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# THE LEGAL PRACTITIONERS ACT, 1879

ACT NO. 18 OF 1879<sup>1</sup>

[29th October, 1879.]

An Act to consolidate and amend the law relating to Legal Practitioners.

**Preamble.**—WHEREAS it is expedient to consolidate and amend the law relating to Legal Practitioners in <sup>2</sup>[certain Provinces, and to empower the Provincial Government of every other Province to extend thereto] such portions of this Act as such Government may think fit; It is hereby enacted as follows:—

## CHAPTER I PRELIMINARY

**1. Short title, commencement.**—This Act may be called the Legal Practitioners Act, 1879; and shall come into force on the first day of January, 1880.

**Local extent.**—This section and section 2 extend to the whole of India <sup>3</sup>[except the State of Jammu and Kashmir].

<sup>4</sup>[The rest of this Act extends, in the first instance, only to the territories which, immediately before the 1st November, 1956, were comprised in West Bengal, Uttar Pradesh, Punjab, Bihar, Madhya Pradesh, Assam, Orissa and Delhi. But the State Government of any State may, from time to time, by notification in the Official Gazette, extend<sup>5</sup> all or any of the provisions of the rest of this Act to the whole or any part of that State to which such provisions do not extend.]

**2. [Repeal of enactments.]** *Rep. by the Repealing Act, 1938 (1 of 1938) s. 2 and Schedule.*

1. This Act has been extended to Berar by the Berar Laws Act, 1941 (4 of 1941). It has been declared to be in force in the Angul District by the Angul Laws Regulation, 1936 (5 of 1936), s. 3 and Sch., and also by notification under s. 3 of the Scheduled Districts Act, 1874 (14 of 1874), in the Districts of Hazaribagh, Lohardaga and Manbhum and Pargana Dhalbhum and the Kolhan in the District of Singhbhum, *see* Gazette of India, 1881, Pt. I, p. 504. The District of Lohardaga (now called the Ranchi District, *see* Calcutta Gazette, 1889, Pt. I, p. 44) included at this time the District of Palamau, which was separated in 1894.

It has been amended in its application to—

Bengal by Ben. Act 5 of 1942 ;

C. P. and Berar by C. P. & Berar Act 25 of 1939;

Madras by Mad. Acts 3 of 1943, 14 of 1944, 9 of 1947, 17 of 1950 and 12 of 1960;

Orissa by Orissa Act 6 of 1938; and

U. P. by U.P. Acts 4 of 1925 and 4 of 1936.

The Act has not been extended to the State of Manipur, *vide* Act 30 of 1950, s. 3 and Sch. as amended by Act 68 of 1956.

The Act has been extended to the whole of Madhya Pradesh by M.P. Act 23 of 1958 (when notified) and to transferred territories in Punjab by Punjab Act 41 of 1960.

2. Subs. by the A. O. 1948, for “the Lower Provinces of Bengal, the North-Western Provinces, the Punjab Oudh, the Central Provinces and Assam, and to empower each of the Local Governments of the rest of British India to extend to the territories administered by it”.

3. Subs. by Act 3 of 1951, s. 3 and Sch., for “except Part B States”.

4. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for the former paragraph.

5. Under this power, the Act has been extended, subject to certain omissions and so far only as it relates to judicial Courts, Civil and Criminal, to the Madras Presidency, except the Scheduled Districts, from 1st April 1882, *see* Fort St. George Gazette, 1881, Pt. I, pp. 491 and 707. Ss. 3 and 4 of the Act have been extended to the Regulation Districts of the Bombay Presidency, *see* Bombay Government Gazette 1885, Pt. I, p. 290; and ss. 13 [except clauses (a), (b), (c), (d) and (f) thereof], 34, 36 and 40 have been extended, to the whole of the Bombay Presidency (Bombay Gazette, 1904, Pt. p. 1635). Ch. I, s. 40, Sch. II, and so much of Chs. III, V, VI and VII as relates to pleaders, have been extended to Coorg, *see* Mysore Gazette, 1879, Pt. I, p. 355; *see* also Coorg District Gazette, 1891, Pt. 1, p. 140, for notification extending ss. 4, 5 and 38; Coorg District Gazette, 1899, Pt. I, P. 122, for notification extending ss. 3, 13 and 36 as amended by Act 11 of 1896 so far as they relate to pleaders; and Coorg Gazette, 1935, Pt. I, A. 2, for notification extending ss. 4 and 41. Ss. 4 and 41 have been extended to Ajmer-Merwara, *see* Gazette of India, 1927, Pt. II-A P. 214.

**Interpretation-clause.**—In this Act, unless there be something repugnant in the subject or context,—

“Judge” means the presiding judicial officer in every Civil and Criminal Court, by whatever title he is designated;

“subordinate Court” means all Courts subordinate to the High Court, including Courts of Small Causes established under Act No. 9 of 1850<sup>1</sup> or Act No. 11 of 1865<sup>2</sup>;

“revenue-office” includes all Courts (other than Civil Courts) trying suits under any Act for the time being in force relating to landholders and their tenants or agents ;

“legal practitioner” means an advocate, vakil or attorney of any High Court, a pleader mukhtar or revenue-agent ;

<sup>3</sup>[“tout” means a person—

(a) who procures, in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(b) who for the purposes of such procurement frequent the precincts of Civil or Criminal Courts or of revenue-offices, or railway stations, landing stages, lodging places or other places of public resort.]

## CHAPTER II

### OF ADVOCATES, VAKILS AND ATTORNEYS

**4. Advocates and Vakils.**—Every person now or hereafter entered as an advocate or vakil on the roll of any High Court under the letters patent constituting such Court, or <sup>4</sup>[under section 41 of this Act], <sup>5</sup>[or enrolled as a pleader in the Chief Court of the Punjab under section 8 of this Act], shall be entitled to practise in all the Courts subordinate to the Court on the roll of which he is entered, and in all revenue-offices situate within the local limits of the appellate jurisdiction of such Courts, subject, nevertheless, to the rules in force relating to the language in which the Court or office is to be addressed by pleaders or revenue-agents; and any person so entered who ordinarily practises in the Court on the roll of which he is entered or some Court subordinate thereto shall, notwithstanding anything herein contained, be entitled, as such, to practise in any Court in <sup>6</sup>[the territories to which this Act extends] other than a High Court on whose roll he is not entered, or, with the permission of the Court, <sup>7</sup>[or, in the case of a High Court in respect of which the Indian Bar Councils Act, 1926 (38 of 1926), is in force, subject to rules made under that Act] in any High Court on whose roll he is not entered, and in any revenue-office:

Provided that no such vakil <sup>5</sup>[or pleader] shall be entitled to practise under this section before a Judge of the High Court, Division Court or High Court exercising original jurisdiction in a Presidency-town.

**5. Attorneys of High Court.**—Every person now or hereafter entered as an attorney on the roll of any High Court shall be entitled to practise in all the Courts subordinate to such High Court and in all revenue offices-situate within the local limits of the appellate jurisdiction of such High Court, and every person so entered who ordinarily practises in the Court on the roll

1. See now the Presidency Small Cause Courts Act, 1882 (15 of 1882).

2. See now the Provincial Small Cause Courts Act, 1887 (9 of 1887).

3. Subs. by Act 15 of 1926, s. 2, for the former definition.

4. Subs. by Act 9 of 1884, s. 2, for “as an advocate on the roll of the Chief Court of the Punjab”.

5. Ins. by Act 1 of 1908, s. 2.

6. Subs. by Act 3 of 1951, s. 3 and Schedule, for “Part A States and Part C States”.

7. Ins. by Act 38 of 1926, s. 19 and Schedule.

of which he is so entered or some Court subordinate thereto shall, notwithstanding anything herein contained, be entitled, as such, to practise in any Court in <sup>1</sup>[the territories to which this Act, extends] other than a High Court established by Royal Charter on the roll of which he is not entered and in any revenue-office.

The High Court of the State in which an attorney practises under this section may, from time to time, make rules declaring what shall be deemed to be the functions, powers and duties of an attorney so practising.

### CHAPTER III

#### OF PLEADERS AND MUKHTARS

**6.** *[Powers to make rules as to qualifications, etc., of pleaders and mukhtars. Publication of rules.] Rep. by the Advocates Act, 1961 (25 of 1961), s. 50 (2) (w.e.f. 1-12-1961).*

**7.** *[Certificates to pleaders and mukhtars.] Rep. by s. 50 (2), ibid. (w.e.f. 1-12-1961).*

**<sup>2</sup>8. Pleadors on enrolment may practise in Courts and revenue-offices.**—Every pleader holding a certificate issued under section 7 may apply to be enrolled in any Court or revenue-office mentioned therein and situate within the local limits of the appellate jurisdiction of the High Court by which he has been admitted ; and, subject to such rules consistent with this Act as the High Court or the Chief Controlling Revenue-authority<sup>3</sup> may, from time to time, make in this behalf, the presiding Judge or officer shall enrol him accordingly; and thereupon he may appear, plead and act in such Court or office and in any Court or revenue-office subordinate thereto.

**<sup>2</sup>9. Mukhtars on enrolment may practise in Courts.**—Every mukhtar holding a certificate issued under section 7 may apply to be enrolled in any Civil or Criminal Court mentioned therein and situate within the same limits; and, subject to such rules as the High Court may from time to time make in this behalf, the presiding Judge shall enrol him accordingly; and thereupon he may practise as a mukhtar in any such Civil Court and any Court subordinate thereto, and may (subject to the provisions of the Code of Criminal Procedure) appear, plead and act in such Criminal Court and any Court subordinate thereto.

**10. No person to practise as pleader or mukhtar unless qualified.**—Except as provided by this Act or any other enactment for the time being in force, no person shall practise as a pleader or mukhtar in any Court not established by Royal Charter unless he holds a certificate issued under section 7 and has been enrolled in such Court or in some Court to which it is subordinate:

**Revenue-agents may appear, plead and act in Munsifs' Courts in suits under Ben. Act 8 of 1869.**—Provided that persons who have been admitted as Revenue-agents before the first day of January, 1880, and hold certificates, as such, under this Act in the territories administered by the Lieutenant Governor of Bengal, may be enrolled in manner provided by section 9 in any Munsifs' Court in the said territories, and on being so enrolled may appear, plead and act in such Court in suits under Bengal Act 8 of 1869<sup>4</sup> *(to amend the procedure in suits between Landlord and Tenant)* or under any other Act for the time being in force regulating the procedure in suits between landholders and their tenants and agents.

**11. Power to declare functions of mukhtars.**—Notwithstanding anything contained in the Code of Civil Procedure<sup>5</sup>, the High Court may, from time to time, make rules declaring what shall be deemed to be the functions, powers and duties of mukhtars practising in the subordinate Courts, and, in the case of a High Court not established by Royal Charter, in such Court,

**12.** *[Suspension and dismissal of pleaders and mukhtars convicted of criminal offence.] Rep. by the Advocates Act, 1961 (25 of 1961), s. 50(4) (w.e.f. 1-9-1963).*

1. Subs. by Act 3 of 1951, s. 3 and the Schedule, for "Part A States and Part C State".

2. So much of the section as relates to the admission and enrolment of legal practitioners repealed by the Advocate Act, 1961 (25 of 1961), s. 50 (2) (w.e.f. 1-12-1961).

3. For definition, see the General Clauses Act, 1897 (10 of 1897), s. 3.

4. See now the Bengal Tenancy Act, 1885 (8 of 1885).

5. See now the Code of Civil Procedure, 1908 (5 of 1908).

**13.** [*Suspension and dismissal of pleaders and mukhtars guilty of unprofessional conduct.*] Rep. by the Advocates Act, 1961 (25 of 1961), s. 50(4) (w.e.f. 1-9-1963).

**14.** [*Procedure when charge of unprofessional conduct is brought in Court or revenue-office. Suspension pending investigation.*] Rep. by s. 50(4), *ibid.* (w.e.f. 1-9-1963).

**15.** [*Power to call for record in case of acquittal under section 14.*] Rep. by s. 50(4), *ibid.* (w.e.f. 1-9-1963).

**<sup>1</sup>16. Power to make rules for mukhtars on appellate side of High Court.**—Notwithstanding anything contained in any letters patent or in the Code of Civil Procedure<sup>2</sup> section 37, clause (a), any High Court established by Royal Charter may, from time to time, make rules consistent with this Act as to the following matters (namely):—

(a) the qualifications and admission of proper persons to be mukhtars practising on the appellate side of such Court;

(b) the fees to be paid for the examination and admission of such persons;

(c) the security which they may be required to give for their honesty and good conduct;

(d) the suspension and dismissal of such mukhtars; and

(e) declaring what shall be deemed to be their functions, powers and duties;

and may prescribe and impose fines for the infringement of such rules, not exceeding in any case five hundred rupees; and such fines, when imposed, may be recovered as if they had been imposed in the exercise of the High Court's ordinary original criminal jurisdiction.

## CHAPTER IV

### OF REVENUE-AGENTS

**<sup>1</sup>17. Power to make rules as to qualifications, etc., of revenue-agents.**—The Chief Controlling Revenue authority<sup>3</sup> may, from time to time, make rules consistent with this Act as to the following matters (namely):-

(a) the qualifications, admission and certificates of proper persons to be revenue-agents;

(b) the fees to be paid for the examination and admission of such persons;

(c) the suspension and dismissal of such revenue-agents; and

(d) declaring what shall be deemed to be their functions, powers and duties.

**Publication of rules.**—All such rules shall be published in the Official Gazette, and shall thereupon have the force of law.

**18.** [*Certificates to revenue-agents.*] Rep. by the Advocates Act, 1961 (25 of 1961), s. 50(2) (w.e.f. 1-12-1961).

**<sup>4</sup>19. Enrolment of revenue-agent.**—Every revenue-agent holding a certificate issued under section 18 may apply to be enrolled in any revenue-office mentioned therein and situate within the limits of the territory under the Chief Controlling Revenue-authority<sup>3</sup>; and, subject to such rules as the Chief Controlling Revenue-authority<sup>3</sup> may, from time to time, make in this behalf, the officer presiding in such office shall enrol him accordingly, and thereupon he may practise as a revenue-agent in such office and in any revenue-office subordinate thereto.

1. So much of the section as relates to the admission and enrollment of legal practitioners repealed by the Advocate Act 1961 (25 of 1961), s. 50 (2), (w.e.f. 1-12-1961) and so much of the section as relates to the suspension, removal or dismissal of legal practitioners repealed by s. 50 (4) *ibid.* (w.e.f. 1-9-1963).

2. See now the Code of Civil Procedure, 1908 (5 of 1908).

3. For definition, see the General Clauses Act, 1897 (10 of 1891), s. 3.

4. So much of the section as relates to the admission and enrolment of legal practitioners repealed by the Advocates Act, 1961 (25 of 1961), s. 50 (2) (w. e. f. 1-12-1961).

**20. No person to act as agent in revenue-offices unless qualified.**—Except as provided by this Act or any other enactment for the time being in force, no person, other than a pleader duly qualified under the provisions hereinbefore contained, shall practise as a revenue-agent in any revenue-office, unless he holds a certificate issued under section 18 and has been enrolled in such office or some other office to which it is subordinate:

Provided that any person duly authorised in this behalf may, with the sanction of the Chief Controlling Revenue-authority<sup>1</sup>, or of an officer empowered by the State Government in this behalf, transact all or any business in which his principal may be concerned in any revenue-office.

The sanction mentioned in this section may be general or special, and may at any time be revoked or suspended by the authority or officer granting the same.

**21.** [*Dismissal of revenue-agent convicted of criminal offence.*] Rep. by the Advocates Act, 1961 (25 of 1961), s. 50(4) (w.e.f. 1-9-1963).

**22.** [*Suspension and dismissal of revenue-agents guilty of unprofessional conduct.*] Rep. by s. 50(4), *ibid.* (w.e.f. 1-9-1963).

**23.** [*Procedure when revenue-agent is so charged in subordinate office.*] Rep. by s. 50(4), *ibid.* (w.e.f. 1-9-1963).

**24.** [*Power to Chief Controlling Revenue-authority to call for record.*] Rep. by s. 50(4), *ibid.* (w.e.f. 1-9-1963).

## CHAPTER V OF CERTIFICATES

**25. Fee for certificates.**—Every certificate, whether original or renewed, issued under this Act shall be written upon stamped paper of the value prescribed therefor in the Second Schedule hereto annexed <sup>2</sup>[and of such description as the State Government may, from time to time, prescribe]

Provided that a certificate issued on or after the first day of July in any year may be written on stamped paper of half the value so prescribed :

<sup>3</sup>[Provided also that no stamped paper shall be required in the case of a certificate whether original or renewed authorising, under section 7, a vakil or attorney on the roll of a High Court established by Royal Charter to practise as a pleader.]

**26. Dismissed practitioners to surrender certificates.**—When any pleader, mukhtar or revenue-agent is suspended or dismissed under this Act, he shall forthwith deliver up his certificate to the Court or officer at the head of the office before or in which he was practising at the time he was so suspended or dismissed, or to any Court or officer to which the High Court or Chief Controlling Revenue-authority<sup>1</sup> (as the case may be) orders him to deliver the same.

## CHAPTER VI OF THE REMUNERATION OF PLEADERS, MUKHTARS AND REVENUE-AGENTS

**27. High Court and Chief Controlling Revenue-authority to fix fees on civil and revenue-proceedings.**—The High Court shall, from time to time, fix and regulate the fees payable by any party in respect of the fees of his adversary's advocate, pleader, vakil, mukhtar or attorney upon all proceedings (a) on the appellate side of such Court, (b) in the case of a High Court not established by Royal Charter, on its original side, and (c) in subordinate Courts, <sup>4</sup>[and in respect of the fees of his adversary's revenue-agent appearing, pleading or acting under section 10].

1. For definition, *see* the General Clauses Act, 1897 (10 of 1891), s. 3.

2. Ins. by Act 9 of 1884, s. 5.

3. Ins. by Act 1 of 1908, s. 4.

4. Ins. by Act 9 of 1884, s. 6,



The Chief Controlling Revenue-authority<sup>1</sup> shall, from time to time, fix and regulate the fees payable upon all proceedings in the revenue offices by any party in respect of the fees of his adversary's advocate, pleader, vakil, attorney, mukhtar or revenue-agent.

Tables of the fees so fixed shall be published in the Official Gazette.

**Exception as to agents mentioned in section 20.**—Nothing in this section applies to the agents mentioned in the proviso to section 20.

**28.** [*Agreements with clients.*] *Rep. by the Legal Practitioners (Fees) Act, 1926 (21 of 1926), s. 6.*

**29.** [*Power to modify or cancel agreements.*] *Rep. by s. 6, ibid.*

**30.** [*Agreements to exclude further claims.*] *Rep. by s. 6, ibid.*

**31.** [*Reservation of responsibility for negligence.*] *Rep. by s. 6, ibid.*

## CHAPTER VII

### PENALTIES

**32. On persons illegally practising as pleaders, mukhtars or revenue agents.**—Any person who practises in any Court or revenue-office in contravention of the provisions of section 10 or section 20 shall be liable, by order of such Court or the officer at the head of such office, to a fine not exceeding ten times the amount of the stamp required by this Act for a certificate authorising him so to practise in such Court or office, and, in default of payment, to imprisonment in the civil jail for a term which may extend to six months.

He shall also be incapable of maintaining any suit for, or enforcing any lien with respect to, any fee or reward for, or with respect to, anything done or any disbursement made by him as pleader, mukhtar or revenue-agent, whilst he has been contravening the provisions of either of such sections.

**33. On suspended or dismissed pleader, etc., failing to deliver certificate.**—Any pleader, mukhtar or revenue-agent, failing to deliver up his certificate as required by section 26 shall be liable, by order of the Court, authority or officer to which or to whom, or according to whose orders, the delivery should be made, to a fine not exceeding two hundred rupees, and, in default of payment, to imprisonment in the civil jail for a term which may extend to three months.

**34. On suspended or dismissed practitioner practising during suspension or after dismissal.**—Any pleader, mukhtar or revenue-agent who, under the provisions of this Act, has been suspended or dismissed, and who, during such suspension or after such dismissal, practises as a pleader, mukhtar or revenue-agent in any Court or revenue-office, shall be liable, by order of such Court or the officer at the head of such office, to a fine not exceeding five hundred rupees, and in default of payment to imprisonment in the civil jail for a term which may extend to six months.

**35. Revision of fines.**—Every order under section 32, 33 or 34 shall be subject to revision by the High Court where the order has been passed by a subordinate Court, and by the Chief Controlling Revenue-authority<sup>1</sup> where the order has been passed by an officer subordinate to such authority.

<sup>2</sup>**[36. Power to frame and publish lists of touts.**—(1) Every High Court, District Judge, Sessions Judge, District Magistrate and Presidency Magistrate, every Revenue-officer, not being below the rank of a Collector of a district, and the Chief Judge of every Presidency Small Cause Court (each as regards their or his own Court and the Courts, if any, subordinate thereto) may frame and publish lists of persons proved to their or his satisfaction, <sup>3</sup>[or to the satisfaction of any subordinate Court as provided in sub-section (2A)] by evidence of general

1. For definition, *see* the General Clauses Act, 1897 (10 of 1891), s. 3.

2. Subs. by Act 11 of 1896, s. 4, for section 36.

3. Ins. by Act 15 of 1926, s. 3.



repute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

<sup>1</sup>[*Explanation.*—The passing of a resolution, declaring any person to be or not to be a tout, by a majority of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practise as legal practitioners in any Court or revenue-office, shall be evidence of the general repute of such person for the purposes of this sub-section.]

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

<sup>1</sup>[(2A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any Court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that Court to hold an inquiry in regard to such persons; and the subordinate Court shall thereupon hold an inquiry into the conduct of such persons and, after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate Court to be a tout; and that authority may include the name of any such person in the list of touts framed and published by that authority.

Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard.]

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout within the meaning of section 13, clause (e), and section 22, clause (d).

<sup>1</sup>[(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.]

## CHAPTER VIII MISCELLANEOUS

**37.** [*State Government to appoint examiners.*] *Rep. by the Advocates Act, 1961 (25 of 1961), s. 50(2) (w.e.f. 1-12-1961).*

**38. Exemption of High Court practitioners from certain parts. of Act.**— Except as provided by sections 4, 5,<sup>1</sup>[7], 16, <sup>1</sup>[25], 27, 32 and 36, nothing in this Act applies to advocates, vakils and attorneys admitted and enrolled by any High Court under the letters patent by which such Court is constituted, or to mukhtars practising in such Court or to advocates enrolled <sup>2</sup>[under section 41 of this Act] <sup>3</sup>[and, except as provided by section 36, nothing in this Act applies to persons enrolled as advocates of any High Court under the Indian Bar Councils Act, 1926 (38 of 1926)].

**39.** [*Suspension or dismissal of person holding mukhtar and revenue-agent's certificate.*] *Rep. by the Advocates Act, 1961 (25 of 1961), s. 50(4) (w.e.f. 1-9-1963).*

**40.** [*Pleaders, etc., not to be suspended or dismissed without being heard.*] *Rep. by s. 50(4), ibid. (w.e.f. 1-9-1963).*

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1. Ins. by Act 1 of 1908, s. 5.

2. Subs. by Act 9 of 1884, s. 7, for "by the Chief Court of the Punjab".

3. Ins. by Act 38 of 1926, s. 19 and Schedule.

<sup>1</sup>[<sup>2</sup>**41. Power for certain High Courts to enrol advocates.**—(1) A High Court not established by Royal Charter <sup>3</sup>[in respect of which the Indian Bar Councils Act, 1926 (38 of 1926), is not in force] may, from time to time, with the previous sanction of the State Government, make, rules as to the qualifications and admission of proper persons to be advocates of the Court, and, subject to such rules, may enrol such and so many advocates as it thinks fit.

(2) Every advocate so enrolled shall be entitled to appear for the suitors of the Court, and to plead or to act, or to plead and act, for those suitors, according as the Court may by its rules determine, and subject to those rules.

(3) The High Court may dismiss any advocate so enrolled or suspend him from practice.

(4) Provided that an advocate shall not be dismissed or suspended under this section unless he has been allowed an opportunity of defending himself before the High Court which enrolled him, and <sup>4</sup>[[except in the case of the Chief Court of Oudh] unless the order of the High Court dismissing or suspending him has been confirmed by the State Government.]

**42.** [Repeal of Chapter VI of Boni. Reg. II of 1827 and Acts 1 of 1846 and 20 of 1853.] Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and Sch.

*FIRST SCHEDULE.*—[Enactments repealed.] Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and Schedule.

## SECOND SCHEDULE

(See Section 25)

### VALUE OF STAMPS FOR CERTIFICATES

#### I

For a certificate authorizing the holder to practise as a pleader—

- (a) in the High Court and any subordinate Court—rupees fifty;
- (b) in any Court of Small Causes in a Presidency-town—rupees twenty-five;
- (c) in all other subordinate Courts—rupees twenty-five;
- (d) in the Courts of Subordinate Judges, Munsifs, Assistant Commissioners, Extra Assistant Commissioners and Tahsildars, in Courts of Small Causes outside the Presidency towns and in all Criminal Courts subordinate to the High Court—rupees fifteen;

(e) in the Courts of Munsifs and any Civil or Criminal Court of first instance not hereinbefore specifically mentioned—rupees five.

#### II

For a certificate authorizing the holder to practise as a mukhtar—

- (f) in the High Court and any subordinate Court—rupees twenty-five;
- (g) in any Court of Small Causes in a Presidency-town—rupees fifteen;

1. Subs. by Act 9 of 1884, s. 8, for the original section.

2. So much of the section as relates to the admission and enrolment of legal practitioners repealed by the Advocates Act, 1961 (25 of 1961), s. 50(2) (w.e.f. 1-12-1961) and so much of the section as relates to the suspension, removal or dismissal of legal practitioners repealed by s. 50 (4), *ibid*, (w.e.f. 1.9-1963).

3. Ins. by Act 38 of 1926, s. 19 and Sch.

4. Ins. by Act 32 of 1925, s. 2 and Sch.

(h) in all other subordinate Courts—rupees fifteen;

(i) in the Courts of Subordinate Judges, Munsifs, Assistant Commissioners, Extra Assistant Commissioners and Tahsildars, in Courts of Small Causes outside the Presidency-towns and in all Criminal Courts subordinate to the High Court--rupees ten;

(j) in the Courts of Munsifs and. any Civil or Criminal Court of first instance not hereinbefore specifically mentioned—rupees five.

### III

For a certificate authorising the holder to practise as a revenue-agent—

(k) in the office of the Chief Controlling Revenue-authority and in any revenue-office subordinate to such authority— rupees fifteen;

(l) in the office of a Commissioner and in any revenue-office subordinate to a Commissioner— rupees ten;

(m) in the office of a Collector and in any revenue-office subordinate to a Collector— rupees five.

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