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THE ROLE OF THE BAR COUNCIL OF INDIA

~ *Hetu*

Introduction

The Bar Council of India (BCI) stands as a cornerstone in the Indian legal system, entrusted with the responsibility of regulating and overseeing the legal profession. Established under the Advocates Act, 1961, the BCI's multifaceted role encompasses regulatory, educational, disciplinary, and welfare functions, ensuring that the legal profession maintains its integrity and serves the public interest.

Roles of the Bar Council of India

The BCI performs several roles such as:

1. Regulatory Roles

The Advocates Act of 1961, Section 7, gives the BCI the authority to:

- Establish guidelines for advocates' proper behaviour and demeanor.
- Keep an eye on and manage State Bar Council operations.
- Encourage legal education and establish guidelines for law schools.
- Acknowledge colleges that grant legal degrees that allow students to become advocates.
- Oversee and allocate funding for legal assistance and welfare programs.

These rules guarantee that the legal community upholds high standards and functions as a single entity throughout the country.

2. Disciplinary Authority

The BCI plays a pivotal role in maintaining the discipline within the legal community. Section 35 of the Advocates Act, 1961, empowers State Bar Councils to take disciplinary action against

advocates found guilty of professional misconduct. The BCI oversees these proceedings and can intervene when necessary. Notable case laws illustrating the BCI's disciplinary role include:

1. Raveendranath Naik v. Bar Council of India

The BCI's dedication to legal aid efforts was reaffirmed when the court ruled that a resolution the organization had made prohibiting participation in legal aid programs was unlawful and null and void.

2. Ex-Captain Harish Uppal v. Union of India

The Supreme Court highlighted the BCI's responsibility in upholding the integrity of the judiciary by emphasizing that it should not use boycotts or strikes to obstruct court operations.

3. Bar Council of Maharashtra v. M.V. Dabholkar

The BCI's dedication to maintaining professional ethics was demonstrated by the suspension of advocates found guilty of unethical actions, such as recruiting clients.

4. D. Saibaba v. Bar Council of India

As a result of running a telephone booth under the disability quota, an advocate was removed from the rolls, highlighting the BCI's oversight of professional misbehavior.

3. Legal Education and Welfare Initiatives Standards

The BCI also has a say in how Indian legal education is developed. It specifies the requirements for law schools and universities' curricula and facilities. The BCI also has the power to inspect these establishments to make sure that stated standards are being followed.

For example, under Section 7(1)(i) of the Advocates Act, 1961, the BCI approved the founding of a new law school by St. Aloysius (Deemed to be University) in the Dakshina Kannada area, enabling it to award law degrees. This highlights how important the BCI is to preserving the caliber of legal education.

Beyond regulation, the BCI is instrumental in advocating for the welfare of legal professionals. It has established various committees to look after the application procedures made by advocates for welfare funds. These committees verify applications and provide necessary

assistance to advocates in need. Furthermore, the BCI organizes legal aid services for individuals who cannot afford the services of a lawyer, ensuring access to justice for all

4. International Engagement

India is also represented in international legal forums by the BCI. The BCI may join foreign legal organizations such as the foreign Bar Association or the International Legal Aid Association in accordance with Section 7(a) of the Advocates Act, 1961. It can approve participation in international legal conferences or seminars and make financial contributions. By bringing India's legal profession into line with international norms and practices, this international participation promotes a more cohesive legal community.

Recent Developments

The BCI has made great strides in recent years to adjust to the changing legal environment. For example, it changed its regulations to allow international attorneys to practice foreign law in India as long as they meet specific requirements. This action is to promote international law and increase the worldwide reach of Indian legal experts.

Conclusion

The Bar Council of India stands as a pillar of the Indian legal system, ensuring that the legal profession remains robust, ethical, and responsive to societal needs. Through its regulatory, disciplinary, educational, and welfare functions, the BCI plays a crucial role in shaping the future of law in India. Its continued efforts are vital for maintaining the integrity and professionalism of the legal community.

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