

The Rajasthan Legal Aid Rules, 1984

RAJASTHAN

India

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The Rajasthan Legal Aid Rules, 1984 Published vide Notification in Rajpatra part 4(ga)(Extraordinary), dated 12.4.1984, page 1G.S.R. 2. - The Government of Rajasthan hereby makes the following rules regulating Legal Aid Scheme in the State of Rajasthan namely:-

1. Short title, extent and commencement.

(1)These rules may be called the Rajasthan Legal Aid Rules, 1984.(2)They shall extend to the whole of the State of Rajasthan.(3)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In these rules, unless the subject or context otherwise requires,-(a)"Application" means an application for the grant of legal aid and the word "applicant" shall mean an applicant for the grant of such aid;(b)"Eligible Person" means a person who is a citizen of India and whose income, whether in cash or kind or in both, from all sources does not exceed Rs. [11,000/-] [Substituted by Dated 19.6.1993, Published in Rajpatra part IV(ga), date 1.7.1993, page 66.] per annum:Provided that,(i)where such a person is a member of a Schedule Caste or a Scheduled Tribe:(ii)where a wife is a party in matrimonial cause or is a plaintiff or an applicant in an action for maintenance or where a woman is a complainant in a criminal case involving here kidnapping, abduction or rape;(iii)where the bride is a complainant in a case arising under the Dowry Prohibition Act, 1961 (Central Act 28 of 1961) or where a married or divorced woman is a plaintiff in a suit to recover the amount of dower;(iv)where a child not exceeding 16 years of age is an accused in a Criminal Case; or(v)where such person is a poor tribal or a bonafide tribal resident in Tribal Sub-Plan Area or tribal pockets in MADA areas in Rajasthan declared as such by the State Government or in Shahabad and Kishanganj Tehsils of Kota District;(c)"High Court" means the High Court of Judicature for Rajasthan;(d)"High Court Legal Aid Committee" means the committee constituted by the Board under rule 5;(e)"Legal aid" means aid and assistance for redress of a grievance or injury according to law and matters

incidental thereto including expenses on account of consultation, advice, conciliation, court fee, stamp duty, process fees, copying and inspection charges, witness expenses including expenses for availing expert opinion and evidence, commissioner's fee, lawyer's remuneration, expenses for preparation of paper book and any other expenses in connection with the institution or defence or conduct of proceedings and any other expenses which the committee thinks fit and proper to sanction in the special circumstances of the case;(f)"Legal aid Committee" means a committee constituted under rule 7;(g)"Legal Aid Bureau" means the bureau constituted under rule 9;(h)"Para-legal clinic" means the clinic constituted by the Executive Chairman of the Rajasthan Legal Aid Board to create legal awareness, to conduct pre-litigation and post-litigation surveys to organise Lok Nyayalays and the like matters;(i)"Proceeding" means a judicial or quasi-judicial proceeding in which an eligible person is a party in a civil, criminal or revenue court or in a labour, industrial, service or other statutory tribunal in which legal proceedings can be initiated for the enforcement of civil rights or for redress of any grievance or injury according to any law for the time being in force;(j)"Poor Tribal" means an eligible person who is a tribal and a small farmer or marginal farmer or an agricultural labourer;(k)"Revenue Board" means the Board of Revenue established under section 4 of the Rajasthan Land Revenue Act, 1956;(l)"Revenue Board Legal Aid Committee" means the committee constituted by the Rajasthan Legal Aid Board under rule 6;(m)"Schedule" means a Schedule appended to these rules;(n)"State" means the State of Rajasthan;(o)"State Government" means the Government of the State of Rajasthan.

3. Advisory Board, its constitution and functions

(1)The State Government shall constitute an advisory board for the State called the Advisory Board.(2)The Advisory Board shall consist of the following members, namely:-(a)a Chairman who shall be the Chief Minister of the State;(b)Hon'ble Mr. Justice P.N. Bhagwati, Judge, Supreme Court of India;(c)Chief Justice, Rajasthan High Court;(d)Law Minister of the State;(e)The Executive Chairman of the Rajasthan Legal Aid Board.(3)The Advisory Board constituted under sub-rule (1) shall advise the Rajasthan Legal Aid Board on all matters relating to legal aid and shall be the apex body for implementing the legal aid programme in the State.

4. Constitution of the Rajasthan Legal Aid Board, its functions and powers.

(1)The State Government shall, by notification in the Official Gazette, establish for the purpose of these Rules, the Rajasthan Legal Aid Board (hereinafter referred to as the Board in this rule).(2)The Board shall consist of the following members, namely:-(a) a Chairman, who shall be the Chief Minister of the State or a nominee of the Government during President's rule;(b) a Co-Chairman, who shall be the Law Minister of the State or a nominee of the Governor during President's rule;(c) an Executive Chairman who shall be a sitting Judge of the High Court as nominated by the Chief Justice of that Court;(d) Advocate General of the State;(e) one member of the Lok Sabha as nominated by the Speaker thereof;(f) members of the Rajasthan Legislative Assembly not exceeding three in number as nominated by the Speaker thereof;(g) Chairman of the Bar Council of Rajasthan or a member thereof as nominated by its Chairman;(h) one member of the High Court Advocates' Association, Jodhpur as nominated by the President thereof;(i) one member of the High Court Bar Association, Jaipur, as nominated by the President thereof;(j) one member of the Revenue Board Bar

Association, Ajmer, as nominated by the President thereof;(k)two advocates as nominated from the District Bar Associations by the Executive Chairman of the Board;(l)Chairman of the Social Welfare Board-ex-officio;(m)two social workers as nominated by the Executive Chairman of the Board;(n)Secretary, Finance Department, Government of Rajasthan-ex-officio;(o)Labour Commissioner, Government of Rajasthan-ex-officio;(p)Commissioner, Tribal Area Development, Government of Rajasthan-ex-officio;(q)Secretary, Community Development and Panchayat, Government of Rajasthan-ex-officio;(r)Director, Social Welfare Department, Government of Rajasthan- ex-officio;(s)Registrar, Co-operative Societies, Government of Rajasthan-ex-officio; and(t)Secretary, Law and Judicial Department, Government of Government of Rajasthan-as Member-Secretary-ex-officio;(3)A nominated member of the Board under sub-rule (2) shall hold office for a period of three years;(4)A nominated member of the Board shall be disqualified to be a member if he-(a)becomes of unsound mind;(b)is adjudicated insolvent;(c)is absent without leave from the Executive Chairman of the Board for more than three consecutive meetings without reasonable cause; or(d)is convicted by a criminal court for an offence involving moral turpitude unless such conviction has been set aside; or(e)has committed breach of trust.(5)The authority competent to nominate a member to the Board may withdraw the nomination and nominate a fresh member in place of the member withdrawn.(6)Any member nominated to the Board may resign his office by giving one month's notice in writing to the Executive Chairman of the Board and on such resignation being accepted by the Executive Chairman, such member shall be deemed to have vacated his office.(7)A casual vacancy in the office of the member may be filled as soon as possible by a fresh nomination by the authority empowered to make such nomination.(8)No acts done or proceedings taken under these rules by the Board shall be invalid merely by reason of-(a)any vacancy or defect in the constitution of the Board:(b)any defect or irregularity in the nomination of any person as a member thereof: or(c)any defect or irregularity in such act or proceeding not affecting the merits of the case.(9)The Board shall-(a)supervise and control all the activities of the High Court Legal Aid Committee and other Legal Aid Committees;(b)lay down board policy relating to legal aid to eligible persons in the State;(c)arrange, collect, preserve, manage and utilise the Legal Aid Fund and finances;(d)allot funds to the High Court Legal Aid Committee and other Legal Aid Committees; and(e)act as the supervisory body in matters of legal aid in the State.(10)The member-Secretary of the Board shall have power to open and operate a bank account in any scheduled bank.

5. Constitution, term and functions of the High Court Legal Aid Committee.

(1)The Rajasthan legal Aid Board shall constitute a committee (hereinafter referred to as the Committee in this rule) to be called the High Court Legal Aid Committee.(2)The Committee shall consist of-(a)Chairman, who shall be the Executive Chairman of the Rajasthan Legal Aid Board;(b)Advocate General of Rajasthan;(c)One member of the Bar Council of Rajasthan as nominated by the Chairman thereof;(d)President of the Rajasthan High Court Advocates Association, Jodhpur, or his nominee;(e)President of the Rajasthan High Court Bar Association, Jaipur or his nominee;(f)Advocates not exceeding four in number as nominated by the Executive Chairman of the Rajasthan Legal Aid Board;(g)Two social workers interested in the work relating to legal aid, preferably one from the weaker section of the society as nominated by the Chairman:(h)One representative from the Mohan Lal Sukhadia University, Udaipur, as nominated

by its Vice-Chancellor;(i)One representative from the Rajasthan University, Jaipur, as nominated by its Vice-Chancellor; and(j)[One representative from the Jodhpur University, Jodhpur, as nominated by its Vice-Chancellor.] [Inserted by Dated 21.6.1986, Published in Rajpatra part IV(ga)(Extraordinary), date 23.6.1986, page 83](3)Notwithstanding anything contained in sub-rule (2) of this rule, the Committee shall be entitled to co-opt any person or persons not exceeding two as member or members of the Committee.(4)The appointment of the members of the Committee shall be made by its Chairman.(5)The Headquarters of the Committee shall be at the seat of the High Court. The Committee may also sit and function at such place which may from time to time be decided by its Chairman.(6)The term of the nominated members shall be three years from the date of their appointment. The Rajasthan Legal Aid board shall, however, have power, for reasons to be recorded, to dissolve the Committee before the expiry of the period of three years.(7)The Chairman shall appoint a Secretary or Secretaries of the Committee. The Secretary or Secretaries shall be paid such remuneration of honorarium as may be fixed by the Committee.(8)The Committee shall provide legal aid to eligible persons in relation to the proceedings pending, instituted or to be instituted in the High Court.(9)The Committee shall have the power of supervision, control and of giving directions to the Legal Aid Committees constituted throughout the State under rules 6 and 7.(10)The Committee shall also be entitled to receive voluntary contributions and donations and to raise funds as it may deem fit.(11)The Chairman of the Committee shall have power to open and operate a bank account in any scheduled bank.(12)The Chairman of the Committee shall have power to incur expenditure for providing legal aid out of the funds placed at the disposal of the Committee by the Rajasthan Legal Aid Board or the State Government or receive through voluntary contributions or donations or through funds raised by it.

6. Constitution, term and functions of the Revenue Board Legal Aid Committee.

(1)The Rajasthan Legal Aid Board shall constitute a Committee to be called the Revenue Board Legal Aid Committee (hereinafter referred to in this rule as the committee).(2)The Committee shall consist of,-(a)Chairman, who shall be a sitting member of the Revenue Board as nominated by the Executive Chairman of the The Rajasthan Legal Aid Board after consultation with the Chairman of the Revenue Board.(b)Two advocates doing actual practice in the Revenue Board as nominated by the Chairman of the Committee.(c)Two social workers interested in the work relating to Legal Aid to poor preferably from the weaker section of the society to be nominated by Chairman of the Committee.(3)Notwithstanding anything contained in sub-rule (2) of this rule, the Committee shall be entitled to co-opt any person or persons not exceeding two as member or members of the Committee.(4)The term of the nominated members shall be three years from the date of their appointment. The Rajasthan Legal Aid Board shall, however, have power, for reasons to be recorded, to dissolve the Committee before the expiry of the period of three years.(5)The Chairman shall appoint Secretary or Secretaries of the Committee. The Secretary or Secretaries shall be paid such remuneration or honorarium as may be fixed by the Committee.(6)The Committee shall provide legal aid to eligible persons in relation to the proceedings pending, instituted or to be instituted in the Revenue Board.(7)The Committee shall also be entitled to receive voluntary contributions and donations and to raise funds as it may deem fit.(8)The Chairman of the Committee shall have power to open and operate a bank account in any scheduled bank.(9)The

Chairman of the Committee shall have power to incur expenditure for providing legal aid out of the funds placed at his disposal by The Rajasthan Legal Aid Board or received through voluntary contributions or donation or through funds raised by the Committee.

7. Constitution and term of Legal Aid Committee.

(1)The High Court Legal Aid Committee may constitute at District, Sub Divisional or Tehsil Head-quarter one or more than one Legal Aid Committees, as may be necessary, for providing legal aid to eligible persons. Each of such Committee shall function at the place where its headquarters are situated. Separate Committees may be constituted for labour, industrial and service Tribunals and for other tribunals as and where necessary. The jurisdiction of the Committee shall be as may be specified by the High Court Legal Aid Committee.(2)The Committee constituted at the district headquarters shall consist of:-(a)[The District & Sessions Judge as its Chairman] [Substituted by Dated 15.9.1988, Published in Rajpatra part IV(ga), date 13.10.1988, page 316 and again sonic words deleted by Dated 22.1.1992, Published in Rajpatra part IV(ga), date 30.1.1992, page 170];(b)Additional District Development Officer or Deputy District Development Officer;(c)District Social Welfare Officer;(d)Zila Pramukh;(e)President of the District Bar Association;(f)Members of the Bar Association at the district headquarters as nominated by the Chairman of the Committee not exceeding four in number;(g)two social worker as nominated by the Chairman of the Committee; and(h)three members co-opted by the Chairman of the committee-One each from Scheduled Castes, Scheduled Tribes and women; provided, however, that no member shall be co-opted from such castes, tribes or women if there is already a member in the committee from each of such categories.(3)All committees, other than those constituted at the district headquarters shall consist of:-(a)a Chairman who shall ordinarily be the senior-most Judicial Officer posted at the sub-Divisional or Tehsil Headquarters, as the case may be;(b)the Block Development Officer of the Panchayat Samiti in whose jurisdiction the committee is being constituted;(c)two local members of the Bar as nominated by (he Chairman of the Committee.(d)two social workers having interest in the work relating to legal aid and doing such work at the place where such committee is constituted, as nominated by the Chairman of the Committee.(4)The Committee constituted for a tribunal shall consist of:-(a)The Chairman of the tribunal concerned as the Chairman of the Committee:(b)two advocates doing actual practice in the tribunal as nominated by the Chairman of the Committee.(c)two social workers having interest in the work relating to legal aid in the Tribunal as nominated by the Chairman of the Committee.(5)Notwithstanding anything contained in sub-rule (2), sub-rule (3) or sub-rule (4) of this rule, the Committee shall be entitled to co-opt any person or persons not exceeding two as member or members of the Committee.(6)The terms of the nominated members of the Committee shall be three years from the date of their appointment. The High Court Legal Aid Committee shall, however, have power for reasons to be recorded, to dissolve the Committee before the expiry of the said period of three years or to remove its member and to reconstitute it or to make fresh appointment in the vacancy before the said period of three years.(7)In the case of transfer of, or vacancy in the office of, the judicial officer, or chairman of the concerned tribunal, his successor-in-office for the time being shall be the Chairman of the Committee and no fresh order of his appointment shall be necessary.(8)The Committee shall entertain applications relating to the proceedings pending in, instituted or to be instituted any court or Tribunal, as the case may be, situated within its jurisdiction. The concerned Committees of

tribunals, shall, however, entertain applications only in respect of the proceedings pending in, instituted or to be instituted before the Tribunals.(9)The Chairman of the Committee may appoint a Secretary from amongst the ministerial staff of his court or Tribunal, as the case may be. Such Secretary may be paid remuneration at the rates fixed by the High Court Legal Aid Committee.(10)All Legal Aid Committees, other than the committees constituted at the district headquarters and those constituted for tribunals, shall function under the supervision of the committee constituted at the district headquarters.(11)The Executive Chairman of the Rajasthan Legal Aid Board may appoint a Judicial Officer to be the Secretary of the committee constituted at the district headquarters.(12)Subject to the general control of the High Court Legal Aid Committee, the allotment of funds to the Legal Aid Committees at the Sub-Divisional and Tehsil headquarters shall be made by the committee constituted at the district headquarters.

8. Legal Aid Committees in the Tribal areas.

(1)The Commissioner, Tribal Area Development, Government of Rajasthan, shall provide co-operation and co-ordination in the constitution of legal aid committees in the tribal sub-plan areas or the tribal pockets of MADA areas in Rajasthan declared as such by the State Government and in Shahabad and Kishanganj Tehsil of Kota District.(2)The Commissioner, Tribal Area Development shall provide funds to the Legal Aid committees constituted in the tribal areas and pockets.(3)The Commissioner, Tribal Area Development, shall have power to nominate two members to a legal aid committee constituted in a tribal area or pocket. The term of the members so nominated shall be three years from the date of their appointment. The Commissioner shall have power to cancel any nomination at time as he may deem fit.(4)The Committees constituted in tribal areas and pockets shall, maintain a separate account in relation to the funds received from the Commissioner, Tribal area Development, for the purpose of legal aid and such money shall be wholly utilised for the purpose of and in accordance with the scheme launched in the tribal areas, sub-areas or pockets.(5)The Committees functioning in the tribal areas shall submit annual accounts of income and Expenditure in respect of the funds received from the Commissioner, Tribunal area Development, to the aforesaid Commissioner at the end of each financial year. An utilisation certificate in respect of the funds so received shall also be furnished alongwith the annual accounts.(6)The Commissioner, Tribal Area Development, may provide guidelines to the committees functioning in the tribal areas in the matter of utilisation of such funds that are made available by him to the committees.(7)The funds available with the Social Welfare Department and the Social Welfare Board for the benefit of scheduled castes and scheduled tribes under component scheme or the legal aid scheme shall be made available to the committees functioning in the Tribal areas or pockets for being utilised in legal aid schemes.(8)The Director, Social Welfare Department, Government of Rajasthan, may nominate two persons for a period of three years to the committees in case funds are provided by him to the committees functioning in the Tribal areas. The funds so provided shall be wholly utilised in accordance with the component scheme or the legal aid scheme. Copies of the annual accounts and the utilisation Certificate relating to such funds shall be furnished to the Director, Social Welfare Department, at the end of each financial year by the Committee.

9. Legal Aid Bureau, Its constitution and functions.

(1) Legal Aid Bureau may be constituted by the High Court Legal Aid Committee for tendering legal aid specified or referred to it by any Legal Aid Committee. (2) The Bureau shall consist of two advocates not being members of any legal aid committee and three eminent and responsible citizens of the district or place concerned. The president of the Bureau shall be appointed from amongst its members by the Chairman of the High Court Legal Aid Committee. (3) The Bureau shall tender legal aid as specified or referred to it by the High Court Legal Aid Committee or any legal aid committee through the High Court Legal Aid Committee.

10. Application for Legal Aid.

(1) Every application for the grant of legal aid by an eligible person shall be presented in writing, as far as practicable, to the committee or the court or tribunal concerned and shall as far as practicable, contain particulars specified in Schedule A appended to these rules and also be accompanied by a certificate from a responsible person certifying that the applicant is an eligible person entitled to legal aid under these rules. Explanation I. - The expression "responsible person" in relation to a bonafide tribal resident or poor tribal as is referred to in fifth proviso to clause (b) of rule 2 shall mean Sarpanch, Head Master, Vikas Ad-hikari, Tehsildar, Member of Parliament, Member of Rajasthan Legislative Assembly, Zila Pramukh, Pradhan of Panchayat Samiti in which such tribal ordinarily resides or works for gain; and Explanation II. - The expression "responsible person" in relation to other eligible person shall mean the Block Development Officer, the Tehsildar, Member of Parliament, Member of the Rajasthan Legislative Assembly, the Sarpanch of a Gram Panchayat, the Pradhan of Panchayat Samiti, Zila Pramukh of the Zila Parishad, the Chairman or Administrator of a Municipal Corporation, Municipal Council or a Municipality or the Head Master of a School, within the area of which such other eligible person ordinarily resides or works for gain. (2) Application forms referred to in sub-rule (1) shall be made available by the concerned Legal Aid Committee free of cost to any person desiring to seek legal aid. (3) Where an application for the grant of legal aid had been made to a court or tribunal, the presiding officer of the court or the Chairman of the Tribunal, as the case may be, shall forward the application to the Chairman of the concerned legal aid committee. (4) Where the concerned Legal Aid Committee is satisfied that the applicant for the grant of legal aid is, due to sufficient reasons, not able to obtain a certificate from a responsible person as is required by sub-rule (1), it may, in lieu of such a certificate, obtain a declaration from the applicant to the effect that he is an eligible person for grant of legal aid. The decision of the concerned committee with regard to the eligibility of a person to the grant of legal aid shall be final.

11. Conditions for grant of Legal Aid.

(1) Legal Aid shall be granted to all eligible persons subject to the provisions of these rules. (2) Legal Aid shall not be granted where a person seeking Legal Aid - (a) is connected or concerned with the proceedings jointly with some other persons whose interests are identical with his and such person or any of such persons is adequately represented in the proceedings; (b) is a formal party to the proceedings or is not materially concerned in the outcome of the proceedings or his interests are not

likely to be prejudiced on account of absence of any proper representation; or(c)is an accused in an economic offence or under Prevention of Food Adulteration Act or in a case relating to corruption, untouchability, cruelty towards women or children or is involved in an offence of seeking dowry.(3)The Committee may not grant legal aid to any person where it thinks it proper looking to the nature of the matter involved and keeping in view the social interests.

12. Examination of applicant and rejection of application.

(1)On receipt of an application for legal aid under rule 10, the committee, after satisfying itself that it has been duly presented and is in proper form, may, if it thinks fit, examine the applicant as regards the merits of the claim and the residence and income of the applicant;(a)provided that the merits of the claim of the applicant may, if need be, examined only by the members of the committee other than the judicial officer.(b)the Chairman of the Committee may, the event of urgency, allow such application and place the same before the Committee for approval.(2)The Committee shall reject the application where it is satisfied, after such inquiry as it thinks fit,-(a)that the applicant has knowingly made false statements or furnished false information as regards material particulars, or(b)that the applicant has entered into any agreement, with reference to the subject of the proceedings concerned, under which any other person has obtained interest in such subject matter, or(c)that in a proceeding other than the one relating to criminal prosecution, there is no [prima facie] case to institute, or defend the case may be, or(d)that the application is frivolous or vexatious or it is otherwise not reasonable, having regard to all the circumstances of the case, to grant legal aid to the applicant.

13. Procedure if application is not rejected under rule 12.

(1)If the application is not rejected under rule 12, the committee may, after such enquiry as it thinks fit, either allow or refuse to allow the application for grant of legal aid and such decision shall be final.(2)Where the Committee allows the application, the Secretary or the member of the committee authorised by the Chairman or in the absence of such Secretary or Member, the Chairman of the Committee shall issue a certificate of eligibility to the applicant entitling him to legal aid in respect of the proceedings concerned. The Certificate shall contain all the relevant particulars relating to the grant of legal aid to the applicant and shall be given in the form specified in Schedule B appended to these rules.(3)While considering the application, committee may entrust to the members appointed from the Bar or from amongst the social workers to endeavour to bring about settlement between the parties by conciliation.(4)The Committee may, if it deems fit, refer the case to the Legal Aid Bureau.

14. Assignment of Lawyers.

(1)As soon as the Certificate of eligibility for legal aid is granted under the rule 12, the committee shall assign the case to a suitable lawyer who is willing to render his services keeping in view the preference indicated by the applicant:Provided that no lawyer shall be assigned against his wishes.(2)The Committee may, on an application of the person to whom legal aid is granted or on an application of the lawyer assigned, permit such lawyer to withdraw from the case at any time during

the course of the proceedings and may substitute another lawyer in place of the lawyer previously assigned to such person in the like manner.(3)The High Court Legal Aid Committee shall prepare and keep for each district a panel of lawyer willing to render their services and the assignment of a lawyer to a person eligible for the grant of legal aid shall, as far as possible, be made from out of such panel of lawyers. The High Court Legal Aid Committee may appoint a full time panel lawyer in each district for legal aid on such terms and conditions as it may deem fit.

15. Lawyer's Fee.

(1)The High Court Legal Aid Committee and other Legal Aid Committee shall in the first instance endeavour to arrange for an eligible person entitled to legal aid the services of a lawyer without payment of any fee to him.(2)If the services of a lawyer cannot be obtained free from payment of fee, the committee concerned may pay to the lawyer deputed to render his services fee at the following rates:-(a)Tehsildar Court - [Rs.200/-] [Substituted by Dated 19.6.1993, Published in Rajpatra part IV(ga), date 1.7.1993, page 66] per case;(b)Munsif and Judicial Magistrates and Sub-Divisional Officer's Court - [Rs. 400/-] [Substituted by Dated 19.6.1993, Published in Rajpatra part IV(ga), date 1.7.1993, page 66] per case;(c)Court of District Magistrate/Collector/ Additional District Magistrate/Chief Judicial Magistrate/Additional Chief Judicial Magistrate/Revenue Appellate Authority - [Rs. 600/-] [Substituted by Dated 19.6.1993, Published in Rajpatra part IV(ga), date 1.7.1993, page 66] per case;(d)Court of District and Sessions Judge/ Additional District & Sessions Judge - [Rs.800/-] [Substituted by Dated 19.6.1993, Published in Rajpatra part IV(ga), date 1.7.1993, page 66] per case;(e)High Court - [Rs. 1100/-] [Substituted by Dated 19.6.1993, Published in Rajpatra part IV(ga), date 1.7.1993, page 66] per case.(3)If the concerned Legal Aid Committee is of the opinion that lawyer's fee at a rate more than that specified in sub-rule (2) should be paid in view of the complications in a particular case, it can order the payment of such higher fee than the said rates as it deems fit:Provided that no such order for payment of higher fee shall be passed by a Legal Aid Committee constituted at sub-Divisional or Tehsil headquarters unless it has obtained prior approval from the Legal Aid Committee constituted at the district headquarters.(4)50% of the lawyer's fee may be paid in advance to the lawyer assigned and the balance shall be paid after final judgment, order or decision, as the case may be, in the case.(5)The lawyer deputed to render his services shall submit his final bill of fees and expenses after final decision of the case by the court or tribunal concerned to the Chairman of the Committee duly certified by the Presiding Officer of the court or Chairman of the Tribunal alongwith a copy of the final order or judgment.(6)The Chairman of the concerned Legal Aid Committee shall be the authority to make payment of lawyer's fee under this rule from out of the funds allotted to the Committee.

16. Effects of Legal Aid Certificate.

(1)The certificate of eligibility for legal aid granted under rule 13 shall entitle the grantee of (he legal Aid.(2)Any grantee not utilising the amount for the purpose it is given shall be liable to refund the same.(3)In all cases where legal aid is granted in terms of money, an undertaking in writing shall be obtained from the eligible person by the Chairman of the Committee to the effect that the person shall reimburse all money under such legal aid in case he is successful and recovers the expenses from his opponent. The eligible person shall so reimburse to the committee to the extent of amount

recovered by him from his opponent. The Chairman of the Committee shall be authorised to receive such amount and shall deposit it in the fund kept by the Committee.(4)All amounts received by the Committee or its Chairman in the form of donation or allotment of funds or recovered from the eligible person as aforesaid shall be deposited in the account maintained by the Committee.

17. Maintenance of Accounts.

(1)Each Committee shall maintain or cause to be maintained a separate account in respect of the income and expenditure relating to legal aid under these rules.(2)The account shall be maintained as per the financial year and each committee shall submit the annual account to the Rajasthan Legal Aid Board by 30th April every year.(3)The Accounts maintained by the Board shall be audited by the Chartered Accountants appointed by the State Government in this behalf.(4)The accounts maintained by the High Court Legal Aid Committee and all other Committees shall be audited by the auditors appointed by the Board.(5)The Commissioner, Tribal Area Development, shall cause the accounts of the Legal Aid Committees constituted in tribal areas to be audited and inspected by the internal check party of his office.(6)Each committee may open an account in a Scheduled Bank for the purpose of depositing money received or recovered. Such Bank account shall be operated by the Chairman of the Committee

18. Cancellation of Legal Aid.

(1)The Committee on its own motion or on the application of the responsible persons who granted the certificate under rule 13 or of the opposite party in the proceedings concerned may after giving at least seven days' clear notice in writing to the applicant and after giving him an opportunity of being heard, cancel such certificate granted to such person,-(a)if such person is found to have been guilty of any vexatious or improper conduct in the course of the proceedings concerned; or(b)if it appears that his income has, since the date of the eligibility certificate, become such that he ought not to continue to receive legal aid; or(c)if he has engaged a lawyer other than the one assigned to him under these rules; or(d)if, for any other sufficient reason, the Committee thinks that it would not be proper to continue such legal aid to him.(2)The decision of the Legal Aid Committee under sub-rule (1) shall, subject to an appeal to the High Court Legal Aid Committee, be final.

19. Facilities to Prisoners.

(1)Prisoners and under-trials while in custody shall be afforded every facility for applying for and obtaining legal aid if they intend to seek such aid.(2)A lawyer willing to render services may be assigned to the unrepresented under-trial prisoner while in custody irrespective of the fact that he is an eligible person or not.

20. Application to whom to be addressed.

(1)Every application or communication to be presented to the Committee for the purposes of these rules shall be addressed to the Chairman or the secretary of the Committee.

21. Miscellaneous.

(1)Where in a case it appears to the Legal Aid Committee that any person not being an eligible person should be granted legal aid in view of his special circumstances, the Committee may grant legal aid to him in its discretion.(2)Where it appears to the Legal Aid Committee or the Chairman thereof that no provision has been made or that inadequate provision has been made in these rules in relation to any matter and that as a result thereof any difficulty or doubt arises in giving effect to these rules or any provision thereof in any case, the Committee or, as the case may be, the Chairman, shall make a reference to the High Court Legal Aid Committee.(3)In case of a Legal Aid Committee constituted in a tribal area, its Chairman may make a reference to the Commissioner. Tribal Area Development, in matters of any difficulty or doubt arising in any case of legal aid.(4)The High Court Legal Aid Committee of the Commissioner, Tribal Area Development, as the case may be, may, on receipt of any such reference, issue such instruction and directions in relation to such matter having regard to the facts and circumstances of the proceeding and the Legal Aid Committee shall act according to such directions.(5)The Rajasthan Legal Aid Board shall function under the general guidance of the Advisory Board and shall carrying-out such instructions as the Advisory Board may issue from time to time.(6)The Executive Chairman may organise para-legal clinics in accordance with the instructions and guidelines received from the Advisory Board from time to time and may provide funds to such clinics.

22. Repeal & Savings.

- The Rajasthan Legal Aid Rules, 1981, and the Rules for providing free legal aid to poor tribals are hereby rescinded:Provided that Notwithstanding the rescinding of the said rules, anything done or any action taken under them shall be deemed to have been done or taken under these rules.

'A'

[See rule 10 (1)]Particulars to be specified in the application for grant of legal Aid:

- 1. Name, description and address of the applicant.**
- 2. Name of the father/ husband of the applicant.**
- 3. Occupation of the applicant.**
- 4. Place of residence and its duration.**
- 5. Annual income of the applicant.**

6. Particulars of immovable property of the applicant.

7. Name of the Court/ Tribunal/ other authority in which the case is to be instituted or is pending.

8. Name and address of the opponent.

9. Concise statement of the case of the applicant alongwith such copies of documents which he proposes to rely upon in support of his case.

10. Name of the lawyer contacted if any, and of the lawyer whose services the applicant would like to avail of.

11. Whether any proceeding in relation to the same subject matter was instituted in any court/ Tribunal/ other Authority, and if so, with what result?

12. Whether any legal aid was applied for, obtained or refused, on any previous occasion? If so, give the particulars of the proceedings and the Legal Aid received therein.

Place :Date :Signature for the Applicant.Verification

'B'

[See rule 13 (2)]Legal Aid CommitteeDateCertificate of Legal AidApplicant Shri residing at is entitled to Legal Aid in respect of the proceedings particulars of which are given below:-

1. Name of Court/ Tribunal/ Other authority.

2. No. and description of proceedings.

3. Name and Address of opponent.

4. Other relevant particulars.

Place:Date:Chairman/ Secretary,Legal Aid Committee.