

Vol. III.

Ch. 24-C.

Chapter 24 Part-C**Legal Aid to Accused (Haryana) Rules, 1981**

High Court of Punjab and Haryana at Chandigarh

21st February, 1981

No. 25 G.S.R.25/C.A.2/1974/S.304(2)/81.—In exercise of the powers conferred by sub-section (2) of section 304 of the Code of Criminal Procedure, 1973 (Act No.2 of 1974) and Article 227 of the Constitution of India, and all other powers enabling it in this behalf, the High Court of Punjab and Haryana, with the previous approval of the State Government of Haryana makes the following rules for regulating the appointment of pleaders to defend the accused in trials before Courts of Session in the State of Haryana, at the expense of the State, namely:-

PART-I

1. (1) **Short title and commencement.**—These rules may be called the Legal Aid to Accused (Haryana) Rules, 1981.

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

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

- (a) **'High Court'** means the High Court of Punjab and Haryana at Chandigarh.
- (b) **'Advocate'** means a person enrolled under the Advocates' Act, 1961, and entitled as of right to practice in the Courts subordinate to the High Court.
- (c) **'List'** means the list of Advocates prepared and maintained by the Sessions Judge of each sessions division under these rules, willing to appear for the undefended accused in trials before Courts of Sessions.
- (d) **'Code'** means the Code of Criminal Procedure, 1973.

PART-II

3. **Report of the Committing Magistrate.**—When in a case instituted on a police report or otherwise, the accused is committed to the Court of Sessions for trial under section 209 of the Code, the Magistrate shall simultaneously forward a report to the Sessions Judge whether the accused was represented by a pleader in the proceedings before him, and whether the accused has sufficient means to engage a pleader for his defence.

4. **Assignment of Advocates for defence.**—When the accused appears or is brought before the Court of Session in pursuance of the commitment of the case under section 209 of the Code and he is not represented by a pleader, the Judge shall assign from the list an Advocate for his defence at the expense of the State, if he is satisfied on the basis of the report of the Magistrate and such further inquiry as he may deem fit that the accused has not sufficient means to engage a pleader:

Provided where an accused is charged with the commission of an offence punishable with death or imprisonment for life and he is unrepresented, the Judge shall assign from the list an Advocate of at least seven years' standing at the Bar at State expense for his defence, irrespective of the fact whether the accused has sufficient means to engage a pleader.

PART-III

5. (1) **Preparation of list.**—The Sessions Judge of each Sessions Division shall, after consultation with the Additional Session Judge(s), if any, and President of district Bar Association, prepare and maintain a list of 5 to 15 suitable Advocates willing to appear for the undefended accused at State expense in trials before the Court of Session.

(2) An Advocate, with a standing of not less than 5 years at the Bar and who is ordinarily practising in such Court, shall be eligible for being brought on the list of Advocates. It shall, however, be the duty of the Sessions Judge to persuade competent senior lawyers to have their names placed on the list.

(3) The Sessions Judge shall revise the list in the month of December in each year after following the procedure prescribed in sub-rules (1) and (2).

case in cases tried by himself or on the basis of the recommendation, if any, of the Additional Sessions Judge, trying the case.

(2) In special cases the Sessions Judge may add to the ordinary fee allowed by sub-rule (1), a bonus not exceeding Rs.200.

(3) In any case in which the fee authorized in sub-rule (2) is manifestly inadequate, High Court may, on the recommendation of Sessions Judge, grant special bonus up to a maximum of Rs. 2000 per case.

(4) No fee shall be payable for the day on which a case is adjourned without any proceedings being taken by the Court, except at the first hearing of the case after the accused appears or is brought before the Court in pursuance of commitment of the case under section 209 of the Code:

Provided that if an Advocate assigned for the defence of an accused is required to retire at any time after the framing of a charge against the accused owing to the engagement of counsel by the accused himself, he will be entitled to get one day's fee as compensation.

8. **Maintenance of Diary by the Advocates.**—An Advocate engaged 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 and name of the accused defended.	Duration of hearing	Work done	Signature of the Presiding Officer	Remarks

9. (1) *Payment of fees.*—The Sessions Judge shall be controlling officer for the payment and audit of all fees due to Advocates engaged under these rules.

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

PART VI

10. The Rules contained in Chapter 24-C, Volume III of the Rules and Orders of the High Court are hereby repealed.