

Legal Aid Services Act, 2000

Act No. VI of 2000

[26 January, 2000]

An Act to provide for legal aid to the litigants who are incapable of seeking justice due to financial insolvency, destitution, helplessness and for various socio-economic conditions.

Whereas it is expedient and necessary to provide legal aid to the litigants who are incapable of seeking justice due to financial insolvency, destitution, helplessness and for various socio-economic conditions;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Legal Aid Services Act, 2000.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context-

(a) " legal aid" means to give the litigants who are incapable of seeking justice due to financial insolvency, destitution, helplessness and for various socio-economic conditions -

(i) legal advice and aid in the cases to be filed, filed or pending before a Court;

(ii) remuneration for the mediator or arbitrator appointed for dissolving a case through mediation or arbitration in accordance with section 89A and 89B of the Code of Civil Procedure, 1908 (Act No. V of 1908);

(iii) any other assistance along with expenses for a case;

(iv) remuneration for the lawyers at the rate determined by the regulations for the purposes of sub- section (i) to (iii);

(b) "court" means any court including the Supreme Court;

- (c) " application" or "petition" means application or petition for receiving legal aid;
- (d) "Chairman" means the Chairman of the Board;
- (e) "District Committee" means the District Committee of the Organization formed under this Act;
- (f) "Director" means the Director of the Organization;
- (g) "litigant" means the person who is or likely to be the plaintiff, dependant, complainer or accused of a civil, family or criminal case to be filed or filed in any court;
- (h) "Board" means the National Board of Management constituted under section 6;
- (i) " member" means any member of the National Board of Management or, as the case may be, the District Committee;
- (j) "Organization" means the National Legal Aid Services Organization established under this Act.

3. Establishment of the National Legal Aid Services Organization.-

(1)As soon as may be after the commencement of this Act, the Government shall, by notification in the official Gazette, establish an organization to be called the National Legal Aid Services Organization for carrying out the purposes of this Act.

(2) The Organization shall be a body corporate having perpetual succession and a common seal with power to acquire, hold, manage and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

4. Head Office of the Organization.- The Head Office of the Organization shall be at Dhaka and it may, if necessary, establish branch office at any place with the previous sanction of the Government.

5. General Direction of the Organization.- (1) The general direction and administration of the affairs and functions of the Organization shall vest in a Board of Management which may exercise all powers and perform all functions which may be exercised or performed by the Organization.

(2) The Organization shall, in discharging its functions, follow such instructions as may be given to it by the Government.

6. The National Board of Management.- (1) The National Board of Management shall consist of the following members, namely:-

- (a) the Minister for the Ministry of Law, Justice and Parliamentary Affairs who shall also be its Chairman;
- (b) two members of parliament, one from the ruling party and one from the opposition party, to be nominated by the Speaker of the Parliament;
- (c) the Attorney General of Bangladesh;
- (d) the Secretary for the Ministry of Law, Justice and Parliamentary Affairs;
- (e) the Secretary for the Ministry of Home;
- (f) the Secretary for the Ministry of Social Welfare;
- (g) the Inspector General of Police;
- (h) the Inspector General of Prisons;
- (i) the Vice-Chairman, Bangladesh Bar Council;
- (j) the President, Supreme Court Bar Association;
- (k) the Chairman, Jatiya Mahila Sangstha;
- (l) three representatives, to be nominated by the Government from among the established non-government organizations relating to law and human rights which have performed functions in every districts;
- (m) three representatives, to be nominated by the Government from among the women's organizations which have action programs in every district;
- (n) the Director, who shall also be its Member-Secretary.

(2) The members nominated under sub-section (1) (l) and (m) shall hold office for a term of two years from the date of their nomination:

Provided that the Government may remove any of such members from his/her office without showing cause before expiration of such term:

Provided further that such a member may resign his/her office by writing under his/her hand addressed to the Government.

7. Duties and functions of the Organization.- The duties and functions of the Organization shall be as follows:-

- (a) to set up criteria on determining the eligibility of the litigants who are incapable of seeking justice due to financial insolvency, destitution, helplessness and for various socio-economic conditions for receiving legal aid and make procedure for providing legal aid;
- (b) to make schemes for the purpose of providing legal aid;
- (c) to carry out educational and research programs for the purpose of providing legal aid;
- (d) to arrange for massive advertisement through radio, television, newspapers and other media in order to create public awareness of legal aid;
- (e) to consider the applications rejected from District Committees;
- (f) to supervise, control and inspect the activities of the District Committees;
- (g) to take necessary measures for creating public awareness of legal aid and responsibility through seminars and symposiums along with publishing pamphlets containing laws, rules and other information;
- (h) to do anything necessary for carrying out the aforesaid functions and duties.

8. Meetings of the Board.- (1) The Board may, subject to the other provisions of this section, prescribe the procedure of its meeting.

- (2) The meeting of the Board shall be held at such times and places as may be determined by the Chairman:

Provided that at least one meeting of the Board shall be held in every three months.

- (3) All meetings of the Board shall be presided over by the Chairman and, in his/her absence, by a member directed by him/her or in absence of such direction by any other member selected by the members present.

- (4) To constitute a quorum at a meeting of the Board, the presence of at least one third of the total members shall be required, but no such quorum shall be required for an adjourned meeting.

- (5) At a meeting of the Board, each member shall have one vote and, in the event of equality of votes, the person presiding over the meeting shall have a second or casting vote.
- (6) No act or proceeding of the Board shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Board.

9. District Committee.- (1) In every district there shall be a District Committee and it shall, subject to the provisions of sub-section (2), consist of the following members:-

- (a) District and Sessions Judge who shall also be its Chairman;
- (b) District Magistrate or an officer to the rank of at least Additional District Magistrate nominated by him/her;
- (c) District Police Superintendent or an officer to the rank of at least Additional District Police Superintendent nominated by him/her;
- (d) District Jail Superintendent;
- (e) District Social Welfare Officer, if any;
- (f) District Women Affairs Officer, if any;
- (ff) District Children Affairs Officer, if any;
- (fff) District Information Officer;
- (g) Chairman of the District Committee of Jatio Mahila Sangstha or a representative of the committee nominated by her;
- (h) President of the District Bar Association;
- (i) Government Pleader of the District;
- (j) Public Prosecutor of the District;
- (jj) Public Prosecutor of the Metropolitan Sessions Court;
- (k) Non-government Inspector of Jail of the District, if any, and one of such inspectors as nominated by the Government;
- (l) one representative from non-government voluntary organization, if any, nominated by the Chairman.
- (m) elected General-Secretary of the District Bar Association who shall also be its Member-Secretary;

(2) In the districts where there is a Metropolitan City, the Metropolitan Sessions Judge, the Chief Metropolitan Magistrate and the Metropolitan Police Commissioner shall also be the members of the District Committee.

(2A) If there is any Nari O Shishu Nirjatan Daman Tribunal in a district, the Judge of the Tribunal and the Special Public Prosecutor shall be the members of the District Committee:

Provided that if there are more than one Nari O Shishu Nirjatan Daman Tribunals in a district, the senior most Judge of the Tribunals and among the Special Public Prosecutors the senior one shall be the member.

(3) The Members nominated under sub-section (1) (g), (k) and (l) shall hold office for a term of two years from the date of their nomination:

Provided that the nominating authority may discharge any of such members from his/her office without showing cause before the expiration of such term:

Provided further that such a member may resign his/her office by writing under his/her hand addressed to the Government.

10. Duties and functions of the District Committee.- The duties and functions of the District Committee shall be as follows:-

(a) to give legal aid so long as possible by considering the application or petition of the litigants who are incapable of seeking justice due to financial insolvency, destitution, helplessness and for various socio-economic conditions in accordance with the criteria determined and policies made by the Organization;

(b) in the case of application or petition granted, to determine the types and terms of legal aid to be given to the applicant or petitioner;

(c) to make plan and take project for implementing the legal aid programs in the district level;

(d) to take necessary steps for creating awareness among the people about legal aid in the district level;

(dd) to give legal aid considering the petitions or recommendations sent by the Upazilla or Union Committee;

(e) to perform other duties conferred by the Board;

(f) to do any other act necessary for performing the aforesaid duties and functions.

11. Meetings of the District Committee.- (1) The District Committee may, subject to the other provisions of this section, prescribe the procedure of its meeting.

(2) The meeting of District Committee shall be held at such times and places as may be determined by its Chairman:

Provided that at least one meeting of the District Committee shall be held in every month.

(3) All meetings of the District Committee shall be presided over by its Chairman.

(4) To constitute a quorum at a meeting of the District Committee, the presence of at least one third of its total members shall be required, but no such quorum shall be required for an adjourned meeting.

(5) No act or proceeding of the Committee shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Committee.

12. Upazilla Committee, Union Committee, etc.- (1) The Organization may, with approval of the Government and notification in the official Gazette, form Upazilla Committee of the Organization in every Upazilla and Union Committee of the Organization in every Union.

(2) Every Upazilla Committee and Union Committee formed under subsection (1) shall consist of one Chairman and fourteen members and the qualifications, removal, resignation, etc. of the Chairman and members shall be determined by regulations.

(3) The duties, functions and procedure of meeting of the Upazilla Committee and Union Committee of the Organization formed under subsection (1) shall be determined by regulations.

13. Funds of the Board.- (1) There shall be a fund of the Board and the following sums shall be credited to the fund, namely:-

(a) grants made by the Government;

(b) grants from the local authorities, any other institution, company or person;

- (c) grants from any foreign organization;
- (d) money received by the Board from any other source.

(2) The money of the fund shall be kept in a scheduled Bank approved by the Board.

(3) The money of the fund may be withdrawn by the joint signature of the Chairman and Member Secretary of the Board.

(4) Money as may be required for the District Committee shall be sanctioned from this fund.

(5) All necessary expenses of the Board shall be met up from the fund.

(6) The Board may invest its fund to any scheme approved by the Government.

14. Fund of the District Committee.- (1) Every District Committee shall have a fund and money sanctioned by the Board, grant from any person or institution and money received from any other source shall be credited to the fund.

(2) The money of the fund of the District Committee shall be kept in the respective district branch of any government bank.

(3) From this fund the litigants who are incapable of seeking justice due to financial insolvency, destitution, helplessness and for various socio-economic conditions shall be given legal aid according to the application or petition which are granted and the necessary expenses of the District Committee shall be met up.

15. Panel of the Lawyers.- (1) The Board shall make a panel of lawyers from among the lawyers having at least 5 (five) years experience of conducting cases in the Supreme Court under facilitation of legal aid within the purview of this Act for giving advice and conducting cases to be filed or filed in the Supreme Court.

(2) Every District Committee shall make a panel of lawyers from among the lawyers having at least 5 (five) years experience of conducting cases in the District Courts under facilitation of legal aid within the purview of this Act for giving advice and conducting cases to be filed or filed in any court of the district.

(3) In every panel made under this section at least one lawyer from the women, if found, shall be included.

(4) If decision is taken to provide legal aid considering any application or petition of a litigant, the Board or, as the case may be, the District Committee shall appoint one lawyer in this behalf from the panel lawyers:

Provided that, in the case of such appointment, the choice of the litigant shall, so far as possible, be considered.

16. Application for legal aid.- (1) All applications shall be submitted to the Board or, as the case may be, the District Committee for receiving legal aid under this Act.

(2) If any application or petition made under this Act is rejected by the District Committee, the aggrieved person may prefer an appeal to the Board for granting the application or the petition within 60 (sixty) days from the date of such rejection and in this regard the decision of the Board shall be final.

17. Budget .- The Organization shall, by such date in each year as may be specified by the Government, submit to the Government for approval a budget for each financial year showing the estimated receipts and expenditure and the sums which are likely to be required from the government during that financial year.

18. Audit and Accounts.- (1) The Board and the District Committees shall maintain its accounts properly in accordance with the existing laws.

(2) Every year the accounts of the Organization shall be audited by the Comptroller and Auditor- General of Bangladesh, hereinafter referred to as the Auditor-General and submit a copy of the audit report to the Government or the Organization.

(3) For the purpose of an audit under sub-section (2), the Auditor-General or any person authorized by him in this behalf shall have access to all records, books, documents, cash, bank balances, securities, stores and other property of the Organization and may examine its any member.

19. Providing the Copy of documents etc.- The Court shall, without court fees free of cost, provide the copy of papers, documents, etc. related with the case to the lawyers concerned with the legal aid and the litigants.

20. Report.- (1) The Government may, at any time, require the Organization a report or statement regarding any of its matter and the Organization shall be bound to comply with such requisition.

(2) The District Committee shall submit a report on its affairs of functions at every three months to the Chairman.

21. Director.- (1) The Organization shall have a Director and he/she shall be appointed by the Government.

(2) The Director shall be responsible for implementing the decision of the Organization and shall discharge the functions of the Organization according to the order of the Board.

(3) The Organization may, with the approval of the Government, appoint such number of officers and employees as may be required in the manner prescribed by regulations.

(4) Until the Director is not appointed under sub-section (1), an officer nominated by the Chairman from among the officers of the Ministry of law, Justice and Parliamentary Affairs shall act as the Director.

(5) Until the officers and employees are not appointed under sub-section (3), the Ministry of Law, Justice and Parliamentary Affairs shall assist the Director to discharge the functions under sub-section (2) by providing such number of officers and employees as may be required from among the existing officers and employees of the Ministry.

22. Delegation of power.- The Organization may, with the conditions specified, confer its powers and duties to the Chairman.

23. Public Servant.- All members of the Organization and the District Committees and all officers and employees of the Organization shall be deemed to be public servant as it is defined under section 21 of the Penal Code (Act No. XLV of 1860).

24. Power to make regulations.- The Organization may, with prior approval of the Government and by notification in the official Gazette, make regulations for carrying out the purposes of this Act.

25. Publication of English Text.- The Government shall, after the commencement of this Act, by notification in the official Gazette, publish an authentic text of authorized translation in English of this Act which shall be called the Authentic Text of this Act:

Provided that in the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

26. Repeal and Savings - (1) Soon after the establishment of the Organization, the resolution issued through S.R.O No. 74 Ain/1997, dated 5th Chaitra, 1403 Bangla corresponding to 19 march 1997 by the ministry of Law, Justice and Parliamentary Affairs, hereinafter referred to as the said resolution, shall be repealed.

(2) Immediately after the resolution being repealed-

(a) the National Legal Aid Committee and the District Committees shall be dissolved;

(b) all property, cash and bank balances of the National Legal Aid Committee and the District Committees shall be vested respectively in the Organization or the District Committees;

(c) sums given by the National Legal Aid Committee and the District Committees for providing legal aid shall be deemed to have given respectively by the Board or, as the case may be, the District Committees formed under this Act.

National Legal Aid Services Organization