

# Legal Aid Rules, 2055 (1998)

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In exercise of power conferred by Section 12 of the Legal Aid Act, 2054 Government of Nepal, Ministry of Law and Justice has approved these Rules formulated by the Central Legal Aid Committee.

## Chapter-1

### Preliminary

1. **Short title and Commencement:** (1) These Rules may be called as "Legal Aid Rules, 2055".  
(2) These Rules shall come into force immediately.
2. **Definition:** Unless the subject or context otherwise requires, in these Rules,-
  - (a) "Act" means the Legal Aid Act, 2054.
  - (b) "Committee" means the Central and District Legal Aid Committee pursuant to part (b) and (c) of Section 2 of the Act.
  - (c) "Member" means member of the Committee and it also refers to chairman and member-secretary of the committee.

## Chapter-2

### Provisions related to provide the Legal Aid

3. **Application has to be submitted to be entitled to Legal Aid:** (1)  
A Nepalese citizen who intends to be entitled to legal aid pursuant to the

Act or these Rules shall submit an application in the committee in the format as prescribed by Schedule-1.

(2) The application submitted pursuant to Sub-rule (1) shall attach a recommendation made by, in the format prescribed by Schedule- 2, in case of Village Development Committee by Chairperson or Member or Secretary of the concerned Village Development Committee and in case of municipality by chairperson of the concerned ward.

(3) Notwithstanding anything contained in Sub-rule (3), if the person intending to be entitled to Legal Aid does not know to fill the application form or is unable to attend in the committee's office to fill the application form, then other person who is trusted by him/her shall submit an application in the committee.

(4) If the application submitted pursuant to Sub-rule (3), the committee's employee shall register the application after making required inquiry according to the provisions of the application form and also attaching the recommendations made pursuant to Sub-rule (2).

(5) While the application is submitted for the registration in the committee, if there are any documents which verifies the detailed mentioned in the application, such document also has to be submitted by the applicant.

4. **Examination of the Application** : The member secretary shall make an examination on the application registered pursuant to Rule 3 and the attached documents herewith and shall submit it in the meeting of the committee.
5. **Decision of the of the committee and information**: (1) In relation to the application submitted in the meeting of the committee pursuant to Rule 4, the committee shall make a decision on whether to provide legal

Aid or not subject to the provisions of the Act, these Rules and policies and directives determined time and again by the central committee.

(2) Regarding the decision made pursuant to Sub-rule (1), the nature of the applicant's case, the limitation for the registration of a case or the limitation for the reply in a case shall be considered and decision have to be made within the Forty Five days since the date of application.

(3) The information on decision made by the committee pursuant to Sub-rule (2) shall be provided to the concerned applicant.

**6. Legal Aid shall not be entitled:** (1) The committee shall not entitle any person who has the Annual income more the Forty Thousand, for legal aid.

(2) The committee shall not entitle the convicted party of the following cases, for legal aid:-

- (a) Under the Espionage Act, 2018 (1962),
- (b) Under the Human Trafficking (Control) Act, 2043,
- (c) Cases under Ancient Monument Preservation Act, 2013,
- (d) Cases which has the punishment under Chapter on Rape of the General Code (*Muluki Ain*),
- (e) Cases under Prevention of Corruption Act, 2017 and Commission for the Investigation and Abuse of Authority Act, 2048,
- (f) Cases under the Revenue Leakages Control Act, 2052,
- (g) Cases under Drug (Control) Act, 2033,
- (h) Other cases prescribed on time and again by central committee.

7. **The expenditure for Legal Aid have to be reimbursed** : (1) If any person receives some property or economic benefit in consequence of the entitlement of Legal Aid, such person shall reimburse the expenditure made by the committee, in the course of providing Legal Aid to him/her.

(2) During the reimbursement of the expenditure pursuant to Sub-rule (1), only the amount at the rate of Ten percent of the total property or economic benefit shall be reimbursed.

### **Chapter-3**

#### **Procedures Related to the Functions, Duties and Power and Meeting of the Central Legal Aid Committee**

8. **Functions, duties and powers of the central Legal aid committee**: In addition to the functions, duties and powers mentioned in Section 6 of the Act, the Central Legal Aid Committee shall have the following functions, duties and powers:-
- (a) If many persons having less income than that specified pursuant to Sub-rule (1) of rule 6 have applied for the legal Aid, then to formulate the required policy for determining the priority list of the persons who shall be entitled for legal aid and to determine the priority list of the persons to be entitled for legal aid subject to the provisions of thus formulated policy.
  - (b) To formulate the policy for partial or full waiver of the expenditure made by the committee in the course of providing Legal Aid to a person, pursuant to the proviso Section 4 of the Act.

- (c) To formulate the required policy in relation to determination of the amount of remuneration shall be given to the lawyer providing the legal aid, pursuant to the Sub-section (4) of Section 5 of the Act and to determine the remuneration of the lawyer providing the legal aid subject to the provisions of thus formulated policy.
- (d) To formulate the policy in relation to the evaluation of the total property or economic benefit received by a person in reimbursing the expenditure made by the committee pursuant to Sub-rule (2) of Rule 7, and to evaluate the total economic benefit received by the person entitled for legal aid subject to the provisions of the thus formulated policy.
- (e) If any lawyer designated (appointed) by the committee to provide the legal aid pursuant to the Act or these Rules makes negligence or carelessness in providing legal aid and in consequence the concerned person loses the case, then to recommend the Bar Council to take appropriate action against such lawyer pursuant to prevailing laws.
- (f) To pass the annual program and budget of the central committee.

**9. Procedure relating to the meeting of the Central Legal Aid**

**Committee:** (1) The central committee meeting shall held four times every year in the date, time and place stipulated by the chair person and may be held more than that if needed.

(2) Central committee as per the need may invite any official or expert to participate in central committee meeting as an invitee or observer.

(3) The quorum for the central committee meeting deemed to be completed if the Fifty percent members of the total number of members of the central committee present.

(4) The chairperson of the committee shall chair the meeting of the central committee. In absence of the chairperson, the member selected among the members themselves shall chair the meeting.

(5) The majority's opinion shall be valid in the central committee meeting and if the vote ties then the person who is chairing the meeting shall be entitled for decision vote.

(6) The decision of the central committee meeting shall be written in the minute and authenticated by the member secretary of the committee then shall be provided for information to all members.

(7) The other procedures relating to the central committee meeting shall be determined by the central committee itself.

## **Chapter-4**

### **Function, Duties Powers and Procedure related to the Meeting of the District Legal Aid Committee**

#### **10. Functions, Duties and Power of the District Legal Aid**

**Committee:** In addition to the functions, duties and powers (articulated) mentioned in Section 7 of the Act, the district legal aid committee shall have the following functions, duties and powers:-

- (a) If many persons having less income than that specified pursuant to Sub-rule (1) of Rule 6 have applied for the legal aid then to formulate the required policy for determining the priority list of

the persons who shall be entitled for legal aid and to determine the priority list of the persons to be entitled for legal aid subject to the provisions of thus formulated policy.

- (b) For providing legal aid to the indigent persons in appellate court, district court or other Agency, to prepare the list of panel of lawyers in coordination with conceived bar unit.
- (c) To make the required decision subject to the provisions of policy formulated by central committee on partial or full waiver of the expenditure made by the committee in the course of providing legal aid to any persons pursuant to the provision of Section 4 of the Act,
- (d) To determine the remuneration of lawyers providing the legal aid, subject to the provision of policy formulated by the central committee in determination of amount of remuneration shall be given to the lawyers providing the legal aid, pursuant to the Sub-section (4) of Section 5 of the act.
- (e) To evaluate the total economic benefit received by the person entitled for legal aid subject to the provisions of the policy formulated by central committee in relation to the evaluation of the total economic benefit received by a person in reimbursing the expenditure made by the committee pursuant to Sub-rule (2) of Rule 7.
- (f) If any lawyer appointed by the committee to provide the legal aid to a person pursuant to the Act or these Rules makes negligence or carelessness in providing the legal aid and in consequence the person losses the case then to request the central committee to recommend the Bar Council to take action against such lawyer pursuant to prevailing laws.

- (g) To send the annual program and budget after passing it, to the central committee for approval.

**11. Procedures relating to the meeting of the District Committee:**

(1) The District Committee's Meeting shall held Three times every year on the date, time and at a place stipulated by the chairperson and may be held more than that if needed.

(2) District Committee as per the need may invite any expert to participate in district committee's meeting as an observer.

(3) The quorum for the district committee meeting deemed to be completed if Fifty percent members of the total number of members of the district committee present.

(4) The chairperson of the committee shall chair the meeting of the district committee. In absence of chairperson, the member selected among the members themselves shall chair the meeting.

(5) The majority's opinion shall be valid in the district committee meeting and if the vote ties then the person who is chairing the meeting shall be entitled for decision vote.

(6) The decisions of the district committee's meeting shall be written in minute and authenticated by member secretary of the committee then shall be provided for information to all members.

(7) The other procedures relating to the meeting of the district committee shall be determined by the district committee itself.



## Chapter-5

### Miscellaneous

**12. Operation of Fund:** (1) the money received in the name of the fund of the committee shall be deposited in the commercial bank prescribed by the committee.

(2) The operation of the fund pursuant to Sub-rule (1), in case of central committee shall be operated by the signature of member-secretary of central committee and any member or employee of the committee and in case of district committee shall be operated by the signature of the chairperson of the district committee and any member or employee of the committee.

**13. Delegation of Power:** Out of the functions, duties and power received by the committee pursuant to the Act or these Rules, committee may delegate some power to the sub-committee constituted comprising the members of corresponding (concerned) committee or any member or employee of the committee.

**14. The Authentication of the decision:** The decision of the committees shall be authenticated by the member-secretary of the concerned committee.

**15. Sub-committee to be constituted:** (1) Committee may constitute sub-committee as per the need and consisting of the member of the committee or experts to execute any functions to be executed by the committee pursuant to the Act or these Rules.

(2) The functions, duties and power and procedures of the sub-committee constitute pursuant to Sub-rule (1) shall be as prescribed by the committee.

**16. Annual Report:** (1) District Committee shall present its annual report to the central committee and central committee shall prepare annual report also submitting the matters of the district committee reports and shall present (submit) to the Government of Nepal.

(2) The report to be prepared pursuant to Sub-rule (1) shall mention in addition to other matter the details of income/expenditure of the committee, the cost of the expenditure related to the legal aid, and about social effect and achievements.

NEPAL LAW COMMISSION

# Schedule -1

(Related to Sub-rule (1) of Rule 3)

**Format for the Application to be submitted to make**  
**demand for the Legal Aid**

Shree .....Legal Aid Committee

.....

Subject:- To provide Legal Aid

I need Legal aid so I, hereby, request to be entitled for legal aid mentioning the following details.

- (1) A short detail about the subject matter forward legal aid has to be provided:
- (2) The details of family status:
- (3) The details of economic status: My major occupation is .....except that I am not engaged in any job/business/occupation. Even though I have other job; business, occupation my net annual income does not exceeds Forty Thousand Rupees.

To establish the details mentioned above, the original and duplicate copies of the following documents are attached herewith.

- 1.
- 2.
- 3.

The detail mentioned above is true if proved false I shall bear the obligation of prevailing law.

Applicants-

Signature:

Full Name, Surname:

Address :

NEPAL LAW COMMISSION

## Schedule-2

(Related to Sub-rule (2) of Rule 3)

The recommendation letter made by the chairperson or member or secretary of the Village Development Committee or Chairperson of the ward of a Municipality

Shree.....Legal Aid Committee

Subject: Recommendation on providing Legal Aid

Mr./Mrs./Ms. ....who applied for legal aid is the resident of Ward No. .... of this Village Development Committee/ Municipality. His/ Her annual net income is less than Forty Thousand Rupees including his major occupation, business and also from other sources. According to his/her economic condition, he/she is unable to appoint a lawyer to submit a complaint/ to submit a defend and for other legal consultation. So it is requested with recommendation to provide the legal aid from that committee to him/her.

Recommended by :

Name of the Recommender

Name of the V.D.C./ Municipality

Seal of the V.D.C./Ward Office

Designation:

If recommended by chairperson of Ward

or Secretary Ward No.:

Signature of the Recommender:

Date: