



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

SUBJECT: Professional Ethics and
Professional Accounting System

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LECTURE: 11

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Lecture-11



Indian Bar Committee, 1923

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INDIAN BAR COMMITTEE, 1923

Munshi Ishwar Saran moved in February 1921, a resolution in the Legislative Assembly recommending legislation “with a view to create an Indian Bar so as to remove all distinction enforced by statute or by practice between Barristers and Vakils.” The mover of the resolution not only laid emphasis the removal of distinction between Barristers and Vakils but also advocated the constitution of a recognized body consisting exclusively of lawyers in India to provide for legal education, to exercise disciplinary control over the Bar and to deal with all other matters relating to the legal profession. This was deemed important because many High Courts exercised disciplinary powers over lawyers on the theory that Vakils were officers of the court. As finally adopted, the resolution merely recommended the eliciting of opinion from all quarters before undertaking legislation in the proposed direction.

In response to the pressures thus generated the Government of India in 1923 appointed the Indian Bar Committee, popularly known as the Chamier Committee, under the Chairman of Sir Edward Chamier, a retired Chief Justice of the Patna High court. The Committee was composed of four Barristers, one Attorney, one civilian and three representatives of the Vakil Bar. The Committee was asked to examine and report on the proposal to constitute an Indian Bar, whether on an all-India or Provincial basis, and the extent to which the existing distinction between Barristers and Vakils might possibly be removed.

Thus, the Committee made certain proposals to achieve “the largest degree of unification of grades of practitioners” which was then possible to effectuated. Accordingly, the Committee recommended inter alia:

that in all High Courts, a single grade of practitioners entitled to plead, to be called advocates (not Barristers), should be enrolled, and that the grade of for admission to plead on the Original Side of a High Court Vakils or Pleaders be abolished;

that when special conditions are maintained for admission to plead on the Original Side of a High Court, the only distinction should be within the grade which should consist of Advocates entitled to appear on the Original Side and Advocates not so entitled;

that Vakils fulfilling certain conditions be admitted to practice on the original Side;

that the future one-third of the High Court Judges need not necessarily be Barristers;

that Advocates of one High Court should be entitled to practice in another High Court subject to the conditions to be imposed by the Bar Council of the latter court, or by the court where there is no Bar Council.

On the question of organizing the legal profession on an all-India basis, the Committee came to the conclusion that it did not consider it practicable at the time to organize the bar on an all-India basis or to continue an all-India bar Council. The Committee suggested however that a Bar Council should be constituted for each High Court. But, immediately such bar Council were to be established for a few and not all High Courts. The Bar Council should have the power to enquire into matters calling for disciplinary action against a lawyer, but the existing disciplinary jurisdiction of the High Court should be maintained.

The Committee proposed that a Bar Council should have power to make rules subject to the approval of the High Court concerned in respect of such matters as inter alia:

- the qualifications, admission, and certificates of proper persons to be advocates of the High Court ;
- legal education
- matters relating discipline and professional conduct of Advocates, etc.;
- the terms on which advocates of another High Court could appear occasionally in the High Court to which the bar Council is attached;
- any other matter prescribed by the High Court.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)	Option (c)	Option (d)
1	The power to make rules regarding Advocates of the High Court was also conferred on the non-chartered High Courts by the	Legal Practitioners Act, 1884	Legal Practitioners Act, 1885	Legal Practitioners Act, 1886	Legal Practitioners Act, 1887
2	Theheld that women were not entitled to be enrolled as Vakils or Pleaders of courts subordinate to the High Court	Calcutta High Court	Delhi High Court	Madras High Court	U.P. High Court
3	To remove doubts about the eligibility of women to be enrolled and to practice as legal practitioners, the....., was enacted	Legal Practitioners (Eomen) Act, XXIII of 1923	Legal Practitioners (Eomen) Act, XXIII of 1924	Legal Practitioners (Eomen) Act, XXIII of 1925	Legal Practitioners (Eomen) Act, XXIII of 1927
4	Indian Bar Committee, popularly known as the	Chamier Committee	Austine Committee	Salmond Committee	Gandhi Committee
5	Theheld that women were not entitled to be enrolled as Vakils or Pleaders of courts subordinate to the High Court	Calcutta High Court	Delhi High Court	Madras High Court	U.P. High Court

Answers: 1-(a),2-(a), 3-(a),4-(a),5-(a)