

APPENDIX-8

INDIGENT PERSON PLEADER (APPOINTMENT AND FEES)
RULES, 1981

Notification No. HC.XI-1/77/17486/R.C., dated 1st October, 1985.— In exercise of the powers conferred by sub-R.(2) of R.9-A of Order 33 of the Code of Civil Procedure, 1908, as amended, the Gauhati High Court (The High Court of Assam, Nagaland, Meghalaya, Manipur, and Tripura) with the previous approval of the concerned Governments of the States and Union Territories is pleased to make the following rules for regulating the appointments of pleader to represent indigent persons in civil suits, namely:

1. Short title, extent and commencement— (1) These rules may be called the Indigent Person Pleader (Appointment and fees) Rules, 1981.

(2) These rules shall extend to the States of Assam, Nagaland, Meghalaya, Manipur and Tripura and also to the Union Territories of Arunachal Pradesh and Mizoram.

(3) These rules shall come into force from the date of publication thereof in the official Gazette of the concerned State or Union Territory.

2. Definitions.— In these rules, unless the context otherwise requires-

(1) 'Code' means the Code of Civil Procedure, 1908 as amended from time to time.

(2) 'High Court' means the Gauhati High Court (The High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura).

(3) 'List' means the list of pleaders prepared and maintained by the District Judge.

(4) 'Pleader' means any person whose name is entered as such in the register maintained by the concerned District Judge and include any person whose name is entered on the rolls of the Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura, maintained under the Advocate's Act, 1961, and the rules framed thereunder.

3. Assignment of a pleader for an indigent person.— (1) Where a person who is permitted by a court to sue as an indigent person under sub-R.(3) of R.7 of Order XXXIII of the Code is not represented by a pleader the Presiding Officer of the Court, shall, if the circumstances of the case so require, assign a pleader to him from the list.

(2) Before doing so, the court shall endeavour in the first instance to select a suitable pleader from the part of the list which comprises the names of pleaders, if any, willing to appear for undefended indigent persons without charging any

fee.

4. Preparation of list.— (1) The District Judge of the area concerned shall prepare and maintain a list of at least 10 (ten) suitable pleaders willing to appear for the undefended indigent person at the State expenses or without charging any fee. This would be done separately for district headquarters and sub-divisional headquarters and in consultation with the President and Secretary of the respective Bar Associations.

(2) The list to be prepared shall be in two parts. The first part of the list shall contain the names of suitable pleaders who offer themselves to appear for the undefended indigent person without charging any fee. The second part shall contain the names of such pleaders as are willing to appear for the undefended indigent persons at State expenses.

(3) A pleader with the standing not less than seven (7) years at the bar shall be eligible for being brought on the list.

(4) The list once prepared shall continue for a period of three years unless earlier cancelled by the District Judge for reasons to be recorded.

(5) A copy of the list so prepared shall be sent to the High Court as well as to the Government concerned.

(6) The list shall contain the following details:

- (a) Name of the pleader;
- (b) Date of birth;
- (c) Educational qualification;
- (d) Date of enrolment at the Bar;
- (e) Length of actual practice.

(7) The District Judge or the High Court may strike off the name of any pleader from the list, for reasons to be recorded, and after giving the pleader a reasonable notice in this regard.

5. Facilities to the pleaders selected from the list.— (1) Where a pleader is assigned to represent an indigent person, the court shall allow a period of at least seven days to the pleader to prepare the brief and shall adjourn the hearing for that purpose.

(2) The court shall allow, free of cost, inspection of the records of the case by the pleader so assigned.

(3) In a case where there are more than one parties, all indigent, and if in the opinion of the court the parties have conflicting defence the court may appoint more than one pleader for each group of such persons recording reasons therefor.

6. Scale of fees.— (1) A pleader so appointed shall be entitled to such fees as are admissible to a Government Pleader of the State or Union Territory.

(2) In special cases, the District Judge may recommend an amount higher than the scale prescribed for Government Pleaders.

(3) The bill of the pleader for conducting the case shall be submitted to the Legal Remembrancer/Law Secretary/Legislative Secretary of the State/Union Territory concerned, who may be dealing with the subject of legal-aid in that State/Union Territory.

(4) The bill shall be in triplicate and shall be submitted only after the case has been finally disposed of;

Provided that if a pleader assigned to represent an indigent person is required to retire at any time before the final disposal of the case, such pleader shall be entitled to such fees as may be finalised by the authority concerned in consultation with the District Judge.

(5) Each bill shall be accompanied by certificate granted by the court in which the case was conducted.

(6) each bill shall contain reference to the order of appointment, the nature of the work done, and the nature of disposal of the case.

(7) The pleader shall submit his bill to the District Judge within one month of the disposal of the case.

7. In those areas of the States and Union Territories named in R. 1 where there be no District Judge to exercise jurisdiction, the power conferred on the District Judge by these rules be exercised by the Deputy Commissioner of the area concerned.

(This could be taken care of by defining 'District Judge' accordingly).
