

Advocate Act, 1961

Chapter I - Preliminary

(1) This Act may be called the Advocates Act, 1961.

[1](#) [(2) It extends[2](#) to the whole of India].

(3) It shall, in relation to the territories other than those referred to in sub-section (4) come into force on such date[3](#) as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

[4](#) [(4) This Act shall, in relation to the State of Jammu and Kashmir[5](#) and the Union territory of Goa, Daman and Diu, come into force on such date[6](#) as the Central Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for different provisions of this Act].

1. Substituted By Act 60 of 1973, Section 2, for sub-section 2 w.e.f. 31-1-1974.

2. The Act has been extended to-

The Union territory of Dadra & Nagar Haveli by Regulation 8 of 1963;

The Union territory of Pondicherry by Act 26 of 1968, Section 3 and Schedule.

3. The following are the Notifications by which different dates have been appointed for different provisions of this Act :-

Notification	Date	Provisions
S.O. 1870, dated 7th August, 1961	16-8-1961	Chapters I, II and VII.
S.O. 2790, dated 24th November,	1961 1-12-1961	Chapter III and sub-section (2) 50.
S.O. 2919, dated 13th December, 1961	15-12-1961	Sub-section (1) of section 50.
S.O. 297, dated 24th January, 1962	24-1-1962	Sections 51 and 52.
S.O. 958, dated 29th March, 1962	29-3-1962	Section 46.

S.O. 50, dated 4th January, 1963	4-1-1963	Section 32 and chapter VI [exc
Section 46, sub-section (1) and (2) of section 50, sections 51 and 52].		
S.O. 2509, dated 31st August, 1963	1-9-1963	Chapter V
S.O. 1500, dated 5th April 1969	1-6-1969	Sections 29, 31, 33 and 34 of C
In Pondicherry, Pondicherry Gazette,	10-6-1968	Chapters I, II and III, Section 3
Extra., p. 1, dated 7th June, 1968		Chapters IV, V, VI and VIII.

4. Sub-section (4) Inserted By Act 60 of 1973, section 2.

5. 1-8-1986, vide GSR 946(E), dated 15-7-1986 except section 30 the Act is enforced in the State of Jammu & Kashmir.

6. 1-6-1979, vide GSR 84(E)/1979, except section 30 the Act is enforced in Goa, Daman and Diu.

Section 2 - Definitions

[1](#) [(1) In this Act, unless the context otherwise requires,-

(a) "advocates" means an advocate entered in any roll under the provisions of this Act;

(b) "appointed day", in relation to any provision of this Act, means the day on which that provision comes into force;

[2](#)[* * *]

(d) "Bar Council" means a Bar Council constituted under this Act;

(e) "Bar Council of India" means the Bar Council constituted under section 4 for the territories to which this Act extends;

[3](#)[* * *]

(g) "High Court", except in sub- section (1)[4](#)[and sub-section (1A)] of section 34 and in sections 42 and 43, does not include a court of the Judicial Commissioner, and, in relation to a State Bar Council, means,-

(i) in the case of a Bar Council constituted for a State or for a State and one or more Union territories, the High Court for the State;

(ii) in the case of the Bar Council constituted for Delhi,⁵[the High Court of Delhi];

(h) "law graduate" means a person who has obtained a bachelor's degree in law from any University established by law in India;

(i) "legal practitioner" means an advocate,⁶[or vakil] of any High Court, a pleader, mukhtar or revenue agent;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "roll" means a roll of advocates prepared and maintained under this Act;

(l) "State does not include a Union territory;

(m) "State Bar Council" means a Bar Council constituted under section 3;

(n) "State roll" means a roll of advocates prepared and maintained by a State Bar Council under section 17.

⁷[(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir or in the Union territory of Goa⁸, Daman and Diu, shall, in relation to that State or that territory, be construed as a reference to the corresponding law, if any, in force in that State or that territory, as the case may be.]

1 Section 2 renumbered as sub-sesction (1) thereof by Act 60 of 1973, section 2 w.e.f. 31-7-1974.

2. Clause (c) omitted by Act 107 of 1976, section 2.

3. Clause (f) omitted by Act 60 of 1973, section 3.

4. Inserted by Act 60 1973, section 3.

5. Substituted By Act 60 of 1973, section 3

6. Substituted by Act No. 107 of 1976, section 2.

7. Inserted by Act 60 of 1973, section 2.

8. Goa is now a state, see Goa, Daman and Diu Reorganisation Act, 1987 (18 of 1987), section 3 w.e.f. 30-5-1987.