THE LEGAL PRACTITIONERS ACT, 1879

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THE LEGAL PRACTITIONERS ACT, 1879

ACT NO.18 OF1879[1]

[29*th 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 [2][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*.]*Rep. by the Advocates (Amendment) Act,* 2023 (33 *of* 2023), *s*. 3 (*w.e.f.* 30-9-2024).].

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

3. [*Interpretation-clause*.]*Rep. by the Advocates (Amendment) Act,* 2023 (33 *of 2023*), *s.* 3 (*w.e.f.* 30-9-2024).]

CHAPTER II
OF ADVOCATES, VAKILS AND ATTORNEYS

4. [*Advocates and Vakils*.]*Rep. by the Advocates Act,* 1961 (25 *of* 1961), *s.* 50 (*3*) (*w.e.f.* 15-6-2011).

5. [*Attorneys of High Court*.] *Rep. by s.* 50(*3*),ibid.(*w.e.f.* 15-6-2011).

CHAPTER III
OF PLEADERSAND 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).

8. [*Pleaders on enrolment may practise in Courts and revenue-offices*.]*Rep. s.* 50 (*5*), ibid. (*w.e.f.* 15-6-2011).

9. [*Mukhtars on enrolment may practise in Courts*.]*Rep. by s.* 50 (*5*),ibid. (*w.e.f.* 15-6-2011).

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 Singbhum, *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. I 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".

10. [*No person to practise as pleader or mukhtar unless qualified*.] *Rep. by s.* 50 (*3*), ibid. (*w.e.f.* 15-6-2011).

11. [*Power to declare functions of mukhtars***.**] *Rep. by s.* 50 (*5*), *ibid*.(*w.e.f.* 15-6-2011).

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

13. [*Suspension and dismissal of pleaders and mukhtars guilty of unprofessional conduct.*] *Rep. by s.* 50 (*4*),ibid. *(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 the Advocates Act,* 1961 (25 *of* 1961), *s.* 50 (*4*) *(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).

16. [*Power to make rules for mukhtars on appellate side of High Court***.**]*Rep. by s.* 50 (*5*), ibid. *(w.e.f.* 15-6-2011).

CHAPTER IV

OF REVENUE-AGENTS

17. [*Power to make rules as to qualifications, etc., of revenue-agents***.**]*Rep. by the Advocates Act,* 1961 (25 *of* 1961), *s.* 50 (5)(*w.e.f.* 15-6-2011).

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

19. [*Enrolment of revenue-agent***.**] *Rep. by s.* 50 (5), ibid.(*w.e.f.* 15-6-2011).

20. [*No person to act as agent in revenue-offices unless qualified*.]*Rep. by s.* 50 (3), ibid. (*w.e.f.* 15-6-2011).

21.[*Dismissal of revenue-agent convicted of criminal offence.*] *Rep. by s. 50(4),* ibid. (*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. bys.* 50 (*4*), *ibid*. (*w.e.f.* 1-9-1963).

CHAPTER V

OF CERTIFICATES

25. [*Fee for certificates***.**] *Rep. by the Advocates Act,* 1961 (25 *of* 1961), *s.* 50 (*5*) (*w.e.f.* 15-6-2011).

26. [*Dismissed practitioners to surrender certificates*.] *Rep. by s.* 50(5), ibid.(*w.e.f.* 15-6-2011).

CHAPTER VI

OFTHE REMUNERATIONOF PLEADERS, MUKHTARSAND REVENUE-AGENTS

27. [*High Court and Chief Controlling Revenue-authority to fix fees on civil and revenue-proceedings***.**] *Rep. by the Advocates Act,* 1961 (25 *of* 1961), *s.* 50 (*5*)(*w.e.f.* 15-6-2011).

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***.**] *Rep. by the Advocates Act,* 1961 (25 *of* 1961), *s.* 50 (5)(*w.e.f.* 15-6-2011).

33. [*On suspended or dismissed pleader, etc., failing to deliver certificate***.**] *Rep. by the Advocates Act,* 1961 (25 *of* 1961), *s.* 50 (5)(*w.e.f.* 15-6-2011).

34. [*On suspended or dismissed practitioner practising during suspension or after dismissal.*] *Rep. by s.* 50 (5), *ibid.* (*w.e.f.* 15-6-2011).

35. [*Revision of fines***.**] *Rep. by s.* 50 (5), ibid.(*w.e.f.* 15-6-2011).

36. [*Power to frame and publish lists of touts*.]*Rep. by the Advocates (Amendment) Act,* 2023 (33 *of* 2023), *s. 3* (*w.e.f.* 30-9-2024).

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***.**]*Rep. by s.* 50 (*5*), ibid. (*w.e.f.* 15-6-2011).

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).

41. [*Power for certain High Courts to enrol advocates.*] *Rep. by s.* 50 (*5*), ibid. *(w.e.f.* 15-6-2011).

42. [*Repeal of Chapter VI of Bom. 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 acertificate 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:

(*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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