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CURRENT AFFAIRS

Date: 14 December 2023

ADVOCATES (AMENDMENT) BILL, 2023

This article covers "Daily Current Affairs" and the topic details "Advocates (Amendment) Bill, 2023". This topic has relevance in the Polity and Governance section of the UPSC CSE exam.

GS 2: Polity and Governance

Why in the news?

The Advocates (Amendment) Bill, 2023, underwent significant legislative progress, securing approval in both the Rajya Sabha in August 2023 and the Lok Sabha during the recent winter session. The primary focus of this bill is to streamline the legal system by eliminating touts, leading to the repeal of the archaic Legal Practitioners Act, 1879, and amendments to the Advocates Act, 1961.

The bill aligns with the government's commitment to declutter the legal framework by repealing outdated laws, such as the Legal Practitioners Act, 1879, that have lost their relevance over time.

Background

The legal landscape governing practitioners in India has witnessed significant changes over the years, transitioning from the Legal Practitioners Act of 1879 to the more comprehensive Advocates Act of 1961.

Legal Practitioners Act of 1879:

- The primary objective of the 1879 Act was to consolidate and amend the law concerning Legal Practitioners in specific provinces.
- Section 2 of the Act defined a legal practitioner to encompass advocates, vakils, or attorneys of any High Court.
- The Act introduced a novel definition of the term "tout," characterizing them as individuals who, in consideration of remuneration from a legal practitioner, secure the employment of that practitioner in legal business.

Advocates Act of 1961:

- Enacted in 1961, the Advocates Act aimed to amend and consolidate laws related to legal practitioners. It also provided for the establishment of Bar Councils and an All-India Bar.
- Replaced three previous Acts governing legal practitioners: the Legal Practitioners Act of 1879, the Bombay Pleaders Act of 1920, and the Indian Bar Councils Act of 1926.

Repeal of the Legal Practitioners Act of 1879:

- The Law Commission, in its 249th Report titled 'Obsolete Laws: Warranting Immediate Repeal,' recommended the repeal of the 1879 Act.
- Acknowledging these recommendations and those of the All-India Bar Committee in 1953, the Advocates Act of 1961 was enacted.

Key Features of Advocates (Amendment) Bill, 2023



- The Bill empowers High Courts, district judges, sessions judges, district magistrates, and revenue officers to create and publish lists of touts.
- Authorities can exclude individuals named in the tout lists from court premises.
- Empowered authorities can direct subordinate courts to conduct inquiries into the conduct of individuals suspected to be touts.
- Inclusion in the tout list requires due process, ensuring individuals have an opportunity to contest their inclusion.
- Individuals acting as touts while listed may face penalties, including imprisonment for up to three months, a fine of up to Rs 500, or both.

Source: The Advocates (Amendment) Bill, 2023 (prsindia.org)

Q.1 Regarding the The Advocates (Amendment) Bill, 2023 recently seen in the news, consider the following statements:

1. The Bill empowers only the High Courts and Supreme Court to create and publish lists of touts.
2. The Act introduced a novel definition of the term "tout".

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2

(d) Neither 1 nor 2

ANSWER: D

Q.2 Critically Examine the Implications of the Advocates (Amendment) Bill, 2023, on Legal Practice in India. Analyze the Bill's Impact on Streamlining the Legal System.

Rishabh



Yojna IAS
योजना है तो सफलता है