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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 13th December, 1977/Agrahayana 22, 1899 (Saka)

The following Act of Parliament received the assent of the President on the 13th December, 1977, and is hereby published for general information:—

THE ADVCCATES (AMEDMENT) ACT, 1977

No. 38 OF 1977

[*13th December*, 1977]

An Act further to amerd the Advocates Act, 1961

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

Short title and commencement.

1. (*1*) This Act may be called the Advocates (Amendment) Act, 1977.

(*2*) It shall be deemed to have come into force on the 31st day of October, 1977.

Amendment of section 3.

25 of 1961.

2. In section 3 of the Advocates Act, 1961 (hereinafter referred to as the principal Act), for sub-sections (*3*) and (*3A*), the following sub-sections shall be substituted, namely:—

"(*3*) There shall be a Chairman and a Vice-Chairman of each State Bar Council elected by the Council in such manner as may be prescribed.

(*3A*) Every person holding office as Chairman or as Vice-Chairman of any State Bar Council immediately before the commencement of the Advocates (Amendment) Act, 1977, shall, on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be:

Provided that every such person shall continue to carry on the duties of his office until the Chairman or the Vice-Chairman, as the case may be, of each State Bar Council, elected after the commencement of the Advocates (Amendment) Act, 1977, assumes charge of the office.".

Amendment of section 4.

3. (*1*) In section 4 of the principal Act,—

(*i*) in sub-section (*1*), clause (*bb*) shall be omitted;

(*ii*) for sub-sections (*2*) and (*2A*), the following sub-sections shall be substituted, namely.—

"(*2*) There shall be a Chairman and a Vice-Chairman of the Bar Council of India elected by the Council in such manner as may be prescribed.

(*2A*) A person holding office as Chairman or as Vice-Chairman of the Bar Council of India immediately before the commencement of the Advocates (Amendment) Act, 1977, shall, on such commencement, cease to hold office as Chairman or Vice-Chairman, as the case may be:

Provided that such person shall continue to carry on the duties of his office until the Chairman or the Vice-Chairman, as the case may be, of the Council, elected after the commencement of the Advocates (Amendment) Act, 1977, assumes charge of the office.".

Amendment of section 8.

4. (*1*) In sub-section (*1*) of section 8 of the principal Act, for the words "four years", the words "five years" shall be substituted.

(*2*) The amendment made by sub-section (*1*) to sub-section (*1*) of section 8 of the principal Act shall apply also to an elected member of every State Bar Council who has not completed the term of four years at the commencement of this Act.

Amendment of section 15.

5. In sub-section (*2*) of section 15 of the principal Act,—

(*i*) before clause (*d*), the following clause shall be inserted, namely:—

"(c) the manner of election of the Chairman and the Vice-Chairman of the Bar Council;";

(*ii*) in clause (*d*), after the words "election to the Bar Council", the words "or to the office of the Chairman or Vice-Chairman" shall be inserted.

Amendment of section 34.

6. In section 34 of the principal Act, after sub-section (*1A*), the following sub-section shall be inserted, namely:—

"(*2*) Without prejudice to the provisions contained in sub-section (*1*), the High Court at Calcutta may make rules providing for the holding of the Intermediate and the Final examinations for articled clerks to be passed by the persons referred to in section 58AG for the purpose of being admitted as advocates on the State roll and any other matter connected therewith".

Insertion of new section 58AG.

7. In the principal Act, after section 58AF, the following section shall be inserted, namely:—

Special provisions in relation to articled clerks.

"58AG. Notwithstanding anything contained in this Act, every person who, immediately before the 31st day of December, 1976, has commenced his articleship and passed the Preliminary examination, for the purpose of enrolment as an attorney of the High Court at Calcutta in accordance with the rules made under sub-section (2) of section 34, before the omission of that sub-section by the Advocates (Amendment) Act, 1976, may be admitted as an advocate on the State roll if he— 107 of 1976.

(i) passes, on or before the 31st day of December, 1980,—

(a) the Final examination in a case where such person has, before the 31st day of December, 1976, passed the Intermediate examination,

(b) the Intermediate and the Final examinations in any other case.

Explanation.—For the purpose of this clause, the High Court at Calcutta may prescribe such rules as may be necessary under sub-section (2) of section 34, specifying the nature of the examinations and any other matter relating thereto;

(ii) makes an application for such enrolment in accordance with the provisions of this Act; and

(iii) fulfils the conditions specified in clauses (a), (b), (e) and (f) of sub-section (1) of section 24.".

Repeal and saving.

16 of 1977. 8. (1) The Advocates (Amendment) Ordinance, 1977, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

K. K. SUNDARAM,
Secy. to the Govt. of India.

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