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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 27th December, 1993/Pausa 6, 1915 (Saka)

The following Act of Parliament received the assent of the President on the 26th December, 1993, and is hereby published for general information:—

THE ADVOCATES (AMENDMENT) ACT, 1993

No. 70 OF 1993

[*26th December, 1993.*]

An Act further to amend the Advocates Act, 1961.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Advocates (Amendment) Act, 1993.

Amendment of section 6.

25 of 1961.

2. In section 6 of the Advocates Act, 1961 (hereinafter referred to as the principal Act),—

(*i*) in sub-section (*1*),—

(*a*) after clause (*d*), the following clause shall be inserted, namely:—

"(*dd*) to promote the growth of Bar Associations for the purposes of effective implementation of the welfare schemes referred to in clause (*a*) of sub-section (*2*) of this section and clause (*a*) of sub-section (*2*) of section 7;";

(b) after clause (*g*), the following clause shall be inserted, namely:—

"(*gg*) to visit and inspect Universities in accordance with the directions given under clause (*i*) of sub-section (*1*) of section 7;";

(*ii*) in sub-section (*2*), after clause (*b*), the following clause shall be inserted, namely:—

"(*c*) establishing law libraries.".

Amendment of section 7.

3. In section 7 of the principal Act,—

(*i*) in sub-section (*1*), in clause (*i*), after the words "inspect Universities", the words "or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf" shall be added;

(*ii*) in sub-section (*2*), after clause (*b*), the following clause shall be inserted, namely:—

"(*c*) establishing law libraries.".

Substitution of new sections for section 8.

4. For section 8 of the principal Act, the following sections shall be substituted, namely:—

Term of office of members of State Bar Council.

"8. The term of office of an elected member of a State Bar Council (other than an elected member thereof referred to in section 54) shall be five years from the date of publication of the result of his election:

Provided that where a State Bar Council fails to provide for the election of its members before the expiry of the said term, the Bar Council of India may, by order, for reasons to be recorded in writing, extend the said term for a period not exceeding six months.

Constitution of Special Committee in the absence of election.

8A. (*1*) Where a State Bar Council fails to provide for the election of its members before the expiry of the term of five years or the extended term, as the case may be, referred to in section 8, the Bar Council of India shall, on and from the date immediately following the day of such expiry, constotute a Special Committee consisting of—

(*i*) the *ex officio* member of the State Bar Council referred to in clause (*a*) of sub-section (*2*) of section 3 to be the Chairman:

Provided that where there are more than one *ex-officio* members, the senior most amongst them shall be the Chairman; and

(*ii*) two members to be nominated by the Bar Council of India from amongst advocates on the electoral roll of the State Bar Council,

to discharge the functions of the State Bar Council until the Bar Council is constituted under this Act.

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(2) On the constitution of the Special Committee and until the State Bar Council is constituted—

(a) all properties and assets vesting in the State Bar Council shall vest in the Special Committee;

(b) all rights, liabilities and obligations of the State Bar Council, whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations of the Special Committee;

(c) all proceedings pending before the State Bar Council in respect of any disciplinary matter or otherwise shall stand transferred to the Special Committee.

(3) The Special Committee constituted under sub-section (1) shall, in accordance with such directions as the Bar Council of India may give to it in this behalf, hold elections to the State Bar Council within a period of six months from the date of its constitution under sub-section (1), and where, for any reason the Special Committee is not in a position to conduct election within the said period of six months, the Bar Council of India may, for reasons to be recorded by it in writing, extend the said period.".

Amendment of section 10A.

5. In section 10A of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) The Bar Council of India shall meet at New Delhi or at such other place as it may, for reasons to be recorded in writing, determine.

(2) A State Bar Council shall meet at its headquarters or at such other place as it may, for reasons to be recorded in writing, determine.".

Amendment of section 24.

6. In section 24 of the principal Act, in clause (f) of sub-section (1),—

(i) in the opening portion, for the words "two hundred and fifty rupees", the words "six hundred rupees and to the Bar Council of India, one hundred and fifty rupees by way of a bank draft drawn in favour of that Council" shall be substituted;

(ii) in the proviso, for the words "one hundred and twenty-five rupees", the words "one hundred rupees and to the Bar Council of India, twenty-five rupees" shall be substituted.

Amendment of section 24A.

7. In section 24A of the principal Act, in sub-section (1),—

(i) after clause (b), the following clause shall be inserted, namely:—

'(c) if he is dismissed or removed from employment or office under the State on any charge involving moral turpitude.

Explanation.—In this clause, the expression "State" shall have the meaning assigned to it under article 12 of the Constitution.';

(*ii*) in the proviso, for the word "release", the words "released or dismissal or, as the case may be, removal" shall be substituted.

Omission of section 46.

8. Section 46 of the principal Act shall be omitted.

Amendment of section 52.

9. In section 52 of the principal Act, in clause (*b*), for the word "act", the words "act or plead" shall be substituted.

A. C. C. UNNI,
Additional Secretary to the Govt. of India.

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