

**The Legal Aid to the Indigent Persons (Punjab Haryana & Chandigarh Administration) Rules, 1981**

**No. G.S.R. 46/C.A. 5/8/R 9-A/Order XXXIII and Const/Art. 227/81.-**

In exercise of the powers conferred by sub-rule (2) of rule 9-A of order XXXIII of the Code of Civil Procedure, 1908, as amended, Article 227 of the Constitution of India and all other powers enabling it in this behalf, the High Court of Punjab and Haryana, with previous approval of the State Governments of Punjab and Haryana and the Chandigarh Administration, makes the following rules for regulating the appointments of pleaders to represent indigent persons in Civil suits, namely:-

**PART I**

**1. Short Title and Commencement.**- (1) These rules may be called the Legal Aid to the Indigent Persons (Punjab Haryana & Chandigarh Admn.) Rules, 1981.

(2) These rules shall come into force from the date of their publication in the official Gazettes.

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

- (a) 'High Court' means the High Court of Punjab and Haryana at Chandigarh;
- (b) 'Pleader' includes any person whose name is entered on the rolls of the Bar Council of Punjab and Haryana maintained under the 'Advocates' Act, 1961 and the rules framed thereunder;
- (c) 'List' means the list of advocates prepared and maintained by the District Judge separately for each sub-division of the District under these rules, willing to appear for the undefended indigent persons in civil suits at State expenses or free of charge;
- (d) 'Code' means the Code of Civil Procedure, 1908, as amended from time to time.

**PART II**

**3. Assignment of advocates for indigent persons.** - (1) Where a person, who is permitted by a Court to sue as an indigent person under sub-rule (3) of rule 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) In any case where it is decided to assign a pleader under sub-rule (1) the Court shall endeavour in the first instance to select a suitable advocate from that part of the list which comprises the names of advocates, if any, willing to appear for undefended indigent persons without charging any fee.

**PART III**

**4. Preparation of List.** - (1) The District Judge shall prepare and maintain a list of 5 to 15 suitable advocates willing to appear for the undefended indigent persons at the State expense or without charging any fee separately for each sub-division of the district in relation to which he exercises jurisdiction, after consultation with the seniormost judicial officer for the time being posted at the headquarters of each such sub-division and the President of the Bar Association of that place.

(2) The list to be prepared and maintained under sub-rule (1) shall be in two parts. The first part of the list shall contain the names of suitable advocates who offer themselves to appear for the undefended indigent persons without charging any fee and part two thereof shall have the names of such advocates as are willing to appear for such persons at State expense and are selected for the purpose.

(3) An advocate with a standing of not less than five years at the Bar shall be eligible for being brought on the list under sub-rule (1). The District Judge shall, so far as may be persuade competent senior lawyers to enlist themselves for representing indigent persons without charging any fee.

(4) The District Judge shall revise the list in the month of December in each year.

(5) The District Judge, shall in the month of January in each year, communicate the names of the advocates on the list maintained for each sub-division of his District(s) to the High Court in the following form :-

(1) Name of the Advocate.

(2) Date of birth.

(3) Qualification: University degrees, Distinctions earned in Law (If any)

(4) Date of enrolment at the Bar.

(5) Place of practice.

(6) Length of actual practice.

(7) General reputation and standing at the Bar.

(8) The Registrar shall cause the names on the list for each district to be entered separately in a Register.

(9) The District Judge or the High Court may strike off the name of any advocate from the list without assigning any reason.

**PART IV**

**5. Facilities to advocates select from the list.** - (1) Where an advocate is assigned to represent indigent persons at State expense or otherwise, the Court shall allow a period of atleast seven days to be advocate to prepare the brief and shall adjourn the hearing of the case for that purpose.

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

### PART V

**6. Scale of fees.** - (1) The Ordinary fee payable to an advocate assigned to represent an indigent person at State expense shall not be less than Rs. 50 and not more than Rs. 300 for the entire case, at the discretion of the presiding officer of the Court.

(2) In special cases the District Judge may add any reasonable amount not exceeding Rs. 100 to the ordinary fee allowed by sub-rule (1) with the prior approval of the High Court.

(3) No fee shall be payable for the day on which the case is adjourned without any proceeding being taken by the Court, except at the first hearing of the case:

Providing that if an advocate assigned to represent an indigent person is required to retire at any time after the engagement of an advocate by the indigent person at his own expense, he shall be entitled to get a fee of Rs. 50 as compensation.

**7. Maintenance of Diary by Advocates engaged at State expense.** - An advocate engaged to represent an indigent person in any Court subordinate to the High Court at State expense shall, at the conclusion of each day of hearing in the case, prepare and submit for counter signatures by the Presiding Officer of the Court a diary containing following details fully set out :--

Date	The name and title of the case	Name of the party represented	Duration of hearing	Work done	Signature of the Presiding Officer	Remarks

**8. Payment of fees.**- (1) The District Judge shall be the Controlling Officer for the payment and audit of all fees due to Advocates engaged to represent indigent persons in Courts subordinate to the High Court.

(2) The Advocates shall submit their bills to the District Judge within one month of the disposal of the case by the Court.

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<sup>1</sup>[Rules regarding Legal Assistance to persons charged with Capital Offences in the High Court].- **Repealed**

<sup>2</sup>[High Court of Punjab and Haryana Legal Aid to Accused Rules, 1981 inserted vide GSR No.45/Const/Art/225/81 dated 07.05.1981].- **Repealed**

<sup>3</sup>[The High Court of Punjab and Haryana, Appointment of Amicus Curiae Advocate Rules, 2007 inserted vide Correction Slip no. 121 Rules/II.D4 dated 31.10.2007]. - **Repealed**

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1. Repealed vide rule 9 of the High Court of Punjab and Haryana, Legal Aid to Accused Rules, 1981.

2. Repealed vide correction slip No.131/Rules/II.D.4., dated 29.10.2009.

3. Repealed vide correction slip NO.155/Rules/II.D4., dated 21.08.2012.