

THE LEGAL PRACTITIONERS ACT, 1846

ACT No I OF 1846

(Rep., Act 48 of 1952)

[7th January, 1846.]

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, with the assent of the Right Hon'ble the Governor General of India.

AN Act for amending the Law regarding the appointment and remuneration of Pleaders in the Courts of the East Company.

I. It is hereby enacted, that Section 15, Regulation XXIII. 1814, Clause Seventh, Section 2, Clause Eleventh, Section 3, Clause Fourth, Section 8, Regulation XXVI. 1814, Clause Third, Section 3, Section 7, Clause First, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Clause First, Section 39, Regulation XXVII. 1814, Clause Second, Section 10, Regulation XXVIII. 1814, Section 9, Regulation XIX. 1817, Section 6, Regulation XI. 1826, Section 30, Regulation V. 1831, Section 7, Regulation IX. 1831, Section 11, Regulation VII. 1832, Regulation XII. 1833 of the Bengal Code, and Act No. XIII. of 1832, be repealed.

II. And it is hereby enacted, that Clause Second and Third, Section 4, Regulation VI. 1816, Section 7, Clause First, Section 15, Section 23, 24, 28, 29, 32, 33, 34, 35, Regulation XIV. 1816, Clause Seventh, Section 4, Clause Eleventh, Section 5, Clause Fourth, Section 8, Regulation XV. 1816, Clause Third, Section 6, Regulation I, 1827, Clause Third Section 6, Regulation VII. 1827, Section 5, Regulation VI. 1828, Section 4, Regulation IV. 1832 of the Madras Code, be repealed.

III. And it is hereby enacted, that Clause Third, Section 47, Clause Second, Section 48, Section 55, Regulation II. 1827 of the Bombay Code and so much of Clause First, Section 7, Regulation XXIX. 1827 of the same Code, as empowers the Zillah Judges of the Deccan and Kandeish to examine Pleader and grant Certificates of qualification to practice in the Courts, be repealed.

IV. And it is hereby enacted, that the Office of Pleader in the Court of the East India Company shall be open to all persons of whatever nation or religion,

provided that no person shall be admitted a Pleader in any those Courts unless he have obtained a Certificate in such manner as shall be directed by the Sudder Courts that he is of good character and duly qualified for the Office, any Law or Regulation to the contrary notwithstanding.

V. Provided nevertheless, and it is hereby enacted, that every Barrister of any of Her Majesty's Courts of Justice in India, shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the Rules in force in the said Sudder Courts applicable to Pleaders whether relating to the language in which the Court is to be addressed or to any other matter.

VI. And it is hereby enacted, that Section 25, Regulation XXV. 1814 , of the Bengal Code, Section 25, Regulation XIV. 1816, of the Madras Code, and Section 52, Regulation II. 1827, of the Bombay Code, shall cease to be enforced, excepting for the purpose Specified in Section VII. of this Act.

VII. And it is hereby enacted, that parties employing authorized Pleaders in the said Courts shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services and that it shall not be necessary to specify such agreement in the Vakalutnama; provided that when costs are awarded to a party in any regular Suit, original or appeal, decided on the merits, against another party, the amount to be paid on account of fees of Pleaders, shall be calculated according to the Rules contained in the Sections of Regulations specified in Section VI. Of this Act; and that when costs are awarded in other cases the amount to said on account of such fess shall be one-fourth of what it would have been in a regular Suit decided on its merits.

VIII. And it is hereby enacted, that private agreements between parties and their Pleaders respecting the remuneration to be paid for professional services shall not be enforced otherwise than by a regular Suit.

IX. And it is hereby enacted, that so much of Section 20, Regulation XVII. 1814, of the Bengal Code, and of Section 20, Regulation XIV. 1816 of the Madras Code, as prescribes the rate of fess to be received by authorized Pleaders for legal opinion, be repealed ; and that persons taking such opinions from shall authorized Pleaders shall be at liberty to settle with them by private agreement the remuneration to be paid for such opinions.

X. And it is hereby enacted, that whenever a Pleader has rendered himself liable to a fine in the Courts of a Principal Sudder Ameen or Sudder Ameen, it shall be competent to such Principal Sudder Ameen or Sudder Ameen to impose such fine; provided that an appeal from all orders imposing such fine shall lie to the Zillah or City Judge, whose decision thereon shall be final.

XI. And it is hereby enacted, that the Rules applicable to Pleaders the Courts of the Zillah and City Judges, shall henceforth, be applicable far as they are capable of application, to Pleaders in the Moonsiffs' Courts.

XII. And it is hereby enacted, that whenever a Pleader has conducted himself in such a manner in the Court of a Moonsiff as would have rendered him liable to a fine if he had so conducted himself in the Court of a Zillah or City Judge, it shall be competent to such Moonsiff to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.

XIII. And it is hereby enacted, that nothing in this Act contained shall apply to Vakeels who may be employed in the Courts of the Villages Moonsiffs, or before the Village or District Panchayets, or before the Collectors of Zillah, under the Provisions of Regulations IV., V., VII. and XII. 1816 of the Madras Code.
