

# THE UTTARAKHAND STATE LEGAL SERVICES AUTHORITY (TRANSACTION OF BUSINESS AND OTHER PROVISIONS) REGULATIONS, 2006

*August 21, 2008*

## CHAPTER--1

### **1. Short title and Commencement--**

- (1) These regulations may be called the Uttarakhand State Legal Services Authority (Transaction of Business and other Provisions) Regulations, 2006.
- (2) These shall come into force with effect from the date of their publication in the Official Gazette.

### **2. Definitions--**

**In these regulations, unless the context otherwise requires--**

- (a) "Act" means the Legal Services Authorities Act, 1987 (Act No. 39 of 1987);
- (b) "Chief Justice" means the Chief Justice of the High Court of Uttarakhand;
- (c) "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 Authority, or as the case may be, the Chairman of the Taluk Legal Services Committee;
- (d) "Governor" means the Governor of Uttarakhand;
- (e) "Government" means the Government of Uttarakhand;

- (f) "High Court" means the High Court of Uttarakhand;
- (g) "Central Authority" means the National Legal Services Authority constituted under Section 3 of the Act;
- (h) "State Authority" means the State Legal Services Authority constituted under Section 6 of the Act;
- (i) "District Authority" means the District Legal Services Authority constituted under Section 9 of the Act;
- (j) "High Court Legal Services Committee" means the High Court Legal Services Committee constituted under Section 8-A of the Act;
- (k) "Secretary" means the Member-Secretary of the State Legal Services Authority constituted under Section 6 of the Act, or, as the case may be, the Secretary of the High Court Legal Services Committee constituted under Section 8-A of the Act, or as the case may be, the Secretary of the District Legal Services Authority constituted under Section 9 of the Act;
- (l) "Section" means the Section of the Act;
- (m) "Taluk Legal Services Committee" means a Taluk Legal Services Committee constituted under Section 11-A of the Act;
- (n) "Taluk" means a Sub-Division in a District or Tehsil;
- (o) "Lok Adalat" means Lok Adalat constituted under Section 19 of the Act;
- (p) "Permanent Lok Adalat" means Lok Adalat constituted under Section 22-B of the Act;
- (q) "Legal Service" includes the rendering of any service in the conduct of any case of other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter and shall include all type of such help even at Pre-trial stage;
- (r) All other words and expressions used in these Rules but not defined shall have the meanings respectively assigned to them in the Act.

### 3- Functions of the State Authority--

The State Authority shall give effect to the policy and directions of the Central Authority and shall perform all such functions as are specified in clauses (a), (b) and (c) of sub-section 2 of section 7 and shall also perform all or any of the following functions namely :--

- (a) Coordinate and monitor the implementation of the directions of the Central Authority itself and through the High Court Committee, District Authorities and Taluka Legal Services Committee;
- (b) Organize Lok Adalats including Lok Adalats for High Court Cases;
- (c) Carry out schemes and programmes of promoting the cause of legal aid, legal literacy and other legal service with the help of any person, institution, N.G.O. and also in coordination with, Governmental agencies; and non-governmental voluntary Social Service Institution, Schools, Universities and other bodies engaged in the work of promoting the cause of legal service to the poor;
- (d) Organize and encourage special legal aid, legal advice, legal and medical literacy camps and other legal/medical and environmental programmes, in particular, within the areas predominantly inhabited by Scheduled Castes, Scheduled Tribes and other weaker sections of the society and also within the far-flung and hilly areas of the State including setting up Conciliation Centres;
- (e) Carry forward the schemes, programmes of plans legal aid, legal literacy and other legal services which were in progress or in hand by the Uttarakhand State Legal Services Authority for the benefit of the poor and other weaker sections of the society in the field of law, environment, social welfare and medical;
- (f) Formulate and undertake preventive and strategic legal aid programmes in coordinations with the Government, the High Court, any person, Institution and N.G.Os. towards reducing and discouraging litigation and making certain areas free from litigation;
- (g) Formulate, in consultation with the Central Authority, schemes and programmes as are considered appropriate for providing legal and medical services to the poor and other weaker sections of the society;
- (h) Give appropriate directions to the District Authorities and Taluk Committees to promote cause of legal service to the poor and other weaker sections of the society and in the matter of securing cooperation from the Governmental and non-governmental voluntary social services Institutions, Schools, Universities and other bodies engaged in such works;



- (i) To coordinate the functioning of the High Court Legal Services Committee and to exercise effective control over the functioning of the District Authority and the Tehsil Legal Services Committee and to provide them guidance; and necessary assistance in carrying out the programmes and schemes framed under the Act;
- (j) To organize various Legal Services Programmes and convene Meetings/Seminars and workshops connected with Legal, Medical and Environmental Services Programmes and preparation of reports and follow-up action thereon;
- (k) To produce video/documentary films, publicity material, literature and publications including Nukkad Natak Plays to inform general public about the various aspects of the Legal, Medical and Environmental Services Programmes;

#### **4. Meetings of the State Authority--**

- 4.1 The State Authority shall meet once in every three month; provided that the Executive Chairman may in consultation with the Chief Justice, convene a meeting of the State Authority whenever any business is to be transacted.
- 4.2 A meeting of the State Authority shall ordinarily be held at High Court Campus, Nainital or Dehradun however, it may be held at such other place within the State, as may be directed by the Patron-in-Chief.
- 4.3 Annual General meeting of the State Authority shall be convened ordinarily in the month of June every year or in such other month as may be directed by the Patron-in-Chief. Besides other business annual statement of accounts, annual progress or performance report about the plans, programmes and schemes of the State Authority shall be placed before the State Authority for considerations and approval.
- 4.4 A meeting of the State Authority shall be presided over by the Patron-in-Chief and in his absence by the Executive Chairman.
- 4.5 The quorum for a meeting shall be in simple majority including the Chairman.
- 4.6 For every meeting of the State Authority, atleast One week notice shall be given to the members to attend the meeting; however, an emergent meeting may be convened by the Member-Secretary in accordance with the directions of the Executive Chairman on short notice.
- 4.7 The State Authority may regulate its own procedure.
- 4.8 Any other person/persons who are engaged or interested in the upliftment of the weaker sections of the society and to carry out the objectives of the Act, who are considered suitable by the Executive Chairman, may be invited for any meeting with the approval of the Patron-in-Chief in order to seek their views, co-operation and help such person shall have no right to vote at such meeting.
- 4.9
  - (a) All policies and other important matters shall be brought before the State Authority for its consideration and decision.
  - (b) Any specific matter or matters as may be desired or required by the State Authority, generally or otherwise to be placed before it, shall be placed before the State Authority for its consideration and decision.
  - (c) In respect of emergent matters, the Executive Chairman may exercise the powers and perform the functions and discharge the duties of the State Authority. The Executive Chairman shall, however, place such matters before the State Authority in its next meeting, for its information and approval.
- 4.10 All the decisions of the State Authority shall be taken by majority of the members present and voting and in case of tie, the person presiding over the meeting shall have a second or casting vote.
- 4.11 It shall be the duty of the Member-Secretary to record or cause to be recorded the minutes of the meeting in the register/file to be maintained for the purpose.
- 4.12 The non-official Member shall be entitled to payment of Travelling Allowance and Daily Allowance in respect of the journeys performed in connection with the work of the State Authority at the rates admissible to a group 'A' Officer of the State Government.

#### **5. Maintenance of accounts :--**

- 5.1 The Member-Secretary shall have the accounts and other relevant records of the receipts and expenditure to be maintained properly and in accordance with the rules and directions of the Central/State Government and Comptroller and Auditor General of India.



- 5.2 The State Authority may require the High Court Committee, District Authorities and Taluk Committees to maintain proper accounts and other relevant records of the receipts and expenditure and prepare annual statement of accounts for purposes of audit and inspection.
- 5.3 **Placement of Budget and Expenditure--**  
The Authority may place the budget received from various quarters including NALSA along with the expenditure in its quarterly meeting.

## LEGAL SERVICES

### 6. Criteria for giving Legal Services--

- 6.1 Legal Aid, Legal Advice or other Legal Services may be provided by the State Authority in matters before the High Court or Central/State Administrative Tribunal at Nainital or Dehradun and Board of Revenue at Nainital and Dehradun or any other Authority constituted under any Law, District Courts including courts in the Taluk in pending cases or even at pretrial stage, to exercise judicial or quasi-judicial functions anywhere in the State of Uttarakhand.
- 6.2 A person, covered under rule 16 of the Uttarakhand State Legal Services Authority Rules, 2006 shall be entitled to Legal Aid, Legal Advice and other Legal Services.

### 7. Procedure for providing Legal Services--

Legal Aid, Legal Advice or other Legal Services may with the approval of the Executive Chairman, be provided by the Member Secretary to any person directly in respect of any matter before any court in Uttarakhand and also in any matter even at pretrial stage.

#### 7.1 Application for Legal Services--

Any person requiring Legal Aid, Legal Advice or Legal Services may make an application addressed to the Member Secretary of the State Authority.

- 7.2 The Member Secretary shall maintain a register of application wherein all applications for Legal Aid, Legal Advice or Legal Services shall be entered and registered and the action taken on such applications shall be noted against the entry relating to such application.

### 8. Disposal of Applications--

- 8.1 On receipt of an application of Legal Aid, Legal Advice or Legal Services the Secretary shall scrutinize the application to satisfy himself that the same is in order as regards eligibility and other requirements of the rules and regulations and wherever warranted the applicant may be required to submit further information as may be necessary.
- 8.2 The Member Secretary shall consider the application and pass necessary order for granting or refusing to provide Legal aid, Legal Advice or other Legal Services.
- 8.3 No application for Legal Aid, Legal Advice or Legal Services shall be allowed, if the Member Secretary is satisfied that--
- (a) the applicant has knowingly made false statement or furnished false information as regards his means or in respect of any other material fact; or
  - (b) there is no prima-facie case to institute or as the case may be, to defend the proceedings; or
  - (c) the application is frivolous or vexatious; or
  - (d) the application is not entitled to the same under these regulations, or
  - (e) having regard to all the relevant facts and circumstances of the case, it is otherwise not expedient and reasonable to grant it; or
  - (f) no Legal Aid, Legal Advice or Legal Services can be provided to a person in proceeding under contempt of court, in proceedings relating to any election, in proceedings under Immoral Traffic (Prevention) Act, 1956 except to a victim of trafficking in human beings, in proceedings under the Protection of Civil Rights Act, 1955 except to a person who is subjected to any disability under the Act, to a person accused of an offence committed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and in case of defamation or malicious prosecution where the Secretary is satisfied that it is a suitable case for such refusal in the totality of facts :



**Provided** that reasons for refusing legal services shall be recorded in writing and order of the Chairman shall be obtained before an application is disallowed in any of the aforesaid clauses.

**9. Modes of providing Legal Services--**

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

- (a) towards payment of Court-fees, Process-fee and all other charges payable or incurred in connection with any Legal proceedings;
- (b) through engagement of a legal practitioner;
- (c) for obtaining and supply of certified copies of Judgment, order and other documents in legal proceedings:

**Provided** that payment of Court-fees, Process-fee and all other expenses incurred in connection with any legal proceedings shall be allowed to the extent as per general orders of the State Authority, However, all those applications in which the legal services have been provided shall be laid before the State Authority in its next meeting for ratification.

**10. Duty of Aided person--**

Every aided person or his representative shall attend the office of the State Authority as and when required by the Member Secretary or by the advocate concerned and shall provide and furnish such particular or information as may be considered necessary and shall make full disclosure of the particular or information so required. He shall attend the court or proceedings at his own expense,

**11. Certificate of Eligibility--**

- 11.1 Where an application for Legal Aid, Legal Advice or Legal Services is allowed, a certificate of eligibility shall be issued in favour of the applicant entitling him to Legal Aid, Legal Advice or Legal Services in respect of a proceeding.
- 11.2 The certificate of eligibility shall stand cancelled if the Legal Aid, Legal Advice or Legal Services is withdrawn and in every such case the advocate to whom the case of the person concerned is assigned, as also the court or judicial or quasi-judicial Authority before which the case is pending, shall be informed accordingly in writing.

**12. Cancellation of certificate of eligibility--**

- 12.1 The State Authority may either on its own motion or otherwise cancel the certificate of eligibility granted under regulation 11 in the following circumstances, namely:--
  - (a) In the event of being found that the certificate of eligibility was obtained by the aided person by misrepresentation or fraud;
  - (b) In the event of any material change in the circumstances of aided person;
  - (c) In the event of any misconduct, misdemeanor or negligence on the part of the aided person in the course of receiving legal aid;
  - (d) In the event of aided person not cooperating with the State Authority or with the advocate provided by the Authority;
  - (e) In the event of the aided person engaging an advocate at his own expenses who in the opinion of the Member Secretary can suitably look after the matter;
  - (f) In the event of death of the aided person except in the case of civil proceedings where the right or liability survives; in such event Legal Aid may be continued where the legal representative is also eligible for such aid;
  - (g) If the aided person does not cooperate with the counsel provided to him and does not provide any information necessary to contest/defend the case or to render any other kind of legal assistance including advice.



- 12.2 No certificate of eligibility shall be cancelled, under clause (1) without giving due notice to the aided person or to his legal representative in the event of his death to show cause as to why the certificate should not be cancelled.
- 12.3 Where the certificate of eligibility of aided person is cancelled under sub-regulation (1), legal aid legal advice or legal services shall be discontinued and the amount already given for such legal aid, legal advice or legal service may be recovered in full or part as may be decided by the Secretary with the approval of the Chairman.

**13. Fee/Honorarium Payable to Legal Practitioners on the Panel--**

- 13.1 A Panel of suitable advocates who are agreeable to conduct the cases or proceedings on behalf of the persons in whose favour a certificate of eligibility has been issued shall be prepared by the State Authority. Ordinarily the panel so prepared shall be for two years. Such advocates shall be paid fee or honorarium at such rate as may be determined from time to time by the State Authority. Until so determined the rate of fee or honorarium fixed for the purpose under the relevant State Government Orders shall continue.
- 13.2 No legal practitioner to whom any case is assigned for Legal Aid, Legal Advice or Legal Services 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.
- 13.3 A Legal Practitioner on the Panel, who has completed his assignment, shall submit a statement showing the fee or honorarium due to him in connection with the legal proceedings conducted by him on behalf of the aided person to the Member Secretary, who shall after due scrutiny and approval of the Executive Chairman, sanction the amount to be paid to the advocate concerned.
- 13.4 An advocate may be permitted to provide Legal Aid, Legal Advice or Legal Services without charging any fee or honorarium.
- 13.5 The Member Secretary in consultation with the Executive Chairman may, in suitable cases, appoint any advocate not on panel, if no panel has been prepared or the advocate on panel is not readily available to file or defend a case or to render any other kind of legal assistance including advice or the aided person desires a particular advocate to be deputed for providing services to him and such advocate is also ready and willing to provide legal assistance in accordance with the provision of the Act, rules and regulations and in the opinion of the Member Secretary is eligible to be appointed on panel of legal aid counsellor.

**14. Preparation of Panel of Advocates for providing free legal services to the needy--**

- 14.1 The Member Secretary shall invite applications from the member of Bar Association practicing anywhere in the State of Uttarakhand, who are ready and willing to provide legal services to the eligible person under Legal Services Authority Act, 1987, free of cost or at such rates approved by the State Authority.
- 14.2 On receipt of applications, the Member-Secretary in consultation with the Executive Chairman shall prepare a panel of advocates not exceeding 10 advocates for each District, who are eminent in the field of law and are specially interested in the implementation of the legal services schemes and the name of such person shall be kept in a register and shall also be displayed on the notice-board whose services shall be taken as and when necessary.

**15. Recruitment of the staff--**

Member-Secretary being the principal Officer of the State Authority shall be appointing Authority of the staff as per appendix-A of the Uttarakhand State Legal Services Authority Rules, 2006 except Secretary and Officer on special duty. Such appointment shall be made as per rules and regulations applicable for such appointments in the State Government. Efforts shall be made to take the staff on deputation either from High Court or from subordinate courts or from any other department in consultation with the State Authority. In appropriate cases to ensure the smooth working of the State Authority, Member-Secretary in consultation with the Executive Chairman can make stop gap appointments till regular appointments are made.



## CHAPTER--II

THE HIGH COURT LEGAL SERVICES COMMITTEE  
MEMBERS, FUNCTIONS, SECRETARY AND FUNDS OF THE COMMITTEE**16. Members of the High Court Legal Services Committee--**

16.1 The Committee shall consist of the following ex-officio members :--

- |  |          |
|--|----------|
| (a) A sitting Judge of the High Court nominated by the Chief Justice | Chairman |
| (b) Chief Standing Counsel of the State Government at Nainital       | Member   |
| (c) President of the High Court Bar Association at Nainital          | Member   |
| (d) Registrar of the High Court                                      | Member   |

16.2 The Chief Justice may nominate other members not exceeding two, from amongst persons possessing the experience and qualifications specified in sub-regulation (3).

16.3 A person shall not be qualified for nomination as a member unless he is--

- (a) an eminent social worker who is engaged in the upliftment of the weaker sections of the society, including scheduled castes, scheduled tribes, women, children rural and urban labour; or
- (b) an eminent person in the field of law or public administration; or
- (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

16.4 One or more persons, who are engaged or interested in the upliftment of the weaker sections of the society who are considered suitable by the Chairman, may be invited for any meeting in order to seek their views, co-operation and help such person shall have no right to vote at such meeting.

**17. Term of Office and other conditions of the Members--**

17.1 The term of the office of the Member nominated under sub-regulation (2) of regulation 16 shall be two years and such members shall be eligible for re-nomination.

17.2 A member nominated under sub-regulation (2) of regulation 16 may be removed by the Chief Justice, if he--

- (a) fails without sufficient cause to attend three consecutive meetings of the Committee;
- (b) has been adjudged an insolvent;
- (c) has been convicted of an offence which in the opinion of the Chief Justice involves moral turpitude;
- (d) has become physically or mentally incapable of acting as a member; or
- (e) has, in the opinion of the Chief Justice, so abused his position as to render his continuance as member prejudicial to the public interest:

Provided that no member shall be removed from the Committee under clauses (a), (b) or (e) without affording him an opportunity of being heard.

17.3 A member may, by writing under his hand addressed to the Chief Justice, resign from the membership of the Committee and the resignation shall take effect from the date on which it is accepted by the Chief Justice.

17.4 If any member nominated under sub-regulation (2) of regulation 16 ceases to be a member for any reason, the vacancy shall be filled up in the manner provided in these regulations for the residue of the term of the person in whose place he is nominated.

17.5 All non-official members nominated under sub-regulation (2) of regulation 16 shall be entitled to payment such travelling allowance and daily allowance in respect of Journey performed in connection with the work of the Committee at the rates as admissible to Group "A" officer of the State Government.



**18. Functions of the Committee--**

- (a) It shall be the duty of the Committee to give effect to such policies programmes and schemes of Legal aid, Legal Advice and Legal Services as may be formulated and required by the Central Authority and the State Authority.
- (b) To provide Legal Aid, Legal Advice and Legal Services to persons who are eligible for the purpose under the Act or the Rules for High Court Cases;
- (c) To organize and conduct Lok Adalats for High Court Cases;
- (d) To encourage settlement of cases by way of negotiations, arbitration and conciliation.
- (e) To perform such functions as may be delegated to it from time to time by the State Authority.
- (f) To set up one more Conciliation Centre in a High Court Campus.

**19. Secretary of the Committee--**

19.1 An officer of the High Court, not below the rank of the Additional Registrar, belonging to the Uttarakhand Higher Judicial Service, may be appointed by the Chief Justice to work as Secretary of the Committee in addition to his duties as such officer of the High Court. He may be paid honorarium of Rupees Three Thousand per month or any other amount fixed by the State Authority in consultation with the Chief Justice for the performance of the functions and discharge of the duties as Secretary.

19.2 The Secretary of the Committee shall be the principal officer of the Committee and shall--

- (a) be the custodian of all the assets, accounts, records and funds of the committee and shall work under the supervision and direction of the Chairman;
- (b) maintain or cause to be maintained true and proper accounts of receipts and disbursement of the funds of the Committee in such form and in such manner as may be specified by the State Authority;
- (c) exercise such powers and perform such functions and discharge such duties as may be assigned to him by the Chairman; and
- (d) perform all other acts as may be expedient and necessary for efficient and proper performance of functions and discharge duties of the Committee.

**20. Transaction of business of the Committee--**

20.1 The Committee shall ordinarily meet once in every month, on such date and at such place as may be fixed by the Secretary with the prior approval of the Chairman. The interval of the meeting can however be modified as per need and necessity with the approval of the Chairman.

20.2 (a) All policy and other important matters shall be brought before the Committee for consideration and decision;

(b) Any specific matter or matters as may be desired or required by the Committee, generally or otherwise, to be placed before it, shall be brought before the Committee for its consideration and decision;

(c) A meeting of the Committee shall be presided over by the Chairman;

(d) The quorum for a meeting shall be four members including the Chairman;

(e) For every meeting of the Committee, atleast one week notice shall be given to the members to attend the meeting; however an emergent meeting may be convened by the Secretary, in accordance with the directions of the Chairman, on short notice;

(f) In respect of emergent matters, the Chairman may exercise the powers and perform the functions and discharged the duties of the Committee. All such matters shall however be placed before the Committee in its next meeting, for its information and approval.

20.3 The Committee shall regulate its own procedure.



- 20.4 All questions at the meetings of the committee shall be decided by a majority of the members present and voting and in case of tie, the person presiding over the meeting shall have a second or casting vote.
- 20.5 The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary. A copy of the minutes shall, as soon as may be after the meeting, be forwarded to the Chief Justice and the State Authority.

#### **21. Funds, Accounts and Audit of the Committee--**

- 21.1 The funds of the Committee shall consist of the following, namely:--
- (a) All sums of money paid or any grants made by the State Authority to the Committee for the purposes of the Act;
  - (b) Any grants or donations that may be made to the Committee by any person, Institution or N.G.O under intimation to the State Authority, for the purposes of the Act;
  - (c) Any other amount received by the Committee under the orders of any Court or from any other source.
- 21.2 The funds of the Committee shall be maintained in a Scheduled Bank approved by the Committee. The Secretary shall operate the Bank accounts of the Committee in accordance with the directions of the Chairman.
- 21.3 All expenditure on Legal Aid, Legal Advice or other Legal Services, as also expenditure necessary for carrying out the various functions of the Committee shall be met out of the funds of the Committee.
- 21.4 The accounts of the Committee shall be maintained properly and in such manner as may be required by the Central or State Authority and shall in this regard be subject to the provisions of section 18.

### **LEGAL SERVICES**

#### **22. Criteria for giving Legal Services--**

- 22.1 Legal Aid, Legal Advice or other Legal Services may be provided by the Committee in matters before the High Court or Central/State Administrative Tribunal at Nainital or Dehradun and Board of Revenue at Nainital and Dehradun or any other Authority constituted under any Law, other than District Courts, in pending cases or even at pretrial stage, to exercise Judicial or quasi-Judicial functions at Nainital or else where in the State.
- 22.2 A person, covered under rule 16 of the Uttarakhand State Legal Services Authority Rules, 2006 shall be entitled to Legal Aid, Legal Advice and other Legal Services.

#### **23. Procedure for providing Legal Services--**

##### **23.1 Application for Legal Services :**

Any person requiring Legal Aid, Legal Advices or Legal Services may make an application addressed to the Secretary of the Committee.

- 23.3 The Secretary shall maintain a register of application wherein all applications for Legal Aid, Legal Advice or Legal Services shall be entered and registered and the action taken on such application shall be noted against the entry relating to such application.

#### **24. Disposal of Applications--**

- 24.1 On receipt of an application of Legal Aid, Legal Advice or Legal Services the Secretary shall scrutinize the application to satisfy himself that the same is in order as regards eligibility and other requirements of the rules and regulations and wherever warranted the applicant may be required to submit further information as may be necessary.
- 24.2 The Secretary shall consider the application and pass necessary order for granting or refusing to provide Legal Aid, Legal Advice or other Legal Services.



- 24.3 No application for Legal Aid, Legal Advice of Legal Services shall be allowed, if the Secretary is satisfied that--
- (a) the applicant has knowingly made false statement or furnished false information as regards his means or in respect of any other material fact; or
  - (b) there is no prima-facie case to institute or as the case may be, to defend the proceedings; or
  - (c) the application is frivolous or vexatious;
  - (d) the applicant is not entitled to the same under these regulations, or
- 24.4 having regard to all the relevant facts and circumstances of the case, it is otherwise not expedient and reasonable to grant it.
- 24.5 No Legal Aid, Advice or Legal Services can be provided to a person in proceeding under contempt of court, in proceedings relating to any election, in proceedings under Immoral Traffic (Prevention) Act, 1956 except to a victim of trafficking in human beings, in proceedings under the Protection of Civil Rights Act, 1955 except to a person who is subjected to any disability under the Act, to a person accused of an offence committed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and in case of defamation of malicious prosecution where the Secretary is satisfied that it is a suitable case for such refusal in the totality of facts :

Provided that reasons for refusing legal services shall be recorded in writing and order of the Chairman shall be obtained before an application is disallowed in any of the aforesaid clauses.

## **25. Modes of providing Legal Services--**

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

- (a) Towards payment of Court-fees, Process-fee and all other charges payable or incurred in connection with any Legal proceedings;
- (b) Through engagement of a legal practitioner;
- (c) For obtaining and supply of certified copies of Judgment order and other documents in legal proceedings:

Provided that payment of Court-fees, Process-fees and all other expenses incurred in connection with any legal proceedings shall be allowed to the extent as per general orders of the State Authority. However, all those applications in which the legal services have been provided shall be laid before the committee in its next meeting for ratification.

## **26. Duty of Aided person--**

Every aided person or his representative shall attend the office of the Committee as and when required by the Secretary or by the advocate concerned and shall provide and furnish such particular of information as may be considered necessary and shall make full disclosure of the particular or information so required. He shall attend the court or proceedings at his own expense.

## **27. Certificate of Eligibility--**

- 27.1 Where an application for Legal Aid, Legal Advice or Legal Services is allowed, a certificate of eligibility shall be issued in favour of the applicant entitling him to Legal Aid, Legal Advice of Legal Services in respect of a proceeding.
- 27.2 The certificate of eligibility shall stand cancelled if the Legal Aid, Legal Advice or Legal Services is withdrawn and in every such case the advocate to whom the case of the person concerned is assigned, as also the court or judicial or quasi-judicial Authority before which the case is pending shall be informed accordingly in writing.

## **28. Cancellation of certificate of eligibility--**

- 28.1 The Committee may either on its own motion or otherwise cancel the certificate of eligibility granted under regulation 27 in the following circumstances, namely :--



- (a) In the event of being found that the certificate of eligibility was obtained by the aided person by misrepresentation or fraud;
  - (b) In the event of any material change in the circumstances of aided person;
  - (c) In the event of any misconduct, misdemeanor or negligence on the part of the aided person in the course of receiving legal aid;
  - (d) In the event of aided person not cooperating with the Committee or with the advocate provided by the Committee;
  - (e) In the event of the aided person engaging an advocate at his own expenses who in the opinion of the Secretary can suitably look after the matter;
  - (f) In the event of death of the aided person except in the case of civil proceedings where the right or liability survives; in such event Legal Aid may be continued where the legal representative is also eligible for such aid;
  - (g) If the aided person does not cooperate with the counsel provided to him and does not provide any information necessary to contest/defend the case or to render any other kind of legal assistance including advice.
- 28.2 No certificate of eligibility shall be cancelled under clause (1) without giving due notice to the aided person or to his legal representative in the event of his death to show cause as to why the certificate should not be cancelled.
- 28.3 Where the certificate of eligibility of aided person is cancelled under sub-regulation (1), Legal aid, Legal advice or Legal services shall be discontinued and the amount already given for such Legal aid, Legal advice or Legal services may be recovered in full or part as may be decided by the Secretary with the approval of the Chairman.

**29. Fee/Honorarium payable to Legal Practitioners on the Panel--**

- 29.1 A Panel of suitable advocates who are agreeable to conduct the cases or proceedings on behalf of the persons in whose favour a certificate of eligibility has been issued shall be prepared by the Committee. Ordinarily the Panel so prepared shall be for two years. A copy of the Panel so prepared shall be sent to the State Authority for information, advice and direction, if any. Such advocates shall be paid fee or honorarium at such rate as may be determined from time to time by the State Authority. Until so determined the rate of fee or honorarium fixed for the purpose under the relevant State Government Orders shall continue.
- 29.2 No legal practitioner to whom any case is assigned for Legal Aid, Legal Advice or Legal Services 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.
- 29.3 A Legal Practitioner on the Panel, who has completed his assignment, shall submit a statement showing the fee or honorarium due to him in connection with the legal proceedings conducted by him on behalf of the aided person to the Secretary, who shall after due scrutiny and approval of the Chairman, sanction the amount to be paid to the advocate concerned.
- 29.4 An advocate may be permitted to provide Legal Aid, Legal Advice or legal Services without charging any fee or honorarium.
- 29.5 The Secretary in consultation with the Chairman may, in suitable cases, appoint any advocate not on panel, if no panel has been prepared or the advocate on panel is not readily available to file or defend a case or to render any other kind of legal assistance including advice or the aided person desires a particular advocate to be deputed for providing services to him and such advocate is also ready and willing to provide legal assistance in accordance with the provision of the Act, Rules and Regulations and in the opinion of the Committee is eligible to be appointed on panel of legal aid counsellor.



**30. Preparation of Panel of Advocates for providing free legal services to the needy--**

- 30.1 The Secretary shall invite applications from the member of Bar Association practicing in Nainital and Dehradun, who are ready and willing to provide legal services to the eligible person under Legal Services Authority Act, 1987 free of cost or at such rates approved by the State Authority.
- 302 On receipt of applications, the Secretary in consultation with the Chairman shall prepare a panel of advocates not exceeding 25 advocates eminent in the field of law and are specially interested in the implementation of the legal services schemes and the name of such person shall be kept in a register and shall also be displayed on the notice-board whose services shall be taken as and when necessary.

**CHAPTER-III**

**THE DISTRICT LEGAL SERVICES AUTHORITY**

**31. Functions of the District Authority--**

31.1 The District Authority perform the following functions, nameley :--

- (a) Organize Lok Adalats and legal-cum-medical literacy camps within the district, including at Tehsil level for all categories of cases which are capable of settlement at Lok Adalat;
- (b) Provide legal aid, legal advice, legal literacy and other legal services in any matter filed or to be filed or defended in any civil, criminal under any Law for the time being in force to exercise Judicial or Quasi-Judicial functions at the district level even at pretrial stages;
- (c) Organize Legal/Medical Literacy Camps, more particularly in the areas predominantly inhabited by the Scheduled Castes and Scheduled Tribes and other weaker sections of the society;
- (d) Carry out and coordinate conciliation work directly or through any person, institution or organization of individuals engaged in the service of the poor and weaker sections of the society, in particular, woman, children, members of Scheduled Castes and Scheduled Tribes and also under trials;
- (e) Carry out and coordinate legal aid, legal advice, legal literacy and other services programmes and schemes in all fields including holding of legal/medical literacy camps with the object of affording equal opportunities in the field of Law or otherwise in any field to the weaker sections of the society in accordance with directions of the Central Authority and State Authority;
- (f) Act in coordination with other governmental and non-governmental organizations, Universities and other Institutions/organizations and individuals engaged in the work of promotion of legal services to the poor and other weaker sections of the society;
- (g) Give effect to the policies and programmes of the Central Authority and the State Authority.

31.2 The District Authority shall 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.

**32. Terms of office of Members--**

- 32.1 The terms of office of members nominate under clause (b) of sub-section (2) of section 9 of the Act, shall be two years and such members shall be eligible for re-nomination.
- 32.2 A member nominated under clause (b) of sub-section (2) of section 9 of the Act, may be removed by the Government in consultation with the State Authority if in the opinion of the Government is it not desirable to continue him as member.
- 32.3 If any vacancy occurs due to death or otherwise in the office of member of the District Authority, it shall be filled in the manner provided for in the Act and Rules made there under for the residue of the term of his predecessor.



**33. Secretary of the District Authority--**

- 33.1 The Secretary shall be appointed by the State Authority in consultation with the Chairman from amongst the Officers specified in sub-section (3) of section (9) of the Act.
- 33.2 The Secretary shall be the principal officer of the District. He shall--
- (a) be responsible for carrying out the programmes of Lok Adalats, Legal Aid, Legal Advice and Legal Literacy and all day today work conducted therewith;
  - (b) exercise such powers, perform such functions and discharge such duties as may be assigned to him by the Chairman;
  - (c) be the custodian of all assets, accounts, records and funds of the District Authority and shall ensure proper maintenance and upkeep of the records of the District Authority;
  - (d) maintain or cause to be maintained true and proper Accounts of the receipts and disbursement of the funds of the District Authority in accordance with the provisions of section 18 of the Act;
- 33.3 The Secretary shall act and discharge his duties and perform his functions as Secretary in addition to his duties and work as Judicial Officer and for that purpose he may be paid honorarium at the rate of Rs. 2000/-- per month or any other amount as has been determined by the State Authority in consultation with the Chief Justice of the Uttarakhand High Court :

**34. Transaction of business of the District Authority--**

- 34.1 The District Authority shall meet once in every month : Provided that the Chairman may convene a meeting of the District Authority whenever any business is to be transacted.
- 34.2 Annual general meeting of the District Authority shall be convened ordinarily in the month of April every year or in such other month as may be directed by the Chairman.
- 34.3 A meeting of the District Authority shall be presided over by the Chairman.
- 34.4 The quorum for a meeting shall be seven members including the Chairman.
- 34.5 For every meeting of the District Authority, atleast on week notice shall be given to the members to attend the meeting; however an emergent meeting may be convened by the Secretary, in accordance with the directions of the Chairman, on a short notice.
- 34.6 The District Authority shall regulate its own procedure.
- 34.7 Any number of persons who are engaged or interested in the upliftment of the weaker sections of the society who are considered suitable by the Chairman may be invited for any meeting in order to seek their views, co-operation and help. Such person shall have no right to vote at such meeting.
- 34.8 (a) All policy and other important matters shall be brought before the District Authority for consideration and decision.
- (b) Any specific matter or matters as may be desired or required by the District Authority, generally or otherwise, to be placed before it, shall be placed before the District Authority for its consideration and decision.
- (c) In respect of emergent matters, the Chairman may exercise the powers and perform the functions and discharge the duties of the District Authority. All such matters shall, however, be placed before the District Authority for its information and approval.
- (d) All the matters in which any kind of legal aid, assistance and advice has been allowed by the Secretary shall also be put up in the meeting for ratification.
- 34.9 All decisions at the meetings shall be taken by the majority of the members present and voting and in case of the tie, the person presiding over the meeting shall have a second or casting vote.
- 34.10 It shall be duty of the Secretary to duly record or cause to be recorded the minutes of every meeting in the register to be maintained for the purpose.



34.11 A copy of the proceedings of every meeting shall be sent to the State Authority as soon as may be after the meeting.

34.12 The non-official Members shall be entitled to payment of Travelling allowance and Daily allowance in respect of the Journeys performed in connection with the work of District Authority at the rates admissible to a group 'A' officer of the State Government.

**35. Funds/Accounts and Audit of the District Authority--**

35.1 The District Legal Aid Funds shall consist of the following, namely:--

- (a) All sums of money paid or any grants made by the State Authority to the District Authority for the purposes of the Act.
- (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 the Act.
- (c) Any other amount received by the District Authority under the orders of any Court or from any other source.

35.2 The District Legal Aid Fund shall be applied for meeting the Cost of the functions referred to in sub-section (2) of section 17 of the Act.

35.3 The accounts and other relevant records and statement of the District Authority shall be maintained properly in such form and in such manner as may be prescribed under section 18 of the Act and until so prescribed it shall be done as may be directed by the State Authority.

**36. Criteria for giving Legal Services--**

36.1 Legal Aid, Legal Advice or other Legal Services may be provided by the District Authority in matters before any civil, criminal or revenue court within the District or before any Authority constituted under any Law to exercise judicial or quasi-judicial functions at the District/Taluk Level.

36.2 A person, covered under rule 16 of the Uttarakhand State Legal Services Authority Rules, 2006 shall be entitled to Legal Aid, Legal Advice and other Legal Services.

**37. Procedure for providing Legal Services--**

37.1 Application for Legal Services :

Any person requiring Legal Aid, Legal Advices or Legal Services may make an application addressed to the Secretary of the District Authority or Taluk Committee, as the case may be.

37.2 The Secretary shall maintain a register of application wherein all applications for Legal Aid, Legal Advice or Legal Services shall be entered and registered and the action taken on such applications shall be noted against the entry relating to such application.

**38. Disposal of Applications--**

38.1 On receipt of an application of Legal Aid, Legal Advice or Legal Services, the Secretary shall scrutinize the application to satisfy himself that the same is in order as regards eligibility and other requirements of the rules and regulations and wherever warranted the applicant may be required to submit further information as may be necessary.

38.2 The Secretary shall consider the application and pass necessary order for granting or refusing to provide Legal aid, Legal Advice or other Legal Services:

38.3 No application for Legal Aid, Legal Advice or Legal Services shall be allowed, if the Secretary is satisfied that--

- (a) the applicant has knowingly made false statement or furnished false information as regards his means or in respect of any other material fact; or
- (b) there is no prima-facie case to institute or as the case may be, to defend the proceedings; or



- (c) the application is frivolous or vexatious;
  - (d) the applicant is not entitled to the same under these regulations, or
- 38.4 having regard to all the relevant facts and circumstances of the case, it is otherwise not expedient and reasonable to grant it.
- 38.5 No Legal Aid, Advice or Legal Services can be provided to a person in proceeding under contempt of court, in proceedings relating to any election, in proceedings under Immoral Traffic (Prevention) Act, 1956 except to a victim of trafficking in human beings, in proceedings under the Protection of Civil Rights Act, 1955 except to a person who is subjected to any disability under the Act, to a person accused of an offence committed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and in case of defamation or malicious prosecution where the Secretary is satisfied that it is a suitable case for such refusal in the totality of facts :

Provided that reasons for refusing legal services shall be recorded in writing and order of the Chairman shall be obtained before an application is disallowed in any of the aforesaid clauses.

### 39. Modes of providing Legal Services--

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

- (a) towards payment of Court-fees, Process-fee and all other charges payable or incurred in connection with any Legal proceedings;
- (b) through engagement of a legal practitioner;
- (c) for obtaining and supply of certified copies of Judgment, order and other documents in legal proceedings :

**Provided** that payment of Court-fees, Process-fee and all other expenses incurred in connection with any legal proceedings shall be allowed to the extent as per general orders of the State Authority. However, all those applications in which the legal services have been provided shall be laid before the District Authority in its next meeting for ratification.

### 40. Duty of Aided person--

Every aided person or his representative shall attend the office of the District Authority as and when required by the Secretary or by the advocate concerned and shall provide and furnish such particular or information as may be considered necessary and shall make full disclosure of the particular or information so required. He shall attend the court or proceedings at his own expense.

### 41. Certificate of Eligibility--

- 41.1 Where an application for Legal Aid, Legal Advice or Legal Services is allowed, a certificate of eligibility shall be issued in favour of the applicant entitling him to Legal Aid, Legal Advice or Legal Services in respect of a proceeding.
- 41.2 The certificate of eligibility shall stand cancelled if the Legal Aid, Legal Advice or Legal Services is withdrawn and in every such case the advocate to whom the case of the person concerned is assigned, as also the court or judicial or quasi-judicial Authority before which the case is pending, shall be informed accordingly in writing.

### 42. Cancellation of certificate of eligibility--

- 42.1 The District Authority may either on its own motion or otherwise cancel the certificate of eligibility granted under regulation 41 in the following circumstances, namely :
  - (a) in the event of being found that the certificate of eligibility was obtained by the aided person by misrepresentation or fraud;
  - (b) in the event of any material change in the circumstances of aided person;



- (c) in the event of any misconduct, misdemeanor or negligence on the part of the aided person in the course of receiving legal aid;
  - (d) in the event of aided person not cooperating with the District Authority or with the advocate provided by the District Authority;
  - (e) in the event of the aided person engaging an advocate at his own expenses who in the opinion of the Secretary can suitably look after the matter;
  - (f) in the event of death of the aided person except in the case of civil proceedings where the right or liability survives; in such event Legal Aid may be continued where the legal representative is also eligible for such aid.
  - (g) If the aided person does not cooperate with the counsel provided to him and does not provide any information necessary to contest/defend the case or to render any other kind of legal assistance including advice.
- 42.2 No certificate of eligibility shall be cancelled under clause (1) without giving due notice to the aided person or to his legal representative in the event of his death to show cause as to why the certificate should not be cancelled.
- 42.3 Where the certificate of eligibility of aided person is cancelled under sub-regulation (1), legal aid, legal advice or legal services shall be discontinued and the amount already given for such legal aid, legal advice or legal service may be recovered in full or part as may be decided by the Secretary with the approval of the Chairman.

#### **43. Fee/Honorarium payable to Legal Practitioners on the Panel--**

- 43.1 A Panel of suitable advocates who are agreeable to conduct the cases or proceedings on behalf of the persons in whose favour a certificate of eligibility has been issued shall be prepared by the District Authority for District Headquarter and for each Taluk within the jurisdiction of that District. Ordinarily the Panel so prepared shall be for two years. A copy of the Panel so prepared shall be sent to the State Authority for information, advice and direction, if any. Such advocates shall be paid fee or honorarium at such rate as may be determined from time to time by the State Authority. Until so determined the rate of fee or honorarium fixed for the purpose under the relevant State Government Orders shall continue.
- 43.2 No legal practitioner to whom any case is assigned for Legal Aid, Legal Advice or Legal Services 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.
- 43.3 A Legal Practitioner on the panel, who has completed his assignment, shall submit a statement showing the fee or honorarium due to him in connection with the legal proceedings conducted by him on behalf of the aided person to the Secretary, who shall after due scrutiny and approval of the Chairman, sanction the amount to be paid to the advocate concerned.
- 43.4 An advocate may be permitted to provide Legal Aid, Legal Advice or Legal Services without charging any fee or honorarium.
- 43.5 The Secretary in consultation with the Chairman may, in suitable cases, appoint any advocate not on panel, if no panel has been prepared or the advocate on panel is not readily available to file or defend a case or to render any other kind of legal assistance including advice or the aided person desires a particular advocate to be deputed for providing services to him and such advocate is also ready and willing to provide legal assistance in accordance with the provision of the Act, rules and regulations and in the opinion of the District Authority is eligible to be appointed on panel of legal aid counsellor.

#### **44. Preparation of Panel of Advocates for providing free legal services to the needy--**

- 44.1 The Secretary shall invite applications from the member of Bar Association practicing in District Headquarter and also in each Taluk, who are ready and willing to provide legal services to the eligible person under Legal Services Authority Act, 1987, free of cost or at such rates approved by the Statute Authority.



- 44.2 On receipt of applications, the Secretary in consultation with the Chairman shall prepare a panel of advocates not exceeding 25 (for Headquarter and not exceeding 15 for each Taluk) advocates eminent in the field of law and is specially interested in the implementation of the legal services schemes and the name of such person shall be kept in a register and shall also be displayed on the notice board whose services shall be taken as and when necessary.

**45. Recruitment of staff of District and Taluk Authority--**

The Chairman of the District Authority shall be the Appointing Authority of staff sanctioned per Appendix C {see Rule 12(2) and 13(2)}. Such appointment shall be made as per rules and regulations applicable for such appointments in the State Government. Efforts shall be made to take the staff on deputation from concerned District Court. In appropriate cases to ensure the smooth working of the District Authority, stop gap appointments can however be made on recommendation of the Executive Chairman of the State Authority.

## CHAPTER--IV

### THE TEHSIL LEGAL SERVICES COMMITTEES

#### SECRETARY MEMBERS AND FUNCTIONS OF THE COMMITTEE

**46. Secretary of the Committee--**

- 46.1 The junior most judicial officer posted in the Tehsil shall act as Secretary of the Committee. In case no such Judicial Officer is posted or only one Judicial Officer is posted, Tehsildar of the concerned Tehsil shall work as Secretary of the Committee in addition to his own duties. He may be paid honorarium of Rs. 500/- per month or such amount as may be fixed by the State Government in consultation with the Chief Justice for the performance of the functions and duties as Secretary.
- 46.2 The Secretary shall be the principal officer of the Committee, he shall--
- (a) be the custodian of all the assets, accounts, records, grants, funds and receipts. He shall work under the supervision and directions of the Chairman of the Committee and District Authority;
  - (b) maintain or cause to be maintained true and proper accounts of the receipts and disbursement of the funds of the Committee in such form and in such manner as may be specified by the State Authority;
  - (c) exercise such powers and perform such functions and duties as may be assigned to him by the District Authority and the Chairman of the Committee.
  - (d) perform all other acts as may be expedient and necessary for efficient and proper discharge of the duties and functions of the Committee.

**47. Terms of office and other conditions of the members--**

- 47.1 The terms of the office of a member of the Committee nominated under sub-rule (3) of the Rule 14 shall be two years; however he shall be eligible for re-nomination.
- 47.2 A member of the Committee nominated under sub-rule (3) of Rule 14 may be removed by the Government, if in the opinion of the Government, it is not desirable to continue him as member.
- 47.3 If any vacancy occurs due to death, resignation or otherwise in the office of member of the Committee, it shall be filled for the residue of the term of his predecessor.
- 47.4 All non-official members nominated, under sub-rule (3) of Rule 14 shall be entitled to payment to travelling allowance and daily allowance in respect of journeys performed by him in connection with the work of the Committee at the rates admissible to Group-A Officer of the State Government.

**48. Office of the Committee--**The Committee shall have its office within the Tehsil Campus.



**49. Transaction of business of the Committee--**

- 49.1 The Committee shall meet once in every month provided that the Chairman may convene a meeting of the Committee whenever any business is to be transacted.
- 49.2 Annual general meeting of the Committee shall be convened, ordinarily in the month of April every year or in such other month as may be directed by the Chairman.
- 49.3 A meeting of the Committee shall be presided over by the Chairman.
- 49.4 The quorum for a meeting shall be three members including the Chairman.
- 49.5 For every meeting of the Committee atleast one week notice shall be given to the members to attend the meeting however, an urgent meeting may be convened by the Chairman on a short notice.
- 49.6 The Committee shall regulate its own procedure.
- 49.7 One or more persons who are engaged or interested in the upliftment of the weaker sections of the society who are considered suitable by the Chairman may be invited for any meeting in order to seek their views, co-operation and help. Such person shall have no right to vote at such meeting.
- 49.8 (a) All policy and other important matters shall be brought before the Committee for consideration and decision;
- (b) Any specific matter or matters as may be desired or required by the Committee, generally or otherwise, to be placed before it, shall be placed before the Committee for its consideration and decisions;
- (c) In respect of emergent matters, the Chairman may exercise the powers and perform the functions and discharge the duties of the Committee. All such matters shall, however, be placed before the Committee for its information and approval.
- 49.9 All decisions at the meetings shall be taken by the majority of the members present and voting and in case of tie, the person presiding over the meeting shall have a second or casting vote.
- 49.10 It shall be duty of the Secretary to duly record or cause to be recorded the minutes of every meeting in the register to be maintained for the purpose.
- 49.11 A copy of the proceedings of every meeting shall be sent to the District Authority as soon as may be after the meeting.

**50. Criteria and Procedure for providing Legal Services, Disposal of such applications, modes of providing Legal Services, Duty of aided person, certificate of Eligibility, cancellation of certificate of eligibility, Fee/Honorarium payable to legal practitioners and preparation of panel advocates :**

Each Taluk Legal Services Committee shall deal the above subjects in accordance with the provisions contained in regulation 36, 37, 38, 39, 40, 41, 42, 43 and 44 above.

**CHAPTER--V**

**LOK ADALATS, CONCILIATION CENTRE AND LEGAL LITERACY CAMPS**

51. The Provisions contained in Rule 17 of the Uttarakhand State Legal Services Authority Rules, 2006 shall apply mutandis and mutatis for the constitution and procedure of holding Lok Adalats and Legal Literacy Camps and also for creating Conciliation Centre at High Court Level, State Level, District Level and Taluk Level as the case may be.



## CHAPTER--VI

## PERMANENT LOK ADALAT

**52. Procedure for selection of Chairman of the Permanent Lok Adalat--**

- (a) Applications shall be invited by State Legal Services Authority/through District Legal Services Authority from all those who have not attained the age of 67 years and who had worked as District Judge or Additional District Judge anywhere in India or has held judicial office equivalent to that of a District Judge.
- (b) The applications so received shall be scrutinized by the Executive Chairman of the State Authority with special reference to the work and conduct of such Officer including the quality of work done by him as a Judicial Officer and the last five years C.R. dossier, and a list shall be prepared. Preference shall however be given to a Judicial Officer who opted for Uttarakhand Judicial Services.
- (c) If needed, interviews may also be held as per the guidance of the Authority and the decision of the State Authority shall be final in this respect and the decision of the State Authority shall be communicated to the State Government for notification of appointment.

**53. Selection of Members--**

- (a) Application shall be invited from persons who have not complete the age of 70 years, having adequate experience not below ten years in utility services as defined under section 22A(b) of the Legal Services Authority Act.
- (b) The applications so receipt shall be scrutinized by the Executive Chairman of the State Authority with special reference to the work and conduct of such person including the quality of work done by them in their respective field and a list shall be prepared. Preference shall however be given to person who have served the State of Uttarakhand for quite some time.
- (c) If needed, interview can also be held as per the guidance of the Authority and the decisions of the State Authority shall be final in this respect and the decision of the State Authority shall be communicated to the State Government for notification of appointment.

**54. Pay, allowances, sitting fees and other allowances, resignation and removal of Chairman and members, place of sitting, recruitment of staff--**

The provision contained in rule 19, 20, 21, 22 and 23 of Uttarakhand State Legal Services Authority Rules, 2006 shall apply mutatis and mutandis with regard to pay and allowances payable to the Chairman, sitting fees and other allowances payable to members, resignation and removal procedure of Chairman and members, place of sitting of permanent Lok Adalat and recruitment of staff for such permanent Lok Adalat.

**55. Saving and Repealing Clause--**

- 55.1 With the coming into force, the Uttarakhand State Legal Services Authority Regulations 2006, the Uttar Pradesh State Legal Services Authority (Transaction of Business and other provisions) Regulation, 1997, the High Court Legal Services Committee Regulation, 1997 (U.P.), the District Legal Services Authority (Transaction of Business and other provisions) Regulation, 1997 (U.P.) and the Tehsil Legal Services Committees Regulation, 1997 (U.P.) shall stand repealed in their application to the State of Uttarakhand.
- 55.2 However, all acts done and action taken under the Uttar Pradesh State Legal Services Authority (Transaction of Business and other provisions) Regulation, 1997 (U.P.), the High Court Legal Services Committee Regulation, 1997 (U.P.), the District Legal Services Authority (Transaction of Business and other provisions) Regulation, 1997 (U.P.) and the Tehsil Legal Services committees Regulation, 1997 (U.P.) before coming into force these Regulations, shall stand protected.

KAWER SAIN,

H.J.S.

District Judge, Member Secretary.

टिप्पणी-राजपत्र, दिनांक 30-8-2008, भाग-1-क में प्रकाशित।

[प्रतिलिपि सूचनार्थ प्रेषित--]

पी0एस0यू0 (आर0ई0) 16 न्याय/709-20-9-2008-200 (कम्प्यूटर/रीजियो)