

# **The M.P. Legal Aid to Accused at State Expense Rules, 1976**

MADHYA PRADESH

India

## **The M.P. Legal Aid to Accused at State Expense Rules, 1976**

### **Rule**

### **THE-M-P-LEGAL-AID-TO-ACCUSED-AT-STATE-EXPENSE-RULES-1976 of 1976**

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The M.P. Legal Aid to Accused at State Expense Rules, 1976Published vide Notification No. 14860-3-2-3-74-304(2), published in the M.P. Rajpatra, Part 4 (Ga), dated 1-2-1980In exercise of the powers conferred by sub-section (2) of Section 304 of the Code of Criminal Procedure, 1973 (No. 2 of 1974), the High Court of Madhya Pradesh with the previous approval of the State Government, hereby makes the following rules, namely :-

#### **1. Short title.**

- These rules may be called the Madhya Pradesh Legal Aid to Accused at State Expense Rules, 1976.

#### **2. Definitions.**

- In these rules, unless the context otherwise requires,-(a)"Code" means the Code of Criminal Procedure, 1973 (No. 2 of 1974);(b)"Panel" means the Panel of Pleaders under Rule 3;(c)"Unrepresented accused" means an accused who is not represented by a pleader in a trial before a Court of Sessions and who according to the Court has no sufficient means to engage a pleader;(d)the words and expressions used herein but not defined shall have the meaning assigned to them in the Code.

#### **3. Mode of selection of pleader.**

(1)For the purpose of sub-section (1) of Section 304 of the Code, the Sessions Judge shall prepare a panel of pleaders every year in the month of December in the following manner :-(i)the Sessions

Judge shall by notice invite applications by such date as may be fixed by him in this behalf from the persons eligible under sub-rule (2);(ii)every application under clause (i) shall contain the willingness of the applicant to serve as a pleader in the trial under sub-section (1) of Section 304 of the Code on behalf of the unrepresented accused it required so to do on the scale of fee prescribed under Rule 5 and shall also be accompanied by the documents in support of his eligibility under sub-rule (2);(iii)the applications received under clause (i) by the date fixed therein shall be scrutinized by the Sessions Judge with a view to ascertain whether the applicants are eligible under sub-rule (2) or not and he shall prepare a final list of applicants eligible under the said sub-rule;(iv)the Sessions Judge shall thereafter in consultation with the President/Presidents of the District Bar Association/Associations in the sessions division, prepare a panel of such number of pleaders out of the final list prepared under clause (iii) as he may think sufficient for the purpose.(2)A person shall not be qualified for inclusion of his name in the panel unless he-(a)is a citizen of India;(b)(i)has, for at least five years, held a judicial office in the territory of India; or(ii)has, for at least five years, been a pleader, or(iii)has, an experience of at least five years as a pleader and judicial officer taken together.(3)The panel prepared under sub-rule (1) shall be in force for a period of one year commencing from the 1st day of January following and a copy thereof shall be furnished to the pleader included therein.

#### **4. Engagement of pleaders.**

(1)The Sessions Judge shall engage a pleader out of the panel to defend the unrepresented accused by rotation in such a manner that, as far as possible, every pleader including in the panel shall get a chance :Provided the looking to the nature of the case, under exceptional circumstances, if the Sessions Judge is of the opinion that it is desirable to assign a pleader of better caliber and experience and such pleader is not in the panel, he may engage such other pleader as he may think fit to defend the unrepresented accused.(2)In case any unrepresented accused takes an objection about a particular pleader being appointed from the panel and his objection, in the opinion of the Sessions Judge, is a reasonable one, then the Sessions Judge may nominate any one else from the panel for defending the unrepresented accused.(3)If in any trial before the Sessions Judge there are more than one accused and all of them have common interest, only one pleader shall be engaged for their defence.(4)If in any trial before the Sessions Judge there are more than one accused having conflicting interest, one pleader shall be engaged for each group of such persons having common interest.

#### **5. Fees.**

- The pleader engaged under Rule 4 shall be entitled to receive fee at the rate of Rs. 30 per day on which he appears in the trial and the rules governing the manner of payment of fees to public prosecutors shall be applicable for payment of fees under this rule :Provided that the pleader engaged under the proviso to sub-rule (1) of Rule 4 shall be entitled to receive fee at the rate of Rs. 40 per day on which he appears in the trial.

## **6. Facilities to pleaders.**

- The pleader engaged under Rule 4 shall-(i)be entitled to have free of cost a copy of the record that is supplied to the unrepresented accused whom he defends; and(ii)have a right to inspect the records of the Court free of cost pertaining to the trial for which he is engaged.