



The Sikkim Advocates Act, 1981

Act 1 of 1981

Keyword(s):
Advocate, Court, Proceeding, Lawyer

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'ARRANGEMENT OF SECTIONS

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THE SIKKIM ADVOCATES ACT, 1981
ACT NO.1 OF 1981
AN
ACT

to provide for appearance of Advocates in different courts in Sikkim.

[30 March, 1981

Be in enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India ... as follows::

1. (1) This Act may be called the 'Sikkim Advocates Act, 1981. *Short title, extent and commence.. ment.*
 (2) It extends to the whole of Sikkim.
 (3) It shall be deemed to have come into force on the 24th day of November, 1980.

2. In this Act, unless the context otherwise requires, *Definitions.*
 - (a) "Advocate" means an Advocate entered in any roll under the provisions of the Advocates Act, 1961 (No. 25 of 1961);
 - (b) "Court" means the High Court of Sikkim, and a Court of Civil or Criminal jurisdiction in Sikkim and includes any tribunal, authority or person in Sikkim legally authorised to take evidence;
 - (c) "proceeding" includes suit, appeal, revision, review. petition, application before any Court.

3. (1) Notwithstanding anything contained in any other law, but subject to the provisions of this Act. only the following classes of persons, shall be entitled to act and plead before any Court *Persons who may be allowed to act and plead in courts.*
 - (a) parties to the proceeding; or
 - (b) Advocates.

(2) ,an advocate who. is a .full time employee of an Government or person or is actively associated with any trade or business shall not be entitled to act and plead before any Court unless he is a party to the proceedings.

(3) Any. Court may permit any person not enrolled as an Advocate under the provisions of the Advocates Act, 1961, to appear before it in any particular case:

Provided that. no court shall permit any person to appear before it under this sub-section, if there are reasonable. grounds to believe that he is practicing the profession of law.

Explanation.- A person may be deemed to be practicing the profession of law even if he appears without remuneration.

(4) Any person who acts and pleads before any Court in contravention of any provision of this Act shall be punishable. with fine which may extend to one thousand rupees.

Repeal and Saving.

4. (1) The Sikkim Advocates Ordinance, 1980 (Ordinance No.2 of 1980) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall .. be deemed to have been done or taken under the corresponding provisions of this Act.

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