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Advocate Act, 1961

Section 24 - Persons Who May Be Admitted as Advocates on a State Roll

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(1) Subject to the provisions of this Act, and the rules made thereunder, a person shall be qualified to be admitted as an advocate on a State roll, if he fulfils the following conditions, namely:-

(a) he is a citizen of India:

Provided that subject to the other provisions contained in this Act, a national of any other country may be admitted as an advocate on a State roll, if citizens of India, duly qualified, are permitted to practise law in that other country;

(b) he has completed the age of twenty- one years;

(c) he has obtained a degree in law--

(i) before the 1[12th day of March, 1967] from any University in the territory of India; or

(ii) before the 15th of August, 1947, from any University in any area which was comprised before that date within India as defined by the Government of India Act, 1935; or

2[(iii) after the 12thday of March, 1967, save as provided in sub-clause (iiia) after undergoing a three years course of study in law from any University in India which is recognized for the purposes of this Act by the Bar Council of India; or

(iiia) after undergoing a course of study in law, the duration of which is not less than two academic years commencing from the academic year 1967-68 or any earlier academic year from any University in India which is recognized for the purposes of this Act by the Bar Council of India; or]

3[(iv) in any other case, from any University outside the territory of India, if the degree is recognized for the purposes of this Act by the Bar Council of India]or;

4[he is a barrister and is called to the Bar on or before the 31stday of December, 1976 5["or has passed the articled clerks" examination or any other examination specified by the High Court at Bombay or Calcuttta for enrolment as an attorney of that High Court;] or has obtained such other foreign qualification in law as is recognized by the Bar Council of India for the purpose of admission as an advocate under this Act]:

6[***]

(e) he fulfills such other conditions as may be specified in the rules made by the State Bar Council under this Chapter;

7[(f) he has paid, in respect of the enrolment, stamp duty, if any, chargeable under the Indian Stamp Act, 1899, and an enrolment fee payable to the State Bar Council of 8[six hundred rupees and to the Bar Council of India, one hundred and fifty rupees by way of a bank draft drawn in favour of that Council]:

Provided that where such person is a member of the Scheduled Castes or the Scheduled Tribes and produces a certificate to the effect from such authority as may be prescribed, the enrolment fee payable by him to the State Bar Council shall be 9[one hundered rupees and to the Bar Council of India, twenty-five rupees].

10[Explanation-For the purposes of this sub-section, a person, shall be deemed to have obtained a degree in law from a University in India on the date on which the results of the examination for that degree are published by the University on its notice-board or otherwise declaring him to have passed that examination].

(2) Notwithstanding anything contained in sub- section (1) 11[a vakil or a pleader who is a law graduate] may be admitted as an advocate on a State roll, if he---

(a) makes an application for such enrolment in accordance with the provisions of this Act, not later than two years from the appointed day; and

(b) fulfills the conditions specified in clauses (a) , (b) and (f) of sub- section (1)**.**

12[(3) Notwithstanding anything contained in sub-section (1) a person who-

(a) 13[***] has, for at least three years, been a vakil or a pleader or a mukhtar or was entitled at any time to be enrolled under any law 13[***] as an advocate of a High Court (including a High Court of a former part B State) or of a Court of Judicial Commissioner in any Union territory; or

14[(aa) before the 1st day of December, 1961, was entitled otherwise than as an advocate to practise the profession of law (whether by way of pleading or acting or both) by virtue of the provisions of any law, or who would have been so entitled had he not been in public service on the said date; or]

15[***]

(c) before the 1st day of April, 1937, has been an advocate of any High Court in any area which was comprised within Burma as defined in the Government of India Act, 1935; or

(d) is entitled to be enrolled as an advocate under any rule made by the Bar Council of India in this behalf, may be admitted as an advocate on a State roll if he-

(i) makes an application for such enrolment in accordance with the provisions of this Act; and

(ii) fulfills the conditions specified in clauses (a), (b), (e) and (f) of sub-section (1)].

16[***]

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1. Substituted by Act 60 of 1973, section 18, for the words "28th day of February, 1963".

2. Substituted by Act 60 of 1973, section 18, for clause (iii).

3. Inserted by Act 21 of 1964, section 13.

4. Substituted by Act 60 of 1973, section 18, for the words "he is a barrister".

5. Inserted by Act 107 of 1976, section 6.

6. Clause (d) omitted by Act 60 of 1973, section 18.

7. Clause (f) substituted by Act 60 of 1973, section 18.

8. Substituted by Act 70 of 1993, section 6.

9. Substituted by Act 70 of 1993, section 6.

10. Inserted by Act 14 of 1962, section 2.

11. Substituted by Act 21 of 1964, section 13, for certain words.

12. Sub-section (3) and (4) inserted by Act 21 of 1964, section 13.

13. The words "before the 31st day of March, 1964 and then in force" omitted by Act 33 of 1968, section 2.

14. Sub-clause (aa) inserted by Act 60 of 1973, section 18.

15. Sub-clause (b) omitted by Act 60 of 1973, section 18.

16. Sub-section (4) omitted by Act 107 of 1976, section 6.

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