

LAW AREA NAME : GENERAL
SECTION NAME : LEGAL AID
SUB SECTION NAME : MIDDLE INCOME GROUP SCHEME

LAW IN BRIEF

The Supreme Court Middle Income Group Legal Aid scheme is intended to provide legal services to the middle income citizen i.e. citizen whose gross annual income does not exceed Rs 2,00,000/-.

LAW IN DETAIL

The Scheme will be applicable for cases intended to be filed in Supreme Court.

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 Customs Act, 1962.
- b) Reference under Section 35H of the Central Excise and self 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 25J 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 Members 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 130E of the Customs Act, 1962.
- k) Appeal under Section 35L of the Central Excise and Salt Act, 1944.
- l) Review matters.

There will be a panel of Advocates including advocates-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 Courts below.

PROCESS FOR SOLUTION

Complaint Under which Section ?

Middle Income Group Scheme, 2006

Whom to complain / where to complaint?

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

- Appeals / 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 with in India.

How to file the Case ?

Every person who wants to avail of the services of an Advocate empanelled under the Scheme will have to approach the Secretary of the Scheme by filling an application in the prescribed form annexed here to along with the relevant documents and a sum of Rs 500/- payable to the Supreme Court Middle Income Group Legal Aid Society (SCMIGLAS) as service charges.

As soon as the papers are received they are be assigned to the advocate-on-Record of the choice indicated by an applicant upon his request under the Scheme. In case the learned Advocate feels that this is not a fit case for leave to appeal to the Supreme Court, the applicant will not be entitled to the benefit of the Scheme. The Society will return the papers to the applicant and deduct a sum of Rs. 500/- only towards service charges. The balance amount of service charges and the amounts which may have been deposited by the applicant with the Committee towards appropriation as fees and all expenses in the conduct of the case will be refunded.

If Advocate-on-Record is satisfied that it is a fit case to be proceeded with, then the Society will consider that the applicant is entitled to legal aid. The view expressed by the Learned Advocate-on-Record will be final insofar as the eligibility of the applicant for obtaining the benefit of the Scheme is concerned.

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 in the order of preference from out of the panel maintained by the Society.

The applicants must submit the application form to the MIG Society along with full documentations. For instance, if he / she wants 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 judgments / order and other relevant documents. If these are in a language other than English, translated copies must be sent.

On assigning the 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 for payment to the Advocate the payment can be in cash or by bank draft. The Advocate-on-Record will submit copy of the petition / appeal for which the claim is made.

Once the case is assigned to an Advocate it is the responsibility of the Advocate to deal with the mater as he / she deems fit in the interest of the client and the Advocate is required to communicate directly with the litigant

What Next ?

The Society will intercede upon the receipt of a complaint in writing.

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 he may have received from the applicant under the scheme.

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