

District Legal Services Authorities (Amendment) Regulations, 2021

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Delhi State Legal Services Authority Act, 1987

District Legal Services Authorities (Amendment) Regulations, 2021

Regulation NO-F-8-1-96-JUDL-VOL-II-SUPTLAW-524-528 of 2021

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No. F.8 / 1 / 96 - Judl . / Vol.II / Suptlaw / 524-528.— In exercise of the powers conferred under Section 29A of the Legal Services Authorities Act , 1987 (Act 39 of 1987) and in consultation with the Hon'ble Chief Justice of the Delhi High Court , as required by sub - section (4) of Section 9 and clause (c) of sub section (2) of Section 10 of the said Act , the State Legal Services hereby makes the following regulations to amend the District Legal Services Authorities Regulations , 1998 , namely :

1. Short Title and commencement : -

1.) These Regulations may be called the District Legal Services

Authorities (Amendment) Regulations , 2021 .

2.

) They shall come into force on the date of their publication in the Delhi Gazette .

2. Amendment of regulation 2 In District Legal Services Authority regulation , 1998 (hereinafter called the principal regulations) in regulation 2 the following sub - regulations shall be substituted namely :

In these Regulations , unless the context otherwise requires :(b) “ Aided Person “ shall have the same meaning as defined under Regulation 2 (f) of the Delhi State Legal Services Authority Regulations 2002 ;(c) " Chairperson " means the Chairperson of the District Legal Services Authority ;(d) “ Chief Justice “ means the Chief Justice of the High Court of Delhi ;(e) " District

Authority “ means District Legal Services Authority , Delhi constituted under Section 9 of the Act ;(f) “ Evaluation Committee ” means the Committee as constituted under the National Legal Services Authority (Free and Competent Legal Services) Regulations , 2010 ;(g) “ Executive Chairman “ means the Executive Chairman of the Delhi State Legal Services Authority ;(h) “ High Court “ means the High Court of Delhi ;(i) “ Legal practitioner “ shall have the same meaning as assigned to the expression in the Advocates Act , 1961 ;(j) “ Legal Service shall have the same meaning as defined in Section 2 (c) of the Act ;(k) “ Legal Services Advocate “ (LSA) means an advocate who has been empanelled by the State Authority in any of the panels constituted to provide legal aid and services and would also include an advocate who has been assigned any work , related to legal services by the State or the District Authority ;(l) “ Legal Services Counsellor “ (LSC) means any person appointed as counsellor by the State Authority ;(m) “ Member “ means a member of the District Legal Services Authority ;(n) “ Monitoring and Mentoring Committee ” means the Committee constituted under the National Legal Services Authority (Free and Competent Legal Services) Regulations , 2018- ;(o) “ Para Legal Volunteer “ (PLV) means a person trained and certified as such by the Delhi State Legal Services Authority ;(p) “ Rule “ means a rule of the Delhi State Legal Services Authority Rules , 1996 ;(q) “ Secretary ” means the secretary of the District Legal Services Authority appointed under sub - section (3) of Section 9 of the Act ;(r) “ Section ” means a Section of the Legal Services Authorities Act , 1987 ;(s) “ State Authority ” means the Delhi State Legal Services Authority constituted under Section 6 of the Act ;(t) “ State Government “ means the Government of National Capital Territory of Delhi ;(u) Words and expressions used in the regulations but not defined shall have the same meaning respectively assigned to them in the Act ;

3. for regulation 3 , the following shall be substituted , namely :

(1) The term 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 re - nomination for one more term ;(2) A member of the District Authority nominated under sub rule (3) of Rule 10 may be removed by the State Government in consultation with the Chief Justice of the High Court if in the opinion of the State Government , it is not desirable to continue him / her as a member ;(3) A member may by writing under his / her hand addressed to the Chairperson resign from the District Authority and such resignation shall take effect from the date on which it is accepted by the Chairperson ;(4) 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 shall hold office for the residuary term of the member in whose place he is nominated ;(5) All members nominated under sub rule (3) of rule 10 shall be entitled to payment of travelling allowances and daily allowances in respect of journey 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 the grade ' B ' officers of the State Government as amended from time to time ;(6) If a nominated member is a Government officer or employee , he shall be entitled to only one set of travelling allowance and daily allowance either from his parent department or , as the case may be , from the District Authority ;(7) Where a person is nominated as ex - officio member such person shall cease to be the member of the District Authority if he ceases to hold the post or office by virtue of which he has been nominated as ex officio member ;(8) All members shall function in an honorary capacity ;(9) The Secretary of the District

Authority shall be a Senior Division Officer of the Delhi Judicial Service and shall be a whole time employee on deputation basis, and shall hold office for a term not exceeding three years; (10) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters the Secretary shall be governed by the Delhi Judicial Service Rules and shall be on deputation to the District Authority;

4. For regulation 4 the following shall be substituted, namely :

The powers and functions of the District Authority shall be : (a) To implement the legal services plans drawn up by the State Authority for the year; (b) To administer and implement the legal services programmes in accordance with the guidelines and directions of the State Authority; (c) To perform such functions as are assigned or delegated to it by the State Authority from time to time; (d) To maintain the accounts of the District Legal Aid Fund; (e) To organize the Front - office as per the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010; (f) To receive and scrutinize the applications received for legal services through the Secretary or the Evaluation Committee; To assign and monitor the assignment of the cases to the Legal Services Advocate / Legal Services Counsel on the panel of the concerned District to ensure even distribution of work and to ensure that the Legal Services Advocates, Legal Services Counsels and Para Legal Volunteers attend to their assigned work diligently and to monitor their work; (h) To report to the State Authority in case of serious complaints against the Legal Services Advocates. To coordinate with the Monitoring Committee in respect of the quality of the legal services being rendered; (j) To pay honorarium and fees as per the fee schedule approved by the State Authority; (k) To defray other expenses incurred in the course of discharging the functions of the District Authority; (1) To defray such charges and costs that are directed by the Court keeping in mind that the District Fund is to be utilized for legal aid and services and further keeping in mind the guidelines issued by the State Authority from time to time; (m) To organize Lok Adalats in consultation with the State Authority and as per the Guidelines for functioning of Lok Adalats issued by NALSA; To organize legal awareness camps and to spread legal literacy and to constitute legal literacy clubs as per directions of the State Authority;

6. .

sub - regulation 6 (A) and 6 (B) of regulation 6 shall be deleted .

7. .

for regulation 7 the word Chairman shall be substituted with Chairperson .

8. .

sub- regulation (4) , (5) and (6) of regulation 8 the word Chairman shall be substituted with Chairperson .

9. .

for regulation 10 the following shall be substituted , namely : (1) On receipt of an application for legal service mentioned in regulation 9 , the Secretary shall first cause the eligibility of the applicant as per the provisions of the Act read with the rules , examined and determined (2) If the applicant satisfies the eligibility criteria , the Secretary shall proceed to examine the merit of the application through the Evaluation Committee or by himself / herself in urgent matters . In addition , the Secretary shall be empowered to seek legal opinion , from one or more LSAs and / or Senior Advocates , in appropriate cases . (3) In case the applicant satisfies the eligibility criteria and also has merit in his applicant , the Secretary shall proceed to decide the mode of legal service . (4) An application for the grant of legal services in any matter may be rejected by the Evaluation Committee / Secretary for reasons to be recorded in writing , and the applicant will be informed immediately of such rejection . (5) The applicant whose application for grant of legal services has been rejected may prefer an appeal before the Chairperson for a decision . for sub - regulation (6) of regulation 10 shall be deleted .

10. .

for regulation 11 the following shall be substituted , namely : Legal Services to be provided may include any one more of the following : (a) Court fees , provided that Court fees will be payable only after an application is moved before the Court for suing in forma pauperis and orders of the Court obtained thereon ; (b) Process fees and other similar charges payable or incurred in connection with any legal proceedings ; (c) Charges for drafting , preparing , filing of any legal proceedings and representation by a legal practitioner in legal proceedings ; (d) Cost of obtaining and supply of certified copies of judgments , orders and other documents in legal proceedings ; Cost of preparation of paper book (including paper , printing and translation of documents) in legal proceedings and expenses incidental thereto ; provided that charges for spot inspection other than local commissioner's fee , such as photographer's / electrician's / plumber's / mason's charges and similar expenditure , charges for medical examination and the like , shall not be payable , except with the approval of the Chairperson . “

11. .

Existing regulation 12 shall be deleted .

12. .

Existing regulation 13 shall be re - numbered as regulation 12 , the following shall be substituted , namely : “ Irrespective of the means test , legal service may be granted , with the written approval of the Chairperson (b) in a special case which is considered otherwise deserving of legal services “ ;

13. .

Existing regulation 14 shall be re - numbered as regulation 13 , the following shall be substituted ,namely :Duties of Legal Services Advocates(1)Every Legal Services Advocates shall attend to all duties assigned by the Authority punctually ,(0) To maintain records and statistical data as required by the State Authority and submit the same on a monthly basis to the State Authority .

5. sub - regulation (1) of regulation 5 shall be deleted and for sub - regulation (2) and (3) of regulation 5 , the word Chairman shall be substituted with Chairperson and re - numbered as 1 and 2 .

attentively and diligently .(2)Every Legal Services Advocates shall endeavour to provide quick and timely services to the aidedperson .(3)Every Legal Services Advocates shall ensure his attendance on each hearing of the case assigned tohim and shall diligently work towards the disposal of the case .(4)(a) On a case of the aided person assigned to any Legal Services Advocates being decided ,such Legal Services Advocates shall apply for the certified copies of the decree , judgment ,evidence , pleadings and other relevant documents , certified copies of which have not already beentaken .(b) Such certified copies shall be submitted to the Authority alongwith the detailed commentsof the Legal Services Advocates regarding the further desired action in the case if any required withspecific reference to feasibility of filing an appeal / revision .(c) The Legal Services Advocates who has completed his / her assignment , shall submit within

45. days of the completion of such assignment , a statement showing the honorarium due to him / her

together with the report of the work done in connection with the legal proceedings conducted byhim / her on behalf of the aided person , along with certified copies , to the Secretary of the DistrictAuthority , who shall after due scrutiny sanction the fee and expenses payable to him / her .Provided that in appropriate cases and for sufficient reasons , bills submitted after the expiryof the said 45 days may be processed by the Secretary for payment .(5)Every Legal Services Advocates shall attend all training programs , functions and the like organizedby the State or the District Authority and as directed by the said Authorities .(6)Every Legal Services Advocates shall submit a quarterly detailed report in respect of the work /cases assigned to him / her by the Authorities . The said report shall be submitted within seven days ofthe expiry of the quarter “ .

14. .

Existing regulation 15 shall be re - numbered as regulation 14 , the following shall be substituted ,namely :Honorarium payable to Legal Services Advocates(1)They shall be paid such honorarium as per the fee schedule fixed by the State Authority .(2)No Legal Services Advocates to whom any case is assigned either for legal advice or for legalservice 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 .(3)Any complaint against the Legal Services Advocates either under (2

) above or in relation to the handling of the assigned case or in connection with the proper discharge of his / her obligations in regard to the rendering of such legal services as are required of him / her being a Legal Services Advocate, will be forwarded to the State Authority which may conduct an enquiry in this regard and recommend action under Regulation 7 of the Delhi State Legal Services Authority Regulation

2002. .

(4) In case of any dispute on the quantum payable to the Legal Services Advocate, the matter shall be placed before the Member Secretary for decision . "

15. .

Existing regulation 16 shall be re - numbered as regulation 15 . By Order and in the Name of the Lt. Governor of National Capital Territory of Delhi , SANJAY KUMAR AGGARWAL , Pr . Secy . (Law , Justice & L.A.) Uploaded by Dte . of Printing at Government of India Press , Ring Road , Mayapuri , New Delhi - 110064 and Published by the Controller of Publications , Delhi - 110054 . SURENDERMAHA DASAM Digitally signed by SURENDERMAHA DASAM Date : 2021.06.10 19:27:33 + 05'30