

TRIAL BY JURY

S. I. S.

(10)

1. Rules etc of examination etc of candidates for pleadership and membership.

2. Trial by Jury: the dark side of the system
Z2, 825.116 D8

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Rules and Regulations relating to the Examination, Qualifications and Admission, etc., of Candidates for Pleaderships and Mukhtarships in Mofussil Courts subordinate to the High Court of Judicature at Fort William in Bengal.

(As originally published in 1884, together with all amendments since that year down to 1910.)

Rules as to the qualification, admission, and certificates, etc., of Pleaders and Mukhtars in Courts subordinate to the High Court—framed under Clauses (a), (b), (c), and (d) of section 8 of Act XVIII of 1879.

I.—GENERAL. (RULES 1 AND 2.)

1. The following rules, framed by the High Court of Judicature at Fort William in Bengal, under section 6, Act XVIII of 1879, in supersession of previous rules on the same subject, shall take effect from the date of their publication. Rule No. 3 of 7th March 1884.

2. The Examiners hereinafter mentioned shall be persons to be appointed Examiners by the Lieutenant-Governor of Bengal under the provisions of section 37 of Act XVIII of 1879. (K. 23)

II.—QUALIFICATIONS OF PLEADERS. (RULES 3 TO 6.)

3. The following persons may be admitted as pleaders in the Courts subordinate to the High Court, that is to say—

- (a) Any person who shall have obtained the degree of Bachelor of Law of one of the Universities of Calcutta, Madras, Bombay, or Allahabad,¹ or shall be a Licentiate in Law of one of the said Universities, provided that his application for admission as a Pleader be made within one year from the time of his obtaining such degree or license, or within such further time as the High Court shall, for any special reason, allow, and provided that a Bachelor of Laws of the University of Allahabad so applying has obtained the degree of Bachelor of Arts and has passed an examination held under the
- ¹Added by Rule No. 4 of 30th September 1896.

direction of the District Judge in reading, writing, and speaking the Vernacular of the District in which he intends ordinarily to practise, or

Added by Rule No.
2 of 22nd September
1897.

(b) Any person who shall produce a certificate from the Examiners that he has passed within one year an examination in the subjects prescribed from time to time by the High Court for the Pleadership Examination.

Rule No. 1 of 1909
Amended 1910.

4. The subjects mentioned in clause (b) of Rule 3 shall, until further order by the Court, be as follows. The citation of every Act or Regulation included in the list below is to be understood to mean that Act or Regulation, with all amendments made in it up to the end of the calendar year immediately preceding that in which the examination is held.

Subjects.	Enactments and Text-books.
1. The Law of Property current in Bengal:—	
(a) The Law relating—	Regulation (Bengal) I of 1793— (Bengal Permanent Settlement).
to the Permanent Settlement of revenue;	Regulation (Bengal) VIII of 1793— (Bengal Decennial Settlement).
to lands exempt from payment of Revenue;	Regulation (Bengal) XIX of 1793— (Revenue-free Lands grants).
to sales for arrears of Revenue.	Act XI of 1859—(Bengal Land Revenue Sales).
(b) The Law relating to under-tenures and the mode in which the same can be brought to sale for arrears of rent.	Regulation (Bengal) VIII of 1819— (Bengal Patni Taluqs).

Subjects.	Enactments and Text-books.
	Act VIII (B. C.) of 1865—(Bengal Rent Recovery Under-tenures).
	Act VIII of 1885—(Bengal Tenancy). [<i>Except in the case of—</i> (a) <i>Candidates to practise in Orissa, exclusive of Sambalpur, who will be required to pass in—</i>
	Act X of 1859—(Bengal Rent). (b) <i>Candidates to practise in the Sambalpur District, who will be required to pass in—</i>
	The local laws of the Central Provinces as contained in the Central Provinces Code, and the rules framed thereunder which have the force of law. (c) <i>Candidates to practise in the Assam Valley District, who will be required to pass in—</i>
	Regulation I of 1886—(Assam Land and Revenue). and (d) <i>Candidates to practise in Chota Nagpur, who will be required to pass in—</i>
	Act II (B. C.) of 1869—(Chota-Nagpur Tenures).
	Act VI (B.C.) of 1908—(Chota Nagpur Tenancy).]
(c) The Law of Landlord and Tenant.	Act VIII of 1885—(Bengal Tenancy). [<i>Except as above.</i>]
(d) The Law relating to Transfer of Property, and Registration of Assurances.	Act IV of 1882—(Transfer of Property). Act XVI of 1903—(Indian Registration). Mayne's Hindu Law and Usage, Chapter XII, Religious and Charitable Endowments.

Subjects.	Enactments and Text-books.
(e) The Law of Succession, Probate, Administration, Majority and Guardianship.	Ameer Ali's Student's Hand book of Mahomedan Law, Part III, Chapters I, II, IV, and V (Gifts, Waqfs, Pre-emption and Sale). Act X of 1865—(Indian Succession) with the exception of Parts III, IV, V, XXX, XXXI, and XXXV to XL. Act XXI of 1870—(Hindu Wills). Act V of 1881.—(Probate and Administration). Act VII of 1889—(Succession Certificate). Act IX of 1875—(Indian Majority). Act VIII of 1890—(Guardians and Wards). Act IX (P. C.) of 1879—(Court of Wards, Parts I, II, and III). Mayne's Hindu Law and Usage, Chapter XI (Wills). Ameer Ali's Student's Hand-book of Mahomedan Law, Part III, Chapter III (Wills).
II. The Hindu Law . . .	Dayabhaga and Mitakshara. Dattaka Chandrika. Mayne's Hindu Law and Usage. Jogendra Nath Bhattacharjee's Commentaries on Hindu Law, 2nd Edition, Part II.
III. The Mahomedan Law . .	Ameer Ali's Student's Hand-book of Mahomedan Law.
IV. The Law of Contracts and Torts	Act IX of 1872—(Indian Contract). Act I of 1877—(Specific Relief). Pollock's Law of Torts, Chapters 1 to 5, 7, 9, 10 and 11.

Subjects.	Enactments and Text-books.
V. The Law of Insolvency . . .	Act III of 1907—(Provincial Insolvency).
VI. Civil Procedure . . .	Act V of 1908—(Code of Civil Procedure).
	Act IX of 1887—(Provincial Small Cause Courts).
VII. The Law of Evidence. . .	Act I of 1872—(Indian Evidence).
VIII. The Law relating to Stamps, Court-fees, and Valuation of Suits.	Act II of 1899—(Indian Stamps), omitting the Schedules.
	Act VII of 1870—(Court-fees), omitting the Schedules.
	Act VII of 1887—(Suits Valuation).
IX. The Law of Limitation . . .	Act IX of 1908—(Indian Limitation), omitting the Schedules, with the exception of Articles 3, 10 to 12, 35, 37, 44, 47, 59, 65, 75, 91, 95, 115, 116, 118 to 121, 125, 126, 132, 134, 141, 144, 147 to 149, 181, and 182 of the first Schedule.
X. Criminal Law and Procedure . .	Act XLV of 1860—(Indian Penal Code).
	Act V of 1898—(Code of Criminal Procedure).
XI. The Law relating to the Constitution of Civil Courts, Legal Practitioners, and the Interpretation of Acts.	Act XII of 1887—(Bengal, Agra, and Assam Civil Courts).
	Act XVIII of 1879—(Legal Practitioners).
	Act X of 1897—(General Clauses).
	Act I (B.C.) of 1892—(Bengal General Clauses).

5. In order to qualify a person to present himself for the examination mentioned in clause (b) of Rule 3—

(a) He must hold a certificate of having passed the Entrance Examination or the First

Arts Examination of the University of Calcutta, Madras, Bombay, the Punjab or Allahabad, or the first public examination before Moderators at Oxford, or the previous examination at Cambridge, or the Preliminary Examination in Arts in one of the Scotch Universities, or the Examination of Arts for the second grade at Durham, or the Matriculation Examination at the University of Dublin or London, or a certificate of having passed some other public examination which shall be certified by not less than three Judges of the High Court as being in their opinion equivalent to one or other of the abovementioned examinations:

Amended by Rule
No. 4 of 1906, and
No. 1 of 1907.

Provided that a certificate of having passed the Entrance Examination of the University of Calcutta, Madras, Bombay, the Punjab, or Allahabad, shall be deemed to entitle a candidate to present himself at the examination only in case such candidate shall be a native of the Garo Hills district, or of one of the districts comprised within the Commissionerships of the Assam Valley and the Surma Valley and Hill Districts:

and provided also that no candidate who does not hold a certificate of having passed some examinations specified in this rule, other than the said Entrance Examination, shall, in the event of his passing the examination

mentioned in clause (b) of Rule 3, receive a certificate entitling him to practise beyond the limits of the said district and Commissionerships.

- (b) He must hold a certificate of having regularly attended a full course of lectures in Law.
- (c) He must produce a satisfactory certificate of good moral character, and be above the age of twenty years.

6. No candidate shall be deemed to have regularly attended a full course of lectures in law unless he has complied with the following Rules:—

- (a) Such lectures must be attended either at one of the Colleges affiliated in law to the Calcutta University 'or at such other centres as the High Court may prescribe: or, in the case of candidates who are natives of the Assam Valley or of the Surma Valley and Hill districts or divisions, or of the Garo Hills, and who are restricted to practising within the Garo Hills district or the Commissionerships of the Assam Valley and the Surma Valley and Hill districts, at one of such Colleges, or at the regular course of lectures delivered by the lecturer in law specially appointed by the Lieutenant-Governor of Eastern Bengal and Assam for the purpose of delivering lectures to Pleaders candidates, and the attendance must be for a period of not less than two academical years; in the case of

Rule 4 of 1908.

such last-mentioned candidates, after passing the Entrance Examination of the University of Calcutta, Madras, Bombay, the Punjab or Allahabad ; and in the case of all other candidates, after passing any one of the other examinations referred to in clause (a) of Rule 5.

(b) No candidate shall be deemed to have regularly attended a full course of lectures in Law unless he has attended at least 24 lectures in each of the groups prescribed in the following clause, the minimum number of lectures in each group being 36.

Amended by C. O.
No. 1 of 1909.

(c) The following shall be the groups into which the lectures shall be divided :—

- (1) The Law of property current in Bengal [being the subject included in sub-sections (a), (b) and (c) of section I of the List of Subjects] ;
- (2) The Law relating to Transfer of Property, Registration of Assurances, Stamps, Court-fees and the Valuation of Suits [being the Subjects included in sub-section (d) of section I and in section VIII of the List of Subjects] ;
- (3) Hindu and Mahomedan Law [being the subjects included in sections II and III of the List of Subjects] ;
- (4) The Law of Succession, Probate, Administration, Majority and

Guardianship [being the subjects included in sub-section (e) of section I of the List of Subjects];

(5) The Law of Contracts and Torts [being the subjects included in section IV of the List of Subjects]

(6) The Law of Insolvency, Civil Procedure, the Law of Evidence and Limitation, and the Law relating to the Constitution of Civil Courts, Legal Practitioners, and Interpretation of Acts [being the subjects included in sections V, VI, VII, IX, and XI of the List of Subjects];

(7) Criminal Law and Procedure [being the subjects included in section X of the List of Subjects].

(d) No candidate shall be allowed to count attendance at more than one lecture on the same day.

(e) In the event of any candidate failing to attend the prescribed number of lectures in any of the groups, he will be required to attend another course of lectures in that group in a subsequent year and attend the prescribed number of lectures in that course.

(f) The lectures attended must be the regular course delivered to all Pleadershp students in each group, and under no circumstances can attendance at any other lectures, such as optional lectures, be counted for the purpose of making up any deficiency in the number of lectures a candidate

may have attended in the regular course.

- (g) The certificate granted to a candidate of his having regularly attended a full course of lectures in Law shall be in the following form :—

Law Lectureship Certificate.

This to certify that _____, son of _____, has regularly attended a full course of lectures in Law in compliance with the Rules of the High Court of Judicature at Fort William in Bengal, dated

19 .

Details of lectures attended.

College or Place where lectures have been attended.	Year in which each course has been attended.	Course.	Number of lectures delivered in each course.	Number of lectures attended in each course.
		1		
		2		
		3		
		4		
		5		
		6		
		7		

(Sd.)

¹ Principal of

College.

Amended by En's
No. 4 of 1906.

¹ In the case of Lectures delivered in Assam, Cachar, or Sylhet, the signature of the Law-Lecturer appointed by the Lieutenant-Governor of Eastern Bengal and Assam.

III.—QUALIFICATIONS OF MUKHTARS. (RULES 7
TO 10.)

7. The following persons may be admitted as Mukhtars in the Courts subordinate to the High Court; that is to say—

Rule No. 3 of 7th
March 1884. •

(a) Any person who shall be qualified to be admitted as a pleader, provided that his application to be admitted as a Mukhtar, shall be made within one year from the time of his obtaining any degree, license or certificate mentioned in clauses (a) and (b) of Rule 3 above, or within such further time as the Court shall, for any special reason, allow; or

(b) Any person who shall within one year produce a certificate from the Examiners that he has passed an examination in the subjects prescribed from time to time by the High Court for the Mukhtarship Examination.

8. Any person at present enrolled and practising as a Mukhtar in the High Court, Appellate Side, may practise, that is, act as a Mukhtar in the Civil Courts subordinate to the High Court, but not in the Criminal Courts, provided that his functions, powers and duties in such Courts shall be restricted to those enumerated in Rule 33, *post*.

Rule No. 7 of 27th
October 1894.

9. The subjects mentioned in clause (b) of Rule 7 shall, until further notice, be as follows. The citation of every Act or Regulation included in the list below is to be understood to mean that Act or Regulation, with all amendments made in it up to the end of the

C.O. No. 1 of 1909.
Amended 1910.

calendar year immediately preceding that in which the examination is held.

Subjects.	Enactments and Text-books.
1. The Law of Property current in Bengal:— (a) The Law relating— to the Permanent Settlement of Revenue; to lands exempt from payment of Revenue; to sales for arrears of Revenue. (b) The Law relating to Under-tenures, and the mode in which the same can be brought to sale for arrears of rent.	Regulation (Bengal) I of 1793—(Bengal Permanent Settlement). Regulation (Bengal) VIII of 1793—(Bengal Decennial Settlement). Regulation (Bengal) XIX of 1793—(Bengal Revenue-free Lands Grants). Act XI of 1859—(Bengal Land Revenue Sales). Regulation (Bengal) VIII of 1819—(Bengal Patni Taluqs). Act VIII (B. C.) of 1865—(Bengal Rent-recovery Under-tenures). Act VIII of 1886—(Bengal Tenancy). [<i>Except in the case of—</i> (a) <i>Candidates to practise in Orissa, exclusive of Sambalpur, who will be required to pass in—</i> Act X of 1859—(Bengal Rent). (b) <i>Candidates to practise in the Assam Valley Districts, who will be required to pass in—</i> Regulation I of 1836—(Assam Land and Revenue). and (c) <i>Candidates to practise in Chota-Nagpur, who will be required to pass in—</i> Act II (B. C.) of 1869—(Chota Nagpur Tenures). Act VI (B. C.) of 1908—(Chota-Nagpur Tenancy).

Subjects.	Enactments and Text-books.
(c) The Law of Landlord and Tenant.	Act VIII of 1885—(Bengal Tenancy). [<i>Except as above.</i>]
(d) The Law relating to Registration of Assurances.	Act XVI of 1903—(Indian Registration).
(e) The Law of Succession, Probate, and Administration.	Act X of 1865—(Indian Succession) with the exception of Parts III, IV, V, XXX, XXXI, and XXXV to XL. Act XXI of 1870—(Hindu Wills). Act V of 1881—(Probate and Administration).
II. The Hindu Law	Golap Chandra Sarkar's Hindu Law.
III. The Mahomedan Law	Ameer Ali's Student's Hand-book of Mahomedan Law.
IV. The Law of Contracts	Act IX of 1872—(Indian Contract). Act I of 1877—(Specific Relief).
V. The Law of Insolvency	Act III of 1907—(Provincial Insolvency).
VI. Civil Procedure	Act V of 1908—(Code of Civil Procedure).
VII. The Law of Evidence	Act I of 1872—(Indian Evidence).
VIII. The Law relating to Stamps and Court fees.	Act II of 1899—(Indian Stamps), omitting the Schedules. Act VII of 1870—(Court-fees), omitting the Schedules.
IX. The Law of Limitation	Act IX of 1908—(Indian Limitation), omitting the Schedules, with the exception of Articles 3, 10 to 12, 35, 37, 44, 47, 59, 65, 75, 91, 95, 115, 116, 118 to 121, 125, 126, 132, 134, 141, 144, 147 to 149, 181, and 182 of the first Schedule.

Subjects.	Enactments and Text-books.
X. Criminal Law and Procedure	Act XLV of 1860—(Indian Penal Code). Act V of 1893—(Code of Criminal Procedure.).
XI. The Law relating to the Constitution of Civil Courts, and relating to Legal Practitioners.	Act XII of 1887—(Bengal, Agra, and Assam Civil Courts). Act XVIII of 1879—(Legal Practitioners).

Rule No. 10, 1898,
amended by Rules
Nos. 4 and 12 of
1906, and No. 1 of
1907.

10. In order to qualify a person to present himself for the examination required by these Rules for Mukhtars—

- (a) He must hold a certificate of having passed the Entrance Examination of one of the Universities of Calcutta, Madras, Bombay, the ~~University of~~ ^{University of} ~~Calcutta~~ ^{Calcutta}, or a certificate issued under ~~the~~ ^{the} authority of an Inspector of Schools that he has satisfied the Middle Standard, or a certificate granted by the Head Master of a High School that he has gained admission to a class above the Middle Standard :

Provided that the certificate issued under the authority of an Inspector of Schools or by the Head Master of a High School referred to in the above clause, shall be deemed to entitle a candidate to present himself at the examination only in case such candidate shall be a native of the Garo Hills district, or of one of the districts comprised within the Commissionerships of the Assam Valley and the

Surma Valley and Hill districts; and provided also that no candidate who does not hold a certificate of having passed the Entrance Examination of one of the Universities of Calcutta, Madras, Bombay, the Punjab, or Allahabad, shall, in the event of his passing the examination mentioned in clause (b) of Rule 7, receive a certificate entitling him to practise beyond the limits of the said district and Commissionerships.

- (b) He must produce a satisfactory certificate of good moral character and be above the age of twenty years.

IV.—EXAMINATIONS. (RULES 11 TO 17.)

11. Every candidate for examination for Pleadership or for Mukhtarship shall, on or before the 15th November or first open day thereafter in each year, apply to the Examiners for leave to present himself at the ensuing examination, and, before he be admitted to such examination, he shall establish to their satisfaction that he possesses the qualifications prescribed for such candidates, and has complied with the provisions of the following rule.

Rule No. 2 of 19th
April 1887.

12. Such application is not to be transmitted to the Examiners direct, but it is to be filed on or before the said 15th day of November or first open day thereafter in the Court of the District Judge within whose jurisdiction the candidate resides, or is employed (Calcutta for this purpose being taken to be within the district of the 24 Parganas), accompanied—

- (a) In the case of candidates for the Pleadership

Examination, with the documents in original referred to in clauses (a) and (c) of Rule 5, and with the certificate in original referred to in clause (b) of that rule if the applicant has already completed the course of law lectures, together with the receipt of the Officer in charge of a Government Treasury for the fee required previous to examination by Rule 27.

(b) In the case of candidates for Mukhtarship with the documents in *original* referred to in clauses (a) and (b) of Rule 10 together with the receipt of the Officer in charge of a Government Treasury for the fee required previous to examination by Rule 27.

G. L. No. 6 of
11th December
1895.

NOTE.—An application for leave to appear at an examination for Pledership or Mukhtarship should be regarded as made to a Court in its administrative capacity, and should not be held liable to stamp duty. Such applications should, therefore, be received on plain paper.

Rule No. 10 of 7th
October 1898,
amended by Rule
No. 4 of 1906 and
No. 1 of 1907.

13. (a) The Judge shall thereupon satisfy himself of the sufficiency of the certificates of character presented by all candidates for Pledership, who shall have filed the certificates referred to in clause (b) of Rule 5 and by all Mukhtarship candidates, and shall satisfy himself as to the identity of such candidates, and shall, on or before the 1st December, transmit to the Examiners all such applications with the documents accompanying, together with a list of such applications and annexures and with his opinion in each case as to the sufficiency of the testimonials produced and any other information he may think it needful in any case to communicate. In the case of the application of any candidate who applies to be admitted as being a native of the Garo Hills district

or of one of the districts comprised within the Commissionerships of the Assam Valley and the Surma Valley and Hill districts under the first proviso to clause (a) of Rule 5, or under the proviso to clause (a) of Rule 10, the District Judge shall not transmit such application to the Examiners unless he be satisfied that such candidate is *actually* a native of one of such districts, and in that case he shall certify on the face of such application that he is so satisfied.

(b) The District Judge shall, at the same time transmit to the Examiners a list of all those candidates, if any, for the Pleadership Examination, who have not filed the certificates referred to in clause (b) of Rule 5.

14. Any of the last-mentioned candidates for the Pleadership Examination, who have not, on the 15th November, completed the course of law lectures, may produce and file in original, on or before the 1st day of February or first open day thereafter, in the Court of the District Judge (in whose Court he shall have filed his application on or before the 15th November) the certificate referred to in clause (b) of Rule 5. The Judge shall thereupon satisfy himself of the sufficiency of the certificates of character presented by such candidates and as to their identity, and he shall, on or before the 5th day of February, transmit to the Examiners all such applications with the documents accompanying, together with a list of such applications and annexures and with his opinion in each case as to the sufficiency of the testimonials produced and any other information he may think it needful in any case to communicate.

15. The Examiners shall, on receipt of the applications from the District Judge, take the case of each

Rule No. 2 of 1914
April 1887.

candidate, with the report of the District Judge, into their consideration, and shall determine whether or not the candidate is possessed of the necessary qualifications. If the candidate is found qualified the Examiners shall cause his name, the name of his father, his age and place of residence, and other needful particulars to be entered in a register of persons permitted to appear at the examination.

Rule No. 3 of 7th
March 1894.

16. (a) An extract from the Register shall be forwarded to the District Judge with a declaration that the candidate is permitted to appear at the next ensuing examination at . . . , for delivery to him. The Judge shall cause a notice of his having received such extracts to be stuck up in his Court-house, and shall deliver them to the candidates on application.

(b) The District Judge, in carrying out this Rule and Rules 12 to 14, shall conform to such instructions as he may receive from the Examiners through their President or Secretary.

17. Every candidate for examination shall produce to the Examiners the extract from the Register when he presents himself for examination.

V.—ADMISSION TO PRACTICE. (RULES 18 TO 22.)

18. Any person who shall have qualified under these Rules, and who shall desire to be admitted to practise, shall pay into the Government Treasury of the district in which he shall intend ordinarily to practise, the fee prescribed by Rule 27; and shall, on presentation of the certificate of the Examiners or of his

diploma, of the receipt for the said fee, and of a stamp paper of the necessary value of his first certificate of practice, be entitled to apply to the High Court for admission, stating in what classes of Courts he desires to practise, with reference to Schedule 1 and Schedule 2 of Act XVIII of 1879.

NOTE.—An application under the Legal Practitioners' Act (XVIII of 1879) G. L. No. 14 of 18th for admission as a pleader or mukhtar of the Subordinate Courts, or for August 1891. renewal of a certificate, or for enrolment, being made to a Court in its administrative capacity, does not fall within the provisions of the Court-fees Act (VII of 1870) and is not liable to any stamp duty. All such applications will in future be received by District Judges on plain paper, and where necessary forwarded to the High Court in accordance with these rules.

19. The application, together with the certificate, Rule No. 3 of 7th March 1884. the receipt, and the stamp paper required by Rule 18 shall be presented to the Judge of the district in which the applicant intends ordinarily to practise; and shall be forwarded by the Judge to the Registrar of the High Court with such remarks as he may think fit to make thereon.

20. The name of the applicant and his place of abode, together with his father's name and place of abode, shall be affixed in some conspicuous place in the Court-house of the Judge to whom the application is sent, and also in the High Court, at least six weeks before the applicant is admitted to practise.

21. The High Court may call for evidence of the respectability of the applicant in any case in which it may be deemed necessary.

22. Notwithstanding anything contained in Rule 3 ante, no person, otherwise qualified as a pleader, Rule No. 1 of 16th September 1897. shall be admitted to practise in the Court of Small Causes of Calcutta who is not a graduate in Law of one

of the Universities of Calcutta, Allahabad, Madras, or Bombay.

VI.—CERTIFICATES (RULES 23 TO 26.)

Rule No. 3 of 7th
March 1884.

23. Upon the applicant being admitted by the High Court, the Registrar of the High Court shall cause his name to be entered in the proper Register, and shall grant him a certificate as required by section 7 of Act XVIII of 1879, authorising him to practise up to the end of the current year in the Courts, and, in the case of a Pleader, also the Revenue Offices specified therein.

G. L. No. 8 of 18th
May 1896.

NOTE.—Pleaders holding certificates under clause (c) of Schedule II of the Legal Practitioners' Act, XVIII of 1879, are entitled to practise before Munsifs when exercising Small Cause Court powers, and lower grade pleaders who formerly practised in the Provincial Small Cause Courts constituted under Act XI of 1865 or Act IX of 1887, may be allowed to practise before Subordinate Judges when exercising Small Cause Court powers; but for this purpose they must hold a certificate under clause (d) of the Schedule.

Rule No. 3 of 7th
March 1884.

24. The certificate shall bear the number assigned to it in the Register, and shall be signed by the Registrar and forwarded to the District Judge, to be delivered to the applicant.

25. Any Pleader or Mukhtar who may apply for the renewal of his certificate under section 7, Act XVIII of 1879, unless he has been ordinarily practising in the Court of the District Judge, or other officer authorised to renew certificates, shall, with his application, file a certificate of character from the Judge presiding in the Court in which the applicant ordinarily practises. The Munsif, Subordinate Judge, or Judge of a Small Cause Court may forward the application for a renewed certificate to the District Judge.

NOTE.—See note to Rule 18 above.

26. The renewed certificate shall state only the particulars contained in the former certificate and the fact and date of its renewal.

NOTE.—Rule 22 directs that no person, otherwise qualified as a pleader, shall be admitted to practise in the Court of Small Causes of Calcutta, who is not a graduate in law of one of the Universities of Calcutta, Allahabad, Madras, or Bombay. In granting renewed certificates under clause (c), Schedule II, Part I, of the Legal Practitioners Act, XVIII of 1879, the words “except the Calcutta Small Cause Court,” if they occur in paragraph 2 of the certificate, should be scored through in the case of graduates in law, and should be allowed to stand, or inserted, in the case of other higher grade pleaders.

VII.—FEES. (RULES 27, 28.)

27. The fees payable previous to examination, and on application for enrolment, shall be as follows:—

Rule No. 10 of 7th
October 1898.

	<i>Pleader Mukhtar</i>	
	<i>R</i>	<i>R</i>
Before examination	30	20
Before admission	25	10

28. (a) If in any case, a candidate, after having paid the fee required to be paid before examination, and having been found duly qualified and permitted to appear, at any examination, is prevented from appearing, one-half of the fee paid by him will be refunded on a written application. If such a candidate apply in writing to the examiners within one month from the date of such examination to be allowed to appear at the next examination, his application shall be allowed on his paying one-half of the fee.

(b) Should a candidate be refused admission to the examination, the fee paid by him will be refunded on a written application accompanied by a certificate from the Secretary to the Board to that effect.

VIII.—PENALTIES (RULES 29 TO 33.)

Rule No. 3 of 7th
March 1884.

29. If any person, having passed the examination entitling him to be admitted and enrolled as a Pleader or as a Mukhtar, shall fail to apply for such admission and enrolment for a period of one year from the time of passing the examination, he shall not be admitted and enrolled unless, by special order of the High Court, the time for such application shall be extended.

30. If any person having been admitted and enrolled as a Pleader or Mukhtar shall neglect to take out a certificate, or, having obtained a certificate, shall fail to renew it for a period of three years, he shall be suspended and shall not be entitled to receive a certificate, or to have his certificate renewed, without further orders of the High Court.

31. Any person who shall hold any appointment under Government, or shall carry on any trade or other business, at the time of his application for admission as a Pleader or Mukhtar, shall state the fact in his application for admission; and the High Court may refuse to admit such person, or may pass such orders thereon as it thinks proper.

32. Any person who, having been admitted as a Pleader or Mukhtar, shall accept any appointment under Government, or shall enter into any trade or other business, shall give notice thereof to the High Court, who may thereupon suspend such Pleader or Mukhtar from practice, or pass such orders as the said Court may think fit.

33. Any wilful violation of any of the above Rules shall subject a Pleader or Mukhtar to suspension or dismissal.

NOTIFICATION.¹

JUDICIAL.

Dated Darjeeling, the 21st August 1884.

[Regulations made by His Honour the Lieutenant-Governor of Bengal pursuant to the provisions of section 37, Act XVIII of 1879, for conducting the examination of candidates for Pleadership and Mukhtarship in the Mofussil Courts subordinate to the High Court of Judicature at Fort William in Bengal.]

1. In order to the ascertainment of the qualifications of candidates for admission as Pleaders and Mukhtars in the Mofussil Courts subordinate to the High Court of Judicature at Fort William in Bengal, the Lieutenant-Governor of Bengal will from time to time appoint Examiners in Law who shall have a President and Secretary.

2. The examination of candidates shall be held on such dates within the month of February or March in each year as shall be appointed and duly notified by the Examiners in Law.

3. The examination shall be conducted by the Examiners in Law and shall be held under the superintendence of the person or persons appointed for that purpose.

4.² The examination of candidates for Pleadership shall be held in Calcutta; the examination for Mukhtars shall be held in Calcutta, Gauhati, and Sylhet.

5. The examination for Pleaders shall be conducted in English and for Mukhtars in English or in the Vernacular of the district at the option of the candidate, as declared in his application for admission to the examination.

6. The Examination shall be in part by written questions the answers to which shall be in writing, and in part *visà voce*. But the Examiners in Law, with the sanction of the Lieutenant-Governor, shall have power to dispense with the *visà voce* examination in the vernacular if it seems advisable to do so.

7. The Examiners shall prepare the written questions, of which there shall be not less than four papers for the Pleaders, and two for the Mukhtars' examinations, respectively.

8. Each paper shall consist of not less than twelve questions, and shall bear a full value of 160 marks.

9. The full number of marks of the *visà voce* examination, in which candidates shall be asked at least five questions, shall be 50.

¹ Published in the *Calcutta Gazette* of the 27th August 1884, Part I, pages 886 and 887.

² Revised by Notification No. 1271-J. of 28th February 1893.—See *Gazette* of the 2nd March 1893, Part I, page 245.

10. The questions shall be so framed as to test the knowledge of the candidates in the subjects mentioned in the Rules passed by the High Court for the qualifications, admission, enrolment of Pleaders and Mukhtars in Mofussil Courts, and they shall be so prepared that a candidate may be able to pass by studying the regulations, enactments, and text-books therein specified.

11. The number of marks to which each candidate shall be entitled for his answer to the written or oral questions shall be determined by the examiners in Law.

12. To be entitled to pass candidates must obtain not less than the marks specified below—

50 per cent. in each branch ; and

66 per cent. on the aggregate number of marks for the whole examination.

13. No candidate will be allowed to enter the examination-room with any books, private memoranda, or paper of any description, and any one detected doing so will forfeit all fees paid by him and will not be permitted to undergo examination. Any candidate detected in the act of using unfair means, such as communicating with another or copying from his neighbours or from private memoranda or books, etc., will be summarily ejected from the examination-room and will forfeit all benefit to be derived from the previous portion of the examination, and all right to proceed further with it, together with all fees paid by him.

14. When the examination shall have been concluded, the Examiners in Law shall submit the names of those candidates who have passed, together with a report of their proceedings to Government.

15. The names of the successful candidates shall be published in the *Calcutta Gazette*, and certificates to be granted by the Examiners in Law under the signature of the President and Secretary shall be forwarded for distribution to the successful candidates by the Judges of their respective districts.

F. B. PEACOCK,

Secretary to the Government of Bengal.