

THE COURTS MANUAL

PART I

LEGAL PRACTITIONERS AND PETITION WRITERS

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PART I.

LEGAL PRACTITIONERS AND PETITION WRITERS.

THE COURTS MANUAL

PART I.

LEGAL PRACTITIONERS AND PETITION WRITERS.

CHAPTER I.

ADVOCATES AND PLEADERS.

1. The law relating to Advocates of the High Court is contained in the Bar Council Act, and the rules framed thereunder. The law relating to Pleadors is contained in the Legal Practitioners Act, and the rules framed thereunder. Such of the statutory rules, framed under these two Acts, as are of interest to subordinate courts are reproduced in this Chapter. The only sections of the Legal Practitioners Act which govern Advocates are section 36 and sections 41 to 44 inclusive.

2. Advocates and Pleadors are admitted by the High Court in accordance with rules made under section 9 of the Bar Council Act, and sections 6, 7 and 8 of the Legal Practitioners Act.

3. *Advocates' Admission Rules.* *

1. The following may be admitted as Advocates
of the Court:-

*Who may be
admitted.*

Barristers.

(a) Any person entitled to practise as a Barrister in England who has read in England in the Chambers of a practising Barrister of more than five years' standing for at least one year;

or

has subsequent to his call read Burma in the Chambers of a practising Advocate of more than ten years' standing for at least one year;

or

has prior to his call practised as a Pleador of the

* Notification No. I (Bar Council), dated the 15th March 1954, as amended by Notification No. 2 (Corrigendum), dated the 28th April 1954.

has prior to his call practised as a Pleader of the Higher Grade in Burma for at least three years; and who produces -

- (i) proof that he has passed either the Special (Law) Higher Standard Examination in Burmese conducted by the Commissioner of Examinations, Burma;

or

any examination in Burmese accepted by the Advocateship and Pleadership Examinations Board, Burma, as equivalent;

or

the English High School, or Anglo-Vernacular High School Examination with Burmese as second language;

- (b) Any Bachelor of Laws of the Yangon University, or Laws *Law graduates of the Yangon University and others.* graduates of the Yangon Arts and Science University, or those who passed the registered Lawyer course or those who have passed the laws course which the Minister of Education has recognized as such.[#]

- (i) a certificate or certificates from one or more District Judges showing that he has practised continuously as a Pleader of the Higher Grade in Burma with good repute for at least 3 years;[#]

or

proof that after admission as a Higher Grade Pleader he has held Judicial Office for at least 5 years;[#] and

- (ii) proof that he has passed either the Special (Law) Higher Standard Examination in Burmese conducted by the Commissioner of Examinations, Burma;

or

State Council Notification No. 34/77 . Bar Council Notification No. 1/96

any examination in Burmese accepted by the Advocateship and Pleadership Examinations Board, Burma, as equivalent;

or

the English High School, or Anglo-Vernacular High School Examination with Burmese as second language;

(c) Any person who produces –

Persons who pass
the Advocateship Ex-
amination.

(i) a certificate or certificates from one or more District Judges showing that he has practised continuously as a Pleader of the Higher Grade in Burma with good repute for at least five years;

or

proof that after admission as a Higher Grade Pleader he has held a Judicial Office for at least five years;

(ii) a certificate signed by the Secretary, Public Service Commission, Burma, that he has passed the Advocateship Examination held in Burma or produces a certificate signed by the Commissioner of Examinations before the 11th October 1939; and

(iii) proof that he has passed one of the Examinations in Burmese prescribed in clause (b)

(ii) above:

Provided that -

- (1) no Government Servant may include any period during which he holds a Higher Grade Pleader's Certificate while in Government Service in computing the period required by clauses (b) and (c) above unless he is holding a Judicial Office.
- (2) no person, whose name is borne on the Roll of Advocates of any Court in any foreign country and who is entitled to practise as an Advocate in any foreign country shall be admitted as an Advocate.

(3) notwithstanding anything contained in the aforesaid rules the High Court shall have the discretion in any case, with the concurrence of the Bar Council, to relax any of the conditions contained in the above rules.

2. No woman shall be disqualified for admission as an Advocate by reason only of her sex.

3. No person, who is not a Citizen of the Union of Burma, shall be admitted and enrolled as an Advocate.

4. An application for admission as an Advocate shall be made by a letter to the D.G. of the High Court requesting the Judges to admit the applicant.

The letter shall be signed by the applicant and shall state –

Contents of Letter for Admission.

- (i) his name and residence in full;
- (ii) his father's name, residence and occupation,
- (iii) his age and nationality;
- (iv) his qualification under Rule 1, and his previous occupation and career, setting forth fully and particularly any incidents in it which might possibly affect the decision on his application, or stating specifically that there have been no such incidents;
- (v) that it is his intention, if admitted, to practise in the Supreme Court, the High Court and the Courts subordinate thereto;
- (vi) whether or not he has been enrolled as an Advocate of any other High Court or Court in foreign countries and if he has been so enrolled whether his name is still borne on the Roll of every Court in which he has been enrolled;

† D.G. Director- General

- (vii) whether he has ever been censured, suspended from practice, struck off the rolls or disbarred in the country in which he may have been called or admitted or by any Court in which he may have been enrolled;
- (viii) whether he holds any appointment in the Government Service, and, if so what appointment.

5. There shall be attached the letter -

Certificate and
Testimonial.

- (i) certificates or other evidence that the applicant has the necessary qualifications for admission as set out in Rule 1;
- (ii) if the applicant has been enrolled as an Advocate of any other High Court or Courts in foreign countries, a certificate or certificates or other evidence of each such admission, and showing that his name is no longer borne on the rolls of such High Court or Supreme Court, or Courts, or, if his name has been removed, the circumstances under which it was removed;
- (iii) one or more testimonials from a person or persons in good position to the good character and conduct of the applicant;
- (iv) if the applicant has practised in any other High Court or in any Court subordinate to a High Court, a certificate or certificates that his conduct as an Advocate has been satisfactory.

6. (1). Notice of applications made under Rule 4 shall be
Notice to Bar Council. given by the D.G. of the High Court to the
Bar Council and such notice shall contain all the
particulars set out in Rules 4 and 5 together with the original documents filed with the applications.

(2) No applicant shall be admitted and enrolled as an Advocate until after the expiry of fourteen days from the date of such notice.

7. The Bar Council shall be entitled, within such period of fourteen days, to prefer in writing to the High Court any objection to the admission of such applicant and in case of such an objection the High Court shall, before making any order on the application for admission, give the applicant and the Bar Council an opportunity to be heard in such manner as the High Court may decide in each case.

8. No person shall be enrolled as an Advocate until he has paid a fee of Ks.2500 (Kyats Two Thousands Five Hundreds only)[†] to the Bar Council on admission.

9. If the application be granted, the D.G. of the High Court shall on payment of the stamp duty (if any) payable and the fee prescribed under Rule 8 above, enter the applicant's name in the Roll of the Advocates of the Court, and will deliver to the applicant a certificate of Admission in Form I annexed to these rules under his signature and the seal of the Court.

10. Any Advocate of the High Court, who subsequently becomes enrolled as an Advocate of any Court in a foreign country, shall have his name struck off the Rolls of the Advocates of the High Court.

11. (1) On the request of any Advocate the High Court may suspend him from practice or remove his name from the Rolls of the Advocate of the Court.

(2) Any person who, having been admitted as an Advocate of the High Court, enters into or carries on any trade or other business shall give notice thereof in writing to the High Court who may suspend such Advocate from practice or pass such orders as the Court may think fit.

12. An Advocate, who desires to have his name struck off the Roll of Advocates, shall send an application verified by affidavit to the D.G. of the High Court and shall state therein —

- (a) the date of admission of the applicant as an Advocate of this Court;
- (b) the reason for such application;

[†] Bar Council Notification No.1/96.

(c) that no application or other proceeding against the applicant as such Advocate or as a Barrister is pending in this or any other Court, or before any of the Inns of Court or other body having jurisdiction over him as such Advocate or Barrister, and that he does not expect or apprehend that any application or proceeding will be made or taken against him as such Advocate or Barrister.

13. A certificate in Form II annexed may be issued by the D.G. of the High Court to any Advocate on his furnishing an impressed non-Judicial Stamp of the value of K 5 for the certificate to be written on.

14. The D.G. of the High Court shall keep a Roll of Advocates in Form III annexed hereto.

15. Every Advocate, whose name is borne on the Roll of Advocates of the High Court and who is in practice shall pay a subscription of Ks. 120 (Kyats One hundred & Twenty only)[†] to the Bar Council annually.

An Advocate of the High Court whose name is borne on the Roll of Advocates of the High Court and who is not in practice shall not be eligible to vote at an election to the Bar Council or to be elected thereto or to sit or vote at any meeting thereof or of any committee thereof.

The subscription shall be paid by every Advocate to the Bar Council on or before the 31st of March every year.

Without prejudice either to any suit or other proceeding for the recovery of such subscription or to any disciplinary action to which he may be liable for nonpayment thereof, an Advocate whose subscription is in arrear shall be ineligible to vote at an election to the Bar Council or to sit or vote at any meeting thereof or of any committee thereof.

[†] Bar Council Notification No. 1/96.

Form I.**IN THE HIGH COURT, RANGOON.*****Certificate of Admission and Enrolment*****ROLL No.**

I, _____, D.G. of the High Court Rangoon,
do hereby certify and declare that son of
....., of, has this day been admitted
an Advocate of the High Court, Rangoon, and his name been entered
on its Roll, under the provisions of section 8 of the Bar Council Act.

Given under my hand and the Seal of the Court this
..... day of in the year one
thousand nine hundred and

By order of the High Court,

Director -General

Form II.**IN THE HIGH COURT, RANGOON.*****Certificate of being borne on the Roll of Advocates.***

I,, D.G. of the High Court Rangoon,
do hereby certify and declare that the name of,
son of, is borne on the Roll of Advocates of the
High Court, Rangoon on this date.

Given under my hand and the Seal of the Court this
..... day of in the year
one thousand nine hundred and

By order of the High Court,

Director- General

Form III

Roll of Advocates of the High Court, Rangoon.

Serial No.	Name of Advocate in full.	Residence at time of admission	Father's name, residence and employment.	Age of Advocate on admission.	Nationality.	How qualified for admission.	Date of admission.	Signature of D.G.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Privileges and Conduct of Advocates.

4. In exercise of the powers conferred by clause 7 of the
 Precedence Letters Patent, the High Court has admitted all
 First Grade Pleaders who were borne on its Rolls
 on the 12th December 1924 as Advocates with effect from the 1st
 January 1925. *

All Advocates of the High Court shall be entitled both to
 plead and to act for parties in Criminal and Civil cases in the Court
 and in all Courts subordinate thereto subject to the following rule as
 to precedence and pre-audience.

* Notification No. 25 (General), dated 22nd December 1924.

The relative precedence and rights of pre-audience of all Advocates of the High Court shall be decided —

(a) in the case of Barristers according to the date of their call to the Bar ;

(b) in the case of non-Barristers according to the date of their admission as Advocates, Vakils or First Grade Pleaders of a High Court or of the Chief Court of Lower Burma, or as First Grade Advocates of the Court of the Judicial Commissioner of Upper Burma :

Provided that Advocates who are *Barristers-at-Law* and who before their call to the Bar were Advocates, Vakils or First Grade Pleaders of a High Court or of the Chief Court of Lower Burma, or First Grade Advocates of the Court of the Judicial Commissioner of Upper Burma may take the date of their admission as such Advocates, Vakils or First Grade Pleaders as the date according to which their precedence and rights of pre-audience shall be decided.

5. No Advocate of a High Court other than the High Court, Rangoon, is entitled to plead or act in any Court subordinate to the High Court, Rangoon. No Judge or Magistrate has authority to permit an Advocate of another High Court to appear before him.

Advocates of other
High Courts; no right
of audience.

Inquiries into the Conduct of Advocates.

6. The following rules * have been made under section 12 (1) of the Bar Council Act, to prescribe the procedure to be followed by Tribunals and District Courts in the conduct of inquiries under section 10 (2) of the Act : -

Inquiries into conduct
of Advocates.

Rules

1. In this rules -

(i) "Act" means the Bar Council Act ;

* High Court Notification No. 23 (General), dated the 22nd November 1928, as amended by Notifications No. 5 (General), dated the 29th June 1932, and No. 11 (General), dated the 28th August 1939.

- (ii) "High Court" means the High Court,
- (iii) "Director-General" means the Director-General of the High Court,
- (iv) "Bar Council" means the Bar Council appointed under section 3 of the Act for the High Court,

2. (1) Upon the receipt by the High Court of a complaint under section 10, sub-section (2) of the Act, the D.G. shall refer the complaint to the Bar Council for opinion whether the inquiry shall be held by a Tribunal, appointed under section 11, sub-section (2) of the Act, or by a District Court.

(2) When an inquiry is ordered to be held by a District Court it shall be held by the Judge of the Court and not by any Additional Judge thereof.

3. The complaint presented under sub-section (2) of section 10, or, in cases where the High Court acts of its own motion, a statement of the case alleged against the respondent, shall be forwarded to the President of the Tribunal or the Judge of the District Court, as the case may be.

4. The Tribunal or the Judge of the District Court, as the case may be, may thereupon, in its or his discretion, forthwith frame charges against the respondent, or decide to hold a preliminary inquiry into the allegations.

5. (1) At the preliminary inquiry, if any, witnesses should be examined, documentary evidence collected, and all materials necessary in support of or relevant to the allegations should be obtained.

(2) The attendance of the respondent at the preliminary inquiry is unnecessary, but if he is present he may be asked by the President of the Tribunal or the Judge of the District Court, as the case may be, any questions which are considered necessary for the purpose of elucidating the facts. The respondent shall not, in the preliminary inquiry, be permitted to cross-examine the witnesses.

6. When the preliminary inquiry, if any, has been completed, the Tribunal or the Judge of the District Court, as the case may be, shall either -

- (i) if in its or his opinion no case for action against the respondent has been made out, report accordance in according with sub-section (2) of section 12 of the Act to the High Court, or

- (ii) if in its or his opinion there is reason for further inquiry, frame charges against the respondent, and proceed to hold a formal inquiry into the charges.

7. (1) The charges framed under Rule 4 or Rule 6 shall set out specifically, and in sufficient detail to make the respondent aware of the nature of the case against him, the allegations concerning which it is decided to hold a formal inquiry. Each separate allegation should be made the basis of a separate charge, and the charge should end by calling upon the respondent to show cause why he should not be struck off the Roll of Advocates, or suspended from practice, or otherwise punished.

(2) A copy of the charges shall be served on the respondent, and he shall be required to enter his defence in writing by a date to be fixed.

(3) The charges may be amended at any stage of the inquiry provided that the respondent is given due notice of all such amendments and is given the opportunity of recalling and further cross-examining any witnesses examined prior to the amendment.

8. On receipt of the respondent's written Statement of his defence, a date shall be fixed for proceeding with the inquiry, on which date the respondent and the witnesses in support of the charges shall be ordered to attend.

9. (1) On the date so fixed, or any subsequent date to which the inquiry may be adjourned, the formal inquiry shall be opened by a brief verbal statement of the case against the respondent by the President of the Tribunal or the Judge of the District Court, as the case may be, by reading of the charges framed against the respondent and the respondent's written statement of defence thereto. The witnesses in support of the charges shall then be examined.

(2) The respondent shall have the right to be represented by an Advocate at the formal inquiry, which shall be held in his presence or in the presence of his Advocate. He shall have the right, either personally or through his Advocate, to cross-examine all witnesses examined in support of the charges.

(3) All witnesses whom the respondent produces in his defence shall be examined, after the witnesses in support of the charges have been examined, and reasonable time shall be allowed to the respondent in which to procure the attendance of such witnesses.

(4) The statements of all witnesses examined shall be recorded in writing.

(5) The respondent may at any stage of the inquiry be asked by the President of the Tribunal or the Judge of the District Court, as the case may be, any questions which he considers necessary for the purpose of the inquiry.

(6) At any stage of the inquiry, prior to the examination of the witnesses called by him the respondent may be permitted to amend or add to his written statement of defence.

(7) A diary form, in which should be briefly recorded the action taken at each stage of the inquiry, should be prefixed to the proceedings.

10. (1) At the conclusion of the inquiry, the Tribunal or the Judge of the District Court, as the case may be, shall record a finding, which shall be filed in the proceedings, and the proceedings shall then be submitted to the High Court in accordance with sub-section (2) of section 12 of the Act.

(2) In the finding, each of the charges framed shall be discussed and a distinct finding shall be recorded on each charge.

(3) In the case of an inquiry by a Tribunal, the finding shall be signed by each member thereof, and the members may, if not unanimous in opinion, record separate findings.

11. In cases of exceptional importance or difficulty, the Tribunal or the Judge of the District Court, as the case may be, may apply to the High Court for the services of an Advocate to conduct the case against the respondent.

12. (1) A Tribunal or a Judge of a District Court, holding an inquiry under these rules, shall have power to enforce the attendance of respondents or witnesses and the production of documents, and to require the party on whose behalf witnesses are summoned to deposit the expenses of such witnesses before summons are issued, and shall have all such other necessary powers for the purpose of such inquiry as are exercisable by a Civil Court under the Code of Civil procedure.

(2) (i) Witnesses shall be paid travelling and subsistence allowances at the rates laid down in sub-rule (3) of rule 2, Order XVI, Code of Civil Procedure.

(ii) Where the complaint is made by the Bar Council or by a Court, or the case is referred by the High Court of its own motion, the expenses of witnesses called in support of the allegations shall be paid by Government. Where the complaint is made by a private party, the expenses of such witnesses shall be deposited by such party.

(iii) The expenses of all witnesses called on behalf of the respondent shall be deposited by the respondent.

13. Copies of office-notes, reports and correspondence relating to the inquiry shall not be supplied to the respondent. He may be supplied with copies of the evidence, oral and documentary, recorded at the preliminary inquiry, if any, on payment. He shall be entitled, free of charge, to a copy of the complaint or statement of the case initiating the proceedings, and to copies of the evidence recorded during the formal inquiry, and to a copy of the finding of the Tribunal or the District Court, as the case may be.

Admission and Enrolment of Pleadors.

7. The following rules relating to the qualifications, admission and enrolment of persons to be Pleadors of Subordinate Courts and Revenue Offices in Burma, have been made by the High Court, Rangoon, under the powers conferred by clause (c) of sub-section (2) of section 28 of the Union Judiciary Act, 1948, and sections 6, 7 and 8 of the Legal Practitioners' Act :-

1. These rules may be called the Pleadors' Admission Rules, 1955. * They shall come into force with effect from the 1st February 1955.

I. GRADES OF PLEADERS.

2. There shall be two *Grades of Pleadors* in the Subordinate Courts and Revenue Offices of Burma, namely :-

(a) *Pleadors of the Higher Grade*, who take out a certificate bearing a stamp of the value of Kyats 25. They shall be admitted to practise in all Civil and Criminal Courts subordinate to the High Court and all Revenue Offices subordinate to the Financial Commissioners.

* High Court Notification No. 8 (General), dated the 15th December 1954.

- (b) *Pleaders*, who take out a certificate bearing a stamp of the value of Kyats 15. They may be admitted to practise in all Criminal Courts subordinate to the High Court, and in the Rangoon City Civil Court and in Sub-divisional and Township Courts and in Small Cause Courts and in all Revenue Offices, subordinate to the Deputy Commissioners: *Provided that* a Judge or an Additional Judge of the District Court or a Deputy Commissioner may, in his discretion, permit a Pleader enrolled under this clause to appear and act before him in any special case for reason to be recorded.
- (c) The Hon'ble Judges may in their discretion permit a Pleader to practise in all Courts, subordinate to the High Court, Rangoon.

II. QUALIFICATIONS OF HIGHER GRADE PLEADERS.

3. No person who is not a Citizen of the Union of Burma, shall be admitted and enrolled as a Higher Grade Pleader.

4. An applicant must produce proof that he has passed -

(a) The Special (Law) Higher Standard Examination in
Language. Burmese conducted by the Commissioner of Examination, Burma; or

(b) The English High School or Anglo-Vernacular High School Examination with Burmese as second language;

(c) Any Examination in Burmese accepted by the Advocateship and Pledership Examinations Board, Burma, as equivalent to (a) or (b) above:

Provided that proof of being qualified in Burmese may be dispensed with in the case of applicants who were admitted to the Pledership Examinations in Burma on consideration of their five years' practice as Pleaders under the proviso (a) to Rule 4 of the Advocateship and Pledership Examination Rules, published in Judicial Department Notification No. 327, dated the 19th November 1936, as subsequently amended:

Provided also that the Hon'ble Judges may, in their discretion, relax any of the requirements in Rule 4 of the Pleaders' Admission Rules, 1955, when one or both parents of the applicant belong to one or more of the indigenous races of the Union of Burma.

5. Any applicant -

- (i) must be either a Bachelor of Laws of the Rangoon University, or must have passed either the Law. Advocateship Examination in Burma or the Pleadership Examination in Burma, and
- (ii) after becoming so qualified must have read in the Chambers of a practising Advocate of the High Court, Rangoon, of not less than five years' standing for a continuous period of at least one year:

Provided that a student for the degree of Bachelor of Laws of the Rangoon University may commence such reading when he has passed his first examination in law for that degree: Those who have passed the first year examination of the Registered Lawyers' Course† may read as a chamber student.

Provided also that a Pleader who has continuously practised for at least five years prior to his having passed the Pleadership Examination shall be exempted from reading as required in clause (ii).

As soon as a Chamber student has arranged to read with an Advocate, he shall submit, if reading in Rangoon, to the D.G. of the High Court and, if reading outside Rangoon, to the Judge of the District Court, a report countersigned by the Advocate with whom he has arranged to read, to the effect that he has commenced reading. On doing so he shall be registered as a candidate for admission as a Higher Grade Pleader and shall also be informed of the date from which he has been registered. The date of submission of such report shall be reckoned as the date of commencement of such reading.

With regard to his chamber reading, he shall keep a diary in Form IV annexed to these rules in which the initials of the Presiding Officer of the Court attended by him shall be obtained for each attendance. In the Supreme Court and in the High Court, the diary will be initialled by one of the D. D.G. The Advocate, who has entertained a chamber student shall look at his student's diary from time to time and to issue his certificate of the completion of chamber reading only after reference to such diary.

† The State Council Notification No. 34 / 77.

No student may engage in any other employment or occupation during the period in which he is reading in the chambers of an Advocate.

An Advocate shall not entertain more than one such student for reading in his chambers without the sanction of the D.G. of the High Court, which must be obtained for each additional candidate.

The Hon'ble Judges may in their discretion relax any of the requirements of this rule in so far as they relate to a candidate reading in the chambers of an Advocate.

Note: A register of students who are doing chamber work is maintained in the High Court only and not in District Courts. Consequently when a report of commencement of chamber work by a student is presented to a District Judge, the latter shall file it in his Court and submit a copy of it to the High Court for registration after noting thereon the date of the presentation of the report.

III. APPLICATION FOR ADMISSION AS A HIGHER GRADE PLEADER.

6. Application for admission as a Pleader of the Higher

Mode of Application. Grade shall be made to the D.G. of the High Court, either direct or through the Judge of the District Court of the district in which the applicant desires to practise, by a letter requesting the Hon'ble Judges to admit the applicant to be a Pleader of the Higher Grade.

7. In the letter the applicant shall state -

- Contents of Application for Admission.**
- (1) his name and residence in full ;
 - (2) his father's name , residence and occupation ;
 - (3) his age, nationality and place of birth ;
 - (4) his previous occupation and career, setting out fully and particularly any incident in his life which might affect the decision on his application, or stating specifically that there have been no such incidents, and
 - (5) the qualifications entitling him to admission under these rules.

With the application shall be forwarded -

- (a) certificates showing the applicant's qualification for admission ;
- (b) at least two testimonials of character from gazetted officers of Government or non-official gentlemen of similar standing ;
- (c) a certificate from the Advocate with whom he has been reading setting out the period for which he has read ; and
- (d) the stamp paper requisite for the certificate under section 25 of the Legal Practitioners' Act.

8. There shall be issued to every person admitted as a Higher Certificate. Grade Pleader, a certificate in Form I, annexed to these rules, signed by the D.G. of the High Court and specifying the grades of Courts and Revenue Offices in which such person is authorized to practise.

IV. PLEADERS.

9. Persons who have been admitted as Pleaders of the Third Grade under the Pleaders' Admission Rules, 1925, or as Pleaders of the Lower Grade under the Pleaders' Admission Rules, 1928, shall be entitled to admission as Pleaders, and to enrolment and renewal of their certificates under these rules. But no person who, prior to the date on which those Rules come into force, has not been admitted or applied for admission as a Pleader shall be entitled to admission as a Pleader.

V. ENROLMENT.

10. Save as specially provided in Part VI of these rules, every Pleader holding a certificate is entitled to be enrolled in any Court mentioned therein. A Pleader is required, before he becomes entitled to practise, to apply for enrolment to the Judge of the District Court of the district in which he intends to practise, and, unless the Judge of such District Court is aware of circumstances which render it inexpedient that he should be allowed to practise in the Courts of such district, he shall be so enrolled.

A Pleader who has not been enrolled by the Judge of the District Court shall not be entitled to practise. In any case in which enrolment is refused, he reported to the High Court for final orders. In the case of Pleaders practising in *Rangoon Town*, application for enrolment shall be made to the Chief Judge of the Rangoon City Civil Court.

11. A Judge of a District Court, or the Chief Judge, Rangoon City Civil Court, enrolling a Pleader under the last preceding rule shall intimate the fact of such enrolment to all Judges and Magistrates of the district, in whose Courts the Pleader is entitled to practise. He shall also report the fact of such enrolment to the D. G. of the High Court.

12. Whenever a Judge of a District Court, or the Chief Judge, Rangoon City Civil Court, enrolls a Pleader under Rule 10, he shall intimate the fact of such enrolment, in the case of a Higher Grade Pleader to the Commissioner of the Division and to the Deputy Commissioner of the district, and in the case of a Pleader to the Deputy Commissioner of the district, in which the Pleader intends to practise.

VI. ADMISSION AND ENROLMENT OF PUBLIC SERVANT

13. A person holding a paid appointment under Government or under a Public Authority or an appointment as a Village Headman, who is otherwise qualified under Part II of these rules for admission, may, notwithstanding anything contained in clause (ii) to Rule 5, be admitted as a Pleader but shall not be enrolled in any Court, except when he -

- (a) is at the time of his application for enrolment on leave, either pending retirement or having given an undertaking to resign on the expiry of his leave, and, if he is a Government servant, produces the sanction of the Local Government under Rule 15 of the Government Servants' Conduct Rules to his practising as a Pleader during his leave, and
- (b) has read in the chambers of a practising Advocate of the High Court, Rangoon, of not less than five years' standing for a period of at least one year as required by clause (ii) to Rule 5 :

Provided that in the case of persons who have held judicial office, the requirements of clause (b) may be relaxed at the discretion of the Hon'ble Judges.

Provided also that a Pleader who has continuously practised for at least five years prior to his having passed the Pleadership Examination shall be exempted from reading required in clause (b) above.

14. (a) Persons admitted under the terms of Rule 13 may be
Exemption from exempted from renewing their certificates until
Renewal. such time as they become eligible for enrolment.

(b) Such certificates shall bear an endorsement in red
Special Endorsement ink stating that the holder is exempted from the
on Certificates. necessity of renewing his certificate until such
time as he ceases to be public servant or becomes eligible for enrolment under the provisions of Rule 13.

15. No Government servant, except a Magistrate, a Civil
Special Restrictions Judge, a Police Prosecuting Officer, or a Director-
and Concessions. General / Director or Deputy Director of
the High Court, may include any period during which he holds a
Higher Grade Pleader's certificate issued under these special provisions, in computing the period of three years' practice required by Rule 1 (b) (i) or of five years' practice required by Rule 1 (a) (i) of the Advocates' Admission Rule, 1954. Similarly, a Magistrate, a Civil Judge, a Police Prosecuting Officer, or a Director-General, Director, or Deputy Director of the High Court may include any period during which he holds a Pleader's certificate issued under these special provisions, in computing the period of five years' practice required to qualify for the concession set out in proviso (a) to Rule 4 of the Advocateship and Pleadership Examination Rules, and referred to in the proviso to Rule 4 above.

16. A Pleader who accepts a post under Government or un-
Pleaders accepting der any Public Authority or a post of a Village
Public Appointments. Headman shall give notice thereof immediately
to the D.G. of the High Court, and his case shall thereafter be
governed, *mutatis mutandis*, by the provisions of Rules 13 to 15 above.

17. The provisions of Part VI of these rules shall not apply to persons who hold a post of Public Prosecutor, or of Legal Adviser or Prosecutor to a Public Authority.

VII. RENEWAL OF CERTIFICATES

18. A Pleader who desires to practise in the next succeeding
 Application. calendar year shall, on or before the first day of October preceding that year, apply for the renewal of his certificate, and shall append to his application the certificate last issued to him and an impressed stamp of the kind and value prescribed in section 25 of the Legal Practitioners' Act. If the applicant has accepted any appointment under Government or any Public Authority he shall specify the fact in his application, and the provisions of Rules 13 to 15 *mutatis mutandis* shall apply. An application presented after the date prescribed above may be accepted for good cause shown.

19. The application for renewal shall be made to the Judge
 Procedure. of the District Court of the district in which the applicant ordinarily practises or has last ordinarily practised, and that Judge shall subject to the provisions of Rule 20 renew the certificate in one of the forms annexed and in accordance with section 7 of the Legal Practitioners' Act, if he is satisfied as to the identity of the applicant. The Judge shall forthwith report the fact of renewal to the High Court :

Provided that in the case of a Pleader who has last practised in Rangoon Town the application may be made to the Chief Judge of the Rangoon City Civil Court :

And provided also that an application for renewal by a Pleader may be presented to the Judge of a Township or Subdivisional Court, who shall forward it to the Judge of the District Court with a report as to the identity of the applicant with the person named in the certificate produced by him.

20. If the District Judge, or the Chief Judge, Rangoon City Civil Court, authorized to renew certificates considers that the character or conduct of any Pleader who has been ordinarily practising in the Court of the said District Judge, or Chief Judge, as the case may be, and who may apply for the renewal of his certificate under Rule

18, is such that his certificate should not be renewed, he shall forward the said application with a statement of and the grounds for his opinion to the High Court for orders, and the High Court shall pass thereon such orders as it thinks fit.

21. A Pleader who does not engage in actual practice, or who
 Failure to practise or renew certificate. fails to get his certificate renewed, during a period of three successive years shall be liable to lose his right to a renewal and to be struck off the Register of Pleaders:

Provided that the Hon'ble Judges may at their discretion order the name of a Pleader whose name has been struck off under this rule to be restored in the Register of Pleaders when an application of the Pleader for such restoration, with full reasons satisfactory to the Hon'ble Judges, is made to the Registrar of the High Court, Rangoon.

VIII. PLEADERS' REGISTERS AND ROLLS.

22. The D.G. of the High Court shall maintain separate
 Register of Pleaders. registers for each grade in Form III annexed to these rules, of the Pleaders to whom certificates of admission have been issued. Column 10 shall be left blank.

The registers shall be kept up-to-date by means of the reports of renewal submitted under Rule 19, by action under Rule 21, and by removing the names of Pleaders who are dead.

The registers, with the word "last" inserted before the word "renewal" in the heading of column 9 and that of column 11 changed to "Initials of Judge" shall be printed once in three years. Copies shall be supplied to all Courts.

23. (a) When a Judge of a District Court enrolls a Pleader
 Roll of Pleaders. under Rule 10, or a Judge or Magistrate receives intimation of an enrolment under Rule 11, the fact shall be noted against the name of the Pleader in column 10, and

attested by the Judge or Magistrate in column 11, of the printed register, which will thus become a Roll of Pleaders entitled to appear, plead and act in the Courts of that district, or in that Court, as the case may be, under section 8 of the Legal Practitioners' Act.

(b) Similarly when the . D.G. of the High Court receives a report of the enrolment of a Pleader under Rule 11, he shall cause the necessary entries to be made in column 10 of the registers maintained in the High Court, against the name of the Pleader, and by means of such entries the registers will become Rolls of Pleaders entitled to appear, plead and act, under section 8 of the Legal Practitioners' Act, in the subordinate Courts of the State.

(c) As soon as the new printed copy of the register is received, all entries in column 10 of the old register against the names of Pleaders whose names also appear in the new register shall be copied into the latter and attested.

It is not necessary for any Pleader to apply for re-enrolment on receipt of a renewed certificate.

IX. MISCELLANEOUS.

24. A Pleader who loses his certificate may obtain a fresh
 Lost Certificate. certificate from the . D.G. of the High Court,
 on satisfying the . D.G. that the certificate has
 been lost.

The application for a fresh certificate shall be submitted to the Judge of the District Court or in Rangoon to the Chief Judge of the Rangoon City Civil Court, who shall transmit it to the Registrar with a report after such enquiry as may be necessary. A certificate issued under this rule shall be written on a sheet bearing an impressed non-judicial stamp of the value of one kyat, to be attached to the application.

X. SUSPENSION AND DISMISSALS.

25. All Judges and Magistrates are required to bring to the notice of the Judge of the District Court every case in which a Pleader is guilty of conduct, for which he is liable to be suspended or dismissed under the provisions of the Legal Practitioners' Act.

26. Whenever a Magistrate convicts a Pleader on a criminal charge, he shall report the fact to the Judge of the District Court, who shall submit a report setting forth the circumstances of the case to the High Court for action, if necessary, under section 12 of the Legal Practitioners' Act.

27. Any person who, having been admitted as a Pleader, enters into or carries on any trade or other business shall give notice thereof in writing to the High Court who may suspend such Pleader from practice or pass such orders as the High Court may think fit.

28. (1) (i) "The Act" means the Legal Practitioners' Act,
(ii) "Judge" includes a Magistrate or the Presiding Officer of a Revenue Office, and

(iii) "Court" includes a Revenue Office.

(2) (i) The High Court may, instead of holding an inquiry under section 13 of the Act itself, direct the Judge of the District Court in which the Pleader is enrolled to hold the inquiry on charges framed by the High Court.

(ii) Before taking action under section 14 of the Act, a Judge may, if he thinks fit, hold a preliminary inquiry into the allegations against the Pleader.

(iii) At the preliminary inquiry, if any, witnesses should be examined, documentary evidence collected and all materials necessary in support of or relevant to the allegations should be obtained.

(iv) The attendance of the respondent at the preliminary inquiry is unnecessary, but if he is present he may be asked by the Judge any questions which are considered necessary for the purpose of elucidating the facts. The respondent shall not, in the preliminary inquiry, be permitted to cross-examine the witnesses, or to call any evidence.

(v) At the conclusion of the preliminary inquiry, if any, the Judge shall either record a finding that no case for action against the respondent has been made out, or frame formal charges against the respondent and proceed under section 14 of the Act.

(vi) If no preliminary inquiry is held, charges shall forthwith be framed and an inquiry held under section 14.

(3) (i) The charges so framed shall set out specifically and in sufficient detail to make the respondent aware of the nature of the case against him, the allegations concerning which it is decided to hold an inquiry. Each separate allegation should be made the basis of a separate charge and the charge should end by calling upon the respondent to show cause why he should not be struck off the Register of Pleaders or suspended from practice, or otherwise punished.

(ii) A copy of the charges shall be served on the respondent and he shall be required to enter his defence in writing by a date to be fixed.

(iii) The charges may be amended at any stage of the inquiry provided that the respondent is given due notice of all such amendments and is given the opportunity of recalling and further cross-examining any witnesses examined prior to the amendment.

(4) (i) On receipt of the respondent's written statement of his defence, a date shall be fixed for proceeding with the inquiry, on which date the respondent and the witnesses in support of the charges shall be ordered to attend.

(ii) On the date so fixed or any subsequent date to which the inquiry may be adjourned, the inquiry shall be opened by a brief statement of the case against the respondent, the Judge reading the charges framed against the respondent and the respondent's written statement of the defence thereto. The witnesses in support of the charges shall be then examined.

(iii) The respondent shall have the right to be represented by an Advocate or Pleader and the inquiry shall be held in his presence or in the presence of his Advocate or Pleader. He shall have the right to cross-examine all witnesses examined in support of the charges.

(iv) All witnesses whom the respondent desires to produce in his defence shall be examined after the witnesses in support of the charges have been examined, and reasonable time shall be allowed to the respondent in which to procure the attendance of such witnesses.

(v) The statements of all witnesses examined shall be recorded in writing.

(vi) The respondent may, at any stage of the inquiry, be asked by the Judge any questions which he considers necessary for the purpose of the inquiry.

(vii) At any stage of the inquiry prior to the examination of the witnesses called by him, the respondent shall be permitted if he so desires to amend or add to his written statement of defence.

(viii) A diary form, in which should be briefly recorded the action taken at such stage of the inquiry, shall be prefixed to the proceedings.

(5) (i) At the conclusion of the inquiry the Judge shall record a finding which shall be filed in the proceedings. In the finding each of the charges framed shall be discussed and a distinct finding shall be recorded on each charge, and the Judge shall make such recommendations as he think fit regarding the action if any, to be taken against the respondent.

(ii) The Judge shall then submit the proceedings to the High Court. If the Judge is not the District and Sessions Judge himself, the proceedings shall be submitted through the District and Sessions Court.

(6) (i) Witnesses shall be paid travelling and subsistence allowances at the rates laid down in sub-rule (3) of Rule 2, Order XVI, Code of Civil Procedure.

(ii) If the inquiry is held on complaint made by private party the expenses of all witnesses called in support of the charges shall be deposited by such party. In all other cases the expenses of such witnesses shall be paid by Government.

(iii) The expenses of all witnesses called on behalf of the respondent shall be paid by the respondent, and a sum sufficient to cover their expenses shall be deposited by him with the bailiff of the Court before they are summoned.

(7) Copies of office notes, reports and correspondence relating to the inquiry shall not be supplied to the respondent. He may be supplied with copies of the evidence, oral and documentary, recorded at the preliminary inquiry, if any, on payment. He shall be entitled, free of charge, to a copy of the complaint or statement of the case initiating the proceedings and to copies of evidence recorded during the formal inquiry, and to a copy of the finding.

XI. FORMS**Form I.*****Certificate issued to a Pleader of the Higher Grade.*****ROLL No.**

Pursuant to the rules relating to the admission of Pleader, I, hereby certify that, son of, of the district of, has been admitted a Pleader of the Higher Grade and is authorized to practise in all Courts subordinate to the High Court, Rangoon, and in all Revenue Offices in Burma subordinate to the Financial Commissioners up to the end of the year 19

Given under my hand and the Seal of the High Court
Court
this day of 19

Deputy -Director.

High Court.**Form II.*****Certificate issued to a Pleader.*****ROLL No.**

Pursuant to the rules relating to the admission of Pleader, I, hereby certify that, son of, of the district of, has been admitted a Pleader and is authorized to practise in all Courts subordinate to the High Court, Rangoon, and in the Rangoon City Civil Court and in the Subdivisional, Small Cause and Township Courts and in the Revenue Offices subordinate to Deputy Commissioners in Burma up to the close of the year 19

Given under my hand and the Seal of the Court this
. day of 19

Deputy Director

Form III

Register of Higher Grade Pleaders, Myanmar.
Pleaders

Serial No.	Name of Pleader in full.	Residence at the time of admission	Father's Name, occupation and residence.	Age of admission.	Nationality.	How qualified for admission.	Date of admission.	Date of issue and renewal of admission.	Courts in which enrolled	Signature of D. D.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Form IV.

Chamber Student's Diary.

Date.	Name of the Court attended.	Case No.	Initial of Judge, Magistrate or D. D. of the Court attended.	Remarks.
(1)	(2)	(3)	(4)	(5)

Advocates' Fees.

8. The following rules have been made under section 16 of the Bar Council Act, to regulate the sums to be allowed as costs on account of Advocates' fees upon all proceedings in the High Court and Civil Courts subordinate thereto * : -

Rules.

1. The sums to be entered in the decrees of the Courts under the denomination of costs, as payable between party and party, on account of fees of Advocates shall, unless the Court decrees otherwise in its judgment, be calculated at the following rates : —

If the amount or value of the property, debt or damages claimed -

- (i) shall not exceed K 5,000 at 6 per cent. on the amount or value claimed ;
- (ii) shall exceed K 5,000 but not exceed K 20,000 at 6 per cent. on K 5,000 and 3 per cent. on the remainder;
- (iii) shall exceed K 20,000, but shall not exceed K 50,000, on K 20,000 as in sub-rule (ii) above and 1½ per cent. on the remainder;
- (iv) shall exceed K 50,000, on K 50,000 as in sub - rule (iii) above and 1 per cent. on the remainder :

Provided that —

- (a) in no case shall the amount of any fee calculated under this rule exceed K 4,500 ;
- (b) in cases undefended a fee not exceeding half only of the fee calculated at the above rates shall be allowed.

[Note: Suits in which defendants have filed written statements shall be deemed to be contested suits and, unless otherwise ordered by a Judge, fees shall be allowed at the prescribed rates though the defendants may subsequently withdraw their defence.]

* Notification N0.5 (General), dated the 30th April, 1929, as amended by Notifications No.10 (General), dated the 4th September, 1929, No.6 (General), dated the 28th April, 1930 and No.15 (General), dated the 25th September, 1939.

(c) the amount entered as payable on account of fee to an Advocate shall not be less than :-

In the High Court or District Courts.	In Sub-divisional, Township and Small Cause Courts.	In the Rangoon City Civil Court.		
		Suits exceeding K 150 in value.	Suits exceeding K 50 but not exceeding K 150 in value.	Suits not exceeding K 50 in value.
(1)	(2)	(3)	(4)	(5)
K	K	K	K	K
34	17	34	10	5

(d) The Court may if it is of opinion that a defence is false or vexatious, or has been filed merely with a view to gaining time, award to the plaintiff such further costs as the Court thinks fit, in addition to any fee calculated under this rule.

2. In declaratory suits in which no consequential relief is claimed and in other suits where it is not possible to estimate at a money value the subject-matter in dispute, in miscellaneous proceedings, in execution proceedings and in interlocutory applications other than those of a routine or formal character, the amount to be awarded on account of the Advocate's fee shall be fixed by the Court at its discretion on the following scale : -

	High Court, District Courts and Rangoon City Civil Court.	Subdivisional, Township and Small Cause Courts.
	K	K
Any sum between ...	17 and 170	10 and 85

Provided -

- (a) that in non-contested execution or miscellaneous proceedings and in interlocutory applications the minimum fee shall be awarded ;
- (b) that costs of interlocutory applications of a formal or routine character, *e.g.*, application for an order requiring an affidavit of documents or for transmitting process for service to another Court shall not be allowed.

3. If, in the opinion of the Court, the questions in issue in any case are such that the labour or skill of the Advocate would be inadequately remunerated by a fee fixed under rule 1 or rule 2, the Court may, for reasons to be recorded in its judgment, apply in the place of the scale laid down in rule 1 or rule 2, the scale specified below in determining the amount payable on account of the Advocate's fee:-

	High Court, District Courts and Rangoon City Civil Court.	Subdivisional, Township and Small Cause Courts.
	K	K
Any sum between . . .	34 and 340	17 and 170

In contested cases, the effective hearing of which occupies more than one full working day, a fee not exceeding the above, as the Court in its discretion shall direct, shall be payable for each subsequent day after the first. This fee shall be in addition to the fee calculated under rule 1 or rule 2 or under the first paragraph of this rule.

4. When the hearing of a suit is adjourned under Order XVII, Rule 1, of the Code of Civil Procedure, the Court may include among the costs occasioned by the adjournment, to be paid by the party applying for time, as Advocate's fee any sum not exceeding:-

* In the High Court, the Rangoon City Civil Court and District Courts any period of three hours or over shall ordinarily be held to be one full working day. Any period of less than three hours shall ordinarily be held to be half a working day.

High Court.	District Courts and Rangoon City Civil Court.	Subdivisional, Township and Small Cause Courts.
K	K	K
51	34	10

5. In a case where there are several defendants not more than one Advocate's fees shall be allowed except -

- (a) where a separate defence is set up by a defendant who has a separate interest;
- (b) where for special reasons (to be recorded in the judgment or order) the Judge considers the award of fees to more than one defendant's Advocate to be just or reasonable.

6. (i) In contested cases coming before the High Court in the exercise of its Original Civil Jurisdiction, unless the Court otherwise directs, fees shall be allowed for two Advocates actually employed by a party; and in cases of special difficulty or complexity the Court may certify for three Advocates actually employed by a party in the conduct of the case.

(ii) In contested cases coming before Courts subordinate to the High Court, the Court may, on account of the difficulty or complexity of the case, in its discretion allow fees to two Advocates actually employed by a party:

Provided that unless the Court otherwise directs in either case no fee for a junior Advocate shall be allowed when the Advocates employed are in partnership with one another.

Where fees are allowed to two Advocates, a fee of two-thirds of that allowed to the senior according to the scales shall be allowed to the junior.

7. An advocate employed in a case before any Commissioner or at any arbitration in references made by a Court, shall be allowed fees, at the discretion of the Court, not exceeding K 51 for the first hour or part of an hour of each effective sitting, and K 17 for each succeeding half-hour or part thereof after the first hour of each effective sitting.

8. For the purposes of these rules the valuation of suits and appeals shall be determined according to the rules laid down in the Court Fees Act:

Provided that in cases falling within section 7, sub-sections (v), (vi), (ix) and (x) (d), of the said Act the value of property shall be taken.

9. The Court or, in the case of the High Court, the Taxing Officer is empowered to call for a certificate from the Advocate appearing for a party in any cause or matter that he has not received as his fees or remuneration a sum less than the costs allowable on taxation under these rules. If it should appear on any such certificate that the Advocate has received less than the amount of costs allowable on taxation the Court or the Taxing Officer, as the case may be, shall not certify a sum in excess of what has been actually paid.

Pleaders' Fees.

9. The following rules have been made under section 27 of the Legal Practitioners' Act to regulate the sums to be allowed as costs on account of Pleaders' fees upon all proceedings in Civil Courts subordinate to the High Court * :-

Rules.

1. The sums to be entered in the decrees for the Courts under the denomination of costs, as payable between party and party, on account of fees of Pleaders shall, unless the Court decrees otherwise in its judgment, be calculated at the following rates :-

* Notification No. 20 (General), dated the 30th October 1928, as amended by Notification No. 11 (General), dated the 4th September 1929, Notification No. 15 (General), dated the 8th August 1930 and Notification No. 3 (General), dated the 20th September 1954.

If the amount or value of the property, debt or damages claimed-

- (i) shall not exceed K 5,000, at 6 per cent., on the amount or value claimed;
- (ii) shall exceed K 5,000 but shall not exceed K 20,000, at 6 per cent. on K 5,000 and 3 per cent. on the remainder;
- (iii) shall exceed K 20,000 but shall not exceed K 50,000, on K 20,000 as in sub-rule (ii) above and 1½ per cent. on the remainder;
- (iv) shall exceed K 50,000, on K 50,000 as in sub-rule (iii) above and 1 per cent. on the remainder.

Provided that -

(a) in no case shall the amount of any fee calculated under this rule exceed K 3,000;

(b) in cases undefended a fee not exceeding half only of the fee calculated at the above rates shall be allowed;

[Note: Suits in which defendants have filed written statements shall be deemed to be contested suits and, unless otherwise ordered by a Judge, fees shall be allowed at the prescribed rates though the defendants may subsequently withdraw their defence.]

(c) the amount entered as payable on account of fee to-

	In District Courts.	In Sub-divisional, Township and Small Cause Courts.	In the Rangoon City Civil Court.		
			Suits exceeding K 150 in value.	Suits exceeding K 50 but not exceeding K 150 in value.	Suits not exceeding K 50 in value.
(1)	(2)	(3)	(4)	(5)	(6)
A pleader of the Higher grade shall not be less than	K 17	K 10	K 17	K 10	K 5
A pleader shall not be less than.	10	5	10	10	5

- (d) the Court may if it is of opinion that a defence is false or vexatious, or has been filed merely with a view to gaining time, award to the plaintiff such further costs as the Court thinks fit, in addition to any fee calculated under this rule.

2. In declaratory suits in which no consequential relief is claimed, and in other suits where it is not possible to estimate at a money value the subject-matter in dispute, in miscellaneous proceedings, in execution proceedings and in interlocutory applications other than those of a routine or formal character, the amount to be awarded on account of the Pleader's fee shall be fixed by the Court at its discretion on the scale set out below:-

	District Courts and Rangoon City Civil Court.	Subdivisional, Township and Small Cause Courts.
To a Pleader of the Higher grade between	K 10 and 85	K 5 and 50
To a Pleader between	5 and 50	5 and 34

Provided -

(a) that in non-contested execution or miscellaneous proceedings and in interlocutory applications the minimum fee shall be awarded;

(b) that costs of interlocutory applications of a formal or routine character, *e.g.*, application for an order requiring an affidavit of documents or for transmitting process for service to another Court, shall not be allowed.

3. If, in the opinion of the Court, the questions in issue in any case are such that the labour or skill of the Pleader would be inadequately remunerated by a fee fixed under rule 1 or rule 2, the Court may, for reasons to be recorded in its judgment, apply in the place of the scale laid down in rule 1 or rule 2 the scale specified below in determining the amount payable on account of the Pleader's fee :-

	District Courts and Rangoon City Civil Court.	Subdivisional, Township and small Cause Courts.
To a Pleader of the Higher grade, any sum between.	K 170 and 17	K 85 and 10
To a Pleader any sum between.	85 and 10	50 and 5

In contested cases, the effective hearing of which occupies more than one full working day, a fee not exceeding the above, as the Court in its discretion shall direct, shall be payable for each subsequent day after the first. This fee shall be in addition to the fee calculated under rule 1 or rule 2 or under the first paragraph of this rule. *

* In the Rangon City Civil Court and District Courts any period of three hours or over shall ordinarily be held to be one full working day. Any period of less than three hours shall ordinarily be held to be half a working day.

4. When the hearing of a suit is adjourned under Order XVII, Rule 1, of the Code of Civil Procedure, the Court may include among the costs occasioned by the adjournment, to be paid by the party applying for time, Pleader's fee at the following scale :-

	District Courts and Rangoon City Civil Court.	Subdivisional, Township and small Cause Courts.
Any sum not exceeding -	K	K
To a Pleader of the Higher grade	34	10
To a Pleader	10	5

5. In a case where there are several defendants not more than one Pleader's fee shall be allowed except :-

- (a) where a separate defence is set up by a defendant who has a separate interest;
- (b) where for special reasons (to be recorded in the judgment or order) the Judge considers the award of fees to more than one defendant's Pleader to be just or reasonable.

6. In contested cases the Court may, on account of the difficulty or complexity of the case, in its discretion allow fees to two Pleaders actually employed by a party, provided that no fee for a junior Pleader shall be allowed when the Pleaders employed are in partnership with one another. Where fees are allowed to two Pleaders, a fee of two-thirds of that allowed to the senior according to the scales shall be allowed to the junior.

7. A Pleader employed in a case before any Commissioner, or at any arbitration in references made by a Court shall be allowed fees at the discretion of the Court, not exceeding :-

For a Pleader of the Higher grade	25	} For the first hour or part of an hour of each effective sitting.
For a Pleader	10	
For a Pleader of the Higher grade	10	} For each succeeding half-hour or part thereof after the first hour of each effective sitting.
For a Pleader	5	

8. For the purpose of these rules the valuation of suits and appeal shall be determined according to the rules laid down in the Court Fees Act: *Provided that* in cases falling within section 7, subsections (v), (vi), (ix) and (x) (d), of the said Act the value of the property shall be taken.

9. The Court is empowered to call for a certificate from the Pleader appearing for a party in any cause or matter that he has not received as his fees or remuneration a sum less than the costs allowable on taxation under these rules. If it should appear on any such certificate that the pleader has received less than the amount of costs allowable on taxation the Court shall not certify a sum in excess of what has been actually paid.

Dress of Advocates and Pleaders.

10. The following rules regulate the dress to be worn by Advocates and Pleaders of the Higher Grade when appearing before District and Sessions Courts or before the Judges of the Rangoon City Civil Court * :-

(1) Advocates of the High Court, Rangoon, shall wear a black gown cut after the pattern of the Cambridge B.A. gown over a black coat and, unless the coat is worn closed, a black waist-coat or kummerband; provided that Advocates who are Barristers-at-Law may wear their Barristers' robes. All Advocates shall wear bands.

(2) Pleaders of the Higher Grade shall wear a dark green gown cut after the pattern of the Cambridge B.A. gown over a black coat and, unless the coat is worn closed, a black waist-coat or kummerband. Pleaders shall not wear bands.

(3) It is not the practice to require Advocates or Pleaders to wear gowns in Courts other than those aforesaid.

* High Court Notification No. 6 (General) dated the 25th April 1947.

11. All Advocates and Pleaders who set out in Burmese their Designation of Ad- professional status on signboards, letter headings, vocates and Pleaders. etc., are required to use the authorised Burmese equivalents of their designation in English, and no others. These are:-

- (1) Advocate of the High Court - တရားရုံးချုပ်ရှေ့နေ
- (2) Pleader of the Higher Grade - အထက်တန်းရှေ့နေ
- (3) Pleader - ရှေ့နေ

Provided that Advocates who are Barristers may at their election describe themselves in Burmese as လွှတ်တော်ရှေ့နေကြီး။ ဝတ်လုံတော်ရှေ့နေ။ which is the equivalent in Burmese of the expression 'Advocate of the High Court - Barrister-at-Law.'

CHAPTER II.

Petition Writers. ❖

12. The following rules declaring what persons shall be permitted to practise as petition-writers in the Courts in the Union of Burma, regulating the conduct of business of persons so practising, and determining the authority by which breaches of the rules shall be tried, have been made under section 25, sub-section (1), clause (a) of the Courts Act, 1950 * :-

General

(1) No official of any Court and no person employed about any Court, whether as clerk, copyist or peon or in any other capacity, shall write petitions.

Note : A stamp-vendor is not a person employed about a Court.

(2) No person shall write for hire any petition to be presented to any Court unless he -

- (i) is a citizen of the Union of Burma, and
- (ii) is duly licensed under these rules by the Judge of the District Court of the district wherein he resides, or

* Notification No. 4 (General), dated the 20th October 1954.

❖ The Supreme Court provided the instructions in relating to petition-writers. (Direction No. 1/98).

(iii) is a legal practitioner, or

(iv) is a clerk to a legal practitioner and writes the petition in the course of such employment.

(3) No Court shall receive or act on any petition presented to it by any person other than a legal practitioner unless such petition is signed by a legal practitioner or is written and signed at the foot -

(a) by the petitioner himself, or

(b) by a friend of the petitioner who has received no hire in respect thereof and who is not a clerk to a legal practitioner, or

(c) by a petition-writer duly licensed under these rules.

(4) Rules (2) and (3) shall not apply to petitions presented to a Judge or Magistrate on tour at places where there is no licensed petition-writer practising.

(5) When a petition is not written by a petition-writer known to it the Court shall satisfy itself, so far may be, that it has not been written by a person practising in contravention of these rules.

(6) A Court shall not refuse to accept a petition presented by a person who does not reside within the jurisdiction of the Court merely because the petition is written by a petition-writer not licensed for that jurisdiction: provided that the Court is satisfied that the writer is qualified to write the petition in the district within which the person presenting it resides, and provided also that the petition is properly written in the language of the Court.

(7) Every petition written by a petition-writer shall be written on one side only of stout paper of foolscap size, with a blank margin of a quarter of the breadth on the left hand side, and shall be endorsed by him with his name and the number of his license, the date and the amount of the fee paid.

(8) No petition-writer shall ask or take any fee, contingent or otherwise beyond the fee endorsed on the petition and he shall give a receipt for every fee paid.

(9) The Judge of the District Court may, if he thinks fit, from time to time fix for each Court the tariff of charges for writing petitions of a simple, ordinary or routine character, and, where a tariff has been framed, no petition-writer shall for such petitions ask or accept a fee in excess of the tariff. For writing other petitions each petition-writer may make his own terms with the petitioner provided that they are moderate and reasonable. If any petition-writer asks or accepts any fee in excess of the tariff or any immoderate or unreasonable fee for a petition of a class for which a tariff does not provide, the Judge may, on complaint by the petitioner, in his discretion, order reduction or return of the fee, or may withdraw the license.

(10) Any petition-writer who writes a petition, etc., for any person who does not understand the language in which it is written shall fully and truly explain to such person the meaning and effect of all that is written in the petition.

(11) Facilities should be provided at the Court for petition-writer to practise their vocation with convenience to themselves and the public.

(12) The operation of all or any of these rules may be deferred or suspended by order of the High Court in any district or portion of a district, and by order of the Judge of the District Court in any Court subordinate to his Court, for such time as he may see fit.

Additional Rules for Rangoon.

(13) The duties imposed by these rules on the Judge of the District Court shall, in regard to the Courts of the Rangoon Town District, be discharged by the District Magistrate, Rangoon Town District, and within such limits rules (4), (11), (12), (16) shall not apply.

(14) Every petition-writer licensed by the District Magistrate, Rangoon Town District, shall keep a book in which he shall enter in the English language, or in the language of the Court, a short statement of the substance of every petition or other document which he may be called upon to write for presentation in a Court, the date on which it is to be presented, the name of the person for whom he writes it, and when a stamp is used, the name of the person who bought and sold the stamp-paper on which it is written and the date on which the stamp-paper was sold.

(15) The book so kept may be called for by the Court at any time, and any licensed petition-writer failing to produce his book when called upon by the Court to do so shall be liable to have his license revoked.

Licenses.

(16) In consultation with the Deputy Commissioner the Judge of the District Court may determine the number of licenses to be granted for the District and for each Court in it.

(17) A license shall hold good to the end of the calendar year in which it is issued and till the end of each succeeding year for which it may be extended by endorsement, which should ordinarily be made in the month of December. A petitioner-writer is not entitled to an extension of license as a matter of course. The Judge of the District Court shall have the same discretion as to granting or refusing an extension as he has with respect to the original issue of a license.

(18) Any person who desires to be licensed as a petition-writer shall apply by petition to the Judge of the District Court or to any subordinate Judge for transmission to the Judge of the District Court, and shall state the names of the Courts in which he proposes ordinarily to practise. The Judge shall satisfy himself that the applicant is of good character and that he can write in a legible hand in the language of the Court, and that he can express himself in clear, concise language. The Judge may, at his discretion, grant or refuse the license. No license shall be granted under this rule to any person who is a clerk to a legal practitioner.

(19) The license shall be in the following form :-

Petition-writer's License No.

A.B., son of C.D., residing at E, is hereby licensed to practise as a petition-writer for the Courts at (name of place) for the year 19

This license is issued subject to the condition that the holder, so long as he holds the license, shall not act as a clerk, whether paid or unpaid, to any legal practitioner.

The 19



Y.Z.,
Judge.

Endorsements.

Extended for the year 19 subject to the conditions of issue.

The December 19



Y.Z.,
Judge.

(20) Every license issued under rule (18) shall be entered in serial order in a register kept in the following form :-

Register of Petition-writers.

No. of license -	Date of issue -
Name of petition-writer -	
Residence -	
Name and description of father -	
Age -	Race -
Courts for which licensed -	

Year of first issue and each year of extension.	Signature of Judge each year.	Years of extension.	Signature of Judge each year.

(21) The Judge of the District Court may withdraw a license for good cause at any time after giving the petition-writer an opportunity to show cause against such order. The reasons for such withdrawal shall be recorded by the Judge to enable the High Court to exercise due control in the matter.

(22) When a petition-writer's license is withdrawn he shall surrender it to the Judge of the District Court.

Penalty.

(23) Breaches of any of the foregoing rules shall be triable by the Judge of the District Court or the District Magistrate, Rangoon Town District, within whose jurisdiction the petition was written.

Revision.

(24) There shall be no appeal against any order passed under these rules, but the High Court in any case which comes to its notice may pass such order as it thinks fit.

Instructions to be followed by Petition - writers

- 12 A (1) In exercise of the power conferred by Section 20 of the Myanmar Judiciary Law, the Supreme Court has issued the following instructions with regard to the issue of license as Petition-writers to practise in all the courts in Myanmar, to supervise and control the Petition-writers and make enquiries as to the breach of these instructions and to take action against Petition-writers them.
- (2) Rules regarding the issue of licence to practise as Petition-writer in all the courts, and framing of rules to be followed by Petition-writer and the taking action for the breach of the rules have been prescribed in paragraph 12 of the Myanmar Courts Manual (Third Edition). The said rules should be followed in issuing Petition-writer's license, supervising, controlling and taking action against Petition-writers, and revocation of license of Petition-writers.
- (3) It is hereby instructed to abide by the following instructions in accordance with the rules:-
- (a) **Issue of Petition -writer's licence.** The State or Divisional Judges, after consultation with the Township Judges in his State or Division as to the number of Petition-writers in each court and vetting the applications in accordance with the rules, shall issue Petition-writers licence.
 - (b) **Fixation of the rate of Petition-writers fees.** The State or Divisional Judge shall fix the rate of Petition-writers fees from time to time and shall publish these rates for public notice.
 - (c) **Supervision.** the State or Divisional Judge shall supervise Petition-writers, in accordance with the rules as contained in Paragraph 12 of the Myanmar Court Manual, through the Township Judge concerned.
 - (d) **Taking Action.** The State or Divisional Judge s hall revoke the licence of the Petition-writer who breaches the rule in accordance with the rules.

* See Instructions (directives) No. 1/89 of the Supreme Court