

Advocate Act, 1961

Section 49A - Power of Central Government to Make Rules

1 [49A. Power of Central Government to make rules.-

- (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this act including rules with respect to any matter for which the Bar Council of India or a State Bar Council has power to make rules.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-
- (a) qualifications of membership of a Bar Council and disqualifications for such membership;
 - (b) the manner in which the Bar Council of India may exercise supervision and control over State Bar Councils and the manner in which the directions issued or orders made by the Bar Council of India may be enforced;
 - (c) the class or category of persons entitled to be enrolled as advocates under this Act;
 - (d) the category of persons who may be exempted from undergoing a course of training and passing an examination prescribed under clause (d) of sub-section (1) of section 24;
 - (e) the manner in which seniority among advocates may be determined;
 - (f) the procedure to be followed by a disciplinary committee of a Bar Council in hearing cases and the procedure to be followed by a disciplinary committee of the Bar Council of India in hearing appeals;
 - (g) any other matter which may be prescribed.
- (3) Rules under this section may be made either for the whole of India or for all or any of the Bar Councils.
- (4) If any provision of a rule made by a Bar Council is repugnant to any provision of a rule made by the Central Government under this section, then, the rule under this section, whether made before or after the rule made by the Bar Council, shall prevail and the rule made by the Bar Council shall, to the extent of the repugnancy, be void.
- 2 [(5) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the sessions immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule].
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1.Inserted by Act 21 of 1964, section 21.

2.Sub-section (5) Substituted by Act 60 of 1973, section 39.