

Report on providing a legal framework for establishing a statutory association for the advocates' clerks

For some times past the advocates' clerks working in the courts and various offices in Bangladesh have been demanding establishment of a statutory association for looking after their affairs, interests and welfare. In this connection, they submitted a draft prepared by the বাংলাদেশ আইনজীবী সহকারী সমিতি to the Law Commission. The Law Commission has also before it an enactment which is in force in the state of West Bengal in India in this respect, namely, the West Bengal Law Clerks Act, 1997 (West Bengal Act XL of 1997).

It appears that the advocates' clerks also moved the Government in this respect and in pursuance thereof the Government made a reference to the Commission under Memo No. 663 Ain dated 18/10/2002 of the Ministry of Law, Justice and Parliamentary Affairs. Since the letter of reference is already with the Government, it is needless to reproduce it again in this report. After considering the reference made by the Government, the draft submitted by the বাংলাদেশ আইনজীবী সহকারী সমিতি, the enactment in force in West Bengal, the Bangladesh Bar Council Order, 1972 and the rules made thereunder, the Commission recommends that the Government may consider enactment of an Act in the following terms:-

"The Bangladesh Law Clerks Act, 200---

Chapter I

Preliminary

1. Short title, extent and commencement.- (1) This Act may be called the Bangladesh Law Clerks Act, 200--.

(2) It extends to the whole of Bangladesh.

(3) Notwithstanding any other law for the time being in force, it shall come into force on such date as the Government may, by notification in Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. Definitions.- In this Act, unless the context otherwise requires, -

- (a) "advocate" has the same meaning as in clause (a) of section 2 of the Bangladesh Legal Practitioners and Bar Council Order, 1972;
- (b) "appointed day", in relation to any provision of this Act, means a day on which that provision comes into force.
- (c) "council" means the Council of Law Clerks constituted under section 3 of this Act,
- (d) "law clerk" means a person enrolled in the roll as a law clerk under the provisions of this Act;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "registered clerk" has the same meaning as in the Rules For Registration Of Advocates Clerks under the Bangladesh Legal Practitioners and Bar Council Order, 1972;
- (g) "registering authority" has the same meaning as in the Rules For Registration of Advocates Clerks under the Bangladesh Legal Practitioners and Bar Council Order, 1972;
- (h) "regulations" means regulations framed under section 40 of this Act;
- (i) "right to act" means the right to do one or all of the following acts:-
 - (i) to accept employment under an advocate to assist him in the work of his legal profession or to enter into an agreement with an advocate for the purpose of assisting him in the work of his legal profession;

- (ii) to present application signed by an advocate of the parties to a litigation for information, supply of form, return of document, repayment of deposit, inspection or any other matter of routine nature;
 - (iii) to take delivery of copies or information, or to tender money, on behalf of an advocate;
 - (iv) to identify persons swearing affidavits;
 - (v) to take notes from the cause lists and books of information regarding dates of hearing, processes, process-fees due and like matters;
 - (vi) to file before an officer of any court, tribunal or other authority or person legally authorised to take evidence, whether on oath or not, any document, material or thing required to be filed before such court, tribunal or other authority or person on behalf of a litigant, provided that such document, material or thing is accompanied by a list of such document, material or thing and is signed by the advocate of the concerned party;
 - (vii) to do any other act which may be required by any rules made under any law for the time being in force or by any order issued by the Government or the Supreme Court.
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- (j) "roll" means the roll of law clerks prepared and maintained under section 11 of this Act;
 - (k) "rules" means rules framed under section 39 of this Act.

Chapter II

The Council of Law Clerks

3. **Council.-** (1) There shall be constituted a Council of Law Clerks.

(2) The Council shall consist of thirty members elected from amongst the law clerks on the roll in such manner and from such constituencies as may be prescribed.

(3) There shall be the following office- bearers of the Council:-

- (a) a Chairman;
- (b) a Vice-Chairman;
- (c) a General Secretary and
- (d) a Treasurer.

(4) The office-bearers of the Council shall be elected from amongst the members of the Council in such manner as may be prescribed.

(5) The term of office of the members of the Council shall be three years from the date of the first meeting of the Council:

Provided that the members of the Council shall continue to hold office until the first meeting of the next Council.

(6) The Council shall be a body corporate having perpetual succession and a common seal, with power to hold property, both movable and immovable and to enter into contract and shall sue and be sued by its name.

(7) The Council shall establish in Dhaka an office of the Council known as the head office.

(8) The Council may also establish offices in such places as it may deem fit and such offices shall be known as branch offices.

4. Functions of the Council.- (1) The functions of the Council shall be-

- (a) to admit persons as law clerks on the roll;
- (b) to prepare and maintain the roll;
- (c) to issue certificate of enrolment as law clerks;
- (d) to entertain and determine cases of misconduct against law clerks on the roll;
- (e) to safeguard the rights, privileges and interests of law clerks on the roll;
- (f) to organise, conduct and manage training, as may be prescribed, for admitting persons as law clerks on the roll and to promote, encourage and organise refresher courses for law clerks;
- (g) to manage and invest the funds of the Council;
- (h) to provide for the election of its members;
- (i) to lay down the standards of professional conduct of law clerks;
- (j) to lay down the procedure to be followed by its disciplinary committee;
- (k) to promote and support law reforms relating to the profession of law clerks;
- (l) to conduct seminar, and to organise talks, on the profession of law clerks and on legal topics and to publish journals;
- (m) to publish periodicals and papers of interest to law clerks;
- (n) to do all acts to provide aid for the welfare of all or any specified category or group of law clerks;
- (o) to perform all other functions conferred by or under this Act;
- (p) to do all other things necessary for discharging the aforesaid functions.

(2) The Council shall constitute the following committees:-

- (a) One Executive Committee;
- (b) One Enrolment Committee;
- (c) One or more Disciplinary Committees;
- (d) One or more Appeal Committees.

(3) The Council may constitute any other committees with the members from among its members as it may deem fit for carrying out the purposes of this Act.

5. The Executive Committee.- (1) The Executive Committee shall consist of ten members and shall be composed of :-

- (a) the Chairman of the Council who shall be the Chairman of the Executive Committee;
- (b) the Vice-Chairman of the Council;
- (c) the General Secretary of the Council who shall be the Secretary of the Executive Committee;
- (d) seven members elected by the members of the Council from amongst themselves.

(2) The term of the Executive Committee shall expire with the expiry of the term of the Council:

Provided that the members of the Executive Committee shall continue to hold office until the constitution of the next Executive Committee.

(3) Subject to this Act, the rules and regulations made thereunder and the general directions and control of the Council, the Executive Committee shall be responsible for the general administration and management of the affairs of the Council and shall have all powers necessary for the purpose.

Without prejudice to the generality of the powers which may be conferred by this Act or any rules and regulations made thereunder, the Executive Committee shall have the power:

- (a) to give effect to the resolutions, recommendations, directions and instructions of the Council;
- (b) to prepare and execute the detailed plans and programmes for furtherance of the legitimate interests of the law clerks;
- (c) to consider the applications for enrolment of law clerks;
- (d) to appoint and control such staff as may be required for proper and efficient management of the affairs of the Council and to regulate their recruitment and conditions of service including appointment, promotion, discipline and related matters;
- (e) to sue and be sued on behalf of the Council;
- (f) to appoint sub-committees consisting of the members of the Council, law clerks and others for carrying out specific functions;
- (g) to receive and to have custody of funds subject to the control and direction of the Council;
- (h) to incur expenditure: Provided that the previous approval of the Council shall be obtained if the expenditure exceeds an amount of five lakhs taka;
- (i) to enter into agreement or contract for and on behalf of the Council.

6. The Enrolment Committee.- (1) The Enrolment Committee shall consist of five members.

(2) Four members of the Enrolment Committee shall be elected by the Council from amongst its members and one shall be an advocate nominated by the Bangladesh Bar Council who shall be its Chairman.

(3) The term of the Enrolment Committee shall expire with the expiry of the term of the Council:

Provided that the members of the Enrolment Committee shall continue to hold office until the constitution of the next Enrolment Committee.

7. The Disciplinary Committee.- (1) Each Disciplinary Committee shall consist of three members.

(2) Two members of the Disciplinary Committee shall be elected by the members of the Council from amongst themselves and one member shall be an advocate nominated by the Bangladesh Bar Council who shall be its Chairman.

(3) The term of the Disciplinary Committee shall expire with the expiry of the term of the Council:

Provided that the members of the Disciplinary Committee shall continue to hold office until the constitution of the next Disciplinary Committee.

8. The Appeal Committee.- (1) Each Appeal Committee shall consist of three members.

(2) Two members of the Appeal Committee shall be elected by the members of the Council from amongst themselves and one member shall be an advocate nominated by the Bangladesh Bar Council who shall be its Chairman.

(3) The term of the Appeal Committee shall expire with the expiry of the term of the Council:

Provided that the members of the Appeal Committee shall continue to hold office until the constitution of the next Appeal Committee.

9. Constitution of funds.- (1) The Council may constitute one or more funds in such manner as may be prescribed for the purposes of-

(a) carrying out all or any of the functions of the Council under sub-section (1) of section 4 of this Act;

(b) providing financial assistance to or organising welfare schemes for the law clerks, particularly, those who are indigent or disabled.

(2) The Council may receive any grant, donation, gift or benefaction for all or any of the purposes mentioned in sub-section (1) of this section and such grant, donation, gift or benefaction shall be credited to the appropriate fund or funds constituted under the aforesaid sub-section.

(3) The Council may, for any of the purposes mentioned in sub-section (1) of this section, raise funds from among the law clerks on the roll providing for compulsory payment by each law clerk on the roll of a sum of money, not exceeding one hundred taka annually:

Provided that no part of the funds raised under this sub-section shall be utilised for any purposes other than those mentioned in sub-section (1) of this section.

Chapter III

Preparation and maintenance of roll

10. A single class of law clerks.- There shall be one class of law clerks for the purposes of this Act.

11. Roll of law clerks.- (1) The Council shall prepare and maintain a roll of law clerks in which shall be entered the name and address of-

- (a) any person who, on the appointed day, has been working as an advocate's clerk under, and in accordance with, a card issued by a Registering Authority under rule 7 of the Rules For Registration of Advocates Clerks and has been attached to any advocate:

Provided that such person shall make an application for such enrolment in the prescribed form and shall pay on enrolment fee of two hundred taka to the council within one year from the appointed day;

- (b) any other person who is admitted to be a law clerk on the roll on or after the appointed day:

Provided that no person shall be enrolled as a law clerk unless he has paid, in respect of such enrolment, an enrolment fee of two hundred taka to the Council.

(2) Entries in the roll shall be in alphabetical order and shall be subject to any rule that may be made in this behalf in the prescribed manner.

12. Application for enrolment.- (1) Subject to the provisions of this Act and any rules made thereunder, any person may, on or after the appointed day, make an application to the Council in the prescribed form for enrolment as a law clerk.

(2) No person shall be qualified for enrolment as a law clerk unless-

- (a) he is a citizen of Bangladesh;
- (b) he is of sound mind;
- (c) he has, on the date of the application, completed the age of eighteen years;

- (d) he has completed a period of probation and/or training as prescribed by rules or regulations made under this Act:

Provided that the absence of rules or regulations as contemplated in this clause shall exempt the applicant from complying with the requirements of this clause.

- (e) he fulfills such other conditions as may be specified by any rule made under this Act.

(3) Notwithstanding sub-section (2) of this section, any person, who is a registered clerk on the appointed day, may be enrolled as a law clerk, if he makes, within one year from the appointed day, an application for such enrolment in accordance with the provisions of clause (a) of sub-section (1) of section of 11 this Act, and pays to the Council an enrolment fee of two hundred taka.

13. Bar to enrolment.- No person shall be enrolled as a law clerk if he has been convicted of an offence involving moral turpitude unless a period of three years has elapsed since such person has served out the sentence.

14. Procedure for enrolment.- (1) Every application for enrolment as a law clerk shall be referred by the Council to the Enrolment Committee and the Enrolment Committee shall dispose of the application in the prescribed manner.

(2) If the Enrolment Committee allows the application, it shall direct the applicant to be enrolled as a law clerk and, accordingly, his name shall be forthwith entered in the roll of law clerks.

(3) If the Enrolment Committee rejects the application, the reasons for such rejection shall be stated.

(4) The final decision of the Enrolment Committee under this section shall be communicated to the applicant within two weeks from the date of the decision.

15. Certificate of enrolment.- There shall be issued a certificate of enrolment in the prescribed form by the Council to every person whose name has been enrolled in the roll. Every person whose name has been enrolled in the roll shall notify any change of place of his permanent residence to the Council within three months from the date of such change.

16. Validity of enrolment and renewal.- An enrolment as law clerk shall remain valid for three years from the date of enrolment and shall be renewable in such manner and on payment of such fees as may be prescribed by rules.

17. Removal of name from roll.- (1) The Council shall remove from the roll the name of any law clerk on his death or on the request made in writing by a law clerk to remove his name.

(2) The Council may, if it is satisfied, either on a reference made to it in this behalf or otherwise, that any person has got his name enrolled in the roll by misrepresentation of any essential fact or by fraud or undue influence, remove the name of such person from the roll after giving him an opportunity of being heard.

18. Cancellation of certificate of enrolment.- As soon as the name of a law clerk is removed from the roll, the certificate of enrolment issued in his name shall stand cancelled.

19. No removal from roll for termination of engagement with advocate.- (1) The termination of agreement of attachment or engagement of a law clerk with an advocate shall not by itself result in suspension or removal of the name of a law clerk from the roll and notwithstanding such termination of agreement with the advocate, the law clerk shall continue to be on the roll and shall be at liberty to enter into a fresh agreement with any other advocate on the strength of his enrolment.

Chapter IV

Rights of law clerks

20. Right to act.- (1) A registered clerk shall have the right to act:

Provided that no registered clerk shall, unless he is enrolled as a law clerk, have the right to act except within the district in which the Registering Authority which has registered him is situate.

(2) Subject to the provisions of this Act and the rules made thereunder, every law clerk shall have the right to act throughout Bangladesh.

(3) No person other than a party to a cause, an advocate, a law clerk or a registered clerk shall have the right to act.

Explanation.- "party to a cause" includes his successor-in-interests, legal representatives, attorney, natural guardian and guardian appointed by a competent court.

21. Law Clerks to be governed exclusively by this Act.- On and from the date of enrolment as a law clerk, a person who is a registered clerk shall, notwithstanding anything in any other law, rules, regulations, order or provisions for the time being in force, cease to be a registered clerk and shall be governed by the provisions of this Act.

Chapter V

Conduct and discipline

22. Code of conduct.- (1) The Council shall prepare a Code of Conduct and Rules of Professional Ethics for the law clerks.

(2) Every law clerk shall follow the provisions of the Code of Conduct and Rules of Professional Ethics prepared under sub-section (1) of this section.

23. Disciplinary proceedings.- (1) Where, on receipt of a complaint or reference or otherwise, the Council has reason to believe that any law clerk has committed misconduct, it shall refer the case to the Disciplinary Committee for disposal.

(2) The Disciplinary Committee may, after giving the law clerk concerned an opportunity of being heard, make any of the following orders:-

- (a) dismiss the complaint or, where the proceeding was initiated at the instance of the Council, direct that the proceeding be filed;
- (b) reprimand the law clerk;
- (c) suspend the law clerk from acting as law clerk for such period as the Disciplinary Committee may deem fit;
- (d) remove the law clerk from the roll and cancel his certificate of enrolment.

24. Procedure for enquiry.- In deciding a proceeding, the Disciplinary Committee shall make enquiry in a summary manner and take evidence in such manner as may be appropriate in a summary proceeding.

25. Time-limit for disposal of proceeding.- Each proceeding before the Disciplinary Committee shall be disposed of as expeditiously as possible and shall be concluded within one year from the date of initiation of the proceeding before the Disciplinary Committee.

26. Jurisdiction of Registering Authority barred.- No Registering Authority shall have jurisdiction to take disciplinary action against a law clerk and all cases of alleged misconduct committed by a law clerk shall be referred to the Council for disposal according to the provisions of this Chapter.

Chapter VI

Appeal, review and revision

27. Appeal against order of Enrolment Committee.- (1) Any person aggrieved by an order of the Enrolment Committee rejecting an application for enrolment as law clerk may prefer an appeal against such order to the Appeal Committee:

Provided that such appeal shall be preferred within ninety days from the date of communication of the order to the aggrieved person.

(2) Every such appeal shall be heard by the Appeal Committee and the Appeal Committee may:

(a) dismiss the appeal and confirm the order appealed against or

(b) allow the appeal and reversing the order of the Enrolment Committee direct enrolment of the applicant in the roll as law clerk.

Provided that no order shall be passed under clause (a) of this subsection without affording the appellant a reasonable opportunity of being heard.

(3) An order passed by the Appeal Committee under this section shall be final.

28. Appeal against order of Disciplinary Committee.- (1) Any person aggrieved by an order passed by the Disciplinary Committee under section 23 of this Act may prefer an appeal against such order:

Provided that such appeal shall be preferred within ninety days from the date of communication of the order to the aggrieved person.

(2) Every appeal filed under sub-section (1) of this section shall be heard and disposed of by the Appeal Committee within ninety days from the date of filing it.

(3) The Appeal Committee shall have all the powers vested in the Disciplinary Committee under sub-section (2) of section 23 of this Act and may either dismiss the appeal and uphold the order appealed against or may allow the appeal and reverse, alter or modify the order appealed against in any manner:

Provided that the Appeal Committee shall not pass any order under this sub-section without affording the parties a reasonable opportunity of being heard.

29 Stay of order appealed against.- (1) On admission of an appeal under section 28 of this Act, the Appeal Committee may, for sufficient cause, direct that an order passed by the Disciplinary Committee under sub-section (2) of section 23 of this Act be stayed for such period and on such terms and conditions as it may deem fit.

(2) On application made to it, the Disciplinary Committee may, after it passes an order under sub-section (2) of section 23 of this Act, direct that such order be stayed for such period as may, in its opinion, be necessary for preferring an appeal against the order.

30. Order to be entered in the roll and communicated.- All orders passed by the Disciplinary Committee or the Appeal Committee punishing a law clerk shall be entered against his name in the roll and communicated to all Registering Authorities and to the advocate to whom he is attached or engaged and where the punishment is removal of his name from the roll, his name shall be struck off the roll and his certificate of enrolment shall stand cancelled.

31. Absence of member from meeting not to affect proceeding.- Notwithstanding the absence of any member other than the Chairman of the Enrolment Committee or the Disciplinary Committee or the Appeal Committee on a day fixed for the hearing of a case before such Committee, the Enrolment Committee or the Disciplinary Committee or the Appeal Committee, as the case may be, if it so thinks fit, hold or continue the proceeding and no order made by the Enrolment Committee or the Disciplinary Committee or the Appeal Committee in any such proceeding shall be invalid merely by reason of the absence of any such member thereof on any such date.

32. Costs.- The Disciplinary Committee or the Appeal Committee may make such order as to costs of any proceeding before it as it may deem fit and any person ordered to pay such costs shall be deemed to be a "certificate debtor" under the Public Demands Recovery Act, 1913, and such costs shall be recoverable under the said Act.

33. Review.- An Enrolment Committee or Disciplinary Committee or Appeal Committee may, on application made to it or of its own motion, review its own order for rectifying any error or omission apparent on the face of the record.

34. Revision.- The Council may examine the record of any proceeding decided by the Appeal Committee and if it is satisfied that the Appeal

Committee has committed any grave error resulting in an error in its decision occasioning failure of justice, it may make such order as it thinks fit.

Chapter VI

Miscellaneous

35. Penalty.- Any person who acts in contravention of any provision of this Act shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to ten thousand taka or with both.

36. Indemnity.- No suit or other legal proceeding shall lie against the Council or any committee thereof or a member of the Council or any committee thereof for any act which is in good faith done or intended to be done in pursuance of the provisions of this Act or of any rules made thereunder.

37. Supersession of the Council.- (1) Where the Government is satisfied after making an enquiry and hearing the Council that the Council is unable to perform its functions or mismanages its affairs, the Government may supersede the Council and appoint an Administrator to perform all or any of the functions and exercise all or any of the powers of the Council under this Act for a period not exceeding six months.

(2) The Administrator appointed under sub-section (1) of this section shall hold the election of the Council within four months from the date of his appointment in accordance with the provisions of this Act and the rules made thereunder.

(3) Any person having the custody of funds or documents of the Council shall, within fifteen days from the date of appointment of the Administrator,

make over all funds and documents in his custody or charge to the Administrator.

(4) Any person failing to comply with sub-section (3) of this section without sufficient cause shall be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to ten thousand taka or with both.

38. Offence to be non-cognizable and bailable.- All offences under this Act shall be non-cognizable and bailable.

39. Rules.- (1) The Government may, by notification in the Official Gazette, frame rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

- (a) the election of members of the Council by secret ballot including the conditions subject to which a person may exercise his right to vote by postal ballot, the preparation and revision of electoral rolls and the constituencies for election to the Council and the manner in which the results of the election shall be published;
- (b) the manner of election of the Chairman, the Vice-Chairman, the General Secretary and the Treasurer;
- (c) the manner in which, and the authority by which, disputes as to the validity of an election to the Council or the election of the Chairman, the Vice-Chairman, the General Secretary and the Treasurer shall be finally decided;
- (d) the filling of causal vacancy in the Council or any committee thereof;

- (e) the powers and duties of the Chairman, the Vice-Chairman, the General Secretary and the Treasurer and the members of the various committees;
- (f) the constitution of one or more funds by the Council for the purpose of carrying out the functions of the Council under sub-section (1) of section 4 of this Act;
- (g) the summoning and holding of meetings of the Council, the conduct of business thereat, and the number of members thereof necessary to form the quorum of a meeting;
- (h) subject to the provisions of this Act, the constitution, the term of office of the members and the functions of the committees which may be formed by the Council;
- (i) the summoning and holding of meetings of a committee, the conduct of business of any such committee, and the number of members thereof necessary to form the quorum of a meeting;
- (j) the qualifications and the conditions of service of the employees of the Council;
- (k) the appointment of auditors and audit the accounts of the Council;
- (l) the maintenance of the books of accounts and other books and registers by the Council;
- (m) the management and investment of the funds of the Council;
- (n) the form in which a person shall express his intention for the entry of his name in the roll under section 11 of this Act;
- (o) the form in which an application shall be made to the Council for admission as law clerk on the roll, and the manner in which such application shall be disposed of by the Enrolment Committee;
- (p) the condition subject to which a person may be enrolled as law clerk on the roll;

(q) the manner, including instalments, if any, in which the enrolment fee may be paid.

40. Regulations.- (1) The Council may frame regulations for giving effect to the provisions of this Act and the rules made thereunder for matters not covered by this Act or the rules made thereunder.

(2) The regulations made under sub-section (1) of this section shall be subject to approval by the Government.

(3) The regulations shall, after approval by the Government, be published in the Official Gazette.

Chapter VII

Temporary and transitional provisions

41. First Council.- (1) Notwithstanding anything contained in this Act, the Government shall within three months from the appointed day, appoint the First Council from amongst the persons who are Registered Clerks and are eligible to be enrolled as law clerks under section 11 of this Act.

(2) The term of the First Council shall be one year from the date of its first meeting or until the constitution of the Council according to the provisions of this Act, whichever is earlier:

Provided that the members of the First Council shall continue to hold office until the first meeting of the Council constituted under sub-section (4) of this section or under sub-section (2) of section 37 of this Act, as the case may be.

(3) The first meeting of the First Council shall be held within one month from the date of its appointment.

(4) The First Council shall hold the election for constituting the Council according to the provisions of this Act within one year from the date of its appointment by the Government.

(5) If the First Council fails to hold the election under sub-section (1) of this section, the Government shall appoint an Administration under section 37 of this Act and the provisions of that section shall apply mutatis mutandis.

42. Removal of difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the appointed day.

(2) An order made under sub-section (1) of this section may be given retrospective effect from a date not earlier than the appointed day."

Concluding Remarks

It may be noted that in the scheme of the proposed Act, the Advocates' Clerks as a whole, may, if they so choose, opt to be governed solely by the proposed Act free from any control by the Bangladesh Bar Council or the Bar Associations as under the Bangladesh Bar Council Order, 1972 and the Rules For Registration Of Advocates Clerks, Rules Relating To The Hearing Of Complaint Against Advocates Clerks Framed By The Bangladesh Bar Council and Rules Relating To The Hearing Of Appeals By The Executive Committee

Of The Bangladesh Bar Council framed thereunder, by enrolling themselves as law clerks. In order to assess whether the Advocates' Clerks will, in fact, welcome an association of their own as envisaged in the proposed Act in preference to the existing system of their enrolment and control by the Bar Associations, the matter has been left to their option avoiding statutory compulsion. If, in fact, they want their own organization to control and administer them in preference to any other organization, as expressed in various resolutions of their Association ((বাংলাদেশ আইনজীবী সহকারী সমিতি) adopted from time to time, they will readily become law clerks en masse and if not, they will remain content with being enrolled only as registered clerks as at present.

Justice A.K.M. Sadeque
Member

Justice Naimuddin Ahmed
Member

Justice ATM Afzal
Chairman