

THE KARNATAKA STATE LEGAL SERVICES AUTHORITY REGULATIONS, 1997¹

In exercise of the powers conferred by Section 29A of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987), as amended by Amendment Act, 1994 (No.59 of 1994), Karnataka State Legal Services Authority hereby makes the following Regulations, namely:-

CHAPTER – I

PRELIMINARY

1. Title and Commencement.- These Regulations may be called the “Karnataka State Legal Services Authority Regulations, 1997.” They shall come into force at once.

2. Definitions.- In these Regulations, unless the context otherwise requires:

- (i) “Act” means the Legal Services Authorities Act, 1987 (as amended by Amendment Act, 1994).
- (ii) “Rules” means the Karnataka State Legal Services Authorities Rules, 1996.
- (iii) “Family” means the applicant and his spouse.
- (iv) “Form” means a form appended to these Regulations.
- (v) All other words and expressions used in these Regulations which are not defined herein shall have the same meaning as assigned in the Act and Rules.

CHAPTER – II

3. Powers and functions of the Patron-in-Chief .- (1) The Patron-in-Chief shall have overall supervision and control over the functioning of the State Legal services Authority, High Court Legal Services Committee, District Legal Services Authorities and Taluk Legal Services Committees.

I. Vide No. LAW 8 LAD dated 5th May, 1997

(2) The Patron-in-Chief shall, at any time, call upon the Member Secretary of the State Legal Services Authority, Member Secretary of the High Court Legal Services Committee, the Chairman and the Member Secretary of the District Legal Services Authority or the Taluk Committee, as the case may be, and give such instructions from time to time to implement the Schemes of the Act.

(3) The Patron-in-Chief may undertake such tour throughout the State for promoting the Legal Services Programmes and the Scheme of the Act and to implement in the perspective manner. The expenses incurred by the Patron-in-Chief in respect of the tour and other programmes shall be met out of the funds of Karnataka State Legal Services Authority.

CHAPTER – III

4. Meetings of The State Legal Services Authority .- (1) The State Authority shall meet at least once in 3 months at the place, date and time specified by the Patron-in-Chief or by the Executive Chairman of the Authority.

(2) The meeting of the State Authority shall be presided by the Executive Chairman or in his absence by any Member chosen by the Members present and the quorum of the meeting of the State Authority shall be nine and no quorum shall be necessary for the adjourned meeting.

(3) All the subject matters of the agenda shall be decided in the meeting by majority of votes of the Members present and in case of equal number of votes, the person presiding shall have a second or casting vote.

(4) Any 10 Members of the Authority, may give a requisition in writing, addressed to the Member Secretary for convening a meeting of the Authority for consideration of the subjects or matters specified therein. On receipt of such requisition, the Member Secretary, shall, after obtaining the orders of the Executive Chairman convene a meeting of the Authority within a month from the date of receipt of such requisition, to consider the subjects or matters specified in the requisition.

(5) Any Member of the State Authority desiring consideration of any subject or matter at any meeting of the State Authority, may intimate in writing such subject or matter to the Member Secretary. If such intimation is received before issue of the notice of the meeting, the subject or matter, shall if so directed by the Patron-in Chief be included in the Agenda of the meeting. If such intimation is received after issue of the notice, the subject or matter may be considered at the meeting with the permission of the person presiding at the meeting.

(6) The Member Secretary of the State Authority shall prepare the Agenda of the meeting of the State Authority and the Executive Chairman shall finally approve the Agenda with the previous sanction of the Patron-in-Chief of the State Authority. The notice of every meeting of the State Authority shall be given, in writing, by the Member Secretary to the Members, at least 7 clear days, before the date of the meeting. However, in urgent matters, the notice of only 3 days may be given.

(7) The Agenda of the meeting shall be sent to the Members along with the notice.

(8) The Member Secretary shall draw up the minutes of the meeting of the State Authority and after it is approved by the Executive Chairman, send it, as soon as possible but not later than the date of despatch of the notice of the next meeting.

(9) The minutes shall contain a record of the decisions taken and resolutions passed at the meeting and the discussions at the meeting shall not ordinarily form part of the minutes unless the Patron-in-Chief or the Chairman of the meeting so directs. The minutes shall be recorded in a separate register maintained for that purpose in the office of the State Authority.

(10) The minutes shall be read over at the next meeting of the State Authority and any suggestion, which may be made by any Member of the State Authority may be considered.

(11) The Member Secretary shall, at the commencement of the next meeting of the State Authority inform the Members, the action taken on the decisions taken in the previous meeting.

(12) The signature of the Members present at the meeting shall be obtained in a register maintained for the purpose.

(13) The Member Secretary may pass the TA bills of all the Members of the State Authority and the Committees and also of others who have attended the meeting or programme of the State Authority.

(14) The State Authority shall meet the expenses of such meeting.

5. Allowances payable to the members of the State Authority.-

(1) The sitting fee payable to the non-official Members of the State Authority for attending the meeting or of any Committee thereof is as may be fixed by the Executive Chairman.

(2) No allowances are payable to the Patron-in-Chief and Executive Chairman for attending the meeting of the State Authority or of any Committee thereof.

CHAPTER – IV

6. The composition, number, experience and qualification of other members of the High Court Legal Services Committee.- (1) The High Court Legal Services Committee established under Sec. 8A shall consist of the following Members, namely:-

- (a) A Sitting Judge of the High Court who shall be the Chairman;
- (b) Member Secretary, as defined under Rule 6;
- (c) Additional Law Secretary (in the cadre of District Judge);
- (d) Commissioner of Police, Bangalore City;
- (e) State Public Prosecutor or Additional State Public Prosecutor or Government Advocate;
- (f) One Member of the Bar Council of Karnataka;
- (g) An office-bearer of Advocates' Association, Bangalore
- (h) A Woman Advocate.
- (i) Three Members who have experience in the field of law, social service, administration and who are engaged in the upliftment of the weaker sections of the society including Scheduled Castes, Scheduled Tribe, Women, Children

having special knowledge and interest in the implementation of legal service schemes and programmes. The Members at Sl.No. (a) and (f) to (i) are to be nominated by Hon'ble the Chief Justice of the High Court.

Proviso:

Provided among such Members to be nominated, one shall be from Scheduled Castes or Scheduled Tribes.

7. The term of the office and other conditions relating thereto of the members of the High Court Legal Services Committee.-

(1) Subject to the pleasure of the Patron-in-Chief, the Members, other than the person referred to at Reg.No.6(1)(c) of the High Court Legal Services Committee, shall hold the office for a term of 3 years and may be eligible for renomination.

(2) If any vacancy of a Member of the High Court Legal Services Committee occurs, for any reason, the vacancy shall be filled in the same manner in which the original nomination was made and the person so nominated shall be a member for the remaining period of the member in whose place he is nominated.

8. Meetings of the High Court Legal Services Committee.-

(1) Subject to the special or general instructions of the State Authority, the Chairman of the High Court Legal Services Committee, may as frequently as the business may warrant and shall at least once in 3 months call a meeting of the High Court Legal Services Committee.

(2) The Chairman of the High Court Legal Services Committee or in his absence, a Member chosen by the Members present from among themselves, shall preside over the meeting of the Committee.

(3) The quorum for the meeting shall be 4 Members. But this quorum is not required for the adjourned meeting.

(4) All questions at a meeting shall be decided by majority of the votes of the Members present and in case of equality of votes, the person presiding shall have a second or casting vote.

(5) Minutes shall contain the names of the Members present and of the proceedings of each meeting which shall be signed at the next ensuing meeting by the person presiding at such meeting and shall be open to inspection by any Member.

(6) A copy of the minutes shall be sent to the State Authority.

(7) The non-official Members of the High Court Legal Services Committee shall be paid sitting fee, as may be fixed by the Executive Chairman.

(8) The expenses of the High Court Legal Services Committee shall be met out of the funds provided by the State Legal Services Authority.

(9) The High Court Legal Services Committee shall consist of the staff pattern, as per Schedule I of sub section (5) of Section 8A of the Act.

9. Powers and functions of the Member Secretary of the High Court Legal Services Committee .- (1) to implement the scheme to give free legal service to the eligible and weaker section;

(2) to work out modalities of the Legal Services Schemes and Programmes ;

(3) to exercise the powers in respect of administration, house keeping, finance and budget matters ;

(4) to manage the properties, records and funds of the High Court Legal Services Committee ;

(5) to maintain true and proper accounts including checking and auditing in respect thereof, periodically;

(6) to prepare Annual Income and Expenditure Account and Balance Sheet ;

(7) to maintain upto date and complete statistical information including progress made in the implementation of various Legal Service Programmes, from time to time ;

(8) to process proposals for financial assistance and issue Utilisation Certificate thereon;

(9) to organize various Legal Service Programmes and convene Meetings/Seminars and Workshops connected with Legal Service Programmes and preparation of reports and follow-up action thereon ;

(10) to perform such of the functions, as are assigned to him under the Schemes formulated under the Act ;

(11) to perform such other functions, as may be expedient for the efficient functioning of the High Court Legal Services Committee

10. Functions of the High Court Legal Services Committee.- (1) It shall be the duty of the High Court Legal Services 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 High Court Legal Services Committee shall, for the High Court, 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 Rules framed therein;

(b) conduct Lok Adalats for High Court cases and

(c) encourage the settlement of disputes by way of negotiations, arbitrations and conciliations and such other activities.

11. Panel of Advocates .- The High Court Legal Services Committee shall prepare a panel of advocates to conduct cases referred.

12. Funds, Accounts And Audit of the Committee.- (1) The funds of the Committee shall consist of such funds as may be allocated and granted to it by the State Authority as also such amount as may be received by the Committee, from time to time, by way of donations or

by way of cost, charges and expenses recovered from the legal aided persons or the opposite party or otherwise.

(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 fee, stamps and expenditure necessary for obtaining copies of documents etc., a permanent advance of Rs.3,000/- shall be placed at the disposal of the Member Secretary of the Committee.

(4) All expenditure on legal aid and advice, provisions of other legal services as also expenditure necessary for carrying out various functions of the Committee shall be met out of the funds of the Committee. The Secretary shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.

(5) The Committee shall cause to be kept and maintain true and correct accounts of all receipts and disbursements and furnish quarterly reports to the State Authority.

(6) The accounts of the Committee shall be audited by the Accounts Officer, as mentioned in Section 18 of the Act at least once in a year and any expenditure incurred in connection with such audit shall be paid by the Committee.

CHAPTER – V

13. District Legal Services Authority.- (1) District Legal Services Authority means the District Legal Services Authority constituted under Section 9 read with Rule 7.

(2) Subject to the special or general instructions of the State Authority, the Chairman of the District Legal Services Authority may, as frequently as the business may warrant and shall at least once in 2 months call a meeting of the District Authority.

Provided that the Member Secretary may also call a meeting in urgent matter, if the Chairman is not available to call a meeting.

(3) The Chairman of the District Legal Services Authority or in his absence, a Member chosen by the Members present from among themselves shall preside at a meeting.

(4) The Member Secretary shall draw up the minutes of the meeting of the District Legal Services Authority and after it is approved by the Chairman at the meeting, send copies of it to the Members of the District Authority as soon as possible, not later than the date of dispatch of the notice of the next meeting.

(5) The minutes shall contain a record of the decision taken and resolution passed at the meeting and the discussions at the meeting shall not ordinarily form part of the minutes unless the Chairman of the meeting so directs.

(6) The minutes shall be recorded in a separate register maintained for that purpose in the office of the District Authority.

(7) The minutes shall be read over at the next meeting of the District Authority and any suggestion which may be made by any Member of the District Authority may be considered.

(8) The Member Secretary shall, at the commencement of the next meeting of the District Authority inform the Members in respect of the action taken on the decision taken in the previous meeting.

(9) The signature of the Members present at the meeting shall be obtained in the register maintained for the purpose.

(10) The Member Secretary may, with the approval of the District Chairman pass TA bills of all the members of the District Authority who have attended the meeting or the programmes.

(11) No act or proceedings of the District Authority shall be invalid mainly by reason of :-

- (i) any vacancy in or defect in the constitution of the District Authority ;
- (ii) any defect in the nomination of any person as a Member of the District Authority, as the case may be ;
- (iii) any irregularities in this procedure not affecting the merits of the case.

12. The quorum for the meeting shall be six Members. But this quorum is not required for the adjourned meeting.

13. All questions at the meeting shall be decided by majority of votes of the Members present and in case of equal votes, the person presiding shall have a second or casting vote.

14. Minutes shall contain the names of the Members present and of the proceedings at each meeting which shall be signed at the next ensuing meeting by the person presiding at such meeting and shall be open to inspection by any Member.

15. A copy of the minutes shall be sent of each meeting held by the District Legal Services Authority to the State Authority.

16. The non-official Members of the District Authority shall be paid a sitting fee of Rs.75/- per day or as determined by the Executive Chairman for attending the meeting.

14. Functions of the District Legal Services Authority .- (1) It shall be in accordance with Section 10 of the Act and to conduct and organize Lok Adalats in accordance with Section 19 of the Act.

(2) The Lok Adalat Committee of the District Authority shall consist of Members like;

- (a) a serving or a retired Judicial Officer &
- (b) an eminent Social Worker or
- (c) an Advocate of standing or

- (d) a person of repute, who is specifically interested in the implementation of the legal services schemes and programmes to be nominated by the District Authority Chairman.

15. Powers and functions of the Member Secretary of the District Legal Services Authority.- (1) The powers and functions of the Member Secretary of the District Legal Services Authority are :

- (i) to implement the scheme to give free legal service to the eligible and weaker section ;
- (ii) to work out modalities of the legal services schemes and programmes ;
- (iii) to exercise the powers in respect of administration, house keeping, finance and budget matters;
- (iv) to manage the properties, records and funds of the District Authority ;
- (v) to maintain true and proper accounts of the District Authority, including checking and auditing in respect thereof periodically ;
- (vi) to prepare Annual Income and Expenditure Account and Balance Sheet of the District Authority ;
- (vii) to liaison the social action groups and Taluk Legal Services Committees ;
- (viii) to maintain upto date and complete statistical information including progress made in the implementation of various legal services programmes, from time to time ;
- (ix) to process proposals for financial assistance and issue Utilisation Certificate thereon ;

- (x) to organize various legal service programmes and convene Meetings Seminars and Workshops connected with legal service programmes and preparation of reports and follow-up action thereon ;
- (xi) to lay stress on the resolution of rural disputes and to take extra measures, to draw schemes for effective and meaningful legal services for settling rural disputes at the door steps of the rural people;
- (xii) to perform such of the functions as are assigned to him under the scheme formulated under the Act ;
- (xiii) to perform such other functions, as may be expedient for efficient functioning of the District Authority.

16. Funds of the District Authority.-(1) The funds of the District Authority established under Section 17 of the Act shall be maintained in a Schedule Bank.

(2) For the purpose of meeting the incidental expenses and minor charges such as Court fee stamps and expenditure necessary for obtaining the copies of documents etc., a permanent advance of Rs.2,000/- shall be placed as imprest amount at the disposal of the Member Secretary of the District Authority.

(3) All expenditure of legal aid and advice, provisions for other legal services as also expenditure necessary for carrying out 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 Member Secretary shall operate the bank accounts of the District Authority.

(4) The District Authority shall cause to be kept and maintain true and correct accounts of all receipts and disbursements and furnish monthly returns with reports to the State Authority. Such account

shall be audited in accordance with the provisions of Section 18 of the Act.

17. Panel of Advocates.- The District Authority shall prepare the panel of advocates to conduct cases referred.

CHAPTER – VI

18. Taluk Legal Services Committee.- (1) “Taluk Legal Services Committee” means as defined under Section 11A of the Act read with Rule 8.

(2) The Taluk Committee shall ordinarily meet once in two months on such date, time and place as the Ex-officio Chairman may decide.

(3) The meeting of the Committee shall be presided by the Chairman and in the absence of the Chairman, a person chosen by the Members present from among themselves shall preside at the meeting of the Taluk Committee.

Provided that the Member Secretary may also call the meeting in urgent cases, if the Chairman is not available to call a meeting.

(4) Quorum for the meeting of the Taluk Committee shall be 5 and no quorum shall be necessary for the adjourned meeting.

(5) All the questions at the meeting of the Taluk Committee shall be decided by the majority of the votes of Members present and in case of equal votes, the person presiding shall have a second or a casting vote.

(6) The Member Secretary shall draw up the minutes of the meeting and after it is approved by the Chairman of the Committee, send copies of it to the Members of the Taluk committee, as soon as possible, but not later than the date of despatch of the notice of the next meeting.

(7) The minutes shall contain the record of the decision taken and resolution passed. The minutes shall be recorded in a separate register maintained for the purpose in the office of the Taluk Committee.

(8) The minutes shall be read over at the next meeting and any suggestions which may be made by any Member of the Taluk Committee may be considered.

(9) The Secretary of the Committee shall, at the commencement of the next meeting inform the Members, the action and steps taken on the decisions in the previous meetings.

(10) The signature of the Members present at the meeting shall be obtained in the register maintained for the purpose.

(11) The Taluk Committee shall send the copy of the minutes of each meeting to the State Authority with a copy to the District Authority.

(12) No act or proceedings of the Taluk Committee shall be invalid merely by the reason of -

(a) any vacancy in or defect in the constitution of the Taluk Committee, as the case may be.

(13) The non-official Members of the Taluk Committee shall be paid a sitting fee of Rs.50/- per day for attending the meeting or the programme.

19. Functions of the Taluk Legal Services Committee.- It shall be the duty of the Taluk Committee to give effect to the policy and direction of the State Authority and to conduct and organize Lok Adalats in accordance with Chapter 6 of the Act.

20. Funds, Accounts and Audit of the 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 amount as may be received by the Committee, from time to time, either by way of donation or by way of cost, charges and expenses recovered from the legal aided persons or the opposite party otherwise.

(2) The funds of the Taluk Committee shall be maintained in a Schedule Bank.

(3) For the purpose of meeting the incidental expenses such as court fee stamps and expenditure necessary for obtaining the copies of documents etc., a permanent advance of Rs.2,000/- shall be placed at the disposal of the Member Secretary of the Taluk Committee.

(4) All expenses on legal aid and advice, provisions for other legal services as also expenditure necessary for carrying out various functions of Taluk Committee shall be met out of the funds of the Taluk Committee. The Member Secretary shall operate the bank accounts of the Committee in accordance with the directions of the Chairman of the Committee.

(5) The Taluk Committee shall cause to be kept and maintain true and correct accounts of all receipts and expenditure and furnish monthly returns with reports to the State Authority.

(6) The Accounts of the Taluk Committee shall be audited at the end of the financial year and any expenditure incurred in connection with such audit shall be paid by the Taluk Committee.

21. Panel of Advocates.-The Taluk Legal Services Committee shall prepare a panel of advocates to conduct cases referred.

CHAPTER – VII

22. Finance and Accounts.- (1) The State Authority, the District Authorities and Committees shall establish funds and credit it in any of the Schedule Banks.

(2) The Accounts shall be operated by the respective Secretaries.

(3) The respective Authorities and Committees shall maintain following Registers:

1. Receipt Book
2. General Cash Book

3. Office Cash Book
4. Acquittance Roll
5. Register of T.A.
6. Register of Bills
7. Register of Stamps
8. Register of Stocks of Furnitures
9. Register of Stationery/Bank Cheque
10. Cheques (supplied by the Bank)
11. Classification Register of Expenditure
12. Register of funds received
13. Voucher Book

(4) All the expenditure of the respective Authorities and Committees shall be placed before the respective Finance Committee for ratification.

CHAPTER – VIII

23. Executive Committee of the State Authority.- (1) The Executive Chairman of the State Authority shall constitute an Executive Committee consisting of 5 Members out of the Members nominated inclusive of the Member Secretary and hold such meetings, once in 3 months, in the premises of Karnataka State Legal Services Authority, on the date and time fixed.

(2) The Member Secretary shall, with the approval of the Executive Chairman, prepare the agenda for the meeting of the Executive Committee and send it along with the notice of the meeting, at least 7 clear days before the date of the meeting. In urgent cases, notice of only three days may be given and the quorum shall be 3. No quorum shall be necessary for adjourned meeting.

(3) The Executive Committee, for the purpose of conducting the meeting, shall follow the procedure as mentioned in Regulation No.4.

24. Powers And duties that may be conferred on the Executive Committee.- (1) The Executive Committee shall be in overall charge of all matters connected with the powers, functions and administration of the State Legal Services Authority.

(2) The State Authority may, subject to any condition specified by it, confer on the Executive Committee such powers and duties for the effective functioning and administration and supervision over the District Authority and Taluk Committee and to implement the Scheme of the Act.

25. Finance committee of the State Authority.- (1) The Executive Chairman of the State Authority shall constitute a Finance Committee consisting of 5 Members out of the Members nominated, inclusive of the Member Secretary and hold such meetings once in 2 months at the place, date and time fixed by the Executive Chairman.

(2) The meeting of the Finance Committee shall be held with previous notice of the meeting of at least 7 clear days. The quorum of the meeting shall be 3 and no quorum shall be necessary for the adjourned meeting. In case of urgent meetings, the notice of 3 days shall be sufficient.

26. Functions of the Finance Committee.- (1) It shall review the receipt and expenditure of funds of the State Legal Services Authority.

(2) It shall suggest ways and means to augment the resources to the State Authority.

(3) It shall consider the budget and the annual statement of accounts of the State Authority.

(4) The Committee shall submit its report of recommendations in respect of all financial matters placed before it to the Executive Committee.

(5) The proceedings of the Finance Committee and the minutes thereof shall be recorded by the Member Secretary and after the approval of the Chairman, send copies thereof to the Members.

CHAPTER – IX

27. Panel of Advocates.- (1) The Authorities and Committees shall prepare a panel of Advocates to prosecute the cases on behalf of the legal aided persons under these Regulations, respectively.

- (2) (a) The Legal Practitioner appearing in the High Court shall be paid, as per Schedule II.
- (b) The Legal Practitioner appearing in the matters arising out of the cases referred to by the District Authority shall be paid, as per Schedule I.
- (c) The Legal Practitioner appearing in the matter referred to by the Taluk Committee shall be paid, as per Schedule I.
- (d) The Legal Practitioners representing the cases referred to by the respective Authorities and Committee, as the case may be, pending before any Tribunals or Authorities or Forum shall be paid, as per Schedule I.

or

as may be fixed by the Executive Chairman.

(3) The Advocates on the panel shall continue at the pleasure of the Executive Chairman.

28. Disqualification of Legal Practitioners.- (1) No legal practitioner on the panel shall charge or collect any remuneration from an aided person in any form whatsoever.

(2) The name of the legal practitioner who contravenes the Scheme of the Act, Rules and this Regulations shall be removed from the panel and he shall also be liable to be prosecuted, as per law, for professional misconduct.

29. The duties of the Legal Practitioner.- The legal practitioner conducting a case on behalf of an aided person shall, as soon as the case is decided, apply for copies of judgment and decree, if any, and immediately on receipt of the copies, submit them to the District Authority or the Taluk Committee, as the case may be which appointed him to conduct the said case together with detailed comments thereon. The District Authority or the Taluk Committee, as the case may be, shall take steps to recover costs, if any, awarded by the Court to the aided person and consider the feasibility of filing an appeal or revision, if

- (i) the case has been decided against the aided person;
- (ii) the case is prima facie fit for appeal ; and
- (iii) the aided person has applied for legal service for filing the appeal or revision, as the case may be.

CHAPTER – X

30. Procedure for proving Legal Services.- Any eligible person desiring to seek legal service may make an application to the Authorities and Committees, as the case may be.

31. Disposal of Application.- On receipt of the application, the authorities or the Committees, shall scrutinize the application for providing legal service and such decision of the Authority or the Committee to provide legal service shall be final and the same be intimated to the applicant.

32. Withdrawal of Legal Service.- The Authorities or Committees, may either on its own or otherwise withdraw legal service granted to any aided person under the following circumstances:

- (a) The applicant has knowingly made a false statement or furnished false information as regards his means or place of residence;
- (b) Any proceedings other than one relating to criminal prosecution, there is no prima facie case to institute or as the case may be, to defend the proceedings ;
- (c) The application is frivolous, fictitious or tainted with mis-representation or fraud;
- (d) In the event of any material change in the circumstances of the aided person ;
- (e) In the event if the aided person commits an abuse of the process of law or of legal service ;
- (f) Provided that the legal service shall not be withdrawn without giving due notice thereof to the aided person or to his legal representative, in the event of his death, to show cause as to why legal service should not be withdrawn.

CHAPTER XI

33. Literacy Programmes.- (1) The Authorities and Committees shall constitute as many as advice centres at one or more places depending on the need and public response.

(2) The advice centres shall consist of legal practitioners, who are on the panel prepared, respectively, and they shall be paid as may be determined by the Chairman of the respective Committee for furnishing their advice to the applicant or as the case may be.

(3) The State/District Authorities and Committees shall hold such literacy programmes in various rural areas, educational institutions in co-ordination with other Governmental and Non-Governmental Agencies, Voluntary Social Service Institutions, Universities and other bodies engaged in the work of promoting the cause of legal service to the poor.

(4) The Authorities and Committees shall have the programmes of legal awareness through medias like AIR, Doordarshan and by way of publications and displaying video films and audio cassettes, as the case may be.

(5) The Authorities and Committees shall organise as many legal literacy camps as possible in rural areas to create legal awareness and the purpose of the Scheme of the Act.

CHAPTER – XII

34. Pension and death-cum-retirement Gratuity Regulations, 1997.- 1. Title and Commencement .- (1) These Regulations may be called as the Pension and Death-cum-Retirement Gratuity Regulations, 1997 of the Employees of the Karnataka State Legal Services Authority.

(2) They shall be deemed to have come into force from 6th April, 1997.

2. Definitions :- (1) In these Regulations, unless the context otherwise requires :

- (a) “Accounts Officer” means the Accounts Officer appointed by the Government under Rule 9 of Karnataka State Legal Services Authority Rules, 1996 and Schedule I thereon ;
- (b) “Act” means the Legal Services Authorities Act, 1987, (No.39 of 1987) as amended by Amendment Act, 1994 (No.59 of 1994) ;
- (c) “Appointed Day” means 6th March, 1997. That means, the date on which the publication was made in the official Gazette ;
- (d) “Chief Patron” means the Patron-in-Chief of the State Authority ;

- (e) "Emolument" means the emoluments which the Authority employees was receiving immediately before his/her retirement or death ;
- (f) "Employee" means an employee holding any of the post/posts regularly in services of the State Authority other than an employee working on deputation in the State Authority and employee holding any of the post/s in the services of the State Authority by absorption from other Government Departments;
- (g) "Fund" means the pension and gratuity fund established and maintained by the Authority;
- (h) "Government" means the State Government;
- (i) "Pension" means except when the term "pension" is used in contradiction to the Death-cum-Retirement Gratuity includes the Death-cum-Retirement Gratuity;
- (j) "Member Secretary" means the Member Secretary of the State Authority appointed by the Government under sub-section (3) of Section 6 of the Act,

(2) Any other word or expressions used herein and not defined but defined in the Karnataka Civil Service Rules shall have the meaning respectively assigned to it in that Rules.

(3) These regulations shall be applicable to the employees who were in service on the appointed day in erstwhile Karnataka Legal Aid Board, and who were appointed thereafter in the State Authority.

(4) The pension and gratuity including Family Pension admissible to Government servants under the Karnataka Civil Service Rules, as amended from time to time, shall "mutatis mutandis" be applicable to the employees of the State Authority.

(5) For the purpose the fund which is already created by the Karnataka Legal Aid Board and kept in Fixed Deposit may be taken into the Account of the State Authority and shall be administered by the Member Secretary on behalf of the Karnataka State Legal Services Authority.

(6) The State Authority shall pay to their P & GF:-

(i) a sum of Rs.50,000/-, every year, to the said fund from the maintenance grant provided by the Government for that year;

(ii) the amount to be paid under sub-rule (i) shall be subject to revision, with the prior approval of the State Authority.

(7) All the moneys of the fund shall be invested in a Scheduled Bank or in such manner as decided by the State Authority.

(8) (i) In case of the dissolution of the State Authority, the Government shall pay the pension and Death-cum-Retirement Gratuity payable under these Rules.

(ii) The Pension and death-cum-Retirement Gratuity shall be payable only in India.

(9) The Pension Scheme includes the benefit of Commutation of pension as applicable to the Government Servants under the Karnataka Civil Services Rules, from time to time.

(10) The pension papers of all such retired employees should be forwarded to the Member Secretary through the Heads of the Office under whom the retired employee was working. These papers will be scrutinised by the Member Secretary after getting concurrence of the Accounts Officer and he/she in turn will place it before the Executive Chairman. Executive Chairman of the State Authority will accord sanction for the pension. Pension Payment Order will,

however, be issued by the Member Secretary thereafter, and forwarded to the Accounts Officer for arranging the payment.

(11) All payments of pension and gratuity will be made directly by the Accounts Officer on presentation of individual bills by the pensioners or through the Bankers done in the case of Government Servants.

(12) (1) At the close of every financial year, returns showing the names of retired employees or holders of Family Pension and total amount disbursed as pension, Death-cum- Retirement Gratuity and commutation (to be shown separately) during the financial year shall be prepared by the Accounts Officer. The total amount required for disbursement will be permitted to be withdrawn from the General Fund account of the State Authority and the balance amount remaining be credited to the Pension Fund Account.

(2) In case higher amount is required for disbursement during the year consequent on the death or retirement of the employee, the amount required may be withdrawn from the Pension Fund.

(13) All forms prescribed by the Government for the purpose of payments of Pension and Gratuity to its employees may be adopted for the purpose of the Pension Scheme under these Rules.

The Family Pension which is applicable to the Government servants as per Karnataka Civil Service Rules, 1964, on the same lines and rules, will apply to the employees of the State Authority.

(14) The Accounts Officer of the State Authority shall exercise the powers of the Treasury Officer, so far as the Pension Scheme under these Rules are concerned.

(15) The provisions in the Karnataka Civil Service Rules governing the preparation of pension papers, sanction of pension, commutation of pension and Death-cum- Retirement Gratuity, Family Pension and articles of the Karnataka Treasury Code governing the mode of payment and maintenance of registers and records in respect

of Government employees, shall, mutatis mutandis, be applicable to the Pension Scheme under these Rules.

CHAPTER-XIII

35. Miscellaneous.- (1) The service conditions of the officials shall be governed in respect of appointment, promotion, removal, discharge and such other disciplinary action as per the provisions mentioned in Rule 10.

(2) The Disciplinary Authority is the Member Secretary in respect of officers and officials of the Authority.

35-A. Repeal and Savings.-Notwithstanding anything contained in these Regulations, the Karnataka Legal Aid Board Regulations, Karnataka Legal Aid Board Schemes hereby stands repealed.

Provided that such repeal shall not affect the previous operations of the repealed scheme, if already undertaken.

CHAPTER-XIV

36. Appointment & Disciplinary Authority.-

Appointing Authority:

- (1) For Class I & II Posts :
Promotion or appointment: The Executive Chairman of the Authority with the approval of the Patron-in-Chief
- (2) For Class III & IV Posts : Member Secretary

Disciplinary Authority :

- (1) For Class I & II Executive Chairman
- (2) For Class III & IV Member Secretary

Appealing Authority :-

- (1) For Class I & II Patron-in-Chief
- (2) For Class III & IV Executive Chairman

Department Promotion Committee :-

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| (1) | For Class I, II, III | 3 Members Committee may be constituted. Out of three, one must be the Chairman and two others are Members of the Committee |
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CHAPTER-XV

37. Loans and Advances.- All the advances, as per KFC are admissible to the regular employees of Karnataka State Legal Services Authority, High Court Legal Services Committee, as the case may be. In respect of HBA, HPA or purchase of apartments or house repair/s advance to the existing house, may be sanctioned and paid out of the Authority Funds as per the same rules and regulations which was in vogue by the Government. The sanctioning Authority is the Executive Chairman in respect of Gazetted Government Servants. In respect of NGOs, the Member Secretary is the sanctioning Authority.

38. Meeting Expenses.- Expenses of the meeting of all Committees shall be taken care from, time to time, by the Executive Chairman or the Member Secretary or the District Authority or the Taluk Committee.

39. The Conciliators in any of the Adalat, shall be paid as ordered by the Executive Chairman.