



HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No. - 10436 of 2025

Vishram Singh

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	G.A.

Court No. - 85

HON'BLE VINOD DIWAKAR, J.

1. The present petition arises out of a request made by Mr. Sheel Nidhi Jaiswal seeking permission to have Mr. Vishram Singh represent and argue his case before the trial Court. The learned trial Court, however, vide impugned orders dated 07.03.2025 and 02.08.2025, declined the said request on the ground that Mr. Vishram Singh is not an enrolled Advocate and, therefore, cannot be permitted to appear and argue on behalf of Mr. Sheel Nidhi Jaiswal.

2. Aggrieved by the aforesaid orders, the petitioner, Mr. Vishram Singh, who claims to be a "pleader" within the meaning of applicable laws, has filed the instant petition, seeking to set aside the impugned orders and to permit him to appear and argue the matter on behalf of Mr. Sheel Nidhi Jaiswal.

3. The petitioner has appeared in person and submitted that he is an engineer by profession, holding a diploma in engineering. He further stated that, in addition to his engagement in construction-related work, he has acquired substantial knowledge of law through self-study, having read and analyzed approximately 100 judgments of the Hon'ble Supreme Court. In support of his claim to be permitted to appear as a pleader, the petitioner has drawn the attention of this Court to the legal provisions detailed hereinafter. In continuation thereof, he has placed reliance upon Article 22(1) read with Article 227(3) of the Constitution of India; Section 3 of the Legal Practitioners Act, 1879; Section 2(i) of the Advocates Act, 1961; Rule 21 of the General Civil Rules, 1957; and Section 2(15) read with Order III Rule 4 of the Code of Civil Procedure, 1908. He has also cited decisions of the Hon'ble Supreme Court in **Ashwini Kumar Upadhyay v. Union of India**,

[(2019) 11 SCC 683]; Shankar Finance & Investment v. State of Andhra Pradesh & Ors., [(2008) 8 SCC 536]; and A.C. Narayanan v. State of Maharashtra & Anr., [(2014) 11 SCC 790].

4. During the course of hearing, this Court deemed it appropriate to implead the Bar Council of Uttar Pradesh, through its Honorary Secretary, and the High Court of Judicature at Allahabad, through its Registrar General, as necessary parties to the present proceedings to enable a just and effective adjudication of the issues involved. Accordingly, the petitioner is permitted to implead them as respondent nos. 4 and 5, respectively, in the array of parties.

5. List this matter as fresh on **15.09.2025**.

6. Registrar (Compliance) is directed to communicate a copy of this order to the Registrar General of this Court and Honorary Secretary, Bar Council of Uttar Pradesh, forthwith.

September 3, 2025
Shafique

(Vinod Diwakar,J.)



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Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, G.A.

Court No. - 85

HON'BLE VINOD DIWAKAR, J.

1. On the last date of hearing, the Registrar (Compliance) was directed to communicate a copy of this order to the Registrar General of this Court as well as to the Honorary Secretary, Bar Council of Uttar Pradesh, in compliance with the order dated 03.09.2025.
2. Today, Ms. Sudha Singh, holding brief for Shri Chandan Sharma, learned counsel for the High Court, submits that the arguing counsel is presently on legs in another Court.
3. So far as the service of notice to the Honorary Secretary, Bar Council of Uttar Pradesh is concerned, report from the Registrar (Compliance) is still awaited.
4. Accordingly, put up this case as fresh on 16.09.2025.

September 15, 2025
Anil K. Sharma

(Vinod Diwakar,J.)



HIGH COURT OF JUDICATURE AT ALLAHABAD
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Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, G.A.

Court No. - 85

HON'BLE VINOD DIWAKAR, J.

1. The petitioner, appearing in person, addressed the Court that a pleader, duly appointed by the accused/person affected, can advance the submissions on behalf of his client. In support of his arguments, he has placed reliance upon Articles 227(3), 233, and 245(1) of the Constitution of India; Section 2(i) read with sections 32 & 33 of the Advocates Act, 1961; Section 3 of the Legal Practitioners Act, 1879; Rule 21 of the General Rules (Civil), 1957; the Gazette Notification issued under the Supreme Court Rules, 2013; Section 190(3) and Section 363 of the Code of Criminal Procedure, 1973; Section 76 of the Indian Evidence Act, 1872; and Order III Rule 2 of the Code of Civil Procedure, 1908.

2. Put up this case as fresh on 18.9.2025 for further hearing.

September 16, 2025
Anil K. Sharma

(Vinod Diwakar, J.)



HIGH COURT OF JUDICATURE AT ALLAHABAD
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Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, G.A.

Court No. - 85

HON'BLE VINOD DIWAKAR, J.

At the joint request, put up this case as fresh on 23.09.2025 for further hearing.

September 18, 2025
Shafique

(Vinod Diwakar,J.)



HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No. - 10436 of 2025

Vishram Singh

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Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, G.A.

Court No. - 85

HON'BLE VINOD DIWAKAR, J.

1. Shri Chandan Sharma, learned counsel appeared and sought a day's accommodation on the ground that the learned Senior Counsel, who is to argue the matter, is unable to appear before this Court today due to personal difficulty.
2. At his request, put up this case as fresh on 07.10.2025 at 03:00 p.m.
3. The petitioner is permitted to appear through video conferencing on the next date of hearing.
4. In order to arrive at a just and logical conclusion in the matter, the suggestions and assistance of the learned Members of the Bar may also be invited.

September 23, 2025
Sharad/-

(Vinod Diwakar,J.)



HIGH COURT OF JUDICATURE AT ALLAHABAD
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Vishram Singh

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.....Respondent(s)

Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, G.A.

Court No. - 88

HON'BLE VINOD DIWAKAR, J.

1. Heard Shri Vishram Singh, the petitioner in person, Shri Anoop Trivedi, learned Additional Advocate General, assisted by Shri Vibhav Anand Singh, learned A.G.A. for the State-respondent, Shri Manish Goyal, learned Senior Counsel, assisted by Shri Chandan Sharma, learned counsel for the High Court, and Shri Radhja Kant Ojha, learned Senior Counsel, assisted by Shri Ashok Kumar Tiwari, learned counsel appearing on behalf of the Bar Council of Uttar Pradesh.
2. The arguments advanced by the learned counsel appearing on behalf of the respondent authorities have been concluded. Shri Vishram Singh, the petitioner in person, seeks for and is granted two weeks' time to submit his rejoinder arguments.
3. It has also been submitted by Shri Manish Goyal, learned Senior Counsel, that Shri Vishram Singh has been appearing in various cases on behalf of his clients, which, according to him, reflects an act of non-professional conduct. He further states that Shri Vishram Singh may be restrained from appearing in all pending cases before the trial courts as well as before this Court.
4. Shri Vishram Singh, the petitioner in person, undertakes before this Court that henceforth he shall not appear either in any pending case or in any fresh matter for or on behalf of his clients, till the disposal of this case.
5. Put up this case as fresh on 28th October, 2025 at 3:00 p.m., for further hearing.

October 7, 2025
Shafique

(Vinod Diwakar,J.)



HIGH COURT OF JUDICATURE AT ALLAHABAD
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State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, G.A.

Court No. - 88

HON'BLE VINOD DIWAKAR, J.

1. On the previous date of hearing, both parties were directed to file their respective written submissions. The petitioner, appearing in person, has complied with the said direction and filed written submissions, which is taken on record.

2. In the interest of justice, one more opportunity is granted to learned counsel for the respondent to file written arguments positively before the next date of hearing.

3. Put up on **19.11.2025** as fresh.

October 28, 2025
A. Tripathi

(Vinod Diwakar,J.)



HIGH COURT OF JUDICATURE AT ALLAHABAD
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Versus

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.....Respondent(s)

Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, G.A.

Court No. - 88

HON'BLE VINOD DIWAKAR, J.

1. Shri Chandan Sharma, learned counsel for the High Court states that the compilation has been filed on 4.11.2025, but the same is not on record.
2. The Registry is directed to trace out the same and place it on record.
3. A copy of the compilation has also been handed over to the petition in person.
4. The order dated 7.10.2025 is modified to clarify that Shri Vishram Singh may appear in his own cases.
5. Put up this case as fresh on 25.11.2025 at 2:00 p.m.

November 19, 2025
Anil K. Sharma

(Vinod Diwakar,J.)



HIGH COURT OF JUDICATURE AT ALLAHABAD
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Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, G.A.

Court No. - 88

HON'BLE VINOD DIWAKAR, J.

1. Due to paucity of time, the matter could not be taken up.
2. Put up this case tomorrow i.e. on 26.11.2025, as fresh.
3. Written arguments submitted by Sri Vishram Singh, is taken on record.

November 25, 2025
S.A.

(Vinod Diwakar,J.)



HIGH COURT OF JUDICATURE AT ALLAHABAD
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Versus

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.....Respondent(s)

Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, G.A.

Court No. - 88

HON'BLE VINOD DIWAKAR, J.

1. Arguments of Shri Vishram Singh, the petitioner, in person, and Shri Manish Goyal, learned Senior Counsel for High Court assisted by Shri Chandan Singh, learned Advocate, have been concluded.

2. Put up this case on 9th December, 2025 for pronouncement of judgment and clarification, if any.

November 26, 2025
Shafique

(Vinod Diwakar,J.)



HIGH COURT OF JUDICATURE AT ALLAHABAD
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State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, G.A.

Court No. - 88

HON'BLE VINOD DIWAKAR, J.

At the request of petitioner in person, put up on 11.12.2025 as fresh.

December 9, 2025
A. Tripathi

(Vinod Diwakar,J.)



2025:AHC:230732

HIGH COURT OF JUDICATURE AT ALLAHABAD
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Vishram Singh

.....Petitioners(s)

Versus

State of U.P. And 2
Others

.....Respondents(s)

Counsel for Petitioners(s)	: In Person
Counsel for Respondent(s)	: Ashok Kumar Tiwari, G.A.

AFR

Court No. - 88

HON'BLE VINOD DIWAKAR, J.

At the outset, and prior to addressing the merits of this petition, it would be apposite to recall the words of Oliver L.J., whose observation resonates strongly with the issues for determination in this case. - It is not necessary, in construing a statutory expression, to take leave of one's common sense¹.

1. Heard the petitioner-in-person; Shri Radha Kant Ojha, learned Senior Advocate, assisted by Shri Ashok Kumar Tiwari, learned Advocate for Bar Council of Uttar Pradesh; Shri Manish Goyal, learned

¹ Sir Richard William Scott Oliver (commonly cited as Oliver L.J.). He served as a Lord Justice of Appeal in the Court of Appeal of England and Wales from 1979 to 1988. He was a distinguished equity and commercial judge, particularly noted for his contributions to company law, intellectual property, trusts, and statutory interpretation; Exxon Corp v Exxon Insurance Consultants International Ltd [1982] Ch 119; [UKWA/0095/1981]

Senior Advocate, assisted by Shri Chandan Sharma, learned Advocate for the High Court, and perused the record.

2. As the issue raised by the petitioner-in-person is with regard to pursue legal profession- to plead and contest cases for and on behalf of the litigants. The petitioner-in-person is not a qualified law graduate and consequently not registered with the Bar Council in accordance with the Advocates Act, 1961. This Court deemed it appropriate to implead the Bar Council of Uttar Pradesh, through its Honorary Secretary, and the High Court of Judicature at Allahabad, through its Registrar General, as necessary parties to the present proceedings to enable a just and effective adjudication of the issues involved. Accordingly, the petitioner was permitted to implead them in the array of parties, and hence, the Bar Council of Uttar Pradesh and the Registrar General of this Court were arrayed as respondent nos. 4 and 5, respectively.

3. The facts arising from the petition are that an application dated 11.10.2019 was filed by the accused- Kanhaiya Lal in Case No. 50/2020, pending trial before the learned Additional District & Sessions Judge, Kanpur Nagar *inter-alia* praying to appoint Shri Vishram Singh, son of Late Shri Nirpati Singh r/o 125 Block-D, 80 Feet Road, Panki, Kanpur Nagar, as his Advocate to contest his case with the same rights and privileges as Advocates possess.

4. The aforesaid application was dismissed vide order dated 7.3.2025, by the learned Additional District & Sessions Judge/Small Causes Court, Kanpur Nagar, with a finding that Vishram Singh has not been enrolled with the State Bar Council in accordance with Chapter-III of the Advocates Act, 1961, and therefore, he is not entitled to practice as an Advocate.

5. Likewise, the petitioner's application seeking permission to appear as an Advocate in Criminal Case No.1759 of 2025, titled *Sheel Nidhi Jaisawal v. State of U.P.*, pending trial before the learned Additional

District & Sessions Judge, Kanpur Nagar, was also dismissed on similar ground.

6. Before I proceed further to deal with the matter on merits and examine the correctness of the findings of the learned trial court, it would be judicious to have a bird's-eye view of the brief background of the petitioner-in-person, Shri Vishram Singh, the list of cases in which he has been appearing in the trial court as an Advocate, and the details of the cases which have been filed by the learned Advocates practicing at District Court, Kanpur Nagar, against the petitioner.

6.1 The petitioner passed his 10th from the Government Inter College, Kanpur in the year 1985, and thereafter obtained a diploma (civil) from Government Polytechnic, Orai, District Jalaun in the year 1989, and joined small time construction business with his father-in-law after doing apprenticeship from JN Associates- a construction company in Kanpur. For a brief period, the petitioner worked on an *ad-hoc* basis at UPSIDC and subsequently resigned, claiming that he was annoyed by the corruption prevalent in the department. He has also claimed to have read and understood almost 100 judgments of the Supreme Court, and to have successfully defended/appeared for clients in the cases mentioned in para-6.3.

6.2 The petitioner's father had some cases in the District Court, Kanpur, with respect to the partition and demarcation of the ancestral property, and he used to visit the court for *Pairvi* of cases, and it is in this manner that the petitioner claims to have become familiarized himself with the court proceedings. While defending the family cases, the petitioner came into contact with litigants who were not receiving adequate legal assistance from their Advocates. The petitioner further claims that the aggrieved litigants began contacting the petitioner, requesting him to appear for them as well. Ultimately, the petitioner started taking briefs for some of the litigants.

6.3 In the following cases, the petitioner was permitted by the Courts to conduct cases as ‘*attorney*’ and ‘*pleader*’ before the District Court, Kanpur. The details are delineated as follows:

(1) In the Court of Special SC/ST Judge, Kanpur

(i) Case No.558/2020; Sadhana Rajpoot Vs. Station Chief Swaroop Nagar

(ii) Case No.128/2021; Bhaskar Singh Rajpoot Vs. C.O. Swaroop Nagar

(iii) Case No.512/2022; Pratik Bajpai Vs. Rakesh Chandel and Others

(iv) Case No.392/2022; Chhedilal Vs. Priyanka Sonkar

(v) Case No.789/2022; Ashu Rajpoot Vs. Rakesh Chandel

(vi) Case No.1223/2022; Amit Rajpoot Vs. Rakesh Chandel

(2) In the Court of Chief Metropolitan Magistrate, Kanpur

(i) Case No.711/2023; Anand Rajpoot Vs. Rakesh Chandel

(3) In the Court of Metropolitan Magistrate, Court No. 2, Kanpur

(i) Case No.1937/2022; Ashutosh Bajpai Vs. Anoop Shukla

(ii) Case No.1938/2022; Ashutosh Bajpai Vs. Anoop Shukla

(4) In the Court of Metropolitan Magistrate, Court No. 1, Kanpur

(i) Case No.2158/2021; Ashu Rajpoot Vs. Sanjeev Bhatia and Others

(5) In the Court of Additional Chief Metropolitan Magistrate, Court No. 3, Kanpur

(i) Case No.1806/2022; Ashutosh Bajpai Vs. Anoop Shukla

(6) In the Court of Metropolitan Magistrate, Court No. 8, Kanpur

(i) Case No.213/2023; Shivam Bajpai Vs. Rakesh Katiyar

(ii) Case No.300/2023; Anand Rajpoot Vs. Rakesh Chandel

(iii) Case No.71642/2023; Prateek Bajpai Vs. Ravi Varma

(iv)/ 2023; Prateek Bajpai Vs. Ravi Varma

(7) In the Court of Additional District & Sessions Judge, Court No. 9, Kanpur

(i) Civil Suit No.50/2020; Kanhaiya Lal Vs. Ashoka Jewellers

(8) In the Court of Civil Judge (Junior Division), Kanpur

(i) Misc. Suit No.736/2021; Kanhaiya Lal Vs. Ajay Rastogi

(9) In the Court of Additional Civil Judge (Junior Division), Court No. 3, Kanpur

(i) Civil Suit No.262/2023; Anita Rajpoot Vs. I.H.V.

(ii) Civil Suit No.495/2023; Prateek Bajpai Vs. Ravi Varma

(10) In the Court of Sub-District Magistrate, Kanpur Sadar

(i) Suit No.17690/2019 Kailash Dwivedi Vs. K.D.A.

(11) District Consumer Disputes Redressal Commission, Kanpur

(i) Complaint No.53/2021; Shiv Singh Vs. New India

(ii) Complaint No.120/2021; Vikash Rathour Vs. Blue Star

6.4 In support of his contentions, the petitioner-in-person has also placed reliance upon the following; **(i)** certified copy of the order dated 02.05.2022 passed by the learned Additional Sessions Judge, Court No.3, Kanpur Nagar passed in Criminal Misc Case No.549/2022, **(ii)** certified copy of the application for appointing Engr. Vishram Singh as Agent/Attorney in Criminal Misc. Case No.549/2022, **(iii)** certified copy of the order dated 25.04.2022 passed by I/C Sessions Judge/ASJ-III, Kanpur Nagar in Criminal Misc. Case No.543/2022, **(iv)** certified copy of order dated 04.03.2022 passed by I/C Sessions Judge/Special/E.C. Act, Kanpur Nagar in Criminal Misc. Case No.327/2022, **(v)** certified copy of application for appointing Agent/Attorney in Appeal No.327/2022, **(vi)** certified copy of order dated 04.03.2022 passed by I/C Sessions Judge/Special/E.C. Act, Kanpur Nagar in Criminal Misc. Case No.324/2022, and **(vii)** certified copy of application for appointing petitioner as Agent/Attorney in Appeal No.326/2022.

7. A number of cases have also been filed against the petitioner by Advocate Rakesh Kumar Singh, the details of which are being delineated herein below:

(i) Case Nos.113225 of 2024 and 49967 of 2024, both titled as Rakesh Kumar Singh v. Vishram Singh, pending consideration before the learned Judicial Magistrate, Court No.4, Kanpur.

(ii) Case No.3609 of 2021 and 02 of 2025, both titled as Rakesh Kumar Singh v. Vishram Singh, pending consideration before the learned Judicial Magistrate, Court No.1, Kanpur.

(iii) Case No.118463 of 2023 titled as Rakesh Kumar Singh v. Vishram Singh, pending consideration before the learned Additional Civil Judge (S.D.), Court No.5, Kanpur.

(iv) Case No.1463 of 2023 titled as Rakesh Kumar Singh v. Vishram Singh, pending consideration before the learned Additional Session Judge, Court No.10, Kanpur.

(v) Case No.121165 of 2023 titled Rakesh Kumar Singh v. Vishram Singh, pending consideration before the learned Additional Chief Judicial Magistrate, Court No.11, Kanpur.

7.1 Shri Vishram Singh, in support of his contentions, further stated that he can appear as a '*Mukhtiyar*' and '*Pleader*' for and on behalf of the litigant(s) without being registered as an Advocate with the Bar Council of Uttar Pradesh, and placed reliance upon certain provisions detailed hereinafter.

7.2 In continuation thereof, he has placed reliance upon Article 22(1) (Protection against arrest and detention in certain cases)² read with Article 227(3) (Power of superintendence over all courts by the High Court)³ of the Constitution of India; Section 3 of the Legal Practitioners

² No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

³ The High Court may also settle tables of fees to be allowed to the sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders practising therein:

Act, 1879⁴; Section 2(i) of the Advocates Act, 1961⁵; Rule 21 of the General Civil Rules, 1957⁶; and Section 2(15)⁷ read with Order III Rule 4⁸ of the Code of Civil Procedure, 1908. Additionally, besides the aforesaid provisions, the petitioner has also placed reliance on a few judgments passed by the Hon'ble Supreme Court in *Ashwini Kumar Upadhyay v. Union of India*⁹; *Shankar Finance & Investment v. State of Andhra Pradesh & Ors.*¹⁰; and *A.C. Narayanan v. State of Maharashtra & Anr.*¹¹, to substantiate his claim to have a legal right to appear and argue the cases for and on behalf of his clients.

Provided that any rules made, forms prescribed or tables settled under clause (2) or clause (3) shall not be inconsistent with the provision of any law for the time being in force, and shall require the previous approval of the Governor.

⁴ [Interpretation-clause.] Rep. by the Advocates (Amendment) Act, 2023 (33 of 2023), s. 3 (w.e.f. 30-9-2024).]

⁵ "legal practitioner" means an advocate [or vakil] of any High Court, a pleader, mukhtar or revenue agent.

⁶ If one or more suitors authorize a co-sutor to appear, plead, or act in his or their behalf it shall be done through a duly stamped power of attorney.

⁷ "pleader" means any person entitled to appear and plead for another in Court, and includes an advocate, a vakil and an attorney of a High Court;

⁸ (1) No pleader shall act for any person in any Court, unless he has been appointed for the purpose by such person by a document in writing signed by such person or by his recognised agent or by some other person duly authorised by or under a power-of-attorney to make such appointment.

(2) Every such appointment shall be [filed in Court and shall, for the purposes of sub-rule (1), be] deemed to be in force until determined with the leave of the Court by a writing signed by the client or the pleader, as the case may be, and filed in Court, or until the client or the pleader dies, or until all proceedings in the suit are ended so far as regards the client. 4 [Explanation. —For the purposes of this sub-rule, the following shall be deemed to be proceedings in the suit,— (a) an application for the review of decree or order in the suit, (b) an application under section 144 or under section 152 of this Code, in relation to any decree or order made in the suit, (c) an appeal from any decree or order in the suit, and (d) any application or act for the purpose of obtaining copies of documents or return of documents produced or filed in the suit or of obtaining refund of moneys paid into the Court in connection with the suit.]

(3) Nothing in sub-rule (2) shall be construed— (a) as extending, as between the pleader and his client, the duration for which the pleader is engaged, or (b) as authorising service on the pleader of any notice or document issued by any Court other than the Court for which the pleader was engaged, except where such service was expressly agreed to by the client in the document referred to in sub-rule (1).

(4) The High Court may, by general order, direct that, where the person by whom a pleader is appointed is unable to write his name, his mark upon the document appointing the pleader shall be attested by such person and in such manner as may be specified by the order.

(5) No pleader who has been engaged for the purpose of pleading only shall plead on behalf of any party, unless he has filed in court a memorandum of appearance signed by himself and stating — (a) the names of the parties to the suit, (b) the name of the party for whom he appears, and (c) the name of the person by whom he is authorised to appear: Provided that nothing in this sub-rule shall apply to any pleader engaged to plead on behalf of any party by any other pleader who has been duly appointed to act in Court on behalf of such party.

⁹ [(2019) 11 SCC 683]

¹⁰ [(2008) 8 SCC 536]

¹¹ [(2014) 11 SCC 790]

7.3 Shri Vishram Singh *inter-alia* submitted that the phrase ‘*legal practitioner*’;‘*sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders practising therein*’, and further ‘*an advocate or a pleader*’ found place in Articles 22(1), 227(3) and 233(2) (Appointment of district judges)¹² of the Constitution of India, respectively, and shall be read together harmoniously to construe that a person having substantial knowledge of law can appear and plead before the Court on behalf of his or her client(s). Article 233(2) suggests that a person could be appointed as a ‘*District Judge*’ if he/she has been an ‘*advocate*’ or ‘*pleader*’ for not less than seven years. The conjunction ‘or’ shall be used to read and understand ‘*advocate*’ and ‘*pleader*’ as different and distinct persons. The reason for incorporating the phrase ‘*legal practitioner*’ in Article 22(1) was that the ‘*legal practitioner*’ need not necessarily be an enrolled Advocate, their substantial knowledge of law and acquaintance with legal procedure is sufficient. The nature of job is the same. The framers of the Constitution were clear in their wisdom that immediately after the arrest of a person, a ‘*legal practitioner*’, of the arrestee’s choice who has sufficient knowledge of law and legal procedure, shall be provided to secure fundamental rights of the arrestee, and he need not necessarily be an enrolled advocate.

7.4 Likewise, he next submitted that Article 227(3) of the Constitution suggests that the High Court, in its wisdom, can settle the table of fees to be allowed to the *sheriff and all clerks and officers* of such Courts and to *attorneys, advocates* and ‘*pleaders*’ practising therein. Therefore, it can safely be concluded that the Constitution has recognized the rights of ‘*pleaders*’ as a different and distinct class from advocates and attorneys and in support, he relied upon section 2(15) of the Civil Procedure Code, 1908.

¹² A person not already in the service of the Union or of the State shall only be eligible to be appointed a district judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment.

7.5 Likewise, Section 208 (Non-attendance in obedience to an order from public servant)¹³ of Bharatiya Nyaya Sanhita, 2023 starts with a *non-absentee* clause. The word ‘*agent*’ used in the aforesaid section signifies the importance of ‘*agent*’ by keeping it equivalent to the person who is bound to attend in person, at a particular place in response to the summons, notice, etc. Thus, it can be said that the agent can represent the principal. Therefore, the applicant has been appearing as ‘*agent*’ for and on behalf of the litigant(s).

7.6 Again, the word ‘*agent*’ used in Section 192(5) (Diary of proceedings in investigation)¹⁴ of Bharatiya Nagarik Suraksha Sanhita, 2023, highlights the importance of an ‘*agent*’ in conducting the trial. It provides that neither the ‘*accused*’ nor his ‘*agent*’ shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court. It highlights that ‘*agent*’ has a role in the administration of justice, and that is why an “*agent*” shall be permitted to appear and contest cases, like Advocates.

7.7 He next submits that when Section 2(i) of the Advocates Act, 1961 is read with Section 3 of the Legal Practitioners Act, 1879, it entitles the petitioner to plead and argue cases for and on behalf of litigants. He also submits that the phrase ‘*legal practitioner*’ used in Section 2(i) of the Advocates Act, 1961, means an *advocate*, *vakil*, or a ‘*pleader*’ of any High Court, and the ‘*mukhtiyar*’ and ‘*revenue agent*’ working under the High Court. Section 3 of the Legal Practitioners Act, 1879 has the same

¹³ Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order, or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time or departs from the place where he is bound to attend before the time at which it is lawful for him to depart,—

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both;

(b) where the summons, notice, order or proclamation is to attend in person or by agent in a Court with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

¹⁴ Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the police officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such police officer, the provisions of section 148 or section 164, as the case may be, of the Bharatiya Sakshya Adhiniyam, 2023, shall apply.

meaning as is used in Section 2(i) of the Advocates Act, 1961. The phrase '*except as otherwise*' mentioned in Section 33¹⁵ of the Advocates Act, 1961 entitles those *pleaders*, *mukhtiyars* and *revenue agents*, who are not on the roll of the State Bar Council, to do legal practice.

7.8 Rule 21 of the General Civil Rules, 1957, enables the '*co-suitor*' to act, essentially allowing someone with a shared interest in a suit (co-suitor) to take necessary actions or present documents on behalf of others in the case, as long as they are authorized. These rules govern court procedures in India, focusing on civil matters such as pleadings, process serving, and managing court records, with specific provisions on government involvement and fees.

7.9 Further, section 2(15) of the CPC also empowers the petitioner to practice as a '*pleader*'. The '*pleader*' means anyone authorized to appear and argue for someone in court, including advocates, vakils, and High Court attorneys, i.e., legal representatives.

7.10 Order III Rule 4 of the CPC deals with the appointment of a pleader, and accordingly, the petitioner is entitled to plead his client's case after having been duly authorized by the power of attorney.

8. The petitioner further placed reliance upon some paragraphs extracted from *M/s Shankar Finance and Investment v. State of Andhra Pradesh and others*¹⁶, which made it clear that 'anyone' can set the criminal law in motion by filing a complaint of facts constituting an offence before a Magistrate entitled to take cognizance. Therefore, a power of attorney holder can also initiate criminal proceedings on behalf of his principal, and the word 'anyone' includes an agent or power of attorney holder.

¹⁵ Except as otherwise provided in this Act or in any other law for the time being in force, no person shall, on or after the appointed day, be entitled to practise in any court or before any authority or person unless he is enrolled as an advocate under this Act.

¹⁶ [(2008) 8 SCC 536]

8.1 Likewise, the petitioner further argued that in *A.C. Narayanan v. State of Maharashtra and Anr.*¹⁷, the Hon'ble Supreme Court held that the general power of attorney holder can depose and verify on oath before the Court in order to prove the contents of the complaint, for and on behalf of the party; therefore, the petitioner, being the attorney holder, can also appear and plead.

8.2 Likewise, the petitioner further argued that the Hon'ble Supreme Court in *C. Venkatachalan v. Ajeet Kumar C. Shah & Ors.*¹⁸, held that every individual has the right and freedom to do anything as long as he does not violate any law. Thus, a retired or even an unemployed engineer, scientist, teacher, or any other person does have the right to offer his or her services as an agent. In other words, an individual has the right to choose their professional as an agent. The petitioner submitted that Article 19(1)(g) and Article 21 of the Constitution also enable the practitioner to profess any profession, and placed reliance upon *Joginder Kumar v. State of Uttar Pradesh*¹⁹, and further asserted that an arrested person is entitled to have legal help from a person of his choice, accordingly he can also provide for the same.

8.3 Likewise, any person can file a complaint under Section 190 (Cognizance of offences by Magistrates)²⁰ of the Cr.P.C. irrespective of his professional qualification. Therefore, if the complaint can be filed by anyone, the same can be defended in the Court of law by anyone irrespective of the professional qualification.

¹⁷ [(2014) 11 SCC 790]

¹⁸ [(2011) 9 SCC 707]

¹⁹ [(1994) 4 SCC 260]

²⁰ (1) Subject to the provisions of this Chapter, any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf under sub-section (2), may take cognizance of any offence—

(a) upon receiving a complaint of facts which constitute such offence;

(b) upon a police report of such facts;

(c) upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed.

(2) The Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under sub-section (1) of such offences as are within his competence to inquire into or try.

8.4 Further, co-ordinate Bench of this Court, in Matters Under Article 227 No.9376 of 2024, titled as *Vishram Singh v. State of U.P.*, vide order dated 13.09.2024, granted permission to the petitioner to plead and argue cases on case-to-case basis.

8.5 Based on *Ashwani Kumar Upadhyay v. Union of India*²¹ and *Irniyus Tigga v. State of Jharkhand*²², the petitioner-in-person argues that the Court cannot infringe the right of an accused, enshrined in the Constitution by not letting him engage the professional of his own choice.

8.6 In essence, the petitioner's core argument is that the words 'pleader', 'mukhtiyar' and 'power of attorney' referred to in the aforesaid legal provisions enabling him to plead the case for and on behalf of his client after obtaining a written power of attorney in his name. He is not essentially required to be an Advocate in accordance with Chapter III & IV of the Advocates Act, 1961.

8.7 Lastly, it has been submitted that under review jurisdiction, this court can judicially review and strike down the relevant provisions of Chapter IV of the Advocates Act, 1961, so far as they are inconsistent with Articles 22(1), 227(3) and 233(2) of the Constitution of India, and other relevant provisions referred to herein above.

8.8 Finally, the petitioner concluded with an argument by showing a printout portraying the image of Hon'ble Mr. Justice Kailas Nath Wanchoo, the 10th Hon'ble the Chief Justice of India, with an argument that His Lordship reached this position without a formal law degree; therefore, the petitioner-in-person may be permitted to practice law, and sees a great future in the field of law.

9. *Per contra*, Shri Chandan Sharma, learned Advocate, appeared for the High Court and submitted as follows:

²¹ [(2019) 2 SCC 683]

²² [2012 SCC OnLine Jhar 2331]

9.1 The petitioner-in-person has no knowledge of law and exposure to the Court's procedure, as is evident from the way the petition under Article 227 has been drafted and annexure has been made. The petition is haphazard, and it is difficult to understand, in ordinary parlance, as to what the petitioner-in-person wanted to convey and plead. He next submitted that neither the prayer clause has been properly drafted, nor have the pleadings been raised in seriatim or in a chronological manner in accordance with the Allahabad High Court Rules, 1952. Further, he has erroneously relied upon the selected Supreme Court judgments out of context.

9.2 The judgments relied upon by the petitioner-in-person have been downloaded from *kanoonindia.org* and annexed in a haphazard manner. Printout of certain photographs has been annexed, and it is not clear from where such photographs have been downloaded or published, nor has any such affidavit been filed as prescribed by the Allahabad High Court Rules, 1952, to give a meaningful interpretation of the law.

9.3 The petitioner-in-person seems to be a man having no basic understanding of law and legal procedures; therefore, it can very well be gathered that he has neither been employed with an advocate as a clerk nor worked as a junior to learn even the basic nuances and etiquette of advocacy.

9.4 The petitioner has no knowledge as to how the '*pleader*' and '*mukhtiyar*' were appointed prior to the enactment of the Advocate Act, 1961. He is not even aware of the basic fundamental principle of erstwhile *pleaders* and *mukhtiyarship* examination being conducted by different High Courts.

9.5 No document has been filed by the petitioner to justify that he has a diploma in engineering, nor has any list of 100 judgments been provided, which the petitioner claims to have read and understood.

9.6 Before the enactment of the Advocates Act, 1961, the legal profession in India was governed primarily by the Legal Practitioners Act, 1879. Under this Act, the legal profession was carried out by different classes of legal experts, namely, *advocates*, *pleaders*, *mukhtars* and *revenue agents*, and each had their own territorial limitations and rights prescribed by each High Court. The '*pleaders*' and '*mukhtars*' used to work in district courts under the supervision of the High Courts during the British era.

9.7 Section 6 (Powers to make rules as to qualifications, etc., of pleaders and mukhtars. Publication of rules)²³ of the Legal Practitioners Act, 1879, empowered the High Courts to frame rules regarding the qualifications, examinations, and conditions for admission of '*pleader*' and '*mukhtars*'. Under section 7 (Certificates to pleaders and mukhtars)²⁴ of the Act, a person qualified to be appointed as a '*mukhtar*' or '*pleader*' was given a certificate of competence by the High Court to appear in Subordinate Courts. It used to be valid for a limited purpose and was subject to periodic renewal on payment of the prescribed fee and proof of good conduct.

9.8 Section 10(11) (No person to practise as pleader or mukhtar unless qualified)²⁵ of the Legal Practitioners Act, 1879 stipulates that their appointment used to be temporary with limited rights to practice within the district in which they would be appointed. Section 12-14²⁶ empowered the High Court to suspend and cancel the certificate of competence for misconduct or incapacity.

²³ Rep. by the Advocates Act, 1961 (25 of 1961), s. 50 (2) (w.e.f. 1-12-1961).

²⁴ Rep. by s. 50 (2), *ibid.* (w.e.f. 1-12-1961).

²⁵ Rep. by s. 50 (3), *ibid.* (w.e.f. 15-6-2011).

²⁶ 12. [Suspension and dismissal of pleaders and mukhtars convicted of criminal offence.] Rep. by s. 50 (4), *ibid.* (w.e.f. 1-9-1963)

13. [Suspension and dismissal of pleaders and mukhtars guilty of unprofessional conduct.] Rep. by s. 50 (4), *ibid.* (w.e.f. 1-9-1963)

14. [Procedure when charge of unprofessional conduct is brought in Court or revenue office. Suspension pending investigation.] Rep. by the Advocates Act, 1961 (25 of 1961), s. 50 (4) (w.e.f. 1-9-1963)

9.9 Even historically, the rights of '*pleader*' or '*mukhtar*' to practice law were neither absolute nor permanent. It was dependent upon the discretion of the High Court. Their role, duties and rights were specifically defined. Moreover, their functions were auxiliary and not equivalent to those of advocates.

9.10 The entire legal system, so far as legal practice is concerned, has been transformed by the enactment of the Advocates Act, 1961. The primary objective of this Act was to unify the legal profession and to abolish the multiplicity of classes among legal practitioners.

9.11 Section 2(1) (i) of the Act defines a '*Legal Practitioner*' as an Advocate or Vakil of any High Court, and includes within its meaning a '*pleader*', '*mukhtar*' or '*revenue agent*', thus, acknowledging them only as a part of old structure who could continue practice after having the certificate of competency issued by the High Court, and such authority ceased after enactment of the Advocates Act, 1961.

9.12 Chapters III and IV of the Advocates Act, 1961, deal with the admission and enrollment of Advocates, as well as the right to practice. Section 29 of the Act provides that Advocates are the only recognized class of persons entitled to practice the profession of law. Section 30 provides that every Advocate whose name is enrolled with the States Bar Council Roll shall be entitled with a right to practice law in India. Section 32 gives a discretion to any Court, authority or person to permit any person not enrolled as an Advocate under the Advocates Act, to appear before it or him in any particular case. The right provided under Section 32 can be exercised by the Court in exceptional cases, where an expert opinion or, under special circumstances, a person of some expertise may be permitted in the interest of justice. This is not a qualified or unfettered right of an individual to seek permission to appear as an Advocate.

9.13 So far as Section 33 is concerned, it states that no person shall be entitled to practice in any court or before any authority unless he is enrolled as an Advocate under the Advocates Act, 1961.

9.14 Section 55 preserves the rights of certain existing legal practitioners viz '*pleader*', or '*vakil*', '*mukhtar*' and '*revenue agent*', who were practising as such immediately before the date on which the Advocates Act, 1961 came into existence. They were allowed to continue enjoying the same rights in any court or revenue office, or before any authority or person, subject to the disciplinary jurisdiction of the same authority, for a limited period, till their tenure came to an end. After the transitional period ended and the term of the erstwhile *mukhtar*, *pleader*, and *revenue agent* expired, they were not allowed to continue practising law. Post the 1961 Act, no new person was issued a certificate of competency or appointed as a *mukhtar*, *pleader*, or *revenue agent* by the High Courts, and these offices have lost their relevance and objective after the enactment of the Advocates Act, 1961.

9.15 The Advocates Act, 1961, marked a watershed moment in the evolution of the Indian legal profession by unifying and reorganizing the fragmented legal systems that existed across the country. It established a single class of legal practitioners known as '*Advocates*', created the Bar Council of India and State Bar Councils to regulate professional conduct, and laid down the standards for legal education and enrollment. By streamlining the governance, ethics, and professional rights framework, the Act strengthened the independence, integrity, and cohesiveness of the legal profession in India.

9.16 So far as the term '*legal practitioner*' used in Article 22(1) of the Constitution is concerned, it is used for a limited purpose for an arrestee to take legal assistance or consult a legal practitioner post Advocates Act, 1961, to defend and to take legal opinion for availing rights available under the law.

9.17 In regard to Article 227(3) of the Constitution, after the Act of 1961, there is only one class of legal professionals, i.e. ‘*advocates*’ duly enrolled with the State Bar Council, and therefore, the Article shall be interpreted in harmonious construction with the provisions of the Advocates Act, 1961.

9.18 So far as Section 2(15), and Order III Rule 4 of the CPC are concerned, the word ‘*pleader*’ is used for the limited purpose to file, receive and exhibit documents for and on behalf of the master, but the same cannot be construed to have rights equivalent to the rights of Advocates granted under Section 30 of the Advocates Act, 1961.

9.19 The term ‘*agent*’ as used in Sections 208 and 192(5) of the BNSS, 2023, is intended for a very limited purpose, and its meaning cannot be extended to equate with the term ‘*Advocate*’ as defined under the Advocates Act, 1961.

10. Shri Chandan Sharma, learned Advocate, placed reliance on certain judgments in support of the contentions raised herein above, which are briefly delineated hereunder.

10.1 The Allahabad High Court in *Krishna Kumar Saxena Vakil & Ors v. Chief Justice of High Court of Judicature at Allahabad & Ors*²⁷ has held that the policy of the legislature in making this transitional provision, appears to have provided for the continuance of the conditions under which pleaders could practice until Chapter IV came into force. The legislature’s policy had, from the beginning, been to have only advocates practising the profession of law. Section 16 of Chapter III of the Advocates Act, 1961, contemplated only two classes of Advocates: senior advocates and other advocates. In section 29, only Advocates are entitled to practise the profession of law. The Act provided that all types of legal practitioners, including *pleaders*, *mukhtars*, *vakils*, *revenue agents*, and others, would eventually be enrolled as Advocates. To avoid

²⁷ [1968 SCC OnLine All 9]

hardships in the interim, Section 58(4) allowed the renewal of existing certificates. In the court's opinion, the Registrar was correct in holding that after 1st December 1961, the High Court did not have the power to admit or enroll new pleaders.

10.2 Likewise, Calcutta High Court in *Sunil Kumar Sinha Ray v. State of West Bengal*²⁸, held that the right to conduct and appear in the examination for the position of *mukhtar* has been extinguished by the effect of Section 50 (2) of the Advocates Act, 1961.

10.3 Building on this, the Hon'ble Supreme Court in *Hari Shankar Rastogi v. Girdhari Sharma*²⁹, clarified the exclusivity, holding that Advocates are entitled with the right to practice in the Hon'ble Supreme Court, a privilege that cannot be claimed by anyone else. This position reinforces the courts' trend towards restricting representation only to enrolled Advocates.

10.4 Again, the Hon'ble Supreme Court in *T.C. Mathai v. District & Sessions Judge, Thiruvananthapuram*³⁰, held that only legally qualified persons, authorized to practice in the Courts by the relevant authority, can appear for parties in ongoing proceedings. Section 30 of the Advocates Act gives every advocate, whose name is on the Bar Council's roll, the right to practice in all courts in India. The Supreme Court held that a power of attorney holder for a couple living in Kuwait, cannot appear on their behalf.

10.5 In *Jaymal Thakore v. Gujarat State Charity Commissioner, Ahmedabad*³¹, the division Bench of the Gujarat High Court held that a chartered accountant who has been a recognized agent holding power of attorney can appear, file an application, or, act on behalf of a party in the

²⁸ [1963 SCC OnLine Cal 3]

²⁹ [(1978) 3 SCR 493]

³⁰ [(1999) 3 SCC 614]

³¹ [2001 SCC OnLine Guj 85]

proceeding as recognized agent, but cannot plead and practice as a pleader or advocate.

10.6 In *K. Anand v. The Hon'ble Chairperson and another*³², the Division Bench of the Madras High Court, relying on the Full Bench decision in *Thayarammal v. Pitty Kuppusamy Naidu*³³, reaffirmed that Order III Rules 1 and 2 of the CPC do not give the recognized agent, any right to plead in Court on behalf of their principal, either on the appellate or original side of the High Court. The term 'act' in Order III Rule 1 is used in a technical sense, limited to 'appearance' and 'application' and not the broader sense of any action by a party.

10.7 Further, this Court in *Siyanand Tyagi v. Additional District Judge Ghaziabad and others*³⁴, reiterated that non-advocates, even with a power of attorney, have no right of audience unless the court grants leave, which is a discretionary power. This is consistent with the restrictive approach seen in earlier judgments.

10.8 A 5-judge Constitution Bench of the Hon'ble Supreme Court in *Bar Council of India v. Bonnie Foi Law College and others*³⁵ observed as under:

“28. We have given our thoughts to the matter and share the concerns of all those who appeared before us to see that the best come into the profession. Quality of lawyers is an important aspect and part of the administration of justice and access to justice. Half-baked lawyers serve no purpose. It is this quality control that has been the endeavour of all the efforts made over a period of time.

29. The object of Parliament in enacting the said Act was to consolidate the law relating to legal practitioners. The prominent role of the Bar Council of India, the apex body, is apparent from the functions prescribed for the Bar Council of India under Section 7 of the said Act. Clause (h) of Sub-Section (1), provides for the promotion of legal education and for laying down standards of such education in consultation with Universities in India and State Bar Councils. Sub-Clause (m) is in the nature of a residuary clause having the widest amplitude to do all other things necessary for discharging the aforesaid functions. These provisions do not entrust the Bar Council of India with direct control of legal education, as primarily legal education is within the province of the Universities. Yet Bar Council of India, being the apex professional body of the advocates, is concerned with the standards of the

³² [(2015) SCC OnLine Mad 1 2019]

³³ [(1937) 2 MLJ 552]

³⁴ [2003 SCC OnLine All 380]

³⁵ [(2023) 7 SCC 756]

legal profession and the equipment of those who seek entry into the profession. Neither these provisions, nor the role of universities to impart legal education, in any way, prohibit the Bar Council of India from conducting pre-enrolment education, as the council is directly concerned with the standard of persons who want to obtain a licence to practice law as a profession.”

10.9 The Hon’ble Supreme Court in *Goa Antibiotic and Pharmaceutical Ltd v. R.K. Chawala and another*³⁶ held that it is up to the Court to allow non-advocates to argue in-person. A natural person can be allowed to argue their own case, even if he is not an Advocate. However, non-advocates cannot represent or argue for an artificial person, such as a company, cooperative society, or trust. There is a difference between the right to appear on someone’s behalf (given only to enrolled Advocates) and the Court’s discretion to permit a non-advocates to appear. Under Sections 29 and 33 of the Advocates Act, only enrolled advocates can appear and argue before the Court. Section 32 gives the Court the authority to allow, in a specific case, a non-advocate to appear and argue. A power of attorney holder cannot appear for anyone in the court unless he is enrolled as an Advocate or is permitted under Section 32. They may still sign deeds or agreements and do other acts unless the law prohibits it.

11. Before adverting to the issues raised in the present petition, it would be apposite to briefly recount the historical background and the sequence of events which necessitated and ultimately led to the enactment of the Advocates Act, 1961, by repealing a major portion of the Legal Practitioners Act, 1879, and other related enactments prevailing across India.

11.1 On 15th December, 1951, the Government of India constituted a committee³⁷ under the chairmanship of Hon’ble Mr. Justice S.R. Das, Judge Supreme Court of India. Its members included: **(i)** Shri M.C. Setalvad, Attorney-General of India; **(ii)** Dr. Bakshi Tekchand, Retd. High Court Judge; **(iii)** Shri V.K.T. Chari, Advocate-General of Madras;

³⁶ [(2011) 15 SCC 449]

³⁷ This Committee was constituted by the Government of India (Ministry of Law) Resolution No. F. 60-XXV/51-L, dated the 15th December, 1951.

(iv) Shri V. Rajaram Aiyar, Advocate-General of Hyderabad; (v) Shri Syed M.A. Kazmi, M.P., Advocate, Allahabad; (vi) Shri C.C. Shaha, M.P., Solicitor, Mumbai; and (vii) Shri D.M. Bhandari, Advocate, Rajasthan High Court. The committee was tasked to examine and report on the continuance or abolition of different classes of legal practitioners, such as advocates of the Supreme Court, advocates of various High Courts, district courts *pleaders*, *mukhtars* (entitled to practice in criminal courts only), *revenue agents*, income-tax practitioners, etc., as well as six other connected issues. For brevity, details of the other five issues are not discussed herein, as they are not relevant to the issue raised in the present case.

11.2 The committee's report is known as the 'Report of the All-India Bar Committee', and the Secretary of the Committee submitted its report on 30th March, 1953, with the recommendation for the unification of the legal profession in India.

12. The committee's task was to unify the legal profession and create an All India Bar. To address the difficulties and complex problems in the legal profession, the Committee studied the history of its creation and development in modern times. This study began with the establishment of the first King's Court (1726-1862). It also covered the creation of High Courts and the Chief Court (1862-1922) in India, modeled on courts then existing in Britain.

13. The earliest power emanating from the crown for the administration of justice in India dates as far back as the reign of Charles-II, who, by a Charter granted in 1661, authorized the old East India Company to chastise and correct all English persons residing in the East Indies and committing any misdemeanor, either with Marshall Law or otherwise.

14. By a Charter dated 3rd April, 1661, issued in the 13th year of the reign of Charles-II, power was given to the Governor and Council of

the several places in India then belonging to the Company to administer justice also to non Europeans, for it empowered the Governor and Council, ‘to judge all persons belonging to the said Governor and Council or that should live under them, in all causes, whether civil or criminal, according to the laws of the Kingdom and to execute judgment accordingly’.

15. The justice that was administered by the East India Company was uncertain and inconsistent; therefore, it was felt necessary to institutionalize the royal courts. First time, Charter was granted by King George-I on 24th September, 1726 to establish Courts in Madras, Bombay and Calcutta, authorized “*to administer Oaths and to frame such Rules of Practice and appoint such Clerks and Officers, and to do all such other Things as shall be found necessary for the Administration of Justice*”, and to settle a Table of the Fees to be allowed to such Clerks and Officers. There was no specific provision in this Charter laying down any particular qualification to be possessed by a person who would be entitled to act or plead as legal practitioners for suitors in those Courts. Presumably, it was left to be regulated by the rules of practice, which the Court was authorized to frame.

16. The Regulating Act of 1773 authorized the King by Charter or Letters Patent under the Great Seal of Great Britain to erect and establish a Supreme Court of Judicature at Fort William in Bengal with “full power and authority to exercise and perform all Civil, Criminal, Admiralty and Ecclesiastical jurisdiction” and “to form and establish such Rules of Practice and such Rules for the process of the said Court and to do all such other things as would be found necessary for administration of justice”, and accordingly on 26th March, 1774, the Supreme Court of Judicature at Fort William in Bengal was established. Clause-11 of the aforesaid Charter and para 18 and 19 of the Report of

the All-India Bar Committee are reproduced as follows, for ready reference:

Clause 11. And we do hereby further authorise and empower the said Supreme Court of Judicature, at Fort William in Bengal, to approve, admit and enrol such and so many Advocates and Attornies-at-Law, as to the said Supreme Court of Judicature at Fort William in Bengal, shall seem meet, who shall be Attornies of Record, and shall be, and are hereby authorised to appear and plead, and act for the suitors of the said Supreme Court of Judicature, at Fort William in Bengal, and the said Advocates and Attornies, on reasonable cause, to remove; and no other person or persons whatsoever, but such Advocates or Attornies, so admitted and enrolled, shall be allowed to appear and plead, or act in the said Supreme Court of Judicature, at Fort William in Bengal, for or on the behalf of such suitors, or any of them."

Para 18. *It is well-known that soon after the establishment of the Supreme Court in Bengal serious conflicts and dissensions arose between the Judges of that Court and the Governor-General and Council of Bengal. Eventually, the conflicts and dissensions were composed by the Act of Settlement, 1781 (21 Geo. III C. 70). Section 8 of that Act took away from the Supreme Court all jurisdiction "in any matter concerning the revenue or concerning any act or acts ordered or done in the collection thereof, according to the usage and practice of the country, or the regulations of the Governor-General and Council". Such was the distrust of the executive authorities as regards the jurisdiction and powers of the Superior Courts that subsequent statutes up to the Government of India Act, 1935, creating or continuing the High Courts always had a section substantially reproducing this section. The Act of Settlement did not bring about any change in the organization of the legal profession so far as the Supreme Court was concerned. It did, however, by Section 23, empower the Governor-General and Council, from time to time; to frame regulations for the provincial courts, reserving a right to the King in Council to disallow or amend the same within two years.*

Para 19. *Similar Supreme Courts with like jurisdictions and powers were also established at Bombay and Madras. The Charters constituting those courts also directed each of them to give judgment and sentence according to "justice and right" which meant English Common Law and the rules of equity and each of them was given similar power to approve, admit and enrol Advocates and Attorneys which expression then meant only British Barristers and Advocates and British Attorneys. Therefore in the Supreme Courts at Bombay and Madras, as in the Supreme Court at Fort William in Bengal, only British Barristers, Advocates and Attorneys were eligible for enrolment. Such was the position of the legal profession in the Supreme Courts which, like their predecessors, the Mayor's Courts, were called the King's Courts as opposed to now be made.*

17. The important thing to note is that in Clause-11 of the Regulating Act, 1773 there was an express provision that "no other person whatsoever" would be allowed to appear and plead or act. The Court was, therefore, at its inception, exclusively preserved for the members of

the British legal profession, namely, the British Barristers, Advocates and Attorneys. The indigenous Indian legal practitioner had no entry into this court. During those days, the language of the Supreme Court thus established was English and the Court was directed to give judgment and sentence according to "*justice and right*" which words, from the days of the Mayor's Court, were understood to mean English Common Law and rules of Equity only. The persons entitled to practise before the Court were (1) "Advocates" which expression then extended only to English and Irish Barristers and Members of the Faculty of Advocates in Scotland and (2) "Attorneys" which then meant only the British Attorneys or Solicitors.

18. Immediately before the advent and rise of British power in India, administration of justice was in the hands of Courts established by the Mughal Emperors or ruling chiefs owing real or pretended allegiance to them. After the battle of Plassey in 1757 and of Buxar in 1764, Lord Robert Clive acquired from the Mughal Emperor, the Diwani of Bengal, Bihar and Orissa and consequent on such acquisition, the Company assumed for greater territorial responsibilities, and after arrival of Warren Hastings³⁸ in 1772, the civil and judicial administration of the mofussil territories outside the town of Calcutta was undertaken by the Company itself, and accordingly *Sudder Dewanny Adawlat* and for criminal justice, *Foujdari Adawlat*s were established in each districts with a superior criminal court called the *Sudder Nizamat Adawlat*. The language of these courts was Persian.

19. Subsequently, in Madras, the '*Adawlat system*', civil and criminal was introduced in the year 1802 on the model of the system prevalent in Bengal, and in 1831 a Court of *Sudder Dewanny Adawlat* was established for the North-Western Provinces with similar powers, and the

³⁸ Warren Hastings, (1732-1818), the 1st Governor General of India, who was later prosecuted by British Parliament on the charge of bribe.

law of procedure of all the *Mofussil Courts* was sought to be simplified and consolidated by the Code of Civil Procedure of 1859.

20. This way, the concept of legal practitioners acting and pleading emerged in the company courts, and it appears that the class of Vakils, practising before the Mughal Court, subsequently appeared in the Company's Court. Bengal Regulation VII of 1793 may be said to have created for the first time a regular legal profession for the Company's Courts in British India. That Regulation called itself one "for the appointment of Vakils or native pleaders in the courts of civil judicature in the Province of Bengal, Bihar and Orissa. It empowered the *Sudder Dewanny Adawalat* to enrol pleaders for all Company's Courts and to fix the retaining fee for pleaders and also a scale of professional fee based on a percentage of the value of the property.

21. Then came Bengal Regulation XXVII of 1814, which consolidated the law on the subject. The pleaders were empowered to act as arbitrators and to give legal opinions on the payment of fees. The next important piece of legislation was Bengal Regulation XII of 1883, which modified the provisions of earlier Regulations regarding the selection, appointment and remuneration of these pleaders. The Legal Practitioners Act, 1846 made three important innovations, namely, **(i)** that people of any nationality or religion became eligible to be pleader, **(ii)** Attorney's and Barrister's enrolled in any of Her Majesty's Courts in India made eligible to plead in the *Sudder Courts* of the Company, **(iii)** Pleadors were allowed to enter into agreement with their clients for their fees for professional service. And subsequently, by the Amendment Act of 1853 (XX of 1853), the Barristers and Attorneys of the Supreme Court were permitted to plead in any of the company's Courts, subordinate to the *Sudder Courts*.

22. The Indian High Courts Act, 1861³⁹, was passed by the British Parliament authorizing the creation of High Courts by Letters Patent in several Presidencies in place of the respective *Supreme Court* and the *Sudder Diwanny Adawlat*s and *Sudder Nizamat Adawlat*s at Calcutta, Mumbai, Madras, and Allahabad. As regards the Legal Practitioner, Clause-9 of the Letters Patent of 1865 provided to authorize and empower the High Court of Judicature to approve, admit and enrol such and so many Advocates, Vakils, and Attorneys to plead or to act, for the suitors. Likewise, Section 10 of the Punjab Chief Courts Act, 1866, laid down the qualifications of persons who were permitted to appear and act as pleaders in the Chief Court, and it was for the Judges to make rules for the qualification and admission of the proper person to act as Pleadors in the Court. This was repealed some years later by the Legal Practitioners' Act, 1879, and the Chief Court framed rules laying down that any person who was a member of the English Bar or the Faculty of Advocates in Scotland was eligible for admission as an Advocate.

23. There were two classes of Pleadors in Punjab: **(i)** Pleadors of the 1st grade entitled to practice before the Chief Court, and **(ii)** Pleadors of the 2nd grade entitled to practice before the Subordinate Courts. The qualification for admission as a second-grade Pleader was a Diploma for having passed the "*Licentiate-in-law*" examination held by the University, which was open to students who had completed a three-year course of teaching in the Law College. After practising in the Subordinate Courts for two years, Pleadors of the second grade were eligible to be enrolled as Pleadors of the first grade. Rules were also framed for the admission of *Mukhtars*. Under the Rules as amended in 1890, *Mukhtars* of the First Grade were permitted to appear in the Chief Court. A noteworthy feature was that, unlike in Bengal and other provinces, *Mukhtar* in the Punjab could appear before Subordinate Civil

³⁹ ACT No. X OF 1861. Passed by The Legislative Council of India. (Received the assent of the Governor-General on the 29th April 1861)

Courts and also in Criminal Courts. Fresh recruitment of *Mukhtars* in the Punjab was abandoned in 1914, but those already enrolled were permitted to continue practising as before. The Chief Court at Lahore continued to function till the 1st of April, 1919, when the Lahore High Court was established by Letters Patent dated the 21st March, 1919. The High Court has been succeeded by the East Punjab High Court since the partition of the Punjab in 1947.

24. So far as Uttar Pradesh is concerned, in the year 1866, the High Court of Judicature for the North-Western Provinces came into existence at Agra under the Letters Patent of the 17th March, 1866 replacing the old *Sudder Diwanny Adawalat*, and a Judicial Commissioner's Court was established at Lucknow as the highest Court for Oudh by Oudh Civil Courts Act, 1871.

24.1 The seat of the High Court for the North-Western Provinces was shifted from Agra to Allahabad in 1869, and its designation was altered to 'the High Court of Judicature at Allahabad' by a supplementary Letters patent issued on March 11, 1919.

24.2 The Oudh Chief Court at Lucknow, replacing the Oudh Judicial Commissioner's Court, was established on November 2, 1925, not by Letters Patent but by the Oudh Civil Courts Act, IV of 1925, enacted by the U.P. Legislature with the previous sanction of the Governor-General to the passing of this Act, as required by the Government of India Act, 1919.

24.3 By the U.P. High Court Amalgamation Order, 1948, the Chief Court of Oudh was amalgamated with the High Court of Allahabad, and the new High Court was conferred the jurisdiction of both the Courts so amalgamated. By the Amalgamation Order, the jurisdiction of the Court under the Letters Patent and that of the Chief Court under the Oudh Courts Act were preserved.

24.4 In July 1949, the States Merger (Governor's Provinces) order was passed, which was amended in November 1949 and accordingly, the States Merger (United Provinces) Order, 1949 was issued whereby the powers of the Government of some Indian States specified in the Schedule, which had vested in the Dominion Government, were transferred to the adjoining Governors' Provinces. In Schedule VII, Rampur, Banaras and Tehri Garhwal were the States specified, and by section 3, the affairs of the said states were to be administered in all respects as if they formed part of the absorbing province.

24.5 On the eve of the Republic Day celebrations on the 26th of January, 1950, the date of commencement of the Constitution of India, the High Court of Judicature at Allahabad came to have jurisdiction throughout the entire length and breadth of the State of Uttar Pradesh.

25. Broadly speaking, in the High Courts, apart from the Attorneys, two classes of lawyers were allowed to practise: **(i)** one class was called Advocates, who were mainly Barristers of England or Ireland or Members of the Faculty of Advocates of Scotland, besides certain other additional qualifications. High Courts, other than Calcutta High Court, also permitted non-Barristers to be enrolled as Advocates, e.g., in Bombay, those Bachelors of Laws of the Bombay University who passed an examination held under the direction of the High Court, and in Madras, Advocates of Calcutta, Bombay and Allahabad and Masters of Laws of the University of Madras were eligible for enrollment. In Allahabad, apart from the Barristers, Doctors of Laws of the University of Allahabad who had practised for three years in the United Provinces, and Advocates of Calcutta and Attorneys and Vakils for ten years standing, were also eligible on the invitation of the Chief Justice and the Judges. Likewise, there were similar, and/or additional qualifications required for Bengal, Bihar and Orissa, **(ii)** the other class of Advocates in the High Court was called 'Vakils'. The qualifications required for

admission as a Vakil in Calcutta, Bombay, Bihar, Punjab, and Allahabad were governed by different sets of rules. Each High Court had its own different set of requirements. Like in Allahabad, the holder of a degree of L.L.B. of the Allahabad University or a B.L. of Calcutta or Madras University was entitled to be enrolled in the High Court as a Vakil after two years *bona fide* practice in the Subordinate Courts. A pleader holding a degree of B.L. who had practised for four years in a Subordinate Court and an Attorney of three years practise in a High Court could also be admitted, subject to his passing an examination in law and procedure prescribed by the High Court. The High Courts of Calcutta, Bombay, Madras, Allahabad and Patna all prescribed qualifications for enrollment of Attorneys.

26. Besides the Advocates, Attorneys and Vakils of the High Courts, there were different classes of legal practitioners ordinarily practising in the District and other Subordinate Courts. Law graduates who did not possess the additional qualifications required for enrollment as Vakil of the High Court, and non-graduates who could pass the pleader-ship examination held by the High Court, were given certificates entitling them to act and plead as pleaders in the District and other Subordinate Courts. These pleaders had no entry into the High Court unless, after a certain number of years' practise in Subordinate Courts, they became enrolled as High Court Vakils. In some provinces, there were pleaders of several grades, e.g., first, second, and even third grades.

27. Besides pleaders, there was another class of practitioners in the Subordinate Courts called *Mukhtars*. They were generally persons who, after passing the entrance examination corresponding to the matriculation examination of the later times, passed the *Mukhtarship* examination held by the High Court. Although their Sanads or licenses permitted them to practise in all Subordinate Courts, they were, by reason of the High Court Rules and Order, mainly confined to acting and

pleading in the criminal courts in the *Mofussil*. These *Mukhtars* were not permitted to plead either in any Subordinate Civil Court, or in the High Court.

28. There was another kind of legal practitioner known as a *Revenue Agent* who was certificated and enrolled under the Rules made by the Chief Controlling Revenue Authority under Section 17 of the Legal Practitioner Act, 1879. Their practise was confined before the Revenue Officers mentioned in their certificate, and other offices subordinate thereto.

29. In the aforesaid background, the demand for removal of the distinction between the *Barristers* and *Vakils* and the creation of All-India Bar was thought of, therefore, in response to the pressure of the indigenous legal profession, the Government of India eventually in November, 1923 set up the Indian Bar Committee under the Chairmanship of *Sir Edward Chamier*, a retired Chief Justice of Patna High Court and the then Legal Advisor and Solicitor to the Secretary of State to examine and report on (i) constituting an Indian Bar, whether an All India Bar or Provincial basis with particular reference to the Constitution, statutory recognition, functions and authority of a Bar Council or Bar Councils and their position *vis-a-vis* High Courts, and (ii) to remove the existing distinction enforced by statute or practice between Barristers and Vakils.

30. The *Chamier Committee* submitted its report on 1st February 1924, and it did not consider it practicable to organize the Bar on an All India basis or to constitute the All India Bar Council. It dealt with the Advocates and Vakils practising in the High Courts. It did not deal with the Pleaders and Mukhtars except by stating that their enrollment and control should be left to the High Court under the Bombay Pleaders Act, 1920, in Bombay, and under the Legal Practitioners Act, 1879, in other places. The principal recommendation with respect to all High Courts

was that a single grade of practitioners, to be called Advocates, should be enrolled, the grade of High Court Vakils or Pleaders be abolished, besides other recommendations which are not extracted herein as not relevant to the issue at hand.

31. To give effect to the part of the recommendations of the *Chamier Committee* relating to the establishment of Bar Councils, the Central Legislature enacted the Indian Bar Councils Act, 1926 (XXXVIII of 1926). The Act received the assent of the Governor General on the 9th September, 1926, and its main provisions came into force in different Provinces in 1928 and 1929. It extended to the whole of British India and applied to the High Courts of Calcutta, Bombay, Madras, Allahabad, and Patna, and to such other High Courts within the meaning of Clause 24 of Section 3 of the General Clauses Act, 1897.

32. The *Chamier's Committee Report* and the Indian Bar Councils Act had left the Pleaders, Mukhtars and Revenue Agents practising in the Mofussil Courts and Revenue Officers entirely out of the consideration and did not bring out a unified Indian Bar. Further, the Bar Councils constituted under the Indian Bar Councils Act were merely advisory bodies and were neither autonomous nor had any substantial authority. This did not satisfy the legal profession, and piecemeal attempts to amend the Legal Practitioners Act, 1879, and/or the Indian Bar Councils Act(s) were made from time to time without success.

33. Therefore, a necessity for the creation of a unified All India Bar was felt, and accordingly, the All India Bar Committee was constituted on 15th December, 1951, and ultimately, based on the recommendations of All India Bar Committee (*supra*), the Advocates Act, 1961 came into existence with the creation of Bar Council of India, and respective State Bar Councils for setting up and maintenance of a common roll of Advocates, State-wise.

34. By the creation of the Advocates Act, 1961, the '*Pleaders*' and '*Mukhtars*' were allowed to continue to practise in the same manner and subject to the same conditions as heretofore until, by retirement or otherwise, they cease to exist. The State Bar Council was required to send a copy of the Register containing the names of the existing Advocates and the names of the *Vakils* and *Pleaders* of the classes mentioned above who were selected to be enrolled as Advocates within the specified time together with the respective dates of their enrollment in that Register, to the All-India Bar Council, to be constituted as hereinafter mentioned. The All-India Bar Council would also receive copies of the Registers maintained by the Supreme Court of India, in which the names and dates of enrollment of Senior Advocates, Advocates, and Agents were recorded. The All-India Bar Council would obtain copies of the Registers so obtained by it from the State Bar Councils, and the Supreme Court would compile a common roll of Advocates in the order of seniority according to the date of original enrollment of the existing Advocates in their respective High Courts or in the Supreme Court if they were not enrolled in any High Court. Likewise, entries regarding the *Vakils* and *Pleaders* would also be registered within a specified time.

35. The existence of a regular hierarchy of different grades of Courts in India and the dearth of Law Graduates in earlier times necessitated the creation of inferior grades of legal practitioners with varying degrees of qualifications, with the right to practise only in the District Courts, other Subordinate Courts and the Revenue Offices. Apart from the Advocates and *Vakils* of the High Courts, the *Pleaders* (who were initially mostly non-graduates), the *Mukhtars* (who were only Matriculates), and the Revenue Agents came into existence. Income-tax Practitioners were not legal practitioners and were not governed by the Legal Practitioners Act, 1879, and the Committee therefore did not propose to deal with them,

leaving them to be dealt with by the Income-tax authorities under the Indian Income-Tax Act.

36. The existing Vakils and Pleaders and Law Graduates, who had not got themselves enrolled as Advocates, were immediately absorbed into the category of Advocates, and their names were entered in the Register kept by each State Bar Council and thereafter also in the Common Roll to be maintained by the All-India Bar Council. Likewise, existing Pleaders who were not Law Graduates but who were, under the existing rules, eligible to be enrolled as Advocates of the High Court were allowed to enter in the Register kept by the State Bar Council and in the Common Roll maintained by the All-India Bar Council. The rest of the existing *Pleaders*, as well as the *Mukhtars* and *Revenue Agents*, were allowed to continue to practise in the manner and subject to the conditions applicable to them. They had remained under the disciplinary jurisdiction of such authorities as existed at that time, as well as under the provisions of the Legal Practitioners Act, 1879.

37. The recruitment of *Pleaders* who were not Law Graduates had been discontinued in all States. Likewise, the recruitment of *Mukhtars* had also been discontinued in all States, except West Bengal, Assam and Orissa. The *Harries Committee*, set up by the West Bengal Government, unanimously recommended the continuation of *Mukhtar* recruitment in West Bengal. The main ground for this recommendation was that, in remote interior areas where no competent lawyers were available, the *Mukhtars* had been providing legal assistance to poor litigants at very low fees. All States had discontinued further recruitment of non-graduate *Pleaders*, and all States, other than West Bengal, Assam, and Orissa, had discontinued the recruitment of *Mukhtars*. In the larger interest of the unification of the Bar, the Committee recommended that in future there should be no further recruitment of non-graduate *Pleaders* or *Mukhtars* or *Revenue Agents*.

38. The Committee resolved to recommend that there shall be a State Bar Council in each State and there shall be an All India Bar Council, besides other recommendations, and further observed that if the recommendations of the Committee are accepted, there will have to be a consolidated Act incorporating the provisions of the existing Acts modified by the recommendations of the Committee, and that is how the Advocates Act, 1961 came into existence by replacing earlier Bar Councils Act, 1926 and other enactments.

39. The objective was to consolidate the law relating to the legal practitioners and to provide for the constitution of State Bar Councils and All-India Bar. Earlier, prior to the enactment of the Advocates Act, 1961, the law relating to legal practitioners in India was governed by the Legal Practitioners Act, 1879, the Bombay Pleaders Act, 1920, the Indian Bar Councils Act, 1926, as well as Charters, Regulations, and Conventions.

40. There were sixteen High Courts in twenty six States in the year 1953. Each State had some common and distinct classes of legal practitioners recognized by the respective High Courts, having common, and in some cases separate qualifications and rights of practice enjoyed by each class of practitioners, containing, in brief:

(1) In Assam, there were five classes: (i) Advocates (including Barristers enrolled as Advocates), (ii) Attorneys, (iii) Pleaders, (iv) Mukhtars, (v) Revenue Agents

(2) In Bihar, there were three classes: (i) Advocates, (ii) Pleaders, (iii) Mukhtars

(3) In Bombay, there were three classes: (i) Advocates, (ii) Attorneys, (iii) Pleaders

(4) In Madhya Pradesh, there were two classes: (i) Advocates, and (ii) Pleaders

(5) In Madras, there were three classes: (i) Advocates, (ii) Pleaders (Grade-I), (iii) Pleaders (Grade-II)

(6) In Orissa, there were three classes: (i) Advocates, (ii) Pleaders, (iii) Mukhtars

(7) In Punjab, there were two classes: (i) Advocates, (ii) Pleaders

(8) In Uttar Pradesh, there were four classes: (i) Advocates, (ii) Pleaders, (iii) Mukhtars, (iv) Vakils

(9) In West Bengal, there were four classes: (i) Advocates (including Barristers), (ii) Attorneys, (iii) Pleaders, (iv) Mukhtars

(10) In Hyderabad, there were three classes; (i) 1st Class, (ii) 2nd Class, (iii) 3rd Class

(11) In Madhya Bharat, there were four classes: (i) Advocates, (ii) High Court Mukhtars, (iii) District Court Pleaders, (iv) District Court Mukhtars

(12) In Mysore, there were two classes: (i) Advocates, (ii) Pleaders

(13) In Patiala and East Punjab States Union (PEPSU), there were two classes: (i) Advocates, (ii) Pleaders

(14) In Rajasthan, there were three classes: (i) Advocates, (ii) Pleaders, (iii) Mukhtars (only those on the Rolls)

(15) In Saurashtra, there were four classes: (i) Advocates, (ii) District Pleaders, (iii) Vakils (Class-I), (iv) Vakils (Class-II)

(16) In Travancore Cochin, only one class of legal practitioner, known as Advocates, was recognized by the High Court

41. Interestingly, in Hyderabad, for appearing in the 1st Class Law Examination, a person could be an intermediate of any recognized University or a Maulvi Alim or Munsif Alim or hold any equivalent degree and could have two years of attendance of law classes. These legal practitioners could practice in all courts, including the High Court, which was discontinued in 1951.

42. So far as Uttar Pradesh is concerned, different qualification and rights of practice was prescribed for each class of legal practitioners. ‘Advocates’ could have been either Barristers or Law Graduates of recognized Universities. They could appear, plead and act in all civil, criminal and revenue courts, including the High Courts. The ‘Pleaders’ could have been Law Graduates and could appear, plead and act in any civil, criminal or revenue courts in the judgeship in which they were enrolled. The ‘Mukhtars’ could have passed the Mukhtarship examination (which was discontinued) of the Allahabad High Court; they could also appear, plead, and act in any criminal or revenue court in the judgeship to which they were enrolled. They could only act, not plead, in subordinate civil courts. The ‘Vakils’ could have passed the Vakilship examination (which was discontinued) of the Allahabad High Court and could practice in all courts, including the High Court.

43. There were 2559 Advocates, 5216 Pleaders, and 2000 Mukhtars registered as legal practitioners on 31st March, 1952, in Uttar Pradesh. The ‘Mukhtars’ were not recruited after 1927, and no ‘Vakil’ was ever enrolled before 1961.

44. There were 315 Senior Advocates, 1019 Junior Advocates, and 146 Agents enrolled in different classes of legal practitioners in the Supreme Court of India as on the 31st December, 1952. The largest number of Advocates were enrolled in Madras, including 7268 Advocates, 1015 Pleaders, and 28 Mukhtars, followed by Bombay, Uttar Pradesh, and West Bengal, respectively.

45. Based on the aforesaid deliberations and arguments led by both the parties, let me examine the constitutional provisions and other relevant provisions of the aforesaid Acts and Rules, as have been cited by Shri Vishram Singh, in the context and issue raised herein.

46. Indeed, a reference is there in Article 227(3) of the Constitution with regard to settle tables of fees to be allowed to sheriff and all clerks

and officers of such Courts and to attorneys, advocates and pleaders practising. Article 233 suggests that an *advocate* having practise of not less than seven years or a '*pleader*' shall only be eligible to be appointed as District Judge likewise, Rule 21 contained in Chapter III of General Rule Civil, 1957 authorizes a *co-suitor*; to act to appear, plead, in his or their behalf through a duly stamped power of attorney.

47. Similarly, section 2(15) of the Civil Procedure Code, 1908 defines '*pleader*' as any person entitled to appear and plead for another in Court, and includes an Advocate, a Vakil and an Attorney of a High Court. The Order III of Civil Procedure Code, 1908 deals with recognized agents and pleaders, and Rule 1 to 6 of this Order respectively deal with appearances, etc. in person, through a recognized agents or by pleader; definition of recognized agent; mode of service of process on recognize agents; appointment of pleader (substituted by Act, 22 of 1926); mode of service of process on pleader; and procedure for Agent to accept services.

48. Before appreciating the literal meaning of the word '*pleader*' as defined in Section 2(15) of the CPC 1908, it would be essential to understand the qualifications and rights of practise enjoyed by the pleaders prior to Advocates Act, 1961 in different States; **(i)** in Assam the pleaders' rights of practise were regulated by Chapter III of the Legal Practitioners Act, 1879 which has been repealed by Advocates Act 1961. Likewise, **(ii)** in Bihar, pleaders were either law graduates of recognized university or those who have passed the Pleader-ship examination held under the rules in force up to 1938, **(iii)** in Bombay, the pleaders were entitled to practise within the district or districts for which they hold Sanads of such Courts the District Judge assigned, **(iv)** in Madhya Pradesh, the Barristers of England, Northern Ireland and Members of the Faculty of advocates in Scotland and law graduates of recognized Universities could have been enrolled as Advocates or Pleaders, **(v)** in

Madras, the 'Pleaders of Grade-I' were law graduates who had passed the High Court Pleader-ship examination, and 'Pleaders of Grade-II' were graduates in arts and who had passed the Pleader-ship examination to practise in district court. Similarly, only those could be appointed as pleaders, who had basic qualification as a law graduate only those could be appointed as Pleaders who had basic qualification of law graduate in Orissa, Punjab, Uttar Pradesh, West Bengal, Madhya Pradesh, PEPSU, Rajasthan, whereas in Mysore, a person qualified in the prescribed examination for *Pleader-ship* or any person who had qualified to be a *first grade pleader* of any other High Court in the area which was formerly known as British India may be enrolled as Pleaders. Likewise, in Saurashtra, a person entitled to practise in the District & Sessions Court to which they hold Sanads could be appointed as a District Pleader.

49. In essence, the basic qualification was to hold a law degree from a recognized university and to have qualified *Pleader-ship* exam to enroll as '*Pleaders*', or an '*Advocate*' and should have also passed the pleadership examination conducted by the respective High Courts as per their existing rules. Any layman, having no knowledge of law, or a basic understanding of the procedures of the Court could not have been appointed as a *Pleader* before qualifying for the pleadership exam conducted by the respective High Courts, even prior to 1961.

50. So far as the words '*Pleader*', '*Sheriff*', and '*Attorney*' mentioned in Article 227(3) and Article 233(2) of the Constitution of India are concerned, it is necessary to bear in mind that the Constituent Assembly of India adopted the Constitution on 26th November, 1949 which came into force on 26th January, 1950. Whereas, the All India Bar Committee was constituted subsequently on 15th December, 1951 and gave its recommendation on 30th March, 1953. Thereafter, the Advocates Act, 1961 was enacted by the Parliament on 19th May, 1961 taking into

consideration the Law Commission's recommendation to implement the recommendations of the All-India Bar Committee. The Advocates Act, 1961 was thus enacted almost a decade later after the Constitution of India came into force. Prior to that, the legal profession had been governed by the Legal Practitioner Act, 1879, the Bombay Pleaders Act, 1920, the Indian Bar Councils Act, 1926, besides Charters, Regulations, and Conventions. Therefore, the words Pleader, Sheriff and Attorney have been found in the Constitution of India. Further, the term Sheriff means an important official of a shire or county charged primarily with judicial duties (such as executing the processes and orders of courts and judges).⁴⁰

51. The paramount rule remains that every statute is to be expounded according to its manifest and expressed intention. The text of an enactment must be read in its context. Context here is meant in its widest sense, to include the context of the Act as a whole, and its legal, social and historical context. When the purpose of an enactment is clear, it is often becomes legitimate to put a strained interpretation upon some words which have lost their utility or have become dead letter because of the subsequent developments of law.

52. In interpreting an Act of Parliament, it is not in general a true line of construction to decide according to the strict letter of the act; but the Courts shall rather consider what is its fair meaning, and may expound it differently from the letter, in order to preserve the intent. Therefore, the reference with respect to the '*pleader*' in Article 227(3) and '*Attorneys*', '*Sheriff*', '*all Clerks*' in Article 233(2), have lost their relevance in view of the enabling provisions of Chapter-III and Chapter-IV of the Advocates Act, 1961, and the subsequent developments, and if at all necessary, it shall be read and understood in align with the objective of the Advocates Act, 1961.

⁴⁰ "Sheriff." Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/sheriff>. Accessed 11 Apr. 2026.

53. Ignorance or mistaken understanding of legislation is not accepted in law as an excuse for failure to comply with it, may be by the fact that the operative ignorance is that of his or her professional advisor⁴¹. In another words, if a person knows the facts but does not know that those facts constitute an offence by him, he is not excused.

54. When the aforesaid proposition of law is applied with the educational background of the petitioner, I find he is a matriculate having a diploma in civil from Government Polytechnic, Orai, District Jalaun and is not even a graduate. The petitioner initially started visiting the District Court for the purpose of pairvi of his own civil cases and thereafter, began appearing on behalf of the other litigants after obtaining the power of attorney, claiming to act as a pleader by relying upon the aforesaid provisions. He asserts that he has been successfully defending his clients despite having no formal legal education or proper understanding of law, and that his appearance has continued uninterruptedly before the Courts. This situation is both unfortunate and regrettable. Half-baked knowledge of law is akin to a self-inflicted injury, not only to himself but also to the litigants whom he represents, and it ultimately results in a casualty of justice.

55. The confusion has arisen due to the presence of terms such as *“pleader,” “attorney,” “sheriff,” “table of fees,” and “officer of such courts”* in the Legal Practitioners Act, 1879, the Civil Procedure Code, 1908, the General Rules (Civil) 1957 for Civil Courts subordinate to the High Court of Judicature at Allahabad, and even in the Constitution of India. The term “legal practitioner” was defined in the interpretation clause of Section 3 of the Legal Practitioners Act, 1879- up to 30.9.2024- as including an advocate, vakil, or attorney of any High Court, as well as a pleader, mukhtar, or revenue agent. The same has been repealed by the Amendment brought on 30.9.2024 to the Legal Practitioners Act, 1879.

⁴¹ [Turner and Goudy v. McConnell (1985) WR 898 at 901]

The aforesaid amendment has further brought clarity on the issue as being deliberated herein.

56. It is a legal policy that the law should be certain and, therefore, predictable. The Court, when considering, in relation to the facts of the present case, which of the opposing constructions of the enactment would give effect to the legislative intention, should presume that the legislature intended to observe this principle. When law is known and certain, it is predictable, and those affected by it, can order their affairs accordingly. The need for certainty goes to the very essence of law.

57. The law should be coherent and consistent, and as simple and straightforward as possible. The Courts will therefore, tend to prefer a construction that avoids inconsistency, overlapping rules or arbitrary distinctions.

58. In an oft-quoted passage, Lord Campbell said: no universal rule can be laid down as to whether mandatory enactment shall be considered directory or obligatory with an implied nullification for disobedience. It is the duty of courts of justice to try to get at the real intention of the Legislature by carefully attending to the whole scope of the statute to be considered for ascertaining the real intention of the legislation.

59. The petitioner has also stated that Hon'ble Mr. Justice Kailash Nath Wanchoo⁴² who served as the 10th Chief Justice of India, had no law degree, and being a non-lawyer reached the highest office in the judiciary. Therefore, he too may be permitted to practice law. In this regard, the petitioner's case cannot be equated with the case of Justice K.N. Wanchoo. The petitioner appears to be wholly unaware of the

⁴² The Hon'ble Mr. Kailas Nath Wanchoo, B.A. (Allahabad). I.C.S., Judge, Supreme Court, since August 11, 1958.; b.February 25,1903; Educ. : Pandit Pirthi Nath High School,Kanpur, Muir Central College, Allahabad and Wadhan College, Oxford. Passed into the Indian Civil Service, 1924; Joined service December 1, 1926 ; served as Joint Magistrate and District and Sessions Judge in various Districts in Uttar Pradesh; Judge, Allahabad High Court, Feb. 1947-Jan.1951; Chief Justice, Rajasthan High Court, 1951-58; Chairman, U.P. Judicial Reforms Committee, 1950-51; reported to the Government of India on the financial and other implications of the new State of Andhra, February 1953. Sole Member, Indore Firing Inquiry Commission, 1954; Chairman, Dholpur Succession Case Commission, 1955; Member, Law Commission, India 1955.Appointed as Chief Justice of India on 12.04.1967. Retired on 24.02.1968.

educational background, credentials, and the nature of the distinguished services rendered by Justice Wanchoo to the nation. Any comparison between the two would be wholly misplaced. They are, in fact, worlds apart and such a comparison between them would be entirely unwarranted.

60. The petitioner-in-person has also raised an argument that this Court should exercise its power of judicial review, and strike down the relevant provisions of Chapter IV of the Advocates Act, 1961, in so far as are inconsistent with Articles 22(1), 227(3) and 233(2) of the Constitution of India.

61. The power of judicial review that vests with this Court cannot be invariably invoked under Article 227 merely to deal with the arguments raised by the litigants. But, in exceptional cases where the arguments have been raised by a person, who comes from a non-legal background, sometimes, it becomes judicious, not for the sake of petitioner's satisfaction, but may be because of the reason that the petitioner would be affected from the outcome of the petition.

62. The judicial review operates at multi-levels. Each type helps check different types of government actions. The Constitutional Courts use these powers to strike down unconstitutional, arbitrary or ultravires directions and actions of the State.

63. *Kesavananda Bharti*⁴³ case reinforced the judicial review with more clarity and objectivity with the introduction of the concept of 'basic structure' in Indian Legal System. It was held that the Parliament can amend the constitution, but cannot alter its basic structure, and shall protect its fundamental elements like; supremacy of the constitution, rule of law, separation of powers, fundamental rights, federalism, functional and participatory democracy and free and fair elections, etc.

⁴³ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225

64. The philosophy of law behind judicial review can be at best examined in the light of political thought of philosophers and celebrated polymaths, judicial interpretation by erudite judges and eminent jurist.

65. The fundamental and organic law of a nation or State that establishes the institutions and apparatus of government, defines the scope of governmental sovereign powers, and guarantees individual civil rights and liberties, and this is a recognized right from the Socrates⁴⁴ in west, and Kautilya⁴⁵ in eastern part of the world, and subsequently elaborated by the modern political and philosophical thinker like, Thomas Hobbs⁴⁶, John Lock⁴⁷, Rousseau⁴⁸, James Wilford Garner⁴⁹, A.V. Dicey⁵⁰- rule of law, Montesquieu⁵¹- separation of power **(i) Legislative,**

⁴⁴ Socrates was a foundational figure in Western philosophy, which encouraged critical thinking and exposed contradictions in beliefs. Lived in Athens in the 5th century BCE, Socrates focused on morals, ethics, virtue, state and the pursuit of knowledge. He was tried and executed in 399 BCE on charges of corrupting the youth and impiety, becoming a lasting symbol of intellectual integrity and moral courage. As depicted in *Crito* by Plato, Socrates argued that escaping punishment or resisting the legal process would undermine the rule of law and harm the state. He held that, having benefited from the laws of Athens throughout his life, he had a moral obligation to obey them. Thus, he chose to accept the death sentence rather than evade justice, demonstrating his commitment to legal duty and philosophical principles.

⁴⁵ Kautilya, also known as Vishnugupta, was an ancient Indian philosopher, economist, and political strategist who played a key role in the rise of the Maurya Empire by advising Chandragupta Maurya. Kautilya. He is best known for authoring the *Arthashastra*, a foundational text on governance, economics, diplomacy, and military strategy. His work reflects a practical and systematic approach to administration and remains an important reference in the study of political science and public policy.

⁴⁶ Thomas Hobbes was a 17th-century English philosopher best known for his work *'Leviathan'*, in which he argued for a strong central authority to maintain order and prevent chaos in society.

⁴⁷ John Locke was a 17th-century English philosopher who developed the theory of natural rights—life, liberty, and property—and greatly influenced modern democracy through his work *'Two Treatises of Government'*

⁴⁸ Jean-Jacques Rousseau was an 18th-century philosopher who emphasized popular sovereignty and the idea that political authority rests with the general will of the people, as expressed in his work *'The Social Contract'*.

⁴⁹ James Wilford Garner was an American political scientist known for his contributions to the study of political theory and government, particularly through his book *'Political Science and Government'*, in which he explained the nature, scope, and functions of the state. He is regarded as the father of the concept of the modern state.

⁵⁰ A. V. Dicey was an early 20th century British constitutional theorist best known for his exposition of the concept of the 'Rule of Law' in his work *'Introduction to the Study of the Law of the Constitution'*, where he emphasized equality before law and the supremacy of legal principles in governance.

⁵¹ Montesquieu was an 18th-century French thinker best known for formulating the doctrine of separation of powers, advocating division of government into legislative, executive, and judicial branches, as articulated in his work *'The Spirit of the Laws'*.

(ii) Executive, and (iii) Judiciary, Jean Bodin⁵²- father of concept of sovereignty, and HLA Hart⁵³.

66. The doctrine of judicial review has often led to the misconception that courts are sovereign, especially when they invalidate legislative or executive acts. Chief Justice John Marshall⁵⁴, in *William Marbury v. James Madison*⁵⁵, famously held that it is emphatically the province and duty of the judicial department to say what the law is.

67. Harold J. Laski fundamentally altered the discourse of modern state by propounding that ‘a realistic analysis of the modern state thus suggests that what we term state-action is, in actual fact, action by government. It is a policy offered to the people for its acceptance. It becomes state-action when that acceptance is predominantly operative’⁵⁶. Thus, the observation suggests that, Sovereignty is not a fact but a theory and its validity depends upon social acceptance.

68. In 18th century, in Britain, the prevailing doctrine was that the judges are not the creators of law⁵⁷. They are bound by it. Accordingly, even in systems where courts enjoy full independence, and possess the power of judicial review, they function under law, rather than above it. Sovereignty, therefore, does not vest in courts as an institution; instead, it vests with the parliament- the law-making wing of the State. Judges are not free to invent law, they are guided by principles embedded in the political morality.

⁵² Jean Bodin was a 16th-century French thinker best known for developing the theory of sovereignty, which holds that the state possesses absolute and perpetual power, as explained in his work *Six Books of the Commonwealth*.

⁵³ H. L. A. Hart was a leading 20th-century legal philosopher known for developing modern legal positivism, particularly through his influential work ‘*The Concept of Law*’, where he explained the structure of legal systems through primary and secondary rules.

⁵⁴ John Marshall was the fourth Chief Justice of the United States, renowned for establishing the principle of judicial review in *Marbury v. Madison*, thereby strengthening the role of the judiciary in constitutional interpretation.

⁵⁵ [5 US 137 (1803) : 1 Cranch 137 : 2 L.Ed. 60]

⁵⁶ *Authority in the Modern State* Harold J. Laski, Yale University Press, 1919.

⁵⁷ Sir William Blackstone (1766)- Argued judges were bound to ‘maintain and expound’ established laws, rather than create new one’s

69. Jurisprudential analysis reveals that the judicial power, however wide, is not sovereign in character, but is constitutional derivative. This power does not elevate courts to sovereignty. Judicial review is not supremacy of courts over the Constitution; rather, it is supremacy of the Constitution over all organs, with courts acting as its guardian. Courts do not impose their will, they enforce constitutional limits already accepted by the polity. Therefore, the supremacy of the Parliament is accepted as a key stone of parliamentary democracy. Parliament may lay down new law or change, abolish, add to, or codify pre-existing law, but only in accordance with the procedure established in Article 368 of the Constitution.

70. Judicial review in India is a constitutional function exercised by the Constitutional Courts to examine the legality and constitutionality of legislative enactments and executive actions, ensuring that all state actions conforms to constitutional mandates and fundamental rights, and empowering courts to invalidate laws or actions that are ultra vires or unconstitutional. In this context, although the Ninth Schedule was originally designed to protect land reform laws from judicial scrutiny, the Supreme Court in *I.R. Coelho v. State of T.N.*⁵⁸, held that laws placed in the Ninth Schedule after 24 April 1973 are subject to judicial review if they infringe fundamental rights or compromise the basic structure of the Constitution.

71. The supremacy of Parliament in the parliamentary democracy is recognized as a cornerstone of the constitutional framework. Parliament possesses the authority to enact laws capable of producing any legal consequence within the limits of the Constitution. In exercise of this power, it may introduce new legislation or amend, modify, repeal, or codify pre-existing laws, and discuss the impact of any law propounded by the constitutional courts on society and government institutions. This

⁵⁸ [(2007) 2 SCC 1]

authority has frequently been exercised in response to the judicial decisions, where Parliament has sought to alter the legal basis of a Supreme Court judgment by enacting fresh legislation or by amending the Constitution, thereby reshaping the legal position to achieve the foundational justice.

72. We shall be mindful of a related legislative principle that Parliament cannot bind its successors. Where two statutes are inconsistent and/ or a judgment and a constitutional provision(s) are inconsistent, both cannot operate simultaneously. In such situations, the courts are bound by the clear and express legislative intent before recognizing or adopting a new scheme that may implicitly alter or repeal an earlier one. Constitutional Court cannot, by relying on one constitutional provision, interpret the Constitution in a manner that renders another constitutional provision redundant, inoperative, or ineffective. The Constitution must be read as a whole, and its provisions should be harmoniously construed so that each article retains its meaning, purpose, and legal effect. This is the very essence of constitutionalism and constitutional morality, and it forms the foundation of parliamentary discipline.

73. In the realm of judicial review, when interpretation stretches constitutional language beyond its structural and textual limits, effectively draining provisions of their intended meaning and rendering the corresponding article redundant, courts may, in their zeal to achieve what they perceive as justice, depart from constitutional discipline. In such instances, the old observation rings true: Justice is a fact and law is a mere fiction- justice a living reality, and law only its mode of expression. Yet when interpretation is guided more by the feelings or moral inclinations of the interpreter than by the discipline of constitutional text, law risks becoming an elastic instrument rather than a principled framework. The judicial power is not self generated. It is

conferred. Thus constitutional interpretation is bound by text, structure, history and precedents.

74. Reverting back to the issues raised in the petition, it is observed that this is not the stand-alone case where the Constitutional Court has examined the right of a person to appear as his agent without having been enrolled as an advocate in accordance with the Advocates Act, 1961, on previous numerous occasions; such nature of cases have traveled up to the Supreme Court. And it's been held that an individual can appear and plead another's case for a limited purpose with the sanction of the Court, but of course not as a matter of right. When an unprofessional, unaware citizen finds such words in the statute book, gets confused by semantic ambiguity, and asserts his right in the Court of law. Such ambiguity needs to be clarified by the Legislative Department, Ministry of Law, Government of India, and the Ministry of Home, Government of India. I leave it to their wisdom to take cognizance of the issues deliberated herein above or put it into the office rack, to settle the dust.

75. Based on the aforesaid deliberations, I find force in the argument of Shri Chandan Sharma, learned counsel for the Bar Council of Uttar Pradesh, thus I deem it appropriate not to burden with the judgment to deal in detail with his arguments. So far as the arguments of Shri Vishram Singh are concerned, they are devoid of merit, and accordingly, the impugned order warrants no interference. Thus, the prayer made by the petitioner-in-person is declined and the present petition is hereby ***dismissed***. The petitioner cannot appear and plead as pleader or attorney for and on behalf of litigants as a matter of right in defiance of provisions of the Advocates Act, 1961, and the petitioner could not even have been eligible to be appointed as Mukhtar, Pleader, or Attorney, post 1961. So, no question arises to permit him to take up the legal profession

without having complied with the terms of Chapter-III of the Advocates Act, 1961.

76. Registrar (Compliance) is directed to transmit forthwith a copy of this judgment to all the District Judges, who in turn shall forward a copy of the judgment to all the learned Judges of its judgship not to permit any power attorney holder to plead and argue cases for and on behalf of litigants without having requisite qualification under Chapter III of the Advocates Act, 1961.

77. A copy of this judgment be also transmitted to **(i)** the Secretary (Home), Government of India and **(ii)** the Secretary, Legislative Department, Ministry of Law, Government of Uttar Pradesh, for their reference and acknowledgment of the findings, as aforesaid discussed.

78. This Court appreciates the efforts made and the assistance rendered by Shri Chandan Sharma, learned Advocate for the High Court; Ms. Juveriya Kazmi, learned Advocate, and Shri Jatin Rana, Research Associate attached with this Court.

December 11, 2025

Anil K. Sharma

(Vinod Diwakar, J.)



2026:AHC:88793

HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No. - 10436 of 2025

Vishram Singh

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, G.A.

In Chamber

HON'BLE VINOD DIWAKAR, J.

1. It is learnt that there are certain typographical mistakes in the judgment and order dated 11.12.2025 passed in the present petition, which, therefore, require correction.
2. Accordingly, the year '1906' mentioned in para 7.4 shall be read as '1908'. Likewise, the date '13th March, 1953' mentioned in para 11.2 shall be read as '30th March, 1953'; the phrase 'Article-223' mentioned in para 46 shall be read as 'Article 233' and the term 'co-suiter' shall be read as 'co-suitor'; the word 'formally' used in para 48 shall be read as 'formerly'; the word 'sherrif' mentioned in para 52 shall be read as 'sheriff'; the word 'suppression' used in para 63 shall be read as 'separation'; and the phrase 'parliament democracy' mentioned in para 71 shall be read as 'parliamentary democracy'.
3. In view of the foregoing corrections, the Computer Section is directed to delete the order dated 11.12.2025 from the High Court's portal, and thereafter afresh order signed today be uploaded. The earlier order containing the aforesaid words and phrases shall stand deleted from the record. Any certified copy of the earlier order, if issued, shall stand *non est* for all purposes.
4. Accordingly, the corrected order signed today shall be uploaded.

April 21, 2026
Anil K. Sharma

(Vinod Diwakar,J.)