

“In exercise of the powers conferred by section 29A of the Legal Services Authorities Act, 1987 (No. 39 of 1987) and in consultation with the Chief Justice of the High Court of Delhi, as required by sub-section (4) of Section 9 and clause (c) of sub section (2) of Section 10 of the said Act, the Delhi Legal Services Authority hereby makes the following regulations, namely :-

1. 1) These regulations may be called the District Legal Services Authority Regulations, 1998.

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

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

a) “Act” means the Legal Services Authorities Act 1987 (39) of 1987 as amended by the Legal Services Authorities (Amendment) Act, 1994 (59 of 1994)

b) “State Authority” means the Delhi Legal Services Authority constituted under Section 6 of the Act.

c) “Chairman” means the Chairman of the District Legal Services Authority;

d) “District Authority” means District Legal Services Authority, Delhi constituted under Section 9 of the Act;

e) “Legal Services Advocate” means an advocate who has been assigned any work related to legal services;

f) “Legal Service Counsel-cum-Consultant” means an Advocate appointed as legal service Counsel-cum-Consultant by the District Authority;

g) “Member” means a member of the District Legal Services Authority;

h) “Secretary” means the secretary of the District Legal Services Authority appointed under sub-section(3) of Section 9 of the Act.

i) “Aided person” means a person to whom legal service is provided in accordance with the provisions of the Act, Rules and these regulations;

j) “Chief Justice” means the Chief Justice of the High Court of Delhi.

k) “Executive Chairman” means the Executive Chairman of the State Legal Services Authority constituted under Section 6 of the Act;

l) "High Court" means the High Court of Delhi.

m) "Legal Practitioner" the expression "Legal practitioner" shall have the same meaning as assigned to it in the Advocates Act, 1961;

n) "Legal Service" includes the rendering of any service in the conduct of any case or other legal proceedings before any court or other authority or tribunal and the giving of advice on any legal matter;

o) "Rule" means a rule of Delhi Legal Services Authority Rules, 1996;

p) "Section" means a Section of the Legal Services Authorities Act, 1987;

q) "State Government" means the Government of N.C.T. of Delhi.

r) "Committee" means the Legal Services Committee;

s) Words and expressions used in the regulations but not defined shall have the same meaning respectively assigned to them in the Act.

3. 1) The term of office of a member of the District Authority, other than ex-officio member, shall be two years : provided that a member shall be eligible for renomination for one more term.

2) (a) (i) A member of the District Authority nominated under sub rule (3) of rule 10 may be removed by the State Government in consultation with the Chief Justice of the High Court if in the opinion of the State Government, he is not desirable to continue as a member.

(ii) A member may by writing under his hand addressed to the Chairman District Authority resign from the District Authority and such resignation shall take effect from the date on which it is accepted by the Chairman.

2) (b) Any vacancy in the office of a member of the District Authority may be filled up in the same manner as provided for the nomination and the person so nominated shall hold office for the residuary term of the member in whose place he is nominated.

3) All members nominated under sub rule(3) of rule 10 shall be entitled to payment of travelling allowances and daily allowances in respect of journey performed in connection with the work of the District Authority and shall be paid by the District

Authority in accordance with the rules as are applicable to the grade 'B' officers of the State Government as amended from time to time.

4) If a nominated member is a Government officer or employee, he shall be entitled to only one set of travelling allowance and daily allowance either from his parent department or, as the case may be, from the District Authority.

5) Where a person is nominated as ex-officio member such person shall cease to be the member of the District Authority if he ceases to hold the post or office by virtue of which he has been nominated as ex-officio member.

6) All members shall function in an honorary capacity.

7) The Secretary of the District Authority shall be the whole time employee and shall hold office for a term not exceeding five years.

8) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters the Secretary shall be governed by the Delhi Judicial Service Rules and shall be on deputation to the District Authority.

4. The powers and functions of the District Authority shall be :-

a) To administer and implement the legal services programmes including promotion of legal literacy, para legal training and conciliation in so far as it relates to the District Courts and for this purpose take all such steps in co-ordination with the State Authority as may be necessary and to act in accordance with the directions issued by the State Authority from time to time.

b) To receive and scrutinise applications for legal services and to decide all questions as to the grant of or withdrawal of legal services;

c) To co-ordinate the activities of the Legal Services Committees;

d) To maintain panels of advocates in the District Courts for giving the Legal Service;

e) To implement such other Legal Aid programmes and carry out such other functions as the State Authority may assign from time to time;

f) To decide all matters relating to payment of honorarium, costs, charges and expenses of legal services to the advocates of the District Courts;

g) To prepare and submit returns, reports and statistical information in regard to the legal services programme monthly to the State Authority.

5. 1) The Chairman of the District Authority shall be in over-all charge of administration and implementation of the programmes of the District Authority: Provided that the Chairman shall not directly concern himself with any question as to grant or withdrawal of legal service to any person.

2) The Chairman shall cause the meetings of the District Authority convened through Secretary at least once in a period of three months.

3) The Chairman shall preside over the meetings of the District Authority.

6. 1) The Secretary shall be the principal officer of the District Authority and shall be the custodian of all assets, accounts, records and funds at the disposal of the District Authority.

2) 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.

3) 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 meetings.

6A. 1) The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the Delhi Judicial Service to look after the work of the Legal Services Committee functional at that District Courts Complex where such person is posted.

2) The person so appointed shall be incharge of the Legal Services Committees and shall perform the function of the District Authority in accordance with the directions issued and during the hours fixed by the District Authority.

3) The District Authority shall provide staff to the person so appointed for the committee for rendering secretarial assistance to him/her.

4) There shall be Legal Services Committee one each at Tis Hazari Courts Complex, Patiala House Courts Complex and Karkardooma Courts Complex.

5) The administrative expenses of every Committee shall be defrayed out of the District Legal Aid Fund by the District Authority.

6. B. The Legal Services Committee shall perform the following functions namely :

(a) co-ordinate the activities of legal services in the area specified for it;

(b) organise Lok Adalats in the area specified for it, and

(c) perform such other functions as the District Authority may assign to it.

7. 1) The District Authority shall meet at least once in three months on such date, and at such place as the Chairman may direct.

2) The Chairman shall preside over the meetings of the District Authority and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside over the meetings of the District Authority.

3) 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 Executive Chairman of the State Authority.

4) The quorum for the meeting shall be four including the Chairman.

5) All questions which come up before any meeting of the District Authority shall be decided by a majority of votes of the members present and voting, and in case of a tie, the Chairman or the person presiding over shall have the right to exercise a second or casting vote.

8. 1) The District Authority shall maintain a fund to be called District Legal Services Authority Fund to which shall be credited :-

a) such amounts as may be allocated and granted to it by the State Authority;

b) all such amounts received by the District Authority by way of donations;

c) all such amounts, charges and expenses as are recovered from the persons to whom legal service is provided or the opposite party.

2) All the amounts credited to the said fund, shall be deposited in a nationalised bank.

Explanation: In the sub-regulation "nationalised bank" means a corresponding new

bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act. 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act. 1980.

3) For the purpose of meeting incidental minor charges such as Court-fee stamps and expenditure necessary for obtaining copies of documents etc., a permanent advance of Rupees one thousand shall be placed at the disposal of the Secretary of the District Authority.

4) All expenditure on legal service, accommodation and staff of the District Authority 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 the approval of the Chairman.

5) The funds of the District Authority may be utilised for meeting the expenses incurred on or incidental to travels undertaken by the Chairman, other members of the District Authority or the Secretary in connection with legal services activities. The travelling allowance and the dearness allowance payable to the chairman, the ex-officio members and the Secretary shall be such as to which they are entitled by virtue of their respective offices.

6) The Secretary of the District Authority and one member of the District Authority designated by the Chairman for this purpose shall jointly operate the bank accounts of the District Authority in accordance with the directions of the Chairman.

7) The District Authority shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority.

8) The accounts of the District Authority shall be audited annually by a qualified Auditor and submitted to the State Authority.

9. 1) Any person deserving legal service for bringing or defending any action in the District Courts may make an application in writing in that behalf. However, if the applicant is illiterate or is not in a position to write, the Secretary or an officer of the District Authority shall record his legal submissions and obtain his thumb impression/signature on the record and such record will be treated as his application.

2) The District Authority shall maintain a register of applications wherein all applications for legal service shall be entered and registered note-wise and the action taken on such applications shall be noted against the entry relating to such applications.

10. 1) On receipt of an application for legal service mentioned in regulation 9, the Secretary shall first cause the eligibility of the applicant as per the provisions of the Act read with the rules, examined and determined.

2) If the applicant satisfies the eligibility criteria, the Secretary shall proceed to examine the merit of his application. For examining the merits of his application, the secretary may take the assistance of legal services advocates willing to provide free legal advice. The Secretary may also take the advice of the Legal Service Counsel-cum-Consultant employed by the District Authority. The Secretary shall not be precluded from seeking more than one opinion if any particular case requires in-depth examination.

3) In case the applicant satisfies the eligibility criteria and also has merit in his application, the Secretary shall proceed to decide the mode of legal service.

4) An application for the grant of legal services in any matter if it is not found fit may be rejected, for the reasons to be recorded in writing, by the Secretary.

5) The applicant whose application for grant of legal services has been rejected may prefer an appeal before the Chairman for a decision.

6) In case of refusal for the grant of legal services, the secretary shall inform the applicant in writing of such refusal.

11. Legal Services to be provided may include any one or more of the following:

a) payment of court-fees, process fees and all other charges payable or incurred in connection with any legal proceedings;

b) charges for drafting, preparing, filing of any legal proceedings and representation by a legal practitioner in legal proceedings;

c) cost of obtaining and supply of certified copies of judgments, orders and other documents in legal proceedings;

d) cost of preparation of paper book (including paper, printing and translation of documents) in legal proceedings and expenses incidental thereto.

12. Legal Services shall not be given in the following cases, namely:

- 1) Proceedings wholly or partly in respect of :
 - a) defamations; or
 - b) malicious prosecution;
 - c) a person charged with contempt of court proceedings; and
 - d) perjury.

2) Proceedings relating to any election

3) Proceedings incidental to any proceedings referred to in item (1) and (2);

4) Proceedings in respect of offences where the fine imposed is not more than Rs. 50/-.

5) Proceedings in respect of economic offences and offences against social laws, such as, the Protection of Civil Rights Act, 1955, and the Immoral Traffic (Prevention) Act, 1956;

Provided that the Chairman may in appropriate case grant legal services even in such proceedings.

- 6) Where a person seeking legal services,
 - a) is concerned with the proceedings only in a representative or official capacity; or
 - b) is a formal party to the proceedings, not materially concerned in the outcome of the proceedings and his interests are not likely to be prejudiced on account of the absence of proper representation.

13. Irrespective of the means test, legal service may be granted:

- a) In cases of great public importance; or
- b) in a special case reason for which to be recorded in writing, is otherwise deserving of legal services.

14. 1) The legal service advocate shall be paid such honorarium as may be fixed by the District Authority.

2) No legal service advocate to whom any case is assigned either for legal advice or for legal service shall receive any fee or remuneration whether in cash or in kind or

any other advantage, monetary or otherwise, from the aided person or from any other person on his behalf.

3) The legal service advocate who has completed his assignment, shall submit a statement showing the honorarium due to him together with the report of the work done in connection with the legal proceedings conducted by him on behalf of the aided person, to the secretary of the District Authority, who shall after due scrutiny sanction the fee and expenses payable to him. It will, however, be open to the legal service advocate to waive the honorarium wholly or partially. In case of any dispute on the quantum payable to the legal service advocate, the matter shall be placed before the chairman for decision.

15. 1) A person seeking legal service shall comply with any requisition or direction that may be made upon him by the Secretary of the District Authority or any of the members from the date the application for legal service is made till he enjoys the legal service granted to him.

2) Every such person shall execute an undertaking in the form annexed hereto that in the event of the Court passing a decree or order in his favour awarding costs to him or other monetary benefit or advantage, to repay by way of reimbursement to the District Authority all costs, charges and expenses incurred by the District Authority in giving him legal service. For effecting such reimbursement, he shall authorise the Secretary of the District Authority. The costs, charges and expences so recovered shall be credited to the Fund of the District Authority.

3) Every aided person or his representative shall attend the office of the District Authority as and when required by the District Authority or by the legal service advocate rendering legal aid to him and shall furnish full and true information and shall make full disclosure to the legal service advocate concerned and shall attend the Court, as and when required, at his own expenses.

16. 1) The District Authority may either on its own motion or otherwise withdraw legal service granted to any aided person in the following circumstances namely:-

- a) in the event of it being found that the aided person was possessed of sufficient means or that he obtained legal service by misrepresentation or fraud;
- b) in the event of any material change in the circumstances of the aided person;

c) in the event of any misconduct, or negligence on the part of the aided person in the course of receiving legal service;

d) in the event of the aided person not co-operating with the District Authority or with the legal service advocate assigned by the District Authority;

e) in the event of the aided person engaging a legal practitioner other than the one assigned by the District Authority;

f) in the event of death of the aided person; except in the case of civil proceedings where the right or liability survives;

g) in the event of the application for legal service or the matter in question is found to be an abuse of the process of law or of legal service :

i) provided that legal service shall not be withdrawn without giving due notice thereof to the aided person or to his legal representatives in the event of his death, to show cause as to why the legal service should not be withdrawn.

ii) Where the legal services are withdrawn on the grounds set out in clause (a) above, the District Authority shall be entitled to recover from the aided person the amount of legal service granted to him.

AFFIDAVIT

I,aged about..... years
S/o|D/o|W/o Shri Resident of
.....

do hereby solemnly affirm and state as under :

1. (a) I belong to a member of a Scheduled Caste/Scheduled Tribe.

(b) I am a victim of trafficking in human beings or begar.

(c) I am eligible for legal service as I am a woman/child.

(d) I am a mentally ill or otherwise disturbed person.

(e) I am a person under circumstances of undeserved want being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster.

(f) I am an industrial workman.

(g) I am in custody.

(h) My annual income from all sources is below Rs. 18,000/- (Rupees eighteen thousand only).

2. I shall comply with any requisition and direction that made by the Secretary or any of the District Legal Services Authority.

3. I shall furnish full and true information of all facts of my case to the Legal Services Authority to be provided by the District Authority.

4. I seek to approach the Hon'ble Court of _____. (a) In appeal
from the judgement of _____
_____ in _____

_____ (Delete
whatever is not applicable)

5. I hereby agree that in the event of the Court passing a decree or order in my favour awarding cost to me or other monetary benefit or advantage I shall repay by way of reimbursement to the District Authority all costs, charges and expenses incurred by the District Authority in giving me legal service. I hereby also authorise the secretary to do all such acts and things as may be necessary for recovery or realization of the amount decreed or ordered to be paid to me and to reimburse the same for the above mentioned purpose.

6. I agree that my case be listed before the Lok Adalat if at any stage it is considered by the District Authority that my matter can be reconciled or settled through Lok Adalat.

Deponent

Verification _____ :

I, Shri/Smt./Km. _____ the above mentioned deponent do hereby verify that the contents of the Paras I to IV are true and correct to my knowledge, nothing stated therein is false and nothing has been concealed. Verified on this day of _____ 200 _____ at _____.

Deponent By order and in the name of the patron-in-Chief of the Delhi Legal Services Authority.

sd/-

Member	Secretary
Delhi	Authority
New	Delhi
By	Order

Under
Government of Delhi

Secretary(L&J)