

LOK SABHA

**THE ADVOCATES (SECOND AMENDMENT)
BILL, 1968**

(As passed by Rajya Sabha)

(Report of the Select Committee)

(Presented on the 12th August, 1970)



समर्थ नरते

**SABHA SECRETARIAT
NEW DELHI**

August, 1970/Sravana, 1892 (S)

Price Rs. 0.75

C_O_R_R_I_G_E_N_D_A

TO

THE REPORT OF THE SELECT COMMITTEE
ON THE ADVOCATES SECOND (AMENDMENT)
BILL, 1968

(As passed by Rajya Sabha).

1. Page 11, line 4, for "(4)" read "(4)"
2. Page 11, line 19, for "for" read "so"
3. Page 12, line 6, for "required" read "required"
4. Page 12, delete "18 of 1879" against section 49A.
5. Page 12 for existing marginal heading to section 49A
read "Power of Central Government to direct rules
to be made or to make or amend rules".
6. Page 13, line 2, for "Practitioners" read "Practitioners"
7. Page 14, add "38 of 1926" against line 35 in the
right margin.
8. Page 15, line 10, for "Clause" read "Clauses"
9. Page 21, line 5, from bottom for "Representative"
read "Representatives"
10. Page 37, line 2, for "Mini ter" read "Minister"

New Delhi;
The 12th November, 1970.

M. C. CHAWLA
DEPUTY SECRETARY

CONTENTS

	PAGE
1. COMPOSITION OF THE SELECT COMMITTEE	(iii)
2. REPORT OF THE SELECT COMMITTEE	(v)
3. BILL	I
APPENDIX I.—Motion in Lok Sabha for reference of the Bill to Select Committee	16
APPENDIX II.—Statement showing the names of the Bar Councils/individuals etc. from whom memoranda/representations were received by the Select Committee	17
APPENDIX III.—Statement showing the names of the Bar Councils who gave evidence before the Select Committee	18
APPENDIX IV.—Notice of the Motion for withdrawal of the Bill and the Statement containing reasons therefor	19
APPENDIX V.—Minutes of the sittings of the Select Committee	21

SELECT COMMITTEE ON THE ADVOCATES (SECOND AMENDMENT) BILL, 1968, AS PASSED BY RAJYA SABHA

COMPOSITION OF THE COMMITTEE

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Shri D. K. Kunte.
3. Shri J. K. Choudhury.
4. Shri Shivajirao S. Deshmukh.
5. Shri A. K. Gopalan.
6. Shri Shri Chand Goyal.
7. Shri S. M. Joshi.
8. Shri Vikram Chand Mahajan.
- *9. Shri P. Govinda Menon.
10. Shri Srinibas Mishra.
11. Shri F. H. Mohsin.
12. Shri H. N. Mukerjee.
13. Shri Anand Narain Mulla.
14. Shri Jagannath Pahadia.
15. Shri Viswa Nath Pandey.
16. Chaudhuri Randhir Singh.
17. Shri K. Narayana Rao.
18. Shrimati Savitri Shyam.
19. Shri A. K. Sen.
20. Shri Shantilal Shah.
21. Shri Tenneti Viswanatham.
22. Shri G. Viswanathan.
23. Shri S. Xavier.
24. Shri Mohammed Yunus Saleem.

REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. B. Venkatasubramanian, *Joint Secretary and Legal Adviser, Ministry of Law.*

* Died on the 23rd May, 1970

(iv)

2. Shri P. L. Gupta, *Additional Legislative Counsel, Ministry of Law.*
3. Shri Dalip Singh, *Deputy Legal Adviser, Ministry of Law.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

REPORT OF THE SELECT COMMITTEE

1. The Chairman of the Select Committee to which the Bill* further to amend the Advocates Act, 1961, as passed by Rajya Sabha was referred, having been authorised to submit the Report on their behalf, present their Report.

2. The motion for reference of the Bill to a Select Committee was moved by Shri Mohammed Yunus Saleem, the then Deputy Minister in the Ministry of Law and in the Department of Social Welfare on the 8th December, 1969 which was discussed and adopted on the same day (Appendix I).

3. The Committee held 9 sittings in all.

4. The first sitting of the Select Committee was held on the 17th December, 1969 to draw up their future programme of work. At this sitting the Committee decided that a Press Communique inviting memoranda on the provisions of the Bill from individuals, public bodies, Bar Councils, Bar Associations High Courts, Advocates General of States and Law Faculties of various Universities, should be issued. The Committee authorised the Chairman to select the parties for oral evidence after receipt of written memoranda and requests for oral evidence. The last date for receipt of memoranda and requests for oral evidence was the 17th January, 1970. At their second sitting held on the 27th January, 1970, the Committee took note of the poor publicity given by the Press to their Press Communique and decided to extend the date for receipt of memoranda and requests for oral evidence up to the 10th February, 1970 and issued a Press Communique in this behalf. At this sitting the Committee also decided to address a circular letter to all State Bar Councils and all High Court Bar Associations inviting their comments on the provisions of the proposed legislation.

5. Fifteen memoranda/representations were received by the Committee from different Bar Councils/individuals etc. on the provisions of the Bill which were circulated to the Members of the Committee (Appendix II).

6. At their fourth and fifth sitting held on the 18th and 19th February, 1970, the Committee heard the evidence given by the repre-

*The Bill was published in the Gazette of India. Extraordinary Part II Section 2, dated the 31st August, 1968, and passed by Rajya Sabha on the 16th December, 1968.

sentatives of the Bar Council of India, New Delhi and the Mysore State Bar Council, Bangalore respectively. (Appendix III).

7. The report of the Committee was to be presented to the House by the first day of the Tenth Session. As this could not be done, the Committee at their fourth sitting held on the 18th February, 1970 decided to ask for an extension of time for the presentation of their Report upto the first day of the second week of the Eleventh Session. Necessary motion was brought before the House and adopted on the 20th February, 1970. The Committee at their eighth sitting held on the 31st July, 1970 again decided to ask for further extension of time upto the first day of the Twelfth Session for the presentation of their Report, which was granted by the House on the 3rd August, 1970.

8. The Committee also decided that the evidence given before the Committee should not be printed but a cyclostyled copy thereof laid on the Table of the House and also kept in the Parliament Library.

9. At the sixth sitting of the Committee held on the 12th March, 1970 the Minister-in-charge of the Bill had informed the Committee that he contemplated to bring forward a comprehensive Bill during the current Session (Budget Session, 1970) to replace the Bill which was under consideration of the Committee. The Minister of Law had indicated that the suggestions made by the various Bar Councils, Bar Associations etc., would be incorporated in the new Bill to obviate the piecemeal legislation to amend the Advocates Act, 1961. The Minister of Law also stated that he had in mind to provide for legal aid to poor as also the desirability of including suitable provisions for the recognition of foreign degrees in law for the purpose of practising in the Courts in India on a reciprocal basis with other countries including the United Kingdom. Accordingly a notice of the motion for withdrawal of the Bill was given by the Minister of State in the Ministry of Law (Shri Jaganath Rao), which stood referred to the Select Committee under First proviso to Rule 110 of the Rules of Procedure and Conduct of Business in Lok Sabha (Appendix IV).

10. The Committee considered the notice of the motion for withdrawal of the Bill together with the accompanying statement containing reasons therefor at their sitting held on the 11th August, 1970. The Committee also considered and adopted their draft Report on the same day.

11. The Committee recommend that the leave to withdraw the Bill be granted.

R. D. BHANDARE,
Chairman,
Select Committee.

NEW DELHI;
August 11, 1970.

Bill No. XXXIII-CA of 1968

THE ADVOCATES (SECOND AMENDMENT)
BILL, 1968

(AS PASSED BY THE RAJYA SABHA ON THE 16TH DECEMBER 1968)

(AS CONSIDERED BY THE SELECT COMMITTEE)

A

BILL

further to amend the Advocates Act, 1961.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Advocates (Second Amend- Short
ment) Act, 1968. title

5 (2) It shall come into force on such date as the Central Govern- and
ment may, by notification in the Official Gazette, appoint. commen-
cement.

Amend-
ment of
section 1.

2. In section 1 of the Advocates Act, 1961 (hereinafter referred to as the principal Act),—

25 of 1961.

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of India.”;

5

(b) in sub-section (3), for the words “shall come into force”, the words, brackets and figure “shall, in relation to the territories other than those referred to in sub-section (4), come into force” shall be substituted;

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) This Act shall, in relation to the State of Jammu and Kashmir and the Union territory of Goa, Daman and Diu, come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for different provisions of this Act.”

15

Amend-
ment of
section 2.

3. In section 2 of the principal Act,—

(a) for clause (a), the following clause shall be substituted, namely:—

20

‘(a) “advocate” means an advocate entered in any roll under the provisions of this Act and includes a person who has been a vakil or a pleader or an attorney and is entered in any such roll;’

(b) clause (f) shall be omitted;

25

(c) in sub-clause (ii) of clause (g), for the words “the High Court of Punjab”, the words “the High Court of Delhi” shall be substituted.

Amend-
ment of
section 3.

4. In section 3 of the principal Act,—

(a) in sub-section (1),—

30

(i) in clause (a), after the word “Gujarat,” the words “Jammu and Kashmir,” shall be inserted;

(ii) in clause (ccc), for the words “the Union territory of Dadra and Nagar Haveli,” the words “the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu,” shall be substituted;

35

(b) in sub-section (2),—

5 (i) in clause (a), for the words “in the case of the State Bar Council of Delhi, the Additional Solicitor-General of India, *ex-officio*;”, the following words shall be substituted, namely:—

10 “in the case of the State Bar Council of Assam and Nagaland, the Advocate-General of each of the States of Assam and Nagaland, *ex-officio*; in the case of the State Bar Council of Punjab and Haryana, the Advocate-General of each of the States of Punjab and Haryana, *ex-officio*; in the case of the State Bar Council of Delhi, an advocate nominated by the Attorney-General of India;”;

15 (ii) in clause (b), for the words “the Bar Council of Assam”, the words “the Bar Council of Assam and Nagaland, the Bar Council of Jammu and Kashmir” shall be substituted;

(c) for sub-section (3), the following sub-sections shall be substituted, namely:—

20 “(3) (a) For each of the Bar Councils of the States referred to in clause (a) of sub-section (1), the Advocate-General of the State concerned shall be its Chairman;

25 (b) for the Bar Council referred to in clause (b) of sub-section (1), the Advocate-General of the State of Assam or, as the case may be, the Advocate-General of the State of Nagaland, whoever has been holding such office continuously for a longer time, shall be its Chairman;

30 (c) for the Bar Council referred to in clause (c) of sub-section (1), the Advocate-General of the State of Kerala shall be its Chairman;

(d) for the Bar Council referred to in clause (cc) of sub-section (1), the Advocate-General of the State of Madras shall be its Chairman;

35 (e) for the Bar Council referred to in clause (ccc) of sub-section (1), the Advocate-General of Maharashtra shall be its Chairman;

(f) for the Bar Council referred to in clause (d) of sub-section (1), the Advocate-General of the State of

Punjab or, as the case may be, the Advocate-General of the State of Haryana, whoever has been holding such office continuously for a longer time, shall be its Chairman;

(g) for the Bar Council of Delhi, the Chairman shall be elected by the Council in such manner as may be prescribed. 5

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

Amendment of section 4.

5. In section 4 of the principal Act,—

(a) in clause (a) of sub-section (1), after the word "*ex-officio*", the words, "who shall be the Chairman of the Council" shall be inserted; 10

(b) in sub-section (2), for the words "There shall be a Chairman and a Vice-Chairman", the words "There shall also be a Vice-Chairman" shall be substituted; 15

(c) in clause (i) of sub-section (3), after the words "his election", the words "or till he ceases to be a member of the State Bar Council, whichever is earlier" shall be inserted.

Amendment of section 6.

6. In section 6 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:— 20

"(2) A State Bar Council may constitute a fund or funds in the prescribed manner—

(a) for giving financial assistance to indigent or disabled advocates;

(b) for giving legal aid to the poor." 25

Amendment of section 7.

7. Section 7 of the principal Act shall be re-numbered as sub-section (1) of that section, and—

(a) in sub-section (1) as so re-numbered, clause (a) shall be omitted;

(b) after sub-section (1) as so re-numbered, the following 30 sub-section shall be inserted, namely:—

"(2) The Bar Council of India may constitute a fund in the prescribed manner for giving legal aid to the poor.",

8. After section 7 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 7A.

5 "7A. The Bar Council of India may become a member of international legal bodies such as the International Bar Association or the International Legal Aid Association, contribute such sums as it thinks fit to such bodies by way of subscription or otherwise and authorise expenditure on the participation of its representatives in any international legal Conference or seminar."

Membership in international bodies.

10 9. In section 8 of the principal Act,—

Amendment of section 8.

(a) in sub-section (1), the following proviso shall be inserted at the end, namely:—

23 of 1966. 15

"Provided that the term of office of members elected to a State Bar Council after the commencement of the Advocates (Amendment) Act, 1966, shall be five years from the date of publication of the result of their election.";

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

20 "(3) In the case of the State Bar Council of Delhi, the term of office of the advocate nominated by the Attorney-General of India under clause (a) of sub-section (2) of section 3, shall be five years from the date of his nomination:

25 Provided that such advocate may, by writing under his hand, addressed to the Attorney-General of India resign his office."

10. In section 9 of the principal Act,—

Amendment of section 9.

(a) in sub-section (1),—

30 (i) the words, brackets and figures "who possess the qualifications specified in the proviso to sub-section (2) of section 3 and" shall be omitted; and

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

35 "Provided that no person who does not possess qualifications specified in the proviso to sub-section (2) of section 3 shall be eligible for being elected or co-opted, as the case may be, as a member of any disciplinary committee.";

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

“(3) Notwithstanding anything contained in sub-section

(1), any disciplinary committee constituted prior to the commencement of the Advocates (Second Amendment) Act, 1968, may dispose of the proceedings pending before it as if this section had not been amended by the said Act”.

Amendment of section 15.

11. In section 15 of the principal Act, in clause (b) of sub-section (2),—

(a) after the words “a fund”, the words “or funds” shall be inserted; 10

(b) after the words “disabled advocates”, the words “or for giving legal aid to the poor” shall be inserted.

Amendment of section 16.

12. In section 16 of the principal Act, in sub-section (2), for the words “experience and standing at the Bar”, the words “standing at the Bar or special knowledge or experience in law” shall be substituted. 15

Amendment of section 17.

13. In section 17 of the principal Act,—

(a) in clause (a) of sub-section (1), for the words “and who, within the prescribed time”, the words, figures and letters “including persons, being citizens of India, who before the 15th day of August, 1947, were enrolled as advocates under the said Act in any area which before the said date was comprised within India as defined in the Government of India Act, 1935, and who at any time” shall be substituted; 20 25

(b) in sub-section (3), clause (c) shall be omitted.

Substitution of new section for section 20. Special provision for enrolment of certain Supreme Court advocates.

14. For section 20 of the principal Act, the following section shall be substituted, namely:—

“20. (1) Notwithstanding anything contained in this Chapter, every advocate who was entitled as of right to practise in the Supreme Court immediately before the appointed day and whose name is not entered in any State roll may, within the prescribed time, express his intention in the prescribed form to the Bar Council of India for the entry of his name in the roll of a State Bar Council and on receipt thereof the Bar Council of India shall direct that the name of such advocate shall, without 30 35

payment of any fee, be entered in the roll of that State Bar Council, and the State Bar Council concerned shall comply with such direction.

5 (2) Any entry in the State roll made in compliance with the direction of the Bar Council of India under sub-section (1) shall be made in the order of seniority determined in accordance with the provisions of sub-section (3) of section 17.

10 (3) Where an advocate referred to in sub-section (1) omits or fails to express his intention within the prescribed time, his name shall be entered in the roll of the State Bar Council of Delhi.”.

15 15. In section 21 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:— Amend-
ment of
section 21

“(2) Subject as aforesaid, if any dispute arises with respect to the seniority of any person, it shall be referred to the State Bar Council concerned.”.

16. For section 22 of the principal Act, the following section shall be substituted, namely:— Substitu-
tion of
new sec-
tion for
section 22.

20 “22. There shall be issued a certificate of enrolment in the prescribed form by the State Bar Council to every person whose name is entered in the roll of advocates maintained by it under this Act.”. Certificate
of enrol-
ment.

17. In section 23 of the principal Act,— Amend-
ment of
section 23.

(a) sub-section (3) shall be omitted;

25 (b) in sub-section (4), for the words, brackets and figures “sub-sections (1), (2) and (3)”, the words, brackets and figures “sub-sections (1) and (2)” shall be substituted.

18. In section 24 of the principal Act,— Amend-
ment of
section 24.

(1) in sub-section (1),—

30 (i) in clause (c),—

(a) in sub-clause (iii), for the words “if the degree is recognised for the purposes of this Act”, the words “which is recognised” shall be substituted;

(b) in sub-clause (iv), the word "or" shall be omitted; and

(c) the words "he is a barrister"; shall be omitted; (ii) in the proviso to clause (d),—

(a) in clause (i), for the words, figures and letters 5 "before the 31st day of March, 1964 or such other later date as may be prescribed", the words, figures and letters "before the 1st day of January, 1969" shall be substituted;

(b) after clause (i), the following clause shall be 10 inserted, namely:—

"(ia) any person who, after the 1st day of January, 1969, obtains a degree in law after undergoing a course in law the duration whereof is not less than three academic years, or obtains a Master's 15 degree or any higher degree in law, from any University in India;"

(2) in sub-section (3), clause (b) shall be omitted.

Substitution of new section for section 26A.

19. For section 26A of the principal Act, the following section shall be substituted, namely:— 20

Power to remove names from roll.

"26A. A State Bar Council may remove from the State roll the name of any advocate who is dead or from whom a request has been received to that effect."

Amendment of section 30.

20. In section 30 of the principal Act, for the words "common roll", the words "State roll" shall be substituted. 25

Amendment of section 34.

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

"(1A) The High Court shall make rules for fixing and regulating by taxation or otherwise the fees payable as costs by any party in respect of the fees of his adversary's advocate upon all 30 proceedings in the High Court or in any Court subordinate thereto."

Amendment of section 35.

22. In section 35 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be

inserted, namely:—

5 “(1A) The State Bar Council may, either of its own motion or on application made to it by any person interested, withdraw a proceeding pending before its disciplinary committee and direct the inquiry to be made by any other disciplinary committee of that State Bar Council.”;

(b) in sub-section (2), the words “if it does not summarily reject the complaint,” shall be omitted;

10 (c) in the *Explanation* for the words “the Additional Solicitor General of India”, the words “the advocate nominated by the Attorney-General of India in this behalf” shall be substituted.

23. In section 36 of the principal Act,—

Amendment of section 36.

(a) in sub-section (1), the words “on the common roll” shall be omitted;

15 (b) in sub-section (2), for the words “of its own motion”, the words “either of its own motion or on a report by any State Bar Council or on application made to it by any person interested” shall be substituted;

20 (c) in sub-section (4), for the words “before the Bar Council of India”, the words “before the disciplinary committee of the Bar Council of India” shall be substituted.

24. After section 36 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 36A.

25 “36A. Whenever in respect of any proceeding under section 35 or section 36, a disciplinary committee of the State Bar Council or a disciplinary committee of the Bar Council of India ceases to exercise jurisdiction and is succeeded by another committee which has and exercises jurisdiction, the disciplinary committee of the State Bar Council or the disciplinary committee of the Bar Council of India, as the case may be, so succeeding may continue the proceedings from the stage at which the proceedings were so left by its predecessor committee:

Changes in the constitution of disciplinary committees.

35 Provided that the advocate concerned may demand that before the proceedings are so continued, the previous proceedings or any part thereof be re-opened or that before any order is passed against him, he be reheard.”.

25. In section 37 of the principal Act, in sub-section (2),—

Amendment of section 37.

(a) after the words “such order”, the brackets and words “(including an order varying the punishment awarded by the

disciplinary committee of the State Bar Council)" shall be inserted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that no order of the disciplinary committee 5
of the State Bar Council shall be varied by the disciplinary
committee of the Bar Council of India so as to prejudicially
affect the person aggrieved without giving him reasonable
opportunity of being heard."

Amend-
ment of
section 38.

26. In section 38 of the principal Act,—

10

(a) after the words "such order", the brackets and words
"(including an order varying the punishment awarded by the
disciplinary committee of the Bar Council of India)" shall be
inserted;

(b) the following proviso shall be inserted at the end, 15
namely:—

"Provided that no order of the disciplinary committee of
the Bar Council of India shall be varied by the Supreme
Court so as to prejudicially affect the person aggrieved
without giving him reasonable opportunity of being heard." 20

Omission
of section
39.

27. Section 39 of the principal Act shall be omitted.

Amend-
ment of
section 40.

28. Section 40 of the principal Act shall be re-numbered as sub-
section (1) of that section, and after sub-section (1) as so re-num-
bered, the following sub-section shall be inserted, namely:—

"(2) Where an application is made for stay of the order be-
fore the expiration of the time allowed for appealing therefrom 25
under section 37 or section 38, the disciplinary committee of the
State Bar Council or the disciplinary committee of the Bar
Council of India, as the case may be, may for sufficient cause
direct the stay of such order on such terms and conditions as it
may deem fit." 30

Amend-
ment of
section 41.

29. In section 41 of the principal Act,—

(a) in sub-section (1),—

(i) clause (b) shall be omitted; and

(ii) the words "or the common roll, as the case may be" 35
shall be omitted;

(b) sub-section (2) shall be omitted.

30. In section 42 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

Amendment of section 42.

5 (4) Notwithstanding the absence of the Chairman or any member of a disciplinary committee on a date fixed for the hearing of a case before it, the disciplinary committee may, if it so thinks fit, hold or continue the proceedings on the date so fixed and no such proceedings and no order made by the disciplinary committee in any such proceedings, shall be invalid merely by
10 reason of the absence of the Chairman or member thereof on any such date:

15 Provided that no final orders of the nature referred to in sub-section (3) of section 35 shall be made in any proceedings unless the Chairman and other members of the disciplinary committee are present."

31. After section 42 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 42A.

20 "42A. The provisions of sub-sections (1), (2), (3) and (4) of section 42 shall, for far as may be, apply in relation to the Bar Council of India, the enrolment committee, the election committee or any other committee of a Bar Council as they apply in relation to the disciplinary committee of a Bar Council."

Powers of Bar Council of India and other committees.

32. After section 46 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 46A.

25 "46A. The Bar Council of India may, if it is satisfied that any State Bar Council is in need of funds for the purpose of performing its functions under this Act, give such financial assistance as it deems fit to that Bar Council by way of grant or otherwise."

Financial assistance to State Bar Council.

30 33. In section 48 of the principal Act, after the words "a member of a Bar Council", the words "or any committee thereof" shall be inserted.

Amendment of section 48

34. After section 48A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 48AA

Review

"48AA. The Bar Council of India or any of its committees other than its disciplinary committee, may of its own motion or otherwise review any order passed by it under this Act."

Amendment of section 49.

35. In section 49 of the principal Act, after clause (ae), the following clause shall be inserted, namely:—

5

"(aee) the minimum qualifications required for admission to a course of degree in any recognised University;"

Substitution of new section for section 49A.

36. For section 49A of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to direct rules to be made or to be made make or amend rules.

"49A. (1) Where the Central Government considers it expedient so to do, it may, by order in writing, direct a Bar Council to make any rules or to amend or revoke any rules already made within such period as it may specify in this behalf.

18 of 1879

(2) If such Bar Council fails or neglects to comply with such order within the specified period, the Central Government may make the rules or amend or revoke the rules made by that Bar Council, as the case may be, either in the form specified in the order or with such modifications thereof as the Central Government thinks fit."

15

Insertion of new sections 58ABB, 58AC, 58AD and 58AE.

37. After section 58AB of the principal Act, the following sections shall be inserted, namely:

20

Special provisions with respect to certain law graduates for being admitted as advocates.

"58ABB. Notwithstanding anything contained in this Act or any judgment, decree or order of any court or any resolution passed or direction given by the Bar Council of India, no person who, after having secured a diploma in three years' course in rural services awarded by the National Council for Rural Higher Education, Ministry of Education, Government of India has, before the commencement of the Advocates (Second Amendment) Act, 1968, obtained a degree in law from any University in India, shall be disqualified to be admitted as an advocate on a State roll by reason only that such degree has not been obtained after graduation.

25

30

18 of 1879

58AC. Notwithstanding the repeal by this Act of the provisions of the Legal Practitioners Act, 1879, or of any other law relating to the admission and enrolment of legal practitioners (hereinafter in this section referred to as such Act or law), every person who migrates to the territory of India from any area which, before the 15th day of August, 1947, was comprised within India as defined in the Government of India Act, 1935, and who has, before such migration, been a pleader, mukhtar or revenue agent in any such area under any law in force therein, may be admitted and enrolled under the relevant provisions of such Act or law as a pleader, mukhtar or, as the case may be, revenue agent, if he—

Special provisions with respect to certain persons migrating to India.

(a) makes an application for the purpose to the appropriate authority under such Act or law; and

(b) is a citizen of India and fulfils other conditions, if any, specified in this behalf by the appropriate authority aforesaid;

and notwithstanding the repeal by this Act of the relevant provisions of such Act or law, every pleader, mukhtar or revenue agent so enrolled shall have the same rights as respects practice in any court or revenue office or before any other authority or person and be subject to the disciplinary jurisdiction of the same authority to which he would be subject under the relevant provisions of such Act or law as if they had not been repealed and accordingly, those provisions shall have effect in relation to such persons.

38 of 1926.

58AD. (1) Notwithstanding anything contained in this Act, all persons who, immediately before the date on which the provisions of Chapter III are brought into force in the Union territory of Goa, Daman and Diu were entitled to practise the profession of law (whether by way of pleading or acting or both) under any law in force in the said Union territory or who would have been so entitled had they not been in public service on the said date, shall for the purpose of clause (a) of sub-section (1) of section 17, be deemed to be persons who were entered as advocates on the roll of a High Court under the Indian Bar Councils Act, 1926, and every such person may, on an application made in this behalf within such time as may be specified by the Bar Council of Maharashtra, be admitted as an advocate on the State roll maintained in respect of the said Union territory:

Special provisions in relation to the Union territory of Goa, Daman and Diu.

Provided that the provisions of this sub-section shall not apply to any person who, on the date of the application aforesaid, was not a citizen of India.

(2) Notwithstanding anything contained in this Act, every person who, immediately before the date on which the provisions of Chapter IV are brought into force in the Union territory of Goa, Daman and Diu and was practising the profession of law (whether by way of pleading or acting or both or in any other way) by virtue of the provisions of any law in force in the said Union territory, who does not elect to be or is not qualified to be, enrolled as an advocate under sub-section (1), shall, notwithstanding the repeal by this Act of the relevant provisions of such law, continue to enjoy the same rights as respects practice in any court or revenue office or before any authority or person and be subject to the disciplinary jurisdiction of the same authority which he enjoyed, or, as the case may be, to which he was subject, immediately before the said date and accordingly the relevant provisions of the law aforesaid shall have effect in relation to such persons as if they had not been repealed.

(3) On the date on which this Act or any part thereof comes into force in the said Union territory the law in force in that Union territory which corresponds to this Act or such part and which does not stand repealed by virtue of the provisions of section 50 of this Act, shall also stand repealed.

Special provisions in relation to Jammu and Kashmir.

58AE. (1) Notwithstanding anything contained in this Act, all advocates who, immediately before the date on which the provisions of Chapter III are brought into force in the State of Jammu and Kashmir, were entitled to practise in the High Court of that State or who would have been so entitled had they not been in public service on the said date shall, for the purpose of clause (a) of sub-section (1) of section 17, be deemed to be persons who were entered as advocates on the roll of a High Court under the Indian Bar Councils Act, 1926, and every such person may, on an application made in this behalf within such time as may be specified by the Bar Council of India, be admitted as an advocate on the State roll maintained in respect of the said State.

(2) Notwithstanding anything contained in this Act, every person who, immediately before the date on which the provisions of Chapter III are brought into force in the State of Jammu

and Kashmir, was entitled otherwise than as an advocate to practise the profession of law (whether by way of pleading or acting or both) by virtue of the provisions of any law in force in the said State, or who would have been so entitled had he not been in public service on the said date, may be admitted as an advocate on the State roll maintained in respect of the said State, if he—

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

(ii) fulfills the conditions specified in clause (a), (b), (e) and (f) of sub-section (1) of section 24.

(3) Notwithstanding anything contained in this Act, every person who, immediately before the date on which the provisions of Chapter IV are brought into force in the State of Jammu and Kashmir, was practising the profession of law (whether by way of pleading or acting or both or in any other way) by virtue of the provisions of any law in force therein, who does not elect to be or is not qualified to be enrolled as an advocate under sub-section (1) or sub-section (2) shall, notwithstanding the repeal by this Act of the relevant provisions of such law, continue to enjoy the same rights as respects practice in any court or revenue office or before any authority or person and be subject to the disciplinary jurisdiction of the same authority which he enjoyed, or as the case may be, to which he was subject, immediately before the said date and accordingly the relevant provisions of the law aforesaid shall have effect in relation to such person as if they had not been repealed.

(4) On the date on which this Act or any part thereof comes into force in the State of Jammu and Kashmir, the law in force in that State which corresponds to this Act or such part thereof which does not stand repealed by virtue of the provisions of section 50 of this Act, shall also stand repealed."

APPENDIX I

(Vide para 2 of the Report)

Motion in Lok Sabha for reference of the Bill to Select Committee

“That the Bill further to amend the Advocates Act, 1961, as passed by Rajya Sabha, be referred to a Select Committee consisting of 24 members, namely:—

- (1) Shri R. D. Bhandare
- (2) Shri D. K. Kunte
- (3) Shri J. K. Chaudhury
- (4) Shri Shivajirao S. Deshmukh
- (5) Shri A. K. Gopalan
- (6) Shri Shri Chand Goyal
- (7) Shri S. M. Joshi
- (8) Shri Vikram Chand Mahajan
- (9) Shri P. Govinda Menon
- (10) Shri Srinibas Mishra
- (11) Shri F. H. Mohsin
- (12) Shri H. N. Mukerjee
- (13) Shri Anand Narain Mulla
- (14) Shri Jagannath Pahadia
- (15) Shri Viswa Nath Pandey
- (16) Chaudhuri Randhir Singh
- (17) Shri K. Narayana Rao
- (18) Shrimati Savitri Shyam
- (19) Shri A. K. Sen
- (20) Shri Shanti Lal Shah
- (21) Shri Tenneti Viswanatham
- (22) Shri G. Viswanathan
- (23) Shri S. Xavier; and
- (24) Shri Mohammed Yunus Saleem

with instructions to report by the first day of the next Session.”

APPENDIX II

(Vide para 5 of the Report)

Statement showing the names of Bar Councils|individuols etc. from whom memoranda/representations etc. were received by the Select Committee

S. No.	From whom received
1.	The Bar Council of India.
2.	Shri Jitendra Mohan Gupta 'Premi', Alexandra Road, London.
3.	Sarvashri G. Mitra, Student of the Honourable Society of Gray's Inn, London and G. Ray Chaudhury, Student of the Honourable Society of Inner Temple, London.
4.	Indian Bar Students, London.
5.	The Bar Council of Punjab and the Haryana, Chandigarh.
6.	The Bar Council of Maharashtra, Bombay.
7.	Shri Satya Narain Lal Gupta, Netaji Subhash Road, Asansol.
8.	State Bar Council of Madhya Pradesh, Jabalpur.
9.	Shri Sukhamay Sen,, Tulsipur Police Colony, Cuttack.
10.	The Mysore State Bar Council, Bangalore.
11.	Orissa State Bar Council, Cuttack.
12.	The Andhra Pradesh High Court Advocates' Association, Hyderabad (Through Shri Tenneti Viswanatham, M.P.)
13.	The Bar Council of Uttar Pradesh, Allahabad.
14.	Copy of letter from the legal Adviser, The High Commission of India, London.
15.	The Bihar State Bar Council, Patna.

APPENDIX III

(Vide para 6 of the Report)

Statement showing the names of Bar Councils who gave evidence before the Select Committee

S. No.	Name of Bar Council	Date on which evidence was given
1.	The Bar Council of India, New Delhi.	18.2.70
2.	The Mysore State Bar Council, Bangalore.	19.2.70

APPENDIX IV

(V.de para 9 of the Report)

IMMEDIATE PARLIAMENT BUSINESS

No. F.41 (10)/67-J

GOVERNMENT OF INDIA

MINISTRY OF LAW

(DEPARTMENT OF LEGAL AFFAIRS)

To

The Secretary,
Lok Sabha,
New Delhi.

New Delhi, August 3, 1970.

Sir,

I hereby give notice of my intention to move the following motion during the current session of the Lok Sabha:—

“That this House recommends to the Rajya Sabha that the Rajya Sabha do agree to leave being granted by the House to the withdrawal of the Bill further to amend the Advocates Act, 1961, which was passed by the Rajya Sabha on the 16th December, 1968 and which now stands referred to a Select Committee of this House.”

Yours faithfully,

Sd/- JAGANATH RAO,
Minister in the Ministry of Law.

MINISTRY OF LAW

(DEPARTMENT OF LEGAL AFFAIRS)

Statement giving brief reasons for the withdrawal of the Bill further to amend the Advocates Act, 1961, which was passed by the Rajya Sabha, and is now pending before the Select Committee of the Lok Sabha

Since the introduction of this Bill called the Advocates (Second Amendment) Bill, 1968, several suggestions further to amend the Advocates Act, 1961 have been received from various quarters. Some of these suggestions are not within the scope of the said Bill and, therefore, amendments with respect thereto will not be admissible before the Select Committee of this House in view of Clause (i) of Rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha. In the circumstances, it is proposed to withdraw this Bill with a view to introduce a new comprehensive Bill on the subject. The draft of the new Bill is under preparation and all efforts will be made to introduce it during the current session of Parliament.

Authenticated

Sd/- JAGANATH RAO,

*Minister in the Ministry of Law and
Social Welfare.*

NEW DELHI;
August 5, 1970.

APPENDIX V

Confidential

MINUTES OF THE SITTINGS OF THE SELECT COMMITTEE ON THE ADVOCATES (SECOND AMENDMENT) BILL, 1968, AS PASSED BY RAJYA SABHA

I

First Sitting

The Committee sat on Wednesday, the 17th December, 1969 from 15.00 to 15.45 hours.

PRESENT

Shri R. D. Bhandare—*Chairman.*

MEMBERS

2. Shri D. K. Kunte
3. Shri J. K. Choudhury
4. Shri Shivajirao S. Deshmukh
5. Shri S. M. Joshi
6. Shri Anand Narain Mulla
7. Shri Viswa Nath Pandey
8. Chaudhuri Randhir Singh
9. Shri K. Narayana Rao
10. Shrimati Savitri Shyam
11. Shri Shantilal Shah
12. Shri Tenneti Viswanatham
13. Shri G. Viswanathan
14. Shri Mohammed Yunus Saleem

REPRESENTATIVE OF THE MINISTRY OF LAW

1. Shri P. L. Gupta—*Additional Legislative Counsel.*
2. Shri Dalip Singh, *Deputy Legal Adviser.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. At the outset, the Chairman welcomed the members of the Select Committee and referred to the importance of the proposed measure and the task before the Committee.

3. Some of the members pointed out that they had received representations on the provisions of the Bill stating that the students studying law were very much agitated about the proposed legislation.

4. The Committee then considered whether or not to take the evidence on the Bill. After some discussion, it was decided to issue a Press Communique inviting memoranda on the provisions of the Bill from individuals, public bodies, Bar Councils, Bar Associations, High Courts, Advocates General of States and Law Faculties of various Universities by the 17th January, 1970. The Committee then approved the Press Communique (Annexure).

5. The Committee authorised the Chairman to select parties after the receipt of written memoranda from them for oral evidence and to fix the time and date in each case.

6. On being suggested by some members that the Committee should hold their sittings in different regions of the country to hear oral evidence of the interested parties, it was decided that the matter might be considered, after receipt of memoranda from various parties, at their next sitting in January, 1970.

7. The Committee then decided to sit daily at 11.00 hours on Tuesday and Wednesday, the 27th and 28th January, 1970, respectively to consider the memoranda and hear oral evidence.

8. The Committee then adjourned.

ANNEXURE

LOK SABHA SECRETARIAT

PRESS COMMUNIQUE

The Select Committee on the Advocates (Second Amendment) Bill, 1968, as passed by the Rajya Sabha at their first sitting held today under the chairmanship of Shri R. D. Bhandare, M.P., decided that individuals public bodies, Bar Councils, Bar Associations, High Courts, Advocates-General of States and Law Faculties of various Universities desirous of submitting memoranda on the Bill for consideration of the Committee should send 50 copies of each memorandum so as to reach the Secretary, Lok Sabha, Parliament House, New Delhi on or before the 17th January, 1970. The Memoranda which might be submitted to the Committee would form part of the records of the Committee and should be treated as strictly confidential and not circulated to anyone, as such an act would constitute a breach of privilege of the Committee.

Those who are desirous of giving oral evidence before the Committee, besides sending memoranda, are requested to intimate to this effect to the Lok Sabha Secretariat for consideration of the Committee.

The Committee will sit at New Delhi at 11.00 hours daily on the 27th and 28th January, 1970 to hear the oral evidence.

NEW DELHI;

Dated the 17th December, 1969.

No. 15/4/CII/69.

December, 17, 1969.

Agrahayana 26, 1891 (S).

Copy forwarded for information to the News Editor, All India Radio, New Delhi.

It is requested that this may please be broadcast from the A.I.R. on three successive days.

Sd/- S. P. GUPTA,
for Deputy Secretary.

II

Second Sitting

The Committee sat on Tuesday, the 27th January, 1970 from 11.00 to 11.45 hours.

PRESENT

Shri R. D. Bhandare—*Chairman.*

MEMBERS

2. Shri D. K. Kunte
3. Shri J. K. Choudhury
4. Shri Shri Chand Goyal
5. Shri S. M. Joshi
6. Shri Vikram Chand Mahajan
7. Shri F. H. Mohsin
8. Shri H. N. Mukerjee
9. Shri Anand Narain Mulla
10. Shri Jagannath Pahadia
11. Shri Viswa Nath Pandey
12. Shrimati Savitri Shyam
13. Shri Shantilal Shah
14. Shri Tenneti Viswanatham
15. Shri G. Viswanathan

REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. L. Gupta—*Additional Legislative Counsel.*
2. Shri Dalip Singh—*Deputy Legal Adviser.*

SECRETARIAT

1. Shri M. C. Chawla—*Deputy Secretary.*
2. Shri S. P. Gupta—*Section Officer.*

2. At the outset, the Committee considered the memoranda/representations received from the various parties. The Committee decided to hear oral evidence of the Bar Council of India during the 2nd week of February, 1970, if they were not able to come on the 28th January, 1970.

3. The Committee felt that the Press Communique issued earlier did not get sufficient publicity. The Committee, therefore, decided to issue another Press Communique inviting memoranda on the provisions of the Bill from individuals, public bodies, Bar Councils, Bar Associations, High Courts, Advocates-General of States and Law Faculties of various Universities by the 10th February, 1970 (Annexure I).

4. The Committee also decided to address a letter to all State Bar Councils and all High Court Bar Associations requesting them to send 50 copies of their memorandum, if they so desire, to the Lok Sabha Secretariat by the 10th February at the latest (Annexure II).

5. The Committee also decided that the Ministry of Law should furnish information regarding the subject of Law Courses and their duration in the various Universities/Law College for the information of the Members of the Select Committee. The Law Ministry should also supply Statement of Objects and Reasons of the Advocates (Second Amendment) Bill, 1968, as passed by Rajya Sabha together with notes on Clauses thereof.

6. The Committee then adjourned till 11.00 hours on Wednesday, the 28th February, 1970.

ANNEXURE I

LOK SABHA SECRETARIAT

PRESS COMMUNIQUE

The Select Committee on the Advocates (Second Amendment) Bill, 1968, as passed by the Rajya Sabha at their second sitting held today under the chairmanship of Shri R. D. Bhandare, M.P., decided to extend the date for receipt of memoranda/representations from individuals public bodies, Bar Councils, Bar Associations, High Courts, Advocates-General of States and Law Faculties of various Universities desirous of submitting memoranda on the Bill for consideration of the Committee upto 10th February, 1970. They should, therefore, send 50 copies of each memorandum so as to reach the Secretary, Lok Sabha, Parliament House, New Delhi on or before the 10th February, 1970. The memoranda which might be submitted to the Committee would form part of the records of the Committee and should be treated as strictly confidential and not circulated to any one, as such an act would constitute a breach of privilege of the Committee.

Those who are desirous of giving oral evidence before the Committee, besides sending memoranda, are requested to intimate to this effect to the Lok Sabha Secretariat for consideration of the Committee.

The Committee will sit at New Delhi in the second week of February, 1970 to hear the oral evidence.

NEW DELHI;

The 27th January, 1970.

No. 15|4|CII|69.

January, 27, 1970.

Copy forwarded for information to the News Editor, All India Radio, New Delhi.

It is requested that this may please be broadcast from the A.I.R. on three successive days.

Sd/- M. C. CHAWLA,
Deputy Secy.

ANNEXURE II

No. 15|4|CII|69.

January 27, 1970.

Magha 7, 1891 (Saka)

From

Shri M. C. Chawla,
Deputy Secretary.

To

The Secretary,

All State Bar Councils/All High Courts
Bar Associations.

SUBJECT: *Select Committee on the Advocates (Second Amendment) Bill, 1968, as passed by Rajya Sabha.*

Sir, .

I am directed to state that the Select Committee of Lok Sabha on the Advocates (Second Amendment) Bill, 1968, as passed by Rajya Sabha. at their sitting held on the 27th January, 1970 decided that All State Bar Councils/All High Court Bar Associations may be addressed to send their comments or suggestions, if they so desire, on the provisions of the Advocates (Second Amendment) Bill, 1968, as passed by Rajya Sabha for consideration of the Committee, so as to reach the Secretary, Lok Sabha Secretariat, Parliament House, New Delhi, by the 10th February, 1970 at the latest. A copy of the Bill is sent herewith for ready reference.

2. In case, any comments or suggestions are sent, it is requested that 50 copies thereof may be furnished to this Secretariat for circulation to the Members of the Select Committee.

Yours faithfully,

Sd/- M. C. CHAWLA,
Deputy Secretary.

III

Third Sitting

The Committee sat on Wednesday, the 28th January, 1970 from 11.00 to 12.35 hours.

PRESENT

Shri R. D. Bhandare—*Chairman*.

MEMBERS

2. Shri D. K. Kunte
3. Shri J. K. Choudhury
4. Shri S. M. Joshi
5. Shri P. Govinda Menon
6. Shri F. H. Mohsin
7. Shri H. N. Mukerjee
8. Shri Anand Narain Mulla
9. Shri Jagannath Pahadia
10. Shri Shantilal Shah
11. Shri Tenneti Viswanatham
12. Shri G. Viswanathan.

REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. L. Gupta—*Additional Legislative Counsel*.
2. Shri Dalip Singh—*Deputy Legal Adviser*.

SECRETARIAT

1. Shri M. C. Chawla—*Deputy Secretary*.
2. Shri S. P. Gupta—*Section Officer*.

2. As the representatives of Bar Council of India did not come to give oral evidence, the Committee took up general discussion of the provisions of the Bill. During the course of discussion, the Minister-in-charge of the Bill (Shri P. Govinda Menon) mentioned to the Committee that the Government was considering a suggestion to issue an Ordinance to give immediate effect to a part of clause 37 of the Bill seeking to insert a new sub-section 58ABB in the Advocates Act, 1961, so that the young law graduates of Rajasthan who had obtained their LL.B. degrees after passing the 3 year Diploma course in Rural Services awarded by the National Council for Rural Higher Education, Ministry of Education, Government of India, were not denied enrolment on the

technical ground that the said Diploma was not equivalent to B.A. degree as had been done by the Bar Council of India. The Minister pointed out that this Diploma had been recognised by the Inter-University Board and a large number of Universities in India, as being equivalent to the B.A. degree. The Minister then asked the members of the Committee to consider as to how best the hardship caused to the said law graduates could be alleviated. Thereupon, a long discussion on this point ensued.

3. However, some members expressed the view that when the Bill was pending before the Select Committee, propriety demanded that an Ordinance for enacting one of the clauses of the Bill should not be promulgated. As an alternative it was suggested by some members that since the Government will have to go to Lok Sabha and Rajya Sabha even if an Ordinance was promulgated, the Committee might sit for a few days and complete their deliberations on the entire Bill.

4. A verbatim record of the proceedings was kept for general information of the Members of the Select Committee.

5. The Committee then decided to sit daily at 11.00 hours on the 18th and 19th February, 1970 to hear the evidence of the Bar Council of India and other parties who desire to give evidence.

6. The Committee then adjourned.

IV

Fourth Sitting

The Committee sat on Wednesday, the 18th February, 1970 from 11.30 to 13.40 hours.

PRESENT

Shri R. D. Bhandare—*Chairman.*

MEMBERS

2. Shri D. K. Kunte
3. Shri J. K. Choudhury
4. Shri Shri Chand Goyal.
5. Shri Vikram Chand Mahajan.
6. Shri Anand Narain Mulla
7. Shri Jagannath Pahadia.
8. Shri Viswa Nath Pandey.
9. Chaudhuri Randhir Singh.
10. Shri Shantilal Shah
11. Shri Tenneti Viswanatham

REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. B. Venkatasubramanian, *Joint Secretary and Legal Adviser.*
2. Shri P. L. Gupta, *Additional Legislative Counsel.*
3. Shri Dalip Singh, *Deputy Legal Adviser.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

[The Committee started their proceedings at 11.30 hours as the Chairman and Secretary of the Bar Council arrived late]

2. Before the Committee heard the evidence of the following representatives of the Bar Council of India, the Chairman drew their attention to Direction 58 of the Directions by the Speaker:

- (i) Shri H. D. Srivastava, Chairman, Bar Council of India.
- (ii) Shri A. N. Veeraraghavan, Secretary, Bar Council of India.
- (iii) Shri P. Ramachandra Rao, Advocate, Member, Bar Council of India.

[11.30 to 13.35 hours]

3. A verbatim record of the evidence was kept.

4. The Committee felt that as the members would be very much pre-occupied with a number of important items of business in the House during the coming Budget Session, it might not be possible for them to sit during the Session and conclude the hearing of further evidence and thereafter take up clause-by-clause consideration of the Bill. The Committee, therefore, decided to ask for an extension of time for the presentation of their Report till the 1st day of the second week of the next session (Monsoon Session).

5. The Committee authorised the Chairman and in his absence, Shri Tenneti Viswanatham to move a motion in the House in this behalf, on the first day viz., the 20th February, 1970.

6. The Committee then adjourned till 11.00 hours on Thursday, the 19th February, 1970.

V

Fifth Sitting

The Committee sat on Thursday, the 19th February, 1970 from 11.00 to 12.25 hours.

PRESENT

Shri R. D. Bhandare—*Chairman*

MEMBERS

2. Shri D. K. Kunte
3. Shri J. K. Choudhury
4. Shri A. K. Gopalan
5. Shri Shri Chand Goyal
6. Shri Viswa Nath Pandey
7. Shri Shantilal Shah
8. Shri Tenneti Viswanatham

REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. B. Venkatasubramanian, *Joint Secretary and Legal Adviser.*
2. Shri P. L. Gupta, *Additional Legislative Counsel.*
3. Shri Dalip Singh, *Deputy Legal Adviser.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. Before the Committee heard the evidence of the following representative of the Mysore State Bar Council, the Chairman drew his attention to Direction 58 of the Directions by the Speaker:

Shri A. C. Byrappa, *Chairman, Mysore State Bar Council, Bangalore.*

[11.00 to 11.50 hours]

3. A verbatim record of evidence was kept.

4. The Committee decided to sit at the following places during the next inter-session period to take evidence of the Local Bar Councils/Bar Association in view of the very far-reaching changes proposed to be made in the existing Advocates Act, 1961:

- I. *Srinagar*—The Act was being extended for the first time to the State of Jammu and Kashmir and the Union Territory of Goa, Daman and Diu.
- II. *Chandigarh*—Bar Council of Punjab and Haryana High Courts.
- III. *Bombay*—Maharashtra Bar Council.
- IV. *Panaji*—Local Bar Association.
(Goa)
- V. *Ernakulum*—Kerala Bar Association.
- VI. *Pondicherry*—Local Bar Association—some of the persons who were practising the legal profession during the French regime were likely to be debarred from practice under the proposed Amending Bill.
- VII. *Hyderabad*—Andhra Pradesh High Court Bar Council.
- VIII. *Bhubaneshwar*—Orissa High Court Bar Association, State Bar Council and a practising Advocate who had submitted a Memorandum to the Committee.

The Committee also decided to halt for a day at Vishakhapatanam while on their way from Hyderabad to Bhubaneshwar to meet informally the local Bar Association.

The Committee further decided to visit the Western and Southern States towards the last week of May, 1970 and the Northern States in the middle of June. The Chairman was authorised to seek Speaker's approval to the proposed holding of sittings outside Delhi and thereafter draw up a detailed programme of sittings on the above places.

5. The Committee then considered the suggestion made by the Law Minister earlier to enlarge the scope of the Amending Bill so as to make it quite comprehensive to obviate the introduction of piecemeal amendments to the Bill. It was decided to call a sitting of the Committee as soon as the Law Minister recovered from his illness.

6. The Committee then adjourned.

VI

Sixth Sitting

The Committee sat on Thursday, the 12th March, 1970 from 15.00 to 16.00 hours.

PRESENT

Shri R. D. Bhandare—*Chairman.*

MEMBERS

2. Shri D. K. Kunte.
3. Shri J. K. Choudhury.
4. Shri P. Govinda Menon.
5. Shri Srinibas Mishra.
6. Shri F. H. Mohsin.
7. Shri Anand Narain Mulla.
8. Shri Viswa Nath Pandey.
9. Shrimati Savitri Shyam.
10. Shri Tenneti Viswanatham.
11. Shri Mohammed Yunus Saleem.

REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. L. Gupta, *Additional Legislative Counsel.*
2. Shri Dalip Singh, *Deputy Legal Adviser.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. At the outset, the Minister-in-charge of the Bill informed the Committee that he contemplated to bring forward a comprehensive Bill during the current Session to replace the present Bill which was under consideration of the Select Committee. This Bill was to include the

various suggestions for the amendment of the Advocates Act, 1961 so far made by the various Bar Councils/Bar Associations and others. He had also in mind to provide for "legal aid to the Poor" as also the desirability of including suitable provisions for the recognition of foreign degrees in Law for the purpose of practising in the Courts in India on a reciprocal basis with other countries including the U.K.

3. The Law Minister mentioned that as far as possible the new Bill would be referred to the same Select Committee and thereafter the Committee might take evidence of the various Bar Councils|Associations and other representatives of the legal profession throughout the country by sitting at seats of different High Courts during the next inter-session period.

4. The Committee then adjourned.

VII

Seventh Sitting

The Committee sat on Thursday, the 7th May, 1970 from 15.00 to 16.00 hours.

PRESENT

Shri R. D. Bhandare—*Chairman.*

MEMBERS

2. Shri D. K. Kunte
3. Shri Shri Chand Goyal
4. Shri Vikram Chand Mahajan
5. Shri Anand Narain Mulla
6. Shri Jagannath Pahadia
7. Chaudhuri Randhir Singh
8. Shrimati Savitri Shyam
9. Shri Tenneti Viswanatham

REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. L. Gupta, *Additional Legislative Counsel.*
2. Shri Dalip Singh, *Deputy Legal Adviser.*
3. Shri A. K. Srivastava, *Attache.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. At the outset, the Chairman stated that the Law Minister had informed him that the tentative draft of the new Advocate Bill had been prepared and its finalisation was likely to take some more time. Hence it was not possible for the Minister to complete the various steps of the formalities laid down in the Provisos to Rule 110 of the Rules of Procedure and Conduct of Business in Lok Sabha during the current session.

3. The Committee after some discussion expressed the hope that it should be possible for the Minister to bring forth the new legislation early during the next session.

4. The Committee then decided to hold over their proposed visit to the various States to take evidence.

5. The Committee further decided to meet again during the first week of the next (Monsoon) session to review the progress made in the matter.

6. The Committee then adjourned.

VIII

Eighth Sitting

The Committee sat on Friday, the 31st July, 1970 from 16.00 to 16.45 hours.

PRESENT

Shri R. D. Bhandare—*Chairman.*

MEMBERS

2. Shri D. K. Kunte
3. Shri Shivajirao S. Deshmukh
4. Shri Shri Chand Goyal
5. Shri H. N. Mukerjee
6. Shri Viswa Nath Pandey
7. Chaudhuri Randhir Singh
8. Shri K. Narayana Rao
9. Shrimati Savitri Shyam
10. Shri Shantilal Shah
11. Shri Tenneti Viswanatham
12. Shri G. Viswanathan

REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. B. Venkatasubramanian, *Joint Secretary and Legal Adviser.*
2. Shri P. L. Gupta, *Additional Legislative Counsel.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. At the outset, the Chairman told the Committee that he had permitted Shri Jagannath Rao, Minister of State in the Ministry of Law to attend the sitting and participate in the Committee's deliberations in terms of the proviso to rule 299 of the Rules of Procedure.

3. The Minister of State in the Ministry of Law informed the Committee that they proposed to withdraw this Bill and instead introduce a comprehensive amending Bill during the current session and thereafter refer it to a Joint Committee of both the Houses. The Committee desired that the whole process should be completed before both the Houses adjourned so that the contemplated Joint Committee could go ahead with the consideration of the Bill without any delay.

4. As it was not possible for the Committee to make any headway and present their Report to the House on the first day of the second week of the current session coupled with the fact that the Government had not as yet seen their way in appointing the new Law Minister on the Committee, the Committee authorised the Chairman and in his absence Shrimati Savitri Shyam to move a motion in the House on Monday, the 3rd August, 1970 asking for a further extension of time for the presentation of their Report till the first day of the second week of the Winter (November-December, 1970) Session of Parliament.

5. The Committee then decided to meet at 4 P.M. on Thursday, the 20th August, 1970.

6. The Committee then adjourned.

IX

Ninth Sitting

MINUTES OF THE NINTH SITTING OF THE SELECT COMMITTEE ON THE ADVOCATES (SECOND AMENDMENT) BILL, 1968, AS PASSED BY RAJYA SABHA

The Committee sat on Tuesday the 11th August, 1970 from 16.00 to 16.45 hours.

PRESENT

Shri R. D. Bhandare—*Chairman.*

MEMBERS

2. Shri A. K. Gopalan
3. Shri Shri Chand Goyal
4. Shri Vikram Chand Mahajan
5. Shri F. H. Mohsin
6. Shri H. N. Mukerjee
7. Shrimati Savitri Shyam
8. Shri A. K. Sen
9. Shri Shantilal Shah

REPRESENTATIVES OF THE MINISTRY OF LAW

1. Shri P. B. Venkatasubramanian, *Joint Secretary and Legal Adviser.*
2. Shri P. L. Gupta, *Additional Legislative Counsel.*
3. Shri Dalip Singh, *Deputy Legal Adviser.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. At the outset, the Chairman informed the Committee that he had permitted Shri Jaganath Rao, Minister in the Ministry of Law to be present at the sitting of the Committee and participate in its deliberations in terms of the Proviso to Rule 299 of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee considered their draft Report and adopted it.

The Committee decided not to print the evidence taken by them because their work could not be completed on account of the proposed introduction of a new Bill. They, however, decided that a cyclostyled copy of the evidence should be placed on the Table of the House and also kept in the Parliament Library.

4. The Committee authorised the Chairman and in his absence, Shri Shri Chand Goyal, to present their Report to the House on Wednesday, the 12th August, 1970.

5. The Committee then adjourned.

PUBLISHED UNDER RULE 382 OF THE RULES OF PROCEDURE AND CONDUCT OF
BUSINESS IN LOK SABHA (FIFTH EDITION) AND PRINTED BY THE GENERAL
MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI
