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REPORT
OF
THE ADVOCATES ACT REVIEW
COMMITTEE

GOVERNMENT OF INDIA • MINISTRY OF LAW

REPORT OF THE ADVOCATES ACT REVIEW COMMITTEE

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REPORT OF THE ADVOCATES ACT REVIEW COMMITTEE

CHAPTER I.—INTRODUCTORY

In February, 1966 the Government decided to appoint a small Committee consisting of the Attorney-General of India and some lawyer members of Parliament to review the working of the Advocates Act, 1961 in all its aspects. An announcement in that behalf was made in both the Houses of Parliament on 28th February, 1966.

The terms of reference of the Committee were—

(a) to review the working of the Advocates Act, 1961 in all its aspects;

(b) to consider whether amendments, if any, are necessary in that Act and if so, to make recommendations in relation thereto; and

(c) to make a report to the Government in the Ministry of Law by the 31st of May, 1966.

2. The constitution of the Committee (announced in both Houses of Parliament on 21st March, 1966) was as follows:—

1. Shri G. S. Pathak, Minister of Law—*Chairman.*
 2. Shri C. R. Pattabhi Raman, Minister in the Ministry of Law.
 3. Shri C. K. Daphtary, Attorney-General of India.
 4. Shri P. N. Saprú, Member Rajya Sabha
 5. Diwan Chaman Lall, Member Rajya Sabha.
 6. Shri Debabrata Mookerjee, Member Rajya Sabha.
 7. Shri Hem Raj, Member Lok Sabha.
 8. Shri N. C. Chatterjee, Member Lok Sabha.
 9. Dr. L. M. Singhvi, Member Lok Sabha
 10. Shri Frank Anthony, Member Lok Sabha
 11. Dr. Sarojini Mahishi, Member Lok Sabha.
 12. *Shri S. V. Ramaswamy, Member Lok Sabha.
- } *Members.*

*On account of the sad demise of Shri S. V. Ramaswamy, Shri G. N. Dikshit, Member Lok Sabha was appointed as a Member with effect from 2nd August, 1966.

Shri M. C. Setalvad, Member Rajya Sabha, attended the 7th and 10th meetings of the Committee on special invitation.

Secretariat

Shri P. L. Gupta—*Secretary of the Committee.*

Shri A. G. Nambiar—*Assistant Secretary of the Committee.*

Shri S. P. Sen-Varma, Secretary to the Government of India, Ministry of Law, Legislative Department, attended the meetings of the Committee.

Shri A. N. Veeraraghavan, Secretary, Bar Council of India also participated in the meetings of the Committee, by special invitation.

3. In its first meeting held on 6th April, 1966, it was decided that, with a view to expedite the work of the Committee it would suffice if instead of issuing a questionnaire, letters were sent to the Bar Council of India, all State Bar Councils, Bar Associations, Associations of Advocates, Solicitors and Attorneys and prominent individual lawyers and jurists inviting their views on the reform in the working of the Act in order that the Committee may be enabled to focus its attention on all the major problems facing the legal profession. A copy of that letter is appended hereto as Annexure 'A'.

4. The next meeting of the Committee was held on the 9th May, 1966. Under the terms of reference of the Committee, the Committee was to complete its work and submit its report to the Government of India, Ministry of Law, by the 31st of May, 1966. But as a large number of State Bar Councils, Bar Associations and other prominent Members of the Bar had specially asked for extension of time, the Committee at its second meeting unanimously decided that the time for sending the suggestions, etc., should be extended upto the end of June, 1966. Consequently, it was decided that time for submission of the Report of the Committee should also be extended upto the end of September, 1966.

5. The Committee received in all 112 memoranda containing suggestions for extensive amendments to the various provisions of the Act. Some of the State High Courts also sent in their suggestions for amendments to the Act. The names of the High Courts, State Bar Councils, Associations and individuals who submitted memoranda to the Committee are set out in the Statement at Annexure 'B'. The suggestions so received were analysed and tabulated. Copies of the tabular statement were circulated to the Members of the Committee. The suggestions of the Bar Council of India for the amendment of the Advocates Act, as contained in the proceedings of the Council held at Madras on the 1st, 2nd and 3rd of July, 1966, which were received in response to the Committee's Circular letter dated 7th April, 1966 were also circulated to the members. The Committee considered most of the suggestions at its 2nd, 3rd, 4th, 5th and 6th meetings. At the third meeting of the Committee, Shri A. C. Byrappa, Chairman, Mysore State Bar Council and President Law Graduates' Association

appeared before the Committee to represent the case of certain Advocates from Mysore who had been disenrolled by the Bar Council of India.

6. At its sixth meeting the Committee heard two representatives of the Law Students' Action Committee in relation to pre-enrolment training and examination as prescribed by the State Bar Councils. At its seventh meeting on the question of exemption from pre-enrolment training and examination, the Committee had the benefit of hearing Shri M. C. Setalvad, Member Rajya Sabha, former Attorney-General of India, ex-Chairman of the Bar Council of India, President of the Supreme Court Bar Association and Chairman of the Bar Association of India and also Shri Pritam Singh Safeer, Chairman, Delhi State Bar Council. At its tenth meeting Shri Niren Ghosh, Member Rajya Sabha, appeared before the Committee at his request to represent the demand of certain law students of Calcutta for exemption from pre-enrolment training and examination on the ground that the date of the final examination which was scheduled to be held in December, 1965 was shifted by the Calcutta University to a date in February, 1966, which resulted in the denial of the benefit of exemption to those students. Shri Thengari, Member Rajya Sabha, also appeared before the Committee in this connection.

CHAPTER II.—HISTORICAL BACKGROUND

7. The historical background of the legal profession in India has been set out in detail by the All-India Bar Committee in its Report dated the 30th March, 1953 and in the Fourteenth Report of the Law Commission on the subject of the Reform of Judicial Administration, in Chapter 26 and, therefore, we do not propose to go into it here. In order to implement the recommendations of the All-India Bar Committee and of the Law Commission in its Fourteenth Report in so far as they relate to the Bar and legal education, a Bill entitled 'The Legal Practitioners Bill, 1959' was introduced in Lok Sabha on the 19th November, 1959. The Bill was later referred to a Joint Committee of both Houses of Parliament under the Chairmanship of Shri C. R. Pattabhi Raman, Member Lok Sabha. The Joint Committee was of the view that "since there will be only one class of legal practitioners hereafter, namely, advocates, it will be more appropriate to call the proposed enactment 'The Advocates Act' instead of 'The Legal Practitioners Act'." The Act envisages a scheme for the reorganisation of the legal profession so that there may be one unified Bar for the whole of India with an accent on efficiency and improvement in standards which for some time past had been going down.

8. The main features of the Act are—

(1) the establishment of an All-India Bar Council and a common roll of advocates, an advocate on the common roll having a right to practise in any part of the country and in any Court, including the Supreme Court;

(2) the integration of the Bar into a single class of legal practitioners known as advocates;

(3) the prescription of a uniform qualification for the admission of persons to be advocates;

(4) the division of advocates into senior advocates and other advocates based on merit;

(5) the creation of autonomous Bar Councils, one for the whole of India and one for each State.

9. The Act received the assent of the President on the 19th May, 1961 and as section 1(3) empowered the Central Government to bring into force the different provisions of the Act piecemeal, Chapters I, II and VII which provide for the constitution of Bar Councils and certain transitional measures were brought into force on the 16th August, 1961. It was expected that all the State Bar Councils would be constituted by December, 1961 and a common roll of advocates would be prepared soon thereafter. On that expectation Chapter III which relates to the admission and enrolment of advocates was brought into force on the 1st December, 1961. That expectation had not, however, been realized. As the Bar Council of India and some State Bar

Councils had not been constituted by that date, certain difficulties cropped up on that account. Because of these difficulties, the pre-enrolment training and examination of law graduates for the purpose of enrolment as advocates were held up. In order to remove these difficulties the Advocates Act had to be amended thrice in quick succession. Detailed references to these amendments and subsequent actions taken under the Act would be made in Chapter III.

10. Chapter IV of the Act relating to the right to practice has not been brought into force uptil now, the principal reason being the delay on the part of the State Bar Councils in the preparation of the State Roll of advocates. As a result of this delay, the preparation of the common roll of advocates by the Bar Council of India has also been held up. Unless and until Chapter IV is brought into operation, an important objective of the Act, namely, one unified Bar for the whole of India and the right of every advocate to practise in all the courts in India cannot be said to have been achieved.

But the most important problem which cropped up in the working of the Advocates Act is in relation to the pre-enrolment training and examination of law graduates for the purpose of enrolment. This problem and the difficulties which it has given rise to will be the subject-matter of the next Chapter.

CHAPTER III.--PRE-ENROLMENT TRAINING AND EXAMINATION

11. Section 24 of the Act which comes under Chapter III lays down the conditions for enrolment of advocates. One of these conditions is that a person must undergo a course of training in law and pass an examination according to rules framed by the State Bar Council [section 24(1)(d)]. Under clause (1) of the proviso to section 24(1)(d), this training and examination were not required to be undergone by a person who had obtained a degree in law from a University in India before the appointed day, namely, the 1st December, 1961, on which Chapter III was brought into force. The experience of the past few years shows that from the very beginning there has been a tendency on the part of the law graduates and law students to get away from this training and examination. Shortly after the 1st December, 1961, the students started their demands that the whole system of pre-enrolment training and examination should be abolished or, in any case, exemption should be granted for the time being from such training and examination. Under clause (i) of the proviso to section 24(1)(d), a person who had obtained his degree in law before the 1st December, 1961, was exempted from such training and examination. The question was immediately raised as to when a person shall be deemed to have obtained a degree in law. It was urged on behalf of the students that a person shall be deemed to have obtained his degree in law as soon as the results of the examination were put up on the notice board of the University and not when they obtained their degrees in the convocation held subsequently. The acceptance of this demand would mean that students who passed any law examination before the 1st December, 1961 would be deemed to have obtained their degree in law before that date so that they might automatically be exempted from the training and examination. In the face of agitation started by the students, this demand was acceded to and an Explanation was added at the end of section 24(1) by the Advocates (Amendment) Act, 1962 (14 of 1962). Once the law students and the law graduates were able to obtain fulfilment of their demand, they continued to persist in the same on every occasion after every law examination. As pointed out already at the very outset on the appointed day, that is, on the 1st December, 1961, all the State Bar Councils had not been constituted. Even after they had been, they had not framed the rules in regard to training and examination, not to speak of making adequate arrangements in respect of the same. This failure on the part of the State Bar Councils to frame the rules and make arrangements quickly for training and examination coupled with the insistent demand of the law graduates and law students forced the hand of the Government to amend the Act for the second time in 1962, by the Advocates (Second Amendment) Act, 1962 (25 of 1962) whereby the date of exemption was extended from the 1st December, 1961 to the 28th day of February, 1962. The law graduates and law students by then had realised that a little insistent pressure on every occasion, that is to say, after every law examination would

be sufficient to obtain from the Government the concession they desired, especially when they knew very well that the State Bar Councils were not ready with their rules and other necessary arrangements for training and examination. The result was that a third amendment of the Advocates Act was carried out in the same year, that is, in 1962. By this third amending Act (32 of 1962), the date of exemption was changed from the 28th February, 1962 to 28th February, 1963. Even in March, 1964, all the State Bar Councils were not ready with the rules and other arrangements for imparting training and holding examination. Consequently another amending Bill was brought before Parliament in March, 1964 and this Bill was enacted as the Advocates (Amendment) Act, 1964 (21 of 1964) which received the assent of the President on the 16th May, 1964. By section 13 of this Act, the date of exemption was further extended to the 31st March, 1964 or such other later-date as may be prescribed, the word 'prescribed' meaning prescribed by rules made either by the Bar Council of India or by the Central Government. The students' demands also continued unabated with the result that the Bar Council of India framed a rule whereby further exemption from training and examination was granted till the 31st December, 1964.

12. The law students and law graduates repeated and continued their demands for further exemption. Representations started pouring in; threats of agitation, mass demonstration and hunger strikes were put forward. But by this time, all the State Bar Councils had been ready not only with the requisite rules but also with all the arrangements for pre-enrolment training and examination. The students, however, would not listen and they claimed further exemption beyond the 31st December, 1964. Their demands were intensified towards the end of 1965, but this time the Bar Council of India would not give in and accordingly the Bar Council of India adopted Resolution No. 187 of 1965 on the 5th December, 1965, as follows:—

“Resolved that the Council is of the opinion that it has neither power to do anything in the matter, nor are they in favour of either extending the date for exemption or for dispensing with the requirement regarding training and examination.”

13. The students' agitation continued and demonstrations were held and hunger strikes resorted to by the law students, especially of Delhi and Punjab. On account of the circumstances caused by the Indo-Pakistan conflict, particularly in the border States, it was ultimately decided by the Government that the date should be further extended. Accordingly, the Admission as Advocates (Exemption from Training and Examination) Rules, 1965 were issued extending the date of exemption from Bar Council training and examination upto the 31st December, 1965. This action on the part of the Government was vehemently criticised by the Bar Council of India and the State Bar Councils as is evidenced from the following resolution passed at the Conference of the Bar Council of India and the State Bar Councils held at Jaipur on the 29th and 30th January, 1966. The Resolution is as follows:—

“This Conference of the Chairman and the Secretaries of the Bar Council of India and the State Bar Councils and delegates of the State Bar Councils expresses its *strong protest* against the

action of the Central Government in its having issued a notification exempting from training and examination persons who sit for the examinations held till 31st December, 1965 contrary to the views against any extension held by the Bar Council of India and the State Bar Councils. This Conference considers that the aforesaid action of the Government is not justified, affects seriously the autonomous powers conferred on the Bar Councils in this regard and the qualifications of persons entering the legal profession.”.

14. After the expiry of the date of the last exemption, that is to say, the 31st December 1965, representations again started pouring in in large numbers demanding the entire abolition of the system of training and examination or at least the exemption of the present group of law graduates and law students from such training and examination. Not only that, law graduates of the Delhi University who have been subsequently joined by law graduates from Punjab and from some other places have started agitation and hunger-strike in front of the Law Minister's residence and have become even disorderly and unruly with the object of extracting from the Government an assurance that the system of training and examination should be altogether scrapped or in any case exemption should be given to the present batch of law graduates. Their case is that the former Law Minister gave an assurance to them in December, 1965 that the Government would consider reducing the training period from one year to six months for those who pass the LL.B. examination, but it has been ascertained from Shri A. K. Sen that he did not give any such assurance. Another demand of these law students and law graduates is that in view of the introduction of the three-year law degree course with effect from the academic year 1967, the practical training should be imparted within the period of law studies.

15. The Committee has given careful thought to the whole question of pre-entolment training and examination. It has heard two representatives of the All India Law Students' Action Committee at its sixth meeting. The main grievances of these representatives who are law graduates of Delhi, are—

(1) No list of senior advocates has been prepared and published.

(2) Even if they can find a senior, he is not prepared to accept them as trainees.

(3) Much of the practical work expected of them during the period of training can as well be attended to by them during their academic course, as for instance, during the vacations.

(4) Even if training is to be undergone, no examination should be held either at all or in any case in those subjects in which they have already qualified themselves in the law degree course.

Another argument advanced by them against the system of training and examination is that during this period of training they cannot earn a living out of the profession and, therefore, they urge that some arrangement may be made to pay them stipends during the training period.

16. On these grievances of the Delhi students the Chairman of the Delhi State Bar Council, Mr. Pritam Singh Safeer was examined by the Committee. He categorically denied the allegations made by the representatives of law graduates and law students regarding lack of arrangements of the Delhi Bar Council. He said that the list of seniors had already been prepared and that there was no difficulty in finding a senior who would readily accept a law graduate as an apprentice. He further stated that no law graduate had ever approached him for the purpose of help in the matter of finding a suitable senior. He also stated that to suit the needs of law graduates with different aptitudes seniors have been categorised into various classes such as civil practitioners, criminal practitioners, taxation lawyers and so on and so forth.

17. As a matter of fact, from the materials available to the Committee, it appears that complete and full arrangements have been made for training and examination by every State Bar Council in India without any exception. Not only that, a number of apprentices has been registered for training in practically every State Bar Council. From the latest information available, it appears that even in Delhi 39 law graduates were registered upto the 27th August, 1966 and 45 law graduates were registered upto the same date in the Punjab State Bar Council. In Rajasthan upto the 9th August, 1966 as many as 85 law graduates have been registered. In Andhra Pradesh the number is 38, Gujarat 44, Kerala 50, Madras 84, Maharashtra 176. By a good number of the State Bar Councils even the dates of examination have been fixed. Not only that, in some of them the training of apprentices has already started. In others the dates on which the training will commence, have been announced. In Delhi the date of commencement of the lectures is expected to be announced shortly. In Gujarat, Orissa and Uttar Pradesh even examinations were held last year. A detailed information as to the various arrangements made by the State Bar Councils is given in Annexure 'C'.

18. We have already stated that the Chairman of the Delhi State Bar Council has been examined by the Committee. At its seventh meeting the Committee had the benefit of hearing the views of Shri M. C. Setalvad. Shri Setalvad was strongly of the opinion that practical training and examination should be an essential pre-requisite to enrolment as an advocate and that in the interest of the profession itself there should be no further exemption from such training or examination. According to him, any further exemption would completely upset the arrangements for training and examination which the State Bar Councils have made and which are in operation in every State. Shri Setalvad was of the emphatic view that the question of any further exemption must not be even thought of. He was also of the view that any such exemption in respect of any batch of students or in relation to any part of the country would be unconstitutional as offending article 14 of the Constitution.

19. The Committee, therefore, feels that pre-enrolment training and examination is necessary not only for maintaining and raising the standards of the legal profession, but also in the best interests of the new entrants to the Bar. The Committee fully supports the

recommendation of the Legal Education Committee of the Bar Council of India on which is represented the University Grants Commission to enlarge the law degree course to a three-year degree course to be followed by six months' practical training and examination to be prescribed by the State Bar Councils, as from the academic year 1967. The Committee also feels that the power of granting exemption under the proviso to section 24(1)(d) read with clause 49A(2)(d) should be done away with. If there be such a provision on the statute book that will lure and encourage the students and the fresh law graduates to persist in their continued demands for exemption from training and examination and also for the abolition of the entire system of training and examination.

20. Upon all these considerations, the Committee in its tenth and last meeting in which also Shri Setalvad was present by special invitation, took the following unanimous decision:—

“The Committee is of the view that the provisions relating to training and examination in the Advocates Act, 1961 must be left intact and the implementation of those provisions must continue and that the Government should not take any step which may result in the non-implementation or suspension of those provisions.”

In addition to this unanimous decision, the Committee took another decision in the following words:—

“No exemption should be granted to any batch of students in any part of India. There is, therefore, no question of any notification being issued by the Government in this respect.”

To the second decision of the Committee, Shri N. C. Chatterjee, a Member of the Committee, while signifying his unqualified support so far as future exemption in general was concerned, pleaded for exemption for one batch of Calcutta students on the ground that the law examination which was scheduled to be held in the month of December, 1965 was held by the University in February 1966. Shri Chatterjee observed that this particular batch of students should not be penalised and they should not be deprived of the exemption which was promised to all candidates passing the December examination. He stated that as a matter of fact the Syndicate of the Calcutta University had recommended to the Bar Council that these students should be treated as having passed the December examination.

21. The Committee has considered the case of this batch of the Calcutta students very carefully and has come to the conclusion that the mere postponement of the date of examination does not furnish a justifiable ground for exemption from training and examination in favour of those students. As a matter of fact, it is understood that not only in 1966 but also in the immediately preceding two or three years the Calcutta University shifted the dates of examination from December to January.

CHAPTER IV.—RECOMMENDATIONS OF THE COMMITTEE

22. The recommendations of the Committee in respect of the various suggestions received and considered by the Committee are given below:—

1.—*Constitution of the State Bar Councils*

(a) The Advocate-General should continue as *ex-officio* member of the State Bar Council. In the case of the States of Assam and Nagaland, the Advocates-General of both the States should continue as *ex-officio* members of the Bar Council of Assam and Nagaland.

(b) There should be no change in the proviso to section 3(2)(b) regarding computation of prior period of practice.

(c) No increase in the number of members of the Bar Council of Uttar Pradesh (to 33 as suggested) is called for.

2.—*Constitution of Bar Council of India*

Proviso to section 4(3) should be amended suitably so as to provide that a member of the Bar Council of India shall cease to hold office as such if he ceases to be a member of the State Bar Council concerned.

3.—*Legal Aid*

Suitable provision may be made enabling the State Bar Council to organise legal aid and to formulate rules for that purpose.

4.—*Election to State Bar Councils*

The suggestions from the Bar Council of India and the State Bar Councils to substitute the present provision relating to the system of biennial election of members of State Bar Councils by a provision providing for a uniform term of four years for the members of the State Bar Councils was accepted and given effect to by the Advocates (Amendment) Act, 1966.

5.—*Power of Disciplinary Committee and other Committees of State Bar Council*

(i) (a) The power of transfer should be exercised only by the disciplinary committee of the Bar Council of India as provided in section 36(2) and not the Bar Council of India itself and such power may be exercised by that Committee either of its own motion or on a report by the State Bar Council concerned or on application made to it by any person interested.

(b) The State Bar Council may also, either of its own motion or on application, exercise the power to transfer cases pending before one of its disciplinary committees to another.

(c) The State Bar Council should be empowered to take cognizance of a complaint against an advocate of the Supreme Court borne on the rolls of the Bar Council of India, if such advocate is ordinarily practising within the limits of that Bar Council.

(d) Suitable provision may be made empowering the disciplinary committee of a State Bar Council to grant, on application made to it, stay of operation of its order to enable the aggrieved party to obtain stay order from the disciplinary committee of the Bar Council of India. Similar provision may be made for empowering the Bar Council of India to grant stay.

(e) The words "if it does not summarily reject the complaint" occurring in section 35(2) should be omitted since the Bar Council sends the complaint to the disciplinary committee only after it is satisfied that a *prima facie* case has been made out.

(ii) The enrolment committee, the election committee and the special enquiry committee of a Bar Council should be empowered to summon witnesses, etc., on the analogy of similar powers vested in the disciplinary committees under section 42. Such powers should also be given to the Bar Council of India.

Consequential changes should be made in sections 42(2) and 42(3).

(iii) A provision may be made to the effect that members of a Bar Council or any committee thereof shall be deemed to be "public servants" within the meaning of section 21 of the Indian Penal Code.

6.—*Seniority of vakils, pleaders, etc., enrolled as Advocates*

Clause (c) of section 17(3) should be omitted so as to bring the provisions of that section in conformity with the rule framed by the Bar Council of India to the effect that the seniority of vakils, pleaders and attorneys who were not entitled to practice in the High Courts under the Indian Bar Councils Act, 1926 and who were enrolled as advocates immediately before the appointed date, namely, 1st December, 1961, or thereafter, shall be determined according to the date of enrolment as advocates.

7.—*Common roll of Advocates*

Those advocates whose names do not appear in any State roll should be directed to get themselves entered on a State roll of their choice within a specified period. It was also agreed that section 20(1) should be omitted and consequential amendment made in the Act since the preparation of a common roll as provided under the Act is extremely expensive and cumbersome.

8.—*Enrolment of Advocates*

(a) As regards pre-enrolment training and examination, recommendations in para 20 may be referred to. It is also recommended that in order to secure uniformity in matters relating to training, examination, etc., section 24(1)(d) should be suitably amended so as to vest in the Bar Council of India the power to prescribe a period of training, leaving the State Bar Councils with power to provide for other matters relating to training and examination.

(b) Persons who have been granted upto the 31st December, 1965, exemption from training and examination under the proviso to section 24(1)(d) of the Act should be permitted to avail themselves of the same, if and only if they make an application for enrolment on or before the 31st December, 1967 and not after that date.

(c) The enrolment fee payable under section 24(1)(f) should be raised to Rs. 350 and each of the State Bar Councils should pay Rs. 100 to the Bar Council of India out of that sum. Consequential amendment should also be made in section 46.

(d) After clause (f) of section 24(1), a new clause as follows should be inserted:—

“(g) he is otherwise in the opinion of the enrolment committee of the State Bar Council a fit and proper person to be enrolled as an advocate.”.

(e) A specific provision should be made in the Act that no stamp duty shall be levied on the enrolment of advocates. The State Governments should, however, be consulted in this behalf.

(f) It is recommended that the enrolment of 174 advocates made by the Mysore State Bar Council between the period 28th February 1963 and the 31st March, 1964 should be treated as valid with effect from 16th May, 1964, the date on which the Advocates (Amendment) Act, 1964 received the assent of the President. Suitable provision may also be made to validate appearances made by those advocates before any court or other authority and other professional acts performed by them during the period between the respective dates of their enrolment and the 16th May, 1964.

9.—*Removal of names from roll of advocates*

The proviso to section 26(1) should be suitably amended enabling the Bar Council of India to remove the name of any person from the roll of advocates on the ground that such person is not a fit and proper person to be enrolled as an advocate, after giving him an opportunity of being heard.

10.—*Chamber-practice*

It was agreed that for the purpose of sections 29, 30, 33 and 45, “practice” and “profession of law” should include tendering of advice.

11.—*Right to practice*

Section 30 should be amended by substituting the words “common roll” by the words “State roll” so that the right to practice accrues immediately on the entry of the name on the State roll.

12.—*Powers to enhance punishments in appeal*

Suitable provisions should be made in sections 37 and 38 empowering the appellate authority to enhance the punishment awarded to an advocate under sections 35 and 36 after giving him an opportunity of being heard.

13.—Continuity in proceedings of Disciplinary Committees

Suitable provision should be made for securing continuity in the proceedings of a disciplinary committee in the event of its re-constitution or in the event of the appointment of a new member in the place of an existing member on the lines of section 350, Criminal Procedure Code.

14.—Indemnity against legal proceedings

It is recommended that the provisions regarding the indemnity against legal proceedings may be applied also in the case of members of any Committee of a Bar Council.

15.—Rule-making powers of Bar Council of India and Central Government

It is recommended that besides the general power to make rules to carry out the purposes of the Act, the Central Government should also have the residuary power to make rules—

(a) in respect of matters regarding which rules have not been made by the Bar Council of India, and

(b) when request is made in that behalf by the Bar Council of India or the Attorney-General.

16.—Lawyers' Clerks

It was agreed that matters relating to qualifications, registration and conduct of lawyers' clerks should be regulated by the Bar Councils and not by the High Court.

23. The Committee authorised Shri S. P. Sen-Varma, Secretary to the Government of India, Legislative Department, to carry out amendments of a consequential or incidental nature.

24. In conclusion, the Committee desires to express its deep gratitude to Shri M. C. Setalvad, Shri Pritam Singh Safer, Shri S. P. Sen-Varma and Shri A. N. Veeraraghavan for the valuable advice and contribution that they have rendered to the Committee. The Committee also wishes to acknowledge its indebtedness to the High Courts, State Bar Councils, Bar Associations and other persons who were good enough to assist the Committee by submitting their respective memoranda in response to the circular letter issued by the Committee. The Committee is also thankful to those persons who took the trouble of appearing before the Committee and elucidating their opinions in oral evidence. The Committee places on record its appreciation of the valuable service rendered by its Secretary, Shri P. L. Gupta, Additional Legislative Counsel, and its Assistant Secretary, Shri A. G. Nambiar, Assistant Legislative Counsel of the Ministry of Law and the members of the staff of that Ministry who functioned ungrudgingly as the Secretariat of the Committee.

(Sd.) G. S. PATHAK.—Chairman.

(Sd.) C. R. PATTABHI RAMAN.

(Sd.) C. K. DAPHTARY.

(Sd.) N. C. CHATTERJEE.

(Sd.) DEBABRATA MOOKERJEE.*

} Members

*Subject to my note of dissent, dated 4th September, 1966 (vide para 20).

(Sd.) FRANK ANTHONY.

(Sd.) HEM RAJ.

(Subject to my note of dissent, dated
4th September 1966).

(Sd.) P. N. SAPRU.

(Sd.) GOPI NATH DIKSHIT.

(Sd.) SAROJINI MAHISHI.

(Sd.) D. CHAMAN LALL.

(Sd.) L. M. SINGHVI.*

} *Members.*

NEW DELHI;

The 5th September, 1966.

*A separate supplemental note appended.



MEMBER OF PARLIAMENT
(Rajya Sabha)

NOTE OF DISSENT

I would like to avoid a sudden change in the curriculum and instead prepare for it. I think therefore we should enforce the rule relating to the enlarged degree course with the proposed practical training and examination with effect from the academic year 1968 instead of 1967. Meanwhile, the provisions for exemption may be retained till December 31, 1967. It is true we have to draw the line somewhere and it must be made clear that no exemption can be granted after the last mentioned date.

I think in the circumstances that have happened the Calcutta students referred to in para 20 of the report should not be deprived of the exemption.

(Sd.) DEBABRATA MOOKERJEE.
September 4, 1966.



HEM RAJ,
MEMBER OF PARLIAMENT
(Lok Sabha)

151, South Avenue,
New Delhi-11.
4-9-1966.

To

The Chairman,
Advocates Act Review Committee,
New Delhi.

Dear Sir,

I have gone through the report and agree with its main conclusion, but regret that the Committee did not see its way to include in the list of recommendation regarding amendments to the Act, the proposals for defining the word 'tout' and making provisions for declaring the practice of touting a crime. For this purpose my letter dated 16th August, 1966 will form part of this note of dissent. However, I hope that this matter will receive the attention of the Ministry in making amendments of a consequential or incidental nature as referred to in para 23 of the report.

NEW DELHI;
4th September, 1966.

(Sd.) HEM RAJ, M.P.
Member.

SHRI HEM RAJ

151, South Avenue,
New Delhi-11.
16th August, 1966.

The Chairman,
The Advocates Act Review Law Committee,
Ministry of Law, New Delhi.

Dear Sir,

The Committee, in order to plug many of the loopholes in the Advocates Act, 1961, is proposing several amendments. One of the aim of the Committee has been to make the profession enjoy a reputation of respectability in society. Of late, the profession has fallen into disrepute due to the malpractice of Toutism.

The Committee is taking great pains to see that no Bar Council should admit an Advocate who is not a fit and proper person to be admitted as such [*vide* addition of clause (g), in section 24]. It will be leaving a great loophole, at this juncture, if it does not take steps

to insert a provision against this evil of Toutism, which encourages bribery in the profession itself and thus erodes the foundation of the administration of justice. This by itself gives a good-bye to the raising of the morale of the Bar.

This evil was first recognised as early as 1879, when a provision was made in the Legal Practitioners Act, 1879, defining the word "Tout" and making Toutism a crime [section 36(6)]. It was again brought prominently to the notice of the Indian Bar Committee in 1923-24. They had envisaged that the Bar Councils, the establishments of which they recommended, would regard the suppression of "Toutism" as one of their principal concerns (*vide* Law Commission's 14th Report, para 52, page 577).

The Civil Justice Committee of 1924-25 referred to the existence of the evil which had been pointed out by the Indian Bar Committee. Consequently, the definition of the word "Tout" was made more comprehensive and imposed a stricter penalty. The Law Commission's further observations are as under in para 54 page 573:

"Notwithstanding the view expressed by the Bar Committee that the Bar Councils should take steps to eradicate the evil and their hope that the Bar Councils would make the eradication of this evil their principal concern, it does not appear that they have attempted to take any step in this direction."

In para 57 of the same report on page 580, it again observes:

"Touting is in evil which affects the due administration of justice. This view has been accepted by the Law regarding it as a crime [section 36(6) of the Legal Practitioners Act]. There is no reason, therefore, why both the persons participating in the commission of the crime, *viz.*, the proclaimed 'Tout' as well as the concerned legal practitioner, should not be punishable under the law. Indeed the legal practitioner bears a greater responsibility in the matter than the tout."

In para 60 on page 581 it again says: ".....The impact of the lawyer in public affairs is waning. An All-India Bar organised and striving after true ideals could restore and even add to, the influence, that lawyers used to exercise in public affairs. These tasks can, however, be achieved, only if the lawyer lives upto the great ideal of his profession and maintains proper professional standards not only of efficiency, but of integrity".

Formerly, this evil of toutism was confined to the lower and district courts. Then it travelled to the portals of the High Courts. But, it having gone unchecked, I learn that, it has infected the precincts of the Supreme Court also (which is the ultimate haven of dispensation of justice).

Therefore, if the profession has to command respectability and has to mould public opinion in matters relating to law, legislation and the administration of justice, it is essential that this evil be faced squarely by the All-India Bar Council. For this purpose, the word 'Tout' be defined and its practice be declared a criminal offence under

the Advocates Act, both against the tout as well as against the advocates concerned. Any shirking of this responsibility at this stage will bring worst moral degradation in the profession as the past experience has shown.

With highest regards,

Yours sincerely,
(Sd.) HEM RAJ.

SUPPLEMENTAL NOTE BY DR. L. M. SINGHVI

Apart from a predilection for several drafting improvements in the Report, I wish to make certain supplemental observations on substantive matters. Hence this separate minute.

I feel that the question of pre-enrolment training and examination goes beyond the confines of mere exemption under section 24 of the Advocates Act. Indeed this extends to the whole issue of the reconstruction of legal education in our country and its harmonious osmosis with the requirements of the profession. Unless our law school curricula are extensively recast, unless there is a more meaningful dialogue between the profession and the law schools and unless there is a responsive and creative interpenetration of approaches, analyses and techniques, any interposition of additional training and examinations will remain a mechanically toilsome, yet a functionally fruitless exercise. It is my view that pre-enrolment training should be built in an extended and revised curriculum, and, at any rate, it should be grafted on the scheme of legal education. To accomplish this end, we should constitute a composite Council of Legal Education representing the Universities, the University Grants Commission, the Bar Council of India and the State Bar Councils, to which the Universities should cede a part of their autonomy in the matter of legal education. Thus alone would a measure of uniformity of standards and curricula of legal education be achieved throughout the country.

I am aware that the Bar Council of India and the acknowledged leaders of the legal profession such as Shri M. C. Setalvad are not in favour of any exemption or for dispensing with the requirement regarding training and examination. I realize that their views are prompted by a profound concern for raising the standards of the legal profession and are indeed in the best interests of the new entrants to the Bar. In principle, therefore, these views are unexceptionable. But in actual practice it is undeniable that senior members of the profession have not always been fully alive to their responsibilities, that training with seniors generally does not benefit the trainees in a significant measure, that during the training period the trainees are not enabled to gain much practical experience (I understand that they are not even permitted to inspect files, a privilege which is enjoyed by lawyers' clerks) and that there is avoidable duplication in the examinations for Bachelor of Laws Degree and the Bar Council examinations. I, for one, am all for exacting standards of legal education and an intensive system of training, and I unhesitatingly deplore the agitational approach in the arena of education and professional enrolment. I nevertheless crave leave to put in a demurer to and to disapprove the present system of legal education and more particularly the prevailing arrangements for pre-enrolment training and examination because they are grossly inadequate and perfunctory, and in their present form, it would do no substantial harm even to abandon them.

In Chapter IV, the Report rests content with a broad directive to the effect that suitable provisions may be made enabling the State Bar Councils to organize legal aid and to formulate rules for the purpose. My respectful submission is that we are called upon to do considerably more than to insert broad enabling provisions for the organization of legal aid. Neither the State nor the profession of law can justifiably disavow or postpone responsibility for urgent and positive measures for legal aid and advice to the deserving and the indigent. It is my view that the statute should specifically spell out the responsibilities and should provide in concrete terms for the organization of suitable machinery for legal aid and advice including pre-litigation advice. Such machinery should, in my opinion, have the participation of the Central Government, the Bar Council of India and the Supreme Court at the Centre and that of the concerned State Government, the State Bar Council and the State High Court at the State level.

I agree with my esteemed colleague Shri Hemraj that the Act should include provisions for checking and eradicating the evil of toutism which today impinges on and undermines the noble traditions of the legal profession.

Subject to the foregoing observations, I lend my support to the recommendations contained in the Report.

31st October 1966.

(Sd.) L. M. SINGHVI.

ANNEXURE 'A'

IMMEDIATE/EXPRESS DELIVERY

No. F.16 (4)/66-Leg. II

GOVERNMENT OF INDIA

MINISTRY OF LAW

(Legislative Department)

From

The Secretary,
Advocates Act Review Committee,
Ministry of Law, Legislative Department,
Government of India,
New Delhi.

To

1. The Secretary, Bar Council of India, New Delhi.
2. The Secretaries of all State Bar Councils.
3. The Secretary, Supreme Court Bar Association, New Delhi.
4. The Secretaries of all High Court Bar Associations.
5. The Registrars of all High Courts.
6. The Registrar, Supreme Court of India, New Delhi.
7. The Law Secretaries of State Governments/Union Territory Administrations.
8. The Director, Law Institute, New Delhi.
9. As per List attached.

New Delhi, April 7, 1966.

Sir

SUBJECT:—Amendment of Advocates Act, 1961—Work before the Committee—Comments and suggestions solicited.

You may be aware that a Committee has been constituted for the review of the Advocates Act, 1961, in all its aspects and for suggesting amendments thereto. The Committee at its first sitting on the 6th April, 1966, has decided that comments, suggestions or recommendations relating to the working of the Act or the reform of the law relating to the legal profession should be invited from interested quarters.

2. I will, therefore, be highly obliged if you send your comments, suggestions or recommendations so as to reach us before the end of this month.

Thanking you,

Yours faithfully,
Sd/- P. L. GUPTA.

1. Dr. Radha Binod Pal, 229, Netaji Subhash Chandra Bose Road, Calcutta-40.
2. Hon'ble Shri B. P. Gajendragadkar, Vice-Chancellor, Bombay University, Bombay.
3. Shri M. C. Setalvad, M.P., 33-A, Friends Colony, New Delhi-14.
4. Shri K. Raja Iyer, Advocate, Balaji Nagar, Royapettah, Madras.
5. Dr. C. P. Ramaswamy Iyer, "Grove", Teynampet, Madras.
6. The Secretary, Bombay Incorporated Law Society, High Court Extension Building, 2nd Floor, Bombay.
7. The Secretary, Incorporated Law Society, C/o High Court, Calcutta.
8. The Secretary, Supreme Court Agents' Association, Supreme Court Building, New Delhi.
9. The Secretary, Advocates Association, Allahabad High Court, Allahabad.
10. The Secretary, Advocates Association, Patna High Court, Patna.
11. The Secretary, Advocates Association, Madras High Court, Madras.
12. The Secretary, Advocates Association, Bombay Presidency, Small Cause Court, Bombay.
13. The Secretary, Bengal and Assam Lawyers' Association, Calcutta.
14. The Secretary, Provincial Bar Federation, C/o Madras High Court, Madras.
15. The Secretary, Advocates Association of Western India, Main Building, High Court, Bombay-1.
16. The Secretary, Bar Association of the Circuit Bench of the Punjab High Court, 15, Rajpur Road, Delhi.
17. Hon'ble Shri M. C. Mahajan, former Chief Justice of India, 47, Friends Colony, New Delhi-14.
18. Hon'ble Shri S. R. Das, former Chief Justice of India, 124, Tolly Gunj, 24 Parganas, Calcutta.
19. Hon'ble Shri B. R. Sinha, former Chief Justice of India, J-30, N. D. South Extension Part I, New Delhi-3.
20. Hon'ble Shri P. V. Rajamannar, former Chief Justice of the Madras High Court, Victoria Crescent, Madras.
21. Shri M. K. Nambiar, Bar-at-Law, "Sai Sadan" 36-A, Harrington Road, Kilpauk, Madras-10.

22. Shri J. L. Kapoor, Chairman, Law Commission, 5-Jor Bagh, New Delhi-3.
 23. Hon'ble Shri G. D. Khosla, former Chief Justice of Punjab High Court, 78-G, Sujan Singh Park, New Delhi-3.
 24. Hon'ble Shri P. B. Chakravarty, former Chief Justice of Calcutta High Court, Chairman, State Language (Legislative) Commission, West Bengal City Civil and Sessions Court Building, 2 & 3, Kiron Sankar Roy Road, Calcutta-1.
 25. Shri A. K. Sen, M.P., 9-Raisina Road, New Delhi-1.
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ANNEXURE 'B'

NAMES OF HIGH COURTS, BAR COUNCILS, BAR ASSOCIATIONS, STATE GOVERNMENTS, EMINENT MEMBERS OF THE BAR, LAW STUDENTS AND LAW GRADUATES ORGANISATIONS, ETC., WHO HAVE SENT THEIR SUGGESTIONS FOR THE CONSIDERATION OF THE COMMITTEE.

1. Judicial Commissioner's Court, Tripura.
2. Rajasthan High Court, Jodhpur.
3. Supreme Court of India, New Delhi.
4. High Court (Appellate Side), Bombay-32.
5. High Court of Orissa, Cuttack.
6. High Court of Madhya Pradesh, Jabalpur.
7. High Court of Judicature at Allahabad.
8. High Court of Andhra Pradesh, Hyderabad.
9. High Court of Mysore, Bangalore.
10. High Court of Judicature in Assam and Nagaland, Gauhati.
11. High Court of Kerala, Ernakulam.
12. High Court of Judicature at Patna, Patna.
13. High Court of Gujarat, Ahmedabad.
14. Bar Council of Madras, Madras.
15. The Bar Council of Gujarat, Ahmedabad.
16. Orissa State Bar Council, Cuttack.
17. Bar Council of Andhra Pradesh, Hyderabad. (Secretary's views.)
18. Bar Council of Maharashtra, Bombay.
19. Bar Council of Punjab, Chandigarh.
20. Bar Council of Rajasthan, Jodhpur.
21. Bar Council of Uttar Pradesh, Allahabad.
22. Bar Council of West Bengal, Calcutta (including a note by Shri D. P. Chaudhuri).
23. Bar Council of India, New Delhi.
24. Bar Council of Madhya Pradesh, Jabalpur.
25. Bar Council of Bihar, Patna.
26. Bombay Bar Association, Bombay.

27. Incorporated Law Society, Calcutta.
28. Quilon Bar Association, Quilon.
29. Gujarat High Court Advocates Association, Ahmedabad.
30. Shri Jai Shanker Trivedi, Lucknow.
31. Shri K. Rajah Iyer, Advocate, Madras-14.
32. Shri M. K. Nambyar, Bar-at-Law, Madras-30.
33. Shri N. Venkatarama Ayyar, Advocate, Madras-1.
34. Administration of Dadra and Nagar Haveli, Silvassa.
35. Government of Pondicherry, Pondicherry.
36. Government of Kerala, Trivandrum.
37. Government of Punjab, Chandigarh.
38. Administration of Andaman and Nicobar Islands, Port Blair
39. Administration of the Union Territory of Laccadives, Kavaratti Island.
40. Government of Assam, Shillong.
41. Government of Uttar Pradesh, Lucknow.
42. Government of Madhya Pradesh, Bhopal.
43. Shri A. C. Byrappa, Chairman, Bar Council of Mysore.
44. Shri B. M. Natarajan, Secretary, Bar Council of Mysore.
45. Shri Deokinandan R. Dhanuka, Advocate, Bombay.
46. Shri Girindra Kumar Routh Roy, Secretary, West Bengal Revenue Agents' Association, Calcutta.
47. Shri Baidya Nath Sur, Mukhtar, Begampur, District Hooghly.
48. Punjab Students Congress, Chandigarh.
49. Shri Jatinder Singh Jakhar, President, Students Union, Chandigarh.
50. Shri P. C. Chacko, Secretary, Students' Agitation Council, Ernakulam and Trivandrum.
51. Shri K. C. Banota, Janta College, Bhatinda (Punjab).
52. Shri S. P. Shinde, 224, Tarabai Park, Kolhapur.
53. Shri Anil Mohan Guha, Advocate, Supreme Court, Purnea.
54. Shri D. A. S. Swami, Lawyer, Madras-17.
55. Shri Ramanath Das, Pleader, Pareswar-Sahi, Cuttack.
56. S/Shri Siyaram Pathak and Keshav Prasad Kayastha, Joint Secretary and President, Union Revenue Agents, Madhya Pradesh, Murana.

57. Shri K. K. Shrivastava, Secretary, Bar Council of Madhya Pradesh, Jabalpur.
58. Shri A. M. S. Hameed, 35, Broadway, Madras-1.
59. Shri M. Patra, Advocate, Orissa High Court, Cuttack.
60. Shri Manoranjan Basu, Advocate, High Court, Calcutta, Secretary Displaced Lawyers' Association, Calcutta.
61. Shri Lazaro Viegas, Assolna, Salsette, Goa.
62. Shri Kiran Bahadur Singh Mathur, Advocate, People Mandi, Agra.
63. Shri Jiwan Singh, Govind Nagar, Dehra Dun.
64. Shri Jagadish Lal Pandeya, Convener, Law Students, Lucknow University, Lucknow.
65. Shri Opendra Mahapatra and others, Cuttack.
66. Shri Mohamed Haji Ahmed, Agboatwala, Bombay.
67. Shri M. G. Guruswami Ayyar, Advocate, Sivaganga.
68. Shri N. K. Patwardhan, Advocate, Akot (Maharashtra).
69. Shri Bhikary Charan Pattanaik, Revenue Agent and Professional Muktear, Cuttack.
70. Shri B. N. Das, Advocate, Calcutta High Court, Calcutta.
71. Shri Baishnab Charan Satpathy, Cuttack.
72. Shri Rajani Kanta Sarmah and others, Gauhati.
73. Shri Manibhai G. Desai, Advocate, High Court, Bombay.
74. Shri Prahlada Rao, Advocate, Jayanagar, Bangalore.
75. Shri Achyutananda Dash, M.L.A., Orissa, Athagarh.
76. Shri Susital Narayan Biswas, Calcutta.
77. Shri Radhashyam Ghose, Advocate, Bishnupur, West Bengal, Bankura.
78. Revenue Agents, District Dhar, Madhya Pradesh.
79. Shri Keshav Prasad, Secretary, Union of Revenue Agents, Morena.
80. Shri M. Rahaman Choudhury, Sharifnagar, District Cachar.
81. Shri N. K. Baiz, Gauhati.
82. Shri Sharafuddin Ahmad, Hoiborgaon, Assam.
83. Shri L. S. Kulkarni, Marathwada Legal Education Society's Pahade Law College, Aurangabad.
84. Shri Paras Ram Thakur, Law Graduate, Delhi.
85. Shri Azizur Rahman, P.O. Nowgong, Assam.

86. Shri K. C. Chaudhari, Secretary, New Law Graduate, Ratlam, M.P.
87. Shri Ramendu Kumar Chakraborty, Jt. Convener, Action Committee, Law Graduates, West Bengal, Sen Bagan.
88. Shri M. Krishna Rao, Section Officer, Supreme Court of India, New Delhi.
89. United Demand Committee on Legal Education and Advocates Act, 24, Mahatma Gandhi Road, Calcutta.
90. Parekh and Company, Registered Accountants (London) Bombay.
91. Law College, Student Union, Bhavanagar (Sh. Danesh, General Secretary).
92. Shri J. P. Seth, Chairman, Action Committee, Law Graduates Association, Delhi.
93. Shri Narhari Sharma and others, Fresh Law Graduates of Jhunjhunu.
94. Marathwada Law Graduates and Students Union, Aurangabad.
95. Shri Girindra Chandra De Sarkar, Calcutta.
96. Shri P. K. Bhansali, Chairman, Rajasthan Law Graduates' Association, Jodhpur.
97. Shri Sudheer, Law Student of Punjab, Chandigarh.
98. Shri S. S. Gupta, T. T. Nagar, Bhopal.
99. Law Graduates, Ratlam.
100. Baldev Raj Kapoor, Law Graduates Association, Punjab, Chandigarh.
101. Shri Santosh Karnawat, Bar Association, Jaipur.
102. Shri Jagjit Singh Chetri and others, Law Graduates, Gauhati.
103. Law Graduates of Rohtak.
104. Shri Din Dayal Bhargava, Law Graduates 1966 Association, Jabalpur.
105. The President, Law Apprentices' Association of Kerala, Ernakulam.
106. Shri B. Shivanna, Chairman, Action Committee, Students' Union, University College of Law, Osmania University.
107. Shri V. M. Arade, Secretary, the Ahmednagar District New Advocates' Association, Ahmednagar.
108. Shri R. R. Pareek, Secretary, Apprentice Advocates Association, Indore.
109. Shri Kantilal Nagindas Modi, President, Samyukta Vid-yarthi Mandal, Surat.

110. Shri Shekhar Shiragambi, Secretary, Joint Law Students Union, Dharwar.
 111. Shri Varinder K. Sobti, President, Law Union (1965-66), Delhi University, Delhi.
 112. Shri N. Ahmed Koya, President, Law College Association, Ernakulam.
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ANNEXURE 'C'

STATEMENT REGARDING ARRANGEMENTS FOR PRE-ENROLMENT TRAINING AND EXAMINATION MADE BY THE STATE BAR COUNCILS

(Information in this statement is mainly based on letters received by Bar Council of India from the State Bar Councils)

Sl. No.	Name of the State Bar Council	No. of students registered for training	Date of commencement of lectures	Date of Examination	Syllabus for Examination	Remarks
I	2	3	4	5	6	7
I	Andhra Pradesh	38 (as on 9-8-66)	Nov. and Dec. 1966	3rd week of Dec. 1966.	<p>The following subjects suggested by the Bar Council of India (as in its model rules) have been adopted (subject to minor changes) by all the State Bar Councils:—</p> <p>Paper I :</p> <p>(a) The Civil Procedure and Practice.</p> <p>(b) The Indian Limitation Act.</p> <p>Paper II :</p> <p>(a) The Criminal Procedure and Practice.</p> <p>(b) The Indian Evidence Act.</p> <p>Paper III :</p> <p>(a) Drafting of pleadings, petitions, applications, etc.</p> <p>(b) Law relating to Advocates, their remuneration and fees.</p> <p>(c) Professional conduct and Ethics.</p>	

I	2	3	4	5	6	7
					<p>Paper IV :</p> <p>A subject chosen for specialisation from among the following :</p> <ol style="list-style-type: none"> (1) Labour. (2) Taxation. (3) Tenancy and Land Laws. (4) Company Law and Insolvency. (5) Conveyancing. (6) Court-fee, Stamp and Registration Acts. <p>The candidate shall be exempted from Paper I and/or Paper II if he is shown to have passed an examination either for the purpose of obtaining his degree of law or for being called to the Bar in the subjects comprising of the said paper.</p> <p>The candidate shall also have to submit to a <i>viva voce</i> test in the subject in which he has appeared and been examined. Such a test will carry 100 marks.</p>	

1	2	3	4	5	6	7
2	Assam	(Letter dt. 16-8-1966).	Arrangements made. Dates will be fixed before the examination.	1st week of Sept. 1967.	..	First set of trainees are now undergoing apprenticeship.
3	Bihar	Subjects prescribed. List of Senior Advocates prepared and Examination Committee formed. (Letter dt. 12-8-66).	..	.	..	Committee formed to be incharge of arranging lectures, imparting training and for holding examinations.
4	Delhi	39 (as on 27-8-66) (undergoing training since 1-7-66).	Will be announced in a week's time.	Will be announced in a week's time.	..	..
5	Gujarat	44 (as on 10-8-66)	Lectures have been arranged at Ahmedabad.	20th to 23rd December, 1966	..	This Bar Council has already held an examination in December, 1965.
6	Kerala	50 (as on 11-8-66)	Arrangements for holding the lectures will be made.	March, 1967	..	..
7	Madhya Pradesh.	Every apprentice has been supplied with a copy of the syllabus (letter dt. 10-8-66)	..	..	..	This Bar Council has stated that all arrangements have been made for giving lectures and for holding examination (Letter dt. 10-8-66).
8	Madras	84 (as on 13-8-66)	Likely to be conducted in January, 1967. Date of lectures will be fixed by Bar Council in September.	Likely to be held in April, 1967	..	..

1	2	3	4	5	6	7	
9	Maharashtra	176 (as on 8-8-66)	18-8-1966	..	..	All arrangements regarding training and examination have been made.
10	Mysore	In 1965 lectures were arranged and apprentices from all over the State attended the lectures but the examination could not be held because of the exemption (letter dated 9-8-66).					Last year lectures were arranged in the month of November, and examination was to commence from 10-1-66. Information not given for the current year.
11	Orissa	..	..	..		This Council has made the necessary arrangements all complete for long in order to give effect to the scheme regarding training, examination, etc. It may be stated that last year a batch of candidates had been fully trained and examined by the Council before the Govt. order exempting the candidates from the training, came into being.
12	Punjab	45 (as on 27-8-66)	January-Feby. 1967	April, 1967	..	..
13	Rajasthan	85 (as on 9-8-66)	Preparations are afoot.	August, 1967 (but may be held earlier)		Lecturers have been appointed and have been asked to prepare synopsis of lectures.	

1	2	3	4	5	6	7
14	Uttar Pradesh	..	..	..	<p data-bbox="1164 235 1638 287">Requisite information regarding this year not supplied.</p> <p data-bbox="1137 453 1638 608">Last year our first examination was also held and the result was announced on the same day on which the Govt. of India Notification came exempting the law graduates from any training and examination with the result that the Bar Council was made laughing stock.</p> <p data-bbox="1137 780 1638 981">This year also we are receiving numerous letters as to how the law graduates of this year may get themselves enrolled as advocates and we are daily despatching the rules along with the syllabus for training and if this year also the training and examinations are suspended then this Bar Council will be placed in a very awkward position.</p>	

1	2	3	4	5	6	7
15	West Bengal	..	1-6-1966 (summer term).	<p>The lectures under the last term are still going on although the trainees concerned formed an Action Committee and regretted to inform the Bar Council by a letter, dated 2-6-1966, that they had decided to abstain from attending the classes as a mark of protest for not allowing them exemption and since then they are not attending lectures now going on.</p>

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