



## The Bar Councils and Legal Practitioners (Tamil Nadu Amendment) Act, 1947

Act 9 of 1947

### Keyword(s):

Central Act Amendment, The Bar Councils Act, 1926 and The Legal Practitioners Act, 1879

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<sup>1</sup>[TAMIL NADU] ACT NO. IX OF 1947.<sup>2</sup>

[THE BAR COUNCILS AND LEGAL PRACTITIONERS  
(<sup>1</sup>[TAMIL NADU] AMENDMENT) ACT, 1947.]

*(Received the assent of the Governor-General on the 24th May 1947; first published in the Fort St. George Gazette on the 3rd June 1947.)*

An Act further to amend the Indian Bar Councils Act, 1926, and the Legal Practitioners Act, 1879, in their application to the <sup>3</sup>[State of Tamil Nadu].

Central Act XXXVIII of 1926. Central Act XVIII of 1879.

WHEREAS it is expedient further to amend the Indian Bar Councils Act, 1926, and the Legal Practitioners Act, 1879, in their application to the <sup>3</sup>[State of Tamil Nadu], for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. (1) This Act may be called the Bar Councils and Legal Practitioners (<sup>1</sup>[Tamil Nadu] Amendment) Act, 1947. Short title and extent.

(2) It extends to the whole of the <sup>4</sup>[State of Tamil Nadu].

<sup>1</sup> These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 21st March 1947, Part IV-A, page 4.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960) repealing the corresponding law in force in that territory.

<sup>3</sup> This expression was substituted for the expression "Province of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

<sup>4</sup> This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

966 *Bar Councils and Legal [1947 : T.N. Act IX  
Practitioners (Tamil Nadu Amendment)*

Amendment of  
section 10,  
Central Act  
XXXVIII  
of 1926.

2. In section 10 of the Indian Bar Councils Act, Central Act XXXVIII of 1926—

(i) in sub-section (1), after the words "any advocate of the High Court", the words "or an advocate of any other High Court ordinarily practising in any subordinate Court or Courts in the <sup>1</sup>[State of Tamil Nadu]" shall be inserted ;

(ii) to the same sub-section, the following Explanations shall be added, namely :—

"*Explanation 1.*—The holding of any political opinion, or the expression of it in any form or act not involving physical violence or incitement to or abetment of such violence, is not misconduct within the meaning of this sub-section.

"*Explanation 2.*—Conviction for any political offence, under any general, special or local Law or Ordinance or any rules made thereunder, including conviction under section 124-A of the Indian Penal Code or the Indian Criminal Law Amendment Act, 1908, where the person convicted has not been found guilty of physical violence or of incitement to or abetment of such violence is no proof of misconduct within the meaning of this sub-section."

Central Act XLV of 1860.

Central Act XIV of 1908.

Amendment of Central Act XVIII of 1879.

3. In the Legal Practitioners Act, 1879—

(i) in Chapter III, after section 13, the following section shall be inserted, namely :—

Central Act XVIII of 1879.

<sup>2</sup>[Pleaders and mukhtars not to be punished for holding political opinion, etc.]

"13-A. Notwithstanding anything contained in sections 12 and 13, no pleader or mukhtar holding a certificate as aforesaid shall be liable to be proceeded against or punished under those sections—

(i) for holding any political opinion, or expressing it in any form or act not involving physical

<sup>1</sup> This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

<sup>2</sup> This marginal note was inserted by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

1947: T.N. Act IX] *Bar Councils and Legal Practitioners (Tamil Nadu Amendment)* 967

violence or incitement to or abetment of such violence, or

(ii) for having been convicted of any political offence under any general, special or local Law or Ordinance [including section 124-A of the Indian Penal Code or the Indian Criminal Law (Amendment) Act, 1908] or under any rules made thereunder, where he has not been found guilty of physical violence or of incitement to or abetment of such violence” ;

Central Act XLV of 1860.

Central Act XIV of 1908.

(ii) in Chapter IV, after section 22, the following section shall be inserted, namely:—

“22-A. Notwithstanding anything contained in sections 21 and 22, no revenue-agent holding a certificate as aforesaid shall be liable to be proceeded against or punished under those sections—

<sup>1</sup>[Revenue agents not to be punished for holding political opinions, etc.]

(i) for holding any political opinion, or expressing it in any form or act not involving physical violence or incitement to or abetment of such violence ; or

(ii) for having been convicted of any political offence under any general, special, or local Law or Ordinance [including section 124-A of the Indian Penal Code or the Indian Criminal Law (Amendment) Act, 1908] or under any rules made thereunder, where he has not been found guilty of physical violence or of incitement to or abetment of such violence.”

Central Act XLV of 1860.

Central Act XIV of 1908.

4. Any disciplinary inquiry or other proceeding pending at the commencement of this Act against any advocate, pleader, mukhtar or Revenue-agent, shall be continued under the Indian Bar Councils Act, 1926, as amended by section 2 or, as the case may be, under the Legal Practitioners Act, 1879, as amended by section 3.

Application of Act to pending disciplinary proceedings.

Central Act XXXVIII of 1926.

Central Act XVIII of 1879.

<sup>1</sup> This marginal note was inserted by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

Review of past disciplinary action.

5. If any advocate has been suspended or removed from practice under the Indian Bar Councils Act, 1926, or if any pleader, mukhtar or Revenue-agent has been suspended or dismissed under the Legal Practitioners Act, 1879, and such suspension, removal or dismissal is subsisting on the date of the commencement of this Act, then, the advocate, pleader, mukhtar or Revenue-agent may, within one year from the said date, apply in writing under this section to the High Court or the Chief Controlling Revenue-authority, as the case may be, and the High Court or the Chief Controlling Revenue-authority shall thereupon vacate the order of suspension, removal or dismissal, if such order could not have been passed after the commencement of this Act.

Central Act XXXVIII of 1926.  
Central Act XVIII of 1879.