



The Legal Practitioners (Tamil Nadu Amendment) Act, 1943

Act 3 of 1943

Keyword(s):

Central Act Amendment, The Legal Practitioners Act, 1879

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¹[TAMIL NADU] ACT III OF 1943² AS
AMENDED BY MADRAS ACT XIV OF 1944.

[THE LEGAL PRACTITIONERS (⁴[TAMIL NADU] AMEND-
MENT) ACT, 1943].

(Received the assent of the Governor-General on the 6th
February 1943 ; first published in the Fort St.
George Gazette on the 23rd February 1943.)

An Act further to amend the Legal Practi-
tioners Act, 1879 in its application to the
³[State of Tamil Nadu].

WHEREAS it is expedient further to amend the Legal
Practitioners Act, 1879 in its application to the ³[State
of Tamil Nadu], for the purposes hereinafter appearing;

⁴[It is hereby enacted as follows :—]

1. This Act may be called the Legal Practitioners
(⁴[Tamil Nadu] Amendment) Act, 1943.

Short title.

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

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

High Court's
power to
pass order as
to costs.

“15-A. When passing an order under section
13, section 14 or section 15, the High Court may pass

¹ These words were substituted for the word “Madras” by the
Tamil Nadu Adaptation of Laws Order, 1969, as amended by the
Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George
Gazette*, dated the 14th July 1942, Part IV-A, page 55.

This Act was extended to the Kanyakumari district and the Shen-
cottah taluk of the Tirunelveli district by section 3 of, and the First
Schedule to, the Tamil Nadu (Transferred Territory) Extension of
Laws Act, 1960 (Tamil Nadu Act 23 of 1960) repealing the corres-
ponding law in force in that territory.

³ This expression was substituted for the expression “Province
of Madras” by the Tamil Nadu Adaptation of Laws Order, 1970,
which was deemed to have come into force on the 14th January
1969.

⁴ These words were substituted for the paragraph containing the
enacting formula and the paragraph preceding that paragraph by
section 5 of the Tamil Nadu Re-enacting and Repealing (No. 1)
Act, 1948 (Tamil Nadu Act VII of 1948).

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."

Amendment
of section 36,
Central Act
XVIII of
1879.

3. 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

*According to clause (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which came into force on the 1st April 1974, any reference to the Chief Presidency Magistrate shall be construed as a reference to the Chief Metropolitan Magistrate.

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 those 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 ¹[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 ¹[shall be consulted] in connexion with any action proposed to be taken

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

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 ¹[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 ²[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*, to take cognizance of and try such offence and sentence such person if found guilty.

Central
Act V of
1898.

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

² These words, 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.*

*See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

Central
Act V of
1898.

(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*, 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."

* See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

** Now Chapter XXIX, *ibid.*