

LEGAL SERVICES AUTHORITY REGULATION

CHANDIGARH ADMINISTRATION ON THE INTERNET <http://www.nic.in/chandigarh> Regd. No. GOVERNMENT OF INDIA Chandigarh Administration Gazette EXTRAORDINARY Published by Authority CHANDIGARH, MONDAY, APRIL 20, 1998 (CHAITRA 30, LEGAL SMCETICES AUTHORITY- UNION CHANDIGARH NOTIFICATION The 20th April, 1998 1920 SAKA) No. SLSA/98/58.—In exercise of the powers conferred by Section 29—of the Legal Services Authorities Act, 1987 No. 39 of 1987), the Legal Services Authority, Union Territory, Chandigarh, hereby makes the following regulations, namely: — REGULATIONS (1) These regulations may be called the State Legal Services Union Territory, Chandigarh (Transactions of Business and other Provisions) 1998. (2) They shall come into force with effect from the date of their publication in the Official Gazette

2. In these regulations, unless the context otherwise requires, Price : Re. 1.00 (627) 628 CHD. , 1998 (CHTR. 30, 1920 SAKA) (EXTRA.) , APRIL 20 ADMN GAZ. , (a) 'Act' means the Legal Services Act, 1987 (Act No. 39 of 1987) as amended from time to time. (b) 'Aided person' means a person to whom legal aid, legal advice or legal services have been provided in any form; (c) 'Central Authority' means the National Legal Services Authority constituted under Section 3 of the Legal Services Authorities Act, 1987. (d) 'Chairman' means the Chairman of the District Authority' (e) 'Chief Justice' means the Chief Justice of the Punjab and Haryana High Court (f) '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' District means the (g) District Legal services Authority constituted under Section 9 of the Legal Services Authorities Act, 1987' Executive Chairman means the (h) Executive Chairman of the State Authority; High Court means the Punjab and (1) Haryana High Court at Chandigarh: 'Legal Practitioner' shall have the meaning as assigned to the expression in the Advocates Act, 1961 'Legal Service' includes rendering of (k) any service in the conduct of any case or other CHD. ADMN GAZ. , (EXTRA.) , APRIL 20 , 1998 (CHTR. 30, 1920 SAKA) legal proceeding before any court or other authority or Tribunal and giving of advice on any legal matter' (1) Lok Adalat means a Lok Adalat organised under Chapter VI of the Act of 1987' (m) Member means a member of the State Authority or District Authority, as the case may be; (n) Member Secretary means the Member Secretary of the State Authority' (o) Nominated member means a member nominated to State Authority or the District Authority as the case may be; (p) means the Chief Justice of the Punjab and Haryana High Court' (q) 'Rules' means the Chandigarh Legal Services Authorities Rules, 1997 (r) 'Secretary' means the Secretary of the District Authority 'Section means a Section of the Act' (g) "State Authority" means the Legal Services Authority, Union Territory, Chandigarh constituted under Section 6 (1) of the Act of 1987; all other words and expressions used (u) In these Regulations, but not defined, shall have the meaning as assigned to them in the Act and the Rules framed thereunder. CHAPTER—11 (1) The Executive Authority of the State Authority 3. Shall vest in the Executive Chairman and may be 629 630 4. CHD. ADMN GAZ. , (EXTRA.) , APRIL through the act under the control , 1998 (CHTR. 30, 1920 SAKA) 20 Member Secretary, who shall be the Executive Chairman: Provided that he may give such direction as he may deem necessary in respect of any matter concerning the affairs of the State Authority. (2) The Authority of the District Authority shall vest in its Chairman and may be exercised through its Secretary, who shall act under the control of the Chairman' Provided that the Executive Chairman, through Member Secretary may give such direction as he may deem necessary in respect of any matter concerning the affairs of the District Authority. CHAPTER 11 STATE LEGAL AUTHORITY Other functions of the State Authority In addition to the functions to be performed by the State Authority, as laid down by Section 7(1) and 7(2)(a)(b)(c) of the Act, the State Authority may perform such other functions, as may be decided in consultation with the Central Authority, for carrying out schemes and programmes for promoting the cause of legal aid, legal education and conciliation in coordination with other governmental agencies, non-governmental voluntary social service institutions, and other bodies engaged in the work of the cause of legal services to the poor. CHD. ADMN GAZ. , (EXTRA.) , APRIL 20 5. , 1998 (CHTR. 30, (1) The State Authority shall meet 1920 SAKA) 631 Meetings of the State Authority, once in every three months provided that the Executive Chairman may convene a meeting of the State Authority whenever any business is to be transacted. (2) The State Authority shall ordinarily be

held at Chandigarh. However, It may be held at such other place, as may be directed by the Executive Chairman. (3) Annual general meeting of the State Authority shall be convened ordinarily in the month of April every year or in such other month as may be directed by the Executive Chairman. Besides other business, annual general meeting of the State Authority shall be placed before the State Authority for consideration and approval. A meeting of the State Authority shall be presided over by the Executive Chairman. In the absence of the Chairman, the meeting shall be presided over by the Member Secretary. The quorum for a meeting shall be (5) members including the Chairman. For every meeting of the State Authority, at least two weeks notice shall be given to the Members. However, an emergency meeting may be convened by the Member Secretary in accordance with the direction of the Executive Chairman on short notice. 632 CHD. ADMN GAZ. , , 1998 (CHTR. 30, 1920 SAKA) (EXTRA.) , APRIL 20 The State Authority may regulate its own procedure. One or more persons, who are engaged or interested in the upliftment of the weaker sections of the Society, who are considered suitably by the Executive Chairman, may be invited for any meeting in order to seek their views, cooperation and help. Such person shall have no right to vote at such meeting. (9) All matters requiring confirmation from the State Authority under the Act or the Rules and all policy matters or any specific matter as may be directed by the Executive Chairman, shall be placed before the State Authority for consideration and decision. (10) All the decisions of the State Authority shall be taken by the majority of votes of Members present and in case of tie, the person presiding over the meeting shall have a casting vote. Provided that in such matters as may be directed by the Executive Chairman of the State Authority, the decision of the State Authority may be taken by circulation. (11) It shall be the duty of the Member Secretary to record or cause to be recorded the minutes of the meeting in the register to be maintained for the purpose. (12) The members shall be entitled to payment of travelling allowance and CHD. ADMN GAZ. , (EXTRA.) , APRIL 20 , 1998 (CHTR. 30, 1920 SAKA) daily allowance in respect of journeys performed in connection with the work of the State at the rates admissible to a Class-I officer of the State Government. (1) The Executive Chairman shall be competent to take all decisions as may be required on behalf of the State Authority. (2) Legal Aid, Legal Advice or other legal services may be provided by the Executive Chairman to any person directly in respect of any matter before any court in the Union Territory, Chandigarh. (3) Executive Chairman may review the cases where legal services have been refused by the District Authority. 633 7. Funds of the State Authority shall consist of the State Legal Aid Fund as per section 16(1) of the Act: and shall further comprise all such amounts as received by way of costs, charges and expenses recovered from the persons to whom legal service is provided or from the opposite party. (2) all the amount credited to the State Legal Aid Fund shall be deposited in a Nationalised Bank. In this sub-regulation "Nationalised Bank" means corresponding New Bank as defined in the Banking Companies (Equitisation and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980. 634 11). ADMN GAZ. , (EXTRA.) , APRIL 20 , 1998 (CHTR. 30, 1920 SAKA) (3) For the purpose of meeting the minor charges, the District Authority may, after obtaining the sanction of the District Authority, advance of up to three thousand rupees to the District Authority. All expenditure necessary for carrying out the various functions of the State Authority including those required for meeting shall be incurred out of the funds of the State Authority, with the approval of the Member Secretary of the State Authority. Provided that for an expenditure of more than 5,000/—, approval of the Executive shall be taken. The Secretary shall have the (5) accounts and other relevant records of the receipts and expenditure to be maintained properly in accordance with the rules and directions of the Central/State Government and Comptroller and Auditor General of India. Other functions of the District Legal Authority. CHAPTER-IV DISTRICT LEGAL SERVICE AUTHORITY Other functions of the District Authority. The District Authority, besides the functions specified in Section 10, shall perform the following functions, namely: — (I) give legal advice within the District to persons who are entitled to free legal aid under the Act. ADMN GAZ.. (EXTRA.) , APRIL 20 • 1998 (CHTR. 30, •1920 SAKA) (2) conduct legal literacy camps in different parts of the District with a view to raising the legal aid schemes conducted in the State or with a view to spreading consciousness about the legal rights and duties of citizens with special reference to rural population, women, children, disabled, and the weaker sections of the Society' (3) administer

and Impianent the legal servicee prograrrme In go far ag relates o be courts within the District and for thig purpose. take ail such steps ag may be necessary I and to act In accordance with the dlrect long aggued by the Central Authority or the State Authority from time to time' 635 .1 (4) conduct legal aid clinics In different parts OE the District In collaboration with Law Colleges, Universities and other social service organisations (5) prepare and submit returns, reports and statistical Information In regard to the legal services prograrrme to the State Authority; Terms of' off ace and other conditions relat Ing thereto of. the Members of the District The term OE the office of a OE the Distract Authority, other than the merber, ghali' be two years and they 'Bail be eligible Eor re—nominatlont Terms and othe condit long OE Mznbaë•g of the District Authority. 636 CHD. , 1998 (CHTR. 30, 1920 SAKA) ADMN GAZ. , (EXTRA.), APRIL 20 (2) A member of the Distract Authority nominated under clause(B) of rule 13, may be removed by the State Government, If—— (a) he falls, without sufficient cause, to attend three consecutive meetings of the District Authorlty or five meetings held within the span of two years' or (b) has been adjudged as insolvent' or (c) has been convicted of an offence which In the opinion of the State Authority involves moral turpitude' or (d) has become physically or mentally Incapable of acting as a menberj or (e) has so abused his position as to render his continuance in the Dlstr±ct pre—judlclal to the pu>lic erest. (3) Notwithstanding anything contained ân subr regulation (2), member shall be removed from the District Authority on the grounds specified without consult Ing the Chief 'Justice of the High Court. (4) A mernber may, by wrtlng under his hand addressed to the Chairman. resign from the District Authority and such resignation, shall take effect on the expiry of a period of 30 days from the date of tendering resignation. (5) If any nominated member ceases to be m«nber OE the District Authorlty for any reagon. the vacancy Bhall be Eli led up an the 1 CHD. ADMN GAZ. , (EXTRA.) , APRIL 20 , 1998 (CHTR. 30, manner and from the source from which the same wag originally filled under clauge(B) of rule 13. (6) All nominated me.rnbers shall be entitled to payment of travelling allowance and dally allowance In respect of journeys performed In connection with the meetlngs of the District Authority and shall be paid by the District Authority In accordance with the rules ag are applicable to the Class—I Officers of the State Government as amended from time to time. (7) The ex—off membre shall be entitled to travelling allowance and dally allowence from the Authority. (1) 10. The Chairman of the District 1920 SAKA) 637 Powers and Funct -tons of Authority shall be overall In—charge of administration the Chairman and Imilernentatlon of the prograrrne of the State Authority and that of the District Authority. The Chairman shall call meetings of (2) the District Authority convened through the Secretary OE the District Authority at least once In a period of three months. The Chairman shall preside over the (3) meetang of the District Authority. O. (4) The Chairman shall have all the residuary powers OE the Authority. (1) The Secretary appolnted under sub— 11. gectlon(3) Of Section 9 of the Act shall be the principal Officer of the Distract Authority. He shall be paid Rs. 500/— as honorarium or at such of the District Authority. Secretary of the Distract Authority. 638 CHD. ADMN GAZ. , rat e , 1998 (CHTR. 30, 1920 SAKA) (EXTRA.) , APRIL 20 be determined by the bcecutlve as may the State Authority and he shall be Chairman of the custodâan of all assets, accounts, records ard funds at the disposal of the District Authority, and all other necessary records. (2) The Secretary shall maintain or cause to be maintained true and proper accounts of receipts and disbursement of the funds OE the District Authority. (3) The Secretary shall convene meetings of the District Authority with the previoUg approval of the Chairman of the District Authority and be shall also attend meetings and Fesponslble for maintaining a record of the minutes of the proceedings OE the meet Ing. (1) Meet lngs of the The District. Authority shall meet 12. District Authority. at least once in three months on such dates and at such place as the Chairman of the District Authority may direct • A meeting of the District Authority (2) shali be presided over by the Chairman and In his absence by the Addl. District and Sessions Judge—I. (3) The minutes shall, as soon ag may be, after the meeting, be forwarded to the State Authority. (4) The quorum for the meeting shall be three Including the Chairman. (s) All quest long which come up before any meeting OE the District Authority, shall CHI). ÄDMN GAZ. , (EXTRA.) , APRIL 20 , 1998 (CHTR. be decided by the majority of votes of the 30, 1920 SAKA) 639 members present and In case of a tie, the Chairman shall have a casting vote; Provided that In such matt ers as may be directed by the Chairman of the District Authority, the decision of the District Authority may be taken by circulation. (6) All matters requldng conf lrmation from the District Authority under the Act or the Rules shall be placed before the said Authority from t: Ime to time

13. Funds of the District Authority shall Funds of the District Authority comprise of District Legal Aid Fund as per Section 17 (1) of the Act and shall further be:— (1) all such amounts as received by way of costs, charges and expenses recovered from the persons to whom legal service is provided or from the opposite party. (2) all the amounts credited to the District Legal Aid Fund shall be deposited in a Nationalised Bank. Explanation — — In this sub—regulation " Nationalised Bank" means corresponding New Bank as defined in the, Banking Companies (Acquisition and Transfer of Undertakings) 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980. (3) expenditure necessary for carrying out the various functions of the District 640 CHD. , 1998 (CHTR. 30, 1920 SAKA) (EXTRA.) , APRIL 20 ADMN GAZ. , Procedure for organising Lok Adalat • Authority including expenditure necessary for meetings shall be incurred out of the EUnDB of the District Authority with the approval of the Chairman of the District Authority. (4) The funds of the District Authority may be utilised for meeting the expenses incurred on or incidental to journeys undertaken by the Chairman or other Members of the District Authority or the Secretary in connection with the Legal Services activities. The travelling allowance and daily allowance payable to the Chairman, the Members and the Secretary shall be such as to which they are entitled to by virtue of their respective office held. (5) The Secretary shall operate the Bank Accounts of the District Authority in accordance with the directions of the Chairman. (6) The District Authority shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority

CHAPTER V Lok Adalat 14. The Secretary of the District Authority shall convene and organise Lok Adalats at regular intervals or on such dates, as may be directed by the State Authority. Provided that, in order to coordinate the holding of Lok Adalats, the Member Secretary of the Authority may, with the approval of the Chairman, prepare quarterly roster for holding Lok Adalats at District level and circulate the same

15. The Secretary of the District Authority shall inform the State Authority about the proposal to organise the Lok Adalat well before the date on which the Lok Adalat proposed to be organised

16. The Secretary of the District Authority convening and organising the Lok Adalat shall inform every litigant and counsel, whose case is referred to the Lok Adalat, well in time so as to afford him, an opportunity to prepare himself for the Lok Adalat. 17. The Chairman of the High Court Legal Services Committee shall constitute Bench of the Lok Adalat. Each Bench shall comprise of any two or three of the following, namely: — (i) a serving or retired Judge of the High Court or any other retired Judicial Officer not below the rank of District Judge; (ii) Member Secretary/secretary of the High Court Legal Services Committee; (iii) a member of the legal profession having not less than 10 years of practice; (iv) a local social worker of repute who is engaged in the upliftment of the weaker sections of the Society. Intimation to the State Authority. Notice to the parties concerned. Composition of the Lok Adalat at High Court level. 642 CHD. ADMN Composition of the Lok Adalat at District level. expenditure for the Lok Adalat. GAZ. , 18. , 1998 (CHTR. 30, 1920 SAKA) (EXTRA.) , APRIL 20 The Member Secretary of the State Authority shall constitute Bench of the Lok Adalats, each Bench comprising two or three of the following, (1) (ii) namely : — Member Secretary/Secretary a serving or retired Judicial Officer ; a member of the legal profession having at least 10 years' of practice; a (local) social worker of repute who is engaged in the upliftment of the weaker sections of the Society; 19. The expenditure incurred for organising a Lok Adalat shall not exceed Rs. 5000/4 Rupees Five thousand only) The expenditure incurred for publicity food etc. will be ascertained keeping in view the public gathered at the Lok Adalat. The decision of the Executive Chairman in this regard shall be final. Summoning of records 20. and the responsibility for its safe (1) The Secretary of the District Authority may call for the judicial records custody. those pending cases which are referred to the Lok Adalat under Section 20 of the Act from the concerned Courts. (2) If any matter is referred to the Lok Adalat on the pre—litigation stage, the version of each party shall be obtained by the Secretary of the District Authority, to be placed before the Lok Adalat. (3) The Secretary of the District Authority shall be responsible for the safe custody of the records from the time he receives from the court till return. (4) Each Judicial authority shall cooperate in the transmission of the Court records. 643 (5) The Judicial records shall be returned immediately after holding the Lok Adalat, irrespective of whether or not the case settled by the Lok Adalat with an endorsement about the result of the proceedings. 21. (i) The Secretary of the District Authority shall assign cases to the Benches

of the Lok Adalat after obtaining orders from the Chairman, as the case may be. (2) The Secretary of the District Authority may prepare a cause list for each Bench of the Lok Adalat and the same shall be duly notified to all concerned. (3) Every Bench of the Lok Adalat shall make sincere efforts to bring about a conciliatory settlement in every case put before it without any duress, threat or undue influence, allurement or misrepresentation. In case any Bench of the Lok Adalat cannot take up, hear or dispose of any case/cases on that day, may be, in its discretion, take up such case/cases on the next day or on any such subsequent day as may be convenient, under intimation to the Secretary/Chairman of the Committee/Authority concerned. In that case, functioning of the Lok Adalat. 644 CHD. 1998 (CHTR. 30, 1920 SAKA) (EXTRA.) , APRIL 20 , ADMN GAZ. , Judicial Record, may be kept with the permission of the Court concerned. Holding Adalat. of Lok 22. Lok Adalat may be organised at such time and place, on Saturdays, as the State Authority/ District Authority, organising the Lok Adalat deems appropriate. Remuneration to the 23. Judge and Members The Judge of the Lok Adalat (1) of the Lok Adalat. Bench shall be a retired Judicial Officer and other members shall be provided with conveyance or conveyance allowance as per actual fares to and fro Journey between their residence and the place of Lok Adalat. (i) The Presiding Officer of the (2) Lok Adalats held at High Court Level who is not a sitting Judge shall also be entitled to honorarium at such rates as may be determined by the Chairman of the High Court Committee, but not exceeding Rs. 50/— per case decided and subject to a maximum of Rs. 500/— per day or as may be revised by the Executive Chairman from time to time. (11) The other members of the Lok Adalat held at High Court level shall be entitled to honorarium at such rates as may be determined by the Chairman of the High Court Committee but not exceeding Rs. 45/— per case decided and subject to a maximum of Rs. 300/— per day or as may be revised by the Executive Chairman from time to time. CHD. ADMN GAZ. , (EXTRA.) , APRIL 20 , 1998 (CHTR. 30, 1920 SAKA) (111) The Presiding Officer of 645 the Lok Adalats held at District Level who is not a sitting Judge shall also be entitled to honorarium at such rates as may be determined by the Chairman of the High Court Committee, but not exceeding Rs.50/— per case decided and subject to a maximum of Rs. 500/— per day or as may be revised by the Executive Chairman from time to time. (Iv) The other members of the Lok Adalat held at District Court Level shall be entitled to honorarium at such rates as may be determined by the Chairman of the High Court Committee but not Rs. 45/— per case decided and subject to a maximum of Rs. 300/— per day or as may be revised by the Executive Chairman from time to time. 24. (1) Every Award or order of the Lok Adalat, shall be signed by the panel constituting the Lok Adalat. (2) The original Award shall form part of the Judicial record and a copy of the Award shall be given to each of the parties duly certified to be true by the Secretary/Chairman of the Committee/Authority concerned, free of costs. Procedure for effecting compromise or settlement at Lok Adalat. 25. (1) Every Award or order of the Lok Adalat shall be categorical and lucid. Adalat shall be categorical and lucid and shall be written in the language used in the local courts or in English. 646 CHD. ADMN GAZ. , (2) required to be in Impression as the case may be on the statements/ compromise recorded by or placed before the Lok Adalat • (3) The Award of the Lok Adalat shall be based upon the statement of the parties to be compromised duly recorded by it. , 1998 (CHTR. 30, 1920 SAKA) (EXTRA.) , APRIL 20 The parties to be dispute shall be affix their signatures or thumb impressions. • 26. At the conclusion of the Sessions of the Lok Adalat, the Secretary of the District Authority shall compile the results in the Annexed proforma for submission to the State Authority

27. Procedure for maintaining record of cases referred under Section 20 of the Act or otherwise: —(

(1) The Secretary of the District Authority shall maintain a Register wherein all the cases received by him by way of reference to the Lok Adalat shall be entered giving particulars of the:— (I) Date of receipt' (II) Category and subject—wise nature (III) (2) Of the case; such other particulars as may be deemed necessary and Date of settlement and return of the case; When the case is finally disposed of by the Lok Adalat, an appropriate entry be made in the register. CHD. 28. (EXTRA.) , APRIL 20 ADMN GAZ. , , 1998 (CHTR. The expenditure for Lok Adalats 30, 1920 SAKA) 647 organised by the District Authority shall be met out of District: Legal Aid Fund. The State Authority, may also make grants out of the State Legal Aid Fund to the District Authorities for this object. 29. (1) The chairman of the District Authority Budget Maintenance of Accounts. shall exercise complete and full control over the expenditure to be incurred on the Lok Adalats. (2) The Secretary of the District Authority, shall render true and proper accounts to the State Authority every quarter. (3) The Secretary of the District Authority shall forward the

report after the Ink Adalat Is organised in the following proforma: — PROFORMA For Disposal of cases in Lok Adalat. Sr. No. Name OE Date of holding of Lok Adalat • (3) No. of cases disposed OE place (2) Civil Claims Criminal (5) (6) (1) Total Since one High Court Legal Services Committee 30. for the States OE pun jab, Haryana and the Union Territory OE Chandigarh has been constituted under Section 648 CHD. ADMN GAZ. , of the , 1998 (CHTR. 30, 1920 SAKA) (EXTRA.) , APRIL 20 Act, the Ink Adalatg In the High Court Bhall be Lok Adalats. conducted In the manner ag may be evolved by the Executive Chairman of the State Authoritleg of Punjab, Haryana, Union Territory, Chandigarh and the Chairman of High Court Legal Services Committee. (1) The appearance of lawyers on behalf of 31. the parties at the Lok Adalat shall not be refuted. (2) No fee shall be payable by the part leg In respect of matters or cases before or referred to a 10k Adalat. sanction monetary aid to Advocates, to the extent schedule of Regulat Ions. (3) Every Bench evolve Its own procedure The State Authority may the applicants as fee OE as provided Eor In the of the Lok Adalat may for conducting the proceedings before -It and shall not bound by either the Civil Procedure Code or the Evidence Act or the Code of Criminal Procedure subject, however, to the Principles of natural just ice. STATE LEGAL SERVICES AUTHORITY, UNION TERR REGULATIONS : SCHEDULE (See Regulation 31 (2) High Court Legal S ervices Corruntltee Mln±nurn Writ Petit Ion In the High Court Writ Appeal In the High Court Letters Patent Appeal Second Appeal in the High Court First Appeal In the High Court Civil Miscellaneous Appeal clv11 Revision Petition Crimlnal Appeai& CrimlnalRev15 Ion Criminal Misc. Applications. 1500.00 Maximum 2000.00 CHD. ADMN GAZ. , (EXTRA.) , APRIL 20 , 1998 (CHTR. 30, 1920 SAKA) A 11st OE panel of lawyers for conducting cases at District Court Level and also at High Court Level as may be approved by the Executive chairman shall be maintained by the Authority. No separat:e fees Is payable for miscellaneous petitiqns, Int erlocutory applications or any obher kind of application filed or contested In the case for which the engagement is made. 649 32. CHAPTER-VI Ali notifications, regulations and orders made by the State Government be valid unless they are inconsistent with Act, Rules made thereunder and these regulat Ions

33. If any question arises as to the interpre—Miscellaneous. Int erpr et at Ion. tat ion of theæ!regulations, the decision of the Dcecut ive Chairman OE the State Authority shall be final. NO. SLSA/98/59.—In exercise of the powers conferred by Sections and 29—A of the Legal Services Authorities ACE, 1987 (Act No. 39 OE 1987) the State legal Services Authority. Union Territory. Chandigarh, hereby' makeg the following regulations namely REGULATIONS a-IAEER-I Preliminary (1) These regulations may be called the High Court Short title ext• 1. Legal services conuntltee Regulations, 1998. (2) They shall come Into force with effect Erom the date of their publication In the Official Gazette. ent and conman— cement , 1998 (CHTR. 30, 1920 SAKA) 650 CHD. ADMN GAZ.. (EXTRA.) , APRIL 20 Deflnatlono 2. In theoc regulationop unleog the context otherwlge requareg t — (a) • Act" meang the Legal gervlceg Author Ities Act. 1987 (Act No 39 of 1987) ag amended from time to tire. (b) "Aided pergonU means a person to whom legal aid legal advice or legal services have been provided In any form; UchleE Justice" means the Justice of (c) High Court of Punjab and Haryana ' (d) "chairman" means the Chait-roan of the High court Legal Services Corrngnltee' (e) "Corruntltee" means the High court legal services Corrnnittee' (f) "Central Authority n means the National legal Services Authority constituted under Section 3 of the services Authoritieg Act, 1987' "High court" means the High Court OE Punjab and Haryana at Chandigarh' (h) ELegal Service" Includes rendering of any service In the conduct OE any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter; (1) by the High (k) Authorities Court Ingal (m) u Ink Adalat n rmeans a Lok Zalat organised court under Üapter VI of the of 1987' n Fkmbere.ß reang a me±er of the Cortuntlteey "Ruieg" mean the Chandigarh legal Services Rulem 1997, •secretary" rreano the secretary of the High Serviceo Corruntltee' "Sectione means a Section of the (EXTRA.) , APRIL 20 , 1998 (CHTR. 30, CHD. ADMN GAZ. , State Legal (n) Estate Authority" means 1920 SAKA) 651 serviceb Authority constituted under section 6 OE the Act of 1987. CHAPrER-11 Mertbers OE the Cl) The Comdttee shall consist of the High Court legal 3. Services the ex—offlcio me±ers namely (a) Advocate General, Punjab' (b) Evocate General, Haryana. (c) chairman. Bar council Punjab and Haryana. (d) President.. High court Chandigarh. (2) The chief Justice may not exceeding five from amongst the experience and qualifications regulation (3 (3 A person Bhall not be nomination ag a mernber, unless he Eor the States OE Bar *ssoclation, nominate other me±ers the persons possessing specified in sub— qualified Eor (a) an eminent Social Worker who Is engaged In the

upliftment of the weaker sections of the Society. • Including Scheduled Castes, scheduled Tribes, Women, Children, Rural and Urban labour; (b) an eminent person in the field of law or public administration' Or (c) a person of repute who is specially interested in the implementation of the Legal Service Schemes" (i) The term of the office of the member nominated under sub-regulation (2) of regulation 3 shall be two years and each member shall be eligible for re-nomination. Term of office and other conditions of the member 652 CHD. ADMN GAZ. , (2) (EXTRA.) , APRIL 20 , 1998 (CHTR. 30, 1920 SAKA) A member nominated under sub-regulation (2) of regulation 3 may be removed by the Chief Justice, if he:— (a) fails, without sufficient cause to attend three consecutive meetings of the committee' (b) has been adjudged as Insolvent' (c) has been convicted of an offence which in the opinion of the Chief Justice involves moral turpitude ' (d) has become physically or mentally incapable of acting as a member; or (e) has, in the opinion of the Chief Justice so abused his position as to render his continuance as member prejudicial to the public interest' Provided that no member shall be removed from the Committee under clauses (a) (d) or (e) without affording him an opportunity being heard. (3) A member may, by writing under his hand addressed to the Chairman, resign from the membership of the committee and the resignation shall take effect from the date on which it is accepted by the Chairman. If any member nominated under sub-regulation (2) of regulation 3 ceases to be a member for any reason the vacancy shall be filled up in the manner provided in the regulations for the residue of the term of the person in whose place he is nominated. (5) All non-official members nominated under sub-regulation (2) of regulation 3 shall be entitled to such travelling allowance and daily (EXTRA.) , APRIL 20 CHD. ADMN GAZ. , 1998 (CHTR. respect of journeys in 30, 1920 SAKA) 653 connection with the work of the committee in accordance with the rules applicable to Class-I officers of the High Court Subject to the general superintendence and control of the State Authority, the High Court Functions of the Committee. committee shall exercise the following functions namely 8— (1) It shall be the duty of the committee to give effect to such policies, programmes and schemes of Legal Aid, Legal Advice and Legal Services as may be formulated and required by the Central Authority and the State Authority. (2) The Committee shall perform all or any of the following functions, namely (a) provide legal Aid, Legal Advice and Legal Services to persons who are eligible for the purpose under the Act or the Rules for High court cases' (b) organise and conduct Lok Adalats for High Court cases ' and encourage settlement of cases by way of negotiations, arbitration and conciliation. (d) perform such functions as may be delegated to it from time to time by the state Authority. 'i) The Secretary of the aforesaid Committee 6. will be paid a honorarium of Rs. 1,000/— per month or such amount as may be fixed by the Chairman for the performance of the functions and discharge of the duties as Secretary. Secretary of the Committee • 654 CHD. ADMN GAZ. , (EXTRA.) , APRIL 20 , 1998 (CHTR. 30, 1920 SAKA) (2) The Secretary of the committee shall be the officer of the committee and shall (a) be the custodian of all the assets, accounts, record and funds of the committee and shall work under the supervision and direction of the chairman ' (b) maintain or cause to be maintained true and proper accounts of receipts and disbursements of funds of the committee. In such form and in such manner as may be specified by the state Authority ' (c) exercise such powers and perform such functions and discharge such duties as may be assigned to him by the Chairman' and (d) perform all other acts as may be expedient and necessary for efficient and proper performance of functions and discharge duties of the committee (1) The Committee shall ordinarily meet once in 70 business of the once every three months, on such date and at such place as may be fixed by the Secretary, with the prior approval of the Chairman. (a) All policy and other important matters shall be brought before the State Authority for consideration and decision; (b) any specific matter or matter as may be desired or required by the Committee, generally or otherwise, to be placed before shall be brought before the committee for consideration and decision (c) A meeting of the Committee shall be presided over by the chairman. (ii) MN (HXTJA.), no. , (CHTR. 30, 1920 gnr.h) The quorum for a meeting shall be two members. (o) For every meeting of the committee, at least two members shall be present. (i) For the purpose of the meeting, however an emergency meeting may be convened by the secretary, in accordance with the direction of the chairman, on short notice and (E) In respect of emergency matters, the Chairman may exercise the powers and perform the functions and discharge the duties of the committee on such matters which may be placed before the Committee for its approval. (3) The Committee shall regulate its own procedure under the direction of the State Authority. (4) All questions at the of the Committee shall be decided by a majority of votes of

the members present and in case of tie, the Chairman or the person presiding over the meeting, shall have a casting vote. (5) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary. A copy of the minutes shall as soon as may be after the meeting, be forwarded to the members. The State Authorities of Punjab, Haryana and Union Territory of Chandigarh. 656 CHD. ADMN GAZ. , (EXTRA.) , APRIL 20 , 1998 (CHTR. 30, 1920 SAKA) Funds. audit and accounts of the Committee (1) The Committee shall maintain a fund to be called the High Court Legal Services Committee Fund to which shall be credited— (a) Such amount as may be allocated and granted to it by the State Authorities of the Punjab, Haryana and Union Territory of Chandigarh as per the apportionment made by the Hon'ble Chief Justice in consultation with the Executive Chairman of the State Authorities of the Punjab, Haryana and Union Territory of Chandigarh. (b) all such amounts as received by the committee by way of donations; costs, charges and expenses recovered from the persons to whom legal service is provided or from the opposite party or (2) All the amounts credited to the Fund shall be deposited in a National Bank. Definition— In this regulation "Nationalised Bank" means, corresponding new Bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies and Transfer of Undertakings) Act

1980. For the purpose of meeting incidental (3) minor charge, such as court fee, stamps and expenditure necessary for obtaining copies of documents etc.. a permanent advance of Rupees two thousand five hundred shall be placed at the disposal of the Secretary of the Committee. CHD. ADMN GAZ. , (EXTRA.) , APRIL 20 , 1998 (CHTR. 30, 1920 SAKA) (4) All expenditure on legal service, and staff of the committee as also expenditure necessary for carrying out the various functions of the Committee shall be incurred out of the funds of the Committee with the prior approval of the Chairman. (5) The funds of the committee may be utilised for meeting the expenses incurred on or incidental to journeys undertaken by the chairman or other members of the Committee or the Secretary in connection with legal services activities. The travelling allowance and dearness allowance payable to the Chairman, the members and the Secretary shall be such to which they are entitled by virtue of their respective offices. (6) The Secretary of the Committee shall operate the bank accounts of the Committee in accordance with the directions of the chairman. (7) The Committee shall maintain regular accounts of receipts and disbursement of income and expenditure and submit annual returns to State Authorities of Punjab, Haryana and Union Territory of Chandigarh. The account shall be subject to audit as per section 18 of the Act. Special provision regarding legal services 8.) There being one High court for the States of Punjab, Haryana and Union Territory of Chandigarh one High court Legal services Committee for the High court of Punjab and Haryana shall be constituted. 657 658 CHD. ADMN GAZ. , (EXTRA.) , APRIL 20 , 1998 (CHTR. 30, 1920 SAKA) 9. Miscellaneous All notifications, regulations and orders made by the State Government, will be valid unless they are inconsistent with Act, Rules made thereunder and these regulations. 100 Interpretation If any question arises as to the interpretation of these regulations, the decision of the Executive chairman of the State Authority shall be final. No.SISA—98/82— In exercise of the powers conferred by Section of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987), the State Authority, Union Territory, Chandigarh in consultation with the Chief Justice of the High Court of Punjab and Haryana at Chandigarh, hereby constitutes High Court Legal Services Committee consisting of the following official and non-official members to exercise the powers and perform the functions conferred on, or assigned to it under the said Act : — Hon'ble Mr. Justice N. K. Sodhi Members ; 1. (2) (3) (5) (6) .(7) (8) Shri K. K. Garg, Registrar General, Punjab & Haryana High Court, Chandigarh. Advocate General, Punjab Advocate General, Haryana Chairman, Bar Council for the States of Punjab & Haryana. President, • High Court Bar Association, Chandigarh. Ms. Narinder Sandhu, House No. 98, Sector—A, Chd. Mrs. Oshima Raikhy, House No. 3036, Sec.28-D,Chd. Mrs. Rewa Gandhi, House No. 62, Sec.2, Chd. Chairman Secretary Member Member Member Member Member Member CHD. ADMN GAZ. , (EXTRA.) , APRIL 20 Balram Gupta, , 1998 (CHTR. 30, 1920 SAKA) 659 (9) (10) Dr. House No. 730, sec. 11,Chd She Golndi, Director, Gandhi Samark Bhawan, Chandigarh. Member Member The terms and conditions will be as per the provisions of Chandigarh Legal Services Authorities Rules, 1997. S.K.S*RDANA, Member Secretary, State Legal Services Authority, Union Territory, Chandigarh.