

# FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. II Semester

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NAME OF FACULTY: Dr. SADHNA TRIVEDI

# Lecture-37



## **THE LEGAL PRACTITIONERS ACT.1879**

The Act, XVIII of 1879, was enacted to consolidate and amend the law relating to legal practitioners in the mofussils. The Act repealed the Pleaders, Mukhtars and Revenue Agents Act 1865. At this time, there were six grades of practitioners functioning in India. Advocates, Solicitors (Attorneys), and Vakils of the High Court: Pleaders, Mukhtars and revenue agents in the lower courts. The High Court laid down standards for admission of Vakils to practice in the High Court; for Zila Courts, standards were laid down in the Regulations which were lower for pleaders than the High Court vakils. Thus, Vakils became a distinct grade above the Pleader.

### **Six grades of Legal Practitioners**

The **Legal Practitioners Act, 1879**, brought all the six grades of legal practitioners into one system under the jurisdiction of the High Courts. The Act empowered an Advocate or a Vakil on the roll of any High Court to practice in his own High Court, in all the courts subordinate thereto, in any court in British India other than a High Court on whose roll he was not entered or with the permission of the court in any High Court on whose roll he was not entered. There was a provision, however, to this section to the effect that this power would not extend to the Original jurisdiction of the High Court in a Presidency Town. An Attorney on the roll of any High Court was enabled to practice in all the courts subordinate to such High Court and also in any court in British India other than a High Court established by Royal Charter on the roll of which he was not entered. The right to practice thus conferred by these provisions included the rights to plead as well as to act in the courts.

The Act conferred power on the High Court not established under a Royal Charter to make rules, with the previous sanction of the Provincial Government, to prescribe the qualifications, admission and certificates of proper persons to be Pleaders and Mukhtars of the High Court as well as the subordinate courts, and for suspension and dismissal of these persons. But a Chartered High Court could make such rules for Pleaders and Mukhters of subordinate courts without the approval of the Provincial Government concerned.

Under the rules framed by the High Courts under the Legal Practitioners Act, law graduates who not possesses the additional qualification to enabled to them to be enrolled as the High Court

Vakils, and non-law graduates after passing the pleaders examination conducted by the high Court, were enrolled as Pleadors to practice before subordinate courts. These pleaders could not practice before the High Court, unless after a certain numbers of years practice they enrolled themselves as High Court Vakils. In course of time, the High Courts framed rules under S.6 of the Act permitting only those who had taken an L.L.B. degree from an Indian University to enroll as Vakils.

Besides the Pleadors, there were Mukhtarship who after passing the Matriculation or equivalent examination passed the Mukhtarship examination held by the High Court. The Mukhtars pleaded mainly before the criminal courts. The Revenue Agents were to be regulated by rules made by the Chief Controlling revenue Authority. The legal profession in India thus presented a very confused picture.

The Pleadors and Mukhtars of the High Courts (except the Attorneys), and of those of the subordinate courts, were subject to the disciplinary jurisdiction of the High Court under the Act.