



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

SUBJECT: Professional Ethics and
Professional Accounting System

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LECTURE: 7

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Lecture-7



The Legal Practitioners Act

LECTURE 7: The Legal Practitioners Act

The Legal Practitioners Act, 1846

The **Legal Practitioners Act (1 of 1846)**, which was the first All-India law concerning the pleaders in the mofussil, made several important innovations, namely:

- 1) The office of the pleaders in the courts of the Company was thrown open to all persons of whatever nation or religion, provided he has duly certified (in such manner as directed by the Sadar Courts) to be of good character and duly qualified for the office. Thus, religious test was abolished for enrolment as a Pleader.
- 2) Every barrister enrolled in any of Her Majesty's Courts in India was made eligible to plead in the Sadar Adalats subject to the rules of those Courts applicable to pleaders as regards as language or any other matter.
- 3) Vakils were allowed freedom to enter into agreement with their clients for their fees for professional services. This Act is regarded as "the first charter of the legal profession" although it left unsolved the important question of the right of vakils to practice in the Supreme Courts.

The **Legal Practitioners Act, 1853** (Act XX of 1853), declared every Attorney on the roll of any of Her Majesty's Supreme Courts to be entitled to be plead in any of the Company's Sadar Adalat. The Barristers and Attorneys of the Supreme Courts were permitted to plead in the Company's Adalat (subordinate to the Sadar Adalats) as well. Thus, while Barristers and practitioners were rigorously kept out of the three Supreme Courts. The reason was that the authorities held a poor opinion of the native lawyers and it was thought that appearance of English Barristers in the Company's Adalats would improve the situation.

The Act also did away with the system of compulsory attendance of the pleaders in the court to which they were attached. Henceforth no pleader was bound to attend in any court of company on any day fixed for the transaction of civil business or to notify the court his inability to attend unless he was employed in some business or cause which according to the court practice, might be heard or transacted herein on the day.

Pleaders, Mukhtars and Revenue Agents

For long there functioned non-licensed inferior grades of practitioners in the mofussil, known as mukhtars, who practiced in criminal courts as well as acted as solicitors for the pleaders. There also functioned revenue agents in revenue offices. All these were recognized and brought under control of the courts for the first time through the pleaders, Mukhtar, and Revenue Agents Act XX of 1865. The High Courts were authorized to make the rules for the qualifications, admission and enrollment of proper persons to be Pleader, Mukhters, for the fee to be paid for the

examination, admission and enrolled. Revenue Agents who worked in the revenue offices and courts were also given status as legal practitioners by this Act. They were deemed to be the lowest in grade and did not play a significant part in the development of the legal profession.

SELF-TEST QUESTIONS

S.N	Question	Option (a)	Option (b)	Option (c)	Option (d)
1	which was the first All-India law concerning the pleaders in the mofussil, made several important innovations	Legal Practitioners Act (1 of 1846),	Legal Practitioners Act (1 of 1847)	Legal Practitioners Act (1 of 1848),	Legal Practitioners Act (1 of 1849)
2were allowed freedom to enter into agreement with their clients for their fees for professional services.	Vakils	Lawyers	Judges	None of the above
3	The Barristers and Attorneys of thewere permitted to plead in the Company's Adalat (subordinate to the Sadar Adalats) as well.	Supreme Courts	High Court	Company Adalats	Revenue adalats
4declared every Attorney on the roll of any of Her Majesty's Supreme Courts to be entitled to be plead in any of the Company's Sadar Adalat.	Legal Practitioners Act, 1853	Legal Practitioners Act, 1854	Legal Practitioners Act, 1855	Legal Practitioners Act, 1856
5	There also functioned revenue agents in	revenue offices	Contract offices	Company offices	Land offices

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