

Advocates (Amendment) Bill, 2023

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Why in the News?

- During a debate on the Advocates (Amendment) Bill, 2023 in the Lok Sabha, Law Minister Arjun Ram Meghwal said that the central government is open to a policy on transfer of high court judges.
- The Bill has been passed by the Lok Sabha.

About Advocates (Amendment) Bill, 2023

- The Advocates (Amendment) Bill, 2023, was introduced in the Rajya Sabha in August, 2023.

- It amends the Advocates Act, 1961. The Bill repeals certain sections related to touts under the Legal Practitioners Act, 1879.
- The 1961 Act consolidates the law related to legal practitioners and constitutes Bar Councils and the All-India Bar.
- The Bill, which was already passed in the Rajya Sabha during the Monsoon Session, aims at regulating the legal profession by a single act and seeks to target touts.

Key Features of Advocates (Amendment) Bill, 2023

- Touts:
 - The Bill provides that every High Court, district judge, sessions judge, district magistrate, and revenue officer may frame and publish lists of touts.
 - Tout refers to a person who:
 - either proposes to procure or procures the employment of a legal practitioner in a legal business in return of any payment, or
 - frequents places such as the precincts of civil or criminal courts, revenue-offices, or railway stations to procure such employment.
 - The Court or judge may exclude from the premises of the Court any person whose name is included in the list of touts.
- Preparation of lists:
 - The authorities empowered to frame and publish the list of touts may order subordinate courts to hold an inquiry into the conduct of persons alleged or suspected to be touts.
 - Once such a person is proven to be a tout, his name may be included by the authority in the list of touts.
 - No person will be included in such lists without getting an opportunity of showing cause against his inclusion.
- Penalty:
 - Any person who acts as a tout while his name is included in the list of touts will be punished with imprisonment up to three months, a fine up to Rs 500, or both.

News Summary

- During a debate on the Advocates (Amendment) Bill, Union Law Minister informed the Lok Sabha that the Central government is open to a policy on transfer of high court judges.
- He said that after 1993, when the Collegium system came into place, the Supreme Court Collegium recommends transfer and appointment of judges.

What is the Process of Appointment of High Court Judges?

- Under Article 217 of the Constitution of India, the President appoints High Court judges.
- The Chief Justice of a High Court is appointed by the President after consultation with the Chief Justice of India (CJI) and the Governor of the state concerned.
- For appointment of other judges, the Chief Justice of the concerned High Court is also consulted.

- This consultation process has been interpreted by the Supreme Court in the Third Judges case (1998) in the following manner:
 - The CJI has to consult a collegium of two senior-most judges of the Supreme Court.
 - After consultation, the CJI recommends names to the President for appointment.
 - The President, in case of objection, can send the recommended names back to the collegium, to reconsider, with reasons in writing.
 - After reconsideration, if the collegium reiterates its recommendations, the President has to appoint the recommended names as Judges.
 - Transfer of Judges:
 - Currently, the President can transfer a judge from one High Court to another, after consulting the Chief Justice of India.
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Q1) What is the minimum eligibility criteria for becoming Supreme Court Judge?

In order to be appointed as a Judge of the Supreme Court, a person must be a citizen of India and must have been: for at least five years, a Judge of a High Court or of two or more such Courts in succession, or. an Advocate of a High Court or of two or more such Courts in succession for at least 10 years or.

Q2) What is the meaning of the word collegium?

A group in which each member has approximately equal power and authority.

Source: [Lok Sabha passes Advocates \(Amendment\) Bill to weed out touts from court complexes](#) | [Indian Express](#)

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