

**Bar Councils And Legal Practitioners (Madras Amendment)
Act, 1947**

09 of 1947

[03 June 1947]

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PREAMBLE

An Act further to amend the Indian Bar Councils Act, 1926, and the Legal Practitioners Act, 1879, in their application to the Province of Madras.

Whereas it is expedient further to amend, the Indian Bar Councils Act, 1926(Central Act XXXVIII of 1926), and the Legal Practitioners Act, 1879(Central Act XVIII of 1879), in their application to the Province of Madras, for the purposes hereinafter appearing; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated 21st March 1947, Part IV-A, page 4. This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 Madras Act XXXV of 1949).

1. Short title and extent :-

- (1) This Act may be called the Bar Councils and Legal Practitioners (Madras Amendment) Act, 1947.

(2) It extends to the whole of the ¹[State] of Madras.

1. This word was substituted for the word "Province" by the Adaptation Order of 1950.

2. Amendment of section 10, Central Act XXXVIII of 1926 :-

In section 10 of the Indian Bar Councils Act, 1926(Central Act XXXVIII of 1926)--

(i) in sub-section (1), after the words "any advocate of the High Court", the words "or an advocate of any other High Court ordinarily practicing in any subordinate Court or Courts in the ¹[State] of Madras" shall be inserted;

(ii) to the same Sub-section, the following Explanations shall be added, namely:--

"Explanation 1.--The holding of any political opinion, or the expression of it in any form or act not involving physical violence or incitement to or abetment of such violence, is not misconduct within the meaning of this sub-section.

Explanation 2.--Conviction for any political offence, under any general, special or local Law or Ordinance or any rules made thereunder, including conviction under

(Central Act XLV of 1860)

section 124-A of the Indian Penal Code or the Indian Criminal Law Amendment Act, 1908(Central Act XIV of 1908), where the person convicted has not been found guilty of physical violence or of incitement to or abetment of such violence is no proof of misconduct within the meaning of this sub-section.

1. This word was substituted for the word "Province" by the

Adaptation Order of 1950.

3. Amendment of Central Act XVIII of 1879 :-

In the Legal Practitioners Act, 1879(Central Act XVIII of 1879)--

(i) in Chapter III, after section 13, the following section shall be inserted, namely:--

"13-A ¹[Pleaders and mukhtars not to be punished for holding political opinion, etc.]--

Notwithstanding anything contained in sections 12 and 13 no pleader or mukhtar holding a certificate as aforesaid shall be liable to be proceeded against or punished under those sections--

(i) for holding any political opinion, or expressing it in any form or act not involving physical violence or incitement to or abetment of such violence, or

(Central Act XLV of 1860)

(ii) for having been convicted of any political offence under any general, special or local Law or Ordinance (including section 124-A .1 of the Indian Penal Code or the Indian Criminal Law (Amendment) Act, 1908(Central Act XIV of 1908)) or under any rules made thereunder, where he has not been found guilty of physical violence or of incitement to or abetment of such violence";

(ii) in Chapter IV, after section 22, the following section shall be inserted, namely:--

"22-A. [Revenue agents not to be punished for holding political opinions, etc.]--

Notwithstanding anything contained in sections 21 and 22, no

revenue-agent holding a certificate as aforesaid shall be liable to be proceeded against or punished under those sections--

(i) for holding any political opinion, or expressing it in any form or act not involving physical violence or incitement to or abetment of such violence; or

(Central Act XIV of 1908)

(ii) for having been convicted of any political offence under any general, special, or local Law or Ordinance (including section 124-A of the Indian Penal Code or the Indian Criminal Law (Amendment) Act, 1908(Central Act XIV of 1908)) or under any rules made thereunder, where he has not been found guilty of physical violence or of incitement to or abetment of such violence.

1. These marginal notes were inserted by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

4. Application of Act to pending disciplinary proceedings :-

Any disciplinary inquiry or other proceeding pending at the commencement of this Act against any advocate, pleader, mukhtar or Revenue-agent, shall be continued under the Indian Bar Councils Act, 1926(Central Act XXXVIII of 1926), as amended by section 2 or, as the case may be, under the Legal Practitioners Act, 1879(Central Act XVIII of 1879), as amended by section 3.

5. Review of past disciplinary action :-

If any advocate has been suspended or removed from practice under the Indian Bar Councils Act, 1926(Central Act XXXVIII of 1926), or if any pleader, mukhtar or Revenue-agent has been suspended or dismissed under the Legal Practitioners Act, 1879(Central Act XVIII of 1879), and such suspension, removal or dismissal is subsisting on the date of the commencement of this Act, then, the advocate, pleader, mukhtar or Revenue-agent may, within one year from the said date, apply in writing under this

section to the High Court or the Chief Controlling Revenue-authority, as the case may be, and the High Court or the Chief Controlling Revenue-authority shall thereupon vacate the order of suspension, removal or dismissal, if such order could not have been passed after the commencement of this Act.