

Bombay Legal Aid Society.

Report of the committee
for the year ended 31st Dec. 1939

TO THE MEMBERS OF

The Bombay Legal Aid Soc

(Registered under the Societies Registration Act
XXI of 1860.)

REPORT OF THE COMMITTEE

For the year ending 31st December 1939.

GENTLEMEN,

The following is a short statement of the business transacted by the Society and its Committee during the year 1939.

107 formal applications for legal assistance (as against 63 last year) were dealt with by the Society during the year under report (in addition to numerous applications for advice in which advice was given) out of which 55 applications were from Hindus, 14 from Christians, 2 from Jews, 13 from Parsees and 23 from Mahomedans.

In several matters, as the applicants were too poor to pay the Court fees, pauper petitions were prepared for them and put through.

The matters dealt with by the Society during the year related *inter alia* to obtaining instalments for money decrees, accounts of small partnerships, divorce, maintenance, custody of minor children, disputes between client and his legal adviser, recovery of wages and disability allowance, and damages for injuries due to negligence.

On 20th April 1938, the Society applied to Government to forward to the Society Bills and measures in which the interests of poor persons were likely to be effected, so as to enable the Society to submit its views thereon to Government. The following Bills were received from the Secretary to the Bombay Legislative Assembly, for opinion :—

Bill No. 31 of 1938 : to provide for the prevention of bigamous marriages among Hindus in the Province of Bombay, by Mrs. Lilavati K. Munshi, M.L.A.

Bill No. 41 : to provide for the dissolution and nullity of marriages among Hindus, by Mr. B. D. Lala, M.L.A.

The views of the Committee on the Bills were duly communicated to Government.

During the year, a number of persons requiring free legal aid were referred to the Society by the local Government, some of the Judges of the High Court, the Official Trustee, the Consul for Egypt, Seventh Day Adventist Surat Hospital, Advocates, Attorneys, Court Officers, social workers and private individuals. The matters were carefully considered and suitable action was taken in regard to them.

The following are a few typical cases dealt with by the Society :—

A mill worker died leaving two widows and a minor child by one of them. After his death, one of the widows remarried. The only estate left by the deceased was a sum of £ 7-11-6 lying with a certain Company, in respect of Provident Fund. The widow (the mother of the child) applied for payment, but the company refused to pay the amount unless the concurrence of the other widow, who had remarried, was obtained. This was not possible, as the remarried widow had disappeared. The widowed mother applied to the Society for aid. The Society helped her to obtain the Administrator General's Certificate which was granted, and the widow was duly paid the said sum of £ 7-11-6 by the company.

A person had been declared a lunatic by the High Court and a Committee of his property was appointed. The lunatic was committed to H. M.'s Mental Hospital, Thana, and was subsequently removed to the Central Hospital for Mental Diseases, Yeravda. The lunatic was a native of an Indian State, where his family including wife, children, mother, grandfather &c., resided. They were all anxious that the lunatic should be transferred from the Yeravda Hospital and kept in the Mental Hospital maintained by the State. An application was made to the High Court for the transfer of the lunatic to the State Hospital, but was refused on the ground of want of jurisdiction. Thereafter, the Society was consulted in the matter. The necessary affidavits were prepared and placed before the Chamber Judge. An order was made granting permission to remove the lunatic to his residence in the Indian State as prayed. He has been thus duly restored to his family who feel very grateful.

A clerk had been employed in a newspaper office in 1912 and had served continuously upto 1937 with a short break in between. He had been granted certificates by successive managers

of the concern during the period of his engagement. He was relieved from his duties in 1937 as he had got writer's cramp which had affected his handwriting. He was, however, not given any pension or gratuity. Owing to writer's cramp, he could not obtain employment elsewhere. His wife was suffering from hysteria and the clerk was keeping very poor health. The Society corresponded with the employers, as a result of which a gratuity was paid to the employee.

A petition dated 3rd April 1939 has been submitted to the Hon. the Chief Justice and Judges of the High Court praying that in order to meet cases of minors whose small funds have to be deposited with the Accountant General and who have to be maintained from the corpus of the fund, Rule 905 of the High Court Rules may be amended so as to permit the deposit of trust funds upto Rs. 1,000 in the Post Office Savings Bank and/or the Savings Bank of the Imperial Bank of India or that the Accountant General may be authorised to deposit the fund of a minor in his hands in the Post Office Savings Bank and/or in the Savings Bank of the Imperial Bank of India. A reply is being awaited.

A petition dated 16th June 1939 was submitted to their Lordships praying that rules similar to rules 217, 222, 223 and 224 of the High Court Rules relating to Pauper suits might be made in regard to the Presidency Small Causes Court. Their Lordships were, however, not in favour of the suggestion.

Besides legal aid being granted to applicants at the office of the Society, it has been given to applicants attending at the following branches of the Society, *viz.*, at Worli, De Lisle Road, Love Lane (Mazagaon), Byculla and Vithalbhai Patel Road. Mr N. C. Acharya was in charge of the Worli branch, and Mr. S. V. Navalkar, Dr. P. N. Daruwalla, Mr. M. J. Sethna and Mr. G. K. Deshpande were in charge of the other branches respectively named above. Extracts from their reports are attached. The Committee is obliged to all these gentlemen for giving their voluntary services by attending and giving legal aid to poor persons at these centres.

During the year, the Society was requested by Government to look to the needs of tenants of Naigaon and Sewree centres. Members were invited to volunteer to serve at the centres opened and to be opened by the Society.

There is great need for more members to join the Society not only in Bombay but elsewhere in India, as applications for

legal aid are being received by the Society from many places outside Bombay.

It was resolved to send circulars to members of the Society requesting them to inform the Honorary Secretary whether they were willing to act as arbitrators in any matters that might be referred to them in connection with poor persons' matters. It was resolved that a list of the willing members should be furnished to the members in charge of the several centres of the Society.

The Committee at its meeting held on 18th December 1939 resolved that the Society should employ an assistant Secretary preferably a paid lawyer to generally canvas support for the Society and to spread knowledge of the movement and assist in carrying out the objects of the Society.

A copy of the Society's Balance Sheet as at 31st December 1939 and the Income and Expenditure Account for the year ending 31st December 1939 is subjoined.

During the year, applications for legal aid requiring action to be taken in the High Court were dealt with by a Sub-Committee consisting of Mr. B. I. Sargon, Mr. K. J. Dubash and Mr. V. S. Dabholkar. Mr. B. I. Sargon having gone out of Bombay, the Committee temporarily appointed Mr. R. P. Shah in his place. Applications for legal aid requiring action to be taken in the Small Causes Court and the Magistrates' Courts were dealt with by a Sub-Committee consisting of Mr. J. S. Chiniwalla, Mr. B. K. Nicholson and Mr. I. J. Samson. The Society is obliged to the members of both Sub-Committees for their work, to the members of the Society who took up the work of poor persons severally and to the Honorary Auditor of the Society.

During the year the transactions of the Committee were conducted by means of meetings and circulars. In addition, the Honorary Secretary held interviews with a large number of poor persons including charitable institutions who required advice in reference to their various affairs.

Mr. John S. Bradway, Secretary, the National Association of Legal Aid Organisations in America has been sending copies of The Legal Aid News Letters published by the Association from time to time.

At the forthcoming General Meeting, the present members of the Executive Committee and the Honorary Secretary and the Treasurer retire under Rule 12 of the Constitution of the Society

and the election of the President, Vice-President, the Honorary Secretary, the Committee, the Treasurer and Honorary Auditor becomes necessary. The retiring members of the Committee, are :—

H. A. H. PAYNE, ESQR., (*President*)
 B. G. KHER, ESQR., (*Vice-President*)
 F. A. VAKIL, ESQR.,
 K. J. DUBASH, ESQR.,
 A. C. AMIN, ESQR.,
 DR. P. N. DARUWALLA,
 I. J. SAMSON, ESQR.,
 R. P. SHAH, ESQR.,
 M. J. SETHNA, ESQR.,
 THAKORDAS N. MERCHANT, ESQR.,
 J. S. CHINIWALLA, ESQR.,
 B. I. SARGON, ESQR.,
 V. S. DABHOLKAR, ESQR.,
 B. K. NICHOLSON, ESQR.,
 N. H. PANDIA, ESQR., (*Hon. Secretary*)
 R. M. MANKODI, ESQR., (*Hon. Treasurer*).

N. B. :—The 15th Annual General Meeting of the Society will be held at the office of Messrs. Payne & Co., at the Mercantile Bank Building, Esplanade Road, on **Wednesday** the 3rd April 1940, at 6 p. m. (S. T.).

AGENDA.

1. To read the Minutes of the last Annual Meeting.
2. To pass the Society's Balance Sheet as at 31st December 1939 and the Income and Expenditure Account of the Society for the year ending 31st December 1939.
3. To elect the President, Vice-President, Honorary Secretary, Committee, Honorary Treasurer and Honorary Auditor.
4. To do such other business as may be allowed by the President.

Dated this 20th day of March 1940.

By order of the Committee,

NAYAN H. PANDIA

Honorary Secretary.

THE BOMBAY LEGAL AID SOCIETY.

Extracts from the Report of Mr. N. C. Narsinha Acharya, the Representative of the Society, Worli.—Work at the Worli branch was commenced in the middle of October 1939 in a room kindly placed by the Government at the disposal of the Society on a nominal rent which was set off by an equivalent Grant-in-aid. The Worli Chawls of the Bombay Development department in which this branch is situate, is inhabited by about 15000 souls not to speak of the other people inhabiting the neighbourhood, of all sorts of communities, mostly mill workers, petty servants and labourers. The undersigned, Mr. D. B. Tilak and Mr. P. G. Bapat have been attending at this centre on Sundays. We have explained to the residents of the locality the objects and nature of work done by the Society and I am glad to state that the residents have learnt to bring their grievances and disputes to the Society.

The grievances of the people in the locality have ranged mostly about debts, tenancies and family disputes. Many of these poor people have been compelled to place themselves at the mercy of loan-sharks and have been found to be making continuous payments towards interest without the hope of ever being able to work off the principal debt. In these cases, legal aid in the form of advice was given so as to enable the debtors to obtain relief from the courts when sued by their creditors. Similarly cases have come to our notice where many people are perpetually in the clutches of grocers and 'danawalas' who while giving some initial credit, prolong the Khatas for years, always keeping the poor purchasers in debt, so that, they cannot resort to any other sellers, even where articles may be sold to them at cheaper rates. The poor purchasers have no documentary proof. Nor have they 'samadaskats' provided by the dealers. It being futile to expect this class of people to be businesslike by keeping books of account etc., one cannot but point to the desirability of making it incumbent on the suppliers by some means to necessarily provide 'samadaskats' to the purchasers to check frauds on them.

As regards tenancies the experience at this centre shows that there is great need for reform in practical working of the rent recovery system. This refers to the mode of recovery adopted by private landlords. Instances have been brought to the notice of legal aid workers in this area of Pathans engaged to recover rents from tenants, abusing and threatening tenants with assault, trespassing on tenants' premises and adopting high-handed and

illegal methods to obtain rent from the tenants. When a tenant proceeded to complain to the landlord against such conduct on the part of his employee the tenant was promptly served with a notice to vacate. Now that the courts are empowered by recent legislation to inquire into the reasons for obtaining ejection of tenants, instances have also occurred where the tenants were terrorized so as to vacate the premises. In one case the landlord whose rent collector was a Pathan, knowing as he did that the wife of the tenant was in a delicate condition, promptly informed him by a letter which was undated that if he did not vacate the premises, he would not be answerable if Pathans harassed him; and he further threatened to cut off electricity even though the connection cost was incurred by the tenant himself. The tenant was a poor but literate person and could produce evidence to show that he was regular in payment of rent. When he sought the advice of the Society, the only advice that could be given in his interest, although he could with advantage summon the aid of law, was, to vacate if he wanted to save his family and particularly his pregnant wife from dire consequences. Whilst there is no doubt that some sort of drastic supervision may be necessary in the case of a somewhat itinerant population to ensure due payment of rent, experience shows that it is equally necessary that the method of rent recovery adopted in the poor areas by some persons, should be considerably humanised.

This branch of the Legal Aid Society during the period of its work has found that people feel amply satisfied by timely legal advice given to them which saves them the necessity of having got to go to court at every step. Many matters thus end with timely legal advice, there being no necessity for such matters at all to go to court.

But the locality is particularly suited for free legal aid in another direction. It has encouraged the hope that even when there are private disputes, it is possible to approach the opposite party with a view to settle the dispute in an amicable manner by private arbitration, until a situation may, perhaps arise in future, for the establishment of an arbitration or a Panchyat court suited to the traditions and temperament of these poor labouring classes in the locality. We are endeavouring to see if this method of approach to the problem of legal aid may not yield more helpful

results from the point of view of the poor people for whose benefit this branch has been opened.

We are thankful to the B.D.D. chawl authorities and the several social workers in the locality for their help and cooperation in bringing the existence of this branch to the attention of the residents in the locality and inducing them to consult this branch for obtaining legal advice regarding their differences and receiving its aid in composing their differences instead of having recourse to litigation or endeavouring to solve their disputes by the primitive method of taking the law into their own hands.

(From the Report of Mr. G. V. Deshpande, representative of the Society, Vithalbai Patel Road).—A poor old Jew whose daughter was betrothed to a respectable person, complained that an undesirable person was trying to alienate her affections from her betrothed and requested the Society to reason with his daughter. The representative interviewed the daughter, who was thus able to think over the matter. Ultimately she decided to marry the person to whom she had been betrothed.

(From the Report of Mr. K. S. V. Navalkar, representative of the Society, De Lisle Road).—The locality is inhabited predominantly by mill-hands and labourers. The majority of them being poor, the Centre has proved a boon to them. Innumerable enquiries were received mostly from mill-hands and all of them were sympathetically dealt with. Most of the complaints related to earned wages or for compensation for wrongful dismissal and for reinstatement into service. Every possible effort has been made to render free legal aid to the really poor and deserving persons in the locality.

The Government of Bombay is to be thanked for allotting to the Society a room in the B. D. D. Chawl No. 25, free of rent.

(From the Report of Mr. M. J. Sethna, Representative of the Society, Byculla).—Applications for legal aid were received from poor persons residing in the Byculla locality. A typical case was that of a liftman who wanted to recover from his employer Rs. 130 for services rendered as a liftman. Legal aid was rendered and the applicant got Rs. 80 in settlement of his claim. Most of the applicants, however, needed no more than legal advice which was, in all cases, given to poor applicants.

THE BOMBAY LEGAL AID SOCIETY

Income and Expenditure Account for the year ending 31st December 1939.

Dr.	Cr.																				
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 80%;">To,</th> <th style="text-align: right; width: 20%;">Rs. a. p.</th> </tr> </thead> <tbody> <tr> <td>.. Printing and Stationery</td> <td style="text-align: right;">54-0-0</td> </tr> <tr> <td>.. Postage & Miscellaneous</td> <td style="text-align: right;">24-13-0</td> </tr> <tr> <td>.. Excess of Income over Expenditure</td> <td style="text-align: right; border-top: 1px solid black;">27-13-0</td> </tr> <tr> <td colspan="2" style="text-align: right; border-top: 1px solid black; padding-top: 5px;">Rs. 106-10-0</td> </tr> </tbody> </table>	To,	Rs. a. p.	.. Printing and Stationery	54-0-0	.. Postage & Miscellaneous	24-13-0	.. Excess of Income over Expenditure	27-13-0	Rs. 106-10-0		<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 80%;">By,</th> <th style="text-align: right; width: 20%;">Rs. a. p.</th> </tr> </thead> <tbody> <tr> <td>.. Subscription</td> <td style="text-align: right;">100-0-0</td> </tr> <tr> <td>.. Cost of application forms received</td> <td style="text-align: right;">2-2-0</td> </tr> <tr> <td>.. Interest on Savings Bank Account</td> <td style="text-align: right;">4-8-0</td> </tr> <tr> <td colspan="2" style="text-align: right; border-top: 1px solid black; padding-top: 5px;">Rs. 106-10-0</td> </tr> </tbody> </table>	By,	Rs. a. p.	.. Subscription	100-0-0	.. Cost of application forms received	2-2-0	.. Interest on Savings Bank Account	4-8-0	Rs. 106-10-0	
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Examined and found correct.
 (Sd.) NANUBHAI & Co.
Registered Accountants & Auditors.
 Bombay, 27 Feb. 1940.

(Sd.) NAYAN H. PANDIA
Honorary Secretary.
 Sd.) RUDRAPRASAD M. MANKODI
Honorary Treasurer.

THE BOMBAY LEGAL AID SOCIETY

Balance Sheet as at 31st December 1939.

FUNDS & LIABILITIES.	Rs. a. p.	ASSETS.	Rs. a. p.
Balance of last year	7,551-11-5	In the Savings Bank account with the Imperial Bank of India	491-4-8
Add—Excess of Income for current year ...	27-13-0	Postal Cash Certificates of the face value of Rs. 8,020/- purchased for ...	7,024-2-0
		Furniture last year Rs. 27-4-0	
		Purchased this year .. 14-8-0	
		<u>Rs. 41-12-0</u>	41-12-0
		Cash with the Hon. Treasurer	22-5-9
		<u>Total Rs. 7,579-8-5</u>	<u>Total Rs. 7,579-8-5</u>

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I have audited the above Balance Sheet with the Vouchers and the Books of Accounts. In my opinion it represents a true state of affairs of the Society as at 31st December 1939.

(Sd.) NANUBHAI & Co.

Registered Accountants & Auditors.

Bombay, 27 Feb. 1940.

(Sd.) NAYAN H. PANDIA

Honorary Secretary.

(Sd.) RUDRAPRASAD M. MANKODI

Honorary Treasurer.

List of Members.

1. A. C. Amin, Esqr., Advocate.
2. Mr. B. G. Kher, Attorney-at-Law.
3. B. G. Padhye, Esqr., B.A., LL.B.
4. Bombay Insurance Brokers Association.
5. B. I. Sargon, Esqr., Bar-at-Law.
6. B. K. Mistry, Esqr., B.A., LL.B.
7. B. K. Nicholson, Esqr., B.A., LL.B.
8. B. L. Umerwadia, Esqr., B.A., LL.B.
9. C. C. Camat, Esqr., B.A., LL.B.
10. Camruddin Gulamali Vakil, Esqr.
11. Sir Chimanlal H. Setalved, Kt., Advocate.
12. C. M. Eastley, Esqr., Solicitor.
13. C. M. Taleyarkhan, Esqr.
14. C. N. Caroe, Esqr., Solicitor.
15. F. A. Vakil, Esqr., Attorney-at-Law.
16. G. C. O'Gorman, Esqr., Bar-at-Law.
17. G. J. Barahia, Esqr., B.A., LL.B.
18. G. S. Dholakia, Esqr., B.A., LL.B.
19. H. A. H. Payne, Esqr., Solicitor.
20. H. C. Coyajee, Esqr., Advocate.
21. H. D. Banaji, Esqr., Advocate.
22. H. H. Maniar, Esqr., B.A., LL.B.
23. H. N. Parikh, Esqr.
24. H. Raghuram, Esqr., B.A., LL.B.
25. H. B. Patell, Esqr., B.A., LL.B.
26. I. J. Samson, Esqr., B.A., LL.B.
27. J. A. Baxi, Esqr., Advocate.
28. J. B. Patell, Esqr., Bar-at-Law.
29. J. C. Forbes, Esqr., Advocate.
30. J. H. Vakil, Esqr., Bar-at-Law.
31. J. S. Chiniwala, Esqr., B.A., LL.B., Advocate.
32. K. F. Nariman, Esqr., B.A., LL.B.
33. K. J. Dubash, Esqr., Attorney-at-Law.
34. K. R. Bengeri, Esqr., B.A., LL.B.
35. K. S. Rele, Esqr., Attorney-at-Law.
36. Maganlal H. Bhatt, Esqr.

37. M. B. Madgaoker, Esqr., Attorney-at-Law.
38. M. D. Nanavaty, Esqr., Attorney-at-Law.
39. M. K. Desai, Esqr., B.A., LL.B.
40. M. M. Jayakar, Esqr.
41. M. Rao, Esqr., Bar-at-Law.
42. M. R. Masani, Esqr., Bar-at-Law.
43. N. B. Parulekar, Esqr.
44. N. C. N. Acharya, Esqr.
45. Nagardas Raghavji, Esqr.
46. N. H. Pandia, Esqr., M.A., LL.B., Attorney-at-Law.
47. N. N. Pandia, Esqr., B.A., LL.B., Attorney-at-Law.
48. P. G. Bapat, Esqr., B.A., LL.B.
49. P. H. Dalal, Esqr., B.A., LL.B.
50. Dr. P. N. Daruwalla, LL.D., (Lond) Bar-at-Law.
51. Purshottam Trikamdass, Esqr., Bar-at-Law.
52. R. H. Pandia, Esqr., Bar-at-Law.
53. R. M. Mankodi, Esqr., B.A., LL.B., Attorney-at-Law.
54. R. S. Dharia, Esqr.
55. R. S. Patel, Esqr., Secretary of the Bombay Seeds Trading Association
56. S. B. Dadyburjor, Esqr., B.A., LL.B., Advocate.
57. S. E. Bharucha, Esqr., B.A., LL.B.
58. S. G. Velinker, Esqr., Bar-at-Law.
59. S. H. Shah, Esqr., Attorney-at-Law.
60. Sankalchand J. Shah, Esqr., B.A., LL.B.
61. S. M. Adhikari, Esqr., B.A., LL.B., Advocate.
62. S. M. Kulkarni, Esqr., B.A., LL.B.
63. S. R. Mehta, Esqr., B.A., LL.B.
64. Thakordas N. Merchant, Esqr., Attorney-at-Law.
65. D. B. Tilak, Esqr., B.A., LL.B.
66. V. R. Laud, Esqr., B.A., LL.B.
67. V. S. Dabholker, Esqr., B.A., LL.B., Attorney-at-Law.
68. V. V. Bhadkamkar, Esqr., B.A., LL.B.
69. V. D. Bole, Esqr.
70. M. J. Sethna, Esqr., Barrister-at-Law.
71. Durlabhdass Goculdas, Esqr.
72. Nagindas T. Master, Esqr., Attorney-at-Law.
73. C. R. Bhiwandkar, Esqr., B.A., LL.B., Advocate.
74. Tehmurasp Rustomji Mistry, Esqr.
75. P. V. Raman, Esqr.
76. M. N. Oak, Esqr., B.A., LL.B., Advocate.
77. P. L. Thucker, Esqr., Advocate (O.S.).
78. R. P. Shah, Esqr., Bar-at-Law.
79. N. D. Vakharia, Esqr., B.A., LL.B., Advocate.

80. B. V. Trivedi, Esqr., Bar-at-Law.
81. A. V. Dighe, Esqr.
82. J. D. Sherston Baker, Esqr., Solicitor.
83. A. P. Lillie, Esqr., Solicitor.
84. C. H. Martin, Esqr., Solicitor.
85. S. B. Shah, Esqr., Bar-at-Law.
86. M. P. Rege, Esqr.
87. H. N. Purohit, Esqr.
88. M. B. Dixit, Esqr., M.A., LL.B., Handwriting Expert.
89. K. S. Warden, Esqr.
90. G. K. Deshpande, Esqr., B.A., LL.B.
91. Chimanlal Muljibhai, Esqr.
92. Manohar Pandurang Laud, Esqr., Bar-at-Law.
93. K. S. V. Navalkar, Esqr., B.A., LL.B.
94. M. M. Kotasthane, Esqr., B.A., LL.B., Advocate.
95. P. M. Purandare, Esqr., B.A., LL.B., Advocate.
96. The Nadiad Bar Association.