

# **The Rajasthan Legal Assistance (Scheduled Castes and Scheduled Tribes) Rules, 1969**

RAJASTHAN

India

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### **Rule**

### **THE-RAJASTHAN-LEGAL-ASSISTANCE-SCHEDULED-CASTES-AND-TRIBES-RULES-1969**

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The Rajasthan Legal Assistance (Scheduled Castes and Scheduled Tribes) Rules, 1969 Published vide Notification No. 8(12) 1 (SW) 69-70, dated 22-1-1970, published in Rajasthan Gazette, Part 4-C, dated 5-2-1970, page 239 to 248 G.S.R. III - The Government of Rajasthan is hereby pleased to make the following rules for providing legal assistance to persons belonging to Scheduled Caste and Scheduled Tribes, namely:-

#### **1. Title.**

- These rules shall be called the Legal Assistance (Scheduled Castes and Scheduled Tribes) Rules, 1969 and will come into force from the date of their first publication in the Rajasthan Rajpatra.

#### **2. Definition.**

- (i) "Government" shall mean the Government of Rajasthan. (ii) "Director" shall mean the Director of Social Welfare Department, Rajasthan. (iii) "District probation & Social Welfare Officers", shall mean an officer of Social Welfare Department appointment for the welfare of Scheduled Castes and Scheduled Tribes and for probation work under probation of Offenders Act, 1958. (iv) "Pleader" shall mean a pleader engaged under Rules 7 & 17 of the Rules. (v) "Rules" shall mean Rules for Legal Assistance to the persons belonging to Scheduled Castes and Scheduled Tribes.

### **3. Eligibility for legal assistance.**

- The following are eligible for Legal Assistance:-(a)A person belonging to Scheduled Castes as specified in the First Schedule of these rules;(b)A person belonging to Scheduled Castes as specified in the Second Schedule of these rules:Provided that monthly gross income of any such person does not exceed Rs. 200/- p.m.

### **4. Cases in which legal assistance may be provided.**

- Legal assistance at the expenses of the Government may be provided in the following cases :-  
:(a)Civil or revenue cases including execution proceedings in which the applicant is a party against any one not included in Schedule I and Schedule II.(b)Criminal cases, in which the applicant is a complainant against any one not included in Scheduled I and II.(c)Criminal cases, in which the applicant is an accused against a person other than the State included in Schedule I and II.(d)Other proceedings before any court or public officer or arbitrator in which the applicant is a party and a pleader is permitted.

### **5. Application for legal assistance.**

- An applicant for legal assistance under these rules, shall make an application in form given in the Schedule III attached to these rules to the Distt. Probation and Social Welfare Officers of the District.

### **6. Disposal of application.**

- (i) The Distt. Probation and Social Welfare Officers, on receipt of an application after a summary enquiry to be finished within 16 days, shall pass orders on the application. The application shall not be granted unless he satisfies himself about the following:-(a)The eligibility of the applicant under rule 3:(b)Whether the case is covered by rule 4;(c)Whether the case of applicant to be put before the court is prima facie a just one;(d)Whether the applicant's financial position is such that he deserves assistance from the State funds; and(e)Whether the facts mentioned in the application are correct.(ii)If the application for grant of legal assistance is not granted, the copy of the order of rejection shall be furnished to the applicant within 15 days from the date of such order.(iii)If an application is rejected under Rule (6) (i) the applicant may appeal against such rejection to the Collector who shall pass such order as he thinks fit under the rules. Such an application shall be submitted within one month from the date of communication of the order of the Distt. Probation and Social Welfare Officer.(iv)The applicant shall be entitled to get, on demand a copy of the order of rejection under rule (6) (i) free of cost from the Distt. Probation and Social Welfare Officer.

### **7. Appointment of Pleader.**

- If the application is granted, the Distt. Probation and Social Welfare Officer shall send a copy of his order (in the proforma as it. Schedule V attached to these rules) to the pleader to be appointed by

him with the approval of the Collector and District Magistrate concerned at the earliest for each particulars case. Where a pleader is appointed by Government under Rule 16 the Distt. Probation and Social Welfare Officers will send the copy of an order free of cost.

## **8. Engagements of Pleaders.**

(a)Pleaders, for appearing on behalf of a person receiving assistance under these rules shall ordinarily be members of Bar with a standing of atleast 5 years at the Bar.(b)A list of such pleaders practising at the Tehsil, Sub - division and District headquarters should be maintained by the District Probation and Social Welfare Officer.(c)A pleader engaged under these rules separately for each case shall submit monthly information showing progress of the cases to the Distt. Probation and Social Welfare Officer. Services of a pleader will be discontinued if his work is not found satisfactory or if he is found guilty of professional misconduct.

## **9. Fees of Pleaders.**

- The fee, to be paid by the Government to the pleader to whom a case is allotted under these rules, shall be the legal taxable fee in civil cases and fees, in cases other than civil proceedings, shall be as fixed by the Collector and District Magistrate subject to the maximum of Rs. 100/- per case. The Collector may in civil cases as well as in criminal cases, fix a higher fee than legal taxable fee for special reasons to be recorded in writing with the approval of the Government.

## **10. Travelling expenses.**

- A pleader who has to proceed to a place other than his place of practice for the conduct of a case under these rules, shall be entitled to T.A. and D.A., at the rates as are admissible to a Government servant drawing pay upto Rs. 1000/- p.m.

## **11. Incidental expenses.**

- Expenses, incurred by or on behalf of the applicant to whom the State has agreed to give legal assistance under these rules, shall be payable by the State Government, if they are exclusively incurred in connection with the litigation in question on account of Court fees, plaint, vakalatnama, applications, memorandum of appeal and similar papers to be filed in courts.

## **12. Conduct of appeals.**

(a)The pleader, engaged to conduct the case shall be expected to appear, if necessary, in the court of first appeal without additional remuneration. But nothing in this rule shall be regarded as requiring him to appear before the High Court.(b)No legal assistance for appeals shall be given unless Law Department agrees to the appeal being preferred or considers a pending appeal worth contesting.

### **13. Agreement to be executed by person assisted.**

- (i) A person, whose application for legal assistance has been granted, shall be required by the Distt. Probation and Social Welfare Officer to execute an agreement in form given in Schedule VI to these rules, to the effect that :-(a)If he receives any sum whether as costs, damages otherwise or any property under the decree or orders of the court in the proceedings in respect of which he is to receive assistance as aforesaid, he shall repay to the Government the expenses incurred by the Government by way of assistance including engagement of pleader and other incidental expenses incurred under rule 11 not exceeding the sum of value of the property received under the decree or order.(b)If the grant of assistance is cancelled under rule 14 he shall repay the whole of the expenses incurred by the Government.(c)If the person receiving legal assistance refuses or fails to repay the money mentioned in sub-paras (a) and (b) above, it shall be recoverable under the Rajasthan Public Demands Recovery Act, 1952.(ii)The pleader appointed to appear for such persons should pay the stamps duty leviable in respect of the agreement and include the amount thereof in the bill of fees and other expenses submitted by him under rule 15.

### **14. Cancellation of assistance.**

(a)The Distt. Probation and Social Welfare Officer may cancel the grant of assistance under these rules to any persons, if after giving such person an opportunity of hearing he is satisfied that such person:-(i)has within two months before he asked for legal assistance, disposed of any property fraudulently or in order to be able to seek assistance; or(ii)has entered into an agreement with reference to the subject matter of suit under which any other person has obtained an interest in such subject matter, or(iii)does not take any active interest in the proceedings or does not prosecute them with due diligence, or(iv)has made a compromise on the subject matter out of court without consulting the Social Welfare Department.(b)A cancellation of assistance under sub-rule (a) shall forthwith be communicated to the pleader concerned and no further expenses to be incurred by him (whether as T.A. or as money paid for the court fees) or by the State Government provided that no order under this section shall be made without notice to the party concerned.Note:- (1) The fees paid by the State to the pleader will be recovered from the party under rule 13.(2)A copy of every order of cancellation under this rule should be sent to the collector.(c)If the grant of assistance is cancelled under rule 14 (a) the applicant may appeal against such cancellation to the Collector who may pass such orders as he thinks fit under the rules. Such an application shall be submitted within one month from the date of communication of the order of the District Probation and Social Welfare Officer.

### **15. Payment of bill.**

(a)A pleader engaged under rule 7 shall send his bill to the Distt. Probation and Social Welfare Officer showing separately the following:-(i)Date of decision and result of the case.(ii)Fees settled under rule 9 (in case of legal taxable fees, a memo of costs to be obtained from the court should be attached. A copy of the order of the Distt. Probation and Social Welfare Officer order under rule 7 should be attached in all cases).(iii)Travelling expenses claimed under rule 10, a memo by the pleader about the dates of journeys and days of halt and the details of the expenses duly

countersigned by the authorities who ask him to undertake the journey will be sufficient. It will not be necessary to prepare T.A. bill in the form prescribed for Government Servants.(iv)Incidental expenses claimed under rule 11a memo signed by the pleader specifying the kind of document filed and fee paid thereon will be sufficient.(v)In special cases the Collector may sanction payment of fees in advance that should not be more than 40% of the total fee to the pleader on the recommendation of the Distt. Probation and Social Welfare Officer.(b)Separate bill will be prepared by the pleader for each case and presented to the Distt. Probation and Social Welfare Officer who will draw the money from the Treasury concerned from time for making payment of such bills which are to be appropriated under Heads of grants allotted for this purpose.(c)The detailed accounts of expenditure incurred under these rules will be counted for by the Drawing and Disbursing Officer concerned.(d)The Drawing and Disbursing Officer shall send to the Director of Social Welfare Department on 1st of July, October, June and April of each year a statement showing separately for:-(a)Civil cases.(b)Revenue cases.(c)Criminal cases, and(d)Miscellaneous cases.

## **16. Pleaders appointed on monthly remuneration.**

- Government may appoint pleaders to act and plead under these rules on a monthly remuneration for a particular area for a particular court. In cash cases the Distt. Probation and Social Welfare Officer should send a copy of his order under rule 7 to such pleaders. In respect of matters other than monthly remuneration, such pleaders will be governed by these rules and shall be entitled to T.A. & incidental expenditure etc. in accordance with rule 10 and 11 respectively.

## **17. Legal assistance in pending cases.**

- Legal assistance admissible under these rules may be granted even in cases pending during the current financial year in respect of which the applicant satisfies the Collector through the Distt. Probation and Social Welfare Officer or otherwise that he has incurred expenditure in condition therewith and has had no time for or was unable for other valid reasons from making an application before the commencement of the case.

## **18.**

These rules will supersede the rules issued vide Notification No. F. 10(7)(35) PI. SW/58, dated 19-12-56 for providing Legal Assistance to persons belonging to Scheduled Castes and Scheduled Tribes.

## **19.**

Cases of Legal Assistance sanctioned under these rules will continue to be governed by them until their final disposal.

I

List of Scheduled Castes I. Throughout the State except Ajmer District, Abu Area of Sirohi District and Sunel Area of Jhalawar District :-

- |                           |  |
|---------------------------|--|
| 1. Adi Dharmi             | 2. Aberi   |
| 3. Badi                   | 4. Bagri   |
| 5. Bairwa or Berwa        | 6. Raigar  |
| 7. Balai                  | 8. Bansphor  |
| 9. Bagri, Vargi or Birgi  | 10. Bawaria  |
| 11. Bedia or Beria        | 12. Bhand  |
| 13. Bhangi                | 14. Bisakia  |
| 15. Bola                  | 16. Chamar, Bhambhi, Jatav, Jatia, Mochi, Raidass, Raigarh or Ramdasia |
| 17. Chandial              | 18. Chura  |
| 19. Dabgar                | 20. Dhandia  |
| 21. Dheda                 | 22. Dome   |
| 23. Gandia                | 24. Garancha Mehtar or Gencha  |
| 25. Garo, Garura or Gurda | 26. Gavardia   |
| 27. Godhi                 | 28. Jingar   |
| 29. Kalbelia              | 30. Kamad of Kamadia   |
| 31. Kanjar                | 32. Capadia Sansi  |
| 33. Khengar               | 34. Koli or Kori   |
| 35. Khatik                | 36. Kooch Band   |
| 37. Koria                 | 38. Kanjar   |
| 39. Madari or Bazigar     | 40. Majhabhi   |
| 41. Megh or Meghwal       | 42. Mehar  |
| 43. Mehtar                | 44. Nut  |
| 45. Pasi                  | 46. Rawal  |
| 47. Salvi                 | 48. Sansi  |
| 49. Santia                | 50. Sarbhangi  |
| 51. Sargara               | 52. Singiwala  |
| 53. Thori or Nayak        | 54. Tigar  |
| 55. Valmiki               |  |

II In Ajmer District

- |             |          |
|-------------|----------|
| 1. Aheri    | 2. Bagri |
| 3. Balal    | 4. Bambi |
| 5. Bansphod | 6. Baori |

- |  |                 |
|--|-----------------|
| 7. Bargi                                   | 8. Bazigar      |
| 9. Bhangi                                  | 10. Bidakia     |
| 11. Chamar, Jatava, Jatia, Mochi or Raigar | 12. Dohgar      |
| 13. Dhanak                                 | 14. Dhed        |
| 15. Dhobi                                  | 16. Dholi       |
| 17. Dom                                    | 18. Gerodo      |
| 19. Gancha                                 | 20. Kabirpanthi |
| 21. Kalbelia                               | 22. Kangar      |
| 23. Khatik                                 | 24. Koli        |
| 25. Koria                                  | 26. Kuchband    |
| 27. Mahar                                  | 28. Meghwal     |
| 29. Nat                                    | 30. Pasi        |
| 31. Rawal                                  | 32. Sarbhangi   |
| 33. Sargara                                | 34. Satia       |
| 35. Thori                                  | 36. tigar       |
| 37. Kanjar                                 | 38. Sansi       |

III. In Abu Area of Sirohi District

**1. Ager**

**2. Bakad or Bant**

**3. Bhambi, Bhambhi, Asadaru, Asodi, Chamadia, Chamar, Chambhar, Chamgar, Huralayya, Harali, Khalpa, Machigar, Madar, Madig, Telegu, Moohi, Kamati, Mochi, Bhigar, Rohidas, Rohiot, or Ramgar.**

**4. Bhargi, Mehtar, Olgama, Rukhi, Malkana, Halakbor.**

**5. Chalvadi or Channayya**

**6. Chenna, Dasar or Holaya Desar**

**7. Dhor, Kakkayya or kankayya**

**8. Garoda**

**9. Halloor**

**10. Holder or Valhar**

**11. Halsar, Heslar, Hulasvar**

**12. Holaya or Holor**

**13. Lingadar**

**14. Mahar, Tarad or Dhegu Negu**

**15. Mahyavanshi, Dhed, Vankar or**

**16. Mang, Matang or Minimadig**

**17. Mang-Carudi**

**18. Meghval or Meghavar**

**19. Mukri**

**20. Nadia or Hadi**

**21. Pasi**

**22. Shenuva. Chenva, Sedma or Ravat**

**23. Tirgar or Terbanda**

**24. Turi**

**IV. In sunnel Area of Jhalawar District.**

- |                                  |                     |
|----------------------------------|---------------------|
| 1. Bagri or Hagdi                | 2. Balai            |
| 3. Banchada                      | 4. Barahar or Basod |
| 5. Barghunda                     | 6. Bodia            |
| 7. Bhangi or Mehtar              | 8. Bhanumati        |
| 9. Chamar, Bairwa, Bhami, Jatava | 10. Chidar          |
| 11. Dhanuk                       | 12. Dhed            |



- |                              |                  |
|------------------------------|------------------|
| 13. Dom                      | 14. Kanjar       |
| 15. Khatik                   | 16. Koli or kori |
| 17. Kotwal                   | 18. Mahar        |
| 19. Mang or Mang Garodi      | 20. Meghwal      |
| 21. Nat, Kalbelia, or Sapera | 22. Pardhi       |
| 23. Pasi                     | 24. sansi        |
| 25. Zamral                   |                  |

## **II**

List of Scheduled Tribes I. Throughout the State except Ajmer District, Abu Area of Sirohi District and Sunel Area of Jhalawar District.

### **1. Bhil**

### **2. Bhil Mina**

### **3. Damor, Damaria**

### **4. Garasia (excluding Rajput Garasia)**

### **5. Mina**

### **6. Sehria, Sahariya**

II Ajmer District

### **1. Bhil**

### **2. Bhil Mina**

III. In Abu Area of Sirohi District

### **1. Barda**

### **2. Bavadhea or Bamchea or Bamcha**

### **3. Bhil including Bhil Garasia, Dholi Bhil, Dungari Garasia, Mawasi, Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala,, Pawara Vasva and Vasva**

**4. Ghodhara**

**5. Dhanka including Tadvī, Tetaria and Valvi**

**6. Dhodia**

**7. Dubla including Talavia or Halpati**

**8. Gamit or Gamta or Gavit including Marchi, Tadvī, Vasava, Vasva and Valvi**

**9. Gond or Rajgond**

**10. Kathodi or Kathati including Dhor Kathodia or bor Khathari and Soa Kathodi or Son Kathari**

**11. Kakna, Kokni**

**12. Koli, Dhor, Tokpe Koli, Kolcha or Kolgha**

**13. Naikda or Nayaka including Cholivala Nayaka, Kapadia Nayaka, Meta Nayaka and Nana Nayaka.**

**14. Pardhi including Advichinchor and Pnanse Pa rdhi**

**15. Patelia**

**16. Pomla**

**17. Ratnawa**

**18. Varli**

**19. Vitolia, Kotwalia or Barodia**

**IV. In Sunel Area of Jhalawar District**

**1. Gond**

## 2. Korku

## 3. Seharia

### d III

Application form for the Grant of Legal Assistance To, The District Probation and Social Welfare Officer, ..... Sir, I ..... son of of the village ..... Tehsil ..... District ..... submit the following for your consideration and grant of legal assistance. (1) I am a party as ..... (Accused/ Complainant/ Plaintiff/ Respondent) in ..... case No. and year). I, desire to file against ..... in the court of ..... (Name and place of the Court). (2) I am not a party against the State or the member of Scheduled Castes and Scheduled Tribes. (3) The grounds for application/ appeal/ petition/ complaint/ defence are given in the Statement appended with this application (give full particulars of the case). (4) I am a member of the Scheduled Castes/Tribes. The certificate to this effect is enclosed. (5) I own the following property:-(a) House ..... (give number) (i) Pucca, (ii) Kuchcha. Situated at ..... (b) land in acres, (i) Irrigated (ii) Un-irrigated. Situated at ..... (c) Cattle and Sheep. (d) Other property (if any). (6) The total annual income from all the sources to Rs. .... per annum (Enclosed a certificate to this effect duly signed by Tehsildar). (7) I have to support the following (Give details regarding the relations of persons to be supported). (8) I have no means to incur expenditure of the case and do hereby apply for legal assistance. The legal assistance may kindly be granted to me as admissible under the rules. Signature, The above is a true statement of fact.

### IV

### for scrutiny report

I have made necessary verification and enquiries as required under the rules and submit the following report:-

- 1. The applicant, Shri ..... S/o ..... is by caste, which is included in the list of Scheduled Castes/ Scheduled Tribes given in Schedule I/ Schedule II.**
- 2. The case of the applicant is covered under rule 4. The brief particulars of the case are as under: -**
- 3. The case of the applicant to be put before the court/pending before the court is prima facie a just one.**

**4. The applicant's financial position is such that he deserves assistance from the State funds. I have verified his financial position from the following documents: -**

**5. Other particulars of the case are as under-**

I enclose herewith an original application submitted by the applicant and recommend that applicant may be/ may not be granted financial assistance under rules for legal assistance. Signature and Designation of the following Officer

**V**

Order of Sanction Office Order Sanction is hereby accorded for appointment of Shri ..... a Pleader to appear in the court of ..... and plead the case of Shri ..... S/o ..... R/o Village ..... Tehsil ..... District ..... accused/ petitioner under section ..... Shri ..... shall execute an agreement in form given in Schedule VI to the rules for legal assistance for Scheduled Castes/ Scheduled Tribes within 15 days from the receipt of this order and shall furnish the same to ..... Shri ..... pleader, appointed to appear for the applicant mentioned to above shall pay the stamp duty leviable in respect of the agreement and include the amount thereon in the bill of fees and other expenses to be submitted by him under rule 13. Shri ..... pleader, shall furnish the progress report of the case of the every month to this office. Distt. Probation and Social Welfare Officer.

**VI**

An Agreement made the ..... day of ..... 19... between the Governor of the State of Rajasthan (hereinafter called "the Government") of the one part and son of..belonging to Scheduled Castes/ Tribes resident of ..... (hereinafter called "the litigant" which expression shall include his heirs, legal representative and assignee) of the second part; Whereas the litigant has been advised to file ..... against ..... in the court of ..... at for the vindication of his rights; \*Whereas the litigant is a party as ..... in the case ..... vs ..... in the court of at and has a right and just cause to pursue in the courts of law; Whereas the litigant as no means to pursue and bear the expenses of litigation; Whereas the Government upon application of the litigant has agreed to grant the litigant legal assistance under and in accordance with the Legal Assistance (Scheduled Castes and Tribes) Rules, 1969, as amended from time to time, upon the conditions and consideration hereinafter appearing; Witnesseth 1. In consideration of the Government bearing the expenses of litigation under and in accordance with the aforesaid rules the litigant does hereby agree with the Government that if he received any money by way of costs, damages, or otherwise or any property, under a decree or order of the court or officer in the aforesaid litigation proceedings in respect of which assistance will be given to them by the Government in accordance with the said rules, he shall pay to the Government the expenses incurred by the Government by way of such assistance including engagement of pleader and other incidental expenses under and in accordance with the said rules, not exceeding the money or value of the property so received.

**2. It is further agreed between the parties hereto that the District Probation & Social Welfare Officer ..... Shall be entitled to cancel the grant of assistance at any time hereafter giving the litigant an opportunity of hearing, if it is discovered that :-**

(i)the litigant had, within two months before he applied for legal assistance disposed of any property fraudulently or in order to be able to seek assistance, or(ii)has entered into an agreement with reference to the subject matter of the aforesaid litigation under which any other person has obtained an interest in such subject matter; or(iii)does not take an active interest in the aforesaid proceeding or does not prosecute the same with the due diligence; or(iv)has made a compromise on the subject matter of the said litigation out of the court without the consent of the District Probation & Social Welfare Officer.And if the said Distt. Probation & Social Welfare Officer cancels the grant of such assistance the amount of the expenses incurred till then, shall forthwith be paid by the litigant to the Government, in case he fails to submit an application of appeal against such cancellation to the Collector within one month from the date of communication of the order of Distt. Probation & Social Welfare Officer.If the litigant fails to make payment as required in virtue of clause 1 and 2 contained above, the money spent towards legal Assistance by the Government shall be recovered as arrear of Public Demand under the Rajasthan Public Demands Recovery Act, 1952.In Witness Whereof the parties hereto have appended their signatures on the day and year first above written.

Signed

For and on behalf of the Government of the State of Rajasthan.

in the presence of -

Witness ..... (1)

Witness ..... (2)

Signed by the Litigant.

Witness ..... (1)

Witness ..... (2)