



KARNATAKA ACT NO.30 OF 2024

THE KARNATAKA PROHIBITION OF VIOLENCE AGAINST ADVOCATES ACT, 2023

Arrangement of Section

Sections:

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STATEMENT OF OBJECTS AND REASONS

Act 30 of 2024:- Advocate in due discharge of their professional duties also face the threat or malicious and frivolous prosecution by the rival parties which is also intended to interfere with the performance of their duties, in turn interfering with the administration of justice itself.

The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba 27th August to 7th September 1990, to which India was a participant, has adopted the "Basic Principles on the Role of Lawyers". Clauses 16 and 17 of the declaration deal with -Guarantees for the functioning of lawyer which are as follows, namely:-

"16. Governments shall ensure the lawyers,-

- (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference;
- (b) are able to travel and to consult with their clients freely both within their own country and abroad; and



(c) Shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.”

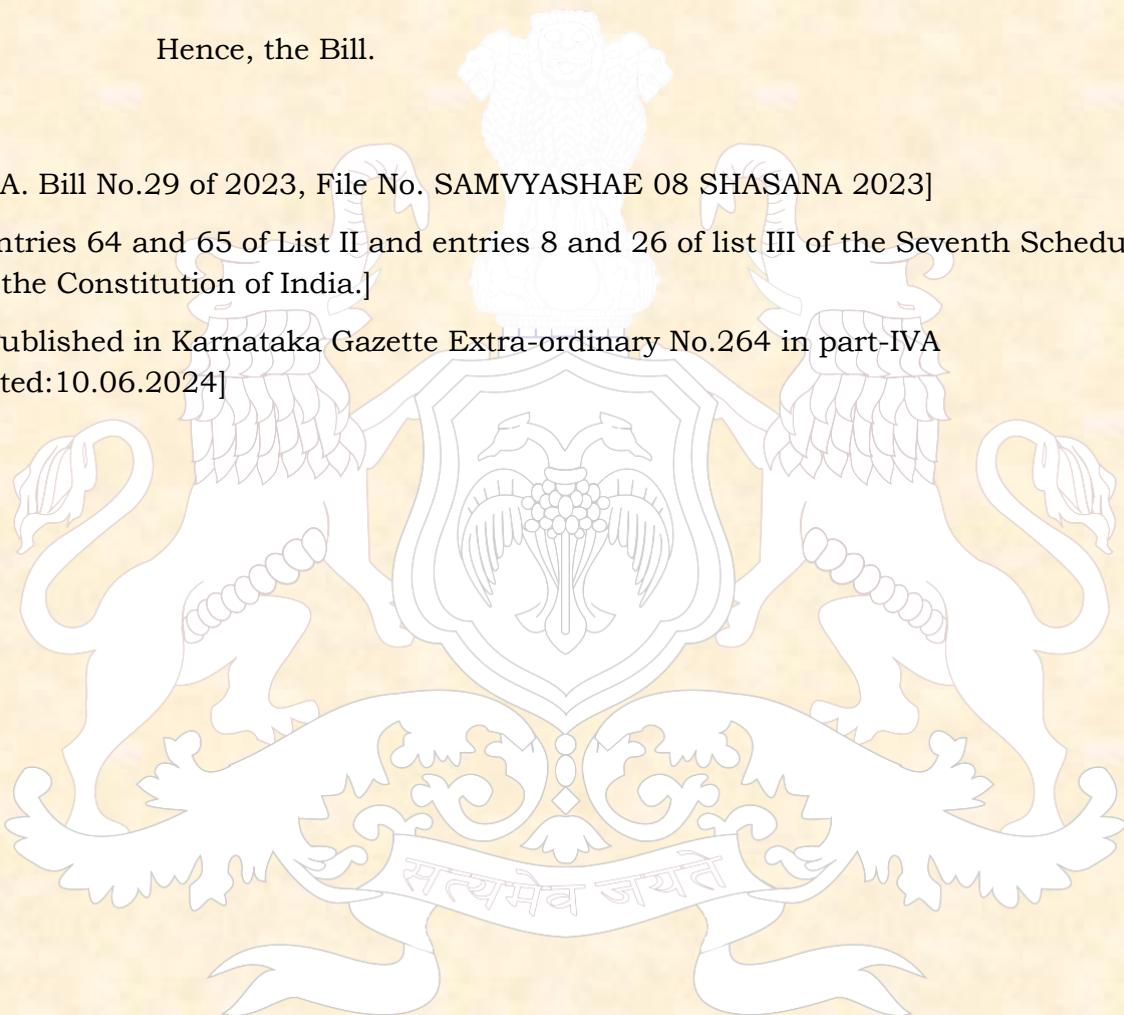
Therefore it is considered necessary to enact the Legislation to prohibit violence against and provide protection to Advocates for rendering their professional service without fear or external influence and for matters connected therewith or incidental thereto.

Hence, the Bill.

[L.A. Bill No.29 of 2023, File No. SAMVYASHAE 08 SHASANA 2023]

[Entries 64 and 65 of List II and entries 8 and 26 of list III of the Seventh Schedule to the Constitution of India.]

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KARNATAKA ACT NO.30 OF 2024

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THE KARNATAKA PROHIBITION OF VIOLENCE AGAINST ADVOCATES ACT, 2023

(Received the assent of the Governor on the 20th day of March, 2024)

Whereas, the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba 27th August to 7th September 1990, to which India was a participant, has adopted the "Basic Principles on the Role of Lawyers". Clauses 16 and 17 of the declaration deal with -Guarantees for the functioning of lawyer which are as follows, namely:-

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- 17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.”

Now therefore it is expedient to prohibit violence against and provide protection to Advocates for rendering their professional services without fear or external influence and for matters connected therewith and incidental thereto;

Be it enacted by the Karnataka State Legislature in the Seventy-fourth year of the Republic of India, as follows:-

- 1. Short title and commencement.-** (1) This Act may be called the Karnataka Prohibition of violence against Advocates Act, 2023.



(2) It shall come into force at once.

2. Definitions.-(1) In this Act, unless the context otherwise requires,-

(a) "Advocate" means an Advocate or Senior Advocate or a Legal Practitioner whose name is entered in the roll of advocates maintained under section 17 of the Advocates Act, 1961(Central Act 25 of 1961) and holding a valid certificate of practice issued by the Karnataka State Bar Council as defined under rule 4 of the Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015 and is a member of any Bar Association;

Explanation: An Advocate pleading for a party before the Court, Tribunal or Authority, including the police shall deemed to be an Officer of such Institution and be extended same treatment available to other Officers of such Institution.

(b) "Bar Association" means a Bar Association recognized by the Karnataka State Bar Council under the Karnataka Advocates Welfare Fund Act, 1983 (Karnataka Act 2 of 1985);

(c) "Person" means and includes,-

1. an Individual;
2. a Company;
3. a Firm
4. an association of persons or a body of individuals, whether incorporated or not; and

(d) "Violence" means any activity which would endanger the life of an Advocate or cause bodily harm or criminal intimidation so as to obstruct him from discharge of his duty in respect of a pending litigation or a case pending before any Court, Tribunal or Authority.

Explanation: 1. For the removal of doubts it is hereby clarified that any lawful restraint or action by law enforcement agencies in discharge of their duty would not amount to violence.



Explanation: 2. That the above would not be prejudicial to any obligation or liability of an Advocate under the Advocates Act, 1961 or such other regulations made as applicable under law.

(2) All other words and expressions used but not defined in this Act, shall have the same meaning as assigned to them in the Advocates Act, 1961(Central Act 25 of 1961), the Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015 and the Indian Penal Code, 1860.

3. Prohibition of violence.- No Person shall commit an act of violence against an Advocate.

4. Punishment for offences relating to Advocates.- Every person committing an offence under section 3 shall be punished with imprisonment for a term which may extend from six months to three years, or with fine which may extend to Rupees One lakh or with both.

5. Cognizance of offence.- Every offence punishable under this Act shall be cognizable.

6. Intimation of arrest.- Whenever an Advocate is arrested by the Police in respect of a cognizable offence, the Police shall, within twenty four hours of such arrest, intimate the factum of such arrest to the President or Secretary of the Advocates' Association in which such Advocate is a member.

7. Offences to be tried by Judicial Magistrate of First Class.- Every offence punishable under this Act shall be tried by the Court not below the Court of Judicial Magistrate of First Class.

8. Act not in derogation of any other law.- The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law, for the time being in force.

9. Power to make rules.- (1) The State Government may, by notification in the Official Gazette, make rules to carryout the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in



two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session or sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

The above translation of ಕರ್ನಾಟಕ ನಾಯಾಯವಾದಿಗಳ ಮೇಲೆನ ಹಿಂಸಾಚಾರ ನಿಷೇಧ ಅಧಿನಿಯಮ, 2023 (2024 ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ:30) be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.

THAAWARCHAND GEHLOT
GOVERNOR OF KARANATAKA

By Order and in the name of
the Governor of Karnataka,

G. SRIDHAR
Secretary to Government
Department of Parliamentary
Affairs and Legislation

