

Financial (1899) Department.

ORDINARY M.S.

G.O., No. 476

DATED 1-4-99

INDEXED.

S/5-4-99
4/3/99
5/4/99

4/4

[Despatch Abstract.]

Raising from Rs 100 to Rs 200, the permanent
advance sanctioned for the office of the
Secretary to the Pleadership Examination
Board.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

366 of 13498 **Government (1899) of Madras.**
JUDICIAL.

Recd. 28.3 } 1899. Enclosures
 Regd. 28.3. } Spare copies

G.O., No. 499, 21st March 1899.

MARCH.

Pleadership Examination Board.

Approving the proposals of the High Court for the employment of the — for making enquiries into charges of professional misconduct made against pleaders, and stating that orders for the increase of the permanent advance sanctioned for the office of the Secretary to the Board will issue in the Financial Department.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following papers:—

From A. L. HANNAY, Esq., Registrar of the High Court of Judicature, Madras, to the Chief Secretary to Government, dated 19th January 1899, Ref. on Cur. No. 225.

I am directed by the Honourable the Chief Justice and Judges to request that you will be so good as to lay the following proposals before His Excellency the Governor in Council for his favourable consideration. Several cases are now pending disposal in the High Court against pleaders who are reported by District Judges or subordinate Judicial officers to have been guilty of such grave professional misconduct as to render them liable to suspension or dismissal under sections 13 and 14 of the Legal Practitioners Act (XVIII of 1879). Section 40 of that Act requires that no pleader shall be suspended or dismissed unless he has been allowed an opportunity of defending himself before the authority suspending or dismissing him. Before therefore a pleader can be called upon to make his defence, the High Court has to consider whether the evidence against him is such as to justify that course being taken. Thus the Court is placed in the difficult position of being first appealed to for its opinion whether there is a *prima facie* case, and, if so, of subsequently trying the same case at the hearing of which it may happen that counsel is retained only on behalf of the incriminated pleader. The High Court considers that as complaints against pleaders appear to be increasing, the time has now come when it should be relieved of this difficulty, and that it is desirable to place on a better footing the arrangements required for the efficient prosecution of pleaders under the Legal Practitioners Act.

2. In the first place the Honourable the Judges are clearly of opinion that they should have as little as possible to do with such cases until they come before the Court judicially; to attain this end I am to suggest that the Pledership Examination Board may be employed and that the Board should be authorized to retain for the prosecution counsel or vakil, if necessary, to be paid out of the Fund made up of the Pledership Examination Fees. The utilization of that Fund in retaining counsel or vakil is not, the High Court considers, open to objection. The total annual expenditure would not probably be very great and it seems appropriate that the money which accrues to the Government in bringing pleaders into existence should be used in bringing to book those pleaders who have misconducted themselves. This being so, it has occurred to the Honourable the Judges that the Pledership Examination Board might be utilized as above suggested. Charges against pleaders, on being reported to the court as required by section 14 of the Act, would be forwarded to the Board which at present consists of one Judge of the High Court, the Advocate-General, the Government Pleader, the Principal of the Law College and the Deputy Registrar

* G.O., No. 1483, Judicial, dated 12th August 1892. Member and Secretary,* and it would be

left to the Board to decide what action should be taken in each case. The Board would be required to report to the High Court its opinion with reasons, as the final decision must in every case remain with the Court.

3. The Honourable the Judges further propose, that in view of the additional duties thus imposed upon the Board and also to meet its ordinary requirements for examination purposes, another member should be added to those already enumerated above; if this suggestion meets with the approval of Government, the Honourable the Judges would propose as the new member one of the leading High Court Vakils.

4. I am therefore directed to request that you will be so good as to obtain the sanction of His Excellency the Governor in Council for the proposals (1) that the Pledership Examination Board should be made use of in the manner above indicated in cases where pleaders are charged with professional misconduct, (2) that the Board should be authorized to retain counsel or vakil to prosecute such cases paying the necessary fees out of the Fund consisting of the annual surplus derived from Pledership Examination Fees, and (3) that an additional member be appointed to the Board.

Endt. No. 278.

Referred to the Pledership Examination Board for favour of remarks.

(Signed) A. R. KNAPP,
Ag. Under Secretary.

27th January 1899.

From J. T. GILLESPIE, Esq., Secretary to the Pledership Examination Board, to the Chief Secretary to Government, dated Madras, 13th February 1899, Ref. on Cur. No. 225.

With reference to letter, Ref. on Cur. No. 225, dated 19th January 1899, referred to the Pledership Examination Board under Acting Under Secretary's endorsement, No. 278, dated 27th January 1899, I am to say that the Board approve the proposals made by the High Court.

2. I am, however, to point out that the word "Fund" used in paragraph 2 of the Registrar's letter is rather misleading. No such Fund exists apart from General Revenue. The receipts from examination fees are credited each year to General Revenue. None the less the Board agree with the High Court in thinking it reasonable that the charges incurred in bringing pleaders to account for professional misconduct should be paid by Government, since Government revenues are very considerably increased every year by the fees paid for admission to the Pledership Examination, as well as for the issue and renewal of Pledership certificates.

3. I am further to point out that if the proposals of the High Court are carried into effect, it will be necessary to increase the Secretary's permanent advance to Rs. 200, and to authorize him to hold it throughout the year, instead of, as at present, from 1st January to 31st March only. (G.O., No. 366, Financial, dated 13th April 1898.)

Endt. No. 546.

Referred to the Accountant-General for favour of remarks.

22nd February 1899.

(Signed) A. R. KNAPP,
Ag. Under Secretary.

From T. HESKETH BIGGS, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 4th March 1899, No. 838.

In returning, herewith, the papers received with your endorsement, No. 546, dated the 22nd of February 1899, I have the honour to state that there is no objection to the permanent advance of Rs. 100 sanctioned for the office of the Secretary to the Pledership Examination Board being raised to Rs. 200.

ORDER—No. 499, Judicial, dated 21st March 1899.

The High Court's proposals are approved, and the necessary orders for the increase of the permanent advance sanctioned for the office of the Secretary to the Pleaders Examination Board will be issued in the Financial Department.

(True Extract.)

Ardueth

for Chief Secretary.

To the Honourable the Chief Justice.
" Secretary, Pleaders Examination Board.
" Financial Department.

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 1329

of 1899, dated 21-3-99, from the Judicial dept. No 499.

" "

" 189 , "

" "

" 189 , "

ORDER. No. 476 of 1-4-99
Mis

The permanent advance of Rs 100 sanctioned in No. 366, Jul, dated 13th April 1898, for the office of the Secretary to the Pleaders Examination Board will be raised to Rs 200 and will be held throughout the year.

Cms.
25.3.99

Spd.

2 The Honble the Chief Justice (Q+O) with Ch.
" Secy, Pleaders Exam. Board (Q)
" Asst Genl (Secy) (Q+O)
" Judicial dept (Q+O).

When given for copying 1.4
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 When signed 189

READ AGAIN G.O., No. 189, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILLED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.

17th January 1891

No 438 of 1891

The Government of India
 has been informed that the
 of 1891 and the 1892 for
 the office of the Secretary
 and the 1892 for the
 Board will be held throughout
 the year

The Hon. the Chief Justice
 of the High Court of
 Madras, 1891
 1891
 1891