

**The Legal Services Authorities Act, 1987**

**(No. 39 of 1987)**

**With**

**The Gujarat State Legal Services Authorities Rules, 1997**

**&**

**The Gujarat State Legal Services Authority Regulations, 1998**



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# GUJARAT STATE LEGAL SERVICES AUTHORITY

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**THE LEGAL SERVICES AUTHORITIES ACT, 1987****(No. 39 of 1987)**

[As Amended by the Legal Services Authorities (Amendment) Act, 1994  
(59 of 1994)]

[11th October 1987]

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

Be it enacted by Parliament in the Thirty eighth year of the Republic of India as follows:

**CHAPTER - I  
PRELIMINARY**

**Short title,  
extent and  
commencement**

1. (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.

## **Definitions**

2. (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;
  - (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 provisions 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) "Taluka Legal Services Committee" means a Taluka 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.

\* \* \*  
GUJARAT  
STATE  
LEGAL  
SERVICES  
AUTHORITY

**CHAPTER II****THE NATIONAL LEGAL SERVICES AUTHORITY****Constitution of  
the National Legal  
Services  
Authority**

3. (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

qualification 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 term 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 authorised by the Executive Chairman of that Authority.

(9) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Central Authority.

**Supreme  
Court Legal  
Services  
Committee**

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

(2) The Committee shall consist of -

(a) a sitting Judge of the Supreme Court who shall be the Chairman; and

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

**Functions of  
the Central  
Authority**

4. 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 this Act;
  - (b) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;
  - (c) utilise the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;
  - (d) take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills;
  - (e) organise legal aid camps, especially in rural areas, slums or 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 negotiations, arbitration and conciliation;

- (g) undertake and promote research in the field of legal services with special reference to the need for such services among the poor;
- (h) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution;
- (i) monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;
- (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, Taluka Legal Services Committees and voluntary social services institutions and other legal services organisations and give general directions for the proper implementation of the legal service programmes.

**Central  
Authority to  
work in  
Coordination  
with other  
agencies**

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

**CHAPTER III****STATE LEGAL SERVICES AUTHORITY****Constitution of  
State Legal  
Services  
Authority**

6. (1) Every State Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on or assigned to a State Authority under this Act.
- (2) A State Authority shall consist of ;
- (a) the Chief Justice of the High Court who shall be the Patron-in-Chief;
  - (b) a serving or retired Judge of the High Court to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman; and
  - (c) such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.
- (3) The State Government shall, in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service, not lower in rank than that of

a District Judge, as the Member Secretary of the State Authority, to exercise such powers and perform such duties under the Executive Chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority;

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

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

- (6) The officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (7) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the State Authority shall be defrayed out of the consolidated fund of the State.
- (8) All orders and decisions of the State Authority shall be authenticated by the Member Secretary or any officer of the State Authority duly authorised by the Executive Chairman of the State Authority.
- (9) No act or proceeding of a State Authority shall be invalid merely on the ground of the existence of any vacancy in or any defect in the constitution of the State Authority.

**Functions of  
the State  
Authority**

- 7. (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 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, fix by regulations.

**State Authority to act in coordination with other agencies, etc., and be subject to directions given by Central Authority.**

8. 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.

**High Court Legal Services Committee**

8A. (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 consists 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.

**District Legal  
Services  
Authorities.**

9. (1) The State Government shall, in consultation with the Chief Justice of the High Court, constitute a body to be called the District Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on, or assigned to, the District Authority under this Act.
- (2) A District Authority shall consist of :-
- (a) the District Judge who shall be its Chairman; and
  - (b) such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by the State Government in consultation with the Chief Justice of the High Court.
- (3) The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties under the Chairman of that Committee as may be assigned to him by such Chairman.

- (4) The terms of office and other conditions relating thereto, of members and Secretary of the District Authority shall be such as may be determined by regulations made by the State Authority in consultation with the Chief Justice of the High Court.
- (5) The District Authority may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (6) The officers and other employees of the District Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (7) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary, officers and other employees of the District Authority shall be defrayed out of the Consolidated Fund of the State.
- (8) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other officer of the District Authority duly authorised by the Chairman of that Authority.

- (9) No act or proceeding of 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.

**Functions of District Authority.**

- 10.(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) co-ordinate the activities of the Taluka Legal Services Committee and other legal services in the District;<sup>1</sup>
- (b) organise Lok Adalats within the District; and
- (c) perform such other functions as the State Authority may fix by regulations.

**Dist. Authority to act in coordination with other**

11. In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in co-ordination with other Governmental and non-governmental

**agencies  
and be subject to  
directions given  
by the Central  
Authority, etc.**

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

**Taluka Legal  
Services  
Committee**

11A. (1) The State Authority may constitute a Committee, to be called the Taluka Legal Services Committee, for each taluka or mandal or for group of talukas or mandals.<sup>1</sup>

(2) The Committee shall consist of :-

(a) The senior most judicial officer<sup>2</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 the Chief Justice of the High Court.

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

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1. Ins. by Act 59 of 1994 (w.e.f 29-10-1994)

2. Subs. by Act. 37 of 2002 (w.e.f 11-06-2002)

- (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.

**Functions of  
Taluka Legal  
Services  
Committee**

11B. The Taluka Legal Services Committee may perform all or any of the following functions, namely :-

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

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**CHAPTER IV****ENTITLEMENT TO LEGAL SERVICES****Criteria for giving legal services.**

12. Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is-
- (a) a member of a Scheduled Caste or Scheduled Tribe;
  - (b) a victim of trafficking in human beings or beggar as referred to in article 23 of the Constitution of India;
  - (c) a woman or a child;
  - <sup>1</sup>[(d) a person with disability as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. (1 of 1996)];
  - (e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
  - (f) an industrial workman; or
  - (g) in custody, including custody in a protective home within the meaning of 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.<sup>1</sup>

**Entitlement  
to legal  
services.**

- 13. (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.

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**CHAPTER - V****FINANCE, ACCOUNTS AND AUDIT**

- Grants by the Central Government.** 14. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Central Authority, by way of grants, such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.
- National Legal Aid Fund.** 15. (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>1</sup>

**State Legal Aid Fund.**

16. (1) A State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited there to -

- (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 Committees;
- (c) any other expenses which are required to be met by the State Authority. ]<sup>2</sup>

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1. Subs. by Act. 59 of 1994 ( w.e.f. 29-10-1994)

2. Subs. by Act. 59 of 1994 (w.e.f. 29-10-1994)

**District Legal  
Aid Fund.**

17.(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>1</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>2</sup>
- (b) any other expenses which are required to be met by the District Authority.

**Accounts and  
Audit.**

18.(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

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1. Subs. by Act. 59 of 1994 ( w.e.f. 29-10-1994)

2. Subs. by Act. 59 of 1994 (w.e.f. 29-10-1994)

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 this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be.

[(5) The Central Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before each House of Parliament.

- (6) The State Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before the State Legislature.]<sup>1</sup>

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## CHAPTER VI

### LOK ADALATS

#### **Organization of Lok Adalats -**

- [19. (1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluka Legal Services Committee may organise Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.
- (2) Every Lok Adalat organised for an area shall consist of such number of :-
- (a) serving or retired judicial officers; and
  - (b) other persons,
- of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluka Legal Services Committee, organising such Lok Adalat.
- (3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organised by the Supreme Court Legal Services Committee shall be such as

may be prescribed by the Central Government in consultation with the Chief Justice of India.

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

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

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

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.]<sup>1</sup>

**Cognizance of cases by Lok Adalats -** <sup>2</sup>[20. (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

1. Subs. by Act. 59 of 1994 ( w.e.f. 29-10-1994)

2. Subs. by Act. 59 of 1994 (w.e.f. 29-10-1994)



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 organising the Lok Adalat under sub-section (1) of section 19 may, on receipt of an application from any one of the parties to any matter referred to clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:

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

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

the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a court.

- (7) Where the record of the case is returned under sub-section (5) to the court, such court shall proceed to deal with such case from the stage which was reached before such reference under sub-section (1).]

**Award of Lok Adalat.**

21. [(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).]<sup>1</sup>

- (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.

**Powers of [Lok Adalat or Permanent Lok Adalat]<sup>2</sup>**

22. (1) The [Lok Adalat or Permanent Lok Adalat]<sup>1</sup> shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil

1. Subs. by Act. 59 of 1994 ( w.e.f. 29-10-1994)

2. Subs. by Act. 37 of 2002 (w.e.f. 11-06-2002)

court under the Code of Civil Procedure, 1908, (5 of 1908) while trying a suit in respect of the following matters, namely:-

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
  - (b) the discovery and production of any document;
  - (c) the reception of evidence on affidavits;
  - (d) the requisitioning of any public record or document or copy of such record or document from any court or office; and
  - (e) such other matters as may be prescribed.
- (2) Without prejudice to the generality of the powers contained in sub-section (1), every [Lok Adalat or Permanent Lok Adalat]<sup>1</sup> 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]<sup>1</sup> 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 or Permanent Lok Adalat]<sup>1</sup> shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. (2 of 1974).



# GUJARAT STATE LEGAL SERVICES AUTHORITY

<sup>1</sup>[CHAPTER -VIA**PRE-LITIGATION CONCILIATION AND SETTLEMENT**

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

(a) "Permanent Lok Adalat" means a Permanent Lok Adalat established under sub-section (1) of section 22B.

(b) "public utility service" means any -

(i) transport service for the carriage of passengers or goods by air, road or water; or

(ii) postal, telegraph or telephone service; or

(iii) supply of power, light or water to the public by any establishment; or

(iv) system of public conservancy or sanitation; or

(v) service in hospital or dispensary; or

(vi) insurance service.

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

**Establish-  
ment of  
Permanent  
Lok-Adalats.**

22B. (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.

**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 also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees:

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

(2) After an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.

(3) Where an application is made to a Permanent Lok Adalat under sub-section (1), it –

(a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or



issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application;

- (b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;
  - (c) shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.
- (4) When statement, additional statement and reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.

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

**Procedure  
of Permanent  
Lok-Adalat.**

22D. 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)

**Award of  
Permanent  
Lok-Adalat  
to be final.**

- 22E. (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

**Members and staff of Authorities, Committees and Lok-Adalats to be public servants.** <sup>1</sup>23. 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, Taluka Legal Services Committees and officers and other employees of such Authorities, Committees [and the members of the Lok Adalats or the persons constituting Permanent Lok Adalats]<sup>2</sup> shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

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

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1. Subs. by Act. 59 of 1994 (w.e.f. 29-10-1994)

2. Subs. by Act 37 of 2002 (w.e.f. 11-6-2002)

(d) Chairman, Secretary, members or officers or other employees of the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluka Legal Services Committees or the District Authority; or

(e) Any other person authorised by any of the Patron-in-Chief, Executive Chairman, Chairman, members, Member Secretary referred to in sub-clauses (b) to (d),  
for anything which is in good faith done or intended to be done under the provisions of this Act or any rule or regulation made thereunder.

**Act to have over-riding effect.**

25. 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.

**Power to remove difficulties.**

26. (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.

**Power of  
Central  
Government to  
make rules.**

27 (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 qualifications 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 organised by the Supreme Court Legal Services Committee specified in sub-section (3) of section 19;
- (l) other matters under clause (e) of sub-section (1) of section 22;
- <sup>1</sup>(l-a) The other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of section 22B;
- (m) any other matter which is to be, or may be, prescribed.

- Power of State Government to make rules.**
28. (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;

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1. Ins. by Act 37 of 2002 (w.e.f. 11-6-2002)



- (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;
- (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 Taluka Legal Services Committee under clause (b) of sub-section (2) of section 11A;
- (l) the number of officers and other employees of Taluka Legal Services Committee under sub-section (3) of section 11A;
- (m) the conditions of service and the salary and allowances of officers and other employees of the Taluka 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.

**Power of  
Central Authority  
to make  
regulations.**

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

**Power of State  
Authority to  
make  
regulations.**

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 forgoing 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 members and Secretary of the Taluka Legal Services Committee under sub-section (3) of section 11A;

**Laying of rules  
and regulations.**

30. (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.



**GOVERNMENT OF GUJARAT**  
**NOTIFICATION**

Sachivalaya, Gandhinagar.

3-5-1997

**LEGAL SERVICES AUTHORITIES ACT, 1987.**

No. GK/97/21/LAB/2594/16/I - In exercise of the powers conferred by Section 28 of the Legal Services Authorities Act, 1987 (39 of 1987), the Government of Gujarat, in consultation with the Chief Justice of the High Court, hereby makes the following rules, namely :-

**CHAPTER - I**

**PRELIMINARY**

1. **Short Title :-** These rules may be called the **Gujarat State Legal Services Authorities Rules, 1997.**
2. **Definitions :-** In these rules unless the context otherwise requires :-
  - (a) "Act" means the Legal Services Authorities Act, 1987 (39 to 1987);
  - (b) "Chairman" means the Chairman of the High Court Legal Services Committee, District Legal Services Authority, or as the case may be, the Chairman of the Taluka Legal Services Committee;
  - (c) "Executive Chairman" means the Executive Chairman of the State Authority;
  - (d) "Government" means the Government of the State of Gujarat :

- (e) "High Court" means the High Court of the State of Gujarat :
- (f) "Member Secretary" means the Member Secretary of the State Authority appointed under sub-section (3) of Section 6 of the Act.
- (g) Words and expressions used but not defined shall have the meaning respectively assigned to them in the Act.

GUJARAT  
\* \* \*  
STATE  
LEGAL  
SERVICES  
AUTHORITY



**CHAPTER - II****STATE LEGAL SERVICES AUTHORITY**

3. **Number of other members of the State Legal Services Authority other than Patron-in-Chief, Executive Chairman and Member-Secretary, their experience and Qualifications :-** The State Government shall, in consultation with the Chief Justice of the High Court, nominate fourteen other members of the State Authority as follows, namely :
- (1) The Advocate General of the State of Gujarat;
  - (2) Minister for Law and Justice, Gujarat State;
  - (3) The Secretary to Government Legal Department, Sachivalaya, Gandhinagar;
  - (4) The Secretary to Government, Finance Department, Sachivalaya, Gandhinagar;
  - (5) The Secretary to Government, Home Department, Sachivalaya, Gandhinagar;
  - (6) The Chairman, Gujarat State Bar Council, Bar Council of Gujarat;
  - (7) The Chairman of the Gujarat Scheduled Castes Economic Development Corporation;
  - (8) The Chairman of the Gujarat Tribal Development Corporation;
  - (9) Two Chairmen of from amongst the District Legal Services Authority;
  - (10) Four Members from amongst the following :-
    - (i) an eminent social worker who is engaged in the upliftment of the weaker sections such as Scheduled Castes, Scheduled Tribes, Women, Children, rural and urban labour; or

- (ii) an eminent Advocate; or
- (iii) an eminent Law Teacher; or
- (iv) an eminent academician; or
- (v) a person of repute who is professionally engaged in or specially interested in the implementation of the Legal Services Scheme.

4. **The powers and functions of the Member-Secretary of the State Authority :-** The powers and function of the Member Secretary of the State Authority under sub-section (3) of Section 6 of the Act shall be :-

- (a) to give free legal services to the eligible and weaker sections;
- (b) to work out modalities of the Legal Services Scheme and programmes approved by the State Authority and ensure their effective monitoring and implementation;
- (c) to exercise the powers in respect of Administration; House-Keeping, Finance and Budget matters as a 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 periodical checking and auditing;
- (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 Authority and Taluka Legal Services Committees;
- (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 financial assistance and issue Utilisation Certificates thereof;
- (j) to organise various Legal Services Programmes as approved by the State Authority and convene meetings/seminars and workshops connected with Legal Services Programmes and preparation of Report and follow-up action thereon;
- (k) to produce video and documentary films; publicity materials, 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 and to take extra measures to draw schemes for effective and meaningful legal services for setting Rural Disputes at the doorsteps of the rural people and;
- (m) to perform such of the functions as are assigned to him under the Schemes formulated under sub-section (b) of Section 4 of the Act;
- (n) to perform such other functions as enjoined by the Act and shall carry out the instructions issued in that behalf from time to time by the Patron-in-Chief and/or the Executive Chairman.

## **5. Term of Office of Member of the State Authority :-**

- (1) The term of the office of the Members of the State Authority nominated under sub-rules (a) and (b) of rule 3 shall be three years ;

Provided that the State Government may, after giving him a reasonable opportunity of being heard, remove such member before the expiry of the said period, if in the opinion of the State Government he is not desirable to be continued as a member.

- (2) A member nominated under sub-rule (1) shall be eligible for renomination.
- (3) Where any vacancy arises in the office of a member, the vacancy shall be filled in by nomination and the member so nominated shall hold office so long as the members in whose place he has been nominated would have held it as if the vacancy had not arisen.

**6. Terms and conditions of Service of the Member of the State Authority :-** The terms and conditions of the service of the members of the State Authority shall be as follows :-

- (1) All Members except the Member-Secretary of the State Authority and the Executive Chairman of the State Authority, if he happens to be a retired judge of the High Court, shall function in an honorary capacity.
- (2) All Members, nominated under clause (c) of sub-section (2) of Section 6 other than Members who are Officers of Government, shall be entitled to Travelling Allowance and Dearness Allowance in respect of journeys performed in connection with the work of the State Authority as may be admissible to Class-1 Officers of the State Government as amended from time to time.
- (3) All members nominated under rule (3) who are officers of Government shall be entitled to Travelling Allowance and Dearness Allowance in respect of journeys performed in connection with the work of the State Authority in accordance with the provisions of the rules applicable to them and shall be paid by the concerned office where from the concerned members draw their pay and allowances. Expenditure on this account shall be debited to the budget head to which their pay and allowances are debited.

**7. Special Provisions for Patron-in-Chief and Executive Chairman to the State Authority :-**

- (1) In respect of the journeys performed in connection with the work of the State Authority the Patron-in-Chief and the Executive Chairman shall be entitled to the payment of Travelling Allowance and Dearness Allowance in accordance with the High Court Judges (Travelling Allowance and Dearness Allowance) Rules, 1956, as amended from time to time and shall be paid by the State Authority.
- (2) In respect of the journeys performed in connection with the work of the State Authority, the Executive Chairman, in case he is the sitting judge of the High Court shall be entitled to Travelling Allowance and Dearness Allowance and shall be paid by the State Authority in accordance with the High Court Judges (Travelling Allowance and Dearness Allowance) Rules, 1956 as amended from time to time and in case the Executive Chairman, if he is a retired Judge of the High Court he shall be entitled to Travelling Allowance and Dearness Allowance in respect of the journeys performed by him in connection with the work of the State Authority and shall be paid by the State Authority such allowance on the basis of the same rules as if he were the sitting Judge of the High Court.

**8. Conditions of Services of the Executive Chairman in case of Retired Judge of the High Court :-**

- (1) Where the Executive Chairman is a retired Judge of the High Court or if a sitting Judge of the High Court retires as a High Court Judge but continues as the Executive Chairman :-

- (a) His terms and conditions of services shall be such as specified in the Government of India Ministry of Finance Department of Expenditure No.19048/7/80/E/IV, dated 18th October, 1987 or such other relevant orders as may be applicable to the retired Judges.
- (b) He shall be entitled to join contributory provident fund.
- (c) He shall be entitled to sumptuary allowance as may be admissible to the High Court Judges from time to time and the same shall be paid by the State Authority.

**9. Terms of Office and other conditions relating thereto of Member-Secretary of State Authority :-**

- (1) The Member Secretary shall hold his office for a term of three years and shall be eligible for reappointment for one more term or till he attains the age of superannuation as may be determined by the Government in consultation with the Patron-in-Chief.
- (2) The Member Secretary while undertaking journeys in discharge of his functions and duties as such, is entitled to Travelling Allowance and Dearness Allowance as may be permissible to the Government Officer of his class and pay.
- (3) In case of the Member Secretary who is a retired Government Officer and is continued as such under the proviso to sub-section (3) of section 6 shall be entitled to Travelling Allowance and Dearness Allowance while undertaking journeys in performance of his duties, as such, as per the rules applicable to Government Officers of his class and pay.

- (4) In case of the Member Secretary who is a retired Judicial Officer and is continued as per proviso to sub-section (3) of section 6 he shall be liable to be removed by the State Government before expiry of his term of appointment on the recommendation of the Patron-in-Chief, if he is not desirable to be continued.
- (5) In all matters like, case of retirement; pay and allowance, benefits and entitlements and disciplinary matters, the Member-Secretary shall be governed by the State Government rules and he shall be on deputation to the State Authority.

**10. Number of Officers and Employees of the State Authority :-**

The Officers and employees of the State Authority shall be such as may be decided by the Government in Consultation with the Patron-in-Chief of the State Authority.

**11. Conditions of Service, salary and Allowances of Officers and other Employees of the State Authority :-**

- (1) (a) the Officers and Employees working on transfer basis from Government on the establishment of the Gujarat State L.A. & A. board immediately before or coming into force of these rules may be continued on transfer basis on the establishment of State Authority for such period as may be recommended by the Patron-in-Chief of the State Authority.
- (b) The employees directly posted and working on the establishment of G.S.L.A. & A. Board shall be deemed to be continued on the establishment of the State Authority.

- (2) The appointing authority may, at any time in its absolute discretion and without assigning any reason, repatriate, any of the officers or employees of the Authority appointed on transfer to his parent department.
- (3) The officer or employee, appointed and working on transfer basis on the establishment of the State Authority may, by writing under his hand, at any time, request the appointing authority to repatriate him to his parent department and if such request is granted by the appointing authority, he may be repatriated accordingly.
- (4) A directly recruited employee may on any of the grounds of misconduct, inefficiency, incapacity or negligence in discharge of his duties be dismissed, discharged or removed from service or any minor penalty may be imposed on him by the appointing authority after he is afforded a reasonable opportunity of being heard in respect of the concerned charges.
- (5) The Officers and employees of the State Authority shall be entitled to draw pay and allowances and such other facilities, as notified by the State Government from time to time.

## **12. Meeting of the State Authority :-**

- (1) The State Authority shall meet at least twice a year.
- (2) The Member Secretary may, or when so directed by the Patron-in-Chief or in his absence by the Executive Chairman, convene a meeting of the State Authority at the place, date and time as directed.
- (3) Any five members of the State Authority may send their requisition addressed to the Member Secretary of the State Authority for convening a meeting of the State



Authority for consideration of any subject or matter specified in the requisition.

- (4) On receipt of the requisition, the Member Secretary shall in consultation, with the Patron-in-Chief, or in his absence, the Executive Chairman, shall convene a meeting of the State Authority for consideration of any subject or matter specified in the requisition.

Provided that in case the meeting of the State Authority is going to be held within a month from the date of receipt of the requisition, then the subject matter mentioned in the requisition shall be included for consideration in the agenda of such meeting, with the approval of the Executive Chairman.

- (5) The Member Secretary shall give Ten days notice to the members for the meeting.
- (6) The Patron-in-Chief of the State Authority or, in his absence, the Executive Chairman, shall preside at the meeting of the State Authority.
- (7) All questions at any meeting of the State Authority shall be determined by a majority of votes of the members present at voting. The Patron-in-Chief or as the case may be, the Executive Chairman presiding at the meeting, shall have a casting vote in case of an equality of vote.
- (8) The quorum for the meeting shall be one-third of the total number of members of the State Authority.

### **13. Headquarter of the State Authority :-**

The Headquarter of the State Authority shall be at the Head Quarter of the High Court.



**CHAPTER - III****HIGH COURT LEGAL SERVICES COMMITTEE****14. Experience and qualifications of Secretary of the High Court Legal Services Committee :**

The Secretary of the High Court Legal Service Committee may be appointed from amongst the persons belonging to the State Judicial Services not lower than the rank of an Assistant Judge.

**15. Number of Officers and Employees of the High Court Legal Services Committee :**

The Officers and employees of the High Court Legal Services Committee shall be such as may be decided by the Government in consultation with the High Court of Gujarat.

\* \* \*

**CHAPTER - IV****DISTRICT LEGAL SERVICES AUTHORITY**

**16 Number of other members of the District Legal Services Authority, their experience and qualifications :** - The State Government shall in consultation with the Chief Justice of the High Court, nominate eight other Members of the District Legal Services Authority, as follows, namely :-

- (1) The District Magistrate and Collector;
- (2) The President of the District Bar Association;
- (3) The District Government Pleader; and
- (4) The District Superintendent of Police.
- (5) Four Members from amongst the following persons;
  - (i) an eminent social worker who is engaged in the upliftment of the weaker sections such as Scheduled Castes, Scheduled Tribes, Women, Children, Rural and Urban Labour, or
  - (ii) an eminent Advocate; or
  - (iii) an eminent Law Teacher; or
  - (iv) a person of repute who is professionally engaged in or specially interested in the implementation of the Legal Services Scheme.

**17. Number of Officers and other employees of the District Authority :-**

The Officers and employees of the District Authority shall be such as may be decided by the Government in consultation with the High Court of Gujarat.

**CHAPER - V****TALUKA LEGAL SERVICES COMMITTEE****18. Number of members of Taluka Legal Services Committee, their experience and qualification :**

The State Government shall in consultation with the Chief Justice of the High Court nominate six other members as follows, namely :

- (i) The President of the Taluka Bar Association ;
- (ii) The Mamlatdar ;
- (iii) Four members from amongst the following :
  - (a) an eminent social worker who is engaged in the upliftment of the weaker sections such as Scheduled Castes, Scheduled Tribes, Women, Children, Rural and Urban Labour, or
  - (b) an eminent Advocate; or
  - (c) an eminent Law Teacher;
  - (d) a person of repute who is professionally engaged in or specially interested in the implementation of the Legal Services Scheme.

**19. Number of Officers and other employees of the Taluka Legal Services Committee :**

The officers and employees of the Taluka Legal Services Committee shall be such as may be decided by the Government in consultation with the High Court of Gujarat.

**20. \*Upper limit of annual income of a person entitling him to legal services :**

Any person whose annual income from all sources is less than Rs. 1,00,000/- (Rupees One Lac Only)\* shall be entitled to Legal Services under the Act for filing or defending a case before any court other than the Supreme Court.

**21. Experiences and qualifications of other persons for Lok Adalat :-**

For the purpose of sub-section (4) of Section 19 of the Act, every Lok Adalat shall consist of the following other persons, namely :-

- (a) Practising Advocate;
- (b) Teachers (including Law Teachers);
- (c) Social Workers;
- (d) Persons of Social repute; and
- (e) Professors of Colleges.

**22. Mode of Appointment :-**

- (1) Appointment to the post on the establishment of the State Legal Services Authority shall be made by the Government in consultation with Patron-in-Chief.
- (2) Appointment to the posts on the establishment of the High Court Legal Services Committee, District Legal Services Authority and Taluka Legal Services Committee shall be made by the concerned appointing authority by transfer of suitable persons working in the respective Courts.

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\* Upper limit of Rs. 50,000 enhanced to Rs. 1,00,000 by Notification No. GK/37/2012/LSA/2000/2814/D dt 6<sup>th</sup> July 2012 of the Legal Department, Govt. of Gujarat.

**23. Where the appointment under rule 22 is not possible or practicable :-**

The respective appointing authorities may make direct appointment with the prior approval of the Government and on such terms and conditions as the Government may direct.

**24. Repeal and Saving :-**

- (1) The Gujarat State Legal Aid and Advice Board constituted under the Government of Gujarat resolution No. LAC/1080/3290/D/ dated 30th April, 1982 shall cease to exist on coming into force of these rules and the Chairman, Co-Chairman and Members of the Board shall deemed to have vacated their offices.
- (2) Notwithstanding anything contained in sub-rule (1) above, anything done or any action taken by the Gujarat State Legal Aid and Advice Board or various Committees constituted thereunder, immediately prior to the coming into force of these rules shall be deemed to be duly done or taken by the concerned Authorities or Committees under the Act and theses Rules.

By order and in the name of the Governor of Gujarat,

**I.A. GAJJAR,**

Under Secretary to Government



**GUJARAT STATE LEGAL SERVICES AUTHORITY****NOTIFICATION**

20th April, 1998.

No. CH/98/1/SLA/2598/1840

In exercise of the powers conferred by Section 29A of the Legal Services Authorities Act, 1987, the State Legal Services Authority makes the following Regulations.

**CHAPTER-I  
PRELIMINARY**

**Short title** 1. (i) These Regulations may be called the  
**Commencement** **Gujarat State Legal Services Authority Regulations, 1998.**

(ii) They shall come into force on the date of their publication in the Gujarat Govt. Gazette.

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

- (a) 'Act' means the Legal Services Authorities Act, 1987 (Act No. 39 of 1987).
- (b) 'Central Authority' means the National Legal Services Authority constituted under section 3 of the Act.
- (c) 'Member' means member of the different Authorities and Committees appointed under the Act.
- (d) 'Member Secretary' means the Member Secretary of the State Authority appointed under section 6(3) of the Act.
- (e) 'Patron-in-Chief' means the Patron-in-Chief of the

State Legal Services Authority i.e. Chief Justice or the Acting Chief Justice of the High Court of Gujarat, as the case may be.

- (f) 'State Authority' means State Legal Services Authority constituted under section 6 of the Act.
- (g) 'Secretary', 'Taluka Committee' means the employee working as Secretary of Taluka Legal Services Committee.
- (h) 'Taluka Committee' means Taluka Legal Services Committee constituted under section 11-A of the Act.
- (i) All other words and expressions used in these Regulations but not defined shall have the meaning respectively assigned to them in the Act and Rules framed thereunder.

## CHAPTER - II

### STATE AUTHORITY

#### **3. Other functions to be performed by the State Authority :-**

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

- (1) The State Authority may conduct Legal Literacy Camps in different parts of the State with a view to transmitting knowledge about the legal aid schemes conducted in the State and/or with a view to spreading consciousness about the legal rights and duties of citizens with special reference to the tribal and rural population, women, children, disabled, handicapped and the weaker sections of the society.



- (2) The State Authority may finance public interest litigations before appropriate courts in the State if the State Authority is prima facie satisfied that such litigations are for the general benefit of a large body or class of persons who cannot by themselves take recourse to law due to penury, illiteracy or other similar reasons.
- (3) The State Authority may conduct legal aid clinics in different parts of the State in collaboration with Law Colleges, Universities and other social service organizations.
- (4) The State Authority may also establish or direct the District Authority to establish conciliation Committees at various centres in the State with a view to providing permanent or quasi-permanent infrastructures for resolving legal disputes between the parties, whether they may be pending in courts or may be in the offing. For establishing such Committees it will be open to the State Authority or the District Authority to take active assistance/support of such social service organisations that have zeal for legal aid work.
- (5) May review the cases where legal services are refused by High Court Legal Services Committee, District Legal Services Authority or Taluka Legal Services Committee on application.

### **CHAPTER - III**

#### **HIGH COURT LEGAL SERVICES COMMITTEE**

#### **4. Duties and functions of the High Court Legal Services Committee as per Section 8A(1) of the Act.**

The High Court Legal Service Committee shall perform all or any of the following functions viz. :-

- (1) Give free legal service to persons who may have to file or defend litigations pending in the High Court and who satisfy the eligibility criteria laid down for the purpose of receiving free legal aid under the Act.
- (2) To file the Public Interest Litigation.
- (3) Conduct, under the supervision of the State Authority, Lok Adalats for settlement of cases pending in the High Court.
- (4) Prepare and submit such reports, returns and other statistics or information as the State Authority may call for.

**5. Members of the High Court Legal Services Committee, their experiences and qualifications :-**

- (1) High Court Legal Services Committee shall consists of following nine Members in addition to the Chairman.
  1. The Secretary, Legal Department;
  2. The Additional D.G.P. (Law & Order);
  3. The President, High Court Bar Association;
  3. (a) The Registrar General, High Court of Gujarat;
  - (b) The Registrar (Admn.) High Court of Gujarat;<sup>1</sup>
  4. One Member each from amongst the following :
    - (a) Senior Govt. Pleader.
    - (b) A Law Teacher.

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1. Inserted under Gujarat State Legal Services Authority Notification NO. GSLSA/1784/2005, dated 05/07/2005.

- (c) A woman Social Worker who is engaged in the upliftment of weaker section of society and in particular of the Scheduled Caste/ Scheduled Tribe, women, children and rural and urban labour :
- (d) An academician.
- (e) A person of standing who is professionally experienced or specially interested in the legal aid schemes.
- (f) Member of Gujarat Bar Council.

**6. Terms of office of the members and Secretary of the High Court Legal Services Committee :-**

- (1) Members of the Committee excluding Chairman as on the date of Notification of these Regulations, shall continue as members for a term of three years and shall be eligible for nomination for one more term as may be decided by the Patron-in-Chief in consultation with the Executive Chairman of the State Authority.
- (2) If any member including the Chairman ceases to be the member of the High Court Legal Services 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 the members or Chairman, as the case may be, for the remaining term of the member or the Chairman in whose place he is nominated.

**7. Removal of the members other than Chairman, of the High Court Legal Services Committee from office in certain circumstances :**

- (1) Patron-in-Chief in consultation with Executive Chairman of the State Authority may remove any member nominated under section 8A (2)(b) of the Act from the High Court Legal Services Committee who -

- (a) fails, without sufficient cause, to attend three consecutive meetings of the committee; or
  - (b) has been adjudged insolvent; or
  - (c) has been convicted of an offence which, in the opinion of the Patron-in-Chief 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.
- (2) Notwithstanding anything contained in sub-clause-1 of this Regulation, no member of the Committee shall be removed on the grounds specified therein unless the Chairman of the High Court Legal Services Committee, on a reference made to him in this behalf by its Secretary, has, on inquiry held by him in accordance with such procedure as he may specify in this behalf holds that the member ought, on such ground to be removed and recommends accordingly to the Patron-in-Chief of the State Authority.
- (3) A member of the High Court Legal Services Committee may, by writing in his hand addressed to the Patron-in-Chief and forward through the Chairman of the Committee resign from the said Committee and such resignation shall take effect from the date on which it is accepted by the Patron-in-Chief of the State Authority.
- (4) The Secretary of the High Court Legal Services Committee as on the date of notification of these Regulations shall continue to hold his office for a term of three years and shall be eligible for re-appointment for one more term as directed by the Patron-in-Chief.

- (5) The Secretary of the High Court Legal Services Committee, if he is a retired member of the State Higher Judicial Service, shall be removed by the Patron-in-Chief from his office on the ground of proved misconduct, inefficiency or gross negligence in discharging his duties after affording him a reasonable opportunity of being heard.
- (6) The Patron-in-Chief in his absolute discretion without assigning any reason may at any time repatriate the Secretary of the High Court Legal Services Committee, if he belongs to State Judicial Service, to his parent Department.
- (7) Without prejudice to clause (6) above, the Patron-in-Chief may repatriate a sitting member of State Judicial Service, appointed as Secretary of High Court Legal Services Committee, to his parent Department on the ground of misconduct, inefficiency or negligence in discharging his duties, after affording him a reasonable opportunity of being heard.
- (8) The Secretary of the High Court Legal Services Committee, if he is a retired member of the State Judicial Service, may, by writing in his hand addressed to the Patron-in-Chief, and forwarded through the Chairman of the Committee, resign from the said Committee and such resignation shall take effect from the date on which it is accepted by the Patron-in-Chief or on the expiry of 30 days from the date of tendering the resignation, whichever is earlier.
- (9) The Secretary of High Court Legal Services Committee, if he is a member of State Judicial Service, may by writing under his hand request the Patron-in-Chief for

being repatriated to his parent department and may be so repatriated if his request is accepted by the Patron-in-Chief.

**8. Terms and conditions of members of the High Court Legal Services Committee :**

All members including the Chairman, but excepting the Secretary shall function in an honorary capacity.

**CHAPTER - IV  
DISTRICT AUTHORITY**

**9. Terms of office and other conditions relating thereto of members of the District Authority :**

- (1) Members of the District Authority shall be nominated for a term of three years and shall be eligible for re-nomination by the State Government for one more term as may be decided upon by the Patron-in-Chief in consultation with the Chairman of the concerned District Authority.
- (2) If any member of the District Authority ceases to be such member 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 the members for the remaining term of the member in whose place he is nominated.

**10. Removal of Member from the office in certain circumstances :**

- (1) Patron-in-Chief in consultation with the Chairman of the concerned District Authority may recommend to the State Government for removal of any member from such Authority, who-

- (a) fails, without sufficient cause, to attend three consecutive meetings of the District Authority; or
  - (b) has been adjudged insolvent; or
  - (c) has been convicted of an offence which, in the opinion of the Chief Justice of Gujarat, involves moral turpitude; or
  - (d) has become physically or mentally incapable of acting as member; or
  - (e) has so abused his position as to render his continuance in the District Authority prejudicial to the public interest.
- (2) Notwithstanding anything contained in sub-clause (1) of this Regulation, no member shall be removed from the District Authority by the State Government on any of the grounds mentioned therein, unless the Patron-in-Chief on a reference being made to him in this behalf by the Chairman of the District Authority, on an inquiry held by him in accordance with such procedure as he may specify in this behalf and after affording the member a reasonable opportunity of being heard recommends to the State Government that the member ought, on such grounds, to be removed.
- (3) All members of the District Authority except its Secretary shall function in an honorary capacity.
- (4) All members other than the Ex-officio members, shall be entitled to a payment of travelling allowance and daily allowance as may be admissible to Class-I Officers of the State Government in respect of journey performed by him, in connection with the work of District Authority

entrusted or assigned to them by the Chairman of the District Authority and the same shall be paid by the District Authority.

- (5) All members who are nominated as ex-officio members of the District Authority shall be entitled to payment of Travelling Allowance and daily allowance in respect of journeys performed in connection with the work of the District Authority entrusted or assigned to them by the Chairman of the District Authority in accordance with provisions of rules applicable to them and shall be paid by the respective offices where from the concerned members draw their pay and allowances. Expenditure on this account shall be debited to the Budget Head to which their pay and allowance are debited.

#### **11. Terms of office of Secretary of the District Authority :**

- (1) The Secretary of the District Authority shall hold his office for a term of three years and shall be eligible for re-nomination for one more term as may be decided upon by the State Authority, in consultation with the Chairman of the District Authority.
- (2) If the Secretary ceases to be member of the District 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 the Secretary for the remaining term of the Secretary in whose place he is nominated.

#### **12. Repatriation of the Secretary in certain circumstances :**

- (1) The Patron-in-Chief in his absolute discretion without assigning any reason may at any time, repatriate the Secretary to his parent Department.



- (2) Without prejudice to clause (1) above, the Patron-in-Chief may repatriate the Secretary to his parent Department on the ground of misconduct, inefficiency or negligence in discharge of his duties, after affording him a reasonable opportunity of being heard.

### **13 T.A. & D.A. of Secretary of District Authority :**

The Secretary of the District Authority shall be entitled to payment of Travelling Allowance and Daily Allowance in respect of journey performed by him in connection with the work of the District Authority in accordance with provisions of the Act and the Rules and Regulations framed thereunder. The same shall be debited to the Budget Head to which his pay and allowance are debited.

### **14. Duties and functions of District Authority :**

In addition to the functions assigned to the District Authority under the Act, or the Rules and Regulations framed thereunder, the District Authority, subject to the supervision and control of the State Authority, shall :-

- (1) Conduct Legal Literary Camps in different parts of the District especially in rural and tribal area with a view to transmitting knowledge about legal aid schemes conducted in the State and also with a view to spreading consciousness about the legal rights and duties of the citizens with special reference to tribal and rural population and/or woman;
- (2) Finance public interest litigations to be filed in the competent courts in the District of the District Authority if it is prima facie satisfied that such litigations are for the general benefit of a large body or class of persons who cannot be themselves have recourse to law, due to penury, illiteracy and any other similar reason;

- (3) Conduct legal aid clinics in different parts of the District in collaboration with law colleges and Universities.
- (4) Conduct standing conciliation Committees at the headquarter of the District and/or any other convenient places in the District with a view to providing permanent or quasi-permanent infrasturctures for resolving disputes between the parties which may be pending in courts or which may be in the offing;
- (5) Run a cell to redress the grievances of the public :
- (6) Supervise, direct and guide the working of the Taluka Committees in the District.
- (7) Call for from the Taluka Committees in the District such periodical reports, returns and other statistics or information as it may think fit or as are required by State Authority.
- (8) Prepare, consolidate and submit such reports, returns and other statistics or information report of District Authority as the State Authority may call for.
- (9) Perform such other functions as the State Authority may direct.

**15. Terms of office and other conditions relating to members of Taluka Legal Services Committee.**

- (1) Members of the Taluka Legal Services Committee shall be nominated for a term of three years and shall be eligible for renomination by the State Government for one more term as may be decided upon by the Patron-in-Chief in consultation with the Chairman of the concerned District Authority.

- (2) If any member of the said Committee ceases to be such member 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 the member for the remaining term of the member in whose place he is nominated.

**16. Removal of member from the Taluka Committee in certain circumstances :**

- (1) The Patron-in-Chief in consultation with the Chairman of the concerned District Authority may recommend to the State Government for removal of any member from such Committee, who -
  - (a) fails without sufficient cause to attend three consecutive meetings of the Taluka Committee; or
  - (b) has been adjudged insolvent; or
  - (c) has been convicted of an offence which, in the opinion of the Patron-in-Chief, involves moral turpitude; or
  - (d) has become physically or mentally incapable of acting as member, or
  - (e) has so abused his position as to render his continuance in the Taluka Committee prejudicial to the public interest.
- (2) Notwithstanding anything contained in sub-clause (1) of this Regulation, no such member shall be removed from the Taluka Committee by the State Government on any of the grounds mentioned therein unless the Patron-in-Chief, on a reference being made to him in this behalf

by the Chairman of the District Authority, has, on inquiry held by him in accordance with such procedure as he may specify in this behalf and after affording the concerned member a reasonable opportunity of being heard, recommend to the State Govt. that the member ought, on such ground be removed.

- (3) All members of the Taluka Committee except its Secretary shall function in a honorary capacity.
- (4) All members other than ex-officio members, shall be entitled to payment of T.A. and D.A. in respect of journey performed in connection with the work of Taluka Committee entrusted to them by the Chairman thereof, and shall be paid by the District Authority, as may be admissible to Class-I officers of the State Govt.
- (5) All members who are nominated as ex-officio members of the Taluka Committee shall be entitled to payment of T.A. and D.A. in respect of journey performed in connection with the work of the Taluka Committee entrusted or assigned to them by the Chairman thereof, in accordance with the provisions of rules applicable to them and shall be paid by the respective offices where from the concerned members draw their pay and allowances. Expenditure on this account shall be debited to the budget head to which their pay and allowances are debited.

#### **17. Terms of office of the Secretary of the Taluka Committee :**

- (1) The term of the Secretary of the Taluka Committee shall be for three years and he shall be eligible for re-nomination for one more term as may be decided by the State Authority in consultation with the Chairman of the District Authority.

Provided that nothing in this Regulation shall disqualify a Secretary of any Taluka Committee from working in similar capacity under any other Taluka Committee.

- (2) If the Secretary ceases to be member of the Taluka Committee for any reason, the vacancy shall be filled up in the same manner as the original nomination is made.

**18. Repatriation of Secretary from the office in certain circumstances :**

- (1) The District Authority on recommendation of the Chairman of the Taluka Committee or otherwise may repatriate any Secretary to his parent Department, who -
  - (a) has been adjudged insolvent; or
  - (b) has been convicted of an offence which in the opinion of the Patron-in-Chief involves moral turpitude; or
  - (c) has become physically or mentally incapable of acting as a Secretary; or
  - (d) has so abused his position as to render his continuance in the Taluka Committee prejudicial to the public interest.
- (2) Notwithstanding anything contained in sub-clause (1) of this regulation, no Secretary shall be repatriated on the grounds specified in clause (1) of the Regulation unless the Chairman of the District Authority on a reference made in this behalf by the Chairman of the Taluka Committee has, on inquiry held by him in accordance with such procedure as he may specify in this behalf

and affording the concerned Secretary a reasonable opportunity of being heard held that the Secretary ought on such ground to be repatriated to his parent department.

### **19. T.A. & D.A. of Secretary of Taluka Committee :**

The Secretary of the Taluka Committee shall be entitled to-payment of T.A. and D.A. in respect of journeys performed by him in connection with the work of the said Committee as entrusted or assigned to him by the Chairman of Taluka Committee in accordance with the provisions of the Act, and the Rules and the Regulations framed thereunder. The expenditure thereof shall be debited to the budget head to which his pay and allowances are debited.

## **CHAPTER - VI**

### **MISCELLANEOUS**

- 20.** If for any reason or class of cases or Court or Tribunal, there is no Legal Services Authority or Committee to function under the Act or Rules and Regulations framed thereunder, the State Authority may direct any Legal Services Authority or Committee to perform any such duties or discharge any such obligation as may be required to be performed or discharged for effective and efficient rendering of legal services in such case or class of cases, Court or Tribunal, as the case may be.
- 21.** If, for any person, any Taluka Committee is unable to give legal aid to any person or class of persons, it may request the concerned District Authority to make suitable arrangements for the same and the concerned District Authority may on receipt of such request or otherwise give suitable directions in that behalf so that necessary legal aid can be provided to the concerned person or class of persons subject to entitlement.

22. If for any reason the High Court Legal Services Committee or any District Legal Services Authority or any other Committee functioning under the Act and the Rules and Regulations framed thereunder is unable to give legal aid to any person or class of persons the State Authority may make suitable arrangements for the same.
23. Without prejudice to the prescription of functions to be performed by the State Authority as laid down by the Act and the Rules and the Regulations framed thereunder it shall be open to the State Authority to determine from time to time the scope and ambit of any of the legal services to be rendered as per the provisions of the Act.
24. **Repeal and Savings :**
- (1) The Gujarat State Legal Aid and Advice Board as constituted by the Govt. of Gujarat Resol. No. LAC/1080/3290/D/, Dated : 30-4-1982 shall cease to be in force from the date on which these rules come into force.
- (2) Notwithstanding anything contained in sub-rule (1) above, any act done or action taken by the Gujarat State Legal Aid and Advice Board and/or various Committees constituted thereunder immediately prior to the coming into force of these rules shall be deemed to be duty done by the concerned authorities or committees under the Act and the Rules.

By order of the Gujarat State Legal Services Authority.

**Sudhir S. Shah**  
**Member Secretary**

GUJARAT  
STATE  
LEGAL  
SERVICES  
AUTHORITY