

Bihar Legal Aid to Accused Rules, 1974

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Rule BIHAR-LEGAL-AID-TO-ACCUSED-RULES-1974 of 1974

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1. Short title, applicability and commencement.

(1) These Rules may be called the Bihar Legal Aid to Accused Rules, 1974. (2) They shall apply to trials before the Court of Sessions. (3) They shall come into force at once.

2. Definitions.

- In these Rules:- (a) 'Court' means the Court of Sessions before which the trial is pending; (b) 'Code' means the Code of Criminal Procedure, 1973 (Act 2 of 1974); (c) 'Pleader' has the same meaning as is assigned to under clause (q) of Section 2 of the Code.

3. Mode of selecting pleader under sub-section (1) of Section 304 of the Code.

- The Sessions Judge shall prepare and maintain a panel of adequate number of pleaders who have practised as much for not less than seven years and who, in the opinion of the Sessions Judge, are fit to be assigned for the defence of an accused in a sessions trial. (2) The panel shall ordinarily be revised at the end of every three years and in revising the panel the Sessions Judge shall take into consideration the annual merit report on the work of the pleaders named in the panel, which will be submitted to the Sessions Judge by each court by the 15th of January every year. (3) The assignment of a pleader for the defence of an accused under subsection (1) of Section 304 of the Code shall be made from the panel maintained by the Sessions Judge under sub-rule (1).

4. Facilities to be allowed to such pleaders by the courts.

(1)A reasonable opportunity should be allowed to such pleader to prepare himself to conduct the defence.(2)In case the accused is in custody the pleader should be given facility, as far as may be practicable, to consult him in camera at the place where he is confined.(3)The pleader will be supplied running depositions of witnesses free of cost.(4)The Court will consider any other prayer which the pleader may make to enable him to conduct the defence.

5. Fees payable to such pleaders by Government.

(1)Save as provided in sub-rule (2), such pleader shall be paid for each day on which he conducts the defence a sum of Rs. 55.(2)If the pleader attends court on a day fixed for trial on which no hearing takes place, e.g., on a day on which the trial is adjourned, he will be entitled to only half the fee prescribed in sub-rule (1).Note. - No fee will be payable to the pleader for the day on which the case is adjourned mainly to suit the personal convenience of the pleader.(3)Every bill for payment of fee shall bear a requisite certificate of the Court that the pleader is entitled to the fee claimed.