MADHYA PRADESH SAMAJ KE KAMJOR VARGON KE LIYE VIDHIK SAHAYATA TATHA VIDHIK SALAH NIYAM, 1977

606 SAMAJ KE KAMJOR VIDHIC SAHAYATA NIYAM, 1977 R. 1 (u) the functions and the duties which shall performed and discharged by the panel of legal practitioner under sub-sec- tion (3) of section 40; (iii) the remuneration to which panel legal practitioner shall be entitled under sub-section (4) of section 40: Ko) the procedure for providing legal aid in the High Court and the Supreme Court: (p) any other matter which is to or may prescribed.) (3) All rules made under this Act shall be laid On the table of the Legislative Assembly. 47. power to make regulations-The rnay. with the pre- vious sanction of the State Government make regulations not incon- sistent with this Act or the rules made thereunder to provide for all matters for which provision is required to be made under this Act by regulations. RULES NO. 12281.F-168-76.XXIB. dt. 17-3-1977; pub. m M.P. Gaz. pt. dt. 20-5-1977. p

721. And as amended by.—

1. Notfn. No. dt. 25-7-1979. Pub. in M.P. Gaz. Ext.. dt. 31-7-79, p. 2467-70

2. Noun. No. dt. 8-12-1993: Pub. in M.p. Gaz. Ext., dt. 21-12-1993, p, 836

3. Noun. No. dt. 3-4-1996. pub. in M.p. Gaz.. pt. IV(Ga). dated 19-4-1996. p

62. In exercise of the powers conferred by sub-section (l) and clauses u).(l) and (m) of sub-section (2) of section 46 of the Madhya Pradesh Samaj Ke Kamjor Vargon Ke Liye Vidhik Sahayata Tatha Vidhik Salah Adhiniyam. 1976 (No. 26 of 1976). the State Government hereby makes the following rules. namely:— 1. In these rules. unless the context otherwise requires:— (a) •Act- means the Madhya Pradesh Samaj Ke Karnjor Vargon Ke Liye Vidhik Sahayata Tatha Vidhik Salah Adhiniyam, 1976 (No. 26 of 1976): (b) -District Committee- means the district legal aid and legal advice committee constituted in each district under section 5: (c) "

Form- means a form appended to rules: (d) -Revenue Omcer- means a Revenue Ofllcer not below the rank Of Naib-TahSMar. Ills. by 51 of 197616.10-19761. R. 5 SAMAJ vroHIC SAHAYATA NIYAM, 1977 607 (e) -Section- means a section of the Act

2. Application for legal assistance or legal advice under sub- section (l) of section 38 shall contain particulars of the applicant and his legal problem with an endorsement from one Of the following persons to the effect that the applicant satisfies the eligibility test laid down in section 33.namely:— (a) Member of Parliament: (b) MerntRr of Legislative (c) Member of the Board or a committee; (d) Any Gazetted Officer of the State: (e) Revenue Officer: (O Sarpanch Of Gram panchayat; (g) an Office bearer Of an institution established or constituted with the object of welfare and uplift of the members of Scheduled Castes and Scheduled Tribes and registered under the Madhya Pradesh Society Registrikaran Adhiniyarn, 1973 (No. 44 Of 1973)

3. Where a person desiring legal assistance or legal advice in unable to wTite an application for the purpose himself.a certificate from one of the persons specified in rule 2 certifying the eligibility Of the person concerned for legal assistance or legal advice under section 33 and stating the legal problem wherefore legal assistance or legal advice is required shall be sufficient for giving legal assistance or legal advice as the case may be. by the district coxnrnittee: Provided that an oral request made by such person for giving legal assistance or legal advice may be entertained by the district committee if the district committee is satisfied that such person fulfills eligibility test under section 33

4. On receipt of the application under rule 2 or a certificate or oral request under rule 3.as the case may be. the matter may be entrusted to one of the panel legal practitioners for legal assistance or legal advice. as the case may 5. (1) The panel legal practitioner to whom the matter has been entrusted under rule 4 shall elicit the nature of the legal assistance and legal advice required in the matter and thereafter proceed to arrange for the required legal assistance or legal advice or both. as the case may be. in the manner hereinafter provided. (2) If the nature of the problem is such that it requires— (i) (iii) (iv) (v) (vi) an application on plain paper to be written; a forrn of application to be filled in; a reply to be given to a notice for repayment of loan: an aflldavit to be filled in; a dcrurnent to prepared: a surety bond to be prepared for any Of the following pur- poses, namely:— 608 SAMAJ KE KAMJOR VIDHIC SAHAYATA „. NIYAM. 1977 5 (a) (b) (d) (e) (h) (i) loans from Government, credit co-operative societies, taccavi: fertilisers; Pumps; Electricity (X.nnection: discharge of loan from private rnoney lender; return of pledged articles; professional licence: scholarship; the panel legal practitioner shall explain to the person concerned wherefrom the required form of application or affidavit should be obtained and assist him to write an application. nil up the form of application. prepare a reply to the notice or prepare amdavit or docurnent. or surety bond. as the case may tx. (3) If the nature Of the problem is such that the person concerned requires legal advice on matters of:- (i) boundary dispute Of land: (ii) forcible dispossession of land: (iii)• Nistar rights; (iv) private money lending; (v) trespass including cattle trespass; partition cnsputes; (vii) adoption: (viii) rights arising out or accidental death; payment of wages: (x) eviction: social exploitation: (xii) mutation disputes: (xiii) rights Of women: (xiv) child marriage; dowzy: or Iwi) kidnaping the panel legal practitioner shall give necessary advice to the person (4) The panel legal practitioner shall make an endorsement on the application on plain paper or in a prescribed form. affidavit. document or surety bond. as the case may be. written. filled in Or prepared by him to the effect that necessary enquiries have been made from the concerned and that the applicant is entitled to the trneflt or relief sought for or p(B-sesses the right claimed. as the case rnay and he shall also put his signature and afnx the seal of the committee. R. 8 SAMAJ KE KAMJOR VIDHIC 1977 609 (5) during the process of the work beii, 'one by the panel legal practitioner. under sub.rules I (3) and (4) or otherwise. he finds that it is a case wherein any q Ä.•stion of ...volved. he shall examine whether there a prima-lacie case favouJ - the applicant or not. For examination lhe question as required by sub-rule (5) the panel practitioner shall collect such information as may be thc applicant or otherwise. 11 v.•oper scrutiny of facts as narrated by the applicant loy panel practitioner otherwise, the panel legal prac- linds that there is:— (i) no prima facie case in favour of the applicant. he shall explain the position to the applicant: (ii) a prima facie Case in favour of the applicant. he shall endeavour to settle the dispute by bringing about reconcilia- between the rival parties. (8) In order to settle the dlspute under clause (ii) of sub-rule (7). the panel legal practitioner bring the rival parties to the dispute together at a time and place convenient to both. (9) If. as a result of

such endeavour takes place the panel legal practitioner shall, if found necessary prepare necessary document for execution by the parties

6. An application for legal aid under sub-section (l) of section 39 shall be made in Form Ill and the accompanied by a certificate in Form 11 in support 01 eligibility of the applicant under section 33

Form l.8. (l) If the application under rule 6 is not accompanied by a certificate in Form 11 the district committee shall cause such investiga- tion to be made as it may consider necessao' to ascertain the eligibility or the applicant under section 33. (2) The district committee on being satisfied that the applicant is eligible for legal aid in accolxlance with section 33 and is not a non •co-operating party within the meaning of sub-section (2) of section 38 shall refer the matter to one Of the panel legal practitioners to (i) whether there is a prima facie case; and (if) whether the claim is reasonable and for want legal aid, the claimant is likely to suffer in securing his legal right: (iii) whether the applicant is eligible for defence at the expense of the State under sub-section (1) of section 304 Of the Code of crtmmal Procedure. 1973 (No. 2 of 1974). (3) Ihe district commit tee shall cause a report to be prepared which shall contain information on the following points. namely: - (i) whether the applicant fulfills the reqriirements Of eligibility laid down in section 33 and the category under which he 610 SAMAJ KE KAMJOR VIDHIC SAHAYATA NIYAM. 1977 R. 9 (if) whether the applicant had applied for legal advice and if so, whether he had acted according to legal advice: (iii) whether during the course of the legal advice the applicant co-operated with district committee in its re-conciliatory effort and that the failure was not attributable to him. (4) The report prepared under sub-rule (3) shall, along with other documents produced by the applicant and the findings 01 the panel legal practitioner be placed before the district committee for decision. 9. me order sanctioning the grant of legal aid shall be in Form IV. IO. (l) For the purposes of sub-section (I) Of section 40 the district committee shall. every year by 31st of October. prepare a list of legal practitioners practising in the district in the following manner. name- (i) the district committee shall by notice invite applications such date. which shall not be latter than 1st October. as it may nx in this behalf. from the legal practitioner practising in the district and possessing the qualifications prescribed in sub-rule (2): (if) every application under clause (O Shall contain the willing- ness of the applicant to serve as a panel legal practitioner. if required so to do. on payment of remuneration at the rates sircined in rule 15 and shall also accompanied by the document in support of his eligibility under sub-rule (iii) the applications received under clause by the date fixed therein, shall be scrutinized by the district committee with a view to ascertain whether the applicants are eligible under sub-rule (2) or not and after such scrutiny the district committee shall prepare a final list of the applicants eligible under the said sub-rule, (2) A person shall not qualified for inclusion of his name in the list unless he:— (i) is a citizen of India: (if) has. for at least-years been an Advocate: or (iii) has an experience of at least 2 years as an advocate and judicial officer taken together. (W) is a person devoted to the Judicare of the weaker of the people

11. Functicms and duties of a practitioner shall be—(i) to tender legal assistance and legal advice under rule 5; (ii) to prepare necessaly documents under rule 5: to prepare report under rule 8: (iv) to do all things necessary in connection with a legal proceeding; (v) to act and plead on behalf of the aided person in a legal prcx:eeding in a court Of law: R. 12 1977 611 (vi) to submit report about the progress of the legal proceeding every three months to the district committee; (vd) to obtain certined copy of judginent. decree or final order in all cases in which he appears for the aided (viii) to submit report regarding advisability of filing appeal. revision or other proceeding in cases in which the court passes any judgment. decree or order against the aided person within fifteen days from the date of such judgment, decree or order accompanied by a certified copy of such judgment. decree or order and in cases where appeal or revision is recommended. also with proposed rnemorandum Of appeal Or revision. as the case may be: (ix) to do all ancillaxy acts neceskary for proper conduct of the proceeding

12. A Panel of legal practitioner shall be entitled to remunera- tion for the legal work done.functions performed and duties dis- charged by him in connection With legal aid proceeding at the following rates. namely:- (a) In the Curt of any Magistrate— (i) In a criminal case (iO for a bail application where no charge sheet has been filed (b) before a court of sessions— (i) (it) (c) (d) (e) in any other criminal case other than a case falling under section 304 01 the Code of Criminal Pro• cedure, 1973 (No. 2 of 1974). for a bail application othemvise than in a pending sessions In a civil case In a revenue case before any Revenue Court. other than Board of Revenue. In any case before Board Of Revenue Madhya Pradesh In any case before the High Court other than One provided in item Rs. 200/ • (Rs. Two hundred) per case Rs. 50/-(Rs. fifty) only Rs. 300/- (Rs. Three hundred) per case Rs. 50/-(RS. fifty) Only. At the rates Of fees admis- sible to advocates or pleaders. as the case may be. as rules made by the HigWCourt of Madhya Pradesh in that behalf. Rs. 200/ -(Rs. Two hundred) per case Rs, 300/- (Rs. Three hundred) per case Rs. 500/ - (Rs. five hundred per case) 2 21x x xl subs by No. 2 Is. 12-19931. Sub—rub •a) & (I •b) (Mnitted

2.18-12-931. 612 SAMNKEKAMJOR VIDHIC SAHAYATE NIYAM, 1977 R. 13 (2) The panel legal practitioner appointed to appear for the aided person shall incur all expenses incidental to the case of proceeding and include them in the bill of fees. (3) Every such bill of fees and other expenditure incurred shall be submitted by he penal legal practitioner to the district committee. (4) If the bill is in order, payment shall be made accordingly. (5) The district Committee may. in order to determine whether the amount claimed in the bill is correct and proper call for such other Llformation and documents as it may consider necessary. 13. (1) With a view to seek help of legal practitioners desirous of rendering help without any fee. the district committee shall prepare a list of such legal practitioners in the district every year in the month of October in the following manner. namely-— (i) the district committee shall. by notice invite applications by such date as it may fix. in this behalf. from the persons possessing the qualifications prescribed under sub-rule (2) of rule 9; (ii) every application under clause (i) shall contain the number Of legal proceedings in which the applicant is desirous of rendering help in a year a legal practitioner. if required so to do. without payment of any fee and shall also be accompanied by the document in support of his eligibility under sub-rule (2) of rule IO: (iii) the applications received under clause (i) shall be scrutinised by the district committee with a view to ascer- tain the eligibility of the applic%lnts under sub-rule (2) of rule 10 and after such scrutiny the district committee shall prepare nnal list of the applicants eligible under the said sub •rule. (2) The district committee may. if it so consider of desirable, utilise the services of a legal practitioner. out of the list prepared under clause (ii) of sub-rule (1), in any legal proceeding for performance of functions and duties of a penal legal practitioner prescribed under rule 1 without payment of any fee therefor

14. A supplementary budget.if any. under sub-section (3) of section 29 in any financial year shall be prepared by the Board in

Form V and shall be submitted to the State Government by the 15th December in that year

15. All money transactions to which an office bearer member.officer Or servant of the Board in his official capacity is a party shall without any reservation be brought to account without delay and all sums realised by or on behalf of the Board shall be paid into the Bank to be credited to the fund of the Board. Note.-Receipts of interest earned in deposit in the Bank shall be shown in the cash book as items of receipts. R. 19 SAMAJ KERAWOR 1977 613 16. Moneys pertaining to the fund of the Board. with the excep- tions of authorised advances, shall not he kept apart from the general balance at the credit of the Board but shall at once be credited to the appropriate head of account

17. The Board may.for administrative convenience, maintain such registers as may be auxiliary to the account books to be maintained in accordance with these rules. 18, The accounts shall be maintained separately for each year

19. Heads of Account to be used in all accounts of the Board shall be as specified below.• List of Major, Minor and Detailed Heads Heads of Revenue A. Subventions B. Donations. l, from Central Government; 2. from State Government: 3. from Local Au thorities; 4. from individuals: 5. from bodies other than local authorities. C. Gifts 1. from Central Government: 2. from State Government: 3. from local au thorities: 4. from individuals: 5. from bodies other than local authorities: D. Reimbursement. by aided persons. oi expenses incurred in giving legal aid and legal advice. Ileads of Expenditure General Acltninistration, General Adiniuistration and Office Establishment (a) Pay of O flicers and Office establishment. (b) Allowances. (e) Contingency, Legal Aid and Legal Advice. B. I. Legal Aid. Payment of court-fees, (ii) process fees. (iii) expenses Of witnesses, (iv) other charges payable or incurred in connection with legal proceeding. (b) representation by a legal practitioner in a legal proceeding; 614 SAMAJ KEKAMJC)æ 1977 R. 20 (e) supply of certified copies of Judgments and orders in a legal proceedings (d) preparation Of appeal. paper books including printing and translation of documents in a legal proceeding: (e) expenditure on other modes of legal aid

2. Legal Advice.C. Miscellaneous

20. A receipt shall be issued in Fohn VI for received

21. A cash book shall be maintained in Form VIL 22. All receipts and expenditure shall be entered in the cash book every day. The cash book shall be balanced at the close of every day, the balanced being stated both in words and figures and signed by the Secretary. At the end of each month. the balance in the cash book and the Bank pass book plus the Cash in hand in the office of the Board shall be proved

23. A salary bill shall be in forrn VIIT. The bill shall be signed by the Secretary of the District Committee

24. Every employee of the Board shall give a receipt With date in the appropriate column of the form for the sum paid to him and shall in case of sum exceeding twenty rupees affix a receipt stamp before signing. The cost of such receipt stamp must be borne by the person who received the money and not by the Board

25. A monthly account and a quarterly abstract of the receipts and expenditure shall be drawn up in Forms LX and X respectively.26. (1) The annual account of the receipt and expenditure of the Board shall be made up to the last day of every financial year and shall be prepared in

Form XI and shall be accompanied by a memorandum explaining the principle differences between the estimate and the actuals. (2) The district committee shall. as soon as may be, after the end of the financial year. cause to be prepared the annual accounts referred to in sub-rule 1127. The annual report under sub-section (l) of section 30 shall be prepared by the Secretary of the Board under the directions Of the Chairrnan laid before the Board

28. The annual report shall, in general.contain a complete account of the activities of the Board during the previous financial year and in particular give information in regard to the following matters:— (a) number Of cases in which legal advice was given: (b) number of cases in Which legal advice was given to landless agricultural labourers; (e) number Of cases. in which legal advice Was given to rural artisans: Rules27.28 & 29 added by 1. 126-7-791. R. 28 SAMAJ VIDHICSAHAY.4T'AQVIYAM,1977 615 (d) number of cases showing numbers separately in which legal advice was given to eligible members of Scheduled Tribes and Scheduleq Castes; (e) number of cases other than those specified inclauses (b), (c) and (d) in which legal advice was given; (O number of cases in which legal aid was given: (g) number of cases in which Legal aid Was given to landless agricultural labourers; (h) number of cases in which legal aid was given to rural artisans; (i) number of cases showing numbers separately in which legal aid was given to eligible members of Scheduled Tribes and Scheduled Castes; (j) number of cases other than those specified in clause (g), (h) and (i), in which legal aid was given: (k) number of cases in which the Board permitted. irrespective of means test. legal aid and legal advice.— (i) in matters of great pu blic importance: (ii) in test cases; (iii) in such special cases which the Board considered to be deserving legal aid and legal advice: O) brief description of cases falling under Clause (j); (m) number of cases in which amicable settlement of disputes was arrived at by securing co-operation of parties to dispute; (n) nature of difficulties, if any, experienced in bringing parties to dispute together for amicable settlement: (o) nature or cases in which legal advice or legal aid is sought in large number. (p) number Of panel legal practitioners in the State: (q) number of legal practitioners who have rendered help without any fee together with number Of cases in which such help was rendered: (r) number of cases in which aided persons reimbursed expenses over legal aid and legal advice of their own accord: (s) number of Cases in which expenses on legal advice and legal aid had to be recovered as of land revenue; (t) brief report on Board•s activities under clauses (n) to (s) of section 23 with assessment of results: (u) impediments in the administration of the Act or those rules and Concrete to remove such impediments; Grant in aid and income from other sources during last financial year: (ii) Expenditure incurred by the Board during last financial year: (ill) Balance amount with Board at the end of last financial year: 616 SAMAJ KE KANJOR VIDHIC SAHAYATA NIYAM. 1977 (w) Amount allotted to the Board under Adivasi pariyoJna during last financial year, (x) Expenditure incurred on item (w) during last financial year

29. After the annual report is approved by the Board the same shall be forwarded to the State Government before the expiry of the period specified under (1) or section 30.1

FORM-I (See Rule 7) 7 Madhya Vargon Ke Liye Vidhik Sahayata Vidhik 1976 District... ....._.is a SAMA' KE KAMJOR vu»mc SAHAYATA .„ NIYAM. '977 617 Scheduled Castes/Scheduled Tribes and registered under the Madhya Pradesh Societies Registrikaran Adhiniyam. 1973

2. Strike out whichever is got applicable,] FORM-III (See Rule 6) Application for Legal Aid under section 39(1) of the Madhya Pradesh Samaj Ke Karnjor Vargon Ke Liye Vidhik Sahayata Tatha Vidhik Salah Adhiniyam, 1976.— Name and or o PEWite party N Of panel Prae titioner to whom IFORM.II (See Rule 6) N ature of case civiV cri mi naVRevenue Result 2. in Brief Order Of Commi regard. ing Advice Legal Aid Given (b) (c) (d) (a) (b) (c) Name of the applicant.....„..... Fathers name.... Place of Residence.... Address...„ . Whether applicant had earlier sought legal advice from District Legal Aid and Legal Advice Committee. whether the applicant has acted in accordance With such legal advice. if any. Brief account about manner in which the applicant has acted in accordance with such legal advice

3. Mode of Legal aid required: Certificate of Eligibility Certified that Shri/Smt./Ku. . resident of village.. . Son/Wife/Daughter Of . •rehsil.. (a) (b) (c) (d) (O Court-fee on plaint or Memo of appeal. or counter claim (Approximate amount). - Process fee for serving the omx»site party Expenses of witnesses. Expenses of obtaining certified copies Of judgments and orders and other relevant documen ts preparation or paper books including printing and transla- tion of documents. Any other similar mode. (a) landless agricultural labourers/rural artisan. member Of Scheduled Castes/ Scheduled Tribes/ Member of Backward Classes/ Women/ Child: or (b) member of a family the income of which (family) iS Rs. 1000/- (Rulxes One Thousand) or less per month; or (c) a member of the family which holds two hectares Of irrigated land or four hectares unirrigated land or less than that and such family has no other source of incorne except agriculture on such land. Dated: Signature and Designation Note. - 1. Certificate given by Member of Parliament/ Member Of Legislative Assetnbly/Sar Panch of Gram Panchayat concerned/ Gazetted Officer/Mernber of Board or Committee/ any institution constituted with the object or Welfare and Uplift of 1 Form-n by No. g 4. Name and address of the parties to the dispute

5. Facts of the case in brief......„...

6. Stage of legal proceeding....„.

8. Date.... Signature / thumb impression of the applicant. 618 SAMAJ KE RAM.JOR VIDHIC SAHAYATA NIYAM, 1977

FORM-IV (See Rule 9) SAMAJ KE RAMJOR VIDHIC SAHAYATA NIYAM. 1977 619 Office of the District Legal Aid and Legal Advice Committee Order under section 39 of Madhya Pradesh Samaj Ke KarnJor Vargon Ke Laye Vidhik Sahayata Tatha Vidhik Salah Adhiniyam

1976. The District Legal Aid and Legal Advice Committee....has sanc- tioned the grant of legal aid to Shri.. . ...S/o.....,,..v. R/o.....in the following modes. namely:— Receival on account Month .

FORM-VII (See Rule Cash (2) in the matter of... court of.... Copy forwarded Io:- (1) court of... (2) Applicant..... information. .....pending before or to be instituted in the District legal AKI and Legal Advice Committee. District Legal Ad and Legal Advice Committee. FORM-V year men. Reimbursement by Date Sub• vouchers Total Head Actual tinned Expendi• Grant cur-red Estimated Total or Supplemen- Expendi- Columns Grant the Reasons and full jus- tification the grant with facts and tieulars Remaining Period Of FORM-VI (See Rule 20) Column column (2) 6 Payments Aid Ad• and Legal ministra- Advice FORM-VIII (See Rule 23) Salary Bill for the Month Name Of 6 Columns and Ikductions Aid I&eetpt Receipt No,.