

APPENDIX-9**THE DEFENCE PLEADER (APPOINTMENT AND FEES) RULES,
1976**

No. HC.XI-2/74/5109/RC, dated 21st 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 Governments, is pleased to make the following rules:

1. These rules may be called the “the Defence Pleader (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 Associations 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 Government 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 down in sub-R.(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 40.00 per day.

6. All appointments of defence pleaders under R.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 of 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.
