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THE BAR COUNCIL OF RAJASTHAN
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No.BCR/Sec./BA/Ju/2019/ 3197

दिनांक 15.05.2019

श्रीमान अध्यक्ष/सचिव महोदय
राज्य की समस्त बार संघ

मान्यवर जी,

अधिवक्ता अधिनियम, 1961 की धारा 24ए व 26ए में कुछ संशोधन हेतु श्री रबिन्द्र कुमार जेना, सांसद द्वारा Private Member Bill titled as "The Advocates (Amendment) Bill, 2019 प्रस्तावित किया था, जिसे भारत सरकार के विधि एवं न्याय विभाग द्वारा दिनांक 06.02.2019 को बार कौंसिल ऑफ इण्डिया, नई दिल्ली को भेजा गया था।

अधिवक्ता अधिनियम की धारा 24ए एवं 26ए इस प्रकार से है :

24A. Disqualification for enrolment.—(1) No person shall be admitted as an advocate on a State roll—

- (a) if he is convicted of an offence involving moral turpitude;
- (b) if he is convicted of an offence under the provisions of the Untouchability (Offences) Act, 1955 (22 of 1955);
- (c) if he is dismissed or removed from employment or office under the State on any charge involving moral turpitude.

Explanation.—In this clause, the expression "State" shall have the meaning assigned to it under Article 12 of the Constitution.

Provided that the disqualification for enrolment as aforesaid shall cease to have effect after a period of two years has elapsed since his release or dismissal or, as the case may be, removal.

(2) Nothing contained in sub-section (1) shall apply to a person who having been found guilty is dealt with under the provisions of the Probation of Offenders Act, 1958 (20 of 1958).]

26A. Power to remove names from roll.—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.

PROPOSED AMENDMENTS

In section 24A of the Advocates Act, 1961, for sub section (1), the following section shall be substituted namely :-

24A. Disqualification for enrolment (1) No person shall be admitted as an advocate on a State roll—

- (a) if he is convicted of an offence involving moral turpitude; or
- (b) if he is convicted of an offence under the provisions of the Untouchability (Offences) Act, 1955 (22 of 1955); or the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989); or
- (c) if he has been convicted of contempt of court subject to any order or decision of court;
- (d) if he is dismissed or removed from service or employment under the Union or the State or its undertakings or any statutory body or Corporation."

For section 26A of the Advocates Act, 1961, the following shall be substituted, namely :-

26A. Power to remove names from roll.—A State Bar Council may on receipt of information or request, remove from the State roll, the name of any advocate,

- a) who is dead, or
- b) from whom a request has been received to that effect; or
- c) who is found guilty of serious misconduct or abstaining from courts work or causing obstruction in court's functioning; or
- d) who has incurred any disqualification under section 24A."

बार कौंसिल ऑफ इण्डिया, नई दिल्ली द्वारा अपने पत्र दिनांक 09.05.2019 द्वारा Private Member Bill titled as "The Advocates (Amendment) Bill, 2019 के सम्बन्ध में राज्य बार कौंसिल के टिप्पणी/सुझाव चाहे गये हैं। उक्त पत्र एवं प्रस्तावित (संशोधन) बिल की प्रतिलिपि संलग्न है।

माननीय श्री चिरंजीलाल सैनी, चैयरमैन, बार कौंसिल ऑफ राजस्थान के निर्देशानुसार आपसे अनुरोध है कि उक्त बिल के सम्बन्ध में आप अपने अमूल्य सुझाव इस पत्र के मिलने के 7 दिवस के भीतर इस कार्यालय को भिजवाने का श्रम करावें, जिससे कि आपके द्वारा भेजे गये सुझावों पर विचार विमर्श कर बार कौंसिल ऑफ इण्डिया को अवगत करवाया जा सके।

भवदीय,

(राजेन्द्रपाल मलिक)
सचिव

संलग्न : उपरोक्तानुसार



भारतीय विधिज्ञ परिषद्
BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

Cir. No.05/2019 BCI: D: 2286 /2019(Council) 09.05.2019

**To Secretaries
All the State Bar Councils**

Sub: Request to send comments/ views of the State Bar Councils with respect to Private Member Bill titled as "The Advocates(Amendment) Bill, 2019 by Shri Rabindra Kumar Jena, M.P.

Sir's,

The General House of the Council at its meeting held on 07.04.2019 under Item No. 102/2019 has considered the above mentioned letter received from Assistant Legal Adviser, Ministry of Law & Justice. After consideration, the Council has directed to call for comments/ view from All the State Bar Councils. Therefore, you are requested to send comments/ view in this regard i.e. Private Member Bill titled as "The Advocates(Amendment) Bill, 2019. (Copy enclosed) on or before 15th May, 2019.

Yours sincerely,

Srimanto Sen
(Srimanto Sen)
Secretary

To consider letter dated 06.02.2019 received from Assistant Legal Adviser, Union Ministry of Law & Justice seeking comments/views of Bar Council of India on the Private Member Bill titled as "The Advocates(Amendment) Bill, 2019 by Shri Rabindra Kumar Jena, M.P.

The letter dated 06.02.2019 received from Assistant Legal Adviser, Ministry of Law & Justice seeking comments/views of Bar Council of India on the Private Member Bill titled as "The Advocates(Amendment) Bill, 2019 by Shri Rabindra Kumar Jena, M.P. is reproduced below :-

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12/2/19
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F.No.-14/1/2019-IC
Government of India
Ministry of Law & Justice
Department of Legal Affairs
(Implementation Cell)

Shastri Bhawan, New Delhi,
Dated: 06.02.2019

To
The Secretary,
Bar Council of India, 21, Rouse Avenue,
Institutional Area, New Delhi-110002



Subject: - Private Member Bill titled "The Advocates (Amendment) Bill, 2019 by Sh. Rabindra Kumar Jena, M.P

Sir

Please refer to Private Member Bill on above mentioned subject and it is stated that Sh. Rabindra Kumar Jena, M.P in this private member Bill has suggested some amendments in Section 24A and 26A in Advocate Act, 1961.

2. The Bar Council of India is empowered to make rule regarding enrollment of an Advocate on State roll, remove the name from roll and to regulate the legal profession throughout the country.

3. Bar Council of India is the regulatory body with regard to regulation of the legal profession in the Country and a stake-holder, Therefore above mentioned Private Member Bill is being transferred to Bar Council of India to furnish their comment/ views on the said Bill.

Encl:-As above.


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