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**Legal Practitioners (Madras Amendment) Act, 1943****03 of 1943****[23 February 1943]**

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**Legal Practitioners (Madras Amendment) Act, 1943****03 of 1943****[23 February 1943]**

## PREAMBLE

An Act further to amend the Legal Practitioners Act, 1879 in its application to the Province of Madras.

Whereas it is expedient further to amend the Legal Practitioners Act, 1879 (Central Act XVIII of 1879) in its application to the Province of Madras, for the purposes hereinafter appearing;

<sup>2</sup>[It is hereby enacted as follows:--]

1. For Statement of Objects and Reasons, see Fort St, George Gazette, dated 14th July 1942, Part IV-A, page 55.

2. These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 5 of the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

**1. Short title :-**

This Act may be called the Legal Practitioners (Madras Amendment) Act, 1943.

**2. Insertion of new section 15-A in Central Act XVIII of 1879 :-**

After section 15 of the Legal Practitioners Act, 1879 (hereinafter referred to as the said Act), the following section shall be inserted,

namely:--

" 15-A. High Courts power to pass order as to costs.--

When passing an order under section 13, section 14 or section 15, the High Court may pass such order as it thinks fit as regards the payment of the costs of the inquiry under section 13, or of the inquiry under section 14 and the hearing in the High Court, as the case may be."

### **3. Amendment of section 36, Central Act XVIII of 1879 :-**

In section 36 of the said Act--

(a) in sub-section (1), after the words " Sessions Judge," the words " Subordinate Judge, District Munsif," shall be inserted, after the words " District Magistrate," the words " Sub-divisional Magistrate " shall be inserted, and after the words " Collector of a district," the words " the Madras City Civil Court " shall be inserted;

(b) in sub-section (2-A), for the words may send to any Court," the words, brackets, figure and letter " may, of its own motion or on a report from the Committee referred to in sub-section (2-B), send to any Court " shall be substituted;

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

" (2-B) (i) There shall be constituted at the Presidency-town of Madras a Committee consisting of seven legal practitioners in active practice appointed by the Chief Judge of the Court of Small Causes, Madras, after consulting the Principal Judge of the Madras City Civil Court, the Chief Presidency Magistrate and the representatives of the Advocates Association and the Bar Association, Madras.

(ii) There shall be constituted at the headquarters of each District Judge and at the headquarters of each taluk comprised within the jurisdiction of a District Judge not being his own headquarters, a

Committee consisting of not less than three and not more than five legal practitioners in active practice, appointed by the District Judge after consulting the salaried gazetted Judicial Officers, Civil and Criminal, at such headquarters or having jurisdiction over the taluk in which such headquarters are situated or any part of such taluk:

Provided that the District Judge may constitute such a Committee (i) for any taluk at any place situated therein other than its headquarters or (ii) for two or more taluks, at any place situated in these taluks. Before making appointments to any such Committee, the District Judge shall consult the salaried gazetted Judicial Officers, Civil and Criminal, at the place at which the Committee is to be constituted, or having jurisdiction over the taluk or taluks for which the Committee is to be constituted or any part thereof.

(iii) Every member of a Committee constituted under clause (i) or clause (ii) shall hold office for a renewable term of three years but may resign his office earlier or may be removed therefrom by the Chief Judge of the Court of Small Causes, Madras, or the District Judge as the case may be, for sufficient cause recorded in writing. The Chief Judge or District Judge shall, subject to the provisions of clause (i) or clause (ii), as the case may be, have power to fill any vacancy in the Committee arising by resignation, death or removal.

(iv) The Committee constituted at the Presidency-town of Madras <sup>1</sup>[shall be consulted] in connexion with any action proposed to be taken under sub-section (1) or (2-A) by any Court which, or any Judge, Magistrate or Officer whose Court or Office, is situated at the Presidency-town of Madras.

(v) The Committee constituted at the headquarters of any District Judge <sup>1</sup>[shall be consulted] in connexion with any action proposed to be taken under sub-section (1) or (2-A) by any Court which, or any Judge, Magistrate or Officer whose Court or Office, is situated at such headquarters and also by any Court, Judge, Magistrate or Officer having jurisdiction over the taluk in which such headquarters are situated or any part of such taluk.

(vi) The Committee constituted at any other place whether the headquarters of a taluk or not <sup>1</sup>[shall be consulted] in connexion with any action proposed to be taken under sub-section (1) or (2-A) by any Court, Judge, Magistrate or Officer having jurisdiction over the taluk or taluks for which the Committee has been constituted or any part thereof.

(vii) Any Committee may report the name of any person alleged or suspected to be a tout <sup>2</sup>[to any Court] which, or any Judge, Magistrate or Officer who, is required to consult it under clause (iv), clause (v) or clause (vi), as the case may be], for such action, as such Court, Judge, Magistrate or Officer may deem fit to take under this section.

(viii) Every Committee shall function solely in an advisory capacity and its opinion or report shall not be binding in any way on any Court, Judge, Magistrate or Officer "; and

(d) after sub-section (6), the following sub-section shall be added, namely:--

" (7) (a) If the offence referred to in sub-section (6) is alleged to have been committed by any person, the authority by which his name was included in the list of touts shall also be competent, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act V of 1898), to take cognizance of and try such offence and sentence such person if found guilty.

(b) Any person sentenced under clause (a) by any authority other than the High Court may, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act V of 1898), appeal--

(i) in case he is sentenced by a District Munsif or Sub-divisional Magistrate to the authority to which appeals ordinarily lie from decrees, sentences or orders passed by such District Munsif or Sub-

divisional Magistrate; and

(ii) in other cases to the High Court.

(c) The provisions of Chapter XXXI of the Code aforesaid shall, so far as they are applicable, apply to appeals under clause (b) and the appellate authority may alter or reverse the finding or reduce or reverse the sentence appealed against."

1. These words were substituted for the words " may be consulted " by section 3 of, and the Second Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

2. These word, brackets and figures were substituted for the words brackets, and figures " to any Court, Judge, Magistrate or Officer entitled to consult it under clause (iv) or clause (v) or clause (vi) as the case may be," by *ibid*.