member of the members duly elected from amongst the members of the council. All the decisions shall be taken by simple majority in the meeting of various committee, in the event of even numbers. The member in the chair uses his casting vote.

37. Procedure how to deal with Complaints under Section 35 (sic of) Advocates Act. - The following procedure shall be adopted for deciding the complaints received for misconduct under Section 35 of the Advocate Act.

On receipt of the complaint, the secretary being ex-officio registrar of the council shall scrutinize the complaint received and if it lacks for any reason, he shall communicate to rectify the deficiency within a period of 15 days from the receipt of the notice from the registrar. If the complainant fails to comply with the instructions issued, the secretary with the approval for the chairman shall reject the complaint. In case the complaint is found well in order or after the defects have been removed as stated above the secretary/registrar shall put the complaint before the chairman who, may also ask for the comments on affidavit from the person complained against i.e. the advocate concerned. That, thereafter the complaint shall be referred to the council to find out if the complaint is prima facie maintainable. If found so the chairman shall refer the complaint to one of the disciplinary committee for its hearing on merits and disposal. In case no prima-facie case is made in the complaint, it shall be forthwith rejected and the chairman in consultation with the members may also impose penalty on the complainant for making a baseless and fictitious complaint. On receipt of

the complaint, the disciplinary committee shall observe the rules and norms provided in the Advocates Act Rules framed there under and the Rules prescribed by the Bar Council of India in regard to the hearing of the complaints. The procedure to be adopted for hearing shall be extensive one and evidence may be received on affidavits. The disciplinary committee shall make every effort to dispose of the complaint within one year from the cognizance of the disciplinary committee, as per Section 36(b) of the Advocates Act, 1961.

38. Procedure to obtain Duplicate Enrollment Certificate. - If any advocates of the Council loses his, original Enrollment Certificate and he wants a duplicate copy of Enrollment Certificate from the Council, he will have to submit the following documents with an application:

(a) A publication of the loss (sic of) Enrollment Certificate in any daily newspaper. (b) An affidavit in support of the application. (c) A bank draft of Rs. 500 in favour of Secretary Bar Council of Uttarakhand Nainital or Cash in the Office of the Council.

39. Procedure to obtain Duplicate Identity Card. - If any advocate of the Council loses his original Identity Card and he wants a duplicate copy of Identity Card from the Council, he will have to submit the following documents with an application.

(a) An affidavit in support of the application. (b) A bank draft of Rs. 200 in favour of Secretary Bar Council of Uttarakhand Nainital or Cash in the Office of the Council. (c) Copy of the F.I.R. regarding the loss of Identity Card in concerned Police Station.

40. Affiliation of Bar Associations. - It is mandatory for each and every Bar Association functioning in Uttarakhand get itself affiliated with the State Bar Council of Uttarakhand. Every Bar Association to be affiliated must have at least 25 members on its roll. The Council may however relax the limitation of minimum members.

Every Bar Association shall, along with the application for affiliation shall furnish a certified copy of its Constitution/By-laws. No Bar Association shall have any advocate as its member who is not enrolled with the State Bar Council of Uttarakhand. It will be obligatory for the President and secretary of the Bar Association to inform the name and other particulars of advocates not enrolled with the State Bar Council of Uttarakhand who might be practicing independently at the place where the Bar Association functions or any such advocate who has been practicing for more than 6 months and have not got their names transferred to the roll of State Bar Council of Uttarakhand to enable the State Bar Council to take necessary action against such advocates since Practicing at any place in Uttarakhand without having been transferred to the roll of the Council comes within the purview of misconduct as defined in Section 35 of the Advocates Act and invite Bar as prescribed in Rule 34 of the rules framed by the Bar Council of India under the Advocates Act. Every bar association adopt

the model by-laws made by Bar Council of Uttarakhand and approved by Bar Council of India. The affiliation fee will be hence forth Rs 10,000 for the Bar Association functioning at the district headquarter and Rs 5000 for any other Bar Association at Tehsil level. The Bar Association shall also submit a renewal application for the affiliation after every two year in the month of January and submit Rs 2000 for District level Bar 1000 for Tehsil level Bar renewal fee with the State Bar Council. An advocate shall cast His/Her vote only once in a year in one Bar, no matter whether He/She is the Member of any other Bar Association. An Advocate shall provide an affidavit to ensure the procedure of "One Bar One Vote" and shall provide the information in the above affidavit that where and which Bar Association do He/She wants to cast His/Her vote. If any Advocate casts His/Her vote more than one time in a year in any other Bar Association, the Bar Council shall be ensured to take action against such Advocate under Section 35 of Advocates Act, 1961. The Bar Council of Uttarakhand shall give necessary instructions to all the Bar Associations of Uttarakhand to ensure that their Elections shall be held on the date fixed by them. The concerned Bar shall intimate the Uttarakhand Bar Council before one month in writing prior to the elections. In case of failing to inform about the abovesaid election process in writing to the Bar Council, the affiliation of the said Bar Association shall be cancelled. At the time of Election there shall be Two Members of the Bar Council of Uttarakhand, Nainital, who may (sic be) present at the time of voting as Observers who shall have rights to investigate any controversial harmony and shall be liable to present the report within 10 days before the Bar Council, on with the final decision will be taken in the General House Meeting of the Bar Council of Uttarakhand. Once the Elections are over, the Observers are entitled to take the voter list and the list of the total numbers of voters who have exercised their voting rights at the said Bar Association and will be liable to hand over their reports within 10 days at the Bar Council Office, thereafter the Bar Council shall ensure the further proceedings.

Chapter V

Appointment Of Secretary, Staff, Their Duties And Emoluments Etc. Framed Under Section 15(2)(K) Of The Advocates Act, 1961

There shall be a secretary of the state bar council who shall be principal executive officer of the council. Eligibility for the Post of Secretary (Rule 1). - The incumbent must be: (a) Domicile of Uttarakhand. (b) A law graduate having a active practice at bar at least for ten years. (c) Not below the age of 40 years and above 50 years. (d) Should have not only good knowledge of Hindi and English but proficiency in both the languages. Relaxation in age may be granted by the council of five years either way provided a very intelligent and suitable candidate is available: Provided further in the case no suitable person is available from amongst the lawyers, the council may appoint a retired judicial officer or any other officer retired from the State or Union of India having at least 7 years experience as an administrative officer. The selection for the post of secretary shall be made by an interview by the executive committee. The selection so made by the executive committee shall only be implemented after being approved by the council at its next meeting or at the meeting specially called for the purpose. The secretary shall draw salary in the pay scale of Rs 15,600-39,100 and Grade Pay Rs 5400. The council may in its discretion also allow higher pay. The secretary shall also be entitled to such other emoluments and allowances as may be prescribed or granted by the council. The age of superannuation shall be 60 years which may be extended up to 65 years in special

cases. Other Staff (Rule 2) - There shall also be a Office Suptd., one accountant four clerks and one stenographer, and two peons besides one sweeper. The eligibility for the post of Office Suptd. shall be as follows - (a) Candidate must be a domicile of Uttarakhand. (b) That the candidate must be a citizen of India in the age group of 30-40 Years. (c) The minimum educational qualification for the post of office suptd. would be that the incumbent should be at least a first class or high second class post graduate in any subject. (d) The incumbent must be well familiar with office working and should have an experience at least of 7 Years in any state government/Central Government or any public sector undertakings as an administrative officer. (e) The office suptd. shall be responsible for the entire ministerial work of the council and shall discharge his duties as per directions of the executive committee, and secretary of the council. (f) The office suptd. shall be head of the office of the council but shall be sub-ordinate to the secretary of the council and shall be answerable to him and to the council and its various committees. (g) The salary for the post of office suptd. shall be paid in the pay scale Rs 9300-34,800 and grade pay Rs 4600. However the council on the recommendation of the executive committee may give a consolidated pay specially in the case of the retired personal appointed. The Accountant (Rule 3). - The incumbent for the post of accountant be from the age group 25 years to 45 years except in the case when the council appoints some retired personal to the post. Eligibility - The incumbent must possess a degree in commerce along with at least intermediate certificate in the course of CA or AIWCA and computer knowledge with tally. The accountant appointed for shall be responsible for proper handling of the accounts of the council, maintenance of the cash book and other documents such as ledgers etc. He shall be responsible to get the annual audit done in time. He shall be directly answerable to the executive and through it to the council. He shall also follow instructions given by the secretary from time to time. The accountant shall be entitled to salary in the same pay scale as the office suptd. In case no suitable person is available the executive committee subject to the approval of the council may appoint some retired accounts officer of the state of central government or of some other public or private limited company of high repute. Clerk (Rule 4). - The minimum qualification for the appointment to the post of clerks would be at least second class graduate from any University of equivalent. The incumbent should be in the age group of 18 to 30 years must be having good knowledge in typing, computer working English language. The pay scale for the post of clerk shall be 9300-34,800 and grade pay Rs 4200. However the council on the recommendation of the executive committee may grant advance 2 increments to the very highly qualified and more experienced person. Rule 5 Stenographer. - The aspirant must be at least second class graduate passed and should be in the age group of 21 to 35 years and be well versed in typing and short hand both Hindi and English language. Peon Rule 6. - The aspirant must be at least High School passed and should be in the age group of 18 to 30 years. The pay scale for the post of the peon shall be Rs 5200 to Rs 20,200 and grade pay Rs 1900. Sweeper Rule 7. - Though no formal educational qualification is required yet some well literate person would be given preference. Minimum qualification 8th pass. The incumbent should be in the age group of 18 to 30 year the pay scale for the post of sweeper shall be Rs 5200-20,200 and grade pay Rs 1800. The peons and the sweepers would also be entitled for one set of woollen pant and coat for winter and one shirt and trouser for summer and also be entitled for one pair shoes and one rain coat every after two years. He would also be entitled to a washing allowance at the rate of Rs 200 p.m. General Conditions for the Employee's Rule 8-1. - The age of superannuation shall be 60 years. However the council on the recommendation of the executive committee may extend the terms up to 5 years in a very rare case.

- 2. The employees shall contribute the EPF as per rules prescribed in that regard.**
- 3. The employees shall be entitled for 14 casual leaves in addition to earn leave/medical leave with or without pay may be granted by the council in very compelling circumstances on the recommendation of the executive committee.**
- 4. The holiday calendar of the state government shall be followed.**
- 5. Annual character roll detailing the performance attitude and over all conduct shall be maintained for each member of the staff including the secretary and kept in secret cover which could be opened only before the executive committee on its demand to access the working of the concerned employee the character role of the secretary shall be written by the chairman of the council while of the other staff shall be written by the secretary and shall be countersigned by the chairman of the council.**
- 6. The employee shall also be entitled to resign after giving due one month notice or surrendering one month's salary in lieu of the notice however the employee by the council on the recommendation of the executive committee.**
- 7. The Executive Committee or the rule committee may frame any other service rule which shall form part of the rules after approval of the council and Bar Council of India.**

Rule 9 Selection Processes of Staff. - The selection of staff other than secretary shall be made after an objective test and interview to be conducted by the chairman, vice-chairman and secretary subject to final approval by the council no objective test would be held for the posts of peons and sweeper. Leave and Service Rules Relating to the Staff of the Bar Council Rule 10-1. - The Secretary and the staff of the Council may be entitled to leave of the following kinds viz.i. Casual leaveii. Earned leaveiii. Leave on Medical Certificate andiv. Unearned leave with half pay or no pay with or without medical certificate as may be decided upon by the Chairman or Vice-Chairman according to the individual circumstances the case. Extraordinary leave can also be granted by the Bar Council. No leave can be claimed as a matter of right.

2. State Government Leave and Service Rules shall apply.

3. Leave on Medical Certificate may be granted to an employee of the Bar Council for a total period of one year of the entire service on full or half pay in the discretion of the Executive Committee and up to a maximum of 3 months at any one time:

Provided that no temporary employee of the Bar Council shall be entitled to medical leave unless he has completed one year's service.

4. Earned leave or leave on medical certificate may combine but the total of such leaves shall not exceed four months at a time.

5. Extraordinary leave, when no leave of any kind stands to the credit of an employee, may be granted with or without pay up to a period of one month at a time:

Provided the Bar Council may grant such leave up to a maximum period of two years without pay as it may deem proper and reasonable.

6. The Councils shall maintain a service book for every member of its staff, wherein entries regarding his work and conduct shall be made every year by the Secretary and in the case of Secretary by the Chairman:

Provided in case of an adverse entry given by the Secretary or the Chairman, it shall be appealable to the Bar Council within a period of 30 days from the date of communication and its decision shall be final.

7. The Council shall maintain an attendance Register.

8. The Working hours for the Council Office shall be from 10 A.M. to 5 P.M. on all working days with a recess of 45 minutes i.e. from 1.15 pm to 2.00 pm.

9. The Members of the staff shall not leave the office during the office hours without permission of the Secretary or the Officer In-charge and if they violate this rule disciplinary action shall be taken against him by the council.

The Secretary shall also observe office hours and shall not leave the office if he violates this rule disciplinary action shall be taken against him by the council.

10. The age of retirement of the members of the staff shall be 60 years, provided that the Council may extend the services after retirement if it thinks fit a total period of up to 5 years.

11. Members of the staff are subject to the disciplinary jurisdiction of the Council.

12.

(a) No Member of the staff of the Council shall be removed, dismissed, or retired compulsorily unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him provided that this rule shall not apply when he is removed or dismissed from service on the ground of conduct which has led to his conviction on a criminal charge involving moral turpitude. (b) Whenever an action is proposed to be taken against any member of the staff under sub-rule (a) above the Council shall frame charges, enquire into the same after giving sufficient opportunity to the members of staff as provided above and the decision of the Council and the members of the staff which shall be required to show cause why the proposed punishment should not be given. After giving an opportunity to him to do so, the Council shall give its decision as regards the punishment to be given and it shall be enforced accordingly. It shall be lawful for the Council to award a punishment less severe than that indicated in the notice. (c) Whenever the member of the staff refused notice or after receipt of the notice does not offer an explanation within the time allowed or within such extended time as the Council may permit, it shall be deemed that he has no explanation to offer. (d) Pending enquiry into the charges provided for in sub-rules (a) and (b) above the Council may suspend a member of the staff. During the period of suspension, he shall be paid half (1/2) of his salary. In case the charges are not proved or are withdrawn, he shall be entitled to the balance of his salary during the period of suspension. (e) For the purpose of the enquired, the Council may delegate its powers to a Sub-Committee and the report of the Sub-Committee shall be duly placed before the Council for necessary action and the Chairman shall give effect to the decision of the Council.

13. The temporary employees shall have the benefit of:

Casual Leave for the maximum period of 14 days in a year and that they shall be entitled to such casual leave in proportion to the period to their service.

14. The Service of a temporary employee may be terminated on one month's notice or one month's pay in lieu thereof.

15. A separate leave register shall be maintained for the leave records of the Secretary and the Chairman shall make the entry in the said register while sanctioning the leave application of the Secretary.

16. Medical facilities to the employees of the Bar Council and their dependents -

(II) The employees of the Council shall be entitled to medical facilities in respect of themselves and their families subject to the following conditions - (a) Employee means a permanent employee or a temporary employee who has completed at least one year's service. (b) Family means wholly dependent wife/husband, legitimate children and parents dependent upon the employees of the Bar Council. (III) The employees claiming the relief shall produce a medical certificate E.M.O. from Government Hospital along with the bills and if the Secretary is satisfied with the genuineness of the claim he shall recommend to the Executive Committee for sanction of the claim. (IV) The amount shall not exceed one month's salary of the employee during the financial year in question: Provided that, if the employee suffers from a serious type of disease, which requires special or prolonged treatment, he may be sanctioned such amount by the Executive Committee of the Bar Council according to the exigency of the case. During the illness of an employee, the employee concerned may be advanced such amount as the Chairman may think reasonable and proper. If the amount so advanced is in excess of the actual bill submitted under sub-rule (iii) above during the financial year the balance of the amount shall be paid back to the Council's account by the employee within a year from the date of withdrawal and shall be deducted from his pay in six monthly installments.

17. The council can amend the all rules in the recommendation of the rule committee (sic from) time to time.

18. The employee of the council will be awarded every year for excellence in service and merit on the recommendation of executive committee.

Chapter VI

Rules Framed Under Section 15(2)(M) (N) Finances

Payment How Received

1. All money to be paid to the Bar Council by way of enrollment shall be paid to the Secretary in cash or Bank Draft.

Deposit In State Bank of India

2. All monies received in cash or by Bank Draft by the Secretary shall be deposited in the current account of the Council in Bank by the next working day.

Payment How Made

3. As far as possible all payments except payment for petty items shall be made by cheques or drafts with the sanction of the Chairman of Vice-Chairman and for all payments made entries, shall be maintained in the register.

Cheques How to be Signed

4. Every cheque on the Bank shall be signed by the Chairman or the Vice-Chairman and the Secretary.

Imprest Money

5. The Secretary shall have in his hands a sum of Rs 2500 only for contingent expenses and shall recoup the same from time to time.

Secretary to Keep Accounts

6. Secretary shall maintain a true account of all income and expenses together with their vouchers.

Investments

7. The Council may from time to time invest its funds in Government Securities or other Securities, authorised under the Trust Act.

Audit

8. The account of the council shall be audited every year by an auditor to be appointed by the Council in accordance with the provisions of Section 12(2) of the Advocates Act, 1961.

Auditors Duty

9. The Auditor shall audit the accounts of the year ending the financial year and the Audit report with the Auditors objection if any and notes of the Secretary shall be placed at the next meeting of the Bar Council.

10. The Bar Council shall appoint an auditor for auditing the accounts of the year ending 31st March within three months of the close of the year and the report of the Auditor should be submitted within six months of the close of

the financial year.

Chapter VII

Rules For T.A. and Allowance Relating to Members of the Bar Council Framed Under Section 15(1) Of The Advocates Act, 1961

1. These rules shall be called the Bar Council of Uttarakhand Rules for travelling and other allowances payable to the subject of the Council.

2. In these Rules unless there is anything repugnant to the subject or context.

(a)'Act' means the Advocates Act, 1961 as amended from time to time.(b)'Council' means the Bar Council of Uttarakhand.(c)'Committee' means a committee elected by the Bar Council.(d)'Meeting' means a meeting of the Bar Council of that of a Committee.(e)'Chairman' means the Chairman of the meeting.(f)'Member' means a member of the Council elected under the provisions of Section 3(2)(b) of the Act and also such persons as are elected by the Council from amongst Advocates on roll under Section 9(1) of the Act.(g)'Secretary' means the Secretary of the Bar Council.(h)'Address' means the postal address of member where all communication meant for him are to be sent and the place where he ordinarily practices.(i)'Day' means the calendar day beginning and ending of midnight.(j)'Place of Residence' shall mean the permanent place of practice as entered in the Roll of Advocates maintained under Section 17 of the Act.

3. A member with has to leave his place of residence to attend the meeting shall be entitled to draw.

(a)Ind Class A.C. Railway Fares from his place of residence to the place of the meeting and back, both ways inclusive.(b)Where there is no railway and the journey performed by the Motor Car or any other means of conveyance the rates shall be as follows.(i)Motor Car Rs 11 per Km.(c)Daily allowance at the rate of Rs 1500 per day for attending a meeting.

4. A member whose place of residence is at a place of the meeting shall be entitled to draw an allowance of Rs 200 per day for attending the meeting.

5. Bills for traveling and daily allowances under these rules shall be drawn up and signed by the members concerned in the prescribed form attached here to and shall be countersigned by the Secretary.

6. Any matter not specifically provided for in these rules shall be at the discretion of the Chairman.

Chapter VIII

The Maintenance of Books of Accounts and Other Books by the Bar Council Rules Framed Under Section 15(2)(1) Of The Act.

1. The Bar Council shall maintain the following books and registers etc. in such forms as may be prescribed -

(a) Roll of Advocates. (b) Minutes books of the Bar Council and of its Committee and Sub-Committees. (c) Stock book of the assets of the Bar Council. (d) Receipt and Dispatch Registers. (e) Ledger, Day, Book, Cash Book and. (f) Register of Investments. (g) Register of applications for enrollment. (h) Register of Advocates who qualifies all India Bar Exam. (i) Register of Complaints against Advocates, showing the nature of complaint, action taken and result thereof. (j) Index Register. (k) Attendance Register. (l) Provident Fund Accounts Register. (m) Receipt Book. (n) Any other register book or record as be directed by the Bar Council from time to time or may be deemed necessary by the Secretary.

2. Each book register shall be maintained by the Employee of the Council dealing with the subject to which it relates and he shall be responsible for keeping up to date and under safe custody.

3. Each book register shall be page-marked before it is brought into use and the number of pages in each Book/Register shall be noted on the back of its cover of title page under the signatures of the Secretary.

4. Each Book/Register shall be got bound or rebound as and when necessary.

5. Entries in each book/register shall be made in next legible hand. No overwriting shall be made; all corrections and deletions which become necessary shall, however, be signed by the employee making them.

6. All Books and Registers, etc. shall be kept in locked almirahs when not in use. In the event of the loss or mutation of any Book register, detailed report shall be made by the employee concerned to the Secretary, stating the circumstances in which the loss or mutilation took place, steps taken to reconstruct the same and precautions taken to avoid such loss or mutilate

on in future. In the case of the loss of any book of account, roll of Advocates or other important register etc. the Secretary shall make a report to the Chairman.

7. In case it is found that any book or register etc. has not been maintained properly or that it has been lost or damaged owing to the negligence shall be taken against him and the result thereof shall be noted in his service records.

Provident Fund Rules: Rule II

1. These rules shall be called the 'Uttarakhand Bar Council Provident Fund Rules' and shall apply to all permanent and whole time employees of the Uttarakhand Bar Council.

2. The following terms and expressions shall have the meaning assigned to them in the following definitions.

(a)'Fund' means the Provident Fund established and maintained under these rules. 'Council' means the Bar Council of Uttarakhand.(b)'Employee' means and includes every person holding a substantive and officiating, special or personal and leave salary and dearness allowance but does not include any other allowance or honorarium.(c)'Depositor' means an employee who is eligible to and is subscribing to the fund under the rules.(d)'Subscription' means the amount paid to the Fund by the employee.(e)'Contribution' means the amount paid to the fund by the Council under these Rules.

3. Every employee shall have to subscribe to the Fund at the rate as per prevailing government rules of his emoluments. This will be deducted from his salary at the time of payment of his salary every month and shall be deposited in a separate Saving Bank Account in the State Bank of India, Post Office Savings Bank Account or any other scheduled nationalized Bank.

4. The Council shall also contribute every month an amount equal to the subscription of the employee and deposit it in the same account.

5. The Fund may be invested from time to time at the discretion of the Council in Government and other authorized securities to be (sic in) advantage of the employee, and the interest allowed by the Bank and also the interest earned on the securities will be credited to the same account.

6. In the case of urgent and exceptional necessity, the Chairman may sanction to an employee an advance from his fund on such terms as the Chairman may consider proper, provided that the advance does not exceed 2/3rd of the total deposit of his subscription to his credit.

7. The advance shall be recovered from the employee within a period of 36 months in equal monthly installments which shall be deducted from his salary. The first of installments shall fall due from the next month in which the advance is made.

8. Each employee shall made a declaration in writing showing in clear terms how he wishes the amount at his credit in the Fund to be disposed of on his death. This declaration may be revised by the employee by making another declaration specifically declaring it to be in supersession of his earlier declaration. Every declaration must be handed over by the employee personally to the Secretary who will make an endorsement thereon and made a note of it in the appropriate book.

9. (a) The amount subscribed by the employee shall be paid to him on retirement or giving up the service of the Council, or to his nominee on his death, subject to any deduction to be made on account of any sum due to him to the Council.

(b)The amount contributed by the Bar Council to the fund together with interest thereon shall not be paid to the employee if the Council dismisses him for misconduct. In other case e.g. retirement, resignation or death (he) his nominee shall be entitled to the whole of the contribution with interest subject to the deduction for any sum due to the Council from the employee.

10. When an employee forfeits the contribution and interest thereon the amount so forfeited shall cease to form part of the Fund and shall be credited to the general account of the Council.

11. The Council may from time to time amend, add to or repeal these rules or any of them and shall have power to interpret them and to decide cases of dispute or doubt and its decision shall be final.

12. The provisions of the Provident Fund Act shall apply to the extent that they are not inconsistent with these rules.

Gratuity (Gratuity) Rules III

1. These rules shall be called the gratuity rules for the employees of the Bar Council of Uttarakhand.

2. In these rules, in the absence of anything repugnant to the context -

(i)'Gratuity Fund' shall mean the fund created and maintained under these rules for the payment of gratuity to the employees of the Council.(ii)'Employer' shall mean the Bar Council of Uttarakhand.(iii)'Employer' shall refer to the permanent employees of the Bar Council of Uttarakhand.(iv)'Salary' includes dearness allowance and does not include any other allowance.

3. A Permanent employee of the Bar Council who has completed three year of permanent service after confirmation shall be paid at the end of his service, on retirement or otherwise, gratuity equal to 3/4th of the month's salary last drawn by him for each completed year of his such service.

Provided that in no case shall the amount of gratuity exceed fifteen times the monthly salary last drawn by him.Provided also that no gratuity shall be payable in the case of a member of the staff who has been dismissed for misconduct.

4. If a permanent member of the staff who has completed three year's qualifying services dies while in service such member or members of his family as may have been nominated or his heirs and legal representatives, as the case may be, shall be paid gratuity, at the rate of one month's salary for each completed year of service of the employee provided that the maximum amount payable shall not in any case exceed 3/4th of the monthly salary (last drawn) for a period of 15 months:

Provided that the Bar Council may, in any particular case, in its discretion pay a larger sum that was payable to the employee not exceeding however, the maximum amount that may be paid as aforesaid under these rules.

5. The Bar Council of Uttarakhand shall open a separate fund called the gratuity fund.

6. The Bar Council of Uttarakhand shall (1) pay to the Fund referred to in Rule 5 within a month from the date on which these rules are approved an amount equal to 8-1/3% of the salary of the each employees of the Council for the period of his service till the date when these rules come into force and (b) also pay to the said Fund not latter than the 1st of May of each subsequent year 8-1/3% of the salary of each employees as on the 31st March of each subsequent year.

7. The amount referred to in Rule 6 shall be deposited in a separate Saving Bank Account of State Bank of India at Nainital High Court Branch to be operated by the Chairman or the Vice-Chairman and the Secretary.

8. Separate accounts shall be maintained for the Fund showing the amounts contributed by the Council, the investments made thereof, the interest accrued and the amount in the Fund at the end of each financial year, the payments made to the employees and such other particulars as are necessary.

9. These Rules Shall Come Into Force After The Approval Of Bar Council Of India.

Chapter IX

Rules For T.A. and Allowances Relating to the Staff of the Bar Council Framed Under Section 15(1) of the Advocates Act, 1961

1. These rules shall be called the Bar Council of Uttarakhand Rules for traveling and other allowances payable to (the members of the Council and the) staff.

2. In these rules unless there is anything repugnant to the subject or context.

(a)'Act' means the Advocates Act, 1961 as amended from time to time.(b)'Council' means the Bar Council of Uttarakhand.(c)'Committee' means a committee elected by the Bar Council.(d)'Meeting' means a meeting of the Bar Council or that of a Committee.(e)'Secretary' means the salaried Secretary of the Council.(f)'Day' means the Calendar day beginning and ending at midnight.(g)'Staff' means and includes the Secretary defined in these rules and all other person in the employment of the Council.(h)'Employee' means and includes every person holding and salaried appointment in the Council.

3. The employees of the Council shall be entitled to traveling and daily allowance and other travel concessions in accordance with the Uttarakhand Rules revised from time to time.

4. Staff shall be entitled to daily allowance on outstation duties at the following rates:

Secretary	700
Accountant Office Supdt.	600
Clerk	600
Peons and others	400

Bills for travelling and daily allowances under these rules shall be drawn up and signed by the employee concerned in the prescribed form and shall be countersigned by the Secretary. No payment shall be made without any bill.

5. Any employee attending the duties while on duty of the Council out of station even on holidays shall not be allowed any other except daily allowance and travelling allowance.

6. Conveyance allowance shall not be permissible to any member of the staff within a radius of 5 miles from the office of the Bar Council:

Provided that the Secretary, may sanction the actual conveyance charges to the staff in special cases and circumstances.

7. Loan rules applicable to the Uttarakhand Government employees shall also be applicable to the employees of the Bar Council, revised from time to time.

Chapter X

Enrolment of Advocates Rules Under Sections 24, 25, 26, 28(1) 28(2)(C) of the Act

1. Every applicant who applies for enrollment as an Advocate, shall make an application in prescribed Form and shall attach to the application the certificates mentioned in rules below and a receipt indicating the payment by him a sum of Rs 6000 as enrollment fee and the applicant who is above 40 years of age at the time of application will pay Rs 20,000 additional charge.

The form shall be dated signed and verified by the applicant. Attested copies of certificates required shall also be attached to the application and files an affidavit containing declaration mentioned in Rule 8 of this chapter. The original certificates so attached shall be returned to the applicant after the disposal of the application.

2. The enrollment fee must be paid in advance before the applicant is enrolled as an Advocate.

3. The application for admission shall be registered and scrutinized by the Secretary who shall call upon the applicant to rectify the defects if any, the application.

4. The Bar Council shall refer every application for admission as an Advocate to the Enrollment Committee.

5. The Application for enrollment shall then be circulated among all members of the Enrollment Committee and if two members of the Enrollment Committee are satisfied that the applicant is entitled to be enrolled, he shall be enrolled.

6. In the event of the Enrollment Committee feeling any doubt on difficulty as to the eligibility of the person seeking admission or as to the interpretation of any of the provisions of the Act or the rules or any resolutions or directions of the Bar Council it shall refer the application to the Bar Council for clarification of such doubt, and shall finally dispose of the application in the light of the ruling and/or directions given by the Bar Council in that behalf.

7. If the Enrollment 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 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.

8. The form I of Appendix 1 prescribed for the application for enrollment shall contain all the particulars necessary under Section 24 of the Act, and the following further particulars-

(a)The date of birth of the applicant, as entered in the certificate of passing the High School Examination or any other equivalent examination.(b)The degrees of the applicant having passed necessary examination of law.(c)A declaration that the candidate intends to practice ordinarily and regularly within the jurisdiction of the Bar Council.(d)A declaration as whether the applicant has previously applied for enrollment as an Advocate to any other State Bar Council and same has been refused.(e)An affidavit that the applicant is a citizen of India. (or if he is a national of any other country, an affidavit of such nationality).(f)A declaration that the applicant will truly and honestly and to the best of his knowledge and ability act and conduct himself as an advocate and faithfully observe and obey all rules made by the Bar Council for regulating the conduct of advocates on the roll of advocates of the Bar Council.(g)A declaration that will be faithfully and loyal to the Constitution of India.

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

10. A person who is otherwise qualified to be enrolled 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 enrolled as an Advocate.

(i)Any person who is a Law Officer of the Central Government or the Government of a State.(ii)Any person who is in part-time service as a Professor, Lecturer or Teacher in Law Not exceeding three hours lecture daily as provided under Bar Council of India Rules.(iii)Any person who by virtue of being a member of 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 of the India may from time to time exempt.

11. Candidates who are or may be doing honorary service may be enrolled as Advocates on furnishing an affidavit to that effect.

12. The application for enrollment shall contain a declaration in writing signed by the applicant that he will truly and honestly and to the best of his knowledge and ability, act and conduct himself as an Advocates and faithfully observe and obey all rules or orders in force which have been made or which shall thereafter be made by the High Court and the Bar Council.

13. Any person whose application for enrollment as an Advocate has been refused by any other State Bar Council, applies in Bar Council of Uttarakhand, before enrolling such advocate it shall be necessary to refer the matter to the authority which refused the earlier application and to obtain its

opinion.

14. Any advocate who enters into any service or engages in any trade, business or profession shall forthwith surrender his certificate to the Bar Council. He shall be entitled to return of his certificate when he leaves the service or ceases to be engaged in any trade, business or profession.

15. Any advocate starting practice in the High Court or in any district shall send intimation to the Bar Council of his ordinary place of practice and shall keep the Bar Council informed of any change in the place where he ordinarily practices.