

**THE BANGLADESH LEGAL  
PRACTITIONERS AND BAR COUNCIL  
ORDER AND RULES, 1972**

**With**

**Benevolent Fund & Relief Fund Rules,  
Rules for Registration of Advocates' Clerks,  
Special Fund Rules  
And  
Canons of Professional Conduct & Etiquette**

**As amended up-to September,  
2008**

**Price Tk. 200.00**

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**GOVERNMENT OF THE PEOPLE'S REPUBLIC  
OF BANGLADESH, MINISTRY OF LAW &  
PARLIAMENTARY AFFAIRS  
(Law Division)**

**President's Order No.46 of 1972  
THE BANGLADESH LEGAL PRACTITIONERS AND  
BAR COUNCIL ORDER, 1972**

**WHEREAS** it is expedient to amend and consolidate the law relating to legal practitioners and to provide for the constitution of a Bar Council for Bangladesh and for matters incidental or ancillary thereto;

**NOW, THEREFORE**, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

1. (1) This Order may be called the Bangladesh Legal Practitioners and Bar Council Order, 1972.
  - (2) It extends to the whole of Bangladesh.
  - (3) It shall come into force at once.
2. In this Order, unless there is anything repugnant in the subject or context,-
  - (a) "Advocate" means an advocate entered in the roll under provisions of this order;
  - (b) "Bar Council" means the Bangladesh Bar Council constituted under this Order;

- (bb) "Bar Association" means Supreme Court Bar Association or a Local Bar Association ;<sup>1</sup>
  - (c) "East Pakistan Bar Council" means the Bar Council which, before the 26th day of March, 1971, was known as the East Pakistan Bar Council;
  - (d) "Government" means the Government of the People's Republic of Bangladesh;
  - (e) "High Court" means the [High Court Division of the Supreme Court of Bangladesh;]<sup>2</sup>
  - (f) ["Local Bar Association" means any Bar Association in a District or any other Bar Association recognised under Article 39 but does not include the Supreme Court Bar Association ;]<sup>3</sup>
  - (g) "Prescribed" means prescribed by rules made under this Order;
  - (h) "Roll" means the roll of Advocates prepared and maintained by the Bar Council;
  - (i) "Tribunal" means a Tribunal constituted under this Order;
3. (1) There shall be constituted in accordance with the provisions of this Order a Bar Council to be called the Bangladesh Bar Council.
- (2) The Bar Council shall be a body corporate having perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and to contract, and shall by the said name sue and be sued.
4. Save as provided in Article 7 in respect of the first Bar Council, the term of the Bar Council be three years beginning on the first day of July following the General

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<sup>1</sup> Amended by Legal Practitioners and Bar Council (Amend) Act 39 of 2003

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

Election to the Bar Council; and at the end of each term the members of the Bar Council shall cease to hold office.

5. (1) The Bar Council shall consist of fifteen members, of whom-
  - (a) one shall be the Attorney General for Bangladesh Ex-officio;
  - (b) seven shall be elected in the prescribed manner by the advocates on the roll from amongst their number; and
  - [(c) seven shall be elected by the Advocates who are Members of the Local Bar Associations included in each group under clause (2), from amongst themselves.]<sup>1</sup>
- (2) For the purpose of sub-clause (c) of clause (1), the Bar Associations shall be divided by the Government, by notification in the official Gazette, into seven groups.

- [5A.(1) No Advocate shall hold office of member of the Bar Council for more than two consecutive terms.
- (2) An Advocate who has been elected for two consecutive terms as a member of the Bar Council immediately before this Article comes into force shall not be eligible to be elected as a member of the Bar Council for the next term.]<sup>2</sup>

- [6. (1) There shall be a Chairman and a Vice-Chairman of the Bar Council.
- (2) The Attorney General for Bangladesh shall be the Chairman ex-officio of the Bar Council.
- (3) The Vice-Chairman of the Bar Council shall be elected in the prescribed manner by the members of the Council from amongst themselves.
- (4) The Chairman and the Vice-Chairman of the Bar Council shall have such powers and functions as may be prescribed]<sup>3</sup>

7. (1) Notwithstanding anything contained in Article 5, the first Bar Council, which shall be an ad-hoc Council, shall be constituted by the Government by notification in

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<sup>1</sup> Substituted by Legal Practitioners and Bar Council (Amend) Act 39 of 2003

<sup>2</sup> Added by Legal Practitioners and Bar Council (Amend) Act 39 of 2003.

<sup>3</sup> This Article has been substituted by Ord. No.III of 1975.

the official Gazette and shall consist of such members as may be nominated by the Government from amongst the advocates on the roll.

- (2) If any member of the first Bar Council absents himself from three consecutive meetings thereof without leave of absence granted by its Chairman, he shall cease to be a member of the Bar Council
  - (3) Any vacancy in the first Bar Council shall be filled by co-option by the Council or a person from amongst the advocates on the roll.
  - (4) The first Bar Council shall be continued till the 30th day of June, 1973.
8. Elections to the Bar Council shall always be held so as to conclude on or before the thirty first day of May, in the year in which the term of the Bar Council expires.
  9. No election of a member to the Bar Council shall be called in question on the ground merely that due notice thereof has not been given to any person entitled to vote thereat, if notice of the date has, not less than thirty days before that date, been published in the official Gazette.
  10. Subject to the provisions of this Order and rules made thereunder the functions of the Bar Council shall be –
    - (a) to admit persons as advocates on its roll, to hold examinations for purposes of admission, and to remove advocates from such roll ;
    - (b) to prepare and maintain such roll;
    - (c) to lay down standard of professional conduct and etiquette for advocates;
    - (d) to entertain and determine cases of misconduct against advocates on its roll and to order punishment in such cases;
    - (e) to safeguard the rights, privileges and interest of advocates on its roll;
    - (f) to manage and invest the funds of the Bar Council;
    - (g) to provide for election of its member;
    - (h) to lay down the procedure to be followed by its Committees;

- (i) to promote legal education and to lay down the standards of such education in consultation with the universities in Bangladesh imparting such education.
  - (j) to perform all other functions conferred on it by or under this Order;
  - (k) to do all other things necessary for discharging the aforesaid functions.
11. (1) The Bar Council shall constitute the following standing committees namely :-
- (a) an executive committee consisting of five members elected by the Council from amongst its members;
  - (b) (Deleted)<sup>1</sup>
  - (c) a finance committee consisting of five members elected by the Council from amongst its members;
  - (d) a legal education committee consisting of nine members:-  
five elected by the Council from amongst its members and four co-opted by the Council from persons other than the members of the Council at least two of whom shall be teachers of law in any University or College in Bangladesh.
- (2) The aforesaid committees shall have such powers and functions as may be prescribed.
- (3) The Bar Council may constitute from amongst its members such other committees as it may deem necessary for the performance of its functions under this Order.
- [11A. (1) Notwithstanding anything contained in any law for the time being in force or in this Order or Rules made thereunder, there shall be an enrolment committee consisting of following members for the enrolment of Advocates desiring to practise in the High Court Division of the Supreme Court or any other Court subordinate to it: -

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<sup>1</sup> Deleted by Legal Practitioners and Bar Council (Amend) Act 39 of 2003

- (a) a Chairman to be nominated by the Chief Justice from amongst the Judges of the Appellate Division;
  - (b) one member to be nominated by the Chief Justice from amongst the Judges of the High Court Division;
  - (c) Attorney-General for Bangladesh;
  - (d) two members elected by the Bar Council from amongst its members.
- (2) The procedure of the enrolment of Advocates and the business of the enrolment committee shall be regulated in such manner as may be determined by it. ]<sup>1</sup>

12. A casual vacancy in the Bar Council shall be filled:-

- (a) if the person who previously filled that vacancy was a member, by the person who received the highest number of votes next after that member, in the same election, and in the event there being no such person, by co-option by the Bar Council of a person eligible for election to the Council under this order; and
- (b) if it occurs in the office of the <sup>\*\*2</sup> Vice-Chairman, by a person elected in the prescribed manner by the members of the Bar Council from amongst themselves.

13. All sums received by the Bar Council as enrolment fees or as grants, donations or subscriptions shall form part of the Bar Council and that fund shall be managed, administered and utilized in such manner as may be prescribed.

Explanation:- In this Article, the expression "enrolment fees" includes fees payable at the time of grant of permission in the High Court Division.

14. (1) The Bar Council may constitute, for the benefit of the advocates and their families and dependents, group insurance schemes and Benevolent Funds.

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<sup>1</sup> Added by Legal Practitioners and Bar Council (Amend) Act 39 of 2003.

<sup>2</sup> The words "Chairman or" have been omitted by Ord. No.III of 1975

- (2) Where any such fund is constituted, every advocate on the roll shall be liable to pay to the fund as contribution or, as the case may be, as premium such sum of money, and in such manner, as may be prescribed.
  - (3) A fund constituted under clause (1) shall be managed, administered and utilized in such manner as may be prescribed.
15. (1) The Bar Council may, whenever necessary, constitute a relief fund for the help of any distressed advocate or his family and dependents or for assistance to Bar Associations affected by war damage or natural calamities or other extraordinary causes.
- (2) The relief fund constituted under clause (1) may consist of -
    - (a) amounts transferred from any other fund of the Bar Council;
    - (b) grants made by the Government;
    - (c) contributions received from the advocates; and
    - (d) donations received from the public, local authorities, or other sources.
  - (3) Assistance from a relief fund may be in the form of loan or guarantee for the repayment of any loan or lump-sum grant or purchase and distribution of materials.
  - (4) The manner in which and the conditions subject to which any assistance may be extended under this Article shall be determined by the Bar Council.
16. (1) The Bar Council shall cause to be maintained such books of accounts and other books in such form and in such manner as may be prescribed.
- (2) The accounts of the Bar Council shall be audited by an auditor who shall be appointed by the Bar Council from amongst auditors duly qualified to act as auditors of companies under the [Companies Act, 1994 (Act 18 of

1994),]<sup>1</sup> at such time and in such manner as may be prescribed.

[(3) The audited accounts of the Bar Council under clause (2) shall be submitted to the Public Accounts Committee of the Parliament through the Parliament Secretariat.]<sup>2</sup>

17. No act done by the Bar Council or any Tribunal or Committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, such Council, Tribunal or Committee.
18. No suit or other legal proceeding shall lie against the Bar Council or any Tribunal, Committee, officer, or servant of the Bar Council for any act in good faith done or intended to be done in pursuance of the provisions of this Order or rules made thereunder.
19. (1) Save as otherwise provided in this order no person shall be entitled to practise the profession of law unless he is an advocate.  
  
(2) Subject to the provisions of this order, the rules made thereunder and any other law for the time being in force an advocate shall be entitled as of right to practise throughout Bangladesh, and to appear, act and plead before any court, Tribunal or revenue authority in Bangladesh.
20. The Bar Council shall prepare and maintain a roll of advocates in which shall be entered the names of –
  - (a) all persons who were, as advocates, entitled to practise in the High Court or in any court subordinate to the High Court immediately before the commencement of this order;
  - (b) all persons who are admitted as advocates under the provisions of this Order.

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<sup>1</sup> Amended by Legal Practitioners and Bar Council (Amend) Act 39 of 2003.

<sup>2</sup> Ibid.

21. (1) No advocate, other than an advocate permitted to practise before the High Court immediately before the commencement of this order, shall be permitted to practise before the High Court unless-

- (a) he has practised as an advocate before subordinate courts in Bangladesh for a period of two years;
- (b) he is a law graduate and has practised as an advocate before any Court outside Bangladesh notified by the Government in the official Gazette;
- (c) he has, for reason of his legal training or experience been exempted by the Bar Council from the foregoing requirements of this clause on the basis of the prescribed criteria.

(2) Permission to practise before the High Court shall be given in the form prescribed by the Bar Council on proof that the fee prescribed under Article 22 has been paid and that the relevant conditions laid down in clause (1) are duly satisfied.

22. (1) The Bar Council may prescribe the following fees to be paid to the Bar Council namely :-

- (a) fee for enrolment as an advocate;
- (b) fee for permission to practise before the High Court;
- (c) annual fee payable by advocates;

provided that -

(i) no person whose name is entered on the roll of advocates under clause (a) of Article 20 shall be required to pay the fee for enrolment;

(ii) no person who was an advocate of the High Court immediately before the commencement of this order shall be required to pay the fee for permission to practise before the High Court; and

(iii) no advocate shall be required to pay the annual fee remaining unpaid for 1971 or the annual fee for 1972.

- (2) The fees referred to in sub-clause (a) and (b) of clause (1) may be paid in such instalments, if any, as may be prescribed.
- (3) The annual fee referred to in sub-clause (c) of clause (1) shall be paid by such date as may be prescribed.
- (4) If an advocate fails to pay an instalment of fee or the annual fee or contribution or premium under clause (2) of Article 14 payable by him by the prescribed date, he shall be liable to pay such further fee for late payment as may be prescribed:

Provided that, if he fails to pay such instalments, fee, contribution or premium for six months following the date on which it becomes due, he shall, by notice, be asked to show cause why his name shall not be struck off the roll of advocates and if the explanation is unsatisfactory, his name shall be struck off the roll of advocates and shall not be restored except upon payment of such penalty not exceeding the sum of such instalment, fee, contribution or premium:

Provided further that the Enrolment Committee, having regard to the circumstances of each case, may direct exemption of such penalty.

- 23. (1) Entries in the roll shall be made in the order of seniority and such seniority shall be determined as follows, namely:-
  - (a) all such persons as are referred to in clause (a) of Article 20 shall be entered first in the order in which they were respectively entitled to seniority before the commencement of this order, and
  - (b) the seniority of any other person admitted to be an advocate under this Order after the commencement of this order shall be determined by the date of admission.

- (2) Where the date of seniority of two or more persons is the same, the one senior in age shall rank as senior to the other.
24. The Bar Council shall issue a certificate of enrolment in the prescribed form to every person enrolled under Article 23.
25. (1) The Bar Council shall send to the High Court a copy of the roll as prepared under Article 20 and shall thereafter communicate to the High Court all alterations in, and additions to, the roll as soon as the same have been made.
- (2) The High Court shall enter in the copy of the roll all alterations and additions communicated to it.
26. (1) The Attorney General for Bangladesh shall have the right of pre-audience over all other advocates.
- (2) The right of pre-audience among other advocates shall be determined by seniority *interse*.
27. (1) Subject to provisions of this order and the rules made thereunder, a person shall be qualified to be admitted as an advocate if he fulfils the following conditions namely:-
- (a) he is a citizen of Bangladesh;
- (b) he has completed the age of twenty-one years;
- (c) he has obtained-
- (i) a degree in law from any university situated within the territory which forms part of Bangladesh; or
- (ii) before the 26th day of March, 1971, a degree in law from any university in Pakistan;
- Provided that the Bar Council may recognize such degree obtained by such person after the 25th day of March, 1971, if it is satisfied that he was prevented by

circumstances beyond his control from returning to Bangladesh after that date; or

- (iii) before the 14th day of August, 1947, a degree in law from any university in any area which was comprised before that date within India as defined by the Government of India Act, 1935; or
  - (iv) a bachelor's degree in law from any university outside Bangladesh recognized by the Bar Council; or
  - (v) he is a barrister;
  - (d) he has passed such examination as may be prescribed by the Bar Council; and
  - (e) he has paid such enrolment fee and fulfils such other conditions as may be specified in the rules made by the Bar Council.
- (1A) Notwithstanding anything contained in clause (1) a person who has, for at least seven years, been a Mukhtear may, subject to the other provisions of this Order and the rules made thereunder, be admitted as an advocate if he fulfils the conditions specified in sub-clauses(a), (b), (d) and (e) of clause (1).
- (2) Before a person is admitted as an advocate, the Bar Council may require him to undergo such course of training as it may prescribe.
- (3) A person shall be disqualified from being admitted as an advocate if-
- (a) he was dismissed from service of Government or of a Public statutory corporation on a charge involving moral turpitude, unless a period of two years has elapsed since his dismissal; or
  - (b) he has been convicted for an offence involving moral turpitude, unless a period of five years or such less

period as the Government may, by notification in the official Gazette, specified in this behalf, has elapsed from the date of the expiration of the sentence.

[27A(1)Notwithstanding anything contained in this Order or in the Constitution or rules of any Bar Association, an Advocate may be a member of more than one Bar Association but shall not be a voter in more than one Bar Association.

(2) An Advocate who is a member of more than one Bar Association shall exercise his option in which Bar Association he intends to be a voter within 60 days from the date on which this Article comes into force and inform his decision in writing to the Bar Council and the concerned Bar Association.

(3) Where an Advocate fails to inform his option in writing under clause (2), his name shall only be included in the list of voters of the Bar Association with which he was enrolled first.

(4) Each Bar Association shall, within 15 days after expiry of the period mentioned in clause (2), prepare and maintain a list of voters on the basis of the options exercised under this Article, subject to the constitution and rules of that Bar Association:

Provided that, subject to clause (1), on or after the date on which this Article comes into force, the name of an Advocate shall be included in the list of voter of the Bar Association in which he is or becomes a member on his enrolment as an Advocate: ]<sup>1</sup>

[Provided further that an Advocate may apply to transfer his name from the list of voters of one Bar Association to another Bar Association if the Bar Council is satisfied that there is sufficient reason for

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<sup>1</sup> Added by Legal Practitioners and Bar Council (Amend) Act 39 of 2003.

such transfer, but no application for such transfer shall be allowed unless it is made at least one hundred eighty days prior to the election of the Bar Association to which transfer is applied for.]<sup>1</sup>

28. No woman shall be disqualified for admission to be an advocate for reason of her sex.
29. An application for admission as an advocate shall be made in the prescribed form to the Bar Council.
30. (1) All applications for admission as an advocate received by the Bar Council shall be referred to its Enrolment Committee.
  - (2) The Enrolment Committee may either grant the application or return it to the Bar Council recording its reasons for not granting the application.
  - (3) Where any application is so returned, the Bar Council may, after considering the reasons recorded by the Enrolment Committee, either grant or reject the application.
31. An advocate may suspend his practice in such manner as may be prescribed.
32. (1) An advocate on the roll may, in the manner hereinafter provided be reprimanded, suspended or removed from practice if he is found guilty of professional or other misconduct.
  - (2) Upon receipt of a complaint made to it by any court or by other person that any such advocate has been guilty of misconduct, the Bar Council shall, if it does not summarily reject the complaint, refer the case for disposal to a Tribunal constituted under Article 33 (hereinafter referred to as the Tribunal) and may of its

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<sup>1</sup> Amended by Legal Practitioners and Bar Council (Amend). Act 7 of 2004.

own motion so refer any case in which it has otherwise reason to believe that any such advocate has been so guilty.

33. (1) The Bar Council may constitute one or more Tribunals and each such Tribunal shall consist of three persons of whom two shall be persons elected by the Council from amongst its members and the other shall be a person co-opted by the Council from amongst the advocates on the roll, and the senior most advocate amongst the members of a Tribunal shall be its Chairman.

Provided that the Attorney General for Bangladesh shall not be a member of any Tribunal.

(2) Notwithstanding anything contained in this Order: -

- (a) where any enquiry is pending before a Tribunal constituted under the Legal Practitioners and Bar Council Act, 1965(Act III of 1965), such enquiry shall be transferred to a Tribunal constituted by the Bar Council under clause (1) and thereupon such Tribunal shall proceed with the enquiry from the stage at which its predecessor had left it.
- (b) where any enquiry is pending before a Tribunal constituted under this Order at the time of the expiry of the term of the Bar Council, such enquiry shall be completed and disposed of by that Tribunal;

Provided that the Chairman of the Bar Council may, by an order in writing, direct that any such enquiry shall be completed and disposed of by a Tribunal constituted by the Bar Council under clause (1) and thereupon the enquiry shall stand transferred to such Tribunal which shall proceed with the enquiry from the stage at which its predecessor had left it.

34. (1) In enquiries relating to conduct of advocates, a Tribunal shall follow such procedure as may be prescribed.

- (2) The Tribunal shall fix a date for hearing of the case and shall cause notice of the day so fixed to be given to the advocate concerned and to the Attorney General for Bangladesh and shall afford the advocate concerned and the Attorney General an opportunity of leading evidence, if any, and of being heard before orders are passed in the case.
- (3) Notwithstanding anything contained in this order or any other law for the time being in force, the Chairman of the Tribunal may empower one of the members of the Tribunal to consider and decide preliminary issues and to record evidence.
- (4) On completion of the enquiry the Tribunal may either dismiss the complaint or, where reference to the Tribunal was made at the motion of the Bar Council, direct that the proceedings be filed; or it may make an order imposing any of the penalties referred to in clause (1) of Article 32.
- (5) Where the Tribunal makes an order for the suspension of an advocate from practice, it shall specify the period of suspension, and for that period the advocate shall be debarred from practising in any court or before any authority or person in Bangladesh.
- (6) The Tribunal may make such order as to the costs of proceedings before it as it may deem fit; and where the Tribunal is of the opinion that a complaint made against advocate is false and vexatious, it may, in addition, and without prejudice to any other remedy available to the advocates, impose deterrent costs not exceeding a sum of five hundred taka upon the complainant, which shall be paid to the advocate as compensation.
- (7) Every order of the Tribunal as to costs or deterrent costs shall be executable as an order of the High Court.
- (8) The Tribunal may of its own motion or on application made to it in this behalf, review any order passed under

clause (4) or (6) and maintain, vary or rescind the same, as it thinks fit.

(9) When any advocate is reprimanded or suspended under this Order, a record of the punishment shall be entered against his name in the roll and when an advocate is removed from practice his name shall forthwith be struck off the roll; and the certificate of any advocate so suspended or removed shall be recalled.

35. (1) For the purpose of any such enquiry as aforesaid, a Tribunal shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely: -

- (a) enforcing the attendance of any person,
- (b) compelling the production of documents, and
- (c) issuing commissions for the examination of witnesses:

Provided that the Tribunal shall not have power to require the attendance of the Presiding Officer of any Court save with the previous sanction of the High Court or, in the case of an officer of a Criminal or Revenue Court, of the Government.

(2) Every such enquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Bangladesh Penal Code (Act XLV of 1860); and a Tribunal shall be deemed to be Civil Court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(3) For the purpose of enforcing the attendance of any person or compelling the production of documents or issuing commissions:-

(a) The local limits of the jurisdiction of a Tribunal shall be those of the jurisdiction of the Bar Council; and

(b) A Tribunal may send to any Civil Court having jurisdiction in the place where the Tribunal is sitting any summon or other process for the attendance of a witness

or the production of a document required by the Tribunal, or any commission which it desires to issue, and the Civil Court shall serve process or issue such commission, as the case may be, and may enforce any such process as it were a process for attendance or production before itself.

- (4) Proceedings before a Tribunal in any such enquiry shall be deemed to be civil proceedings for the purposes of section 132 of the Evidence Act, 1872 (Act I of 1872), and the provisions of that section shall apply accordingly.
36. (1) Any person aggrieved by an order of a Tribunal under Article 34 may, within ninety days from the date of the communication of the order to him, prefer an appeal to the High Court.
    - (2) Every such appeal shall be heard by a Division Bench of the High Court which may pass such order thereon as it may deem fit and the order of the High Court shall be final.
  37. The provisions of sections 5 and 12 of the Limitation Act, 1908 (Act IX of 1908), shall, so far as may be, apply to appeals made under Article 36.
  38. An appeal made under Article 36, shall not operate as stay of the order appealed against, but the High Court may, for sufficient cause, direct the stay of such order on such terms and conditions as it may deem fit.
  39. The Bar Council may recognize a Bar Association in such manner and subject to such conditions as may be prescribed.
  40. (1) The Bar Council may, by notification in the official Gazette, make rules to carry out the purpose of this Order.
    - (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for -

- (a) the manner in which election of members of the Bar Council shall be held and the manner in which results of election shall be published;
- (b) the manner of election of the <sup>\*\*1</sup> Vice-Chairman of the Bar Council;
- (c) the manner in which and the authority by which doubts and disputes as to the validity of an election to the Bar Council or to the office of the <sup>\*\*2</sup> Vice-Chairman of the Bar Council shall be finally decided;
- (d) the powers and duties of the Chairman and Vice-Chairman of the Bar Council.
- (e) the summoning and holding of meetings of the Bar Council, the times and places where such meetings are to be held, the conduct of business thereat and the number of members necessary to constitute a quorum;
- (f) the constitution and functions of any committee of the Bar Council and the term of office of the members of any such committee;
- (g) the summoning and holding of meetings of a committee, the conduct of business of such committee and the number of members necessary to constitute a quorum;
- (h) the qualification and terms and conditions of staff to be employed by the Bar Council;
- (i) matters pertaining to management, administration, utilization and investment of the funds of the Bar Council;
- (j) the constitution of separate funds for special purposes by the Bar Council and the purposes for which the general funds of the Bar Council may be utilized;

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<sup>1</sup> The words "Chairman and" have been omitted by Ord. No.III of 1975.

<sup>2</sup> Ibid.

- (k) the maintenance of books of accounts and other books by the Bar Council;
- (l) the appointment of auditors and the audit of the accounts of the Bar Council;
- (m) the examination to pass for admission as an advocate;
- (n) the form in which applications for admission as an advocate are to be made and the manner in which such applications are to be disposed of;
- (o) the conditions subject to which a person may be admitted as an advocate;
- (p) the manner in which an advocate may suspend his practice;
- (q) the fee payable for enrolment; the fee payable for permission to practise in the High Court, the installments, if any, in which any such fee may be paid;
- (r) the form in which permission to practise as an advocate in the High Court shall be given;
- (s) the standard of professional conduct and etiquette to be observed by the advocates;
- (t) the standard of legal education to be observed by Universities in Bangladesh and the inspection of Universities for that purpose;
- (u) the manner in which and the conditions subject to which a Bar Association may be recognized;
- (v) the procedure to be followed by a Tribunal of the Bar Council in enquiries relating to the conduct of an advocate;

- (w) the fee which may be levied in respect of any matter under this Order;
  - (x) the general principles for guidance of the Bar Council.
- (3). Until rules are made by the Bar Council, the power of the Council under this Article shall be exercised by the Government.
41. Any person who is not an advocate and practises the profession of law and any person who is not entitled under this Order to practise in the High Court practises before that Court shall be punishable with imprisonment for a term which may extend to six months.
42. (1) Notwithstanding anything contained in this Order or any other law for the time being in force,-
- (a) the enrolment of all persons as advocate during the period from the 26th day of march, 1971, to the 15th day of December, 1971, shall stand cancelled; and
  - (b) all persons enrolled as advocates during the period from the 1st day of January, 1972, to the 30th day of June, 1972, shall be deemed to be enrolled on 1st day of January, 1972.
- (2) A person whose enrolment is deemed to be cancelled under sub-clause (a) of clause (1) shall be eligible for fresh enrolment and may apply to the Enrolment Committee for such enrolment.
- (3) Notwithstanding the cancellation of enrolment of a person as an advocate under sub-clause (a) of clause (1) all actions taken by such person as an advocate before the commencement of this Order shall be deemed to be valid.
43. The Legal Practitioners and Bar Council Act, 1965 (Act III of 1965), is hereby repealed.

44. On the commencement of this Order,-
- (a) all properties and assets vesting in the East Pakistan Bar Council shall vest in the Bar Council;
  - (b) all properties and assets of the Pakistan Bar Council in Bangladesh shall vest in the Bar Council;
  - (c) all rights, liabilities and obligations of the Pakistan Bar Council, whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations of the Bar Council;
  - (d) all proceedings pending before the East Pakistan Bar Council in respect of any disciplinary matter or otherwise shall stand transferred to the Bar Council;
  - (e) all appeals pending before the appellate Tribunal of the Pakistan Bar Council in cases disposed of by the Tribunal of East Pakistan Bar Council shall stand transferred to the High Court and the decision of the High Court thereon shall be final;
  - (f) all officers and other employees of the Pakistan Bar Council employed in Bangladesh and of the East Pakistan Bar Council shall stand transferred to the Bar Council and shall serve under the Bar Council on such terms and conditions as it may determine; and
  - (g) the Canons of Professional Conduct and Etiquette framed by the Pakistan Bar Council shall be deemed to be the Canons framed by the Bar Council and in those Canons for the word "Pakistan", whenever occurring, the word "Bangladesh" shall be substituted.
45. Except as provided in clause (1A) of Article 27 nothing in this Order shall apply to Mukhtears and revenue agents and every Mukhtear and revenue agent practising as such immediately before the commencement of this Order shall continue to enjoy the same rights as respects practice in any Court or revenue office or before any authority or person as he enjoyed, and be subject to the disciplinary jurisdiction of the said authority to which he was subject, immediately

before such commencement, and the provisions of the Legal Practitioners Act, 1879 (Act XVIII of 1879), or other law shall have effect in relation to such person as if they had not been repealed by the Legal Practitioners and Bar Council Act, 1965 (Act III of 1965).

46. If any difficulty arises in giving effect to the provisions of this Order, particularly in relation to the transition from the enactment repealed by this Order to the provisions of this Order, the Government may, by order publish in the official Gazette, make such provisions, not inconsistent with the purposes of this Order, as appear to it to be necessary or expedient for removing the difficulty.

DACCA;  
The 17th May, 1972.

ABU SAYEED CHOWDHURY  
President of the  
People's Republic of Bangladesh

AZIMUDDIN AHMED  
Deputy Secretary

*(Published in the Bangladesh Gazette Extraordinary, part - 1  
dated the 22nd May, 1972)*

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF  
BANGLADESH, MINISTRY OF LAW &  
PARLIAMENTARY AFFAIRS  
(Law Division)**

**NOTIFICATION**

No.428-5, R. O. dated the 22nd May, 1972.

**THE BANGLADESH LEGAL PRACTITIONERS  
AND BAR COUNCIL RULES, 1972**

**CHAPTER -1**

**Preliminary**

In exercise of the powers conferred by clause (3) of Article 40 of the Bangladesh Legal Practitioners and Bar Council Order, 1972 (P.O. No.46 of 1972), the Government is pleased to make the following rules, namely :-

1. (1) These rules may be called the Bangladesh Legal Practitioners and Bar Council Rules, 1972.  
(2) They shall come into force at once.
2. In these rules, unless there is anything repugnant in the subject or context,-
  - (a) "Article" means Article of the Order;
  - (b) "Chairman" means the Chairman of the Bar Council;
  - (c) "Elected member" means an elected member of the Bar Council or a member who fills the vacancy of an elected member;
  - (d) "General Seat" means a seat of member mentioned in sub-clause (b) of clause (1) of Article 5 of the Order;
  - (e) "Group Seat" means a seat of member mentioned in sub-clause (c) of clause (1) of Article 5 of the order;
  - (f) "Order" means the Bangladesh Legal Practitioners and Bar Council Order, 1972 (P.O. No.46 of 1972);

- (g) "Secretary" means the person appointed as Secretary of the Bar Council under these rules and includes any other person to whom all or any of the functions of the Secretary are for the time being entrusted by the Bar Council or the Chairman;
- (h) "Voter" means an advocate whose name for the time being appears on the roll [and who is a member of a Bar Association].<sup>1</sup> [This also includes Advocates who have been granted certificates of enrolment under Rule 73A of Chapter VI].<sup>2</sup>

## CHAPTER II

### Election of Members of the Bar Council

- 3. The Chairman shall [at least 45 days before the election of the Bar Council],<sup>3</sup> publish a programme of the election of members of the Bar Council in the official Gazette, specifying -
  - (a) the date not being a day within ten days of the Notification by which proposals for election are to be delivered at the office of the Bar Council;
  - (b) the date for the scrutiny of such proposals;
  - (c) the date or dates on which voting shall take place;
  - (d) the date by which objections to election shall be filed;
  - (e) the date on which objection shall be taken up for the first time by the Election Petition Committee at the office of the Bar Council;

Provided that -

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<sup>1</sup> These words have been inserted by Gazette Notification dt. March 29, 1973

<sup>2</sup> Added by Gazette Notification dt. Feb. 26, 1976.

<sup>3</sup> Substituted for the words "before the thirtieth day of Nov. of the preceding year in which the elections to the Bar Council are to be held" by Gazette Notification dt. March 29, 1973.

- (i) there shall be an interval of at least seven days between the date by which proposal are to be delivered and the date for their scrutiny, an interval of at least fourteen days between the date for scrutiny and the date on which voting shall take place, an interval of at least seven days between the date on which the result of election is declared and the date for filing objection to the election, and an interval of at least seven days between the date for filing the objections and the date on which the objections shall be taken up for the first time;
  - (ii) the place of the office of the Bar Council shall be specified in the notification and the location of the office shall not be changed during the course of the election except for compelling reasons and notice of such change shall be published in one leading Bengali and one leading English daily newspaper of Bangladesh at least four days before the change takes place;
  - (iii) Copies of the programme shall be sent to the Chief Justice of the Supreme Court, for information, and to the Presidents of all Bar Associations recognized under rule 67 for being posted at their notice boards.
4. (1) For the purpose of election of members to group seats, the local Bar Associations of Bangladesh shall be divided into seven groups as specified in Schedule A.
- (2) (i) Every ballot paper shall be in the form as set out in Schedule B.
- (ii) Every ballot paper shall be in two parts. Part I containing the names of the candidates contesting for general seats and Part II containing the names of the candidates contesting for a group seat from each group.
- (iii) The names of the candidates in Part I and in each group of Part II of every ballot paper shall be arranged in alphabetical order determined according to the Bengali alphabet.

- (3)(i) Every voter shall have seven votes in the case of election to general seats, and one vote in the case of election to each group seat;

Provided that no voter shall cast more than one vote in favour of any one candidate.

- (ii) A voter who desires to vote shall record his vote on the ballot paper by putting a cross mark with a pen in the space against the name of the candidate for whom he wishes to vote.

5. Every candidate for election as member of the Bar Council shall be proposed by three voters in the form prescribed by the Bar Council and the same shall be delivered to the Secretary within the date fixed in the programme for delivery of proposals [along with payment of nomination fee of Tk.1,000.00.]<sup>1</sup> A proposal shall relate only to one candidate and shall be invalid if it relates to more than one. The Secretary shall put his signature with date, time and serial number on each proposal when it is received.

Provided that no voter shall sign more proposals than seven for general seats, and one for each group seat, and in case he does so, his signatures shall be valid only for the first seven general seats and one for each group seat for which proposals have been delivered to the Secretary.

6. The Secretary shall within two days of the last dates fixed for delivery of proposals submit the proposals to the Chairman and shall at the same time cause to be put up a list of the proposals on the notice board at the office of the Bar Council, containing particulars of the candidates.
7. A candidate may withdraw his candidature before the expiry of the third day after scrutiny of the proposal by the Chairman, and such withdrawal shall take place only in the presence of the Chairman, if available, or in the presence of the Vice-Chairman and if both be not available, then in the presence of the Secretary.

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<sup>1</sup> Inserted by Gazette Notification dt. July 23, 2007.

8. On the date fixed for scrutiny, the Chairman shall, after hearing any objections, which may be made to any proposal by any voter, and after making such summary enquiry, as he may think fit, accept or reject the proposals.
9. (1) If the number of valid proposals does not exceed seven in the case of general seats and one in the case of group seat, the Chairman shall declare the candidates proposed to be elected.  
(2) A list of valid proposals and the result of the scrutiny that is, the declaration of persons elected and the seats for which election is to take place shall be posted on the notice board of the Bar Council as soon as practicable after the scrutiny, and in any case within two days.
10. Polling stations shall be established at such places and shall serve such areas as may be determined by the Bar Council.
11. (1) The Bar Council shall publish a list of voters showing at which polling station a particular voter shall cast his vote at least thirty days before the polling.

Provided that the Bar Council shall have power to add to the list till the polling.

Provided further that no person shall be entitled to vote if he ceases to be an Advocate before the poll.

- (2) All voters shall cast their votes at the polling stations indicated in the list except persons appointed as polling agents who shall be entitled to cast their votes at the polling station for which they have been appointed. A candidate can cast his vote at any polling station.
12. Voting shall take place generally under the direction, control, and supervision of the Chairman at such hours as the Chairman may direct on the date or dates already fixed for voting in the programme, but the Chairman may, for sufficient reasons, direct that the voting may continue after the date or dates fixed. Directions given by the Chairman shall be put up on the notice board of the Bar Council, and a

copy thereof shall be sent to the Presidents of all the Bar Associations recognized under rule 67 for being posted at the notice boards of the Associations.

13. Voting shall be by secret ballot, and precautions shall be taken that the voter shows an unmarked ballot paper and then marks the ballot paper, so that the marking cannot be observed by any other person, and after marking it, he shall fold it and put it in a box provided for the purpose.
14. The ballot paper shall be marked by putting a cross against the name of the candidate for whom the voter intends to vote.
15. (1) At the close of polling the person presiding over the polling at any polling station shall count the votes cast for the various candidates and shall forward the ballot papers and the result of the counting in a sealed cover to the Chairman.  
  
(2) The Chairman shall count the ballot papers received from the various polling stations. The Chairman shall reject a ballot paper, if -
  - (a) the voter has put a cross against more than the number to be elected; or
  - (b) if the ballot paper contains a mark other than a cross put against the name of candidate which mark is not found to be accidental.
16. The Chairman shall prepare a report of the votes received by each candidate and the votes held to be invalid and shall declare the result. The ballot papers as well as the report shall be preserved in a sealed box for the term of the members who are being elected.
17. (1) The Chairman shall declare elected -
  - (a) in the case of the general seats, seven candidates receiving highest number of votes; and

(b) in the case of group seat, one candidate in each group receiving the highest number of votes in that group.

(2) In case of equality of votes, decision shall be taken by the drawing a lots.

18. All candidates as well as one agent of each candidate, shall be entitled to be present at the counting.
19. A list of candidates declared elected by the Chairman shall be prepared and signed by the Secretary as well as the Chairman and it shall be published in the official Gazette. Copies of the list shall be sent to the Presidents of all the Bar Associations recognized under rule 67 to be affixed on their notice boards.
20. An Election Petition may be filed by any candidate at the election or by any five voters, to contest the validity of the election of a candidate, by letter signed and delivered to the Secretary within one month of the day on which the result of the election is published in the official Gazette. The election petition shall be accompanied by a deposit of Taka.1,000.00.
21. The letter shall state clearly the grounds upon which the validity of the election is challenged.
22. The election petition shall be heard by an election Tribunal consisting of a Chairman and two members nominated by the Bar Council from amongst the advocates on the roll. The names of the Chairman and members of the election Tribunal shall be notified along with the notification relating to the programme of the election published under rule 3. The advocates who agree to be and are appointed member of the Tribunal shall be debarred from being nominated as candidates at the election.
23. The election shall be set aside if the Tribunal finds that an irregularity which has materially affected the result of the election or an illegality has been committed.
24. No irregularity in any proceeding, not even a change of date, as stated in the programme, if such a change be due to

unavoidable reasons, will invalidate any proceeding, if it does not materially affect the result of the election.

25. The election Tribunal shall be constituted afresh for each general election of members of the Bar Council;

Provided that an election petition relating to a bye-election can be heard by the Election Tribunal constituted for the general election out of which the bye-election arises.

26. If the election of any member is held void, the candidate who would have been elected, if the candidate whose election is declared to be void was excluded altogether from consideration while ascertaining the persons to be elected, under rule 18, shall be declared to be elected.
27. If it is not possible to elect a person by the method provided for in rule 26 above, a fresh election shall be held and the provisions of these rules will apply *mutatis mutandis* provided that a programme shall be published in the official Gazette not less than ten days after the declaration of invalidity of the election.

### CHAPTER III

#### Meetings

- [28. The first meeting of a Bar Council shall be held within a month of the commencement of the term of the Bar Council and the Secretary shall convene such meeting. The first meeting will be presided over by a member voted to the chair.]<sup>1</sup>
29. Ordinary meetings of a Bar Council may be convened by the Chairman or in case he is, for some reason, unable to act, by the Vice-Chairman.
30. The Chairman as well as the Secretary shall be bound to convene a meeting of the Bar Council on the receipt of

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<sup>1</sup> Substituted by Gazette Notification dt. July 16, 1998.

requisition signed by not less than five members of the Bar Council. In ordinary cases meeting shall be called within a week of the requisition but in cases of emergency it shall be called within any shorter period so as to suit the emergency. In case the Secretary and the Chairman do not call a requisitioned meeting the same may be convened by the requisitionists and all expenses in this behalf shall be incurred by the Bar Council.

31. Meetings of a Committee of the Bar Council may be convened by the Secretary or the Chairman of the Committee and such meeting shall also be called by the Secretary or the Chairman of the Committee on requisition by two members of the Committee.
32. Notice required for a meeting of a Bar Council shall be eight days and for meeting of a Committee of three days provided that in case of emergency notice for a shorter period shall be sufficient. The agenda for the meeting shall be served eight days before the meeting in the case of meeting of the Bar Council and three days in the case of meeting of a Committee.
33. Necessary quorum for a meeting of the Bar Council shall be five and for a meeting of a Committee a number which is not less than one-third of the total number of the members of the Committee provided that, when a meeting is adjourned for want of quorum, the quorum for the adjourned meeting shall be three for the Bar Council and one-third of the total number of members for a Committee.
34. A meeting of the Bar Council shall be presided over by the Chairman, in his absence by the Vice-Chairman and in the absence of both, by the member voted to the chair by the members present. A meeting of a Committee shall be presided over by the Chairman of the Committee or in his absence, by the member voted to the chair by the members present.
35. Business shall be transacted at a meeting, in accordance with the agenda issued, provided that any other business may, with the permission of the Chairman of the meeting, be transacted if the majority of the members present, who at the

same time constitute a majority of the total number of members of the Bar Council or the Committee, as the case may be, agree.

36. Decisions at meetings shall be by majority vote. Voting shall be by show of hands. In the case of equality of votes the Chairman of the meeting shall be entitled to a second vote.
37. Notices shall be served either personally or through registered post, or by such other method as the Bar Council may determine.
38. All proceedings of a meeting shall be entered in a minute book to be maintained by the Secretary, and the record of the proceedings shall be prepared under the directions of the Chairman of the meeting and shall be signed by him as well as the Secretary. All members of the Bar Council or the Committee, as the case may be shall be entitled to an inspection of the minutes book at all reasonable times.
39. Any matter determined by a resolution of the Bar Council shall not be re-opened within three months of the date of the resolution unless two-thirds of the total number of members make a requisition to that effect.
40. The provisions of this Chapter will apply also to the election of Vice-Chairman, except that voting shall in such election be by ballot.

#### **CHAPTER IV**

##### Disciplinary Proceedings

41. A complaint against an advocate shall contain clearly the charge or charges against such advocate, and shall be accompanied by all documents, or copies of documents that are available to the complainant and in a case where the complaint is not by a court or by public officer acting in his official capacity, shall also be supported by an affidavit as to facts;

Provided that the Bar Council may, dispense with the filing of an affidavit.

[41A. The petition of complaint against an Advocate shall be filed with the Bar Council along with payment of a fee of Tk.1,000.00.]<sup>1</sup>

42. The Bar Council may, for the purpose of deciding whether a case against an advocate is to be summarily rejected, or to be referred to the Tribunal, allow the advocate to reply to the allegations against him and may make such enquiry as it thinks fit.

43. When a case is referred to the Tribunal all the relevant documents shall be forwarded to the Chairman of the Tribunal.

44. Before the Tribunal, the proceedings against an advocate shall be conducted by the Attorney-General or by an Advocate appearing on his behalf. The complainant shall also be entitled to appear in person, or through counsel, but the Attorney-General shall have a prior right to conduct the proceedings against the advocate, subject to any directions by the Tribunal.

45. On receipt of reference from the Bar Council, the Chairman of the Tribunal shall fix a date for the hearing of the case not earlier than twenty one days from such receipt and a notice of the fixed date shall be served on the advocate concerned as well as the Attorney-General, along with copies of the record that has been forwarded to the Tribunal, so as to reach the advocate as well as the Attorney-General not less than seven days before the date fixed. Notice of the date shall also be served on the complainant in case the complaint is not by a court or by a public officer acting in his official capacity. Notice of the date should also be put up on the notice board of the Bar Council.

46. The advocate concerned shall be entitled to file a reply to the allegations against him whether or not he has already filed a reply before the Bar Council. He shall deliver such reply along with two copies to the Secretary at least seven days before the date of hearing fixed by the Tribunal and the

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<sup>1</sup> Added by Gazette Notification dt. July 23, 2007.

Secretary shall deliver the copies to the Attorney General and the complainant at least two days before such date of hearing.

47. The Tribunal shall determine the matter before it on oral evidence and on documents in accordance with the provisions of the Evidence Act, 1872, and the Tribunal shall follow generally and to the extent practicable the procedure provided for suits in the Civil Procedure Code, 1908, but the Tribunal shall also have power to call for or permit affidavits and to decide a whole case or any matter on affidavits and documents proved by affidavits provided that the party affected by an affidavit shall have right to cross examine the deponent with reference to the statements in the affidavit.
48. The advocate concerned shall be competent witness on his own behalf and shall be liable, if he appears as a witness, to be cross-examined, but he shall not be compelled to appear as a witness.
49. The Secretary of the Bar Council shall be *ex-officio* Secretary of the Tribunal and shall be responsible for service of notices issued by Tribunal and for compliance with the rules in this Chapter.
50. The Bar Council may *suo motu* start disciplinary proceeding against an advocate and in such a case the provisions of this chapter will apply *mutatis mutandis*.
51. The Tribunal after a case is referred to it, shall have power to suspend the Advocate concerned, pending enquiry against him, and to vary or rescind such order.

## CHAPTER V

### Chairman, Vice-Chairman, Secretary

52. Election of the Chairman and Vice-Chairman of the Bar Council shall be held at the first meeting of the Bar Council after its constitution. The election shall be by ballot, but not by secret ballot.
53. The Chairman shall be responsible for ensuring due compliance with the provisions of the Order and the Rules. He shall exercise the powers and perform the functions assigned to him by the Order and the rules.
54. The Vice-Chairman shall have the responsibility and powers of the Chairman under these rules, and shall discharge the functions of the Chairman, in case the Chairman is for some reason incapable of acting or absent from the country.

In case of the absence of the Chairman from the country the Secretary shall immediately communicate to the Vice-Chairman the date of departure of the Chairman from the country.

- [54. (1) If the Vice-Chairman is also incapable of so acting the responsibility and powers of the Chairman under these rules shall be discharged by the Chairman of the Executive Committee of the Bar Council.]<sup>1</sup>
- [(2) The Chairman of the Executive Committee shall periodically check the administrative work of the office and discuss matters relating thereto with his Committee when he deems fit; and thereafter report to the Chairman of the Bar Council with specific findings for his necessary attention.
- (3) The Executive Committee may interview and select candidates for appointment to jobs in all categories except that of the Secretary and send panel of at least

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<sup>1</sup> Inserted by Gazette Notification dt. March 29, 1973.

two selected candidates for each post to the Bar Council for appointment.

(4) The Executive Committee may scrutinize the complaint case against Advocates and place their recommendation to the Bar Council for reference to the Tribunal for trial or for summary rejection as the case may be.]<sup>1</sup>

[(5) The Executive Committee may hear appeals received by the office under rule 66(3) and 66(4) of these rules and pass necessary order as it may think fit and proper and the said order shall be final and binding upon the parties. The Executive Committee may also hear and dispose of any other case/appeal filed by any person aggrieved by any order or decision of any Bar Association]<sup>2</sup>

55. There shall be a Secretary of the Bar Council to be appointed by the Council.

Provided that in a case of emergency, the Chairman may appoint any person to discharge the functions of the Secretary, pending orders by the Bar Council.

56. Subject to the provisions of the Order and these rules, the Secretary shall exercise such powers and such functions as may be entrusted to him by the Bar Council.

57. The Secretary shall be entitled to such remuneration, leave and other benefits as may be determined by the Bar Council.

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<sup>1</sup> Inserted Sub Rules (2), (3) & (4) by Gazette Notification dt. March 2, 1978.

<sup>2</sup> Inserted by Gazette Notification dt. Dec. 18, 1997.

## CHAPTER VI

### Enrolment of Advocates

58. Any person qualified under Article 27(1) to be admitted as an advocate may make an application in Form 'A' appended to these rules for admission as an advocate to the Bar Council.
59. The application shall be accompanied by -
- (a) satisfactory evidence of the applicant's date of birth;
  - (b) satisfactory evidence of qualification under Article 27;
  - (c) two testimonials from persons in good position as to the character and conduct of the applicant.
  - (d) affidavit stating that the statement made in the application in form 'A' are true and accurate;
  - [(e) a receipt of payment of a fee of Tk. 2400.00 (i.e. enrolment fee of Tk.1500.00, written examination fee of Tk.700.00 and annual fee of Tk.200.00.)]<sup>1</sup>

Explanation.- The date of birth recorded in the University or Board of Secondary Education from which the applicant secured his Matriculation Certificate shall be presumed to be correct but the Bar Council may determine otherwise.

- [59A. The application shall reach the Bar Council on or before the date fixed by the Enrolment Committee. The Enrolment Committee may allow filing of such application after fixed date upto a latter date and in that case a late fee of Tk.200.00 shall also be paid along with other requisite fees.]<sup>2</sup>

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<sup>1</sup> Substituted by Gazette Notification dt. July 23, 2007.

<sup>2</sup> Ibid.

60.(1) Every person shall, before being admitted as an advocate take training regularly for a continuous period of six months as a pupil in the Chamber of an advocate who has practised as an advocate for a period of not less than [10 years. Each Bar Association shall prepare a list of Advocates who are considered by the respective Bar Association to be fit and capable of accepting pupil for imparting legal training and send the same to the Bar Council for approval. Every person seeking enrolment to the Bar Council shall have to take such further legal training and post examination pupillage before conferment of the Sanad as may be determined by the Bangladesh Bar Council]<sup>1</sup>.

[Provided that a person shall be capable of being a pupil under this rule immediately after appearing at the final examination for a degree in law from any University in Bangladesh or a degree in law from any University outside Bangladesh recognized by the Bar Council. But the period of such pupillage shall not be counted if the person fails in such examination]<sup>2</sup> and such person shall not be entitled to appear in any examination for enrolment as advocate before the publication of the result of his final law degree examination. [In the event of failure to succeed in the law degree examination the contract of pupillage shall also fail and such person may execute fresh contract of pupillage for enrolment as Advocate].<sup>3</sup>

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[Provided further that the Bar Council may exempt in appropriate cases the requirement of pupillage as aforesaid in case of any person holding a degree in law and admitted either as Attorney at law or a Barrister in U.K. or U.S.A. or

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<sup>1</sup> Subs./added by Gazette Notification dt. June 3, 1999.

<sup>2</sup> Inserted by Gazette Notification dt. Aug. 28, 1980.

<sup>3</sup> Added by Gazette Notification dt. Dec. 18, 1997.

<sup>4</sup> This 2<sup>nd</sup> proviso has been deleted by Gazette Notification dt Dec. 18, 1997.

Australia or Canada or as an Advocate in any country from the SAARC region, as the case may be.]<sup>1</sup>

[(1)(a) But in the case of Honours degree holder in law from the University of Dhaka from among students admitted into the Honours course of the said University during academic sessions 1973-74, 1974-75, 1975-76 & 1976-77 the continuous period of pupilage shall be for eighteen months.]<sup>2</sup>

(2) An advocate with whom a person received training in accordance with Sub-Rule (1) of Rule 60 shall give a certificate in Form "G" attached to these rules and shall specify in the certificate or as a separate Annexure thereto at least ten cases in which he had the assistance of the pupil.<sup>3</sup> The pupil shall produce before the Enrolment Committee for its inspection, his pupilage diary containing his notes of arguments in at least 5 civil cases and 5 criminal cases heard in the courts, at the hearing of which he personally attended during the period of his pupilage. [Every pupil shall obtain the pupilage diary from the Bangladesh Bar Council on payment of such price as may be determined by the Bar Council.]<sup>4</sup>

(3)(i) No Advocate shall take more than four pupils at a time without the permission of the Bar Council.<sup>5</sup>

(ii) There shall be a contract in writing between the Advocate and the pupil, in the form provided by the Bar Council, and such contract of pupilage shall be filed with the Secretary of the Bar Council within thirty days of its execution along with an affidavit sworn by the pupil affirming execution of such contract (failing which such contract of pupilage shall not be accepted)<sup>6</sup>. [The contract of pupilage shall be filed along with a registration fee of [Tk.400/-]<sup>7</sup> and a copy of law

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<sup>1</sup> Added by Gazette Notification dt Nov. 29, 2001.

<sup>2</sup> Inserted by Gazette Notification dt. Sep. 8, 1977.

<sup>3</sup> Inserted by Gazette Notification dt Mar. 29, 1973.

<sup>4</sup> Added by Gazette Notification dt Aug. 19, 1999.

<sup>5</sup> Inserted Sub Rules (i), (ii), (iii) & (iv) by Gazette Notification dt Aug. 28, 1980.

<sup>6</sup> Added by Gazette Notification dt Dec. 18, 1997.

<sup>7</sup> Subs. by Gazette Notification dt July 23, 2007.

degree certificate or a testimonial of appearance of law degree final examination.]<sup>1</sup>

- (iii) Pupilage shall commence from the date of execution of the contract of pupilage but shall be counted only for the period during which the Advocate was practising at the Bar;

Provided that a pupil may take training with more than one Advocate for a total period of 6 months which shall be substantially continuous.

- (iv) An Advocate who makes a false statement in the contract under this sub-rule or gives a false certificate under sub-rule (2) shall be guilty of professional misconduct.

[(v) If any candidate deliberately makes a false statement in his application for enrolment as Advocate he shall be disqualified for 5 years to be enrolled as Advocate.]<sup>2</sup>

60A(1) Every applicant for admission as an Advocate shall have to complete such course, as may be determined by the Bar Council and pass written and viva voce examinations held under the direction and supervision of the Bar Council.<sup>3</sup>

[(2) The written examination shall be of 1(one) paper of 100 marks as per the Syllabus prescribed by the Bar Council and the duration of the examination shall be of 4(four) hours.]<sup>4</sup>

[(3) Written examination shall be held on such date and time and place as may be determined by the Bar Council. The details as to such examination including the syllabus will be collected from the Bar Council by persons seeking admission.]<sup>5</sup>

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<sup>1</sup> Added by Gazette Notification dt Aug. 19, 1999.

<sup>2</sup> Inserted by Gazette Notification dt Dec. 18, 1997.

<sup>3</sup> Inserted by Gazette Notification dt. Aug. 28, 1980.

<sup>4</sup> Subs by Gazette Notification dt May 18, 2000.

<sup>5</sup> Subs by Gazette Notification dt June 18, 2000

[60B. Every applicant who has qualified in the written examination under these rules shall appear at a viva-voce examination held under the direction and supervision of the Enrolment Committee of the Bar Council. The viva-voce examination shall be of 50 marks. ]<sup>1</sup>

[Provided that if a candidate after passing in the written examination fails to pass in the following viva-voce examination he/she may apply for next viva-voce examination along with payment of a fee of Tk.300.00. Provided further that a candidate shall have to pass the viva-voce examination in three attempts within a period of three years from the date of passing of the written examination failing which the result of his/her written examination shall stand cancelled.]<sup>2</sup>

[60C. A candidate for enrolment as Advocate shall have to obtain at least 50 marks in written examination and 25 marks in viva-voce examination.]<sup>3</sup>

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61. The Enrolment Committee may, before it passes an order granting the application or returning it to the Bar Council, make such summary enquiry as it thinks fit.

[62.(1) Where the Enrolment Committee of the Bar Council grants the application, a Certificate of enrolment shall be prepared by the Bar Council in Form B appended to the Rules and an intimation regarding the applicant's enrolment shall be sent to the Bar Association of the place where he intends to practise and which has been recognized by the Bar Council under Rule 67.]<sup>5</sup>

[(2) The certificate of enrolment shall then be issued to the advocate on his application to the Bar Council through

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<sup>1</sup> Subs. by Gazette Notification dt Sept. 17, 2008

<sup>2</sup> Subs. by Gazette Notification dt July 23, 2007

<sup>3</sup> Subs. by Gazette Notification dt May 18, 2000.

<sup>4</sup> The clause and proviso thereto has been deleted by Gazette Notification dt May 18, 2000.

<sup>5</sup> Inserted by Gazette Notification dt March 29, 1973.

the Bar Association after his admission as a member thereof in such manner and on fulfillment of such conditions as may be decided by the Bar Council upon taking such oath as prescribed below: -

OATH OF ADVOCATE

I, ... .. DO HEREBY SOLEMNLY TAKE THE OATH OF AN ADVOCATE AS I UNDERTAKE TO UPHOLD AT ALL TIMES THE DIGNITY AND HIGH STANDING OF MY PROFESSION, AS WELL AS MY OWN DIGNITY AND INTEGRITY AS A MEMBER OF THE LEGAL PROFESSION AND I WILL ADHERE TO THE CANONS OF PROFESSIONAL CONDUCT AND ETIQUETTE.

I WILL ALWAYS DEEM IT MY SACRED DUTY TO SAFEGUARD, PROTECT AND DEFEND THE CONSTITUTION AND TO MAINTAIN ITS SUPREMACY AS THE EMBODIMENT OF THE WILL OF THE PEOPLE OF BANGLADESH. I WILL NOT COLLABORATE IN ANY ACTION WHICH VIOLATES THE CONSTITUTION. I WILL ALWAYS BE VIGILANT IN THE PROTECTION OF HUMAN RIGHTS AND THUS WORK TOWARDS BUILDING “A SOCIETY IN WHICH THE RULE OF LAW, FUNDAMENTAL HUMAN RIGHTS AND FREEDOM, EQUALITY AND JUSTICE, POLITICAL, ECONOMIC AND SOCIAL WILL BE SECURED FOR ALL CITIZENS.” ]<sup>1</sup>

[(3) No advocate shall change his/her Bar Association/ previously opted Bar Association or join any other Bar Association keeping intact his membership with his previous Bar Association without permission of the Bar Council and every application for such permission shall be accompanied by a deposit of {Tk.1,000.00}.<sup>2</sup>

(4) No Bar Association shall admit any member of any other Bar Association as its member without prior permission of the Bar Council and any change of Bar without permission of the Bar Council shall not be recognized by the Bar Council.<sup>3</sup>

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<sup>1</sup> Subs. by Gazette Notification dt June 3, 1999.

<sup>2</sup> Subs. for Tk.500/- by Gazette Notification dt March 12, 1998.

<sup>3</sup> Inserted Sub Rule (3) & (4) by Gazette Notification dt April 5, 1990.

[(5) The Bar Council may suspend or revoke enrolment of an Advocate and recall certificate of enrolment if it is satisfied on any report or information from the appropriate authority that the academic certificate produced by the Advocate at the time of his enrolment is fake and forged; or any statement made in form-A and/or in the affidavit in support of form-A is found false; and may also refer for appropriate legal action for using such forged document after giving an opportunity to show cause to the incumbent.]<sup>1</sup>

63. If the Bar Council rejects the application, the decision shall forthwith be communicated to the applicant.
64. The Bar Council may refuse enrolment to a person otherwise qualified on the ground of his removal from the roll of advocates or legal practitioners of any country or the pendency of criminal proceedings or proceeding for profession misconduct against him in any country.
65. All cases in which the degree on the basis of which application for enrolment has been submitted is a degree recognized under Article 27(1)(c)(iv) and all cases wherein proceedings have been taken against the applicant for enrolment in any country whether criminal proceeding or proceedings for professional misconduct shall be placed before the Bar Council for appropriate action before they are sent to the Enrolment Committee. Bar Council may *inter alia*, make the enrolment of the applicant subject to the passing of such examination as it may think proper to provide.
- [65A. The Bar Council, if satisfied, for the reasons as may be disclosed by the applicant, grant exemption under Article 21(1)(c) of the Bar Council Order requiring practice for a period of 2 years before seeking permission to practise in the High Court Division of the Supreme Court of Bangladesh on the basis of the following criterion:-

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<sup>1</sup> Added by Gazette Notification dt March 22, 2001.

- (i) Advocates who were called to the Bar in U.K. or who have obtained higher 2nd class in LL.M. (at least 50% marks in aggregate) from any recognised University and further worked with a Senior Advocate of the Supreme Court in his Chamber for at least one year (since his enrolment as Advocate under Rule 62(1))<sup>1</sup>; and
- (ii) Persons holding a degree in law who have held a judicial office (i.e. office of a Civil Judge) for a total period of at least 10 years. Such judicial officers shall not be required to appear for written test as per sub-rule (2) of this rule but they shall have to appear before the Board for an interview.

Provided that such Advocates (former judicial officer) shall not be eligible for appearing and/or accepting any brief or maintaining any practice before any subordinate court. They will be permitted to practise only before the High Court Division of the Supreme Court of Bangladesh].<sup>2</sup>

[(1) All applications for permission to practise in the High Court Division shall be made in prescribed form appended to these Rules accompanied by-

- (a) A certificate, where necessary, from the President/Secretary of the concerned Bar Association as to the fact that the Advocate is a regular member of his Bar Association and practising in the courts named by him for a continuous period at least two years]<sup>3</sup> (stating the reasons supporting his application to be permitted as Advocate of the High Court Division of the Supreme Court, or a certificate showing that the advocate was called to the Bar in U.K. or has obtained a higher second class in LL.M. from any recognized University and further worked with a Senior Advocate of the Supreme

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<sup>1</sup> Added by Gazette Notification dt Sept. 9, 2004.

(Note :- The Enrolment Committee by exercising its power under Art-11A(2) adopted a resolution on 8.11.2008 adding further condition that the LL.M. Degree holder seeking exemption of two years practice in subordinate courts, must have a four year LL.B (Hons) Degree.)

<sup>2</sup> Added by Gazette Notification dt March 12, 1998.

<sup>3</sup> Subs by Gazette Notification dt March 12, 1998.

Court in his chamber for at least one year]<sup>1</sup> [certifying in the prescribed form to be sent to the Bar Council directly and in confidence with full particulars of the work the applicant has done along with such memo/petition or any other document prepared, drafted, corrected and settled by the said Senior Advocate and particulars of the cases in which the applicant assisted and conducted research etc.]<sup>2</sup>

- (a) [A list of at least 25 cases either civil or criminal or both in which the Advocate appeared before the concerned courts.
- (b) A receipt/bank draft showing payment of High Court permission fee of Tk.5,000.00 (and payment of examination fee of Tk.1000.00 for such permission.)<sup>3</sup>
- (c) One copy passport size photograph of the Advocate;]<sup>4</sup>

[(2) Every applicant for permission to practise in the High Court Division shall have to attend such courses as may be prescribed by the Legal Education Committee and to appear for such test and examination as may be conducted by the Board. The Board will consist of the Chairman of the Bar Council as the Chairman, the Vice-Chairman of the Bar Council, Chairmen of all the committees and members of the Enrolment Committee. Members of the Board will require the candidates to appear before the Board. The Board will accord permission to a candidate if it is satisfied that the candidate concerned has fulfilled all the conditions and is duly qualified for the permission. The Board may sit for taking the test as and when deemed necessary. The unsuccessful candidate may appear subsequently in the next examination. Necessary quorum for a meeting shall be of three members. In the absence of the Chairman the meeting shall be presided over by the Vice-Chairman and in absence of both it will be presided over by the

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<sup>1</sup> Added by Gazette Notification dt Oct. 23, 1997.

<sup>2</sup> Added by Gazette Notification dt March 12, 1998.

<sup>3</sup> Added by Gazette Notification dt July 23, 2007.

<sup>4</sup> Subs by Gazette Notification dt Oct 23, 1997.

member voted to the chair.]<sup>1</sup> [The Chairman or any member of the Board may invite any other member of the Bar Council to assist the Board in conducting any test and examination of candidates.]<sup>2</sup>

[(3) Where the Board determines to conduct written test the syllabus for the same shall be as decided by the Board which may among others include the following:-

- (a) Drafting of a Memo of Appeal against a judgment (Civil & Criminal)
- (b) Drafting of a habeas corpus petition.
- (c) Drafting of a petition u/s 561-A Cr.P.C.
- (d) Drafting of a Civil Revision u/s 115 C.P.C.
- (e) Drafting of a writ petition.

Every question shall carry 25 marks or such other marks and distribution thereof shall be as decided by the Board. In deciding distribution of marks following standard may be followed as a guide line as far as possible.

- (i) For format-5 marks
- (ii) For arrangement of fact-5 marks
- (iii) For formulation of prayer-5 marks,
- (iv) For language and style-5 marks”
- (v) For application of law and framing of grounds-5 marks.]<sup>3</sup>

[(4) Qualifying marks for written test shall be 12 out of 25 and for oral test shall be 12 out of 25; but the aggregate marks of the two tests must be at least 25 (i.e. 12+13). If an Advocate after qualifying the written test does not appear in the oral test or having appeared failed to pass the oral test he/she may be allowed to appear for the next test only without having to sit for written test, on payment of specified fees as may be decided from time to time, failing which the result of his/her written test shall be treated as cancelled.]<sup>4</sup>

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<sup>1</sup> Subs by Gazette Notification dt Oct 23, 1997.

<sup>2</sup> Added by Gazette Notification dt March 12, 1998.

<sup>3</sup> Added by Gazette Notification dt Dec. 18, 1997.

<sup>4</sup> Added by Gazette Notification dt Sep. 9, 2004.

66. (1) No person shall practise as an Advocate unless he is a member of a Bar Association of the place at which he ordinarily practises, which Association has been recognized under the rules next following.

[(2) The certificate of enrolment of a person who has not become a member of a Bar Association within six months of his enrolment shall stand automatically suspended;

Provided that a person who has been issued a certificate of enrolment before the coming into force of the amended rule 62, but has not become a member of a Bar Association, may apply to the Bar Council through the Bar Association of the place where he practises or intends to practise after becoming a member of the said Bar Association for removal of the suspension.]<sup>1</sup>

Provided further that the name of a person who has failed to obtain his/her enrolment Sanad within 6 months from the date of his/her enrolment may be struck off the roll of Advocates if his/her reply to the show cause notice is found to be unsatisfactory and unacceptable.

(3) Every Advocate whose application for being admitted as a member of a Bar Association has been dismissed by the Bar Association shall have a right to appeal to Bar Council. The appeal shall be filed within two months of the communication to him of the order appealed against. The appellate authority shall have jurisdiction to grant stay of the operation of the order against the advocate and may for sufficient cause condone the delay in the filing of the appeal.

No removal of any Advocate from the membership of a Bar Association shall be recognized by the Bar Council, unless it be for non payment of the dues of the Association or for any misappropriation of the funds or of the property of the Association.

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<sup>1</sup> Added by Gazette Notification dt March 29, 1973.

(4) In case the name of an advocate is removed from the roll of members of a Bar Association he shall have like remedies as he would have if his application for admission as a member of a Bar Association was dismissed and the appellate authority shall have similar powers.

67. (1) Any Association of advocates ordinarily practising at a particular place may apply to the Bar Council for recognition as a Bar Association to which these rules apply. The application shall be filed by the President or Secretary of the Association.

[Provided that an Association of Advocates ordinarily practising in the newly constituted Upazila headquarters shall not be recognized as a Bar Association to which these rules apply.]

Provided further that on coming into force of the above proviso, recognition of the Association of Advocates in the newly constituted Upazila headquarters except Association which were existing before Ordinance No.LIX of 1982 came into force stand revoked and such Associations shall cease to function as Bar Association to which these rules apply.]<sup>1</sup>

(2) It will be sufficient compliance with this rule for a Bar Association which is in existence at the date of the coming into force of these rules that an application for the recognition of such Bar Association is submitted to the Bar Council within three months of the coming into force of these rules and has not been dismissed.

(3) The Bar Council shall decide an application for recognition of a Bar Association within four months of the submission of an application in this behalf and in case it fails to decide within this period the members of that Bar Association shall be regarded as members of

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<sup>1</sup> Inserted by Gazette Notification dt Feb. 11, 1988.

that Bar Association till the question of recognition of such Bar Association is decided by the Bar Council.

(4) In places save Dhaka if there be a Bar Association existing at the date of the coming into force of these rules which Bar Association has been recognized or has submitted an application for recognition which has not been dismissed any application by some other Bar Association shall not be entertained unless exceptional reasons, to be recorded, exist. When there are more applications than one for recognition from the same place the Bar Council shall decide as to which of the association shall be recognized.

[(5) Notwithstanding anything contained in this rule, any Association of advocates ordinarily practising at any permanent Bench of the High Court Division of the Supreme Court may also apply to the Bar Council for recognition as a Bar Association under these rules.]<sup>1</sup>

68. Advocate shall be liable to pay the following fees :-

- (a) an enrolment fee of [Taka 1500.00;]<sup>2</sup>
- (b) an annual fee of Taka 200.00 to be paid along with the application for enrolment in respect of the first year or part of the first year in which the applicant will be entitled to practise, and to be paid subsequently for each year by the 31st December of the preceding year, provided that if any Advocate fails to pay the annual fee by the 31<sup>st</sup> December of the preceding year he may pay the same by the 31<sup>st</sup> January of the year of payment without any late fee as mentioned in Rule 69 of these Rules :

Provided further that the annual fee shall not be payable in case the fee for permission to practise before the High Court mentioned in the next clause is or has been paid.]<sup>3</sup>

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<sup>1</sup> Substituted by Gazette Notification dt Oct. 6, 1983.

<sup>2</sup> Substituted by Gazette Notification dt July 23, 2007.

<sup>3</sup> Substituted by Gazette Notification dt Sept. 17, 2008.

(c) a fee of [Taka 5,000.00]<sup>1</sup> for permission to practise before the High Court in cases covered by Article 21.

[The Bar Council shall issue a certificate in form B to every person enrolled as an Advocate to practise before any Court, Tribunal or Revenue Authority subordinate to the High Court Division and a certificate in form D to every Advocate permitted to practise before the High Court Division of the Supreme Court of Bangladesh. A receipt in form C shall be issued to every Advocate paying annual fee etc. ]<sup>2</sup>

69. [Every advocate who fails to pay the annual fee for a year by the 31st of December of the preceding year may pay the same to the Bar Council by the 31<sup>st</sup> of January of the year of payment, otherwise the fee shall be payable with a further fee for late payment of Tk. 10/- for each month of delay commencing from the month of January of the year of payment.]<sup>3</sup>
70. An advocate may apply that his certificate be suspended because he intends to discontinue his practice in order to carry on business or to join some other profession or vocation and he may apply also for the termination of such suspension. An advocate may apply too that his name be altogether removed from the roll of advocates.
71. All disputes relating to seniority shall be determined by the Enrolment Committee and in case the contestants are not entered in the roll in the correct order, amendment in the roll will be made giving effect to the decision of the Enrolment Committee by pasting correction slips in the roll.
72. All additions, alterations and corrections made in the roll shall be communicated to the High Court within seven days of the additions, etc.
73. The roll prepared under Article 20 and all additions, alterations and corrections made therein shall be notified in the official Gazette.

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<sup>1</sup> Substituted by Gazette Notification dt July 23, 2007.

<sup>2</sup> Substituted by Gazette Notification dt April 19, 2005.

<sup>3</sup> Substituted by Gazette Notification dt Sept. 17, 2008.

[73A. Notwithstanding anything contained in these rules the Bar Council may issue certificate of enrolment [to practise]<sup>1</sup> as advocate to a person who has become qualified to be enrolled as advocate under the Bangladesh Legal Practitioners and Bar Council (Second Amendment) Act, 1974 without his becoming a member of any Advocates' Bar Association.]<sup>2</sup>

## **CHAPTER VII**

### **Committees**

74. (1) All Committees that are called upon to submit reports upon matters referred to them shall submit reports in the following manner:-
- (a) comprehensive and clear enunciation of the question considered by the Committee shall be set out;
  - (b) as far as practicable, specific issues should be dealt with separately and arguments for and against each proposal should be set out;
  - (c) a detailed statement should be set out of the date upon which the Committee have applied their mind and the conclusions arrived at as a result of such consideration, and further wherever opinions of Bar Associations or any other persons has been elicited the substance of the opinion and the analysis thereof;
  - (d) a specific draft resolution or draft resolutions setting forth the recommendations, the Committee desires the Bar Council to adopt, shall be submitted with report.
- (2) The opinion of the Committee can be dissented from by any member of the Committee and he may append a minute of dissent which shall form part of the report.

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<sup>1</sup> Inserted by Gazette Notification dt Dec. 28, 1978.

<sup>2</sup> Inserted by Gazette Notification dt Oct. 2, 1975.

75. The Chairman of every Committee other than the Legal Education Committee shall be elected by the Bar Council.

[75A. The Bar Council, in order to ensure effective performance of its existing work and responsibilities, may constitute the following Committees, namely: -

(i) a Law Reform Committee consisting of not more than 5 members elected by the Council ;

(ii) a Human Rights & Legal Aid Committee consisting of not more than 5 members elected by the Council ;

(iii) a House Committee consisting of not more than 5 members elected by the Council ;

(iv) a Relief Committee consisting of not more than 5 members elected by the Council ;

(v) a Roll and Publication Committee consisting of not more than 5 members elected by the Council ;

(vi) a Complaint and Vigilance Committee consisting of not more than 5 members elected by the Council ;

75B. The powers and functions of the Committees constituted under Rule 75A shall be as under :-

(i) The Law Reform Committee shall undertake the research work on various laws of the country and place their recommendation for any change of law as it may deem necessary, review existing laws including the Bar Council Order, Canons of Professional Conduct and Etiquette, compile recommendations from various Bar Associations for law reform including the framing of uniform rules and bye laws for the Bar Associations, liaise with the permanent law commission and with the Parliamentary Committee on law, justice and parliamentary affairs, and with law Ministry and develop advocacy programmes for law reform and help develop a policy

in law making on behalf of the Bar Council and to lobby, monitor and sensitize the legislative process in order to bring effective change in areas of public interest and the profession in order to establish Rule of law, ensure equal justice, enforcement of human rights and to improve the justice delivery system in general.

**(ii)** The Human Rights & Legal Aid Committee will help develop and organise as well as to motivate various monitoring cells in various Bar Associations, collect reports for appropriate actions, compilation and dissemination of information and reports, and will develop a network for giving legal aid in appropriate cases, liaise with the Government and various Bar Associations for proper utilisation of government grants for Legal aid.

**(iii)** The House Committee will look after the administration and management of the Rest House and the canteen, enforce the Rest House Rules, arrange purchase of any materials for the use of the Bar Council and for any work order including construction and to float tender and invite quotation etc., as it may deem proper and expedient and place its recommendation including the framing of purchase rules in respect of the same and also perform any other function as may be assigned to it by the Executive Committee.

**(iv)** The Relief Committee shall be responsible for scrutinizing the applications for grant out of the Relief Fund, to liaise with the respective Bar Association receiving the application, if needed, and place its recommendation in appropriate cases to the Finance Committee and help the Advocates in case of any medical or other problem, and to meet such emergency and contingency as may be deemed proper.

**(v)** The Roll and Publication Committee shall be responsible for the management and publication of the BLD, any law book, journal, Souvenir, Directory and help maintain the Advocates roll in an organized manner.

(vi) The Complaint and Vigilance Committee shall receive complaint and keep vigilance on the general environment in the justice delivery system and on the conduct of lawyers and regarding relationship between the Bar and the Bench and any grievance relating to the justice delivery mechanism. It will examine and investigate into any complaint made to it and report on the same to the Bar Council for taking up the matter for resolution of the problems and redress of the grievance with concerned authorities (i.e. the Hon'ble Chief Justice, the Law Ministry). In case of complaint against the Advocates after the inquiry and scrutiny the same shall be referred to the Executive Committee for necessary steps. It will inquire into the dispute or grievances as may exist between the Bar and the Bench with a view to develop a healthy growth of relationship for effective dispensation of justice.]<sup>1</sup>

76. The term of every Committee shall be the same as that of the Bar Council itself unless the Bar Council when constituting the Committee provided otherwise.

77. Every Committee shall be convened by the Secretary or by its Chairman who will determine the time and place thereof.

78. The business of a Committee shall be transacted in a meeting of the Committee.

Provided that where in the opinion of the Chairman of the Committee it is expedient to transact business and to obtain views of its members, by circulation he may do so and take a decision accordingly. A decision so taken shall be deemed to have the same force as if taken in a meeting of the Committee in case the views of the members are unanimous.

79. A Committee shall have power to decide upon its own procedure in matters not covered by the rules.

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<sup>1</sup> Added by Gazette Notification dt July 16, 1998.

## CHAPTER VIII

### Finance

80. (1) The Chairman shall be responsible for realizing all the moneys due to the Bar Council and for the management, administration and utilization of the fund of the Council.
- [ (2) The Secretary shall be the disbursing authority. He shall approve bills of all petty expenditure i.e. purchase of stationary, postage, cost of maintenance of the office and equipment and for all incidental costs for holding meetings, seminars, conference including the expenses for entertainment etc. No payment shall be made out of fund of the Bar Council except upon the order of the Chairman or the Vice-Chairman. The Chairman and the Vice-Chairman shall have the concurrent power to order payment in any case. In case of absence of both the Chairman and the Vice-Chairman, the Chairman Executive Committee shall have power to order payment. All expenditure out of the petty cash shall be periodically checked by the Chairman, Finance Committee.]<sup>1</sup>
- (3) All accounts relating to the fund of the Council, shall be subject to supervision and periodical check by the Chairman and or the Vice-Chairman.
81. (1) The moneys credited to the fund of the Bar Council shall be kept in such bank or banks and the accounts shall be operated by such person as the Bar Council may specify.
- (2) The Bar Council may invest any portion of the fund of the Council in such manner as it may think proper.
- (3) The Bar Council may constitute a separate fund for any special purpose, which shall be administered and regulated in such manner as the Bar Council may specify.

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<sup>1</sup> Subs. this Sub Rule by Gazette Notification dt Dec. 18, 1997.

82. The moneys from time to time credited to the fund of the Bar Council shall be applied in the following order :-

Firstly.- In the payment of salaries and allowances to the members of the staff of the Council.

Secondly.- In the fulfilment of any obligation and in the discharge of any duty imposed on the Council under the order or these rules; and

Thirdly.- In meeting the expenditure declared by the Council to be an appropriate charge on the fund.

83. (1) A Cash Book shall be maintained by the Bar Council as in Form "E" appended to these rules.

(2) The receipt of all cash and cheques received for credit to the fund of the Bar Council shall be entered on the receipt side of the Cash Book as soon as the receipt is issued.

(3) The disbursement of all money from the fund of the Bar Council shall be entered on the expenditure side of the Cash Book as soon as the disbursement is made.

(4) At the end of each day, the totals of the amounts received and spent during the day shall be worked out and the balance struck.

(5) The amount remitted to the bank each day shall be shown in the appropriate column of the Cash Book, indicating the number and date of the deposit voucher with which the amount is thus remitted.

(6) All entries in the Cash Book shall be checked by the Secretary item by item with reference to the receipts and vouchers, and attested in token of check. The Cash Book shall be signed by the Secretary daily.

(7) At the end of each month, the balance shall be struck and the closing balance verified with reference to the bank pass book.

- (8) The totals of various columns in the book shall be carried forward into the next months' account.
84. (1) At the end of each quarter a quarterly statement of account giving full details of income and expenditure shall be compiled and laid before the Bar Council.
- (2) At the end of each financial year, an annual account in Form "F" appended to these rules shall be compiled.
- (3) The annual account so compiled shall be audited by a Chartered Accountant within the meaning of the Chartered Accountants Ordinance, 1961, appointed by the Bar Council on such remuneration as may be fixed by the Bar Council.
- (4) The auditor appointed under sub-rule (3) shall examine the accounts together with the receipt and vouchers relating thereto, and shall at all reasonable times have access to the books, accounts and other documents of the Bar Council and may in relation to such accounts, examine any officer or employee of the Council.
- (5) The auditor shall report to the Bar Council upon the annual account and in his report he shall state whether in his opinion the annual account is a full and fair account containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the finances of the Bar Council.
- (6) The Chairman shall furnish to each member of the Bar Council at least fifteen days before the date of the meeting of the Council called in the beginning of the financial year a copy of the audited annual account.
85. Members of the Bar Council shall be eligible for Economy class fare where air service is available. All members shall be entitled to first class train/steamer fare where train/steamer service is available.

- [86. Draft Budget Estimate is to be placed before the Finance Committee for scrutiny prior to presentation before the Bar Council for approval.
87. The Chairman of the Finance Committee shall periodically check the work of collection of the different funds of the Bar Council including the Benevolent Fund and report the result of checking to the Chairman of the Bar Council with specific findings.
88. All applications for benefit out of the Benevolent Fund after processing by the office shall be referred to the Finance Committee for scrutiny prior to placing before the Bar Council.]<sup>1</sup>

## CHAPTER IX

### Travelling Allowance

89. Members of the Bar Council from outside Dhaka shall be entitled to a daily allowance of [Taka 400.00]<sup>2</sup> including a conveyance allowance of Taka 25.00 per day for the days of a meeting of the Bar Council or of a Committee of the Bar Council provided that if a member arrives earlier than the date of the meeting he shall be entitled to an additional allowance of one day and similarly if he returns from the meeting after the date of the termination of the meeting he shall be entitled to a further additional allowance for one day.

Members of the Bar Council residing at Dhaka shall be entitled to a Conveyance Allowance of Tk.25.00 per day for attending meetings of the Council and also meetings of the Standing Committees, other Sub-Committees and tribunals with effect from 1.7.1976.

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<sup>1</sup> Rules 86, 87 & 88 have been added by Gazette Notification dt March 2, 1978.

<sup>2</sup> Subs. by Gazette Notification dt July 23, 2007.

89A. All members of tribunals shall be entitled to sitting allowance of [Tk.500.00]<sup>1</sup> per day for attending tribunals. They shall not be entitled to daily allowance and conveyance allowance as per rule 89 if they receive sitting allowance.

90. [(a) When the journey is performed by road, members will be entitled to draw mileage at 0.50 paisa per mile, where no communication by air, railway or steamer, is available or the journey cannot be performed without loss of time.]<sup>2</sup>

(b) Members shall be entitled to actual expense of the journey when the journey is performed by road.

## CHAPTER X

### Miscellaneous

91. (1) A member of the Bar Council shall vacate his seat if -

(a) he resigns his seat by delivery of his resignation to the Secretary (the resignation being effective from the time it is so delivered); or

(b) he is removed from the roll; or

(c) he is absent for three consecutive meetings of the Bar Council, the interval between the first and the last meeting being of not less than four months;

Provided that a meeting for the absence from which the member has taken permission of the Chairman shall not be regarded as a meeting from which he is absent.

[(d) he is elevated as a Judge of the Supreme Court.]<sup>3</sup>

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<sup>1</sup> Subs. by Gazette Notification dt. July 23, 2007.

<sup>2</sup> Inserted by Gazette Notification dt. March 29, 1973.

<sup>3</sup> Inserted by Gazette Notification dt. Dec. 18, 1997.

- (2) A member of the Bar Council who is suspended as an Advocate shall not act as a member during the period of his suspension but shall vacate his seat only if his suspension is for a year or more or covers the whole of his remaining terms as a member.
92. The co-option in accordance with Article 7(3) will take place only at a meeting of the Bar Council convened for that purpose of which eight days notice has been given to the members of the Bar Council.
93. Registers shall be maintained with respect to the disciplinary proceedings and the election petitions, and all the records of the disciplinary proceedings as well as election shall be preserved till they are ordered to be destroyed by the Bar Council.
94. All parties to proceedings shall be entitled on payment of the prescribed fee to certified copies of all proceedings before the Bar Council, or the Tribunal, or any Committee of the Bar Council. Any other person interested may subject to the orders of the Chairman or of the Bar Council be supplied with a certified copy of any such proceedings as is mentioned above. The same fees shall be charged for the certified copies as are charged by the High Court.
95. All applications filed in the disciplinary proceedings by any party shall be accompanied by a payment of [Taka 20.00]<sup>1</sup> except in the case of an application filed by the Attorney General or any Advocate appearing on his behalf.
96. All advocates appearing before the Bar Council or before any Tribunal, or Committee of the Bar Council, except the Attorney General or an advocate appearing on his behalf, shall file a power of attorney along with a deposit of [Taka 20.00]<sup>2</sup> to be paid to the Secretary of the Bar Council.
97. All moneys required to be paid under these rules shall be paid to the Secretary of the Bar Council or such other person as may be authorized in this behalf by the Bar Council and

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<sup>1</sup> Subs by Gazette Notification dt. May 25, 1991.

<sup>2</sup> Ibid.

the receipt for the money paid shall be attached to the proceedings in respect of which the payment is made.

98. Parties to proceedings shall be entitled to inspection of the record on payment of [Taka 20.00]<sup>1</sup> per day or part thereof.
99. [An advocate is entitled to a duplicate copy of his enrolment certificate on filing application to the Secretary of the Bar Council and on payment of a fee of Tk.500.00, a copy of duplicate Receipt Book as per Form 'C' on payment of a fee of Tk.200.00 and his/her identity card on payment of Tk.200.00. An advocate is also entitled to a certificate of standing in the profession on filing an application to the Secretary on payment of a fee of Tk.500,00." ]<sup>2</sup>

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<sup>1</sup> Subs. by Gazette Notification dt. May 25, 1991.

<sup>2</sup> Subs. by Gazette Notification dt. July 23, 1997.

**(FORM OF CONTRACT OF PUPILAGE UNDER SUB-RULE (3)(II) OF  
RULE 60 OF THE BANGLADESH BAR COUNCIL RULES)**

Articles of Agreement made and concluded this the . . . . . day  
of . . . . ., 200...

Between

Mr. . . . . ., Advocate enrolled in the year . . . . . of  
the . . . . . Bar Association and Mr. . . . . of . .  
. . . . .

Now these presents witness that Mr.. . . . .(pupil) . . . . of his own  
free will doth hereby place and bind himself as a pupil of the said Mr.. .  
. . . (Sr.)..... to be by him taught and instructed in the practice and  
profession of an Advocate and agree to serve him from the date hereof  
for and during and until the full end of 6/18 months. That the said Mr.. .  
. . .(pupil). . . . doth covenant and agree with the said Mr.. . . . .  
. (Sr.) . . . . .and those of his clients and readily and cheerfully obey  
and execute his lawful and reasonable commands and shall not depart  
or absent himself from the said service and employ of the said Mr. . .  
(Sr.) . . . . .any time during the said term without his consent first had  
and obtained and shall honestly and faithfully behave himself in all  
respects as a good and faithful pupil and the said Mr.. . . (pupil) . . . .  
.doth covenant to and agree with the said Mr.. .(Sr.) . . . . .by these  
presents that the said Mr.. . . . . (Sr.) . . . . . shall and will accept and  
take the said Mr.. . . . . (pupil) .. . . . . as his pupil for and during  
the said term of 6/18 months and shall and will by the best ways and  
means in his power and to the best of his knowledge shall teach and  
instruct or cause to be taught and instructed the said Mr.. . . . .(pupil) .  
. . . in the practice and profession of an Advocate.

In witness whereof the said parties to these presents have hereunto  
signed and subscribed their respective hands this day, this year first  
above written.

Signature and address  
of the Advocate

Witnessed by:

- 1)
- 2)

Signature and address of  
the pupil

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Note: This contract shall be executed on non-judicial stamp of Taka 150.00 and shall be filed with the Secretary of the Bar Council within 30 days from the date of execution along with a Registration fee of Tk.400.00 and a copy of Law degree certificate or a testimonial of appearance of Law degree final examination. **The pupil shall also fill in a Registration form and submit the same.**

**AFFIDAVIT**

**(AFFIRMING EXECUTION OF THE CONTRACT OF PUPILAGE UNDER SUB-RULE (3)(II) OF RULE 60 OF THE BANGLADESH BAR COUNCIL RULES)**

I. ....son/daughter of. ....  
..... of village. .... P.O. ....  
..... Dist. ...., a pupil for  
enrolment as Advocate, aged about. .... years, a  
citizen of Bangladesh, do hereby solemnly affirm and declare as  
follows :-

1. That on the. .... day of. ....,  
200. .... a contract of pupilage required under sub-rule (3)(II)  
of rule 60 of the Bangladesh Bar Council Rules as contained in  
Articles of pupilage hereto annexed and marked as Annexure-'A'  
was duly executed by me and Mr. ....  
..... an Advocate of the. .... Bar  
Association who has practised as Advocate for not less than 10  
(ten) years.

2. That the statements made above are true to my knowledge.

Signature of the pupil

Date, seal & signature of the  
Magistrate

The deponent is known to me  
and he has signed his name  
in my presence.

Signature of Advocate

Note:- 1) Affidavit must bear a passport size photograph  
duly attested at the time of affirmation of the affidavit.  
2) This affidavit shall be executed on non-judicial stamp  
of Taka 50.00

**Bangladesh Bar Council**  
**Pupilage Registration Form**

- (1) Name of applicant  
(in block letter) :
- (2) Father's name :
- (3) Mother's name :
- (4) Date of birth :
- (5) Mailing Address with phone No. if any :
- (6) Permanent Address :
- (7) Nationality :
- (8) Academic qualifications with date on which acquired :

Name of the examination starting from ssc or equivalent	Year of Passing	Roll No.	Board/University	Division/Class/CG PA

- (9) Name of pupil master (Senior) :
- (10) Name of Bar to which his Senior is a member :
- (11) Date of Enrolment of his/her Senior :
- (12) Whether the enrolment of the applicant has previously been cancelled by the Bar Council :

Date : \_\_\_\_\_  
Signature of the applicant.

**N. B.** Incomplete Registration Form shall be treated as rejected.  
The Registration Form shall be accompanied by :

- (i) A contract of pupilage executed on non-judicial stamp of Taka 150.00 and shall be filed with the Secretary of the Bar Council

- (ii) Copies of S.S.C, H.S.C and Degree or equivalent certificates and marks sheets and copy of Law degree certificate or a testimonial of appearance of Law degree final examination (In case of Foreign University degree an equivalency certificate from University Grant Commission/Ministry of Education of Bangladesh shall have to be submitted.)
- (iii) Three copies of attested recent passport size colored photographs.
- (iv) A receipt of payment of Registration fee of Tk. 400.00

**FORM 'A'**  
(See Rule 58)

**Application for enrolment as Advocate**

FORM 'A'  
(See Rule 58)

- (1) Name of the applicant (In block letters) :
- (2) Father's name :
- (3) Mother's name :
- (4) Date of birth with age :
- (5) Mailing Address with contact No. if any :
- (6) Permanent Address :
- (7) Nationality :
- (8) Academic qualifications with date on which acquired :

Name of the Examination starting from SSC or equivalent	Year of Passing	Roll No.	Board/University	Division/Class/CGPA

- (9) Pupilage Registration No. .... of .....
- (10) Name of the Bar Association which he/she intends to join :
- (11) Whether he/she is engaged in any business : profession, service or vocation in Bangladesh, if so, the nature thereof and the place at which it is carried on.
- (12) Whether the applicant has been declared insolvent :
- (13) Whether the applicant has been dismissed : from the service of Government or of a public statutory corporation, if so, date and reason thereof

- (14) Whether the applicant has been convicted of :  
any offence involving moral turpitude , if so,  
date and particulars thereof
- (15) Whether the enrolment of the applicant has :  
previously been cancelled by the Bar Council
- (16) An undertaking by the applicant that he/she shall become a  
member of a recognized Bar Association and obtain  
enrolment sanad within 6 months of his/her date of  
enrolment.

Date. .... Signature of applicant

N.B. Incomplete application shall be treated as rejected. The application shall be accompanied by:-

- (i) A certificate of completion of training in Form "G" on cartridge paper together with a list of at least 10 cases (5 civil & 5 criminal)
- (ii) Copies of academic certificates/Call to the Bar certificate and marks sheet thereof attested by his/her senior or Secretary of a Bar Association. (In case of Foreign University degree an equivalency certificate from University Grant Commission/Ministry of Education of Bangladesh shall have to be submitted.)
- (iii) Two testimonials from persons in good position as to the character and conduct of the applicant.
- (iv) Four copies of attested recent passport size coloured photographs.
- (v) An affidavit stating fully, truly and accurately, if any criminal proceeding or proceedings for professional misconduct were instituted against him in any country and if so with what result and further stating that the statements made in the application in Form "A" are true and accurate.
- (vi) A receipt of payment of fee of Taka 2,400.00. (i.e. Tk. 1,500/- as Enrolment fee Tk. 700/- as examination fee & Tk. 200/- as Annual fee)

**AFFIDAVIT**

IN THE COURT OF MAGISTRATE, FIRST CLASS,...

I, .....  
son/daughter/wife of. .... aged about. ....  
years, by faith. ...., by profession a  
pupil for enrolment as Advocate, resident of. ....  
P.S.. .... District. .... do hereby  
solemnly affirm and declare as follows :-

1. That I am not engaged in any trade, business or service.
2. That I was not dismissed from Government service or public statutory corporation on charge of moral turpitude.
3. That no criminal proceeding or proceedings for professional misconduct were instituted against me in any country.
4. That the statements made in the application in form 'A' are true and accurate.
5. That the statements made above are true to my knowledge and belief and I have put my signature in this affidavit before the Magistrate first Class. .... fully knowing the contents of it.

Signature of the applicant

The deponent is known to me and  
identified by me and he has  
signed his name in my presence.

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Note:- This affidavit shall be executed on non-judicial stamp of  
Taka 50.00

“Form – ‘B’<sup>1</sup>  
[See Rule 62]

**THE BANGLADESH BAR COUNCIL**

*No.* .....

Certificate of Enrolment as an Advocate

This is to certify that Mr./Ms .....  
..... son/daughter/wife of .....  
..... has this the ..... day of .....  
been admitted and enrolled as an Advocate on the Roll of this  
Bar Council to practise before any Court, Tribunal or Revenue  
Authority subordinate to the High Court Division of the Supreme  
Court of Bangladesh.

Given under our hands and the common seal of the  
Bangladesh Bar Council this the ..... day of .....

Bar Council Bhaban, .....  
Ramna, Dhaka            Secretary            Vice-Chairman            Chairman”

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<sup>1</sup> Substituted by Gazette Notification dt. April 19, 2005.

*Receipt of Payment of Annual Fee etc. <sup>1</sup>*

**FORM C**

[See Rule 68b]

**THE BANGLADESH BAR COUNCIL**

Name of Advocate :

Son/Daughter/Wife of :

Date of Enrolment :

Name of Bar :

Serial No. of Roll :

1. Annual fee for the year .....	Tk.
2. Late fee for late payment of annual fee	Tk..
3. Benevolent Fund contribution for ....	Tk.
4. Late fee for late payment of B.F.	Tk.
5. Relief Fund contribution for .....	Tk.
6. Miscellaneous	Tk.

Total Tk.

Received the amount vide Bank Draft/Cash  
Receipt(issued by Bank) No.\_\_\_\_\_ dt.\_\_\_\_\_

Accepted.  
By order of the  
Bangladesh Bar Council.

Signature of the dealing officer

Secretary  
Bangladesh Bar Council.

<sup>1</sup> Substituted by Gazette Notification dt. May 25, 1991.

“Form – ‘D’<sup>1</sup>  
[See Rule 68(c)]

THE BANGLADESH BAR COUNCIL

*No.* .....

Permission to practise in the  
High Court Division

This is to certify that Mr./Ms .....  
..... son/daughter/wife of .....  
..... who is an Advocate of this Bar Council  
enrolled on ..... has this day been permitted to  
practise in the High Court Division of the Supreme Court of  
Bangladesh.

Given under our hands and the common seal of the  
Bangladesh Bar Council this the ..... day of .....

Bar Council Bhaban, .....  
Ramna, Dhaka            Secretary      Vice-Chairman      Chairman”

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<sup>1</sup> Subs. by Gazette Notification dt. April 19, 2005

**FORM E**

[See Rule 83(1)]

Folio No. Cash/Bank book

Receipt						
Date	Vr.No.	Particulars	Lf.	Cash	Bank	Bank

Payment							
Date	Vr.No	Particulars	Lf	Cash	Bank	Bank	Bank

**FORM F**

[See Rule 84 (2)]

Income and expenditure Account for the year ended .....

Expenditure	Income
Salaries.....	Enrolment fee.....
Printing & stationery.....	Annual fee.....
Books & Periodicals	Fee for permission to
practise	in High Court.....
Postage,Telegram and	Other fee.....
Telephone.....	Interest
Bank charges.....	Miscellaneous income
earned.....	
Entertainment.....	
Travelling & Conveyance.....	
Electricity.....	
Audit fee	
Miscellaneous expenses	
Repair and maintenance	

Depreciation.....

EXCESS OF INCOME OVER  
EXPENDITURE

EXCESS OF EXPENDITURE  
OVER INCOME

Balance Sheet as at .....

Funds and Liabilities  
Taka  
FUNDS:  
Opening Balance.....  
add Excess of Income  
over expenditure for the year  
Depreciation

Properties and Assets  
Taka  
FIXED ASSETS:  
(As per schedule annexed)  
At cost  
Less Accumulated

CURRENT LIABILITIES:  
For Expenses.....  
For Goods.....  
For other Finance.....

INVESTMENTS:  
  
CURRENT ASSETS:  
Advances, Deposits and  
Pre-Payments.....

CASH:  
With Bank in current  
Account.....  
With Bank in Saving  
Bank Account.....  
With Bank in Fixed  
Deposit Account.....  
In hand.....

N.B. These forms may be modified at any time to conform to  
best accepted accounting practices.

**FORM 'G'**

[See Rule 60]

**THE BANGLADESH BAR COUNCIL**  
Certificate of Training

[I,..... Advocate of ..... Bar Association do hereby certify that Mr./Miss/Mrs..... son/daughter/wife of ..... had training with me for a period of six months (from..... to ..... ) in accordance with the Legal Practitioners and Bar Council Rules, 1972; that at the time when I took him/her as a pupil, I had been entitled to practise as an Advocate for a period of not less than 10 years; that I did not have more than four pupils during the time of his/her pupillage; that although I had more than four pupils during the whole or portion of his/her pupillage he/she was for the whole or for that portion of the period of his/her pupillage one out of the first four pupils considered in the order in which they were taken as pupils; that I was practising at the Bar during the whole period of pupillage and that a written intimation as to his/her having joined me as a pupil, signed by both of us had been sent to the Secretary of the Bar Council within one month of the commencement of pupillage.

Date.....

Signature of Advocate.

**N.B.** The Advocate shall specify in the certificate or as a separate Annexure thereto at least ten cases in which he had the assistance of the person who was in his pupillage]<sup>1</sup>

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<sup>1</sup> Inserted by Gazette Notification dt. March 29, 1973.

**Form- 'H'**

(See Rule 65-A(1))

**BANGLADESH BAR COUNCIL**

Form of application under Article 21(1)(a) of the Bangladesh Legal Practitioners and Bar Council Order, 1972 for permission to practise as an Advocate before the High Court Division of the Supreme Court of Bangladesh.

- (1) Name (in block letter) :
- (2) Father's name :
- (3) Mother's name :
- (4) Date of Enrolment :
- (5) Date of Birth :
- (6) Name of the Bar Association :
- (7) Date of Membership in the Bar Association :
- (8) Present address with contact No.:
- (9) Permanent address :
- (10) Academic qualifications with date on :  
which acquired

<b>Name of the Examination starting from SSC or equivalent</b>	<b>Year of Passing</b>	<b>Roll No.</b>	<b>Board/University</b>	<b>Division/Class/CG PA</b>

- (11) Name of the Senior, if any, under :  
whom the applicant worked for  
at least two years.

Date:

-----  
Signature of the applicant.

N.B. Incomplete application shall be treated as rejected. The application shall be accompanied by:

- (i) Attested copies of S.S.C, H.S.C, Degree and LL.B/LL.B(Hons)/LL.M./Call to the Bar certificate and marks sheet attested by his/her senior or Secretary of any Bar Association. (In case of Foreign University degree an equivalency certificate from University Grant Commission/Ministry of Education of Bangladesh shall have to be submitted.)
- (ii) A Bank Draft/Pay Order No. ---- dated.----- for Tk.6,000/- only in the name of the "Bangladesh Bar Council", Dhaka.
- (iii) A certificate from the President/Secretary of concerned Bar Association regarding regular practice in courts mentioning the date of membership in the Bar.
- (iv) A list of at least 25 cases conducted in courts.
- (v) Attested Photo copy of the Receipt Book (Green Book) showing payment of annual fee etc. for the current year.
- (vi) Attested Photo copy of Enrolment sanad issued by the Bar Council.
- (vii) Four copies of attested recent passport size colored photographs.
- (viii) A certificate from the Senior if any, in the prescribed form.

**Form- 'H'(1)**

(See Rule 65-A(1))

**BANGLADESH BAR COUNCIL**

Form of application under Article 21(1)(c) read with Rule 65-A of the Bangladesh Legal Practitioners and Bar Council Order, 1972 for permission to practise as an Advocate before the High Court Division of the Supreme Court of Bangladesh.

- (1) Name (in block letter) :
- (2) Father's name :
- (3) Mother's name :
- (4) Date of Enrolment :
- (5) Date of Birth :
- (6) Name of the Bar Association :
- (7) Date of Membership in the Bar Association :
- (8) Whether the applicant is a Barrister or having LL.M. with higher 2nd class. State percentage of marks in LL.M. exam. :
- (9) Present address with contact No.:
- (10) Permanent address :
- (11) Academic qualifications with date on which acquired :

Name of the Examination starting from SSC or equivalent	Year of Passing	Roll No.	Board/ University	Division/Class/ CGPA

(12) Name of Senior Advocate under :  
whom the applicant worked for  
at least one year

Date :

-----  
Signature of the applicant.

N.B. Incomplete application shall be treated as rejected. The application shall be accompanied by:

- (i) Attested copies of S.S.C, H.S.C, Degree and LL.B/LL.B(Hons)/LL.M./Call to the Bar certificate and marks sheet attested by his/her senior or Secretary of any Bar Association. (In case of Foreign University degree an equivalency certificate from University Grant Commission /Ministry of Education of Bangladesh shall have to be submitted.)
- (ii) A Bank Draft/Pay Order No. ---- dated.----- for Tk.6,000/- only in the name of the "Bangladesh Bar Council", Dhaka.
- (iii) A certificate from the President/Secretary of concerned Bar Association regarding regular practice in courts mentioning the date of membership in the Bar.
- (iv) A list of at least 25 cases conducted in courts.
- (v) Attested Photo copy of the Receipt Book (Green Book) showing payment of annual fee etc. for the current year.
- (vi) Attested Photo copy of Enrolment sanad issued by the Bar Council.
- (vii) Four copies of attested recent passport size colored photographs.
- (viii) A certificate in prescribed form from the Senior Advocate (for Barrister or LL.M Advocates seeking exemption of two years practice).

\* "Senior Advocate" means an Advocate enrolled as such by the Chief Justice of Bangladesh.

**Form –H(2)**

See Rule 65A(ii)

**BANGLADESH BAR COUNCIL**

Form of application under Article 21(1)(c) read with Rule 65A(ii) of the Bangladesh Legal Practitioners and Bar Council Order, 1972 for permission to practise as an Advocate before the High Court Division of the Supreme Court of Bangladesh.

- (1) Name :  
(2) Father's name :  
(3) Mother's name :  
(4) Date of birth :  
(5) Present address with contact No. :  
(6) Permanent address :  
(7) Academic qualifications with date on:  
which acquired

Name of the Examination starting from SSC or equivalent	Year of Passing	Roll No.	Board/ University	Division/ Class/ CGPA

- (8) Whether the applicant was previously enrolled as Advocate, if so the date of enrolment and name of the Bar Association :  
(9) Date of joining in judicial service :

(10) Date of retirement/resignation and  
the post held :

Date.....

-----  
Signature of the Applicant

**N.B.** Incomplete application shall be treated as rejected. The application shall be accompanied by:

- (i) Attested copies of S.S.C, H.S.C, Degree and LL.B/LL.B(Hons)/LL.M./Call to the Bar certificate and marks sheet attested by his/her senior or Secretary of any Bar Association. (In case of Foreign University degree an equivalency certificate from University Grant Commission/Ministry of Education of Bangladesh shall have to be submitted.)
- (ii) A Bank Draft/Pay Order No. ---- dated.---- for Tk.6,000/- or 7,500/- only in the name of Bangladesh Bar Council.
- (ii) Four copies of attested recent passport size colored photographs.
- (iii) Release order from service.

**N.B.** Please type this form in cartridge paper.

**SCHEDULE –A [See Rule 4(1) ]**

Name of Group	Local Bar Associations included in a group
A	All local Bar Associations within the greater district of Dhaka
B	All local Bar Associations within the greater districts of Mymensingh, Tangail and Faridpur
C	All local Bar Associations within the greater districts of Chittagong and Noakhali
D	All local Bar Associations within the greater district of Comilla and Sylhet
E	All local Bar Associations within the greater districts of Khulna, Barisal and Patuakhali
F	All local Bar Associations within the greater districts of Rajshahi, Jessore and Kushtia
G	All local Bar Associations within the greater districts of Dinajpur, Rangpur, Bogra and Pabna

**SCHEDULE –B [See Rule 4(2)]**

**BALLOT PAPER**

**PART - I**

Election to general seats

Serial No.	Name of candidates	space for cross mark

**PART - II**

Election to group seat

Group	Serial No	Name of candidates	Name of local Bar Association of which he is a member	Space for cross mark

By order of the Government

F.K.M.A.MUNIM

*Secretary to the Government of Bangladesh*

BANGLADESH BAR COUNCIL  
BENEVOLENT FUND RULES

1. These Rules shall apply to all Advocates entitled to practise the profession of law under the Bar Council Order, 1972 in the Supreme Court of Bangladesh or in any Court subordinate to the Supreme Court who are on the roll of the Bar Council.
2. In these Rules, unless there is anything repugnant to the subject or context:-
  - (i) "Family" includes:-
    - (a) Wife or wives or husband, as the case may be,
    - (b) Sons and daughters of the deceased advocate,
    - (c) Parents of the deceased Advocate.
  - (ii) "Rules" means the Benevolent Fund Rules.
  - (iii) "Fund" means the Benevolent Fund reconstituted under these Rules.
  - (iv) "Retirement" means: An Advocate who having completed 30 years continuous practice and having made continuous contribution to the Benevolent Fund for a period of not less than 20 years, gives up practising the profession of law for ever due to physical disability certified by an M.B.B.S. Doctor to be so disabled and recommended by the Bar Association concerned and surrenders his/her Sanad to the Council.<sup>1</sup>

[Provided that an Advocate who having completed 20 years continuous practice gives up practicing the profession of law due to physical disability certified by an M.B.B.S doctor and recommended by the Bar Association concerned and surrenders his/her sanad to the Council or gives up the profession of law for joining any other profession may also be allowed to retire from practice but such Advocate shall

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<sup>1</sup> Substituted in place of Rule (iv)(a) by Gazette Notification dt. Dec. 18, 1997.

not be entitled to grant as per rule 10 of these rules. He or she shall get refund of an amount equivalent to 5 times of the contribution so far paid by him/her to the fund.

Provided further that, whose period of practice is less than 20 years may also get refund of his/her portion of contribution only by surrendering his/her sanad to the Council.]<sup>1</sup>

(v) "Nominee" means any person or institution nominated by the Advocate.

3. The Fund shall consist of:
  - (a) The existing corpus of the Benevolent Fund,
  - (b) Such further grant as may be made by the Bar Council,
  - (c) Compulsory yearly contribution received from Advocates,
  - (d) Income from investments made out of the Fund,
  - (e) Donation or grant received from any other source.
  
- [4. All Advocates on the roll of the Bangladesh Bar Council shall pay yearly contribution to the Benevolent Fund, as per the following rates, in advance so as to reach the Bar Council office on or before the 31<sup>st</sup> day of December of the preceding English calendar year, viz—
  - (a) All Advocates from the 1<sup>st</sup> year to the 10<sup>th</sup> year of their enrolment shall pay yearly contribution @ Tk. 1,200/-
  - (b) All Advocates from the 11<sup>th</sup> year to the 20<sup>th</sup> year of their enrolment shall pay yearly contribution @ Tk. 1,500/-
  - (c) All Advocates from the 21<sup>th</sup> year of their enrolment and above shall pay yearly contribution @ Tk. 2,000/-]<sup>2</sup>

[Provided that if an Advocate fails to pay the contribution for a year by the 31<sup>st</sup> day of December of the preceding year he may pay the same by the 31<sup>st</sup> day of January of the year of payment otherwise such Advocate shall have to pay a further fee for late payment of Taka 20/- for each month of delay

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<sup>1</sup> Added by Gazette Notification dt. June 3, 1999.

<sup>2</sup> Sub. by Gazette Notification dt. Dec. 30, 2007.

commencing from the month of January of the year of payment.]<sup>1</sup>

[Provided further that an Advocate who is already in default in payment of contribution to the Benevolent Fund for at least 5 years or who fails to pay contribution to the fund for a continuous period of 5 years his/her membership of the fund shall automatically be suspended with effect from the date of his/her default. Such Advocate may apply through his/her Bar Association for restoration of his/her membership of the fund on payment of contribution only for the year of resumption along with a fine at the rate of Tk.1,000/- for each year of default and in that case the period of suspension will not be counted for the purpose of payment of Benevolent Fund benefit.

Provided further that if any advocate after resumption of his/her membership of the fund defaults again and fails to pay contribution within 31<sup>st</sup> December of the first defaulting year his/her membership of the fund shall stand cancelled without any notice and shall not be restored in any way.]<sup>2</sup>

5. Each Advocate shall fill up and sign a prescribed form indicating his/her nominee or with other particulars.
6. Every person on his enrolment as an Advocate shall have to pay the contribution to the Benevolent Fund and therefore he shall have to pay his annual contribution according to Rule 4 through the Secretary of his/her Bar Association or directly.

In the case of Advocates who are members of the High Court and/or of the Supreme Court Bar Association or Advocates under Rule 73-A of the Bar Council Rules the amount will be deposited directly by them in the Benevolent Fund of the Bar Council through Bank Draft or Pay Order. Cash payment may be made by depositing the contribution in the collection account of the Bar Council in a Bank the name of which may be ascertained from the Bar Council Office.

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<sup>1</sup> Subs. by Gazette Notification dt. Sept. 17, 2008

<sup>2</sup> Subs. by Gazette Notification dt. June. 17, 2004.

Provided that persons who may be enrolled as Advocate after completion of the age of 40 years shall not be allowed to join the Benevolent Fund scheme of the Bangladesh Bar Council. This proviso will take effect from 18.6.87.

7. The Fund is reconstituted for the purpose of granting financial assistance:
  - (i) To the families or nominees of the deceased or to the disabled Advocates.
  - (ii) To render assistance to any institution/organization according to the nomination of the Advocate
8. On the death of an Advocate, his/her nominee shall apply to the Bar Council through the Bar Association concerned in the prescribed Form within 3 months from the date of death of the member. In the absence of nominee the Bar Council will proceed according to the best of their judgment. Advocates claiming benefits on the ground of disability may apply himself/herself.
  - (a) The Bar Association will forward to the Bar Council the application certifying the veracity of the statements made in the application.
9. The Bar Council shall grant out of the Fund to family member/nominee of any deceased Advocate as follows:

(a) [Death on payment of contribution upto 4 years	Tk.35,000/=
(b) Death on payment of contribution for 5-9 years	Tk.60,000/=
(c) Death on payment of contribution for 10-14 years	Tk.90,000/=
(d) Death on payment of contribution for 15-19 years	Tk.1,30,000/=
(e) Death on payment of contribution for 20-24 years	Tk.1,70,000/=
(f) Death on payment of contribution for 25-29 years	Tk.2,00,000/=
(g) Death on payment of contribution for 30-34 years	Tk.2,50,000/=

- |  |               |
|--|---------------|
| (h) Death on payment of contribution<br>for 35-39 years  | Tk.3,50,000/= |
| (i) Death on payment of contribution<br>for 40 and above | Tk.5,00,000/= |

(The rule relating to amended schedule of payment of grant shall come into force for deaths occurring from 1-1-2001).]<sup>1</sup>

9A. Nominee or heir as the case may be of an Advocate who has been regularly contributing to the Fund shall be entitled to grant out of the Benevolent Fund under Rule 9.

B. Not with standing anything contained in Rule 9A the nominee or heir, as the case may be, of an Advocate shall be entitled to grant out of the Benevolent Fund if such an Advocate was in default in payment of contribution provided such default is in respect of contribution only for the year of his death.

C. [Nominee or heir, as the case may be, of an Advocate who is not entitled to a grant out of the Benevolent Fund under Rule 9A or 9B of these rules due to default in payment of contribution he/she shall be entitled to get refund of an amount equivalent to two times of the contribution, if any, paid by the deceased Advocate.]<sup>2</sup>

10. The Bar Council shall pay to an Advocate on retirement as defined in Rule 2(iv) as follows:

- |   |                |
|---|----------------|
| [(1) Retirement on payment of contribution<br>for 20 to 24 years- | Tk.1,00,000.00 |
| (2) Retirement on payment of contribution<br>for 25 to 29 years-  | Tk.1,25,000.00 |
| (3) Retirement on payment of contribution<br>for 30 to 34 years-  | Tk.1.50,000.00 |
| (4) Retirement on payment of contribution<br>for 35 to 39 years-  | Tk.2,00,000.00 |

<sup>1</sup> Subs. by Gazette Notification dt. May. 18, 2000.

<sup>2</sup> Subs. by Gazette Notification dt. March 22, 2001.

(5) Retirement on payment of contribution  
for 40 years or more]<sup>1</sup> Tk.2,00,000.00

[This rule shall come into force with effect from 01-01-2001]<sup>2</sup>

[10A. Notwithstanding anything contained in this Rule the Bar Council may grant loan out of the fund to the Advocate as follows in such cases where financial condition of the Advocate is such that loan has become necessary. The loan shall be granted on condition that the amount along with simple interest thereon @ 10% per year shall be deducted from the entitlement of grant under these rules payable to his nominee/family members after his death or from the retirement grant as the case may be unless repaid earlier.

(i)	Loan on payment of contribution for 30-34 years	-	Tk.20,000/=
(ii)	Loan on payment of contribution for 35-39 years	-	Tk.30,000/=
(iii)	Loan on payment of contribution for 40 years or more	-	Tk.50,000/=] <sup>3</sup>

11. An Advocate during the suspension of his Sanad shall not get the benefit of this Fund. On resumption the period of suspension shall be excluded from the period of contribution.

12. An Advocate may nominate any person or institution to receive the grant on his death and the grant will be paid to such person or institution accordingly.

13. A Register of contributors to the Benevolent Fund shall be maintained by the Bar Council and the name of the nominee shall be noted therein against the name of each Advocate.

14. The Bar Council may invest any portion of the Fund in such manner as it may think proper.

15. The Bar Council shall decide the manner of operation of the Fund.

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<sup>1</sup> Subs. by Gazette Notification dt. Dec. 30, 2007.

<sup>2</sup> Subs. by Gazette Notification dt. May 18, 2000..

<sup>3</sup> Ibid.

**BANGLADESH BAR COUNCIL**  
Application form for appointment of nominee for the  
**BENEVOLENT FUND**

To  
The Chairman,  
Bangladesh Bar Council,  
Bar Council Bhaban, Ramna, Dhaka.

Dear Sir,

I wish to join the Benevolent Fund Scheme which has been constituted by the Bangladesh Bar Council for the benefit of families of Advocates as contemplated in Article 14(1) of the Bangladesh Legal Practitioners and Bar Council Order, 1972. In this connection requisite particulars are given below :

1. Name (In Block Letters) :-
2. Father's/Husband's name :-
3. Date of Enrolment :-
4. Present Address :-
5. Permanent Address :-
6. Name of Nominee/Nominees :-  
(with relation)

I agree to comply with and shall be bond by the Benevolent Fund Rules.

Yours faithfully,

Advocate  
Date ..... Bar Association

Remarks of the Secretary of the Bar Association concerned:-

Secretary  
..... Bar Association  
(Seal)

**BANGLADESH BAR COUNCIL**

Application form for change of nominee to receive grant out of  
the Benevolent Fund

To  
The Chairman  
Bangladesh Bar Council  
Bar Council Bhaban  
Ramna, Dhaka-1000.

Dear Sir,

I am a contributor to the Benevolent Fund Scheme of the  
Bar Council. I wish to change my nominee. Please arrange to  
substitute the name of my present nominee in place of former  
nominee.

Requisite particulars are given below: -

1. Name (in block letter) :-
2. Father's/Husband's name :-
3. Date of Enrolment :-
4. Present Address :-
5. Permanent Address :-
6. Name of former nominee :-  
(with relation)
7. Name of present nominee :-  
(with relation)

Yours faithfully

Date:.....

(.....)  
Advocate  
..... Bar Association

Remarks of Secretary of the Bar Association concerned

Secretary  
..... Bar Association  
(Seal)

**BANGLADESH BAR COUNCIL**

Form of application for grant out of the  
Benevolent Fund

1. Name of deceased Advocate :-
2. Father's name :-
3. Date of Enrolment :-
4. Name of the Bar Association to  
which the Advocate was attached:-
5. Date of death :-
6. Name of nominee/nominees :-
7. Number of dependants with age and relationship  
and occupation of dependants, if any:-
8. Signature of the applicant/applicants :-

Certified that the statement made in the application are true to  
my knowledge.

Secretary,  
\_\_\_\_\_ Bar Association

BANGLADESH BAR COUNCIL  
Form of application under Rule 2(iv) of the  
Benevolent Fund Rules

1. Name of Advocate :
2. Father's Name :
3. Date of Enrolment :
4. Length of Practice :
5. Present age :
6. Cause of retirement :
7. An undertaking by the applicant : I do hereby undertake that I have already stopped my legal practice and that I shall never practise in future in any court, Chamber or before any authority in Bangladesh.
8. Signature of the applicant :

Date: -----

Certified that the statement made in the application are true to my knowledge.

Secretary

Dated: -----

----- Bar Association.  
(Seal)

Enclosure:  
(j) Enrolment Sanad  
(ii) Medical Certificate.

**BANGLADESH BAR COUNCIL  
RELIEF FUND RULES**

1. These rules shall apply to all advocate entitled to practise the profession of law under the Bangladesh Legal Practitioners and Bar Council Order, 1972 in the Supreme Court of Bangladesh or in any court sub-ordinate to the Supreme Court who are on the Roll of the Bar Council.
2. In these rules, unless there is anything repugnant to the subject or context,-
  - (a) "Distressed Advocate" means an Advocate who has been totally or partially disabled in earning livelihood by practising the profession of law, whether such disablement is permanent or temporary, and his financial condition is such that assistance has become necessary, and also an Advocate whose financial condition otherwise is such that assistance has become necessary.
  - (b) "Distressed family" includes:-
    - (i) Wife or wives or husband, as the case may be,
    - (ii) Sons and daughters,
    - (iii) Parents of any deceased Advocate whose financial condition is such that assistant has become necessary.
  - (c) "Fund" means the Relief Fund constituted by the Bar Council.
  - (d) "Rules" means the Bangladesh Bar Council Relief Fund Rules, 1980.
3. The Fund shall consist of :
  - (a) The existing corpus of the Relief Fund.
  - (b) Compulsory yearly contribution received from Advocates.
  - (c) Grant made by the Government.
  - (d) Donations received from local authorities and other sources.
  - (e) Income from investment made by the Fund.
  - (f) Such further grant as may be made by the Bar Council.

4. All Advocates on the Roll of the Bar Council shall pay Tk.100.00 (one hundred)<sup>1</sup> only as yearly contribution in advance so as to reach the Bar Council office before 31st day of December of the preceding English Calendar year.
5. Every person on his enrolment as an Advocate shall have to pay the contribution to the Fund and thereafter he shall have to pay his annual contribution according to rule 4 through the Secretary of his/her Bar Association or directly.
6. An Advocate who is a member of the Supreme Court Bar Association or who is an Advocate under Rule 73A of the Bar Council shall pay the contribution to the Relief Fund of the Bar Council by Bank Draft or Pay Order or in cash by depositing the contribution in the collection account of the Bar Council in a Bank the name of which may be ascertained from the Bar Council office.
7. A register of contributors and donors shall be maintained by the Bar Council.
8. (a) The Bar Council may invest any portion of the Fund in such manner as it may think proper for augmenting corpus of the Fund.  
(b) No portion of this Fund shall be utilized for any purpose other than those specified in these rules.
9. The Bar Council shall decide the manner of operation of the Fund.
10. The purpose for which financial assistance may be granted from the Fund shall be :-
  - (i) (Deleted)<sup>2</sup>
  - (ii) For the help of any distressed [Advocate or]<sup>3</sup> family of deceased Advocate.
  - (iii) For assistance to Bar Association affected by war or natural calamities or other extra ordinary causes.

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<sup>1</sup> Subs. by Gazette Notification dt. Dec. 18, 1997.

<sup>2</sup> Deleted by Gazette Notification dt. May 22, 1988.

<sup>3</sup> Added by Gazette Notification dt. May 22, 1988.

11. A disabled Advocate or the distressed family of a deceased Advocate may apply to the Bar Council through the Bar Association of which such advocate is/was a member in the prescribed form duly certified by a medical practitioner acceptable to the Bar Council, in cases the claim is for total or partial disablement, whether permanent or temporary, and recommended by the Bar Association concerned. Any Bar Association claiming assistance under these rules may apply to the Bar Council direct along with a resolution of the concerned Bar Association stating the reasons therein.
11. (a) In the case of application by distressed family of a deceased Advocate the application shall duly considered and recommended by the Bar Association of which the deceased advocate was a member.
12. The Bar Council may call for such information and require such particulars from the disabled Advocate, distressed family of deceased Advocate or any Bar Association claiming assistance from the Relief Fund as the Bar Council may consider proper and necessary.
13. The Bar Council shall grant out of the Relief Fund to any disabled Advocate or to any distressed family of a deceased Advocate or to any Bar Association such amount of money as the Bar Council may in its discretion consider proper and necessary.
14. The grant made by the Bar Council under these rules may be in the form of loan or outright lump-sum grant or in such other manner as the Bar Council may decide

#### **TEMPORARY PROVISIONS**

15. Assistance from the Relief Fund for the first three years of its operation shall be limited to helping any disabled Advocate or distressed family of a deceased Advocate.

**BANGLADESH BAR COUNCIL**

**FORM OF APPLICATION FOR GRANT OUT OF THE  
RELIEF FUND**

1. Name of distressed/deceased Advocate :-
2. Father's name :-
3. Date of Enrolment :-
4. Name of the Bar Association to which  
the Advocate is/was attached :-
5. Cause of distress with duration :-
6. Present age :-
7. Medical certificate from M.B.B.S Doctor if  
distress is caused due to ill health :-
8. Number of dependants with age, relationship  
and occupation of the dependants if any :-
9. Signature of the applicant/applicants :-
10. Remarks of the Secretary of the concerned  
Bar Association including a statement as to  
what Relief the Bar Association has given to  
the applicant/applicants. :-

Date:-

SECRETARY

\_\_\_\_\_Bar Association.

P.O. \_\_\_\_\_

District \_\_\_\_\_

Note: The applicant shall enclose a copy of resolution of his Bar Association containing recommendation of financial assistance certifying the cause of distress.

**RULES FOR  
REGISTRATION OF ADVOCATES CLERKS**

1. The expression "Registered Clerk" means a Clerk who is employed by an advocate in connection with his legal business and who is registered under these rules.
2. Each Bar Association shall be the Registering Authority in the case of Clerks of Advocates of that Association. The Bar Association may act through its Executive Committee or through a smaller committee at least of 3 members duly authorized by the Bar Association for the purpose.
3. Each Bar Association will prepare and maintain a register of Advocates Clerk in Form "A" in which shall be entered the names of-
  - (a) all persons who were registered and whose cards were renewed as such by the Registering Authority immediately before the date on which the Legal Practitioners and Bar Council Act, 1965 come into force; and
  - (b) all persons who are registered as such after that date including those who are registered as such after the present Rules have come into force.
4. All new entrants must have passed the Matriculation or equivalent Examination.
5. (1) An application for registration of a Clerk may be made in plain paper to the Bar Association concerned (Registering Authority) by the person desiring to be employed as a Registered Clerk accompanied by a Certificate from the Advocate who desire to employ the Registered Clerk for the purpose of his bonafide legal business.
  - (2) Such application shall contain -
    - (a) The Matriculation certificate or certificate showing that the Clerk has passed an equivalent examination;
    - (b) Character certificate from two responsible persons;

- (c) A statement by the proposed Clerk in his own hand writing supported by affidavit that he is willing to be taken in as a Registered Clerk of the Advocate concerned and that he will employ himself exclusively in the service of the Advocate;
- (d) Permanent and present address;
- (e) Date of birth;
- (f) Father's name.

**Note:-** No Clerk who previously worked under an Advocate will be registered for service under different Advocates unless he files a certificate of good conduct from his previous employer.

- 6. (i) A registration fee of Taka 25.00 will have to be paid to the Bar Association concerned by a person who desires to be registered Clerk of an Advocate practising in courts subordinate to the High Court.
  - (ii) The fee for registration as clerk of an Advocate of the High Court shall be Taka 50.00 payable to the High Court Bar Association.
- 7. When the Registering Authority is of opinion that the person proposed is a fit and proper person to be employed as a registered Clerk, it shall enter his name in the Register of Clerks in Form "A" and issue to him a Card in Form "B". The card is non-transferable.
- 8. The card will remain valid till close of the Calendar year.
- 9. An application for renewal of the Card must be made by the clerk concerned to the Registering Authority together with the expiring card by the 15th December every year with a fee of Taka 10.00 in the case of clerk of an Advocate practising in the High Court and Taka 5.00 in the case of a clerk of other Advocate. The application must accompany a certificate from his Advocate who agrees to employ him. The renewal application must show -
  - (i) Educational qualification;
  - (ii) Date of birth;

- (iii) Father's name;
- (iv) Present and permanent address.

10. The Registering Authority for reason to be recorded in writing and after hearing the clerk in his defence may order his suspension or the cancellation of his Card or may award any other punishment or take any other action or pass any other order as the Registering Authority may deem fit and proper if he is found guilty of misconduct or if he is convicted of offence involving moral turpitude. The disciplinary action will be taken in accordance with the rules or procedure framed by the Bangladesh Bar Council.
11. An appeal shall lie to the Executive Committee of the Bangladesh Bar Council from an order of suspension of clerk or cancellation of his card or from any other order passed by the Registering Authority in misconduct proceeding. The appeal proceeding will be conducted in accordance with the rules or procedure framed by the Bangladesh Bar Council.
12. Each Bar Association shall pay within 30 days of the close of a calendar year to the Bangladesh Bar Council a sum of equal to 40 percent of the total sum received by it as registration or renewal fees during that year.
13. Each Registering Authority shall maintain individual personal file of each Registered Clerk.
14. Each Registering Authority shall submit an annual return to the Bangladesh Bar Council showing the total number of Registered Clerk in the Register by the 31st January each year, provided that the first return must reach the Bangladesh Bar Council within two months of enforcement of the present Rules. The annual return shall also contain the number of misconduct cases pending or disposed of against the registered clerks.
15. The present rules which shall replace the old will come into force with immediate effect.
16. No Advocate shall engage any person as a Clerk unless he is registered in the manner contemplated by these Rules.

**FORM A**  
**REGISTER OF REGISTERED CLERKS OF ADVOCATES**  
 ..... **BAR ASSOCIATION**

Sl. No.	Name with Father's name	Residence Present & Permanent	Date of Registration	Name of Advocate under whom employed	Date of renewal from this register	Remarks
1	2	3	4	5	6	7

Note: Not more than two or three names should be entered on each page of the register and as each renews his Card from year to year, the date of each renewal should be entered on the same page in column 6.

**FORM B**  
**FORM OF CARD FOR ADVOCATES' CLERKS**

Registered Clerks Card No.....  
 Not Transferable

No. \_\_\_\_\_ to correspond  
 With No. \_\_\_\_\_ in Register

This is to authorize \_\_\_\_\_ son of \_\_\_\_\_ of village \_\_\_\_\_ Thana \_\_\_\_\_ District \_\_\_\_\_ now residing at \_\_\_\_\_ to work as the \_\_\_\_\_ registered clerk of Mr. \_\_\_\_\_ Advocate during the year \_\_\_\_\_ Date \_\_\_\_\_ 199 \_\_\_\_\_

Seal of the Bar Association      Registering Authority

To be produced when required and must be returned for renewal on \_\_\_\_\_

**RULES RELATING TO THE HEARING OF COMPLAINT  
AGAINST ADVOCATES' CLERK FRAMED BY THE  
BANGLADESH BAR COUNCIL (VIDE RULE NO. 10 )**

1. Upon receipt of a complaint that any Advocate's Clerk has been guilty of misconduct, the Registering Authority, if it does not summarily reject the complaint, shall fix a date not later than 15 days from receipt for the hearing of the case and cause 15 days notice to be given to the complainant and the clerk concerned. A copy of the petition of complaint should be annexed to the notice intended to be served on the clerk concerned with instruction to submit his explanation at least 7 days before the date of hearing.
2. On the date and the hour and place so fixed or on any adjourned date the Registering Authority shall hear and may determine the matter upon evidence taken in presence of the parties.
3. The finding of the majority members of the Registering Authority in the misconduct proceeding shall be the finding of Registering Authority.
4. The decision of the Registering Authority shall be in writing and shall, subject to appeal, be final.
5. The Registering Authority shall make available to the parties concerned authenticated copies of the order passed in the misconduct proceeding within seven days from the date of the order at the cost of the parties. But the parties shall be informed of the result of the proceeding after its conclusion free of cost.

**RULES RELATING TO THE HEARING OF APPEALS BY  
THE EXECUTIVE COMMITTEE OF THE  
BANGLADESH BAR COUNCIL (VIDE RULE 11)**

1. An appeal from the decision of a Registering Authority in connection with a complaint against an Advocate's Clerk shall be made in writing to the Secretary of the Bangladesh Bar Council within two months from the date of order of the Registering Authority in the proceeding and the Secretary shall place the appeal petition immediately before the Executive Committee of the Bangladesh Bar Council. The appeal petition shall be accompanied by an authenticated copy of the order challenged.
2. The appeal shall be duly registered in the office of the Bangladesh Bar Council and a date of hearing shall be fixed by the Executive Committee.
3. Notice of the date of hearing of the appeal shall be given to both parties.
4. The Executive Committee of the Bangladesh Bar Council shall after hearing both parties and after such enquiry or taking evidence as it thinks fit and proper pass order in the appeal which shall be final.
5. All decisions of the Executive Committee shall be taken by majority.
6. The finding of the Executive Committee shall be in writing and a copy of the same shall be forwarded to each of the parties concerned.

**BANGLADESH BAR COUNCIL  
CANONS OF PROFESSIONAL CONDUCT  
AND ETIQUETTE**

*[Framed in exercise of the power conferred on the Bangladesh Bar Council by Section 48(q) of the Legal Practitioners & Bar Council Act, 1965 and adopted by a resolution of the Bar Council on the 5th January, 1969.] [ vide Article 44(g)]*

**WHEREAS** the rule of law is an essential feature of civilized society and a pre-condition for realizing the ideal justice;

**AND WHEREAS** such a society affords to all citizens the equal protection of law and thereby secures to them the enjoyment of their lives, property and honour;

**AND WHEREAS** an indispensable condition of such protection of the rights of citizens is the existence in society of a community of Advocates, men learned in the law and respected as models of integrity, imbued with the spirit of public service and dedicated to the task of upholding the rule of law and defending at all times, without fear or favour, the rights of citizens;

**AND WHEREAS** by their efforts Advocates are expected to contribute significantly towards the creation and maintenance of conditions in which a government established by law can function fruitfully so as to ensure the realization of political, economic and social justice by all citizens;

**AND WHEREAS** in order effectively to discharge these high duties Advocates must conform to certain norms of correct conduct in their relations with members of the profession, their clients, the courts and the members of the public generally;

**AND WHEREAS** the Bangladesh Bar Council has formulated such norms of correct conduct into a set of Canons of Professional Conduct and Etiquette;

**NOW THE** Bangladesh Bar Council does hereby approve and adopt the Canons of Professional Conduct and Etiquette set out hereunder, and urges upon all Advocates to conform to these Canons in their conduct with regard to the members of the profession, their clients, the courts and the public generally.

**CHAPTER 1  
CONDUCT WITH REGARD TO OTHER  
ADVOCATES**

1. It is the duty of every Advocate to uphold at all times the dignity and high standing of his profession, as well as his own dignity and high standing as a member thereof.
2. An Advocate shall not solicit professional employment by advertisement or by any other means. This clause shall not be construed as prohibiting the publication or use of ordinary professional cards, name plates or conventional listings in directories, so long as the information contained therein is limited to professional and academic qualifications and public offices currently held, and does not contain any matter which savours of personal advertisement.
3. An Advocate shall not employ any other person to solicit or obtain professional employment nor remunerate another for soliciting or obtaining professional employment for him; nor shall he share with an unlicensed person any compensation, arising out of or incidental to professional employment, nor shall he aid or abet an unlicensed person to practise law or to receive compensation thereof; nor shall he knowingly accept professional employment offered to him as a result of or as incidental to the activities of an unlicensed person.
4. An Advocate shall not communicate about a subject of controversy with a party represented by an Advocate in the absence and without the consent of such Advocate.
5. An Advocate shall not, in the absence of the opposing counsel communicate with or argue before a judge or judicial officer except in open court and the merits of a contested matter pending before such judge or judicial officer; nor shall he, without furnishing the opposing Advocate with a copy thereof, address a written communication to a judge or judicial officer concerning the merits of a contested matter pending before such judge or judicial officer. This rule shall not apply to *ex parte* matters or in

respect of matters not sub-judice before the judge or judicial officer concerned.

6. A client's proffer of assistance of additional Advocate/s should not be regarded as evidence of want of confidence but the matter should be left to the determination of the client. An Advocate should decline association as a colleague unless the dues of the Advocate first retained are paid.
7. Clients, not Advocates, are the litigants. Whatever may be the ill feeling existing between clients, it should not be allowed to influence Advocates in their conduct and demeanour toward each other or toward the parties in the case. All personal clashes between Advocates should be scrupulously avoided, in the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of Advocates appearing on the other side. Personal colloquies between Advocates which cause delay and promote unseemly wrangling should be carefully avoided.
8. No division of fees with any person for legal services is proper, except with another Advocate based upon the principle of division of work as expressed in the agreement between the Advocates.
9. Subject to the precedence of the Attorney General and the Advocate General as established by constitutional usage and practice, it is the duty of Advocates to maintain and uphold the order of precedence in accordance with the Roll of Advocates maintained by the Bar Council,
10. Junior and younger members should always be respectful to senior and older members. The latter are expected to be not only courteous but also helpful to their junior and younger brethren at the Bar.
11. Where more than one Advocate is engaged on any side it is the right of the senior member to lead the case and the junior members to assist him.

## **CHAPTER II**

### **CONDUCT WITH REGARD TO CLIENTS**

1. An Advocate shall not acquire an interest adverse to a client in the property or interest involved in the case.
2. An Advocate shall not accept employment adverse to a client or former client, relating to a matter in reference to which he has obtained confidential information by reason of or in the course of his employment by such client or former client provided that an Advocate, who has not been formally engaged by a person and accepted a retainer nor received any fees for such engagement is not precluded from accepting employment adverse to the interest of such a person.
3. An Advocate shall not accept professional employment without first disclosing his relation, if any, with the adverse party, and his interest, if any, in the subject matter of such employment.
4. An Advocate shall not represent conflicting interests.
5. An Advocate shall not himself or in benami purchase any property at a probate, foreclosure or judicial sale in an auction or proceeding in which such Advocate appears for a party nor shall he accept the whole or part of the property, in respect of which he had been engaged to conduct the case, in lieu of his remuneration, or as a reward or bounty.
6. An Advocate shall not commingle the property of a client with his own and shall promptly report to the client the receipt by him of any money or other property belonging to such client.
7. An Advocate shall not advise the commencement of prosecution or defence of case, unless he has been consulted in reference thereto, except when his relation to a party or to the subject matter is such as to make it proper for him to do so.

8. An Advocate in his professional capacity shall not advise the violation of any law. This rule shall not apply to advice given in good faith, that a law is invalid.
9. It is the right of an Advocate to undertake the defence of a person accused of crime, regardless of his personal opinion as distinguished from knowledge, as to the guilt of the accused; otherwise innocent persons, victims merely of suspicious circumstances, might be denied proper defence. Having undertaken such defence, an Advocate, is bound by all fair and honourable means, to present every defence that the law of the land permits, to the end that no person may be deprived of life or liberty except by due process of law.
10. In fixing fees, Advocates should avoid charges which overestimate their advice and services as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, though his property may justify a lesser charge, or even none at all. The reasonable requests of a brother Advocate should also receive special and kindly consideration. In respect of the widows and orphans of an Advocate, all Advocates shall assist them free of charge.

In determining the amount of fee, it is proper to consider; (i) the time and labour required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the case; (ii) whether the acceptance of employment in a particular case will preclude the Advocate's appearance for others in cases likely to arise out of the transaction, about which there is a reasonable expectation that otherwise he would be employed, or will involve the loss of other business while employed in a particular case; (iii) the customary charges of the Bar for similar service; (iv) the amount involved in the controversy and the benefits resulting to the client from the services; (v) the contingency or the certainty of the compensation, and (vi) the character of the employment, whether casual or for an established and constant client. Of these considerations, none in itself is the controlling factor. These are more guidelines in ascertaining the real value of the service.

In fixing fees, it should never be forgotten that the profession is a branch of the administration of justice and not a mere money making trade.

11. Controversies with clients concerning compensation are to be avoided by the Advocate so far as shall be compatible with his self-respect and with his right to receive reasonable recompense for his service. Any law suits with clients should be resorted to only to prevent injustice, imposition or fraud.
12. Nothing operates more certainly to create or foster popular prejudice against Advocates as a class, and to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties than done the false claim, often set up by the unscrupulous in defence of questionable transactions, that it is the duty of the Advocate to do whatever may enable him to succeed in winning his client's cause.

It is improper for an Advocate to assert in argument his personal belief in his client's innocence or in the justice of his cause. His professional duty is strictly limited to making submissions at the Bar consistently with the interest of his client.

An Advocate owes entire devotion to the interests of the client, warm zeal in the maintenance and defence of his rights and the exertion of his utmost learning and ability to the end that nothing be taken or be withheld from him save by the rules of law, legally applied. No fear of judicial disfavour or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defence that is authorized by the law of the land, and he may expect his advocate to assert every such remedy or defence. But it is steadfastly to be borne in mind that the great trust of the Advocate is to be discharged within and not without the bounds of the law. The office of an Advocate does not permit, much less does it demand of him for any client, the violation of any law or any manner of fraud or chicanery. In doing his professional duty to his client he must obey the voice of his own conscience and not that of his client.

13. When an Advocate is a witness for his client except as to merely formal matters, such as the attestation or custody, of an instrument and the like, he should leave the trial of the case to other Advocates. Except when essential to the ends of justice, an Advocate should avoid testifying in court on behalf of his client.
14. In incidental matters, not affecting the merits of the cause in a trial, nor working substantial prejudice to the rights of the client, such as forcing the opposing Advocate to trial when he is under affliction or bereavement; forcing the trial on a particular day to the injury of the opposing Advocate when no harm will result from a trial at a different time, agreeing to an extension of time for filing written statements, cross interrogatories and the like, the Advocate must be allowed to judge himself. In such matters no client has a right to demand that his Advocate shall be ungenerous or that he does anything therein repugnant to his own sense of honour and propriety.

### **CHAPTER -III**

#### **DUTY TO THE COURT**

1. It is the duty of an Advocate to maintain towards the courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judge not being wholly free to defend themselves are peculiarly entitled to receive the support of the Bar against unjust criticism and clamour. At the same time whenever there is proper ground for complaint against a judicial officer, it is the right and duty of an Advocate to ventilate such grievances and seek redress thereof legally and to protect the complainant and persons affected.
2. An Advocate shall not advise a person, whose testimony could establish or tend to establish a material fact, to avoid service of process, or conceal himself, or otherwise to make his testimony unavailable.

3. An Advocate shall not intentionally misquote to a judge, judicial officer or jury the testimony of a witness, the argument of the opposing Advocate or the contents of a document; nor shall he intentionally misquote to a judge or judicial officer the language of a book, statute or decision; nor shall he, with knowledge, of its invalidity and without disclosing such knowledge, cite as authority a decision that has been overruled or a statute that has been repealed or declared unconstitutional.
4. Marked attention and unusual hospitality on the part of an Advocate to a judge or judicial officer not called for by the personal relations of the parties, subject both the judge and the Advocate to misconstructions of motive and should be avoided. An Advocate should not communicate or argue privately with the judge as to the merits of a pending cause and he deserves rebuke and denunciation for any device or attempt to gain from a judge special consideration or favour. A self-respecting independence in the discharge of professional duty, without denial or diminution of courtesy and respect due to the Judge's station, is the only proper foundation for cordial personal and official relations between the Bench and the Bar.
5. The primary duty of an Advocate engaged in public prosecution is not to convict, but to see that the justice is done. The suppression of facts or the concealing of witnesses capable of establishing the innocence of the accused is highly reprehensible.
6. Publications in newspapers by an Advocate as to pending or anticipated litigation may interfere with a fair trial in the courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement or reference to the facts should not reach the public, it is unprofessional to make them anonymously. An *exparte* reference to the facts should not go beyond question from the records and papers on file in the Court but even in extreme cases it is better to avoid any *exparte* statement.

7. It is the duty of Advocates to endeavour to prevent political considerations from outweighing judicial fitness in the appointment and selection of Judges. They should protest earnestly and actively against the appointment or selection of persons who are unsuitable for the Bench and thus should strive to have elevated thereto only those willing to forego other employments whether of a business, political or other character, which may embarrass their free and fair consideration of questions before them for decision. The aspiration of Advocates for judicial position should be governed by an impartial estimate of their ability to add honour to the office and not by a desire for the distinction the position may bring to themselves.
8. It is the duty of Advocates to appear in court when a matter is called and if it is not so possible, to make satisfactory alternative arrangements.
9. An Advocate should in general refrain from volunteering his legal opinion on or addressing any arguments in cases in which such Advocate is not engaged unless called upon to do so in open court by a judge or judicial officer. In advancing any such opinion, he must do so with a sense of responsibility and impartiality without any regard to the interest of any party.

#### **CHAPTER IV CONDUCT WITH REGARD TO THE PUBLIC GENERALLY**

1. An Advocate shall not accept employment to prosecute or defend a case out of spite or for the purposing of harassing anyone or delaying any matter nor shall he take or prosecute an appeal wilfully motivated to harass any one or delay any matter.
2. An Advocate should always treat adverse witnesses and parties with fairness and due consideration, and he should never minister to the malevolence or prejudices, of a client in the trial or conduct of a cause. The client can not be made the keeper of the Advocate's conscience in professional

matters. He has no right to demand that his Advocate shall abuse the opposite party or indulge in offensive arguments. Improper speech is not excusable on the ground that it is what the client would say if speaking on his own behalf.

3. An Advocate must decline to conduct a civil cause or to make a defence when convinced that it is intended merely to harass or to injure the opposite party or to work any oppression or wrong. But otherwise it is his right, and having accepted a retainer, it becomes his duty to insist upon the judgment of the court as to the legal merits of his client's claim. His appearance in court should be deemed equivalent to an assertion on his honour that in his opinion his client's case is one proper for judicial determination.
4. No Advocate is obliged to act either as adviser or advocate for every person who may wish to become his client. He has right to decline professional employment. Every Advocate upon his own responsibility must decide what business he will accept as an Advocate, what causes he will bring into court for plaintiffs, and what cases he will contest in court for the defendants.
5. No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive, nor should any Advocate render, any service or advice involving disloyalty to the law, whose ministers Advocates are, or disrespect the judicial office, which they are bound to uphold, or corruption of any person or, persons exercising public office or private trust nor indulge in deception or betrayal of the public. When rendering any such improper service or advice the Advocate invites and merits stern and just condemnation. Correspondingly, he advances the honour of his profession and the best interests of his client when he renders service or gives advice tending to impress upon the client and undertaking exact compliance with the strictest principles of moral law, though until a statute shall have been finally construed and interpreted by competent adjudication, he is free and indeed is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all an

Advocate will find his highest honour in a deserved reputation for fidelity to private trust and to public duty as an honest man and as a patriotic and loyal citizen.

6. An Advocate shall not communicate with, nor appear before, a public officer, board, committee or body, in his professional capacity, without first disclosing that he is an Advocate representing interests that may be affected by the action of such officer, board, committee or body.
7. An Advocate should not accept employment as an Advocate in any matter upon the merits of which he has previously acted in a judicial capacity.

An Advocate having once held public office or having been in the public employ, should not, after his retirement accept employment in connection with any matter which he has investigated or dealt with while in such office, nor employment except in support thereof.

8. An Advocate should not as a general rule carry on any other profession or business, or be an active partner in or a salaried official or servant in connection with any such profession or business.

*[Published in the Bangladesh Gazette dated 13<sup>th</sup> July, 1995]*

**BANGLADESH BAR COUNCIL  
SPECIAL FUND RULES**

**WHEREAS** a separate fund under Rule 81(3) has been created by the Bangladesh Bar Council for a special project i.e. Continuing Legal Education Programme (CLEP) as to be conducted under the control and supervision of the Legal Education Committee.

**AND WHEREAS** the Chairman of the Legal Education Committee was authorised to negotiate such grants from donor agencies and to enter into the agreement duly approved by the Bangladesh Bar Council.

**AND WHEREAS** with such funds as having been received from foreign donors following accounts has been opened for the purpose of keeping and maintaining separate accounts for each of the special projects.

1. Bangladesh Bar Council (Legal Education) Fund - Account No.CD-149
2. CLEP Contributory and Contingency Fund - Account No. SB-1560
3. Bangladesh Bar Council Education Reserve Fund - Account No.SB -1559

**AND WHEREAS** following persons have been authorised to operate the above accounts vide resolution No.6 dated 27th November, 1993 so that the Legal Education Committee could initiate, organise, supervision and conduct the day to day running of the project and to further develop other programme and/or project:

Either the Chairman, Bangladesh Bar Council; or the Vice-Chairman, Bangladesh Bar Council; or any two of the following:

- (i) The Chairman, Executive Committee,
- (ii) The Chairman, Finance Committee,
- (iii) The Chairman, Legal Education Committee and

(iv) The Honorary Treasurer, CLEP.

AND WHEREAS the programme of the CLEP is expanding and developing also in the areas of Human Rights Training, Language of the Law and Seminar on topical subjects on various aspects of law and in the areas of publications and curriculum development and there is increasing interest among the donor countries to extend further support to this project.

It is therefore felt necessary to specify and amplify the decisions, guide-lines and directions as has been given by the Bangladesh Bar Council to the Legal Education Committee from time to time now by framing specific rules for funds for special projects.

WHEREFORE the Bangladesh Bar Council in exercise of its power under Article 40(1) of the Bangladesh Bar Council Order, 1972, makes the following Rules:

1. These Rules are called 'the Bangladesh Bar Council Special Funds Rules' for Continuing Legal Education Programme(CLEP) and notwithstanding anything contained in any other Rules framed for general purposes the Special Projects Funds will be governed, managed and operated according to these rules as framed hereunder.
2. Separate Funds for the special project CLEP will consist of such money as may be donated by foreign or local donor agencies and other donations and contributions as may be received from government, public or private body and any subscriptions, contributions, donations receipts, deposits as may be received from any trust, corporation authority, public or private companies or individual or any earning fees or receipts as may be received from time to time. Such funds will be utilised for attaining the objectives as stated in the preamble and for such other purposes as the Legal Education Committee may decide in order to promote Legal Education and to lay down the standards of such education, monitoring and inspection thereof.
3. All the donations, contributions, subscriptions or grants from foreign or local donors will be received by the Secretary and

the Accountant of the Project and/or any other person specially authorised for the same. The Secretary and the Accountant will acknowledge receipt of the same and deposit such money in such accounts as may be specified by the Bar Council. Such donations, contributions, subscriptions or grants can be obtained, arranged, negotiated or agreed under any agreement as may be signed by the Chairman of the Bar Council and/or by the Chairman of the Legal Education Committee.

4. Separate accounts may be opened in any scheduled Bank as may be determined by the Bar Council by way of any resolution and such accounts are to be operated by such persons as may be authorised by the Bar Council by way of a resolution.
5. A separate cash book shall be maintained for each of the project as may be required by the terms of the grant.
6. A quarterly report of the account will be sent to the Chairman, the Vice-Chairman and to the Chairman, Finance Committee which will also be placed before the Bar Council.
7. There will be separate audit of the account for the special fund by the auditors as may be appointed by the Bar Council.
8. In addition to having an Honorary Treasurer from amongst the members of the Bar Council there shall be a separate Secretary, an Accountant and such other staff support for the project as may be deemed necessary to be appointed by the Legal Education Committee and approved by the Bar Council.
9. The payment out of the Special Funds can be initiated by the Course Coordinator and/or the Accountant to be requisitioned by the Secretary of the Legal Education Committee along with the Chairman of the Finance Committee or of the Treasurer of the Project. In case of any urgent need the same can be sanctioned by the Chairman or the Vice-Chairman of the Bar Council or by the Chairman of the Legal Education Committee.

10. All entries in the cash book shall be checked by the Secretary of the project item by item with reference to the receipts and vouchers, and attested in token of check. The cash book shall be signed by the Secretary daily.
11. At the end of each month, the balance sheet shall be struck and the closing balance verified with reference to the bank pass book.
12. The totals of various columns in the book shall be carried forward into the next month's account.
13. Except for such grants that may be made from the general fund, the special funds for CLEP will not form part of the annual budget of the Bar Council, nor the payment of salaries, remuneration, honorarium and other expenses made or incurred on account of the project be a liability on the Bar Council general fund or on its annual budget.
14. All appointments as are given for CLEP project by the Legal Education Committee for running CLEP project will be treated as temporary not being on the pay roll of the Bangladesh Bar Council and their appointment, terms and conditions will not be governed by the general Rules as are applicable to the officers and employees of the Bar Council.
15. These Special Funds Rules for Continuing Legal Education Programme will be deemed to have come into effect when the funds was so constituted by the Bar Council by opening separate accounts for CLEP project on 11th November, 1993.

OFFICE OF THE BANGLADESH BAR COUNCIL  
BAR COUNCIL BHABAN, RAMNA, DHAKA

Examination For Enrolment As Advocate: Time 4 Hours

**SYLLABUS**

**Examinations for enrolment as Advocates**

Total Marks-100

6(six) questions to be answered taking one from each Group

Time- 4 hours

**GROUP-A: CIVIL PROCEDURE CODE, 1908 (Marks-16)**

Section 2 : Definition

Sections 9 to 12 : Jurisdiction and Res Judicata

Sections 15 to 20 : Place of Suing

Sections 22 to 24 : Power of transfer of suits

Sections 38, 39 & 48 : About Execution of decree

Sections 96,97,104,105 & 107: Appeal from decree

Order (See Order 41, Rules 1 to 6 and Order 43  
Rule 1)

Section 114; Review (See Order 47 Rule 1)

Section 115 : Revision

Section 144 : Restitution

Section 151 : Inherent Power of Court

Order 6 Rule 17: Amendment of pleadings

Order 7 Rules 1 to 15 : Plaint

Order 8 Rules 1 to 8 :Written Statement and set off

Order 23 Rules 1 to 3 :Withdrawal & adjustment

Order 38 Rules 5 to 12 : Attachment before  
judgment

Order 39 Rules 1 to 4: Temporary injunction

Order 40 Rule 1: Appointment of Receiver.

**GROUP-B: SPECIFIC RELIEF ACT, 1877 (Marks-16)**

Section 9 : Suit for possession

Sections 12 to 17 : Contracts which may be  
specifically enforced

Sections 21 & 22 : Contracts not specifically  
enforced and discretion of court

Sections 39 & 40 : Cancellation of instrument

Section 42 : Declaration of status or right

Section 45 : Power to order to do specific acts.

Sections 52 to 57 : Injunctions.

**GROUP-C: CRIMINAL PROCEDURE CODE, 1898 (Marks-16)**

- Section 4 : Definitions
- Section 6 : Classes of criminal courts
- Sections 9,10,12, & 14: Court of Session, District Magistrate, Subordinate Magistrate & Special Magistrates
- Sections 107 to 110 : Security for keeping the peace and for good behavior
- Section 144 : Temporary order in urgent cases.
- Sections 145 & 146 : Dispute as to immovable property
- Sections 154 & 155: Information in cases
- Sections 172 & 175 : Diary investigation, Report of police officer
- Sections 200 to 205 :Complaints to Magistrates & Commencement of Proceeding.
- Sections 241 to 249 : Trial of summons cases.
- Sections 404 to 410, 412 to 414, 417 to 420: Appeals.
- Sections 435, 436, 438, 439 and 439A: Reference and revision
- Section 476: Procedure in cases in section 195
- Section 488 :Order for maintenance of wives and children
- Sections 496 to 498 and 498A : Bail
- Sections 526, 526B and 528 : Transfer of cases

**GROUP-D: PENAL CODE, 1860 (Marks-16)**

- Sections 34 & 35 : Common intention, when such act is criminal
- Sections 96 & 97: Right of private defence
- Section 107: Abatement
- Section 149 : Prosecution of common object
- Sections 299, 300, 301, 304 & 304A: Offence affecting life
- Sections 319 to 322, 324 & 326 : Hurt
- Sections 339 & 340: Wrongful restraint and confinement
- Sections 359 & 362 : Kidnapping & abduction
- Section 375 : Rape

Sections 378 to 380 : Theft  
Section 383 : Extortion  
Sections 390, 391, 394 & 396 : Robbery & dacoity  
Sections 403 & 405: Dishonest misappropriation & breach of trust  
Sections 415, 416 & 420 : Cheating  
Section 425 : Mischief  
Sections 441 & 446 : Criminal trespass  
Sections 463 & 464: Forgery.

**GROUP-E: (Marks-16)**

**(i) LIMITATION ACT, 1908**

Section 3: Suits to be dismissed if instituted after limitation  
Section 5 : Extension of period  
Section 6 : Legal disability  
Section 12 : Exclusion of time in legal proceeding  
Section 14 : Exclusion of time spent bonafide in other forum  
Section 18 : Effect of fraud  
Section 19 : Effect of acknowledgment  
Section 20 : Effect of payment  
Section 23 : Continuing breaches and wrongs.  
Section 29 : Savings.

**(ii) EVIDENCE ACT, 1872**

Section 17 : Admission  
Sections 24 to 26 Confession  
Sections 32 & 33: Statement of persons who cannot be called as witness  
Sections 59 & 60 : Oral evidence  
Sections 61 & 63 : Documentary evidence  
Sections 74 & 75 : Public & Private document  
Sections 101 to 106 and 114, 115: Burden of proof and presumption, estoppel  
Sections 137 to 142, 145,146,151  
152, 155, 157 and 159 : Examination of witness.

**GROUP-F : (Marks-20)**

**Ethics, Bar Council Rules and Legal Decisions**

- A. Rules of Professional Etiquette.
- B. Functions, formation and power of the Bangladesh Bar Council and difference between Bar Council & Bar Association.

C. Legal decisions and reports.  
BAR COUNCIL ELECTION

**NOMINATION FORM**

To  
The Secretary,  
Bangladesh Bar Council  
Bar Council Bhaban,  
Ramna, Dhaka.

Dear Sir,

We, the undersigned Advocates propose the name of  
Mr..... a member of the ..... Bar  
Association as a candidate in the ensuing Bar Council Election  
scheduled to be held on ..... from **General Seat/Group**  
**'.....' Seat.**

Yours faithfully,

<u>Proposer</u> (Full name)	<u>Name of Bar</u>
1. _____	_____
2. _____	_____
3. _____	_____

I have given my consent.

(Signature of the candidate)  
Date of Enrolment \_\_\_\_\_

**AGREEMENT OF PUPILAGE FOR PERMISSION TO  
PRACTISE IN THE HIGH COURT DIVISION**

This Agreement of pupillage is made and concluded this the .  
.. day of. .... 200...

**Between**

Mr. . . . . Advocate enrolled on ..... with the  
Bangladesh Bar Council and a member of the . . . Bar  
Association of Vill. .... . . .

**And**

Mr. .... Advocate, permitted to practise in the High  
Court Division on ..... and a member of the Bangladesh  
Supreme Court Bar Association, presently residing at . . . . .

1. Now these presents witness that Mr.. . . . .(pupil) of  
his own free will doth hereby place and bind himself as a pupil  
of Mr.. . . . (Sr.) to be by him taught and instructed in the  
practice and profession of an Advocate of the High Court  
Division and agree to serve him from the date hereof for and  
during and until the full end of 6/12 months.

2. That Mr.. . . .(pupil) doth covenant and agree with Mr..  
. . . . . (Sr.) by these presents that Mr.. . . . . (Sr.) shall and will  
accept and take Mr.. . . . . (pupil) as his pupil for and during  
the said term of 6/12 months and shall and will by the best ways  
and means in his/her power and to the best of his/her knowledge  
shall teach and instruct or cause to be taught and instructed Mr.. .  
. . . .(pupil) in the practice and profession of an Advocate of the  
High Court Division.

In witness whereof the said parties to these presents have  
hereunto signed and subscribed their respective hands this day,  
this year first above written.

Signature of the pupil

Witnessed by:

1)

Signature of Senior Advocate

2)

---

Note: (i) Advocates seeking permission to practise in the High Court Division (HCD) shall require to complete 6/12 months training by executing the above agreement of pupillage. The agreement shall have to be submitted before the Bar Council within 30 days of its execution failing which this shall not be acceptable.

(ii) Advocates desirous of getting permission to practise in the HCD shall require to take training for a continuous period of 6 months under an Advocate of 10 years standing in the Supreme Court.

(ii) Advocates, who were called to the Bar in U.K or obtained LL.M degree with higher 2<sup>nd</sup> class following LL.B (Hons) four years course, may get exemption of 2 years practice to apply for permission to practise in the HCD provided that he/she shall have to take training for a continuous period of one year with a Senior Advocate of the Supreme Court.

**THE BANGLADESH LEGAL PRACTITIONERS  
AND BAR COUNCIL ORDER  
AND RULES, 1972**

**With**

- \* Benevolent Fund & Relief Fund Rules,**
  - \* Rules for Registration of Advocates' Clerks,**
  - \* Special Fund Rules**
- And**
- \* Canons of Professional Conduct & Etiquette**

**As amended up-to September,  
2008**

**Price Tk. 200.00**

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