

# **SUPREME COURT MIDDLE INCOME GROUP LEGAL AID SCHEME**

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## **\*MIDDLE INCOME GROUP SCHEME.**

1. This scheme is intended to provide legal services to the middle income citizen i.e. citizen whose gross maximum income per month does not exceed Rs.10,000/- and the annual income does not exceed Rs.2,00,000/-.

## **DEFINITION**

- (a) The Scheme is known as "SUPREME COURT MIDDLE INCOME GROUP LEGAL AID SCHEME". The scheme is self supporting scheme and the initial capital of the Scheme shall be contributed by the first Executive Committee.

## **SCHEDULE**

The schedule of fee and expenses as appended to the Scheme shall be in force and is liable to be amended by the Committee from time to time.

**THE OFFICE BEARERS OF THE SCHEME** - The Members of the Executive Committee of the Supreme Court Legal Services Committee shall be Ex-officio Members of the Scheme. The Secretary and the Treasurer for the Scheme shall be nominated by the Executive Committee of the Supreme Court Legal Services Committee. The Executive Committee shall have the power to co-opt / appoint other members on the Society or Staff to carry out the aims and objective of the Scheme.

The office bearers of the Scheme shall meet at least once in two months or earlier if so deemed / expedient and necessary.

2. The Scheme will be applicable for case intended to be filed in Supreme Court.
3. The Scheme will not be applicable to cases mentioned below, falling under the jurisdiction of the Supreme Court.
  - (a) Reference under Section 130A of the Custom Act, 1962,
  - (b) Reference under Section 35 H of the Central and Excise and Salt Act, 1944.
  - (c) Reference under Section 82C of the Gold ( Control) Act, 1968
  - (d) Reference under Section 7(2) of the M.R.T.P. Act, 1969.

- (e) Reference under Section 25 J of the Income Tax Act, 1961.
- (f) Reference under Art. 317(1) of the Constitution.
- (g) Election under Part III of the President and Vice-President Act, 1952.
- (h) Election of Member of Parliament and Members of State Legislature under the Election Law.
- (i) Appeal under Section 55 of the M.R.T.P. Act, 1969.
- (j) Appeal under Clause (b) of Section 130 E of the Customs Act, 1962.
- (k) Appeal under Section 35 L of the Central Excise and Salt Act, 1944.
- (l) Review matters.

3A. When litigant can approach the MIG Society.

The litigant can approach the MIG Society in two situations viz. To file or defend a case in the Supreme Court, this would include :-

- Appeal / Special Leave Petitions, Civil or Criminal, against an order of the High Court.
- Writ Petition / Habeas Corpus.
- Petition for transferring a case, civil or criminal, pending in one State to another State within India.
- Legal advice regarding proposed legal proceedings in Supreme Court

- 4. The rates of fee payable to an Advocate or to a Senior Advocate (if engaged at the request of the litigant) will be such as indicated in the Schedule appended to this Scheme as applicable from time to time.
- 5. There will be a panel of Advocates including Advocate-on-Record under the Scheme. While drawing up the panel care be taken to include one Advocate, but not exceeding two, knowing Regional Language in the territory of India in which the work is conducted in the Court below.

The panel Advocates shall given an undertaking in writing that they will abide by the terms and conditions of the Scheme upon assignment of a case under the Scheme.

- 6. Every person who desires to avail of the services of an Advocate empanelled under the Scheme will have to approach the Secretary of the Scheme by filing an application in the prescribed form annexed hereto along with the relevant documents.
- 7. It would be open to the Advocate-on-Record who is assigned the papers, upon the request made by an applicant under the Scheme, to opine, as soon as the papers are received and the learned Advocate peruse them that this is not a fit case for leave to appeal to the Supreme Court, in that view of the matter, the applicant will not be entitled to the benefit of the Scheme. All learned Advocates-on-Record are being requested to examine the matter in the first instance and proceed to take effective steps only upon being satisfied that it is a fit case to be proceeded with. The Middle Income Group Legal Aid Society will proceed to take the view that an applicant is entitled to legal aid unless the learned

Advocate-on-Record endorses the view as stated hereinabove that, it is not a fit case for legal aid. The view expressed by the learned Advocate-on-Record will be final in so far as the eligibility of the applicant for obtaining the benefit of the Scheme is concerned. Upon such an endorsement being made either upon the case papers or in any accompanying letter, the Supreme Court Middle Income Group Legal Aid Society shall return the papers forthwith to the applicant and deduct a sum of Rs.350/- only towards service charges. The balance amount of service charges and the amount which may have been deposited by the applicant with the Society towards appropriation as fees and all expenses in the conduct of the case will be refunded.

8. The Society will obtain a list of three names of Advocates in the order of preference from the panel maintained by the Committee. The applicant may indicate any 3 names both in relation to the Advocate-on-Record or the arguing counsel or the Senior Counsel as the case may be. The Committee would attempt to honour the choice indicated.

The Committee would be at liberty to assign the matter to any Advocate-on-Record / arguing Counsel, Senior Advocate of the Panel. The final right to assign the papers of the applicant under the Scheme to any Advocate-on-Record or the arguing counsel or Senior Counsel will remain with the Supreme Court (Middle Income Group) Legal Aid Society.

9. Any intending litigant desirous of availing the benefit of the Scheme shall have to fill up the form prescribed and accept all the terms and conditions contained therein. The proforma shall also contain a schedule of fee and expenses as applicable from time to time. The schedule shall indicate the fee payable for various items of work and shall also indicate the court fee and the approximate expenses for preparation of the Court record. The applicant shall have to deposit the fee indicated by Secretary, which will be in accordance with the schedule attached to the Scheme. It is only upon payment of the said amount that the Secretary will register the case as a case under the MIG Legal Aid Scheme and proceed to forward the papers to the Advocate-on-Record/ Arguing Counsel/ Senior Counsel on the panel, for opinion.

In relation to the approximate expenses for preparation of the Court record, the Secretary will upon a perusal of the papers determine as to what would be the approximate amount necessary for the purpose of such preparation of the court record and in accordance with the schedule indicate the same to the applicant. If, however, for any reason, the amount which is due to the learned Advocate-on-Record under the scheme exceeds the amount indicated by the Secretary, then the applicant will be duty bound to make good and difference upon the Secretary certifying it to be so under the Scheme.

10. That the Executive Committee of the Scheme will open a S.B. Account with the UCO Bank, Supreme Court Compound in the name of "Supreme Court Middle Income Group Legal Aid Society". The account will be operated by any three

members of the Executive Committee authorised by the Committee and the signature of any two members shall be sufficient to operate the account.

11. All sums received under the scheme including grants in aid will be accounted for by a person to be nominated in that behalf and duty audited.
12. The amount so received under the Scheme will be used to defray all the expenses including the salaries and all expenses duly approved by the Executive Committee.
13. A Contingent Fund of the Scheme will be created to meet the miscellaneous expenditure in connection with the case under the Scheme by requiring the applicant under the Scheme to deposit upto the stage of admission, a sum of Rs.500/- in addition to the charges required to be deposited with the Society, out of this contingent fund, the fee of the auditor for auditing the account, printing of forms of application, vakalatnama, affidavit of facts, binding of registers for maintaining account etc., shall be made. Thus at the time of handling over the case papers, the applicant will have to make payment of the estimated fee, expenses that are indicated by the Secretary as well as a sum of Rs.500/-.
14. The amount indicated by the Secretary on the basis of the estimate details shall be deposited by the applicant in cash or by way of a Bank Draft. In the event of the learned Advocate taking the view that the case is not fit one for an appeal to the Supreme Court, then the entire amount after deduction Rs.500/- towards minimum service charges of the Committee shall be refunded to the applicant by way of cheque.
15. The initial expenses for printing of forms and other office expenses would be borne by initial corpus of the Scheme.
16. The pattern of payment of fee to the Advocates under the Scheme will be same as per the schedule as applicable from time to time.
- 16A What documents are required from the litigants in approaching the Supreme Court ? :- The applicants are required to submit the applications forms to the MIG Society alongwith full documentations. For instance, if he / she seeks to file an appeal against the order of the High Court, he/ she is required to submit a certified copy of the order of the High Court, Petition copy filed by him/her in the High Court, copies of the Lower Court judgements/order and other relevant documents. If these are in a language other than English, please try and send translated copies.
17. On the assigning of a case to an Advocate under the Scheme the intending litigant will be directed to deposit with the Society the fee and expenses as per schedule as assessed by the Secretary. The payment to the Advocate or the service charges payable to the Scheme as stated in the schedule shall be in cash or bank draft. The Advocate-on-Record shall submit his bill on the basis of the amounts prescribed in the schedule with regard to printing ,Court fee and his appearance

fee alongwith a copy of the filing memo in token of a proof of filing the Petition / Appeal for which the claim is made. The Advocate will inform the Society about the admission of any matter so that the client can be requested to pay the fee for processing the Appeal, without which information it will not be possible for the Committee to recover the amount from the client and pay to the Advocate on hearing of the case. The fee to the Advocate in regular matter shall be made on receipt of a bill from the Advocate at the time of the conclusion of the final hearing of the matter.

18. Once the case is assigned to an Advocate it is the responsibility of the Advocate to deal with the matter as he/she deems fit in the interest of the client and the Advocate is required to communicate directly with the litigant and the Society will not monitor assignment and final disposal of the matter. However, the Society will intercede upon the receipt of a complaint in writing.
19. After a complaint is received by the Society from the litigant and/ or the concerned Advocate against the litigant / Advocate then the Committee after enquiry may take such action as is deemed fit and necessary.
20. If the Advocate who is appointed under the Scheme is found negligent in the conduct of the case entrusted to him, then he will be required to return the brief together with the fee which may have been received by him from the applicant under the Scheme.

Further, the Committee would not be responsible for the negligent conduct of the case but the entire responsibility will that be of the Advocate vis-a-vis the client. The name of the Advocate would however, be struck off from the panel prepared under the Scheme.

#### **SCHEDULE OF FEE FOR ADVOCATE ON RECORD /ADVOCATES.**

##### **(A) APPEARING ON BEHALF OF PETITIONER.**

1. Fee for drafting SLP / Writ Petition / Transfer Petition including list of dates and miscellaneous application such as stay exemption, bail, condonation of delay including conferences with the client upto the admission hearing of the matter ( before notice stage) FEE Rs.2200/-
2. Fee for drafting rejoinder affidavit, and / or contesting matter after notice is issued by the Court and till the disposal of the matter at the notice stage including acting work and adjournment (excluding final disposal at notice stage) FEE Rs.1100/-.

3. Fee for hearing of the matter at final disposal stage inclusive of adjournment, if any, and / or at appeal stage.

Rs.1650/- per  
day upto a maximum of Rs.3300/-

(B) APPEARING ON BEHALF OF THE RESPONDENTS

1. Fee for drafting counter affidavit / statement of objection and all other necessary applications including application for vacating stay and appearance inclusive of all conferences, upto admission stage excluding final disposal at notice stage.

FEE Rs.2200/-

2. Fee for hearing of matter at final disposal stage including adjournment, if any, and / or at appeal stage.

Rs.1650/- per day  
upto a maximum of Rs.3300/-

(C) FEE FOR SENIOR ADVOCATES.

1. Fee for settlement of SLP / Writ Petition / Transfer petition/ Counter affidavit / Rejoinder Affidavit / Statement of objection including conference etc.

Rs.1000/-.

2. Fee for appearance at the admission stage / after notice

Rs.1650/- per appearance upto a maximum of Rs.3300/-

3. Fee for appearance at final disposal / appeal stage -

Rs.2500/- per appearance  
upto a maximum of Rs.5000/-

**SCHEDULE OF RATES FOR OUT OF POCKET EXPENSES**

1. Computer Typing Rs.10.00 per page
2. Photostat charges for each extra copy Rs. 0.50 per page
3. Steno charges Rs. 8.00 per page
4. Paper Book Binding Rs. 5.00 each

