

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

PRESIDENT'S ORDER NO. 46 OF 1972

[18<sup>th</sup> May, 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 the provisions of this Order;

(b) "Bar Council" means the Bangladesh Bar Council constituted under this Order;

<sup>1</sup>[(bb) "Bar Association" means Supreme Court Bar Association or a Local Bar Association;]

(c) "East Pakistan Bar Council" means the Bar Council which, before the 26<sup>th</sup> day of March, 1971, was known as the East Pakistan Bar Council;

(d) "Government" means the Government of the People's Republic of Bangladesh;

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<sup>1</sup> Clause (bb) was inserted by section 2 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 2003 (Act No. XXXIX of 2003).

(e) “High Court” means <sup>1</sup>[the High Court Division of the Supreme Court];

<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;]

(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 <sup>3</sup>[July] following the general elections to the Bar Council; and at the end of each terms 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*;

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<sup>1</sup> The words “the High Court Division of the Supreme Court” were substituted for the words “High Court of Bangladesh” by section 2 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 2003 (Act No. XXXIX of 2003).

<sup>2</sup> Clause (f) was substituted by section 2 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 2003 (Act No. XXXIX of 2003).

<sup>3</sup> The word “July” was substituted for the word “April” by Article 2 of the Bangladesh Legal Practitioners and Bar Council (Third Amendment) Order, 1972 (President’s Order No. 144 of 1972).

(b) seven shall be elected in the prescribed manner by the advocates on the roll from amongst their members; and

<sup>1</sup>[(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.]

(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.

<sup>2</sup>[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>3</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.]

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 the *official*

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<sup>1</sup> Sub-clause (c) was substituted by section 3 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 2003 (Act No. XXXIX of 2003).

<sup>2</sup> Article 5A was inserted by section 4 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 2003 (Act No. XXXIX of 2003).

<sup>3</sup> Article 6 was substituted by section 2 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 1975 (Act No. XII of 1975).

*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 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 <sup>1</sup>[30<sup>th</sup> day of June, 1973].

**8.** Elections to the Bar Council shall always be held so as to conclude on or before the <sup>2</sup>[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 the 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;

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<sup>1</sup> The figures, words and comma "30<sup>th</sup> day of June, 1973 " were substituted for the figures, words and comma "31<sup>st</sup> day of March, 1973" by Article 3 of the Bangladesh Legal Practitioners and Bar Council (Third Amendment) Order, 1972 (President's Order No. 144 of 1972).

<sup>2</sup> The words "thirty first day of May" were substituted for the words "twenty eighth day of February" by Article 4 of the Bangladesh Legal Practitioners and Bar Council (Third Amendment) Order, 1972 (President's Order No. 144 of 1972).

- (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 interests of advocates on its roll;
- (f) to manage and invest the funds of the Bar Council;
- (g) to provide for the election of its members;
- (h) to lay down the procedure to be followed by its committees;
- (i) to promote legal education and to lay down the standards to 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;
- <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.

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<sup>1</sup> Sub-clause (b) was omitted by section 5 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 2003 (Act No. XXXIX of 2003).

(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.

<sup>1</sup>[**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:-

- (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.]

**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

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<sup>1</sup> Article 11A was inserted by section 6 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 2003 (Act No. XXXIX of 2003).

- (b) if it occurs in the office of the <sup>1</sup>[\* \* \*] Vice-Chairman, by a person elected in the prescribed manner by the members of the 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 and their families and dependents, group insurance schemes and benevolent funds.

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

(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 utilised in such manner as may be prescribed.

**15.** (1) A 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.

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<sup>1</sup> The words “Chairman or” were omitted by section 3 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 1975 (Act No. XII of 1975).

(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 <sup>1</sup>[Companies Act, 1994 (Act 18 of 1994)], at such time and in such manner as may be prescribed.

<sup>2</sup>[(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.]

**17.** No act done by the Bar Council or any Tribunal or committee thereof shall be called in questions 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.

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<sup>1</sup> The words, comma, figures and brackets “Companies Act, 1994 (Act 18 of 1994)” were substituted for the words, comma, figures and brackets “Companies Act, 1913 (Act VII of 1913)” by section 7 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 2003 (Act No. XXXIX of 2003).

<sup>2</sup> Clause (3) was inserted by section 7 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 2003 (Act No. XXXIX of 2003).



(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 advocate in which shall be entered the names of-

- (a) all persons who were, as advocate, entitled to practise in the High Court or in any 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 provision of this Order.

**21.** (1) No advocate other than an advocate<sup>1</sup> [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 High 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 condition 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;

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<sup>1</sup> The words “permitted to practice before the High Court” were substituted for the word “enrolled” by Article 2 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Order, 1972 (President’s Order No. 53 of 1972).

- (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 instalment, 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 immediately 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 his 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 had obtained-

- (i) <sup>1</sup>[ \* \* \* ] a degree in law from any university situated within the territory which forms part of Bangladesh; or
- (ii) before the 26<sup>th</sup> day of March, 1971, a degree in law from any university in Pakistan <sup>2</sup>[:

Provided that the Bar Council may recognise such degree obtained by such person after the 25<sup>th</sup> 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 14<sup>th</sup> 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 recognised by the Bar Council; or <sup>3</sup>[\* \* \*] 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.

<sup>4</sup>[(1A) Notwithstanding anything contained in clause (1), a person who has, for at least seven years, been a Mukhtar 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).]

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<sup>1</sup> The words "before coming into force of this Order" were omitted by Article 2 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Order, 1972 (President's Order No. 53 of 1972).

<sup>2</sup> The colon (:) was substituted for the semi-colon and word "; or" and the proviso was added by section 2 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 1974 (Act No. XLI of 1974).

<sup>3</sup> The brackets and figure "(v)" were omitted by section 2 of the Bangladesh Legal Practitioners and Bar Council (Second Amendment) Act, 1974 (Act No. LX of 1974)

<sup>4</sup> Clause (1A) was inserted by section 2 of the Bangladesh Legal Practitioners and Bar Council (Second Amendment) Act, 1974 (Act No. LX of 1974)

(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*, specify in this behalf, had elapsed from the date of the expiration of the sentence.

<sup>1</sup>[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:

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<sup>1</sup> Article 27A was inserted by section 8 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 2003 (Act No. XXXIX of 2003).

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 voters 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 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.]

**28.** No woman shall be disqualified for admission to be an advocate for reason only 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.

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<sup>1</sup> The proviso was substituted by section 2 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 2004 (Act No. VII of 2004).

(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 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 Councils 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 (3) 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 enquires 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 an advocate, impose deterrent costs not exceeding a sum of five hundred rupees 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 purposes 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 a 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 summons 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 such process or issue such commission, as the case may be, and may enforce any such process as if 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 recognise 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 purposes 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;

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<sup>1</sup> The words "Chairman and" were omitted by section 3 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 1975 (Act No. XII of 1975).

- (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>1</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 utilised;
- (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;

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<sup>1</sup> The words "Chairman or" were omitted by section 3 of the Bangladesh Legal Practitioners and Bar Council (Amendment) Act, 1975 (Act No. XII of 1975).

- (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 instalments, 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 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 recognised;
- (v) the procedure to be followed by a Tribunal of the Bar Council in enquiries relating to the conduct of an advocate;
- (w) the fees 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 in any other law for the time being in force,-

- (a) the enrolment of all persons as advocates during the period from the 26<sup>th</sup> day of March, 1971, to the 15<sup>th</sup> day of December, 1971, shall stand cancelled; and
- (b) all persons enrolled as advocates during the period from the 1<sup>st</sup> day of January, 1972, to the 30<sup>th</sup> day of June, 1972, shall be deemed to be enrolled on 1<sup>st</sup> 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 East 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 Tribunals 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", wherever occurring, the word "Bangladesh" shall be *substituted*.

45. <sup>1</sup>[Except as provided in clause (1A) of Article 27, nothing] in this Order shall apply to mukhtars and revenue agents and every mukhtar 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 persons as if they had not been repealed by the Legal Practitioners and Bar Councils 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 published 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.

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<sup>1</sup> The words, brackets, figures, letter and comma "Except as provided in clause (1A) of Article 27, nothing" were substituted for the word "Nothing" by section 3 of the Bangladesh Legal Practitioners and Bar Council (Second Amendment) Act, 1974 (Act No. LX of 1974).