

INDEX

DISTRICT LEGAL SERVICES AUTHORITY **(AMENDMENT) REGULATIONS, 2021**

Sl. No.	Regulations of DSLSA	Page Nos.
1.	Regulation 1	2
2.	Regulation 2	2
3.	Regulation 3	3
4.	Regulation 4	4
5.	Regulation 5	5
6.	Regulation 6	5
7.	Regulation 7	5
8.	Regulation 8	5
9.	Regulation 9	6
10.	Regulation 10	6
11.	Regulation 11	7
12.	Regulation 12	7
13.	Regulation 13	7
14.	Regulation 14	8
15.	Regulation 15	8- 9

DISTRICT LEGAL SERVICES AUTHORITY (AMENDMENT)

REGULATIONS, 2021

No. F.8/1/96-Judl.Vol.II/Suptlaw/524-528 dated 8th June, 2021 - In exercise of the powers conferred by section 29A of the Legal Services Authorities Act, 1987 (Act 39 of 1987) and in consultation with the Hon'ble Chief Justice of the Delhi High Court as required by sub-section (4) of Section 9 and clause (c) of sub-section (2) of Section 10 of the said Act, the State Legal Services Authority makes the following regulations to amend the District Legal Services Authorities Regulations, 1998, namely:-

Regulation 1.

Short Title and commencement :-

- 1) These Regulations may be called the District Legal Services Authorities (Amendment) Regulations, 2021.
- 2) They shall come into force on the date of their publication in the Delhi Gazette

Regulation 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) "Aided Person" shall have the same meaning as defined under Regulation 2(f) of the Delhi State Legal Services Authority Regulations 2002; ^{i}
- (c) "Chairperson" means the Chairperson of the District Legal Services Authority; ^{ii}
- (d) "Chief Justice" means the Chief Justice of the High Court of Delhi; ^{i}
- (e) "District Authority" means District Legal Services Authority, Delhi constituted under Section 9 of the Act; ^{i}
- (f) "Evaluation Committee" means the Committee as constituted under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010; ^{iii}
- (g) "Executive Chairman" means the Executive Chairman of the Delhi State Legal Services Authority; ^{i}
- (h) "High Court" means the High Court of Delhi; ^{i}
- (i) "Legal practitioner" shall have the same meaning as assigned to the expression in the Advocates Act, 1961; ^{i}
- (j) "Legal Service" shall have the same meaning as defined in Section 2(c) of the Act; ^{i}
- (k) "Legal Services Advocate"(LSA) means an advocate who has been empanelled by the State Authority in any of the panels constituted to provide legal aid and services and would also include an advocate who has been assigned any work, related to legal services by the State or the District Authority ; ^{iv}

{i} Sub-Regulations (i, j, d, k, l, m & n) have been re-numbered as (b, d, e, g, h, i & j) respectively and (i, d, k, m & n) have been modified vide statutory meeting held on 08.12.2011.

{ii} The word "Chairman" has been changed to "Chairperson" vide statutory meeting held on 08.12.2011.

{iii} New definition of Sub-Regulation (f) has been inserted and old definition has been modified and moved to (l) position vide statutory meeting held on 08.12.2011.

{iv} Sub-Regulations (e, f, g, o, h, b, q & s) re-numbered as (k, l, m, p, q, s, t & u) respectively and (e,f,o & b) have been modified vide statutory meeting held on 08.12.2011.

- (l) "Legal Services Counselor" (LSC) means any person appointed as counselor by the State Authority; {iv}
- (m) "Member" means a member of the District Legal Services Authority; {iv}
- (n) "Monitoring Committee" means the Committee constituted under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010-; {v}
- (o) "Para Legal Volunteer" (PLV) means a person trained and certified as such by the Delhi State Legal Services Authority; {v}
- (p) "Rule" means a rule of the Delhi State Legal Services Authority Rules, 1996; {iv}
- (q) "Secretary" means the secretary of the District Legal Services Authority appointed under sub-section (3) of Section 9 of the Act; {iv}
- (r) "Section" means a Section of the Legal Services Authorities Act, 1987; {vi}
- (s) "State Authority" means the Delhi State Legal Services Authority constituted under section 6 of the Act; {iv}
- (t) "State Government" means the Government of N.C.T. of Delhi; {iv}
- (u) Words and expressions used in the regulations but not defined shall have the same meaning respectively assigned to them in the Act; {iv}

Regulation 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 re-nomination for one more term;
- (2) A member of the District Authority nominated under sub rule (3) of Rule 10 may be removed by the State Government in consultation with the Chief Justice of the High Court if in the opinion of the State Government, it is not desirable to continue him/her as a member; {vii}
- (3) A member may by writing under his/her hand addressed to the Chairperson resign from the District Authority and such resignation shall take effect from the date on which it is accepted by the Chairperson; {vii}
- (4) Any vacancy in the office of a member of the District Authority may be filled up in the same manner as provided for the nomination and the person so nominated shall hold office for the residuary term of the member in whose place he is nominated; {vii}
- (5) All members nominated under sub rule (3) of rule 10 shall be entitled to payment of travelling allowances and daily allowances in respect of journey performed in connection with the work of the District Authority and shall be paid by the District Authority in accordance with the rules as are applicable to the grade 'B' officers of the State Government as amended from time to time; {vii}
- (6) If a nominated member is a Government officer or employee, he shall be entitled to only one set of travelling allowance and daily allowance either from his parent department or, as the case may be, from the District Authority; {vii}
- (7) Where a person is nominated as ex-officio member such person shall cease to be the member of the District Authority if he ceases to hold the post or office by virtue of which he has been nominated as ex-officio member; {vii}

{iv} Sub-Regulations (e, f, g, o, h, b, q & s) re-numbered as (k, l, m, p, q, s, t & u) respectively and (e,f,o & b) have been modified vide statutory meeting held on 08.12.2011.

{v} New definitions of Sub-Regulations (n & o) have been inserted and old definitions have been modified and moved to (j & p) position respectively vide statutory meeting held on 08.12.2011.

{vi} Definition of Sub-Regulation (r) has been deleted and definition of Sub-Regulation (p) has been replaced with Sub-Regulation (r) vide statutory meeting held on 08.12.2011.

{vii} Sub-Regulations [2(a)(i), 2(ii), 2(b) and 3-8] of Regulation 3 have been re-numbered as [2-10] respectively vide statutory meeting held on 08.12.2011.

- (8) All members shall function in an honorary capacity; {vii}
- (9) The Secretary of the District Authority shall be a Senior Division Officer of the Delhi Judicial Service and shall be a whole time employee on deputation basis, and shall hold office for a term not exceeding three years; {vii}
- (10) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters the Secretary shall be governed by the Delhi Judicial Service Rules and shall be on deputation to the District Authority; {vii}

Regulation 4. {viii}

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

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

{vii} Sub-Regulations [2(a)(i), 2(ii), 2(b) and 3-8] of Regulation 3 have been re-numbered as [2-10] respectively vide statutory meeting held on 08.12.2011.

{viii} Definition of Regulation 4 has been changed vide statutory meeting held on 08.12.2011.

Regulation 5. ^{ix}

- (1) The **Chairperson** shall cause the meetings of the District Authority convened through Secretary at least once in a period of three months ^{{x}{iii}}
- (2) The **Chairperson** shall preside over the meetings of the District Authority ^{{x}{iii}}

Regulation 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 Chairperson and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the Meetings. ^{ii}

^{xi}

Regulation 7.

- 1) The District Authority shall meet at least once in three months on such date, and at such place as the **Chairperson** may direct. ^{ii}
- 2) The **Chairperson** shall preside over the meetings of the District Authority and in the absence of the **Chairperson**, a person chosen by the Members present from amongst themselves shall preside over the meetings of the District Authority. ^{ii}
- 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 **Chairperson**. ^{ii}
- 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 **Chairperson** or the person presiding over shall have the right to exercise a second or casting vote. ^{ii}

Regulation 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 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 other amounts credited to the said fund, shall be deposited in a nationalize bank.

Explanation : In the sub-regulation “nationalized 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 Undertakings) Act, 1980

^{ii} The word “Chairman” has been changed to “Chairperson” vide statutory meeting held on 08.12.2011.

^{ix} Sub- Regulation 1 of Regulation 5 has been deleted vide statutory meeting held on 08.12.2011.

^{x} Sub-Regulations (2 & 3) of Regulation 5 have been re-numbered as (1 & 2) respectively vide statutory meeting held on 08.12.2011.

^{xi} Sub-Regulations 6(a) and 6(b) of Regulation 6 have been deleted vide statutory meeting held on 08.12.2011.

- 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, lok adalats, awareness programmes, and other expenditure necessary for carrying out the various functions and activities of the District Authority shall be met out of the funds of the District Authority and in accordance with the approval of the **Chairperson.**" (xii) (ii)
- 5) The funds of the District Authority may be utilized for meeting the expenses incurred on or incidental to travels undertaken by the **Chairperson**, 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 **Chairperson**, the ex-officio members and the Secretary shall be such as to which they are entitled by virtue of their respective offices. (ii)
- 6) "The Secretary of the District Authority shall operate the bank accounts of the Committee in accordance with the directions of the **Chairperson.**" (xiii) (ii)
- 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

Regulation 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 services shall be entered and registered note-wise and the action taken on such applications shall be noted against the entry relating to such application.

Regulation 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 the application through the Evaluation Committee or by himself/herself in urgent matters. In addition, the Secretary shall be empowered to seek legal opinion, from one or more Legal Services Advocates and/or Senior Advocates, in appropriate cases. {xiv}
- (3) In case the applicant satisfies the eligibility criteria and also has merit in his applicant, the Secretary shall proceed to decide the mode of legal service.
- (4) An application for the grant of legal services in any matter may be rejected by the Evaluation Committee /Secretary for reasons to be recorded in writing, and the applicant will be informed immediately of such rejection. {xv}
- (5) The applicant whose application for grant of legal services has been rejected may prefer an appeal before the **Chairperson** for a decision. (ii)

{xvi}

{ii} The word "Chairman" has been changed to "Chairperson" vide statutory meeting held on 08.12.2011

(xii) Definition of Sub-Regulation 4 has been modified vide statutory meeting held on 08.12.2011.

(xiii) Definition of Sub-Regulation 6 has been modified vide statutory meeting held on 08.12.2011.

(xiv) Definition of Sub-Regulation 2 has been modified vide statutory meeting held on 08.12.2011.

(xv) Definition of Sub-Regulation 4 has been modified vide statutory meeting held on 08.12.2011.

(xvi) Sub-Regulation 6 has been deleted vide statutory meeting held on 08.12.2011.

Regulation 11.

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

- (a) Court fees, provided that Court fees will be payable only after an application is moved before the Court for suing in forma pauperis and orders of the Court obtained thereon; {xvii}
- (b) Process fees and other similar charges payable or incurred in connection with any legal proceedings; {xviii}
- (c) Charges for drafting, preparing, filing of any legal proceedings and representation by a legal practitioner in legal proceedings;
- (d) Cost of obtaining and supply of certified copies of judgments, orders and other documents in legal proceedings; {xix}
- (e) Cost of preparation of paper book (including paper, printing and translation of documents) in legal proceedings and expenses incidental thereto; {xix}

Provided that charges for spot inspection other than local commissioner's fee, such as photographer's/electrician's/plumber's/mason's charges and similar expenditure, charges for medical examination and the like, shall not be payable, except with the approval of the Chairperson." {xx}

{xxi}

Regulation 12. {xxii}

Irrespective of the means test, legal service may be granted, with the written approval of the Chairperson

- (a) In case of great public importance; or
- (b) in a special case which is considered otherwise deserving of legal services

Regulation 13. {xxiii}

Duties of Legal Services Advocates

- (1) Every Legal Services Advocates shall attend to all duties assigned by the Authority punctually, attentively and diligently.
- (2) Every Legal Services Advocates shall endeavour to provide quick and timely services to the aided person.
- (3) Every Legal Services Advocates shall ensure his attendance on each hearing of the case assigned to him and shall diligently work towards the disposal of the case.
- (4)(a) On a case of the aided person assigned to any Legal Services Advocates being decided, such Legal Services Advocates shall apply for the certified copies of the decree, judgment, evidence, pleadings and other relevant documents, certified copies of which have not already been taken.
- (b) Such certified copies shall be submitted to the Authority alongwith the detailed comments of the Legal Services Advocates regarding the further desired action in the case if any required with specific reference to feasibility of filing an appeal/revision.

(xvii) Definition of Sub-Regulation (a) has been changed vide statutory meeting held on 08.12.2011.

(xviii) Definition of Sub-Regulation (b) has been changed and old definition has been moved to (c) position vide statutory meeting held on 08.12.2011.

(xix) Sub-Regulations (c & d) have been re-numbered as (d & e) respectively vide statutory meeting held on 08.12.2011.

(xx) Additional information has been inserted vide statutory meeting held on 08.12.2011.

(xxi) Regulation 12 has been deleted vide statutory meeting held on 08.12.2011

(xxii) Regulation 13 has been re-numbered as Regulation 12 and Substituted vide statutory meeting held on 08.12.2011.

(xxiii) Regulation 14 has been re-numbered as Regulation 13 and Substituted as "Duties of Legal Services Advocates" vide statutory meeting held on 08.12.2011.

- (c) The Legal Services Advocates who has completed his/her assignment, shall submit within 45 days of the completion of such assignment, a statement showing the honorarium due to him/her together with the report of the work done in connection with the legal proceedings conducted by him/her on behalf of the aided person, along with certified copies, to the Secretary of the District Authority, who shall after due scrutiny sanction the fee and expenses payable to him/her.

Provided that in appropriate cases and for sufficient reasons, bills submitted after the expiry of the said 45 days may be processed by the Secretary for payment.

- (5) Every Legal Services Advocates shall attend all training programs, functions and the like organized by the State or the District Authority and as directed by the said Authorities.
- (6) Every Legal Services Advocates shall submit a quarterly detailed report in respect of the work/cases assigned to him/her by the Authorities. The said report shall be submitted within seven days of the expiry of the quarter.

Regulation 14. {xxiv}

Honorarium payable to Legal Services Advocates

- (1) They shall be paid such honorarium as per the fee schedule fixed by the State Authority.
- (2) No Legal Services Advocates to whom any case is assigned either for legal advice or for 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) Any complaint against the Legal Services Advocates either under (2) above or in relation to the handling of the assigned case or in connection with the proper discharge of his/her obligations in regard to the rendering of such legal services as are required of him/her being a Legal Services Advocates, will be forwarded to the State Authority which may conduct an enquiry in this regard and recommend action under **Regulation 7 of the Delhi State Legal Services Authority Regulation 2002.**
- (4) In case of any dispute on the quantum payable to the Legal Services Advocates, the matter shall be placed before the Member Secretary for decision."

Regulation 15. {xxv}

- (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 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;

(xxiv) Regulation 15 has been re-numbered as Regulation 14 and Substituted as "Honorarium payable to Legal Services Advocates" vide statutory meeting held on 08.12.2011.

(xxv) Regulation 16 has been re-numbered as Regulation 15 vide statutory meeting held on 08.12.2011.

- (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 of 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 services 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 services granted.