

making of the rule regarding the grant of the provisional enrollment within a week.

From: Advocates' Chamber (advocateschamber@yahoo.com)

To: dhruvakumar.1973@gov.in; impcell-dla@nic.in

Date: Monday 17 February, 2025 at 11:03 pm IST

To,

**The Legal Affair Department
Government of India
New Delhi**

Subject : making of the rule regarding the grant of provisional enrollment within a week in the advocates Act, 1961 in the way of the proposed amendment bill of 2025.

Sirs,

There is direction of the BCI issued Dt. 12-04-2023 to the State Bar Councils to issue the provisional enrollment to those who have not yet cleared the All India Bar Examination (AIBE) but the same direction was not followed by the Odisha State Bar Council and others for the wrongful gain and permanent enrollment are issued to those who have not cleared AIBE.

01. That, there is a guideline of the hon'ble M.P. High Court towards the same issued in the WP. no. 34475 of 2024 but the same was not complied with under a deep-rooted criminal conspiracy.

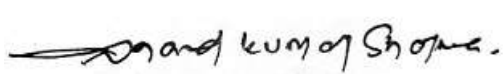
02. That, the rule is required to stop the illegality and arbitrariness committed by the SBCs.

So, you are requested to frame a rule in the Advocates Act , 1961 towards the same and the issue of the provisional enrollment certificate within a week so that citizen can compel the SBCs towards the same further imposing the provision of the Right to Public Services Guarantee Act.

I hope you will take prompt action to ensure justice and to adhere to the rule of law prevail in the country.

Thanking You.

Sincerely Yours.



**Advocate A K Sharma &
Associates**

(Orissa High Court)

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Enclosed ;

01. A copy of the proposed amendment bill-2025

02. A copy of the direction of the BCI Dt. 12-04-2013

03. A copy of the Hon'ble MP high Court's order.



ANNEXURE AN/1

भारतीय विधिज्ञ परिषद्
BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

BCI:D: 15/6 /STBC CIR. NO. 4/ 2013(COUNCIL)

12.4.2013

TO,
All The Secretaries
Of All The State Bar Councils

Sirs,

The All India Bar Examination Committee of Bar Council of India at its meeting held on 26th, August, 2012 passed the following Resolution:

“ The candidates who are enrolled by the concerned State Bar Councils but are yet to appear and pass the All India Bar Exam (AIBE) , it would be better if the concerned State Bar Councils enroll them provisionally and they are issued Provisional Certificates of enrollments Meaning thereby, the certificate issued to such candidates should bear the word “Provisional” (valid upto) in bold letters. The ID Cards issued to them by the State Bar Councils should also bear the work “Provisional” (Valid Upto.....) in same fashion. The candidates who do not pass AIBE shall not get benefits of the various Welfare Schemes of the State Bar Councils or the Bar Associations. The concerned State Bar Council should intimate this fact to all the Bar Associations. Those candidates should not get the right of voting and if any, Association decides to admit them as its member, their membership should be totally provisional with no voting-right. It is also resolved that just below the word provisional in the certificates or in the ID Cards, it should be made clear that the certificate is valid upto (the period is to be calculated for two years from the date of enrolment and the date after completion of two years should be mentioned after the word upto or till they pass the AIBE (whichever is earlier) . It is also made clear that those who do not pass the AIBE within the said period, will not be given further such provisional certificates till they pass the AIBE and will be ceased to be the advocate till they pass AIBE. After getting success in AIBE, the State Bar Councils shall issue certificates of enrollment and the candidates shall return their provisional certificates to State Bar Councils, the State Bar Councils shall issue certificate/licence only after verifying the Certificate of Practice (COP) issued by Bar Council of India duly signed by Chairman, Bar Council of India and Chairman of concerned State Bar Councils.”

Grams : ALINDIABAR, New Delhi
E-mail : info@barcouncilofindia.org
Website : www.barcouncilofindia.org



Tel. : (91) 011-4922
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The General House of the Bar Council of India considered the Resolution of the All India Bar Examination Committee and accept the decision of the said committee on 26.8.2012

I am enclosing herewith a performa of Undertaking that is to be submitted by the Advocate stating that he will practice as an advocate provisionally till he qualify All India Bar Examination and he shall pass this examination within a period of two years from the date of enrolment whichever is earlier. This undertaking should be taken in the form an affidavit on stamp paper of having value of Rs.10/-.

This is for your information and necessary action.

Thanking you,

Yours sincerely,


[J.R. SHARMA]
SECRETARY

Encl: As Above

UNDERTAKING

I. _____ S/o / D/o _____

R/o _____

bearing Enrolment No. _____ have been enrolled in the State Bar Council _____ in the year _____. I have obtained law degree during the academic year _____. I have to apply to the next All India Bar Examination. I undertake that I will practice as an advocate provisionally till I qualify the All India Bar Examination and I shall pass this examination within two year from the date of enrolment whichever is earlier. I further undertake that in case, I do not qualify the All India Bar Examination within two years from the date of my enrolment, I will not practice as an advocate before any court in India and I shall be abide by the decisions of Bar Council of India.

Date : _____ Signature _____

Place : _____ Name _____

Enrolment No. _____

Address _____



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WP-34475-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 27th OF NOVEMBER, 2024

WRIT PETITION No. 34475 of 2024

RAKESH SINGH BHADORIA

Versus

STATE BAR COUNCIL OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ravindranath Chaturvedi - Advocate with Shri Arihant Tiwari -
Advocate for the Petitioner.

Shri Ramakant Awasthi - Advocate for the Respondent No.1.
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ORDER

Per. Hon'ble Shri Justice Suresh Kumar Kait, Chief Justice

The respondent/Bar Council of M.P. is directed to enroll all the
Advocates provisionally within one week from today subject to the
verification to be done by the respondents.

2. Accordingly, the petition is **disposed of**.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

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