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1929

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**REPORT**

OF

**THE COMMITTEE**

OF

**THE BOMBAY LEGAL AID SOCIETY**

*for the Year ending  
31st December 1928.*

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TO THE MEMBERS OF  
**The Bombay Legal Aid Society.**

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**REPORT OF THE COMMITTEE**  
For the year ending 31st December 1928.

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GENTLEMEN,

The following is a short statement of the business transacted by the Society and its Committee in the year 1928 :—

During the year under report 91 applications were submitted to the Committee out of which 83 were on the Civil side and the rest were on the Criminal side.

Legal aid was given to 72 applicants and advice was given in all the cases.

Of the applicants 57 were Hindus, 14 were Mahomedans, 8 were Parsis, 7 were Christians, 3 were Europeans and 2 were Jews.

Legal assistance was given to 17 applicants to recover wages and provident fund from the employers, to 5 applicants to recover compensation from employers for injuries caused while in service, to 6 applicants to defend suits filed against them in the High Court, to 7 applicants to defend suits filed in the Small Causes Court by landlords in ejectment and for arrears of rent, to 6 applicants in filing and defending appeals in the High Court, to 8 applicants to recover debts due to them, to 2 applicants to recover maintenance allowance from their husbands and to 1 applicant to execute a decree for alimony by transmitting the same to a Court in the mofussil, to 4 applicants to file complaints for assault, to 1 applicant to defend a suit for divorce filed against her, to 2 applicants to recover deposits made with the employers and to the rest of the applicants in respect of miscellaneous other matters.

A few of the specimen cases showing the nature of the services which the Society was called upon to render, are given at the end of this Report.

The Society was invited by the Bombay Social Service Conference which met on 15th April 1928 to send its delegates to the Conference. Accordingly 3 delegates were sent to attend the Conference. The following resolution regarding Legal Aid was unanimously passed by the Conference :—

“ That this Conference approves of the aims and objects of the Bombay Legal Aid Society, which is doing very useful work in rendering legal aid to such persons in Society as cannot by reason of poverty, seek redress in a Court of Law, and appeals to the public in general and the members of the legal profession in particular to give their support to the Society in all possible ways. ”

During the year under report, the Publicity Committee of the Society carried on vigorous propaganda by publication of articles explaining the scope and objects of the Society in Bombay, Calcutta and other places. Opportunity was taken to explain the objects and the work of the Society to the distinguished Calcutta Solicitors who visited Bombay during November last as the guests of the Bombay Incorporated Law Society and it is gratifying to report that a Legal Aid Society has been formed in Calcutta. The report of its activities will be awaited with great interest. It is encouraging to note that the Legal Profession has begun to realise the excellent scope for humanitarian work which is afforded by the Society and incessant inquiries are made from several places in India as to the Society, its objects and work.

The work of the Society has continuously expanded as will be seen from the large number of applications submitted to the Society for Legal Aid and in order to cope with the demands on the Society it is necessary that a large number of members of the Legal Profession should join as members of the Society. It is encouraging to note that the number of the members of the Society at the end of the year was 50 an increase of 7 members over last year, and in spite of the fact that 2 of the members resigned from the Society during the current year.

A copy of the Society's Balance Sheet as at 31st December 1928 and of the Income and Expenditure Account for the year ending 31st December 1928 is subjoined.

At the forthcoming General Meeting the present members of the Executive Committee and the Honorary Secretary and Treasurer retire under Article V of the Constitution of the Society and the election of the

Committee and Honorary Secretary and Honorary Treasurer and Honorary Auditors becomes necessary.

The retiring members of the Committee are:—

H. A. H. PAYNE, Esqr., (*President*).  
 N. M. JOSHI, Esqr.,  
 S. B. DADYBURJOR, Esqr.,  
 F. A. VAKIL, Esqr.,  
 B. G. KHER, Esqr.,  
 K. F. NARIMAN, Esqr.,  
 K. J. DUBASH, Esqr.,  
 A. C. AMIN, Esqr.,  
 J. C. FORBES, Esqr.,  
 M. M. BHESANIA, Esqr.,  
 PAUL URBAN, Esqr.,  
 M. B. MADGAOKER, Esqr.,  
 N. H. PANDIA, Esqr., (*Honorary Secretary*).  
 R. M. MANKODI, Esqr., (*Honorary Treasurer*).

Mr. NANUBHAI V. DESAI, acted as the Honorary Auditor of the Society for the period under report, for which best thanks of the Society are due to him.

**N. B.—The 4th Annual General Meeting of the Society will be held at the office of Messrs. Payne and Co. at the Mercantile Bank Building, Esplanade Road, on Wednesday the 20th day of March 1929 at 6 P. M. (S. T.).**

#### AGENDA

1. To adopt the Committee's Report and to pass the Balance sheet and Income and Expenditure Account for the year ending 31st December 1928.
2. To elect a Committee, President, Vice-President, Honorary Secretary, Honorary Treasurer and Honorary Auditor.
3. Such other business as may be allowed by the chairman.

Dated this 1st day of March 1929.

By Order of the Committee

NAYAN H. PANDIA

*Honorary Secretary*

THE BOMBAY LEGAL AID SOCIETY.

### AN APPEAL.

Friends who appreciate the work of the Society, have made a suggestion that the Society should take up the work of rendering help to the families of those who are sentenced to undergo imprisonment. The Indian Social Reformer in its issue of February 3, 1929, after referring to a similar movement in America, has stated that a Society, which undertakes the work, is sure to obtain considerable public support and will be rendering useful work to the community. The problem, indeed, requires consideration because it very often happens that in the imprisonment of criminals the heavier punishment falls on the members of the convict's family, left behind. It is imperative that something should be done for them.

The Legal Aid Society, however, is handicapped owing to want of funds. In order that it may fully function, it requires a separate office with office convenience, a paid investigator and full time lawyer, so as to make for expedition, orderly handling of the clients; privacy in interviews, &c. A better financial support of Legal Aid work is urgently called for. A nucleus of a permanent fund has been formed by the donation of a sum of Rs. 500/- by "a friend" during the present year. The Society appeals to the Bar to generously contribute to the support of this agency for aid to the poor. There has always been a considerable number of persons outside the legal profession who have been interested in seeing that the poor get justice. It is hoped that such persons will make substantial contributions to the Society. Organised charities can also come to the aid of the Society. There is no reason why the Society should not benefit by bequests, endowments or grants like any other social service or worthy cause. A recent and striking example is to be found in the 1925-6 Report of the Committee on Legal Aid of the American Bar Association, where there is described a fund of \$150,000 of which the income is to be devoted to legal aid. Another endowment of \$25,000 was announced at the 50th Anniversary Dinner of the Legal Aid Society. There is a little doubt but that legal aid performs a public service and may lawfully be encouraged by public moneys. The Charter of the City of New York authorises a discretionary appropriation "to the Legal Aid Society—a sum not exceeding twentyfive thousand dollars for the uses and purposes of the said Society". It is earnestly hoped that during the current year, the public and especially the persons and institutions above referred to, will, generously, come to the aid of the Society and help to build up its Endowment Fund.

**SPECIMEN CASES.**

1. A Christian woman was deserted by her husband. On her applying for maintenance for herself and her child of the marriage, she was severely assaulted by her husband. The woman and child were utterly-stranded. She applied to the Society which took up her matter. A complaint was filed against the husband in the Police Court, with the result that the husband paid compensation to the wife and the case was compounded.

2. A female mill-hand fell into the clutches of a money-lender for her subsistence. As she could not pay the debt, the money-lender assaulted her. He also used to way-lay her on her way to the Mill, with the result that the woman was unable to leave her room to work in the Mill. She began to starve. The case was brought to the attention of the Society. It immediately put itself in communication with the money-lender, with the result that the money-lender ceased to molest the woman, and gave her time and other facilities to repay the debt.

3. A person engaged as a clerk in a highly respectable import and export firm fell ill. He obtained leave of absence owing to illness. On returning to duty after a fortnight, however, he was told to quit. He was also refused payment of the salary due to him. The Society took up the matter. Instead of carrying on correspondence, a member of the Society waited upon the proprietor of the firm and represented the case of the clerk to him. The proprietor was thoroughly satisfied with the explanation given and he not only paid the clerk the salary due but offered to re-engage him at any time he desired to rejoin the service. The proprietor stated that he was not, till then, aware of the existence of the Bombay Legal Aid Society. Upon being informed thereof, he expressed himself greatly pleased with the objects of the Society and the work it was doing.

4. A complaint was filed against a woman, by her relative, for criminal breach of trust and theft of certain articles. After several hearings the Magistrate discharged her. The complainant being dissatisfied, applied to the High Court in revision. The Society assigned solicitors and counsel to the woman, on revision. The High Court rejected the complainant's application and confirmed the Magistrate's Order.

5. A carpenter was employed by a firm of cabinet-makers and general merchants on a salary of Rs. 70 per month. The firm failed to pay the balance of salary amounting to Rs. 70-6-9 and the carpenter had to leave their service. On his demanding payment of the salary, the firm

raised various contentions and declined to pay. The carpenter had not got the means even to pay the Court fees. The Society took up the matter. A petition was prepared and filed in *forma pauperis*. The case was heard and decided in favour of the carpenter and his employers paid him Rs. 62 for his salary.

6. Another suit of the same character was put on the file by the Society against the same firm, at the instance of another employee. The suit also was settled by the employer paying the dues.

7. The tenants of a certain chawl situate at Naigam were mill-workers. They fell into arrears as regards rent, owing to the recent mill strike. The rent contractor thereupon adopted coercive measures against them to recover the rents, with the result that the tenants were about to be thrown on the street. The matter was brought to the notice of the Society, by the Y. M. C. A. Representative of the Society visited the chawl several times and made personal inquiries in the matter. Necessary representations were made to the authorities by the Society, with the result that the coercive measures were stopped and the mill-hands were given time to pay the rents.

8. A labourer employed in a Mill Company in Bombay was discharged from service but the amount due to him for Provident Fund was not paid owing to certain misunderstanding. The labourer applied to the Society for help in recovering the amount of the Provident Fund which amounted to about Rs. 221-3-3. The Society took up the matter and Solicitors were assigned to him. The Society removed the misunderstanding and the amount was promptly recovered and paid to the labourer.

9. A Maratha boy was employed in certain metal works in Bombay on a salary of Rs. 18 per month and while he was doing his duty his two fingers of the right hand were crushed in a machine near by. The accident made him unfit to continue the work and the boy was dismissed without proper notice. The boy was absolutely helpless. He applied to the Society for help. The matter was promptly attended to and after certain correspondence, the employer realised the justice of his employees case and paid compensation to him.

10. In a Matrimonial suit a Parsi Lady obtained a decree for Rs. 13 per month for maintenance but the amount was not paid by the husband. The lady was in great difficulty. The Society took up her case, and got the decree transferred to the proper Court for execution.

11. An actor was employed by a film company in Bombay and before any salary was fixed he was asked to take part in a wrestling fight. While acting his part, the entire weight of his adversary was directed towards his leg which was broken, and the actor had to be detained in the Hospital for treatment for over six months. The actor did not recover entirely from the effect of the accident and he was incapacitated from acting as an actor. He was asked to leave the Company and no compensation was paid to him. He had no means and requested the Society for help. Solicitors were assigned to him who carried on considerable correspondence with the Company and ultimately the actor was compensated.

12. A Mehta employed by a local cloth merchant on a salary of Rs. 35 per month was dismissed without notice and the merchant declined to pay the arrears of salary due to him and one month's salary in lieu of notice. The Society after some correspondence succeeded in getting for the mehta his arrears of salary and compensation for wrongful dismissal.

13. A poor Hindu widow obtained a decree against a surviving partner of her deceased son for Rs. 900 and interest in 1923 but the judgment debtor failed to pay up the decretal amount or any part thereof. She took out execution proceedings and got the judgment debtor arrested. The judgment debtor thereupon filed his petition in Insolvency. The widow thus became helpless. The Society took up her case and assigned Solicitors to her. The insolvent was thereafter ordered to be publicly examined and some of the witnesses who had knowledge of his dealings were also ordered to be examined. The insolvent thereafter applied for his discharge but the application was opposed by Counsel on behalf of the widow. After taking into consideration the Insolvent's conduct and his evidence at the Public examination the Court refused his discharge.

14. A limited trading Company in Bombay took a deposit of Rs. 300/- from a prospective clerk and agreed to pay him Rs. 40 per month as salary but after receipt of the moneys the Company failed to employ him as a clerk or to pay him the salary and failed to return the deposit in spite of repeated reminders. The clerk had no money to sue the Company. The Society took up the matter and filed a suit against the Company in the Court of Small Causes in Bombay and a decree for the full amount and costs was passed by the Court in favour of the clerk. Had it not been for the help rendered by the Society, the entire amount would have been lost to the poor clerk.

15. A Christian employed as a cook had adopted an orphan Christian girl and when she reached the age of 12 years he got her employment as a maid servant, on a salary of Rs. 10 per month. As he was in pecuniary difficulties he requested the employer of the girl to pay to him the salary of the girl amounting to Rs. 60 in advance. The employer did so but instead of taking a receipt for the amount the signature of the cook was taken on a promissory note of Rs. 150/-. About a year afterwards the cook found that the girl was not treated well by the employer and he requested the employer to pay off the balance of her salary and to relieve her from her duties. The employer declined to do so and in order to harass the poor man, filed a suit against the cook for the return of the sum of Rs. 150/- alleged to have been advanced to him on the promissory note. The cook was extremely poor and unable to defend the false suit brought against him. He applied to the Society for help. The case was one of real hardship. The Society assigned a competent pleader to defend the case on his behalf and after a lengthy inquiry the Court dismissed the suit of the employer and awarded Rs. 15 for costs of the cook.



THE BOMBAY LEGAL AID SOCIETY.

*Income & Expenditure Account for the year ending 31st December 1928.*

Dr.	Rs. a. p.	Cr.	Rs. a. p.
Subscription to the Social Service Conference ...	5 0 0	Subscription ( fees of members received ) ...	165 0 0
To stationery and Printing charges		Donation ... ..	15 0 0
Annual Report for 1927, letter paper etc. ...	28 6 0	„ Interest on Savings Bank account ...	10 10 0
„ Postage ... ..	10 0 6		
„ Society's Board ... ..	2 8 0		
	Rs. 45 14 6		
Excess of Income over Expenditure ...	144 11 6		
	Total Rs. 190 10 0		Total Rs. 190 10 0

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Examined and found correct.

NANUBHAI V. DESAI,  
*Hon. Auditor.*

NAYAN H. PANDIA,  
*Hon. Secretary.*

RUDRAPRASAD M. MANKODI,  
*Hon. Treasurer.*

### List of Members as on 31st December 1928.

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- 1 A. C. Amin, Esqr., ADVOCATE.
- 2 A. G. Desai, Esqr., BAR-AT-LAW.
- 3 B. G. Kher, Esqr., B.A., LL.B., ATTORNEY-AT-LAW.
- 4 C. C. Kamat, Esqr., B.A., LL.B.
- 5 C. N. Caroe, Esqr., ATTORNEY-AT-LAW.
- 6 D. M. Vakil, Esqr., B.A., LL.B.
- 7 D. M. Daru, Esqr., ATTORNEY-AT-LAW.
- 8 F. A. Vakil, Esqr., ATTORNEY-AT-LAW.
- 9 F. J. Patel, Esqr., BAR-AT-LAW.
- 10 G. J. Barahia, Esqr., B.A., LL.B.
- 11 G. H. Mehta, Esqr., ATTORNEY-AT-LAW.
- 12 G. V. Gokhle, Esqr., B.A.
- 13 H. A. H. Payne, Esqr., ATTORNEY-AT-LAW.
- 14 H. C. Coyajee, Esqr., ADVOCATE.
- 15 H. P. Desai, Esqr., M.A., LL.B.
- 16 H. Raghuram, Esqr., B.A., LL. B.
- 17 J. A. Baxi, Esqr., ADVOCATE.
- 18 Jos. Alex. Dias, Esqr., B.A., B.SC., LL. B., ATTORNEY-AT-LAW.
- 19 J. B. Patel, Esqr., BAR-AT-LAW.
- 20 J. C. Forbes, Esqr., ADVOCATE.
- 21 J. N. Taylor, Esqr., ATTORNEY-AT-LAW.
- 22 K. F. Nariman, Esqr., B.A., LL.B., M. L. C.
- 23 K. J. Dubash, Esqr., ATTORNEY-AT-LAW.
- 24 M. B. Madgaoker, Esqr., ATTORNEY-AT-LAW.
- 25 M. D. Nanavaty, Esqr., ATTORNEY-AT-LAW.
- 26 M. H. Vakil, Esqr., M.A., LL.B.
- 27 M. K. Desai, Esqr., B.A., LL.B.
- 28 M. M. Bhesania, Esqr., B.A., LL.B.
- 29 M. M. Jhaveri, Esqr., ADVOCATE.
- 30 N. B. Paruleker, Esqr.,
- 31 N. H. Pandia, Esqr., M.A., LL.B., ATTORNEY-AT-LAW.
- 32 N. M. Joshi, Esqr., B.A., J. P., M. L. A.
- 33 N. N. Pandia, Esqr., B.A., LL.B.
- 34 N. V. Desai, Esqr., B.A., AUDITOR.
- 35 Dr. P. N. Daruwalla, LL.D. (Lon.), BAR-AT-LAW.
- 36 Paul Urban, Esqr., ATTORNEY-AT-LAW.

- 37 Purshottam Tricumdas, Esqr., BAR-AT-LAW.
- 38 R. C. Desai, Esqr., Merchant.
- 39 R. G. Desai, Esqr., B.A., LL.B., BHAVNAGAR.
- 40 R. H. Pandia, Esqr., BAR-AT-LAW.
- 41 R. M. Mankodi, Esqr., B.A., LL. B., ATTORNEY-AT-LAW.
- 42 S. B. Dadyburjor, Esqr., B.A., LL.B.
- 43 S. H. Shah, Esqr., ATTORNEY-AT-LAW.
- 44 Thakordas N. Merchant, Esqr., ATTORNEY-AT-LAW.
- 45 Thakordas P. Munim, Esqr., ATTORNEY-AT-LAW.
- 46 V. P. Shroff, Esqr., BAR-AT-LAW.
- 47 V. R. Laud, Esqr., B.A., LL.B.
- 48 V. S. Dabholker, Esqr., B.A., LL.B., ATTORNEY-AT-LAW.
- 49 V. V. Bhadkamker, Esqr., B.A., LL.B.
- 50 B. L. Umerwadia, Esqr., B.A., LL.B.

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