



# **ASSAM STATE LEGAL SERVICES AUTHORITY**

**"Access to Justice for all"**

## **LEGAL ORIGIN:**

Article 39-A was inserted in the Constitution by Amendment Act, 1976 with effect from 3.1.1977. It enjoins upon the State to secure that the operation of legal system promotes justice on the basis of equal opportunity and in particular to provide free legal aid by suitable legislation or schemes or in any other way and to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Equal justice to all and free legal aid are hallmark of Article 39-A.

Pursuant to these objectives the Legal Services Authorities Act, 1987, was enacted by the Parliament 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 the basis of equal opportunity.

## **ESTABLISHMENT:**

Assam State Legal Services Authority has been constituted as a separate establishment vide Notification No. LGL. 176/94/PT.II/47 dated 07th April, 1998 in terms of Section 6 of Legal Services Authorities Act, 1987 read with Rule 3 of Assam State Legal Services Authority Rules, 1996, which is enacted to effectuate the constitutional mandate enshrined under Article 14 and 39-A of the Constitution of India.

## **OUR VISION:**

Our motto is "ACCESS TO JUSTICE FOR ALL", so that justice is not denied to citizens by reasons of economic or other disabilities. The core value of our Constitutional philosophy, as reflects from the Preamble, is the dignity of individual which is an essence of human rights, demands, not merely the civil or political rights but also economic, social, cultural rights. The main objective, penchant and directions of the Legal Services

Authority is to take real, practical and positive steps to ensure that there is equality and fairness for all in the justice process to fulfil the mandate of Constitution of India. It is, indeed, an enormously onerous task in view of large populace cursed with poverty and illiteracy. Therefore, the role of Legal Services Authority assumes great significance.

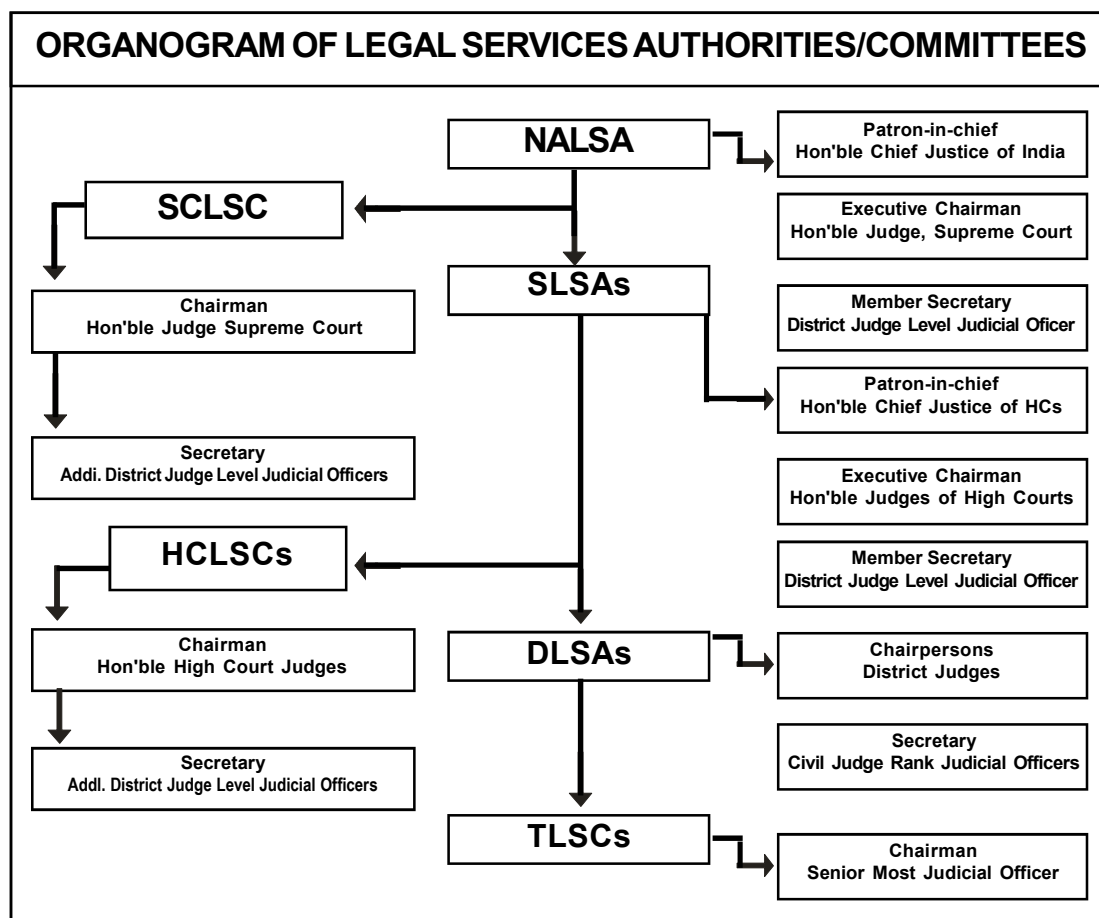
**OUR MISSION:**

To legally empower the marginalized and excluded groups of the society by providing effective legal representation, legal literacy and awareness and bridging the gap between the legally available benefits and the entitled beneficiaries.

To strengthen the system of Lok Adalats and other Alternate Dispute Resolution mechanisms in order to provide for informal, quick, inexpensive and effective resolution of disputes and minimize the load of adjudication on the overburdened judiciary.

**ORGANISATIONAL STRUCTURE OF ASLSA:**

- ❖ Hon'ble Chief Justice of Gauhati High Court is the Patron-in-Chief
- ❖ Hon'ble Judge of Gauhati High Court is the Executive Chairman of the Authority.
- ❖ Hon'ble District Judge Level Officer is the Member Secretary of the Authority.



Assam State Legal Services Authority has also constituted a Committee in the High Court of Gauhati called the High Court Legal Services Committee under section 8A of the Legal Services Authorities Act, 1987, as amended by the Legal Services Authorities (Amendment) Act, 2002.

In Assam there are 33 District Legal Services Authorities established under section 9 of the Legal Services Authorities Act, 1987, as amended by the Legal Services Authorities (Amendment) Act, 2002.

### **DISTRICT LEGAL SERVICES AUTHORITIES UNDER ASLSA**

| <b>Sl. No.</b> | <b>DLSAs</b> | <b>Contact No.</b> |
|----------------|--------------|--------------------|
| 1              | Baksa        | 6901281619         |
| 2              | Barpeta      | 6901281618         |
| 3              | Biswanath    | 6901281620         |
| 4              | Bongaigaon   | 6901281621         |
| 5              | Cachar       | 6901281622         |
| 6              | Charaideo    | 6901281623         |
| 7              | Chirang      | 6901281624         |
| 8              | Darrang      | 6901281625         |
| 9              | Dhemaji      | 6901281626         |
| 10             | Dhubri       | 6901281629         |
| 11             | Dibrugarh    | 6901281627         |
| 12             | Dima Hasao   | 6901281628         |
| 13             | Goalpara     | 6901281630         |
| 14             | Golaghat     | 6901281631         |
| 15             | Hailakandi   | 6901281632         |
| 16             | Hojai        | 6901281633         |
| 17             | Jorhat       | 6901281634         |

| <b>Sl. No.</b> | <b>DLSAs</b>         | <b>Contact No.</b> |
|----------------|----------------------|--------------------|
| 18             | Kamrup (Amingaon)    | 6901281617         |
| 19             | Kamrup (Metro)       | 6901281635         |
| 20             | Karbi Anglong        | 6901281636         |
| 21             | Karbi Anglong (West) | 6901281649         |
| 22             | Karimganj            | 6901281637         |
| 23             | Kokrajhar            | 6901281638         |
| 24             | Lakhimpur            | 6901281639         |
| 25             | Majuli               | 6901281640         |
| 26             | Morigaon             | 6901281641         |
| 27             | Nagaon               | 6901281642         |
| 28             | Nalbari              | 6901281643         |
| 29             | Sivasagar            | 6901281644         |
| 30             | Sonitpur             | 6901281645         |
| 31             | South Salmara        | 6901281646         |
| 32             | Tinsukia             | 6901281647         |
| 33             | Udalguri             | 6901281648         |
|                |                      |                    |

#### **FUNCTIONS OF THE AUTHORITY:**

- To provide free Legal Services to the weaker sections of the society.
- To organize Lok Adalats for amicable settlement of disputes.

- To give effect to the policies and directions of the NALSA (National Legal Services Authority).
- Undertake preventive and strategic legal aid programmes
- To implement Legal Services Programmes in the District (by the District Legal Services Authority).

## **CORRESPONDENCE DETAILS**

Office Address : Assam State Legal Services Authority  
1st Floor, Gauhati High Court, Old Building, Guwahati-781001

Website: <http://aslsa.assam.gov.in>

Email: [assamslsa1@gmail.com](mailto:assamslsa1@gmail.com)

Contact nos.: 69012-81650, 0361-2601843

### **EDITORIAL TEAM**

Editor-in-Chief : Shri Ratnadip Bhattacharjee, Member Secretary, ASLSA

Editor : Smt. Pronita Morang, Deputy Secretary, ASLSA

Deputy Editor : Smt. Anamika Barman, Under Secretary, ASLSA

Members :

- i) Shri Shashanka Kakaty, Accounts Officer, ASLSA
- ii) Shri Satyajit Das, UDA, ASLSA
- iii) Shri Aref Zaman, UDA, ASLSA
- iv) Shri Ashok Kumar Das, LDA, ASLSA
- v) Shri Chandan Kalita, LDA, ASLSA
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- vii) Smt. Utpala Sahu Sinha, LDA, ASLSA
- viii) Sri Nabajit Das, LDA, ASLSA
- ix) Sri Parashar Chakraborty, Steno Gr.III

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**THIS HANDBOOK IS AN ENDEAVOUR TO ACT AS A READY REFERENCE FOR ALL THE STAKEHOLDERS FOR RENDERING BETTER AND EFFICACIOUS LEGAL SERVICES TO THE PUBLIC IN GENERAL AND BENEFICIARIES IN PARTICULAR.**

# INDEX

|    |   |     |
|----|---|-----|
| 1  | The Legal Services Authorities Act, 1987  | 7   |
| 2  | The Assam State Legal Services Authority Rules, 1996  | 29  |
| 3  | The Assam State Legal Services Authority Regulations, 1998  | 36  |
| 4  | The Assam State Legal Services Authority Regulations (1st Amendments), 2010   | 67  |
| 5  | The Assam State Legal Services Authority Regulations (2nd Amendment), 2011- Honourarium Payable to Panel Advocates                    | 69  |
| 6  | Honourarium Payable to the Mediators  | 76  |
| 7  | The National Legal Services Authority (Lok Adalat) Regulations, 2009 (With amendments)  | 81  |
| 8  | The Nationals Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 (With amendments)                        | 107 |
| 9  | The Assam Victim Compensation Scheme, 2012 (With amendments)  | 138 |
| 10 | The National Legal Services Authority (Legal Aid Clinics) Regulations, 2011   | 157 |
| 11 | The National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other institutions) Scheme, 2013      | 165 |
| 12 | Scheme for Para Legal Volunteers (Revised) & Module for the orientation-induction-refresher courses for PLV training                  | 169 |
| 13 | The Assam Witness Protection Scheme, 2024   | 181 |
| 14 | Minutes of the 18th Quarterly Meeting of ASLSA (Agenda no. 07- Fee of Conciliator- Lok Adalat)  | 197 |
| 15 | Minutes of the 19th Quarterly Meeting of ASLSA (Item no. 04- Upper limit of expenditure for holding of each Legal Awareness Programme | 201 |
| 16 | Notification for enhancement of Income limit for availing free legal aid under section 12 of Legal Services Authorities Act, 1987     | 206 |
| 17 | Early Access to Justice at Pre-Arrest, Arrest and Remand Stage  | 208 |
| 18 | Schemes of NALSA  | 219 |
| 19 | Front Office Guidelines   | 227 |
| 20 | Legal Aid Defense Counsel Scheme 2022 (Modified Scheme 2022)  | 233 |
|    | a. Modified LADC Scheme, 2022   | 234 |
|    | b. Category wise maximum no. of Human Resources to be deployed for each LADCS   | 246 |
|    | c. Format 'B' for monthly performance analysis of LADCS   | 246 |
| 21 | Monthly Expenditure Report  | 249 |
| 22 | Delegation of Financial Powers to DLSAs   | 251 |
| 23 | Revised Format- Information of prisoners who have not been released due to non-payment of fine  | 253 |

|     |   |     |
|-----|---|-----|
| 24  | Formats of Reports regarding UTPs not released despite grant of bail  | 254 |
|     | a. UTP Revisd format (Attachment C)   | 254 |
|     | b. Guidelines for providing continuous competent legal services to UTPs   | 255 |
|     | c. Monthly report regarding follow up of cases and get UTPs released on bail  | 258 |
| 25  | Revised Proforma- UTRC Data in W.P.(C) No. 406/213  | 260 |
| 26  | Format A, B & C- Regarding Convict Information Sheet & Quarterly Report Regarding Convict Information Sheet- W.P. (C) no. 1082 of 2020, titled "Suhas Chakma Vs. Union of India & Ors." | 263 |
| 27  | Quarterly Report regarding functioning of Monitoring Committee in connection with Hit & Run Motor Accident Scheme 2022  | 268 |
| 28  | Empowered Committee & Oversight Committee for fine of poor prisoners & SOP  | 274 |
|     | a. Constitution of Empowered Committee  |     |
|     | b. Constitution of Oversight Committee  |     |
| 29  | Monthly & Quarterly Statistical Report/ Mediation Report/ LAC Report  | 277 |
|     | i) Uploading response on portal for "Arbitration and Mediation Centres Annexed to the Commercial Courts"  |     |
|     | ii) a) Disposal of Mediation Cases  |     |
|     | b) Mediation Data since Inception (15th June, 2009) for uploading on MCPC Database Software   |     |
|     | iii) Consolidated Mediation Data  |     |
|     | iv) Monthly Mediation Data relating to Commercial matters in 6(i) format  |     |
|     | v) Quarterly Mediation Data relating to Commercial matters in 6(ii) format  |     |
|     | vi) Monthly Statistical Information (Annexure: A to J)  |     |
|     | vii) Quarterly Report in connection with implementation of resolutions adopted in Chief Justices' Conference, 2016  |     |
|     | viii) Monthly Activity Report in Annexure-K   |     |
| 30. | Reports on functioning of Prison Legal Aid Clinics  | 307 |
|     | a. Format A: Inspection Form: Prison Legal Aid Clinic   |     |
|     | b. Format B: Inspection & Evaluation Report of the Prison Legal Aid Clinic  |     |
|     | c. Format C: Report on Functioning of the Prison Legal Aid Clinics  |     |
| 31. | Guidelines and important information  | 345 |
|     | a. Approval of new LADCS Scheme   |     |
|     | b. Constitution of District Level Monitoring Committee in connection with Hit & Run Motor Accident Scheme, 2022   |     |
|     | c. Guidelines & SOP for implementation of the scheme for support to poor prisoners  |     |
|     | i) Constitution of empowered committee  |     |
|     | ii) Constitution of oversight committee   |     |
| 32. | NALSA (Legal Services for Differently Abled Children) Scheme, 2021  | 362 |



# THE LEGAL SERVICES AUTHORITIES ACT, 1987

No. 39 of 1987, The 11th October, 1987

[As Amended by Legal Services Authorities (Amendment) Act, 1994] (No.59 of 1994)  
and [Legal Services Authorities (Amendment) Act, 2002 (No.37 of 2002)]

**The 11th October, 1987**

**The 29th October, 1994**

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 the basis of equal opportunity.

Be it enacted by Parliament in the thirty eight year of the Republic of India as follows:-

## CHAPTER I PRELIMINARY

### 1. Short title, extent and commencement:

- (1) This Act may be called the Legal Services Authorities Act, 1987.
- (2) It extends to the whole of India, except the State of Jammu and Kashmir.\*\*\*
- (3) It shall come into force on such date 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:

- (1) In this Act, unless the context otherwise requires;
  - (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;
  - (b) "District Authority" means a District Legal Services Authority constituted under Section 9;
  - <sup>3</sup>(bb) "High Court Legal Services Committee" means a High Court Legal Services Committee constituted under Section 8A;
  - (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 organized under Chapter VI;
  - (e) "notification" means a notification published in the Official Gazette;
  - (f) "prescribed" means prescribed by rules made under this Act;
  - (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 provision of this Act;
  - (h) "State Authority" means a State Legal Services Authority constituted under Section 6;
  - (i) "State Government" includes the administrator of a Union Territory appointed by the President under Article 239 of the Constitution;
  - (j) "Supreme Court Legal Services Committee" means the Supreme Court Legal Services Committee constituted under Section 3A;
  - (k) "Taluk Legal Services Committee" means a Taluk Legal Services Committee constituted under Section 11A.
- (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.

## CHAPTER II THE NATIONAL LEGAL SERVICES AUTHORITY

- <sup>53</sup>. 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.
  - (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 authorized 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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, [\*\*\*] perform all or any of the following functions, namely:

- (a) lay down policies and principles for making legal services available under the provisions of the 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) organize legal aid camps, especially in rural areas, slums or Labour 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 negotiation, 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 IV A 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,

- (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 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 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 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 organizations 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 function 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.

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

- 96. 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 thereby, 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 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 or any other officer 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 authorized 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 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 Lok Adalats; including Lok Adalats for High Court 10 cases
  - (c) undertake preventive and strategic legal aid programmes; and

- (d) perform such other functions as the State Authority may, in consultation with the Central Authority<sup>11</sup>, fix by regulations.

**128. 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 governmental 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.
- (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.

**139. Constitution of 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 qualification, 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 authorized by the Chairman of that Authority.
  - (9) No act or proceeding of a 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 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:-
    - (a) <sup>14</sup>coordinate the activities of the Taluk Legal Services Committee and other legal services, in the District;
    - (b) organise Lok Adalats within the District; and
    - (c) perform such other functions as the State Authority may. [\*\*\*]<sup>15</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, wher-

ever appropriate, act in coordination with other governmental and non-governmental institution, 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.

<sup>16</sup>11A.

- (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 "senior-most judicial officer"<sup>17</sup> 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 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 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 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) coordinate the activities of legal services in the taluka;
- (c) organize Lok Adalats within the taluk; and
- (d) perform such other functions as the District Authority may assign to it.

## **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 traffic king in human beings or begar as referred to in article 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.<sup>18</sup>
- (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;
- (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, or in a Juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 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; or
- (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 to 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 a 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.

## **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 utilized 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;
  - (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'.<sup>19</sup>

**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 made 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;
  - (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.<sup>20</sup>

**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
  - (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) any other amount received by the District Authority under the orders of any court or from any other source<sup>21</sup>
- (2) A District Legal Aid Fund shall be applied for meeting-
  - (a) the cost of functions referred to. in section 10 and 11B<sup>22</sup>
  - (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.
  - (4) The accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in his 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.
  - (5) <sup>23</sup>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.

## **CHAPTER VI LOK ADALATS**

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, Taluk 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 organized 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, organizing such Lok Adalat.
  - (3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organized by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central

- Government in consultation with 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 organized:

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.

**<sup>24</sup>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
  - (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 (ii) 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 organizing 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, 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).

**<sup>25</sup>21. Award of Lok Adalat:**

- (1) 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 (1) 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 (Lok Adalat or Permanent Lok Adalat):**

- (1) The "Lok Adalat or Permanent Lok Adalat"<sup>26</sup> 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, while trying a suit in respect of the following matters, namely-
  - (i) the summoning and enforcing the attendance of any witness and examining him on oath;
  - (ii) the discovery and production of any document;
  - (iii) the reception of evidence on affidavits;
  - (vi) the requisitioning of any public record or document or copy of such record or document from any court or office; and
  - (v) such other matters as may be prescribed,
- (2) Without prejudice to the generality of the powers contained in sub-section (1), every<sup>27</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 "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 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, (to of 1974)

**CHAPTER VI A<sup>28</sup>**  
**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,
  - (vii) housing and estates<sup>29</sup>
  - (viii) banking and financial<sup>30</sup>

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

**22B. Establishment of Lok Adalat:**

- (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, 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 not have jurisdiction in the matter where the value of the property in dispute exceeds twenty five<sup>31</sup> lakh rupees:  
Provided also that the Central Government, may by notification, increase the limit of "Twenty Five" lakh rupees specified in the second provision 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 circumstance 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 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 or 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**

- (1) 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>32</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 Authorities, the District Authorities, the Supreme Court Legal Services Committee, High Court Legal Services Committee, Taluk Legal Services Committees and officers and other employees of such Authori-

ties, Committees "and the Members of the Lok Adalats or the persons constituting Permanent Lok Adalats"<sup>33</sup> shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

**24. Protection of action taken in good faith:**

No suit, prosecution or other legal proceedings shall lie against-

- (a) the Central Government or the State Government,
- (b) the Patron-in-Chief, Executive Chairman, Members or 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 authorized by any of the Patron-in Chief, Executive Chairman, Chairman, Member, Member Secretary referred to in sub- clause (b) to (d), for any thing 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 any 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 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>34</sup>27. Power of the 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 section 3;
  - (b) the experience and qualification of the Member Secretary of the Central Authority and his powers and functions under sub-section (3) of section 3;



- (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 section 3;
- (e) the conditions of service and the salary and allowances of officers and other employees of the Central Authority under sub-section (6) of section 3;
- (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 section 3A;
- (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 section 12, 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 section 18;
- (k) the experience and qualifications of other persons of the Lok Adalats organized by the Supreme Court Legal Services Committee specified in sub-section (3) of section 19;
- (l) other matters under clause (e) of sub-section (i) of section 22; (l-a) the other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of Section 22B;<sup>35</sup>
- (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 powers, 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 section 6;
  - (b) the powers and functions of the Member-Secretary of the State Authority under sub-section (3) of section 6;
  - (c) the terms of office and other conditions relating thereto, of Members and Member-Secretary of the State Authority under sub-section (4) of section 6;

- (d) the number of officers and other employees of the State Authority under sub-section (5) of section 6;23
- (e) the conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (6) of section 6;
- (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 section 9;
- (i) the number of officers and other employees of the District Authority under sub-section (5) of section 9;
- (j) the conditions of service and the salary and allowances of officers and other employees of the District Authority under sub-section (6) of section 9;
- (k) the number, experience and qualifications of Members of the Taluk Legal Services Committee under clause (b) of sub-section (2) of section 11 A;
- (l) the number of officers and other employees of the Taluk Legal Services Committee under sub-section (3) of section 11 A;
- (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 section 12, 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 Section 19;
- (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 provision 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 section 3A;
  - (b) the terms of office and other conditions relating thereto, of the mem-

bers and Secretary of the Supreme Court Legal Services Committee under sub- section (4) of section 3A.

- 29A.** (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 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 other functions to be performed by the State Authority under clause (d) of sub- section (2) of section 7;
  - (b) the powers and functions of the High Court Legal Services Committee under sub-section (1) of section 8A;
  - (c) the number; experience and qualifications of Members of the High Court Legal Services Committee under clause (b) of sub-section (2) of section 8A,
  - (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 section 8A;
  - (e) the terms of office and other conditions relating thereto, of the Members and Secretary of the District Authority under sub-section (4) of section 9;
  - (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 section 10;
  - (h) the terms of office and other conditions relating thereto, of other 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.

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**Footnote:**

1. Whole Act except Chapter III came into force on 9.11.1995, vide S.O. 893 (E) dated 9.11.1995.
2. Subs. by Act 59 of 1994 Sec. 2, for clause (a) (w.e.f. 29.10.1994).
3. Ins. by Act 59 of 1994, Sec.2 (w.e.f. 29.10.1994)
4. Ins. by Act 59 of 1994, Sec.2 (w.e.f. 29.10.1994)  
\*\*\* The word "except the State of Jammu and Kashmir" Omitted by Act 34 of 2019, Ss 95 and Sch. V (w.e.f. 31-10-2019).
5. Ins. by Act 59 of 1994, Sec.3, for Section 3 (w.e.f. 29.10.1994)
6. The words "subject to the general directions of the Central Government" omitted by Act 59 of 1994, Sec. 4. (w.e.f. 29.10.1994).
7. Subs. by Act 59 of 1994, Sec.4, for clause (j) (w.e.f. 29.10.1994).
8. Subs. by Act 59 of 1994, Sec.4, for "state an District Authorities and other voluntary social welfare institution" (w.e.f. 29.10.1994).
9. Subs. by Act 59 of 1994, Sec.5, for section 6 (w.e.f. 29.10.1994).
10. Subs. by Act 59 of 1994, Sec.6, for "Lok Adalats" (w.e.f. 29.10.1994).
11. Subs. by Act 59 of 1994, Sec.6, for "Central Government" (w.e.f. 29.10.1994).
12. Subs. by Act 59 of 1994, Sec.7, for section 8 (w.e.f. 29.10.1994).
13. Subs. by Act 59 of 1994, Sec.7, for section 9 (w.e.f. 29.10.1994).
14. Subs. by Act 59 of 1994, Sec.8, for clause (a) (w.e.f. 29.10.1994).
15. The words "in consultation with the State Government", omitted by Act 59 of 1994, Sec 8 (w.e.f. 29.10.1994).
16. Ins. by Act 59 of 1994, Sec.9 (w.e.f. 29.10.1994).
17. Subs. by Act 37 of 2002, Sec.2, for "senior Civil Judge" (w.e.f. 11.6.2002).
18. Subs. by Act 1 of 1996, Sec.74, for clause (d) (w.e.f. 7.2.1996). Subs. by Act 59 of 1994, Sec. 10, for clause (h) (w.e.f. 29.10.1994).
19. Subs. by Act 59 of 1994, Sec. 11, for clause (b) (w.e.f. 29.10.1994).
20. Subs. by Act 59 of 1994, Sec. 12, for clause (b) (w.e.f. 29.10.1994).
21. Subs. by Act 59 of 1994, Sec. 13, for clause (b) (w.e.f. 29.10.1994).
22. Ins. by Act 59 of 1994, Sec. 13, (w.e.f. 29.10.1994).
23. Ins. by Act 59 of 1994, Sec. 14, (w.e.f. 29.10.1994).
24. Subs. by Act 59 of 1994, Sec. 15, for section 20 (w.e.f. 29.10.1994).
25. Subs. by Act 59 of 1994, Sec. 16, for sub-section (1) (w.e.f. 29.10.1994).
26. Added by Legal Services Authorities (Amendment) Act No. 37 of 2002 published in Gazette of India vide notification No. 40 dated 12-06-2002.
27. Subs. by Act 37 of 2002, Sec.3, for Lok Adalat (w.e.f. 11.6.2002).
28. Chapter VIA (containing Sections 22A to 22E) Ins. by Act 37 of 2002 (w.e.f. 11.6.2002).
29. Notified by Haryana Government vide Notification No. 20/1/2009-4JJ (1) dated 19.5.2009.
30. Notified by Haryana Government vide Notification No. 20/1/2009-4JJ (1) dated 19.5.2009.
31. Substituted vide notification No. S.O. 2083 (E) dated 15.9.2011 by Ministry of Law and Justice, Government of India.
32. Subs. by Act 59 of 1994, Sec. 17, for section 23 and 24 (w.e.f. 29.10.1994).
33. Substituted by Legal Services Authorities (Amendment) Act No. 37 of 2002 published in Gazette of India vide notification No. 40 dated 12-6-2002.
34. Subs. by Act 59 of 1994, Sec. 18, for sections 27, 28 and 29 (w.e.f. 29.10.1994).
35. Inserted by Legal Services Authorities (Amendment) Act No. 37 of 2002 published in Gazette of India vide notification No. 40 dated 12-6-2002.

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Registered No. A. 12



**THE ASSAM GAZETTE  
EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

No. 88 Dispur, Wednesday, 08th May, 1996, 18th Vaisakha, 1918 (S.E.)

**NOTIFICATION  
The 19th April, 1996**

No. LGL. 176/94/142. In exercise of the powers conferred by Section 28 of the Legal Service Authorities Act, 1987 (No. 39 of 1987), as amended by the Legal Service Authorities (Amendment) Act, 1994 (No. 59 of 1994), the Governor of Assam is pleased to make the following rules, namely :-

## **ASSAM STATE LEGAL SERVICES AUTHORITY RULES, 1996.**

1. Short title and commencement :-
  - (1) These rules may be called the Assam State Legal Services Authority Rules, 1996.
  - (2) They shall come into force on the date of their publication in the Official Gazette.
2. Definitions
  - (1) In these Rules, unless the context otherwise require, -
    - (a) "Act" means the Legal Services Authorities Act, 1987 (No. 39 of 1987) as amended by Legal Services Authorities Act, 1994 (No. 59 of 1994),-
    - (b) "Chairman" means the Executive Chairman of the State Authority, 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;
    - (c) "District Authority" means the District Legal Services Authority constituted under Section 9 of the Act;
    - (d) "High Court Legal Services Committee" means High Court Legal Services Committee constituted under Section 8 A of the Act;
    - (e) "Member" means the member of the State Authority appointed under clause (c) of sub-section (2) of the Section 6 of the Act,
    - (f) "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 8A of the Act, or as the case may be, the Secretary of the District Legal Services Authority constituted under Section 9 of the Act;
    - (g) "State Authority" means the State Legal Services Authority constituted under Section 6 of the Act,
    - (h) "Sub-Divisional, Legal Services Committee" means a Sub-divisional Legal Services Committee constituted under Section 11 A" of the Act;
    - (i) "Taluk or Mandal" means "Civil Sub-Division" and includes a Sadar Sub - Division."
3. The number, experience and qualifications of other members of the State Authority under Clause (c) of sub-section (2) of Section 6.
  - (1) The State Authority shall have not more than fifteen members.
  - (2) The following shall be ex-officio members of the State Authority:-
    - (i) Advocate General of the State.
    - (ii) the Secretary in the Department of Finance;
    - (iii) the Secretary in the Department of Legislative,
    - (iv) The Director General of Police of the State;
    - (v) Chairman, State Scheduled Castes and Scheduled Tribes Commission, and in case there is no such chairman, one person of repute who is Specially interested in the upliftment Schedule Castes and

- Schedule Tribes of the State to be nominated by the State Government.
- (vi) Two Chairmen of the District Authority, as may be nominated by the State Government, in consultation with the Chief Justice of the High Court.
- (3) The State Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those possessing the experience and qualifications prescribed in Sub-Rule (4) of the Rule.
- (4) A person shall not be qualified for nomination as a member of the State Authority unless he is -
- a. an eminent person Social Worker who is engaged in the upliftment of the weaker section of the people, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour; or
  - b. an eminent person in the field of law; or
  - c. a person of repute who is specially interested in the implementation of Legal Services Schemes.
4. The powers and function of the Member-Secretary of the State under sub-section (3) of Section 6. The powers and functions of the Member - Secretary of the State Authority, inter alia, shall be -
- a. to give free Legal Services to the eligible and weaker section;
  - b. to work out modalities of the Legal Services Schemes and Programmes approved by the State Authority and ensure their effective monitoring and implementation;
  - c. to exercise the powers in respect of Administrative; House-keeping, Finance and Budget matter as Head of the Department in the State Government;
  - d. to manage the properties, records and funds of the State Authority;
  - e. to maintain true and proper accounts of the State Authority including checking and auditing in respect thereof periodically;
  - f. to prepare Annual Income and Expenditure Accounts and Balance-Sheet of the said Authority;
  - g. to liaise with the Social Action Groups and District and Taluk Legal Services Authority;
  - h. to maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Services Programmes from time to time;
  - i. to process proposals for finance assistance and issue Utilisation Certificate thereof;
  - j. to organize various Legal Services Programmes as approved by the State Authority and convene Meeting/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;
- l. to lay stress on the resolution of Rural Disputes at the doorsteps of the rural people;
  - m. to perform such of the functions as are assigned to him under the schemes formulated under Section 4(b) of the Act; and
  - n. to perform such other function 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 Section 6
    - (1) The members of the State Authority nominated under sub-rule (3) of rule 3 by the State 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 State Government if in the opinion of the State Government he is not desirable to continue as a member.
    - (3) If any member nominated under sub-rule (3) of rule 3 ceases to be a member of the State Authority for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the member in whose place he is nominated.
    - (4) All members nominated under sub-rule (3) of rule 3 shall be entitled to payment of traveling 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 Class-I Officers, as amended from time to time.
    - (5) If the nominated member is a Government employee he shall be entitled to only one of set travelling allowance and daily allowance either from his parent department, or, as the case may be from the State Authority.
    - (6) The Member Secretary of the State Authority shall be the whole time employee and shall hold office for a term not exceeding five years.
    - (7) In all matters like age of retirement; and disciplinary matters, the Member-Secretary shall be on deputation to the State Authority.
  6. The number of officer and other employees of the State Authority under sub-section (5) of Section 6 - The State Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day to day functions as may be notified by the State Government from time to time for discharging of efficient functioning of the State Authority in consultation with the Chief Justice of Gauhati High Court in accordance with the provisions of the Act.
  7. The conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (6) of Section 6. -
    - (1) The Officers and other employees of the State Authority shall be entitled to draw pay and allowances in the scale of pay at par with the State Govern-



- ment employees 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 State Government Rules as are applicable to persons 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 State Government from time to time.
8. The experience and qualification 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 the Secretary of the High Court Legal Services Committee unless he is an officer of the High Court not below the rank of Joint Registrar.
  9. 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 services 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 may be notified by the State Government from time to time for discharging of efficient functioning of the High Court Legal Services Committee in consultation with the Chief Justice of the Gauhati High Court in accordance with the provisions of the Act.
    - (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 at par with the State Government employees holding equivalent posts.
    - (3) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters of the Officers and other employees of the High Court Legal Services Committee shall be governed by the State Government rules as are applicable to person 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 State Government from time to time.
  10. The number, experience and qualifications of members of the District Authority under clause (b) of sub-section (2) of Section 9 -
    - (1) The District Authority shall not have more than eight members.
    - (2) The following shall be ex-Officio members of the District Authority'-
      - (i) District Magistrate;
      - (ii) Superintendent of Police;
      - (iii) Chief Judicial Magistrate; and
      - (iv) District Government pleader,
    - (3) The State 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.

- (4) A person shall not be qualified for nomination as a member of the District Authority unless he is-
  - (a) 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) an eminent person in the field of law; or
  - (c) a person of repute who is specially 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 Section 9. The District Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day - to - day function as may be notified by the State Government from time to time for discharging of efficient functioning of the District Authority in consultation with the Chief Justice of Gauhati High Court in accordance with the provisions of the Act,
12. The condition of Services and the salary and allowances of the officers and other employees of the District Authority under sub-section (6) of Section 9.
  - (1) The officers and other employees of the District Authority shall be entitled to draw pay and allowances in the scale of pay at par with the State Government employees holding equivalent posts.
  - (2) In the matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters the Officers and other employees of the District Authority shall be governed by the State Government rules as are applicable to person 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 State Government from time to time.
13. The number, experience and qualifications of members of the Taluk Legal Services Committee under clause (b) of sub-section (2) of Section II (A)
  - (1) The Taluk Legal Services Committee shall have not more than five members.
  - (2) The following shall be ex-officio members of the Taluk Legal Services Committee: -
    - (a) Sub-Divisional Officer;
    - (b) Sub-Divisional Police Officer;
  - (3) The State 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.
  - (4) A person shall not be qualified for nomination as a member of the Taluk Legal Services Committee unless he is -
    - (a) An eminent Social worker who is engaged in the upliftment of the weaker section of the people including Scheduled Castes, Scheduled Tribes, Women, children and rural labour; or
    - (b) an eminent person in the field of law; or

- (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.
14. The number of officer and other employees of the Sub-divisional Legal Services Committee under sub-section (3) of section II A. The Sub-divisional Legal Services Committee shall have such number of officers and other employees for rendering secretarial assistance and for its day to-day functions as may be notified by the State Government from time to time for discharging of efficient functioning of the Sub-divisional Legal Services Committee in consultation with the Chief Justice of Gauhati High Court in accordance with the provisions of the Act.
  15. In the matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the Sub-divisional Legal Services Committee shall be governed by the State Government rules as are applicable to persons holding equivalent posts.
  16. 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 a court, other than the Supreme Court, Any citizen of India whose annual income from all sources does not exceed Rs. 3,00,000/- (Rupees Three lakh only) or such higher amount as may be notified by the State Government from time to time shall be entitled to Legal Services under clause (h) of Section 12 of the Act.
  17. The experience and qualifications of other' persons of the Lok Adalats other than referred to in sub-section (4) of section 19- a person shall not be qualified to be included in Bench of Lok Adalat unless he is -
    - (1) An eminent social 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; or
    - (2) A lawyer of standing; or
    - (3) A person of repute who is specially interested in the implementation of the Legal Services Schemes and programmes.

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# THE ASSAM STATE LEGAL SERVICES AUTHORITIES REGULATIONS, 1998

## CHAPTER I PRELIMINARY

### 1. Short title and commencement-

- 1) These regulations may be called the Assam State Legal Services Authorities Regulations, 1998.
- 2) They shall come into force on the date of their publication in the Assam Gazette.

### 2. Definitions

- 1) In this regulations, unless the context otherwise requires,
  - a) 'Act' means the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987);
  - b) 'Authority' means the Assam State Legal Services Authority or a District Legal Services Authority, as the case may be;
  - c) 'Committee' means the High Court Legal Services Committee or a Taluk Legal Services Committee, as the case may be;
  - d) 'Form' means a form appended to these Regulations;
  - e) "High Court" means the Gauhati High Court;
  - f) 'Legal aided person' means a person to whom legal aid has been provided under these regulation; and
  - g) 'Rules' means the Assam State Legal Services Authorities Rules, 1996.

- 2) All other words and expressions used in these regulation but not defined herein, shall have the same meaning as has been respectively assigned to them in the Act or the rules.

## **CHAPTER II STATE LEGAL SERVICES AUTHORITY**

### **3. Other functions of the State Authority-**

In additions to the functions to be performed by the State Authority, as laid down by section 7 of the Act, the State Authority may perform such other functions, as may be fixed in consultation with the Central Authority, for carrying out the schemes and programmes for promoting the causes of legal aid, as envisaged in the Act.

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

- 1) The State Authority shall meet once in every three month:  
Provided that the Executive Chairman may convene a meeting of the State Authority whenever any urgent business is to be transacted.
- 2) A meeting of the State Authority shall ordinarily be held in Guwahati.
- 3) The Annual General Meeting of the State Authority shall be convened ordinarily in the month of April every year or in such other month as may be directed by the Executive Chairman. Besides other businesses, the annual statement of accounts, the annual performance report about the plans, the programmes and the schemes of the State Authority shall be placed before the Annual General Meeting for consideration and approval.
- 4) The Executive Chairman, and in the absence of the Executive Chairman, a person chosen by the members present from amongst themselves, shall preside over the meetings of the State Authority.
- 5) The quorum for a meeting shall be five members including the Executive Chairman or the member presiding over the meeting in the event of absence of the Executive Chairman.
- 6) For every meeting of the State Authority, at least two weeks' notice shall be given to the members. However, an emergent meeting may be convened by the Member-Secretary in accordance with the direction of the Executive Chairman on short notice.
- 7) The procedure of any meeting of the State Authority shall be such as may be adopted by it.
- 8) One or more persons, who are engaged or interested in the upliftment of the weaker section of the society, who are considered suitable by the Executive Chairman, may be invited to any meeting in order to have their views, co-operation and help. Such persons shall, however, be not entitled to vote at such meeting.
- 9) All matters requiring confirmation of the State Authority under the Act or the rules and all policy matters or any specific matter as may be directed by the

Executive Chairman shall be placed before the State Authority for consideration and decision.

- 10) All the decisions of the State Authority shall be taken by the majority of votes of the members present and voting and in case of a tie, the person presiding over the meeting shall have a second or casting vote.
- 11) It shall be the duty of the Member- Secretary to record or cause to be recorded the minutes of the proceedings of each meeting in a register to be maintained for the purpose and such minutes shall be open for inspection at all reasonable times by the members of the State Authority. After the meeting, a copy of the minutes shall, as soon as possible, be furnished to each of the members.
- 12) All members, including the ex- officio members, shall be entitled to payment of travelling allowances and daily allowances in respect of the journeys performed in connection with the Lok Adalat, legal aid programme and other works of the State Authority from the State Legal Aid Fund at the rate admissible to a class I officer of the Government of Assam.  
Provided that the Patron-in-Chief, the Executive Chairman of the State Authority and the Chairman of the High Court Legal Services Committee shall be entitled to draw their travelling allowancing and daily allowances from the State Legal Aid Fund for performing the journeys in connection with the Lok Adalats, legal aid programmes and other works of the State Authority from the State Legal Aid Fund at the rate applicable to them under the rules governing their conditions of service.

#### **5. Powers of the Executive Chairman-**

- 1) The Executive Chairman shall be competent to take all decisions as may be required on behalf of the State Authority.
- 2) The Executive Chairman may direct that legal aid, legal advice or other legal services be provided to any person entitled thereto under the Act or the Rules in respect of any matter before any Court, Tribunal or Authority in the State of Assam.
- 3) The Executive Chairman may review the cases where legal services have been refused by the District Authority or the Committee.

#### **6. Fund of the State Authority-**

- 1) The fund of the State Authority shall comprise of the State legal Aid Fund-constituted under section 16 (1) of the Act and all such amounts as may be received by way of grant or costs, charges and expenses recovered from the person to whom legal service has been provided or from the opposite party and any other money, whatsoever, received by the State Authority.
- 2) All amounts credited to the State legal Aid fund shall be kept deposited in a Nationalised Bank in an account, which shall be operated by the Member-Secretary with the prior written approval of the Executive Chairman.

**Explanation:** For the purposes of this regulation, "Nationalised Bank" means any nationalised 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 the incidental minor charges, such as payments for Court Fee, Stamp Duty or other expenditure necessary for obtaining copies of documents and contingent expenditure etc. a permanent advance of not more than rupees five thousand shall be placed at the disposal of the Member-Secretary.
- 4) All expenditure necessary for carrying out the various functions of the State Authority including the expenses required for its meetings shall be incurred from and out of the fund of the State Authority with the prior written approval of the Executive Chairman.  
Provided that for an expenditure exceeding rupee ten thousand, the approval of the State Authority shall be taken.
- 5) The Member Secretary shall maintain or cause to be maintained the accounts and other relevant records of the receipts and disbursements neatly, properly and in accordance with the direction and procedure of the State Government and the Comptroller and auditor General of India.

### **CHAPTER III HIGH COURT LEGAL SERVICES COMMITTEE**

7. **Number, experience and qualifications of members of the committee under clause (b) of sub-section (2) of section 6A of the Act.-**
  - (1) The Committee shall have not more than eleven members including the Chairman thereof.
  - (2) The Committee shall consist of the following-
    - i) A sitting Judge of the High Court to be nominated by the Chief Justice, Gauhati High Court;
    - ii) The Advocate General, Assam;
    - iii) The Chairman or any other Member of the Assam Administrative Tribunal;
    - iv) The Chairman or any other Member of the Assam Board of Revenue;
    - v) The Secretary to the Government of Assam Legislative (LW) Department;
    - vi) The Registrar (General), Gauhati High Court; and
    - vii) The President, High Court Bar Association, Gauhati High Court,
  - (3) The Chief Justice of the High Court may nominate other members (not exceeding four Members) from among those who are possessing the experience and qualifications prescribed in sub-regulation (4).
  - (4) A person shall not be qualified for nomination as member of the Committee unless he is-

- (a) An eminent social worker who is engaged in the upliftment of the weaker section 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
- (c) A person of repute who is specially interested in the implementation of the Legal Services Schemes; or
- (d) A serving or retired person of the State Legal Service or the State Judicial Service

**8. Term of office and other conditions of appointment of members of the Committee-**

- 1) The term of the office of the members of the committee nominated under sub-regulation (3) of regulation 7 shall be two years and they shall be eligible for re-nomination.
- 2) A member of the Committee nominated under sub-regulation (3) of regulation 7 may be removed by the Chief Justice of the High Court if the member-
  - (a) Fail without sufficient cause, to attend three consecutive meetings of the Committee; or
  - (b) Has been adjudged an insolvent; or
  - (c) Has been convicted of an offence, which in the opinion of the State Authority, involves moral turpitude; or
  - (d) Has become physically or mentally incapable of acting as a member; or
  - (e) Has so abused his position as to render his continuance in the committee prejudicial to the Public interest: Provided that no member shall be so removed from the committee without being offered a reasonable opportunity of being heard.
- 3) A member may, by writing under his hand addressed to the Chairman, resign from the Committee and such resignation shall take effect from the date on which it is accepted by the State Authority or the expiry of thirty days from the date of tendering the resignation, whichever is earlier, unless otherwise decided by the State Authority.
- 4) If any member nominated under Sub-regulation (8) of regulation 7 ceases to be a member of the Committee for any reason the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the member in whose place he is so nominated.
- 5) All members of the Committee shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the works of the Committee and shall be paid by the committee at the rates admissible to the First Grade Officers of the Government of Assam under the relevant rules governing the travelling allowances and daily allowances in respect of such journeys by the First Grade Officers of the Gov-



ernment of Assam.

**9. Function of the committee-**

- 1) It shall be the duty of the Committee to implement and perform such policies and directions or other functions as may be issued by the State authority from time to time.
- 2) Without prejudice to the generality of the functions referred to in sub-regulation (1), the Committee shall, in consultation with the Executive Chairman of the State Authority, perform all or any of the following functions namely-
  - a) Provide legal services to persons who satisfy the criteria laid down under the Act and the rules; and
  - b) Encourage the settlement of dispute by way of negotiation, arbitration or conciliations.

**10. Function of the Secretary**

- (1) The Secretary shall be the custodian of all assets, accounts, records and funds placed at the disposal of the Committee and shall work under the supervision and direction of the Chairman 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.

**11. Meetings of the Committee**

- (1) The Committee shall ordinarily meet once a month on such date and at such place within Guwahati as the Secretary may, with the approval of the Chairman notify.
- (2) The Chairman, and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside over the meeting of the Committee.
- (3) The Procedure of any meeting of the District Authority shall be such as may be adopted by it.
- (4) The minutes of the proceedings of such meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open for 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 furnished to each of the members and a copy thereof be forwarded to the State Authority.
- (5) The quorum for the meeting shall be five including the Chairman or the member presiding over the meeting in the event of absence of the Chairman.
- (6) All questions at any meeting of the Committee shall be decided by a majority of the members present and voting and in case of a tie, the person presiding over the meeting shall have a second or casting vote.

**12. Fund, accounts and audit of the Committee-**

- (1) The fund of the Committee shall consist of such amounts as may be allo-

cated and granted to it by the State Authority and also such amounts as may be received by the Committee, from time to time, either by way of grant or costs, charges or expenses recovered from any person to whom legal aid has been provided or the opposite party or otherwise.

- (2) The Fund of the Committee shall be maintained and operated in an account in a Nationalised Bank.

**Explanation:** For the purpose of this regulation, "Nationalised Bank" means any nationalised 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 the incidental minor charges, such as payments for Court Fee, Stamp Duty and expenditure necessary for obtaining copies of documents etc. permanent advance of rupees two thousand five hundred shall be placed at the disposal of the Secretary of the Committee.
- (4) All expenditure on legal aid or other legal services and also expenditure shall be met from and out of the Fund of the Committee. The Secretary shall operate the bank account of the Committee in accordance with the prior written approval of the Chairman.
- (5) No expenditure shall be incurred from and out of the Fund of the Committee and no amount of the Fund shall be withdrawn from the bank without the prior approval of the Committee.
- (6) The Committee shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and shall furnish quarterly returns to the State Authority.
- (7) The State Authority shall cause the accounts of the Committee audited under the Assam Local Fund (Accounts and Audit) Act, 1939, at least, once a year and any expenditure incurred in connection with such audit shall be paid by the State Authority from the State Legal Aid Fund.

## CHAPTER IV DISTRICT LEGAL SERVICES AUTHORITY

### 13. Functions of the District Legal Services Authority-

- (1) The Secretary of the District authority appointed under sub-section (3) of section 9 of the Act, shall act as, and exercise the powers and perform the duties of the Secretary of the District Authority in addition to the duties to be discharged by him as a Judicial Officer.
- (2) The Secretary shall be the principal officer of the District Authority and shall be the custodian of all assets, accounts, records, and funds placed at the disposal of the District Authority.
- (3) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursements of the fund of the District Authority.

- (4) The Secretary shall convene meetings of the District Authority with prior approval of the Chairman, attend the meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meeting.

**14. Meetings of the District Authority-**

- (1) The District Authority shall ordinarily meet once a month on such date and at such place, within the headquarter of the District, as the Secretary may, with the approval of the Chairman, notify.
- (2) The Chairman, and in the absence of the Chairman, a person chosen by the member present of amongst themselves, shall preside over the meeting of District Authority.
- (3) The procedure of any meeting of the District Authority shall be such as may be adopted by it.
- (4) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open for inspection at all reasonable times by the members of the District Authority. After the meeting, a copy of the minutes shall, as soon as possible, be furnished to each of the member and a copy thereof shall be forward to the State Authority.
- (5) The quorum for a meeting shall be three including the Chairman or the member presiding over the meeting in the event of absence of the Chairman.
- (6) All questions at the meeting of the District Authority shall be decided by a majority of the members present and voting and in case of a tie, the person presiding over shall have a second or casting vote.

**15. District Legal Aid Fund-**

- (1) The Fund of the District Authority established under section 17 of the Act shall be maintained and operated in an account in a Nationalised Bank,  
**Explanation:** For the purpose of this regulation, "Nationalised Bank" means any nationalised 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.
- (2) For the purpose of meeting the incidental minor charges, such as payments for Court Fee, Stamp Duty 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.
- (3) All expenditure on legal aid or other legal services and also expenditure necessary for carrying out the various functions of the District Authority shall be met from and out of the District Legal Aid Fund in such manner as may be determined by the District Authority with the approval of the State Authority. The secretary shall operate the bank account of the District Authority in accordance with the prior written approval of the Chairman.

- (4) No expenditure shall be incurred from and out of the District Legal Aid Fund and no amount of the Fund shall be withdrawn from the bank without prior approval of the District Authority.
- (5) The District Authority shall cause to be kept and maintained true and correct account of all receipts and disbursements and furnish a quarterly return thereof to the State Authority. Such account shall be audited in accordance with the provisions of section 18 of the Act.

## **CHAPTER V TALUK LEGAL SERVICES COMMITTEE**

### **16. Secretary of the Taluk Legal Services Committee-**

- (1) The senior most Upper Division Assistant of the office of the person performing the functions of the Chairman of the Taluk Legal Services Committee shall act as and exercise the powers and perform the duties and functions of the Secretary of the Taluk Legal Services Committee.
- (2) The Secretary shall be the custodian of all assets, accounts, records and funds of the Taluk Legal Services Committee.
- (3) The Secretary shall, with the prior approval of the Chairman, convene meetings of the Taluk Legal Services Committee, attend the meetings and be responsible for maintaining a record of the minutes of the proceedings of the meeting.

### **17. Meetings of the Taluk Legal Services Committee-**

- (1) The Taluk Legal Services Committee shall ordinarily meet once a month on such date and at such place within the Sub-Division as the Secretary may, with the prior approval of the Chairman, notify.
- (2) The Chairman, and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside over the meeting of the Taluk Legal Services Committee.
- (3) The procedure of any meeting of the Taluk Legal Services Committee shall be such as may be adopted by it.
- (4) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open for inspection at all reasonable times by the members of the Taluk Legal Services Committee. After the meeting, a copy of the minutes shall, as soon as be possible, be furnished to each of the members and a copy thereof be forwarded to the State Authority.
- (5) The quorum for the meeting shall be three including the Chairman or the person presiding over the meeting in the event of absence of the Chairman.
- (6) All questions at any meeting of the Taluk Legal Services Committee shall be decided by a majority of the members present and voting and, in the case of a tie, the person presiding over the meeting shall have a second or casting

vote.

**18. Fund, accounts and audit of the Taluk Legal Services Committee-**

- (1) The Fund of the Taluk Legal Services Committee shall consist of such amount as may be allocated and granted to it by the District Authority or the State Authority, as the case may be, and also such other amounts as may be received by the Committee from time to time either by way of grant or costs, charges or expenses recovered from the person to whom legal aid has been provided or the opposite party or otherwise.
- (2) The Fund of the Taluk Legal Services Committee shall be maintained and operated in an account in a Nationalised Bank.

**Explanation:** For the purpose of this regulation, "Nationalised Bank" means any nationalised 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 the incidental minor charges, such as payment for Court Fee, Stamp Duty and expenditure necessary for obtaining copies of the documents etc., a permanent advance of rupees five hundred shall be placed at the disposal of the Secretary of the Taluk Legal Services Committee.
- (4) All expenditure on legal aid or other legal services and also expenditure for carrying out the various functions of the Taluk Legal Services Committee shall be met from and out of the Fund of the Taluk Legal Services Committee. The Secretary shall operate the bank account of the Committee with the prior written approval of the Chairman.
- (5) No expenditure shall be incurred from and out of the Fund of the Taluk Legal Services Committee and no amount of the Fund shall be withdrawn from the bank without prior approval of the Committee.
- (6) The Taluk Legal Services Committee shall cause to be kept and maintained true and correct accounts of receipts and disbursements and furnish a quarterly return thereof to the District Authority as well as to the State Authority. The District Authority shall cause the accounts of the Taluk Legal Services Committee audited under the Assam Local Fund (Accounts and Audit) Act, 1930, at least once a year and any expenditure in connection with such audit shall be paid by the District Authority from the District Legal Aid fund. A copy of the Audit Report shall be furnished to the State Authority.

**CHAPTER VI  
LOK ADALAT**

**19. Procedure for organizing Lok Adalat**

- (1) The High Court Legal Services Committee, the District Legal Services Authority or the Taluk Legal Services Committee, as the case may be, shall,

from time to time, collect the list of cases which are proposed to be settled through the Lok Adalats from the High Court or the concerned District or Sub-divisional Court, as the case may be.

- (2) The Secretary of the Taluk Legal Services Committee, on receipt of the list of case from the concerned Courts of the Sub- Division, shall prepare a programme for holding Lok Adalats in respect of the cases falling under the jurisdiction of the Taluk Legal Services Committee and shall forward the same along with the list of the cases to the District Authority of the District. On receipt of the same, the District Authority shall prepare a consolidated programme for holding Lok Adalats in the district level as well as in the Sub-Divisional level and shall forward the same along with the list of the cases to the State Authority. In the similar manner, the High Court Legal Services Committee also shall prepare a programme for holding Lok Adalats in respect of the High Court cases and forward the same to the State Authority along with the list of the cases. The State Authority, on receipt of the programmes and the lists of the cases from the different Authorities and Committees, shall compile these and having regard to the number of cases to be settled through Lok Adalat at a particular level, prepare and finalise a consolidated but detailed programme in respect of the Lok Adalats to be held in the State by the different Authorities and Committees. The State Authority shall circulate the programme of Lok Adalat so fixed among the different Authorities and Committees in the State, who shall in turn convene and organise the Lok Adalats on such date, place and for such cases, as may be fixed in the said programme.

Provided that the State Authority, having regard to the number of cases to be settled through Lok Adalat within the jurisdiction of any Authority or Committee may, by itself convene and organise Lok Adalat in respect of such cases, at such places and time as may be determined or direct any Authority or Committee to convene and organise Lok Adalat for such cases at such place and time as may be directed:

Provided further that the State Authority may convene and organise a common Lok Adalat for the cases falling within the jurisdiction of a District Authority and one or more Taluk legal Services Committee of the district, on such date and at such place and time, as may be fixed or directed by the State Authority.

- (3) In organising Lok Adalats the State Authority, the High Court Legal Services Committee, the District Authority or the Taluk Legal Services Committee, as the case may be, may take such help from such authority or person -as may be required for the smooth conduct of the Lok Adalat.

**20. Notices to the parties concerned-**

The High Court, the District Court, the Sub- Divisional Court and other concerned to the Lok Adalat, shall notify the concerned parties or their counsel, to appear before the Lok Adalat well ahead of time mentioning the date, venue and time of

the Lok Adalat and a copy of such notice shall also be forwarded to the State Authority, the High Court Legal Services Committee, the District Authority or the Taluk Legal Service Committee, as the case may be, who is organising and convening the Lok Adalat, for information and necessary action.

**21. Composition of the Lok Adalat at High Court Level-**

The Chairman of the High Court Legal Services Committee shall constitute the Benches for a Lok Adalat for the High Court cases. Each such Bench shall consist of three members, one of whom shall be presiding Officer thereof, from amongst the persons of the following categories, for conducting the cases in a Lok Adalat-

- (i) A serving or retired Judge of the High Court or any other retired Judicial Officer not below the rank of a District Judge at the time of retirement;
- (ii) A member of the Legal profession having not less than ten years of practice;
- (iii) A local social worker of repute, who is engaged in the upliftment of the weaker sections of the society; as the case may be, may call for the case records of those pending cases which have been referred to the Lok Adalat under section 20 of the Act, from the concerned Court.
- (iv) A serving or retired officer of the State Legal Service not below the rank of Grade I of the service.

**22. Composition of the Lok Adalat at District Level-**

The Chairman of the District authority shall constitute the Benches for a Lok Adalat organised at the district level. Each such bench shall consist of two or three members, one of whom shall be the Presiding Officer thereof, from amongst the persons of the following categories for conducting the cases in a Lok Adalat in respect of the cases falling under the jurisdiction of the District Authority-

- (i) A serving or retired Judicial Officer;
- (ii) A member of the legal profession having, at least ten years of practice;
- (iii) A local social worker of repute, who is engaged in the upliftment of the weaker sections of the society;
- (iv) Any serving or retired person who has been holding or held a post requiring qualification and background of law under the State or any other authority

**23. Composition of the Lok Adalat at Sub-Division Level-**

The Chairman of the Taluk Legal Services Committee shall constitute the Benches for a Lok Adalat convened or organised at the Sub-Division level. Each such Bench shall consist of two or three members, one of whom shall be the presiding officer thereof, from amongst the persons 'of the following categories, for conducting the cases in a Lok Adalat in respect of the cases falling under the jurisdiction of the Taluk Legal Services Committee-

- (i) A serving or retired Judicial Officer;

- (ii) A member of the legal profession having, at least ten years of practice;
- (iii) A local social worker of repute, who is engaged in upliftment of the weaker section of the society;
- (iv) Any serving or retired person who has been holding or held a post requiring qualification and background of law under the State or any other authority.

**24. Expenditure for the Lok Adalat-**

The total expenditure for organising and holding a Lok Adalat shall not exceed rupees five thousand, which shall be inclusive of the expenditure for publicity, light refreshment, etc.

**25. Summoning of records and safe custody thereof-**

- (1) The Member-Secretary of the State Authority, the Secretary of the High Court Legal Service Committee, the Secretary of the Taluk Legal Services Committee,
- (2) If any matter is referred to the Lok Adalat at the pre-litigation stage, the version of each party hereto shall be obtained by the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, for placing the same before the Lok Adalat.
- (3) The Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall be responsible for the safe custody of the records from the time he receives it till its return to the concerned Court.
- (4) Each concerned Judicial Court shall co-operate in the transmission of the case records to the Lok Adalat.
- (5) The case records shall be returned immediately to the respective Court after holding the Lok Adalat, irrespective of whether or not the case is settled by the Lok Adalat with an endorsement by the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, about the result of the proceeding.

**26. Functioning of the Lok Adalat-**

- (1) The Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall assign cases to the Benches of the Lok Adalat after obtaining order from the Executive Chairman or the Chairman, as the case may be,
- (2) The Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall prepare a cause list for each Bench of the Lok Adalat and the same shall be duly notified to all concerned.
- (3) Every Bench of the Lok Adalat shall make sincere efforts to bring about a conciliatory settlement to every case put before it without any duress, threat or under influence, allurement or mis-representation.
- (4) In case any Bench of the Lok Adalat can not take up, hear or dispose of any case, it may, in its discretion take up such case or cases to the next or any



such subsequent day as may be, convenient to the Executive Chairman or the Chairman, as the case may be, and the Member-Secretary or the Secretary of the Authority or the Committee concerned. In such a case, the case record may be kept with the permission of the concerned Court.

**27. Remuneration to the Presiding Officer and member of the Benches of Lok Adalat-**

- (1) The Presiding Officer or other member of the Lok Adalat Bench shall be provided with conveyance or conveyance allowance as per actual fare for the journeys from their residences to the place of the Lok Adalat and back.
- (2) (i) the Presiding Officer of the Lok Adalat Bench held at the High Court level, if he is not a sitting Judge, shall also be entitled to an honorarium at such rate as may be determined by the State Authority but not exceeding Rs. 200/ (Rupees two hundred only) per case decided and subject to a maximum of Rs. 500/- (rupees Five hundred only) per day or at such rate as may be revised by the State Authority from time to time:  
Provided that in case there is no disposal of any case in a Bench of the Lok Adalat, the Presiding Officer, if he is not a sitting judge, shall be entitled to a sitting allowance of RS. 200/- (Rupees two hundred only) per day.
- (ii) Each of the other members of the Bench of the Lok Adalat held at the High Court level, if he is not a serving Government servant, shall be entitled to an honorarium at such rate as may be determined by the State Authority but not exceeding Rs. 100/- (Rupees one hundred only) per case decided and subject to a maximum of Rs. 300/- (Rupees three hundred only) per day or at such rate as may be revised by the State Authority from time to time:  
Provided that in case there is no disposal of any case in a Bench of the Lok Adalat, each of the other members, if he is not a serving Government servant, shall be entitled to a sitting allowance of Rs. 100/- (Rupees one hundred only) per day.
- (iii) The Presiding Officer of the Bench of Lok Adalat held at the District or Sub- Division level, if he is not a sitting Judge, shall be entitled to an honorarium at such rate as may be determined by the State Authority but not exceeding Rs. 100/- (Rupees one hundred only) per case decided and subject to a maximum of Rs. 300/- (Rupees three hundred only) per day or at such rate as may be revised by the State Authority from time to time:  
Provided that in case there is no disposal of any case in a Bench of the Lok Adalat, the presiding Officer, if he is not a sitting Judge, shall be entitled to a sitting allowance of Rs. 100/- (Rupees one hundred only) per day.

- (iv) Each of the other members of the Bench of the Lok Adalat held at the district c Sub-Division level, if he is not a serving Government servant, shall be entitle to an honorarium at such rate as may ay be determined by the State Authority but not exceeding Rs. 80/- (Rupees eighty only) per case decided and subject to a maximum of Rs. 250/- (Rupees two hundred fifty only) per day or at such rate as may be revised by the State Authority from time to time:  
 Provided that in case there is no disposal of any case in a Bench of the Lok Adalat, each of the other members, if he is not a serving Government servant, shall be entitled to a sitting allowance of Rs. 80/- (Rupees eighty only). per day.
28. Procedure for effecting compromise, or settlement at Lok Adalat-
- (1) Every award or order of the Lok Adalat, shall be signed by the presiding Officer and the other members of the Lok Adalat bench.
  - (2) The original award or the order shall form part of the case record and a copy of the award or the order, duly certified by the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, to be true copy, shall be given to each of the parties free of costs.
29. Award or order to be categorical and lucid-
- (1) Every award or order of the Lok Adalat shall be categorical and lucid and shall be written in the language used in the local Courts or in English.
  - (2) The parties to the dispute shall be required to affix their signature or thumb impressions, as the case may be, on the statements and or compromise recorded by or to be placed before the Lok Adalat.
- 30. Compilation of results-**  
 At the conclusion of the session of the Lok Adalat, the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall compile the records of the disposed of cases so as to make a statement of disposed of cases in Form A and forward the same to the State Authority-
- 31. Procedure for maintaining records of cases referred to under section 20 of the Act or otherwise-**
- (1) The Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall maintain a register, wherein all cases received by him by way of reference to the Lok Adalat or otherwise shall be entered stating the particulars as to-
    - (i) The date of receipt and the name of the Court from which received.
    - (ii) Category and subject wise nature of the case;
    - (iii) Such other particulars as may be deemed necessary; and
    - (iv) Date of settlement and the date of return of the case record.
  - (2) When the case is finally disposed of by the Lok Adalat, appropriate entry as to the result thereof shall be made in the register.
- 32. Budget-**  
 The expenditure for Lok Adalat convened and organised by the State Authority, the

High Court Legal Services Committee, the District Authority or the Taluk Legal Services Committee, as the case may be, shall be met from and out of the respective Fund of the concerned Authority or the Committee and the State Authority shall, from time to time, provide necessary fund for the purpose to the said Authority or the Committee.

**33. Maintenance of accounts-**

- (1) The Executive Chairman or the Chairman of the concerned Authority or the Committee, as the case may be, shall exercise complete and full control over the expenditure incurred in the Lok Adalat.
- (2) The Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall furnish true and proper accounts of the Authority or the Committee concerned quarterly to the State Authority.

**34. Procedure in Lok Adalat-**

- (1) In the Lok Adalat, the parties are not required to be represented by their lawyers. However, a party may, at his option, get represented by a lawyer for the purpose of settlement of the dispute and the Lok Adalat shall not refuse such appearance of lawyer.
- (2) Every Bench of Lok Adalat may evolve its own procedure for conducting the proceedings before it and shall not be bound either by the Code of Civil Procedure, 1908, the Evidence Act, 1872 or the Code of Criminal Procedure, 1973, subject, however, to the principles of natural justice.
- (3) No fee shall be required for any miscellaneous petition, interlocutory petition or any other kind of application to be filed or contested in any case before the Lok Adalat.

**35. Modes of Legal aid-**

Legal aid may be given in all or anyone of the following modes, namely-

- (a) Payment of Court Fee, Process Fee, expenses of witnesses and all other charges payable or incurred in connection with any legal proceeding;
- (b) Representation by a legal practitioner in any legal proceeding;
- (c) Supply of certified copies of judgments, orders, notes of evidences and other documents in legal proceeding;
- (d) Preparation of appeal, including typing and translation of documents in legal proceeding; and
- (e) Drafting of legal documents.

**36. Legal aid not to be given in certain cases-**

Legal aid shall not be given in the following cases, namely-

- (i) Proceeding wholly or partly in respect of
  - a) defamation, or
  - b) malicious prosecution;
- (ii) Proceeding relating to any election;
- (iii) Proceeding incidental to any proceeding referred to in items No. (i) or (ii) or both;
- (iv) Proceeding in respect of offences punishable with fine only;

- (v) Proceeding in respect of economic offences and offences against social laws such as the protection of Civil rights, Act, 1955, the Suppression of Immoral Traffic in Women and Girls Act, 1956 etc.;
- (vi) Where a person seeking legal aid-
  - (a) Is concerned with the proceeding only in representative or official capacity; or
  - (b) Is concerned only with the proceeding jointly with other person or persons, whose interests are identical with the interest of such a person, or any of such person is adequately represented in the proceeding; or
  - (c) Is only a formal party to the proceeding, not materially concerned in the outcome of the proceeding and his interests are not likely to be prejudiced on account of absence or proper representation.

**37. Application for legal aid or advice-**

- (1) Any person desiring legal aid or advice may make an application in Form B addressed to the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be. But if the applicant is illiterate or not in a position to fill in the particulars required in the application, the Member Secretary or the Secretary, as the case may be, or any other officer of the Authority or the Committee or any legal practitioner, whose name appears in the panel of legal aid lawyers of the said Authority or the Committee, as the case may be, or any person authorised by the applicant, shall gather the necessary particulars from the applicant and prepare the application on his behalf and after reading it over and explaining it to him, obtain his signature or thumb impression on it. In such a case shall also put his signature with an endorsement on the body of the application, to the effect that he has prepared it.
- (2) The Authority or the Committee, as the case may be shall maintain a Register of Applications, wherein all applications for legal aid or advice shall be, entered and registered and action taken on such applications shall be noted against the entry relating to each such application.

**38. Disposal of applications-**

- (1) On receipt of an application for legal aid or advice, the Member-Secretary of the State Authority or the Secretary of the High Court Legal Services Committee or of the District Authority, as the case may be, or the Chairman of the Taluk Legal Services Committee, in case of Taluk Legal Services Committee, shall scrutinise the application for the purpose of deciding whether the applicant deserves legal aid or advice in accordance with the provisions of these regulation and for the purpose of arriving at such decision, may require the applicant to submit such further information as may be necessary and also to discuss the matter personally. The application shall be processed as early as possible and preferably within one week.
- (2) The State Authority, the High Court Legal Services Committee, the District Authority or the Taluk Legal Services Committee, to whom an application is

- made, shall consider the application and decide the desirability for accepting or refusing the application and its decision there on shall be the final,
- (3) Where an application is decided to be refused, the reasons therefore shall be entered in the Register of Applications maintained by the State Authority, the High Court Legal Services Committee, the District Authority or the Taluk Legal Services Committee, as the case may be, and information in writing shall be communicated to the applicant.
  - (4) No applications for legal aid or advice shall be allowed, if the Authority or the Committee, as the case may be, is satisfied that-
    - a) The applicant has knowingly made false statement or furnished false information; or
    - b) In a proceeding other than the case relating to criminal prosecution, there is no prima facie case to institute or, as the case may be, to defend the proceeding; or
    - c) The application is frivolous or fictitious; or
    - d) The applicant is not entitled to the same under regulation 36 or any other provision of these regulations; or
    - e) Having regard to all the circumstances of the case, it is otherwise not reasonable to grant it.

**39. Certificate of Eligibility-**

- (1) Where an application for legal aid or advice is allowed, the Member-Secretary of the State authority or the Secretary of the High Court Legal Services Committee, or of the District Authority, as the case may be, and the Chairman, in the case of the Taluk Legal Services Committee, shall issue a Certificate of Eligibility in Form C to the applicant entitling him to legal aid or advice in respect of the proceeding concerned.
- (2) The Certificate of eligibility shall stand cancelled if the legal aid is withdrawn and the legal practitioner to whom the case of the applicant is assigned and also the Court before which the case is pending shall be informed in writing accordingly.

**40. Honorarium payable to legal practitioners of the panel-**

- (1) Subject to the approval of the State Authority, each of the High Court Legal Services Committee, the District Authority and the Taluk Legal Services Committee shall prepare, for a period of two years, a panel of legal practitioners, who are prepared to give legal aid or advice by prosecuting or defending the case on behalf of or by representing or defending the case on behalf of or by representing the legal aided person. The legal practitioners on the panel shall be paid a fixed honorarium at the rate as set out in the schedule appended to these regulations:

Provided that where the matter is disposed of in less than five effective hearing, the honorarium payable shall be half of the rate prescribed in the Schedule:

Provided further that the Executive Chairman of the State Authority, the Chair-

man of the High Court Legal Services Committee, the Chairman of the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, may, having regard to the nature of any particular case dealt with by any legal practitioner, fix in his, discretion, a high honorarium.

- (2) No Legal practitioner to whom any case is assigned either for legal aid or for legal advice shall receive any fee or remuneration, whether in cash or in kind or any other advantage, whether monetary or otherwise, from the legal aided person or from any other person on his behalf.
- (3) The Legal practitioner on the panel, who has completed his assignment, shall submit a statement showing the honorarium due to him in connection with the legal proceedings conducted by him on behalf of the legal aided person to the Member- Secretary or the Secretary of the Authority or the Committee, as the case may be, who shall, with the approval of the Executive Chairman or the Chairman, as the case may be, after due scrutiny and countersignature, place the same before the Authority or the Committee, as the case may be, for sanction and, on such sanction having given by the Authority or the Committee, the amount shall be paid by the Member-Secretary or the Secretary, as the case may be, to the Legal practitioner. It shall, however, be open to the legal practitioner to waive the honorarium in whole or in part.
- (4) Notwithstanding anything contained in this regulation, the Court may, in any appropriate case in which no legal practitioner on panel has been engaged, direct engagement of any other legal practitioner as it may deem appropriate and in every such case-
  - a) It shall be the duty of the legal practitioner so engaged to inform the fact of his such engagement to the concerned Authority or the Committee; and
  - b) The provisions of these regulations shall apply to such legal practitioner as they apply to the legal practitioners on the panel

**41. Duties of legal aided person-**

- (1) A person seeking legal or receiving legal aid or advice shall comply with any requisition or direction that may be made upon him by the Authority or the Committee, as the case may be, from the date of application for legal aid or advice till the completion or cessation of the legal aid or the cancellation of the Certificate of Eligibility.
- (2) Every such person shall execute an agreement in Form D agreeing that in the event of the Court passing a decree or order in his favour awarding costs or other monetary benefit or advantage to him, to repay, by way of reimbursement, to the Authority or the Committee, as the case may be, all costs, charges and expenses incurred by the Authority or the Committee in giving legal services to him. For facilitating such reimbursement, he shall also execute an Irrevocable power of attorney in Form E, authorising the Member Secretary or the Secretary of the Authority or the Committee, as

the case may be, to do all such acts and things as may be necessary for recovering or realising the amount decreed, awarded or ordered to be paid to him. The costs, charges and expenses, which may be recovered by the Authority or the Committee as aforesaid, shall be credited to the Fund of the concerned Authority or the Committee.

- (3) Every legal aided person or his representative shall attend the office of the Authority or the Committee, as the case may be, as and when required by the said Authority or the Committee or by the legal practitioner rendering legal services to him and disclosures of the real facts of the dispute or the case to the legal practitioner concerned and shall attend the court as and when required, at his own expenses.

#### **42. Cancellation of Certificate of Eligibility-**

- (1) The Authority or the Committee may, either on its own motion or otherwise, cancel the Certificate of eligibility granted by it under regulation 39 on any one or more of the following grounds, namely-
  - (a) In the event of being found that the legal aided person was possessed of sufficient means or that the Certificate of Eligibility was obtained by misrepresentation or fraud;
  - (b) In the event of any material change in the circumstances under which the Certificate of Eligibility was granted to him;
  - (c) In the event of any misconduct, misdemeanour or negligence on the part of the legal aided person in the course of receiving the legal aid;
  - (d) In the event of the legal aided person not co-operating with the Authority or the Committee concerned or with the legal practitioner assigned by the Authority or the Committee or the Court;
  - (e) In the event of the legal aided person engaging a legal practitioner other than the one assigned by the Authority or the Committee unless the engagement is under the direction of any court;
  - (f) In the event of death of the legal aided person, except in the case of civil proceedings, where the right or liberty survives;
  - (g) A report has been received from the legal practitioner assigned to the legal aided person that the legal aided person is not co-operating with him or is guilty of misconduct towards the legal practitioner and such report has been verified and found correct by the Executive Chairman or the Chairman of the Authority or the Committee, as the case may be;
  - (h) In the event of externment of the legal aided person, under any law for the time being in force, from the area or place of his residence or business Provided that no such Certificate of eligibility shall be cancelled without giving due notice thereof to the legal aided person or, to his legal representatives in the event of his death, to show cause as to why the Certificate of Eligibility should not be cancelled.
- 2) Where the Certificate of Eligibility is cancelled on the ground set out in clause

(a) of sub-regulation (1) above, the Authority or the Committee, as the case may be, shall forthwith discontinue the legal aid allowed to him and shall be entitled to recover the amount of the legal aid given from the legal aided person.

**43. Emergency power of Executive Chairman and Chairman-**

Notwithstanding anything to the contrary contained in these regulations, in emergent cases, where the Executive Chairman of the State Authority or the Chairman of the High Court Legal Services Committee or of the District Authority or of the Taluk Legal Services Committee, as the case may be, is of the opinion that such a situation has arisen where immediate action is required to be taken or there is no possibility of immediately convening the meeting of the Authority or the Committee, as the case may be, he may, in anticipation of the approval of the said Authority or the Committee, take such action as he may deem fit, and thereafter, he shall, as soon as possible, place a report of his such action before the Authority or the Committee, as the case may be, for approval.

## **CHAPTER VII MISCELLANEOUS**

**44. Travelling allowances and daily allowances for journeys in connection with Lok Adalat or legal aid programme of High Court Legal Services Committee, District Authority or Taluk Legal Services Committee.**

All members, including the ex-officio members of the High Court Legal Services Committee, the District Authority or the Taluk Legal Service Committee shall be entitled to draw their travelling allowances and daily allowances from the Fund of the Authority or the Committee, as the case may be, of which he is a member, for the Journey performed in connection with Lok Adalat, Legal aid programme or other works of the said Authority or the Committee, at the rate admissible to the Class 1 officers of the Government of Assam.

Provided that no travelling allowance or daily allowance shall be admissible under this regulation to any member or other person if he draws the travelling allowance and the daily allowance from any other source for performing the same journeys.

## **SCHEDULE [See regulation 40 (1)]**

**A. In all cases before the court or the Tribunals (except before the High Court) the honorarium shall be as follows:-**

|                               |            |
|-------------------------------|------------|
| 1. Suits                      | Rs. 500.00 |
| Probate Proceedings           | Rs. 300.00 |
| Drafting of Plaint            | Rs. 100.00 |
| Drafting of Written Statement | Rs. 100.00 |



|           |  |           |
|-----------|--|-----------|
| 2.        | Original proceedings before Criminal or Revenue court                                | Rs.300.00 |
| 3.        | Appeal from original decree  | Rs.500.00 |
| 4.        | Appeal from orders   | Rs.200.00 |
| 5.        | Criminal Appeal or Revision against order of conviction                              | Rs.500.00 |
| 6.        | Other revisions  | Rs.250.00 |
| 7.        | Other proceedings  | Rs.250.00 |
| <b>B.</b> | <b>In all cases before the High Court, the honorarium shall be as follows :-</b>     |           |
| 1.        | First Appeal   | Rs.700.00 |
| 2.        | Second Appeal up to admission  | Rs.200.00 |
|           | (a) Hearing  | Rs.500.00 |
| 3.        | Misc. Appeal up to admission   | Rs.150.00 |
|           | (a) Hearing of Misc Appeal   | Rs.250.00 |
| 4.        | Civil Revision up to admission   | Rs.150.00 |
|           | (a) Hearing of civil Revision  | Rs.250.00 |
| 5.        | Criminal Revision up to admission  | Rs.500.00 |
| 6.        | Criminal Revision up to admission  | Rs.150.00 |
|           | (a) Hearing of Criminal Revision   | Rs.350.00 |
| 7.        | Proceeding under section 462 of the Code of Criminal Procedure, 1973 up to admission | Rs.150.00 |
|           | (a) Hearing of proceeding under section 482 of the Code of Criminal procedure, 1973  | Rs.350.00 |
| <b>C.</b> | <b>In all other cases for advice (per case)</b>                                      | Rs.50.00  |

**Form A**  
**Statement of Cases Disposed of in Lok Adalat**  
**(See regulation 30)**

|    |  |                  |
|----|--|------------------|
| 1. | Serial No. of the Lok Adalat                     | : _____ of _____ |
| 2. | Venue of the Lok Adalat                          | : _____          |
| 3. | Date of the Lok Adalat                           | : _____          |
| 4. | Lok Adalat organized by                          | : _____          |
| 5. | Number of total cases referred to the Lok Adalat | : _____          |
| 6. | Number of total cases taken up in the Lok Adalat | : _____          |
|    | a) Civil cases                                   | : _____          |
|    | b) Criminal cases                                | : _____          |
|    | c) Claim cases                                   | : _____          |
|    | d) Other cases                                   | : _____          |
|    | <b>Total</b>                                     | : _____          |
| 7. | Number of beneficiaries                          | : _____          |
|    | a) Scheduled Castes                              | : _____          |
|    | b) Scheduled Tribes                              | : _____          |
|    | c) Women   | : _____          |
|    | d) Others  | : _____          |
|    | <b>Total</b>                                     | : _____          |

Date : .....

Place : .....

Member Secretary/ Secretary

.....Authority/ Committee

8. The total number of my family members is ..... and they are as shown below,-

| Name | Age | Relationship with the applicant | Occupation (If any) | Annual income (If any) |
|------|-----|---------------------------------|---------------------|------------------------|
|------|-----|---------------------------------|---------------------|------------------------|

(1)

(2)

(3)

(4)

9. The number of dependent member in my family is .....

10. The income, if any of other members of my family residing with me is as under, (details shall be furnished) :-

11. The nature of legal aid or advice required is and the same is in respect of (State the nature of disputes, claims or right and the document right and other relevant particulars thereof.)

12. The proof in support of my aforesaid claim / right / defence / plea is as under, (state in details) : .....

13. I have / have not applied for legal aid or advice previously. (if applied previously, state the details thereof including the result and if any advice was given, state the advice.) .....

14. I am willing to furnish such further information and particulars as may be required for the purpose of enabling the ..... Authority/ Committee to consider this application fully.

15. I am am not in a position to bear the expenses of the Court case and the costs of miscellaneous proceedings. (The Applicant may also state the amount, which he is prepared to pay by way of costs and miscellaneous costs or a portion or part thereof.)

16. I shall reimburse the.. costs, charges and expenses incurred by the said, Authority/ Committee all Authority / Committee in giving me legal aid, if the Court passes a decree or order in my favour awarding costs, or other monetary benefit or advantage to me or if I cease to be entitled to get the legal aid under these regulations
17. The above statements are true to the best of my knowledge and belief.

Date : \_\_\_\_\_ Signature or thumb impression of the Applicant

Place :

Address .....

**FORM C**  
**CERTIFICATE OF ELIGIBILITY**  
**[SEE REGULATION. 39 (1)]**

**THE ASSAM STATE LEGAL SERVICES AUTHORITY / HIGH COURT LEGAL SERVICES COMMITTEE/ DISTRICT LEGAL SERVICES AUTHORITY... TALUK LEGAL SERVICES COMMITTEE**

With reference to the application dated the ..... 20 ..... this is to certify that Shri/Shrimati ..... son/ daughter / wife of ..... residing at ..... is entitled to receive legal aid / advice in respect of the legal proceeding, particulars whereof are given below:-

- (a) Name of the Court / Tribunal/Authority:-
- (b) Number and description of the legal proceeding :-
- (c) Name and address of the opponent :-
- (d) Extent of legal aid or the nature of the legal advice to be given .....
- (e) Other relevant particulars :

Date : \_\_\_\_\_ Member Secretary/Secretary

Place : \_\_\_\_\_ Authority/Committee

**FORM D**  
**FORM OF AGREEMENT TO BE EXECUTED BY THE APPLICANT FOR -**  
**GRANT OF LEGAL AID**  
**[See regulation 41 (2)]**

This Agreement made on this ..... the day of ..... in the year Two Thousand ..... between ..... son/daughter/ wife of ..... aged .....years, residing at Village/Town ..... Mauza ..... P.S. .... District ..... (hereinafter referred to as "the Applicant", which expression shall mean and include his heirs, successor, assigns, legal representatives or attorney) one Part and the Assam State Legal Services Authority/High Court Legal Services Committee/ ..... District Legal Services Authority/..... Taluk Legal Services Committee (hereinafter referred to as "the Authority / Committee") on the Other Part; and

Whereas in pursuance of section 6 of the Legal Services Authorities Act, 1987, the Government of Assam have constituted a body called "The Assam State Legal Services Authority" (hereinafter referred to as the "State Authority") for the State of Assam vide the Notification No. LGL. 176/941 Pt. II/47 dtd. 7.4.98 published in the Extra-Ordinary issue No. 68 of 1998 of the Assam Gazette to exercise the Powers and to perform the functions conferred on or assigned to a State Authority under the said Act; and

Whereas the State Authority, in exercise of the powers conferred on it by section 29-A of the said Act, has made the regulations called "The Assam State Legal Services Authorities Regulations, 1998" (hereinafter referred to as "the regulations") for the purposes of giving effect to the provisions of the said Act; and

Whereas the applicant has, under the regulations, applied on ..... for legal aid in connection with the (hereinafter referred to as "the proceeding"); and

Whereas the Authority / Committee, having regard to the informations and particulars furnished and the circumstances stated by the Applicant, has considered him to be entitled to the legal aid and has agreed to grant the legal aid under the regulations; and

Whereas under the provisions of the regulations; the Applicant has, under the circumstances mentioned herein, to repay to the ..... Authority/ Committee as and by way of reimbursement the amount of costs, charges and expenses incurred in connection with the said proceeding by the said Authority/Committee for and on behalf

of the Applicant as and by way of legal aid under the regulations and the Applicant is required to execute an agreement for the purpose in the prescribed form being in fact this present;

Now this Agreement witness that and it is hereby agreed and declared by and between the parties hereto as follows :-

1. In consideration of the legal aid being granted to the Applicant as aforesaid, under 1 the regulations, in connection with the said proceeding, the Applicant doth hereby covenant and agree as follows :-

(i) In the event of the Applicant succeeding in the said proceeding and the Court passing any decree or order awarding costs in favour of the Applicant or the Court Passing any decree or order for payment to the Applicant of any amount, whatsoever, the Applicant shall repay to the ..... Authority / Committee as and by way of reimbursement, all costs, charges and expenses incurred by the ..... Authority / Committee for and on behalf of the Applicant in connection with the said proceeding as and by way of legal aid under the regulations.

(ii) The ..... Authority/Committee may take such action or proceeding, as it thinks fit, for executing any decree or order passed by the Court in the said proceeding in favour of the Applicant and recovering the amount decreed or ordered in the said proceeding to be paid to the Applicant and appropriate there from the amount of costs, charges and expenses incurred in connection with the said proceeding by the ..... Authority/ Committee and the Applicant doth hereby authorize the ..... Authority/Committee to do so. The Applicant shall render to the ..... Authority/ Committee all such assistance as may be required by it for the purpose.

(iii) If the Applicant fails to repay to the ..... Authority / Committee the amount as aforesaid or any part thereof, the same shall be deemed to be arrear of land revenue and the ..... Authority / Committee, may without prejudice to any other right and remedies, recover the same from the Applicant as arrear of land revenue.

2. The ..... Authority / Committee shall bear and pay the stamp duty on this agreement.

In witness whereof the Applicant has hereto set his hand and the ..... Authority / Committee through its Member-Secretary / Secretary set its hand and affixed its Official Seal hereto on the day and year first hereinabove written.

Signed and delivered by ..... the Applicant  
above named in the presence of the witnesses,-

1.

2.

Signed, sealed and delivered by Shri .....  
Member Secretary / Secretary for and on behalf of the .....  
..... Authority / Committee in presence of the  
witnesses.-

1.

2.

**FORM E**  
**FORM OF IRREVOCABLE POWER OF ATTORNEY**  
**[See regulation 41 (2)]**

Whereas in pursuance of section 6 of the Legal Services Authorities, Act, 1987, the Government of Assam have constituted a body called "The Assam State Legal Services Authority" (hereinafter referred to as "the State Authority") for the State of Assam vide the Notification No LGL. 176/94/Pt. II/ 47 dated 7-4-98 of the Government of Assam in the Legislative (Law) Department and published in the Extraordinary Issue No. 68 of 1998 of the Assam Gazette to exercise the powers and perform the functions conferred on or assigned to a State Authority under the said Act;

And whereas I, Shrimati ..... aged of ..... years Son/ daughter/ wife resident ..... of Village/Town Mauza ..... P.S ..... District ..... Assam, (hereinafter referred to as "the Applicant") have, under the said regulations, applied for legal aid in connection with ..... before the Court/ Tribunal/ Authority ..... referred to as the "said (hereinafter proceeding)" which the ..... Authority / Committee have agreed to grant to me or in my favour under the said regulations;

And whereas under the provisions of the said regulations, the Applicant, had under certain circumstances mentioned therein, to repay to the Authority / Committee as and by way of reimbursement the amount of costs, charges and expenses incurred in connection with the said proceeding by the ..Authority / Committee for and on behalf of the Applicant as and by way of legal aid under the said regulations;

And whereas as required by the agreement dated ..... which has been executed prior to the execution of this present and made between myself (hereinafter referred to as the "Applicant") on one part and the .....



..... Authority / Committee of the other part, it has been agreed inter alia that the Authority/Committee may take such action or proceeding as it thinks fit for executing the decree, award or order passed or that may be passed by the Court / Tribunal/ Authority in the said proceeding in my favour and for recovering the amount decreed, award or ordered or that may be decreed, awarded or ordered in the said proceeding to be paid to me and to appropriate there from the amount of costs, charges and expenses incurred in connection with the said proceeding by the ..... Authority / Committee for and on my behalf as and by way of legal aid under the said regulations and I have hereby authorized the ..... Authority / Committee to do so;

Authority/Committee has agreed to grant legal aid has to execute an Irrevocable Power of Attorney in favour of the ..Authority/Committee appointing the Member-Secretary / Secretary of the Said

Authority / Committee as my Attorney inter alia to enable the said Authority / Committee to take such action or proceeding as it thinks fit for executing the decree, award or order passed or that may be passed by the Court / Tribunal/Authority in my favour in the said proceeding and for recovering the amount decreed, awarded or ordered or that may be decreed, awarded or ordered in the said proceeding to be paid to me as aforesaid;

NOW THIS PRESENT WITNESS that I Shri / Shrimati ..... first above named, do hereby irrevocably nominate, constitute and appoint the Member-Secretary/ Secretary of the ..... Authority/ Committee to be my true and lawful Attorney to do, execute and perform for me and on my behalf and in my name or in the name of the Attorney the Following acts, deeds, documents, matters and things, that is to say-

- (1) to ask, demand, recover and receive from the party who has been or may be decreed or ordered in the said proceeding to pay me the amounts specified therein and upon receipt thereof or any part thereof in my name or in the name of the Attorney or on my behalf, as the case may require, to make, sign, execute and deliver such receipts, as the Attorney may deem fit and proper or as may be advised by the ..... Authority / Committee.
- (2) to commence, prosecute and enforce, proceeding for realization of the amount of any decree, award or order passed or that may be passed in the said proceeding in my favour where under any amount has been or may be decreed, awarded or ordered to be paid to me including filing of applications for the execution of the said decree, award or order and for the purpose, to sign, declare and affirm all

applications, petitions, affidavits that may be necessary and appoint or engage any advocate on such terms and conditions, including the fees payable to them, as the Attorney shall think fit and to sign vakalatnama and other necessary authority in their favour and from time to time to discharge them and to appoint or employ others in their place and stead;

- (3) to compromise, refer to arbitration, abandon or submit to judgment in any such Proceedings specified in clause (2) above;
- (4) To concur in doing any of the acts, deeds, matters and things hereinbefore mentioned in conjunction with any other person or persons interested in the premises. IN GENERAL, to do all other acts, deeds, matters and things, whatsoever, which are necessary or may be necessary for the recovery or realization of the amount which has been or may be decreed, awarded or ordered to be paid to me in the said proceeding as amply and effectually to all intents and purposes as I would have done of my own had this present not been executed.

AND I HEREBY RATIFY AND CONFIRM AND AGREE TO RATIFY AND CONFIRM whatever the Attorney shall do or purports to do by virtue of this present.

And I Declare that the power hereby created shall be irrevocable till the said amount of costs, charges or other expenses incurred by the ..... Authority / Committee for me and on my behalf as and by way of legal aid granted to me under the said regulations in connection with the said proceeding are fully and effectually repaid to or realized by the ..... Authority / Committee.

IN WITNESSETH WHEREOF I Shri / Shrimati .....  
First above named have here onto set my hand on this .....  
day of in the Two Thousand ..... year.

Date ..... Signature of the Applicant / Executant  
Place .....

Signature and Delivered by the above named Shri/Shrimati .....  
..... in the presence of:

Witness:

- 1.
- 2.



অসম ৰাজপত্ৰ  
**THE ASSAM GAZETTE**

অসাধাৰণ  
**EXTRAORDINARY**  
প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত  
**PUBLISHED BY THE AUTHORITY**

নং ১১৯ দিশপুৰ, বুধবাৰ, ২১ মাৰ্চ, ২০১২, ১ চ'ত, ১৯৩৪ (শক)  
No.119 Dispur, Thursday, 21st March, 2012, 1st Chaitra, 1934 (S.E.)

**GOVERNMENT OF ASSAM**  
**ORDERS BY THE GOVERNOR**  
**ASSAM STATE LEGAL SERVICES AUTHORITY**

**NOTIFICATION**  
**The 10th August, 2010**

No. ASLSA26/2007/214.- In exercise of the powers conferred under Section 29-A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987), the Assam State

Legal Services Authority hereby makes the following regulations further to amend the Assam State Legal Services Authorities Regulations, 1998, Published in the Assam Gazette, Extraordinary, dated 20th August, 1998; namely-

1. Short title and commencement
  - (i) This may be called the Assam State Legal Services Authority Regulations (1st amendment) 2010.
  - (ii) It shall come into force from the date of publication in Assam Gazette.
2. Amendment in Regulation 24: In Regulation 24 of the Assam State Legal Services Authorities Regulations, 1998 for the words "Shall not exceed rupees five thousand" the word "shall not exceed rupees ten thousand" shall be substituted.

Sd/-  
A.F.A. BORA,  
Member Secretary,  
Assam State Legal Services Authority



অসম ৰাজপত্ৰ

**THE ASSAM GAZETTE**

অসাধাৰণ

**EXTRAORDINARY**

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

**PUBLISHED BY THE AUTHORITY**

নং ৫১১ দিশপুৰ, বৃহস্পতিবাৰ, ৯ নৱেম্বৰ, ২০২৩, ১৮ কাৰ্তি, ১৯৪৫ (শক)  
No. 511 Dispur, Thursday, 9th November, 2023, 18th Kartika, 1945 (S.E.)

**GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
ASSAM STATE LEGAL SERVICES AUTHORITY**

**NOTIFICATION  
The 19th July, 2016**

No. ASLSA.26/2007/236.- In exercise of the power conferred under section 29 A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) the Assam State Legal Services Authority hereby makes the following regulations further to amend the Assam State Legal Services Authorities Regulations, 1998 published in the Assam Gazette, Extraordinary dated 20th August, 1998, July, 2016; namely-

1. Short title and commencement
  - (i) This may be called the Assam State Legal Services Authorities Regulations (3rd amendment) 2016.
  - (ii) It shall come into force from the date of publication in Assam Gazette.
2. Amendment in schedule: Regulation 40 (1) (Schedule) of the Assam State Legal Services Authorities Regulation, 1998 shall be substituted as-

**HONORARIUM PAYABLE TO ADVOCATES ON THE PANEL OF ASSAM STATE LEGAL SERVICES AUTHORITY**

| SI. No.                                       | Description of work   | Proposed Honorarium   |
|---|---|---|
| <b>1. Drafting Pleadings: (Civil Matters)</b> |   |   |
| 1 (i)   | Substantive pleadings writ petition, plaint, facts and grounds of appeal/revision, counter affidavit, written statement, counter claim, reply to counter claim, replication, rejoinder affidavit etc.             | Rs. 1500/- subject to a maximum total of Rs. 2500/- per case. Where the pleadings in connected cases or batch matters are substantially similar, the advocate will be entitled to an additional drafting fee of Rs. 1500/- per case subject to a maximum total of Rs. 5000/- per group of connected cases or batch matters. |
| 1 (ii)  | Miscellaneous pleadings - application, reply to application, execution petition, reply to execution petition, review petition, reply to review petition, additional or supplementary affidavits or pleadings etc. | Rs. 1000/- subject to a maximum total of Rs. 1500/- per case.<br><br>Additional drafting fee Rs 500/-.  |
| 1 (iii)                                       | Any other pleadings (for example contempt of Courts Act, Succession Act, Arbitration and Conciliation Act etc.)   | At the discretion of the Secretary GHCLSC subject to a minimum of Rs. 1500/- and a maximum of Rs. 2500/- per draft upto a maximum of Rs. 5000/- per case.   |
| <b>2. Acting: (Appellate Side Matters)</b>    |   |   |
| 2 (i)   | All cases before an Hon'ble Single Judge (inclusive of all miscellaneous applications filed in a case)  | Rs. 5000/- on admission of the case and Rs. 7000/- on final disposal of the case  |

|  |   |  |
|--|---|--|
| 2 (ii)                                 | All cases before a Division Bench (inclusive of all miscellaneous applications filed in a case)                       | Rs. 5000/- on admission of the case and Rs. 10000/- on final disposal of the case  |
| <b>3. Drafting: (Criminal Matters)</b> |   |  |
| 3 (i)                                  | Criminal Appeal   | Rs. 3000/- on one time total payment. Where the pleadings in connected cases or batch matters are substantially similar, the advocate will be entitled to an additional drafting fee of Rs. 2000/- per case, subject to a maximum total of Rs. 8000/- per group of connected cases or batch matters. |
| 3 (ii)                                 | Criminal Revision   | Rs. 2000/- fixed per FIR   |
| 3 (iii)                                | Bail application, anticipatory bail application, parole application, suspension application and any other application | Rs. 1500/- fixed per FIR<br>Rs. 500/-  |
| <b>4. Acting:</b>                      |   |  |
| 4 (i)                                  | All cases before an Hon'ble Single Bench  | Rs. 3000/- on admission of the case and Rs. 5000/- on final disposal of the case   |
| 4 (ii)                                 | All cases before a Division Bench   | Rs. 4000/- on admission of the case and Rs. 6000/- on final disposal of the case   |
| 4 (iii)                                | Bail application, anticipatory bail application, parole application, suspension application and any other application | Rs. 1000/- per FIR subject to a maximum total of Rs. 1500/- per FIR  |
| <b>5. Miscellaneous Expenses</b>       |   |  |
| 5 (i)                                  | Typing  | Rs. 20/- per page (1+3)  |
| 5 (ii)                                 | Photocopy   | Rs. 2/- per page   |
| 5 (iii)                                | Clerkage  | Rs. 500/- fixed.   |
| 5 (iv)                                 | Postage and analogous expenses  | On actual basis of receipts per case   |

**For District Courts of the State of Assam**

| Sl. No.               | Description of work  | Proposed Honorarium   |
|-----------------------|--|---|
| <b>Criminal Cases</b> |  |   |
| 1                     | In Summons Cases including applications u/s 125 Cr. PC and Prevention of Domestic Violence Act.  | Rs. 5000/- per case to be paid in three stages.<br>(i) 1/3 at the time of service of Notice and disposal of application for grant of interim maintenance.<br>(ii) 1/3 on conclusion of evidence of prosecution and defence.<br>(iii) Balance amount on final disposal |
| 2                     | Warrant Case   | (i) 1/3 on framing of charge.<br>(ii) 1/3 on conclusion of evidence of prosecution and defence.<br>(iii) Balance amount on final disposal   |
| 3                     | (i) Sessions cases involving sentence of life, imprisonment or death, including cases under NDPS & Section 376 IPC.<br><br>(ii) All other Sessions Cases | Rs. 12000/- per case payable in three stages<br>(i) 1/3 on framing of charge.<br>(ii) 1/3 on conclusion of evidence of prosecution and defence.<br>(iii) Balance amount on final disposal<br>Rs. 9000/- per case payable in three stages as above                     |
| 4 (i)                 | Appeal from the Order of Magistrate before Sessions Judge  | Rs. 2500/- on admission and Rs. 4000/- on final disposal.   |
| 4 (ii)                | Criminal Revision before Court of Sessions   | Rs. 2000/- per case   |
| 5<br>5(i)             | Bail applications<br>Before Metropolitan Magistrate  | Rs. 1000/- for every bail application subject to maximum of 3 bail applications per accused in an FIR   |



|                       |  |   |
|-----------------------|--|---|
| 5(ii)                 | Before Sessions Judge<br><br><b>Drafting</b><br>(i) Sessions etc.<br>(ii) Subordinate Courts                                     | Rs. 1500/- for each bail application including anticipatory bail application subject to a maximum of 3 bail applications per accused in an FIR<br><br>Rs. 1000/-<br>Rs. 500/-               |
| <b>6. Civil Cases</b> |  |   |
| (i)                   | Suits including cases for maintenance under Hindu Adoption and Maintenance Act. Contested probate/succession matters.            | Rs. 12000/- stamp duty etc. on actual.  |
| (ii)                  | Adoption cases and uncontested succession/probate matters.   | Rs. 5000/- + stamp duty etc. on actual.   |
| <b>7</b>              | <b>Labour matters/CAT/MACT/</b>  | <b>Rs. 15000/- per case.</b>  |
| 8.<br>(i)             | Suits for injunction or declaration with injunction and  | Rs. 8000/- per case   |
| (ii)                  | Under Urban Area Rent Control Act and  | Rs. 5000/- per case   |
| (iii)                 | Matters relating to land acquisition, Revenue matters and Mutation etc.  |   |
| 9 (a)                 | <b>Matrimonial Cases</b>   |   |
| (i)                   | Contested  | Rs. 8000/-  |
| (ii)                  | Divorce by mutual consent  | Rs. 1000/- per motion/day   |
| (b)                   | Application U/S 24/25 of HMA   | Rs. 4000/- per case   |
| (c)                   | Any other case not covered by above  | Rs. 3000/- to Rs. 6000/- per case as per decision of Secretary, DLSA  |
| 10                    | Where two or more suits together involve substantially similar or identical question of law or fact and connected labour matters | The fee for first suit shall be paid full as per Clause (1) & (2) and fee for the remaining suits shall be paid at the rate of Rs. 3000/- per suit subject to a maximum total of Rs. 6000/- |

|       |   |  |
|-------|---|--|
| 11    | In suit or any other proceedings including matrimonial cases disposed by compromise/ ADR methods and without full trial.  | 50% of the actual fee.   |
| 12    |   |  |
| (i)   | Appeal from decree and appeal in respect of public premises including arising out of the public enterprise (Eviction of Unauthorized Occupants) Act.  | Rs. 5000/- fixed   |
| (ii)  | Appeals from Interim  | Rs. 2000/- per appeal  |
|       | <b>Orders/Misc appeals</b>  |  |
| 13    | <b>Drafting</b><br><br>Drafting fee such as plaints, written statements, counter affidavits, counter claims, criminal complaints, appeal, revision etc.<br>Misc. applications including bail applications | Rs, 1500/- inclusive of appearance up to completion of pleadings (total)<br><br>Rs. 500/- total inclusive of appearance in matters other than Bail. No additional drafting charges will be payable in connected or batch matters arising out of the same FIR |
| 14    |   |  |
| (i)   | Juvenile Justice Boards   | Rs. 700/- per day  |
| (ii)  | Child Welfare Committee   | Rs. 700/- per day  |
| 15    | Remand Work (No separate fees for filing any application will be paid during the time of remand)  | Rs. 500/- per case attended  |
| 16    | Special Executive Magistrate (SEM)  | Rs. 500/- per day subject to a maximum of Rs. 5000/- per case.   |
| (i)   | Clerkage  | Rs. 3000/-   |
| (ii)  | Typing Charges  | Rs. 20/- per page (1+3)  |
| (iii) | Photocopy   | Rs. 2/- per page   |

**ASSAM STATE LEGAL SERVICES AUTHORITY  
HONORARIUM PAYABLE FOR WORK OTHER THAN RELATING TO LITIGATION**

| <b>Sl. No.</b> | <b>Description of work</b>                         | <b>Proposed Honorarium</b>   |
|----------------|--|--|
| 1              | Jail Visit   | Rs. 600/- per visit subject to a maximum of three visits in a week. Payment will be on the basis of proof of attendance and a brief report of work done. |
| 2              | Centre Visit and Visit on Mobile Van               | Rs. 700/- per visit subject to a maximum of eight visits in a month including conveyance on proof of work done.  |
| 3              | Visit to Rape Victims                              | Rs. 700/- per visit subject to a maximum of four visits in a month. Payment will be on the basis of proof of attendance and work done.                   |
| 4              | Visit to Observation Home of Boys and Girls        | Rs. 700/- per visit subject to a maximum of four visits in a month. Payment will be on the basis of proof of attendance and work done.                   |
| 5              | Actual Conveyance / hire charges of three wheeler. | Rs. 700/- per day with minimum of 3 hours including conveyance. Payment will be on the basis of proof of attendance and work done.                       |
| 6              | Actual Conveyance / hire charges of three wheeler. | Subject to a maximum of Rs. 400/- per day as the case may be.  |
| 7              | Payment of Honorarium to Resource Persons          | Rs. 500/- per day with minimum of 3 hours.   |

**M. K. SAIKIA,**  
Member Secretary, i/c,  
Assam State Legal Services Authority



## **MEDIATION AND CONCILIATION PROJECT COMMITTEE (MCPC)**

Mr. Yajuvender Singh,  
Member Secretary, MCPC,  
Supreme Court of India

Telephone: 011-23115621

Address:

Room No. 127, 1st Floor, B-Block,  
New Additional Complex Building,  
Supreme Court of India,  
New Delhi-110001  
E-mail: mepe@sci.nic.in

To,

All Mediation Centres/  
High Court Legal Services Committees/  
State Legal Services Authorities

Sir/Madam,

It is stated that the Mediation and Conciliation Project Committee in its meeting held on 15.12.2021 resolved as under:

"The Committee perused the rates of Honoraria revised by the MCPC from time to time and noticed that there has been no increase in the honoraria payable to the Mediators since 2014. Accordingly, the Committee unanimously approved the following rates of honoraria payable to the Mediators throughout the Country.

|    | <b>Nature of case</b>  | <b>Honorarium</b>  |
|----|--|--|
| A. | On settlement through Mediation  | Rs. 5,000/- per case.  |
| B. | Connected cases.   | Rs.1,000/- per case subject to a maximum of Rs.3,000/- (regardless of the number of connected cases) |
| C. | In case of no settlement (in case the party fail to arrive at an amicable settlement despite three effective hearings) | Rs. 2,500/-  |

It is further stated that the MCPC vide order dated 23.03.2022 further resolved that the decision to enhance the honorarium being paid to the Mediators is recommendatory and it is for the concerned High Court and the State Government to accept the proposal contained in the Resolution dated 15.12.2021 as the adequate fund for mediation is to be made available by the concerned State Government. Therefore, the concerned High Court/State Legal Services Authorities/High Court Mediation Committee to take up the issue for adequate fund for mediation with the concerned State Government.

The MCPC has further resolved that so far as the Honorarium payable to the Mediators is concerned, there shall not be any financial liability either upon the NALSA and/or the Supreme Court Mediation and Conciliation Project Committee.

Thanking you,

Yours sincerely,

(Yajuvender Singh)  
Member Secretary

**GAUHATI HIGH COURT MEDIATION CENTRE  
(PRINCIPAL SEAT)**

Memo No.GHCMC-02/2021 (Pt-1)/985

Dated: Guwahati, the 64th October, 2023

From : Secretary,  
Gauhati High Court Mediation Centre,  
(Principal Seat), Guwahati.  
To: The Member Secretary,  
(Assam State Legal Services Authority/ Arunachal Pradesh State Legal Services Authority/ Nagaland State Legal Services Authority/ Mizoram State Legal Services Authority)  
Sub: Regarding honoraria payable to the Mediators under the jurisdiction of Gauhati High Court.

Sir/Madam,

With regards to the subject cited above, I am directed to inform you that the Mediation and Conciliation Project Committee (MCPC), Supreme Court of India vide letter dtd. 05th April, 2022 (copy enclosed) had resolved to enhance the honorarium being paid to Mediators and has also mentioned that the adequate fund for payment to Mediators is to be made available by the concerned State Government.

Accordingly, the Gauhati High Court vide Notification dtd. 23rd August, 2022 (copy enclosed) had adopted the fee structure as proposed by the MCPC, Supreme Court of India for the Principal Seat as well as the outlying benches. In this regard, you are requested to inform the Secretary, DLSAs to adopt the fee structure as per the Gauhati High Court Notification dtd. 23rd August, 2022 for paying honoraria to the Mediators and you are requested to take up the issue for adequate fund for mediation with the concerned State Government.

This is for your kind information and necessary action(s).

Yours Faithfully,

Secretary,  
Gauhati High Court Mediation Centre  
Dated

Encl: As stated above.

Memo No.GHCMC-02/2021 (Pt-I)/

Copy to:-

1. The Registrar,
2. The Secretary  
(Itangar Bench/ Kohima Bench/ Aizawl Bench)  
District Legal Services Authority, (Bajali/Cachar/ Jorhat/ Morigaon/ Barpeta/ Goalpara/ Karimganj/ Kamrup (M)/Dhubri/ hemaji/ Kokrajhar/ Sivasagar/ Nagaon/Bongaigaon/ Darrang/ Lakhimpur/ Udalguri/ Hailakandi/ Dibrugarh/ Golaghat/ Sonitpur/ Tinsukia/ Nalbari/Kamrup, Amingaon/ Baksa/ Chirang/ Biswanath/ Hojai/ South Salmara (Mankachar)/ Karbi Anglong/ West Karbi Anglong/ Dima Hasao/ Majuli/ Charaideo).

Sd/-  
Secretary,  
Gauhati High Court Mediation Centre

**THE GAUHATI HIGH COURT AT GUWAHATI**  
(HIGH COURT OF ASSAM: NAGALAND: MIZORAM AND ARUNACHAL PRADESH)

**N O T I F I C A T I O N**  
**Dated- Guwahati, the 23rd August, 2022**

No. HC.VII-115/2019/7145/A: Hon'ble the Gauhati High Court has been pleased to adopt the following fee structure for Mediators for the Principal Seat at Guwahati, as well as the outlying Benches, as proposed by the 'Mediation and Conciliation Project Committee (MCPC), Supreme Court of India:

|    | <b>Nature of case</b>  | <b>Honorarium</b>  |
|----|--|--|
| A. | On settlement through Mediation  | Rs. 5,000/- per case.  |
| B. | Connected cases.   | Rs.1,000/- per case subject to a maximum of Rs.3,000/- (regardless of the number of connected cases) |
| C. | In case of no settlement (in case the party fail to arrive at an amicable settlement despite three effective hearings) | Rs. 2,500/-  |

By order,  
Sd/- Kanchan Newar  
Secretary, Gauhati High Court Mediation Centre  
Gauhati High Court, Guwahati

Memo No. HC.VII-115/2019/7149-7162/A

dated 23.08.2022

Copy forwarded for information and necessary action to:

1. The L.R.-cum-Commissioner & Secretary to the Govt. of Assam, Judicial Department, Dispur.
2. The Secretary to the Govt. of Assam, Legislative Department, Dispur.
3. The Principal Accountant General (A&E), Assam, Beltola, Guwahati, for information and necessary action.
4. The Registrar (Vigilance / Judicial/ Administration/), Gauhati High Court, Guwahati.
5. The Registrar, Gauhati High Court, Kohima Bench, Kohima/ Aizawl Bench, Aizawl/ Itanagar Permanent Bench, Naharlagun.
6. The Registrar-cum- Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati.

7. The Member Secretary , Assam State Legal Services Authority.
8. The Administrative Officer, Judicial Academy, Assam.
9. The Systems Analyst, Gauhati High Court, Guwahati. He is requested to upload the Notification in the official web site of the Gauhati High Court Immediately.
10. The Private Secretary to Hon'ble Mr. Justice Suman Shyam, Gauhati High Court, Guwahati.
11. The Private Secretary to Hon'ble Mr. Justice Nelson Sailo, Gauhati High Court, Guwahati.
12. The Private Secretary to Hon'ble Mr. Justice Nani Tagia, Gauhati High Court, Guwahati. 13. The Private Secretary to Hon'ble Mr. Justice Kakheto Sema, Gauhati High Court, Guwahati.
14. The CA to Registrar General, Gauhati High Court, Guwahati.

(The list of officers' herein above is not necessarily in order of seniority.)

Secretary, Gauhati High Court  
Mediation Centre  
Gauhati High Court, Guwahati





# NATIONAL LEGAL SERVICES AUTHORITY

## NOTIFICATION

New Delhi, the 14th October, 2009

No. L/28/09-NALSA.- In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Authority hereby makes the following regulations, namely:-

1. Short title and commencement.
  - (i) These regulations may be called The National Legal Services Authority (Lok Adalats) Regulations, 2009.
  - (ii) They shall come into force on 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 (39 of 1987);
  - (b) 'Lok Adalats' means Lok Adalats to be organised under section 19 of the Act;
  - (c) all other words and expressions used but not defined in these regulations and defined in the Legal Services Authorities Act, 1987 (39 of 1987) or the National Legal Services Authority Rules, 1995 shall have the meanings respectively assigned to them in the said Act or rules.
3. Procedure for organising Lok Adalats.-
  - (i) Lok Adalats may be organised by the State Authorities or District Authorities

or Supreme Court Legal Services Committee or High Court Legal Services Committee or, as the case may be, the Taluk Legal Services Committees at regular intervals and such Lok Adalats shall be organised for a definite geographical area as the aforesaid Authorities or Committees think fit.

Provided that, special Lok Adalats shall be organised for all Family Courts at regular intervals.

- (ii) The Member-Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee may associate the members of the legal profession, college students, social organisations, charitable and philanthropic institutions and other similar organisations for organising the Lok Adalats.

#### **4. Intimation to the State Authority.-**

The Secretary of the High Court Legal Services Committee or District Authority or, Chairman of the Taluk Legal Services Committee, as the case may be, 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, and furnish the following information to the State Authority, namely:

- (i) the place and the date on which the Lok Adalat is proposed to be organised;
- (ii) whether any of the organisations as referred to in sub-regulation (2) of regulation 3 above have agreed to associate themselves with Lok Adalat;
- (iii) categories and nature of cases, viz. pending cases or pre-litigation disputes, proposed to be placed before the Lok Adalat;
- (iv) number of cases proposed to be brought before the Lok Adalat in each category;
- (v) any other information relevant to the convening and organising of the Lok Adalat.

#### **5. Notice to parties concerned.-**

The Member-Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee convening and organising the Lok Adalat shall inform every party concerned whose case is referred to the Adalat, well in time so as to afford him an opportunity to prepare himself for the Lok Adalat.

Provided that such notice may be dispensed with, if the court while referring the case to the Lok Adalat fixes or informs the date and time of the Lok Adalat in the presence of the parties or their advocates:

Provided further that if a party is not willing to refer their case to Lok Adalat, the case may be considered on its merits by the court concerned.

## **6. Composition of Lok Adalat.-**

- (a) At State Authority Level - The Member-Secretary organising the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and anyone or both of the following:
  - (i) a member from the legal profession; and
  - (ii) a social worker of repute who is engaged in the upliftment of the weaker sections of the people, including the Scheduled Castes, the Scheduled Tribes, women, children, rural and urban labour and interested in the implementation of legal services schemes or programmes.
- (b) At High Court Level - The Secretary of the High Court Legal Services Committee organising the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and anyone or both of the following:
  - (i) a member from the legal profession;
  - (ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (a) above.
- (c) At District Level.- The Secretary of the District Authority organising the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired judicial officer and any one or both of the following:
  - (i) a member from the legal profession;
  - (ii) a social worker belonging to the category as mentioned in item (ii) of sub- para (a) above or a person engaged in para-legal activities of the area, preferably a woman.
- (d) At Taluk Level.- The Chairman of the Taluk Legal Services Committee organising the Lok Adalat shall constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and any one or both of the following:
  - (i) a member from the legal profession; and
  - (ii) a social worker belonging to the category as mentioned in item (ii) of sub- para (a) above or a person engaged in para- legal activities of the area, preferably a woman.

## **7. Allotment of cases to Lok Adalats.-**

- (i) The Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, shall assign specific cases to each bench of the Lok Adalat.

- (ii) The Member Secretary, the Secretary of the High Court Legal Services Committee or the District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, may prepare a cause list for each bench of the Lok Adalat and intimate the same to all concerned at least two days before the date of holding of the Lok Adalat.
- (iii) Every bench of the Lok Adalat shall make sincere efforts to bring, about a conciliated settlement in every case put before it without bringing about any kind of coercion, threat, undue influence, allurements or misrepresentation.

**8. Holding of Lok Adalats.-**

Lok Adalats may be organised at such time and place and on such days; including holidays as the State Authority, the High Court Legal Services Committee, the District Authority or the Taluk Legal Services Committee, as the case may be, organising the Lok Adalat deems appropriate.

**9. Jurisdiction of Lok Adalats.-**

Lok Adalats shall have the power only to help the parties to arrive at a compromise or settlement between the parties to a dispute and, while so doing, it shall not issue any direction or order in respect of such dispute between the parties.

**10. Reference of cases and matters.-**

- (i) Lok Adalat shall get jurisdiction to deal with a case only when a court of competent jurisdiction orders the case to be referred in the manner prescribed in section 20 of the Act or under section 89 of the Code of Civil Procedure, 1908 (5 of 1908).
- (ii) A mechanical reference of pending cases to Lok Adalat shall be avoided and the referring court shall, prima facie satisfy itself that there are chances of settlement of the case through Lok Adalat and the case is appropriate to be referred to Lok Adalat:

Provided that matters relating to divorce and criminal cases which are not compoundable under the Code of Criminal Procedure, 1973 (2 of 1974) shall not be referred to Lok Adalat.

- (iii) In a pending case where only one of the parties had made application to the court for referring the case to Lok Adalat, or where the court suo motu is satisfied that the case is appropriate to take cognizance by Lok Adalat, the case shall not be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the parties.

**11. Summoning of records and responsibility for its safe custody.-**

- (i) The Member-Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee may call for the judicial records of pending

cases which are referred to the Lok Adalat under section 20 of the Act from the courts concerned.

- (ii) The officer duly authorised by the Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall be responsible for the safe custody of records from receiving of the same from court till they are returned.
- (iii) The judicial records shall be returned within ten days of the Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of proceedings:

Provided that wherever it is appropriate, the court concerned from where the records are called may permit the records to be retained beyond the period of ten days:

- (iv) Every judicial authority is expected to co-operate in transmission of the judicial records.

#### **12. Pre-litigation matters.-**

- (i) In a pre-litigation matter it may be ensured that the court for which a Lok Adalat is organised has territorial jurisdiction to adjudicate in the matter.
- (ii) Before referring a pre-litigation matter to Lok Adalat the Authority concerned or Committee, as the case may be, shall give a reasonable hearing to the parties concerned:

Provided that the version of each party, shall be obtained by the Authority concerned or, as the case may be; the Committee for placing it before the Lok Adalat,

- (iii) An award based on settlement between the parties can be challenged only on violation of procedure prescribed in section 20 of the Act by filing a petition under articles 226 and 227 of the Constitution of India.

#### **13. Procedure in Lok Adalats.-**

- (i) Members of Lok Adalat have the role of statutory conciliators only and have no judicial role and they, mutatis mutandis, may follow the procedure laid down in sections 67 to 76 of the Arbitration and Conciliation Act, 1996 (26 of 1996).
- (ii) Members of Lok Adalat shall not pressurise or coerce any of the parties, to compromise or settle cases or matters, either directly or indirectly.
- (iii) In a Lok Adalat the members shall discuss the subject matter with the parties for arriving at a just settlement or compromise and such members of Lok Adalat shall assist the parties in an independent and impartial manner in their attempt to reach amicable settlement of their dispute:

Provided that if it found necessary the assistance of an independent person or a trained mediator may also be availed by the Lok Adalat.

- (iv) Members of Lok Adalat shall be guided by principles of natural justice, equity, fairplay, objectivity, giving consideration to, among other things, the rights and obligations of the parties, custom and usages and the circumstances surrounding the dispute.
- (v) The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate taking into account the circumstances of the case, wishes of the parties including any request by a party to the Lok Adalat to hear oral statements, and the need for a speedy settlement of the dispute.
- (vi) The Lok Adalat shall not determine a reference, at its own instance, but shall determine only on the basis of a compromise or settlement between the parties by making an award in terms of the compromise or settlement arrived at:

Provided that no Lok Adalat has the power to hear the parties to adjudicate their dispute as a regular court: Provided further that the award of the Lok Adalat is neither a verdict nor an opinion arrived at by any decision making process.

- 14. Administrative assistance.-Administrative assistance for facilitating Lok Adalat proceedings may be arranged by suitable institutions or persons engaged in providing legal services.
- 15. Formulating compromise or settlements.- The Lok Adalat may, at any stage of the proceedings, make proposal for a settlement of the dispute and such proposal need not be accompanied by a statement of the reasons therefor.

**16. Communication between Lok Adalat and parties.-**

- (i) A Lok Adalat may invite the parties to meet it or may communicate with it orally or in writing and it may meet or communicate with the parties together or with each of them separately. The factual information concerning the dispute received from a party may be disclosed to the other party in order that the other party may have the opportunity to present any, explanation:

Provided that the Lok Adalat shall not disclose any information, if one of the party desires to keep it confidential.

- (ii) Each party may on its own initiative or at the invitation of the Lok Adalat, submit suggestions for settlement of the dispute.
- (iii) When it appears to the Lok Adalat that there exists elements of a settlement which may be acceptable to the parties, the terms of a possible settlement may be formulated by the Lok Adalat and given to the parties for their observations and modifications, if any, suggested by the parties can be taken into consideration and terms of a possible settlement may be re-formulated by

the Lok Adalat.

- (iv) If the parties reach a compromise or settlement of the dispute, the Lok Adalat may draw up or assist the parties in drawing up the terms of such compromise or settlement.

#### **17. Award.-**

- (i) Drawing up of the award is merely an administrative act by incorporating the terms of settlement or compromise 'agreed by the parties under the guidance and assistance from Lok Adalat.
- (ii) When both parties sign or affix their thumb impression and the members of the Lok Adalat countersign it, it becomes an award. (see a specimen at Appendix-1) Every award of the Lok Adalat shall be categorical and lucid and shall be written in regional language used in the local courts or in English. It shall also contain particulars of the case, viz., case number, name of court and names of parties, date of receipts, register number assigned to the case in the permanent register (maintained as provided under regulation 20) and date of settlement. Wherever the parties are represented by counsel, they should also be required to sign the settlement or award before the members of the Lok Adalat affix their signature.
- (iii) In cases referred to Lok Adalat from a court, it shall be mentioned in the award that the plaintiff or petitioner is entitled to refund of the court fees remitted.
- (iv) Where the parties are not accompanied or represented by counsel, the members of the Lok Adalat shall also verify the identity of parties, before recording the settlement.
- (v) Member of the Lok Adalat shall ensure that the parties affix their signatures only after fully understanding the terms of settlement arrived at and recorded. The members of the Lok Adalat shall also satisfy themselves about the following before affixing their signatures:
  - (a) that the terms of settlement are not unreasonable or illegal or one-sided; and
  - (b) that the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence
- (vi) Members of the Lok Adalat should affix their signatures only in settlement reached before them and should avoid affixing signatures to settlement reached by the parties outside the Lok Adalat with the assistance of some third parties, to ensure that the Lok Adalats are not used by unscrupulous parties to commit fraud, forgery, etc.
- (vii) Lok Adalat shall not grant any bail or a divorce by mutual consent.

- (viii) The original award shall form part of the judicial records (in pre-litigation matter, the original award may be kept with the Legal Services Authority or Committee, concerned) and a copy of the award shall be given to each of the parties duly certifying them to be true by the officer designated by the Member-Secretary or Secretary of the High Court Legal Services Committee or District Legal Services Authority or, as the case may be, the Chairman of Taluk Legal Services Committees free of cost and the official seal of the Authority concerned or Committee shall be affixed on all awards.

**18. Confidentiality.-**

- (i) The members of the Lok Adalat and the parties shall keep confidential all matters relating to the proceedings in the Lok Adalat and the members of the Lok Adalat shall not be compelled to disclose the matters which took place in the Lok Adalat proceedings before any court of law, except where such disclosure is necessary for purposes of implementation and enforcement of the award.
- (ii) The views expressed and discussions made by parties during the proceedings of Lok Adalat in respect of the possible settlement of a dispute and the proposals made by the members of Lok Adalat or admission made by any party or the conduct of the parties in the course of the proceeding before Lok Adalat shall not be brought in evidence or made use of in other court or arbitral proceedings.
- (iii) Members of the Lok Adalat shall not record the statement of any of the parties or record any conduct of the parties or express any opinion in such a manner as it would prejudice such party in any other proceedings before a court or arbitrator.
- (iv) If any member of the Lok Adalat violates the confidentiality and the ethical concerns which are akin to any other judicial proceedings, such member shall be removed from the panel of members of Lok Adalat.

**19. Failure of Lok Adalat proceedings.-**

If a pre-litigation matter is not settled in the Lok Adalat, the parties may be advised to resort to other Alternative Dispute Resolution (ADR) techniques or to approach a court of law and in appropriate cases they may be advised about the availability of legal aid.

**20. Compilation of results.**

At the conclusion of session of the Lok Adalat, the officer designated by the Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as case may be, shall compile the results for submission to the State Authority in the proforma given in Appendix- II.



21. Maintenance of panel of names of Lok Adalat members. The Member Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee. shall maintain a panel of names of retired judicial officers, advocates and social workers to work in Lok Adalats.
22. Procedure for maintaining record of cases referred under section 20 of the Act, or otherwise.-
- (a) The officer designated by the Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as the Case may be, shall maintain a permanent register wherein all the cases and pre-litigation matters received by him by way of reference to the Lok Adalat shall be entered giving particulars of:
- (i) date of receipt;
  - (ii) nature of the case or pre-litigation matter;
  - (iii) other particulars, if any;
  - (iv) date of compromise or settlement and the manner in which the case or matter was finally disposed of; and
  - (v) date of return of the case file.
- (b) A copy of the award, if passed, duly certified in the manner stated in regulation 17 shall be kept in the office of the Authority or Committee, as the case may be, as a permanent record.
- (3) Records other than the original of the awards of pre-litigation Lok Adalats may be destroyed after a period of three years from the date of disposal of the matter by Lok Adalat,

**23. Appearance of lawyers and the procedure to be followed in the cases before Lok Adalats.-**

The appearance of lawyers on behalf of the parties at the Lok Adalat shall not be barred and an effort shall be made to encourage the parties to be present personally. The lawyers may be advised to avoid wearing their robes and bands during the proceedings before the Lok Adalat

**24. Application of regulations.-**

The above regulations shall be applicable in the same manner with appropriate changes to the Lok Adalats organised by the National Legal Services Authority and the Supreme Court Legal Services Committee.

U. SARATH CHANDRAN,  
Member Secretary

## BEFORE THE LOK ADALAT

HELD AT \_\_\_\_\_

[Organised by \_\_\_\_\_ Authority/ \_\_\_\_\_  
Committee under Section 19, of the Legal Services Authorities Act, 1987(Central Act)]  
Petitioner/Plaintiff/Complainant:

Defendant/Respondent:  
No. of proceedings of the \_\_\_\_\_ Court/Authority/Committee

Present:-

Name of Judicial Officer/:  
Retired Judicial Officer

Name of Members: (1)

(2)

### AWARD

The dispute between the parties having been referred for determination to the Lok Adalat and the parties having compromised/settled the case/matter, the following award is passed in terms of the settlement:

.....  
.....  
.....

The parties are informed that the court fee, if any, paid by any of them shall be refunded.

|                                  |        |                      |
|----------------------------------|--------|----------------------|
| Petitioner/Plaintiff/Complainant |        | Defendant/Respondent |
| Judicial Officer                 | Member | Member               |

Date:

(Seal of the Authority/Committee)

**PROFORMA  
DISPOSAL OF CASES IN LOK ADALAT**

|                |                 |                        |                                    |               |                 |
|----------------|-----------------|------------------------|------------------------------------|---------------|-----------------|
| <b>Place:</b>  |                 |                        | <b>Date:</b>                       |               |                 |
|                |                 |                        | <b>Nature of Cases disposed of</b> |               |                 |
| <b>Sl. No.</b> | <b>Case No.</b> | <b>Name of Parties</b> | <b>Civil</b>                       | <b>Claims</b> | <b>Criminal</b> |
|                |                 |                        |                                    |               |                 |
|                |                 |                        |                                    |               |                 |
|                |                 |                        |                                    |               |                 |
|                |                 |                        |                                    |               |                 |
|                |                 |                        |                                    |               |                 |
| <b>Total</b>   |                 |                        |                                    |               |                 |

## **NOTIFICATION**

**New Delhi, the 22nd October, 2018**

F. No. L/28/09/NALSA:- In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Authority hereby makes the following regulations further to amend the National Legal Services Authority (Lok Adalat) Regulations, 2009, namely:

**1. Short title and commencement:**

- (i) These regulations may be called the National Legal Services Authority (Lok Adalat) Amendment Regulations, 2018.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

**2. In the National Legal Services Authority (Lok Adalat) Regulations, 2009 (hereinafter referred to as the principal regulations), in regulation 2,-**

- (i) after clause (b), the following clause shall be inserted, namely:-
- (ba) "pre-litigation matter" means a dispute between the parties which is not filed before the court;

**3. In the principal regulations, in regulation 6 -**

- (i) in clauses (a), (b), (c) and (d), -
- (A) for the word "both", the word "two" shall be substituted;
- (B) after item (ii), the following items shall be inserted, namely:
  - "(iii) a professional from the field related to the subject matter of the Lok Adalat; and
  - (iv) a Mediator or a professional or a serving or retired senior executive."

**4. After regulation 6 of the principal regulations, the following regulation shall be inserted, namely:-**

**"6A. Payment of Special Duty Allowance.** - If the Lok Adalat is organised on a holiday or organised beyond court hours on a working day, the judicial officers, other members and staff assisting the Lok Adalat shall be paid Special Duty Allowance as may be fixed by the concerned State Legal Services Authority: Provided that such Special Duty Allowance shall not be less than the allowance recommended by the National Legal Services Authority".

5. In the principal regulation, in regulation 10, -
- (i) after sub-regulation (1), the following sub regulation shall be inserted, namely:-  
"(IA) A pre-litigation matter may be referred to the Lok Adalat by the concerned Legal Services Institution on the request of any of the parties after giving a reasonable opportunity of being heard to the other party.";
  - (ii) after sub-regulation (3), the following sub-regulation shall be inserted, namely:-  
"(4) The need based continuous Lok Adalats may be constituted in order to facilitate regular reference and timely disposal of cases."

**ALOK AGARWAL,**  
Member Secretary  
[ADVT.-III/4/Exty./319/18]

**Note:** The principal regulations were published in the Gazette of India Extraordinary, Part-III, Section 4, vide notification No. L/28/09/NALSA dated the 14th October, 2009.

**MINISTRY OF LAW AND JUSTICE**  
**(Department of Justice)**

**(NATIONAL LEGAL SERVICES AUTHORITY)**  
**NOTIFICATION New Delhi, the 28th August, 2019**

F. No. L/28/09/NALSA. In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Authority hereby makes the following regulations further to amend the National Legal Services Authority (Lok Adalat) Regulations, 2009, namely :-

**1. Short title and commencement -**

- (1) These regulations may be called the National Legal Services Authority (Lok Adalat) Amendment Regulations, 2019.
  - (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the National Legal Services Authority (Lok Adalat) Regulations, 2009, in regulation 6A, for the words, "judicial officers", the words "presiding judges" shall be substituted.

ALOK AGARWAL,  
Member-Secy.

**Note:** The principal regulation were published in the Gazette of India Extraordinary, Part-III, Section 4, vide notification No. L/28/09/NALSA dated the 14th October, 2009 were last amended vide notification No. L/28/09/NALSA dated the 22nd October, 2018.

# THE NATIONAL LEGAL SERVICES AUTHORITY (LOK ADALAT) REGULATIONS, 2009

(As amended vide notification F.No. L/28/09/ NALSA dated 28.08.2019  
published in the Gazette of India on 6.9.2019)

In exercise of the powers conferred by Section 29 of the Legal Services Authorities Act, 1987, the Central Authority hereby makes the following regulations, namely:

**1. Short title and commencement.**

- (1) These regulations may be called National Legal Service Authority (Lok Adalats) Regulations, 2009.
- (2) They shall come into force on 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 (39 of 1987).
- (b) 'Lok Adalat' means, Lok Adalats to be organized under Section 19 of the Act
- (ba) 'Pre-Litigation matter means a dispute between the parties which is not filed before the court.
- (c) All other words and expressions used but not defined in these regulations and defined in the Legal Services Authorities Act, 1987(39 of 1987) or the National Legal Services Authority Rules, 1995 shall have the meanings respectively assigned to them in the said Act or rules.

**3. Procedure for organising Lok Adalats:**

- (1) Lok Adalat may be organised by the State Authorities or District Authorities or Supreme Court Legal Services Committee or High Court Legal Services Committee or, as the case may be, the Taluk Legal Services Committees at regular intervals and such Lok Adalats shall be organised for a definite geographical area as the aforesaid Authorities or Committees think fit:  
Provided that, Special Lok Adalats shall be organised for all Family Courts at regular intervals.
- (2) The Member-Secretary or Secretary of the High Court Legal Services Committee or District Authority, or the case may be, the Chairman of the Taluk Legal Services Committee may associate the members of the legal profession, college students, social organisations, charitable and philanthropic institutions and other similar organisations for organizing the Lok Adalats.

**4. Intimation to the State Authority:** The Secretary of the High Court Legal Services Committee or District Authority or Chairman of the Taluk Legal Services

Committee as the case may be, shall inform the State Authority about the proposal to organize the Lok Adalat, well before the date on which the Lok Adalat is proposed to be organized, and furnish the following information to the State Authority, namely :-

- (i) the place and the date on which the Lok Adalat is proposed to be organized;
- (ii) whether any of the organisations as referred to in sub-regulation (2) of regulation 3 above have agreed to associate themselves with Lok Adalat:
- (iii) categories and nature of cases, viz., pending cases or pre-litigation disputes, proposed to be placed before the Lok Adalat:
- (iv) number of cases proposed to be brought before the Lok Adalat in each category;
- (v) any other information relevant to the convening and organizing of the Lok Adalat.

- 5. Notice to parties concerned:-** The Member Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee convening and organizing the Lok Adalat shall inform every party concerned whose case is referred to the Adalat, well in time so as to afford him an opportunity to prepare himself for the Lok Adalat:

Provided that such notice may be dispensed with, if the Court while referring the case to the Lok Adalat fixes or informs the date and time of the Lok Adalat in the presence of the parties, or their advocates:

Provided further that if a party is not willing to refer their case to Lok Adalat, the case may be considered on its merits by the Court concerned.

- 6. Composition of Lok Adalat:-**

(a) At State Authority Level:- The Member Secretary organising the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and anyone or two of the following:-

- (i) a member of the legal profession;
- (ii) a social worker of repute who is engaged in the upliftment of the weaker sections of the people, including the Scheduled Castes. the Scheduled Tribes. women, children, rural and urban labour and interested in the implementation of legal services schemes or programmes.
- <sup>3</sup>(iii) a professional from the field related to the subject matter of the Lok Adalat: and
- <sup>4</sup>(iv) a mediator or a professional or a serving or retired senior executive.



- (b) **At High Court Level:-** The Secretary of the High Court Legal Services Committee organizing the Lok Adalat shall constitute benches of the Lok Adalats. each bench comprising of a sitting or retired Judge of the High Court or a serving or retired Judicial Officer and anyone or two of the following:
- (i) a member of the legal profession;
  - (ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (a) above;
  - <sup>3</sup>(iii) a professional from the field related to the subject matter of the Lok Adalat: and
  - <sup>4</sup>(iv) a mediator or a professional or a serving or retired senior executive.
- (c) **At District Level:** The Secretary of the District Authority organizing the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired judicial officer and anyone or two of the following:-
- (i) a member of the legal profession;
  - (ii) a social worker belonging to the category as mentioned in item(ii) of sub-para
  - (a) above or a person engaged in para-legal activities of the area, preferably a woman;
  - <sup>3</sup>(iii) a professional from the field related to the subject matter of the Lok Adalat: and
  - <sup>4</sup>(iv) a mediator or a professional or a serving or retired senior executive.
- (d) **At Taluk Level:** The Chairman of the Taluk Legal Services Committee organizing the Lok Adalat shall constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and anyone or two of the following:-
- (i) a member of the legal profession;
  - (ii) a social worker belonging to the category as mentioned in item(ii) of sub-para
  - (a) above or a person engaged in para-legal activities of the area, preferably a woman;
  - <sup>3</sup>(iii) a professional from the field related to the subject matter of the Lok Adalat; and
  - <sup>4</sup>(iv) a mediator or a professional or a serving or retired senior executive.

**<sup>56</sup>A. Payment of Special Duty Allowance:** If the Lok Adalat is organised on a holiday or organised beyond court hours on a working day, the presiding judges, other

member and staff assisting the Lok Adalat shall be paid Special Duty Allowance as may be fixed by the concerned State Legal Services Authority:

Provided that such Special Duty Allowance shall not be less than the allowance recommended by the National Legal Services Authority.

**7. Allotment of cases to Lok Adalats:**

- (1) The Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, shall assign specific cases to each bench of the Lok Adalat.
- (2) The Member Secretary, the Secretary of the High Court Legal Services Committee or the District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, may prepare a cause list for each bench of the Lok Adalat and intimate the same to all concerned at least two days before the date of holding of the Lok Adalat.
- (3) Every bench of the Lok Adalat shall make sincere efforts to bring about a conciliated settlement in every case put before it without bringing about any kind of coercion, threat, undue influence, allurements or misrepresentation.

**8. Holding of Lok Adalats:** Lok Adalats may be organised at such time and place and on such days, including holidays as the State Authority, High Court Legal Services Committee, District Authority, or the Taluk Legal Services Committee, as the case may be, organising the Lok Adalat deems appropriate.

**9. Jurisdiction of Lok Adalats:** Lok Adalats shall have the power only to help the parties to arrive at a compromise or settlement between the parties to a dispute and, while so doing, it shall not issue any direction or order in respect of such dispute between the parties.

**10. Reference of cases and matters:** (1) Lok Adalat shall get jurisdiction to deal with a case only when a court of competent jurisdiction orders the case to be referred in the manner prescribed in Section 20 of the Act or under Section 89 of the Code of Civil Procedure, 1908 (5 of 1908).

<sup>7</sup>(1A) A pre-litigation matter may be referred to the Lok Adalat by the concerned Legal Services Institution on the request of any of the parties after giving a reasonable opportunity of being heard to the other party.

(2) A mechanical reference of pending cases to Lok Adalat shall be avoided and the referring court shall, prima facie satisfy itself that there are chances of settlement of the case through Lok Adalat and the case is appropriate to be referred to Lok Adalat:

Provided that matters relating to divorce and criminal cases which are not compoundable under the Code of Criminal Procedure, 1973 (2 of 1974) shall not be referred to Lok Adalat.

- (3) In a pending case where only one of the parties had made application to the court for referring the case to Lok Adalat, or where the court suo motu is satisfied that the case is appropriate to take cognizance by Lok Adalat, the case shall not be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the parties.
- <sup>8</sup>(4) The need based continuous Lok Adalats may be constituted in order to facilitate regular reference and timely disposal of cases.

**11. Summoning of records and the responsibility for its safe custody:** (1) The Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee may call for the judicial records of pending cases which are referred to the Lok Adalat under Section 20 of the Act from the courts concerned.

- (2) The officer duly authorised by the Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services, as the case may be, shall be responsible for the safe custody of records from receiving of the same from court till they are returned.
- (3) The judicial records shall be returned within ten days of the Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of proceedings:  
Provided that wherever it is appropriate, the court concerned from where the records are called may permit the records to be retained beyond the period of ten days.
- (4) Every judicial authority is expected to co-operate in transmission of the judicial records.

**12. Pre-Litigation matters:**

- (1) In a Pre-litigation matter it may be ensured that the court for which a Lok Adalat is organised has territorial jurisdiction to adjudicate in the matter.
- (2) Before referring a Pre-litigation matter to Lok Adalat the Authority concerned or Committee, as the case may be, shall give a reasonable hearing to the parties concerned.

Provided that the version of each party, shall be obtained by the Authority concerned or, as the case may be, the Committee for placing it before the Lok Adalat.

- (3) An award based on settlement between the parties can be challenged only on violation of procedure prescribed in section 20 of the Act by filing a petition under articles 226 and 227 of the Constitution of India.

**13. Procedure in Lok Adalats:**

- (1) Members of Lok Adalat have the role of statutory conciliators only and have no judicial role and they, *mutatis mutandis*, may follow the procedure laid down in sections 67 to 76 of the Arbitration and Conciliation Act, 1996 (26 of 1996).
- (2) Members of Lok Adalat shall not pressurise or coerce any of the parties, to compromise or settle cases or matters, either directly or indirectly.
- (3) In a Lok Adalat the members shall discuss the subject matter with the parties for arriving at a just settlement or compromise and such members of the Lok Adalat shall assist the parties in an independent and impartial manner in their attempt to reach amicable settlement of their dispute:  
Provided that if it found necessary the assistance of an independent person or a trained mediator may also be availed of the by Lok Adalat.
- (4) Members of Lok Adalat shall be guided by principles of natural justice, equity, fairplay, objectivity, giving consideration to, among other things, the rights and obligations of the parties, custom and usages and the circumstances surrounding the dispute.
- (5) The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate taking into account the circumstances of the case, wishes of the parties including any request by a party to the Lok Adalat to hear oral statements, and the need for a speedy settlement of the dispute. (6) The Lok Adalat shall not determine a reference, at its own instance, but shall determine only on the basis of a compromise or settlement between the parties by making. an award in terms of the compromise or settlement arrived at:  
Provided that no Lok Adalat has the power to hear the parties to adjudicate their dispute as a regular court:  
Provided further that the award of the Lok Adalat is neither a verdict nor an opinion arrived at by any decision making process.

**14. Administrative assistance:** Administrative assistance for facilitating Lok Adalat proceedings may be arranged by suitable institutions or persons engaged in providing legal services.

**15. Formulating compromise or settlements:** The Lok Adalat may, at any stage of the proceedings, make proposal for a settlement of the dispute and such proposal need not be accompanied by a statement of the reasons therefor.

**16. Communication between Lok Adalat and parties:**

- (1) A Lok Adalat may invite the parties to meet it or may communicate with it orally or in writing and it may meet or communicate with the parties together or with each of them separately. The factual information concerning the dispute received from a party may be disclosed to the other party in order that the other party may have the opportunity to present any explanation: Provided that the Lok Adalat shall not disclose any information, if one of the party desires to keep it confidential.
- (2) Each party may on his own initiative or at the invitation of the Lok Adalat, submit suggestions for settlement of the dispute.
- (3) When it appears to the Lok Adalat that there exists elements of a settlement which may be acceptable to the parties, the terms of a possible settlement may be formulated by the Lok Adalat and given to the parties for their observations and modifications, if any, suggested by the parties can be taken into consideration and terms of a possible settlement may be re- formulated by the Lok Adalat.
- (4) If the parties reach a compromise or settlement of the dispute, the Lok Adalat may draw up or assist the parties in drawing up the compromise or settlement.

**17. Award :**

- (1) Drawing up of the award is merely an administrative act by incorporating the terms of settlement or compromise agreed by parties under the guidance and assistance from Lok Adalat.
- (2) When both parties sign or affix their thumb impression and the members of the Lok Adalat countersign it, it becomes an award. (see a specimen at Appendix-1) Every award of the Lok Adalat shall be categorical and lucid and shall be written in regional language used in the local courts or in English. It shall also contain particulars of the case viz., case number, name of court and names of parties, date of receipt, register number assigned to the case in the permanent Register (maintained as provided under Regulation-20) and date of settlement. Wherever the parties are represented by counsel, they should also be required to sign the settlement or award before the members of the Lok Adalat affix their signature.
- (3) In cases referred to Lok Adalat from a court, it shall be mentioned in the award that the plaintiff or petitioner is entitled to refund of the court fees remitted.
- (4) Where the parties are not accompanied or represented by counsel, the members of the Lok Adalat shall also verify the identity of parties, before recording the settlement.
- (5) Member of the Lok Adalat shall ensure that the parties affix their signatures only after fully understanding the terms of settlement arrived at and recorded.

The members of the Lok Adalat shall also satisfy themselves about the following before affixing their signatures:

- (a) that the terms of settlement are not unreasonable or illegal or one-sided; and
  - (b) that the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.
- (6) Members of the Lok Adalat should affix their signatures only in settlement reached before them and should avoid affixing signatures to settlement reached by the parties outside the Lok Adalat with the assistance of some third parties, to ensure that the Lok Adalats are not used by unscrupulous parties to commit fraud, forgery, etc.
  - (7) Lok Adalat shall not grant any bail or a divorce by mutual consent.
  - (8) The original award shall form part of the judicial records (in pre-litigation matter, the original award may be kept with the Legal Services Authority or committee concerned) and a copy of the award shall be given to each of the parties duly certifying them to be true by the officer designated by the Member Secretary or Secretary of the High Court Legal Services Committee or District Legal Services Authority or, as the case may be, the Chairman of Taluk Legal Services Committees free of cost and the official seal of the Authority concerned or Committees shall be affixed on all awards.

**18. Confidentiality:**

- (1) The members of the Lok Adalat and the parties shall keep confidential all matters relating to the proceedings in the Lok Adalat and the members of the Lok Adalat shall not be compelled to disclose the matter which took place in the Lok Adalat proceedings before any court of law, except where such disclosure is necessary for purposes of implementation and enforcement of the award.
- (2) The views expressed and discussions made by parties during the proceedings of Lok Adalat in respect of the possible settlement of a dispute and the proposals made by the members of Lok Adalat or admission made by any party or the conduct of the parties in the course of the proceeding before Lok Adalat shall not be brought in evidence or made use of in other court or arbitral proceedings.
- (3) Members of the Lok Adalats shall not record the statement of any of the parties or record any conduct of the parties or express any opinion in such a manner as it would prejudice such party in any other proceedings before a court or arbitrator.

- (4) If any member of the Lok Adalat violates the confidentiality and the ethical concerns which are akin to any other judicial proceedings, such member shall be removed from the panel of members of Lok Adalat.
19. Failure of Lok Adalat proceedings: If a pre-litigation matter is not settled in the Lok Adalat, the parties may be advised to resort to other Alternative Dispute Resolution (ADR) techniques or to approach a court of law and in appropriate cases they may be advised about the availability of legal aid.
20. Compilation of results: At the conclusion of session of the Lok Adalat, the officer designated by the Member-Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall compile the results for submission to the State Authority in the proforma given in Appendix-II.
21. Maintenance of panel of names of Lok Adalat Members: The Member Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee shall maintain a panel of names of retired judicial officers, advocates and social workers to work in Lok Adalats.
22. Procedure for maintain record of cases referred under Section 20 of the Act or otherwise
  - (1) The officer designated by the Member-Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall maintain a permanent register wherein all the cases and pre-litigation matters received by him by way of reference to the Lok Adalat shall be entered giving particulars of:
    - (i) date of receipt;
    - (ii) nature of the case or pre-litigation matter;
    - (iii) other particulars, if any;
    - (iv) date of compromise or settlement and the manner in which the case or matter was finally disposed of: and
    - (v) date of return of the case file.
  - (2) A copy of the award, if passed, duly certified in the manner stated in regulation 17 shall be kept in the office of the Authority or Committee, as the case may be as permanent record.
  - (3) Records other than the original of the awards of pre-litigation Lok Adalat may be destroyed after a period of three years from the date of disposal of the matter by Lok Adalat.

23. Appearance of lawyers and the procedure to be followed in the cases before Lok Adalat: The appearance of lawyers on behalf of the parties at the Lok Adalat shall not be barred and an effort shall be made to encourage the parties to be present personally. The lawyers may be advised to avoid wearing their robes and bands during the proceedings before the Lok Adalat.
24. Application of regulation: The above regulations shall be applicable in the same manner with appropriate changes to the Lok Adalats organised by the National Legal Services and the Supreme Court Legal Services Committee.

APPENDIX-I

### **BEFORE THE LOK ADALAT**

**HELD AT \_\_\_\_\_**

**[Organized by \_\_\_\_\_ Authority/ \_\_\_\_\_ Committee  
under Section 19, of Legal Services Authorities Act 1987 (Central Act)]**

**Petitioner/Plaintiff/Complainant :**

**Defendant/Respondent :**

**No. of proceedings of the \_\_\_\_\_ Court/Authority/Committee**

**Present:-**

**Name of Judicial Officer/  
Retired Judicial Officer :**

**Name of Members: (1)**

**(2)**



## AWARD

The dispute between the parties having been referred for determination to the Lok Adalat and the parties having compromised/settled the case/matter, the following award is passed in terms of the settlement:

.....  
.....  
.....

The parties are informed that the court fee, if any, paid by any of them shall be refunded.

**Petitioner/Plaintiff/Complainant**  
**Defendant/Respondent**

Judicial Officer

Member

Member

Date:

(Seal of the Authority/Committee)

APPENDIX-II

### PROFORMA DISPOSAL OF CASES IN LOK ADALAT

| Place:       |          |                 | Date:                       |        |          |
|--------------|----------|-----------------|-----------------------------|--------|----------|
| Sl. No.      | Case No. | Name of Parties | Nature of Cases disposed of |        |          |
|              |          |                 | Civil                       | Claims | Criminal |
|              |          |                 |                             |        |          |
|              |          |                 |                             |        |          |
|              |          |                 |                             |        |          |
|              |          |                 |                             |        |          |
|              |          |                 |                             |        |          |
| <b>Total</b> |          |                 |                             |        |          |

1. Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
2. Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
3. Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
4. Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
5. Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
6. Substituted vide notification dated 28/08/2019. published in the Gazette of India on 06/09/2019.
7. Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
8. Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.



## NATIONAL LEGAL SERVICES AUTHORITY

### NOTIFICATION

New Delhi, the 9th September, 2010

**No. L/61/10/NALSA.**- In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the Act to make available free and competent legal, services to the persons entitled thereto under section 12 of the said Act, the Central Authority hereby makes the following' regulations, namely: -

**1. Short title, extent and commencement.**

- (1) These regulations may be called the National Legal Services Authority (Free and Competent Legal Services) Regulation, 2010.
- (2) They shall be applicable to Supreme Court Legal Services Committee, State Legal Services Authorities, High Court Legal Services Committees, District Legal Services Authorities and Taluk Legal Services Committees in India.
- (3) They shall come into force from the date of their Publication in the Official Gazette.

**2. Definitions.-**

- (1) In these regulations, unless the context otherwise requires,
  - (a) "Act" means the Legal Services Authorities Act, 1987 (39 of 1987);
  - (b) "Form" means a Form annexed to these Regulations;
  - (c) "front office" means a room in the Legal Services Institution where legal services are made available;
  - (d) "legal practitioner" shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961 (25 of 1961);
  - (e) "Legal Services Institution" means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;
  - (f) "Para-Legal Volunteer" means a para-legal volunteer trained as such by a Legal. Services Institution;

- (g) "Secretary" means the Secretary of the Legal Services Institution;
  - (h) "section" means the section of the Act;
  - (i) "State regulation" means regulation made by the State Authorities under the Act.
2. All other words and expressions used but not defined in these regulations shall have the same meanings assigned to them in the Act.
  3. Application for legal services.-
    - (1) An application for legal services may be presented preferably in Form-I in the local language or English.
    - (2) The applicant may furnish a summary of his grievances for which he seeks legal services, in a separate sheet along with the application.
    - (3) An application, though not in Form-I, may also be entertained, if reasonably explains the facts to enable the applicant to seek legal services.
    - (4) If the applicant is illiterate or unable to give the application on his or her own, the Legal Services Institutions may make arrangement for helping the applicant to fill up the application form and to prepare a note of his or her grievances.
    - (5) Oral requests for legal services may also be entertained in the same manner as an application under sub-regulation (1) and (2).
    - (6) An applicant advised by the para-legal volunteers, legal aid clubs, legal aid clinics and voluntary social service institutions shall also be considered for free legal services.
    - (7) Requests received through e-mails and interactive on-line facility also may be considered for free legal services after verification of the identity of the applicant and on ensuring that he or she owns the authorship of the grievances projected.
  4. Legal Services Institution to have a front office.-
    - (1) All Legal Services Institutions shall have a front office to be manned by a panel lawyer and one or more para-legal volunteers available during' office hours.
    - (2) In the case of court based legal services, such lawyer shall after consideration of the application, forward the same to the Committee set up under regulation 7 and for other types of legal services, the panel lawyer in the front office may provide such legal services.
    - (3) The panel lawyer in the front office, shall render services like drafting notices, sending replies to lawyers' notices and drafting applications, petitions etc.
    - (4) The panel lawyer in the front office may obtain secretarial assistance from the staff of the Legal Services Institutions.
    - (5) In case of urgent matters, the panel lawyer in the. front office may in consultation with the Member Secretary or Secretary of the Legal Services Institutions provide legal assistance of appropriate nature:

Provided that the Committee set up under regulation 7 may consider and approve the action taken by the panel lawyer in the front office.

**5. Proof of entitlement of free legal services.**

- (1) An affidavit of the applicant that he falls under the categories of persons entitled to free legal services under section 12 shall ordinarily be sufficient.
- (2) The affidavit may be signed before a Judge, Magistrate, Notary Public, Advocate, Member of Parliament, Member of Legislative Assembly, elected representative of local bodies, Gazetted Officer, teacher of any school or college of Central Government, State Government or local bodies as the case may be.
- (3) The affidavit may be prepared on plain paper and it shall bear the seal of the person attesting it

**6. Consequences of false or untrue details furnished by the applicant.** - The applicant shall be informed that if free legal services has been obtained by furnishing incorrect or false information or in a fraudulent manner, the legal services shall be stopped forthwith and that the expenses incurred by the Legal Services Institutions shall be recoverable from him or her.

**7. Scrutiny and evaluation of the application for free legal services,**

- (1) There shall be a Committee to scrutinise and evaluate the application for legal services, to be constituted by the Legal Services Institution at the level of Taluk, District, State and above,
- (2) The Committee shall be constituted by the Executive Chairman or Chairman.
- (3) No legal practitioner having less than three years' experience at the Bar shall ordinarily be empanelled.
- (4) While preparing the panel of lawyers the competence, integrity, suitability and experience of such lawyers shall be taken into account.
- (5) The Executive Chairman or Chairman of the Legal Services Institution may maintain separate panels for dealing with different types of cases like, Civil, Criminal, Constitutional Law, Environmental Law, Labour Laws, Matrimonial disputes etc.
- (6) The Chairman of the Legal Services Institution may, in consultation with the Executive Chairman of the State Legal Services Authority or National Legal Services Authority as the case may be prepare a list of legal practitioners from among the panel lawyers to be designated as Retainers.
- (7) The Retainer lawyers shall be selected for a period fixed by the Executive Chairman on rotation basis or by any other method specified by the Executive Chairman.
- (8) The strength of Retainer lawyers shall not exceed,-
  - (a) 20 in the Supreme Court Legal Services Committee;
  - (b) 15 in the High Court Legal Services Committee;
  - (c) 10 in the District Legal Authority;
  - (d) 5 in the Taluk Legal Services Committee.

- (9) The honorarium payable to Retainer lawyer shall be,-
    - (a) Rs. 10,000 per month in the case of Supreme Court Legal Services Committee;
    - (b) Rs. 7,500 per month in the case of High Court Legal Services Committee;
    - (c) Rs. 5,000 per month in the case of District Legal Services Authority;
    - (d) Rs. 3,000 per month in the case of the Taluk Legal Services Committee: Provided that the honorarium specified in this sub-regulation is in addition to the honorarium or fee payable by the Legal Services Institution for each case entrusted to the Retainer lawyer.
  - (10) The panel lawyers designated as Retainers shall devote their time exclusively for legal aid work and shall be always available to deal with legal aid cases and to man the front office or consultation office in the respective Legal Services Institution.
  - (11) The panel prepared under sub-regulation (2) shall be re-constituted after a period of three years but the cases already entrusted to any panel lawyer shall not be withdrawn from him due to re-constitution of the panel
  - (12) The Legal Services Institution shall be at liberty for withdrawing any case from a Retainer during any stage of the proceedings.
  - (13) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary and the latter may permit the panel lawyer to do so.
  - (14) The panel lawyer shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he had rendered legal services under these regulations.
  - (15) If the panel lawyer engaged is not performing satisfactorily or has acted contrary to the: object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.
- 9. Legal services by way of legal advice, consultation, drafting and conveyancing.-**
- (1) The Executive Chairman or Chairman of the Legal Services Institution shall maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors in the law universities or law colleges for providing legal advice and other legal services like drafting and conveyancing.
  - (2) The services of the legal aid clinics in the rural areas and in the law colleges and law universities shall also be made use of.
- 10. Monitoring Committee.-**
- (1) Every Legal Services Institution shall set up a Monitoring Committee for close monitoring of the court based legal services rendered and the progress of the cases in legal aided matter.

- (2) The Monitoring Committee at the level of the Supreme Court or the High Court, as the case may be, shall consist of,-
  - (i) the Chairman of the Supreme Court Legal Services Committee or Chairman of the High Court Legal Services Committee;
  - (ii) the Member Secretary or Secretary of the Legal Services Institution;
  - (iii) a Senior Advocate to be nominated by the Patron-in-Chief of the Legal Services Institution.
- (3) The Monitoring Committee for the District or Taluk Legal Services Institution shall be constituted by the Executive Chairman of the State Legal Services Authority and shall consist of, -
  - (i) the senior-most member of the Higher Judicial Services posted in the district concerned, as its Chairman;
  - (ii) the Member-Secretary or Secretary of the Legal Services Institution;
  - (iii) a legal practitioner having more than fifteen years' experience at the local Bar-to be nominated in consultation with the President of the local Bar Association :

Provided that if the Executive Chairman is satisfied that there is no person of any of the categories mentioned in this sub-regulation, he may constitute the Monitoring Committee with such other persons as he may deem proper.

**11. Functions of the Monitoring Committee.**

- (1) Whenever legal services aid provided to an applicant, the Member-Secretary or Secretary shall send the details in Form-II to the Monitoring Committee at the earliest.
- (2) The Legal Services Institution shall provide adequate staff and infrastructure to the Monitoring Committee for maintaining the records of the day-to-day progress of the legal aided cases.
- (3) The Legal Services Institution may request the Presiding Officer of the court to have access to the registers maintained by the court for ascertaining the progress of the cases.
- (4) The Monitoring Committee shall maintain a register for legal aided cases for recording the day-to-day postings, progress of the case and the end result (success or failure) in respect of cases for which legal aid is allowed and the said-register shall be scrutinised by the Chairman of the Committee every month.
- (5) The Monitoring Committee shall keep a watch of the day-to-day proceedings of the court by calling for reports from the panel lawyers, within such time as may be determined by the Committee.
- (6) If the progress of the case is not satisfactory, the Committee may advise the Legal Services Institution to take appropriate steps.

**12. Monitoring Committee to submit bi-monthly reports.**

- (1) The Monitoring Committee shall submit bi-monthly reports containing its independent assessment on the progress of each and every legal aid case and the performance of the panel lawyer or Retainer lawyer, to the Executive Chairman or Chairman of the Legal Services Institution.
- (2) After evaluating the reports by the Committee, the Executive Chairman or Chairman of the Legal Services Institution shall decide the course of action to be taken in each case.
- (3) It shall be the duty of the Member-Secretary or Secretary of the Legal Services Institution to place the reports of the Monitoring Committee before the Executive Chairman or Chairman of the Legal Services Institution and to obtain orders.

**13. Financial assistance. -**

- (1) If a case for which legal aid has been granted requires additional expenditure like payment of court fee, the fee payable to the court appointed commissions, for summoning witnesses or documents, expenses for obtaining certified copies etc., the Legal Services Institution may take urgent steps for disbursement of the requisite amount on the advice of the panel lawyer or Monitoring Committee.
- (2) In the case of appeal or revision the Legal Services Institution may bear the expenses for obtaining certified copies of the judgment and case records.

**14. Payment of fee to the panel lawyers.**

- (1) Panel lawyers shall be paid fee in accordance with the Schedule of fee, as approved under the State regulations.
- (2) The State Legal Services Authority and other Legal Services Institution shall effect periodic revision of the honorarium. to be paid to panel lawyers for the different types of services rendered by them in legal aid cases.
- (3) As soon as the report of completion of the proceedings is received from the panel lawyer, the Legal: Services Institution shall, without any delay, pay the fees and expenses payable to panel lawyer.

**15. Special engagement of senior advocates in appropriate cases.**

- (1) If the Monitoring Committee or Executive Chairman or Chairman of the Legal Services Institution is of the opinion that services of senior advocate, though not included in the approved panel of lawyers, has to be provided in any particular case the Legal Services Institution may engage such senior advocate.
- (2) Notwithstanding anything contained in the State regulations, the Executive Chairman or Chairmen of the Legal Services Institution may decide the honorarium for such senior advocate :  
Provided that special engagement of senior advocates shall be only in cases of great public importance and for defending cases of very serious nature, Hand Book on Legal Services Authorities Act with Regulations & Schemes of NALSA and others affecting the, life and liberty of the applicant.



16. Evaluation of the legal aid cases by the National Legal Services Authority and State Legal Services Authorities.
- (1) The Supreme Court Legal Services Committee shall send copies of the bi-monthly reports of the Monitoring Committee of the Supreme Court Legal Services Committee to the Central Authority.
  - (2) The High Court Legal Services Committees, the State Legal Services Authorities shall submit copies of the bi-monthly reports of their Monitoring Committees to their Patron-in-Chief.
  - (3) The District Legal Services Authorities and Taluk Legal Services Committees shall submit copies of the bi-monthly reports of their Monitoring Committees to the Executive Chairman of the State Legal Services Authority.
  - (4) The State Legal Services Authorities shall also send consolidated half-yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aided cases, to the Central Authority.
  - (5) In appropriate cases, the Executive Chairman of the National Legal Services Authority may nominate and authorise the members of its Central Authority to supervise, monitor or advise the Legal Services Institution for effective and successful implementation of these regulations.

**U. SARATHCHANDRAN, Member-Secy**  
**[ADVT.-III/4/123/10/Exty.]**

From-I

**National Legal Services Authority**  
**(Free and Competent Legal Services) Regulations, 2010**  
*(see regulation-3)*

**The Form of Application for Legal Services**  
**(this may be prepared in the regional language)**

Registration No.

1. Name :
2. Permanent Address :
3. Contact Address with phone no. if any, e-mail ID, if any.
4. Whether the applicant belongs to the category of persons mentioned in section 12 of the Act.
5. Monthly income of the applicant
6. Whether affidavit/proof has been produced in support of income/ eligibility u/s 12 of the Act.
7. Nature of legal aid or advise required:

8. A brief statement of the case, : if court based legal services is required.

Place :

Date :

Signature of the applicant

Form-II

**National Legal Services Authority**  
**(Free and Competent Legal Services) Regulation, 2010**  
*(see regulation-11)*

**Information furnished to the Monitoring Committee about  
the legal services provided**

- (i) Name of the Legal Services Institution. : .....
- (ii) Legal aid application number and date on which legal aid was given. : .....
- (iii) Name of the legal aid applicant : .....
- (iv) Nature of case (civil, criminal, constitutional law etc,) : .....
- (v) Name and roll number of the lawyer assigned to the applicant. : .....
- (vi) Name of the Court in which the case is to be filed/defended : .....
- (vii) The date of engaging the panel lawyer : .....
- (viii) Whether any monetary assistance like, court fee, advocate commission fee, copying charges etc. has been given in advance? : .....
- (ix) Whether the case requires any interim orders or appointment of commission? : .....
- (x) Approximate expenditure for producing records, summoning of witnesses etc. : .....
- (xi) The expected time for conclusion of the proceedings in the Court. : .....

Dated:

MEMBER-SECRETARY/SECRETARY

**MINISTRY OF LAW AND JUSTICE**  
**(DEPARTMENT OF JUSTICE)**  
**(NATIONAL LEGAL SERVICES AUTHORITY)**

**NOTIFICATION**  
**New Delhi, the 22nd October, 2018**

**F.No. L/61/10/NALSA-** In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the Act to make available free and competent legal services to the persons entitled thereto under section 12 of the said Act, the Central Authority hereby makes the following regulations further to amend the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, namely:

**1. Short title and commencement:**

- (1) These regulations may be called the National Legal Services Authority (Free and Competent Legal Services) Amendment Regulations, 2018.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 (hereinafter referred to as the principal regulations), in regulation 2, in sub-regulation (1),-

- (i) for clause (ea), the following clauses shall be substituted. namely:-
  - (ea) "Monitoring and Mentoring Committee" means the Committees set up under regulation 10;
  - (eb) "Panel Lawyer" means a legal practitioner empanelled as a Panel lawyer under regulation 8';
- (ii) in clause (f), for the words "as such", the words "under the 'National Legal Services Authority Scheme for Para Legal Volunteers' and empanelled" shall be substituted.
- (iii) in clause (fa), for the bracket and figure "(6)", the bracket and figure "(9)" shall be substituted.

**3. In the principal regulations, in regulation 4, -**

- (i) in sub-regulation (1) after the words "manned by", the words "a Retainer Lawyer on rotational basis and" shall be inserted;
- (ii) sub-regulation (2) and sub-regulation (5) shall be omitted;

4. In the principal regulations, for regulation 5, the following regulation shall be substituted, namely:-

- "5. Proof of entitlement of free legal services. A self-certificate of the applicant, along with self-attested copy of relevant documents or certificates, if any, that he falls under the categories of persons entitled to free legal services under Section 12 of the Act shall ordinarily be sufficient."

5. In the principal regulations, for regulation 7, the following regulation shall be substituted, namely:-

**"7. Scrutiny and evaluation of the application for free legal services.-**

- (1) The application for legal services, for eligibility of the applicant and existence of a prima facie case to prosecute or to defend, shall be scrutinised by the Member- Secretary or Secretary, as the case may be, or any officer, deputed by him:

Provided that a defendant in a civil case and an accused or a convict in a criminal case shall be deemed to have prima facie case to defend or to file an appeal against his conviction and sentence:

Provided further that in case. there is some difficulty to determine the prima facie case to prosecute, the Member-Secretary or Secretary may for this purpose, seek opinion from a panel lawyer having more than seven years standing at the Bar:

Provided further that in case of the Supreme Court Legal Services Committee, the Secretary shall seek opinion from an Advocate having more than fifteen years standing at the Bar.

- (2) A decision on application for legal services shall be taken immediately, but not more than seven days from the date of receipt of the application.
- (3) If the applicant is not covered under the categories mentioned in section 12, he or she shall be advised to seek assistance from any other body or person rendering free legal services either voluntarily or under any other scheme.
- (4) The Legal Services Institution shall maintain a list of such agencies, institutions or persons who have expressed willingness to render free legal services.
- (5) Any person aggrieved by the decision or order of the Member-Secretary or the Secretary, as the case may be, he may prefer appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision or order in appeal shall be final.
- (6) In case the Member-Secretary or Secretary of the Legal Services Institution decides to provide legal services through a panel lawyer, the choice of the panel lawyer, if expressed by the applicant, may be considered."

6. In the principal regulations, for regulation 8, the following regulation shall be substituted, namely: -

**"8. Selection of legal practitioners as panel lawyers. (1) Every Legal Services Institution shall invite applications from legal practitioners for their empanelment as panel lawyers and such applications shall be accompanied with proof of the professional experience with special reference to the**

type of cases which the applicant-legal practitioners may prefer to be entrusted with.

- (2) The applications received under sub-regulation (1) shall be scrutinised and selection of the panel lawyers shall be made by the Executive Chairman or Chairman of the Legal Services Institution in consultation with the Attorney General [for the Supreme Court], Advocate General [for the High Court], District Attorney or Government Pleader [for District and Taluka level] and the Monitoring and Mentoring Committee set up under regulation 10:  
Provided that the Executive Chairman or Chairman of the Legal Services Institution may also suo moto empanel any legal practitioner;
- (3) No legal practitioner having less than three years' experience at the Bar shall ordinarily be empaneled.
- (4) District Legal Services Authorities and Taluk Legal Services Committees shall get the panel approved from the Executive Chairman of the State Legal Services Authority.
- (5) The Executive Chairman or Chairman of the Legal Services Institution shall take into consideration the competency, integrity, suitability, and experience of lawyers for the empanelment.
- (6) There may be representation of the Scheduled Castes, the Scheduled Tribes, women and differently abled lawyers in the panel.
- (7) The Executive Chairman or Chairman of the Legal Services Institution may maintain separate panels for dealing with different types of cases like Civil, Criminal, Constitutional Law, Environmental Law, Labour Laws, Matrimonial disputes, Juvenile Justice, etc.
- (8) The Member-Secretary or Secretary, as the case may be, may assign a case to a panel lawyer of a subject matter other than for which he has been empanelled.
- (9) The Chairman of the Legal Services Institution may, in consultation with the Executive Chairman of the State Legal Services Authority or National Legal Services Authority, as the case may be, prepare a list of legal practitioners from among the panel lawyers to be designated as Retainers.
- (10) The Retainer lawyers shall be selected for a period fixed by the Executive Chairman on rotation basis or by any other method specified by the Executive Chairman.
- (11) The strength of Retainer lawyers shall not exceed, -
  - (a) twenty in the Supreme Court Legal Services Committee;
  - (b) fifteen in the High Court Legal Services Committee;
  - (c) ten in the District Legal Authority;
  - (d) five in the Taluk Legal Services Committee.

- (12) The honorarium payable to Retainer lawyer shall not be less than,
- (a) rupees forty thousand per month in the case of Supreme Court Legal Services Committee;
  - (b) rupees twenty five thousand per month in the case of State Legal Services Authority or High Court Legal Services Committee;
  - (c) rupees fifteen thousand per month in the case of District Legal Services Authority;
  - (d) rupees ten thousand per month in the case of the Taluk Legal Services Committee:
- Provided that the honorarium specified in this sub-regulation is in addition to the honorarium or fee payable by the Legal Services Institution for each case entrusted to the Retainer lawyer.
- (13) The panel prepared under sub-regulation (2) for the period of three years shall also be reviewed and updated periodically by the Executive Chairman or the Chairman, as the case may be, keeping in view the performance of the panel lawyers.
- (14) The Legal Services Institution shall be at liberty for withdrawing any case from a Retainer Panel Lawyer during any stage of the proceedings.
- (15) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member Secretary or the Secretary, as the case may be, and the panel lawyer may be permitted to do so by an order.
- (16) The panel lawyers shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he has rendered legal services under these regulations.
- (17) If the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.
- (18) The panel lawyers shall undergo training periodically as per modules prepared by the National Legal Services Authority and the State Legal Services Authority.
- (19) The participation in the training programme shall be a relevant consideration for the retention or continuation of panel lawyers."
7. In the principal regulations, for regulation 9, the following regulation shall be substituted, namely:
- "9. Legal services by way of legal advice, consultation, drafting and conveying. -
- (1) The Executive Chairman or Chairman of the Legal Services Institution may maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors in

- the law universities or law colleges for providing legal advice and other legal services like drafting and conveyancing.
- (2) The Executive Chairman or Chairman of the Legal Services Institution, as the case may be, may maintain a separate panel of retired senior bureaucrats, senior executives, retired police officials, doctors, engineers, psychiatrists, marriage counsellors, chartered accountants, educationists and other experts of the specialised field for legal services and honorarium payable to them shall be decided by the Executive Chairman of State Legal Services Authority or the Chairman of the Supreme Court Legal Committee, as the case may be. (3) The Member-Secretary may send a request to Senior Advocates to volunteer their pro bono professional services for rendering advice as and when required."
8. In the principal regulations, for regulation 10, the following regulation shall be substituted, namely:
- "10. Monitoring and Mentoring Committee.
- (1) Every Legal Services Institution shall set up a Monitoring and Mentoring Committee for close monitoring of the court based legal services rendered and the progress of the cases in the legal aided matters and to guide and advise the panel lawyers.
- (2) The Monitoring and Mentoring Committee at the level of the Supreme Court shall consist of,
- (i) a sitting or retired judge of the Supreme Court or a Senior Advocate as may be nominated by the Chairman, Supreme Court Legal Services Committee;
- (ii) Secretary, Supreme Court Legal Services Committee;
- (iii) a renowned Academician or an Advocate-on-Record having ten years of practice to be nominated by the Chairman of the Supreme Court Legal Services Committee;
- (iv) The Legal Service Counsel-cum-Consultant, Supreme Court Legal Services Committee.
- (3) The Monitoring and Mentoring Committee at the level of the High Court shall consist of,-
- (i) a sitting or retired Judge of the High Court or a Senior Advocate as may be nominated by the Chairman, High Court Legal Services Committee;
- (ii) Secretary. High Court Legal Services Committee.
- (4) The Monitoring and Mentoring Committee at the State or District Legal Services Authority shall consist of,

- (i) Member-Secretary or Secretary of the Legal Services Institution, as the case may be;
  - (ii) one serving judicial officer from the State Higher Judicial Service;
  - (iii) one retired judicial officer or one Advocate of fifteen years' standing or more.
- (5) The Monitoring and Mentoring Committee at the Taluk Legal Services Committee shall consist of.-
- (i) Chairman of the Taluk Legal Services Committee;
  - (ii) one retired judicial officer;
  - (iii) one advocate of 10 years standing or more.
- (6) The members of the Monitoring and Mentoring Committee shall render their services on the days as may be required and fixed by the Executive Chairman or Chairman of the Legal Services Institution and the members except serving Judicial Officers shall be paid the honorarium as fixed by the Executive Chairman."
9. In the principal regulations, for regulation 11, the following regulation shall be substituted, namely:-
- "11. Procedure of the Monitoring and Mentoring Committee.
- (1) Whenever court based legal aid is provided to an applicant, the Member- Secretary or Secretary as the case may be, shall send the details in Form II to the Monitoring and Mentoring Committee at the earliest.
  - (2) The Legal Services Institution shall provide adequate staff and infrastructure to the Monitoring and Mentoring Committee for maintaining the records of the day-to-day progress of the legal aided cases.
  - (3) The Monitoring and Mentoring Committee shall assist the Legal Services Institution in organising training programmes for panel lawyers from time to time to enhance the skill of the panel lawyers.
  - (4) The Monitoring and Mentoring Committee shall mentor the panel lawyers and guide them in providing quality legal services.
  - (5) The Monitoring and Mentoring Committee shall maintain a register for legal aided cases for monitoring the day-to-day progress of the case and the end result (success or failure) in respect of cases for which legal aid is allowed and the said register shall be scrutinised every month by the Member- Secretary or Secretary or the Chairman, as the case may be.
  - (6) The Legal Services Institution may request the Presiding Officer of the court to allow access to the registers maintained by the court for ascertaining the progress of the cases.



- (7) The Monitoring and Mentoring Committee shall keep a watch on the progress of the case by calling for reports from the panel lawyers within such time as may be determined by the Committee.
  - (8) If the progress of the case is not satisfactory, the Committee may advise the Legal Services Institution to take appropriate steps.
  - (9) The Committees shall meet at least once in a fortnight.
  - (10) The Monitoring and Mentoring Committee may meet as and when the meeting is convened by the Member- Secretary or the Secretary as the case may be."
10. In the principal regulations, in regulation 12, for the words "Monitoring Committee" occurring at both the places, the words "Monitoring and Mentoring Committee" shall be substituted.
  11. In the principal regulations. in regulation 13, for the words "Monitoring Committee", the words "Monitoring and Mentoring Committee" shall be substituted.
  12. In the principal regulations, in regulation 15, for the words "Monitoring Committee", the words "Monitoring and Mentoring Committee" shall-be substituted.
  13. In the principal regulations. in regulation 16, for the words "Monitoring Committee", the words "Monitoring and Mentoring Committee" shall be substituted.
  14. In Form II of the principal regulations, in the heading. for the words "Monitoring Committee", the words "Monitoring and Mentoring Committee" shall be substituted.

ALOKAGARWAL, Member-Secy.  
[ADVT.-III/4/Exty./316/18]

**Note:** The principal regulations were published in the Gazette of India Extraordinary, Part-III, Section 4, vide notification No. L/61/10/NALSA dated the 9th September, 2010 and were last amended vide notification No. L/61/10/NALSA dated the 6th August, 2014

## Ministry of Law and Justice (Department of Justice) (National Legal Services Authority)

Notification New Delhi,  
the 28th August, 2019

**F. No. L/61/10/NALSA:** In exercise of the powers conferred by Section 29 of the Legal Services Authorities Act, 1987(39 of 1987) and in pursuance of the provisions in section 4 of the Act to make available free and competent legal services to the persons entitled thereto under Section 12 of the said Act, the Central Authority hereby makes the following regulations further to amend the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, namely :-

**1. Short title and commencement.**

- (1) These regulations may be called the National Legal Services Authority (Free and Competent Legal Services) Amendment Regulations, 2019.
  - (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 (hereinafter referred to as the principal regulations), in regulation 4. -
- (i) after sub-regulation (1) the following sub-regulation shall be inserted namely:  
"(1A) The Front Offices shall act as one stop centres for legal aid seekers to receive legal aid and advice and all information about their cases and all legal services provided by the Legal Services Institutions."
3. In the principal regulations, in regulation 8, -
- (i) in sub-regulation (2), after first proviso the following proviso shall be inserted, namely:  
"Provided further that the size of panel should be optimised so that each lawyer call be allotted sufficient cases."
  - (ii) for sub-regulation (11), the following sub-regulation shall be substituted, namely :-  
"(11) The number of Retainer lawyers in the panel of each Legal Services Institution. should not exceed the minimal requirement as determined by the Executive Chairman or the Chairman, as the case may be."
  - (iii) in sub-regulation (12), after first proviso the following proviso shall be inserted, namely:  
"Provided further that the State Legal Services Authority may decide to make the payment of honorarium to the Retainer Lawyers on the basis of number of days they man the Front Office. In such cases the honorarium so payable shall not be less than Rs. 1500 per day of sitting at the district and taluka court level and Rs. 2500 at the High Court level."

**4. In the principal regulations, in regulation 10-**

- (i) in sub-regulation (2), in clause (i), for the words "a sitting or retired judge of the Supreme Court or a Senior Advocate as may be nominated", the words "a Senior Advocate or an Advocate of at least 15 years of standing as nominated" shall be substituted.
- (ii) in sub-regulation (3), in clause (i), for the words "a sitting or retired judge of the High Court or a Senior Advocate as may be nominated", the words "a Senior Advocate or an Advocate of at least 15 years of standing as nominated" shall be substituted.
- (iii) in sub-regulation (5), in clause (ii), after the word "officer", the word "or" shall be inserted.

ALOK AGARWAL,  
Member Secretary  
[ADVT.-III/4/Exty./199/19]

**Note:** The principal regulations were published in the Gazette of India Extraordinary, Part-III, Section 4, vide notification no. L/61/10/NALSA dated the 9th September, 2010 were last amended vide October, 2018. Notification No. L/61/10/NALSA dated the 22nd October, 2018.

**MINISTRY OF LAW AND JUSTICE**  
(Department of Justice)  
**(NATIONAL LEGAL SERVICES AUTHORITY)**

**NOTIFICATION**

**New Delhi, the 28th August, 2019**

**F. No. L/28/09/NALSA.**- In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Authority hereby makes the following regulations further to amend the National Legal Services Authority (Lok Adalat) Regulations, 2009, namely: -

1. Short title and commencement.
  - (1) These regulations may be called the National Legal Services Authority (Lok Adalat) Amendment Regulations 2019.
  - (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the National Legal Services Authority (Lok Adalat) Regulations, 2009, in regulation 6A, for the words, "judicial officers", the words "presiding judges" shall be substituted.

**ALOK AGARWAL, Member-Secy.**  
**[ADVT.-III/4/Exty./200/19]**

**Note:** The principal regulations were published in the Gazette of India Extraordinary, Part-III, Section 4, vide notification No. L/28/09/NALSA dated the 14th October, 2009 were last amended vide notification No. L/28/09/NALSA dated the 22nd October, 2018.

# THE NATIONAL LEGAL SERVICES AUTHORITY (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS, 2010

(As amended vide Notification F.No. L/61/10/NALSA dated 28.08.2019 published in the Gazette of India on 06.09.2019)

*In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the Act to make available free and competent legal services to the persons entitled thereto under section 12 of the said Act, the Central Authority hereby makes the following regulations, namely:*

**1. Short title, extent and commencement:-**

- (1) These regulations may be called the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.
- (2) They shall be applicable to Supreme Court Legal Services Committee, State Legal Services Authorities, High Court Legal Services Committees, District Legal Services Authorities, and Taluk Legal Services Committees in India.
- (3) They shall come into force from the date of their publication in the Official Gazette.

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

- (a) "Act" means the Legal Services Authorities Act, 1987 (39 of 1987);
- (b) "Form" means a Form annexed to these Regulations;
- (c) "Front Office" means a room in the Legal Services Institution where legal services are made available;
- (d) "Legal Practitioner" shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961 (25 of 1961);
- (e) "Legal Services Institution" means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be:
- <sup>1</sup>(ea) "Monitoring and Mentoring Committee" means the Committees set up under regulation 10;
- (eb) "Panel Lawyer" means a legal practitioner empanelled as a Panel lawyer under regulation 8;
- (f) "Para-Legal Volunteer" means a para-legal volunteer trained "under the 'National Legal Services Authority Scheme for Para Legal Volunteers' and empanelled by a Legal Services Institution;
- <sup>3</sup>(fa) "Retainer Lawyer" means a Panel Lawyer designated as the Retainer Lawyer under sub- regulation (9) of regulation 8;
- (g) "Secretary" means the Secretary of the Legal Services Institution;
- (h) "Section" means the section of the Act;
- (i) "State regulation" means regulation made by the State Authorities under the

Act.

2. All other words and expressions used but not defined in these regulations shall have the same meanings assigned to them in the Act.

**3. Application for legal services:**

- (1) An application for legal services may be presented preferably in Form-I in the local language or English.
- (2) The applicant may furnish a summary of his grievances for which he seeks legal services, in a separate sheet along with the application.
- (3) An application, though not in Form-I, may also be entertained, if reasonably explains the facts to enable the applicant to seek legal services.
- (4) If the applicant is illiterate or unable to give the application on his or her own, the Legal Services Institutions may make arrangement for helping the applicant to fill up the application form and to prepare a note of his or her grievances.
- (5) Oral requests for legal services may also be entertained in the same manner as an application under sub-regulation (1) and (2).
- (6) An applicant advised by the para-legal volunteers, legal aid clubs, legal aid clinics and voluntary social service institutions shall also be considered for free legal services.
- (7) Requests received through e-mails and interactive on-line facility also may be considered for free legal services after verification of the identity of the applicant and on ensuring that he or she owns the authorship of the grievances projected.

**4. Legal Services Institution to have a front office:**

- (1) All Legal Services Institutions shall have a front office to be manned by [a Retainer Lawyer on rotational basis and] one or more para-legal volunteers available during office hours.

<sup>5</sup>Provided that persons with the qualification of Masters degree in Social Work or Diploma or Masters' degree in psychiatry or psychology from any recognised institute or university may also be called to the front office as and when necessary.

- <sup>6</sup>(1A) The Front Offices shall act as one stop centres for legal aid seekers to receive legal aid and advice and all information about their cases and all legal services provided by the Legal Services Institutions.

<sup>7</sup>(2) \*\*\*\*\*

<sup>8</sup>(3) \*\*\*\*\*

- <sup>9</sup>(4) The Para-Legal Volunteers or the panel lawyer or the retainer lawyer, as the case may be, in the front office may obtain secretarial assistance from the staff of the Legal Services Institutions.

<sup>10</sup>(5) \*\*\*\*\*

**115. Proof of entitlement of free legal services:** A self-certificate of the applicant, along with self-attested copy of relevant documents or certificates, if any, that he falls under the categories of persons entitled to free legal services under Section 12 of the Act shall ordinarily be sufficient.

<sup>12</sup>(2) \*\*\*\*\*

<sup>13</sup>(3) \*\*\*\*\*

**6. Consequences of false or untrue details furnished by the applicant :** The applicant shall be informed that if free legal services have been obtained by furnishing incorrect or false information or in a fraudulent manner, the legal services shall be stopped forthwith and that the expenses incurred by the Legal Services Institutions shall be recoverable from him or her.

**147. Scrutiny and evaluation of the application for free legal services:**

(1) The application for legal services, for eligibility of the applicant and existence of a prima facie case to prosecute or to defend, shall be scrutinised by the Member-Secretary or Secretary, as the case may be, or any officer, deputed by him:

Provided that a defendant in a civil case and an accused or a convict in a criminal case shall be deemed to have prima facie case to defend or to file an appeal against his conviction and sentence:

Provided further that in case, there is some difficulty to determine the prima facie case to prosecute, the Member-Secretary or Secretary may for this purpose, seek opinion from a panel lawyer having more than seven years standing at the Bar:

Provided further that in case of the Supreme Court Legal Services Committee, the Secretary shall seek opinion from an Advocate having more than fifteen years standing at the Bar.

(2) A decision on application for legal services shall be taken immediately, but not more than seven days from the date of receipt of the application.

(3) If the applicant is not covered under the categories mentioned in section 12, he or she shall be advised to seek assistance from any other body or person rendering free legal services either voluntarily or under any other scheme.

(4) The Legal Services Institution shall maintain a list of such agencies, institutions or persons who have expressed willingness to render free legal services.

(5) Any person aggrieved by the decision or order of the Member-Secretary or the Secretary, as the case may be, he may prefer appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision or order in appeal shall be final.

(6) In case the Member-Secretary or Secretary of the Legal Services Institution decides to provide legal services through a panel lawyer, the choice of the panel lawyer, if expressed by the applicant, may be considered.

**158. Selection of legal practitioners as panel lawyers. -**

- (1) Every Legal Services Institution shall invite applications from legal practitioners for their empanelment as panel lawyers and such applications shall be accompanied with proof of the professional experience with special reference to the type of cases which the applicant-legal practitioners may prefer to be entrusted with.
- (2) The applications received under sub-regulation (1) shall be scrutinised and selection of the panel lawyers shall be made by the Executive Chairman or Chairman of the Legal Services Institution in consultation with the Attorney General [for the Supreme Court], Advocate General [for the High Court], District Attorney or Government Pleader [for District and Taluka level] and the Monitoring and Mentoring Committee set up under regulation 10: Provided that the Executive Chairman or Chairman of the Legal Services Institution may also suo moto empanel any legal practitioner;  
<sup>16</sup>Provided further that the size of panel should be optimised so that each lawyer can be allotted sufficient cases.
- (3) No legal practitioner having less than three years' experience at the Bar shall ordinarily be empanelled.
- (4) District Legal Services Authorities and Taluk Legal Services Committees shall get the panel approved from the Executive Chairman of the State Legal Services Authority.
- (5) The Executive Chairman or Chairman of the Legal Services Institution shall take into consideration the competency, integrity, suitability, and experience of lawyers for the empanelment.
- (6) There may be representation of the Scheduled Castes, the Scheduled Tribes, women and differently abled lawyers in the panel.
- (7) The Executive Chairman or Chairman of the Legal Services Institution may maintain separate panels for dealing with different types of cases like Civil, Criminal, Constitutional Law, Environmental Law, Labour Laws, Matrimonial disputes, Juvenile Justice, etc.
- (8) The Member-Secretary or Secretary, as the case may be, may assign a case to a panel lawyer of a subject matter other than for which he has been empanelled.
- (9) The Chairman of the Legal Services Institution may, in consultation with the Executive Chairman of the State Legal Services Authority or National Legal Services Authority, as the case may be, prepare a list of legal practitioners from among the panel lawyers to be designated as Retainers.
- (10) The Retainer lawyers shall be selected for a period fixed by the Executive Chairman on rotation basis or by any other method specified by the Executive Chairman.
- <sup>17</sup>(11) The number of Retainer lawyers in the panel of each Legal Services Institution, should not exceed the minimal requirement as determined by the Executive Chairman or the Chairman. as the case may be.
- (12) The honorarium payable to Retainer lawyer shall not be less than,



- (a) rupees forty thousand per month in the case of Supreme Court Legal Services Committee;
- (b) rupees twenty five thousand per month in the case of State Legal Services Authority or High Court Legal Services Committee;
- (c) rupees fifteen thousand per month in the case of District Legal Services Authority;
- (d) rupees ten thousand per month in the case of the Taluk Legal Services Committee:

Provided that the honorarium specified in this sub-regulation is in addition to the honorarium or fee payable by the Legal Services Institution for each case entrusted to the Retainer lawyer.

<sup>18</sup> Provided further that the State Legal Services Authority may decide to make the payment of honorarium to the Retainer Lawyers on the basis of number of days they man the Front Office. In such cases the honorarium so payable shall not be less than Rs. 1500 per day of sitting at the district and taluka court level and Rs. 2500 at the High Court level.

- (13) The panel prepared under sub-regulation (2) for the period of three years shall also be reviewed and updated periodically by the Executive Chairman or the Chairman, as the case may be, keeping in view the performance of the panel lawyers.
  - (14) The Legal Services Institution shall be at liberty for withdrawing any case from a Retainer Panel Lawyer during any stage of the proceedings.
  - (15) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary, as the case may be, and the panel lawyer may be permitted to do so by an order.
  - (16) The panel lawyers shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he has rendered legal services under these regulations.
  - (17) If the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.
  - (18) The panel lawyers shall undergo training periodically as per modules prepared by the National Legal Services Authority and the State Legal Services Authority.
  - (19) The participation in the training programme shall be a relevant consideration for the retention or continuation of panel lawyers.
- <sup>19</sup>9. Legal services by way of legal advice, consultation, drafting and conveyancing:
- (1) The Executive Chairman or Chairman of the Legal Services Institution may maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors in the law universities or law

colleges for providing legal advice and other legal services like drafting and conveyancing.

- (2) The Executive Chairman or Chairman of the Legal Services Institution, as the case may be, may maintain a separate panel of retired senior bureaucrats, senior executives, retired police officials, doctors, engineers, psychiatrists, marriage counsellors, chartered accountants, educationists and other experts of the specialised field for legal services and honorarium.. payable to them shall be decided by the Executive Chairman of State Legal Services Authority or the Chairman of the Supreme Court Legal Committee, as the case may be.
- (3) The Member-Secretary may send a request to Senior Advocates to volunteer their pro bono professional services for rendering advice as and when required."

**<sup>20</sup>10. Monitoring and Mentoring Committee:**

- (1) Every Legal Services Institution shall set up a Monitoring and Mentoring Committee for close monitoring of the court based legal services rendered and the progress of the cases in the legal aided matters and to guide and advise the panel lawyers.
- (2) The Monitoring and Mentoring Committee at the level of the Supreme Court shall consist of,
  - <sup>21</sup>(i) a Senior Advocate or an Advocate of at least 15 years of standing as nominated by the Chairman, Supreme Court Legal Services Committee;
  - (ii) Secretary, Supreme Court Legal Services Committee;
  - (iii) a renowned Academician or an Advocate-on-Record having ten years of practice to be nominated by the Chairman of the Supreme Court Legal Services Committee;
  - (iv) The Legal Service Counsel-cum-Consultant, Supreme Court Legal Services Committee.
- (3) The Monitoring and Mentoring Committee at the level of the High Court shall consist of,-
  - <sup>22</sup>(i) a Senior Advocate or an Advocate of at least 15 years of standing as nominated by the Chairman, High Court Legal Services Committee;
  - (ii) Secretary, High Court Legal Services Committee.
- (4) The Monitoring and Mentoring Committee at the State or District Legal Services Authority shall consist of, -
  - (i) Member-Secretary or Secretary of the Legal Services Institution, as the case may be;
  - (ii) one serving judicial officer from the State Higher Judicial Service;
  - (iii) one retired judicial officer or one Advocate of fifteen years' standing or more.
- (5) The Monitoring and Mentoring Committee at the Taluk Legal Services Committee shall consist of,

- (i) Chairman of the Taluk Legal Services Committee;
  - (ii) one retired judicial officer<sup>23</sup> or;
  - (iii) one advocate of 10 years standing or more.
- (6) The members of the Monitoring and Mentoring Committee shall render their services on the days as may be required and fixed by the Executive Chairman or Chairman of the Legal Services Institution and the members except serving Judicial Officers shall be paid the honorarium as fixed by the Executive Chairman.
- <sup>24</sup>11. Procedure of the Monitoring and Mentoring Committee:
- (1) Whenever court based legal aid is provided to an applicant, the Member-Secretary or Secretary as the case may be, shall send the details in Form II to the Monitoring and Mentoring Committee at the earliest.
  - (2) The Legal Services Institution shall provide adequate staff and infrastructure to the Monitoring and Mentoring Committee for maintaining the records of the day-to-day progress of the legal aided cases.
  - (3) The Monitoring and Mentoring Committee shall assist the Legal Services Institution in organising training programmes for panel lawyers from time to time to enhance the skill of the panel lawyers.
  - (4) The Monitoring and Mentoring Committee shall mentor the panel lawyers and guide them in providing quality legal services.
  - (5) The Monitoring and Mentoring Committee shall maintain a register for legal aided cases for monitoring the day-to-day progress of the case and the end result (success or failure) in respect of cases for which legal aid is allowed and the said register shall be scrutinised every month by the Member-Secretary or Secretary or the Chairman, as the case may be.
  - (6) The Legal Services Institution may request the Presiding Officer of the court to allow access to the registers maintained by the court for ascertaining the progress of the cases.
  - (7) The Monitoring and Mentoring Committee shall keep a watch on the progress of the case by calling for reports from the panel lawyers within such time as may be determined by the Committee.
  - (8) If the progress of the case is not satisfactory, the Committee may advise the Legal Services Institution to take appropriate steps.
  - (9) The Committees shall meet at least once in a fortnight.
  - (10) The Monitoring and Mentoring Committee may meet as and when the meeting is convened by the Member-Secretary or the Secretary as the case may be.
12. Monitoring and Mentoring Committee to submit bi-monthly reports.-
- (1) The Monitoring and Mentoring Committee shall submit bi-monthly reports containing its independent assessment on the progress of each and every legal aid case and the performance of the panel lawyer or Retainer lawyer, to the Executive Chairman or Chairman of the Legal Services Institution.

- (2) After evaluating the reports by the Committee, the Executive Chairman or Chairman of the Legal Services Institution shall decide the course of action to be taken in each case.
- (3) It shall be the duty of the Member-Secretary or Secretary of the Legal Services Institution to place the reports of the Monitoring Committee before the Executive Chairman or Chairman of the Legal Services Institution and to obtain orders.

**13. Financial assistance :**

- (1) If a case for which legal aid has been granted requires additional expenditure like payment of court fee, the fee payable to the court appointed commissions, for summoning witnesses or documents, expenses for obtaining certified copies etc., the Legal Services Institution may take urgent steps for disbursement of the requisite amount on the advice of the panel lawyer or Monitoring and Mentoring Committee.
- (2) In the case of appeal or revision the Legal Services Institution may bear the expenses for obtaining certified copies of the judgment and case records.

**14. Payment of fee to the panel lawyers :**

- (1) Panel lawyers shall be paid fee in accordance with the Schedule of fee, as approved under the State regulations.
- (2) The State Legal Services Authority and other Legal Services Institution shall effect periodic revision of the honorarium to be paid to panel lawyers for the different types of services rendered by them in legal aid cases.
- (3) As soon as the report of completion of the proceedings is received from the panel lawyer, the Legal Services Institution shall, without any delay, pay the fees and expenses payable to panel lawyer.

**15. Special engagement of senior advocates in appropriate cases:**

- (1) If the Monitoring and Mentoring Committee or Executive Chairman or Chairman of the Legal Services Institution is of the opinion that services of senior advocate, though not included in the approved panel of lawyers, has to be provided in any particular case the Legal Services Institution may engage such senior advocate.
- (2) Notwithstanding anything contained in the State regulations, the Executive Chairman or Chairman of the Legal Services Institution may decide the honorarium of such senior advocate.

<sup>25</sup>[\*\*\*\*\*]

**16. Evaluation of the legal aid cases by the National Legal Services Authority and State Legal Services Authorities:-**

- (1) The Supreme Court Legal Services Committee shall send copies of the bi-monthly reports of the Monitoring and Mentoring Committee of the Supreme Court Legal Services Committee to the Central Authority.
- (2) The High Court Legal Services Committees, the State Legal Services Authorities shall submit copies of the bi-monthly reports of their Monitoring and Mentoring Committees to their Patron-in-Chief.

- (3) The District Legal Services Authorities and Taluk Legal Services Committees shall submit copies of the bi-monthly reports of their Monitoring and Mentoring Committees to the Executive Chairman of the State Legal Services Authority.
- (4) The State Legal Services Authorities shall also send consolidated half-yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aided cases, to the Central Authority.
- (5) In appropriate cases, the Executive Chairman of the National Legal Services Authority may nominate and authorise the members of its Central Authority to supervise, monitor or advise the Legal Services Institution for effective and successful implementation of these regulations.

**Footnote:**

- 1 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 2 Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 3 Inserted vide notification dated 31/07/2012, published in the Gazette of India on 25/8/2012.
- 4 Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 5 Inserted vide notification dated 31/07/2012, published in the Gazette of India on 25/8/2012.
- 6 Inserted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019
- 7 Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 8 Omitted vide addendum dated 18/09/2019, published in the Gazette of India on 19/09/2019.
- 9 Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.
- 10 Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 11 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 12 Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 13 Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 14 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 15 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- 16 Inserted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.
- 17 Substituted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.
- 18 Inserted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.
- 19 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 20 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018
- 21 Substituted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019
- 22 Substituted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.
- 23 Inserted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.
- 24 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 25 Omitted vide notification dated 6/8/2014, published in the Gazette of India on 18/10/2014.

**National Legal Services Authority**  
**(Free and Competent Legal Services) Regulations - 2010)**

**(see regulation-3)**

**The Form of Application for Legal Services**  
**(This may be prepared in the regional language)**

- Registration No. :
1. Name :
2. Permanent Address :
3. Contact Address with phone no.  
if any, e-mail ID, if any :
4. Whether the applicant belongs to the category  
of persons mentioned in section-12 of the Act :
5. Monthly income of the applicant :
6. Whether proof has been produced in support  
of income/eligibility u/s 12 of the Act :
7. Nature of legal aid or advise required :
8. A brief statement of the case, if court based  
legal services is required :

.....  
Signature of the applicant

Place :

Date :

**National Legal Services Authority  
(Free and Competent Legal Services) Regulations, 2010**

(see regulation-11)

**Information furnished to the Monitoring and Mentoring Committee  
about the legal Services provided**

- (i) Name of the Legal Services Institution : .....
- (ii) Legal aid application number and date on which legal aid was given. : .....
- (iii) Name of the legal aid applicant : .....
- (iv) Nature of case : .....  
(Civil, criminal, constitution law etc.)
- (v) Name and roll number of the lawyer assigned to the applicant : .....
- (vi) Name of the Court in which the case is to be filed/defended : .....
- (vii) The date of engaging the panel lawyer : .....
- (viii) Whether any monetary assistance like court fee, advocate commission fee, copying charges etc. has been given in advance? : .....
- (ix) Whether the case requires any interim orders or appointment of commission? : .....
- (x) Approximate expenditure for producing records, summoning of witness etc. : .....
- (xi) The expected time for conclusion of the proceedings in the court : .....

Member-Secretary / Secretary

Dated : .....



**THE GAZETTE OF INDIA: EXTRAORDINARY**  
**MINISTRY OF LAW AND JUSTICE**  
(Department of Justice)  
**(NATIONAL LEGAL SERVICES AUTHORITY)**

**ADDENDUM**

**New Delhi, the 18th September, 2019**

**No. L/61/10/NALSA.**- As an addendum to Notification No. F. No. L/61/10/NALSA dated 28th August, 2019 published in the Gazette of India on 06/09/2019, the Central Authority adds the following additional amendment in the National Legal Services Authority (Free and Competent Legal Services) Amendment Regulations, 2019 :-

"In the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, in regulation 4, sub-regulation (3) shall be omitted."

Sd/-  
**ALOK AGARWAL,**  
Member-Secy.  
[ADVT.-III/4/Exty./215/19]

**Note:** The principal regulations were published in the Gazette of India Extraordinary, Part-III, Section-4 vide notification No. L/61/10/NALSA dated the 9th September, 2010 and were last amended vide notification No. L/61/10/NALSA dated 22/10/2018 (published in the Gazette of India on 25.10.2018) and 28/ 08/2019 (published in the Gazette of India on 06/09/2019).



Registered N-o. 768/97



অসম ৰাজপত্ৰ  
**THE ASSAM GAZETTE**  
অসাধাৰণ  
EXTRAORDINARY  
প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত  
**PUBLISHED BY AUTHORITY**

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No. 468 Dispur, Saturday, 20th October, 2012, 28th Asvina, 1934 (S.E.)

GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
POLITICAL DEPARTMENT, DISPUR

# NOTIFICATION

The 18th October, 2012

**No. PLA. 757/2010/123.** In exercise of the powers conferred by Section 357 - A of Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Assam, in co-ordination with the Central Government is hereby pleased to make the following scheme for providing funds for the purpose of compensation to the victim of his/ her dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely :-

## 1. Short title, extent and commencement

- (1) This scheme may be called the Assam Victim Compensation Scheme, 2012.
- (2) It shall extend to the whole of Assam.
- (3) It shall come into force on the date of its publication in the Official Gazette.

## 2. Definitions

In this scheme, unless the context otherwise requires,

- (a) "Act" means the Code of Criminal Procedure, 1973 (2 of 1974);
- (b) "Fund" means "the Victim Compensation Fund" constituted under para 3;
- (c) "Schedule" means Schedule appended to this Scheme;
- (d) "State Government" means the Government of Assam;
- (e) "The State Legal Services Authority" means the Assam State Legal Services Authority;
- (f) "Victim" means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression "victim" includes his or her guardian or legal heir;
- (g) "Department" means the Political Department of the Government of Assam;
- (h) "Nodal Officer" means an officer of the department authorized to handle the affairs relating to the scheme at Government level;
- (i) Words and expressions used herein and not defined; but defined in the Indian Penal Code (IPC), Code of Criminal Procedure (Cr. PC) and the Indian Evidence Act shall have the meanings respectively assigned to them in these Acts.

## 3. Victim Compensation Fund -

- (1) There shall be constituted a fund, namely, the Victim Compensation Fund from which amount of compensation under this scheme shall be paid to the victim or his/her dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.
- (2) The State Government shall allot a separate budget for the purpose of the scheme every year.

- (3) The fund shall be operated by the Member Secretary, State Legal Services Authority and he will place the funds at the disposal of District Legal Services Authorities as per requirement from time to time.
- (4) The expenditure will be made from the head of account to be created under the control of department and the Senior Most Secretary of department shall be the chief controlling authority of the fund.
- (5) The State Legal Services Authority shall be responsible for maintaining the accounts and the fund will be audited by the Accountant General of Assam.
- (6) Department will release the fund to the State Legal Services Authority and the State Legal Services Authority will furnish periodical returns/ accounts to the department.
- (7) All amounts shall be paid through bank transfers only. Cash payment of any amount shall not be made from the fund at any level.

#### **4. Eligibility for Compensation -**

The victim or his dependents satisfying the following criterion shall be eligible for grant of the compensation :-

- (1) Loss or injury sustained by the victim or his dependents should have caused substantial loss to the income of the family making it difficult to meet their both ends without the financial aid or has to spend beyond his means on medical treatment of mental/physical injury and a recommendation is made by the Court for compensation.
- (2) The victim/dependents report the crime to the Officer-in-Charge of Police Station or Judicial magistrate of the area promptly, provided that the District Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in reporting:
- (3) The victim/dependents co-operates with the police and prosecution during the investigation and trial of the case.
- (4) Where the perpetrator of heinous crime is not traceable or goes unpunished after trial, but the victim is identifiable and the victim has to be rehabilitated physically and mentally, such victim may also apply for grant of compensation under sub-section(4) of Section 357-A of the Act.

#### **5. Procedure for Grant of Compensation**

- (1) Whenever a recommendation is made by the Court or an application is made by any victim or his dependents under sub-section(2) of Section 357-A of the Act, to the State Legal Services Authority or the District Legal Services Authority, as the case may be, the said Authorities respectively shall examine the case and verify the contents of the claim with regard to the loss or injury caused to victim and arising out of the reported criminal activity and may call for any other relevant information necessary in order to determine genuineness. After verifying the claim, the District Legal Service Authority or the State Legal Services Authority, as the case may be, shall, after due

inquiry, award compensation within two months, in accordance with provisions of this Scheme.

- (2) Compensation under this Scheme shall be paid subject to the condition that if the trial court while passing judgment at later date, orders the accused persons to pay any amount by way of compensation under sub-section (1) (b) of Section 357 of the Act, the victim/dependents shall remit an amount of compensation, or the amount ordered equal to the amount of compensation or the amount ordered to be paid under sub-section (3) of section 357 of the Act, whichever is less. An undertaking to this effect shall be given by the victim/dependents before the disbursal of the compensation amount.
- (3) The District Legal Services Authority shall decide the quantum of compensation to be awarded to the victim or these dependents on the basis of loss caused to the victim, medical expenses to be incurred on treatment, minimum sustenance amount required for rehabilitation including such incidental charges as funeral expenses etc. The Compensation may vary from case to case depending on facts and circumstances of each case.
- (4) According to the Schedule of this Scheme, the quantum of compensation to be awarded under the Scheme shall be disbursed to the victim or his dependents, as the case may be, from the Fund.
- (5) Compensation received by the victim from the Central Government, State Government, Insurance Company or any other institution in relation to the crime in question namely, insurance, ex-gratia and/or payment received under any other Act or State-run scheme, shall be considered as part of the compensation amount under this scheme and if the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance shall be paid out of the Fund.
- (6) In fixing the quantum of compensation, regard must be had to the minimum wages and schedule to motor vehicle act, 1988.
- (7) The State or the District Legal Services Authority, to alleviate the suffering of the victim, may order for immediate first aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer-in-charge of the police station or Magistrate of the area concerned or any other interim relief as it may deem fit.
- (8) The compensation to the victim under this scheme shall not exceed the maximum amount prescribed in the Schedule.
- (9) State Government may review the maximum limit of compensation indicated in the Schedule by issuing official notification from time to time.

**6. Order to be placed on record-**

Copy of the order of compensation passed under this Scheme shall be mandatorily placed on record of the trial Court to enable the court to order of compensation under sub-section (3) of Section 357 of the Act.

**7. Limitation-**

No claim made by the victim or his dependents under sub-section (4) of Section 357-A of the Act shall be entertained after a period of six months from occurrence of the crime.

Provided that the District Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim.

**8. Appeal-**

Any victim aggrieved of the denial of compensation by the District Legal Services Authority, may file an appeal before the State Legal Services Authority within a period of ninety days from the date of order of denial.

Provided that the State Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the appeal.

**9. Power to Remove Difficulties-**

If any difficulty arises in giving effect to any provision of this scheme, the State Government in the Political Department may make such order, not inconsistent with the provisions of the Act or this Scheme, as may appear to it to be necessary for the purposes removing the difficulty.

## Schedule

(See para 5)

| Sl. No. | Particulars of loss or injury   | Maximum limit of compensation for rehabilitation |
|---------|---|--|
| 1.      | Death   | : Rs. 2,00,000/-                                 |
| 2.      | Rape  | : Rs. 75,000/-                                   |
| 3.      | Rape of minor/Gang Rape   | : Rs. 1,00,000/-                                 |
| 4.      | Loss of any limb or part of body resulting in 80% or above handicap   | : Rs. 25,000/-                                   |
| 5.      | Loss of any limb or part of body resulting in 40% and below 80% handicap  | : Rs. 15,000/-                                   |
| 6.      | Loss of any limb or part of body resulting less than 40% handicap   | : Rs. 10,000/-                                   |
| 7.      | Loss or injury causing severe mental agony to women and child victim in cases like Human Trafficking, Kidnapping, Cruelty u/s 498(A) IPC etc. | : Rs. 15,000/-                                   |
| 8.      | Simple Loss/injury to child victim  | : Rs. 10,000/-                                   |
| 9.      | Facial injury caused due to acid attack   | : Rs. 1,75,000/-                                 |

In any other case, not specifically mentioned in the Schedule, the maximum limit of compensation shall be Rs. 20,000/-

**SAILESH,**

Principal Secretary to the Govt. of Assam,  
Home and Political Department

**GOVERNMENT OF ASSAM**  
**POLITICAL (A) DEPARTMENT :: DISPUR NOTIFICATION**  
**ORDER BY THE GOVERNOR**

**Dated Dispur, the 15th July, 2014**

**No. PLA. 757/2010/234** : In exercise of the powers conferred under Sub-clause (9) of Clause (5) of the Assam Victim Compensation Scheme, 2012 issued vide Govt. Notification No. PLA. 757/2010/123 dated 18th October, 2012, the Governor of Assam is pleased to amend the Schedule by enhancing the quantum of compensation awarded in the said scheme.

The amended schedule of the scheme as given below shall be effective from the date of issue of this Notification.

This supersedes the earlier Schedule of the Assam Victim Compensation Scheme, 2012.

**Schedule**

| Sl. No. | Particulars of loss or injury  | Maximum limit of compensation            |               |
|---------|--|--|---------------|
| 1.      | Death  | a. Age 40 years or below 40 years        | Rs.3,00,000/- |
|         |  | b. Age above 40 years and up to 60 years | Rs.2,00,000/- |
|         |  | c. Age above 60 years                    | Rs.1,00,000/- |
| 2.      | Rape   |  | Rs.3,00,000/- |
| 3.      | Acid attack victim   |  | Rs.3,00,000/- |
| 4.      | Loss of any limb or part of body resulting in 80% or above handicap  |  | Rs. 25,000/-  |
| 5.      | Loss of any limb or part of body resulting in 40% & below 80% handicap   |  | Rs. 15,000/-  |
| 6.      | Loss of any limb or part of body resulting less than 40% handicap  |  | Rs. 10,000/-  |
| 7.      | Loss or injury causing severe mental agony to women and child victims in cases like Human Trafficking, Kidnapping, Molestation, Cruelty U/S 498 (A) IPC etc. |  | Rs. 25,000/-  |
| 8.      | Simple Loss/Injury to child victim   |  | Rs. 10,000/-  |



The following expenses shall be payable in addition to compensation outlined above.

|      |   |             |
|------|---|-------------|
| (i)  | Funeral expenses  | Rs. 2,000/- |
| (ii) | Medical Expenses Actual expenses incurred before death or on account of injury supported by bills/vouchers but not exceeding Rs. 20,000/- |             |

This is issued as per Finance (EC-II) Department's UO No. FEC(II) 1162/2014 dated 08/07/2014.

BY ORDER AND IN THE NAME OF GOVERNOR  
Sd/-  
(G. D. Tripathi, IAS)  
Commissioner & Secretary to the Govt. of Assam  
Home & Political Department

**Memo No. PLA. 757/2010/234-A**

**Dated Dispur, the 15th July, 2014**

Copy to :-

1. The Director General of Police, Assam, Ulubari, Guwahati - 7
2. The Addl. Chief Secretary, Revenue & D.M. Department, Dispur.
3. The Addl. Chief Secretary, Finance Department, Dispur.
4. The L.R. & Secretary, Judicial Department, Dispur.
5. The Secretary, Legislative Department, Dispur.
6. The Addl. Director General of Police (CID), Assam, Ulubari, Guwahati-7.
7. All Deputy Commissioners (..... District)
8. The Nodal Officer, Assam Victim Compensation Scheme, 2012.
9. The Staff Officer to Chief Secretary, Assam.
10. The Joint Secretary (MPS), Home Department, Dispur.
11. The Joint Director, Govt. Press, Banunimaidam, Guwahati-21. He is requested to publish this notification in the Assam Gazette and supply 100 copies of the same to this department urgently.
12. Guard File.

By order etc.

Sd/-  
Deputy Secretary to the Govt. of Assam  
Political (A) Department

**Memo No. PLA. 757/2010/234-B**

**Dated Dispur, the 15th July, 2014**

Copy to :-

1. The Registrar General, Gauhati High Court, Guwahati.
2. The Member Secretary, Assam State Legal Services Authority, 2nd Floor, District Judges New Court Building, Panbazar, Guwahati-01 for information and necessary action. He is requested to distribute copies of this notification (30 copies enclosed) among all the District Legal Services Authorities.

By order etc.

Sd/-  
Deputy Secretary to the Govt. of Assam  
Political (A) Department

**Memo No. PLA. 757/2010/234-C**

**Dated Dispur, the 15th July, 2014**

Copy to :-

1. The Advocate General, Assam, Gauhati High Court, Guwahati.
2. The President, Bar Association, Gauhati High Court, Guwahati.
3. The Secretary General, Bar Association, Gauhati High Court, Guwahati.

By order etc.

Sd/-  
Deputy Secretary to the Govt. of Assam  
Political (A) Department

**GOVERNMENT OF ASSAM**  
**POLITICAL (A) DEPARTMENT :: DISPUR**

.....

**No. PLA. 757/2010/236**

**Dated Dispur, the 15th July, 2014**

**OFFICE MEMORENDUM**

**Sub: Mode of payment of compensation to the acid attack victims.**

In pursuance of the direction of the Hon'ble Supreme Court as contained in para-13 of the order dated 18/07/2013 passed in WP (Cri.) No. 129/2006 (Laxmi -vs- Union of India & Ors.) following instructions are hereby issued to all concerned for strict compliance.

This is in continuation to the Notification issued by the Govt vide No. PLA. 757/2010/234 dated 15th July, 2014.

1. Out of the compensation of Rs. 3.00 (three) lakh payable to acid attack victims, a sum of Rs. 1.00(one) lakh shall be paid to such victims within 15 (fifteen) days of occurrence of such incident (or being brought to the notice of the appropriate authority as mentioned in the Assam Victim Compensation Scheme, 2012) to facilitate immediate medical attention and expenses in this regard.
2. The balance amount of Rs. 2.00 (two) lakh shall be paid as expeditiously as may be possible and positively within 2 (two) month thereafter.

**Sd/-**  
**(G. D. Tripathi, IAS)**  
**Commissioner & Secretary to the Govt. of Assam,**  
**Home & Political Department**

**No. PLA. 757/2010/236-A**

**Dated Dispur, the 15th July, 2014**

Copy to :-

1. The Director General of Police, Assam, Ulubari, Guwahati - 7
2. The Commissioner & Secretary, Health & F.W. Department, Dispur.
3. The Commissioner & Secretary, Social Welfare Department, Dispur.
4. The Addl. Director General of Police (CID), Assam, Ulubari, Guwahati- 7
5. All Deputy Commissioners. (.....District)
6. The Staff Officer to the Chief Secretary, Assam.
7. Guard File for record.

By order etc.

Sd/-  
Deputy Secretary to the Govt. of Assam  
Political (A) Department

**No. PLA. 757/2010/236-B**

**Dated Dispur, the 15th July, 2014**

Copy to :-

1. The Registrar General, Gauhati High Court, Guwahati.
2. The Member Secretary, Assam Legal Services Authority, 2 nd Floor, District Judges New Court Building, Panbazar, Guwahati-1 for information and necessary action. He is requested to distribute copies of this O.M. (30 copies enclosed) among all the District Legal Services Authorities for information and necessary action.

By order etc.

Sd/-  
Deputy Secretary to the Govt. of Assam  
Political (A) Department

**No. PLA. 757/2010/236-C**

**Dated Dispur, the 15th July, 2014**

Copy to :-

1. The Advocate General Assam, Gauhati High Court, Guwahati.
2. The President, Bar Association, Gauhati High Court, Guwahati.
3. The Secretary General, Bar Association, Gauhati High Court, Guwahati.

By order etc.

Sd/-  
Deputy Secretary to the Govt. of Assam  
Political (A) Department

**GOVERNMENT OF ASSAM  
POLITICAL (A) DEPARTMENT :: DISPUR  
ORDER BY THE GOVERNOR  
NOTIFICATION**

**Dated Dispur, the 5th March, 2016**

**No. PLA.524/2015/16** :: In exercise of the powers conferred under Sub-Clause 99 of Clause (5) of the Assam Victim Compensation Scheme, 2012 issued vide Govt. Notification No. PLA/757/2010/123 dtd. 18th October, 2012 and NO. PLA.757/2010/ 234 dtd. 15th July, 2014, the Governor of Assam is pleased to amend the Schedule by fixing the quantum of compensation awarded in the said scheme as per the Central Victim Compensation Fund Scheme Guidelines issued vide No. 24013/94/ Misc./2014-CSR.III dtd. 14th October, 2015.

**Schedule**

| Sl. No. | Description of injuries/loss   | Amount of Compensation |
|---------|--|------------------------|
| 1.      | Acid attack victim   | Rs. 3,00,000/-         |
| 2.      | Rape victim  | Rs. 3,00,000/-         |
| 3.      | Minor victim of physical abuse                                       | Rs. 2,00,000/-         |
| 4.      | Rehabilitation of victim of Human Trafficking                        | Rs. 1,00,000/-         |
| 5.      | Victim of Sexual Assault (Excluding rape)                            | Rs. 50,000/-           |
| 6.      | Death  | Rs. 2,00,000/-         |
| 7.      | Permanent Disability (80% or more)                                   | Rs. 2,00,000/-         |
| 8.      | Partial Disability (40% to 80%)                                      | Rs. 1,00,000/-         |
| 9.      | Burns affecting greater than 25% of the body (Excluding acid attack) | Rs. 2,00,000/-         |
| 10.     | Loss of foetus   | Rs. 50,000/-           |
| 11.     | Loss of fertility  | Rs. 1,50,000/-         |
| 12.     | Women victim of cross border firing:                                 |                        |
|         | (a) Death or permanent Disability (80% or more)                      | (a) Rs. 2,00,000/-     |
|         | (b) Partial disability (40% to 80%)                                  | (b) Rs. 1,00,000/-     |

This supersedes the earlier schedule of the Assam Victim Compensation Scheme, 2012 and shall be effective from the date of issue of this Notification.

This is issued as per the concurrence of Finance (EC-II) Department conveyed vide their U.O. No. FEC(II)2223/2015 dtd. 02.02.2016.

Sd/-  
(LS Changsan, IAS)  
Commissioner & Secretary to the Govt. of Assam  
Home & Political Department

**Memo No. PLA. 524/2015/16-A**

**Dated Dispur, the 5th March, 2016**

Copy to :-

1. The Director General of Police, Assam, Ulubari, Guwahati-7
2. The Additional Chief Secretary, Revenue & D.M. Department, Dispur.
3. The Principal Secretary, Finance Department, Dispur.
4. The L.R. & Secretary, Judicial Department, Dispur.
5. The Secretary, Legislative Department, Dispur.
6. The Additional D.G.P. (CID), Assam, Ulubari, Guwahati-07.
7. The Deputy Commissioner, All
8. The Staff Officer to Chief Secretary, Assam.
9. The Superintendent of Police, All
10. The Nodal Officer, Assam Victim Compensation Scheme, 2012.
11. The Director of Information & Public Relations, Assam, Dispur, Guwahati-6. He is requested to give wide publicity in the news bulletin of TV/AIR and local daily news-paper immediately.
12. The Joint Director, Govt. Press, Banunimaidam, Guwahati-21. He is requested to publish this Notification in the Assam Gazette and supply 100 copies of the same to this department urgently.
13. Guard File.

By order etc.  
Sd/-  
Additional Secretary to the Govt. of Assam  
Home & Political Department

**Memo No. PLA. 524/2015/16-B**

**Dated Dispur, the 5th March, 2016**

Copy to :-

1. The Registrar General, Gauhati High Court, Guwahati-01.
2. The Member Secretary, Assam State Legal Services Authority, Gauhati High Court, Old Block, Guwahati - 01 for information and necessary action. He is requested to communicate the same to the District Legal Services Authorities.

Sd/-

Additional Secretary to the Govt. of Assam  
Home & Political Department

**Memo No. PLA. 524/2015/16-C**

**Dated Dispur, the 5th March, 2016**

Copy to :-

1. The Advocate General, Assam, Gauhati High Court, Guwahati-01.
2. The Senior Govt. Advocate, Assam, Gauhati High Court, Guwahati-01.
3. The President, Bar Association, Gauhati High Court, Guwahati-01.
4. The Secretary General, Bar Association, Gauhati High Court, Guwahati-01.

Sd/-

Additional Secretary to the Govt. of Assam  
Home & Political Department

**GOVERNMENT OF ASSAM  
POLITICAL (A) DEPARTMENT :: DISPUR  
ORDER BY THE GOVERNOR  
NOTIFICATION**

**Dated Dispur, the 6th January, 2017**

**No. PLA.524/2015/Pt/42** :: In exercise of the powers conferred under Sub-Clause (9) of Clause (5) of the Assam Victim Compensation Scheme, 2012 issued vide Govt. Notification No. PLA.757/2010/123 dtd. 18th October, 2012 and in pursuance of Judgment & Order passed by Hon'ble Supreme Court of India in Criminal Appeal No. 884/2015, the Governor of Assam is pleased to partially modify the Govt. Notification No. PLA.524/2015/16 dtd. 05.03.2016 to incorporate compensation of Rs. 10,00,000/- (Rupees ten lakh) only to be provided to specially abled women rape victim under Assam Victim Compensation Scheme, 2012, to be paid as one time payment.

This shall be effective from the date of issue of this Notification.

This is issued as per the concurrence of Finance (EC-II) Department conveyed vide their U.O. No. FEC(II)2319/2016 dtd. 26.12.2016.

Sd/-  
(LS Changsan, IAS)  
Commissioner & Secretary to the Govt. of Assam  
Home & Political Department

**No. PLA.524/2015/Pt/42-A**

**Dated Dispur, the 6th January, 2017**

Copy to :-

1. The Director General of Police, Assam, Ulubari, Guwahati - 07
2. The Additional Chief Secretary, Revenue & D.M. Department, Dispur.
3. The Principal Secretary, Finance Department, Dispur.
4. The L.R. & Secretary, Judicial Department, Dispur.
5. The Secretary, Legislative Department, Dispur.
6. The Additional D.G.P. (CID), Assam, Ulubari, Guwahati-07.



7. The Deputy Commissioner, All
8. The Staff Officer to Chief Secretary, Assam.
9. The Superintendent of Police, All
10. The Nodal Officer, Assam Victim Compensation Scheme, 2012.
11. The Director of Information & Public Relations, Assam, Dispur, Guwahati-6. He is requested to give wide publicity in the news bulletin of TV/AIR and local daily news-paper immediately.
12. The Joint Director, Govt. Press, Banunimaidam, Guwahati-21. He is requested to publish this Notification in the Assam Gazette and supply 100 copies of the same to this department urgently.
13. Guard File.

By order tec.,

Sd/-

Additional Secretary to the Govt. of Assam  
Home & Political Department

**No. PLA.524/2015/Pt/42-B**

**Dated Dispur, the 6th January, 2017**

Copy to :-

1. The Registrar, Supreme Court of India, New Delhi.
2. The Registrar General, Gauhati High Court, Guwahati-01.
3. The Member Secretary, Assam State Legal Services Authority, Gauhati High Court, Old Block, Guwahati - 01 for information and necessary action. He is requested to communicate the same to the District Legal Services Authorities.

Sd/-

Additional Secretary to the Govt. of Assam  
Home & Political Department

**No. PLA.524/2015/Pt/42-C**

**Dated Dispur, the 6th January, 2017**

Copy to :-

1. The Advocate General, Assam, Gauhati High Court, Guwahati-01.
2. The Senior Govt. Advocate, Assam, Gauhati High Court, Guwahati- 01.
3. The President, Bar Association, Gauhati High Court, Guwahati -01.
4. The Secretary General, Bar Association, Gauhati High Court, Guwahati-01.

Sd/-

Additional Secretary to the Govt. of Assam  
Home & Political Department

## ORDER BY THE GOVERNOR NOTIFICATION

Dated Dispur, the 1st February, 2019

**No. PLA.524/2015/Pt/190 (ECF 38361) ::** In exercise of the powers conferred under Sub-Clause (9) of Clause (5) of the Assam Victim Compensation Scheme, 2012 issued vide Govt. Notification No. PLA.757/2010/123 dtd. 18th October, 2012 and in pursuance of the orders of Hon'ble Supreme Court of India in WP(C) No. 867/2013 and Writ Petition (Civil) No. 754 of 2016 the Governor of Assam is pleased to amend the Schedule of Assam Victim Compensation Scheme, 2012 by revising the quantum of compensation awarded in the said scheme as below:

### Schedule

| Sl. No. | Description of injuries/loss   |   | Amount of Compensation |               |
|---------|--|---|------------------------|---------------|
|         |  | Minimum   |                        | Maximum       |
| 1.      | Victim of acid attack  | In case of disfigurement of face  | Rs. 7.00 Lakh          | Rs. 8.00 Lakh |
|         |  | In case of injury more than 50%   | Rs. 5.00 Lakh          | Rs. 8.00 Lakh |
|         |  | In case of injury less than 50%   | Rs. 3.00 Lakh          | Rs. 5.00 Lakh |
|         |  | In case of injury less than 20%   | Rs. 3.00 Lakh          | Rs. 4.00 Lakh |
| 2.      | Victim of Lynching/<br>Mob Violence/<br>Witch hunting                | Loss of life  | Rs. 7.00 Lakh          | Rs. 8.00 Lakh |
|         |  | In case of bodily injury more than 50%  | Rs. 5.00 Lakh          | Rs. 8.00 Lakh |
|         |  | In case of bodily injury less than 50%  | Rs. 3.00 Lakh          | Rs. 5.00 Lakh |
|         |  | In case of bodily injury less than 20%  | Rs. 3.00 Lakh          | Rs. 4.00 Lakh |
|         |  | In case of psychological injury   | Rs. 3.00 Lakh          | Rs. 4.00 Lakh |
|         |  | In case of injury leading to loss of earnings including loss of opportunities of employment and education | Rs. 5.00 Lakh          | Rs. 8.00 Lakh |
| 3.      | Rape victim  |   | Rs. 3.00 Lakh          | Rs. 5.00 Lakh |
| 4.      | Minor victim of physical abuse                                       |   | Rs. 2.00 Lakh          | Rs. 4.00 Lakh |
| 5.      | Rehabilitation of victim of Human Trafficking                        |   | Rs. 1.00 Lakh          | Rs. 3.00 Lakh |
| 6.      | Victim of Sexual Assault (Excluding rape)                            |   | Rs. 0.50 Lakh          | Rs. 2.00 Lakh |
| 7.      | Death  |   | Rs. 5.00 Lakh          | Rs. 5.00 Lakh |
| 8.      | Permanent Disability (80% or more)                                   |   | Rs. 2.00 Lakh          | Rs. 5.00 Lakh |
| 9.      | Partial Disability (40% to 80%)                                      |   | Rs. 1.00 Lakh          | Rs. 4.00 Lakh |
| 10.     | Burns affecting greater than 25% of the body (Excluding acid attack) |   | Rs. 2.00 Lakh          | Rs. 3.00 Lakh |
| 11.     | Loss of foetus   |   | Rs. 0.50 Lakh          | Rs. 2.00 Lakh |

|     |   |                   |               |
|-----|---|-------------------|---------------|
| 12. | Loss of fertility                               | Rs. 1.50 Lakh     | Rs. 3.00 Lakh |
| 13. | Women victim of cross border firing:            |                   |               |
|     | (a) Death or permanent Disability (80% or more) | (a) Rs. 5.00 Lakh |               |
|     | (b) Partial disability (40% to 80%)             | (b) Rs. 3.00 Lakh |               |

- In case of rape victim/acid attack victim, interim compensation of 1/4th of the minimum compensation may be paid to the victim by the concerned District Legal Services Authority.
- In case of sexual assault, the male child victim may also be provided the prescribed minimum compensation under the Scheme.
- The prescribed maximum amount compensation may be provided to the victim/ NoK of the victim if awarded by the Hon'ble Court depending upon the severity of the case.
- Health & Family Welfare Department may provide all the necessary medical facilities
- and also to provide medical expenses to the victims of lynching/mob violence.
- Judicial Department may provide the legal expenses towards the victims of lynching/ mob violence.

This supersedes the earlier schedule of the Assam Victim Compensation Scheme, 2012 and shall be effective from the date of issue of this Notification. This is issued as per the concurrence of Finance (EC-II) Department conveyed vide their U.O. No. FEC(II) 2414/2018 dtd. 11/01/2019.

Sd/-  
**(LS Changsan, IAS)**  
Principal Secretary to the Govt. of Assam,  
Home & Political Department



অসম ৰাজপত্ৰ  
**THE ASSAM GAZETTE**  
অসাধাৰণ  
**EXTRAORDINARY**  
প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত  
**PUBLISHED BY THE AUTHORITY**

নং ৮৮, দিশপুৰ, মঙ্গলবাৰ, ২৭ ফেব্ৰুৱাৰী, ২০২৪, ৮ ফাগুন, ১৯৪৫ (শক)  
**Tuesday, 27th February, 2024, 8th Phalguna, 1945 (S. E.)**

GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
POLITICAL (A) DEPARTMENT, DISPUR

**NOTIFICATION**

The 21st February, 2024

**No. HMA-19032(13)/26/2017-POL(A)-H&P/664(eCF No. 40425).** In exercise of the powers conferred under Sub-Clause (9) of Clause (5) of the Assam Victim Compensation Scheme, 2012 issued vide Govt. Notification No. PLA.757/2010/123 dated 18th October, 2012, the Governor of Assam is pleased to partially modify the Govt. Notification No.PLA.524/2015/P1/190(ECF-38361) dated 01/02/2019 to incorporate the provision of interim compensation to the victim of Lynching and mob-violence as like to the cases of rape victims and acid attack victims i.e. interim compensation of 1/4th of the minimum compensation to be paid to the victim by the concerned District Legal Services Authorities.

This is issued with due concurrence of Finance (EC-II) Department conveyed vide their U/O No. 53/2024, dated 20/02/2024.

**AVINASH JOSHI,**  
Additional Chief Secretary to the Government of Assam,  
Home & Political Department, Dispur.



## NATIONAL LEGAL SERVICES AUTHORITY

### NOTIFICATION

New Delhi, dated the 10th August, 2011

#### National Legal Services Authority (Legal Aid Clinics) Regulations, 2011

In exercise of the powers conferred by Section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the said Act the Central Authority hereby makes the following regulations, namely-

**1. Short title and commencement.-**

- (1) These regulations may be called the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011.
- (2) They shall come into force from the date of their publication in the Official Gazette.

**2. Definitions.-**

- (1) In these regulations, unless the context otherwise requires,-
  - (a) "Act" means the Legal Services Authorities Act, 1987 (39 of 1987);
  - (b) "District ADR centre" means the District Alternative Dispute Resolution Centre established with the funds of the 13th Finance Commission and includes any other similar facilities like Nyayaseva Sadans at the district level;
  - (c) "legal aid clinic" means the facility established by the District Legal Services Authority to provide basic legal services to the villagers with the assistance of Para-Legal Volunteers or Lawyers, on the lines of a primary health centre providing basic health services to the people in the locality and includes the legal aid clinic run by the law colleges and law universities;

- (d) "legal services institution" means a State Legal Services Authority, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;
  - (e) "panel lawyer" means the panel lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010;
  - (f) "para legal volunteer" means a para legal volunteer trained as such by a legal services institution;
  - (g) "retainer lawyer" means a retainer lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010;
  - (h) "section" means the section of the Act;
2. All other words and expressions used in these regulations but not defined shall have the same meanings as assigned to them in the Act.
3. **Establishment of legal aid clinic-**  
Subject to the financial resources available, the District Legal Services Authority shall establish legal aid clinics in all villages, or for a cluster of villages, depending on the size of such villages, especially where the people face geographical, social and other barriers for access to the legal services institutions.
4. **Eligibility criteria for free legal services in the legal aid clinic.-**  
Every person who fulfils the criteria specified in section 12 shall be eligible to get free legal services in the legal aid clinics.
5. **The personnel manning the legal aid clinic.-**
- (1) Every legal aid clinic established under regulation 3 shall have at least two para-legal volunteers available during the working hours of the legal aid clinics.
  - (2) The legal services institution having territorial jurisdiction or the District Legal Services Authority may depute trained para-legal volunteers to the legal aid clinics.
  - (3) When lawyers are deputed to the legal aid clinic, it shall be the duty of the para-legal volunteers engaged in such clinic to assist the lawyers in drafting petitions, applications, pleadings and other legal documents.
  - (4) The State Legal Services Authority may encourage para-legal volunteers to obtain diploma or degree in law for betterment of their prospects in the long run.
6. **Deputing lawyers to the legal aid clinic.**
- (1) The nearest legal services institution having territorial jurisdiction may depute its panel lawyers or retainer lawyers to the legal aid clinic.
  - (2) If the matter handled by any such lawyer requires follow-up and continuous attention for a long duration, the same lawyer who had handled the matter may be entrusted to continue the legal services.

**7. Frequency of visit by lawyers in the legal aid clinic-**

Subject to the local requirements and availability of financial resources, the legal services institution having territorial jurisdiction may decide the frequency of the lawyers' visit in the legal aid clinics and if the situation demands for providing continuous legal services, such legal services institution may consider arranging frequent visits of lawyers in the legal aid clinic.

**8. Selection of lawyers for manning the legal aid clinics-**

- (1) The panel lawyers or retainer lawyers with skills for amicable settlement of disputes, shall alone be considered for being deputed to the legal aid clinic. Provided that preference shall be given to women lawyers having practice of at least three years.

**9. Legal services in the legal aid clinic.**

- (1) Legal services rendered at the legal aid clinic shall be wide ranging in nature.
- (2) The legal aid clinic shall work like a single-window facility for helping the disadvantaged people to solve their legal problems whenever needed.
- (3) Besides legal advice, other services like preparing applications for job card under the Mahtma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, identity card for different government purposes, liaison with the government offices and public authorities, helping the common people who come to the clinic for solving their problem with the government officials, authorities and other institutions also shall be part of the legal services in the legal aid clinic:  
Provided that the legal aid clinic shall provide assistance by giving initial advice on a problem, assistance in drafting representations and notices, filling up of forms for the various benefits available under different government schemes, public distribution system and other social security schemes: Provided further that, in appropriate cases, the legal services sought for by the applicants in the legal aid clinic shall be referred to the legal services institutions for taking further action.

**10. Functions of para-legal volunteers in the legal aid clinic-**

- (1) The para-legal volunteers engaged in the legal aid clinic shall provide initial advice to the persons seeking legal service, help such people, especially the illiterate, in drafting petitions, representations or notices and filling-up the application forms for various benefits available under the government schemes.
- (2) Para-legal volunteers shall, if necessary, accompany the persons seeking legal services to attend the government offices for interacting with the officials and for solving the problems of such persons.
- (3) If services of a lawyer is required at the legal aid clinic, the para-legal volunteers shall, without any delay, contact the nearest legal services institution to make available the services of a lawyer.

- (4) In case of emergency, the para-legal volunteers may take the persons seeking legal services in the legal aid clinic to the nearest legal services institutions.
  - (5) Para-legal volunteers shall distribute pamphlets and other materials in aid of legal education and literacy to the persons seeking legal services in the legal aid clinic.
  - (6) Para-legal volunteers shall take active part in the legal awareness camps organised by the legal services institutions in the local area of the legal aid clinic.
- 11. Location of legal aid clinic-**
- (1) Legal aid clinics shall be located at places where the people of the locality can have easy access.
  - (2) The legal services institutions may request the local body institutions, such as the village Panchayat, to provide a room for establishing legal aid clinics: Provided that if no such rooms are available, the District Legal Services Authority may take a room on rent till alternative accommodation is available for establishing the legal aid clinic.
- 12. Assistance of the local body institutions in obtaining a convenient room for the legal aid clinic-**
- (1) The State Legal Services Authority shall call upon the local body institutions like the village Panchayat, mandal or block panchayat, municipality and corporation etc., to provide space for the functioning of the legal aid clinic.
  - (2) Since the legal aid clinic is for the benefit of the people in the locality, the State Legal Services Authority may impress upon the local body institution and the district administration the need to co-operate with the functioning of the legal aid clinics.
- 13. Sign-board exhibiting the name of the legal aid clinic-**
- (1) There shall be a sign-board, both in English and in the local language, depicting the name of the legal aid clinic, working hours and the days on which the legal aid clinic shall remain open.
  - (2) Working hours of the legal aid clinic shall be regulated by the legal services institution having territorial jurisdiction, in consultation with the District Legal Services Authority:  
Provided that subject to the local conditions and requirements of the people in the locality, legal aid clinics shall function on all Sundays and holidays.
- 14. Infrastructure in the legal aid clinic.**
- (1) Every legal aid clinic shall have at least the basic and essential furniture like a table and 5 to 6 chairs.
  - (2) If the legal aid clinic is established in the building of the local body institutions, such local bodies may be requested to provide the essential furniture for use in the legal aid clinic.
  - (3) If the legal aid clinic is established in hired premises, the District Legal Services Authority may provide the furniture required in the legal aid clinic:



Provided that if the District Legal Services Authority has its own building to establish legal aid clinic, the infrastructural facilities shall be provided by such Authority.

**15. Publicity -**

- (1) Local body institution shall be persuaded to give adequate publicity for the legal aid clinic.
- (2) The elected representatives of the local body institutions may be persuaded to spread the message of the utility of legal aid clinic to the people in his or her constituency or ward.

**16. Para-legal volunteers or lawyers in the legal aid clinic shall attempt to resolve disputes amicably-**

- (1) The para-legal volunteers or the lawyers engaged in the legal aid clinics shall attempt to amicably resolve the pre-litigation disputes of the persons brought to the legal aid clinics.
- (2) If the para-legal volunteers or the lawyers feel that such dispute can be resolved through any of the ADR mechanisms, they may refer such disputes to the legal services institution having territorial jurisdiction or to the District ADR centre.

**17. Honorarium for the lawyers and para legal volunteers rendering services in the legal aid clinics.-**

- (1) Subject to the financial resources available, the State Legal Services Authority in consultation with the National Legal Services Authority may fix the honorarium of lawyers and para-legal volunteers engaged in the legal aid clinics:  
Provided that such honorarium shall not be less than Rs.500/- per day for lawyers and Rs.250/- per day for the para-legal volunteers.
- (2) Special consideration may be given in cases where the legal aid clinic is situated in difficult terrains and in distant places where transport facilities are inadequate.

**18. The nearest legal services institutions to organise lok adalats at the legal aid clinic or near to its premises.-**

- (1) The nearest legal services institution having territorial jurisdiction or the District Legal Services Authority may organise lok adalats for pre-litigation disputes at the legal aid clinic or in its vicinity.
- (2) The lok adalats organised for pre-litigation settlement of the disputes sent from the legal aid clinic shall follow the procedure prescribed in sub-section (2) of section 20 and also the provisions in the National Legal Services Authority (Lok Adalats) Regulations, 2009.

**19. Administrative control of the legal aid clinic.-**

- (1) legal aid clinics shall be under the direct administrative control of the District Legal Services Authority.
- (2) The State Legal Services authority shall have the power to issue instructions and guidelines on the working of the legal aid clinics.

**20. Maintenance of records and registers.-**

- (1) Lawyers and para-legal volunteers rendering service in the legal aid clinic shall record their attendance in the register maintained in the legal aid clinic.
- (2) There shall be a register in every legal aid clinic for recording the names and addresses of the persons seeking legal services, name of the lawyer or para-legal volunteer who renders services in the legal aid clinic, nature of the service rendered, remarks of the lawyer or para-legal volunteer and signature of persons seeking legal services.
- (3) The records of the legal aid clinics shall be under the control of the Chairman or the Secretary of the legal services institution having territorial jurisdiction over it.
- (4) The District Legal Services Authority may require the legal aid clinic to maintain other registers also, as may be required.
- (5) It shall be the duty of the para-legal volunteer and the lawyers in the legal aid clinic to hand over the registers to the legal services institution having territorial jurisdiction as and when called for.

**21. Use of mobile Lok Adalat vehicle.-**

- (1) The lawyers rendering legal services in the legal aid clinic or the para-legal volunteers may request the District Legal Service Authority to send the mobile lok adalat van with members of the lok adalat bench to the legal aid clinic for settlement of the disputes identified by them.
- (2) The mobile lok adalat van fitted with the facilities for conducting the proceedings of the lok adalat may also be used for conducting lok adalat at the legal aid clinic or at a place near to it or even at village congregations such as melas and other festive occasions.

**22. Legal aid clinics run by the law students**

The above regulations shall mutatis mutandis be applicable to the student legal aid clinics set up by the law colleges and law universities.

Provided that students of law colleges and law universities also may make use of the legal aid clinics established under these regulations with the permission of the District Legal Services Authority.

**23. Law students may adopt a village for legal aid camps -**

- (1) Law students of the law colleges or law universities may adopt a village, especially in the remote rural areas and organise legal aid camps in association with the legal aid clinic established under these regulations.
- (2) The law students may, with the assistance of the para-legal volunteers engaged in the legal aid clinics, conduct surveys for identifying the legal problems of the local people.
- (3) The surveys referred to in sub-regulation, (2) may include gathering information relating to the existing litigations and unresolved pre-litigation disputes also.

- (4) The surveys referred to sub-regulation (2) may also focus on the grievances of the local people which would enable the National Legal Services Authority to take necessary steps by way of social justice litigation as provided in clause (d) of section 4.
- (5) The law students conducting such surveys shall send reports to the State Legal Services Authorities with copies to the legal services institutions having territorial jurisdiction and also to the District Legal Services Authority.

**24. Legal aid clinics attached to the law colleges, law universities and other institutions-**

- (1) The law colleges, law universities and other institutions may set up legal aid clinics, as envisaged in clause (k) of section 4 attached to their institutions as a part of the clinical legal education.
  - (2) The law colleges, law universities and other institutions establishing such legal aid clinic shall inform the State Legal Services Authority about the establishing of such legal aid clinic.
  - (3) The State Legal Services Authority shall render the required technical assistance for the operation of such legal aid clinics and shall take measures to promote the activities of such legal aid clinics.
  - (4) The law students in the final year classes may render legal services in such legal aid clinics under the supervision of the faculty member of their institution.
  - (5) The State Legal Services Authority may organise alternative dispute resolution camps, including lok adalats, to resolve the problems of the people who seek legal aid in such legal aid clinics.
  - (6) The District Legal Services Authority may issue certificates to the students who complete their assignment in such legal aid clinics.
25. Services of para-legal volunteers trained by the Legal Services Authorities may be made available in the legal aid clinics run by the Law Colleges, Law Universities etc.

Trained para-legal volunteers may be deputed to the legal aid clinics established under regulation 24 for assisting the persons seeking free legal services and for interacting with the students and the members of the faculty.

**26. The State Legal Services Authorities to conduct periodical review of, the functioning of legal aid clinics.-**

- (1) The State Legal Services Authority shall collect monthly reports from the District Legal Services Authorities, law colleges and law universities on the functioning of legal aid clinics working in their jurisdiction.
- (2) The State Legal Services Authority shall conduct periodical review of the working of such legal aid clinics at least once in three months or more frequently.

- (3) The State Legal Services Authority may issue directions from time to time for improving the services in the legal aid clinics to ensure that members of the weaker sections of the society are provided legal services in an efficient manner.
- (4) The State Legal Services Authority shall send quarterly reports about the functioning of the Legal Aid Clinics within their jurisdiction to the National Legal Services Authority.

U. SARATHCHANDRAN, Member-Secy.



## **National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013**

### **Background:**

Section 4 (K) of the Legal Services Authorities Act, 1987 mandates the National Legal Services Authority to develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions.

The National Legal Services Authority has already notified the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 with the object of setting up of legal aid clinics in villages or for a cluster of villages, similar to the primary health centres set-up in the rural areas for the benefit of the rural population. These Regulations are applicable mutatis mutandis to student legal aid clinics. Regulations 22 to 26 of the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 pertain to the legal services clinics in the law colleges and universities.

The legal services clinics envisaged in Section 4 (k) of the Legal Services Authorities Act, 1987 aims at two objects. One is to improve the clinical legal skills of the students and the second is to inculcate an attitude amongst the students to provide effective legal services to the poor and marginalized people.

It needs to be mentioned that the Bar Council of India, being acutely aware of the need to provide practical experience of legal practice to the Final year students of law, has provided in Clause 11 of the Schedule III to its Rules on Standards of Legal Education and Recognition of Degrees in Law for the purpose of enrolment as advocates and inspection of Universities for recognizing its degrees in law, that each institution shall establish a Legal Aid Clinic to be run by the students under the supervision of a Senior Faculty Member in co-operation with the Legal Services Authorities.

Thus, the Legal Service Clinics Scheme under Section 4(k) of the Legal Services Authorities Act, 1987 needs to be framed adopting holistic approach providing a collaborative programme by involving Statutory bodies under the Legal Services Authorities Act 1987 and Advocates Act 1961 and extending support to universities, law col-

leges and other institutions in establishing and running legal service clinics. It is in this background, scheme has been drawn up :

1. This Scheme may be called the National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013.
2. The objectives of the scheme are:
  - a. To set up nationwide collegiate Legal Services Clinics to familiarize law students of the country to the problems faced by the masses ignorant about their rights and remedies under the law.
  - b. To attain the ideals of "Social Economics and Political" justice as enshrined in the Constitution in the backdrop of poverty and inequality, by reaching out to the marginalized and the vulnerable communities through the collegiate Legal Services Clinics.
  - c. To spread legal awareness among students and people at large through aware camps, seminars, debates, legal counselling, poster making and street plays.
  - d. To expose students to community services.
  - e. To introduce the students to socio-economic impediments to access to justice.
  - f. To provide the students a platform for the empowerment of socially and economically backward groups or individuals.
3.
  - (a) Every university, law college or other institution shall set up one or more Legal Services Clinics in their respective Institution.
  - (b) Depending on the needs of the people of any particular locality, the head of the institutions may set up off campus Legal Services Clinics on or temporary basis.
  - (c) Adequate publicity of the existence of the Legal Services Clinic and its location and working hours shall be given by the respective Institution.
4.
  - (a) Every Legal Services Clinics shall have at least one furnished room within the institution facilitating client counseling.
  - (b) The Legal Services Clinic shall have a work station for the students in the Legal Services Clinic, installed with computer with internet and printer to facilitate research, preparation of cases, presentation, publication of legal aid literature, etc.
  - (c) There shall be a class room adjoining to the workstation where the faculty members of the Legal Services Clinic may address the students, guide them or give them instructions and clear their doubts.
  - (d) Endeavour should be made to provide a people friendly environment at the Legal Services Clinic.
5.
  - (a) Each Legal Services Clinic shall have one or more Faculty member who possesses special skills and interest in clinical legal education to guide and supervise the students.
  - (b) Each Legal Services Clinic shall also have one or more part time Guest Faculty member drawn from experienced lawyers including those on the

- panel of the Legal Services Institutions and retired judicial officers and functionaries of the Legal Services Institutions.
- (c) The honorarium payable to the Guest Faculty shall be as determined by the SLSAs and shall be payable by the District Legal Services Authorities concerned.
6. i) Client counselling and follow up assistance to special reference to marginalized communities.
- (a) Apart from the activities to be decided by the State Authorities, the activities of the Legal Services Clinics shall include:
- ii) Arranging workshops for various functionaries of the legal system such as lawyers, students, NGOs and government agencies.
- iii) Carrying out field surveys
- iv) Organising street plays and poster exhibitions on socio-legal issues
- v) Adopting village or villages or slum areas for legal services activities.
- vi) Guiding parties to the local Legal Services Institution for litigation-related legal assistance at the Court or at the ADR Centre.
- (b) The students may take the help of or extend help to para-legal volunteers selected by the State/District Legal Services Authority in carrying out any of the activities under sub clause (a).
- (c) The District Legal Services Authority shall make available the services of para legal volunteers in the Legal Services Clinics.
- (d) The District Services Authority shall also assign a Panel/Retainer Lawyer to attend the Legal Services Clinics at such frequency as may be found appropriate.
- (e) The travel and incidental expenditure shall be met from the funds given by the District Legal Services Authority.
- (f) The students shall always be conscious that they are only to provide the initial advice and assistance as provided for under the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011.
- (g) The Chairperson and/or the Secretary of the District Legal Services Authority must visit at least one Legal Services Clinic in the District in a month in order to monitor the work being done.
7. If in the course of their activities at the Legal Services Clinics as provided under Clause 6 of this Scheme, students identify issues that affect large groups of people, they may file Social Justice Litigation in the name of their Legal Services Clinic with the approval of the concerned Legal Services Institutions. . (a) Every University, Law College or other Institution shall provide in their annual 8 budget for a specific sum of money as a grant to the Legal Services Clinic which may include any grant given to the Law College or institution by the UGC or by the University to which it is affiliated for the purposes of legal aid activities.
- (b) The District Legal Services Authority shall also regularly provide such monthly sums not more than Rs.10000/- and as may be fixed by the State Legal Services Authority, for the running of the Legal Services Clinic.

- (c) The Legal Services Clinic may receive donations from individuals or from other bodies. Such donations shall be received only by the of the Law Colleges or other institutions for which receipts shall be issued. The donations so received can be used not only for meeting the expenses of running the Legal Services Clinic but also for its infrastructural development.
  - (d) The Head of the college/university or other institutions where the Legal Services Clinic is functioning shall furnish an utilisation certificate signed by him at the end of every financial year for the funds received from the District Legal Services Authority.
  - (e) The Head of the university, college or other institution shall maintain proper and audited accounts of the funds received and spent in respect of the Legal Services Clinic.
  - (f) The District Legal Services Authority shall have the Powers to inspect the accounts of the collegiate Legal Services Clinic functioning in the colleges, universities and other institution.
9. Every Legal Services Clinic shall maintain records, of including the attendance of students, as required under Regulation 20 of the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011.
  10. The District Legal Services Authority may provide staff and infrastructural support as may be feasible including computers and the stationery required by the Legal Services Clinic for its day to day functioning.
  11. The District Legal Services Authority shall send half yearly reports on the functioning of the Legal Services Clinics under its jurisdiction to the State Legal Services Authority.
  12. The State Legal Services Authority shall conduct a half-yearly review of activities in the Legal Services Clinics in the law colleges and universities and other institutions by inviting the Heads of the Institutions, or his/her representatives and a representative of the students from each clinic. At these Meets, good work done may be appreciated and commendation certificates given to the best Legal Services Clinic.
  13. The State Legal Services Authority shall furnish the details of the working of the Legal Services Clinics in the prescribed format to the National Legal Services Authority on yearly basis.





## **SCHEME FOR PARA-LEGAL VOLUNTEERS (REVISED) & MODULE FOR THE ORIENTATION - INDUCTION- REFRESHER COURSES FOR PLV TRAINING**

### **INTRODUCTION:**

During the year 2009 National Legal Services Authority (NALSA) brought out a scheme called the Para-Legal Volunteers Scheme which aimed at imparting Legal training to volunteers selected from different walks of life so as to ensure legal aid reaching all sections of people through the process of Para-Legal Volunteers Scheme; ultimately removing the barriers into access to justice. The Para-Legal Volunteers (PLVs) are expected to act as intermediaries bridging the gap between the common people and the Legal Services Institutions to remove impediments in access to justice. Ultimately, the process aims at Legal Services Institutions reaching out to the people at their door-steps rather than people approaching such Legal Services Institution.

The western concept of 'Paralegals' cannot be totally adopted to Indian conditions having regard to illiteracy of large sections of the community. The hours of training as applicable to a regular academic course, cannot be adopted. It should be more like a bridge course conceptualised in a simple and need-based module. The PLVs have to be trained in the basics of different Laws which would be applicable at the grassroot level with reference to their day-to day life, the subtle nuances employed in the working of a judicial system, and the functioning of various other stakeholders like the Police, officials from Social Welfare Department, Woman and Child Welfare Department and other departments dealing with different beneficial schemes of Central and State Governments including the protection officers involved with Domestic Violence and Juvenile Justice Acts.

With the basic knowledge in the laws and other available welfare measures and legislation, they would be able to assist their immediate neighbourhood; Those who are in need of such assistance, so that a person, who is not aware of such right is not only made to understand his rights, but also will be able to have access to measures involving implementation of such rights.

PLVs are not only expected to impart awareness on laws and the legal system, but they must also be trained to counsel and amicably settle simple disputes between the parties at the source itself, which could save the trouble of the affected travelling all the way to the Legal Services Authority/ADR Centres. If the dispute is of such a nature, which cannot be resolved at the source with the assistance of PLVs, they could bring such parties to the ADR Centres, where, with the assistance of the Secretary in charge either it could be referred to Lok Adalat or Mediation Centre or Legal assistance could be provided for adjudication in a court of law, depending upon the nature of problem.

Though initially the NALSA Scheme of training of the PLVs included the legal fraternity of Advocates, Advocate community, later on experience revealed, the same to be unfeasible on account of conflict with the professional status of Advocates. The reality that marginalised people living in distant places will not have the benefit of lawyer PLVs also contributed to the practice being discontinued, and NALSA deciding that Advocates shall not be enlisted or engaged as PLVs.

The past experience gained from the working of the system after 2009 and also ground realities ascertained from the paralegals in the respective jurisdiction showed us that there has to be a re-look into the entire matter and who best could fit the role of a Para-Legal Volunteer. Initially, the training programme of PLVs was only for two-three days. Since the obligations of PLVs were vast in nature, it was felt, there has to be longer duration of training provided to the PLVs. At the same time, the training curriculum for PLVs adopted by NALSA cannot be such as to be training PLVs to become full-fledged lawyers. PLVs are not expected to conduct themselves as legal professionals. The aim of the training should concentrate on basic human qualities like compassion, empathy and a genuine concern and willingness to extend voluntary service without expectation of monetary gain from it. Then the line separating PLVs from professional lawyers should be zealously guarded.

**Modalities:**

- Ideally every Taluk Legal Services Committee (TLSC) shall have a panel of PLVs. of a maximum number of 25 (50) on their roll at any given point of time. The District Legal Services Authority (DLSA) shall have 50 (100) active PLVs on their roll.
- PLVs shall be literate, preferably matriculate, with a capacity for overall comprehension.
- Preferably PLV shall be selected from persons, who do not look up to the income they derive from their services as PLVs, but they should have a mind- set to assist the needy in the society coupled with the compassion, empathy and concern for the upliftment of marginalised and weaker sections of the society. They must have unflinching commitment towards the cause which should be translated into the work they undertake.

**GROUPS from whom Para-Legal Volunteers can be selected:**

- Teachers (including retired teachers)
- Retired Government servants and senior citizens.
- M.S.W students and teachers.

- Anganwadi Workers
- Doctors/Physicians.
- Students & Law Students (till they enroll as lawyers)
- Members of non-political, service oriented NGOs and Clubs.
- Members of Women Neighbourhood Groups, Maithri Sanghams and other
- Self Help Groups including of marginalized/vulnerable groups.
- Educated Prisoners with good behaviour, serving long term sentences in prisons.
- Any other person whom the District Legal Services Authority or Taluk Legal Services Committee deems fit to be identified as PLVs.

**Selection of PLVs-District Level:**

Selecting the PLVs shall be by a Committee chaired by the Chairman of the District Legal Services Authority. The Secretary shall be one of the Members of the Committee. The Committee shall consist in all of three members including the Chairman and the Secretary shall be one of the Members of the Committee. The third member, to be appointed at the discretion of the Chairman of the DLSA, shall be one capable of identifying suitable persons, who could be trained as PLVs. This selection process shall not be entrusted to any other body.

**Selection of PLVs-Taluk Level:**

The Chairman of the District Legal Services Authority shall constitute a Committee consisting of the Chairman of DLSA, Member Secretary of DLSA and the Chairman of TLSC and a fourth person at the discretion of the Chairman of DLSA. The place of interview for Taluk Level PLVs shall be at the discretion of the Chairman of DLSA. The Member Secretary of DLSA shall co-ordinate with the selection process.

**Empanelment process:**

Applications may be invited from the local residents by the respective DLSAs and TLSCs or Sub Divisional Legal Services Committee. There could be an advertisement, if required, copies of either the advertisement or notice calling for applications could be sent to the offices of the Bar Association, Notice Board of the Court premises, Legal Services Authority Offices and District Panchayat Offices. The advertisement shall state the qualifications required for selection as PLVs as stated above with last date for the receipt of applications at the office of DLSA. There shall be a column in the application, wherein the candidate has to express willingness or place of preference to work at either district-level or taluk-level or village-level. In the advertisement there shall be clear mentioning that the work of PLVs does not carry any salary, remuneration or wages except honorarium fixed by the DLSA from time to time.

**Method of Selection:**

The Selection Committee is entitled to use its discretion and shortlist the number of candidates for interview depending upon the number of applications received. Preference shall be given to women while selecting PLVs. Representation from suitable applicants belonging to SC/ST, minority and other backward classes must be ensured.

**Training of PLVs:**

Under the supervision of Chairman of DLSA, PLVs shall undergo training programme, totally under the control of the Member Secretary. The training shall be held at a convenient place subject to discretion of the Chairman of DLSA. The number of PLVs to be trained at any given point of time in a training programme shall not exceed 50. Wherever the State Judicial Academy has facilities for training, the same may be availed of. The expenses for the training shall be incurred by the Judicial Academy for providing such facility to be reimbursed by the State Government/DLSA concerned.

**Trainers/Resource Persons:**

In consultation with the State Legal Services Authority, the Chairman of DLSA shall identify the trainers for training the PLVs and other resource persons.

- Suitable persons from the members of the Bar with training skills shall be included in the list of resource persons.
- Others could include.
- NGOs associated with the activities of Legal Services Authority, i.e., persons, who are exposed to the nature of work of the Legal Services Authority.
- Master Trainers of mediation.
- Law Teachers from Law Colleges.
- Post-Graduate students of Law.
- Retired Professors of Law.
- Retired Judicial Officers
- Revenue Officers
- Officers from Social Welfare Department.
- Public Prosecutors.
- Police Officers
- Psychiatrists/Psychologists/Mental Health experts.

**Nature of Training :**

Training that is to be provided to the PLVs would be in accordance with the curriculum prescribed by the NALSA and will be in the following formant :

- (a) Orientation Programme
- (b) Basic training
- (c) Refresher course.

There shall be periodical refresher training in order to assess the quality of work turned out by the PLVs. The Legal Services Authorities need to assess the work of PLVs and assist them to identify the deficits and how to tackle the problems faced by the PLVs after their experience in the field. There shall be annual congregation of PLVs so as to facilitate an exchange of experience. There shall be district-wise half-yearly meetings of PLVs to resolve their doubts and facilitate the acquisition of knowledge and upgradation of their skills as per the module. PLVs shall create awareness among citizens of the benefits of settlement of pending cases through Lok Adalats including the fact that the parties are entitled to refund of court fee and that there shall be no appeal.

**Topics for Training :**

A uniform training module for PLVs shall be prepared by NALSA which shall be applicable to the entire country and the module shall have a special emphasis on the conduct and behaviour of PLVs. The module so prepared shall be translated into regional languages.

**Identity Cards :**

After completion of the training by the District Legal Services Authority, the PLVs may be subjected to a written and oral test before the PLVs are declared to have successfully completed the training. On being declared successful, they may be given identity cards bearing the emblem of the District Legal Services Authority. The identity card shall have (i) serial number (ii) name and address of the PLV, (iii) contact number of the PLV, (iv) photograph of the PLV, (v) the date of issue and the period of validity of the identity card. It shall be clearly printed on the reverse side of the identity card that the loss of the identity card should be reported to the nearest Police Station as also its recovery.

The identity card shall not be used for availing of travelling concession either in bus or in any mode of transport.

It shall not be used for availing of any governmental benefits or loan by the holder of the card.

The identity card shall not be used for availing of any other facilities, except for the purpose of identification of the person as PLV.

**Validity of Identity Cards:**

The validity of the identity card shall be for a period of one year. A new card shall be issued to the PLV, if the Chairman, District Legal Services Authority finds him/her eligible to continue as PLVs for more than one year.

**Mentors for PLVS:**

DLSA and TLSC shall maintain a panel of Mentors/Guides whom the PLVS could contact in case of any clarification or assistance in connection with the discharge of their duties as PLVs. There shall not be more than ten PLVs for one Mentor.

**Monthly Reports:**

A monthly report of the existing PLVs, PLVs newly recruited and the training given to the PLVs shall be submitted by the DLSA to the SLSA. The SLSA shall submit a consolidated report of the details of the number of PLVs trained, the resource persons engaged, expenses incurred and the refresher courses, if any, organised, pertaining to each month, to the National Legal Services Authority before 15th day of every month.

NALSA shall cause the copies of such reports sent to the National Committee for Para-Legal Training and Legal Aid Activities set-up by the Chief Justice of India.

The SLSAs shall submit to the NALSA a consolidated District-wise report on the activities of the PLVs, specifically the number of persons attended and the nature of advice given and action taken.

### **Duties of Trained Para-Legal Volunteers:**

Para-Legal Volunteer shall educate people, especially those belonging to weaker sections of the society, to enable them to be aware of their right to live with human dignity, to enjoy all the constitutionally and statutorily guaranteed rights as also the duties and discharge of obligations as per law.

Para-legal Volunteers shall make people aware of the nature of their disputes/issues/problems and inform them that they can approach the TLSC/DLSA/ HCLSC/ SLSA/SCLSC so as to resolve the dispute/issue/problems through these institutions.

Para-Legal Volunteers shall constantly keep a watch on transgressions of law or acts of injustice in their area of operation and bring them immediately to the notice of the TLSC through telephonic message or a written communication or in person to enable effective remedial action by the Committee.

When the PLV receives information about the arrest of a person in the locality, the PLV shall visit the Police Station and ensure that the arrested person gets legal assistance, if necessary, through the nearest legal services institutions.

The PLVs shall also ensure that the victims of crime also get proper care and attention Efforts shall be made by the PLVs to secure compensation for the victims of crime under the provisions of Section 357-A Cr. P.C.

PLVs shall, with proper authorization from the DLSA/TLSC visit jails, lock-ups, psychiatric hospitals, children's homes/observation homes and shall ascertain the legal service needs of the inmates and intimate the authorities concerned about any absence noticed of basic essential necessities with special emphasis on hygiene.

PLVs shall report violations of child rights, child labour, missing children and trafficking of girl children to the nearest legal services institutions or to the child welfare committee.

Para-Legal Volunteers shall assist the DLSA/TLSC for organizing legal awareness camps in their area of operation.

Para-Legal Volunteers shall give information to the people of their locality about the legal services activities of SLSA/DLSA/TLSC/HCLSC/SCLSC and shall provide their addresses to the people so as to enable them to utilize the free services rendered by the above organizations to the eligible persons.

Para-Legal Volunteers shall generate awareness amongst people about the benefits of settlement of disputes including pre-litigation stage through lok Adalats, Conciliation, Mediation and Arbitration.

Para-Legal Volunteers shall make people aware of the benefits of inexpensive settlement of disputes relating to Public Utility Services like P&T, Telephones, Electricity, Water Supply, Insurance and hospital services through Permanent Lok Adalat (PLA).

Para-Legal Volunteers shall submit monthly reports of their activities to the DLSA/ TLSC under whom they are working in the prescribed format.

A diary to record the daily activities shall be maintained by each PLVS. The diary shall be printed and given to PLVs by the District Legal Services Authority. Such diary shall be verified and endorsed by the Secretary, DLSA or the Chairman, TLSC as the case may be.

Para-Legal Volunteers shall see that publicity materials on legal services activities are exhibited at prominent places in their area of activity.

**Expenses incurred by Para-Legal Volunteers :**

Reasonable expenses incurred by Para-Legal Volunteers e.g. Bus/Train fare, Postage, Telephone charges etc., may be reimbursed by the TLSC/DLSA/SLSA, on production of proof. Travel expenses limited to the lowest classes by road/ rail/steamer to the legal aid beneficiaries brought by the Para-Legal Volunteers also may be reimbursed at the discretion of the Chairman.

The rate of daily honorarium payable to PLVs on the days of their engagement as such in metro-cities may be as determined by the SLSA.

The PLVs are not entitled to any travel expenses when they use the transport provided by SLSA/DLSA/TLSC.

**Para-Legal Volunteers to work in the 'Front Offices' of the DLSA/TLSCS:**

The Secretary, DLSA or TLSC may depute one or more PLVs to operate the 'front offices' of the legal services institutions.

**Para-Legal Volunteers to work in the 'Legal Aid Clinics' of the DLSA/TLSCs.**

The Secretary, DLSA or TLSC may depute PLVs in the Legal Aid Clinics set up under the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011. The PLVs engaged in the Legal Aid Clinics shall function in such clinics in accordance with the provisions of the aforesaid regulations.

**Honorarium for the PLVs rendering services in the Legal Aid Clinics and Front Offices:**

The State Legal Services Authority in consultation with the National Legal Services Authority may fix an honorarium for the PLVs engaged in the legal aid clinics.

However, such honorarium for those who have rendered services on any day shall not be less than Rs.250/- per day.

The PLVs who bring legal aid applicants from the distant villages to the legal services institutions at the Taluk/District level and to the District ADR Centers shall also be eligible to receive honorarium for such day at the same rate.

PLVs shall also be eligible for honorarium if on any particular day they assist persons in connection with the PLV work by accompanying such persons to various offices including Courts, however, subject to proof.

**Para-Legal Volunteers to assist in the legal literacy classes and camps:**

The PLVs in consultation with the nearest legal services institutions shall organise micro-legal literacy camps in the area of their operation by organising legal literacy classes for small groups of persons including labourers, women, children, members of SC/ST etc. It shall be the duty of the PLVs to distribute information booklets and other publication of the Legal Services Authorities during the legal literacy classes.

**Resolving local disputes through ADR mechanism :**

The PLVs shall take efforts to bring the parties of the locality involved in disputes, to settlement, by using the machinery of Lok Adalat, Mediation or Conciliation at the District ADR Centers. If no District ADR Center has been set up in the District, the legal services institutions shall take steps for organising a suitable ADR mechanism like Lok

Adalat, mediation, conciliation etc. in the village itself in coordination with the PLVs. The PLVs who bring such cases to the ADR process shall be entitled to receive the prescribed honorarium on the day when such proceedings are held.

**Para-Legal Volunteers in Jails:**

A few educated well-behaved prisoners serving long term sentences in the Central Prison and District Prisons may be identified for being trained as Para Legal Volunteers Their services shall be available to the other prisoners in the jail including the under trial prisoners. The training of such PLVs may be conducted along with the other PLVs.

**Payment:**

They will be entitled to be paid as PLVs for the services rendered at the prescribed rate of honorarium payable to other PLVs.

**Disqualifications of Para-Legal Volunteers and their removal :**

- The PLVs shall be disqualified and removed from the panel if he/she:
- Fails to evince interest in the Scheme.
- Has been adjudged insolvent.
- Has been accused of an offence.
- Has become physically or mentally incapable of acting as PLVs.
- Has so abused his/her position or misconducted in any manner as to render his/her continuance prejudicial to the public interest.
- If she/he is an active political enthusiast of a political party. Any such Para-Legal Volunteer may be removed by the Chairman. District Legal Services Authority after suitable enquiry and intimation of the same should be sent to the State Legal Services Authority.

**National Level meetings of Para-Legal Volunteers :**

The State Legal Services Authority may select suitable PLVs for attending the National Level Programmes relating to PLVs to be organised by the National Legal Services Authority as the case may be. The State Legal Services Authority may recommend the names of PLVs who have given outstanding service for considering such PLVs for National awards to be instituted by the National Legal Services Authority.

**The District Legal Services Authority to maintain a database of all Para-Legal Volunteers in the District:**

The District Legal Services Authority shall maintain a directory of Para-Legal Volunteers and the same shall be updated periodically. The directory shall contain the details of the para-legal volunteers of District Authority and Taluk/Mandal/Sub-divisional Committees, their names, addresses, telephone/cell phone number, e-mail ID (if any), number and date of expiry of the identity card issued.

**The State Legal Services Authority to maintain a database of all Para-Legal Volunteers in the State:**

The State Legal Services Authority shall maintain a directory of Para-Legal Volunteers and the same shall be updated periodically. The directory shall contain the district wise details of the names of para-legal volunteers, their addresses, telephone/cell phone numbers, e-mail ID (if any), number and date of expiry of the identity card issued.



The Legal Services Authorities to work in co-ordination with the National Committee for Para-Legal Training and Legal Aid Activities set up by the Chief Justice of India.

The State, District and Taluk level legal services institutions shall work in coordination with the National Committee for Para-Legal Training and Legal Aid Activities set up by the Chief Justice of India. The directions, if any, given by the Hon'ble Chairman of the National Committee for Para-Legal Training and Legal Aid Activities shall be binding on all legal services institutions in the country.

## **MODULE FOR THE ORIENTATION INDUCTION REFRESHER COURSES FOR PLV TRAINING**

### **I. ORIENTATION COURSE**

Immediately upon initial empanelment, the PLVs shall be given a day's orientation course.

#### **Course objectives:**

The objective of the Orientation Programme is to provide an overview of the role of the PLVs and lay down the Code of Ethics that they will be required to be adhered to.

The Orientation Programme should include inter alia the following:

- ❖ Introductions and Ice-Breaking Session
- ❖ Purpose & Role of PLVs.
- ❖ Basic Structure of the Constitution Preamble etc.
- ❖ Obligations of the State under the Constitution to the marginalised classes of society (Directive Principles of State Policy)
- ❖ Fundamental Rights (including Articles 14, 15, 16, 19, 21, 22)
- ❖ Duties of a responsible citizen to the community (Fundamental Duties).
- ❖ Article 39 A and Legal Services Authorities Act, 1987 and NALSA Regulations.
- ❖ Do's and Don'ts for PLVs.
- ❖ Dress Code and Standards of behaviour.
- ❖ Materials
- ❖ Ethics.

### **II. INDUCTION COURSE**

The induction training will be for a period of four days and should cover the following topics:

- ❖ Basic listening, communication, observation skills and Drafting skills.
- ❖ Family Laws (Marriage Laws, Adoption, Maintenance, Custody and Guardianship, Judicial separation & Divorce).
- ❖ Property Laws (Inheritance, Transfers of immovable property, Registration, Revenue Laws).
- ❖ Criminal Laws (IPC & Cr.P.C. {minimum required knowledge, especially, bail, arrest etc. S.357 A Cr.P.C., Rights of Prisoners under Jail Manual and Prisoners Act etc.}).

- ❖ Labour Laws (Minimum Wages Act, 1948, Workmen's Compensation Act 1923, Unorganised Workers Welfare and Social Security Act 2008, The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, The Industrial Disputes Act, 1947 (briefly), Legal assistance under the NALSA Scheme (Legal Services to the Workers in the Unorganised Sector) Scheme, 2010❖ .
- ❖ Gender Centric Laws/Women Laws - Equal Remuneration Act, 1976, Maternity Benefit Act, 1961, Protection of Women from Domestic Violence Act, 2005, Medical Termination of Pregnancy Act, 1971, Pre- Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, Sexual Harassment at Workplace, Important provisions of IPC Sections 509, 354, 376, 304B, 366, 498A, 494, Dowry Prohibition Act, 1961.
- ❖ Laws relating to children Juvenile Justice (Care and Protection of Children) Act, 2000, The Child Labour (Prohibition and Regulation) Act of 1986, Missing Children, The Factories Act, 1948, Prohibition of Child Marriage Act, 2006.
- ❖ SC & ST (Prevention of Atrocities) Act, 1989 and The Protection of Civil Rights Act, 1955.
- ❖ Government orders and schemes promoting social welfare, including MNREGA, Social Security Schemes (pensions, antodaya, insurance etc), obtaining various certificates (such as caste, disability, birth, income etc), obtaining ration card, Aadhar card, National Population Register, Voter ID-Card, etc, obtaining Passport.
- ❖ Visits to Govt. Offices, Courts, Police Stations, Prisons, Revenue Offices, DLSAs, TLSCs etc. Interaction with Protection Officers, CWCs/JJBs, appropriate authority under PCPNDT Act, 1994 etc.

### **III. ADVANCE TRAINING**

After the PLVs have had field experience for three months it is important that an advanced training programme is conducted lasting for three days. The occasion should be utilized by the Chairpersons of the DLSAs to discuss the work done by the PLVs, the shortcomings generally noticed and their continuance. The Mentors should also participate in this programme for guiding the PLVs to resolve the problems faced by the PLVs in the discharge of their duties and public interaction. The Chairpersons of the DLSAs should also obtain feedback from the PLVs in order to remove administrative bottlenecks. During this training programme the PLVs should be introduced to Special laws which could include-

- ❖ Right to Information Act, 2005
- ❖ Motor Vehicles Act, 1988
- ❖ Mental Health Act, 1987 and Legal Assistance under the NALSA scheme (Legal Services to the mentally III Persons and Persons with Mental Disabilities) Scheme, 2010.
- ❖ Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
- ❖ Right to Education Act, 2009.
- ❖ Alternate Dispute Resolution (S 89 C.P.C.)

- ❖ Basic skills in mediation and counselling
- ❖ Lok Adalat, including pre-litigation and its benefits.
- ❖ Plea-bargaining.
- ❖ Rights of marginalised groups such as those living with HIV/AIDS, Disabled, trans genders etc.
- ❖ The Immoral Traffic (Prevention) Act, 1956 and issues relating to sex workers.
- ❖ Disaster Management and Legal Assistance to victims of disaster under the NALSA Scheme Legal Services to Disaster Victims through Legal Services Authorities.
- ❖ Environmental issues
- ❖ The Protection of Children from Sexual Offences Act, 2012.

Ideally, the SLSAs should by itself or through the DLSAs organize workshops at regular intervals on special topics which could be for a day or two. These should be need based, that is to say, if on a review of the working of the PLVs, the SLSAs/ DLSAs feel that certain subjects need to be revisited and discussed again or that in a given area certain issues exist which need to be addressed or tackled and which have not been dealt with by the prescribed course content, such topics and issues should be discussed in the one day/two days workshops.

Inter-District workshops should be organised by the SLSAs for a day to encourage experience sharing and introduction of better practices. Good work done could be recognised and appreciated and commendation certificates given on the occasion.

**ASSAM STATE LEGAL SERVICES AUTHORITY**

GUWAHATI-781001, ASSAM

PHONE: 0361-251636". FAX: 0361-2601843

অসম ৰাজ্যিক আইন সেৱা প্ৰাধিকাৰী

গুৱাহাটী-৭৮১০০১

No. ASLSA 108/2017/2157

Dated Guwahati the 23rd February, 2018

To.

1. The Secretary,  
Gauhati High Court Legal Services Committee.
2. The Secretary,  
District Legal Services Authority Tinsukia, Dibrugarh, Sivasagar, Jorhat, Golaghat, Nagaon,  
Morigaon, Kamrup, Goalpara, Dhemaji, Lakhimpur, Sonitpur, Darrang, Nalbari, Barpeta,  
Bongaigaon, Kokrajhar, Dhubri, Cachar, Karimganj, Hailakandi, Udalguri.
3. The Chairman  
Taluka Legal Services Committee Rangia, Bajali and Hojai.

Sub : Revised rate of honorarium for Para Legal Volunteers of Assam.

Sir/Madam,

With reference to the subject cited above, I would like to state that during the video conference on 9th January, 2018, the Hon'ble Executive Chairman, National Legal Services Authority had suggested that the State Legal Services Authorities could pay an honorarium of Rs. 500.00 per day to the PLVs in place of the earlier rate.

In this connection, I am directed to inform you that the honorarium paid to the PLVs of the State has been enhanced from the existing rate of Rs. 250.00 per day to Rs. 500.00 per day. In view of the above, you are requested to pay the honorarium to the PLVs at the revised rate of Rs. 500.00 per day w.e.f. 09.01.2018.

This is for favour of your kind information and necessary action.

With regards

Yours faithfully

23.02.18 (Satya Nath Sarma)  
Member Secretary  
Assam State Legal Services Authority



Registered N-o. 768/97

অসম ৰাজপত্ৰ  
**THE ASSAM GAZETTE**  
অসাধাৰণ  
**EXTRAORDINARY**  
প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত  
**PUBLISHED BY THE AUTHORITY**

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No. 250 Dispur, Monday, 1st July, 2024, 10th Ashadha, 1946 (S. E.)

**GOVERNMENT OF ASSAM**  
**ORDERS BY THE GOVERNOR**  
**POLITICAL (A) DEPARTMENT ::: DISPUR ::: GUWAHATI**

**NOTIFICATION**  
**The 1st July, 2024**

**No. PLA-506375/565.** In exercise of the powers conferred under section 398 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023), the Governor of Assam is hereby pleased to make the following Scheme for the State of Assam with a view to ensure protection of the witnesses.

|  |    |  |
|--|----|--|
| Short title,<br>extent<br>commencement | 1. | <p>(a) This Scheme shall be called the Assam Witness Protection Scheme, 2024.</p> <p>(b) It shall extend to the whole of the state of Assam.</p> <p>(c) It shall come into force on the date of its publication in the Official Gazette.</p>   |
| Definitions                            | 2. | <p>(a) "Act" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No.46 of 2023);</p> <p>(b) "Concealment of Identity of Witness" means and includes any condition prohibiting publication or revealing of in any manner, directly or indirectly, the name, address and other particulars which may lead to the identification of the witness during investigation, trial and post-trial stage;</p> <p>(c) "Competent Authority" means a Standing Committee in each District chaired by the District and Sessions Judge with the Head of the Police in the District as Member, an officer not below the rank of the Additional District Magistrate to be nominated by the District Magistrate as Member and The Head of the Prosecution in the District as the Member Secretary;</p> <p>(d) "Family Member" includes parents or guardian, spouse, live- in partner, siblings, children, grandchildren of the witness and the spouse of the siblings, children and grandchildren of the witness;</p> <p>(e) "Form" means the Witness Protection Application Forms appended to this Scheme;</p> <p>(f) "In Camera Proceedings" means proceedings wherein the Competent Authority or Court allows only those persons who are necessarily to be present while hearing and deciding the witness protection application or deposing in the court;</p> <p>(g) "Live Link" means and include a live video link or other such arrangement including any electronic communication through any audio video electronic means;</p> <p>(h) "Witness Protection Measures" means the measures provided in clauses 7, 8, 9, 10 and 11 of the Scheme.</p> <p>(i) "Offence" means those offences which are punishable with death or life imprisonment or an imprisonment up to seven years and above and also offences punishable under sections 74, 75, 76, 77, 78 and 79 of the Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023);</p> <p>(j) "Threat Analysis Report" means the detailed report to be submitted by the Head of the Police in the District,</p> |

- investigating the case with regard to the seriousness and credibility of the threat perception to the witness or his family members. It shall contain specific details about the nature of threats faced by the witness or his family to their life, reputation or property apart from analyzing the extent, the person or persons making the threat who have the intent, motive and resources to implement the threats;
- (k) "Witness" means any person, who has made a statement or who has given or agreed to give evidence in relation to any offence and who possesses information or document about any offence by the Competent Authority as being material to any criminal proceeding or is required to be given protection or assistance under this scheme;
  - (l) "Witness Protection Application" means an application submitted by a witness before a Competent Authority for Witness Protection Order. It can be moved either in offline or online mode by the witness, his family member, his duly engaged counsel or the Investigate getting officer or officer in charge or Circle Inspector or Deputy Superintendent or Additional Commissioner of Police or Sub-Divisional Police Officer or Jail Superintendent concerned;
  - (m) "Witness Protection Fund" means the fund created for bearing the expenses incurred during the implementation of Witness Protection Order passed by the Competent Authority under this scheme to implement the witness protection measures;
  - (n) "Witness Protection Order" means an order passed by the Competent Authority detailing with the witness protection measures to be taken;
  - (o) "Witness Protection Cell" means a cell constituted at district level for implementation of the witness protection order, which shall be headed by the Superintendent of Police. Other suitable person(s) may be co-opted by the head of the cell;
  - (p) "State Witness Protection Authority" means an authority constituted at the state level for witness protection consisting of the Senior-Most Secretary of Home and Political Department of Assam as Chairperson and Additional Director General of Police (CID), Assam, Additional Director General of Police, Special Branch and Head of the prosecution of the state of Assam as

- members. Any other member(s) may be co-opted by the authority. This authority shall regulate its own procedure, meet at least once in every six months and shall take all the steps as deemed necessary by it for the effective implementation and monitoring of the scheme.
- Categories of witness as per threat perception 3. Category 'A': Where the threat extends to the life of a witness or his family members, during investigation or trial or thereafter.  
 Category 'B': Where the threat extends to safety, reputation or property of the witness or his family members, during the investigation or trial or thereafter.  
 Category 'C': Where the threat is moderate and extends to harassment or intimidation of the witness or his family member's reputation or property during the investigation or trial or thereafter.
- State Witness Protection Fund 4. (1) There shall be a Fund namely, the Witness Protection Fund for incurring expenses during the implementation of the witness protection measures as per the Witness Protection Order passed by the Competent Authority and other related expenditure.  
 (2) The Witness Protection Fund shall comprise the following;  
 (i) Budgetary allocation made in the Annual Budget by the State Government;  
 (ii) Receipt of amount of costs imposed or ordered to be deposited by the Courts or Tribunals in the Witness Protection Fund;  
 (iii) Donations or contributions from Philanthropist or Charitable Institutions or Organizations and individuals permitted by the Government.  
 (iv) Funds contributed under the Corporate Social Responsibility.  
 (3) The said Fund shall be operated by the Additional Director General of Police (CID), Assam.  
 4. There shall be a separate bank account for the state Witness Protection Fund.
- Filing of Applications before the competent authority 5. The applicant shall file an application for seeking protection order under this scheme in the Form I before the Competent Authority of the concerned District where the offence is committed, through its Member Secretary along with supporting documents, if any. It can be filed in offline as well as online mode.



Procedure for processing the application

6. (1) As and when an application is received by the Member Secretary of the Competent Authority, in the Form-I, he shall forthwith pass an order immediately calling for the Threat Analysis Report from the Assistant Commissioner of Police or Deputy Superintendent of Police in charge of the concerned Police Sub-Division.
- (2) Depending upon the urgency in the matter owing to imminent threat, the Competent Authority may pass orders for interim protection of the witness or his family members during the pendency of the application:  
Provided that nothing shall preclude police from providing immediate protection in case of grave and imminent threat to the life of applicant and his family members.
- (3) On receipt of the order from the Competent Authority the Assistant Commissioner of Police or Deputy Superintendent of Police in charge of the Police sub division shall prepare the Threat Analysis Report in Form-II appended to these Scheme expeditiously while maintaining full confidentiality and it shall reach the Competent Authority through electronic means within five working days from the date of receipt of the order from the Competent Authority.
- (4) The Threat Analysis Report shall categorise the threat perception and also include suggestive protection measures for providing adequate protection to the witness or his family.
- (5) While processing the application for witness protection, the Competent Authority shall also interact either in person or through electronic means or a live link with the witness and or his family members or employers or any other person deemed fit so as to ascertain the witness protection needs of the witness. The Competent Authority may also conduct its meeting through live link. The Competent Authority shall meet at least once in every two months including a live link for attending such application of witness protection.
- (6) All the hearings on Witness Protection Application shall be held in-camera by the Competent Authority while maintaining full confidentiality.

- (7) An application shall be disposed of by the Competent Authority within five working days from the date of receipt of the Threat Analysis Report from the Police Authorities.
- (8) The Witness Protection Order passed by the Competent Authority shall be implemented by the Witness Protection Cell or the Trial Court, as the case may be. Member Secretary of the Competent Authority shall cause to send a copy of the Witness Protection Order to the Investigation Officer of the case and to the court which is empowered to take the cognizance of the concerned case or to the court in which the trial is pending and to the public prosecutor of the case concerned. Overall responsibility of implementation of all Witness Protection Orders passed by the Competent Authority shall lie on the Head of the Police in the State. In case of any change of identity and or relocation of the Witness Protection Order, it shall be implemented by the Additional Director General of Police (CID), Assam.
- (9) Upon passing of a Witness Protection Order, the Witness Protection Cell shall file a monthly follow-up report before the Competent Authority.
- (10) In case, the Competent Authority finds that there is a need to revise the Witness Protection Order or an application is moved in this regard and upon completion of trial, a fresh Threat Analysis Report shall be called from the Additional Commissioner of Police or Deputy Superintendent of Police in charge of the concerned Police Sub-Division.

Types of Protection measures:

7. The witness protection measures ordered shall be proportionate to the threat and shall be for a specific duration not exceeding three months at a time. These may include,-
  - (a) ensuring that witness and accused do not come face to face during investigation or trial;
  - (b) monitoring of mail and telephone calls;
  - (c) arrangement with the telephone company to change the witness's telephone number or assign him or her an unlisted telephone number;
  - (d) installation of security devices in the witness's home such as security doors, CCTV, alarms, fencing etc.;

- (e) concealment of identity of the witness by referring to him or her with the changed name or alphabet;
  - (f) emergency contact persons for the witness;
  - (g) close protection, regular patrolling around the witness's house;
  - (h) temporary Change of residence to a relative's house or a nearby town;
  - (i) escort to and from the court and provision of Government vehicle or a State funded conveyance for the date of hearing;
  - (j) Holding of in-camera trials;
  - (k) allowing a support person to remain present during recording of statement and deposition;
  - (l) usage of specially designed vulnerable witness court rooms which have special arrangements like live links, one way mirrors and screens apart from separate passages for witnesses and accused, with option to modify the image of face of the witness and to modify the audio feed of the witness' voice, so that he or she is not identifiable;
  - (m) ensuring expeditious recording of deposition during trial on a day to day basis without adjournments;
  - (n) awarding time to time periodical financial aids or grants to the witness from Witness Protection Fund for the purpose of re- location, sustenance or starting a new vocation or profession, as may be considered necessary;
  - (o) any other form of protection measures considered necessary.
- Monitoring and Review 8. Once the protection order is passed, the Competent Authority shall monitor its implementation and can review the same in terms of follow-up reports received in the matter. However, the Competent Authority shall review the Witness Protection Order on a quarterly basis based on the monthly follow-up report submitted by the Witness Protection Cell.
- Protection of Identity 9. (1) During the course of investigation or trial of any offence, an application for seeking identity protection can be filed in Form I before the Competent Authority through its Member Secretary. Upon receipt of the application, the Member Secretary of the Competent Authority shall call for the Threat Analysis Report. The Competent Authority

shall examine the witness or his family members or any other person it deems fit to ascertain whether there is necessity to pass an identity protection order.

- (2) During the course of hearing of the application, the identity of the witness shall not be revealed to another person, which is likely to lead to the witness identification. The Competent Authority can thereafter, dispose of the application as per material available on record.

Once, an order for protection of identity of witness is passed by the Competent Authority, it shall be the responsibility of the Witness Protection Cell to ensure that identity of such witness or his or her family members including name or parentage or occupation or address or digital footprints are fully protected.

- (3) As long as the identity of any witness is protected under an order of the Competent Authority, the Witness Protection Cell shall provide details of persons who can be contacted by the witness in case of emergency.

- |                                      |     |   |
|--------------------------------------|-----|---|
| Change of Identity                   | 10. | In appropriate cases, where there is a request from the witness for change of identity and based on the Threat Analysis Report, a decision can be taken for conferring an identity to the witness by the Competent Authority. Conferring new identities includes new name, profession, parentage and providing supporting documents acceptable by the Government Agencies. The new identities shall not deprive the witness from existing educational professional and property rights. |
| Relocation of Witness                | 11. | In appropriate cases, where there is a request from the witness for relocation and based on the Threat Analysis Report, a decision can be taken for relocation of the witness by the Competent Authority. The Competent Authority may pass an order for witness relocation to a safer place within the State or territory of the Indian Union keeping in view the safety, welfare and wellbeing of the witness. The expenses shall be borne from the Witness Protection Fund.           |
| Witness to be apprised of the scheme | 12. | The Investigating Officer and the Hon'ble Court shall inform witnesses about the existence of Witness Protection Scheme and its salient features.   |

Confidentiality and

preservation of records 13.

All stakeholders including the Police, the Prosecution Department, Court Staff, Lawyers from both sides shall maintain full confidentiality and shall ensure that under no circumstance, any record, document or information in relation to the proceedings under this scheme shall be shared with any person in any manner except with the approval of Trial Court or Appellate Court and that too, on a written order.

All the records pertaining to proceedings under this scheme shall be preserved till such time the related trial or appeal thereof is pending before a Court of Law. After one year of disposal of the last Court proceedings, the hard copy of the records can be weeded out by the Competent Authority after preserving the scanned soft copies of the same.

Recovery of expenses 14.

In case the witness has lodged a false complaint, the Home Department of the concerned Government can initiate proceedings for recovery of the expenditure incurred from the Witness Protection Fund. These expenses shall be recovered as arrears in land revenue.

Review

15.

In case the witness or the police authorities are aggrieved by the decisions of the Competent Authority, a review application may be filed before the Competent Authority within 15 days of passing of the orders by the Competent Authority and the decision of Competent Authority on such review application shall be final and no appeal shall lie against such order before any authority.

AJAY TEWARI,

Additional Chief Secretary to the Government of Assam,  
Home & Political Department, Dispur.

**FORM-I**  
(See Clause-5, 9)

Assam Witness Protection Scheme, 2024  
Witness Protection Application

To  
The Competent  
Authority  
District .....

Application for (Tick)

- Witness Protection
- Witness  
Identity  
Protection
- New Identity
- Witness Relocation

| <b>Particulars of the Witness (Fill in CAPITAL LETTERS)</b> |  |
|---|--|
| Name  |  |
| Date of Birth and Age                                       |  |
| Gender (Male/Female/Transgender)                            |  |
| Father/Mother Name  |  |

|   |  |
|---|--|
| Residential Address   |  |
| Mobile Number   |  |
| Email ID  |  |
| Aadhar Number (attach a self attested copy)   |  |
| Any other Government ID (voter ID / PAN/<br>Driving license / Other) [attach a self attested<br>copy] |  |
| Name and details of the family member(s) of<br>the victim who are facing threats (including<br>self)  |  |

| <b>Particulars of the Case</b>  |  |
|---|--|
| FIR Number  |  |
| Police Station  |  |
| Sections and Act(s) involved  |  |
| Year of the FIR   |  |
| GDE or daily diary number (if FIR not yet registered)   |  |
| CR case number (in complaint cases to magistrate)   |  |
| <b>Particulars of the Accused (if known / available)</b>  |  |
| Name  |  |
| Father/mother name  |  |
| Address   |  |
| Mobile Number   |  |
| Email ID  |  |
| <b>Particulars of the person who is giving or suspected to be giving threats</b>  |  |
| Name  |  |
| Father name   |  |
| Address   |  |
| Mobile number   |  |
| Email   |  |
| Other details known (if any)  |  |
| <b>Threat Perception</b>  |  |
| Nature of the threat perception. Please give a brief of the threat received in the matter with specific date, place, mode and words used. |  |
| <b>Types of the witness protection measures prayed for by the witness</b>   |  |
| Please give details of what kind of protection is prayed for.   |  |
| Details of the urgent / immediate witness protection measures required, if any.   |  |

**Note:** Witnesses can use extra sheets, if needed and attach with the application.

## UNDERTAKING

- (1) I shall fully cooperate with the competent authority, department of home and the witness protection cell.
- (2) I certify that the information provided by me is correct to the best of my knowledge and belief.
- (3) I understand that if the information filed by me is found incorrect, competent authority reserves the right to recover the expenses incurred on me from the witness protection fund.

Name of the Witness :

Signature :

Date :

Place :



**FORM-II**  
{See Clause-6(3)}

**The Threat Analysis Report to be submitted by the District Head of  
the Police under the Assam Witness Protection Scheme, 2024**

| <b>Particulars of the Witness (Fill in CAPITAL LETTERS)</b>  |  |
|--|--|
| Name   |  |
| Date of Birth and Age  |  |
| Gender (Male/Female/Transgender)   |  |
| Father/Mother name   |  |
| Residential Address  |  |
| Mobile Number  |  |
| Email ID   |  |
| Aadhar Number (attach a attested copy)   |  |
| Any other Government ID (Voter ID/PAN/<br>Driving licence/Other [attach a self<br>attached copy]     |  |
| Name and details of the family member(s)<br>of the victim who are facing threats<br>(including self) |  |
| <b>Particulars of the case</b>   |  |
| FIR number   |  |
| Police station   |  |
| Sections and Act(s) involved   |  |
| Year of the FIR  |  |
| GDE or daily diary number (if FIR not yet<br>registered)   |  |
| CR case number (in complaint case to<br>magistrate)  |  |

| <b>Particulars of the Accused (if known/available)</b>  |  |
|---|--|
| Name  |  |
| Father/mother name  |  |
| Address   |  |
| Mobile Number   |  |
| Email ID  |  |
| <b>Particulars of the person who is giving or suspected to be given threats</b>   |  |
| Name  |  |
| Father name   |  |
| Address   |  |
| Mobile number   |  |
| Email   |  |
| Other details known (if any)  |  |
| <b>Threat Perception and Analysis</b>   |  |
| Nature of the threat perception. Please give a brief of the threat received in the matter with specific date, place, mode and words used.                                       |  |
| History of enmity (if any)  |  |
| Details of body injury causing death, grievous hurt, injury and threat of injury to property, reputation etc.   |  |
| <b>Potential Vulnerabilities of the Witness</b>   |  |
| Physical location of the Application Vulnerability with regard to gender issues i.e. threat of gender violence like acid attacks/ physical/ emotional/ psychological abuse etc. |  |
| Any social Vulnerability  |  |
| Possession of weapon by the threatening party   |  |
| Political patronage   |  |
| Socially dominate position of the threatening party   |  |
| Witness against gangsters or organized criminals  |  |
| Threat of contract killing or abduction   |  |
| Vulnerabilities on social media Extent of threat  |  |

| <b>Categories of Witness as per Threat perception and Analysis</b>   |  |
|--|--|
| Category 'A': Where the threat extends to the life of a witness or? his family members, during investigation /trial or thereafter.   |  |
| Category 'B': Where the threat extends to safety, reputation or property of the witness or his family members, during the investigation/ trial or thereafter.  |  |
| Category 'C': Where the threat is moderate and extends to harassment or intimidation of the witness or his family member's reputation or property, during the investigation/ trial or thereafter.  |  |
| <b>Protection Measures Prayed or Recommended</b>   |  |
| Please give details of what kind of protection is prayed for by the witness.   |  |
| Details of the Interim/ urgent/ immediate witness protection measures required, if any   |  |
| <b>Protection measures Suggested for the witness (please specify the approximate cost involved in each measure suggested) Note: The witness protection measures shall be proportionate to the threat analysis and shall be for a specific duration not exceeding 3 months at a time.)</b>  |  |
| Ensuring that witness and accused do not come face to face during investigation or trial.  |  |
| Monitoring of mail and telephone calls   |  |
| Arrangement with the telephone company to change the witness's telephone number or assign him or her any unlisted telephone number Installation of security devices in the witness's home such as security doors, CCTV, alarms, fencing etc. Concealment of identity of the witness by referring to him/her with the changed name or alphabet. |  |

|  |  |
|--|--|
| Emergency contact persons for the witness<br>Close protection, regular patrolling around the witness's house   |  |
| Temporary Change of residence to a relative's house or a nearby town.  |  |
| Escort to and from the court and provision of Government vehicle or a state funded conveyance for the date of hearing  |  |
| Holding of in-camera trials  |  |
| Allowing a support person to remain present during recording of statement and deposition.  |  |
| Usage of specially designed vulnerable witness court rooms which have special arrangements like live links, one way mirrors and screens apart from separate passages for witnesses and accused, with option to modify the image of face of the witness and to modify the audio feed of the witness' voice, so that he/she is not identifiable. |  |
| Ensuring expeditious recording of deposition during trial on a day to day basis without adjournments.  |  |
| Awarding time to time periodical financial aids/grants to the witness from Witness Protection Fund for the purpose of re-location, sustenance or starting a new vocation/ profession, as may be considered necessary.  |  |
| Protection of Identity   |  |
| Change of Identity   |  |
| Relocation of Witness  |  |

Signature with

Name:

Date:

Place:

Mobile:

Email:



**MINUTES OF THE 18TH QUARTERLY MEETING OF THE  
ASSAM STATE LEGAL SERVICES AUTHORITY  
HELD IN THE CONFERENCE HALL OF  
GAUHATI HIGH COURT (NEW BLOCK)  
ON 6th MAY, 2015 AT 4:30 pm,**

**P R E S E N T**

1. Hon'ble the Chief Justice (Acting)  
Gauhati High Court, Guwahati  
And  
Patron-in-Chief, ASLSA
2. Hon'ble Mr. Justice T. Valphel  
Judge, Gauhati High Court  
And  
Executive Chairman, ASLSA
3. Mr. P.J. Saikia  
Member Secretary, ASLSA
4. Mr. Atul Ch. Buragohain  
Advocate General, Assam.
5. Mr. A. Sharma  
For the 'Secretary to the Govt of Assam  
Finance Department
6. Mr. S.M. Buzarbaruah  
Secretary to the Govt. of Assam  
Legislative Department

7. Mr. Manash Sarania  
Advocate Member, ASLSA
8. Golap Sarma  
Advocate Member, ASLSA
9. Mr. Ajit Borthakur  
Chairman, DLSA, Kamrup
10. Mr. S.K. Ghosh  
Secretary, DLSA, Nagaon.

## **18" Quarterly Meeting of Assam State Legal Services Authority**

**Date: 06/05/2015**

### **AGENDA**

- Item No. 1: Welcome Address by Hon'ble Executive Chairman, Assam State Legal Services Authority
- Item No. 2: Approval of the annual accounts for the financial year 2013-14.
- Item No. 3: Creation of the post of Superintendent and LD Assistant for Assam State Legal Services Authority and Superintendent, UDA, LDA, Peon, Driver etc. for District Legal Services Authorities.
- Item No. 4: Discussion on the 13th Finance Commission (TFC) Grant and utilizing the fund for the construction of ADR Centres.
- Item No. 5: Payment of remuneration or availing off day for working on holidays for the employees of ASLSA, DLSAS, GHCLSC and TLSCs.
- Item No. 6: Fixing of expenditure limit for legal awareness programme/meeting etc.
- Item No. 7: Enhancement of honorarium for Presiding Officers and Conciliators of Lok Adalat.
- Item No. 8: Audit objection pertaining to payment of fee to Amicus Curiae.
- Item No. 9: Any other matter with the permission of the Chair.

## RESOLUTIONS

**Hon'ble the Chief Justice of the Gauhati High Court and Patron-In-Chief of Assam State legal Services Authority K. Sreedhar Rao presided over the meeting.**

**Agenda No.1:** The Hon'ble Executive Chairman, ASLSA welcomed the members of the 18th Quarterly Meeting of ASLSA.

**Agenda No. 2:** The House approved the annual accounts for the financial year 2013-14.

**Agenda No. 3:** The Secretary to the Govt. of Assam, legislative Department has informed the meeting that the Govt. has rejected the proposal for creation of the post of Superintendent as the required number of posts is not available with ASLSA. As there is a need for some posts, ASLSA can write to the Govt. for creation of posts in order to meet the requirement for creation of the post of Superintendent.

It is resolved to request the Secretary to the Govt. of Assam, legislative Department to expedite the matter for the creation of the post of Superintendent for Assam State Legal Services Authority.

**Agenda No. 4:** After threadbare discussion of the matter, it is unanimously resolved that as the period of the 13th Finance Commission is over, the matter may be kept In abeyance.

**Agenda No.5:** Deferred.

**Agenda No.6:** The matter has been considered and unanimously decided to fix the upper limit of expenditure for holding of each legal awareness programme/meeting at Rs. 3,000/- (Rupees three thousand) only.

**Agenda No.7:** The matter has been discussed in detail and unanimously resolved that Rs. 1,000/- each be paid to Presiding Officers (other than serving judicial officer) and Conciliators per Lok Adalat. It is also resolved that no honorarium will be paid to serving judicial officer, who acts as Presiding Officer in Lok Adalat.

**Agenda No. 8:** The Board has discussed the matter at length and unanimously resolved that the payment to the Amicus Curiae in High Court is to be made if there is a judicial order. Otherwise, the payment is to be made by High Court Legal Services Committee.

**Agenda No. 9:** It is also resolved that a photograph of all the Board members should be published in the souvenir of ASLSA.

Sd/-  
(Justic K. Sreedhar Rao)  
Patron-in-Chief, ASLSA

Sd/-  
(Justice T. Valphel)  
Executive Chairman, ASLSA

Sd/-  
(MR. P.J. Saikia)  
Member Secretary, ASLSA

Sd/-  
(Mr. Atul Ch. Buragohain)  
Advocate General, Assam

Sd/-  
(Mr. SM. Buzarbarua)  
Secretary, Legislative Department  
Govt. of Assam

Sd/-  
(Mr. A Sharma)  
Representing the Secretary to the  
Govt. of Assam, Finance Dept.

Sd/-  
(Mr. Manash Sarania)  
Advocate Member, ASLSA.

Sd/-  
(Mr. Golap Sarma)  
Advocate Member, ASLSA

Sd/-  
(Mr. Ajit Borthakur)  
Chairman, DLSA, Kamrup

Sd/-  
(Mr. S.K. Ghosh)  
Representing the Chairman, DLSA  
Nagaon

\* \* \* \* \*