

THE ADVOCATES ACT, 1961

ACT NO. 25 OF 1961

[19th May, 1961.]

An Act to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils and an All-India Bar.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:--

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PRELIMINARY

CHAPTER I
PRELIMINARY

1.

Short title, extent and commencement.

1. Short title, extent and commencement.- (1) This Act may be called the Advocates Act, 1961.

1*[(2) It extends to the whole of India.]

(3) It 2*[shall, in relation to the territories other than those referred to in sub-section (4), come into force] on such date^{3*} as the Central Government may, by notification in the Official Gazette, appoint, and different dates^{3*} may be appointed for different provisions of this Act.

1. Subs. by Act 60 of 1973, s. 2, for sub-section (2) (w.e.f. 31-1-1974).

2. Subs. by s. 2, ibid., for "shall come into force" (w.e.f. 31-1-1974).

3. The provisions of the Act have been brought into force as under:-

Date	Provisions	Notification
16-8-1961	Chapters I, II and VII	S.O. 1870, dated 7-8-1961, Gazette of India, Extraordinary, Pt. II, Sec. 3(ii), p. 1237.
1-12-1961	Chapter III and s. 50(2)	S.O. 2790, dated 24-11-1961, ibid., p. 1723.
15-12-1961	S. 50 (1)	S.O. 2919, dated 13-12-1961, ibid., p. 1745.
24-1-1962	Ss. 51 and 52	S.O. 297, dated 24-1-1962,

29-3-1962	S. 46	ibid., p. 169. S.O. 958, dated 29-3-1962, ibid., p. 589.
4-1-1963	S.32 and Chapter VI [except s. 46, sub- sections (1) and (2) of s. 50, ss. 51 and 52].	S.O. 50, dated 4-1-1963, ibid., P. 1.
1-9-1963	Chapter V.	S.O. 2509, dated 31-8-1963, ibid., p. 513.
10-6-1968	Chapters I, II, III in the Union section 32 of Chapter territory IV and Chapters V, VI, of Pondi- VII and VIII cherry	S.O. 63, dated 7-6-1968.
1-6-1969	Ss. 29, 31, 33 and 34 of Chapter IV. Except section 30	S.O. 1500, dated 5-4-1969, ibid., p. 569. G.S.R. 84 (E), dated 21-2-79 ibid., Pt. II, Sec. 3(i), p. 168.
	in the Union territory of Goa, Daman and Diu	

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1*[(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.]

2.

Definitions.

2. Definitions.- 2*[(1)] In this Act, unless the context otherwise requires,--

(a) "advocate" means an advocate entered in any roll under the provisions of this Act;

(b) "appointed day", in relation to any provision of this Act, means the day on which that provision comes into force;

3* * * * *

(d) "Bar Council" means a Bar Council constituted under this Act;

(e) "Bar Council of India" means the Bar Council constituted under section 4 for the territories to which this Act extends;

4* * * * *

(g) "High Court", except in sub-section (1) 5*[and sub-section (1A)] of section 34 and in sections 42 and 43, does not include a court of the Judicial Commissioner, and, in relation to a State Bar Council, means,--

(i) in the case of a Bar Council constituted for a State or for a State and one or more Union territories, the High Court for the State;

(ii) in the case of the Bar Council constituted for Delhi, 6*[the High Court of Delhi];

(h) "law graduate" means a person who has obtained a bachelor's degree in law from any University established by law in India;

(i) "legal practitioner" means an advocate 7*[or vakil] of any High Court, a pleader, mukhtar or revenue agent;

(j) "prescribed" means prescribed by rules made under this Act;

1. Ins. by Act 60 of 1973, s. 2 (w.e.f. 31-1-1974).
2. S. 2 re-numbered as sub-section (1) of that section by s. 3, ibid. (w.e.f. 31-1-1974).
3. Cl. (c) omitted by Act 107 of 1976, s. 2 (w.e.f. 15-10-1976).
4. Cl. (f) omitted by Act 60 of 1973, s. 3 (w.e.f. 31-1-1974).
5. Ins. by s. 3, ibid. (w.e.f. 31-1-1974).
6. Subs. by s. 3, ibid., for "the High Court of Punjab" (w.e.f. 31-1-1974).
7. Subs. by Act 107 of 1976, s. 2, for ", vakil or attorney" (w.e.f. 15-10-1976).

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(k) "roll" means a roll of advocates prepared and maintained under this Act;

(l) "State" does not include a Union territory;

(m) "State Bar Council" means a Bar Council constituted under section 3;

(n) "State roll" means a roll of advocates prepared and maintained by a State Bar Council under section 17.

1*[(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir or in the Union territory of Goa, Daman and Diu, shall, in relation to that State or that territory, be construed as a reference to the corresponding law, if any, in force in that State or that territory, as the case may be.]