

The Touts Act, 1879

(ACT NO. XVIII OF 1879)

[29th October, 1879]

An Act to consolidate and amend the law relating to Legal Practitioners.

Preamble

WHEREAS it is expedient to consolidate and amend the law relating to Legal Practitioners; It is hereby enacted as follows:-

CHAPTER I PRELIMINARY

Short title

1. This Act may be called the ¹[Touts Act,] 1879: and shall come into force on the first day of January, 1880.

CHAPTER I PRELIMINARY

Commencement Local extent

It extends to the whole of ²[Bangladesh].

[Repealed]

2. [Repealed by the Repealing Act, 1938 (Act I of 1938), section 2 and Schedule.]

Interpretation- clause

3. In this Act, unless there be something repugnant in the subject or context,-

"Judge" means the presiding judicial officer in every Civil and Criminal Court, by whatever title he is designated:

"Subordinate Court" means all Courts subordinate to the ³[High Court Division], including Courts of Small Causes established under Act No. XI of 1865.

"revenue-officer" includes all Courts (other than Civil Courts) trying suits under any Act for the time being in force relating to land-holders and their tenants or agents:

"legal practitioner" means an advocate, ⁴[* * *] mukhtar or revenue agent:

"tout" means a person –

(a) who procures, in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in an legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(b) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or of revenue-offices, or railway stations, landing stages, lodging places or other places of public resort; or

(c) who is declared to be deemed to be a tout for the purposes of this Act by rules made by the ⁵[High Court Division] or the Chief Controlling Revenue Authority, as the case may be, under section ⁶[36A].

CHAPTER II-VII

**(Containing
sections 4-35)
[Repealed]**

Sections 4-35. [Repealed by section 51 of the Legal Practitioners and Bar Councils Act, 1965 (Act No. III of 1965).]

CHAPTER II-VII

**Power to frame
and publish list of
touts**

36.(1) ⁷[The Supreme Court], District Judge, Sessions Judge, District Magistrate and, every Revenue-officer, not being below the rank of a Collector of a district (each as regards their or his own Court and the Courts, if any, subordinate thereto), may frame and publish lists of persons proved to their or his satisfaction, or to the satisfaction of any subordinate Court as provided in sub-section (2A) by evidence of general repute or, otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

Explanation – The passing of a resolution, declaring any person to be or not to be a tout, by a majority of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practise as legal practitioners in any Court or revenue –office, shall be evidence of the general repute of such person for the purposes of this sub-section.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(2A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any Court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that Court to hold an inquiry in regard to such persons; and the subordinate Court shall thereupon hold an inquiry into the conduct of such persons and, after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate Court to be a tout; and that authority may include the name of any such person in the list of touts framed and published by that authority:

Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard.

- (3) A copy of every such list shall be kept hung up in every Court to which the same relates.
- (4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.
- (5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout within the meaning of section 13, clause (e), and section 22, clause (d).
- (6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred taka, or with both.
- (7) Every person who having been excluded from the precincts of a Court under sub-section (4) enters or is found within the precincts of any Court without a written permission from the Presiding Officer of the Court shall be deemed to be acting as a tout within the meaning of sub-section (6):
- Provided that this sub-section shall not apply where such person is a party to any case in the Court or has been directed to appear by any process of the Court.
- (8) Any presiding officer of a Court may, by an order in writing, direct any person named in order to arrest any such tout found within the precincts of the Court. Such tout may be arrested accordingly and shall be forthwith produced before the officer.

If the tout admits his offence the provisions of sections 480 and 481 of the Code of Criminal Procedure, 1898, shall be applicable, so far as may be, to his detention, trial and punishment.

If the tout does not admit his offence the provisions of section 482 of the said Code shall be similarly applicable to his detention, trial and punishment.

Power to make rules

⁸[36A. (1) The Supreme Court may, from time to time, make rules consistent with this Act as to the following matters, namely:-

(a) the employment of clerks by Advocates and Muktears;

(b) the manner in which and the terms subject to which such clerks may be granted licences;

(c) the fees (if any) to be paid for such licences; and

(d) the conditions under which persons acting as clerks of Advocates, and Muktears without licences shall be deemed to be touts for the purpose of this Act.

(2) The Chief Controlling Revenue Authority may, from time to time, make rules consistent with this Act relating to the matters specified in sub-section (1) in regard to clerks of Revenue agents.

(3) All rules made under this section shall be submitted to the Government for approval, and, after they have been approved, they shall be published in the official Gazette and on this publication they shall have effect as if enacted in this Act.]

CHAPTER VIII**(Containing sections 37- 42)
[Repealed]**

Sections 37-41. [Repealed by section 51 of the Legal Practitioners and Bar Councils Act, 1965 (Act No. III of 1965).]

Section 42. [Repealed by section 2 and Schedule of the Repealing Act, 1938 (Act No. I of 1938).]

- ¹ The words and comma "Touts Act," were substituted, for the words "Legal Practitioners Act" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- ² The word "Bangladesh" was replaced for the word "Pakistan" by the Bangladesh (Adaptation of Existing Bangladesh Laws) Order, 1972 (President's Order No. 48 of 1972)
- ³ The words "High Court Division" were substituted, for the words "High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- ⁴ The words, comma and letter "vakil or attorney of any High Court, a pleader" were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- ⁵ The words "High Court Division" were substituted, for the words "High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act VIII of 1973)
- ⁶ The figure "36A" was substituted, for the figure "31A" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- ⁷ The words "The Supreme Court" were substituted, for the words "Every High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- ⁸ Section 36A was added by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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