

The Defence Pleaders (Appointment and Fees) Rules, 1976

MIZORAM

India

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Rule

THE-DEFENCE-PLEADERS-APPOINTMENT-AND-FEES-RULES-1976 of 1976

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The Defence Pleaders (Appointment and Fees) Rules, 1976Published vide Notification No. HC 11-2/74/5109/RC, dated the 19th May, 1977 in the Assam Gazette, Part 2B, pages 1883-85, dated 1-6-1977Last Updated 19th February, 2020No. HC XI-2/74/5109/RC, dated the 19th May, 1977. - In exercise of the powers conferred under sub-section (2) of Section 304, Cr.P.C., 1973, the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura) with the previous approval of the State Government, is pleased to make the following Rules:

1.

These Rules may be called "The Defence Pleaders (Appointment and Fees) Rules, 1976".(a)These Rules shall extend to the State of Assam, Nagaland, Meghalaya, Manipur and Tripura and also to the Union Territories of Mizoram and Arunachal Pradesh.(b)These Rules shall come into force from the date of publication thereof in the official Gazette of the respective States and the Union Territories concerned.

2.

(1)The Sessions Judge shall prepare a panel of names of Defence Pleaders from amongst the Advocates of not less than five years' standing at the Bar from the District Bar Association for the District Headquarters and from Sub-Divisional Bar Association for the Sub-Divisional Headquarters, as the case may be, in consultation with the President (in his absence, the Vice-President) and the Secretary of such Bar Association.(2)A copy of the panel of names of defence pleaders so prepared shall be sent to the High Court as well as to the State Governments concerned.(3)The panel once constituted shall continue for a period of three years unless earlier

cancelled by the Sessions Judge for reasons to be recorded: Provided that the number of defence pleaders in the panel so prepared may be increased subsequently by the Sessions Judge if he finds it necessary, following the same procedure as laid in sub-rule (1).

3.

The Court of Sessions shall assign a pleader from such panel at the expense of the State to defend the accused in a case where the accused is not represented by a pleader and where it appears to the Court that the accused has not sufficient means to engage a pleader: Provided that the assignment of a defence pleader shall be made at least two weeks ahead of the date of hearing of the case and a complete brief of the case shall be supplied to the defence pleader along with the order of appointment.

4.

In a case where there are more than one accused and if, in the opinion of the Court, the accused persons have conflicting defence, the Court may appoint more than one defence pleader for defence of each or each group of such accused persons recording reasons therefor.

5.

A defence pleader shall be entitled to such daily fees as may be admissible to a Public Prosecutor of the State concerned but not less than Rs. 40.00 per day, or, where the Public Prosecutor is paid a specified monthly remuneration in lieu of daily fees, to such daily fees as may be fixed by the Government which shall not be less than Rs. 40.00 per day.

6.

All appointments of defence pleaders under Rule 3 by any Court of Session shall be intimated to the Legal Remembrancer of the State Government concerned.

7.

(1) The bill of the defence pleader for conducting a case shall be submitted to the Legal Remembrancer/Law Secretary to the State Government concerned in triplicate and the Bill shall be submitted only after a case has been finally disposed of. (2) Each bill shall be accompanied by a certificate granted by the Court in which the relevant case is conducted to the following effect, namely: "Certified that the date and hours as mentioned in the bill are correct". (3) Besides, the above particulars each bill shall contain reference to the order of appointment, the nature of work done and the nature of disposal of the case and it shall be duly signed by the pleader concerned.