



# COMPENDIUM of THE RULES & REGULATIONS

incorporating the latest amendments  
(As applicable to Delhi)

**DELHI STATE LEGAL SERVICES AUTHORITY**

3rd Floor, Rouse Avenue District Court Complex,  
Pandit Deen Dayal Upadhyaya Marg, New Delhi, 110002

FOR INTERNAL USE ONLY



# MESSAGE FROM THE PATRON-IN-CHIEF, DSLSA



**Hon'ble Mr. Justice  
Satish Chandra Sharma  
Hon'ble Judge  
High Court Of Delhi**

*Justice Satish Chandra Sharma*  
CHIEF JUSTICE



**HIGH COURT OF DELHI**  
Sher Shah Road  
New Delhi-110503  
Tel. : 011-23387949  
011-23382951

## MESSAGE

*"Injustice anywhere is a threat to justice everywhere."*

**Martin Luther King Jr.**

Legal services can commonly be understood as the support that a state offers to its less privileged members in order to safeguard their legal rights and remove disparities in access to justice. There is no justice unless there is a definitive uniformity in its dispensation. The Delhi State Legal Services Authority ("DSLISA") has been serving the public at large with a missionary zeal, ever since its establishment by promoting legal literacy and providing free and qualitative legal aid to all. DSLISA shoulders the solemn duty of affording the requisite legal assistance to the marginalised and disadvantaged sections of our society, in accordance with the constitutional obligation enshrined under its Article 39 A. DSLISA, through its work, improves the reliability of the justice delivery system and serves as an agent for social justice by carrying out its fundamental and statutory functions.

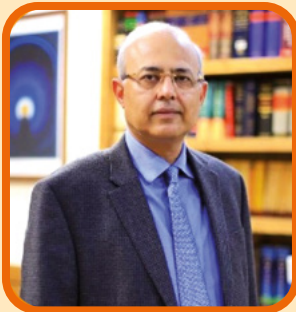
I have been informed that this compendium is the first of its kind attempt to compile all the laws, procedures, and rules which govern the functioning of Delhi State Legal Services Authority and all DSLISAs, along with all the up-to-date amendments. I am certain that this Manual will become an empowering tool in dispensing qualitative legal services by providing all the Laws, Rules, and Regulations at one place. The comprehensive assistance offered in this compendium will lead to efficient management of daily operations and noteworthy administration of legal services.

I take this opportunity to offer my heartfelt congratulations to the Delhi State Legal Services Authority for accomplishing the arduous task of compiling this extensive compendium and its successful publication. I sincerely hope that this compendium takes the work done by DSLISA to a higher pedestal. I would also like to appreciate the efforts put by officers and officials of DSLISA in making this compendium a reality.

**(Satish Chandra Sharma)**



# MESSAGE FROM THE EXECUTIVE CHAIRMAN, DSLSA



**Hon'ble Mr. Justice  
Manmohan  
Hon'ble Judge  
High Court Of Delhi**



**MANMOHAN**  
JUDGE  
HIGH COURT OF DELHI

8, RAJAJI MARG, NEW DELHI-110011  
TEL : COURT : 23383282 FAX : 23383375 RES. : 21410834, 23017016

## MESSAGE

*"To deny people their human rights is to challenge their very humanity"*

**- Nelson Mandela**

The fundamental concept of 'Justice,' encompassing the essential element of 'Access to Justice,' is firmly enshrined in the Preamble of our Constitution and run through its letter and spirit. The indispensable role of legal services, cannot, thus be overstated. It serves as the very cornerstone upon which the edifice of a democratic nation and a society characterized by justice and equity is resolutely established, ensuring that the most vulnerable sections of our society are not left remediless in the face of legal challenges. In Delhi, the Delhi State Legal Services Authority ("DSLSA") is the custodian of this salutary constitutional objective. Basing its commitment to deliver accessible and quality legal aid for the marginalized sections of our society, DSLSA is unwavering in its continuous and ever encompassing pursuit to make justice a tangible reality for those in need.

This comprehensive compendium, consisting of all Rules and Regulations, governing the provision of legal services in Delhi, fills me with immense hope and optimism. It simplifies the intricate web of Rules and Regulations that govern the work of delivering free and competent legal aid and the multifarious functions of DSLSA and DLSAs, thereby making it more transparent, efficacious, and accessible.

I wish to express my heartfelt appreciation to everyone, who contributed to the creation of this invaluable resource. It is a sincere hope that this resource will serve not only as a mere reference, but a source of inspiration and uniformity in functioning of Legal Services Institutions through length and breadth of Delhi, the proud capital of the Nation.

  
(Manmohan)



# MESSAGE FROM THE MEMBER SECRETARY, DSLSA



**Mr. Mukesh Kumar Gupta**  
**District Judge**



**MUKESH KUMAR GUPTA**  
District Judge  
Member Secretary



Central Office:  
3rd Floor, Rouse Avenue District Courts Complex,  
Pandit Deen Dayal Upadhyaya Marg,  
New Delhi-110002  
Tel:-011-23232781 Email: dslsa-phc@nic.in

## MESSAGE

*"Our Society is guilty, if anyone suffers unjustly."*

**Justice V.R Krishna Iyer**

The constitutional principle behind the concept of Legal Aid is to provide equal opportunity to the marginalised sections of our society to seek legal remedies and approach the justice delivery system. Equal protection of the laws, right to fair trial, and an effective system of redressal against injustice are a significant part of "**Rule of Law**", the governing principle of our democratic nation. Delhi State Legal Services Authority ("DSLISA") ever since its inception, has striven hard to be a catalyst of inclusivity, legal awareness, empowerment and access to justice. It has been the sincere endeavor of DSLISA to anticipate the needs of the intended beneficiaries, innovate with creative solutions to cater to their needs and offer them dedicated and qualitative legal services.

As Member Secretary, Delhi State Legal Services Authority, my heart swells with pride to present to you, a '**Compendium of all the Rules and Regulations**' governing DSLISA and all DSLAs, while this compendium will serve as a single document which will outline all laws, rules, regulations and guidelines that govern the functioning of DSLISA and all DSLAs, it will also ensure greater accountability and will substantially effectuate the dispensation of quality legal services. The compilation of the governing rules and regulations into a compendium has been a long-awaited endeavor, one that has been pursued diligently by the dedicated team of DSLISA.

I sincerely hope this compendium serves the purpose of setting higher standards of dispensing legal services. I, along with the entire team of Delhi State Legal Services Authority, takes immense satisfaction in presenting this unique compendium with transformative potential to significantly enhance the quality and nature of legal services provided. I sincerely hope that DSLISA continues to be a trailblazer as before, in the times to come.

  
(Mukesh Kumar Gupta)





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# THE EXPANDING FOOTPRINTS OF DSLSA: HISTORY AND EVOLUTION



The *Delhi State Legal Services Authority (DSLSA)* is unwavering in its commitment to realizing the constitutional vision of ensuring access to justice for all.

## LEGAL AID AND ADVICE BOARD



This journey began in 1981 when it commenced its operations as the *Delhi Legal Aid and Advice Board*, operating out of *Room No. 1 in the Patiala House Courts*.

## DELHI LEGAL SERVICES AUTHORITY



On February 14, 1996, this initiative evolved into the *Delhi Legal Services Authority*.

### 24x 7 LEGAL SERVICES CLINIC AND MEDIATION & CONCILIATION CENTRE

In 2006, *DSL* achieved a significant milestone by establishing a *24x7 Legal Services Clinic and Mediation & Conciliation Centre* at *Shaheed Bhagat Singh Palace, Gole Market*.



## CENTRAL OFFICE, DSLSA AT PATIALA HOUSE COURTS

In 2008, **DSLSA** moved its operations to the first floor of the pre-fab building at **Patiala House Courts**.



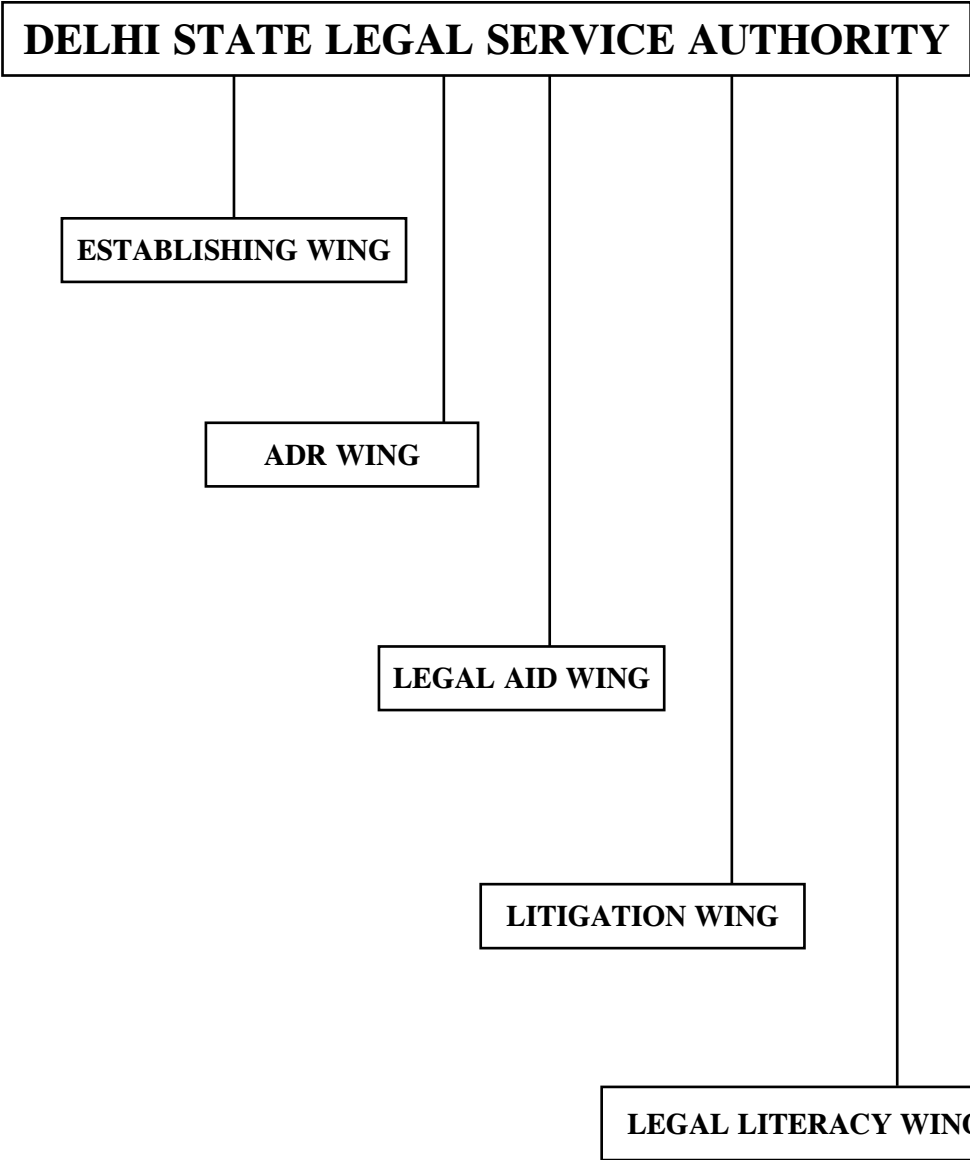
The name Delhi Legal Services Authority has been changed to *Delhi State Legal Service Authority* Dated-09/08/2011 (*Approved in the statutory meeting held on 08.12.2011*).



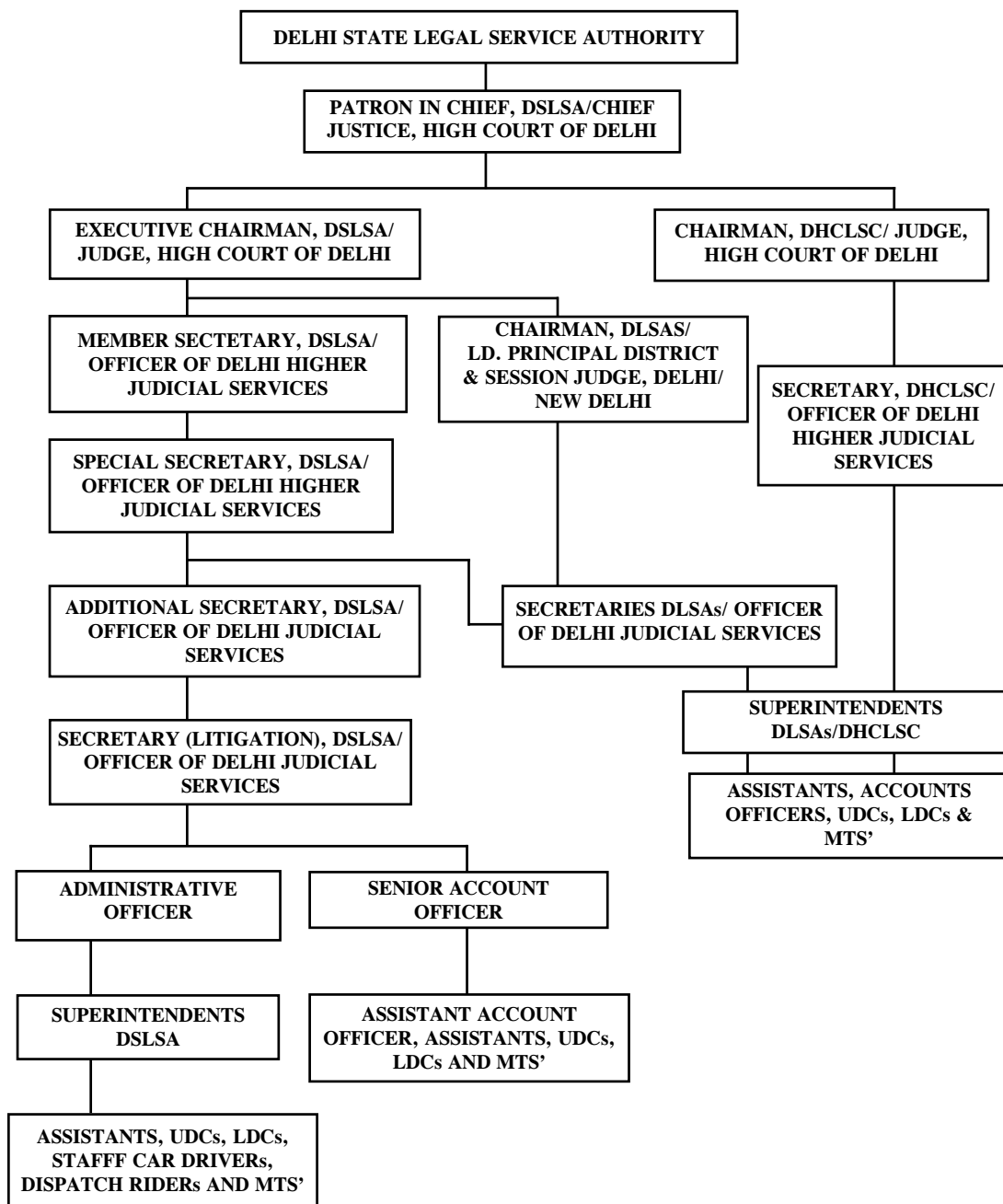
## CENTRAL OFFICE, DSLA AT ROUSE AVENUE DISTRICT COURTS

Most recently, on September 27, 2022, the *Delhi State Legal Services Authority* relocated to the *Rouse Avenue District Court Complex*, furthering its dedication to enhancing access to justice for the people it serves.





## ORGANIZATIONAL STRUCTURE





**The Powers & Duties of the Officers & Employees are as under:-**

Sl. No.	Designation	Powers	Duties Attached
1.	Member Secretary DSLSA	To exercise powers in respect of Administrative, Financial and Budgetary matters as Head of the Department	The powers and functions of the M.S under sub- Section(3) of Section 6 have been defined in Section 4 of the Delhi Legal Services Authority Rules, 1996.
2.	Special Secretary/ DSLSA		To assist the Member Secretary in disposal of day-to-day work, Planning and Projection relating to the work of Legal Aid Programmes and Public Utility Services. Supervising the entire work of Administration & Accounts Section.
3.	Secretary, DHCLSC	Incharge, Delhi High Court Legal Services Committee	To perform such functions as may be determined by regulations made by the State Authority
4.	Additional Secretary/ DSLSA		To look after the Seminars and Workshops and Legal Literacy Camps in different areas to promote legal aid programmes. For settling of more and more cases at the pre-litigation stage the Authority has to lay emphasis on Alternative Dispute Resolution Mechanism.



5.	Secretary (Litigation)/ DSLSA		To look after and ensure the compliance of the directions passed by Hon'ble Supreme Court, Hon'ble High Court of Delhi and other courts, to look after the compensation disbursed under DVCS, 2018 and supervise the data of UTRCs, FIR(s) received on sampark email ID and functioning of PLVs deployed at 50 earmarked Police Stations in Delhi.
6.	Secretary, District Legal Services Authorities	Incharge of Legal Services Authorities each Districts	To perform such functions as may be determined by regulations made by the State Authority
7.	Administrative Officer DSLSA		For effective control and proper supervision on the staff of all the wings at DSLSA.
8.	Superintendents DSLSA		To supervise Establishment Wing, Legal Aid Wing, Alternative Dispute Redressal Wing, Legal Literacy Wing, Litigation Wing

# **THE LEGAL SERVICES AUTHORITIES ACT, 1987**

## **ARRANGEMENT OF SECTIONS**

### **CHAPTER I PRELIMINARY**

#### **SECTIONS**

1. Short title, extent and commencement.
2. Definitions.

### **CHAPTER II THE NATIONAL LEGAL SERVICES AUTHORITY**

3. Constitution of the National Legal Services Authority. 3A. Supreme Court Legal Services Committee.
4. Functions of the Central Authority.
5. Central Authority to work in coordination with other agencies.

### **CHAPTER III STATE LEGAL SERVICES AUTHORITY**

6. Constitution of State Legal Services Authority.
7. Functions of the State Authority.
8. State Authority to act in coordination with other agencies, etc., and be subject to directions given by the Central Authority.
- 8A. High Court Legal Services Committee.
9. District Legal Services Authority.
10. Functions of the District Authority
11. District Authority to act in coordination with other agencies and be subject to directions given by the Central Authority, etc.
- 11A. Taluka Legal Services Committee.
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### **CHAPTER IV ENTITLEMENT TO LEGAL SERVICES**

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19. Organisation of Lok Adalats.
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- 22A. Definitions.

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# THE LEGAL SERVICES AUTHORITIES ACT, 1987

## ACT No. 39 OF 1987

[11th October, 1987.]

An Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

Be it enacted by the parliament in the thirty-eighth year of the republic of india as follows:—

### CHAPTER I

### PRELIMINARY

1. **Short title, extent and commencement.**—This Act may be called the Legal Services Authorities Act, 1987.
  - (2) It extends to the whole of India, <sup>1\*\*\*</sup>.
  - (3) It shall come into force on such date<sup>2</sup> as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.
2. **Definitions.**—In this Act, unless the context otherwise requires,—
  - <sup>3</sup>[(a) “case” includes a suit or any proceeding before a court;
  - (aa) “Central Authority” means the National Legal Services Authority constituted under section 3;
  - (aaa) “court” means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions;]

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1 The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10- 2019).

2 9th November, 1995, *vide* notification no. S.O. 893(E), dated 9th November, 1995, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

3 Subs. by Act 59 of 1994, s. 2, for clause (a) (w.e.f. 29-10-1994).



- (b) “District Authority” means a District Legal Services Authority constituted under section9;
  - <sup>4</sup>[(bb) “High Court Legal Services Committee” means a High Court Legal Services Committee constituted under section8A;]
  - (c) “legal service” includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter;
  - (d) “Lok Adalat” means a Lok Adalat organised under Chapter VI;
  - (e) “notification” means a notification published in the Official Gazette;
  - (f) “prescribed” means prescribed by rules made under this Act;
  - <sup>3</sup>[(ff) “regulations” means regulations made under this Act;]
  - (g) “scheme” means any scheme framed by the Central Authority, a State Authority or a District Authority for the purpose of giving effect to any of the provisions of this Act;
  - (h) “State Authority” means a State Legal Services Authority constituted under section6;
  - (i) “State Government” includes the administrator of a Union territory appointed by the President under article 239 of the Constitution;
  - <sup>5</sup>[(j) “Supreme Court Legal Services Committee” means the Supreme Court Legal Services Committee constituted under section3A;
  - (k) “Taluk Legal Services Committee” means a Taluk Legal Services Committee constituted under section11A.]
- (2) Any reference in this Act to any other enactment or any provision thereof shall, in relation to an area in which such enactment or provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

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<sup>4</sup> Ins. by s. 2, *ibid.* (w.e.f. 29-10-1994).

<sup>5</sup> Ins. by Act 59 of 1994, s. 2 (w.e.f. 29-10-1994).

## CHAPTER II

# THE NATIONAL LEGAL SERVICES AUTHORITY

- <sup>1</sup>[3. **Constitution of the National Legal Services Authority.**— (1) The Central Government shall constitute a body to be called the National Legal Services Authority to exercise the powers and perform the functions conferred on, or assigned to, the Central Authority under this Act.
- (2) The Central Authority shall consist of—
- (a) The Chief Justice of India who shall be the Patron-in-Chief;
  - (b) a serving or retired Judge of the Supreme Court to be nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and
  - (c) Such number of other members, possessing such experience and qualifications, as may be prescribed by the Central Government, to be nominated by that Government in consultation with the Chief Justice of India.
- (3) The Central Government shall, in consultation with the Chief Justice of India, appoint a person to be the Member-Secretary of the Central Authority, possessing such experience and qualifications as may be prescribed by that Government, to exercise such powers and perform such duties under the Executive Chairman of the Central Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.
- (4) The terms of office and other conditions relating thereto, of members and the Member-Secretary of the Central Authority shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.
- (5) The Central Authority may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions under this Act.
- (6) The officers and other employees of the Central Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Central Government in consultation with the Chief Justice of India.

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<sup>1</sup> Subs. by s. 3, *ibid.* for section 3 (w.e.f. 29-10-1994).



- (7) The administrative expenses of the Central Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the Central Authority, shall be defrayed out of the Consolidated Fund of India.
- (8) All orders and decisions of the Central Authority shall be authenticated by the Member-Secretary or any other officer of the Central Authority duly authorised by the Executive Chairman of that Authority.
- (9) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Central Authority.

**3A. Supreme Court Legal Services Committee.**—(1) The Central Authority shall constitute a committee to be called the Supreme Court Legal Services Committee for the purpose of exercising such Powers and performing such functions as may be determined by regulations made by the Central Authority.

- (2) The Committee shall consist of—
  - (a) a sitting Judge of the Supreme Court who shall be the Chairman; and
  - (b) such number of other members possessing such experience and qualifications as may be prescribed by the Central Government, to be nominated by the Chief Justice of India.
- (3) The Chief Justice of India shall appoint a person to be the Secretary to the Committee, possessing such experience and qualifications as may be prescribed by the Central Government.
- (4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the Central Authority.
- (5) The Committee may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions.
- (6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Central Government in consultation with the Chief Justice of India.]



4. **Functions of the Central Authority.**—The Central Authority shall <sup>2\*\*\*</sup> perform all or any of the following functions, namely:—
- (a) lay down policies and principles for making legal services available under the provisions of this Act;
  - (b) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;
  - (c) utilize the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;
  - (d) take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills;
  - (e) organise legal aid camps, especially in rural areas, slums or labor colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;
  - (f) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
  - (g) undertake and promote research in the field of legal services with special reference to the need for such services among the poor;
  - (h) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution;
  - (i) monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;
  - <sup>3</sup>[(j) provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of the legal services schemes under the provisions of this Act;]
  - (k) develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment

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2 The words “,subject to the general directions of the Central Government,” omitted by Act of 59 of 1994, s.4 (w.e.f. 29-10-1994)

3 Subs. by Act 59 of 1994, s. 4, for clause (j) (w.e.f. 29-10-1994).

and working of legal services clinics in universities, law colleges and other institutions;

- (l) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;
- (m) make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and
- (n) Coordinate and monitor the functioning of <sup>4</sup>[State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social service institutions] and other legal services organisations and give general directions for the proper implementation of the legal services programmes.

5. **Central Authority to work in coordination with other agencies.**—In the discharge of its functions under this Act, the Central Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental agencies, universities and others engaged in the work of promoting the cause of legal services to the poor.

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4 Subs. by s. 4, *ibid.* for “State and District Authorities and other voluntary social welfare institutions” (w.e.f. 29-10-1994).

## CHAPTER III

### STATE LEGAL SERVICES AUTHORITY

<sup>1</sup>[6. **Constitution of State Legal Services Authority.**—(1) Every State Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on, or assigned to, a State Authority under this Act.

(2) A State Authority shall consist of—

- (a) the Chief Justice of the High Court who shall be the Patron-in-Chief;
- (b) a serving or retired Judge of the High Court, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman; and
- (c) Such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

(3) The State Government shall, in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service, not lower in rank than that of a District Judge, as the Member-Secretary of the State Authority, to exercise such powers and perform such duties under the Executive Chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.

Provided that a person functioning as Secretary of a State Legal Aid and Advice Board immediately before the date of constitution of the State Authority may be appointed as Member-Secretary of that Authority, even if he is not qualified to be appointed as such under this sub-section, for a period not exceeding five years.

- (4) The terms of office and other conditions relating thereto, of members and the Member-Secretary of the State Authority shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) The State Authority may appoint such number of officers and other employees as may be prescribed by the State Government, in consultation with the Chief Justice of the High Court, for the efficient discharge of its functions under this Act.
- (6) The officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may

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<sup>1</sup> Subs. by s. *ibid*, for section 6 (w.e.f. 29-10-1994).

be prescribed by the State Government in consultation with the Chief Justice of the High Court.

- (7) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the State Authority shall be defrayed out of the Consolidated Fund of the State.
- (8) All orders and decisions of the State Authority shall be authenticated by the Member-Secretary or any other officer of the State Authority duly authorised by the Executive Chairman of the State Authority.
- (9) No act or proceeding of a State Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the State Authority.]

**7. Functions of the State Authority.**—(1) it shall be the duty of the State Authority to give to effect to the policy and directions of the Central Authority.

(2) Without prejudice to the generality of the functions referred to in sub-section(1), the State Authority shall perform all or any of the following functions, namely:—

- (a) give legal service to persons who satisfy the criteria laid down under this Act;
- (b) conduct<sup>2</sup>[Lok Adalats, including Lok Adalats for High Court cases];
- (c) undertake preventive and strategic legal aid programmes; and
- (d) Perform such other functions as the State Authority may, in consultation with the<sup>3</sup> [Central Authority], fix by regulations.

**<sup>4</sup>[8. State Authority to act in coordination with other agencies., etc., and be subject to directions given by the Central Authority.**—In the discharge of its functions, the State Authority shall appropriately act in coordination with other government agencies, non-governmental voluntary social service institutions, universities and other bodies engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority, may give to it in writing.

**8A. High Court Legal Services Committee.**—(1) The State Authority shall constitute a Committee to be called the High Court Legal Services Committee for every High Court, for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the State Authority.

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<sup>2</sup> Subs. by Act 59 of 1994, s. 6, for “Lok Adalats” (w.e.f. 29-10-1994).

<sup>3</sup> Subs. by s. 6, *ibid.* for “Central Government” (w.e.f. 29-10-1994).

<sup>4</sup> Subs. by s. 7, *ibid.* for sections 8 and 9 (w.e.f. 29-10-1994).

- (2) The Committee shall consist of—
    - (a) a sitting Judge of the High Court who shall be the Chairman; and
    - (b) Such number of other members possessing such experience and qualifications as may be determined by regulations made by the State Authority, to be nominated by the Chief Justice of the High Court.
  - (3) The Chief Justice of the High Court shall appoint a Secretary to the Committee possessing such experience and qualifications as may be prescribed by the State Government.
  - (4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the State Authority.
  - (5) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
  - (6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of Service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
9. **District Legal Services Authority.**—(1) The State Government shall, in consultation with the Chief Justice of the High Court, constitute a body to be called the District Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on, or assigned to, the District Authority under this Act.
- (2) A District Authority shall consist of—
    - (a) the District Judge who shall be its Chairman; and
    - (b) Such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.
  - (3) The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties under the Chairman of that Committee as may be assigned to him by such Chairman.



- (4) The terms of office and other conditions relating thereto, of members and Secretary of the District Authority shall be such as may be determined by regulations made by the State Authority in consultation with the Chief Justice of the High Court.
- (5) The District Authority may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (6) The officers and other employees of the District Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (7) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary, officers and other employees of the District Authority, shall be defrayed out of the Consolidated Fund of the State.
- (8) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other officer of the District Authority duly authorised by the Chairman of that Authority.
- (9) No act or proceeding of the District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the District Authority.]
10. **Functions of the District Authority.**—(1) It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority.
- (2) Without prejudice to the generality of the functions referred to in sub-section (1), the District Authority may perform all or any of the following functions, namely:—
  - <sup>5</sup>[(a) coordinate the activities of the Taluk Legal Services Committee and other legal services in the District;]
  - (b) organize Lok Adalats within the District; and
  - (c) Perform such other functions as the State Authority may <sup>6</sup>\*\*\* fix by regulations.
11. **District Authority to act in coordination with other agencies and be subject to directions given by the Central Authority, etc.**—In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in coordination

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<sup>5</sup> Subs. by Act 59 of 1994, s. 8, for clause (a) (w.e.f. 29-10-1994).

<sup>6</sup> The words “, in consultation with the State Government,” omitted by Act 59 of 1994, s. 8 (w.e.f. 29-10-1994)

with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

**7[11A. Taluk Legal Services Committee.—**(1) The State Authority may constitute a Committee, to be called the Taluk Legal Services Committee, for each taluk or mandal or for group of taluks or mandals.

(2) The Committee shall consist of—

- (a) The <sup>8</sup>[senior-most Judicial Officer] operating within the jurisdiction of the Committee who shall be the *ex officio* Chairman; and
- (b) Such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

(3) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.

(4) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

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

**11B. Functions of Taluk Legal Services Committee.—**The Taluk Legal Services Committee may perform all or any of the following functions, namely:—

- (a) co-ordinate the activities of legal services in the taluk;
- (b) organize Lok Adalats within the taluk; and
- (c) Perform such other functions as the District Authority may assign to it.]

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<sup>7</sup> Ins. by s. 9, *ibid.* (w.e.f. 29-10-1994).

<sup>8</sup> Subs. by Act 37 of 2002, s. 2, for “senior Civil Judge” (w.e.f. 11-6-2002).

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## CHAPTER IV

### ENTITLEMENT TO LEGAL SERVICES

12. **Criteria for giving legal services.**—Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is—
- (a) a member of a Scheduled Caste or Scheduled Tribe;
  - (b) a victim of trafficking in human beings or *begar* as referred to in article 23 of the Constitution;
  - (c) a woman or a child;
  - <sup>1</sup>[(d) a person with disability as defined in clause (i) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);]
  - (e) a person under circumstances of underserved want such as being a victim of a mass disaster, ethnic, violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
  - (f) an industrial workman; or
  - (g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956), or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986 (53 of 1986), or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987); or
  - <sup>2</sup>[(h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.]
13. **Entitlement of legal services.**—(1) Persons who satisfy all or any of the criteria specified in section 12 shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has *prima facie* case to prosecute or to defend.
- (2) An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason to disbelieve such affidavit.

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<sup>1</sup> Subs. by Act 1 of 1996, s. 74, for clause (d) (w.e.f. 7-2-1996).

<sup>2</sup> Subs. by Act 59 of 1994, s. 10, for clause (h) (w.e.f. 29-10-1994).



## CHAPTER V

### FINANCE, ACCOUNTS AND AUDIT

14. **Grants by the Central Government.**—The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Central Authority, by way of grants, such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.
15. **National Legal Aid Fund.**—(1) The Central Authority shall establish a fund to be called the National Legal Aid Fund and there shall be credited thereto—
- (a) all sums of money given as grants by the Central Government under section 14;
  - (b) any grants or donations that may be made to the Central Authority by any other person for the purposes of this Act;
  - (c) Any amount received by the Central Authority under the orders of any court or from any other source.
- (2) The National Legal Aid Fund shall be applied for meeting—
- (a) the cost of legal services provided under this Act including grants made to State Authorities;
  - <sup>1</sup>[(b) the cost of legal services provided by the Supreme Court Legal Services Committee;
  - (c) Any other expenses which are required to be met by the Central Authority.]
16. **State Legal Aid Fund.**—(1) A State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited thereto—
- (a) all sums of money paid to it or any grants by the Central Authority for the purposes of this Act;
  - (b) any grants or donations that may be made to the State Authority by the State Government or by any person for the purposes of this Act;
  - (c) Any other amount received by the State Authority under the orders of any court or from any other source.
- (2) A State Legal Aid Fund shall be applied for meeting—
- (a) the cost of functions referred to in section 7;

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<sup>1</sup> Subs. by s. 11, *ibid.* for clause (b) (w.e.f. 29-10-1994).

- <sup>2</sup>[(b) the cost of legal services provided by the High Court Legal Services Committee;
- (c) Any other expenses which are required to be met by the State Authority.]
17. **District Legal Aid Fund.**—(1) Every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto—
- (a) all sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act;
- <sup>3</sup>[(b) any grants or donations that may be made to the District Authority by any person, with the prior approval of the State Authority, for the purposes of this Act;]
- (c) Another amount received by the District Authority under the orders of any court or from any other source.
- (2) A District Legal Aid Fund shall be applied for meeting—
- (a) the cost of functions referred to in section 10 <sup>4</sup>[and 11B];
- (b) Any other expenses which are required to be met by the District Authority.
18. **Accounts and audit.**—(1) The Central Authority, State Authority, or the District Authority (hereinafter referred to in this section as ‘the authority’), as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance-sheet in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the Authorities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor-General of India.
- (3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act.

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2 Subs. by Act 59 of 1994, s. 12, for clause (b) (w.e.f. 29-10-1994).

3 Subs. by s. 13, *ibid.* for clause (b) (w.e.f. 29-10-1994).

4 Ins. by s. 13, *ibid.* (w.e.f. 29-10-1994).

- (4) The accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be.
- <sup>5</sup>[(5) The Central Government shall cause the accounts and the audit report received by it under sub- section (4) to be laid, as soon as may be after they are received, before each House of Parliament.
- (6) The State Government shall cause the accounts and the audit report received by it under sub- section (4) to be laid, as soon as may be after they are received, before the State Legislature.]

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5 Ins. by s. 14, *ibid.* (w.e.f. 29-10-1994).

## CHAPTER VI

### LOK ADALATS

<sup>1</sup>[19. **Organisation of Lok Adalats.**—(1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be,

Taluka Legal Services Committee may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

(2) Every Lok Adalat organised for an area shall consist of such number of—

- (a) serving or retired judicial officers; and
- (b) other persons of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organising such Lok Adalat.

(3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organised by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(4) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats other than referred to in sub-section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of—

- (i) any case pending before; or
- (ii) any matter which is falling within the jurisdiction of, and is not brought before, any Court for which the Lok Adalat is organised:

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

20. **Cognizance of cases by Lok Adalats.**—(1) Where in any case referred to in clause (i) of sub-section (5) of section 19,—

- (i)(a) The parties thereof agree; or

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<sup>1</sup> Subs. by s. 15, *ibid.* for sections 19 and 20 (w.e.f. 29-10-1994)

- (b) one of the parties thereof makes an application to the Court, for referring the case to the Lok Adalat for settlement and if such court is *prima facie* satisfied that there are chances of such settlement; or
- (ii) The court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat the Court shall refer the case to the Lok Adalat:

Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause

- (iii) By such court except after giving a reasonable opportunity of being heard to the parties.

- (2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organising the Lok Adalat under sub-section (1) of section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:

Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.

- (3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.
- (4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles.
- (5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.
- (6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a court.
- (7) Where the record of the case is returned under sub-section (5) to the court, such court shall proceed to deal with such case from the stage which was reached before such reference under sub-section (1).]



21. **Award of Lok Adalat.**—<sup>2</sup>[(*I*) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section(*I*) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1870 (7 of 1870).]
- (2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.
22. **Powers of <sup>3</sup>[Lok Adalat or Permanent Lok Adalat.]**—(*I*) The <sup>3</sup>[Lok Adalat or Permanent Lok Adalat] shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit in respect of the following matters, namely:—
- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
  - (b) the discovery and production of any document;
  - (c) the reception of evidence on affidavits;
  - (d) the requisitioning of any public record or document or copy of such record or document from any court or office; and
  - (e) Such other matters as may be prescribed.
- (2) Without prejudice to the generality of the powers contained in sub-section (*I*), every <sup>3</sup>[Lok Adalat or Permanent Lok Adalat] shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.
- (3) All proceedings before a <sup>3</sup>[Lok Adalat or Permanent Lok Adalat] shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (45 of 1860) and every <sup>3</sup>[Lok Adalat or Permanent Lok Adalat] shall be deemed to be a Civil Court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

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<sup>2</sup> Subs. by Act 59 of 1994, s. 16, for sub-section (*I*) (w.e.f. 29-10-1994),

<sup>3</sup> Subs. by Act 37 of 2002, s. 3, for “Lok Adalat” (w.e.f. 11-6-2002).

# <sup>1</sup>[CHAPTER VIA

## PRE-LITIGATION CONCILIATION AND SETTLEMENT

**22A. Definitions:** In this Chapter and for the purposes of sections 22 and 23, unless the context otherwise requires,—

- (a) “Permanent Lok Adalat” means a Permanent Lok Adalat established under sub-section (1) of section 22B;
- (b) “public utility service” means any—
  - (i) transport service for the carriage of passengers or goods by air, road or water; or
  - (ii) postal, telegraph or telephone service; or
  - (iii) supply of power, light or water to the public by any establishment; or
  - (iv) system of public conservancy or sanitation; or
  - (v) service in hospital or dispensary; or
  - (vi) insurance service,

and includes any service which the Central Government or the State Government, as the case may be, in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter.

**22B. Establishment of Permanent Lok Adalats.**—(1) Notwithstanding anything contained in section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.

- (2) Every Permanent Lok Adalat established for an area notified under sub-section (1) shall consist of—
- (a) a person who is, or has been, a district judge or additional district judge or has held judicial office higher in rank than that of a district judge, shall be the Chairman of the Permanent Lok Adalat; and
  - (b) two other persons having adequate experience in public utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority,

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<sup>1</sup> Ins. by s. 4, *ibid.* (w.e.f. 11-6-2002).

appointed by the Central Authority or, as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be such as may be prescribed by the Central Government.

**22C. Cognizance of cases by Permanent Lok Adalat.**—(1) Any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent Lok Adalat for the settlement of dispute:

Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law:

Provided further that the Permanent Lok Adalat shall also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees:

Provided also that the Central Government, May by notification, increase the limit often lakh rupees specified in the second proviso in consultation with the Central Authority.

- (2) After an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.
- (3) Where an application is made to a Permanent Lok Adalat under sub-section(1), it—
  - (a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application;
  - (b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;
  - (c) Shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.
- (4) When statement, additional statement and reply, if any, have been filed under sub-section(3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.



- (5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.
- (6) It shall be the duty of the every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.
- (7) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.
- (8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.

**22D. Procedure of Permanent Lok Adalat.**—The Permanent Lok Adalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908 (5 of 1908) and the Indian Evidence Act, 1872 (1 of 1872).

**22E. Award of Permanent Lok Adalat to be final.**—(I) Every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.

- (2) Every award of the Permanent Lok Adalat under this Act shall be deemed to be a decree of a civil court.
- (3) The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.
- (4) Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.
- (5) The Permanent Lok Adalat may transmit any award made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.]

## CHAPTER VII

### MISCELLANEOUS

- <sup>1</sup>[23. **Members and staff of Authorities, Committees and Lok Adalats to be public servants.**— The members including Member-Secretary or, as the case may be, Secretary of the Central Authority, the State Authority, the District Authorities, the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and officers and other employees of such Authorities, Committees and the <sup>2</sup>[members of the Lok Adalats or the persons constituting Permanent Lok Adalats] shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).
24. **Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against—
- (a) the Central Government or State Government;
  - (b) the Patron-in-Chief, Executive Chairman, members of, Member-Secretary or officers or other employees of the Central Authority;
  - (c) Patron-in-Chief, Executive Chairman, member, Member-Secretary or officers or other employees of the State Authority;
  - (d) Chairman, Secretary, members or officers or other employees of the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees or the District Authority; or
  - (e) Any other person authorised by any of the Patron-in-Chief, Executive Chairman, Chairman, Member, Member-Secretary referred to in sub-clauses (b) to (d), for anything which is in good faith done or intended to be done under the provisions of this Act or any rule or regulation made thereunder.]
25. **Act to have overriding effect.**—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of law other than this Act.
26. **Power to remove difficulties.**—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this

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<sup>1</sup> Subs. by Act 59 of 1994, s. 17, for sections 23 and 24 (w.e.f. 29-10-1994),

<sup>2</sup> Subs. by Act 37 of 2002, s. 5, for “members of the Lok Adalats” (w.e.f. 11-6-2002).

Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

**<sup>3</sup>[27. Power of Central Government to make rules.—**(1) The Central Government in consultation with the Chief Justice of India may, by notification, make rules to carry out the provisions of this Act.

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the number, experience and qualifications of other members of the Central Authority under clause (c) of sub-section(2) of section3;
- (b) the experience and qualifications of the Member-Secretary of the Central Authority and his powers and functions under sub-section(3) of section3;
- (c) the terms of office and other conditions relating thereto, of members and Member-Secretary of the Central Authority under sub-section(4) of section 3;
- (d) the number of officers and other employees of the Central Authority under sub-section(5) of section3;
- (e) the conditions of service and the salary and allowances of officers and other employees of the Central Authority under sub-section(6) of section3;
- (f) the number, experience and qualifications of members of the Supreme Court Legal Services Committee under clause (b) of sub-section(2) of section 3A;
- (g) the experience and qualifications of Secretary of the Supreme Court Legal Services Committee under sub-section(3) of section3A;
- (h) the number of officers and other employees of the Supreme Court Legal Services Committee under sub-section(5) of section 3A and the conditions of service and the salary and allowances payable to them under sub-section(6) of that section;
- (i) the upper limit of annual income of a person entitling him to legal services under clause (h) of section12, if the case is before the Supreme Court;
- (j) the manner in which the accounts of the Central Authority, the State Authority or the District Authority shall be maintained under section18;

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3 Subs. by Act 59 of 1994, s. 18, for sections 27, 28 and 29 (w.e.f. 29-10-1994).

- (k) the experience and qualifications of other persons of the Lok Adalats organised by the Supreme Court Legal Services Committee specified in sub-section(3) of section19;
  - (l) other matters under clause (e) of sub-section(1) of section22;
  - <sup>4</sup>[(la) the other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of section 22B;]
  - (m) Any other matter which is to be, or may be, prescribed.
28. **Power of State Government to make rules.**—(1) The State Government in consultation with the Chief Justice of the High Court may, by notification, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
- (a) the number, experience and qualifications of other members of the State Authority under clause (c) of sub-section(2) of section6;
  - (b) the powers and functions of the Member-Secretary of the State Authority under sub-section(3) of section6;
  - (c) the terms of office and other conditions relating thereto, of members and Member-Secretary of the State Authority under sub-section(4) of section6;
  - (d) the number of officers and other employees of the State Authority under sub-section(5) of section6;
  - (e) the conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section(6) of section6;
  - (f) the experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section(3) of section 8A;
  - (g) the number of officers and other employees of the High Court Legal Services Committee under sub-section(5) of section 8A and the conditions of service and the salary and allowances payable to them under sub-section(6) of that section;
  - (h) the number, experience and qualifications of members of the District Authority under clause (b) of sub-section(2) of section9;
  - (i) the number of officers and other employees of the District Authority under sub-section(5) of section9;

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<sup>4</sup> Ins. by Act 37 of 2002, s. 6 (w.e.f. 11-6-2002).

- (j) the conditions of service and the salary and allowances of the officers and other employees of the District Authority under sub-section(6) of section9;
- (k) the number, experience and qualifications of members of the Taluk Legal Services Committee under clause (b) of sub-section(2) of section 11A;
- (l) the number of officers and other employees of the Taluk Legal Services Committee under sub- section(3) of section 11A;
- (m) the conditions of service and the salary and allowances of officers and other employees of the Taluk Legal Services Committee under sub-section(4) of section 11A;
- (n) the upper limit of annual income of a person entitling him to legal services under clause (h) of section12, if the case is before a court, other than the Supreme Court;
- (o) the experience and qualifications of other persons of the Lok Adalats other than referred to in sub-section(4) of section19;
- (p) Any other matter which is to be, or may be, prescribed.

**29. Power of Central Authority to make regulations** —(1) The Central Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provisions is necessary or expedient for the purposes of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely —

- (a) the powers and functions of the Supreme Court Legal Services Committee under sub- section(1) of section3A;
- (b) The terms of office and other conditions relating thereto, of the members and Secretary of the Supreme Court Legal Services Committee under sub-section (4) of section3A.

**29A. Power of State Authority to make regulations.**—(1) The State Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision in necessary or expedient for the purposes of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the other functions to be performed by the State Authority under clause (d) of sub-section(2) of section7;
- (b) the powers and functions of the High Court Legal Services Committee under sub-section(1) of section8A;
- (c) the number, experience and qualifications of members of the High Court Legal Services Committee under clause (b) of sub-section(2) of section8A;
- (d) the terms of office and other conditions relating thereto, of the members and Secretary of the High Court Legal Services Committee under sub-section(4) of section8A;
- (e) the term of office and other conditions relating thereto, of the members and Secretary of the District Authority under sub-section(4) of section9;
- (f) the number, experience and qualifications of members of the High Court Legal Services Committee under clause (b) of sub-section(2) of section 8A;
- (g) other functions to be performed by the District Authority under clause (c) of sub-section(2) of section10;
- (h) The term of office and other conditions relating thereto, of members and Secretary of the Taluk Legal Services Committee under sub- section(3) of section 11A.]

30. **Laying of rules and regulations.**—(1) Every rule made under this Act by the Central Government and every regulation made by the Central Authority thereunder shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.
- (2) Every rule made under this Act by a State Government and every regulation made by a State Authority thereunder shall be laid, as soon as may be after it is made, before the State Legislature.

**[RULES AND REGULATIONS  
SPECIFICALLY  
APPLICABLE TO DELHI]**





# **DELHI LEGAL SERVICES AUTHORITIES RULES, 1996**

*[As amended by the Delhi Legal Services Authorities (Amendment) Rules, 2007, 2010 & 2021]*

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12. The conditions of service and the salary and allowances of the officers and other employees of the District Authority under sub-section (6) of Sec. 9.
13. Entitlement of getting Legal Aid.<sup>1</sup>

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<sup>1</sup> *As inserted by the Delhi State Legal Services Authorities (Amendment) Rules, 2007. [Approved in the statutory meeting held on 08.12.2011]*

**1. Short Title and Commencement:**

- (1) These rules may be called the Delhi State Legal Services Authorities Rules, 1996.<sup>2</sup>
- (2) They shall come into force on the date of their publication in the Delhi Gazette.

**2. Definitions:**

- (1) In these Rules, unless the context otherwise requires:-
  - (a) “Act” means the Legal Services Authorities Act, 1987 (Central Act 39 of 1987);
  - (b) “Chairman” means the Executive Chairman of the State Authority, or as the case may be, the Chairman of the High Court Legal Services Committee, or as the case may be, the Chairman of the District Legal Services Authority;
  - (c) “District Authority” means the District Legal Services Authority, constituted under Sec.9 of the Act;
  - (d) “Government” means the Government of the National Capital Territory of Delhi;
  - (e) “High Court” means the High Court of Delhi at New Delhi;
  - (f) “High Court Legal Services Committee” means a High Court Legal Services Committee constituted under Sec. 8-A of the Act;
  - (g) “Lt. Governor” means the Lt. Governor of the National Capital Territory of Delhi appointed by the President under Art. 239 read with Art. 239-AA of the Constitution;
  - (h) “Member” means the member of the State Authority appointed under Cl. (c) of sub-section (2) of Sec. 6 of the Act, as the case may be, the member of the High Court Legal Services Committee constituted under Cl. (b) of sub-section (e) of Sec.8-A of the Act, or as the case may be, the member of the District Authority appointed under Cl. (b) of sub-section (2) of Sec. 9 of the Act;
  - (i) “Patron-in-Chief” means the Chief Justice of the High Court of Delhi;

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<sup>2</sup> The name Delhi Legal Services Authority has been changed to *Delhi State Legal Service Authority* vide *Gazette Notification No. .F.8/1/96-Judl./Vol.I/suplaw/1009-1013 Dated-09/08/2011 (Approved in the statutory meeting held on 08.12.2011).*

- (j) “Secretary” means the Member-Secretary of the State Authority appointed under sub-section (3) of Sec.6 of the Act, or as the case may be the Secretary of the High Court Legal Services Committee appointed under sub-section (3) of Sec. 8-A of the Act, or as the case may be, the Secretary of the District Authority appointed under sub-section (3) of Sec. 9 of the Act;
- (k) “State Authority” means the Delhi State Legal Services Authority constituted under Sec. 6 the Act.<sup>3</sup>

**3. The number, experience and qualifications of other members of the State Authority under cl(c) of sub-section (2) of Sec. 6:**

- (1) The State Authority shall, including Patron-in-Chief and the Executive Chairman but excluding the co-opted members have not more than 21 members.<sup>4</sup>
- (2) The following shall be ex-officio members of the State Authority: -
  - i. The Secretary in the Department of Finance to the Government;
  - ii. The Secretary in the Department of Law, Justice and Legislative Affairs to the Government;
  - iii. The Commissioner of Police, Delhi;
  - iv. The Secretary in the Department of Welfare of Scheduled Castes and Scheduled Tribes to the Government;
  - v. The Secretary in the Department of Social Welfare to the Government;
  - vi. The Principal District & Sessions Judge, Central District, Delhi;<sup>5</sup>
  - vii. The Principal District & Sessions Judge, West District, Delhi;<sup>6</sup>
  - viii. The Principal District & Sessions Judge, New Delhi;<sup>7</sup>
  - ix. The Principal District & Sessions Judge, South District, Delhi;<sup>8</sup>
  - x. The Principal District & Sessions Judge, East District, Delhi;<sup>9</sup>

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<sup>3</sup> *Ibid.*

<sup>4</sup> *As amended by the Delhi Legal Services Authorities (Amendment) Rules, 2010.*

<sup>5</sup> The name Delhi Legal Services Authority has been changed to *Delhi State Legal Service Authority* vide *Gazette Notification No. .F.8/1/96-Judl./Vol.I/suptlaw/1009-1013 Dated-09/08/2011. Approved in the statutory meeting held on 08.12.2011).*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

- xi. The Principal District & Sessions Judge, North East District, Delhi;<sup>10</sup>
  - xii. The Principal District & Sessions Judge, North District, Delhi;<sup>11</sup>
  - xiii. The Principal District & Sessions Judge, North West District, Delhi;<sup>12</sup>
  - xiv. The Principal District & Sessions Judge, South-West District, Delhi;<sup>13</sup>
  - xv. The Principal District & Sessions Judge, South-East District, Delhi;<sup>14</sup>
  - xvi. The Principal District & Sessions Judge, Shahdara District, Delhi;<sup>15</sup>
- (3) The Government may nominate, in consultation with the Chief Justice of the High Court, other members, one of whom shall be a woman, from amongst those possessing the experience and qualifications prescribed in the sub-rule (4) of this rule.
- (4) A person shall not be qualified for nomination as a member of the State Authority unless he/she is:
- (a) A graduate and an eminent social worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Women, Backward classes, children, rural and urban labour; or
  - (b) An eminent advocate having interest in free legal services; or
  - (c) An eminent person in the medical profession; or
  - (d) A person of repute who is especially interested in the implementation of the Legal Services Schemes.

**4. The powers and functions of the Member Secretary of the State Authority under sub-section (3) of Sec. 6:**

The powers and functions of the Member-Secretary of the State Authority, *inter alia*, shall be:

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10 *Ibid.*

11 *Ibid.*

12 *Ibid.*

13 *Ibid.*

14 *Ibid.*

15 *Ibid.*

- (a) To provide free legal services to the eligible and weaker sections;
- (b) To work out modalities of the Legal Services Schemes and Programmes including preparation of panel of advocates and fees payable to them on the pattern of Government panel lawyers, approved by the State Authority and ensure their effective monitoring and implementation;
- (c) To exercise the powers in respect of administrative, financial and budgetary matters as Head of the Department in the Government;
- (d) To manage the properties, records and funds of the State Authority;
- (e) To maintain proper accounts of the State Authority including checking and auditing in respect thereof periodically;
- (f) To prepare annual income and expenditure account and balance-sheet of the said Authority.
- (g) To liaise with the social action groups, Non-Governmental Organisations, District Authority, or any other social or educational organisation and National Legal Services Authority;
- (h) to maintain up-to-date and complete computerised statistical information including about pendency and disposal of cases seriously affecting weaker sections of the society and progress made in the implementation of various Legal Services Programmes from time to time;
- (i) to process proposals for financial assistance to weaker sections of society specially children, women and persons belonging to Scheduled Castes and Schedules Tribes and issue Utilisation Certificates thereof;
- (j) To organise various Legal Services Programmes as approved by the State Authority and convene meetings/ seminars and workshops connected with Legal Services Programmes and preparation of reports and follow-up action thereon;
- (k) To produce video/documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes and legal literacy for improving general awareness and preparation of reports and follow-up action thereon;
- (l) To organise alternative dispute resolution programmes for resolving rural, local neighborly and family civil and criminal disputes and to take all possible measures for effective and meaningful legal services for settling rural disputes, disputes in slum areas and if possible in various Mohalla localities at the door steps of the poor and weaker sections of the society;

- (m) To perform such of the functions as are assigned to him under the schemes formulated under Cl. (b) of Sec. 4 of the Act;
- (n) To forward to concerned departments authorities/ applications of aggrieved persons to seek their comments/ reports and summon parties for conciliation;
- (o) To encourage and promote conciliation and settlement in legal proceedings;
- (p) To prepare a panel of social workers for para-legal services including marriage counselling approved by the State Authority for taking all kinds of legal aid services and pay them honorarium and travelling allowance;
- (q) To call for such records from any office or Authority as may be necessary and to procure the presence of any persons including any inmate of a jail;
- (r) To perform such other functions as may be expedient for efficient functioning of the State Authority.

5. The terms of office and other conditions relating thereto, of Members and Member-Secretary of the State Authority under Sub-Section (4) of Sec. 6:

- (1) The members of the State Authority nominated under sub rule (3) of rule 3 by the Government shall continue for a term of two years and shall be eligible for re-nomination.
- (2) A member of the State Authority nominated under sub rule (3) of rule (3) may be removed by the Government in consultation with the Chief Justice of the High Court, if in the opinion of the Government it is not desirable to continue him or her as a member.
- (3) If any member nominated under sub-rule (3) of rule 3 ceases to be a member for the State Authority for any reason, the vacancy shall be filled up in the same manner as the original
- (4) Nomination and the person so nominated shall continue to be member for the remaining term of the member in whose place he is nominated.
- (5) All members nominated under sub-rule (3) of rule 3 shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the work of the State Authority and shall be paid by the State Authority in accordance with the rules as are applicable to the Group 'A' Officers, as amended from time to time.
- (6) If a nominated member is a Government 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 State Authority.

- (7) The Member Secretary of the State 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 Member-Secretary shall be governed by the Delhi Higher Judicial Services Rules 1970 and he shall be on deputation to the State Authority.
- 6. The number of officers and other employees of the State Authority under sub-section (5) of Sec. 6:<sup>16</sup> *\*(Omitted vide Delhi State Legal Services Authority (Amendment) Rules, 2021).***

**“SCHEDULE”<sup>17</sup>**

- 7. The conditions of service and the salary and allowances of officers and other employees of the state authority under subsection (6) of Sec. 6:**
- (1) The officers and other employees of the State Authority shall be entitled to draw pay and allowances in the scale of pay indicated against each post in the Schedule to these rules or at par with the employees of the Government holding equivalent posts.
  - (2) In all matters like age of retirement, pay and allowances, benefits and entitlements; and disciplinary matters, the officers and other employees of the State Authority shall be governed by the rules as are applicable to employees of the Government holding equivalent posts.
  - (3) The officers and other employees of the State Authority shall be entitled to such other facilities allowances and benefits as may be notified by the Government from time to time.
- 8. The experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of Sec. 8 A:**

A person shall not be qualified for the appointment as Secretary of the High Court Legal Services Committee unless he is a member of Delhi Higher Judicial Services.

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<sup>16</sup> Omitted vide by Delhi State Legal Authority (amendment) Rules, 2021. The Rule 6, prior to amendment read as “The State Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day function as are set out in Schedule to these rules or as may be notified by the Government from time to time.”

<sup>17</sup> As substituted by the Delhi State Legal Services Authority (Amendment) Rules, 2021. Refer to Schedule-A

**9. The number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of Sec. 8-A and the salary and allowances payable to them under subsection (5) of Sec. 8A and the conditions of service and the salary and allowances payable to them under sub-Section (6) of that section:**

- (1) The High Court Legal Services Committee shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as are set out in Schedule to these rules or as may be notified by the Government from time to time.
- (2) The officers and other employees of the High Court Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay indicated against each post in the Schedule to these rules or at par with the employees of the Government holding equivalent posts.
- (3) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the High Court Legal Services Committee shall be governed by the rules as are applicable to employees of the Government holding equivalent posts.
- (4) The officers and other employees of the High Court Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be notified by the Government from time to time.

**10. The number, experience and qualifications of Members of District Authority under Cl. (b) of Sub-Section (2) of Sec. 9:**

- (1) The District Authority shall have not more than eight members.
- (2) The following shall be ex-officio members of the District Authority:
  - (i) The Principal District & Sessions Judge, Delhi/New Delhi<sup>18</sup>
  - (ii) Addl. District and Sessions Judge, Delhi;
  - (iii) Deputy Commissioner of Police;
  - (iv) Chief Metropolitan Magistrate;
  - (v) Chief Prosecutor/Prosecutor;
- (3) The Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those possessing the qualifications and experience prescribed in sub-rule (4) of this rule.

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<sup>18</sup> As substituted by the Delhi State Legal Services Authority (Amendment) Rules, 2021.



- (4) A person shall not be qualified for nomination as a member of the District Authority unless he is:
  - (a) A graduate and an eminent social worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, women, children and rural labour;
  - (b) Secretary of bar association<sup>19</sup>
  - (c) A person of repute who is especially interested in the implementation of the Legal Services Schemes.

**11. The number of officers and other employees of the District Authority under sub-section (5) of Sec.9**

The District Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as are set out in Schedule to these rules or as may be notified by the Government from time to time.

**12. The conditions of service and the salary and allowances of the officers and other employees of the District Authority under sub-section (6) of Sec. 9**

- (1) The officers and other employees of the District Authority shall be entitled to draw pay and allowances in the scale of pay indicated against each post of the Schedule to these rules or at par with the employees of the Government holding equivalent posts.
- (2) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officer and other employees of the District Authority shall be governed by the rules as are applicable to employees of the Government holding equivalent posts.
- (3) The officers and other employees of the District Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the Government from time to time.

**13. Entitlement of granting Legal Aid:<sup>20</sup>**

Every person, having annual income not more than rupees *Three Lakh*<sup>21</sup> shall be entitled to legal services, under clause (h) of section 12 of Act.

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<sup>19</sup> As substituted by the Delhi State Legal Services Authority (Amendment) Rules, 2021, in place of “(b) An eminent person in the field of law, pursuant to approval dated 04.03.2015 of Hon’ble Executive Chairperson.

<sup>20</sup> As inserted by the “Delhi State Legal Services Authorities (Amendment) Rules, 2007. [Approved in the statutory meeting held on 08.12.2011]

<sup>21</sup> Ceiling enhanced to Rs. 3 Lakh vide notification no. F.27/3/2003-judl./Suptlaw/430-436 Dated 28.05.2021.

- (a) A transgender with an annual income of less than Rs. Four lakh (Rupees Four Lacs only)<sup>22</sup>
- (b) A senior citizen with an annual income less than Rs. Four lakh (Rupees Four Lacs only)<sup>23</sup>
- (c) Victim of Acid Attack<sup>24</sup>
- (d) Persons infected and effected with HIV (AIDS)<sup>25</sup>

**14. Certified Copies:-<sup>26</sup>**

- (1) A copy of the Award of a Lok Adalat shall be given to each of the parties duly certifying them to be true by the officers designated by the Secretary concerned and the official seal of the Authority/Committee concerned shall be affixed on all Awards.
- (2) Such certified copies of the Lok Adalat Award will be supplied free of cost to the parties immediately after the Award is passed.
- (3) For every subsequent request for certified copies of a Lok Adalat Award, an application should be moved addressed to the Secretary concerned and the copy of such award will be supplied to such applicant subject to payment of Rs.5 per page.
- (4) Application for certified copies of conciliation proceedings will be governed by the Delhi High Court Mediation and Conciliation Rules, 2005.

**14. Destruction and Weeding out of Records:-<sup>27</sup>**

The records maintained by the Legal Services Authorities/ Committee shall be weeded out/destroyed in terms of these rules upon a written order being issued by the Secretary concerned in the following manner –

- (1) Application for legal aid received at the various offices will be destroyed along with annexure after the lapse of one year from the date of rejection of

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<sup>22</sup> Senior citizens & Transgender were added as a category, vide notification no. F.27/3/2003-judl./794-798 dated 04.07.2011. Further, the ceiling with respect to senior citizens was enhanced from Two Lakh to Four Lakhs, vide notification no. F. 27/3/2003-judl./Suptlaw/527-533 dated 21.05.2020.

<sup>23</sup> Ibid.

<sup>24</sup> Victims of Acid Attack & Persons infected and effected with HIV (AIDS) were added as a category, vide notification no. F. 27/3/2003-judl./Suptlaw/527-533 dated 21.05.2020.

<sup>25</sup> Ibid.

<sup>26</sup> New rule as inserted by Delhi State Legal Services Authority (Amendment) Rules, 2021. (Approved in the statutory meeting held on 08.12.2011)

<sup>27</sup> New rule as inserted by Delhi State Legal Services Authority (Amendment) Rules, 2021, (Approved in the statutory meeting held on 08.12.2011)

such application for legal aid and three years from the date of final decision of the Courts where the applications have resulted in the grant of legal aid or assistance.

- (2) In conciliation proceedings, all records shall be destroyed after two years from the date of the closure of the file.
- (3) The records of the Lok Adalats and the Permanent Lok Adalats will be destroyed after three years of the final decision.
- (4) In respect of all records pertaining to Accounts, Administration and General Administration, the General Financial Rules will be applicable.
- (5) In all residuary cases, the decision of the Executive Chairman of the State Authority and Chairman of the High Court Committee respectively, will be final.

## SCHEDULE

See rule (6) read with sub - section (5) of section 6 of Legal Services Authority, Act, 1987

Strength of Delhi State Legal Services Authority, Permanent Lok Adalat, High Court Legal Services Committee and District Legal Services Authorities consequent upon the enforcement of the Legal Services Authority Act, 1987

Sl. No.	Name of the Post	Pay Scale	Total No. of Posts
<b>Category 'A' (as per E. Padmanabhan Committee's Recommendations).</b>			
1.	Member Secretary	Rs. 70290 – 1540 – 76450 *	1
2.	Special Secretary	Rs. 57700-1230-58930-1380-67210-1540-70290 *	1
3.	Secretary, DHCLSC	Rs. 51550-1230-58930-1380-63070*	1
4.	Additional Secretary	Rs. 39530-920-40450-1080-49090-1230-54010 *	1
5.	Secretary, DLSA	Rs. 39530-920-40450-1080-49090-1230-54010 *	11
6.	Chairman	---	4
7.	Members	---	8
<b>Category 'B' ((Revised as per 7th CPC)</b>			
8.	Accounts Officer	Pay Matrix Level 8 Rs. 47600 – 151100	1
9.	Administrative Officer	Pay Matrix Level 8 Rs. 47600 – 151100	1
10.	Superintendent	Pay Matrix Level 8 Rs. 47600 – 151100	17
11.	Senior PA	Pay Matrix Level 8 Rs. 47600 – 151100	4
12.	JAO (Now AAO)	Pay Matrix Level 7 Rs. 44900 – 142400	1
13.	Reader	Pay Matrix Level 7 Rs. 44900 – 142400	4
14.	Assistant	Pay Matrix Level 7 Rs. 44900 – 142400	22
15.	Senior Stenographer	Pay Matrix Level 7 Rs. 44900 – 142400	1
16.	Statistical Assistant	Pay Matrix Level 6 Rs. 35400 – 112400	1
<b>Category 'C' ((Revised as per 7th CPC)</b>			
17.	Hindi Translator	Pay Matrix Level 6 Rs. 35400 – 112400	1
18.	Librarian	Pay Matrix Level 6 Rs. 35400 – 112400	1
19.	UDC	Pay Matrix Level 4 Rs. 25500 – 81100	12
20.	Junior Stenographer	Pay Matrix Level 4 Rs. 25500 – 81100	27
21.	Data Entry Operator	Pay Matrix Level 4 Rs. 25500 – 81100	13
22.	LDC	Pay Matrix Level 2 Rs. 19900 – 63200	35
23.	LDC-Cum-Computer Operator	Pay Matrix Level 2 Rs. 19900 – 63200	2
24.	Ahlmed	Pay Matrix Level 2 Rs. 19900 – 63200	4
25.	Assistant Ahlmed	Pay Matrix Level 2 Rs. 19900 – 63200	4
26.	LDC (Acid Attack Victims)	Pay Matrix Level 2 Rs. 19900 – 63200	12
27.	Staff Car Driver	Pay Matrix Level 2 Rs. 19900 – 63200	11
28.	Dispatch Rider	Pay Matrix Level 2 Rs. 19900 – 63200	2
29.	MTS	Pay Matrix Level 1 Rs. 18000 – 56900	43

# **DELHI STATE LEGAL SERVICES AUTHORITY (AMENDMENT) REGULATIONS, 2002**

**(As amended by the Delhi State Legal Services Authority (Amendment)  
Regulations, 2019 & 2021)**

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# CHAPTER I

## PRELIMINARY

### 1. Short title and commencement

These regulations may be called the Delhi State Legal Services Authority Regulations, 2002 and shall come into force with effect from the date of their publication in the official Gazette.

### 2. Definitions

- (a) **‘Act’** means the Legal Services Authorities Act, 1987 (39 of 1987)
- (b) **‘State Authority’** means the Delhi State Legal Services Authority.<sup>1</sup>
- (c) **‘High Court Committee’** means the High Court Legal Services Committee constituted under Section 8A of the Act
- (d) **‘District Authority’** means the District Legal Services Authority constituted under Section 9 of the Act.
- (e) **‘Rules’** means the Delhi State Legal Services Authority Rules, 1996 and as up to date amendment of these rules,”<sup>2</sup>
- (f) **‘Aided person’** means a person to whom legal service is provided in accordance with the provisions of the Act, rules and these regulations.
- (g) **‘Chairman’** means the Chairman of the High Court Legal Services Committee or Chairman of the District Authority as the case may be.
- (h) **‘Chief Justice’** means the Chief Justice of the High Court of Delhi.
- (i) **‘Executive Chairman’** means the Executive Chairman of the Delhi State Legal Services Authority constituted under Section 6 of the Act”,<sup>3</sup>
- (j) **‘Legal Practitioner’** shall have meaning as assigned to the expression in the Advocates Act, 1961.
- (k) **‘Legal service’** includes rendering of any services in the conduct of any case or other legal proceedings before any court or any other authority or tribunal and giving of advice on any legal matter.

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1 *The word “State” has been added in Delhi State Legal Services Authority vide Notification No. F.8/1/96-Judl./Vol.1/1009-1013 dated 09.08.2011. [As approved in the statutory meeting held on 08.12.2011]*

2 *Ibid.*

3 *Ibid.*



- (l) **‘Lok Adalat’** means the Lok Adalat organized under Chapters VI or VI A of the Act.
- (m) **‘Member’** means a member of the State Authority, High Court Legal Services Committee, District Legal Services Authority as the case may be.
- (n) **‘Member Secretary’** means the Member Secretary of the Delhi State Legal Services Authority”<sup>4</sup>
- (o) **‘Nominated Member’** means a member nominated to the State Authority, High Court Committee, and the District Authority as the case may be.
- (p) **‘Patron-in-Chief’** means the Patron-in-Chief of the Delhi State Legal Services Authority”.<sup>5</sup>
- (q) **‘Secretary’** means the Secretary of the High Court Legal Services Committee, or District Authority as the case may be.
- (r) **‘Section’** means the section of the Act.
- (s) All other words and expressions used in these regulations but not defined shall have the meaning respectively as assigned to them in the Act and the rules framed thereunder.

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<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*



## CHAPTER-II

### **Regulation 3**

#### **Vesting of The Executive Authority**

- (1) The Executive Authority of the State Authority shall vest in the Executive Chairman and may be exercised through the Member Secretary who shall act under the control of the executive Chairman:

Provided that in respect of any matter concerning the affairs of the State Authority, Patron-in-Chief may render such advice as he may deem it necessary.

- (2) The Executive Authority of the District Authority shall vest in its Chairman and may be exercised through its Secretary who shall act under the control of the Chairman. Provided the Executive Chairman may give such advice, as he may deem necessary in respect of any matter concerning the affairs of the District Authority.

## **CHAPTER-III**

### **STATE AUTHORITY**

#### **Regulation 4**

#### **Other Functions of the State Authority**

In addition to the functions to be performed by the State Authority as laid down by Section 7(1) and 7(2) (a)(b)(c) of the Act, the State Authority may also perform the following functions:

- (1) The State Authority may conduct legal literacy camps in different parts of the State with a view to transmitting knowledge about the legal aid schemes conducted in the State or with a view to spreading consciousness about the legal rights and duties of citizens with special reference to the tribal and rural populations, women, children, disabled, handicapped and the weaker sections of the society.
- (2) The State Authority may itself file Public Interest Litigation or may finance Public Interest Litigation before appropriate Courts in the State if it is satisfied that such litigations are for the general benefit of a large body or class of persons who cannot by themselves take recourse to law due to penury, illiteracy or other similar reasons.
- (3) The State Authority may conduct Legal Aid Clinics in different parts of the State itself or in collaboration with law Colleges, Universities and other social service organizations.
- (4) The State Authority may also establish or direct the District Authority to establish counselling centers at various places in the State with a view to providing permanent or quasi permanent infrastructure for resolving legal disputes between the parties, whether they may be pending in courts or may be in offing. For establishing such centers it will be open to the State Authority/or the District Authority to take active assistance/support of such social service organisations that have zeal for legal aid work.
- (5) The State Authority may call for periodical reports, returns and other information as it thinks fit from the High Court Legal Services Committee, District Authority and review the cases where legal services are refused by the High Court Legal Services Committee/District Authority.

# **CHAPTER-IV**

## **CONDUCT OF BUSINESS**

### **Regulation 5**

#### **Meetings**

- (1) The Member Secretary, with the prior approval of the Executive Chairman shall convene meeting of the State Authority at least once in three months and as frequently as the business may warrant, at the place, date and time specified by the Patron-in-Chief or by the Executive Chairman.
- (2) The meeting of the State Authority shall be presided over by the Patron-in-Chief or 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 adjourned meeting.
- (3) The majority of votes of the Members present shall decide all the subject matters of the agenda in the meeting 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 State 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 15 days 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 in consultation with the Patron-in-Chief of the State Authority. The Member Secretary shall give the notice of every meeting of the State Authority in writing 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.

**Regulation 6<sup>1</sup>****Minutes of the Meeting**

The Member Secretary shall prepare the minutes of the proceedings of every meeting as soon as possible after the meeting and after obtaining the approval of the Executive Chairman; he shall circulate the minutes to the members. The minutes shall be confirmed and signed by the Executive Chairman, unless any Member who was present at the meeting to which the minutes relate to has objected to the minutes as having been incorrectly or incompletely recorded and has communicated his objections in writing to the Member Secretary within three days of the receipt of the minutes as having been incorrectly or incompletely recorded within three days of the receipt of the minutes by him or her. Any objections received shall be considered by the Executive Chairman who may make such modifications in the minutes as are thought proper and the modified minutes shall then be confirmed and signed by the Executive Chairman.

**Regulation 7<sup>2</sup>****Decisions by way of resolutions**

All decisions of the State Authority shall be by way of resolutions passed in the meeting and in the event of any dissension the decision of the Patron-in-Chief or the Executive Chairman shall be final:

**Regulation 8<sup>3</sup>****Expenditure for the meeting**

The Member Secretary or the Secretary of the High Court Legal Services Committee or the Secretaries of the District Legal Services Authorities, as the case may be, are authorized to spend an amount of Rs.5000/- for meetings of the State Authority/ High Court Committee/ District Authorities, as the case may be, out of the State Legal Aid Fund or accounts transferred to the Delhi High Court Legal Services Committee or the District Legal Services Authorities Fund, as the case may be.<sup>4</sup>

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1 Regulation 8 has been re-numbered as 6 vide statutory meeting held on 08.12.2011.

2 Regulation 9 has been re-numbered as 7 vide statutory meeting held on 08.12.2011.

3 Regulation 10 has been re-numbered as 8 vide statutory meeting held on 08.12.2011.

4 Existing limit of expenditure for the meeting has been enhanced from Rs. 1500/- to Rs. 5000/- vide statutory meeting held on 08.12.2011.

# CHAPTER-V

## Regulation 9<sup>1</sup>

### Panel of Advocates

- (1) The State Authority shall prepare a panel of advocates to prosecute the cases on behalf of the aided persons under these Regulations.
- (2)
  - (a) The Legal Practitioner appearing in the High Court shall be paid as per fee Schedule.
  - (b) The Legal Practitioner appearing in the matters arising out the cases referred to by the District Authority shall be paid as per fee Schedule.
  - (c) The Legal Practitioners representing the cases referred to by the respective Authorities and Committee or Forum shall be paid as per fee Schedule or as may be fixed by the Executive Chairman.
- (3) The advocates on the panel shall continue at the pleasure of the Executive Chairman.

## Regulation 10<sup>2</sup>

### 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 a legal practitioner who contravenes the Scheme of the Act, Rules and this Regulation shall be removed from the panel and he shall also be liable to be prosecuted as per law for professional misconduct

## Regulation 11<sup>3</sup>

### The duties of the Legal Practitioner

- (1) Every Legal Services Advocate shall attend to all duties assigned by the Authority punctually, attentively and diligently.<sup>4</sup>
- (2) Every Legal Services Advocate shall endeavor to provide quick and timely services to the aided person.<sup>5</sup>

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1 Regulation 6 has been re-numbered as 9 vide statutory meeting held on 08.12.2011.

2 Regulation 7 has been re-numbered as 10 vide statutory meeting held on 8.12.2011.

3 Regulation 8 has been re-numbered as 11 vide statutory meeting held on 08.12.2011.

4 The duties of the Legal Practitioner have been modified point wise vide statutory meeting held on 08.12.2011.

5 Ibid.



- (3) Every Legal Services Advocate shall ensure his attendance on each hearing of the case assigned to him and shall diligently work towards the disposal of the case.<sup>6</sup>
- (4) Every Legal Services Advocate shall attend all training programs, functions and the like organized by the State or the District Authority and as directed by the said Authorities.<sup>7</sup>
- (5) Every Legal Services Advocate 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.<sup>8</sup>

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6 *Ibid.*

7 *Ibid.*

8 *Ibid.*

# CHAPTER-VI

## LEGAL AID

### Regulation 12<sup>1</sup>

#### Criteria for giving Legal Services

Every person who has to file or defend a case shall be entitled to legal services if that person is:-

- (a) A member of a Scheduled Caste or Scheduled Tribes;
- (b) A victim of trafficking in human beings or beggar as referred to in Art. 23 of the Constitution;
- (c) A woman or a child;
- (d) a person with disability as defined in clause (i) of Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation, Act), 1995;
- (e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- (f) An industrial workman; or
- (g) In custody, including custody in a protective home within the meaning of Cl.(g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956, or in a juvenile home within the meaning of clause (j) of the Juvenile Justices Act, 1986 or in a psychiatric hospital or
- (h) psychiatric nursing home within the meaning of Clause (g) of Section 2 of the Mental Health Act, 1987; or <sup>2</sup>

Provided that the Legal Services Authority or Committee may grant legal aid:

- (i) In a case of great public importance; or
- (ii) In a test case, the decision of which is likely to affect weaker sections of the community; or
- (iii) In any case, which for reasons to be recorded in writing is considered by the Executive Chairman or the Chairman to be deserving of legal aid even where the means test is not satisfied.

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<sup>1</sup> Regulation 9 has been re-numbered as 12 vide statutory meeting held on 08.12.2011.

<sup>2</sup> Sub-regulation (h) which earlier read as “(h) In receipt of annual income less than Rupees Twenty Five Thousand or other higher amount as may be fixed under Rule 17 of Delhi Legal Services Authority Rules 1996”, has been deleted vide letter No. F.27/3/2023-judl./359 dated 6 April, 2010.

**Regulation 13<sup>3</sup>****Modes of Legal Aid<sup>4</sup>**

Legal aid may be given in all or any one or more of the following modes, namely:

- 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.
- b) Process fees and other similar charges payable or incurred in connection with any legal proceedings
- (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;
- (e) Cost of preparation of paper book (including paper, printing and translation of documents) in legal proceedings and expenses incidental thereto: *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."

***Erstwhile, Regulation 14. Legal aid not to be given in certain cases<sup>5</sup> (Deleted vide statutory meeting held on 17.09.2009).***

<sup>3</sup> Regulation 10 has been re-numbered as 13 vide statutory meeting held on 08.12.2011.

<sup>4</sup> As substituted, pursuant to being approved in the statutory meeting held on 08.02.2011, under Regulation 9 of Delhi Legal Services Authority's Regulations 2002. [As amended by Delhi State Legal Services Authority (Amendment) Regulations, 2019]

<sup>5</sup> The Regulation has been deleted vide statutory meeting held on 17.09.2009 and before deletion read as "Legal Aid shall not be given in the following cases, namely:-

(1) Proceedings wholly or partly in respect of :-

(a) Defamation;

(b) Malicious prosecution;

(c) A person charged with contempt of court proceedings;

(2) Proceedings relating to any election;

(3) Proceedings incidental to any proceedings referred to in items (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 Executive Chairman may in appropriate case grant legal aid even in such proceedings for reasons to be recorded in writing.

(6) Where a person seeking legal aid:

(a) is concerned with the proceedings only in official capacity; or

(b) if a formal party to the proceedings, not materially concerned in the outcome in the proceedings and his interests are not likely to be prejudiced on account of the absence of proper representation."



## **Regulation 14<sup>6</sup>**

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

- (1) Any Person desiring legal aid or advice may make an application addressed to the Member Secretary/Secretary of the Authority/Committee. If the applicant is illiterate or not in a position to fill in the particulars required in the application, the Member Secretary or any other officer of the Committee or any legal practitioner, whose name appears on the panel of the Authority or Committee, as the case may be 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 signatures or thumb impression on it. The application shall be accompanied by an affidavit containing the brief facts of the case and where the applicant is a person as stipulated in Section 12(h) of the Act, not being one covered under any other clauses of that Section, the affidavit shall also state the details of the properties possessed by him and his income from all sources.
- (2) The Authority/Committee shall maintain a register of the applications wherein all applications for legal aid and advice shall be entered and registered and the action taken on such application shall be noted against the entry relating to each of such application.

## **Regulation 15<sup>7</sup>**

### **Duty of Aided Person**

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 disclosures to the legal practitioner concerned and shall attend the court as and when required, at this own expenses.

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6 *Regulation 12 has been re-numbered as 14 vide statutory meeting held on 08.12.2011.*

7 *Regulation 13 has been re-numbered as 15 vide statutory meeting held on 08.12.2011.*

## **CHAPTER -VII**

### **LOK ADALAT**

#### **Regulation 16<sup>1</sup>**

##### **Procedure for organizing Lok Adalat**

- (1) The Secretary of the District Authority shall convene and organise Lok Adalats at regular intervals or on such dates, as may be directed by the State Authority;  
Provided that in order to co-ordinate the holding of Lok Adalats, Member Secretary may, with the approval of the Executive Chairman prepare a quarterly roster for holding Lok Adalats at different places.
- (2) Intimation to the State Authority – The Secretary of the District Authority shall inform the State Authority about the proposal to organise the Lok Adalat well before the date on which the Lok Adalat is proposed to be organised.

#### **Regulation 17<sup>2</sup>**

##### **Notice to the parties concerned**

- (1) The State Authority or the Secretary of the District Authority, as the case may be, may call for the judicial record of those pending cases which are referred to the Lok Adalat under Section 20 of the Act from the concerned courts.
- (2) Pre-litigation cases shall be obtained by the State Authority or the Secretary of the District Authority as the case may be, to be placed before the Lok Adalat.
- (3) Each judicial authority shall co-operate in transmission of court records.
- (4) The Judicial records shall be returned immediately after holding the Lok Adalat, irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of the proceedings.

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<sup>1</sup> Regulation 14 has been re-numbered as 16 vide statutory meeting held on 08.12.2011.

<sup>2</sup> Regulation 15 has been re-numbered as 17 vide statutory meeting held on 08.12.2011.

## **CHAPTER -VIII**

### **MISCELLANEOUS**

#### **Regulation 18<sup>1</sup>**

#### **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 Allowance 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 service;  
  
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 Class I 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.

#### **Regulation 19<sup>2</sup>**

#### **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 in its next meeting held immediately after the expenditure so incurred, for ratification.

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<sup>1</sup> Regulation 17 has been re-numbered as 18 vide statutory meeting held on 08.12.2011.

<sup>2</sup> Regulation 18 has been re-numbered as 19 vide statutory meeting held on 08.12.2011.

# **HIGH COURT LEGAL SERVICES COMMITTEE, REGULATIONS, 1998 (DELHI)**

**[As amended by the High Court Legal Services Committee (Amendment), 2019 & 2021]**

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3. The number, experience and qualification of the other members of the High Court Legal Services Committee Under clause (b) of sub-section (2) of Section 8-A:
4. Appointment of Secretary under sub-section (3) of Section 8-A of the Act.
5. The experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of Section 8A.
6. The terms of office and other conditions relating thereto, of members and Secretary of the High Court Legal Services Committee.
7. Powers and functions of Committee.
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10. Meetings of the Committee.
11. The number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of Section 8A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that Section.
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16. Modes of Legal Services.
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18. Duties of Legal service Advocates.
19. Duties of Aided Person.

20. Withdrawal of Legal Service.
21. Conflict Between regulations and rules.

### **Law, Justice & Legislative Affairs Department**

No. F.27/23/85-Judl.II/195- the following is here by published for information of the general Public:-

“In exercise of the powers conferred by section 29 A of the Legal Services Authorities Act, 1987 (No.39 of 1987), the State Authority hereby makes the following regulations, namely:-

#### **Regulation 1**

##### **Short Title and commencement:**

- (1) These regulations may be called the High Court Legal Services Committee Regulations, 1998.
- (2) They shall come into force on the date of their publication in the Office Gazette.

#### **Regulation 2**

##### **Definitions:**

In these Regulations, unless the context otherwise requires:

- (i) “**Act**” means the Legal Services Authorities Act, 1987 (No.39 of 1987);
- (j) “**Aided person**” shall have the same meaning as defined under Regulation 2(f) of the Delhi Legal Services Authority Regulations 2002);<sup>1</sup> for sub-regulation (f) shall be substituted
- (c) “**Chairman**” means the Chairman of the High Court Legal Services Committee;
- (d) “**Committee**” means the High Court Legal Services Committee;
- (e) “**High Court**” means the High Court of Delhi at New Delhi;
- (f) “**Legal Services Advocate**” (LSA) means an advocate who has been empaneled by the High Court Legal Services Committee 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 Delhi High Court Legal Services Committee or the State Legal Services Authority;<sup>2</sup>
- (g) “**Member**” means a member of the Committee;

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

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

- (h) “**Secretary**” means the Secretary of the Committee appointed under sub-section (3) of Section 8(A) of the Act;
- (i) “**State Authority**” means the Delhi State Legal Services Authority constituted under Section 6 of the Act;<sup>3</sup>
- (j) All other words and expressions used in these regulations but not defined shall have the same meaning assigned to them in the Act”<sup>4</sup>

### **Regulation 3**

**The number, experience and qualification of the other members of the High Court Legal Services Committee Under clause (b) of sub-section (2) of Section 8-A:**

- (1) The High Court Legal Services Committee shall have eight members including its Chairman. It will have the following, ex-officio members, namely:
- (2) Ex-Officio Members:
  - (i) Secretary (Law, Justice & Legislative Affairs Department), Government of National Capital Territory of Delhi, Delhi;
  - (ii) Secretary (Finance Department), Government of National Capital Territory of Delhi, Delhi;
  - (iii) Commissioner of Police, Delhi, and The Chief Justice shall nominate four members from the category of the nominated members.
- (3) Nominated Members-

A person shall not be qualified for nomination as a member of the High Court Legal Services Committee unless he/she is:-

  - (a) A graduate and an eminent social worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, women, Backward Classes, Children, rural and urban labor; or
  - (b) Two advocates having interest in free legal services for a period of one year; or
  - (c) An eminent person in the medical profession or eminent professor of sociology, psychology or any other discipline;
  - (d) Any law teacher or a person of repute who is specially interested in the implementation of the legal services schemes.

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<sup>3</sup> New definitions of Sub-Regulation (i) has been inserted vide statutory meeting held on 08.12.2011.

<sup>4</sup> Earlier, Sub-Regulation (i). New Sub-Regulation (j) has been added with the old definition of Sub-Regulation (i) vide statutory meeting held on 08.12.2011.



#### **Regulation 4**

##### **Appointment of Secretary under sub-section (3) of Section 8-A of the Act**

The Chief Justice of High Court of Delhi shall appoint a person to be the Secretary of the High Court Legal Services Committee, possessing experience and qualifications as prescribed in Regulation on the recommendation of the Chairman, High Court Legal Services;

#### **Regulation 5**

##### **The experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of Section 8A.**

A person shall not be qualified for appointment as Secretary of the High Court Legal Services Committee unless he is a member of the Delhi Higher Judicial Services;

Preference will be given to persons possessing administrative, financial and legal experience.

#### **Regulation 6**

##### **The terms of office and other conditions relating thereto, of members and Secretary of the High Court Legal Services Committee**

- (1) The terms of the office of a member of the Committee, other than ex-official member, shall be one year.
- (2) Where a person is nominated as ex-officio member, such person shall cease to be the member of the Committee if he ceases to hold the post or office by virtue of which he has been nominated as an ex-officio member.
- (3) Any vacancy in the office of a member of the Committee shall be filled up in the same manner as the originally appointed member and the person so nominated shall continue to be a member for the remaining period of term of office of that member in whose place he has been nominated.
- (4) A member shall be given Rs. 300/- towards travelling expenses for attending the meeting.
- (5) The term of office of the Secretary shall be two years or till the age of 60 years, whichever is earlier.
- (6) In all matters like pay, allowances, benefits and entitlements, the Secretary shall be governed by rules as are applicable to the persons holding equivalent posts in his parent cadre and receive such honorarium as framed by the Chairman.
- (7) The appointment of the Secretary may be on deputation basis.
- (8) The Secretary shall be governed by the service conditions of his parent cadre, in so far as disciplinary matters are concerned.

## **Regulation 7**

### **Powers and functions of Committee**

- (1) To administer and implement the Legal Services programme in so far as it relates to the High Court of Delhi;
- (2) To receive and scrutinize applications for legal services and to decide all questions as to the grant of or withdrawal of legal services;
- (3) To maintain a panel of advocates and senior advocates in the High Court of Delhi for providing legal advice;
- (4) To decide all matters relating to payment of honorarium, costs, charges and expenses of legal services to the advocates and to senior advocates of the High Court of Delhi;
- (5) To prepare and submit returns, reports and statistical information in regard to the legal services programme to the State Authority;

## **Regulation 8**

### **Functions and powers of the Chairman**

- (1) The Chairman of the Committee shall be in overall charge of administrative and implementation of the programmes of the Committee;  
Provided that the Chairman shall not directly concern himself with any question as to grant or withdrawal of legal service to a person;
- (2) The Chairman shall cause the meetings of the Committee convened through the Secretary at least once in a period of three months;
- (3) The Chairman shall preside over the meetings of the Committee;
- (4) The Chairman shall have all the residuary powers of the Committee;

## **Regulation 9**

### **Functions and powers of the Secretary**

- (1) The Secretary shall be the principal officer of the Committee and shall be the custodian of all assets, accounts, records and funds at the disposal of the Committee;
- (2) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursement of the funds of the Committee;
- (3) The Secretary shall in consultation with the State Authority convene meetings of the Committee 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;



## **Regulation 10**

### **Meetings of the Committee**

- (1) The Committee 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 Committee and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside over the meetings of the Committee;
- (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 Committee. 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 three, including the Chairman.
- (5) All questions which come up before any meeting of the Committee 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 shall have the right to exercise a second or casting vote.

## **Regulation 11**

### **The number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of Section 8A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that Section.**

- (1) The High Court Legal Services Committee shall have such number of officers and other employees for tendering secretarial assistance and for its day-to-day functions as are set out in Schedule to these regulations or as may be notified by the Government from time to time;
- (2) The officers and other employees of the High Court Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay indicated against each post in the schedule to these regulations or at par with the employees of the Government holding equivalent posts;
- (3) In all matters like age of retirement pay and allowances benefits and entitlements and disciplinary matters, the officers and other employees of the High Court Legal Services Committee shall be governed by the rules as are applicable to employees of the Government holding equivalent posts;

- (4) The officers and other employees of the High Court Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be notified by the Government from time to time.

**12. *Entitlement of Legal Services (Deleted vide letter no. F.27/0/2003-judl./359 dated 6 April 2010)<sup>5</sup>***

**Regulation 12<sup>6</sup>**

**The Experience and qualifications of other persons of the Lok Adalats organized by the High Court Legal Services Committee specified in sub-section (4) of Section 19:**

A person shall not be qualified to be included in the Lok Adalat unless he is:

- (a) A sitting or retired Judge of the High Court;
- (b) A serving or retired judicial officer;
- (c) A member of the legal profession;
- (d) Any other professional such as Doctors including Mediators;
- (e) A person of repute who is specially interested in the implementation of the Legal Services Scheme and Programmes; or
- (f) an eminent 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.”

**Regulation 13<sup>7</sup>**

**Audit and Accounts of the Committee**

- (1) The Committee shall maintain a Fund to be called High Court Legal Services Committee 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 Committee by way of donations;
  - (c) All such amounts by way of costs, charges and expenses recovered from the persons to whom legal service is provided or the opposite party;

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5 *Regulation 12 has been deleted vide letter No. F. 27/3/2003-Judl./359 dated 6th April, 2010, and before deletion, read as, “The upper limit of annual income of a person entitling him to legal services, under clause (h) of section 12, if the case is before the High Court of Delhi whose annual income from all sources does not exceed Rs. 25,000 (Rupees Twenty-five thousand only) shall be entitled to legal services under clause (h) of section 12 of the Act.”*

6 *Regulation 13 has been re-numbered as 12 and modified vide statutory meeting held on 08.12.2011.*

7 *Regulation 14 has been re-numbered as 13 and modified vide statutory meeting held on 08.12.2011.*

- (2) All the amounts credited to the said fund shall be deposited in a nationalized 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 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 shall be placed at the disposal of the Secretary of the Committee;
- (4) All expenditure on legal service, accommodation and staff of the Committee as also expenditure necessary for carrying out the various functions of the Committee shall be met out of the Funds of the Committee and in accordance with the prior approval of the Chairman;
- (5) The funds of the Committee may be utilized for meeting the expenses incurred on or incidental to travels undertaken by the Chairman or the Secretary in connection with legal services activities. The travelling allowance and the dearness allowance payable to the Chairman and the Secretary shall be such as to which they are entitled by virtue of their respective offices;
- (6) The Secretary of the Committee shall operate the bank accounts of the Committee in accordance with the directions of the Chairman;
- (7) The Committee shall cause to be made and maintained true and correct accounts of all the receipts and disbursements and furnish quarterly returns to the State Authority;
- (8) The accounts of the Committee shall be audited annually by a qualified auditor and submitted to the State Authority.

### Regulation 14<sup>8</sup>

#### Application for the Legal Services

- (1) Any person deserving legal services for bringing or defending any action in the High Court 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 Committee shall record his verbal submission and obtain his thumb impression/ signature on the record and such record will be treated as his application.
- (2) The Committee shall maintain data/or a register of applications wherein all applications for legal services shall be entered and registered date wise and the action taken on such applications shall be noted against the entry relating to the applications.

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8 Regulation 15 has been re-numbered as Regulation 14 vide statutory meeting held on 08.12.2011.

## **Regulation 15<sup>9</sup>**

### **Disposal of Applications**

- (1) On receipt of an application for legal service mentioned in Regulation 14, 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 in accordance with the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.
- (3) 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/Scrutiny Committee constituted under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.
- (4) The applicant whose application for grant of legal services has been rejected may prefer an appeal before the Chairman for a decision.
- (5) In case of refusal for the grant of legal services, the Secretary shall inform the applicant in writing of such refusal.”

## **Regulation 16<sup>10</sup>**

### **Modes of Legal Services:**

- (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.
- (b) Process fees and other similar charges payable or incurred in connection with any legal proceedings;
- (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;
- (e) Cost of preparation of paper book (including paper, printing and translation of documents) in legal proceedings and expenses incidental thereto;

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<sup>9</sup> Regulation 16 has been re-numbered as Regulation 15 and modified vide statutory meeting held on 08.12.2011, as convened under Regulation 9 of the Delhi State Legal Services Authority Regulations, 2002.

<sup>10</sup> Regulation 17 has been re-numbered as Regulation 16 and modified vide statutory meeting held on 08.12.2011, as convened under Regulation 9 of the Delhi State Legal Services Authority Regulations, 2002.

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 Chairman.

***Erstwhile, Regulation 18: Legal Services not be provided in certain cases<sup>11</sup> (Deleted vide statutory meeting date 08.12.2011)***

### **Regulation 17<sup>12</sup>**

#### **Legal services may be granted in certain cases:**

Irrespective of the means test, legal service may be granted by the Chairman:

- (a) in cases of great public importance.
- (b) in a special case which is considered otherwise deserving of legal services.<sup>13</sup>

### **Regulation 18<sup>14</sup>**

#### **Duties of legal service advocates:**

- (1) The Legal Services Advocate (LSA) shall be paid such honorarium as may be fixed by the State Authority.
- (2) Every Legal Services Advocate shall attend to all duties assigned by the Authority punctually, attentively and diligently.

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11 *Regulation 18 has been deleted vide statutory meeting held on 08.12.2011 and before deletion, read as "Legal services shall not be given in the following cases, namely:*

- (1) *Proceedings wholly or partly in respect of :*
  - (a) *Defamation; or*
  - (b) *Malicious Prosecution;*
  - (c) *A person charged with contempt of court proceedings; and*
- (2) *Proceedings relating to any election;*
- (3) *Proceedings incidental to any proceedings referred to in items (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.*

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

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

12 *Regulation 19 has been re-numbered as Regulation 17 and modified vide statutory meeting held on 08.12.2011, as convened under Regulation 9 of the Delhi State Legal Services Authority Regulations, 2002.*

13 *Regulation 17(b), before modification, read as "(b) in a special case, reasons for which to be recorded in writing, is considered otherwise deserving of legal services".*

14 *Regulation 20 has been re-numbered as Regulation 18 and modified vide statutory meeting held on 08.12.2011, as convened under Regulation 9 of the Delhi State Legal Services Authority Regulations, 2002.*

- (3) Every Legal Services Advocate shall endeavor to provide quick and timely services to the aided person.
- (4)
  - (a) Every Legal Services Advocate shall ensure his attendance on each hearing of the case assigned to him and shall diligently work towards the disposal of the case.
  - (b) On a case of the aided person as assigned to any Legal Services Advocate being decided, such Legal Services Advocate 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.
  - (c) Such certified copies shall be submitted to the Authority along with the detailed comments of the Legal Services Advocate regarding the further desired action in the case if any required with specific reference to feasibility of filing an appeal/revision.
  - (d) The Legal Services Advocate 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 Committee 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 Advocate 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 Advocate 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 19<sup>15</sup>**

#### **Duties of Aided person:**

- (1) A person seeking legal service shall comply with any requisition or direction that may be made upon him by the Secretary of the Committee or any of its members

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<sup>15</sup> Regulation 21 has been re-numbered as Regulation 19 vide statutory meeting held on 08.12.2011, as convened under Regulation 9 of the Delhi State Legal Services Authority Regulations, 2002.

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 favor 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 service. For effecting such reimbursement, he shall authorize the Secretary of the Committee. The costs, charges and expenses so recovered shall be credited to the Fund of the Committee.
- (3) Every aided person or his representative shall attend the office of the Committee as and when required by the Committee 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 expense.

### **Regulation 20<sup>16</sup>**

#### **Withdrawal of Legal Services**

- (1) The Committee 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 Committee or with the legal service advocate assigned by the Committee;
  - (e) In the event of the aided person engaging a legal practitioner other than the one assigned by the Committee;
  - (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:

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<sup>16</sup> Regulation 22 has been re-numbered as Regulation 20 vide statutory meeting held on 08.12.2011, as convened under Regulation 9 of the Delhi State Legal Services Authority Regulations, 2002.

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

### **Regulation 21<sup>17</sup>**

#### **Conflict between regulation and rules: -**

In case of conflict between these Regulations and the Rules or Regulations of the State Authority, the latter shall prevail.

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<sup>17</sup> *New Regulation 21 has been inserted vide statutory meeting held on 08.12.2011, as convened under Regulation 9 of the Delhi State Legal Services Authority Regulations, 2002.*



# DISTRICT LEGAL SERVICES AUTHORITY REGULATIONS, 1998

*[As amended by DISTRICT LEGAL SERVICES AUTHORITY (AMENDMENT)  
REGULATIONS, 2019 and 2021]*

No. F.27/23/85-Judl. II/Pt. File/Vol. I/: The following is hereby published for general information of the public:-

“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 High Court of Delhi, as required by subsection (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: -

## **Regulation 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.

## **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;<sup>1</sup>
- (c) “**Chairperson**” means the Chairperson of the District Legal Services Authority;<sup>2</sup>
- (d) “**Chief Justice**” means the Chief Justice of the High Court of Delhi<sup>3</sup>.
- (e) “**District Authority**” means District Legal Services Authority, Delhi constituted under Section 9 of the Act;<sup>4</sup>

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1 Earlier Sub-Regulation (e) of Regulation 2 and before modification, read as (e) “Legal Services Advocate” Means an advocate who has been assigned any work related to Legal services. Earlier Sub-Regulation (i) of Regulation 2. Sub-Regulations (i, j, d, k, l, m & n) have been re-numbered as Sub-Regulations (b, d, e, g, h, i & j) respectively and Sub-Regulations (i, d, k, m & n) have been modified vide statutory meeting held on 08.12.2011.

2 The word “Chairman” has been changed to “Chairperson” vide statutory meeting held on 08.12.2011.

3 Earlier Sub-Regulation (j) of Regulation 2. Refer *supra* note (1).

4 Earlier Sub-Regulation (d) of Regulation 2. Refer *supra* note (1).

- (f) **“Evaluation Committee”** means the Committee as constituted under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010;<sup>5</sup>
- (g) **“Executive Chairman”** means the Executive Chairman of the Delhi State Legal Services Authority;<sup>6</sup>
- (h) **“High Court”** means the High Court of Delhi;<sup>7</sup>
- (i) **“Legal practitioner”** shall have the same meaning as assigned to the expression in the Advocates Act, 1961;<sup>8</sup>
- (j) **“Legal Service”** shall have the same meaning as defined in Section 2(c) of the Act;<sup>9</sup>
- (k) **“Legal Services Advocate”** (LSA) means an advocate who has been empaneled 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;<sup>10</sup>
- (l) **“Legal Services Counsellor”** (LSC) means any person appointed as counsellor by the State Authority;<sup>11</sup>
- (m) **“Member”** means a member of the District Legal Services Authority;<sup>12</sup>
- (n) **“Monitoring Committee”** means the Committee constituted under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010;<sup>13</sup>
- (o) **“Para Legal Volunteer”** (PLV) means a person trained and certified as such by the Delhi State Legal Services Authority;<sup>14</sup>
- (p) **“Rule”** means a rule of the Delhi State Legal Services Authority Rules, 1996.<sup>15</sup>
- (q) **“Secretary”** means the secretary of the District Legal Services Authority appointed under sub-section (3) of Section 9 of the Act;<sup>16</sup>

5 New definition of Sub-Regulation (f) has been inserted and old definition has been modified and re-numbered as Sub-Regulation (l), vide statutory meeting held on 08.12.2011.

6 Earlier Sub-Regulation (k) of Regulation 2 .Refer supra note (1).

7 Earlier Sub-Regulation (l) of Regulation 2 .Refer supra note (1).

8 Earlier Sub-Regulation (m) of Regulation 2 .Refer supra note (1).

9 Earlier Sub-Regulation (n) of Regulation 2 .Refer supra note (1).

10 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.

11 Earlier Sub-Regulation (f) of Regulation 2 and before modification, read as (f) “Legal Services Counsel –cum –Consultant” Means as Advocate appointed as legal service Counsel- cum- consultant by the District Authority; Earlier Sub-Regulation (f) of Regulation 2 .Refer supra note (10).

12 Earlier Sub-Regulation (g) of Regulation 2 .Refer supra note (10).

13 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.

14 Earlier Sub-Regulation (m) of Regulation 2 .Refer supra note (10).

15 Earlier Sub-Regulation (o) of Regulation 2 and before modification, read as (o) “Rule” means a rule of Delhi Legal Services Authority Rules, 1996.” Refer supra note (10).

16 Earlier Sub-Regulation (h) of Regulation 2 .Refer supra note (10).

- (r) “**Section**” means a Section of the Legal Services Authorities Act, 1987;<sup>17</sup>
- (s) “**State Authority**” means the Delhi State Legal Services Authority constituted under Section 6 of the Act;<sup>18</sup>
- (t) “**State Government**” means the Government of N.C.T. of Delhi;<sup>19</sup>
- (u) Words and expressions used in the regulations but not defined shall have the same meaning respectively assigned to them in the Act;<sup>20</sup>

### 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;<sup>21</sup>
- (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;<sup>22</sup>
- (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;<sup>23</sup>
- (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;<sup>24</sup>

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17 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.

18 Earlier Sub-Regulation (b) of Regulation 2 and before modification, read as (b) “State Authority” means the Delhi Legal Services Authority constituted under section 9 of the act; “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.

19 Earlier Sub-Regulation (q) of Regulation 2 .Refer supra note (10).

20 Earlier Sub-Regulation (s) of Regulation 2 .Refer supra note (10).

21 Sub-Regulations [3-8] of Regulation 3 have been re-numbered as [2-10] respectively vide statutory meeting held on 08.12.2011, under Regulation 9 of the Delhi Legal Services Authority’s Regulations 2002.

22 Ibid.

23 Ibid.

24 Ibid.



- (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;<sup>25</sup>
- (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;<sup>26</sup>
- (8) All members shall function in an honorary capacity;<sup>27</sup>
- (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;<sup>28</sup>
- (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;<sup>29</sup>

**Regulation 4:**<sup>30</sup>

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

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25 *Ibid.*

26 *Ibid.*

27 *Ibid.*

28 *Ibid.*

29 *Ibid.*

30 *Definition of Regulation 4 has been changed vide statutory meeting held on 08.12.2011, under regulation 9 of the Delhi Legal Services Authority's Regulation, 2002.*

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.

## Regulation 5:<sup>31</sup>

**(1) Deleted (Sub-regulation (1) has been deleted vide statutory meeting held on 08.12.2011.<sup>32</sup>**

- 1) The Chairperson shall cause the meetings of the District Authority convened through Secretary at least once in a period of three months.<sup>33</sup>
- 2) The Chairperson shall preside over the meetings of the District Authority.<sup>34</sup>

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<sup>31</sup> Sub- Regulation 1 of Regulation 5 has been deleted vide statutory meeting held on 08.12.2011.

<sup>32</sup> Sub- Regulation 1 of Regulation 5 has been deleted vide statutory meeting held on 08.12.2011 and before deletion, read as “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”*

<sup>33</sup> Sub-Regulations (2 & 3) of Regulation 5 have been re-numbered as (1 & 2) respectively vide statutory meeting held on 08.12.2011. The word “Chairman” has been changed to “Chairperson” vide statutory meeting held on 08.12.2011.

<sup>34</sup> *Ibid.*

**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<sup>35</sup> and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the meetings.

*Regulation 6A has been deleted vide statutory meeting held on 08.12.2011<sup>36</sup>*

*Regulation 6B has been deleted vide statutory meeting held on 08.12.2011<sup>37</sup>*

**Regulation 7:**

- 1) The District Authority shall meet at least once in three months on such date, and at such place as the **Chairperson**<sup>38</sup> may direct.

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<sup>35</sup> Ibid.

<sup>36</sup> Sub-Regulations 6(A) of Regulation 6 have been deleted vide statutory meeting held on 08.12.2011 and before deletion, read as

*“6A. 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 in charge 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 secretariat 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.*

<sup>37</sup> Sub-Regulations 6B of Regulation 6 has been deleted vide statutory meeting held on 08.12.2011 and before deletion, read as “6B. 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) organize Lok Adalats in the area specified for it, and*

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

<sup>38</sup> The word “Chairman” has been changed to “Chairperson” vide statutory meeting held on 08.12.2011.

- 2) The **Chairperson**<sup>39</sup> shall preside over the meetings of the District Authority and in the absence of the **Chairperson**<sup>40</sup>; 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 Chairperson of the State Authority.
- 4) The quorum for the meeting shall be four including the **Chairperson**.<sup>41</sup>
- 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**<sup>42</sup> or the person presiding over shall have the right to exercise a second or casting vote.

#### **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 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 nationalized 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 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.

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39 *Ibid.*

40 *Ibid.*

41 *Ibid.*

42 *Ibid.*



- 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**.<sup>43</sup>
- 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.<sup>44</sup>
- 6) “The Secretary of the District Authority shall operate the bank accounts of the Committee in accordance with the directions of the **Chairperson**.”<sup>45</sup>
- 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 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.

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43 Definition of Sub-Regulation 4 has been modified vide statutory meeting held on 08.12.2011. The word “Chairman” has been changed to “Chairperson” vide statutory meeting held on 08.12.2011. before read as “(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”.

44 The word “Chairman” has been changed to “Chairperson” vide statutory meeting held on 08.12.2011.

45 Definition of Sub-Regulation 6 of Regulation 8, has been modified vide statutory meeting held on 08.12.2011. The word “Chairman” has been changed to “Chairperson” vide statutory meeting held on 08.12.2011. Sub-Regulation 6 of Regulation 8, before substitution, read as, “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.”



### 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.
- 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.
- 5) The applicant whose application for grant of legal services has been rejected may prefer an appeal before the **Chairperson**<sup>46</sup> for a decision.

*Sub-regulation 6 of regulation 10 has been deleted vide statutory meeting held in 08.12.2011, under Regulation 9 of the Delhi Legal Services Authority's Regulation, 2002.<sup>47</sup>*

### Regulation 11:

Legal Services to be provided may include any one or 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;<sup>48</sup>
- b) Process fees and other similar charges payable or incurred in connection with any legal proceedings;<sup>49</sup>
- c) Charges for drafting, preparing, filing of any legal proceedings and representation by a legal practitioner in legal proceedings;

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<sup>46</sup> The word "Chairman" has been changed to "Chairperson" vide statutory meeting held on 08.12.2011

<sup>47</sup> Sub-Regulation 6 has been deleted vide statutory meeting held on 08.12.2011 under Regulation 9 of the Delhi Legal Services Authority Regulations, 2002, and before deletion, read as "(6) In case of refusal for the grant of legal service, the secretary shall inform the applicant in writing of such refusal." –

<sup>48</sup> Definition of Sub-Regulation (a) has been changed vide statutory meeting held on 08.12.2011.

<sup>49</sup> 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.

- d) Cost of obtaining and supply of certified copies of judgments, orders and other documents in legal proceedings;<sup>50</sup>
- e) Cost of preparation of paper book (including paper, printing and translation of documents) in legal proceedings and expenses incidental thereto;<sup>51</sup>  
provided that 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.” <sup>52</sup>

*Regulation 12 has been deleted vide statutory meeting held in 08.12.2011 under Regulation 9 of the Delhi Legal Services Authority's Regulation, 2002<sup>53</sup>.*

**Regulation 12:<sup>54</sup>**

“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:<sup>55</sup>**

**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 endeavor 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

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<sup>50</sup> Sub-Regulations (c & d) have been re-numbered as (d & e) respectively vide statutory meeting held on 08.12.2011.

<sup>51</sup> Ibid.

<sup>52</sup> Additional information has been inserted vide statutory meeting held on 08.12.2011.

<sup>53</sup> Regulation 12 has been deleted vide statutory meeting held in 08.12.2011 under Regulation 9 of the Delhi Legal Services Authority's Regulation, 2002

<sup>54</sup> Regulation 13 has been re-numbered as Regulation 12 and substituted vide statutory meeting held on 08.12.2011.

<sup>55</sup> 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.

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 along with 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.
- (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:<sup>56</sup>**

#### **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

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<sup>56</sup> 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

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:<sup>57</sup>**

- 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.

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<sup>57</sup> Regulation 16 has been re-numbered as Regulation 15 vide statutory meeting held on 08.12.2011.



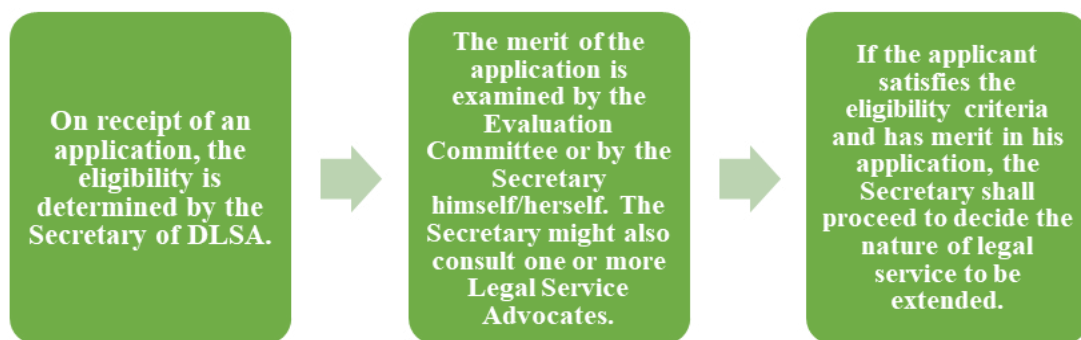
## **FREQUENTLY ASKED QUESTIONS**

### **1. DLSA FUNCTIONARIES**

**These FAQs are intended for DSLSA & DLSA Secretaries, Officials, and Dealing hands to act as a General Guide to facilitate smooth functioning.**

- 1. What is the procedure to be followed receiving an application for Legal aid?**

**Regulation 10 of the District Legal Services Authority Regulations, 1998 (Delhi), provides for the procedure to be followed after receiving a legal aid application:**



*Nature of Legal Service may differ in each case: Some of them include Legal Consultation, Legal Representation in Court through an empaneled Lawyer, drafting of applications etc., It may be noted that, although services above-mentioned are part of the services offered but is not limited to the same.*

## 2. What are the services offered under the ambit of Legal Services?

According to **Regulation 11 of the District Legal Services Authority Regulations, 1998 (Delhi)**, the following are part of the Legal services offered:

*Legal Consultation, if the case is of such nature or is not at a stage to proceed with litigation.*

*Legal Representation in Court through an empaneled Advocate.*

*Court fees, but it will be payable only after an application is moved before the Court for suing in forma pauperis.*

*Process fees and other similar charges payable or incurred in connection with any legal proceedings.*

*Drafting of applications or costs incurred in the same.*

*Cost of preparation of paper book (including paper, printing, and translation of documents) in legal proceedings*

*The 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.*

## 3. How can an illiterate applicant be assisted in applying for Legal Aid?

According to **Regulation 9(1) of the District Legal Services Authority Regulations, 1998 (Delhi)**, 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.

**4. In addition to the eligibility criteria mentioned, can Legal aid be provided in other cases?**

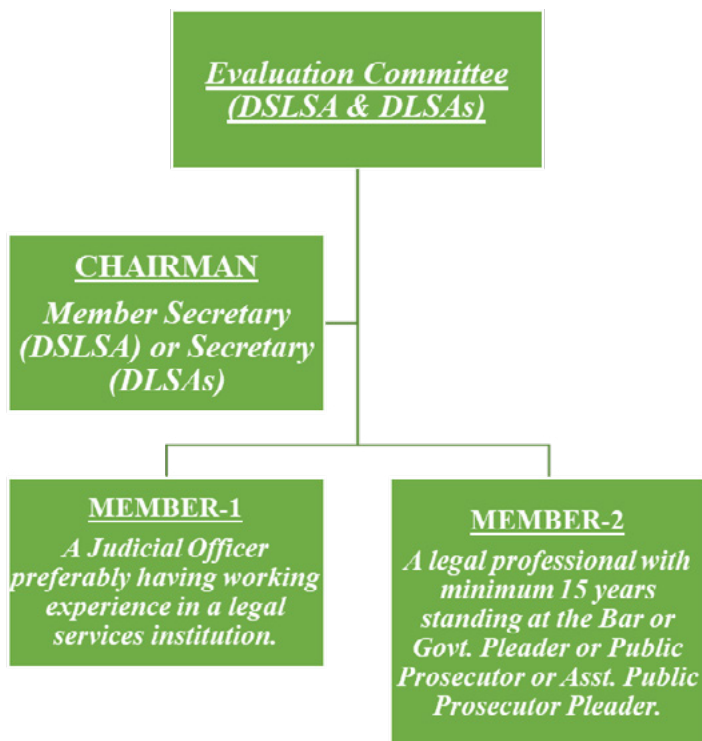
Yes, according to **Regulation 12 of the District Legal Services Authority Regulations, 1998 (Delhi)** irrespective of the means test, legal service may be granted, with the written approval of the Chairperson:

- In cases of great public importance;
- In a special case that is considered otherwise deserving of legal services.

**5. What is an Evaluation Committee?**

A dedicated committee constituted under **Regulation 7 of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010** carries out the function of evaluating and scrutinizing the applications received for legal services. This committee is to be constituted at Taluk, District, State, and above level by the concerned legal services institution, this committee is called an Evaluation Committee.

**STRUCTURE OF AN EVALUATION COMMITTEE**



**6. What is the course of action to be followed if an application for Legal aid is rejected?**

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 in accordance with **Regulation 10(4) of the District Legal Services Authority Regulations, 1998 (Delhi)**.

**7. What is the course of action to be followed when a complaint regarding services discharged by Legal Service Advocates is received?**

According to **Regulation 14 of the District Legal Services Authority Regulations, 1998 (Delhi)** any complaint against the Legal Services Advocates regarding services discharged by them in assigned cases is usually addressed by the Member Secretary, and in other cases, it 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**.

**8. Are DLSAs liable to maintain records of applications received?**

Yes, the DLSAs are required to 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. The concerned DLSAs are also required to upload and maintain a digital record.

**9. What is the period of preservation of Records?**

According to **Rule 15, Delhi State Legal Services Authorities Rules, 1996**: Application for legal aid received at the various offices will be destroyed along with the annexure after the lapse of one year from the date of rejection of such application for legal aid and three years from the date of the final decision of the Courts where the applications have resulted in the grant of legal aid or assistance;

- In conciliation proceedings, all records shall be destroyed after two years from the date of the closure of the file;
- The records of the Lok Adalats and the Permanent Lok Adalats will be destroyed after three years of the final decision;
- In respect of all records pertaining to Accounts, Administration and General Administration, the General Financial Rules will be applicable;



- In all residuary cases, the decision of the Executive Chairman of the State Authority and Chairman of the High Court Committee respectively, will be final.

### 10. Can the DSLSA file a Public Interest Litigation?

Yes, DSLSA may either file a PIL or finance one before appropriate Courts in the State if it is satisfied that such litigations are for the general benefit of a large body or class of persons who cannot by themselves take recourse to law due to penury, illiteracy or other similar reasons in accordance with **Regulation 4(2) of the Delhi State Legal Services Authority Regulation 2002**.

### 11. Who is the Executive Authority in DSLSA and DLSAs?

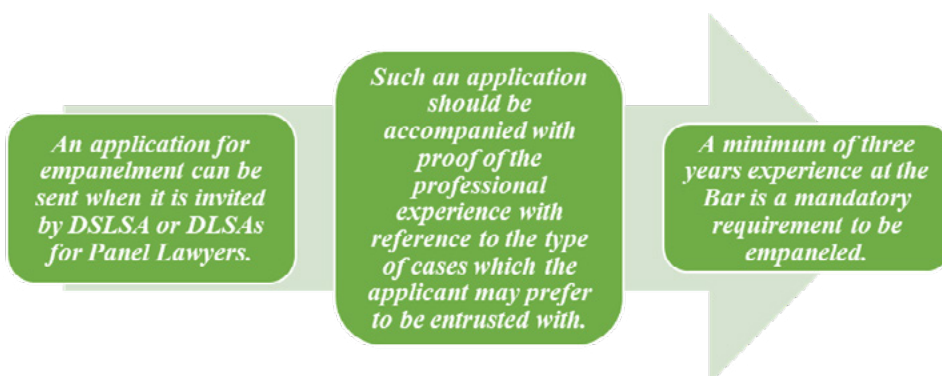
According to **Regulation 3 of the Delhi State Legal Services Authority Regulations 2002** the Executive Authority of the State Authority shall vest in the Executive Chairman (who is usually the second Senior most Judge of the concerned High Court) and may be exercised through the Member Secretary who shall act under the control of the executive Chairman. In respect of any matter concerning the affairs of the State Authority, the Patron-in-Chief (Who is usually the Chief Justice of the concerned High Court) may render such advice as he may deems it necessary. The Executive Authority of the District Authority shall vest in its Chairman and may be exercised through its Secretary who shall act under the control of the Chairman. Provided the Executive Chairman may give such advice, as he may deem necessary in respect of any matter concerning the affairs of the District Authority.



## 2. LEGAL SERVICES ADVOCATES (LSAs)

### 1. How can I be empaneled as a Legal Services Advocate?

**Regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010** lays down the procedure for empanelment of lawyers as legal service advocates:



Further, the State Authority (DSLSA) and District Authority (DLSAs) release their own notifications from time to time, depending on their specific requirement. A desiring Advocate may apply under these notifications as well.

### 2. Is the empanelment process done according to the nature of the cases?

Yes, separate panels of Advocates are maintained for dealing with different nature of cases like Civil, Criminal, Constitutional Law, Environmental Law, Labour Law, Matrimonial disputes, Juvenile Justice, etc. The State Authority (DSLSA) and District Authority (DLSAs) maintain their respective panels.

**3. As a Legal Services Advocate, Can I be assigned a case of a different subject matter other than the one I am empaneled for?**

Yes, an empaneled Advocate may be assigned the case of a subject matter other than for which he has been empaneled by the Member Secretary or Secretary in accordance with **Regulation 8(8) of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010**.

**4. Can a Lawyer be removed from the Panel?**

Yes, a legal practitioner can be removed from the panel. According to **Chapter V, Regulation 10 of the Delhi State Legal Services Authority Regulation 2002**, a Lawyer empaneled is not permitted to collect any charge or remuneration from the person receiving Legal aid in any form. Further, a legal practitioner who violates the scheme of the Act, Rules, and above-mentioned Regulation, will be removed from the Panel and is liable to be prosecuted for professional misconduct.

**5. Can I withdraw from a case assigned to me?**

Yes, a panel lawyer can withdraw from a case assigned to him/her by stating the reasons behind such request to the Member Secretary or Secretary, as the case may be, and the panel lawyer may be permitted to do so in accordance with **Regulation 8(15) of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010**.

**6. What are the duties of a lawyer empaneled as a Legal Services Advocate?**

An empaneled Lawyer must abide by his/her duties as mentioned in **Chapter V, Regulation 11 of the Delhi Legal Services Authority Regulation 2002**:

- He/she must attend to their duties diligently and punctually. He/she must provide timely services to the aided person.
- He/she must ensure their presence in court on hearings and must actively work toward the disposal of cases assigned to them.
- He/she must attend all training programs, functions, and the like organized by the State or the District Authority and as directed by the said authorities.
- He/she must 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.

**7. Can I charge fees from an aided person?**

No, a Lawyer assigned to an aided person is not permitted to charge any fees either in cash or kind at any stage according to **Chapter V, Regulation 10 of the Delhi State Legal Services Authority Regulation 2002**. Charging any aided person for legal services can cause the removal of the assigned advocate from the panel.

**8. What is the limitation period for filing of Professional Bills by Legal Aid Lawyers?**

According to the **Fee Schedule-DSLSA-2017**, (pursuant to the Fee Schedule mentioned in the **Delhi State Legal Services Authorities Rules, 1996**) professional bill shall be submitted by a Legal Aid Lawyer within one year of the final disposal of the case by the concerned Court/Tribunal or of discharge of advocate as the case may be in case of other activities mentioned in the fee schedule, bill shall be submitted by a Legal Aid Lawyer within six months of carrying out the task or its completion. **It may be noted that the above-mentioned Fee-Schedule may be amended by DSLSA from time to time.**

**9. Can a Legal Service Advocate be depanelled on account of deliberate non-payment of costs, if awarded by any Court?**

Yes, the Legal Service Advocate can be depanelled if there is deliberate non-payment of costs to the party on his/her part and after the Court awards costs to the beneficiary represented by him/her within two months of receipt of such costs, as mentioned in the **Fee Schedule-DSLSA- 2017**, (pursuant to the Fee Schedule mentioned in the **Delhi State Legal Services Authorities Rules, 1996**).

**10. What is the timeline for reporting about the status of cases assigned to me?**

All empaneled lawyers are required to submit a detailed quarterly 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 as mentioned in **Chapter V, Regulation 11(5) of the Delhi State Legal Services Authority Regulation 2002**. Further, it required that the status of each case be updated on the NALSA Portal, on a regular basis.

## Notes

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