

Chhattisgarh State Legal Services Authority Regulations, 2003

CHHATTISGARH

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Rule

CHHATTISGARH-STATE-LEGAL-SERVICES-AUTHORITY-REGULATION of 2003

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Chhattisgarh State Legal Services Authority Regulations, 2003Published vide Notification No 2478/S.L.S.A./03. dated 27-12-2003, published in C.G. Rajpatra, Part 1, dated 13-2-2004 at p 590In exercise of the powers conferred by Section 29-A of the Legal Services Authorities Act, 1987 (No. 39 of 1987) and in consultation with the Chief Justice as required by sub-section (4) of Section 9 of the said Act, the State Legal Services Authority hereby makes the following regulations, namely :-Chapter-I Preliminary

1. Short title and commencement.

(1)These regulations may be called the Chhattisgarh State Legal Services Authority Regulations, 2003.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In these regulations, unless the context otherwise requires :-(a)"Act" means the Legal Services Authorities Act, 1987 (No. 39 of 1987);(b)"Aided person" means a person to whom Legal Services is provided in accordance with the provisions of the Act, rules and these regulations;(c)"Chairman" means the Chairman of the High Court Legal Services Committee, or as the case may be. the Chairman of the District Authority.(d)"Chief Justice" means the Chief Justice of the High Court of Chhattisgarh;(e)"Committee" means the High Court Legal Services Committee constituted under Section 8-A of the Act;(f)"District Authority" means the District Legal Services Authority constituted under Section 9 of the Act;(g)"Executive Chairman" means the Executive Chairman of the State Legal Services Authority constituted under Section 6 of the Act;(h)"High Court" means the High Court of Chhattisgarh;(i)"Legal Practitioner" the expression "Legal Practitioner" shall have the same

meaning as assigned to it in the Advocates Act, 1961;(j)"Legal Service" includes the rendering of any service in the conduct of any case or other legal proceedings before any Court or other Authority or Tribunal and the giving of advice on any legal matter;(k)"Legal Service Advocate" means an Advocate who has been assigned any work related to legal services;(l)"Legal Service Counsel-cum-consultant" means an Advocate appointed as Legal Service Counsel-cum-consultant by the Committee, or, as the case may be, by the District Authority;(m)"Member" means a Member of the High Court Legal Services Committee, or, as the case may be, a Member of the District Legal Services Authority;(n)"Rule" means a rule of the Chhattisgarh State Legal Services Authority Rules, 2003;(o)"Secretary" means the Secretary of the High Court Legal Services Committee constituted under Section 8-A of the Act; or as the case may be, the Secretary of the District Legal Services Authority constituted under Section 9 of the Act;(p)"State Authority" means the State Legal Services Authority constituted under Section 6 of the Act;(q)"Section" means a section of the Legal Services Authority Act, 1987;(r)"State Government" means the Government of the State of Chhattisgarh;(s)Words and expressions used in these regulations but not defined shall have the same meaning respectively assigned to them in the Act.

3.

The Executive Authority of the State Authority shall vest in the Executive Chairman and may be exercised through the Member Secretary who shall act under the control of the Executive Chairman :Provided that in respect of any decision to be taken, the Patron-in-Chief may give such advice as is deemed necessary. The Executive Authority of the District Authority shall vest in its Chairman and may be exercised through its Secretary who shall act under the control of the Chairman. The Executive Authority of the Taluk Committee shall vest in its Chairman and may be exercised either by himself or through such other officer who is chosen for the purpose.

3A. Power and function of the Patron-in-Chief.

(1)The Patron-in-Chief, shall have overall supervision and control over the functioning of the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and Taluk Legal Services Committee.(2)The Patron-in-Chief, shall at any time call upon the Member Secretary of the State Legal Services Authority, Secretary of the High Court Legal Services Committee, the Chairman and Secretary of the District Legal Services Authorities or the Taluk Committee, as the case may be and give such instructions from time to time to implement the schemes.(3)The Patron-in-Chief may undertake such tour throughout the State for promoting the Legal Services Programmes and the schemes of the Act and to implement in the perspective manner. The expenses incurred by the Patron-in-Chief, in respect of the tour and other programmes, shall be met out by the funds of the Chhattisgarh State Legal Services Authority.

3B. Meetings of the State Legal Services Authority.

(1)The State Authority shall meet atleast once in three months at the place, date and time specified by the Patron-in-Chief or by the Executive Chairman of the Authority.(2)The meeting of the State Authority shall be presided over by the Patron-in-Chief or in his absence by the Executive Chairman

and the quorum of the meeting of the State Authority shall be nine and no quorum shall be necessary for adjourned meeting.(3)All the subject matter of the agenda shall be decided in the meeting by the majority of votes of the members present and in case of equal number of the votes the person presiding shall have a second or casting vote.(4)Any ten members of the Authority may give a requisition in writing addressed to the Members Secretary for convening a meeting of the Authority for consideration of the subjects or matters specified therein. On receipt of such requisition, the Member Secretary shall after obtaining the orders of the Patron-in-Chief convene a meeting of the Authority within a month from the date of receipt of such requisition to consider the subject or matters specified in the requisition.(5)Any Member of the State Authority desiring consideration of any subject or matter at any meeting of the State Authority, may intimate in writing such subject or matter to the Member Secretary. If such intimation is received before issue of the notice of the meeting, the subject or matter, shall, if so directed by the Patron-in-Chief, be included in the Agenda of the Meeting. If such intimation is received after issue of the notice, the subject or matter may be considered at the meeting with the permission of the person presiding at the meeting.(6)The Member Secretary of the State Authority shall prepare the agenda of the meeting of the State Authority and the Executive Chairman shall, finally approve the Agenda with the previous sanction of the Patron-in-chief of the State Authority. The notice of even meeting of the State Authority, shall be given in writing by the Member Secretary to the Members, atleast 7 clear days before the date of the meeting. However, in urgent matters, the notice of only 3 days may be given.(7)The agenda of the meetings shall be sent to the Members alongwith the notice.(8)The Member Secretary shall draw up the minutes of the meeting of the State Authority and after it is approved by the Patron-in-Chief, send it, as soon as possible but not later than the date of dispatch of the notice of the next meeting.(9)The minutes shall contain a record of the decision taken and resolutions passed at the meeting and the discussions at the meeting shall not ordinarily form part of the minutes, unless the Patron-in-Chief or the Chairman of the meeting so directs. The minutes shall be recorded in a separate register maintained for that purpose in the office of the State Authority.(10)The minutes shall be read over at the next meeting of the State Authority and may suffestation which may be made by any Member of the State Authority may be considered.(11)The Member Secretary shall, at the commencement of the next meeting of the State Authority inform the members the action taken on the decisions taken in the previous meeting.(12)The signature of the Members present at the meeting shall be obtained in a register maintained for the purpose.(13)The Member Secretary may pass the TA bills of all the Members of the State Authority and the Committee and also of others who have attended the meetings or programmes of the State Authority.(14)The State Authority shall meet the expenses of such meetings.

3C. Allowances payable to the members of the State Authority.

(1)The sitting fee payable to the non-official Members of the State Authority for attending the meeting or of any Committee thereof is as may be fixed by the Executive Chairman, with the approval of the Patron-in-Chief.(2)No allowances pay able to the Patron-in-Chief and Executive Chairman for attending the meetings of the State Authority or of any Committee thereof.

Chapter II

State Authority

Other functions to be performed by the State Authority

4.

In addition to the functions to be performed by the State Authority, as laid down by Section 7(1) and 7(2) (a) (b) (c) of the Act, the State Authority may also perform the following functions :-(1)The State Authority may conduct legal literacy camps in different parts of the State, with a view to transmitting knowledge about the legal aid schemes conducted in the State, or with a view to spreading consciousness about the legal rights and duties of citizens with special reference to the tribal and rural populations, women, children, disabled, handicapped and the weaker sections of the Society.(2)The State Authority may conduct legal aid clinics in different parts of the State in collaboration with Law Colleges, Universities and other social service organisations.(3)The State Authority may also establish or direct the District Authority to establish conciliation committees at various centres in the State with a view to providing permanent or quasi-permanent infrastructure for resolving legal disputes between the parties, whether they may be pending in Courts or may be in the offing. For establishing such Committee it will be open to the State authority/or the District Authority to take active assistance/support of such social service organizations that have zeal for legal aid work.(4)May review the cases where legal services are refused by the District Authority, on application.Chapter-IV I-General

5. Number, experience and qualifications of other members of the High Court Legal Services Committee.

(1)The Committee shall have not more than 5 members.(2)The following shall be ex-officio Members of the Committee :-(i)President, High Court Bar Association, Bilaspur.(ii)Additional Registrar (Judicial) of Chhattisgarh High Court.(3)The Chief Justice may nominate, not more than 2 Members from amongst those possessing experience and qualifications specified in sub-regulation (4).(4)A person shall not be qualified for nomination as a Member of the Committee unless he is :-(a)an eminent Social Worker.(b)an eminent person in the field of law.

6. Terms of office and other conditions relating thereto of the members of the Committee.

(1)The term of the Office of Member of the Committee, other than ex-officio member, shall be two years :Provided that a Member shall be eligible for re-nomination for one more term.(2)(i)The Chief Justice may remove any Member of the Committee nominated under sub-regulation (3) of Regulation 5 who -(a)fails, without sufficient cause, to attend three consecutive meetings of the Committee; or(b)has been adjudged as insolvent; or(c)has been convicted of an offence which, in the opinion of the Chief Justice involves moral turpitude; or(d)has become physically or mentally

incapable of acting as Member;(e)has abused his position as to render his continuance in the Committee prejudicial to the public interest.(ii)Notwithstanding anything contained in Cl. (i), no Member shall be removed from the Committee on the ground specified in sub-clause (e) of that clause unless the Chairman, on a reference being made to him in this behalf by the Committee, has, on an enquiry held by him in accordance with such procedure as he may specify in this behalf, recommended that the Member ought, on such ground, to be removed.(iii)a Member may, by writing under his hand addressed to the Chairman resign from the Committee and such resignation shall take effect from the date on which it is accepted by the Chairman.(3)Any vacancy in the Office of a Member of the Committee may be filled up in the same manner as provided for nomination and the person so nominated shall hold office for the residuary term of the Member in whose place he is nominated.(4)(a)All Members nominated under sub-regulation (3) of Regulation 5 shall be entitled to payment of travelling allowances, and daily allowances in respect of journeys performed in connection with the work of the Committee and shall be paid by the Committee in accordance with the rules as are applicable to Grade 'A' Officers, of the State Government.(b)All Members, shall function in an honorary capacity.(5)All Members covered under sub-regulation (2) of Regulation 5 and those nominated under sub-regulation (3) of that regulation, who happen to be serving Government Officers, shall be entitled to the payment of traveling allowances and daily allowances in respect of the journeys performed in connection with the work of the Committee in accordance with the provisions of the rules applicable to them and paid by the office from where the concerned Members shall be drawing their pay and allowances and expenditures on this account shall be debited to budget head to which their pay and allowances shall be debited.

7. Powers and functions of the Committee.

(a)The powers and functions of the Committee shall be to administer and implement the legal services programme in so far as it relates to the High Court and for this purpose take all such steps as may be necessary and to act in accordance with the direction issued by the Central Authority or the State Authority from time to time -(b)to receive and scrutinize applications for legal services and to decide all questions as to grant of withdrawal of legal services on such terms and conditions as may be laid down by the Committee from time to time.(c)to maintain panel of advocates of the High Court for giving legal service.(d)to decide all matters relating to payment of honorarium, costs, charges and expenses of legal services to the Advocates of the High Court.(e)to prepare and submit returns, reports and statistical information in regard to the legal services programmes to the State Authority.

8. Powers and functions of the Chairman.

(1)The Chairman of the Committee shall be in overall charge of administration and implementation of programmes of the Committee.(2)The Chairman shall call the meetings of the Committee convened through the Secretary atleast once in a period of three months.(3)The Chairman shall preside over the meeting of the Committee.(4)The Chairman shall have all the residuary powers of the Committee.

9. Terms of office and conditions of services of the Secretary of the Committee.

- The Secretary of the Committee shall be Serving Additional Registrar nominated by the Chief Justice.

10. Functions and powers of the Secretary of the Committee.

(1)The Secretary shall be the principal officer of the Committee and shall be the custodian of all assets, accounts, records and funds at the disposal of the Committee.(2)The Secretary shall maintain or cause to be maintained true and proper accounts of receipts and disbursements of the funds of the Committee and all other necessary records.(3)The Secretary shall convene meetings of the Committee with the previous approval of the Chairman and shall also attend meetings and shall be responsible for maintaining a true and correct record of the minutes of the proceedings of the Meetings.(4)All the orders and decisions of the Committee shall be authenticated by the Secretary of the Committee.

11. Meetings of the Committee.

(1)The Committee shall meet at least once in three months on such date and at such time and place as the Chairman may direct.(2)The minutes shall be open to inspection at all reasonable times by the members of the Committee.(3)A copy of minutes shall, as soon as may be after the meetings, be forwarded to Executive Chairman of the State Authority.(4)The quorum for the meeting shall be three including the Chairman.(5)All questions which come up before any meeting of the Committee shall be decided by a majority of votes of the members present and voting and in case of a tie, the Chairman shall also have the casting vote.

12. Funds, audit and accounts of the Committee.

(1)The Committee shall maintain a Fund to be called the High Court Legal Services Committee Fund to which shall be credited:-(a)such amounts as may be allocated and granted to it by the State Authority;(b)all such amounts as received by the Committee by way of donations;(c)all such amounts as received by way of costs, charges and expenses recovered from the persons to whom legal service is provided or the opposite party.(2)All the amounts credited to the said fund shall be deposited in a nationalised bank.Explanation. - In this sub-regulation "Nationalised Bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.(3)For the purpose of meeting incidental minor charges, such as court fee stamps and expenditure necessary for obtaining copies of documents etc. a permanent advance of Rupees two thousand five hundred shall be placed at the disposal of the Secretary of the Committee.(4)All expenditure on legal service, accommodation and staff of the Committee as also expenditure necessary for carrying out the various functions of the Committee shall be incurred out of the funds of the Committee with the prior approval of the Chairman.(5)The funds of the Committee may be

utilised for meeting the expenses incurred on or incidental to journeys undertaken by the Chairman or other members of the Committee or the Secretary in connection with legal services activities. The travelling allowances and dearness allowances payable to the Chairman, the ex-officio members and the Secretary shall be such as to which they are entitled by virtue of their respective offices.(6)The Secretary of the Committee shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.(7)The Committee shall cause to be kept and maintained true and correct accounts of all receipts and disbursement and furnish quarterly to the State Authority.(8)The account of the Committee shall be audited annually by a qualified auditor and submitted to the State Authority.I. Legal Services by the Committee

13. Application for Legal Services.

(1)Any person desiring legal service for bringing or defending any action in the High Court may make an application in writing together with or without an affidavit in Form I to the Secretary. If the applicant is illiterate or is not in a position to sign the Secretary or an officer of the Committee may record his verbal submissions and obtain his thumb impression on the record and such record will be treated as his application.(2)The Committee shall maintain a register of applications wherein all applications for legal service shall be entered and registered date wise and the action taken on such applications shall be noted against the entry relating to such applications.

14. Disposal of Applications.

(1)On receipt of any application for legal service Regulation 11, the Secretary shall first examine and determine or cause to be examined and determined the eligibility of the applicant as per the provisions of the Act and the rules.(2)If the applicant satisfies the eligibility criteria, the Secretary shall proceed to examine the merit of his application and if the applicant has merit in his application, the Secretary shall proceed to decide the mode of legal service.(3)An application for the grant of legal services in any matter, if it is not found meritorious may be rejected, for the reasons to be recorded in writing, by the Secretary.(4)In case of refusal for the grant of legal services, the Secretary shall inform the applicant in writing of such refusal.(5)The applicant whose application for grant of legal services has been rejected may prefer an appeal before the Chairman for a decision.

15. Mode of Legal Services.

- Legal Services to be provided by the Committee may include any one or more of the following :-
(a)payment of Court-fees, process and all other charges payable or incurred in connection with any legal proceedings;
(b)charges for drafting, preparing and filing of any legal proceedings and representation by a legal practitioner in legal proceedings;
(c)cost of obtaining and supply of certified copies of judgements, orders and other documents in legal proceedings;
(d)cost of preparation of paper book (including paper, printing and translation of documents) in legal proceedings and expenses incidental thereto.

16. Legal Services not to be provided in certain cases.

- Legal services shall not be given in the following cases, namely :-(1)Proceedings wholly or partly in respect of-(a)defamations; or(b)malicious prosecution; or(c)a person charged with contempt of court proceedings; and(d)perjury.(2)Proceedings relating to any election.(3)Proceedings incidental to any proceedings referred to in sub-regulations (1) and (2).(4)Proceedings in respect of offences where the fine imposed is not more than Rs. 50/-,(5)Proceedings in respect of economic offences and offences against social laws, such as. the Protection of Civil Rights Act, 1955 and the Immoral Traffic (Prevention) Act, 1956 unless in such cases the aid is sought by the victim :Provided that the Chairman may in an appropriate case grant legal services even in such proceedings.(6)Where a person seeking legal services :-(a)is concerned with the proceedings only in a representative or official capacity; or(b)if a formal party to the proceedings not materially concerned in the outcome of the proceedings and his interests are not likely to be prejudiced on account of the absence of proper representation.

17. Legal Services may be granted in certain cases.

- Irrespective of the means test, legal service may be granted :-(a)in cases of great public importance; or(b)in special case, reasons for which to be recorded in writing which is considered otherwise deserving of legal services.

18. Legal Service Advocates and honorarium payable.

(1)A panel of Legal Service Advocates shall be prepared by the Chairman of the High Court Legal Services Committee with the approval of Chief Justice. No person who has less than 7 years practice shall be included in the panel.(2)The Legal Service Advocate shall be paid such honorarium as may be fixed by the Committee, as per schedule appended to this regulation.(3)No Legal Service Advocate to whom any case is assigned either for legal advice or for legal services shall receive any fee or remuneration whether in cash or in kind or any other advantage, monetary or otherwise, from the aided person or from any other person on his behalf. However, the Executive Chairman shall reserve the right that in case any Legal Service Advocate accepts any remuneration from the aided person, then after getting him self satisfied he can withdraw the case from him and cancel his name from the panel after giving him due opportunity.(4)The Legal Service Advocate who has completed his assignment, shall submit a statement showing the honorarium due to him together with the report of the work done in connection with the legal proceedings conducted by him on behalf of the aided person, to the Secretary or the Committee, who shall, after due scrutiny sanction the fee and expenses payable to him. It will, however, be open to the Legal Service Advocate to waive the honorarium wholly or partially. In case of any dispute on the quantum payable to the Legal Service Advocate, the matter shall be placed before the Chairman for decision, whose decision shall be final. However, the Secretary may make interim payment of honorarium and expenses incurred by such Legal Service Advocate.

19. Duties of aided person.

(1) A person seeking legal services shall comply with any requisition made on or direction given to him by the Secretary of the Committee or any of its members from the date the application for legal services is made till he enjoys the legal services granted to him. (2) Every such person shall execute an undertaking-cum-declaration in Form II that in the event of the Court passing a decree or order in his favour awarding costs to him or other monetary benefit or advantage, to repay by way of reimbursement to the Committee all costs, charges and expenses reimbursement, he shall authorize the Secretary of the Committee. The costs, charges and expenses so recovered shall be credited to the Fund of the Committee. (3) Every aided person or his representative shall attend the office of the Committee as and when required by the Committee or by the Legal Service Advocate rendering legal aid to him and shall furnish full and true information and shall make full disclosure to the Legal Service Advocate concerned and shall attend the Court, as and when required, at his own expense.

20. Withdrawal of Legal Services.

(1) The Committee may either on its own motion or otherwise, withdraw legal services granted to any aided person in the following circumstances, namely :-(a) in the event of it being found that the aided person was possessed of sufficient means or that he obtained legal service by misrepresentation or fraud; (b) in the event of any material change in the circumstances of the aided person; (c) in the event of any misconduct, misdemeanour or negligence on the part of aided person in the Court of receiving legal services; (d) in the event of the aided person not co-operating with the Committee or with the Legal Service Advocate assigned by the Committee; (e) in the event of the aided person engaging a legal practitioner other than the one assigned by the Committee; (f) in the event of death of the aided person, except in the case of civil proceedings where the right or liability survives; (g) in the event of the application for legal service or the matter in question is found to be an abuse of the process of law or of legal service : Provided that legal services shall not be withdrawn without giving due notice thereof to the aided person or to his legal representatives in the event of his death to show cause as to why the legal service should not be withdrawn : Provided further that no notice shall be necessary for withdrawal of legal service under clause; (h) on the recommendation of the Court concerned where matter is pending. (2) Where the legal services are withdrawn on the grounds set out in Cl. (a) of sub-regulation (1) the Committee shall be entitled to recover from the aided person the amount of legal service granted to him. Chapter-V General

21. Terms of office and other conditions relating thereto of the members of the District Authority.

(1) The terms of office of a member of the District Authority, other than ex-officio member, shall be two years : Provided that a member shall be eligible for renomination for one more term. (2) (a) (i) A member of the District Authority nominated under sub-rule (3) of Rule 1 may be removed by the State Government if in the opinion of State Government, he is not desirable to continue as a member. (ii) A member may, by writing under his hand addressed to the Chairman, District Authority, resign from the District Authority and such resignation shall take effect from the date on

which it is accepted by the Chairman.(b)Any vacancy in the office of a member of the District Authority may be filled up in the same manner as provided for the nomination and the person so nominated.(3)(a)All members nominated under sub-rule (3) of Rule 13 shall be entitled to payment of travelling allowances and daily allowances in respect of journeys performed in connection with the work of the District Authority and shall be paid by the District Authority in accordance with the rules as are applicable to Grade 'B' Officers of the State Government.(b)All members shall function in an honorary capacity.(4)All members, who happen to be serving Government officers or employees, shall be entitled to the payment of travelling allowances and daily allowances in respect of journeys performed in connection with the work of the District Authority in accordance with the provisions of the rules applicable to them and be paid by the office from where the concerned members, shall be drawing his pay and allowances and expenditure on this account shall be debited to the budget head to which their pay and allowances shall be debited.

22. Other functions of the District Authority.

- The District Authority besides functions specified in Section 10 shall perform the following functions, namely :-(a)give legal service within the district to persons who satisfy the criteria under the Act;(b)undertake preventive and strategic legal aid programmes within the district;(c)administer and implement the legal services programmes in so far as it relates to the Courts within the district and for this purpose take all such steps as may be necessary and to act in accordance with the directions issued by the Central Authority or the State Authority from time to time;(d)receive and scrutinize applications for legal services and decide all questions as to the grant or withdrawal of a legal service.(e)decide all matters relating to payment of honorarium, costs, charges and expenses of legal services to the Advocates; and(f)prepare and submit returns, reports and statistical information in regard to the legal services programmes to the State Authority.

23. Powers and functions of the Chairman of the District Authority.

(1)The Chairman of the District Authority shall be in overall charge of administration and implementation of the programmes of the State Authority and that of the District Authority.(2)The Chairman shall call meetings of the District Authority convened through the Secretary of District Authority at least once in a period of three months.(3)The Chairman shall have all the residuary powers of the Committee.

24. Terms of office and other conditions relating thereto of the Secretary of the District Authority.

(1)The Secretary of the District Authority shall hold office for a term not exceeding 3 years.

25. Functions and powers of the Secretary of the District Authority.

(1)The Secretary shall be the Principal Officer of the District Authority and shall be the custodian of all assets, accounts, records and funds at the disposal of the State Authority, and all other necessary

records.(2)The Secretary shall maintain or cause to be maintained true and proper accounts of receipts and disbursements of the funds of the District Authority.(3)The Secretary shall convene meetings of the District Authority with the previous approval of the Chairman of the District Authority and shall also attend meetings, and shall be responsible for maintaining a record of the minutes of the proceedings of the meeting.

26. Meeting of the District Authority.

(1)The District Authority shall meet atleast once in three months on such dates and at such place as the Chairman of the District Authority may direct.(2)The minutes shall, as soon as may be, after the meeting be forwarded to the Chairman of the District Authority.(3)The quorum for the meeting shall be three including the Chairman.(4)All questions which come up before any meeting of the District Authority, shall be decided by the majority of votes of the members present and voting and in case of a tie, the Chairman shall also have a casting vote.

27. Funds of the District Authority.

(1)The District Authority shall maintain a fund to be called the District Legal Aid Fund to which shall be credited-(a)such amounts as may be allocated and granted to it by the State Authority;(b)all such amounts as received by the District Authority by way of donations;(c)all such amounts as received by way of costs, charges and expenses recovered from the person to whom legal service is provided or the opposite party.(2)All the amounts credited to the District Legal Aid Fund shall be deposited in a Nationalized Bank.Explanation. - In this sub-regulation "Nationalized Bank" means corresponding new Bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.(3)For the purpose of meetings incidental minor charges, such as Court fees stamps and expenditure necessary for obtaining copies of documents etc., a permanent advance of rupees two thousand shall be placed at the disposal of the Secretary of the District Authority.(4)All expenditures on legal services, accommodation and staff of the District Authority as also expenditure necessary for carrying out the various functions of the District Authority shall be incurred out of the Funds of the District Authority and in accordance with the prior approval of the Chairman of the District Authority.(5)The funds of the District Authority may be utilized for meeting the expenses incurred on or incidental to journeys undertaken by the Chairman or other Members of the District Authority or the Secretary in connection with the legal services activities. The travelling allowances and dearness allowances payable to the Chairman, the ex-officio Members and the Secretary shall be such as to which they are entitled by virtue of their respective office held.(6)The Secretary shall operate the Bank Accounts of the District Authority in accordance with the directions of the Chairman.(7)The District Authority shall cause to be kept and maintained true and correct accounts of the receipts and disbursements and furnish quarterly returns to the State Authority.

2. Legal Services by the District Authority

28. Application for Legal Services.

(1) Any person desiring legal service for bringing or defending any action in a Court within the District may make an application in writing together with or without an affidavit in Form I to the Secretary. However, if the applicant is illiterate or is not in a position to sign, the Secretary shall record his verbal submissions and obtain his thumb impression on the record and such record will be treated as his application. (2) The District Authority shall maintain a register of applications wherein all applications for legal service shall be entered and registered datewise and the action taken on such applications shall be noted against the entry relating to such applications.

29. Disposal of Applications.

(1) On receipt of application for legal service under Regulation 28, the Secretary shall first examine and determine or cause to be examined and determined the eligibility of the applicant as per the provisions of the Act and the Rules. (2) If the applicant satisfies the eligibility criteria, the Secretary shall proceed to examine the merit of his application and if the applicant has merit in his application, the Secretary shall proceed to decide the mode of legal service. (3) An application for the grant of legal services in any matter, if it is not found fit, may be rejected for reasons to be recorded in writing by the Secretary. (4) In case of refusal for grant of legal services, the Secretary shall inform applicant in writing, of such refusal. (5) The applicant whose application for grant of legal services, has been rejected, may prefer an appeal before the Chairman of the District Authority for a decision.

30. Mode of Legal Services.

- Legal Service to be provided by the District Authority may include any one or more of the following :- (a) payment of court-fees, process fee and all other charges payable or incurred in connection with any legal proceedings; (b) charges for drafting, preparing and filing of any legal proceedings and representation by a legal practitioner in legal proceedings; (c) cost of obtaining and supply of certified copies of judgements, orders and other documents in legal proceedings; (d) cost of translation of documents in legal proceeding and expenses incidental thereto.

31. Legal Services not to be provided in certain cases.

- Legal Services shall not be given in the following cases, namely :- (1) Proceedings wholly or partly in respect of - (a) defamation; or (b) malicious prosecution; or (c) a person charged with contempt of Court proceedings; and (d) perjury. (2) Proceedings relating to any election; (3) Proceedings incidental to any proceedings referred to in sub-regulations (1) and (2); (4) Proceedings in respect of offences where the fine imposed is not more than Rs. 50/-. (5) Proceedings in respect of economic offences and offences against social laws, such as, the Protection of Civil Rights Act, 1955, and the Immoral Traffic (Prevention) Act, 1956 unless in such cases the aid is sought by the victim provided that the Chairman may in an appropriate case grant legal services even in such proceedings. (6) Where a person seeking legal services - (a) is concerned with the proceedings only in representative or official capacity; or (b) is a formal party to the proceedings not materially concerned in the outcome of the

proceedings and his interests are not likely to be prejudice on account of the absence of proper representation.

32. Legal Services may be granted in certain cases.

- Irrespective of the means test, legal service may be granted : -(a)in cases of great public importance; or(b)in a special case, reasons for which to be recorded in writing in which is considered otherwise deserving of legal services.

33. Legal Service Advocates and honorarium payable.

(1)The Chairman of the District Authority shall prepare a panel of lawyers as a Legal Service Advocate in consultation with the President of the District Bar Association, no person who has put in less than Seven years practice be included in the panel. For Taluk Committee, the Chairman of the District Authority shall prepare a panel of lawyers in consultation with the Chairman of the Taluk Committee. No person who has put in less than Seven years practice be included in the panel.(2)The Legal Service Advocate shall be paid such honorarium as may be fixed by the District Authority in accordance with the guidelines issued by the State Authority in the Schedule appended to this regulation.(3)No Legal Service Advocate to whom any case is assigned either for legal advice or for legal service, shall receive any fee or remuneration whether in cash or in kind or any other advantage monetary or otherwise, from the aided person or from any other person on his behalf. However, the Executive Chairman shall reserve the right that in case any Legal Service Advocate accepts any remuneration from the aided person, then after getting himself satisfied, he can withdraw the case from him and cancel his name from the panel after giving him due opportunity.(4)The Legal Service Advocate who has completed his assignment shall submit a statement showing the honorarium due to him together with the report of the work done in connection with the legal proceedings conducted by him on behalf of the aided person, to the Secretary of the District Authority who shall, after due scrutiny, sanction the fee and expenses payable to him. It will, however, be open to the Legal Service Advocate to waive the honorarium wholly or partially. In case of any dispute on the quantum payable to the Legal Service Advocate, the matter shall be placed before the Chairman of the District Authority for decision However, the Secretary may make interim payment of honorarium and expenses incurred by such Legal Service Advocate.

34. Duties of aided person.

(1)A person seeking legal services, shall comply with any requisition made on or direction given to him by the Secretary of the District Authority or any of its Members from the date the application for legal services is made till he enjoys the legal services granted to him :Provided further that no notice shall be necessary for withdrawal of legal service under Cl (h) on the recommendation of the Court concerned where the matter is pending.(2)Where the legal services are withdrawn on the grounds set out in Cl. (a) of sub-regulation above, the District Authority shall be entitled to recover from the aided person the amount of legal service granted to him.

35. Terms of the office and other conditions relating thereto of the members of Taluk Committee.

(1)The term of office of a member of the Taluk Committee, other than ex-officio member, shall be two years :Provided that a member shall be eligible for re-nomination for one more term.(2)(a)(i)A member of the Taluk Committee, nominated under sub-rule (3) of the Rule 16 may be removed by the State Government if in the opinion of the State Government he is not desirable to continue as a member.(ii)A member may, by writing under his hand addressed to the Chairman Taluk Committee, resign from the Taluk Committee and such resignation shall take effect from the date on which it is accepted by the Chairman.(b)Any vacancy in the office of a member of the Taluk Committee may be filled up in the same manner as provided for the nomination and the person so nominated shall hold office for the residuary, term of the member in whose place he is nominated.(3)(a)All the members nominated under sub-rule (3) of Rule 16 shall be entitled to payment of travelling allowances and daily allowances in respect of journey performed in connection with the work of the Taluk Committee and shall be paid in the Taluk Committee in accordance with the rules as are applicable to "Grade B" Officer of the State Government as amended from time to time.(b)All members shall function in an honorary capacity.(4)All members, who happen to be serving Government officers or employees shall be entitled to the payment of travelling allowances and daily allowances in respect of journeys performed in connection with the work of the Taluk Committee in accordance with the provisions of the rules applicable to them and be paid by the office from where the concerned members shall be drawing their pay and allowances and expenditure on this.(5)Every such person shall execute an undertaking-cum-declaration, in the Form II that in the event of the Court passing a decree or order in his favour awarding costs to him or other monetary benefits or advantage to re-pay by way of reimbursement to the District Authority all costs, charges and expenses incurred by the District Authority in giving to him legal service. For effecting such reimbursement, he shall authorize the Secretary of the District Authority. The costs, charges and expenses, so recovered, shall be credited to the fund of the District Authority.(6)Every aided person or his representative shall attend the office of the District Authority as and when required by the District Authority or by the Legal Service Advocate rendering legal aid to him and shall furnish full and true information and shall make full disclosure to the Legal Service Advocate concerned and shall attend the Court, as and when required, at his own expense.

36. Withdrawal of Legal Services.

(1)The District Authority may on its own motion or otherwise, withdraw legal services granted to any aided person in the following circumstances, namely :-(a)in the event of it being found that the aided person was possessed of sufficient means or that he obtained legal service by misrepresentation or fraud;(b)in the event of any material change in the circumstances of the aided-person;(c)in the event of any misconduct, misdemeanour or negligence on the part of the aided person in the course of receiving legal service;(d)in the event of the aided person not co-operating with the District Authority or with the Legal Service Advocate assigned by the District Authority;(e)in the event of the aided person engaging a legal practitioner other than the one assigned by the District Authority;(f)in the event of the death of the aided person, except in the case of civil proceedings where the right or liability survives;(g)in the event of the application for legal

service or the matter in question is found to be an abuse of the process of law or of legal service :Provided that legal service shall not be withdrawn without giving due notice thereof to the aided person or to his legal representatives in the event of his death, to show cause as to why the legal service should not be withdrawn :account shall be debited to the budget head to which their pay and allowances shall be debited.

37. Transitory powers.

- The Patron of the State Legal Services Authority or the Executive Chairman of the State Legal Services Authority shall have the transitional power to meet such urgent/emergent situations as may arise or situation necessitate.

38.

If any difficulty arises in the interpretation of the Regulations then the decision of the Patron-in-Chief shall be final. Form I (Sub-regulation (1) of Regulation 1 and sub-regulation (1) of Regulation 26) Affidavit I, aged about..... years, son of/daughter of/wife of Shri..... resident of..... do hereby solemnly affirm and state as under :-(a)I belong to member of a Scheduled Castes/Scheduled Tribes.(b)I am a victim of trafficking in human beings or a beggar.(c)I am eligible for legal services as I am women/child.(d)I am mentally ill or otherwise disabled person.(e)I am person under circumstances of undeserved want being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster.I hereby agree that in the event of the Court passing a decree or order in my favour awarding cost to me or other monetary benefit or advantage, I shall repay by way of reimbursement to the Committee/District Authority all costs, charges and expenses incurred by the Committee/District Authority in giving me Legal Services I hereby also authorize the Secretary of the High Court Legal Services Committee/ District Authority to do all such acts and things as may be necessary for recovery or realization of the amount decreed or ordered to be paid to me and to reimburse the same for the above mentioned purpose.I hereby also declare that in case of any benefit under a decree or order granted in my favour the High Court/Court shall be at liberty to divert such amount to the Committee/District Authority as may have been incurred by the Committee/ District Authority in giving me legal service and I shall also supply true information to the Committee/District Authority in this regard.I agree that my case be listed before Lok Adalat in Hon'ble High Court/ Court, if at any stage it is considered by the Committee/District Authority that my matter can be reconciled or settled through Lok Adalat. Applicant Form II (Sub-regulation (2) of Regulation 19 and sub-regulation (2) of Regulation 32) Undertaking-Cum-Declaration I, aged about..... years son of/daughter of/wife of Shri..... resident of..... do hereby undertake and declare as under :-

1. I shall comply with any requisition and direction that may be made by the Secretary or any of the members of the High Court Legal Services Committee/District Authority.

2. I shall furnish full and true information of all facts of my case to the Legal Service Advocate to be provided by the Committee/District Authority.

3. I seek to approach the Hon'ble High Court of [Madhya Pradesh] [It should be Chhattisgarh.]/Court of.....

(a)in appeal from the Judgement of.....(b)in writ jurisdiction for.....(c)for bringing or defending the action in the nature of...(Delete whatever is not applicable)

Schedule

Part I – Advocate engaged may be paid according to the following Schedule. However, it is clarified that the following directions lay-down, the maximum fee payable and the Committee or Authority shall be at liberty to reduce the remuneration in suitable cases.

1. Maximum fee payable Rs. 1200/- per case excluding other incidental expenditure in any Court of Civil Judge, Civil Judge, Class I, Court of Additional Collector, Sub-Divisional Officer, Tehsildar.

2. Maximum fee payable Rs. 1600/- per case excluding other incidental expenditure in any Courts of District Judge, Additional District Judge, District Collector, District Consumer Forum, established under the Consumer Protection Act, 1986 and Labour and Industrial Tribunal set up under the Industrial Disputes Act, 1947.

3. Maximum fee payable Rs. 2000/- per case excluding other incidental expenditure after disposal of the case at the State Consumer Commission established under the Consumer Protection Act, 1986 and the Court of Revenue Board.

4. The fee payable excluding other incidental expenditure after disposal of the case at High Court level is as given below-

- | | |
|----------|------------------------|
| a. Writ | - Rs. 2000/- per case. |
| b. Misc. | - Rs. 1500/-per case. |

- c. Civil Revision - Rs. 1000/-per case.
- d. 1st Appeal (Civil) - Rs. 4000/- per case.
- e. 2nd Appeal (Civil) & L.P.A. - Rs. 4000/- per case.
- f. Misc. Civil Case - Rs. 1500/-per case.

Part II – Fee schedule for acting as defence counsel for accused persons in warrant cases, summons cases. Sessions cases, appeals and revisions, shall be as under:-

1.	Maximum fee payable for the Courts of Magistrate FirstClass/CJM/S D M.	Maximum fee Rs. 1000/- for warrant cases, summons cases & contested summary cases (excluding other incidental expenditure).
2.	Maximum fee payable for the Courts of Sessions Judge/Addl. Sessions Judge/A.D.M./D.M.	(a) Maximum fee for sessions cases. Rs. 1600/-.
	(b) Maximum fee for Criminal Appeal cases 1000/-.	
	(c) Maximum fee for Criminal Revision cases 600/-.	
	(d) (excluding other incidental expenditure).	
3.	Maximum fee payable before the High Court level	(i) Bail application Rs. 500/- per case
	(ii) Criminal Appeal u/s. 378 Cr. PC against the order of acquittal Rs. 2000/- per case	
	(iii) Criminal Appeal against conviction for the offences punishable with death or life imprisonment. Rs. 4000/- per case	
	(iv) Criminal Appeal against conviction for other offences. Rs. 2000/- per case	
	(v) Criminal Revision Rs. 1500/- per case	
		Rs. 500/- per case

(vi) M.Cr.C. (excluding
other incidental
expenditure)

Part III – Fee payable to a panel lawyer under these regulations shall be made in two instalments as under:-

1. ½ of the fee, on engagement of the lawyer, payable, after first hearing of the case.

2. Remaining fee, payable after the final decision of the case.

Note. - Counsel leaving cases part heard or unheard without assigning reasons shall forfeit their right to remuneration.