

## Advocates Amendment Bill, 2023

### Why in news?

Recently, Advocate amendment bill 2023 was passed in Lok Sabha which amends the Advocates Act 1961 and Legal Practitioners Act 1879.

### What is Legal Practitioners Act 1879?

- **Aim-** To consolidate and amend the law relating to Legal Practitioners in certain provinces.
- **Application-** The Act initially extended to areas in West Bengal, Uttar Pradesh, Punjab, Bihar, Madhya Pradesh, Assam, Orissa, and Delhi.
- Any state government could, by notification in the Official Gazette, extend it to their States.
- **Legal practitioner-** Section 2 of the 1879 Act defined the term “legal practitioner” to include advocates, vakils, or attorneys of any High Court.
- **Tout-** It also introduced a new definition of the term “tout”.

*A tout is someone who procures clients for a legal practitioner in exchange for payment. The definition also included people who frequented civil or criminal courts, revenue offices, railway stations, etc. for such procurement purposes.*

### What is Advocates Act 1961?

- **Aim-** To create a single class of legal practitioners known as “advocates.”
- **All India Bar Council-** It established the council consisting of the Attorney General of India, the Solicitor General of India, and one representative from each State Bar Council, elected by its members.
- **Bar Council of India-** It empowers the body to make rules on matters such as legal education, professional conduct, legal aid, and recognition of foreign qualifications.
- **Advocates-** It defines an advocate as a person who is enrolled in any State Bar Council and who is entitled to practice law before any court or authority in India.
- **Tout provisions-** The Act repealed a majority of the 1879 Act but left behind provisions relating to its extent, definitions, and powers to frame and publish lists of touts.

### Why there is a need to amend the bill?

- **Aim-**
  - To amend the Advocates Act, 1961 and
  - To repeal obsolete provisions of the Legal Practitioners Act, 1879.

- **Tout as offence-** The bill seeks to make the offence of toutting as punishable and empowers judges to publish a list of offenders.
- **Efficiency-** It is amended to reduce the number of superfluous enactments in the statute book and repeal all obsolete laws.
- **Productiveness-** To keep in line with the government's policy of repealing all obsolete laws or pre-independence Acts that have lost their utility,
- **Ethical regulation-** The bill aims to ensure the regulation of legal profession and protect the interests of advocates and public.
- **Consultation-** The bill provides provision to consult with the Bar Council of India on the regulation of legal profession.

### What are the key provisions of the bill?

- **Touts-** The Bill provides that every High Court, district judge, sessions judge, district magistrate, and revenue officer (not below the rank of a district collector) may frame and publish lists of touts.
- **Conduct inquiry-** The authorities empowered to frame and publish the list of touts may order subordinate courts to hold an inquiry into the conduct of persons alleged or suspected to be touts.
- **Publish the list-** If proven to be a tout, such person's name will be included in the list of touts that will be published by the authority and hung in every court.
- **Exclusion-** The court or judge may exclude from the premises of the Court any person whose name is included in the list of touts.
- No person will be included in such lists without getting an opportunity of showing cause against his inclusion.
- **Penalty-** Any person who acts as a tout while his name is included in the list of touts will be punished with
  - Imprisonment up to 3 months,
  - Fine up to Rs 500, or both.
- **Illegal practise-** The bill inserts a new provision in *Section 45 of the Advocates Act, 1961*, which prescribes 6 months of imprisonment for persons illegally practising in courts and before other authorities.

### References

1. [Indian Express- Why Parliament passed the bill](#)
2. [PRS- Advocate amendment bill](#)