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MINISTRY OF LAW

(Legislative Department)

New Delhi, the 31st March, 1962/Chaitra 10, 1884 (Saka)

The following Act of Parliament received the assent of the President on the 30th March, 1962, and is hereby published for general information:—

THE ADVOCATES (AMENDMENT) ACT, 1962

No. 14 OF 1962

[*30th March*, 1962]

An Act to amend the Advocates Act, 1961.

BE it enacted by Parliament in the Thirteenth year of the Republic of India as follows:—

1. This Act may be called the Advocates (Amendment) Act, 1962. Short title.

25 of 1961.

2. In section 24 of the Advocates Act, 1961 (hereinafter referred to as the principal Act), in sub-section (*1*),— Amendment of section 24.

(*i*) in paragraph (*ii*) of the proviso to clause (*d*), for the words "is a member" the words "is or has been a member" shall be substituted;

(*ii*) the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—For the purposes of this sub-section, a person shall be deemed to have obtained a degree in law from a University in India on the date on which the results of the examination for that degree are published by the University on its notice board or otherwise declaring him to have passed that examination."

3. In section 54 of the principal Act, the words "nominated and" shall be omitted. Amendment of section 54.

Insertion of new sections 58 and 59.

4. In the principal Act, after section 57, the following sections shall be, and shall be deemed always to have been, inserted, namely:—

Special provision during the transitional period.

"58. (1) Where a State Bar Council has not been constituted under this Act or where a State Bar Council so constituted is unable to perform its functions by reason of any order of a court or otherwise, the functions of that Bar Council or of any Committee thereof, in so far as they relate to the admission and enrolment of advocates, shall be performed by the High Court in accordance with the provisions of this Act.

(2) Until Chapter IV comes into force, a State Bar Council or a High Court performing the functions of a State Bar Council may enrol any person to be an advocate on a State roll, if he is qualified to be so enrolled under this Act, notwithstanding that no rules have been made under section 28 or that the rules so made have not been approved by the Bar Council of India, and every person so enrolled shall, until that Chapter comes into force, be entitled to all the rights of practice conferred on an advocate under section 14 of the Indian Bar Councils Act, 1926. 38 of 1926.

(3) Notwithstanding anything contained in this Act, every person who, immediately before the 1st day of December, 1961, was an advocate on the roll of any High Court under the Indian Bar Councils Act, 1926 or who has been enrolled as an advocate under this Act shall, until Chapter IV comes into force, be entitled as of right to practise in the Supreme Court, subject to the rules made by the Supreme Court in this behalf. 38 of 1926.

(4) Notwithstanding the repeal by sub-section (2) of section 50 of the provisions of the Legal Practitioners Act, 1879 or of the Bombay Pleaders Act, 1920, relating to the admission and enrolment of legal practitioners, the provisions of those Acts and any rules made thereunder in so far as they relate to the issue and renewal of a certificate to a legal practitioner authorising him to practise shall have effect until Chapter IV comes into force and, accordingly, every certificate issued or renewed to a legal practitioner (who is not enrolled as an advocate under this Act) which is or purports to be issued or renewed under the provisions of either of the aforesaid Acts during the period beginning with the 1st day of December, 1961 and ending with the date on which Chapter IV comes into force, shall be deemed to have been validly issued or renewed. 18 of 1879. Bombay Act XVII of 1920.

Removal of difficulties.

59. (1) If any difficulty arises in giving effect to the provisions of this Act, particularly in relation to the transition from the enactments repealed by this Act to the provisions of this Act,

the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(2) An order under sub-section (1) may be made so as to have retrospective effect from a date not earlier than the 1st day of December, 1961.".

Repeal.

1 of 1962.

5. (1) The Advocates (Amendment) Ordinance, 1962 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on the 24th day of January, 1962.

R. C. S. SARKAR,
Secy. to the Govt. of India.

IndiaCode

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