

CHAPTER 13

Touting

1. Definition of a tout—The attention of all District Judges and Deputy Commissioners is directed to the definition of a “tout” in Section 3, and the provision of Section 36 of the Legal Practitioners’ Act, 1879, as amended by Act XI of 1896 and Act XV of 1926.

In Section 3 a “tout” is defined as a person :—

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

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

2. Stopping toutism—It is very desirable that use should be made of Section 36, as it enables Courts to protect suitors and respectable members of the bar, at least to the extent of stopping touting within the precincts of the Courts.

3. List of touts to be prepared by Court—Section 36 only requires that the Court preparing a list of touts should satisfy itself that persons habitually act as touts, and should give them an opportunity of showing cause against the inclusion of their names. A wide discretion is left to the Court as to the method in which it may so satisfy itself.

4. Punishment for acting as tout—Particular attention is drawn to clause (6) of Section 36, as it now stands. This clause provides that if a person, whose name is on the list of touts, acts as a tout, he is liable to punishment. This provision is not sufficiently known, and it is desirable that it should be enforced.