

ADVOCATES (REMOVAL OF DIFFICULTIES) ORDER, 1963

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¹1. Published in the Gazette of India, Extraordinary, 1963, Pt. II, Sec. 3 (ii), p. 513 S. 0.2510, dated the 31st August, 1963.- In exercise of the powers conferred by sub-section (1) of Section 59 of the Advocates Act, 1961 (25 of 1961), the Central Government hereby makes the following Order, namely :-

1. Short title and commencement :-

(1) This Order may be called the Advocates (Removal of Difficulties) Order, 1963.

(2) It shall come into force on the 1st day of September, 1963.

2. Definitions :-

In this Order,

(a) "Act" means the Advocates Act, 1961 ;

(b) "appointed day" means the date on which Chapter V of the Act comes into force;

(c) "existing advocate" means a person who was enrolled as advocate on the roll of any High Court under the Indian Bar Councils Act, 1926 (38 of 1926) and who, at the time when any proceeding in respect of any disciplinary matter is initiated against him, is not enrolled as an advocate on a State roll under the Act.

3. Removal of certain difficulties :-

(1) As from the appointed day, every proceeding in respect of any disciplinary matter in relation to an existing advocate of a High Court shall, save as provided in sub-clause (2), be disposed of by the State Bar Council in relation to that High Court, as if the existing advocate has been enrolled as an advocate on its roll.

(2) If immediately before the appointed day, there is any proceeding in respect of any disciplinary matter in relation to an existing advocate pending before any High Court under the Indian Bar Councils Act, 1926 (38 of 1926), such proceeding shall stand transferred to the State Bar Council in relation to that High Court, as if it were a proceeding pending before the corresponding Bar Council under Cl. (c) of sub-section (1) of Section 56 of the Act: Provided that where in respect of any such proceeding the High Court has received the finding of a Tribunal constituted under Sec. 11 of the Indian Bar Councils Act, 1926 the High Court shall dispose of the case and it shall be lawful for the High Court to exercise for the purpose all the powers conferred on it under Section 12 of the said Act, as if that section has not been repealed by the Act: Provided further that where the High Court has referred back any case for further inquiry under sub-section (4) of Section 12 of the said Act, the proceeding shall stand transferred to the State Bar Council in relation to that High Court, as if it were a proceeding pending before the corresponding Bar Council under Cl. (c) of sub-section (1) of Section 56 of the Act.

(3) If immediately before the appointed day there is any proceeding in respect of any disciplinary matter pending in relation to any pleader, vakil or attorney, who has been enrolled as an advocate on any State roll under the Act, such proceeding shall stand transferred to the State Bar Council on the roll of which he was enrolled and be dealt with under the Act as if it were a proceeding arising against him thereunder.