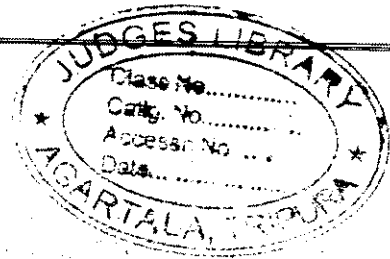


The Tripura Legal Aid & Legal Advice To The Poor Rules, 1980.

As Amended Upto 1st Amendment Rules, dated 17.04.1984.



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*Agartala, Tuesday, April 1, 1980 A. D.
Chaitra 12, 1901 S. E.*

Government of Tripura
Law Department.

No. F. 25(45)-Law/79.

Dated, Agartala, the 1st April, 1980.

NOTIFICATION

The Governor of Tripura is pleased to make the following rules to regulate the legal aid and advice to the weaker sections of the society with a view to bringing the system of justice within their reach and for matters ancillary thereto namely.

PART I PRELIMINARY

Short title,
extent &
commencement.

1. (1) These rules may be called the Tripura Legal Aid and Legal Advice to the poor Rules, 1980.
- (2) They shall extend to the whole of the State of Tripura.
- (3) They shall come into force on and from the date of their publication in the official Gazette.

Definition.

2. In these rules, unless the context otherwise requires,—
 - (a) “aided person” means a person to whom—
 - i) Legal aid is provided; or
 - (ii) Legal advice is given in accordance with the provision of these rules;
 - (d) “Board” means Tripura Legal aid and Legal Advice Board constituted under Rule 3;

Barcode

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- (c) "Committee" means the Sub-divisional Legal Aid and Legal Advice Committee ;
- (d) "Court" includes any Tribunal or Authority in the State ,
- (e) "Form" means a Form appended to these rules ;
- (f) "Legal Advice" means oral legal advice or written legal advice as the nature of the case require ;
- (g) "Legal aid" means legal aid in any or all of the modes provided in rule ;
- (h) "Legal practitioner" shall have the same meaning assigned to that expression in the Advocates Act, 1961 ;
- (i) "Legal proceeding" means any proceeding in any court, including any preparatory steps in connection with such proceeding ;
- (j) "Weaker section" means a class of persons who are engaged as labourers in industry, firm etc. and includes jhumias, landless agricultural workers, harijans and poor farmers.

PART II

CONSTITUTION, POWERS AND FUNCTIONS OF BOARD AND COMMITTEES

3. (1) With effect from such date as the State Government may by notification in the official gazette appoint, there shall be established for the purpose of these rules, a Board to be called the Tripura Legal Aid and Legal Advice Board.

(2) The Head office of the Board shall be at Agartala and the Board may, with the previous approval of the State Government establish offices at such other places as it may deem fit.

(3) The Board shall consist of the following Members namely :—

A. Ex-Officio Members.

- | | |
|--|----------|
| (i) Minister having the charge of Law, Tripura. | Chairman |
| (ii) Advocate General, Tripura. | Chairman |
| (iii) Secretary to the Government of Tripura, Law Department | Member. |
| (iv) President, Agartala Bar Association | Member. |

- (v) Director, Welfare of
Scheduled Caste and
Scheduled Tribe
Department

Member.

- (vi) Under Secretary,
Law Department

Member
Secretary.

B. Members nominated by the State Government.

- (vii) Two Members of the
State Legislative
Assembly to be nominated
in consultation with the
Speaker.

Members.

- (viii) One representative each
of the Scheduled Caste
and Scheduled Tribes to
be nominated by the
State Government.

Members.

Constitution
of Sub-divisio-
nal Legal Aid
and Legal Advice
Committee.

4. (1) For the purpose of administering and implementing the legal aid programme in the State, the State Government shall constitute in each Sub-Division, a Legal Aid and Legal Advice Committee.

(2) The Committee shall consists of the following members namely,

- (i) One Members of the State
Legislative Assembly nomi-
nated by the State Govern-
ment in consultation with
the Speaker

Chairman.

- (ii) The Sub-Divisional Officer
(Revenue)

Member
Secretary.

- (iii) One Legal Practitioner of
the Sub-Divisional Bar
Association as may be
nominated by the State
Government

Member.

- (iv) Chairman, Notified
Area authority, if there
be any

Member.

- (v) Two representatives
one each of Scheduled
Caste and Scheduled
Tribes to be nominated
by the State Government

—Members.

Terms of office
of the Mem-
bers, their resi-
gnation and
acceptance.

5. (1) All the non-official members of the Board and the Committee shall hold office for a period of two years.
- (2) Wherever any person is nominated or appointed as a member of the Board or the Committee by virtue of appointment and post held by him shall forthwith cease to be the Member of the Board or the Committee, as the case it may be, if he ceases to hold such post or office.
- (3) A nominated or appointed Member of the Board may, at any time resign his office by submitting his resignation signed and addressed to the Chairman of the Board.
- (4) A nominated or appointed Member of the Committee may at any time resign his office by submitting his resignation signed and addressed to the Chairman of the Committee.
- (5) No resignation submitted under sub-rule (3) or (4) shall take effect until it is accepted by the Chairman of the Board or the Committee, as the case may be.

Filling of vaca-
ncies.

6. If any Member ceases to be a member of the Board or of a Committee for any reason, the vacancy shall be filled up in the same manner as the original appointment and the person nominated will continue to be a member for the duration of the term of office of the Member in whose place he is nominated.

Validity of pro-
ceeding

7. No act or proceeding of the Board or the Committee shall be invalid merely by reason of—
- (a) Any vacancy therein or defect in the constitution thereof.
- (b) Any defect in nomination of a person acting as a Member thereto ; or
- (c) Any irregularities in its procedure not affecting the merit of the case.

T.A. and D.A.
the members.

8. (1) The members of the Board or the Committee who are nominated from amongst the members of the State Legislature shall be paid travelling and daily allowance as may be admissible to them to their respective capacities as members of the State Legislature.

Meeting of the
Board and
Committees

- (2) The ex-officio members shall be entitled to travelling and daily allowance according to the rules applicable to them. The other members shall be paid travelling and daily allowance as admissible to Grade I officers of the State Government under the normal rules.

9. (1) The Board or Committee shall meet for transaction of its business from time to time at such places and time as the Chairman thereof may determine.
- (2) At every meeting of the Board or the Committee the Chairman thereof shall preside and in his absence the Members present shall choose one among the Members as the Chairman of meeting.
- (3) All questions before the meeting of a Board or a Committee shall be decided by the majority of the members present and voting and in case of a tie, the person presiding shall have a second or casting vote.
- (4) The quorum for a meeting of the Board and the Committee shall be 3 and 2 respectively of the Members constituting the Board or the Committee for the time being.

Powers and
functions of
the Board.

10. (1) Subject to these rules and the general control of the State Government, it shall be the duty of the Board to take steps for providing free legal services to the weaker section of the community of the State.
- (2) The Board shall be in overall charge of the administration and implementation of the legal service programme in the State *and shall in particular exercise the following powers and perform the following functions, namely,—*
- (a) to supervise, direct and control.—
- (i) the work of the Committees, and
- (ii) the operation and administration of the Legal Aid and Legal Advice ;
- throughout the State.
- (b) to call for periodical report from the Committees ;
- (c) to give general or special direction to the Committees for the proper discharge of their duties and functions.
- (d) to screen cases for extending legal aid to be filed before or pending before the High Court and Supreme Court ;
- (e) irrespective of means test to permit legal aid and legal advice,—
- (i) in matters of great public importance ; or

- (ii) in a test case the decision of which is likely to affect cases of numerous other persons belonging to weaker section of the community ; or
- (iii) in such special cases which the Board considers to be deserving for legal aid and legal advice.
- (f) Render assistance to the members of the weaker section of the people to assert, defend or dispute a claim in legal proceeding.
- g) To render assistance to the members of the weaker section of the people in complying various legal requirements in order to secure the benefit under various schemes sponsored by or on behalf of the State Government for the welfare of the general public or any section thereof ;
- (h) encourage conciliation of legal proceeding ;
 - (i) to sponsor voluntary organisations consisting of enlightened lawyers and to engage them to render free legal assistance to the weaker section of the people ;
 - (j) to sponsore legal aid clinics ;
 - (k) to carry on such other activities as are incidental and conductive to the objects of these rules ;
 - (l) to discharge such other duties and to perform such other functions for the purposes of carrying out the objects of these rules as the State Government may direct.

Duties, powers
and functions
of Committees.

11. (1) It shall be the duty of the Committee to set up, administer and implement the legal service programme within the area for which it is constituted, and for this purpose to take all such steps as may be necessary and in accordance with the provisions of these rules and the directions which may from time to time be issued by the Board.

(2) Without prejudice to the generality of the foregoing provisions, the Committee shall exercise the following powers and perform the following functions namely :—

- (a) to receive and investigate applications for legal aid and advice ;
- (b) to provide for giving of legal advice ;
- (c) to maintain panels of legal practitioners and others for giving legal aid or advice ;
- (d) to decide all questions as to the grant of, or withdrawal of, legal aid ;

- (e) to arrange to make payment of honorarium to legal practitioners on the panel for legal aid or advice provided by them and generally to provide for other costs, charges and expenses of legal aid from the grants placed at the disposal of the Committee ;
- (f) to take proceedings for recovery of costs, charges and expenses recoverable under these rules and to ensure that the same are credited to Government
- (g) to provide for other legal services to the weaker sections of the community within its area ;
- (h) to submit recommendations and suggest improvements in the working of the legal service programme ,
- (i) to prepare, consolidate and submit such returns, reports and statistical information in regard to the legal service programme within its area, as the Board may call for ;
- (j) irrespective of the means test to intimate proceedings or grant aid :—
 - (i) in cases of grant public importance ; or
 - (ii) in a test case, the decision of which is likely to effect cases of numerous other persons belonging to the weaker sections of the community ; or
 - (iii) in a special case, which for reasons to be recorded in writing is considered otherwise deserving of legal aid.

(3) Every Committee may constitute sub-committee for more convenient transaction of its business.

(4) Subject to the general superintendence and control of the Board, every committee shall exercise the powers and perform the functions conferred or imposed upon it by or under these rules.

Functions of Chairman of Committee

12. The Chairman of a Committee shall be in overall charge of the administration and implementation of the Legal aid Programme within the area for which the Committee is constituted.

Cells of the Committees.

13. (1) Every Committee shall have a conciliation Cell consisting of such number of members of the Committee and other respectable members of the Community, as the State Government may appoint. The State Government while selecting non-members on such Cell shall have due regard to the fact whether such persons enjoy the confidence of the Community and will be able to discharge the functions of bringing about conciliation in a proper and satisfactory manner.

(2) Whenever any person seeking legal aid approaches the Committee and the Committee is of opinion that he is deserving of legal aid, it may refer the matter to the Conciliation Cell and the conciliation cell shall issue notice to the opposite party and try to bring about a conciliation between the parties. If a settlement is considered reasonable by the Conciliation cell and the person seeking legal aid refuses to accept it, then he may not be entitled to legal aid.

(3) The Cell shall act as a liaison between the Committee and the women, children, members of the Scheduled Tribes, Schedule Castes and Nomadic Tribes residing within the area of the Committee and try to ascertain the problems and difficulties which they are facing and bring them to the notice of the Committee and take all such steps and make all such recommendations as may necessary for the purpose of resolving the problems and grievances of the women, children, members of Scheduled Caste, Scheduled Tribes and Nomadic Tribes by resort to legal process. The Cell shall protect and further their interests and ensure that the benefit of legal aid programme reaches them.

PART III

Legal Aid and Advice.

Eligibility for legal aid and advice.

14. Legal aid or advice may be given to all persons who are bona-fide residents of the State of Tripura and whose total annual income from all sources, whether in cash or in kind or partly in cash and partly in kind, does not exceed rupees 3,600 :

Provided that any member belonging to Scheduled Castes, Scheduled Tribes and Nomadic Tribes shall be entitled to legal aid or advice whose annual income from all sources does not exceed Rs. 10,000/- :

Provided further that, the Committee may grant legal aid,-

- i), in cases of great public importance ; or
- ii) in a test case, the decision of which is likely to effect cases of numerous other persons belonging to the weaker sections of the community ; or
- iii) in a special case, which for reasons to be recorded in writing, is considered otherwise deserving of legal aid even where the means test is not satisfied.

Proceedings in which legal aid is admissible.

15. Subject to the provisions of clauses 14 and 18 and sub-rule (5) of clause 20 the Committee shall give legal advice as also legal aid in all proceedings in any Court.

Matters on which legal advice is admissible, etc.

16. Legal advice may be given in all matters and such advice shall be aimed at,-

- a) amicable settlement of the dispute by bringing about conciliation between the parties to the dispute.
- b) rendering assistance in complying with various legal requirements in order to secure the benefits under various schemes sponsored by or on behalf of the Central or State Government or any other public authority for the welfare of the general public or any section thereof.

Modes of legal aid.

17. Legal aid may be given in all or any one or more of the following modes, namely :—

- a) payment of court-fees, process fees, expenses of witness and all other charges payable or incurred in connection with any legal proceedings ;
 - b) representation by a legal practitioner in legal proceedings ;
 - c) supply or certified copies of judgements, orders, notes or evidence and other documents in legal proceedings ;
 - d) preparation of Appeal paper Book, including printing and translation of documents, in legal proceedings ;
- and e) drafting of legal documents.

Legal aid not to be given in certain cases.

18. Legal aid shall not be given in the following cases, namely :-

- 1) proceedings wholly or partly in respect of—
 - a) defamation ; or
 - b) malicious prosecution ;
- 2) proceedings relating to any election ;
- 3) proceedings incidental to any proceedings referred to in items (1) and (2) ;
- 4) proceedings in respect of offences punishable with fine only ;
- 5) proceedings in respect of offences of causing disaffections between communities ;
- 6) proceedings in respect of economic offences and offences against social laws, such as the Protection of Civil Rights Act, 1955, the Suppression of Immoral Traffic in Women and Girls Act, 1956, Essential Commodities Act, 1955, The Prevention of Food Adulteration Act, 1954, the Prevention of Corruption Act, 1947, the Gambling Act, the Customs Act, 1962, the Bengal Excise Act, 1909 and Acts relating to Anti-profiteering and Black Marketing ;

7) Where a person seeking legal aid—

- a) is concerned with the proceedings only in a representative or official capacity ; or
- b) is concerned with the proceedings jointly with some other person or persons whose interests are identical with his and such person or any of such persons is adequately represented in the proceedings ; or
- c) is a formal party to the proceedings, not materially concerned in the outcomes of the proceeding and his interests are not likely to be prejudiced on account of the absence of proper representation.

PART IV

Procedure

Form of application for legal aid or advice.

19. 1) Any person desiring legal aid or advice may make an application in Form A, addressed to the Member-Secretary of the committee concerned. But if the applicant is illiterate or not in a position to fill in the particulars required in the application, the Member-Secretary shall gather the necessary particulars from the applicant and fill up the application from on his behalf and after reading it out and explaining it to him, obtain his signature or thumb mark on it.

2) The Committee shall maintain a register of applications where in all applications for legal aid and advice shall be entered and registered.

Disposal of applications

20. (1) On receipt of an application under rule 19, the Member-Secretary or a lawyer on the panel of Legal Practitioners who is assigned the particular duty, shall scrutinise the application for the purpose of deciding whether the applicant is deserving of legal aid or advice in accordance with the provisions of these rules and for the purpose of arriving at such decision, he may require the applicant to supply further information as may be necessary and also discuss the matter personally with the applicant and in doing so he shall have regard to the fact that the applicant belongs to a weaker section of the community and is required to be assisted even in the matter of obtaining legal aid. The application shall be processed as early as possible and preferably within fifteen days.

(2) The decision of the Member-Secretary or the lawyer on Panel of Legal Practitioners, who scrutinizes the application as provided in Sub-rule

(1) above, the give legal aid or advice shall be final, subject to confirmation by the Committee at its next meeting. If the Member-Secretary or the lawyer concerned is of the opinion that the applicant is not deserving of legal aid, he shall place the matter before the Committee, whose decision shall be final.

(3) Where it is decided not to give legal aid or advice to an applicant the reasons for not doing so shall be entered in the Register of Applications maintained by the Committee and information in writing to that effect shall be communicated to the applicant.

(4) Before giving actual legal aid or advice the matter may be referred by the Member-Secretary to the Conciliation Cell for the purpose of bringing about settlement between the parties. If for any reason not connected with the intransigence or obduracy of the applicant, the settlement cannot be arrived at, the Conciliation Cell shall make a failure report to the Member-Secretary and Member-Secretary shall then assign the case to a lawyer out of the Panel of Legal Practitioners approved by the Committee. While assigning the case to a lawyer, the Member-Secretary shall have regard to the nature of the case, the experience of the lawyer and also the willingness and capacity of the lawyer and also the willingness and capacity of the lawyer to handle the matter and as far as possible the case may be assigned to the lawyer on the Panel by rotation.

(5) No application for legal aid or advice shall be granted, or continued after the legal aid is granted, if the Committee is satisfied that—

- (a) the applicant has knowingly made false statement or furnished false information as regards his means or place of residence ; or
- (b) in a proceeding, other than the one relating to criminal prosecution, there is no prima facie case to institute, or as the case may be, to defend the proceeding ; or
- (c) the application is frivolous or fictitious ; or
- (d) the applicant is not entitled to the same under any other provision of these rules ; or
- (e) having regard to all the circumstances of the case, it is otherwise not reasonable to grant it.

Certificate of Eligibility.

21. (1) Where an application for legal aid or advice is allowed, the Member-Secretary of the Committee shall issue a Certificate of Eligibility to the applicant entitling him to legal aid or advice in respect of the proceeding concerned. The Certificate shall be in Form "B".

(2) The Certificate of Eligibility shall entitle the aided person to claim legal aid or advice as may be specified in the certificate.

(3) The Certificate of Eligibility shall stand cancelled, if the legal aid is withdrawn and the lawyer to whom the case of the applicant is assigned as also the Court before which the case is pending shall be informed accordingly, in writing.

Panels for legal
aid & advice.

22. (1) Every Committee shall with the approval of the State Government form such number of Panels of Legal Practitioners as it may consider necessary.

(2) Every such Panel shall be constituted for a period of two years from the date of its constitution.

(3) Appointment of a legal practitioner for legal aid or advice under these rules shall be made from the Panel of Legal Practitioners constituted by the Committee.

(4) Every person included in the Panel shall be required to Communicate in writing to the Chairman of the Committee concerned, his willingness to serve on the Panel.

(5) Any person on the Panel may tender his resignation in writing to the Chairman of the Committee.

(6) Any vacancy in the Panel caused by resignation or otherwise, may be filled up by the Committee, as soon as possible.

(7) If any person after having agreed to serve on a Panel, neglects or refuses to discharge his duties properly, the Committee may delete his name from the Panel after giving him opportunity to be heard.

(8) If any person after having agreed to serve on a Panel, neglects or without sufficient cause refuses to accept an assignment, or is otherwise guilty of misconduct or is guilty of breach of any of the provisions of these rules, he shall be liable to be removed from the Panel, after he has been given an opportunity of being heard.

(9) Save as otherwise directed by the Committee, a legal practitioner who ceases to be on the Panel, whether on account of resignation or otherwise shall as soon as practicable, after he so ceases to be on the Panel, deliver up all the papers pertaining to cases entrusted to him, to the Member-Secretary of the Committee.

Duties of Panel
Members.

23. (1) Where the Committee has extended legal aid or advice, then—

- a) Where it is a case of legal advice, the legal practitioner shall hear the aided person or any other person representing him, examine the papers and documents relating to the case and tender in writing his opinion on the merits and his advice there on ; and
- (b) where it is a case of legal aid, the legal practitioner shall represent the aided person and act and plead for him in the legal proceeding.

- (2) (a) Where action is taken by a legal practitioner under sub-clause (a) of clause (1), he shall give his opinion and advice to the aided person and also send a copy of the same to the Member-Secretary of the Committee.
- (b) Where action is taken by a legal practitioner under sub-clause (b) of clause (1), he shall forthwith make a report to the Member-Secretary of the Committee on the action taken by him and also make monthly reports to the Member-Secretary in regard to the progress of the legal proceeding. The legal practitioner shall act in accordance with such instructions as may be given to him, from time to time, by the Committee.

Information to
be kept
confidential.

24. Any information furnished or instructions given to the Committee or any legal practitioner by any aided person in respect of his case shall be kept confidential by the Committee or as the case may be, by the legal practitioner and shall be used only in the due performance of the function of providing legal aid or advice to the aided person, but with the consent in writing of the aided person, it may also be used for any other purpose. No such information shall, however, be used against the interest of the aided person, unless required by law.

Fees payable to
legal Practitioners
of the Panel.

25. The legal practitioner on the panel shall be paid fees at the following rates, namely :—

- (a) in all legal proceedings in the Agartala Bench of the Gauhati High Court and in the District/Additional District and Sessions Court, rupees fifty per day, subject to a maximum of rupees one hundred and fifty in any one case ;
- (b) in all legal proceedings in the court of subordinate and Assistant Sessions Judge and in the court of Chief Judicial Magistrates rupees twenty five per day subject to a maximum of rupees one hundred in any one case ;
- (c) in all legal proceedings in courts other than the courts specified in clauses (a) and (b) rupees twenty per day subject to a maximum of rupee eighty in any one case.
- (d) for drafting plaints, written statements etc. Rupees thirty in any one case.
- (2) Where the Committee engages any legal practitioner to give legal advice to any person or engages any legal practitioner on the panel to enquire into the applicant's case a consolidated fee of rupees twenty five shall be paid to the legal practitioner. If the inquiry is held at a camp more than 8 kilometre away from the legal practitioner's usual place of practice the consolidated fee shall be rupees Thirty five.

(3) No legal practitioner to whom any case is assigned either for legal advice or for legal aid shall receive any fee or remuneration whether in cash or in kind or any other advantage, monetary or otherwise, from the aided person or from any other person on his behalf.

(4) The legal practitioner on the panel who has completed his assignment shall submit bills in form 'C' and shall be countersigned by the Member-Secretary and in case of bills for legal aid along with the certificate from the court concerned Member-Secretary shall forward the same to the Legal Remembrancer of the Government for payment. The charges on account of the fees and reimbursement of expenses shall be made from the Legal Remembrancer's budget.

Duties of the aided person and realisation of the cost awarded.

26. (1) A person seeking legal aid or advice shall comply with any requisition or direction that may be made upon him by the Committee or any of its members from the date of application for legal aid or advice, is made till the completion or cessation of legal aid or cancellation of the certificate of eligibility.

(2) Every such person shall also be liable to repay the Government only to the extent of the cost, if any, awarded by the court in his favour in the case. Before legal aid is given, the person who has been sanctioned such aid shall enter into an agreement in the form set forth in Annexure 'D' to the effect that in case of his failure to pay the amount within the time aforesaid the same will be recoverable as an arrear of land revenue under the provision of the Tripura Land Revenue and Land Reforms Act, 1960. Within one month from the date of receipt of the cost from the opposite party, he shall deposit with the legal practitioner the amount equal to the cost awarded by the court in his favour.

(3) The legal practitioner shall, on receipt of the amount referred to in sub-rule (1) send the same to the Legal Remembrancer of the Government without delay and in case of failure of the person to deposit the said amount within the period stated in sub-rule (2) report the fact to the Committee for recovery of the same from the person as an arrears land revenue.

Legal aid in case of appeal and Revision.

27. Notwithstanding anything contained in any rules Committee shall not give any legal aid to any person for appeal or revision against the order of the lower court without prior approval of the Board ;

Provided that the Committee may give legal aid where the party sanction legal aid succeeds in the lower court but is forced to go to a higher court in pursuance of the appeal or revision filed by the opposite party.

Cancellation of
Certificate of
Eligibility.

28. The Committee may either on its own motion or otherwise cancel the Certificate of Eligibility granted under rule 21 in the following circumstances, namely :—

- (a) in the event of it being found the Certificate of Eligibility was obtained by mis-representation or fraud ;
- (b) in the event of any material change in the circumstances of the aided person ;
- (c) in the event of any misconduct, mis-demeanor or negligence on the part of the aided person in the course of receiving legal aid ;
- (d) in the event of the aided person not co-operating with the Committee or with the legal practitioner assigned by the Committee ;
- (e) in the event of the aided person engaging a legal practitioner other than the one assigned by the Committee ;
- (f) in the event of death of the aided person, except in the case of civil proceedings where the right or liability survives ;
- (g) in the event of externment under any law for the time being in force, of the aided person, from the area or place of his residence or business ;

Provided that, no such Certificate of Eligibility shall be cancelled without giving due notice thereof to the aided person or to his legal representatives in the event of his death, to show cause as to why the Certificate should not be cancelled.

Power to give
directions.

29. The Board may, from time to time, issue directions to the Committees to carry out the purposes of these rules and the Committees shall be bound to carry out such direction.

Miscellaneous.

30. (1) In case of any doubt about interpretation of any of the provisions of these rules or any difficulty arisen in the implementation thereof, the matter shall be referred to the Legal Remembrancer, Tripura for decision.

(2) Nothing contained in these rules shall affect the provisions of the appointment of State Defence Counsel in Sessions Cases Rules, 1977 issued by the Gauhati High Court in pursuance of sub-section (2) of section 304 of the code of Criminal Procedure, 1973.

(3) Notwithstanding anything contained in these rules no person shall be granted legal aid if he is in receipt of any legal aid from the Government under the provisions of any other rules framed by the State Government as in force.

FORM 'A'

(See rule 19(1) of the Tripura Legal Aid and Legal Advice to the Poor Rules, 1980),

To

The Member-Secretary,

Legal Aid and Legal Advice Committee,

Sub-Division,

District

Tripura.

Subject :—Application for Legal Advice/Legal Aid under the Tripura Legal Aid and Legal Advice to the poor Rules, 1980.

- | | | | | | | | | | |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 1. Name of the Applicant | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 2. Father's Name | ... | ... | — | ... | ... | ... | ... | ... | ... |
| 3. Address | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 4. Brief history of the dispute/litigation | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 5. Monthly income of the applicant : | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 6. Extent of land held by the applicant : | ... | ... | ... | ... | ... | — | ... | ... | ... |
| 7. Occupation of the applicant : | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 8. Total income from all sources : | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 9. Particular of documents in support of the dispute/litigation : | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |

Signature of Thumb
impressing of the
Applicant.

Certificate from Gezzetted Officer of the State Government/Commissioner of Municipality/
Member, Notified Area Authority.

I, Shri ... hereby certify that the statement
made by the applicant in this application are true.

Signature
(Seal)

FORM 'B'

(See rule 21 (1) of the Tripura Legal Aid and Legal Advice
to the Poor Rules, 1980.)

CERTIFICATE OF ELIGIBILITY

Certified that Shri... .. son of... ..
... .. residing at... .. PS
of... .. Sub-Division... .. District is
granted legal aid/legal advice under the provisions of Tripura Legal Aid and Legal Advice
to the Poor Rules, 1980 to defend his case (case No... .. 19... ..)
pending in the court of to institute a prosecution/suit as a
complainant/plaintiff in the court of... ..

The following legal aid is granted to Shri... ..

- (1) payment of court-fees, process fees, expenses of witness and all other charges payable or incurred in connection with any legal proceedings ;
- (2) representation by a legal practitioner in legal proceedings ;
- (3) supply of certified copies of judgements, orders, notes or evidence and other documents in legal proceedings ;
- (4) preparation of Appeal Paper Book, including printing and translation of documents, in legal proceedings; and
- (5) drafting of legal documents.

Shri... .. is appointed as an Advocate to institute/conduct
his case. Shri Advocate shall be entitled to get fees as per
rules.

The legal advice is granted to Shri and
Shri... .. Advocate is appointed to give legal advice
to Shri... .. in connection with the dispute with... ..
... ..
Shri Advocate will be paid fees as per rules.

Member-Secretary,
Legal Aid and Legal Advice
Committee.

... .. Sub-Division.

* (Strike out whichever is not applicable)

FORM 'C'

(See rule 25(4) of the Tripura Legal Aid and Legal Advice to the Poor Rules, 1980)

Bill of fees due to

(Name of the legal practitioner)
for the month of

Calender number of cases	Reference to the Member-Secretary's letter assigning the case to the legal practitioner	Registration No. of the case.	Nature of the case (The law and the relevant section should be mentioned.)
1	2	3	4

Name of the party given legal aid.	Plea of the Opposite party	Dates of hearing (each date separately)	Hours when hearing began and ended	Result of the case.
5	6	7	8	9

Remuneration claimed			If cost awarded in favour of the party, the amount and particulars of credit thereof.	REMARKS
Fee	Reimbursement of expenses	Total		
10	11	12	13	14

(Signature of the legal
practitioner)Date
place

1. Certified that the amount claimed above is in accordance with the Provisions of the Tripura Legal Aid and Legal Advice to the Poor Rules, 1980.

Member-Secretary, (Seal).....
 Legal Aid & Legal Advice Committee,
Sub-Division.

Date.....

Place.....

I hereby certify that Shri.....attended my court on the dates and for the period mentioned in Columns 7 and 8 thereof.

(Seal)

Signature of the Presiding
 Officer of the Court.

Date..... Place.....

FORM 'D'

AGREEMENT REGARDING REALISATION OF THE COST AWARDED IN FAVOUR OF A PERSON GRANTED LEGAL AID

(See Rule 26 (2) of the Tripura Legal Aid and Legal Advice to the Poor Rules, 1980)

This Agreement made this day the———between the Governor of Tripura (hereinafter referred to as "the Government" of the one part and Shri———S/o———Village———P.S.———District———(hereinafter called the "Grantee" which expression shall include his heirs, successors-in-interest and legal representatives) of the other part ;

Whereas the Grantee applied to the Government for grant of legal aid under rule 23 of the Tripura Legal Aid and Legal Advice to the Poor Rules, 1980 in the case, details of which are given in the Schedule hereto annexed ;

And whereas the Government has agreed to give legal aid to the Grantee subject to the condition that the Grantee shall repay to the Government only to the extent of the cost, if any, that may be awarded by the Court in his favour in the above mentioned case in the manner hereinafter provided ;

Now, therefore, in consideration of legal aid received by the Grantee under the afore-said condition the parties hereto have agreed to give and receive the said legal aid under the said rules and conditions hereunder provided :—

1. That the Government will give legal aid to the Grantee in accordance with the provisions of Tripura Legal Aid and Legal Advice to the Poor Rules, 1980 contents hereof have been gone through and understood and/or are known to the Grantee.

2. That the Grantee shall diligently assist the legal practitioner engaged on his behalf in all matters required for conducting the case properly failing which the Government will be at liberty to withdraw the legal aid at any stage of the case.

3. That in the event the Court awards costs to the Grantee in the above mentioned case, the Grantee shall deposit with the District Magistrate through the legal practitioner engaged on his behalf in the said case an amount equal to the cost awarded in his favour within one month from the date of its realisation from the opposite party.

4. That in case the Grantee makes any default in making such deposit within the time stated above the amount so lying unpaid shall be recovered from him as an arrear of land revenue under the provisions of the Tripura Land Revenue and Land Reforms Act, 1960.

In witness whereof the parties hereto set their hands hereunto this day the_____

Witnesses—

1-

2.

Witnesses—

1.

2.

Place_____

Date_____

Signature of the Member—Secretary
Acting for and on behalf of the
Governor.

Signature of the Grantee

REGISTER OF APPLICATION FOR LEGAL AID

(See Rule 23 (2) of the Tripura Legal Aid and Legal Advice to the Poor Rules, 1980)

Serial No.	Date of receipt of the application	Applicant's name and address	Nature of case (the law and the relevant section should be mentioned)	Whether the application was referred for enquiry and to whom.
1	2	3	4	5

No. and date of the letter authorising enquiry.	Date of receipt of the enquiry report.	Decision of the District Magistrate on sanction of legal aid.	Name of the legal practitioner engaged and No. and date of the letter assigning the case to him,	Result of the case.
6	7	8	9	10

Payment to the legal practitioner			Whether legal aid for appeal/revision given	REMARKS
Fees	Other expenses	Total		
11	12	13	14	15

H. Das
Secretary to the Government
of Tripura.

TRIPURA



GAZETTE

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PART-I—Orders and Notifications by the Government of Tripura,
the High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
LAW DEPARTMENT

No. F. 25(45)-LAW/79

Dated, Agartala, the 5th April, 1984.

NOTIFICATION

In supersession of the Legal Assistance to the Poor Prisoners (Pre-trial) Orders, 1980 and the Tripura Legal Assistance to the Poor Accused in Sessions Tribals Cases (Pre-Trial Stage) Orders, 1982, the Governor of Tripura is pleased to make the following rules to amend the Tripura Legal Aid and Legal Advice to the Poor Rules, 1980, namely :—

Short title and
commencement.

1. (1) These rules may be called the Tripura Legal Aid and Legal Advice to the Poor (Amendment) Rules, 1984.
- (2) They shall come into force on and from the date of their publication in the Official Gazette.

2. In the Tripura Legal Aid and Legal Advice to the Poor Rules, 1980 (hereinafter called the principal Rules), for sub-rule (3) of Rule 3, the following sub-rule shall be substituted, namely :—

Constitution of
the Board.

- (3) The Board shall consist of the following members, namely :—

A. Ex-officio Members :—

- | | |
|---|---------------|
| (1) Minister having the charge of Law, Tripura. | Chairman |
| (2) Advocate General, Tripura. | Vice-Chairman |
| (3) Secretary to the Government of Tripura, Law Department. | Member |
| (4) One Member of the Agartala Bar to be nominated by the State Government. | Member |
| (5) Director of Welfare for Scheduled Tribe | Member |



Barcode 0022312

- | | |
|---|------------------|
| (6) Director for Welfare for Scheduled Caste. | Member |
| (7) Under Secretary, Law Department. | Member-Secretary |

B. Members nominated by the State Government :—

- | | |
|--|--------|
| (8) One member of the State Legislative Assembly to be nominated in consultation with the Speaker. | Member |
|--|--------|

Amendment of Rule 4.

3. In the principal Rules, in sub-rule (2) of Rule 4,—
- (a) in clause (ii), after the words "Sub-Divisional Officer (Revenue)", the words "or Deputy Collector nominated by him" shall be inserted ;
- (b) for clause (iv) the following clause shall be substituted, namely :—
- (iv) "Chairman or any member of the Notified Area Committee, if there be any, nominated by the State Government".

4. In the principal Rules, after rule 4, the following rule shall be inserted, namely :—

Constitution of the Administrative Cell.

"4A. There shall be one administrative Cell attached to the Board to look after the legal aid matters exclusively. The Board may, with the approval of the State Government, constitute the Cell with such number of officers and staff as may be necessary from time to time".

5. In the principal Rules, after sub-rule (4) of Rule 11, the following sub-rule shall be inserted, namely :—

Allocation of fund.

- "(5)(i) The Board shall from time to time allocate fund to each committee out of the amount placed at its disposal by the State Government for the purpose of enabling the committee to carry out its function under these rules.
- (ii) For the purpose of meeting the incidental charges such as court fees, stamp and other expenses necessary for obtaining copies of documents from a court, a permanent advance of Rs. 250/- shall be placed at the disposal of the Member-Secretary of the Board and each Committee".

6. In the principal Rules, after rule 18, the following rule shall be inserted, namely :—

Legal Aid to indigent persons.

"18A. An indigent person allowed to sue by the court under Order XXXIII of the Code of Civil Procedure, 1908, may apply for legal aid in any or more of the modes, excepting court fees, as provided in rule 17. Such application should be submitted to the court which permitted to use as indigent. The court shall forward the same to the Legal Aid Committee concerned giving such remarks as the court may consider appropriate".

7. In the principal Rules, after rule 21, the following rules shall be inserted, namely:—

Legal Aid in
Criminal
proceedings.

“21A. (1) Notwithstanding anything contained in the foregoing provisions, where in a criminal proceeding (which includes investigation and trial stage), the accused is not represented by a pleader, and where it appears to the court that the accused has no sufficient means to engage a pleader, the court shall appoint the legal aid advocate to defend such accused at any stage of such proceedings at the expense of the State. Note: (a) “Criminal proceeding” includes proceeding before a Magistrate in a sessions triable case before commitment;

(b) For legal aid in a trial before the court of sessions, the Defence Pleader (Appointment and Fees) Rules, 1976 framed by the Gauhati High Court shall apply.

(2) Before making any assignment, as aforesaid, the court shall obtain an application in the prescribed form duly signed by the accused and transmit the same forthwith to the Committee having jurisdiction, giving reasons of his satisfaction regarding eligibility of the accused for such aid.

(3) The assignment made by the court may be cancelled at any time if the Committee, after making such inquiry as it may deem necessary, does not approve such assignment.

(4) The Board may from time to time issue guidelines for determining the eligibility of the persons seeking legal aid.

(5) In case where there are more than one accused and if in the opinion of the court, the accused persons have conflicting defence, the court may appoint more than one defence pleader for defence of each group of such accused persons after recording reasons therefor”.

8. In the principal rules, for rule 22, the following rules shall be substituted, namely:—

Appointment of
Legal Aid
Lawyers.

“22. (1) Every Committee shall, with the approval of the State Government, appoint one or more practicing lawyer to conduct legal aid cases assigned by the Committee or the court.

(2) Such lawyers shall be known as legal aid lawyers attached to the Committee concerned and shall get such fees or monthly remuneration as may be decided by the State Government”.

By order of the Governor,

S. M. Lodh

Under Secretary to the
Government of Tripura.