

Advocate Act, 1961

Section 58 - Special Provisions During the Transitional Period

1 [58.Special provisions during the transitional period.-

(1) Where a State Bar Council has not been constituted under this Act or where a State Bar Council so constituted is unable to perform its functions by reason of any order of a court or otherwise, the functions of the Bar Council or any Committee thereof, in so far as they relate to the admission and enrolment of advocates, shall be performed by the High Court in accordance with the provisions of this Act.

(2) Until Chapter IV comes into force, a State Bar Council or a High Court performing the functions of a State Bar Council may enroll any person to be an advocate on a State roll, if he is qualified to be so enrolled under this Act, notwithstanding that no rules have been made under section 28 or that the rules so made have not been approved by the Bar Council of India, and every person so enrolled shall, until that Chapter comes into force, be entitled to all the rights of practice conferred on an advocate under section 14 of the Indian Bar Councils Act, 1926.

(3) Notwithstanding anything contained in this Act, every person who immediately before the 1st day of December, 1961, was an advocate on the roll of any High Court under the Indian Bar Councils Act, 1926 or who has been enrolled as an advocate under this Act shall, until Chapter IV comes into force, be entitled as of right to practise in the Supreme Court, subject to the rule, made by the Supreme Court in this behalf.

(4) Notwithstanding the repeal by sub-section (2) of section 50 of the provisions of the Legal Practitioners Act, 1879, or of the Bombay Pleaders Act, 1920, 2 [or of any other law relating to the admission and enrolment of legal practitioners the provisions of the Acts, and law aforesaid and any rules made thereunder in so far as they relate to 3 [the renewal or the issue by way of renewal] of a certificate to a legal practitioner authorizing him to practise shall have effect until Chapter IV comes into force and, accordingly, every certificate issued or renewed to legal practitioner (who is not enrolled as an advocate under this Act which is or purports to be issued or renewed under the provisions of either of the aforesaid Acts [or of the other law] during the period beginning with the 1st day of December, 1961 and ending with the date on which Chapter IV comes into force, shall be deemed to have been validly issued or renewed].

-
1. Inserted by Act 14 of 1962, section 4 and shall be deemed to have always been inserted.
 2. Substituted by Act 32 of 1962, section 3 and shall be deemed always to have been so substituted.
 3. Substituted by Act 21 of 1964, section 25, for the words "the issue and renewal".
-