

# The Maharashtra State legal Aid and Advice Scheme, 1979

MAHARASHTRA

India

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### Rule

### THE-MAHARASHTRA-STATE-LEGAL-AID-AND-ADVICE-SCHEME-1979 of 1979

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The Maharashtra State legal Aid and Advice Scheme, 1979Published vide Notification No. LAB. 1078/689/(127A)-14, dated the 12th April, 1979Whereas, under Government Resolution Law and Judiciary Department, No. DFS. 1076/976/(525)-X, dated the 14th February, 1977, a Legal Aid and Advice Board to be called "the Maharashtra State Legal Aid and Advice Board" was constituted for the purpose of setting up and implementing a legal aid programme for providing free legal services to the weaker sections of the community in the State in accordance, with the scheme formulated by it with the approval of the State Government;And Whereas, the said Board has formulated a scheme prescribing the method and manner of providing free legal service to weaker sections of the community, and forwarded the same to the State Government, for its approval;And Whereas, the State Government has approved the scheme so formulated by the said Board with certain modifications;Now, Therefore, the said scheme as so approved, is hereby published for information of the public.

### Part I – Preliminary

#### 1.

(1)This Scheme may be called the Maharashtra State Legal Aid and Advice Scheme, 1979.(2)[ It shall come into force on such date as the Board may by notification in the Official Gazette, appoint.] [This scheme has been brought into force with effect from 10th September, 1979 by Boards Order, No. LAB. 1078/1689/(127)-XIV, dated the 10th September, 1979.]

## 2. Definitions.

- In this Scheme unless the context otherwise requires-(a)"aided person" means a person to whom legal aid is provided or legal advice is given in accordance with the provisions of this Scheme;(b)"Board" means the Maharashtra State Legal Aid and Advice Board;(c)"Committee" means the Greater Bombay Legal Aid and Advice Committee, or the Nagpur Legal Aid and Advice Committee [or the Aurangabad Legal Aid and Advice Committee] [These words were inserted by G. N., L. & J. D., No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 1(1).] or the District Legal Aid and Advice Committee, constituted in accordance with this Scheme [and also includes Sub-Committees and Legal Aid Centres constituted under sub-clause (4) of clause 12 of the said Scheme.] [These words were added by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated the 10th July, 1986, clause 2.](d)"Court" includes any Tribunal or Authority in the State;(e)"Form" means a form appended to this Scheme;(f)"Government Resolution" means the Government Resolution, Law and Judiciary Department, No. LAB. 1080 (208)-XIV, dated the 30th October, 1980;(g)"High Court" means the High Court of Judicature at Bombay including the permanent Bench of that High Court at Nagpur provided by Section 41 of the [Bombay Reorganisation Act, 1960 and the Bench of High Court at Aurangabad] [These words were substituted by G. N., L. & J. D., No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 1 (ii).];(h)"legal advice" means oral legal advice or written legal advice as the nature of the case may require;(i)"legal aid" means legal aid in any or all of the modes provided in clause 22 of this Scheme;(j)"legal practitioner" shall have the meanings assigned to that expression in the Advocates Act, 1961;(k)"legal proceeding" means any proceeding in any Court, including any preparatory steps in connection with such proceeding.

## Part II – Constitution, Powers and Functions of Committees

### 3. Committees.

- For the purpose of administering and implementing the legal aid programme in the State, the Board shall constitute the following Committees, namely :-(1)The Greater Bombay Legal Aid and Advice Committee, in relation to the provision of legal services in Greater Bombay [and also separate Committees for one or more class or classes of Courts in Greater Bombay according to their jurisdiction] [Portion added by G. N., & J. D., No. LAB-1089/(27)-XIV, dated 28th March, 89, clause 2.];(2)The Nagpur Legal Aid and Advice Committee in relation to the provision of legal services in the City of Nagpur and for supervision of legal services in the Nagpur district;(2A)[ The Aurangabad Legal Aid and Advice Committee in relation to the provision of legal services in the City of Aurangabad and for supervision of legal services in the Aurangabad district;] [Sub-clause (2A) was inserted by G. N., L. & J. D. No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 2(i).](3)The District Legal Aid and Advice Committee, for every district (other than Greater Bombay [Nagpur district and the Aurangabad District] [These words were substituted, by G. N., L. & J. D. No. LAB-1084/(153)-XIV, dated 17th July, 1984,, clause 2(ii).] in relation to the provision of legal services at the headquarters of the district, and for supervision of legal services in the district;(4)The Taluka Legal Aid and Advice Committee for every taluka, except talukas in Greater Bombay and talukas having headquarters at district places in relation to the provision of legal services in the

taluka.

#### 4. Composition of Committee for Greater Bombay.

- The Greater Bombay Legal Aid and Advice Committee shall consist of the following members, namely :-

- |     |  |   |
|-----|--|---|
| (1) | A sitting Judge of the High Court of Maharashtra, who is the Vice-President of the Board, nominated by the Chief Justice.  | Chairman.   |
| (2) | The Advocate-General of Maharashtra.   | Vice-Chairman.  |
| (3) | One representative of the Bar Council of Maharashtra [residing in Bombay] [These words were added by G. N., L. & J. D., No. LAB-1081/(118)) XIV, dated 10th July, 1981, clause 1(a).], to be nominated by the Bar Council. | Member.   |
| (4) | One representative of the Bombay Bar Association High Court, Bombay, to be nominated by that Association.  | Member.   |
| (5) | One representative of the Advocates' Association of Western India, High Court, Bombay to be nominated by that Association.   | Member.   |
| (6) | One representative of City Civil and Sessions Court Bar Association, Bombay, to be nominated by that Association.  | Member.   |
| (7) | One representative of Bombay Advocates' Association of the Court of Small Causes, Bombay, to be nominated by that Association.   | Member.   |
| (8) | One representative of the Metropolitan Magistrate Courts Advocates' Association (Esplanade), Bombay to be nominated by that Association.   | Member.   |
| (9) | [Two members] [These words were substituted for the words 'A member' by G. N., L. & J. D., No.   | [Members.] [These words were substituted for the words 'A member' by G. N., L. & J. D., |

- LAB-1081/(118)-XIV, dated 10th July, No. LAB-1081/(118)-XIV, 1981, clause 1(b)(i).]of the State dated 10th July, 1981, clause 1(b)(i).]  
Legislature residing in  
GreaterBombay, to be nominated by  
the State Government.
- (10) Two persons representing voluntary  
Legal aid bodies in GreaterBombay, to Members.  
be nominated by the State  
Government.
- (11) One person representing Scheduled  
Castes and Scheduled Tribesto be Member.  
nominated by the State Government.
- [(11-A) [Entry (11-A) was  
inserted by G. N., L. & J. D., One person representing agricultural  
No. LAB-1089/(27) XIV, labour, to be nominatedby the State Member.]  
dated 28th March, 89, Government.  
clause 3.]
- (12) One person representing Women to  
be nominated by the Member  
StateGovernment.
- (13) One representative of Social Service  
Organisations in GreaterBombay, to Member.  
be nominated by the State  
Government.
- (14) [Two members of the Bombay  
Municipal Corporation to  
benominated by the said Corporation.  
[This entry was substituted for the Members.]  
original by G. N., L. & J. D., No.  
LAB-1081/(118)-XIV, dated 10th July,  
1981, clause 1(c).]
- (15) [ [Entry (15) was  
substituted by G. N., L. & J. One Under Secretary to Government,  
D., No. LAB-1490/(51)-XIV, Law and JudiciaryDepartment (Legal  
dated 12th November, Side) to be nominated by the State Member-Secretary.]  
1990.] Government.
- (16) [ [These entries were  
added by G. N., L. & J. D., A joint Secretary to be suggested by  
No. LAB-1081/(118)-XIV, the Committee fromamongst its Member.  
dated 10th July, 1981, clause lawyer members.  
1(d).]
- (17) Member or Members of the Board Ex-OfficioMember.

- residing in Greater Bombay.....
- (18) Joint Director of Information and Public Relations, Mantralaya, Bombay Ex-Officio Member.] or his nominee.
- (19) A Principal of one of the Law Colleges within Greater Bombay to be nominated by the State Government or his nominee [Member.] [This word was substituted for the words 'Ex-officio Member' by G. N., L & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 3(i).]
- (20) [The Government Pleader, High Court (Appellate Side), Bombay. [These entries were substituted, by G. N., L & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 3(ii).] Ex-Officio Member.
- (21) The Commissioner of Police, Greater Bombay (or his nominee). Ex-Officio Member.
- (22) The Superintendent, Bombay Central Prisons, Bombay. Ex-Officio Member.
- (23) The District Probation Officer, Bombay Ex-Officio Member.
- (24) The Commissioner of Labour, Bombay (or his nominee). Ex-Officio Member.
- (25) The District Social Welfare Officer, Bombay. Ex-Officio Member.]

## 5. Commissioner of Committee for Nagpur.

- The Nagpur Legal Aid and Advice Committee shall consist of the following members, namely

- (1) A sitting High Court Judge to be nominated by the Chief Justice. Chairman.
- (2) The District Judge, Nagpur Vice-Chairman.
- (2A) [ [Entries (2A) and (7A) were inserted by G. N., L. & J. D., No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 4.] Collector, Nagpur or his nominee Ex-Officio Member.]
- (3) Government Pleader, High Court, Nagpur Vice-Chairman.
- (4) District Government Pleader, Nagpur Member-Secretary.

- (4A) [ [Entry (4A) was substituted for the original G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 4(i).] Joint Secretary, Law and Judiciary Department, Nagpur. Ex-Officio Member.]
- (5) One representative of the High Court Bar Association, Nagpur to be nominated by that Association. Member.
- [[ (5A) ] [Entry (5A) was inserted by G. N., L. & J. D., No. LAB-1081/(118)-XIV, dated the 10th July, 1981, clause 2 (c).]] Additional Government Pleader, High Court, Nagpur. Ex-Officio Member.
- (6) One representative of the District Bar Association, Nagpur to be nominated by that Association. Member.
- (7) President, Zilla Parishad, Nagpur [Ex-Officio Member.] [These words were substituted for the word 'Member' by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 4(ii).]
- (7A) [ [Entries (2A) and (7A) were inserted by G. N., L. & J. D., No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 4.] The Chief Executive Officer of Zilla Parishad or his nominee. Ex-Officio Member.]
- (8) One person representing Women to be nominated by the State Government. Member
- (9) One person representing Scheduled Castes and Scheduled Tribes to be nominated by the State Government. Member
- [(9-A) [Entry (9A) was inserted by G. N., L. & J. D., No. LAB-1089/(27)-XIV, dated 28th March, 1989, clause 4.] One person representing agricultural labour, to be nominated by the State Government. Member]
- (10) One person representing voluntary legal aid bodies in Nagpur to be nominated by the State Government. Member
- (11) Member

- One person representing Social Service Organisations in Nagpur to be nominated by the State Government.
- (12) [ [Entry (12) was substituted for the original by G. N., L. & J. D., No. LAB-1081/(118) XIV, dated 10th July, 1984, clause 2(d).] One Member of the Nagpur Municipal Corporation to be nominated by the said Corporation. Member]
- (13) One representative of the State Legislature from the district of Nagpur to be nominated by the State Government. Member]
- (14) [ [Entries (14) to (18) were added by G. N. L. & J. D., No. LAB-1081/(118)-XIV, dated 10th July, 1984, clause 2(c).] Member or Members of the Board residing in Nagpur. Ex-Officio Member.
- (15) One representative of the Bar Council of Maharashtra residing at Nagpur to be nominated by the Bar Council. [Member] [This word was substituted for the words 'Ex-officio Member' by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 4(iii), (iv) and (v).]
- (16) A Joint Secretary to be suggested by the Committee from amongst its lawyer members. [Member] [This word was substituted for the words 'Ex-officio Member' by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 4(iii), (iv) and (v).]
- (17) Deputy Director of Information, Divisional Information Office, Nagpur or his nominee. Ex-Officio Member.
- (18) Principal of one of the Law Colleges within the City of Nagpur to be nominated by the State Government [or his nominee] [These words were inserted by G. N., L. & J. D., No. LAB-1081/(233)-XIV, dated 19th August, 1981, clause 1(c)(ii).] [Member] [This word was substituted for the words 'Ex-officio Member' by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 4(iii), (iv) and (v).] Ex-Officio Member.

- (19) [ [Entries (19) to (23) The District Social Welfare Officer,  
were substituted by G. N., L. Nagpur.  
& J. D., No.  
LAB-1086/(65)-XIV, dated  
10th July, 1986, clause 4(vi).]
- (20) The Commissioner of Police, Nagpur Ex-OfficioMember.  
(or his nominee).
- (21) The Superintendent, Nagpur Central Ex-OfficioMember.  
Prisons, Nagpur
- (22) The District Probation Officer, Ex-OfficioMember.  
Nagpur
- (23) The Deputy Commissioner of Ex-OfficioMember.]  
Labour, Nagpur.

**5A. [ Composition of Committee for Aurangabad. [Clause (5A) was inserted  
by G. N. L. & J. D., No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 5.]**

(1)The Aurangabad Legal Aid and Advice Committee shall consist of the following members, namely  
:-

- (1) A sitting High Court Judge to Chairman  
be nominated by the Justice.
- (2) The District Judge, Vice-Chairman  
Aurangabad.
- (3) Collector, Aurangabad or his Ex-OfficioMember  
nominee not below the rank ofDeputy Collector.
- (4) Government Pleader, High Vice-Chairman  
Court, Aurangabad.
- (5) Joint Secretary, Law and Ex-OfficioMember  
Judiciary Department,  
Aurangabad.
- (6) One representative of the  
High Court Bar  
Association,Aurangabad, to Member  
be nominated by the  
Association.
- (7) Additional Government Ex-OfficioMember  
Pleader, High Court,  
Aurangabad.
- (8) One representative of District Member  
Bar Association, Aurangabad,



- tobe nominated by that Association.
- (9) President, Zilla Parishad, Aurangabad [Ex-Officio [These words were substituted for the word 'Member' by G. N., L. & J. D., LAB-1086/(65) XIV, dated 10th July, 1986, clause 5(1).]Member]
- (10) Chief Executive Officer of the Zilla Parishad or his nominee. Ex-OfficioMember
- (11) One person representing Women, to be nominated by the StateGovernment. Member
- (12) One person representing Scheduled Castes and Scheduled Tribes,to be nominated by the State Government. Member
- [(12-A) [Entry (12-A) was inserted by G. N. L. & J. D. No. LAB-1089/(27) XIV, dated 28th March, 1989, clause 5.] One person representing agricultural labour, to be nominatedby the State Government. Member]
- (13) One person representing Voluntary Legal Aid bodies inAurangabad, to be nominated by the State Government. Member
- (14) One person representing Social Service Organisations inAurangabad, to be nominated by the State Government. Member
- (15) One member of the Aurangabad Municipal Corporation, to benominated by the said Corporation. Member
- (16) One representative of the State Legislature from the Districtof Aurangabad, to be nominated by the State Government. Member
- (17) Ex-OfficioMember

- Member or Members of the Board residing in Aurangabad.
- (18) One representative of the Bar Council of Maharashtra, residing at Aurangabad to be nominated by the Bar Council. [Member] [This word was substituted for the words 'Ex-officio Member' by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 19th July, 1986, clause 5(ii).]
- (19) Deputy Director of Information, Divisional Information Office, Aurangabad or his nominee. Ex-Officio Member
- (20) Principal of one of the Law Colleges within the City of Aurangabad, to be nominated by the State Government. [Member] [This word was substituted for the words 'Ex-officio Member' by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 19th July, 1986, clause 5(iii).]
- (21) District Government Pleader, Aurangabad. Member-Secretary
- (22) [ [Entries (22) to (26) were substituted by G. N., L & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 5(iv).]
- The District Social Welfare Officer, Aurangabad. Ex-Officio Member
- (23) The Superintendent of Police, Aurangabad. Ex-Officio Member
- (24) The Superintendent, Aurangabad Central Prisons, Aurangabad. Ex-Officio Member
- (25) The District Probation Officer, Aurangabad. Ex-Officio Member
- (26) The Deputy Commissioner of Labour, Aurangabad. Ex-Officio Member]
- One Joint Secretary to be suggested by the Committee from amongst its lawyer members.(2)[ \* \* \*]. ]

## 6. Composition of District Legal Aid and Advice Committee.

(1) The District Legal Aid and Advice Committee for each district (other than Greater Bombay, Nagpur and the Aurangabad districts) shall consist of the following members, namely :-

- (1) District Judge. Chairman

(2)	The Collector.	Vice-Chairman
(3)	The District Government Pleader and Public Prosecutor of the district.	Vice-Chairman
(3A) [ [Entries (3A), (3B) and (3C) were inserted, by G. N. of 30.5.1994.]	The Senior most Member of the concerned Industrial Court.	Member.
(3B)	The Senior most Labour Judge of the concerned Labour Court.	Ex-Officio Member.
(3C)	The President. Labour Law Practitioners Association.	Ex-Officio Member.]
(4) [ [Entry (4) was substituted, by G. N. of 30.5.1994.]	The President District Court Association.	Member.]
(4A) [ [Entry (4A) was inserted, by G. N. of 30.5.1994.]	The Secretary District Court Bar Association.	Member.]
(5)	President, Zilla Parishad.	[Ex-Officio [These words were substituted for the word 'Member' by G. N., L. & J. D., No. LAB-1986/(65)-XIV, dated 10th July, 1986, clause 6(1).] Member.] [Ex-Officio Member]
(5A) [ [Entry (5A) was added by G. N. L. & J. D., No. LAB-1081/(233)-XIV, dated 19th August, 1981, clause 2.]	Chief Executive Officer of the Zilla Parishad	[These words were substituted for the word 'Member' by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1963, clause 6(ii).]]
(6)	One person representing Women, to be nominated by the State Government.	Member.
(7)	One person representing Scheduled Castes and Scheduled Tribes, to be nominated by the State Government.	Member.
(7A) [ [Entry (7A) was inserted by G. N., L. & J. D., No. LAB-1089/(27)-XIV, dated 28th March, 1989, clause 6.]	One person representing agricultural labour, to be nominated by the State Government.	Member]
(8)	One representative of the State Legislature from the district, to be nominated by the State Government.	Member. Ex-Officio Member.

- (9) [ [Entries (9) to (13) added by G. N., L. & J. D. No. LAB-1081/(118)-XIV, dated 10th July, 1981, clause 3.] Member or members of the Board residing at the District Headquarters.
- (10) One representative of the District Bar Association shall be the Joint Secretary of the District Legal Aid and Advice Committee to be suggested by the Committee from amongst its lawyer members. [Member.] [This word was substituted for the words 'Ex-officio Member' by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 6(iii).]
- (11) District Information Officer Ex-Officio Member.
- (12) A Principal of one of the Law Colleges within the District to be nominated by the State Government [or his nominee.] [These words were inserted by G. N., L. & J. D., No. LAB-1081/(233)-XIV, dated 19th August, 1981, clause 3(11).] [Member.] [G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 6(iv).]
- (13) Member of the Bar Council who is the resident of the District. If there are more than one member coming from one district then the senior member who is willing, to be nominated by the State Government.] [Member.] [This word was substituted for the words 'Ex-officio Member' by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 6(v).]
- (14) [ [Entries (14) to (18) were substituted by G. N., L. & J. D., No. LAB-1086/(65) XIV, dated 10th July 1986, clause 6(vi).] The District Social Welfare Officer Ex-Officio Member.
- (15) The Commissioner of Police or the Superintendent of Police, as the case may be. Ex-Officio Member.
- (16) The Superintendent of Prisons Ex-Officio Member.
- (17) District Probation Officer Ex-Officio Member.
- (18) The Government Labour Officer Ex-Officio Member :]

Provided that, where in any district there is a large population of persons belonging to the Scheduled Castes and Scheduled Tribes then, notwithstanding anything contained in entry (7) above, there shall be separate representatives one each for the Scheduled Castes and Scheduled Tribes, as may be nominated by the State Government : [Provided further that, in any District if the Government has appointed a Project Officer (ITDP) then he shall be taken as an Ex-Officio Member

of that District Committee.] [This proviso was inserted by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 6(vii).](2)One Assistant Government Pleader and Additional Public Prosecutor of the District, to be nominated by the State Government shall be Member-Secretary of the District Committee.

## 7. Composition of Taluka Legal Aid and Advice Committee.

(1)The Taluka Legal Aid and Advice Committee shall consist of the following members, namely

- |  |   |  |
|--|---|--|
| (1) [ [This entry was substituted by G. N., & J. D., No. LAB-1081/(118)-XIV, dated 10th July, 1981, clause 4(a)(1).] | The Seniormost Judicial Officer at the Taluka Headquarters.   | Chairman.]   |
| (2)  | President of the Taluka Bar Association.  | Vice-Chairman.   |
| (3)  | Tahsildar of the Taluka   | [Ex-Officio [These words were substituted for the word 'Member' by G. N., L. & J. D., No. LAB- 1086/(65)-XIV, dated 10th July, 1986, clause 7(1).]Member.] |
| (4)  | One Member of the Taluka Bar Association, to be nominated bythat Association.                           | Member.  |
| (4A) [ [Entries (4A), (4B) and (4C) were inserted by G. N. of 30.5.1994.]  | The Sub-Divisional Officer at the Taluka Headquarters.  | Ex-OfficioMember.  |
| (4B)   | The Seniormost Assistant Government Pleader and AdditionalPublic Prosecutor at the Taluka Headquarters. | Ex-OfficioMember.  |
| (4C)   | The Seniormost Officer at the Taluka Headquarter.   | Ex-OfficioMember.]   |
| (5)  | Sub-Government Pleader.   | [Ex-Officio [These words were substituted for the word 'Member' by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 7(11).]Member.] |
| (6)  | Chairman of the Panchayat Samiti of the Block comprised in thetaluka                                    | [Ex-Officio [These words were substituted for the word   |

and where there are more than one 'Member' by G. N., L. & J. D., Blocks in any taluka, the Chairman of No. LAB-1086/(65)-XIV, dated the Panchayat Samiti of such Block, 10th July, 1986, clause as may be nominated by the State 7(iii).] Member.] Government.

(7) [ [Entries (7) to (10) were substituted for original by G. N., L. & J. D., No. LAB-1085/(4)-XIV, dated 4th April, 1985, clause 6.] One person representing women to be nominated by the Chairman of the concerned District Legal Aid and Advice Committee. Member.]

(8) One person representing Scheduled Castes and Scheduled Tribes to be nominated by the Chairman of the concerned District Legal Aid and Advice Committee. Member.]

(9) One person representing agricultural labour to be nominated by the Chairman of the concerned District Legal Aid Advice Committee. Member.]

(10) One representative of the State Legislature from the Taluka, to be nominated by the Chairman of the concerned District Legal Aid and Advice Committee. Member.]

(11) [ [Entry (11) was added by G. N., L. & J. D., No. LAB-1081/(118)-XIV, dated 10th July, 1981, clause 4(a)(ii).] A member or members of the Board residing at the Taluka Headquarters. Ex-Officio Member.]

Provided that, where in any taluka there is a large population of persons belonging to the Scheduled Castes and Scheduled Tribes then, notwithstanding anything contained in entry (8) above, there shall be separate representative one each for Scheduled Castes and Scheduled Tribes as may be nominated by the State Government. (2) The Block Development Officer of the Block comprised in the taluka shall be the Member-Secretary of the Taluka Committee : Provided that, where there are more than one Block Development Officers in any taluka, such Block Development Officer at the taluka headquarters as may be nominated by the State Government shall be the Member-Secretary of the Committee : [Provided further that, the Senior most Assistant Government Pleader and Additional Public Prosecutor whenever available shall be appointed as the Joint Secretary of the Taluka Legal Aid and Advice Committee or in his absence the Sub-Government Pleader if available or in his absence one of the members of the Taluka Legal Aid and Advice Committee may be appointed as Joint Secretary. The Joint Secretary so appointed shall discharge such duties and perform such functions as the Member-Secretary of the said Committee as may be assigned to him by the said Committee.] [Proviso was substituted by G. N. of 30.5.1994.]

**7A. [ Composition of the Bombay High Court Legal Aid and Advice Committee. [Clauses 7A, 7B, 7C, 7D, 7E, 7F. added by G. N., L. & J. D. No. LAB-1089/ (27)-XIV, dated 28th March, 1989, clause 7.]**

- The Bombay High Court Legal Aid and Advice Committee shall consist of the following members, namely :-

- |   |                    |
|---|--------------------|
| (1) The Advocate General of Maharashtra   | Chairman.          |
| (2) The Registrar (Appellate Side), High Court, Bombay.   | Vice-Chairman.     |
| (3) The Chairman of the Bar Council of Maharashtra.   | Vice-Chairman.     |
| (4) The Government Pleader (Appellate Side), High Court, Bombay.  | Vice-Chairman.     |
| (5) The President of the Advocates' Association of Western India, High Court, Bombay.                                   | Ex-officio Member. |
| (6) The President of the Bombay Bar Association, High Court, Bombay.  | Ex-officio Member. |
| (7) One person representing women to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. | Member.            |
| One person representing Scheduled Castes and Scheduled Tribes to be   |                    |
| (8) nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee.                                     | Member.            |
| One representative of the State Legislature from Greater Bombay to be   |                    |
| (9) nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee.                                     | Member.            |
| One retired Judge of any Court who is associated with Legal Aid work and  |                    |
| (10) who is residing in Greater Bombay to be co-opted by the Bombay High Court Legal Aid and Advice Committee.          | Member.            |
| One Social Worker, who is associated with Legal Aid work and who is   |                    |
| (11) residing in Greater Bombay, to be Co-opted by the Bombay High Court Legal Aid and Advice Committee.                | Member.            |
| (12) The Member-Secretary of the Greater Bombay Legal Aid and Advice Committee.   | Ex-officio Member. |
| (13) The Establishment Officer, Office of the Government Pleader (Appellate Side), High Court, Bombay.                  | Joint Secretary.   |
| (14) The Secretary. Bar Council of Maharashtra, High Court, Bombay.   | Member-Secretary.  |

**7B. Composition of the Bombay City Civil and Sessions Court Legal Aid and Advice Committee.**

- The Bombay City Civil and Sessions Court Legal Aid and Advice Committee shall consist of the following members, namely :-

- |   |           |
|---|-----------|
| (1) The principal Judge of the City Civil and Sessions Court, Bombay. | Chairman. |
|---|-----------|

- |      |   |                    |
|------|---|--------------------|
| (2)  | The President of the City Civil and Sessions Court Bar Association, Bombay.   | Vice-Chairman.     |
| (3)  | The Government Pleader, City Civil and Sessions Court, Bombay.  | Ex-officio Member. |
| (4)  | One person representing women to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee.   | Member.            |
| (5)  | One person representing Scheduled Castes and Scheduled Tribes to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee.   | Member.            |
| (6)  | One representative of the State Legislature from Greater Bombay to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee.   | Member.            |
| (7)  | One Principal of one of the Law Colleges within Greater Bombay to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee.  | Member.            |
| (8)  | The Member-Secretary of the Greater Bombay Legal Aid and Advice Committee, Bombay.  | Ex-officio Member. |
| (9)  | Three persons representing legal profession to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee.   | Members.           |
| (10) | One Retired Judge of any Court who is associated with the Legal Aid work and who is residing in Greater Bombay to be co-opted by the Bombay City Civil and Sessions Court Legal Aid and Advice Committee. | Member.            |
| (11) | One social worker who is associated with the Legal Aid work and who is residing in Greater Bombay, to be co-opted by the Bombay City Civil and Sessions Court Legal Aid and Advice Committee.             | Member.            |
| (12) | The Deputy Registrar, City Civil and Sessions Court, Bombay.  | Member-Secretary:  |
- Provided that, one of the Members of the Bombay City Civil and Sessions Court Legal Aid and Advice Committee may be appointed as Joint Secretary of the said Committee, and the Joint Secretary so appointed shall discharge such duties and perform such functions of the Member-Secretary of the said Committee as may be assigned by the said Committee.

## 7C. Composition of the Bombay Small Causes Court Legal Aid and Advice Committee.

- The Bombay Small Causes Court Legal Aid and Advice Committee shall consist of the following members, namely

- |     |  |                    |
|-----|--|--------------------|
| (1) | The Chief Judge of the Court of Small Causes, Bombay.                                    | Chairman.          |
| (2) | The President of the Bombay Advocates' Association of the Court of Small Causes, Bombay. | Vice-Chairman.     |
| (3) | The Government Pleader, Small Causes Court, Bombay.                                      | Ex-Officio Member. |
| (4) |  | Member.            |



- One person representing women to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee.
- (5) One person representing Scheduled Castes and Scheduled Tribes to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Member.
- (6) One representative of the State Legislature from Greater Bombay to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Member.
- (7) One Principal of one of the Law Colleges within Greater Bombay to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Member.
- (8) The Member-Secretary of the Greater Bombay Legal Aid and Advice Committee. Ex-Officio Member.
- (9) Three persons representing legal profession to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Members.
- (10) One retired Judge of any Court who is associated with legal aid work and who is residing in Greater Bombay to be co-opted by the Bombay Small Causes Court Legal Aid and Advice Committee. Member.
- (11) One social worker who is associated with the Legal Aid work and who is residing in Greater Bombay to be co-opted by the Bombay Small Causes Court Legal Aid and Advice Committee, Bombay. Member.
- (12) The Additional Registrar, Court of Small Causes, Bombay. Member-Secretary :

Provided that, one of the Members of the Bombay Small Causes Court Legal Aid and Advice Committee may be appointed as Joint Secretary of the said Committee, and the Joint Secretary so appointed shall discharge such duties and perform such functions of the Member-Secretary of the said Committee as may be assigned by the said Committee.

## **7D. Composition of the Bombay Industrial and Labour Courts Legal Aid and Advice Committee.**

- The Bombay Industrial and Labour Courts Legal Aid and Advice Committee shall consist of the following members, namely

- (1) The President, industrial Court, Chairman, Bombay. Chairman.
- (2) The President of the Labour Law Practitioners' Association. Vice-Chairman.
- (3) The Member-Secretary of the Greater Bombay Legal Aid and Advice Committee. Ex-Officio Member.
- (4) One person representing Trade Unions to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Member.
- (5) Member.

- One person representing women to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee.
- One person representing Scheduled Castes and Scheduled Tribes to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Member.
- One representative of the State Legislature from Greater Bombay to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Member.
- One Principal of one of the Law Colleges within Greater Bombay to be nominated by the Chairman of the Greater Bombay, Legal Aid and Advice Committee. Member.
- Three persons representing legal profession to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Member.
- One retired Judge of any Court who is associated with the Legal Aid work and who is residing in Greater Bombay to be co-opted by the Industrial and Labour Courts Legal Aid and Advice Committee. Member.
- One Social Worker who is associated with the Legal Aid Work and who is residing in Greater Bombay to be co-opted by the Industrial and Labour Courts Legal Aid and Advice Committee. Member.
- (12) The Deputy Register, Industrial Court, Bombay. Member-Secretary :

Provided that, one of the Members of the Bombay Industrial and Labour Courts Legal Aid and Advice Committee may be appointed as Joint Secretary of the said Committee, and the Joint Secretary so appointed shall discharge such duties and perform such functions of the Member-Secretary of the said Committee as may be assigned by the said Committee.

## **7E. Composition of the Bombay Motor Accidents Claims Tribunal Legal Aid and Advice Committee.**

- The Bombay Motor Accidents Claims Tribunal Legal Aid and Advice Committee shall consist of the following members, namely

- (1) The President of the Motor Accidents Claims Tribunal, Bombay. Chairman
- (2) The President of the Motor Accidents Claims Tribunal Bar Association, Bombay. Vice-Chairman
- (3) The Government Advocate, Motor Accidents Claims Tribunal, Bombay. Ex-Officio Member.
- (4) The Member-Secretary of the Greater Bombay Legal Aid and Advice Committee. Ex-Officio Member.
- (5) One person representing women to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Member.
- (6) Member.

One person representing Scheduled Castes and Scheduled Tribes to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee.

- (7) One representative of the State Legislature from Greater Bombay to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Member.

- (8) One Principal of one of the Law Colleges within Greater Bombay to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Member.

- (9) Three persons representing legal profession to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Member.

- (10) One retired Judge of any Court who is associated with the Legal Aid Work and who is residing in Greater Bombay to be co-opted by the Bombay Motor Accident Claims Tribunal Legal Aid and Advice Committee. Member.

- (11) One Social Worker who is associated with the Legal Aid Work and who is residing in Greater Bombay to be co-opted by the Bombay Motor Accidents Claims Tribunal, Bombay. Member.

- (12) The Registrar, Motor Accidents Claims Tribunal, Bombay. Member-Secretary:

Provided that, one of the Members of the Bombay Motor Accidents Claims Tribunal Legal Aid and Advice Committee may be appointed as Joint Secretary of the said Committee, and the Joint Secretary so appointed shall discharge such duties and perform such functions of the Member-Secretary of the said Committee as may be assigned by the said Committee.

## **7F. Composition of the Bombay Metropolitan Magistrates' Court Legal Aid and Advice Committee.**

- The Bombay Metropolitan Magistrates Courts Legal Aid and Advice Committee shall consist of the following members, namely

- |     |   |                    |
|-----|---|--------------------|
| (1) | The Chief Metropolitan Magistrate, Esplanade Court, Bombay.   | Chairman           |
| (2) | The Additional Chief Metropolitan Magistrates Court, Esplanade, Bombay.   | Vice-Chairman      |
| (3) | The President of the Metropolitan Magistrates Courts Advocates' Association (Esplanade), Bombay.  | Ex-Officio Member. |
| (4) | The Member-Secretary of the Greater Bombay Legal Aid and Advice Committee.  | Ex-Officio Member. |
| (5) | One person representing women to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee.                             | Member.            |
| (6) | One person representing Scheduled Castes and Scheduled Tribes to be nominated by the Chairman of the Greater Bombay Legal and Advice Committee. | Member.            |
| (7) |   | Member.            |

One representative of the State Legislature from Greater Bombay to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee.

(8) One Principal of one of the Law Colleges within Greater Bombay to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Member.

(9) Three persons representing legal profession to be nominated by the Chairman of the Greater Bombay Legal Aid and Advice Committee. Members.

(10) One retired Judge of any Court who is associated with the Legal Aid work and who is residing in Greater Bombay to be co-opted by the Bombay Metropolitan Magistrates Courts Legal Aid and Advice Committee. Member.

(11) One Social Worker who is associated with the Legal Aid Work and who is residing in Greater Bombay to be co-opted by the Bombay Metropolitan Magistrates Courts Legal Aid and Advice Committee. Member.

(12) The Registrar, Chief Metropolitan Magistrates Court, Esplanade, Bombay. Member-Secretary: Provided that, one of the members of the Bombay Metropolitan Magistrates Courts Legal Aid and Advice Committee may be appointed as Joint Secretary of the said Committee, and the Joint Secretary so appointed shall discharge such duties and perform such functions of the Member-Secretary of the said Committee as may be assigned by the said Committee :][Provided further that, until the said Committee is constituted the Greater Bombay Legal Aid and Advice Committee shall discharge all the duties and perform all the functions of the Bombay Metropolitan Magistrates Courts Legal Aid and Advice Committee.] [Proviso was added by G. N. of 30.5.1994.]

## 8. Term of Office of Members of Committees, etc.

- The term of office of a Member of the Committee, other than ex-officio Members, shall be two years :Provided that, if any such Member fails without sufficient cause to attend three consecutive meeting of the Committee, he shall cease to be such Member, and the decision of the Chairman on the question, whether he has ceased to be such Member or not, shall be final.(2)Whenever any person is nominated as a Member of the Committee by virtue of the post or office held by him, he shall forthwith cease to be a Member of the Committee if he ceases to hold such post or office.(3)A non-official Member of the Committee may at any time resign his office by submitting his resignation signed and addressed to the Chairman of the Committee. No such resignation shall take effect until it is accepted by the Chairman of the Committee.(4)Any vacancy in the office of a Member of a Committee shall be filled up as early as may be practicable, in the same manner as the original appointment and the person so nominated shall continue to be a member for the duration of the term of office of the Member in whose place he is nominated.(5)[ On the expiry of the term of the office of a Member, other than ex-officio member, he shall continue to be a Member of the Committee till new Member is appointed in his place. Such Member shall also be eligible for re-nomination.] [Sub-clause (5) was inserted by G. N., L. & J. D., No. LAB-1083/(191)-XIV, dated 17th September, 1983, clause 1.]

## **9. Cells of the Committees.**

(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 Committee may appoint. The Committee 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: [Provided that, in no case the Chairman of the Committee, shall be a member of any cell.] [This proviso was added by G. N., L. & J. D., No. LAB-1081/(118), clause 5(i).] (2) [ Whenever any person seeking legal aid approaches the committee and after due counselling the committee is of the opinion that he is eligible for legal aid and his case is fit to be considered by the Conciliation Cell, it shall refer the matter to the Conciliation Cell and the Cell shall issue notice to the opposite party and try to bring about the conciliation between the parties :Provided that,-(a) If the settlement suggested by the Conciliation Cell is not accepted by the applicant or the opposite party or by both; or (b) the Conciliation Cell is unable to bring about a settlement within the period of one month from the date of reference of the dispute to it; then the applicant shall immediately be granted requisite legal aid for redressing his grievances] [Sub-clause (2) was substituted for the original by G. N., L. & J. D. No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 8.] (3) The Court or authority before which any legal proceeding is pending may, if it so thinks fit, refer the dispute forming the subject matter of the legal proceeding to the relevant Conciliation Cell for the purpose of bringing about settlement between the parties. If the Conciliation Cell is unable to bring about a settlement within a period of one month from the date of reference of the dispute to it, the matter shall go back to the Court or the authority for disposal according to law.

## **10. Cell for Women.**

(1) Every Committee shall have a Cell for Women consisting of such number of members of the Committee and such other persons who are engaged in social work within the area of the Committee, as the Committee may appoint. The Committee while selecting non-members on the cell shall have due regard to the fact whether such persons are social service minded and have experience of working for the welfare of women and are otherwise capable of looking after the interests of women. The Committee shall, as far as possible, try to give preference to women in selecting persons on this Cell. (2) The Cell shall act as liason between the Committee and the woman residing within the area of the Committee and try to ascertain the problems and difficulties which the women may be facing and bring them to the notice of the Committee and take all such steps and make all such recommendations as may be necessary for the purpose of resolving the problems and grievances of women by resort to the legal process. The Cell may also undertake socio-legal surveys and researches into the conditions of women and make recommendations for legal reform to the Board through the Committee. (3) The Cell shall also look after the interests of women residing within the area of the Committee and protect and further their interests and ensure that the benefit of the legal aid programme reaches them.

## **11. Cell for Scheduled Castes, for Scheduled Tribes, Vimukta Jatis and Nomadic Tribes.**

(1) Every Committee shall have Cell for Scheduled Castes, Scheduled Tribes, Vimukta Jatis and Nomadic Tribes consisting of such number of members of the Committee and such other persons who are engaged in social work within the area of the Committee, as the Committee may appoint. The Committee while selecting non-members on the Cell shall have due regard to the fact whether such persons are social service minded and have experience for the working for the welfare of Scheduled Castes, Scheduled Tribes, Vimukta Jatis and Nomadic Tribes and are otherwise capable of looking after the interests of persons belonging to Scheduled Castes, Scheduled Tribes, Vimukta Jatis and Nomadic Tribes. The Committee shall, as far as possible, try to give preference to persons belonging to Scheduled Castes, Scheduled Tribes, Vimukta Jatis and Nomadic Tribes in selecting persons on this Cell. (2) The Cell shall act as liason between the Committee and the members of the Scheduled Castes, Scheduled Tribes, Vimukta Jatis and Nomadic Tribes residing within the area of the Committee and try to ascertain the problems and difficulties which the person belonging to Scheduled Castes, Scheduled Tribes, Vimukta Jatis and Nomadic Tribes are facing and bring them to the notice of the Committee and take all such steps and make all such recommendations as may be necessary for the purpose of resolving the problems and grievances of members of Scheduled Castes, Scheduled Tribes, Vimukta Jatis and Nomadic Tribes by resort to the legal process. The Cell may also undertake socio-legal surveys and researches into the conditions of persons belonging to Scheduled Castes, Scheduled Tribes, Vimukta Jatis and Nomadic Tribes and make recommendations for legal reform to the Board through the Committee. (3) The Cell shall also look after the interest of persons belonging to Scheduled Castes, Scheduled Tribes, Vimukta Jatis and Nomadic Tribes residing within the area of the Committee and protect and further their interests and ensure that the benefit of the legal aid programme reaches them.

## **12. Duties, powers and functions of Committees.**

(1) It shall be the duty of the Committee to set up, administer and implement the legal services programme within the area for which it is constituted, and for this purpose to take all such steps as may be necessary having regard to paragraph 4 of the said Government Resolution and in accordance with the provisions of this scheme 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 sub-clause (2) of clause 31 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 initiate proceedings or grant aid- (i) in cases 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 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) The District Legal Aid and Advice Committee shall, in addition to the aforesaid powers and functions- (a) supervise, guide and direct the working of the Taluka Legal Aid and Advice Committees within the district; and (b) call for from the Taluka Legal Aid and Advice Committees in the district, such periodical reports, returns and other statistics or information as it may think fit or as are required to be submitted by the Board. (4) Every Committee may constitute sub-committees [or Legal Aid Centres] [These words were inserted by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 9.] for the more convenient transaction of its business. (5) 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 this Scheme.

### **13. Functions of Chairman of Committee.**

(1) 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; [Provided that, the Chairman of any Committee shall not directly or indirectly be concerned with or associated with the decision of any question in regard to grant or withdrawal of legal aid or the manner of legal aid to any person.] [This proviso was substituted for the original by G. N., L. & J. D., No. LAB-1081/(118)-XIV, dated 10th July, 1981, clause 6.] (2) In the absence of the Chairman, the Vice-Chairman shall perform the functions of the Chairman.

### **14. Functions of the Member-Secretary.**

(1) The Member-Secretary shall be the principal officer of the Committee and shall be the custodian of all assets, accounts, records and funds placed at the disposal of the Committee. (2) The Member-Secretary shall maintain true and proper accounts of the receipts and disbursements of the funds of the Committee. (3) The Member-Secretary shall convene meetings of the Committee with the previous approval of the Chairman and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings : [Provided that, if the staff of the Committee is posted from the Judiciary, then such staff work under the administrative control, guidance and supervision of the Chairman of the Committee.] [This proviso was substituted for the original by G. N., L. & J. D., No. LAB-1081/(118)-XIV, dated 10th July, 1981, clause 7.]

### **15. Meetings of the Committee.**

(1) Every Committee shall ordinarily meet once a month on such date, and at such place, as the Member-Secretary may, in consultation with the Chairman decide. (2) The Chairman, and in the absence of the Chairman, the Vice-Chairman, shall preside at the meetings of the Committee and in the absence of both, a person chosen by the members present from amongst themselves shall preside at the meeting of the Committee. (3) The procedure at any such meeting shall be such as the

Committee may determine.(4)The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Member-Secretary and such minutes shall be open to inspection at all reasonable times by the Members of the Committee. A copy of the minutes shall, as soon as may be, after the meeting, be forwarded to the Board, and in the case of a meeting of the Taluka Legal Aid and Advice Committee, a copy of the minutes shall also be forwarded to the District Legal Aid and Advice Committee.(5)The quorum for the meeting of the [Greater Bombay, Nagpur and Aurangabad Legal Aid and Advice Committees] [These words were substituted for the original by G. N., L. & J. D., No. LAB-1084/(153)-XIV, dated the 17th July, 1984, clause 8.] shall be five and four, respectively including the Chairman, and that of the District and Taluka Legal Aid and Advice Committee shall be three, including the Chairman.(6)All questions at the meeting of the 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.

## **16. Travelling and Daily Allowances of Members of Committees [and the Members of [any] [These words were added for original by G. N., L. & J. D., No. LAB-1081/ (118)-XIV, dated 10th July, 1981, clause 8(a).] Cell.]**

- No Member of any Committee shall be entitled to any remuneration for any work connected with the functions of the Committee.(2)The Member of the Committee who is nominated from amongst the Members of the State Legislature shall be paid travelling and daily allowances as may be admissible to him as such Member of State Legislature.(3)The ex-officio Members of the Committee shall be entitled to travelling and daily allowances according to the rules applicable to them.(4)The other Members of the Committee [and the Members of [any] [These words were added by G. N., L & J. D., LAB-No. 1081/(118)-XIV, dated 10th July, 1981, clause 8(b).] Cell] not being Member of a Taluka Legal Aid and Advice Committee shall be paid travelling and daily allowances as are admissible to Grade I Officers of the State Government and the Members of Taluka Committees [and the Members of any Cell constituted by the Taluka Committee] [These words were substituted for the original by G. N., L. & J. D., No. LAB-1081/(233)-XIV, dated 19th August, 1981, clause 4(c).] shall be paid travelling and daily allowances as are admissible to [Grade II officials of the State Government.] [Substituted for the words and figures 'Government officials of Grade II in the pay range of Rs. 425-749' by G. N. of 30.5.1994.](5)[ The Chairman of the Greater Bombay Legal Aid Advice Committee [the Chairman of Nagpur Legal Aid and Advice Committee and the Chairman of Aurangabad Legal Aid and Advice Committee] [Sub-clause (5) was added by G. N., L & J. D., No. LAB-1081/(118)-XIV, dated 10th July, 1981, clause 8(c).] shall be entitled to draw travelling and daily allowances as are admissible to sitting Judges of the High Court, according to the rule in force.]

## **17. Funds of Committees.**

(1)The Board shall from time to time allocate funds to each Committee out of the amounts placed at its disposal by the State Government for the purpose of enabling the Committee to carry out its functions under the Scheme.(2)For the purpose of meeting the incidental minor charges such as court-fee stamps and expenditure necessary for obtaining copies of documents from a Court, a



permanent advance of the amount specified below shall be placed the disposal of the Member-Secretary of the Committee, namely

Rs.

(a) The Member-Secretary of the Greater Bombay 500 Legal Aid and Advice Committee, [of the Nagpur Legal Aid and Advice Committee and of the Aurangabad Legal Aid and Advice Committee] [These words were substituted for the original by G.N., L. & J.D., No., LAB-1081/(153)-XIV, dated 17th July, 1984, clause 10.] 500

The Member-Secretary of  
(b) a District Legal Aid 250 250  
and Advice Committee.

The Member-Secretary of  
(c) a Taluka Legal Aid 100 100  
and Advice Committee.

(3) All expenditure on legal aid or legal advice, travelling and other allowances, accommodation and staff of the Committee and provision of other legal services as also expenditure necessary for carrying out the various functions of the Committee under the Scheme, shall be made out of the funds provided by the Board, and in accordance with such rules as may be made by the Board. The Chairman or in his absence the Member-Secretary shall operate the account of the Committee in accordance with the directions of the committee. (4) The Committee shall cause to be kept and maintained true and correct accounts of all receipts and disbursements, and furnish quarterly returns to the Board and in the case of the Taluka Legal Aid and Advice Committee, such quarterly returns shall also be furnished to the District Legal Aid and Advice Committee. (5) The Accounts of every Committee shall be audited [annually by Accountant General, Maharashtra.] [These words were substituted for the original by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 10.] A copy of the audit report shall be forwarded to the Board.

## 18. Staff, Office accommodation, etc.

- The State Government will make the necessary arrangements for staff, office accommodation and other facilities as are necessary for the proper discharge of the functions of the Committees under this Scheme.

## Part III – Legal Aid and Advice

### 19. Eligibility for legal aid and advice.

- Legal aid or advice may be given to all persons who are bona fide residents of the State of Maharashtra 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 [6000] [The figure '6000' were substituted for the figures '5000' by G. N., L. & J. D., No. LAB- 1084/(153)-XIV, dated 17th July, 1984, clause 11(1).]

: [Provided that, the limitation as to annual income shall not apply to the parties belonging to Scheduled Castes, Scheduled Tribes, Vimukta Jatis, Nomadic Tribes, Nav Budhas, women and children ; Provided further that, the limitation as to annual income shall not apply to the parties having disputes relating to motor vehicle accidents claims :] [These provisos were substituted for the original by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 11.] [Provided further that, when the cause of action has arisen within the limits of Maharashtra State the applicant seeking legal aid shall be deemed to be the bona fide resident of the State of Maharashtra :] [This proviso was inserted by G. N., L. & J. D., No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 11(2).] [Provided also that,] [These words were substituted for the original, by G. N., L. & J. D., No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 11(3).] the Committee may grant legal aid, (i) in cases of great public importance; (ii) in a test case, the decision of which is likely to affect 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.

## **20. Proceedings in which legal aid is admissible.**

- Subject to the provisions of clauses 19 and 23 and sub-clause (5) of clause 25, the Committee shall give legal advice as also legal aid in all proceedings in any Court.

## **21. Matters on which legal advice admissible etc.**

- 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.

## **22. Modes of legal aid.**

- Legal aid may be given in all or any one or more of the following modes, namely (a) payment of court-fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings; (b) representation by a legal practitioner in legal proceedings; (c) supply of certified copies of judgements, orders, notes of 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 document; (f) [ payment of cost or preparing documents for litigation before the Supreme Court in which legal assistance is granted by the Supreme Court Legal Aid Committee, New Delhi,] [Sub-clause (f) was added by G. N., L. & J. D., No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 12.]

## **23. Legal aid not to be given in certain cases.**

- 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 economic offences and offences against social laws, such as the Protection of Civil Rights Act, 1955, and the Suppression of Immoral Traffic in Women and Girls Act, 1956;(6)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 outcome of the proceedings and his interests are not likely to be prejudiced on account of the absence of proper representation.

## **Part IV – Procedure**

### **24. Form of application for legal aid or advice.**

(1)Any person desiring legal aid or advice may make an application in Form A. addressed to the Member-Secretary of the Committee concerned. [Such application shall be accompanied with an affidavit in respect of the annual] [These words were added by G. N., L. &J. D., No. LAB-1081/(118)-XIV, dated 10th July, 1981, clause 10.] [income of the applicant, if however, such applicant is unable to bear the expenses for making affidavit, the Committee shall pay such expenses.] [These words were substituted for the original by G. N., L. & J. D., No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 13.] 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 form 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 wherein all applications for legal aid and advice shall be entered and registered.

### **25. Disposal of applications.**

(1)On receipt of an application under clause 24, 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 in accordance with the provisions of this Scheme 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 the Panel of Legal Practitioners, who scrutinizes the application as provided in sub clause (1) above, to give legal aid 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 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, the matter shall 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 the 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 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 clause 23 or any other provision of this Scheme; or(e)having regard to all the circumstances of the case, it is otherwise not reasonable to grant it.

## **26. [ Certificate of Eligibility. [Clause 26 was substituted for original by G. N., L & J. D., No. LAB-1084/ (153)-XIV, dated 17th July, 1984, clause 14.]**

- When an application for legal aid or advice is allowed, the Member-Secretary of the Committee shall make a note on the application to the effect that legal aid is granted. This note shall constitute the Certificate of Eligibility.]

## **27. Panels for legal aid and advice.**

(1)Every Committee shall form such number of Panels of Legal Practitioners [having practice of not less than five years] [These words were inserted by G. N., L. & J. D., No. LAB-1081/(118)-XIV, dated 10th July, 1981, clause 11(a).] as it may consider necessary.(2)Every such Panel shall be constituted for a period of [one year] [These words were substituted for the words 'two years' by G. N., L. & J. D., No. LAB-1081/ (118)-XIV, dated 10th July, 1981, clause 11(b).] from date of its constitution.(3)Appointment of a Legal Practitioner for legal aid or advice under his Scheme 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 this scheme, 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 Committees.

## **28. Duties of Panel Members.**

(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 thereon; 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 (1), has shall forth-with 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.

## **29. Information to be kept confidential.**

- 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.

## **30. Honorarium payable to Legal Practitioners on the Panel.**

(1)The legal practitioners on the Panel shall be paid following honorarium namely(a)[ in all legal proceedings in the High Court, at Bombay, [at Nagpur and at Aurangabad] [Clauses (a), (b), (c) and (d) were substituted for the original by G. N., L. & J. D., No. LAB-1081/(233)-XIV, dated 19th August, 1981, clause 5.] and in the City Civil and Sessions Court, Bombay, Rs. 75 per effective hearing, subject to a maximum of Rs. 450 in any one case.(b)in all legal proceedings in Courts at the headquarters of the districts other than Courts referred to in clause (a) above and in the Courts of Small Causes in Bombay, Pune and Nagpur and in the Courts of Metropolitan Magistrate, in Greater Bombay, Rs. 50 per effective hearing, subject to a maximum of Rs. 300 in any one case.(c)in all legal proceedings in Courts in Talukas other than talukas in Greater Bombay and talukas having headquarters at District places, Rs. 25 per effective hearing, subject to a maximum of Rs. 200 in any one case, and(d)the legal practitioner to whom the case is referred only for legal advice and where legal advice alone is required to be given, the legal practitioner may be paid a fee not more than Rs. 25 per such legal advice.](2)No legal practitioner to whom any case is assigned either for legal aid

shall receive any fee or remuneration whether in cash in kind or any other advantage, monetary or otherwise, from the aided person or from any other person on his behalf.(3)The legal practitioner on the Panel, who has completed his assignment, shall submit a statement showing the honorarium due to him in connection with the legal proceeding conducted by him on behalf of the legally aided person to the Member-Secretary of the Committee, who shall after due scrutiny and counter-signature, place the same before the Committee for sanction and on such sanction being given by the Committee, the amount shall be paid by the Member-Secretary to the legal practitioner. It shall, however, be open to the legal practitioner to waive the honorarium wholly or partially.

### **31. Duties of aided person.**

(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 the application for legal aid or advice is made till the completion or cessation of legal aid [\* \* \*] [The words 'or cancellation of the Certificate of Eligibility' were deleted by G. N. L. & J. D., No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 16(1).](2)[ (i) Notwithstanding anything contained in the first and second provisos under Clause 19, every such person shall agree,-(a)in the event of the Court passing a decree or order or award in his favour awarding costs or compensation or other monetary benefits or advantages to him, or(b)he ceases to be entitled to legal aid under the Scheme;to pay by way of reimbursement to the Committee all costs, charges and expenses incurred by the Committee in giving him legal aid.(ii)The agreement clause contained in paragraph 5 of the Application Form 'A' shall be treated as an authority authorising the Member-Secretary of the Committee to do all such acts and things as may be necessary for recovery or realisation of the amount decreed or ordered or awarded to be paid to him.(iii)The costs, charges and expenses which may be recovered by the Committee as aforesaid shall be credited to the State Government.](3)Every aided person or his representative shall attend the office of the Committee as and when required by the Committee or by the legal practitioner rendering legal aid to him and shall furnish full and true information and shall make full disclosure to the legal practitioner concerned and shall attend the Court, as and when required, at his own expenses.

### **32. Cancellation of Certificate of Eligibility.**

- The Committee may either on its own motion or otherwise cancel the Certificate of Eligibility granted under clause 26 in the following circumstances, namely :-(a)in the event of it being found that the Certificate of Eligibility was obtained by misrepresentation 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-demeanour 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.

### **33. Power to give directions.**

- The Board may, from time to time, issue directions to the Committee to carry' out the purposes of this scheme and the Committees shall be bound to carry out such directions.[Form A] [New Form A was substituted for the original by G. N., L. & J. D., No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 17.](See clause 24)Form of Application for Legal AidToThe

Member-Secretary,..... District/ Taluka Legal Aid and Advice

Committee.....Sir,I

..... aged ..... son/ daughter/ wife/ widow of

..... beg to apply for Legal Aid/Advice. My particulars are as detailed

below(i)Present Address.(ii)Nature of employment.(iii)Average annual income from all

sources.(iv)Nature of case in which Legal Aid/Advice is sought.(Please attach separate sheet, if necessary, giving nature of dispute, claim or right. State documents in support thereof and other relevant particulars)

**2. I am willing to furnish such further information as may be required for the purpose of enabling you to consider the application.**

**3. I am not in a position to pay Court costs and costs of miscellaneous proceedings or engage a legal practitioner for me.**

**4. I pray that I may be granted Legal Aid/Advice.**

**5. I agree to reimburse the State Government all costs, charges and expenses incurred by the Committee in giving me legal aid if the Court passes a decree or order in my favour awarding costs to me or other monetary benefits or advantages or if I cease to be entitled to legal aid under this Scheme.**

**6. The above statements are true to the best of my personal knowledge and belief.**

Date :Place:Signature of Applicant.Recommended for grant of legal aid .....

Member-Secretary ..... Panel Counsel.For Office use only

(1) Nature of Advice ..... ..

(2) Eligibility for Legal Aid ..... .. Yes/No

(3) Legal Aid ..... .. Granted/Refused.

(4) Anticipated expenditure- ..... ..

- (i) Court Fees ..... ..
- (ii) Counsel Fee ..... ..
- (iii) Miscellaneous ..... ..
- (5) Documents received ..... ..
- (6) Lawyer appointed-
  - Name ..... ..
  - Address ..... ..
- (7) Final result ..... ..
- (8) Recovery of cost, if any ..... ..

Signature of Member-Secretary.[\* \* \*] [Forms 'B', 'C' and 'D' were deleted by G.N., L. & J.D., No. LAB-1084/(153)-XIV, dated 17th July, 1984, clause 18.][New sub-clause (2) was inserted by G. N., L. & J. D., No. LAB-1086/(65)-XIV, dated 10th July, 1986, clause 12.]