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- **Tout provisions**-The Act repealed a majority of the 1879 Act but left behind provisions relating to its extent, definitions, and powers to frame and publish lists of touts.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 touting 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 reguilation 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

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