

# **The Orissa State Legal Services Authority Regulations, 1996**

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### **Rule**

### **THE-ORISSA-STATE-LEGAL-SERVICES-AUTHORITY-REGULATIONS- of 1996**

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The Orissa State Legal Services Authority Regulations, 1996Published vide Notification S.R.O. No. 990/96 dated 19th December, 1996, Orissa Gazette Extraordinary No. 1406 dated 30-12-1996S.R.O. No. 990/96 dated 19th December, 1996. - In exercise of the powers conferred by Section 29-A of the Legal Services Authorities Act, 1987 (39 of 1987), the Orissa State Legal Services Authority hereby makes the following regulations for the purpose of giving effect to the provisions of the said act, namely :

## **Chapter I Preliminary**

### **1. Short title and commencement.**

(1)These regulations may be called the Orissa State Legal Services Authority Regulations, 1996.(2)The shall come into force on the date of their publication in the Orissa Gazette.

### **2. Definition.**

(1)In these regulations, unless the context otherwise requires : (a)"Act" means the Legal Services Authorities Act, 1987 (39 of 1987); (b)"Committee" means the High Court Legal Services Committee; (c)"High Court" means the High Court of Orissa; (d)"Rules" means the Orissa State Legal Services Authority Rules, 1996.(2)All other words and expressions used in these regulations, but not defined herein, shall have the same meanings as are respectively assigned to them in the Act or the Rules.

## **Chapter II**

### **High Court Legal Services Committee**

#### **3. Number, experience and qualifications of members of the Committee under Clause (b) of Sub-section (2) of Section 8-A of the Act.**

(1)The Committee shall have not more than eleven members including the Chairman thereof.(2)The following shall be ex-officio members of the Committee ;(i)a sitting Judge of the High Court, (to be nominated by the Chief Justice of the High Court)(ii)the Chairman, Orissa Administrative Tribunal;(iii)the President, High Court Bar Association;(iv)the Chairman, Orissa State Bar Council; and(v)the Secretary to the Committee appointed as such by the Chief Justice of the High Court under Sub-section (3) of Section 8-A of the Act.(3)The Chief Justice of the High Court may nominate other members (not exceeding five) from among those possessing the experience and qualifications provided 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 who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, women, children, 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 Services Schemes.

#### **4. Term of office and other conditions of appointment of members of the Committee.**

(1)The term of office of the members of the Committee nominated under Sub-regulation (3) of Regulation 3 shall be [three years] [Substituted vide Orissa Gazette Extraordinary No. 160 dated 1.2.2003.] and they shall be eligible for re-nomination.(2)A member of the Committee nominated under Sub-regulation (3) of Regulation 3 may be removed by the Chief Justice of the High Court, if the member -(a)fails, without sufficient cause, to attend three consecutive meetings of the Committee; or(b)has been adjudged an insolvent; or(c)has been convicted of an offence, which in the opinion of the State Authority, 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 Committee prejudicial to the public interest :Provided that no member shall be removed from the Committee without being afforded reasonable opportunity of being heard.(3)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 State Authority or on the expiry of thirty days from the date of tendering resignation, whichever is earlier.(4)If any member nominated under Sub-regulation (3) of Regulation 3 ceases to be a 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 members in whose place he is nominated.(5)Subject to the provision of Sub-regulation (6) all members nominated under Sub-regulation (3) of Regulation 3 shall be entitled to payment of travelling allowance and daily allowance in respect of journey performed in connection with the work of the Committee and shall be paid by the Committee at the rates admissible to the first grade officers of the State Government

under the Orissa Travelling Allowances Rules.(6)If a member is Government employee, he shall be entitled to draw travelling allowance and daily allowance at the rates to which he is entitled to under the Travelling Allowance Rules applicable to him and shall draw from the Department, in which he is employed and not from the Committee.

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

(1)It shall be the duty of 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, for the High Court, in consultation with the Executive Chairman, State Authority perform all or any of the following functions, namely :(a)Provide legal services to persons who satisfy the criteria laid down under the Act and the Rules;(b)conduct Lok Adalats for High Courts cases; and(c)encourage the settlement of disputes by way of negotiations, arbitration and conciliation.

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

(1)The Secretary shall be the custodian of all assets, arbitration, 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 true and proper accounts of the receipts and disbursements of the funds of the Committee.(3)The Secretary shall convene meetings of the Committee with the previous approval of the Chairman and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.

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

(1)The Committee shall ordinarily meet once a month 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 chosen by the members present from amongst themselves shall preside at the meeting of the Committee.(3)The procedure at any meeting of the Committee shall be such as the Committee may determine.(4)The minutes of the proceedings of each meeting shall be truly and faithfully 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 as may be after the meetings be forwarded to the State Authority.(5)The quorum for the meetings shall be fix including the Chairman of 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 second or casting vote.

## **8. Funds, Accounts and Audit of the Committee.**

(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 donations or by way of costs, charges and expenses recovered from the legal

aided persons or the opposite party or other wise.(2)The Funds of the Committee shall be maintained in a Scheduled Bank.(3)For the purpose of meeting, the incidental minor charges such as Court fees, stamps and expenditure necessary for obtaining copies of documents, etc., a permanent advance of rupees three thousand shall be placed at the disposal of the Secretary of the Committee.(4)All expenditure on legal aid and advice, provision of other legal services as also expenditure necessary for carrying out the various functions of the Committee, shall be met out of the funds of the Committee, Secretary shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.(5)The Committee shall cause to kept and maintained true and correct accountants of all receipts and disbursements and furnish quarterly returns to the State Authority. The accounts of the Committee shall be subject to audit under the Orissa Local Fund Audit Act, 1948, at least once a year, and any expenditure incurred in connection with such audit shall be paid by the Committee.

## Chapter III

District Legal Services Authorities and Taluk Legal Services Committees

### 9. Secretary, District Authority.

(1)The Secretary of the District 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 Authority in addition to the duties to be discharged by him as a Judicial Officer.(2)The Secretary shall be the principal officer of the District Authority shall be custodian of all assets, accounts, records and funds placed at the disposal of the District Authority.(3)The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursement of the funds of the District Authority.(4)The Secretary shall convene meetings of the District Authority 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.

### 9A. [ Term of office of nominated members of District Authority. [Inserted vide Orissa Gazette Extraordinary No. 160 dated 1.2.2003.]

- The term of office of the members of the District Authority nominated under sub-rule (3) of rule 10 of the Rules shall be for three years.]

### 10. Meeting of the District Authority.

(1)The District Authority shall ordinarily meet once a month 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 chosen by the members present from amongst themselves shall preside at the meeting of the District Authority.(3)The procedure at any meeting of the District Authority shall be such as the District Authority may determine.(4)The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open to

inspection at all reasonable times by the members of the District Authority. A copy of the minutes shall, as soon as may be after the meeting, be forwarded to the Chairman of the District Authority.(5)The quorum for the meeting shall be three including the Chairman or the member presiding over the meeting.(6)All questions at the meeting of the District Authority shall be decided by a majority of the members present and voting and in case of a tie the person presiding shall have a second or casting vote.

## **11. Funds of the District Authority.**

(1)The funds of the District Authority established under Section 17 of the Act, shall be maintained in a Scheduled Bank.(2)For the purpose of meeting the incidental minor charges such as Court fee, stamp 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.(3)All expenditure on legal aid and advice, provisions of other legal services 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 and in accordance with such rules as may be made by the District Authority with the prior approval of the State Authority. The Secretary shall operate the bank accounts of the District Authority.(4)The District Authority shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority. Such accounts shall be audited in accordance with the provisions of Section 18 of the Act.

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

(1)The Junior Clerk-cum-Typist of the office of the person performing the functions of the Chairman of the Taluk Legal Services Committee shall act, exercise and perform the duties of the Secretary of the Taluk Legal Services Committee.(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 or cause to be maintained 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 of the Taluk Committee and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.[12A Term of office of nominated members of Taluk Legal Services Committee. [Inserted vide Orissa Gazette Extraordinary No. 160 dated 1.2.2003.]- The term of office of the members of the Taluk Legal Services Committee nominated under sub-rule (3) of rule 13 of the Rules shall be for three years.]

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

(1)The Taluk Committee shall ordinarily meet once a month on such date and at such place, as the Chairman may decide.(2)The Chairman and, in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside at the meeting of the Taluk Committee.(3)The procedure at any meetings of the Taluk Legal Services Committee shall be such as the Taluk Committee may determine.(4)The minutes of the proceedings of each meetings shall be truly and faithfully maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the Taluk Committee. A copy of the minutes shall as soon as

may be after the meeting, be forwarded to the District Authority as well as State Authority.(5)The quorum for the meeting shall be three 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 majority of the members present and voting and, in case of a tie, the person presiding shall have a second or casting vote.

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

(1)The funds of the Taluk Committee shall consist of such amount 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 donations or by way of costs, charges and expenses recovered from the legal aided persons or the opposite-party or otherwise.(2)The funds of the Taluk Committee shall be maintained in a Scheduled, Bank.(3)For the purpose of meeting the incidental minor charges such as Court fee, 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 Taluk Committee.(4)All expenditure on legal aid and advice, provisions of other legal services as also expenditure necessary for carrying out the various functions of the Taluk Committee shall be met out of the funds of the Taluk Committee. The Secretary shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.(5)The Taluk Committee shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority. The accounts of the Taluk Committee shall be subject to audit under the Orissa Local Fund Audit Act, 1948 at least once a year, and any expenditure incurred in connection with such audit shall be paid by the Taluk Committee.

### **Chapter IV**

### **Legal Aid**

#### **15. Modes of Legal aid.**

- Legal aid may be given in all or any one or more of the following modes, namely :(a)payment of the Court fees, process fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings;(b)representation by a legal practitioner in legal proceedings;(c)supply of certified copies of judgements, orders, notes of evidence and other documents in legal proceedings;(d)preparation of Appeal Paper Book, including printing and translation of documents, in legal proceedings; [\* \* \*] [Deleted vide Orissa Gazette Extraordinary No. 125 dated 2.2.1998.](e)drafting of legal documents;(f)[ organising Lok Adalats, Legal Aid Camps, Legal Literacy Camps and the like by the Authorities and Committees under the Act and the Rules.] [Added vide Orissa Gazette Extraordinary No. 125 dated 2.2.1998.]

#### **16. Legal aid not to given in certain cases.**

- Legal aid shall not be given in the following cases namely :(1)Proceedings wholly or partly in respect of -(a)defamation; or(b)malicious prosecution.(2)Proceeding relating to any

election.(3)proceedings incidental to any proceedings referred to in items (1) and (2).(4)Proceedings in respect of offences punishable with fine only.(5)Proceeding in respect of economic offences and offences against social laws, such as the protection of Civil Rights Act, 1955, and the Suppression of Immoral Traffic in Women and Girls Act, 1956-(6)Where person seeking legal aid -(a)is concerned with the proceedings only in representative or official capacity; or(b)is concerned with the proceedings jointly with some other person or persons whose interests are identical with his and such person or any of such person is adequately represented in the proceedings; or(c)is a formal a party to the proceedings, not materially concerned in the outcome of proceedings and his interests are not likely to be prejudiced on account of the absence of proper representation.

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

(1)Any person desiring legal aid or advice may make in application in Form A addressed to the Secretary of the Authority/Committee. But if the applicant is illiterate or not in a position to fill in the particulars required in the application, the Secretary or any other officer of the Committee or any legal practitioner whose name appears on the panel of legal aid lawyers of the Authority/Committee, as the case may be, or any person authorised by the applicant, shall gather the necessary particulars from the applicant and prepare the application on his behalf and after reading it out and explaining it to him, obtain his signature or thumb mark on it.(2)The Authority/Committee shall maintain a Register of applications wherein all applications for legal aid and advice shall be entered and registered and the action taken on such applications shall be noted against the entry relating to each such application.

## **18. Disposal of applications.**

(1)On receipt of an application 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 deserving of legal aid in accordance with provision of these regulations and 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 applications shall be processed as early as possible and preferably within one week.(2)The Legal Services Authority/Committee to which application is made shall consider the application and decide desirability of granting application and its decision to give or refuse legal aid shall be final.(3)Where it is decided not to give legal aid to an applicant, the reasons for not doing so shall be entered in the Register of applications maintained by the Authority/Committee and information in writing to that effect shall be communicated to the applicant.(4)No application for legal aid and advice shall be allowed, if the Authority/Committee satisfied that -(a)the applicant has knowingly made false statement or furnished false information as regards his means or place of residence; or(b)in a proceeding, other than the one relating to criminal prosecution, there is no prima facie case to institute or, as the case may be, to defend the proceeding; or(c)the application is frivolous or fictitious; or(d)the applicant is not entitled to the same under regulation 16 or any other provision these regulations; or(e)having regard to all the circumstances of the case, it is otherwise not reasonable grant it.

## **19. Certificate of Eligibility.**

(1) Where an application for legal aid or advice is allowed, Secretary of the Authority/Committee shall issue a Certificate of Eligibility in Form B to C applicant entitling him to legal aid or advice in respect of the proceeding concerned. (2) The Certificate of Eligibility shall stand cancelled if the legal aid is withdrawn and lawyer to whom the case of the applicant is assigned as also the Court before which the case pending shall be informed accordingly in writing.

## **20. Honorarium payable to legal practitioners on the panel.**

(1) Subject to the approval of the State Authority, the Legal Services Authority/ Legal Services Committee shall prepare for a period of two years, a panel of legal practitioner who are prepared to represent or prosecute the cases on behalf of the legal aided persons under these regulations. The legal practitioners on the panel shall be paid honorarium as set out in the Schedule: Provided that where the matter is disposed of in less than five effective hearing, the fees payable shall be  $\frac{1}{2}$  of the fee prescribed in the Schedule. (2) No legal practitioner to whom any case is assigned either for legal advice or for legal aid 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) The legal practitioner on the panel, who has completed his assignment, shall submit a statement showing the honorarium due to him in connection with the legal proceeding conducted by him on behalf of the legally aided person to the Secretary of the Authority/Committee who shall, with the approval of the Chairman and after due scrutiny and countersignature, place the same before the Authority/Committee for sanction and on such sanction being given by the Authority/Committee the amount shall be paid by the Secretary to the legal practitioner. It will however, be open to the legal practitioner to waive the honorarium in whole or part. [(3-a) On completion of assignment when the legal practitioner conducting the legal proceedings on behalf of the aided person submits his statement of honorarium, the same shall be scrutinised and passed by the Member Secretary of the State Authority and payment of honorarium shall be made after obtaining the approval of the Hon'ble Executive Chairman which shall finally be placed before the Authority in its meeting for post-facto approval. This shall be applicable only in respect of the statement of honorarium submitted by the legal practitioner before the Member Secretary of the State Authority.] [Added vide Notification No. 2/38 dated 29.4.1998.] (4) Notwithstanding anything contained in this regulation the Court may, in any case in which no legal practitioner on the panel has been engaged, direct engagement of any other legal practitioner is at may deem appropriate and, in every such case -(a) it shall be the duty of the legal practitioner so engaged to inform the fact of his engagement to the concerned Authority/Committee, and (b) the provisions of these regulations shall apply to such legal practitioner as they apply to a legal practitioner on the panel.

## **21. Duties of aided person.**

(1) A person seeking legal aid or advice shall comply with any requisition or direction that may be made upon him by the Authority/Committee from the date the application for legal aid or advice is made till the completion or cessation of legal aid or cancellation of the Certificate of Eligibility. (2) Every such person shall execute an agreement in Form C agreeing 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 incurred by the Committee in giving him legal aid. For facilitating such reimbursement he shall execute an irrevocable Power of Attorney in Form D authorising the Member-Secretary/Secretary of the Authority/Committee to do all such acts and things as may be necessary for recovery or realisation of the amount decreed or ordered to be paid to him. The costs, charges and expenses which may be recovered by the Authority/Committee as aforesaid shall be credited to the State Government.(3)Every aided person or his representative shall attend the office of the Authority/Committee as and when required by the Authority/Committee or by the legal practitioner rendering legal aid to him and shall furnish full and true information and shall make full disclosure to the legal practitioner concerned and shall attend the Court, as and when required, at his own expenses.

## **22. Cancellation of Certificate of Eligibility.**

(1)The Authority/Committee may either on its own motion or otherwise cancel the Certificate of Eligibility granted under regulation 19 in the following circumstances, namely :(a)in the event of being found that the aided 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 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 aid;(d)in the event of the aided person not co-operating with the Authority/Committee or with the legal practitioner assigned by the Committee/Authority/Court;(e)in the event of the aided person engaging a legal practitioner other than the one assigned by the Committee/Authority unless the engagement is under direction of any Court;(f)in the event of death of the aided persons, except in the case of civil proceedings where the right of liability survives;(g)a report has been received from the Advocates assigned to the legally aided person that the legally aided person is not co-operating with the Advocate assigned to him or is guilty of misconduct towards the Advocate and such report has been verified by the Chairman of the Legal Services Committee/Authority;(h)in the event of externment under any law for the time being in force, of the aided person, from the area or place of his residence or business:Provided that no such Certificate of Eligibility shall be cancelled without giving due notice thereof to the aided person or to his legal representatives in the event of his death, to show causes as to why the Certificate should not be cancelled.(2)Where the Certificate of Eligibility is cancelled on the grounds set out in Clause (a) above, the 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.

## **23. Proceeding by the Chairman in most urgent cases.**

- Notwithstanding anything to the contrary contained in these regulations, in case the Chairman of any Committee/Authority is of the opinion that such a situation has arisen wherein immediate action is required to be taken or there is no possibility of immediately convening the meeting of the Committee/Authority, then he may, in anticipation of the approval of the Committee/Authority concerned, take such action taken to the Committee/Authority concerned.[Chapter V] [Published in the Orissa Gazette Extraordinary No. 97 dated the 28th January 1997 and came into force with effect

from the 28th January 1997.]Miscellaneous

## **24. Travelling Allowance and Daily Allowance for journeys in connection with Lok Adalats and legal aid programmes of the State Authority.**

(1)The ex-officio Members of the State Authority including the Patron-in-Chief and the Executive Chairman shall be entitled to draw their Travelling Allowances and Daily Allowance from the State Legal Aid Fund established under Section 16 of the Act for performing the functions of the State Authority, at the rate applicable to them under the rules governing their conditions of service.(2)The other persons, who are required by the State Authority to participate in the Lok Adalats or legal aid programmes of the State Authority, shall be entitled to the payment of Travelling Allowance and Daily Allowance from the State Legal Aid Fund in respect of journeys performed by them in connection therewith, at the rate applicable to them under the rules governing their conditions of services :Provided that where no rule is applicable to any such persons, the participating person shall be entitled to Travelling Allowance and Daily Allowance at the rate applicable to the 1st Grades Officers of the State Government.(3)No Travelling Allowance and Daily Allowance shall be admissible under this rule to any Member or other person referred to in Sub-rules (1) and (2) if he draws Travelling Allowance and Daily Allowance from any other source for performing the same journey.

## **25. Expenditure from the State Legal Aid Fund.**

(1)All expenditures from the State Legal Aid Fund shall require the approval of the State Authority.(2)Where any expenditure is incurred without such approval to meet any urgent requirement, the Member-Secretary shall place the matter before the State Authority at its next meeting held immediately after the expenditure so incurred, for ratification.(3)[ The funds of the Orissa State Legal Services Authority shall be maintained in a scheduled Bank subject to a maximum of Rs.50,000 (Rupees fifty thousand)] [Inserted vide Orissa Gazette Extraordinary No. 668 dated 20.5.2006.][Schedule] [Substituted vide Orissa Gazette Extraordinary No. 160 dated 1.2.2003.][See regulation 20 (i)]

In all cases before Courts and Tribunals except

(a) before the High Court, the honorarium shall be as follows :

1. Suits	Rs. 750.00
Probate Proceedings	Rs. 450.00
Drafting of Complaint	Rs. 150.00
Drafting of written statement	Rs. 150.00
2. Original proceedings before the Criminal and Revenue Courts	Rs. 450.00
3. Appeals from original decree	Rs. 750.00
4. Appeal from orders	Rs. 300.00

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|---|------------|
| 5. Criminal Appeals and Revision against orders of conviction | Rs. 750.00 |
| 6. Other revisions  | Rs. 375.00 |
| 7. Other proceedings  | Rs. 375.00 |
| 8. Original application before S.A.T. & C.A.T.                | Rs. 750.00 |

(b) In all cases before the High Court, the honorarium shall be as follows :-

- |   |              |
|---|--------------|
| 1. First Appeal   | Rs. 1,050.00 |
| 2. Second Appeal up to admission  | Rs. 300.00   |
| Hearing   | Rs. 750.00   |
| 3. Misc. Appeal up to admission   | Rs. 225.00   |
| Hearing   | Rs. 375.00   |
| 4. Civil Revision up to admission   | Rs. 225.00   |
| Hearing   | Rs. 525.00   |
| 5. O.J.C. up to admission   | Rs. 450.00   |
| Hearing   | Rs. 600.00   |
| 6. Criminal appeal  | Rs. 750.00   |
| 7. Criminal Revision up to admission  | Rs. 225.00   |
| Hearing   | Rs. 525.00   |
| 8. Proceeding under Section 482 of the Code of Criminal Procedure, 1973 up to admission | Rs. 225.00   |
| Hearing   | Rs. 525.00   |

[Rs. 150.00 per day] [Substituted vide Orissa Gazette Extraordinary No. 668 dated 20.5.2006.]

(c) In all cases for advice

Form A[See regulation 17 (1)]Form and Application for Legal Aid or AdviceToThe Secretary Authority/CommitteeSir,I.....aged about.....son/daughter/wife/widow of at present residing at beg to apply for legal aid/advice under the following circumstances, namely :

### 1. I am employed/not employed...

(a)Nature of employment/occupation/trade/ business...(b)Whether employed in the Army, Navy or Air Force or Police Force or retired therefrom...(c)Since what time...

### 2. My monthly income is...

### 3. (a) My residential premises are rented in my name or jointly or they are owned by me alone or jointly...

(b)The rent thereof or the value thereof...

**4. I have agriculture lands at.....bearing Survey No.....paying assessment of Rs per annum (State, if owned or taken on rent)...**

(a)Income thereof is...(b)Value of produce thereof is ....

**5. My other sources of income are (give particulars)...**

**6. My other assets/properties/effects and their value...**

**7. I have/have not disposed of any of my properties/assets and effects within a period of six months prior to the date of this application by way of sale, gift, mortgage or otherwise,**

**8. The number of member of my family is.....and their relationship with me is under :**

**9. The number of dependent members in my family is....and their relationship with me is as under-**

**10. The income, if any, of other members of my family residing with me is as under-**

**11. The nature of legal aid or advice required is in respect of :**

(State the nature of dispute, claim of right and state the documents in support thereof, State also separately the origin of dispute, Claim or rights of other relevant particulars thereof.)

**12. The proof in support of my aforesaid claim/right/dispute/defence is as under-**

**13. I have/have not applied for legal aid or advice previously, if yes, state the content or substance thereof or the result thereof (If any advice has been received, please disclose the same).**

**14. I am willing to furnish such further information as may be required for the purpose of enabling you to consider this application fully.**

**15. I am/am not in a position to any Court costs and costs of miscellaneous proceedings (The applicant may also state the amount which he is prepared to pay by way of costs an miscellaneous costs or a proportion or part thereof).**

**16. I shall reimburse the State Government all cost, charges and expenses, incurred by the Committee in giving me legal aid, if the Court passes a decree or order in my favour awarding costs to me or their monetary benefits or advantage or if I cease to be entitled to legal aid under these regulations.**

**17. The above statements are true to the best of my knowledge and belief.**

Date :Place :Signature of ApplicantForm B[See regulation 19(1)]The High Court Legal Services Committee/District Authority/Taluk Legal Services Committee.....Certificate of EligibilityThis is to certify that with reference to applications, dated the.....20.....Shri/Shrimati.....residing at.....is entitled to receive legal aid or advice in respect of legal proceeding, particulars whereof are given below :Name of Court/Tribunal/Authority :Number and description of the legal Proceeding :Name and address of opponent :Extent of aid to be given :Other relevant particulars :Place:Date :Secretary.....Authority/CommitteeForm C[See Regulation 21 (2)]Form of Agreement to be executed by an applicant for grant of Legal AidThis Agreement made the.....day of between son/wife/daughter of aged.....years, residing at.....(hereinafter referred to as "the Applicant") of the one part and the Governor of Orissa exercising the executive power of the Government of the State of Orissa (hereinafter referred to as "the Government") of the other part;Whereas in pursuance of Section 6 of the Legal Services Authorities Act, 1987 the State Government have constituted a body called "The State Legal Service Authority" (hereinafter referred to as the State Authority) for the State of Orissa under the Notification of the Government of Orissa in the Law Department No. 4937-LAP-12/96-Law, dated the 11th April 1996 published in the Extraordinary issue No. 394 of the Orissa Gazette, dated the 15th April, 1996 as S.R.O. No. 267/96 to exercise the powers and to perform the functions conferred on or assigned to, a State Authority under the said Act;And whereas the State Authority has made necessary regulations called "The Orissa State Legal Services Authority Regulations, 1996" (hereinafter referred to as the said Regulations) as required under Section 29-A of the said Act, for the purpose of giving effect to the provisions of that Act;And whereas the Applicant has under the said Regulations applied on the.....20 for legal aid in connection with\*.....(hereinafter referred to as" the said proceeding) which the Government has agreed to grant under the said Regulations through the \*\*.....Authority/Committee (hereinafter referred to as "the Authority"/"the Committee");And whereas under the provisions of the said Regulations, the Applicant has under circumstances mentioned therein to repay to the Authority/Committee for and on behalf of the Government as and by way of reimbursement the amount of costs, charges and expenses incurred in connection with the said proceeding by the Government trough the Authority/the Committee for and on behalf of the Applicant as and by way of legal aid under the

said Regulations and the applicant is required to execute an Agreement for the purpose in the prescribed form being in fact these presents. Now this Agreement witnesseth and it is hereby agreed and declared by and between the Parties hereto as follows :

**1. In consideration of the Applicant being granted Legal Aid as aforesaid under the said Regulations in connection with the said proceeding the Applicant both hereby covenant and agree as follows :**

(i) In the event of the applicant succeeding in the said proceeding and the Court passing any decree or order awarding costs in favour of the Applicant or the Court passing any decree or order for payment to the Applicant of any amount whatsoever the Applicant shall repay to the Authority/Committee for and on behalf of the Government as and by way or reimbursement, all costs, charges and expenses incurred by the Government through the Authority/Committee for and on behalf of the Applicant in connection with the said proceeding as and by way of legal aid under the said Regulations. (ii) The Authority/Committee for and on behalf of the Government may take such action or proceedings as it thinks fit for executing any decree or order passed by the Court in the said proceeding in favour of the applicant and recovering the amount decreed or ordered in the said proceeding to be paid to the applicant and appropriate therefrom the amount of costs, charges and expenses incurred in connection with the said proceeding by the Government through the Authority/Committee for and on behalf of the applicant as and by way of legal aid under the said regulations and the applicant both hereby authorise the Authority/Committee to do so. The applicant shall render to the Authority/Committee all such assistance as may be required by it for the purpose. (iii) If the applicant fails to repay to the Authority/Committee for and on behalf of the Government the amount as aforesaid or any part thereof the same shall be deemed to be arrears of land revenue and the Government and/or Authority/Committee for and on behalf of the Government may without prejudice to any other rights and remedies of the Authority/Committee and the Government, recover the same from the applicant as arrears of land revenue.

**2. The Government will bear and pay the stamp duty on this agreement.**

In witness whereof the applicant has hereto set his hand and the Governor of Orissa has caused.....to set his hand affixed his official Seal hereto for and on his behalf the day and year first hereinabove signed and delivered by the within named Shri/Smt./Kum the applicant above-named in the presence of -

1. ....

2. ....

Signed, sealed and delivered by Shri\*.....for and on behalf of the Governor of Orissa in the presence of -

1. ....

2.

.....\* Fill in the particulars of the proceedings for which legal aid has been" applied for.\*\* Mention the full name of the Authority/Committee granting the legal aid. Form D[See Regulation 21 (2)]To all to Whom These Presents shall comeI.....son/wife/daughter of.....aged.....years, residing at.....Sending GreetingWhereas in pursuance of Section 6 of the Legal Services Authorities Act, 1987 the State Government have constituted a body called. "The State Legal Services Authority" (hereinafter referred to as the State Authority) for the State of Orissa under the notification of the Government Orissa in the Law Department No. 4973-LAP-12/96-Law, dated the 11th April 1996, published in the extraordinary issue No. 394 of the Orissa Gazette, dated the 15th April 1996 as S.R.O. No. 267/96 to exercise the powers and to perform the functions conferred on, or assigned to, a State Authority under the said Act.And whereas the State Authority has made necessary regulations called "The Orissa State Legal Services Authority Regulations, 1996" (hereinafter referred to as the said Regulations) as required under Section 29-A of the Said Act for the purpose of giving effect to the provision of that Act;And whereas I have under the said Regulations applied for legal aid in connection with .....**(hereinafter referred to as "the said proceedings") which the Authority/Committee**\* .....on behalf of the Government has agreed to grant under the said Regulations (hereinafter referred to as "the Authority the Committee").And whereas under the provisions of the said regulations, the applicant has, under certain circumstances, mentioned therein to repay to the Authority/ Committee for and on behalf of the Government as and by way of reimbursement he amount of costs, charges and expenses incurred in connection with such proceeding by the Government through the Authority/Committee for and on behalf of the applicant as and by way of legal aid under the said Regulations;And whereas as required by the said Regulations by an agreement of even date but executed prior to the execution of these presents and made between myself (hereinafter referred to as "the Applicant") of the one part and the Governor of Orissa exercising the executive power of the Government of the State of Orissa (herein and hereinafter referred to as "the Government") of the other part it has been agreed inter alias that the Authority/Committee for and on behalf of the Government may take such action or proceeding as it thinks fit and executing the decree or order passed by the Court in the said proceeding in my favour and recovering the amount decreed or ordered in the said proceeding to be paid to me and to appropriate therefrom the amount of costs, charges and expenses incurred in connection with the said proceeding by the Government through the Authority/Committee for and on my behalf as and by way of legal aid under the said Regulations and I have thereby authorised the Authority/Committee to do so;And whereas as per the provisions of the said Regulations the applicant, to whom the Government have agreed to grant legal aid through the Authority/ Committee, has to execute an irrevocable Power of Attorney in favour of the Authority/Committee appointing as his/her Attorney inter alias for enabling the Authority/Committee to take such action or proceedings as it thinks fit for executing the decree or order passed by the Court in my favour in the said proceeding and for recovering the amount decreed or ordered in the said proceeding to be paid to me as aforesaid;Now know ye and These Presents Witness that I.....do hereby irrevocable nominate constitute and appoint the Secretary of the Authority/Committee (hereinafter referred to as "the Attorney") to be my true and

lawful Attorney for me and on my behalf and in my name or in the name of the Attorney to do execute and perform the following acts, deeds, matters and things, that is to say -(1)to ask, demand, recover and receive from the party who has been decreed or ordered in the said proceeding to pay me the amounts specified therein and upon receipt thereof or any part thereof in my name or in the name of the Attorney as the case may require to make, sign, execute and deliver such receipts, releases or other discharges for the same, respectively as the Attorney shall think it or be advised;(2)to commence, prosecute and enforce, proceedings for realisation of the amount of any decree or order passed in the said proceeding in my favour or whereunder any amount is decreed or ordered to be paid to me including applications for execution of the said decree or order and for the purpose to sign, declare and affirm all applications, petitions, affidavits that may be necessary and appoint advocates on such terms and conditions including fees payable to them as the Attorney shall think fit and to sign Vakalatnama and necessary Authority in their favour and from time to time to discharge them and to appoint or employ others in their place and stead.....;(3)to compromise, refer to arbitration, abandon or submit to judgement in any such proceedings specified in Clause (2) above;(4)to concur in doing any of the acts, deeds, matters and things herein before mentioned in conjunction with any other person or persons interested in the premises.In General to do all other acts, deeds, matters and things whatsoever or about the recovery or realisation of the amount which has been decreed or ordered to be paid to me in the said proceeding as amply and effectually to all intents and purposes as I could do my own proper person if these presents had not been executed.And I Hereby Ratify and Confirm and Agree to Ratify and Confirm whatsoever the Attorney shall do or purport to do by virtue of these presents.And I Declare that the power hereby created shall be irrevocable till the Authority/Committee for/and on behalf of the Government is repaid or realise the said amount of costs, charges and expenses incurred in connection with the said proceeding by the Government through the Authority/Committee for and on my behalf as and by way of legal aid under the said Regulations.In Witness Whereof I.....,have hereunto set my hand this day of in the year Two thousand and signed and delivered by the within name in.....the presence of:(1)(2)Hereafter, enter the name and designation of the officer concerned who has been authorised to execute contract on behalf of the Governor of Orissa under Article 299 (1) of the Constitution of India.\* Fill in the particulars of the proceeding for which legal aid has been applied for.\*\*\* Mention of full name of the Authority/Committee.