

# Rajasthan State Legal Services Authority Regulations, 1999

RAJASTHAN

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## RAJASTHAN-STATE-LEGAL-SERVICES-AUTHORITY-REGULATIONS- of 1999

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Rajasthan State Legal Services Authority Regulations, 1999Published vide Notification No. G.S.R. 7, dated 3.2.1999Last Updated 30th September, 2019G.S.R. 7. - The Rajasthan State Legal Services Authority, in exercise of the powers conferred on it under section 29-A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987), hereby makes the following regulations to give effect to the provisions of the aforesaid Act, namely -Chapter-I Preliminary

### 1. Short title and commencement.

(1)These regulations may be called the Rajasthan State Legal Services Authority Regulations, 1999.(2)These regulations shall come into force from the date of their publication in the Official Gazette.

### 2. Definitions.

(1)In these Regulations, unless the context otherwise required-(a)"Act" means the Legal Services Authorities Act, 1987 (Act No. 39 of 1987);(b)"Rules" means the Rajasthan State Legal Services Authority Rules, 1995 framed under the Act as amended from time to time;(c)"Chief Justice" means the Chief Justice of the High Court of Judicature for Rajasthan;(d)"High Court" means the High Court of Judicature for Rajasthan;(e)"Awareness Committee" means the High Court Legal Awareness Committee or the District Legal Awareness Committee or the Taluka Legal Awareness Committee, as the case may be.(2)All other words and expressions used in these Regulations, but not defined, shall have the same meanings as are assigned to them in the Act or the rules framed there under.Chapter-II High Court Legal Services Committee

### **3. Constitution of the High Court Legal Services Committee.**

(1) There shall be a High Court Legal Services Committee (hereinafter in this Chapter referred to as Committee) for Rajasthan High Court. (2) The Committee, referred to in sub-regulation (1), shall, besides Chairman, have not more than fourteen other members. (3) The Chairman of the Committee may constitute Sub-Committees amongst members of the Committee for the seat at Jodhpur and Bench at Jaipur and such Sub-Committees shall discharge functions assigned to them by the Committee. (4) A person shall not be qualified for nomination as member of the Committee under Section 8-A (2) (b) of the Act unless he is - (a) an eminent person in the field of law or public administration; or (b) an eminent social worker who is engaged in the upliftment of the weaker sections of the people including Scheduled Caste, Scheduled Tribes, O.B.C., Women, Children, Rural and Urban Labour; or (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes. (d) holder of an office elected or otherwise connected with professional or Social Association or a government department or semi-government body.

### **4. Term of the Committee.**

(1) The term of office of the committee nominated under subsection (2) of section 8-A of the Act by the Chief Justice shall be two years. Provided that the Committee shall continue to function even after expiry of its term till a new committee is appointed in its place. Provided further that a member appointed under clause (d) of sub-regulation (4) of Regulation 3 shall cease to be a member on his ceasing to hold the office by virtue of which he was appointed. (2) A member of the Committee may be removed by the Chief Justice on the recommendation of the Executive Chairman if - (a) he fails, without sufficient cause, to attend three consecutive meetings of the High Court Legal Services Committee; or (b) his continuation is not considered to be desirable for any other good and sufficient cause. (3) A member may, by writing under his hand addressed to the Chief Justice resign from the Committee and such resignation shall be effective from the date on which it is accepted by the Chief Justice or on the expiry of thirty days from the date of tendering resignation, whichever is earlier. (4) If any member nominated under Section 8-A of the Act and this regulation ceases to be member of the Committee for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the Committee. (5) Subject to the provisions of sub-regulation (6) all members nominated under regulation 3 shall be entitled to the payment of travelling allowances and daily allowances in respect of journeys performed in connection with the meetings and functions of the Committee and shall be paid by the Committee at such rates as may be admissible to a class I officer, while travelling on official duty. (6) If a member is a Government Employee, he shall be entitled to draw the travelling allowances and daily allowances at such rates as are admissible to him under the service rules applicable to him and shall draw the allowances from the department, in which he is so employed. (7) The Secretary of the Committee shall be a Judicial Officer of the rank specified under rule 8 of the Rules, to be appointed by the Chief Justice in consultation with the Executive Chairman and he shall in addition to the pay and allowances admissible to him as a Judicial Officer under the service rules applicable to him be paid an honorarium of Rs. 500/- per month for the performance of the duties which may be revised from time to time by the State Authority in consultation with the State Government.

## **5. Functions of the Committee.**

(1) It shall be the duty of the Committee to give effect to the policy and directions of the State Authority. (2) Without prejudice to the generality of the functions referred to in sub-regulation (1), the Committee shall perform all or any of the following functions, namely- (a) provide legal services to persons who satisfy the criteria laid down under the Act, the Rules and the Regulations framed thereunder; (b) conduct Lok Adalats for the cases pending in High Court; and (c) encourage the settlement of disputes by way of negotiations, arbitration and conciliation between the parties thereto.

## **6. Functions of the Secretary of the Committee.**

(1) The Secretary of the Committee (hereinafter in this regulation referred to as Secretary) shall be custodian of all assets, accounts, records and funds placed at the disposal of the Committee and shall work under the supervision and direction of the Chairman of the Committee. (2) The Secretary shall maintain or cause to be maintained the true and proper accounts of the receipts and disbursement of the funds of the Committee. (3) The Secretary shall convene meeting of the Committee with the previous approval of the Chairman and shall also attend meetings and shall be responsible for recording of the minutes of such proceedings of the meetings separately.

## **7. Meetings of the Committee.**

(1) The Committee shall ordinarily meet once in six months on such date and at such time at the head-quarter of the committee or at such place as the Secretary may with the concurrence of the Chairman so decide. The Sub-Committees shall ordinarily meet once in a month on such date and as such time at their respective places. The meetings of the Sub-Committees shall be convened by the secretary. (2) The Chairman and in the absence of the Chairman, a person nominated by the Chairman, shall preside over the meeting of the Committee or Sub-Committee. (3) The procedure and agenda of any meeting of the Committee or Sub-Committee shall be such as the Chairman directs. (4) The minutes of the proceedings of each meeting shall be maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the Committee. A copy of the minutes shall, as soon may be, after the meeting be forwarded to the State Authority within ten days. (5) The quorum for the meeting of the Committee or Sub-Committee shall not be less than one-third of the members of existing members of the Committee or Sub-Committee including the Chairman or the member presiding over the meeting. (6) All the matters relating to agenda at the meeting of the Committee shall be decided by a simple majority of the members present and voting and in case of a tie, the person presiding shall have the casting vote. (7) Matters not included in agenda shall not be allowed to be raised unless the Chairman or any other Member presiding over the meeting so permits.

## **8. Funds, Accounts and Audit.**

(1) The funds of the Committee shall consist of such amounts as may be allocated and granted to it

by the State Authority as also such amounts as may be received by the Committee from time to time either by way of donation or by way of costs, charges and expenses recovered from the person to whom legal aid was provided or the opposite party or otherwise.(2)The Funds of the committee shall be maintained by opening an account in a Scheduled Bank and be operated under the signatures of the Secretary of the respective Committee in accordance with the directions of the Chairman.(3)[For the purpose of meeting incidental minor expenditures such as court fee, stamps and expenditures necessary for obtaining copies of documents & contingent expenditures etc. a permanent advance of rupees ten thousand from cost fund of Rajasthan High Court Legal Services Committee shall be placed at the disposal of the Secretary of Rajasthan High Court Legal Services Committee, Jodhpur/Jaipur.] [Substituted by Notification No. P(8) vidhi-2/virsa (16)/2012/629, dated 16.8.2018 (w.e.f. 3.2.2019).](4)All expenditure on legal services necessary for carrying out the various functions of the Committee shall be met out of the funds of the Committee.(5)The Secretary of the Committee shall keep and maintain true and correct account of all receipts and disbursements and furnish quarterly return to the State Authority and such accounts shall be audited in accordance with the provisions of Section 18 of the Act.Chapter-III District Legal Services Authorities and Taluk Legal Services Committees

## **9. Term of Office and Other Conditions of Appointment of the District Legal Services Authority.**

(1)The term of office of the members of the District Legal Services Authority shall be of two years and they shall be eligible for re-nomination.(2)A member of District Legal Services Authority may be removed by the Executive Chairman of the State Legal Services Authority on the recommendations of the Chairman of the District Legal Services Authority, if -(a)he fails without sufficient cause, to attend three consecutive meetings of the District Legal Services Authority; or(b)has been adjudged an insolvent; or(c)has been convicted of an offence, which in the opinion of the Executive Chairman involves moral turpitude; or(d)has become physically or mentally incapable of acting as member; or(e)has so abused as a member his position as to render his continuance in the District Legal Services Authority prejudicial to the public interest:Provided that, no member shall be removed from the District Legal Services Authority without affording him reasonable opportunity of being heard.(3)A member may, by writing under his own hand addressed to the Executive Chairman resign from the District Legal Services Authority and such resignation shall take effect from the date on which it is accepted by the Executive Chairman of the State Authority or on the expiry of thirty days from the date of tendering resignation, whichever is earlier.(4)If any member nominated to the District Legal Services Authority ceases to be a member for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the member in whose place he is so nominated.(5)Subject to the provisions of sub-regulation (6) the members of the Committee shall be entitled to payment of travelling allowances and daily allowances in respect of journeys performed in connection with the Meeting/Camp held by the District Legal Services Authority and shall be paid by the District Legal Services Authority at such rates admissible to the class II officer of the State Government or as may be prescribed by the State Legal Services Authority.(6)If a member is a Government Employee, he shall be entitled to draw the travelling allowances and daily allowances at the rates to which he is entitled under the service rules applicable to him and shall

draw from the department, in which he is employed.

## **10. Functions of the District Legal Services Authority .**

(1) It shall be the duty of every District Authority, in accordance with Section 10 of the Act, to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority. (2) Without prejudice to the generality of the functions referred to in sub-regulation (1), or under Sub-section (2) of Section 10, the District Authority may perform all or any of the following other functions, namely- (a) hold Legal Literacy Camps to promote legal awareness in the people specially the women and the weaker sections of the society; (b) publish/distribute pamphlets, booklets and other newsletters for legal awareness; (c) establish and control Para-Legal Clinics to promote legal awareness; (d) arrange seminars and the workshops to that effect; (e) take appropriate measures for spreading Legal Literacy and Legal Awareness amongst the people in particular, to educate the weaker sections of the society about their rights, benefits and privileges guaranteed by the Constitution and by social welfare legislations and other enactments as well as administrative programmes and measures etc; (f) make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, Women and Rural and Urban Labour segments; (g) produce video/documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes. (3) In the discharge of its functions under the Act, the District Authority shall, wherever it is considered appropriate, act in co-ordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the State Authority may give to it in writing.

## **11. Secretary District Legal Services Authority.**

(1) The Secretary of the District Legal Services Authority appointed, under sub-section (3) of section 9 of the Act shall act, exercise and perform the duties of the Secretary of the District Legal Services Authority in addition to the duties to be discharged by him as a judicial officer and for such discharge of his additional duties he shall be paid an honorarium of Rs. 400/- per month which may be revised from time to time by the State Authority in consultation with the State Government. (2) The Secretary shall be custodian of all assets, accounts, records and funds placed at the disposal of the District Authority. (3) The Secretary shall maintain and cause to be maintained true and proper accounts of the receipts and disbursement of the funds of the District Authority under the supervision of the Chairman. (4) The Secretary shall convene meeting of the District Authority 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 each of such meetings.

## **12. Meetings of the District Legal Services Authority.**

(1)The District Authority shall ordinarily meet once in a month on such date, time and at such place as the Secretary may, with the concurrence of the Chairman, decide.(2)The Chairman and in the absence of the Chairman, a person next senior most Judicial Officer at his headquarter to be nominated by the Chairman, shall preside at the meeting of the District Authority.(3)The agenda and procedure of the meeting shall be such as the Chairman may so determine, the matters not included in the agenda shall not be allowed to be raised unless the Chairman so permits.(4)The minutes of the proceedings of each meeting shall be maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the District Authority.(5)The quorum for the meeting shall not be less than one-third of the existing members including the Chairman.(6)All questions at the meeting of the District Authority shall be decided by a majority of the members presents and voting and in case of tie, the person presiding shall have a casting vote.

## **13. Funds, Accounts and Audit.**

(1)The funds of the District Authority shall consist of such amounts as may be allocated and granted to it by the State Authority as also such amounts as may be received by the District Authority from time to time either by way of donation so approved by the Executive Chairman or by way of costs, charges and expenses recovered from the person to whom legal aid was provided or the opposite party or otherwise.(2)The Funds of the District Authority shall be maintained by opening an account in a Scheduled Bank approved by the Chairman and be operated by the Secretary of the District Authority in accordance with the directions of the Chairman.(3)[ For the purpose of meeting incidental minor expenditures such as court fee, stamps and expenditures necessary for obtaining copies of documents & contingent expenditures etc. a permanent advance of rupees ten thousand from cost fund of District Legal Services Authority shall be placed at the disposal of Secretary of the District Legal Services Authority.] [Substituted by Notification No. P(8) vidhi-2/virsa (16)/2012/629, dated 16.8.2018 (w.e.f. 3.2.2019).](4)All expenditure on legal services including legal aid and advice as also expenditure necessary for carrying out the various functions of the District Authority, shall be met out of the funds of the District Authority.(5)The Secretary of the District Authority shall keep and maintain true and correct account of all receipts and disbursements and furnish quarterly return to the State Authority. Such accounts shall be audited in accordance with the provisions of Section 18 of the Act.

## **14. Term of office and other conditions of appointment of the Taluk Legal Services Committee.**

(1)The term of office of the Members of the Taluk Legal Services Committee shall be of two years and they shall be eligible for re-nomination.(2)A member of the Taluk Legal Services Committee may be removed by the Executive Chairman, State Legal Services Authority on the recommendation of the Chairman of the Taluk Legal Services Committee in consultation with the Chairman, District Authority if -(a)he fails, without sufficient cause, to attend three consecutive meetings of the Taluk Legal Services Committee; or(b)has been adjudged an insolvent; or(c)has been convicted of an

offence, which in the opinion of the Executive Chairman involves moral turpitude; or(d)has become physically or mentally incapable of acting as member; or(e)has so abused, as member, his position as to render his continuance in the Taluk Legal Services Committee prejudicial to the Public interest; Provided that, no member shall be removed from the Taluk Legal Services Committee without affording him reasonable opportunity of being heard.(3)A member may, by writing under his hand addressed to the Executive Chairman, State Legal Services Authority resign from the Taluk Legal Services Committee and such resignation shall take effect from the date on which it is accepted by the Executive Chairman, State Legal Services Authority or on the expiry of thirty days from the date of tendering resignation whichever is earlier.(4)If any member ceases to be member of the Taluk Legal Services Committee for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the member in whose place he is nominated.(5)Subject to the provisions of sub-regulation (6) all members of the Committee shall be entitled to the payment of travelling allowances and daily allowances in respect of journeys performed in connection with the Meetings/Camp held by the Taluk Legal Services Committee and shall be paid by the Taluk Legal Services Committee at such rates as may be admissible to a class III employee while travelling on official duty or as may be prescribed by the State Legal Services Authority.(6)If a member is a Government Employee, he shall be entitled to draw the travelling allowances and daily allowances at the rates to which he is entitled under the service rules applicable to him and shall draw from the department in which he is employed.

## **15. Secretary of the Taluk Legal Services Committee.**

(1)An official working under the Chairman of the Taluk Legal Services Committee and so nominated by him, shall act, exercise and perform the duties of the Secretary of the Taluk Legal Services Committee and for the discharge of the additional duties, he shall be paid an honorarium of Rs. 250/- per month which may be revised from time to time by the State Authority, in consultation with the State Government.(2)The Secretary shall be the custodian of all assets, accounts, records and funds placed at the disposal of the Taluk Committee.(3)The Secretary shall maintain true and proper accounts of the receipts and disbursements of the funds of the Taluk Committee.(4)The Secretary shall, with the previous approval of the Chairman, convene meetings and shall be responsible for maintaining the true and correct record of the minutes of the proceedings of each such meetings.

## **16. Meetings of the Taluk Committee.**

(1)The Taluk Committee shall ordinarily meet once in a month on such date and time at the head-quarter and at such place as the Chairman may decide.(2)The Chairman, and in the absence of the Chairman, a person nominated by the Chairman, shall preside at the meeting of the Taluk Committee.(3)The procedure and agenda at any meeting of the Taluk Legal Services Committee shall be such as the Chairman may determine.(4)The minutes of the proceedings of each meeting shall be maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the Taluk Committee.(5)The quorum for the meeting shall not be less than one-third of the existing members including the Chairman or the member presiding over the

meeting.(6)All questions at the meeting of the Taluk Committee shall be decided by a simple majority of the members present and voting and in case of tie, the person presiding shall have a casting vote.(7)The matter not included in agenda shall not be allowed to be raised unless the chairman or any other member presiding over the meeting, so permits.

## **17. Funds, Accounts and Audit of the Taluk Legal Services Committee .**

(1)The funds of the Taluk Committee shall consist of such amounts as may be allocated and granted to it by the State Authority and also such amounts as may be received by the Committee from time to time either by way of donations approved by Chairman of the District Authority or by way of costs, charges and expenses recovered from the legal aided person or the opposite party or otherwise.(2)The Funds of the committee shall be maintained in Scheduled Bank approved by the Chairman.(3)For the purpose of meeting the incidental an adequate amount of a permanent advance of not less than rupees one thousand shall be placed at the disposal of the Secretary of the Taluk Committee.(4)All expenditure on legal services necessary for carrying out the various functions of the Taluk Committee, shall be met out of the funds of the Taluk Committee.(5)The Secretary of the Taluk Committee shall keep and maintain true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority through the Chairman District Authority in accordance with the direction of Executive Chairman. The accounts of Taluk Committee shall be audited in accordance with the provisions of Section 18 of the Act.Chapter-IV Legal Services

## **18. Mode of providing Legal Services.**

- Legal Services may be provided in all or any one or more than one of the following modes, namely-(a)process fees and all other charges payable or incurred in connection with any legal proceedings except court fees;(b)representation by a legal practitioner in a legal proceeding;(c)obtaining of certified copies of orders and other documents in the legal proceedings;(d)preparation of paper book including printing and translation of documents, in the legal proceedings;(e)any other expenses which chairman of Legal Services Committee or District Authority deem fit to grant in special circumstances of a given case.

## **19. Application for legal aid or advice.**

(1)Any person desiring legal aid or advice may make an application addressed to the Secretary of the concerned Authority/Committee or the Chairman of the Taluk Legal Services Committee, as the case may be, but if the applicant is illiterate or not in a position to fill in the particulars required in the application, Secretary or any other officer/official of the District Authority/Committee or any legal practitioner whose name appears on the panel of Legal Aid Lawyers, of the District Authority/Committee, as the case may be, gather the necessary particulars from the applicant prepare the application on his behalf and after reading it out and explaining it to him, obtain his signature or thumb mark on it. The application shall be in Performa indicated in Schedule "A" of these regulations.(2)An affidavit shall accompany the application for Legal Aid, which shall be regarded as sufficient to decide the eligibility to legal aid, unless the concerned District



Authority/Committee has reason to disbelieve such an affidavit.(3)The District Authority/Committee shall maintain a register of applications wherein all applications for legal aid and advice shall be entered and the action taken on such applications shall be noted against the entry relating to each of such application.

## **20. Disposal of applications.**

(1)On receipt of an application for legal aid or advice, in the case of High Court Committee or District Authority, the Secretary and in the case of Taluk Committee, the Chairman of the Taluk Committee shall scrutinise the application for the purpose of deciding whether the applicant is eligible for grant of legal services in accordance with the provisions of these Regulations and the Act and the Rules thereunder for the purpose of arriving at such decision, he may require the applicant to submit further information as may be necessary and also discuss the matter personally with the applicant. The application shall be processed as early as possible and preferably within one month.(2)The District Authority/Committee, to which application is made shall consider the application and decide eligibility of the application and its decision to provide or refuse legal aid shall be final.(3)Where it is decided not to grant legal aid to an applicant, the reasons for not doing so shall be entered in the Register of applications maintained by the District Authority/Committee and information in writing to that effect shall be communicated to the applicant.(4)No application for legal aid or advice shall be allowed if the District Authority/Committee is satisfied that-(a)the applicant has knowingly made false statement or furnished false information regarding case or his means or place of residence; or(b)in the case of contemplated Civil, Criminal or Revenue or any other matter proposed to be initiated in a Court of Law, the applicant (in case of plaintiff, complainant, or petitioner only), there is no prima-facie case to initiate such proceedings; or(c)the applicant is not entitled to the same under Section 12 or any other provision of law or the Act and the rules framed thereunder; or(d)having regard to all the circumstances of the case it is otherwise not just and reasonable to grant it.

## **21. Certificate of Eligibility..**

(1)Where an application for legal services is allowed, the Secretary of the District Authority/Committee as the case may be shall issue a Certificate of Eligibility to the applicant entitling him to legal services in respect of the proceedings concerned. The certificate shall be in Performa indicated in Schedule "B" of these regulations.(2)The Certificate of Eligibility shall entitle the applicant to such legal aid as specified therein.(3)The Certificate of Eligibility shall stand cancelled if the legal aid is withdrawn and the lawyer to whom the case of the applicant is assigned, as also the court before which the case is pending shall be informed accordingly in writing.

## **22. [ Honorarium payable to Legal Practitioner on the Panel [Substituted by Rajasthan State Legal Services Authority (Amendment) Regulations, 2012, Notification No. 20722, Rajasthan Gazette Extra Ordinary. dated 20.03.2012 with effect from 04.05.2012.]**

(1)The concerned Committee/ District Authority shall prepare a panel of legal practitioners who are prepared to represent or plead the case on behalf of the persons provided with legal aid under these regulations.(2)In the first instance endeavour shall be made to arrange services of the Legal Practitioner on honorarium basis. If such services cannot be so arranged or cannot be so arranged without providing assistance by another legal practitioner, the concerned Committee/ District Authority may appoint a legal practitioner and pay the fee at the following rates -](a)[ Court of Tehsildar, Executive Magistrate, Civil Judge cum-Judicial Magistrate, Sub-Divisional Officer, Assistant Collector and other equivalent court etc. Rs. 6000/- per case and expenses of Rs. 1000/- per case in addition to fee prescribed. [Substituted by Rajasthan State Legal Services Authority (Amendment) Regulations, 2017, vide Notification: Rajasthan Gazette Extraordinary dated 24th May, 2017, with effect from 25th May, 2017.](b)Court of Collector-cum-District Magistrate, Additional Collector-cum-Additional District Magistrate, Senior Civil Judge cum Chief Judicial Magistrate and Senior Civil Judge cum Additional Chief Judicial Magistrate, Revenue Appellate Authority and other similar Tribunals Rs. 9000/- and expenses Rs. 1000/- per case.(c)Court of District & Sessions Judge, Additional District and Sessions Judge, Rs. 13,500/- and expenses Rs. 1000/- per case.(d)High Court Rs. 16,500/- and expenses Rs. 2000/- per case.](e)[ In any case for reasons to be recorded in writing it is considered by the Chairman to be of such nature/importance requiring payment of higher fees to the legal practitioner, may pay higher fees as it deems fit.] [Substituted by Rajasthan State Legal Services Authority (Amendment) Regulations, 2012, Notification No. 20722, Rajasthan Gazette Extra Ordinary. dated 20.03.2012 with effect from 04.05.2012.][Provided that in miscellaneous and petty cases like Bail applications and revision petitions of cases under section 107, 125, 145, 133, Cr. P.C. etc. 1/3 amount of fee as specified in clause (a) to (d), as the case may be, and expenses Rs. 1000/- per case shall be paid. Provided further in the withdrawal cases/disposal of case on the plea of guilty, 1/2 amount of fee as specified in clause (a) to (d) shall be paid.] [Substituted by Rajasthan State Legal Services Authority (Amendment) Regulations, 2017, vide Notification: Rajasthan Gazette Extraordinary dated 24th May, 2017, with effect from 25th May, 2017.](3)Fee payable under sub-regulation (2) shall be paid in two instalments as under-(a)1/2 of the fee on engagement of the legal practitioner after first hearing of the case;(b)remaining fee after final decision of the case.(4)Such legal practitioner to whom any case is assigned either for legal advice or for legal aid shall not receive any fee or remuneration whether in case or in kind or any other advantage, monetary or otherwise from such person or from any other person on his behalf and he shall submit a certificate to that effect.(5)Such legal practitioner on the panel, who has completed his assignment, shall submit a statement showing the fee due to him in connection with the legal proceeding conducted by him on behalf of such person to the Secretary of the District Authority/Committee who shall, after due scrutiny obtain sanction of the chairman and on such sanction being given the remaining amount shall be paid by the Secretary to the legal practitioner. It shall, however, be open to such legal practitioner to waive the remaining fee in whole or in part.

## 23. Duty of aided person.

- Every aided person or his representative shall attend the office of the District Authority/Committee as and when required by it or by the legal practitioner so engaged and shall furnish full and true information and shall make full disclosure of the fact of the case to the legal

practitioner concerned and shall attend the court as and when required by practitioner at his own expenses.

## **24. Cancellation of Certificate of Eligibility.**

(1)The District Authority/Committee may either on its own motion or otherwise cancel the Certificate of Eligibility granted under regulation 21 in the following circumstances, namely-(a)in the event of being found that such person was possessed of sufficient means or the Certificate of Eligibility was obtained by misrepresentation or fraud;(b)in the event of any material change in the circumstances of such person;(c)in the event of any misconduct, misdemeanour or negligence on the part of such person in the course of receiving legal aid;(d)in the event of such person not co-operating with the District Authority/Committee or with the legal practitioner so assigned by the Committee/District Authority;(e)in the event of such person engaging a legal practitioner other than the one assigned by the Committee/District Authority;(f)in the event of death of such person except in the case of such proceedings where such proceedings survives through legal representative;(g)a report has been received from the advocate assigned to such person that he is not cooperating with the advocate or is guilty of misbehaviour towards the advocate and such report has been verified :Provided that no such Certificate of Eligibility shall be cancelled without giving due notice thereof to such person or to his legal representative in the event of his death, to show cause as to why the Certificate should not be cancelled.(2)Where the Certificate of Eligibility is cancelled on the ground set out in clause (a) above, the District Authority/Committee shall discontinue legal aid allowed and shall be entitled to recover from the aided person the amount of legal aid granted to him through Public Demands Recovery Act, if deemed necessary.

## **25. Proceedings by the Chairman in urgent cases.**

- Notwithstanding anything to the contrary contained in these regulations, in case the Chairman of any Committee/District Authority is of the opinion that such a situation has arisen herein immediate action is required to be taken or there is no possibility of immediately convening the meeting of the Committee/District Authority, then he may , in anticipation of the approval of the Committee/District Authority concerned, take such action as he may deem fit, and there after he shall, as soon as possible send a report of his action so taken to the Committee/District Authority, concerned.

Chapter-V Lok Adalat

## **26. Composition of the Lok Adalat at high Court level.**

(1)The Lok Adalat shall consist of at least one sitting or retired Judicial Officer of the rank not below District Judge or the judge of the High Court and such other members not more than two out of the followings-i. Member of the legal profession;ii. Social worker;iii. Person of repute interested in Legal Services Schemes;iv. Representatives of voluntary social organisations;v. Members of legal clinic, if any.(2)The Lok Adalat at District level shall consist of at least one sitting or retired Judicial officer and such other members not more than two out of the followings-i. Member of the legal profession;ii. Social worker;iii. Persons of repute interested in Legal Services Schemes;iv. Representatives of voluntary social organisations;v. Members of legal clinic, if any;vi. Any officer of

the revenue department.(3)The Lok Adalat at Taluk level shall consist of at least one sitting or retired Judicial Officer and such other member not more than two out of the followings-i. Member of the legal profession;ii. Social worker;iii. Person of repute interested in Legal Services Schemes;iv. Representatives of voluntary social organisations;v. Members of legal clinic, if any.

## **27. Intimation to the State Authority.**

- The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall inform the State Authority about the proposal to organise the Lok Adalat well before the date on which the Lok Adalat is proposed to be organised and furnish the following information to the State Authority-i. The place and the date and time at which the Lok Adalat is proposed to be organised;ii. Whether some of the organisations as referred to in regulation 26, 1(iv); 2(iv); 3(iv) of this scheme have agreed to associate themselves with the Lok Adalat;iii. Categories and nature of cases, viz. pending cases or pre-litigation disputes, or both, proposed to be placed before the Lok Adalat;iv. Number of cases proposed to be brought before the Lok Adalat;v. Any other information relevant to the convening and organising of the Lok Adalat

## **28. Procedure for organising Lok Adalat.**

(1)The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be shall convene and organise Lok Adalat on regular intervals as may be deemed proper in view of the number of cases available for being taken up.(2)The Secretary of the High Court Legal Services or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall organise Lok Adalat at least one in a quarter and as soon as sufficient number of cases referred to it under section 20 of the Act or otherwise are available for being taken up.(3)The Secretary of the High Court Legal Service Committee or District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall be free to organise Special Lok Adalat for any specific kind of cases available for being taken up.(4)The Secretary of the High Court Legal Services Committee of District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, may associate the members of legal clinic, social organisation, charitable and philanthropic institutions and other similar organisations with the Lok Adalat.

## **29. Holding of Lok Adalat.**

- A Lok Adalat may be organised at such time and place and on such day, including Saturdays, Sundays and holidays as the State Authority, High Court Legal Services Committee, District Authority, Taluk Legal Services Committee, as the case may be, deems appropriate.

## **30. Reference of the case to Lok Adalat.**

(1)The cases shall be referred to the Lok Adalat by the concerned court as per Section 20 of the

Act.(2)While making such reference, the concerned court shall transmit the record/file to the Secretary of the High Court Legal Services Committee or the Secretary of the District Legal Services Authority or the Chairman Taluk Legal Services Committee, as the case may be, to put the matter before the Lok Adalat and direct the parties to attend the Lok Adalat on the date fixed thereof.(3)On receipt of an application moved before Lok Adalat by any one of the parties for settlement of dispute in the Lok Adalat, the concerned Lok Adalat shall send the application to the concerned court for appropriate action under intimation to the applicant.(4)The Secretary of the High Court Legal Services Committee, or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall be responsible for the safe custody of the record from the time it receives it till they are returned.(5)Each Judicial Officer shall co-operate in holding of Lok Adalat and in transmission of the court records and shall make sincere effort for settlement of disputes through Lok Adalat.(6)The Judicial records shall be returned within ten days of the Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of the proceedings. However, the Lok Adalat Committee shall be free to detain the record/file of the case it thinks proper to place the case in next Lok Adalat when there is a possibility of settlement, and inform the court concerned.

### **31. Lok Adalat at the Pre-Litigation Stage.**

(1)On receipt of the application by the Secretary of the District Authority/Committee or the Chairman of the Taluk Legal Service Committee, as the case may be, for settlement of a legal dispute between the parties at pre-litigation stage, the Secretary/Chairman of the District Authority/Committee respectively shall examine the matter and if he deems it fit to refer the matter for pre-litigation settlement, he shall issue a notice along with copy of the application and documents if any, to the opposite party for appearing before him.(2)The Secretary/Chairman of the District Authority/Committee, as the case may be after hearing the parties, if he thinks proper to refer the matter to the Lok Adalat, he shall direct the parties to appear before the Lok Adalat for Pre-litigation settlement on the date fixed for the Lok Adalat.(3)The matter so referred, if not settled at the pre-litigation stage by the Lok Adalat, the Secretary/Chairman of the District Authority/Committee, as the case may be, shall keep the record of the papers and shall advice the parties in seeking remedy in a court and if any of the party is fit to get legal aid he shall direct the same to apply for legal aid to the proper authority.(4)In cases which are referred to the Lok Adalat at pre-litigation stage, the version of the parties and other documents submitted by them along with the original award of the Lok Adalat, shall form part of Judicial record.(5)After the Lok Adalat is over, the record of the cases of pre-litigation stage, shall remain in the custody of the Secretary/Chairman of the District Authority/Committee, as the case may be.

### **32. Functions of the Lok Adalat.**

(1)The Secretary of the District Authority/Committee, or the Chairman of the Taluk Legal Services Committee, as the case may be, shall assign specific cases to each bench of the Lok Adalat.(2)The Secretary of the District Authority/Committee or the Chairman of the Taluk Legal Services Committee as the case may be, shall prepare a 'cause list' for each bench of the Lok Adalat and intimate the same to all concerned about the date, time and the place of such Lok Adalat at least

seven days before the date of such Lok Adalat and such notice to the parties may be dispensed with by the Secretary of the District Authority/Committee or the Chairman of the Taluk Legal Services Committee, if he is of the opinion that proper and due notice has been given to the parties at the time of making reference under regulation 31(2).(3)Every bench of the Lok Adalat shall make sincere efforts to bring about a conciliatory settlement in every case put before it without bringing about any kind of coercion, threat or undue influence, allurements or misrepresentation.

### **33. Procedure for effecting compromise or settlement at Lok Adalat.**

(1)When a compromise or settlement has arrived at between the parties, the Lok Adalat shall proceed to make an award on the basis of such compromise.(2)Every award of the Lok Adalat shall be signed by the Panel constituting the Lok Adalat.(3)The original award shall form part of the Judicial records and a copy of the award shall be given to each of the parties duly certified to be true by the Secretary of the District/Committee, or by the Chairman Taluk Legal Services as the case may be.

### **34. Award to be categorical and lucid.**

(1)Every award of the Lok Adalat shall be categorical and lucid and shall be written in the language used in the local court. The award may be drawn up in Hindi or in English.(2)The parties to the dispute shall be required to affix their signatures or thumb impression, as the case be, on the Award of the Lok Adalat.

### **35. Compilation of results.**

- At the conclusion of session of the Lok Adalat, the Secretary of the District Authority/Committee as the case may be, shall compile the results for submission to the State Authority while the Chairman of the Taluk Legal Services Committee shall compile the same for submission to the State Authority as well as to the District Authority and also for its own record.

### **36. Maintenance of Panel of Lok Adalat Judges.**

- The Secretary of the District Authority/ Committee or the Chairman of Taluk Legal Services Committee as the case may be, shall maintain a panel of retired Judges, Advocates, Social Workers etc. possessing qualifications and experience prescribed in accordance with the provisions of Section 28(2) (o) of the Act, and as laid down in rule 17 of the rules who are agreeable to associate in Lok Adalat.

### **37. Meeting and conveyance Allowance.**

- Every member of the bench of the Lok Adalat shall be paid an honorarium of [Rs. 1000/-] [Substituted by Rajasthan State Legal Services Authority (Amendment) Regulations, 2017, vide Notification: Rajasthan Gazette Extraordinary dated 24th May, 2017, with effect from 25th May,

2017.] per Lok Adalat and shall also be entitled to actual conveyance charges or such conveyance allowance as may be fixed from time to time by the State Level Services Authority in consultation with the State Government.

### **38. Procedure for maintaining record of case referred under Section 20 of the Act or otherwise.**

(1) Secretary of the District Authority/ Committee, or Chairman of the Taluk Legal Services Committee, as the case may be, shall maintain a register wherein all the cases received by him by way of reference to the Lok Adalat shall be entered giving particulars as below-i. Date of the receipt; ii. Nature of the case; iii. Such other particulars as may be deemed necessary; and iv. Date of settlement and return of the case file. (2) When the case is finally disposed of by the Lok Adalat, an appropriate entry shall be made in the register.

### **39. Miscellaneous.**

(1) The appearance of lawyers on behalf of the parties at Lok Adalat shall not be refused. (2) No court fee shall be payable by the parties in respect of matters or cases brought before or referred to a Lok Adalat. (3) The secretary of the High Court Legal Services Committee or the Secretary of the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall provide all assistance as may be necessary to the Lok Adalat. (4) Every bench of the Lok Adalat may evolve its own procedure for conducting the proceeding before it and shall not be bound by either the civil procedure code or the Evidence Act or the Code of Criminal Procedure. However, the bench shall be guided by the principles of natural Justice, equity, fair play and other legal Principles. Chapter-VI  
Funds and Accounts

### **40. Budget.**

(1) The High Court Legal Services Committee and the District Authority shall submit the budget estimates to the State Authority for ensuing financial year in respect of the scheme envisaged by the Act, Rules and the Regulations. (2) The Taluk Legal Services Committee shall submit its budget estimates to the District Authority concerned for next financial year in respect of the schemes envisaged by the Act, Rules and the Regulations which shall be forwarded to the State Legal Services Authority. (3) The expenditure for such Schemes shall constitute "Non-Plan" expenditure and may be met out of the grants received by the High Court Legal Services Committee and the District Authority and the Taluk Legal Services Committee, as the case may be.

### **41. Maintenance of Accounts.**

(1) The Chairman of the High Court Legal Services Committee or the Chairman of the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall exercise complete and full control over the expenditure to be incurred on the schemes. [Provided that, all the minor expenditures, up to ten thousands rupees per month, shall be met out from the fund of [4(C)

Legal Services Authorities Act] in accordance to the heads prescribed by National Legal Services Authority by the Secretary, District Legal Services Authority and Secretary, Rajasthan High Court Legal Services Committee, Jodhpur/Jaipur at his/her own level as the case may be without the approval of the Chairman, District Legal Services Authority and Chairman, Rajasthan High Court Legal Services Committee, Jodhpur/Jaipur.] [Substituted by Notification No. P(8) vidhi-2/virsa (16)/2012/629, dated 16.8.2018 (w.e.f. 3.2.2019).](2)The Secretary of the High Court Legal Services Committee or the Secretary of the District Authority, as the case may be, shall render true and proper accounts to the State Authority every quarter.(3)The Chairman of the Taluk Legal Services Committee shall render true and proper accounts to the District Authority every month which shall be forwarded to the State Authority after due scrutiny.

## **42. Allotment of Special Grants.**

- On a request received from the High Court Legal Services Committee or the District Authority or the Taluk Legal Services Committee, as the case may be, the State Legal Services Authority may release special grants for convening and holding of Lok Adalats, if considered necessary.

## **43. Maintenance of Accounts etc..**

- The General Financial & Accounts Rules shall apply for maintenance of Accounts except where there is inconsistency with these Regulations or Rules and the Act thereunder.Chapter-VII Legal Literacy Legal Awareness Committees High Court Legal Awareness Committee

## **44. Constitution of the High Court Legal Awareness Committee.**

(1)There shall be a High Court Legal Awareness Committee for Rajasthan High Court, which shall work under the direction and supervision of the High Court Legal Services Committee.(2)High Court Legal Awareness Committee shall have fifteen members.(3)The following shall be Ex-Officio members of the High Court Legal Awareness Committee-

- |   |                  |
|---|------------------|
| (i) Chairman of the High Court Legal Services Committee   | ..... Chairman.  |
| (ii) Secretary of the High Court Legal Services Committee | ..... Secretary. |
| (iii) President, Rajasthan High Court Bar Association     | .....Member.     |
| (iv) Director, Social Welfare Department, Rajasthan       | .....Member.     |

(4)The Executive Chairman of the State Legal Services Authority shall nominate in consultation with the Chief Justice of the Rajasthan High Court, other members (not more than eleven) from amongst those possessing the experience and qualifications prescribed in sub-regulation (5) of this regulation, which shall include at least one member each from Scheduled Castes, Scheduled Tribes and Women.(5)A person shall not be qualified for nomination as member of the High Court Legal Awareness Committee unless he is -(a)an eminent social worker who is engaged in the upliftment of the weaker sections of the people including Scheduled Castes, Scheduled Tribes, Women, Children, Minority, Rural and Urban Labour; or(b)an eminent person in the field of law; or(c)a person of repute who is specially interested in the implementation of the Legal Awareness Schemes; or(d)a



person who is involved or was involved to educational field; or(e) Law Students who are involved in the scheme envisaged by the Act, Rules and the Regulations thereunder.

#### **45. Term of office and other conditions of appointment of the High Court Legal Awareness Committee.**

(1) The term of office of the members of the High Court Legal Awareness Committee nominated under sub-regulation (4) of regulation 44 shall be for two years and they shall be eligible for re-nomination. (2) A member of the High Court Legal Awareness Committee nominated under sub-regulation (4) of regulation 44 may be removed by the Executive Chairman of the State Legal Services Authority with the consultation of Chief Justice, if - (a) he fails, without sufficient cause, to attend three consecutive meetings of the High Court Legal Awareness Committee; or (b) has been adjudged an insolvent; or (c) has been convicted of an offence, which in the opinion of the Executive Chairman involves moral turpitude; or (d) has become physically or mentally incapable of acting as a member; or (e) has so abused his position as to render his continuance in the High Court Legal Awareness Committee prejudicial to the public interest : Provided that, no such member shall be removed from the High Court Legal Awareness Committee without affording him reasonable opportunity of being heard. (3) A member may by writing under his own hand addressed to the Executive Chairman resign from the High Court Legal Awareness Committee and such resignation shall take effect from the date on which it is accepted by the Executive Chairman of the State Authority or on the expiry of 30 days from the date of tendering resignation, whichever is earlier. (4) If any member nominated under sub-regulation (4) of regulation 44 ceases to be member of the High Court Legal Awareness Committee for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall be a member for the remaining term of the member in whose place he is so nominated. (5) Subject to the provisions of sub-regulation (6), all members nominated under sub-regulation (4) of regulation 44 shall be entitled to payment of travelling allowances and daily allowances in respect of journeys performed in connection with the Meeting/Camp held by the High Court Legal Awareness Committee and shall be paid at such rates as may be admissible to a class 1st officer while travelling on official duty or as may be specified by the State Legal Services Authority. (6) If a member is a government employee, he shall be entitled to draw the travelling allowances and daily allowances at the rates to which he is entitled under the Service Rules applicable to him and shall draw from the department in which he is employed. (7) The Secretary of the High Court Legal Services Committee or the person nominated by the Executive Chairman of the State Legal Services Authority shall be the Secretary of the High Court Legal Awareness Committee.

#### **46. Functions of High Court Legal Awareness Committee.**

(1) It shall be the duty of the High Court Legal Awareness Committee to give effect to the policy and directions of the State Authority with regard to legal awareness. (2) Without prejudice to the generality of the functions referred to in sub-regulation (1), the High Court Legal Awareness Committee for the High Court shall, perform all or any of the following functions, namely - (a) hold Legal Literacy Camps to promote legal awareness in the society specially the women and the weaker sections of the society; (b) publish/distribute pamphlets, booklets and other newsletters for legal

awareness;(c)establish and control Para Legal Clinics to promote legal awareness;(d)to arrange seminars and the workshops to that effect;(e)take appropriate measures for spreading legal literacy and legal awareness amongst the people in particular to educate weaker sections of the society about their rights, benefits and privileges guaranteed by the constitution and by social welfare legislation's and other enactments as well as administrative programmes and measures etc.;(f)make special efforts to enlist the support of voluntary social welfare institutions working at the grass root level, particularly among the Scheduled Castes and the Scheduled Tribes, Women and Rural and Urban Labour segments;(g)to produce video / documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes.

#### **47. Functions of the Secretary.**

(1)The Secretary shall be custodian of all the assets, accounts, records and funds placed at the disposal of the committee and he shall work under the supervision and direction of the chairman of the committee.(2)The Secretary shall maintain true and proper accounts of the receipts and disbursement of the funds of the Committee.(3)The Secretary shall convene meeting of the Committee/Legal Literacy Camps with the previous approval of the Chairman and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.

#### **48. Meetings of the Committee.**

(1)The Committee shall ordinarily meet once in three months on such date and time and at such place as the Secretary may, in consultation with the Chairman decide.(2)The Chairman, and in the absence of the Chairman, a person nominated by him shall preside at the meeting of the Committee.(3)The procedure and agenda of any meeting of the Committee shall be such as the Chairman may determine.(4)The minutes of the proceedings of each meeting shall be maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the Committee. A copy of the minutes shall be forwarded to the State Authority.(5)The quorum for the meeting shall not be less than one-third of the existing members including the Chairman or the member presiding over the meeting.(6)All questions at the meeting of the Committee shall be decided by a majority of the member present and in case of a tie, the person presiding shall have a casting vote.District Legal Awareness Committees

#### **49. Constitution of District Legal Awareness Committee.**

(1)There shall be separate District Legal Awareness Committee for the concerned District which shall work under the direction and supervision of District Authority.(2)The District Legal Awareness Committee shall have eleven members including chairman.(3)The Following shall be Ex-officio members of the District Legal Awareness Committee -

- |   |                |
|---|----------------|
| (i) The District Judge of the concerned district. | .....Chairman. |
| (ii) President of District Bar Association        | .....Member.   |

(iii) Chief Judicial Magistrate, in the district where the headquarter of District Judge and Chief Judicial Magistrate is not the same, the senior most Additional Chief Judicial Magistrate at District Judge Head Quarter .....Secretary.

(iv) District Social Welfare Officer .....Member.

(v) Public Relation Officer ..... Member.

(4) The Chairman of District Legal Awareness Committee may nominate in consultation with the Executive Chairman, State Legal Services Authority, other members (not more than six) from amongst those possessing the experience and qualifications prescribed in sub-regulation (5) of regulation 44 of these regulations which shall include at least one member each from Scheduled Castes, Scheduled Tribes and Women.

## **50. Term of office and other Conditions of appointment of the District Legal Awareness Committee.**

(1) The term of office of the members of the District Legal Awareness Committee nominated under sub-regulation (4) of regulation 49 shall be of two years and they shall be eligible for re-nomination. (2) A Member of District Legal Awareness Committee nominated under sub-regulation (4) of regulation 49 may be removed by the Executive Chairman of the State Legal Services Authority on the recommendations of the Chairman of the District Legal Awareness Committee, if-(a) he fails, without sufficient cause, to attend three consecutive meetings of the District Legal Awareness Committee ; or (b) has been adjudged an insolent ; or (c) has been convicted of an offence, which in the opinion of the Executive Chairman involves moral turpitude; or (d) has become physically or mentally incapable of acting as member ; or (e) has so abused his position as to render his continuance in the District Legal Awareness Committee prejudicial to the public interest : Provided that, no member shall be removed from the District Legal Awareness Committee without affording him reasonable opportunity of being heard. (3) A member may, by writing under his own hand addressed to the Executive Chairman resign from the District Legal Awareness Committee and such resignation shall take effect from the date on which it is accepted by the Executive Chairman of the State Authority or on the expiry of 30 days from the date of tendering resignation, whichever is earlier. (4) If any member nominated under sub-regulation (4) of regulation 49 ceases to be member of the District Legal Awareness Committee for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall be a member for the remaining term of the member in whose place he is so nominated. (5) Subject to the provisions of sub-regulation (6) the member of the committee shall be entitled to payment of travelling allowances and daily allowances in respect of journeys performed in a connection with the Meeting/Camp held by the District Legal Awareness Committee and shall be paid by the District Legal Services Committee at such rates admissible to the class two officer of the State Government or as may be prescribed by the State Legal Services Authority. (6) If a member is a government employee, he shall be entitled to draw the travelling allowances and daily allowances at the rates to which he is entitled under the Service Rules applicable to him and shall draw from the department in which he is employed. (7) The Chief Judicial Magistrate of concerned district or the other judicial officer nominated by the Chairman of the District Legal Awareness Committee shall be the Secretary

of the District Legal Awareness Committee.

## 51. Functions of District Legal Awareness Committee.

(1) It shall be the duty of the District Legal Awareness Committee to give effect to the policy and direction of the State Authority. (2) Without prejudice to the generality of the functions referred to in sub-regulation (1), the District Legal Awareness Committee shall, for the District perform all or any of the functions, enumerated in sub-regulation (2) of regulation 46 herein before mentioned for High Court Legal Awareness Committee.

## 52. Meetings of the Committee.

(1) The Committee shall ordinarily meet once in three months on such date and at such place as the secretary may, in consultation with the chairman decide. (2) The chairman, and in the absence of the chairman a person nominated by him shall preside at the meeting of the committee. (3) The procedure at any meeting of the Committee shall be such as the chairman may determine. (4) The minutes of the proceedings of each meeting shall be maintained by the secretary and such minutes shall be open to inspection at all reasonable times by the members of the committee. A copy of the minutes shall be forwarded to the State Authority within 15 days. (5) The quorum for the meeting shall be not less than 1/3 of the existing members including the chairman or the member presiding over the meeting. (6) All questions at the meeting of the committee shall be decided by a majority of the members present and voting and in case of a tie, the person presiding shall have a casting vote. Taluk Legal Awareness Committees

## 53. Constitution of Taluk Legal Awareness Committee.

(1) There shall be separate Taluk Legal Awareness Committee of the Taluk (Sub-Division) concerned which shall work under the direction and supervision of the Taluk Legal Services Committee. (2) The Taluk Legal Awareness Committee shall have nine members including chairman. (3) The following shall be ex-officio members of the Taluk Legal awareness Committee-

- |  |               |
|--|---------------|
| (i) The Senior most Judicial Officer of concerned Taluk (Sub-Division) | .....Chairman |
| (ii) President of Bar Association                                      | .....Member   |
| (iii) Sub-Divisional Magistrate  | .....Member   |

(4) The chairman of Taluk Legal Awareness Committee shall nominate in consultation with the chairman, District Legal Awareness Committee, other members (not more than six) from amongst those possessing the experience and qualifications prescribed in sub-regulation (5) of this regulation which shall include one member from Scheduled Castes and one from Scheduled Tribes. (5) A person shall not be qualified for nomination as member of the Taluk Legal Awareness Committee unless he is - (a) an eminent social worker who is engaged in the upliftment of the weaker sections of the people including Scheduled Castes, Scheduled Tribes, Women, Children, Rural and Urban Labour segments ; or (b) an eminent person in the field of law ; or (c) a person of repute who is specially

interested in the implementation of the Legal Awareness schemes; or(d)a person who is involve or was involve in educational field ; or(e)Law Students.

#### **54. Term of office and other conditions of appointment of the Taluk Legal Awareness Committee.**

(1)The term of office of the members of the Taluk Legal Awareness Committee nominated under sub-regulation (4) of regulation 53 shall be of two years and they shall be eligible for re-nomination.(2)A member of Taluk Legal Awareness Committee nominated under sub-regulation (4) of regulation 53 may be removed by the Chairman, District Legal Awareness Committee on the recommendations of the Chairman of the Taluk Legal Services Committee if he comes under any of the disqualifications mentioned in sub- regulation (2) of regulation 45:Provided that, no Member shall be removed from the Taluk Legal Awareness Committee without affording him reasonable opportunity of being heard.(3)A member may, by writing under his own hand addressed to the chairman, District Legal Services Authority resign from the Taluk Legal Awareness Committee and such resignation shall take effect from the date on which it is accepted by the Chairman, District Legal Services Authority or on the Expiry of 30 days from the date of tendering resignation, whichever is earlier.(4)If any member nominated under sub-regulation (4) of regulation 53 ceases to be member of the Taluk Legal Awareness Committee for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the member in whose place he is nominated.(5)Subject to the provisions of sub-regulation (6) the members of the committee shall be entitled to payment of travelling allowances and daily allowances in respect of journeys performed in connection with the Meeting/Camp held by the Taluk Legal Awareness Committee and shall be paid by the Taluk Legal Services Committee at such rates as may be admissible to a class three employee while travelling on official duty or as may be prescribed by the State Legal Services Authority.(6)If a member is a government employee, he shall be entitled to draw the travelling allowances and daily allowances at the rates to which he is entitled under the Service Rules applicable to him and shall draw from the department in which he is employed.(7)Any employee of the District Legal Services Authority nominated by the Chairman, District Legal Services Authority shall be the secretary of the Taluk Legal Awareness Committee.

#### **55. Function of Taluk Legal Awareness Committee.**

(1)It shall be the duty of the Taluk Legal Awareness Committee to give effect of the policy and direction of the State Authority and District Legal Awareness Committee.(2)Without prejudice to the generality of the functions referred to in sub regulation (1), the Taluk Legal Awareness Committee shall, for the Taluk Concerned perform all or any of the functions, enumerated in sub-regulation (2) of regulation 46 herein before mentioned for the High court Legal Awareness Committee.

## **56. Meeting of the Committee.**

(1)The Committee shall ordinarily meet once in three months on such date and at such place as the Secretary may, in consultation with the Chairman decide.(2)The Chairman, and in the absence of the Chairman, a person authorised by the Chairman, District Authority shall preside at the meeting of the Committee.(3)The procedure and agenda of any meeting of the Committee shall be such as the Chairman may determine.(4)The minutes of the proceedings of each meeting shall be maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the Committee. A copy of the minutes shall be forwarded to the District Authority.(5)The quorum for the meeting shall not be less than one-third of the existing members including the Chairman or the person presiding over the meeting.(6)All questions at the meeting of the Committee shall be decided by a majority of the members present and voting and in case of a tie, the person presiding shall have a casting vote.

## **57. Procedure for organising Legal Literacy Camp.**

(1)The secretary of the High Court Legal Awareness Committee or the District Legal Awareness Committee or the Chairman of the Taluk Legal Awareness Committee, as the case may be shall convene and organise Legal Literacy Camp at least once in a month.(2)The Secretary of the High Court Legal Awareness Committee or the District Legal Awareness Committee or the chairman of the Taluk Legal Awareness Committee, as the case may be, shall also associate the members of the legal profession, college students, social organisations, charitable and philanthropic institutions and other similar organisations with the Legal Literacy Camp.

## **58. Intimation to the State Authority.**

(1)The secretary of the High Court Legal Awareness Committee or the District Legal Awareness Committee or the chairman of the Taluk Legal Awareness Committee, as the case may be, shall inform the State Authority about the proposal to organise Legal Literacy Camp well before the date on which the Legal Literacy Camp is proposed to be held and furnish the following information to the State Authority-(i)The place, date and the time at which the Legal Literacy Camp is proposed to be held.(ii)Whether some of the Non-Governmental organisations and other organisations have agreed to associate themselves with the Legal Literacy Camp.(iii)Name and other particulars of participants in the Legal Literacy Camp.(iv)Any other information relevant to the convening and organising of the Legal Literacy Camp.

## **59. Composition of the Legal Literacy Camp.**

- The Legal Literacy Camp shall be prescribed over by the Chairman or by a person to be nominated by the chairman of the committee, who may be a Judicial Officer/Administrative Officer sitting or retired, Lawyer, Social Worker or an educationist.

## **60. Holding of Legal Literacy Camp.**

- Legal Literacy Camp may be held at such time and place and on such day, including Saturday, Sundays and holidays by the High Court Legal Awareness Committee, District Legal Awareness Committee and Taluk Legal Awareness Committee, as the case may be, as intimated under regulation 58 or deem appropriate.

## **61.**

The governmental agencies, non-governmental voluntary social services institutions and other bodies engaged in the work of promoting the cause of Legal Service to the poor shall cooperate the State Authority/District Authority/Committee or the Legal Awareness Committee, as the case may be, in taking appropriate measures for achieving the object of the Act, Rules and the Regulations made thereunder taking their services, they shall be affiliated by the chairman of the State/District Authority or the Committee, as the case may be, or the Legal Awareness Committee shall affiliate their after making such enquiry or taking such step as deem proper and these institutions under the directions of the concerned chairman.

## **62. Removal of Non-Governmental Officers or Persons Associated with Legal Literacy Programmes.**

- If in the opinion of chairman of the High Court Legal Awareness Committee, District Legal Awareness Committee or Taluk Legal Awareness Committee, as the case may be, any of the non-governmental organisation or members of legal clinic or any other association associated with legal literacy programmes are not taking interest for fulfilment of the objects of such programmes herein before mentioned, he shall order such non-governmental members of legal clinic or any other such organisations to cease to associate themselves from such camps.

## **63. Vacancies or defects in appointment invalidate orders and actions.**

- No action or proceedings of the District Authority / Committee or the Legal Awareness Committee, as the case may be, shall be invalid by reason only of the existence of any vacancy amongst its members or any defects in the constitution thereof.

## **64. Protection of action taken in good faith.**

- No suit, prosecution or other legal proceedings shall lie against the members or any officer or person acting under the direction of the District Authority / Committee, as the case may be, for executing any order made under these regulations or in respect of anything which is in good faith done or intended to be done by such member, officer or the person under these regulations.

## "A"

(see Regulation 19) Application for Grant of Legal Aid

- 1 Name of the applicant :
- 2 Name of the father/husband of the applicant :
- 3 Whether applicant belongs S.C./S.T., if so, (Mention sub-caste) :
- 4 Occupation of the applicant :
- 5 Applicant's address :
- 6 Annual income of the applicant :
- 7 Name of the Court/Tribunal, in which the case is to be instituted or is pending :
- 8 Name and address of the opponent :
- 9 Subject matter of the dispute :
- 10 Name of the lawyer, whose services the applicant would like to avail of :
- 11 Whether any proceeding in relation to the same subject matter was instituted in any Court/tribunal, and if so, with what result ? :
- 12 Whether any legal aid was applied for, obtained or refused, on any previous occasion? If so, give the particulars of the proceedings and the legal aid received therein. :

Place: ..... Signature of the applicant.

Date: .....

Verification

## "B"

(see Regulation 21) Office of the Legal Services Authority/committee Certificate It is hereby certified that the Legal Services Authority / Committee on the particulars furnished by the applicant Shri / Smt. / Kumari .....

S/o, W/o, D/o ..... Resident of ..... has decided to grant Legal Aid to the said applicant in case No. .... Pending, to be instituted in Court of .....

..... and as per desire of applicant Shri/Smt./Kumari ..... Advocate is appointed on behalf of the applicant to appear and plead the case in the concerned Court according to the Regulations, Act and the Rules made thereunder.

Place: ..... Secretary/Chairman

Date: ..... Legal Services Authority/Committee.