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JOINT/SELECT COMMITTEE REPORTS OF LEGISLATIVE ASSEMBLY - 1926

The Legal Practitioners (Amendment) Bill

3624 (4)
30-3 17

Act & Bills section

FB-60, PLB

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1926.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Indian Naturalization(Amendment) Bill.	28.1.26.	
2.	The Insolvency (Amendment) Bill.	2.2.26.	
3.	The Indian Registration(Amendment) Bill by Dewan Bahadur T.Rangachariar.	9.2.26.	
4.	The Code of Civil Procedure(Amendment) Bill(Section 102 and 103).	9.2.26.	
5.	The Legal Practitioners(Amendment)Bill.	9.2.26.	
6.	The Hindu Religious and Charitable Trusts Bill by Dr.Hari Singh Gour.	10.2.26.	
7.	The Coparceners Liability Bill.by Dr.Hari Singh Gour.	19.2.26.	<i>Coparceners</i>
8.	The Indian Tariff(Amendment) Bill.	23.2.26.	
9.	The Transfer of Property(Amendment) Bill by Sir Hari Singh Gour.	4.3.26.	
10.	The Indian Factories(Amendment) Bill.	8.3.26.	
11.	The Indian Income-tax(Amendment) Bill.	8.3.26.	
12.	The Indian Bar Councils Bill.	18.8.26.	

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Paper No. I. Committee to which the Paper No. II. Bill further to amend the Paper No. III. Legal Practitioners Act, 1879, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. Apart from a number of purely drafting amendments, the only alterations which we have made in the Bill are as follows :—

Clause 3.—In the *Explanation* which this clause proposes to add to sub-section (1) of section 36 of the Legal Practitioners Act, 1879, we have provided that the resolution which is to be admissible as evidence of the general repute of a person shall be a resolution passed by a majority (which need not be a two-thirds majority) of the persons present at a meeting of the Bar Association, but that the meeting shall have been convened for the express purpose of considering the matter.

We have altered the proposed sub-section (2A) in order to make it clear that the suspected person shall have an opportunity of showing cause before the subordinate Court, and that the authority to which the subordinate Court makes a report unfavourable to any person shall also hear such person, if he appears and desires to be heard.

We propose that the maximum period of imprisonment for the offence of acting as a tout after being proclaimed as such shall be three, instead of six, months.

3. The Bill was published as follows :—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	5th September, 1925.
Fort Saint George Gazette	22nd September, 1925.
Bombay Government Gazette	8th October, 1925.
Calcutta Gazette	17th September, 1925.
United Provinces Gazette	19th September, 1925.
Punjab Government Gazette	25th September, 1925.
Burma Gazette	26th September, 1925.
Central Provinces Gazette	19th September, 1925.
Assam Gazette	18th November, 1925.
Bihar and Orissa Gazette	23rd September, 1925.
Coorg District Gazette	1st December, 1925.
Sind Official Gazette	15th October, 1925.
North-West Frontier Province Gazette	2nd October, 1925.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay	Marathi	26th November, 1925.
	Gujarathi	19th November, 1925.
	Kanarese	19th November, 1925.
Punjab	Urdu	27th November, 1925.
Sindh	Sindhi	29th October, 1925.

4. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

A. P. MUDDIMAN.

L. GRAHAM.

T. RANGACHARIAR.

C. DURAISWAMI AYYANGAR.*

H. TONKINSON.

The 9th February, 1926.

* Subject to note of dissent.

NOTE OF DISSENT.

On the question of punishment I still think that liability to imprisonment may be removed as the heavy fine prescribed will be a sufficient deterrent.

I wish to add that in prosecutions under this Act the prosecutor must be an officer of a court deputed by and under the sanction of a Judge of any court in whose list the tout's name is included.

C. DURAISWAMI AIYANGAR.

The 8th February, 1926.

[Words printed in italics indicate the amendments suggested by the Committee.]

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BILL

Further to amend the Legal Practitioners Act, 1879.

WHEREAS it is expedient further to amend the Legal Practitioners Act, 1879, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Legal Practitioners (Amendment) Act, 1926.

2. For the definition of "tout" in section 3 of the Legal Practitioners Act, 1879 (hereinafter referred to as the said Act), the following definition shall be substituted, namely:—

"'tout' means a person—

(a) who procures, in consideration of any remuneration moving from *any legal practitioner* or from any person interested in *any legal business*, the employment of *the legal practitioner* in *such 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 frequents the precincts of Civil or Criminal Courts or *of revenue-offices*, or railway stations, landing stages, lodging places or other places of public resort."

3. In section 36 of the said Act,—

Amendment of section 36, Act XVIII of 1879.

(a) in sub-section (1) after the word "satisfaction" the words "or to the satisfaction of any subordinate Court as provided in sub-section (2A)" shall be inserted;

(b) to sub-section (1) the following *Explanation* shall be added, namely:—

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."

(c) after sub-section (2) the following sub-section shall be inserted, namely:—

"(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."

(d) after sub-section (5) the following sub-section shall be inserted, namely :—

"(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."

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

Report of the Select Committee on the
Bill further to amend the Legal Practi-
tioners Act, 1879.

(With the Bill as amended.)