

## **BAR ASSOCIATION**

### **INTRODUCTION:**

A **Bar association** is a professional body of lawyers. Some bar associations are responsible for the regulation of the legal profession in their jurisdiction; others are professional organizations dedicated to serving their members; in many cases, they are both. In many Commonwealth jurisdictions, the bar association comprises lawyers who are qualified as barristers or advocates in particular, versus solicitors. Membership in bar associations may be mandatory or optional for practicing attorneys, depending on jurisdiction.

*An organization of lawyers established to promote professional competence, enforce standards of ethical conduct, and encourage a spirit of public service among members of the legal profession.*

The mission of a bar association is frequently described in the words of Roscoe Pound, legal scholar and dean of Harvard Law School from 1916 to 1936: "To promote and maintain the Practice of Law as a profession, that is, as a learned art pursued in the spirit of a public service in the spirit of a service of furthering the administration of justice through and according to law."

Bar associations accomplish these objectives by offering continuing education for lawyers in the form of publications and seminars. This education includes instruction on recent developments in the law and in managing a law practice successfully as a business. Bar associations encourage members to offer Pro Bono legal services (to provide legal services at no cost to members of society who cannot afford them). Bar associations develop guidelines and rules relating to ethics and Professional Responsibility and enforce sanctions for violation of rules governing lawyer conduct. Bar associations also offer attorneys the opportunity to meet socially to discuss employment prospects and legal theories.

- A bar association is a professional body of lawyers. Some bar associations are responsible for the regulation of the legal profession in their jurisdiction; others are professional organizations dedicated to serving their members; in many cases, they are both. In many Commonwealth jurisdictions, the "bar association" comprises lawyers who are qualified as barristers or advocates (collectively known as "the bar", or "members of the bar"), while the "law society" comprises solicitors. These bodies are sometimes mutually exclusive. In other jurisdictions, the "bar" may refer to the entire community of persons engaged in the practice of law.

### **FUNCTIONS AND ROLE OF BAR ASSOCIATION OF INDIA**

Section 7 of the Advocates Act, 1961 lays down the Bar Council's regulatory and representative mandate. The functions of the Bar Council are to:

1. Lay down standards of professional conduct and etiquette for advocates.
2. Lay down procedure to be followed by disciplinary committees.

3. Safeguard the rights, privileges and interests of advocates.
4. Promote and support law reform.
5. Deal with and dispose of any matter which may be referred by a State Bar Council.
6. Promote legal education and lay down standards of legal education.
7. Determine universities whose degree in law shall be a qualification for enrollment as an advocate.
8. Conduct seminars on legal topics by eminent jurists and publish journals and papers of legal interest.
9. Organize and provide legal aid to the poor.
10. Recognize foreign qualifications in law obtained outside India for admission as an advocate.
11. Manage and invest funds of the Bar Council.
12. Provide for the election of its members who shall run the Bar Councils.
13. Organize and provide legal aid to the scheduled cast.

### **OTHER BAR ASSOCIATIONS AND THEIR CURRENT ACTIVITIES:**

#### **I. BAR COUNCIL OF INDIA.**

The Bar Council of India is a statutory body created by Parliament to regulate and represent the Indian bar. The BCI performs the regulatory function by prescribing standards of professional conduct and etiquette and by exercising disciplinary jurisdiction over the bar. It also sets standards for legal education and grants recognition to Universities whose degree in law will serve as qualification for enrolment as an advocate.

In addition, it perform certain representative functions by protecting the rights, privileges and interests of advocates and through the creation of funds for providing financial assistance to organise welfare schemes for them.

The Bar Council of India was established by Parliament under the Advocates Act, 1961. The following statutory functions under Section 7 cover the Bar Council's regulatory and representative mandate for the legal profession and legal education in India:

1. To lay down standards of professional conduct and etiquette for advocates.
2. To lay down procedure to be followed by its disciplinary committee and the disciplinary committees of each State Bar Council.
3. To safeguard the rights, privileges and interests of advocates.
4. To promote and support law reform.
5. To deal with and dispose of any matter which may be referred to it by a State Bar Council.
6. To promote legal education and to lay down standards of legal education. This is done in consultation with the Universities in India imparting legal education and the State Bar Councils.
7. To recognise Universities whose degree in law shall be a qualification for enrollment as an Advocate? The Bar Council of India visits and inspects Universities, or directs the State Bar Councils to visit and inspect Universities for this purpose.
8. To conduct seminars and talks on legal topics by eminent jurists and publish journals and papers of legal interest.
9. To organise legal aid to the poor.
10. To recognise on a reciprocal basis, the foreign qualifications in law obtained outside India for the purpose of admission as an advocate in India.
11. To manage and invest the funds of the Bar Council.
12. To provide for the election of its members who shall run the Bar Councils.

### **The Bar Council of India can also constitute funds for the following purposes:**

1. Giving financial assistance to organise welfare schemes for poor, disabled or other advocates,
2. Giving legal aid, and
3. Establishing law libraries.

The Bar Council of India can also receive grants, donations, and gifts for any of these purposes.

### **II. SUPREME COURT BAR ASSOCIATION.**

The Supreme Court Bar Association has been in the vanguard of the movement for upholding, maintaining and consolidation of the constitutional values of democracy, rule of law and independence of Judiciary. In its meeting dated 4th May, 1951, the Executive Committee of the Bar Association consisting of legal luminaries like M. C. Setalvad, C. K. Daphtary and K. M. Munshi spoke of their deep concern against the first amendment of the Constitution. The Committee in its resolution observed that no attempt should be made to abridge or limit the Fundamental Rights. The Committee further pointed out that the Constitution was in operation only for a short period of sixteen months and the Supreme Court had no occasion to pronounce on the validity of various State laws. The Executive Committee also condemned the proposed move to combine the office of Law Minister and Attorney General as a threat to independence of Judiciary. During the first decade itself, the Bar Association showed its humane concern for poor litigants and decided to have its own Legal Aid Scheme. It came forward to raise its voice against the contempt notice issued by Patna High Court against the defence lawyer who had written an article against the report of the Law Commission. The Supreme Court Bar Association has thus maintained its fraternal links with other Bar Associations in India. It also showed its concern for the indigent and infirm members of the Bar who needed financial support. During this first decade, the Supreme Court also showed interest in the legal research by becoming a corporate member of the Indian Law Institute. A major landmark of the march of the Supreme Court Bar Association was in the tumultuous period between 1970 and 1980. During this period, the historic decision in Keshavananda Bharati case was pronounced by the Supreme Court laying down the implied limitations on the constitutional power of the Parliament to amend the basic structure of the Constitution. Three eminent judges of the Supreme Court, Hegde, Shelat and Grover JJ were superseded and Justice A. N. Ray was appointed as Chief Justice of the Supreme Court on 25th April, 1973. The political powers at that time were enraged at the various decisions of the Supreme Court including Keshavananda Bharati and attempted to encage and emasculate the Judiciary. The ostensible reason put forth by the Government was to have the judges who are "forward looking" and understood "the winds of change". The Supreme Court Bar Association, the other Bar Associations in the country and the public opinion rose with one voice against this onslaught on the Judiciary. Justice Hidayatullah J represented an emotional concern of the Bar in one word. Hidayatullah J said that this was an attempt of not creating 'forward looking judges' but the 'judges looking forward' to the plumes of the office of Chief Justice. Shri C. K. Daphtary described 25th April, 1973, as the blackest day in the history of democracy.

### **III. DELHI HIGH COURT BAR ASSOCIATION.**

The High Court of Delhi was established on 31st October, 1966. Initially, High Court of judicature at Lahore, which was established by a letter patent dated 21

March, 1919, exercised judicature over the then provinces of Punjab and Delhi. This position continued till Indian Independence Act, 1947 when the dominions of India and Pakistan were created.

The High Court (Punjab) act, 1947 established a new High Court for the territory of what was then called the east Punjab with effect from 15 August, 1947. The India (Adaptation of Existing Indian law) order, 1947 provided that any reference in an existing Indian law to the High Court of Judicature at Lahore, be replaced by a reference to the High Court of East Punjab.

The High Court of East Punjab started functioning from Shimla in a building called "Peterhoff", which was burnt down in January, 1981. Chandigarh 17.1.1955 – 1967 When the Secretariat of the Punjab Government shifted to Chandigarh in 1954-55, the High Court also shifted to Chandigarh. The High Court of Punjab as it is latter came to be called, exercised jurisdiction over Delhi, through a circuit Bench which dealt with the cases pertaining to the Union territory of Delhi and the Delhi Administration. In view of the importance of Delhi, its population and other considerations, parliament thought it necessary to create a new High Court for Delhi. This was achieved by enacting the Delhi High Court Act 1966, on 5th September 1966.

#### **IV. DELHI DISTRICT COURT BAR ASSOCIATION**

Delhi is divided into Six Judicial Districts and each district has a District Court. These courts strive to provide access and services to all Court Users in a Fair, Consistent and Timely Manner. They are committed to resolving civil, family, criminal and other matters fairly and efficiently, in accordance with law. They are also responsible for effectively allocating resources to implement the mandates of the Legislature, Supreme Court of India and Delhi High Court. The Various District Courts of Delhi are –

- **TIS HAZARI COURTS COMPLEX**

Tis Hazari Courts Complex is situated between Mori Gate and St. Stephen's Hospital (Near ISBT, Kashmere Gate) in Old Delhi. Construction of Tis Hazari Court Building started in 1953 and it was inaugurated on 19-03-1958 by Chief Justice Mr. A. N. Bhandari of the then Punjab High Court. Most of the civil courts and criminal courts of the Central and North district are housed in this building. Tis Hazari continues to be the principal District Court building in Delhi.

- **KARKARDOOMA COURT COMPLEX**

Karkardooma Courts Complex is in East Delhi near Anand Vihar & Suraj Mal Vihar. It was inaugurated on 15-05-1993 and these courts were earlier functioning at Shahdra Railway Station. The Criminal Courts for East and North-East Districts are functioning from Karkardooma Court Complex. Four courts of civil judges, one Matrimonial court, two Motor Accident Claims Tribunals and all the Labour Courts/Industrial Tribunals are situated here.

- **PATIALA HOUSE COURT COMPLEX**

Patiala House Courts Complex is also known as New Delhi Courts Complex. It is housed in the erstwhile palace of Maharaja of Patiala near India Gate and National Stadium. A small number of criminal courts were earlier functioning at Parliament Street and they were shifted to Patiala House in March 1977. Now-a-days Criminal Courts of New Delhi, South and South-West district are housed in Patiala House. Motor Accident Claims Tribunals for these districts are also situated here apart from two special CBI Courts.

- **ROHINI COURT COMPLEX**

This Courts Complex is situated near Madhuban Chowk on Outer Ring Road in Rohini Area. The Rohini Courts Complex was inaugurated on 06.01.2006 and is now fully functional. Presently 33 Courts are operational in Rohini Courts Complex dealing with Civil, Criminal, Matrimonial, Rent and Motor Accident Claims cases pertaining to West and North-West Districts.

- **DWARKA COURTS COMPLEX**

The building of Dwarka Courts Complex completed in the year 2008 and was inaugurated by Hon'ble Chief Justice of India Sh. K.G. Balakrishnan on 6th September 2008. Dwarka Courts Complex is another modern operational District Courts Complex in Delhi.

- **SAKET COURT COMPLEX**

This Court Complex started functioning with effect from Saturday, the 28th August, 2010. The Work of Civil and Criminal cases relating to South Civil District and South and South East Police Districts hitherto being taken up at Patiala House Courts Complex shall be taken up with effect from the aforesaid date by the courts of the respective districts at the new court complex at Saket. Similarly, Motor Accident Claim Petitions relating to the area within the jurisdiction of the aforesaid police districts shall be dealt with by the MACT's established at Saket.

## **INDIAN NATIONAL BAR ASSOCIATION**

Indian National Bar Association ("INBA") is non-profit, non- political and non-governmental organization that aims to serve the Indian Legal Community through programs designed to educate and connect members, who are interested in improving the administration of justice and bettering Indian society. Presently it has approximately more than 4000 registered members from different part of India and world.

INBA intends to provide the Legal Community with networking opportunities, access to foreign law firms, corporate counsel and Universities, Legal Jobs, Law Books, Health and Insurance Packages and multiple other benefits to its members of the Indian Legal Community.

The **Indian National Bar Association (INBA)** is incorporated as a non-profit, non-political, non-Governmental Association endeavoring to -

- Act as premier body representing the interest of Indian Legal Community & to strive to provide several economic & social benefits that should accrue to them;
- To act as a think tank for legal industry
- Reform the Indian Legal Systems leading to effective & quick justice for everyone;
- Reform the Indian Governmental bureaucratic rules & regulations (red-tape) and the Legal Systems, leading to nation's economic and business growth;

INBA has global reach and membership. It is constituted by Leading Advocates, Attorneys, Eminent Judges, Multinational Corporate & Businesses, Law Firms, Legal Fraternity and Professionals, Senior Government Officials, Law Students and Professors, NGOs, Litigants, Law Publishers and Vendors, Groups, Associations, and Individuals who are interested to promoting the goals and objectives of the Association.

INBA achieves its goals by providing opportunities for legal education, seminars, camaraderie & networking, Pro-bono Work, Public Interest Litigations and the opportunity to make a positive contribution to the Indian legal & justice systems. INBA enjoys strong and productive relationship with Indian Government and Judiciary.

### **OBJECTIVES**

The objects of the Indian National Bar Association are to -

- Work to reform the Indian Legal Systems leading to effective & quick justice for everyone;
- To act as a think tank to Indian legal industry
- To do research on the various issues concerning law and social and present the papers to relevant authority
- Work to reform the Indian Governmental bureaucratic rules & regulations (red-tape) & the Legal Systems, leading to nation's economic and business growth.
- Act as premier body representing the interest of Indian Legal Community & to strive to provide several economic & social benefits that should accrue to them;
- To promote the interactions and bridge the gap between the bar and bench;
- Upholding the honor of the profession of law,
- Promoting the interests of its members and fostering harmonious relations, Co-operation and discussion among the incorporated law societies, judges, barristers' societies and general corporations of the Bars of the states and territories and the members of the INBA,
- Encouraging a high standard of legal education,
- Doing all things necessary to benefit the members of INBA;
- Participate in and promote law reforms in order to foster science, technology, R&D, and innovation in the Country;
- Protecting the interests of the members of all state Bar Associations and
- Participate in and promote public legal education.