

DAMAN & DIU STATE LEGAL SERVICES AUTHORITY REGULATION 1998

EXTRAORDINARY 19 Daman 15th April 1998 25 Chaitra 1920 (Saka) Nos OFFICIAL GAZETTE sat Government of India U.T. ADMINISTRATION OF DAMAN & DIU PUBLISHED BY AUTHORITY UNION TERRITORY OF DAMAN & DIU SECRETARIAT, MOTI DAMAN. No. LAW/DMN/12-95/12 Dnted : 15/04/1998. NOTIFICATION In exercise of the powen conferred by section 6 cf the Legal Seoicee Authoritieg Aci, 1987 (Central Act 39 of 1987), and under the VKcvisions of rulo 3 of tho Daman & Diu Stato Legal SerGce8 Authority Ruleg, 1998 thc Adminiñtsator of Daman & Diu hceby constituteg the legal Services Authority for the union Tenitory of Daman & Diu consisting of followiY)g Official and non-omcial members to exemiøe the powers and porform the limctiong concaved on, or assigned to it under the 8aid Act. Contd..pg-.2 EXTRAORDINARY No. 19 DATED 15TH APRIL, 1998. STATE LEGAL SERVICE AUTHORIN : (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (13) (14) (15) (17) (18) (19) (20) The Chief Justice of the Bombay High Court, Bombay. Seniomost Sitting Judge, High Court, Bombay, The Development Commissioner, Union Territory of Daman & Diu and Dadra & Nagar Haveli. Finance SecretaiY, Union Territory of Daman & Diu and Dadra & Nagar Haveli. The Inspector General of Police/Asstt. Inspector General of Police, Daman & Diu and Dadra & Nagar Haveli. The Collector, Daman. The Collector, Diu, The Collector, Silvassa. The Civil Judge (Sr. Division) Daman & Diu- The Civil Judge (Sr. Dixision) Dadra & Nagar Haveli. lhe Law Secretary, Union Tenitory of Daman & Diu and Dadra & Nagar Haveli, Governmt Pleader and Public Prosecutor, Daman & Diu. The President, Bar Association, Daman. The President, Bar Association, Diu. enhe President, Bar Association, Silvaggav Child Development Project Officer, Daman. The Child Developm*hki Project Officer, Diu- Child Development Project Officer, Silvassa. Shri R.C. Bhatia, Advocate, Daman. Smt. Madhu Ahluwalia, President Balbhavan, Daman, Patron-in-Chief Execuüve Chairman Ex-Offcio Member Member C0i*d..pg..3 O R D I N A R Y 18 Daman 7th April 1998, 17 Chaitra 1920 (Saka) No, OFFICIAL GAZETTE Government of India U.T. ADMINISTRATION OF DAMAN DEU PUBLISHED BY AUTHORITY The following Notfication is published in the Gazette of India Part 11 Soci0fi 3, Section (ii) is heßby in the Official Gazßtte of U.T. of Daman & Div for general infonnation of public. Government of Indig Ministry or Law & Justice (Department of Legal Aft2irs) New Delhi, Chaitra 11, 1920 NOTIFICATION S.O. (E) - Jn exemise of the powers confered by gub-Section (3) of section 1 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government hereby appoints the 1st April? 1998 as the date on which the oG8ions of cha tev of the said Act shall come into force in the Union Tenitory of Daman & Dim (A SINHA) JONT SECRETARY TO THE GOVT. OF INDIA F. No. (30VL Pegg Damon & 4/98 - 200 (Price Re. 1.00) (21) col. R.C. Khatri, Silvagsa. (22) TIW District Judge, Daman & Din, (23) The Civil Judge (Sr. Division), Daman & Din. EXTRAORDINARY NO. 19 DATED APRIL, 1998. Member Member Secrvtary Co-Member Secretaty non-offcial membeß of the I-ßgal Services Authotity for the IJnk)n Territory of Darnn & Diu, shall be enftitled to T NDA ag admissible to Grade A Offcec. The other tams and condiüons win be governed as per the Daman & Diu State Legal Services Authority Rules, 1998. The Head Quate:s of the Legal Services Authority shall be at Daman. By order and in the name of thc Daman & Diu (M.R. TRIVEDI) ASSISTANT SECRETARY (LAW) UNION TERRITORY OF DAMAN & DIU SECRETARIAT, MOTI DAMAN No.LAW/DMN/12-95/14 Dated : 15104/1998. NOTIFICATION THE STATE LEGAL SERVICES AUITiORITY REGULATIONS, 1998. In exercise of the powers conferred under the prm,isionø of 29A of the Legai Services Authorifies Act, 1987 and in consultation with the Hon'ble 'The Chief Justice Bombay High Court, the Daman & Diu State Legal Services Authority hereby makeg the following Regulations. L 2

CHAPTER 1 PRELIMINARY These Regulations may be called the Daman & Bu State Legal Services Authority Reguladons and they shalt come into force liom date of publication in the I-inion Tenitory Official Gazßtte. In these. unless the context othemige requirvg Contd.. (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) 4 ICXTRAORDINARY NO. 19 DATED 15TH APRIL, 1998. "Act" means, the Legal Semhges Authorities Act, 1987 (No.39 of "Chainnan" means the Executive Chainnan of the State Authority; "Legal Practitioner" shall have the meaning go mat expression in ihe Advocates Act, 1961 (Act No. 25 of 1961); "Member" means a member of the State Auth0fiy; "Nominated Member" means a member noninated to the State Authority; "Patron-in-chZP" means the Chief Justice of the High Court, Bombay; "Rules" means

the State Legal Services Authority Rules, 1998; "Secretary" means the Member Secretary of the State Legal Services Authority; "State Authority" means the Daman & Diu State Legal Service Authority constituted under section 6 of the Act; All other words and expressions used in these Regulations but not defined shall have the meaning respectively assigned to them in Act and the Rules framed thereunder

CHAPTER 11 EXECUTIVE AUTHORITY 3

4. The Executive Authority of the State Authority shall vest in the Executive and may be exercised by him through the Member-Secretary who shall act under the control of the Executive Chairman. Provided that the Patron-in-Chief may in respect of any decision to be taken take such advice as is deemed necessary.

(i) CHAPTER 11 STATE AUTHORITY In addition to the functions to be performed by the Authority under the Act, the State Authority may also perform the following additional functions 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 with a view to spreading consciousness about the legal rights and duties of citizens with special reference to the tribal and rural populations, women, children, disabled, handicapped and weaker sections of the society. Coud.,pg.5 5. 6. 7

8. EXTRAORDINARY No.19 15TH APRIL, 1998. (ii) The State Authority may finance public interest before appropriate courts in the Union Territory if the State Authority is prima facie satisfied that such litigations are for the benefit of a large body or class of persons who cannot by themselves take recourse to law to penury, illiteracy or other reasons, may conduct legal aid clinics in different parts of the State in (iii) collaboration with Colleges, and Social Service Organisations.

CHAPTER CONDUCT OF the member Secretary of the State Authority, the prior approval of the Executive Chairman, shall be a condition for the meeting of the Authority at least once in a month and as and when the business may warrant. Minutes of the meeting : (1) The minutes of the proceedings of the meeting shall be prepared by the Secretary. (2) The Secretary of the State Authority as soon as possible, after the meeting and after obtaining the approval of the Executive Chairman, circulate the minutes to members. (3) The minutes shall be confirmed and signed by the Chairman any member who, who was present at the meeting to which the minutes relate, raised any objection, to the minutes, or having been incorrectly or incompletely recorded and has communicated his objection in writing to the Member Secretary or the Secretary, as the case may be within 7 days of the receipt of the minutes by him or her. Any objection received shall be considered by the Chairman of the Authority who may make such modification in the minutes, as though proper and modified minutes shall then be confirmed and signed by the Chairman. Expenditure for the meeting : The Member Secretary of the State Authority is authorised to spend an amount not exceeding Rs.5000/- (Rupees five thousand only) for a meeting of the State Authority and an amount not exceeding Rs.3000/- (Rupees three thousand only) for a meeting of any Sub-Committee, from out of the Legal Aid Funds. The legal practitioner conducting a case or on behalf of a person receiving the services shall, as soon as the case is decided, apply for a copy of Judgment and decree if any, and immediately on receipt of the copies shall submit them to the body appointing him together with his detailed comments. Such body may also consider, where necessary, the feasibility of filing any appeal, revision or a Writ Petition if (i) the case has been decided the person; (ii) the case is prima facie fit for taking such remedies;

9. EXTRAORDINARY NO. 19 DATED 15TH APRIL, 1998. (ii) the aided person has applied for remedy for taking recourse to such remedies; Provided that it will not be necessary to make a fresh enquiry as to eligibility under Section 12(h) of the Act, wherever applicable, unless the State Authority is of the opinion that a change of circumstances has taken place since the grant of the legal services, the fee payable to the legal practitioner, representing the parties, in the matter to be filed, conducted, assigned by the State Legal Service Authority shall be as per the Schedule I, appended to these Regulations. Provided that, for reasons to be recorded in writing, the Presiding Judge may award a higher fee. CCA/1/1998 SECRETARY STATE AUTHORITY DAMAN & DIU STATE LEGAL SERVICES AUTHORITY REGULATIONS, 1998 SCHEDULE (SEE REGULATION 9) SUBJECTS HIGH COURT Writ Petition 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 Appeal from Order Civil Miscellaneous Application Civil Revision Petition Criminal Appeal Rate per case MINIMUM(Rs) 600.00 600.00 500.00 200.00 100.00 200.00 250.00 Rate per case MAXIMUM(Rs) 700.00 800.00 800.00 750.00 800.00 300.00 100.00 300.00 500.00

Codd...pg.7 EXTRAORDINARY No. 19 DATED 15TH APRIL, 1998. SUBJECTS Criminal Revision
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