

Advocate Act, 1961

Section 58B - Special Provisions Relating to Certain Disciplinary Proceedings

(1) As from the 1st day of September, 1963 every proceeding in respect of any disciplinary matter in relation to an existing advocate of a High Court shall, save as provided in the first section (2), be disposed of by the State Bar Council in relation to that High Court, as if the existing advocate had been enrolled as an advocate on its roll.

(2) If immediately before the said date, there is any proceeding in respect of any disciplinary matter in relation to an existing advocate pending before any High Court under the Indian Bar Councils Act, 1926, such proceeding shall stand transferred to the Bar Council in relation to that High Court, as if it were a proceeding pending before the corresponding Bar Council under clause (c) of sub-section (1) of section 56:

Provided that where in respect of any such proceeding the Court has received the finding of a Tribunal constituted under Section 11 of the Indian Bar Council Act, 1926, the High Court shall dispose of the case and it shall be lawful for the High Court to exercise for the purpose all powers all powers conferred on it under section 12 of the said Act as if that section has not been repealed:

Provided further that where the High Court has referred back any case for further inquiry under sub-section (4) if Section 12 of the said Act, the proceeding shall stand transferred to the State Bar Council in relation to the High Court as if it were proceeding before a corresponding Bar Council under clause (c) of sub-section (1) of section 56.

(3) If immediately before the said date there is any proceeding in respect of any disciplinary matter pending in relation to any pleader, vakil, mukhtar or attorney, who has been enrolled as an advocate on any State roll under the Act, such proceeding shall stand transferred to the State Bar Council on the roll of which he has been enrolled and be dealt with under this Act as if it were a proceeding arising against him thereunder.

(4) In this section "existing advocate" means a person who was enrolled as an advocate on the roll of any High Court under the Indian Bar Councils Act, 1926 and who, at the time when any proceeding in respect of any disciplinary matter initiated against him, is not enrolled as an advocate on a State roll under this Act.

(5) The provisions of this section shall have effect, notwithstanding anything contained in this Act].
